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Freedom on the Net 2023 - Bangladesh

PARTLY FREE

41

/ 100

A [Obstacles to Access](#) 12 / 25

B [Limits on Content](#) 18 / 35

C [Violations of User Rights](#) 11 / 40

LAST YEAR'S SCORE & STATUS

43 / 100 Partly Free

Scores are based on a scale of 0 (least free) to 100 (most free). See the [research methodology](#) and [report acknowledgements](#).

Overview

Internet freedom in Bangladesh declined during the coverage period, while online activists and journalists encountered increasing levels of physical violence and supporters of the opposition Bangladesh Nationalist Party (BNP) faced an ongoing crackdown. Internet and communications services were throttled several times ahead of BNP rallies. Authorities continued to target opposition leaders, journalists, government critics, and ordinary users under the Digital Security Act (DSA), fueling self-censorship online. The government's control of the digital environment is expected to tighten thanks to proposed regulations and amendments to existing laws related to digital content, online news, and data protection.

The ruling Awami League (AL) has consolidated political power through sustained harassment of the opposition and those perceived to be allied with it, as well as of critical media and voices in civil society. Corruption is endemic, and anticorruption efforts have been weakened by politicized enforcement. Due process guarantees are poorly upheld and security forces violate human rights with near impunity. Violence and

discrimination against religious minorities and refugees, particularly Rohingya who have fled Myanmar, are significant problems.

Key Developments, June 1, 2022 - May 31, 2023

- Between October and December 2022, the government throttled internet and communication services at least seven times ahead of BNP events (see A3).
- In June 2022, the Bangladesh Telecommunication Regulatory Commission (BTRC) restricted the ability of Grameenphone to sell new SIMs to customers, an arbitrary and overbroad action that negatively affected the sector (see A4).
- The Ministry of Information and Broadcasting (MIB) and BTRC revised the draft regulation for digital media and over-the-top (OTT) services. The latest version was submitted to the High Court in January 2023 amid growing public concern with the initiative (see B3).
- Authorities launched 189 DSA-related cases during the coverage period, according to tracking by the Centre for Governance Studies. In June 2023, a government minister said that 7,000 cases related to the DSA, which the government and its supporters employ in a partisan fashion, had been filed to date (see C3).
- In January 2023, it was reported that the National Telecommunication Monitoring Centre (NTMC) had bought vehicle-mounted surveillance equipment with the capacity to intercept encrypted messages and inject spyware into targeted devices (see C5).
- In January 2023, Raghunath Kha, a correspondent for online newspaper Dainik Projonmo Ekattor and Deepto TV, was abducted and tortured by police (see C7).

A Obstacles to Access

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections? 3 / 6

Information and communications technology (ICT) usage and speed continues to expand in Bangladesh, due in large part to government efforts to extend fiber-optic networks to more remote areas. However, the country lags behind many others in terms of quality and affordability (see A2).

According to the International Telecommunication Union (ITU), internet penetration in Bangladesh was 39 percent at the end of 2021, compared

to 24.8 percent at the end of 2020.¹ In April 2023, the government estimated a significantly higher penetration rate at 74.6 percent.² In May 2023, the BTRC reported that over 127 million subscribers had internet access via mobile service providers, internet service providers (ISPs), and public switched telephone networks (PSTNs).³ Most Bangladeshis connect via mobile subscriptions, of which there were 115.5 million as of May 2023. By comparison, there were 12 million ISP and PSTN subscribers.

Providers began offering fourth-generation (4G) technology for mobile networks in 2018.⁴ According to Opensignal's July 2023 reporting, mobile subscribers enjoyed widespread 4G connectivity. Apart from Teletalk, mobile service subscribers had 4G service 85 percent of the time.⁵ When Minister Mustafa Jabbar, who leads the Ministry of Posts, Telecommunications, and Information Technology (MPTIT), discussed Dhaka's intention to retire 3G connectivity in November 2022, he cited widespread 4G availability;⁶ a ban on the import and production of 3G devices was already scheduled to take effect in January 2023.⁷ However, handset and service costs have limited broader adoption of the new technology.⁸

The government and service providers are also expanding 5G service. In December 2021, state-owned provider Teletalk launched 5G service in a limited number of locations, including the Bangabandhu Military Museum and the parliament.⁹ Grameenphone, Robi, Banglalink, and Teletalk all acquired new spectrum rights for their telecommunications services through a March 2022 government-sponsored auction,¹⁰ which was meant to bolster a 5G rollout.¹¹ In September 2022, Grameenphone¹² and Robi both conducted 5G trials. In August 2022, Teletalk announced plans to expand 5G coverage in the Dhaka metropolitan area by 2024.¹³

Government programs have sought to develop and expand ICT networks in recent years. Launched in 2010 and completed in November 2022, the National E-Government Network Project connected government buildings and schools in much of the country.¹⁴ The project enables service providers and the aforementioned institutions to bring high-speed broadband internet to an estimated 100 million people.¹⁵ Connected Bangladesh, an ongoing project supported by the BTRC's Social Obligation Fund and kept under the ICT Division of the Ministry of Posts, Telecommunications and Information Technology (MPTIT), aims to improve connectivity in 617 remote unions by December 2023.¹⁶ In January 2022, the government announced plans to connect every village in Bangladesh with fiber-optic cable by 2025.¹⁷ In a 2021 initiative, the Bangladesh Telecommunications Company, Ltd. (BTCL) aimed to expand the company's internet protocol (IP) network to increase bandwidth at the district and upazila (subdistrict) levels by 2023, to improve rural connectivity and support 5G service.¹⁸

According to Ookla's Speedtest Global Index, as of May 2023, Bangladesh's median mobile download speed was 17.13 megabits per second (Mbps) and the median mobile upload speed was 9.69 Mbps. The median fixed-line broadband download and upload speeds were 37.66 and 38.37 Mbps, respectively.¹⁹

Poor infrastructure sometimes hampers connectivity for internet users. Between July 2019 and June 2021, the BTRC received over 25,000 complaints from consumers about poor service.²⁰ In a January 2022 ruling, the High Court directed mobile service operators to improve their offerings.²¹

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons? ^{1 / 3}

Despite the rapid growth of internet infrastructure in Bangladesh, disparities persist. Issues related to affordability and service quality prevent many from accessing the internet, particularly rural populations and those with fewer socioeconomic opportunities. A gender gap, especially regarding mobile connectivity, remains a pressing issue.

Users have complained about cost, affordability, and quality in rural areas, where about 61 percent of the population lives.²² According to a government survey released in November 2022, 29.7 percent of rural households had access to the internet, via fixed-line or mobile networks, compared to 63.4 percent of urban households.²³ Among all survey participants, 48.2 percent cited the cost of service as a barrier to access, and 34.9 percent cited the specific cost of internet equipment.²⁴

Gender is also major factor affecting internet access.²⁵ The GSM Association's *The Mobile Gender Gap Report 2023* noted that 84 percent of Bangladeshi men owned a mobile device, while only 67 percent of women did.²⁶ As part of the government's Digital Bangladesh by 2021 program, over 9,000 union-level digital centers were reportedly established as of November 2022.²⁷ The centers are tasked with providing low-cost access to government and nongovernment service portals and related e-services; rural women, people living with disabilities, people living on low income, and other underserved communities are among the initiative's intended audiences.²⁸ The government plans to set up at least one digital center in all of Bangladesh's 87,000 villages.²⁹

According to government statistics, the average monthly household income stood at 32,422 taka (\$312) in 2022.³⁰ The monthly minimum wage stands at 8,000 taka (\$77.10), while the gross national income (GNI) per capita was \$2,820 in 2022.³¹

According to the 2022 edition of Surfshark's Global Internet Value Index, Bangladeshis overpay for internet access when considering the quality of the service they receive.³² A 2022 global comparison found that the average price of 1 gigabyte (GB) of mobile data in Bangladesh was 32 cents.³³ In April 2022, under pressure from the BTRC, mobile providers rolled out a series of data packages with longer validity.³⁴

To address the issue of high internet costs, the BTRC set a maximum rate for fixed-line broadband services in June 2021.³⁵ Users now pay no more than 500 taka (\$4.81) a month for a connection with a minimum speed of 5 Mbps, 1,000 taka (\$9.63) for 10 Mbps, and 1,200 taka (\$11.56) for 20 Mbps.³⁶

In December 2022, the government unveiled the Smart Bangladesh Vision 2041.³⁷ Under Vision 2041, the government aims to achieve 100 percent internet penetration in households, 100 percent 5G network coverage, and mobile service prices of under 1 percent of monthly gross national income (GNI) by the time the plan concludes, among other things.³⁸

During the coverage period, the weakening of the currency due to global inflation, processor shortages, and increases in the cost of production materials led to price increases for ICT services.³⁹ In July 2022, the government increased the value added tax (VAT) for internet services from 5 to 15 percent, further impacting affordability.⁴⁰

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity? 3 / 6

Partial restrictions of internet and communication services during protests, elections, and tense political moments have become common. Authorities throttled mobile services ahead of at least seven BNP rallies during the coverage period.

The government increasingly triggers local and targeted slowdowns by ordering mobile service providers to cut connectivity. There were several reports of internet throttling when the BNP and affiliated organizations mounted nationwide protests against inflation and mismanagement in the energy sector during the coverage period.⁴¹

In October 2022, the BTRC reportedly directed mobile service operators to temporarily shut down 3G and 4G internet services in Khulna division ahead of a BNP rally.⁴² In early November 2022, connectivity was disrupted in the city of Barishal as the BNP held a rally there, posing barriers to journalists reporting on the event.⁴³

In November 2022, ahead of a BNP rally in Faridpur, the BTRC reportedly directed mobile service providers to halt their services in that district for

over 10 hours.⁴⁴ Similar incidents occurred in Sylhet, Cumilla, and Rajshahi ahead of opposition rallies in November and December.⁴⁵

On Human Rights Day in December 2022, communications services were throttled as the BNP held a rally in Dhaka's Gopabagh field.⁴⁶ On the eve of the rally, key party leaders and dozens of members were arrested.

The government manages the fiber-optic infrastructure connecting Bangladesh with international undersea cables. The government-owned Bangladesh Submarine Cable Company (BSCC) operates two submarine cable landing stations and has a market share of 75 percent as of October 2022. In an April 2022 filing, the BSCC said that another planned submarine cable, due for completion in 2025, would double its overall bandwidth capacity.⁴⁷ In August 2022, the government issued three submarine cable licenses to three private entities, who are expected to land those cables by 2026. The projects are expected to break the existing monopoly of BSCC.⁴⁸ Meanwhile, the majority of the gateways and internet exchange points (IXPs) are privately owned and managed.

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict 4 / the diversity of service providers? 6

Score Change: The score declined from 5 to 4 after the Bangladeshi telecommunications regulator imposed an overbroad enforcement action against mobile service provider Grameenphone, with severe impacts on its customers.

In recent years, the use of mobile internet has contributed to an economic upheaval in Bangladesh with the proliferation of mobile money, ride sharing, e-commerce, and other online services. According to the Bangladesh Bureau of Statistics, mobile service providers contribute 0.89 percent to the country's gross domestic product.⁴⁹

There are no serious legal, regulatory, or economic obstacles that restrict the diversity of service providers. However, in June 2022, the BTRC imposed a moratorium on Grameenphone selling new SIMs to customers, citing poor service quality.⁵⁰ The ban was partially lifted in September 2022, and was fully lifted in January 2023, after Grameenphone indicated improvement across service indices outlined by the BTRC.⁵¹ However, the operator lost 3.5 million customers due to the ban.⁵²

In March 2023, the BTRC suspended the sale of newly launched e-SIMs by Robi, alleging that the provider did not obtain approval.⁵³ The ban was withdrawn a week later.⁵⁴

Users have four options for mobile connections. At the end of May 2023, Grameenphone, owned by Telenor, held 43.88 percent of the market, followed by Robi with 30.21 percent and Banglalink with 22.37

percent.⁵⁵ The state-owned Teletalk holds the remaining 3.54 percent of the market.

As of June 2023, the BTRC reported 34 licensed International Internet Gateways (IIGs) and 124 licensed ISPs operating nationwide. An additional 479 ISPs operate at the division and district levels. Some 2,206 ISP businesses operate at the upazila or thana level.⁵⁶

In May 2023, the BTRC cancelled the licenses of 228 ISPs for not converting their existing licenses as prescribed in 2020 guidelines;⁵⁷ ISPs were mandated to change their licenses to four prescribed categories by December 2021. In July 2022, 286 licenses were cancelled for the same reason.⁵⁸ In December 2022, the BTRC rejected the applications of over 300 new ISPs, citing market saturation.⁵⁹

As of December 2021, local ISPs are barred from using local cache servers, on which providers temporarily store data from popular websites to minimize bandwidth costs. The BTRC ordered all ISPs in a February 2021 directive to transfer local cache servers to nationwide ISPs or other nationwide internet infrastructure systems, potentially raising costs for small ISPs.⁶⁰

Several times during the coverage period, the government fined and issued other penalties to service providers that failed to meet regulatory standards,⁶¹ as well as for the late payment of dues.⁶²

The BTRC announced an audit of Banglalink in August 2021, spanning the company's 1996–2019 operations.⁶³ Previously, a BTRC audit and an associated Supreme Court case forced Grameenphone and Robi to pay expensive dues. In 2019, the BTRC issued a letter to Grameenphone demanding 8.49 trillion taka (\$97 billion) in dues, and another 4.09 trillion taka (\$46.8 billion) in taxes and late fees that had accumulated from 1997 to 2011.⁶⁴ The BTRC demanded 867.23 billion taka (\$9.9 billion) from Robi for the same reasons. Directed by the Supreme Court, Grameenphone paid multiple installments of the sum in 2020;⁶⁵ Robi paid its fifth and last installment of what the court had directed by May 2020. As of the end of the coverage period, the BTRC had not dropped the claim for the remaining amount from the two carriers.⁶⁶

A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner? 1 / 4

Officially, the BTRC is an independent regulatory body responsible for overseeing telecommunications and related issues. However, in practice the body lacks independence and represents the interests of the government.

The BTRC was established under the Bangladesh Telecommunications Act of 2001. The government amended the act in 2010, making the Ministry of Posts and Telecommunications (MPT) responsible for the regulation of the sector, with the BTRC acting as an auxiliary organization.⁶⁷ In 2014, the Ministry of ICT merged with the MPT,⁶⁸ creating the MPTIT. In addition, the ministry's ICT Division has an access-to-information program (renamed "Aspire to Innovate") that has considerable influence over top-level decisions related to ICT policy.⁶⁹

In the previous reporting period, the government reportedly considered a draft Bangladesh Telecommunication Regulation (Amendment) Act 2021 that would undermine the independence of the BTRC. The bill, a draft of which was released in September 2021 but is no longer accessible on the BTRC's website, would have authorized the MPTIT to assume direct oversight over most of the BTRC's functions.⁷⁰ The draft had not been reintroduced by the end of this coverage period.

B Limits on Content

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content, particularly material that is protected by international human rights standards? 3 / 6

Authorities block websites and news outlets criticizing the government, especially during tense political moments. Social media and communication platforms have occasionally been subject to blocking and throttling (see A3).

In October 2022, the BTRC blocked 331 online betting websites as part of regular monitoring activity.⁷¹ However, the legality of online betting under the colonial-era Public Gambling Act of 1867 remains unclear.⁷² In a September 2022 comment, MPTIT minister Mustafa Jabbar said the government had blocked a total of 22,000 pornography websites and over 6,000 gambling websites.⁷³

During the previous coverage period, in September 2021, the High Court ordered the blocking of all unregistered online news portals (see B6).⁷⁴ The BTRC subsequently closed down 59 unauthorized internet protocol television (IPTV) channels,⁷⁵ stating that it only allows licensed ISP to operate IP-based data services such as IPTV, streaming, and video-on-demand.⁷⁶ Several websites and online news portals, including that of the state news agency Bangladesh Sangbad Sangstha (BSS), were mistakenly blocked. They were reinstated following intervention by Minister Jabbar.⁷⁷

The High Court reportedly directed the BTRC to block *PlayerUnknown's Battlegrounds (PUBG)* and *Garena Free Fire* for being "harmful online

games” for three months in September 2021, though the games appeared accessible throughout the coverage period.⁷⁸ In April 2022, after the blocking period for *PUBG* had been extended, the High Court dismissed a plea from its Singapore-based developer, Proxima Beta, to unblock it.⁷⁹

Some previously blocked outlets have since been made periodically accessible. News sites Bangla.Report and Poriborton were blocked in 2019, likely for publishing articles critical of the government (see B3). Bangla.Report was available during the coverage period under a different URL, though Poriborton remained inaccessible.⁸⁰ BenarNews was also found to be accessible via certain ISPs during this and the previous coverage period; the BTRC had blocked it in 2020 after it republished a leaked UN memo warning of the harmful potential of COVID-19 in Bangladesh.⁸¹

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to 2 / delete content, particularly material that is protected by 4 international human rights standards?

Authorities employ legal, administrative, and other means to force publishers, content hosts, and digital platforms to delete legitimate content. Many cases are not publicly disclosed. The draft regulation concerning digital, social media, and OTT platforms would establish intermediary liability for content takedowns (see B3).⁸²

The government forced the removal of media outlets during the coverage period. In January 2023, the MIB ordered the BTRC to cancel the domains of 191 unspecified news sites for allegedly publishing “misleading anti-state content.”⁸³ On May 31, 2023, MIB minister Hasan Mahmud told the parliament that the government had ordered the BTRC to cancel the domains of 239 online news portals for “tarnishing the image of the country by spreading false and fabricated news.”⁸⁴ In June 2022, the MIB had ordered the BTRC to cancel the government-issued domain allocations for 179 online news portals for “spreading misinformation and creating confusion among the public.”⁸⁵

In October 2022, the BTRC claimed that the government removed over 8,000 social media links and blocked 645 websites that year to date.⁸⁶

In July 2023, just after the coverage period, two social media-based outlets based in Bangladesh were forced offline by the government.⁸⁷ The outlets, CplusTV and C Vision, were allegedly targeted because of their human rights and social-issues coverage. They are accused of “illegally operating without licenses.”

Meta reported restricting access to 144 items between January and June 2022 for violating local laws including the DSA.⁸⁸ From July to December

2022, Google received 867 requests to remove 3,012 items from Google products, primarily for defamation, government criticism, and religious offenses. Google complied with 6.3 percent of the requests on the basis of legal or policy reasons, compared to 25 percent of the requests received between July and December 2021, which were removed for legal reasons.⁸⁹ TikTok received 486 government requests to remove 3,813 pieces of content between July and December 2022.⁹⁰ The platform took action against 113 items for violation of community guidelines and 1,142 for violating local laws.⁹¹

In February 2023, the BTRC ordered the removal of 13 videos from Facebook and YouTube that featured lawyers “misbehaving” in a courtroom and shouting “indecent” slogans at a judge,⁹² in response to a January 2023 directive from the High Court.⁹³ In August 2022, the BTRC similarly ordered the removal of six “provocative” videos on Facebook and YouTube per a High Court order relating to “fake and concocted news that incite[s] violence and public disorder.”⁹⁴ The court also directed the BTRC and security agencies to develop an accountability mechanism to keep such content from appearing on platforms. The status of the envisioned mechanism was unclear at the end of the coverage period.

In 2022, reports indicated that Twitter received requests from Bangladeshi law enforcement, which claimed that the accounts of some journalists and dissidents broke local law.⁹⁵ For example, in December 2022, popular broadcaster and executive think-tank director Zillur Rahman was visited by police in his village for information-gathering purposes.⁹⁶ Twitter later told Rahman that the BTRC requested that a post about that police visit be taken down.⁹⁷ At the time it notified Rahman, Twitter had not complied with the request.

In November 2022, Twitter posts made by Zulkarnain Saer Khan, a whistleblower focused on corruption in Bangladesh, were reportedly flagged for removal based on government requests.⁹⁸ Twitter did not remove his posts, some of which discussed the government’s successful efforts to take down Khan’s Meta profile. Muktadir Rashid, a senior journalist from the Daily New Age, reportedly received similar emails from Twitter regarding government takedown requests in November 2022.⁹⁹

During the previous coverage period, several prominent activists—including feminist writer Taslima Nasrin and blogger Asad Asaduzzaman Noor, both frequent critics of religion—reported that their Facebook profiles were inaccessible. The profiles were apparently marked as “memorialized” through Facebook’s system for designating the profiles of people who have died. A group called the Bangladesh Civilian Force appeared to claim responsibility.¹⁰⁰ A 2020 survey of 17 journalists, bloggers, and activists found that 56 percent reported having had their Facebook account disabled at least once within the last four years due to hacking or false reporting.¹⁰¹

Critical websites and YouTube channels are regularly removed due to unfounded copyright complaints, which are also suspected to be sponsored by the government. The complaints frequently hinge on the creation of spoof websites that republish content from the source they seek to remove, altering the date to make it appear like the first version posted; the spoof websites then become the grounds for complaint.¹⁰² In November 2022, for example, Sweden-based investigative news site Netra News reported that YouTube videos of Pinaki Bhattacharya, an exiled dissident and digital creator in France, were taken down under the Digital Millennium Copyright Act of 1998, a US law. YouTube received the takedown request from Bangla News Bank, a pro-AL website.¹⁰³ In September 2022, Netra News reported on a copyright claim lodged against the London-based *Surma* newspaper in August.¹⁰⁴

Authorities have threatened websites with legal action or blocking if critical content is not removed, and users occasionally delete their own posts for fear of facing criminal charges.¹⁰⁵

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process? ^{1 / 4}

Government restrictions on internet content lack transparency and proportionality. There are no independent appeals mechanisms for blocked websites or content removal orders. Limitations on connectivity and social media platforms are long-standing concerns.

During the coverage period, the BTRC ordered mobile operators to downgrade their 4G service to 2G speeds during opposition rallies without a warrant or court order (see A3).¹⁰⁶ Courts imposed restrictions on online content several times during the coverage period (see B1 and B2).

The BTRC censors content primarily by issuing informal orders to domestic service providers, which are legally bound by their license and operations agreements to cooperate. Service providers have described state-directed censorship as ad hoc in nature, often occurring without follow-up procedures for ensuring compliance.¹⁰⁷ For example, no official notice or explanation was given to ISPs before or after they were compelled to block Poriborton and Bangla.Report (see B1).

The BTRC has tried to ramp up its technical ability to block, filter, and remove content online, including on social media. In September 2021, the BTRC announced the formation of a new cell that would monitor online content, including social media content, and file takedown requests with digital platforms.¹⁰⁸ Under a directive issued in February 2021, local ISPs are required to transfer their local cache servers to IEG, NIX, and nationwide ISPs (see A4), potentially facilitating BTRC censorship capacity. In September 2021, the president of the country's ISP Association said the

Department of Telecommunications (DoT) had been deploying deep packet inspection (DPI) in these transferred cache servers (see C5).¹⁰⁹

In 2019, the DoT confirmed the existence of its Cyber Threat Detection and Response (CTDR) project, a system for monitoring websites and facilitating police requests for the removal or blocking of “derogatory” or “harmful” content.¹¹⁰ CTDR has reportedly installed DPI to enable blocking of any online content, including Facebook pages or accounts, more quickly.¹¹¹

The draft of the Regulation for Digital, Social Media, and OTT Platforms, a first version of which was formally submitted in June 2022,¹¹² criminalizes a broad range of speech online and imposes new content blocking obligations that internet intermediaries must follow or risk liability for noncompliance. The regulation also includes obligations relating to online media ethics (see B6), messaging traceability (see C4), and data localization (see C6).¹¹³ The draft was revised in October 2022 and again in January 2023. The January 2023 draft dropped a restriction that a platform cannot broadcast television news and talk shows and expanded the range of prohibited content, which encompasses statements against the 1971 war for independence, the country’s cultural and social values, unity or religious harmony, and anything that undermines the laws, regulations, and constitution of Bangladesh.¹¹⁴

Dozens of international organizations published an open letter in March 2022, calling on the BTRC to reconsider the regulation because of its implications for free expression and privacy.¹¹⁵ Local legal and human rights experts have also expressed serious concern with the regulation, including during the coverage period.¹¹⁶

B4 0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship? 1 / 4

Self-censorship is a longstanding issue in Bangladesh. Online journalists and social media commentators continue to self-censor on political and religious topics, and activists are increasingly hesitant to communicate online out of fear of being targeted by progovernment actors or trolls.¹¹⁷

The DSA has contributed to the practice of self-censorship in recent years (see C3). In a January 2023 interview,¹¹⁸ several bloggers cited the DSA and other legislative initiatives when they admitted to self-censorship, along with threats from AL members and religious hard-liners.¹¹⁹ Penal provisions for misreporting included in the Press Council (Amendment) Bill 2022 may further impede journalistic activity (see C2).

In May 2022, Law Minister Anisul Huq acknowledged that the DSA had “been misused and abused.”¹²⁰ Huq also addressed concerns about prosecutions under the DSA, sharing that the government told law

enforcement officials that, unless it concerned a “serious crime,” “no one should be arrested immediately after filing [a DSA] case.”¹²¹ In September 2023, after the coverage period, the parliament passed the Cyber Security Bill, which replaced the DSA (see C2).

The International Federation of Journalists’ *South Asia Press Freedom Report 2022–2023* notes that the DSA “has been weaponized to create a culture of self-censorship” in Bangladesh (see C3).¹²² The act prescribes 20 provisions for punishment, 14 of which remain nonbailable. According to journalists, the law is a tool used to intimidate and cultivate fear.¹²³

Government agencies have also issued directives barring their employees from using social media in certain ways,¹²⁴ potentially causing those affected to self-censor (see B5).

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest? 2 / 4

Authorities do not officially pressure or coerce news outlets, journalists, or bloggers to follow a particular editorial direction in their reporting, though disinformation circulating on social media has been linked to the government.

In January 2023, the foreign minister announced that the country will form an interministerial committee to fight online disinformation.¹²⁵ At the end of the coverage period, no further information was available about the initiative.

Alamgir Apu, owner and editor in chief of CplusTV, had previously been the target of “a smear campaign in state-aligned Bangladeshi media outlets” because of his reporting on a gas crisis in 2023. CplusTV’s offices were shuttered by a district administration order in June 2023.¹²⁶

Netra News alleged that accounts linked to the ruling AL coordinated a disinformation campaign against the outlet and two of its journalists, Tasneem Khalil and David Bergman, in August 2021, in retaliation for their reporting on corruption allegations (see B2).¹²⁷

During the pandemic, the government reinforced the Guidelines on Use of Social Media in Government Institutions, 2019.¹²⁸ These rules prohibit government employees from uploading, sharing, or engaging with social media content that falls under a range of broad definitions, such as those “tarnishing the image of the government” or those “hurting religious sentiments.” In October 2020, a six-point directive for teachers at government colleges was introduced, prohibiting them from posting or engaging with posts perceived as tarnishing the government’s image, demeaning services or institutions of national importance, or disrupting

national unity or law and order. [129](#) Other government employees and officials have received similar circulars, including with threats of legal action against those who contravene them. Ordinary users receive similar warnings.[130](#) These kinds of directives were used to control the narrative about the COVID-19 pandemic in 2020.[131](#)

Journalists sometimes face additional, unofficial pressure to report favorably on specific business interests due to outlet ownership by conglomerates or financial dependence on their advertising.[132](#)

The authorities use Facebook to disseminate progovernment messaging.[133](#) For example, an analysis by Asian Network for Free Elections found that in November and December 2022, a Facebook group with roughly one million members was disseminating progovernment propaganda and disinformation.[134](#) Administrators included “a verified Facebook page of an important government office and the coordinator of CRI, the propaganda wing of the ruling Awami League.”

B6 0-3 pts

**Are there economic or regulatory constraints that negatively 2 /
affect users’ ability to publish content online? 3**

Regulatory constraints affect the ability of online outlets to publish. As of September 2020, broadcasters and newspapers in Bangladesh must register their online portals separately.[135](#) The move, enacted through the approval of a draft amendment to the 2017 National Online Media Policy, has been criticized by some as a stepping stone toward greater government control of the media sector.[136](#)

In June 2022, government authorities approved amendments to the Press Council Act, 1974, including provisions to impose fines, suspend government advertisements, and cancel the accreditations of journalists, editors, and print and digital news outlets convicted of false reporting or harming the image of the state.[137](#) The amendments would also give the state-run Press Council the ability to impose a maximum fine of one million taka (\$9,600) against those found guilty of violating the new rule,[138](#) a full list of which has not been made public.[139](#) The legislation would impact print and digital news media and journalists argue it may tighten government control over the press and deepen an existing culture of fear.[140](#)

Also in June 2022, the NGO Affairs Bureau refused to renew the operating license of human rights group Odhikar. The registration order, which will limit Odhikar’s ability to conduct its work, referenced research on extrajudicial killings published on the organization’s website as justification.[141](#) In September 2022, the prime minister’s office upheld the decision.[142](#)

The government previously stipulated that online news portals will need to register before launching from 2022 onward.¹⁴³ In June 2022, MIB minister Mahmud warned newspapers that have online platforms to not broadcast talk shows and videos online for licensing reasons,¹⁴⁴ a decision the Editorial Council protested.¹⁴⁵ In May 2019, Mahmud announced that the government would mandate the registration of online media outlets, noting the need for “discipline” and guidelines for online media.¹⁴⁶ In September 2020, the government set the registration fee for new sites at 10,000 taka (\$93.37) and the annual renewal fee at 5,000 taka (\$48.19).

As of January 2023, the MIB reported it had approved a total of 346 online outlets, including 162 online news portals, 169 online daily news portals, and 15 online television portals.¹⁴⁷ In 2021, there were over 2,000 applications from online news portals under process for registration.¹⁴⁸

In December 2022, the Dhaka district magistrate ordered the closure of *Dainik Dinkal*, a pro-BNP publication with a print and online presence. The Press Council rejected *Dainik Dinkal's* appeal in February, prompting its closure later that month.¹⁴⁹ ¹⁵⁰ The decision has drawn strong criticism in Bangladesh and abroad.¹⁵¹

In June 2022, the government mandated that all overseas businesses with a branch office, liaison office, or project in Bangladesh will have to register for VAT purposes.¹⁵² In May 2023, the country’s central bank directed other financial institutions to deduct an additional income tax at a rate of 15 percent from social media platforms like Facebook and YouTube, should those platforms wish to repatriate income generated from advertisements originating from Bangladesh.¹⁵³

The draft Regulation for Digital, Social Media, and OTT Platforms, 2021 (see B3) would establish a code of ethics for publishers of curated online content, news and current affairs, and entertainment content, potentially constraining their independence further.¹⁵⁴

B7 0-4 pts

Does the online information landscape lack diversity and 3 / reliability? **4**

The online media landscape in Bangladesh is vibrant, with a number of online outlets that give voice to a range of views. Even with the significant state of censorship, people are able to access a variety of local and international news sources that convey independent, balanced views in the main languages spoken in the country.

The ability to access localized information and create content in Bengali has contributed to the popularity of local blog-hosting services.¹⁵⁵ Bengali-language YouTube content has become more popular, especially during COVID-19 restrictions.¹⁵⁶ Some YouTubers in

the fields of food, music, entertainment, and news boast over a million subscribers.

According to MIB minister Mahmud, as of January 2023, 162 online news portals, 169 online editions of newspapers, and 15 online portals for news broadcasters had completed their registration with the ministry.¹⁵⁷

Media outlets, social media platforms, blogs, and websites represent diverse interests within society. For example, LGBT+ people have turned to online platforms as a safe space to find peer support and express their opinions and experiences in response to broad discrimination in the country.¹⁵⁸ The overall environment in Bangladesh is hostile and dangerous for LGBT+ people, however: State discrimination is prevalent and there have been violent, sometimes fatal, attacks against LGBT+ people in recent years.¹⁵⁹ Many activists have gone into hiding.¹⁶⁰ Since the murder of two key LGBT+ activists in 2016, queer activism has almost completely moved online.¹⁶¹ In June 2022 and June 2023, the Bangladeshi LGBT+ community celebrated the second and third virtual Dhaka pride events, respectively.¹⁶²

While marginalized ethnic groups are inadequately represented in the mainstream media, the popularity of social media and news sites has brought new voices to the fore. However, the blocking of social media platforms and communications apps has at times threatened the diversity of online content (see B1), though many people use virtual private networks (VPNs) to bypass blocking.¹⁶³

Other marginalized groups, such as religious minorities, have been the targets of offline violence due to mis- and disinformation spread on social media platforms. The violence during Durga Puja in October 2021, which resulted in at least 11 deaths and hundreds of injuries, was inflamed by anti-Hindu content posted on Facebook.¹⁶⁴

B8 0-6 pts

Do conditions impede users' ability to mobilize, form communities, and campaign, particularly on political and social issues? 4 / 6

While social media platforms, communications apps, and other digital tools generally remain accessible to users who wish to mobilize and campaign, the government has restricted connectivity and blocked platforms during protests. Enhanced surveillance, arrests, and targeted violence also limit people's willingness to mobilize online.

Politicians increasingly rely on social media for their work amid the ruling AL's crackdown on the political opposition during the coverage period.¹⁶⁵ Dissidents in exile also use social media platforms such as Facebook, YouTube, TikTok, and Twitter to publish critical commentary about the government from outside the country.¹⁶⁶

In July 2022, the Pakistan High Commission in Dhaka had to take down a cover photo of their Facebook page for allegedly displaying a distorted Bangladeshi flag after protests online and offline.¹⁶⁷

During the previous coverage period, in February 2022, student protesters at Shahjalal University in Sylhet used Facebook Live to share updates and news of police brutality. They also used Facebook to garner support for their protest and a subsequent hunger strike.¹⁶⁸ A community in Dhaka mobilized over Facebook in February 2022 to organize against the construction of a police station on the site of a playground.¹⁶⁹ In August 2021, a feminist grassroots network led a Facebook campaign of protest against the portrayal of women in media, the use of sexist labels like “raater rani” (“queen of the night,” or prostitute), and moral policing by media and society.¹⁷⁰

C Violations of User Rights

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, 2 / including on the internet, and are they enforced by a judiciary 6 that lacks independence?

While online expression is recognized in the constitution, it remains largely unprotected in practice. Article 39 (1, 2) in Chapter 2 of the constitution recognizes the freedoms of thought, conscience, and speech as fundamental rights,¹⁷¹ and online expression has historically been considered within the scope of this provision. However, other laws undermine these rights and internet users frequently face criminal penalties for free expression protected under international human rights standards.

The 2006 ICT Act defines and ostensibly protects freedom of expression online,¹⁷² though it also includes an array of penalties for citizens who violate others’ rights to communicate electronically (see C2). The DSA, which was approved in September 2018, is ostensibly meant to prevent cybercrime and replace parts of the 2006 ICT Act. However, it contains provisions that can infringe on free expression online (see C2). The 2009 Right to Information Act enshrines access to information in law, though journalists and activists filing requests have faced challenges, including retaliation.¹⁷³ DSA cases can be filed by third parties, not just those immediately impacted by the complaint, opening avenues for political officials to pressure third parties to take criminal action against online expression on their behalf.¹⁷⁴

Sections 68 and 82 of the ICT Act, which were not annulled by the DSA, contain provisions for a Cyber Tribunal and Cyber Appellate Tribunal to expedite cybercrime cases. As of April 2021, the government had

established eight cyber tribunals.¹⁷⁵ The Cyber Appellate Tribunal, which can reverse the Cyber Tribunal's rulings, has yet to be formed as of the end of the coverage period. The judicial system of Bangladesh is formally independent from the executive and legislative branches, but critics assert that it can be partisan, given the Law Ministry's politicized role in assigning, removing, and transferring High Court judges.¹⁷⁶ Police and regulators generally bypass the courts to implement censorship and surveillance without oversight, and pressure on judicial officers by government actors is an ongoing concern.¹⁷⁷

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities, particularly those that are protected under international human rights standards? 0 / 4

Online activists, journalists, and other users regularly face civil and criminal penalties for online expression. Amendments to the ICT Act made in 2013 increased the maximum prison term for those convicted from 10 to 14 years.¹⁷⁸

The DSA has been in force since 2018. Section 21 provides for sentences of up to 14 years in prison for anyone who uses digital devices to spread negative propaganda regarding the war for independence or Sheikh Mujibur Rahman, the independence leader known as the "father of the nation" and the country's first president. Section 25 introduces sentences of up to three years in prison for deliberately publishing intimidating or distorted information against an individual online. Section 28 mandates up to 10 years in prison for harming someone's religious sentiments. Section 29 provides for up to 3 years in prison for publishing information intended to defame someone. Section 31 provides for sentences of up to 7 years in prison for deliberately publishing information that can spread hatred among communities. Section 32 has been criticized by rights groups for potentially stifling investigative journalism by imposing sentences of up to 14 years for recording or accessing information digitally without prior consent.¹⁷⁹

Under the DSA, no warrant is required before making arrests, and some crimes are "nonbailable," meaning suspects must apply for bail at a court. Officials regularly fail to comply with the mandated 60-day timeframe within which they must submit an investigation report for a detainee; the timeframe can be extended to a maximum of 105 days, potentially leaving users in custody for months.¹⁸⁰

In September 2023, after the coverage period, the government passed the Cyber Security Bill, which repealed the DSA and put in force new provisions that criminalized online speech, some of which are similarly broad but with less severe penalties.¹⁸¹ The law minister has indicated that cases previously filed under the DSA will continue despite the law's repeal.¹⁸²

In January 2020, a group of professors, journalists, and lawyers from the Dhaka Supreme Court filed a writ petition with the High Court requesting that it declare certain sections of the DSA illegal for being too broad and infringing on free expression.¹⁸³ In February 2020, the High Court asked the government to explain why Sections 25 and 31 of the DSA are constitutional and should not be repealed.¹⁸⁴ The case was last heard at the High Court in August 2022. No further development on this case was since observed.¹⁸⁵

The penal code also criminalizes online speech. Section 124A of the penal code (the Sedition Act) penalizes disaffection toward the lawful government and prescribes up to life imprisonment, with a variable fine.¹⁸⁶

C3 0-6 pts

Are individuals penalized for online activities, particularly those 2 / that are protected under international human rights standards? 6

In Bangladesh, individuals are frequently penalized for online activities that are protected under international human rights standards. In a 2020 report, Article 19 stated that the government has increasingly turned to the DSA to harass, charge, and arrest people for their online and offline speech.¹⁸⁷

The government does not regularly disclose the number of arrests made under the DSA and estimates of that figure vary. In June 2023, the law minister claimed that over 7,000 cases were filed under the DSA from October 2018 until January 2023.¹⁸⁸ However, this information does not explain the number of accused, the number of current cases pending, nor how many of these filings were rejected.¹⁸⁹

According to a DSA case tracker maintained by the Centre for Governance Studies, over 189 DSA cases were filed between June 2022 and May 2023.¹⁹⁰ Since the law's enactment in October 2018, more than 4,000 individuals have been accused and over 1,400 arrested.¹⁹¹ Some 60 percent of cases filed were lodged over activities on Facebook, and at least 26 juveniles have been charged.¹⁹² Rights organization Ain-O-Salish Kendra (ASK) reported 2,249 cases registered under the DSA in 2022, mostly against online activists, journalists, and alleged government critics, nearly double the 1,134 DSA cases reported in 2021.¹⁹³ Odhikar research into 71 DSA arrests in 2022 found that 62 were over online posts criticizing the prime minister, other high-ranking officials, or government activities; another 9 were made over derogatory comments about religion and religious people.¹⁹⁴

The DSA is heavily used against opposition activists. The Manabadhikar Shongskriti Foundation reported that there were 28 arrests under the DSA in May 2023, nearly all involving those affiliated with the opposition BNP.¹⁹⁵ In November 2022, a BNP member was arrested for making a

caricature of the prime minister and sharing it on Facebook along with other antigovernment statements.¹⁹⁶

The DSA is also weaponized by progovernment or state-affiliated actors to intimidate journalists from publishing critical commentary, and cases are often filed on the basis of personal complaints.¹⁹⁷ For instance, Abdur Rab Bhutto, a Bangladeshi expatriate and an administrator of the Facebook page London Bangla Channel, was sued by a prominent Awami League supporter in January 2023 under the DSA for publishing an allegedly defamatory video about MIB minister Mahmud.¹⁹⁸

In March 2023, the law minister admitted that the DSA had been misused in the case of Sultana Jasmine, who died in custody of the Rapid Action Battalion (RAB) earlier that month (see C7).¹⁹⁹ Jasmine was arrested a day before a DSA-related case was filed against her.²⁰⁰ A High Court bench questioned the RAB's authority to arrest Jasmine; only the police may arrest someone accused of violating that law.²⁰¹

People arrested under the DSA often experience especially long periods of pretrial detention. In May 2023, the Dhaka Cyber Tribunal sentenced college student Nusrat Jahan for two years and seven months' imprisonment over a DSA case.²⁰² Jahan was arrested in November 2020 for making blasphemous remarks against the prophet Muhammad; the judge directed authorities to release her due to the length of her detention.²⁰³

Minors were also sued or arrested for violating the DSA during the coverage period.²⁰⁴ For instance, Khadijatul Kubra, a college student, was arrested in August 2022 for a case filed against her two years ago, when she was 17.²⁰⁵ Kubra had hosted a webinar broadcasted on YouTube, where a guest made contentious comments about the need to "bring down the legitimate government of Bangladesh" in addition to other critical remarks. Kubra was still in jail until the end of the reporting period.²⁰⁶

"Hurting religious sentiments" is one of the most common reasons to sue under the DSA. The provision's vague definition has contributed to the law's misuse. On February 8, 2023, the Rangpur Cyber Tribunal sentenced Poritosh Sarkar, a Hindu teenager, to five years' imprisonment along with a \$300 fine for "hurting religious sentiments" through a Facebook post.²⁰⁷ The case relates to an incident in October 2021, when dozens of homes in a Hindu village were burnt down by Muslims over communal tension created by a Facebook post.²⁰⁸ In September 2022, Moulvibazar police arrested activist Pritom Das under the DSA for sharing a quote of Pakistani writer Saadat Hasan Manto on Facebook, on claims of insulting Islam.²⁰⁹ Facebook user Jhumon Das was arrested in August 2022 for allegedly harming religious sentiments through a photograph shared on

that platform.²¹⁰ Das had previously been arrested and detained under the DSA in 2021.²¹¹

In October 2022, police arrested Mushfiquil Fazal Ansary for allegedly spreading misinformation about police via a Facebook post first shared by Paris-based blogger and activist Pinaki Bhattacharya. In November 2022, the Counter Terrorism and Transnational Crime unit of the Dhaka Metropolitan Police sued Bhattacharya, Ansary, and another person in relation to the incident.²¹²

In September 2022, police in the town of Moulvibazar arrested Abdul Muktadir Manu, the brother of journalist Abdur Rab Bhuttow; Manu was accused of conspiring with Bhuttow to depose Prime Minister Sheikh Hasina Wazed.²¹³

Other laws have also been used to penalize individuals for their online activities. In October 2022, police arrested Sonia Aktar Smriti, a leader of the BNP's women's wing, for posting an "offensive" comment about Prime Minister Hasina on Facebook.²¹⁴ Arrested under sections 153 and 505 of the penal code, she was released on bail after spending four months in jail.²¹⁵

C4 0-4 pts

Does the government place restrictions on anonymous 2 / communication or encryption? 4

The government does not impose registration requirements on bloggers or internet users. However, registration is mandatory for online news portals (see B6). Biometric registration in the form of fingerprints, national identity cards, and related personal information is required to obtain a mobile connection, curtailing users' ability to communicate anonymously.²¹⁶

In July 2021, the BTRC launched a National Equipment Identity Register system that automatically registered mobile phones to the country's international mobile equipment identity (IMEI) database.²¹⁷ In October 2021, after a three-month grace period, the BTRC announced it would block nearly 82,000 unregistered mobile handsets.²¹⁸ It reversed its decision later that month, saying that it would not block any handset and that the BTRC's goal was to create and maintain a database of all active phones in the country.²¹⁹

Bangladeshi users are not prohibited from using encryption services to protect their communications. There are no laws requiring users or providers of encryption services to turn over decryption keys to the government.

The draft Regulation for Digital, Social Media, and OTT Platforms, 2021 (see B3) would require that messaging companies be able to identify the

“first originator” of online information,²²⁰ potentially undermining online anonymity provided by end-to-end encrypted communications.

In October 2022, the NTMC recommended that the government allow Rohingya refugees in Cox’s Bazar to use Bangladeshi SIMs—in lieu of Myanmar SIMs or Bangladeshi SIMs belonging to non-Rohingyas—to facilitate targeted prosecutions of crimes that occur inside refugee camps.²²¹

C5 0-6 pts

Does state surveillance of internet activities infringe on users’ 1 / right to privacy? 6

Bangladesh recognizes the right to privacy and correspondence under Article 43 of the constitution.²²² However, there is no specific privacy or data-protection law, leaving internet and mobile phone users vulnerable to surveillance and other violations of their privacy.²²³

News reports indicate that Dhaka is expanding its surveillance capacity. In January 2023, *Haaretz* reported that the NTMC had acquired Spearhead, a vehicle-mounted surveillance system sold by Cyprus-registered firm Passitora.²²⁴ Spearhead can monitor targets within a radius of 500 meters, intercept encrypted messages and chats, including those on social media platforms, and inject spyware into mobile phones or computers. A unit that can reportedly intercept data, including encrypted messages and chats, was delivered to Dhaka in June 2022.²²⁵

Amid protests from human rights groups over the purchase, Home Minister Asaduzzaman Khan Kamal defended the NTMC saying that the government is introducing an Integrated Lawful Interception System (ILIS) to prevent activities against the state by monitoring social media and they were not directly purchased from Israel as some reports suggested.²²⁶ The cabinet approved the purchases of an interception device from Swiss company Toru Group in June 2021²²⁷ and another mobile interceptor from a US company in January 2022.²²⁸

In May and October 2022, four members of the RAB travelled to the United Kingdom to receive training on cybersecurity and surveillance techniques, including on the use of a “backpack IMSI [International Mobile Subscriber Identity] catcher, a portable mass surveillance tool that acts as a mini-mobile phone tower and can intercept phone calls and text messages.”²²⁹ The RAB had previously obtained an IMSI tool in 2019 from a Canadian company.²³⁰ In September 2022, Netra News reported that the RAB had procured an interceptor for decrypting and hacking online communications sent via the Telegram app. ²³¹ The RAB has a track record of human rights abuses that include extrajudicial killings, disappearances, and torture.²³²

In January 2023, the *Jerusalem Post* reported that Bangladesh purchased three surveillance systems in Cyprus, from firms which are run by Israeli nationals.²³³ Analysts say that the government's augmented surveillance capacity is focused on monitoring and silencing dissent and monitoring opposition activities, and some suggest that the purchase of surveillance equipment is linked to the January 2024 elections.²³⁴

In September 2021, the High Court rejected a petition asking the government to curtail its surveillance of phone calls, which have sometimes been leaked for political purposes.²³⁵

A February 2021, Al Jazeera alleged that Bangladesh had bought Israeli-made surveillance equipment capable of monitoring hundreds of mobile phones simultaneously in 2018. The Directorate General of Forces Intelligence (DGFI), the country's military intelligence agency, purchased the tool, known as the P6 Intercept, from Israel-based firm PicSix, which is run by former Israeli intelligence agents.²³⁶

In August 2021, Israeli company Cellebrite announced that it would no longer sell its phone-hacking technology in Bangladesh.²³⁷ Previously, a joint investigation between Al Jazeera and *Haaretz* had revealed in March 2021 that Dhaka purchased Cellebrite's UFED, a tool that can unlock and extract data from mobile phones, including encrypted data.²³⁸

A Citizen Lab report from September 2018 had alleged that Israeli technology firm NSO Group's Pegasus spyware may be in operation in Bangladesh. The spyware is covertly installed on a target's phone after they click on an exploit link, granting the operator access to information including passwords, contacts, text messages, and live voice calls from messaging apps, as well as the ability to open the camera and microphone.²³⁹ In December 2021, the High Court questioned the inaction of the Digital Security Agency to conduct an inquiry into the use of Pegasus.²⁴⁰

Social media monitoring remains a concern. In September 2021, the BTRC disclosed that its newly formed cybersecurity cell would monitor different social media platforms for antigovernment, antistate, and "objectionable" content, though it remained unclear what technology would be employed.²⁴¹

In September 2019, the BTRC confirmed that the establishment of the CTDR, a system for monitoring websites and facilitating police requests for the removal or blocking of "derogatory" or "harmful" content.²⁴² CTDR has reportedly installed DPI to enable blocking of any online content, including Facebook pages or accounts, more quickly.²⁴³

In 2018, a proposal submitted by the Ministry of Home Affairs to buy approximately \$27 million worth of equipment from foreign companies to

upgrade its mobile telephone, internet, and related surveillance networks was approved.²⁴⁴ The proposal enables the NTMC, which operates under the ministry, to conduct “lawful interception” to assist local law enforcement agencies. Foreign companies listed in the proposal include the US firms Verint Systems and SS8, German firms Trovicor and UTIMACO, Italian firm RCS, Chinese firm Inovatio, and Swiss firm New Saft; the listed firms advertise equipment capable of analyzing data traffic, calls, emails, and audiovisual materials online.²⁴⁵

C6 0-6 pts

Does monitoring and collection of user data by service providers and other technology companies infringe on users’ right to privacy? 2 / 6

Service providers and technology companies are required to aid the government in monitoring the communications of their users. Rights groups have raised concerns about the security of the country’s mobile phone registration process and possible access to biometric data by third parties (see C4).²⁴⁶

The government can request that telecommunications providers retain the data of any user for an unspecified period, according to the 2001 Bangladesh Telecommunication Regulatory Act.²⁴⁷ The act was amended in 2010, and now allows the government to intercept electronic voice or data communications from any individual or institution without a court order to ensure the security of the state. The act also requires domestic service providers to cooperate with the government in intercepting such communications, though there are no clear provisions governing the process or the penalties for noncompliance.²⁴⁸ Numerous leaks to social media of personal audio and video communications potentially secured by authorities with the aid of providers led the government to announce a plan to revise the amended Telecommunication Act and propose an addition to the DSA to safeguard data privacy in 2020 (see C5).²⁴⁹

Bangladesh lacks dedicated personal data protection legislation.²⁵⁰ While elements of the DSA, ICT Act, and Telecommunication Act, along with Article 43 of the constitution, impact data protection, Dhaka is currently finalizing comprehensive data protection legislation.²⁵¹ Initial drafts of a data protection act, posted in September 2021 and July 2022, were widely criticized. ²⁵² For instance, rights groups like Transparency International criticized it for the lack of clear definitions and the Digital Security Agency’s role, citing fears that the bill may be used as another tool to control dissent in the name of protecting personal information.²⁵³ There are also concerns about infrastructural capacity and security issues.

In March 2023, the ICT Division uploaded and subsequently removed a draft Data Protection Act, 2023.²⁵⁴ According to the South Asia Center of the Atlantic Council, the draft included a transition period of three years, limitations on the data-localization mandate to “sensitive data” only, and

cross-border enforcement cooperation with other countries.²⁵⁵ The bill had not been sent to the parliament for review as of the end of the coverage period.²⁵⁶

The draft Regulation for Digital, Social Media, and OTT Platforms, 2021 (see B3) would require intermediaries to retain user data for 180 days.²⁵⁷

Between July and December 2022, Facebook received 836 requests and 64 emergency disclosure requests from the government pertaining to 1,278 users and accounts. Facebook provided some data in 65 percent of cases.²⁵⁸

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in relation to their online activities? 1 / 5

Score Change: The score declined from 2 to 1 because activists experienced physical retaliation, including murder, abduction, and torture for their online activities.

Online journalists and ordinary internet users face harassment, intimidation, and violence, and reports of abduction and torture in detention in response to critical commentary on social media were common in recent years.

According to a 2022 report from Odhikar, there were 75 incidents of human rights violations against journalists in Bangladesh between June and December 2022, including 1 death.²⁵⁹ In the first three months of 2023, there were 81 attacks against journalists, including 2 arrests and 17 assaults.²⁶⁰ According to ASK, 131 journalists were attacked, tortured, or harassed from July 2022 to January 2023, of whom 21 had received threats from ruling party members or their affiliates.

In March 2023, the law minister admitted that the DSA had been misused in the case of Sultana Jasmine, who died in RAB custody that month (see C3).²⁶¹ A government report later documented “marks of torture.”²⁶²

Raghunath Kha, a correspondent for online newspaper Dainik Projonmo Ekattor and Deepto TV, was abducted on January 23, 2023, and was accused of carrying explosives and extortion by police.²⁶³ After being released on bail on January 29, Raghunath said that he was beaten and electrocuted while in custody.²⁶⁴

In June 2022, social activist Mizanur Rahman, who is vocal on Facebook, was picked up, interrogated, and tortured by police due to his alleged involvement on an attack on a policeman in Jurain.²⁶⁵ However, talking to reporters after the incident, he said he was scolded for his commentary on Facebook on public interest issues and accused of being involved in

activities against the state and the law, which he denied.²⁶⁶ He was released after several hours.

In July 2022, Hasibur Rahman Rubel was found dead in Khulna. He worked with several outlets, including news site CrimeVisionBD.com, though it is unclear if he was killed in retaliation for his reporting.²⁶⁷

Online harassment and death threats continue to pose a threat to those expressing themselves on social media. According to a study by ActionAid Bangladesh, 63.5 percent of women respondents reported experiencing some form of online mistreatment in 2022.²⁶⁸ As per a report published by the Bangabandhu Sheikh Mujib Medical University in November 2022, 59 percent of rural children have suffered at least one form of abuse online.²⁶⁹

Those who advocate for LGBT+ rights online also face threats and intimidation. In September 2022, LGBT+ rights activist Shahanur Islam received death threats for his activism against the harassment and arrest of four lesbian teens accused of performing same-sex marriage.²⁷⁰

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack? ^{1 / 3}

Hacking groups, including one allegedly hired by the government, target journalists, activists, and dissidents in Bangladesh. Cyberattacks against financial and government entities further raise concerns about the state of cybersecurity in the country, as people in Bangladesh increasingly turn to internet-based financial services.²⁷¹ Attacks against government entities sometimes occur.

In March 2023, the web server of Biman Bangladesh Airlines, the national air carrier, was breached in a ransomware attack.²⁷² A report in May 2023 suggested that Biman employees were facing salary delays as efforts to restore servers were ongoing.²⁷³ In January 2023, Hacker News reported that an Indian hacker known as “Godzilla” breached a DGFI server and reportedly accessed classified emails.²⁷⁴

In November 2022, online publication CyberNews reported that the mobile phone numbers of almost 500 million WhatsApp users were “stolen and [were] being sold on a ‘well-known’ hacker forum.”²⁷⁵ The hack affected 3.8 million Bangladeshi users. The source of the data remains unknown and the attack impacted several countries.

In August 2022, The Bangladesh e-Government Computer Incident Response Team (BGD e-Gov CIRT) detected a distributed denial-of-service attack (DDoS) and called on critical ICT organizations to take measures to prevent such an attack.²⁷⁶

May 2020 reporting from Netra News cited whistleblowers alleging that the DGFI maintains a team of civilian, contracted hackers who work for the Signal Intelligence Bureau (SIB).²⁷⁷ The hacking team reportedly has sophisticated technology that gives it the ability to intercept short message service (SMS) communications to access verification codes for two-factor authentication. Netra News also claimed to have evidence that the SIB hacked into the Facebook account of Bhattacharya in September 2018 by intercepting two-factor authentication passcodes. The whistleblower cited in the Netra News reports also alleged that the unit maintains a “collection of hacked accounts” that it uses for high-value operations. According to the article, the unit operates “in apparent contravention of the country’s cybersecurity law.”

There are several laws protecting Bangladeshis from cyberattacks and theft of personal data, including provisions against hacking in the ICT Act and the DSA.²⁷⁸

Footnotes

- ¹International Telecommunication Union, “Statistics,” accessed on June 3, 2023, <https://datahub.itu.int/data/?i=11624&e=BGD>
- ²Calculated based on number of internet subscribers reported by the Bangladesh Telecommunication Regulatory Commission for May 2023 and Bangladesh’s population as of December 2022 as per World Bank Data. Bangladesh Telecommunication Regulatory Commission, “Internet Subscribers,” May 2023, <http://www.btrc.gov.bd/site/page/347df7fe-409f-451e-a415-65b109a207f5/->; “Population total – Bangladesh,” World Bank, accessed September 2023, <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=BD>
- ³“ইন্টারনেট গ্রাহক,” BTRC, accessed September 2023, <http://www.btrc.gov.bd/site/page/347df7fe-409f-451e-a415-65b109a207f5/->
- ⁴“Bangladesh enters 4G era on Feb 19,” The Daily Star, February 14, 2018, <http://www.thedailystar.net/frontpage/bangladesh-enters-4g-internet-ser...>; “Bangladesh completes 5G auction,” European 5G Observatory, April 6, 2022, <https://5gobservatory.eu/bangladesh-completes-5g-auction/>
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Austrian Red Cross
Austrian Centre for
Country of Origin and
Asylum Research and
Documentation
(ACCORD)

Wiedner Hauptstraße
32, 1041 Wien
T +43 1 589 00 583
F +43 1 589 00 589
info@ecoi.net

Contact
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F.A.Q.
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