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Status: Partly Free

Total Score: 51/100 (0 = Best, 100 = Worst)

Population: 165 million

Internet Penetration: 18%

Social Media/ICT Apps Blocked: No

Political/Social Content Blocked: Yes

Bloggers/ICT Users Arrested: Yes

Freedom in the World Status: Partly Free

Key Developments, June 1, 2017 – May 31, 2018

- In early 2018, the cabinet approved the draft of the Digital Security Act 2018, which is more draconian than its predecessor, the 2006 ICT Act (see Legal Environment).
- The messaging apps Threema and Wickr, which were blocked in May 2016, were available again in the country (see Restrictions to Connectivity and Blocking and Filtering).
- The government blocked less websites during the coverage period compared to previously, although two news sites were newly blocked. Several of the 35 online news portals blocked originally in 2016 operate freely on different domains (see Blocking and Filtering).

- There were fewer arrests in the past year relating to online activity, although there were a surge of arrests following the coverage period of this study (see Prosecutions and Detentions for Online Activities).

Introduction:

Internet freedom continued to improve in 2018 after a break in a years-long trend of violence targeting secular bloggers and less arrests. But in early 2018, the cabinet approved the draft of the Digital Security Act 2018, which is more draconian than its predecessor, the 2006 ICT Act.

The government of the Bangladesh Awami League party under Prime Minister Sheikh Hasina officially encourages open internet access and communication to promote development. Private commercial stakeholders have also helped in the proliferation of internet usage.

Bangladesh benefits from a vibrant – if often partisan – traditional media industry, though journalists face threats and legal constraints, and online news portals have been actively observing significant self-censorship. In order to stop the leakage of public exam questions, the government mulled temporarily shutting down internet services nationwide, but later backed down.

The coverage period saw fewer reports of violence in reprisal for online speech, though there was a resurgence in a disturbing trend of unknown actors manipulating Facebook posts to instigate attacks on religious minorities. In November 2017, a minority community was attacked in Rangpur district over an anti-Islamic Facebook post supposedly posted by an illiterate Hindu youth, who was not even present in that area during that time. The local law enforcement agencies used force to disperse the rioting crowd. One person was shot and killed by police, and 25 people were injured, including seven policemen. Additionally, several individuals were arrested under the Information and Communication Technology Act of 2016 (ICT Act) for online comments on a range of issues.

Obstacles to Access:

The number of internet users in Bangladesh is steadily on the rise. More than 90 percent of users access the internet via mobile phone providers, which recently began offering faster 4G service. The government has reduced the price of bandwidth significantly over the last decade. However, users complain about the high cost of private internet service.

Availability and Ease of Access

The International Telecommunication Union estimated internet penetration in Bangladesh at 18 percent in 2016. Government estimates were closer to 46 percent.[1]

Information and communication technology (ICT) usage is increasing quickly, though Bangladesh lags behind globally. The World Economic Forum 2016 Global IT report ranked Bangladesh 112 out of 139 countries worldwide in its Networked Readiness Index. The country scored poorly on infrastructure and regulatory environment, though overall communication service was comparatively affordable – a factor that is driving increased usage.[2]

The government has decreased the price of bandwidth significantly over the last decade. The Alliance for Affordable Internet has reported, citing 2015 data, that 80 percent of the population in Bangladesh can afford a 500 MB mobile broadband plan based on local income levels, one of the highest percentages among less-developed countries.[3] The ability to access localized information and create content in Bengali has contributed to the popularity of local blog hosting services.[4]

However, users complain about the high cost of private internet service in rural areas. Although no statistics are available, the higher concentration of economic activities and critical infrastructure in urban areas indicates there are likely to be more internet users in cities. The government's 2009 "Digital Bangladesh by 2021" program seeks to integrate internet access with development efforts in national priority areas, such as education, healthcare, and agriculture.[5] In 2016, 4,547 Union Digital Centers had been established by the government to provide low-cost internet access and related e-services in low-income communities.[6]

In September 2017, citing security concerns, the Bangladeshi government banned Bangladeshi telecommunications operators from selling mobile phone connections to Rohingya refugees, undermining access to the internet for hundreds of thousands of people who had fled to Bangladesh from neighboring Myanmar. The government also threatened operators with fines if they ignore the ban.[7]

Restrictions on Connectivity

The government has occasionally restricted the use of mobile service during times of unrest. In February 2018, the Bangladesh Telecommunication Regulatory Commission (BTRC) announced plans to suspend internet services nationwide during designated time periods in February, in order to stop public examination questions from leaking online.[8] On February 11, 2018, BTRC conducted a test run, in which online services were shut down for a half hour. The following morning, the internet services all over Bangladesh were suspended as part of the official policy. However, the unpopular policy was reversed after just 10 minutes; the BTRC rolled back the restriction in about 15-20 minutes. [9]

Following the coverage period, in August 2018, the BTRC ordered ISPs to reduce mobile phone network signals so that only 2G service was available. The order, apparently meant to prevent live streaming and the sharing of other video content, came in the wake of reports of violence during mass protests at which participants called for better road safety and other reforms.[10]

The government has occasionally restricted access to social media and communication platforms (see Blocking and Filtering). The messaging apps Switzerland-based Threema and the U.S. service Wickr were blocked in May 2016, but were available in the country at the end of the reporting period.

The fiber-optic infrastructure connecting Bangladesh with international undersea cables is managed by the government. However, the majority of the gateways and internet exchange points (IXPs) are privately owned and managed.

Bangladesh's physical internet infrastructure was historically vulnerable, relying on the undersea cable SEA-ME-WE-4, which connects Southeast Asia, the Middle East, and Western Europe.[11] Since late 2012, however, Bangladesh is also connected via an international terrestrial cable managed by private companies, reducing the risk of the country being completely cut off.[12]

ICT Market

In 2017, approximately 94 percent of users accessed the internet via mobile phone providers, which only recently began offering faster 4G service.[13] The remainder subscribe to fixed lines, either through a traditional internet service provider (ISP), the fixed telephone network (around 3 percent), or via one of the three wireless WiMax operators (1 percent).[14] As of May 2018, 140 ISPs were operating nationwide, with no clear market leaders.[15]

Mobile connections are provided by four operators. At the end of April 2018, Grameen Phone, owned by Telenor, had the biggest market share with 45 percent of the total customer base, followed by Robi with 30 percent, and Banglalink with 22 percent.[16] The state-owned Teletalk holds the remaining percentage of the market.

Regulatory Bodies

The BTRC, established under the Bangladesh Telecommunications Act of 2001, is the official regulatory body overseeing telecommunication and related ICT issues. Authorities amended the act in 2010, passing telecommunications regulation to the Ministry of Post and Telecommunications and making the BTRC an auxiliary organization.[17] This move created administrative delays in a number of basic processes like the announcement of new tariffs or license renewals.[18] In 2014, the Ministry of ICT merged with the Ministry of Post and Telecommunications.[19] In addition, the prime minister's office has an Access to Information (A2I) program supported by the UN Development Program, which has considerable influence over top-level ICT-related decision making.[20]

Limits on Content:

The BTRC planned to shut down internet service all over Bangladesh during certain periods in order to prevent cheating on national exams, but ultimately backtracked on the decision. Two messaging apps which advertise secure services have been blocked since mid-2016. There were no reports of state manipulation of online content or formal blocking of any social media or messaging platforms.

Blocking and Filtering

The government has taken steps to filter and block websites and communication and social media platforms when they are perceived as critical of authorities.[21] Two new websites were blocked over the past year, although the government did not restrict as many websites as it has previously.

In November 2017, the BTRC instructed the International Internet Gateways (IIGs) to block access to the independent, India-based news website the *Wire* a day after it published an article implicating Bangladesh's military intelligence agency in the disappearance of the Bangladeshi academic Mubashar Hasan.[22] In June 2018, journalists at the *Daily Star* – a leading English daily newspaper in Bangladesh – reported that the BTRC directed the IIG to block its website after it published a report on the alleged murder of Teknaf municipal councillor Akramul Haque. The site was down for at least 18 hours before access was restored.[23]

Additionally, in August 2016, 35 news sites blocked by order of the BTRC.[24] Several of the blocked sites no longer exist or operate under different domain names. Officials gave no official reason for the initial blockings, though one was quoted in news reports as saying the sites had published "objectionable comments" about the government. The sites were not mainstream, but several were affiliated with the political opposition. The Bangladesh Federal Union of Journalists and the Dhaka Union of Journalists protested the directive and asked that it be lifted.[25]

Social media and communication apps have occasionally been subject to blocking. In early 2018, the government hinted that it could shut down Facebook during the exam period to prevent online leaks, alongside its plans to temporarily shut down internet services; authorities briefly instituted the internet service shutdown, but the unpopular move was quickly reversed.[26] Facebook also reported "a disruption affecting access to Facebook products in Bangladesh" in August 2016, possibly

related to a network shutdown test.[27] In 2015, Facebook, Facebook Messenger, WhatsApp, and Viber were among several platforms temporarily blocked.[28]

Threema and Wickr, two messaging apps that advertise secure communications, were blocked in May 2016. Regulators ordered gateway providers to implement the blocks after intelligence agencies claimed the apps were critical of Islam and responsible for the spread of atheism.[29] Neither appear to have had a significant user base in Bangladesh, and intelligence communities may have singled them out believing them to be used by people seeking to evade government surveillance. At the end of the reporting period, these two apps were again available for use in Bangladesh.

A handful of popular blogs and individual Facebook posts were also targeted for blocking at the same time as the messaging apps, although the effectiveness of those measures is not clear. The owner of the blog *Somewherein* told the *Daily Star* that the BTRC had not responded to questions about the possible block, though traffic fell by around 20 percent in mid-2016.[30]

The BTRC censors content primarily by issuing informal orders to domestic service providers, who are legally bound through their license and operations agreements to cooperate. Service providers have described official censorship as ad hoc in nature, without proper follow-up mechanisms in place to ensure compliance.[31] No appeals have been documented in response to censorship directives.

Content Removal

There were no reported cases of forced deletion of content during the reporting period, though not all cases are publicly disclosed.

The government periodically asks private providers to take down content. Google reported that officials requested the removal of seven items related to copyright, defamation, national security, and privacy and security concerns between January 2017 and December 2017.[32] During the same time period, Facebook reported that the Bangladeshi government requested information about 139 users. The government also posted 67 requests to Facebook to provide information to its law enforcement agencies on matters related to imminent death or injury.[33] The government requires Facebook, Google, and Microsoft to respond to official removal requests involving what news reports described as "inappropriate content" within 48 hours.[34]

Media, Diversity, and Content Manipulation

Bangladesh enjoys a vibrant offline and online media industry, though self-censorship on specific topics is increasing among particular communities. Blocking of social media platforms and communications apps has at times threatened the diversity of online content (see Blocking and Filtering), though many people used VPNs to bypass blocking.[35]

Some signs of pressure on digital media outlets have been evident in the past three years. In 2015, Bangladeshi online news outlets and the online versions of daily newspapers were directed to go through mandatory registration, and authorities threatened to cancel the accreditation of journalists working for unregistered media outlets.[36] The government justified registration as a tool to stop the purported abuse of media to destabilize society.[37] However, no penalties have been reported for noncompliance.

During the coverage period of this study, there were no documented economic constraints imposed by the government or other institutions specifically targeting online media outlets.

Following a series of fatal attacks on bloggers, online media practitioners and social media commentators reported a climate of self-censorship on political and religious topics in Bangladesh. Associates of victims closed their blogs, and dozens of bloggers have since fled the country (see Intimidation and Violence).[38]

Digital Activism

In 2018, after the coverage period, social media, particularly Facebook, played a significant role in nationwide protest movements calling for better road safety and protesting a quota system used to fill certain public service and other positions. Protesters used Facebook to mobilize, and both protesters and the government used it to express their positions. Photos and videos were shared using the hashtags #WeWantJustice, #RoadSafetyMovement, and #bangladeshstudentprotests.[39] In a troubling move, however, the Dhaka police invoked cybercrimes laws in order to open investigations against demonstrators for allegedly spreading false propaganda online (see Prosecutions and Detentions for Online Activities).[40]

The 2013 Shahbag movement, which began as a protest of a war crimes tribunal ruling seen among critics as lenient, but grew into a larger movement encompassing broader economic and political issues, remains the country's most significant example of online activism to date.[41] The movement spread in part through blogging, Facebook, Twitter, and mobile telephony.[42]

Violations of User Rights:

No bloggers or digital activists were killed in reprisal for online expression during the coverage period, marking a slight improvement in a very dangerous environment for digital speech, though some arrests for online speech and inciting violence were reported under the ICT Act. Meanwhile, the Cabinet approved a draft of the 2018 Digital Security Act, which has more restrictive provisions than its predecessor. After the coverage period of this report, especially in July and August, Bangladesh faced a surge of arrests under Section 57 of the ICT Act, including of many participants in a mass protest movement calling for better road safety and other reforms.

Legal Environment

Article 39 (1, 2) of Chapter 2 in the Constitution recognizes freedom of thought, conscience, and speech as a fundamental right,[43] and online expression has been traditionally considered to fall within the scope of this provision. The judicial system of Bangladesh is formally independent from the executive and the legislative branches of government, but critics say it can be partisan. Police and regulators generally bypass the courts to implement censorship and surveillance without oversight.[44]

The 2006 ICT Act defines and ostensibly protects freedom of expression online,[45] though it also includes an array of penalties for citizens who violate others' rights to communicate electronically. Most notably, Section 57 outlines prohibitions on the electronic dissemination of defamatory, obscene, or false information, with violations punishable by a minimum of seven years of imprisonment and fines up to BDT 10,000,000 (US$125,000).[46] In August 2013, the ICT Act was amended, increasing the maximum prison term from 10 to 14 years.[47]

In September 2018, following the coverage period, the Parliament approved the draft Digital Security Act, which is meant to prevent cybercrime and will replace parts of 2006 ICT Act; the Cabinet first approved the Act in early 2018.[48] While Section 57 of the ICT Act was repealed as part of the process, the new law introduces similarly restrictive provisions that could curtail freedom of expression online.

- Section 21 provides for sentences of up to 14 years of prison for anyone who uses digital devices to spread negative propaganda against the Liberation War or the Father of the Nation.
- Section 25 introduces sentences of up to 3 years in prison for deliberately publishing intimidating or distorted information against someone online.
- Section 28 mandates up to 10 years in prison for hurting someone's religious sentiments.
- Section 29 mandates 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 certain communities.
- Section 32 has been criticized by rights groups as potentially stifling investigative journalism by imposing sentences of up to 14 years for recording or accessing information digitally without prior consent.

Under the Digital Security Act, no warrant is required before making ICT-related arrests, and some crimes are "nonbailable," meaning suspects must apply for bail at a court.

Meanwhile, sections 68 and 82 of the ICT Act, which were not annulled by the Digital Security Act, contain provisions for a Cyber Tribunal and Cyber Appellate Tribunal to expedite judicial work related to any cybercrime. As of 2018, there is one Cyber Tribunal in Dhaka, headed by a low-ranking member of the judiciary. The Appellate Tribunal, which can dissolve the Cyber Tribunal's verdicts, is yet to be formed.[49]

Prosecutions and Detentions for Online Activities

Arrests and prosecutions under the ICT Act have been documented since 2013, when the law was first widely applied, though there were fewer arrests in the past year compared to the previous coverage period of this report.

However, following the coverage period of this study, specifically in July and August 2018, a surge of arrests and legal harassment were carried out under Section 57. Almost all of those arrested were students involved in a protest movement calling for better road safety and reforms to the job quota system (see Digital Activism). Most were charged with spreading false information or working to destabilize the country.[50] An internationally renowned photojournalist and a popular actress were also arrested in connection with the protest movement under Section 57,[51] while a prominent online activist went in hiding for fear of arrest.[52] Later, in September, an academic at Chittagong University was jailed for allegedly violating Section 57, after criticizing on Facebook Prime Minister Sheikh Hasina in connection with the road safety movement.[53]

In August 2017, *ProthomAlo*, the country's leading Bengali newspaper, reported that the number of people filing lawsuits under Section 57 had doubled since 2016. At least 19 journalists were implicated in Section 57 cases between January and August 2017, including several filed by people close to ministers or parliamentarians.[54] Police recorded a total 391 cases in the first six months of 2017, accusing a total 785 people, of whom 313 were arrested, *ProthomAlo* reported, citing police statistics.[55] A police directive requires that police investigate such complaints before allowing individuals to file charges.[56]

Some recent cases under Section 57 include:

- Abdul Latif Morol, a journalist for the local *Daily Probaho* newspaper in the southeast, was arrested in August 2017 after another journalist accused him of defaming State Minister

Narayan Chandra on Facebook;[57] he was released on bail a day later.[58] In an apparent first, the investigating police officer was suspended over alleged procedural irregularities involving the arrest.[59]

- In June 2017, the police arrested television presenter Tulona Al Harun and her brother Layek Ali for allegedly defaming Tulona's colleague online.[60]
- Also in June 2017, Professor Afsan Chowdhury was sued by retired lieutenant general Masud Uddin Chowdhury for allegedly defaming the general on Facebook. The general requested that the professor's Facebook page be blocked.[61]
- The acting editor, executive editor, and a staff reporter of *Banglamail24* were arrested for spreading a rumor they had actually debunked.[62]

Surveillance, Privacy, and Anonymity

Bangladesh recognizes the right to privacy and correspondence under Article 43 of the Constitution.[63] However, there is no specific privacy or data protection law, leaving internet and mobile phone users vulnerable to privacy violations.[64]

In March 2017, Facebook refused to sign a Memorandum of Understanding (MoU) with Bangladesh police, who had asked Facebook to demand additional identification, including National ID numbers, from Bangladesh nationals who want to sign up to the social network.[65]

Although the government does not require individuals to register to blog or use the internet, registration is mandatory for online news portals (see Media, Diversity, and Content Manipulation). Citizens are also required to provide biometric details, in addition to national identity cards and related personal information, to obtain a mobile connection.[66] Citizen rights groups have raised concerns about the security of the registration process and possible access to biometric data by third parties.[67]

The government can request that telecommunications providers retain the data of any user for an unspecified period under the 2001 Bangladesh Telecommunication Regulatory Act.[68] The Act was amended in 2010, and now allows government mechanisms 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, though without clear provisions detailing procedures or penalties for noncompliance.[69]

In March 2017, news reports said the government was planning to install internet monitoring equipment worth approximately US$19 million by May 2018 under a project titled "Cyber Threat Detection and Response." The equipment would perform granular analysis of network traffic using deep packet inspection (DPI) in order to help the government enforce the ban on pornography and conduct monitoring to combat militancy, the reports said.[70]

The Home Ministry had separately submitted a proposal in 2015 to purchase approximately US$25 million worth of equipment from foreign companies to upgrade its mobile telephony, internet, and related surveillance networks. The proposal asked a cabinet committee on economic affairs to relax procurement regulations to facilitate the purchase, which would enable the National Telecommunication Monitoring Center (NTMC) to conduct "lawful interception" to assist local law enforcement agencies. The center has operated under the home ministry since February 2014, news reports said. Foreign companies listed in the proposal include U.S. firms Verint Systems and SS8, German firms Trovicor and UTIMACO, the Italian firm RCS, the Chinese firm Inovatio, and the Swiss firm New Saft.[71] The companies advertise equipment capable of analyzing data traffic, calls,

emails, and audiovisual materials online. The status of the proposal during this coverage period was not clear.

In 2014, the UK-based nonprofit Privacy International reported that Bangladesh's Rapid Action Battalion, a special forces unit that has been implicated in human rights abuses, was seeking to purchase mobile surveillance technology from a company based in Switzerland. The technology would allow police to "indiscriminately gather data from thousands of mobile phones in a specific area and at public events such as political demonstrations," according to the group.[72] The same year, leaked documents about a Bangladesh law enforcement agency's 2012 purchase of FinFishersoftware distributed by Gamma International to monitor digital traffic was published on WikiLeaks.[73]

Intimidation and Violence

During the coverage period, no bloggers or digital activists were killed in reprisal for online expression, marking a slight improvement compared to previous years that saw a series of fatal attacks against bloggers.

However, at least one violent incident took place in response to online content during the coverage period. In November 2017, a minority community was attacked in Rangpur District over an anti-Islamic Facebook post, and local law enforcement agencies resorted to the use of force to disperse the rioting crowd. One person was shot and killed by the police, and 25 people were injured, including seven policemen.[74]

Despite the comparative lack of violent incidents in the past year, the spate of blogger murders from 2013 to 2016 continues to cast a long shadow. Though Al-Qaeda networks claimed responsibility in some cases,[75] police have say local radical groups, notably the Ansarullah Bangla Team, recruited and trained students and religious teachers to execute the targets, frequently using machetes.[76] "Atheist bloggers" were particularly singled out as key instigators behind the 2013 Shahbag Movement (see Digital Activism) which catalyzed the campaign of violence.[77] Many bloggers left the country or sought asylum abroad.[78] Others expressed their determination to continue writing.[79]

Little progress has been made on investigating the cases of the bloggers murdered in 2015 and 2016. In April 2017, a court upheld the two death penalty verdicts delivered in the case of Ahmed Rajib Haider, a secular blogger murdered in 2013.[80]

Technical Attacks

No cyberattacks on online news sites and blogs were documented in Bangladesh during the coverage period. However, in 2016, a high profile hacking of a computer at the central bank was used to transfer millions of dollars to a bank in the Philippines, highlighting wider cybersecurity vulnerabilities.[81] ISPs have informally organized a Cyber Emergency Response Team to deal with malicious online threats.[82]

Notes:

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