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Freedom on the Net 2021 - Bangladesh

• PARTLY FREE

40

/ 100

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LAST YEAR'S SCORE & STATUS

42 / 100 Partly Free

Scores are based on a scale of 0 (least free) to 100 (most free)

Overview

Internet freedom in Bangladesh reached an all-time low during the coverage period, as authorities continued to arrest users under the Digital Security Act (DSA) and as new evidence of the extent of government surveillance capabilities came to light. Though brief restrictions to Facebook services during nationwide protests may have inhibited online mobilization, the lifting of 3G and 4G restrictions in Rohingya refugee camps after almost a year represented one positive development for connectivity. Self-censorship persists amid reports of torture, brief abductions, and a death in detention, and the online sphere continues to be impacted by government-hired civilian contractors who hack accounts and use false copyright infringement complaints to get content removed.

The ruling Awami League has doubled down on harassment of opposition party members and perceived troublemakers, as well as media and members of civil society who criticize government policies or actions. Corruption remains a serious problem in Bangladesh, and whistle-blowers risk severe reprisals. Due process guarantees are often inaccessible for the poor, while the rich are able to evade accountability for wrongdoing.

Key Developments, June 1, 2020 – May 31, 2021

- Connectivity restrictions to 3G and 4G mobile services in Rohingya refugee camps were lifted in August 2020, after almost a year (see A3).
- Facebook and Facebook Messenger were restricted for three days in March 2021 during protests against visiting Indian prime minister Narendra Modi (see A3, B1, and B8).
- In February and March 2021, investigations by Al Jazeera and the Israeli newspaper *Haaretz* alleged that Bangladesh had recently purchased from Israeli firms surveillance equipment capable of monitoring, hacking, and extracting data from mobile phones (see C5).
- Dissident writer Mushtaq Ahmed died in detention in February 2021, sparking widespread protests and continued condemnation of the Digital Security Act. Ahmed had been arrested under the act the year before in relation to an article he posted on Facebook criticizing the government's handling of the COVID-19 pandemic (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? 2 / 6

Score Change: The score declined from 3 to 2 to correct for a methodology error in one of the sources used to calculate internet penetration rates. This score change does not necessarily reflect a change in infrastructural limits to internet access, speed, or quality.

Information and communications technology (ICT) usage is rapidly increasing in Bangladesh, due in large part to government efforts to expand fiber-optic networks to more remote areas. However, the country lags behind many others in terms of quality and speed. According to recent publicly available data from the International Telecommunication Union (ITU), internet penetration in Bangladesh was 12.9 percent at the end of 2019.¹ Government estimates of internet penetration were significantly higher in April 2021, at 66 percent.² That month, the Bangladesh Telecommunications Regulatory Commission (BTRC) reported that over 105 million people could access the internet via mobile service providers, which began offering faster fourth-generation (4G) technology for mobile networks in February 2018.³ The remainder obtain service through a traditional internet service provider (ISP) (around 8.5 percent) or one of the few wireless WiMax operators (0.002 percent).⁴

A sharp increase in broadband subscriptions occurred during the COVID-19 pandemic, with the number of users increasing by just under 6 million from February 2020 to June 2020.⁵ The ICT minister reported that internet use overall increased 50 percent during this same period.⁶

Government programs have sought to develop and expand ICT networks in recent years. Since 2010, the National E-Government Network Project aims to provide networks to thousands of government offices and buildings, as well as schools across the country.⁷ By 2017, 18,415 government offices in 420 upazillas (subdistricts), all 7 administrative divisions of the country, and 57 district offices were connected by one fiber-optic network. Across the country, 803 video-conferencing systems had also been set up. During the coverage period, work continued connecting 2,600 unions (the lowest tier of local government unit), upazilla parishads (the subdistricts’ councils), and police stations with fiber-optic broadband connectivity as part of the government’s Info Sarker-3 project. The project, which was over 96 percent complete as of March 2021, will allow internet providers and the aforementioned institutions to bring high-speed broadband internet to over 68,000 villages and millions of subscribers.⁸ Another project undertaken by the Bangladesh Telecommunications Company Limited (BTCL) in February 2021 aims to expand their internet protocol (IP) network, paving the way for greater rural broadband connection and eventual 5G implementation.⁹

The Economist Intelligence Unit’s Inclusive Internet Index 2021 report ranks Bangladesh 87 out of 100 countries in terms of availability of internet access, determined by the “quality and breadth of available infrastructure.”¹⁰

According to SpeedTest Global Index, Bangladesh ranks 134 of 137 in the mobile broadband speed index as of May 2021, and ranks 96 of 181 in the fixed broadband speed index.¹¹ In another report on internet speeds, Opensignal ranked Bangladesh as the ninth-lowest out of 100 countries in average mobile download speeds in May 2020.¹²

A2 0-3 pts

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

The cost for mobile data packages slightly increased during the coverage period, and many lower-income individuals in rural areas still cannot afford quality internet. Gender disparity in access, especially mobile ownership and use, remains a pressing issue. The government continued to prevent Rohingya refugees from purchasing SIM cards during the reporting period.

Internet became slightly costlier after the government raised the supplementary duty on mobile phone services, including mobile internet data, from 10 percent to 15 percent in June 2020.¹³ The increase in price for users was about 3 percent.¹⁴ Two months later, the National Board of Revenue decreased the value-added tax on backward-linkage services of internet from 15 percent to 5 percent in an attempt to make services more affordable.¹⁵

Consumer taxes and purchasing costs, especially of 4G-internet enabled devices, continue to contribute to the digital divide. A global comparison from 2021 found that the average price of 1 GB of mobile data in Bangladesh was the cheapest in the region and eighth-cheapest in the world.¹⁶ Despite this, two thirds of the population covered by mobile broadband networks do not use mobile internet services.¹⁷ As of March 2021, 4G services accounted for only 28 percent of total mobile connections, despite over 95 percent of the population having 4G coverage.¹⁸

Users complain about affordability and the lower quality of internet service in rural areas, where about 62 percent of the population lives.¹⁹ According to the Inclusive Internet Index 2021 report, Bangladesh ranks 85 out of 120 countries (down from 65 out of 100 in 2020) surveyed for affordability, defined by cost of access relative to income and the level of competition in the internet marketplace.²⁰ To address the issue of high internet costs, the BTRC set a maximum rate for broadband internet in June 2021, after the coverage period.²¹ Users will now pay no more than 500 takas (\$5.91) a month for a connection with a minimum speed of 5 megabits per second (Mbps), 800 takas (\$9.46) for 10 Mbps, and 1,200 takas (\$14.19) for 20 Mbps.²²

In addition to socioeconomic status and geography, gender is a major factor in internet access.²³ Eighty-five percent of users exclusively access the internet using mobile devices in Bangladesh. But the 2021 Mobile Gender Gap Report found that the nation had the third-highest gender disparity in mobile-phone ownership globally, and a 41 percent gap between the number of female and male mobile internet users in 2020.²⁴

The government has taken some action to address the disparity in internet access among certain segments of society. As part of the government’s Digital Bangladesh by 2021 program, more than 7,400 Union Digital Centers had been established by May 2021, with the goal of providing low-cost internet access to government and nongovernment service portals and related e-services among low-income and other underserved communities, such as rural women and people with disabilities.²⁵

In 2017, citing security concerns, the government banned telecommunications providers 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 providers with fines if they ignored the ban.²⁶ However, the ban was not widely enforced and many Rohingya maintained mobile access to the internet. In September 2019, however, the government again ordered mobile service providers to cease selling SIM cards to Rohingya refugees and said it would deactivate any of their existing SIM cards.²⁷

In May 2015, Robi and Facebook launched Free Internet in Bangladesh which allowed users access to Facebook and over a dozen websites and apps free of charge.²⁸ In July 2020, the BTRC ordered service providers to stop providing free service to social media platforms.²⁹

A3 0-6 pts

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

Partial restrictions of internet and communication services during protests, elections, and tense political moments have become common.

Facebook and Facebook Messenger services were temporarily restricted from March 26 to March 29, 2021. The Post and Telecommunications Minister said the restrictions had been carried out by law enforcement agencies for national security purposes, though the Bangladesh Telecommunications Regulatory Commission (BTRC) said that restrictions were due to technical glitches.³⁰ The restrictions occurred during deadly protests against the visiting Indian prime minister, Narendra Modi (see B8).³¹ In November 2018, before the national elections, the BTRC briefly blocked Skype to thwart communication between exiled leaders of the opposition party and their activists on the ground.³²

In addition to restricting access to platforms, the government has a track record of restricting mobile services. In September 2019, authorities restricted 3G and 4G mobile service in Rohingya refugee camps, escalating an existing crackdown on connectivity for the vulnerable Rohingya refugee community (see A2).³³ The connectivity restrictions were lifted in August 2020, after almost a year.³⁴ During the March 2021 anti-Modi protests, one source reported that some users in areas near the capital were also briefly experiencing restrictions to 3G and 4G internet service.³⁵

Previously, in August 2018, the BTRC ordered ISPs to restrict 3G and 4G services for 24 hours in response to protests;³⁶ in December 2018, they throttled 3G and 4G service several times in the run-up to the general election and on election day.³⁷ In February of that same year, the BTRC also attempted to suspend internet service nationwide to prevent questions from national exams from leaking online.³⁸ The decision was quickly reversed following widespread public backlash.³⁹

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

Bangladesh’s physical internet infrastructure had been historically vulnerable, relying on the undersea cable SEA-ME-WE-4, which connects Southeast Asia, the Middle East, and Western Europe.⁴⁰ Since late 2012, however, Bangladesh has also been connected via an international terrestrial cable managed by private companies, reducing the risk of service being completely lost in the event of problems with the undersea cable.⁴¹

Bangladesh joined SEA-ME-WE-5 in September 2017, and currently provides an additional 1,300 Gbps of bandwidth to the capacity of the SEA-ME-WE-4 (900 Gbps).⁴² To meet increasing demand, submarine cable internet bandwidth provider Bangladesh Submarine Cable Company Limited (BSCCL) is working to expand the bandwidth capacity of its cables to 3,500 Gbps by 2022.⁴³ Bangladesh is set to join the SEA-ME-WE-6 submarine cable in 2024.⁴⁴

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers? 5 / 6

There are no serious legal, regulatory, or economic obstacles that restrict the diversity of service providers.

Users have four options for mobile connections. At the end of April 2021, the company Grameen Phone, owned by Telenor, had the largest market share at 46 percent, followed by Robi with 30 percent, and Banglalink with 21 percent.⁴⁵ The state-owned Teletalk holds the remaining 3 percent of the market.

As of March 2021, one list from the BTRC suggested that there were 34 International Internet Gateways (IIG) and 121 internet service providers (ISPs) operating nationwide. It showed an additional 340 ISPs operating in five zones in the country and a total 1534 local ISP businesses divided across three licensing categories, with no clear market leaders.⁴⁶ No ISP licenses were cancelled during the coverage period.⁴⁷ The BTRC had reportedly cancelled 78 ISP licenses during the previous reporting period for companies that had not renewed their license after expiration.⁴⁸

A BTRC audit and an associated Supreme Court case have recently forced two major providers to pay expensive dues, which could create economic barriers for their continued operation. In April 2019, BTRC issued a letter to Grameen Phone demanding 8.49 trillion takas (\$1 billion) in dues, and another 4.09 trillion takas (\$481 million) in taxes and late fees that had accumulated from 1997 to 2011.⁴⁹ The BTRC demanded 867.23 billion takas (\$102 million) from Robi for the same reasons. In June 2019, as the providers had not paid the dues, the BTRC decreased Grameen Phone’s bandwidth by 30 percent and Robi’s by 15 percent.⁵⁰ This was reversed a few days later due to the impact on customers. The BTRC had threatened the two operators with license cancellation if they did not pay the demanded sums.

In February 2020, the Supreme Court ordered Grameen Phone to pay 10 billion takas (\$117 million) as part of the disputed claim.⁵¹ They paid the sum and the Court had demanded they pay more within the following few months.⁵² Grameen Phone made another payment of 10 billion takas (\$117 million) in May 2020 and stated that that they would hold discussion with BTRC regarding the rest of sum after the COVID-19 crisis.⁵³ In January 2020, Robi had paid 27.6 billion takas (\$3.25 million) as the first instalment of its dues, as directed by the courts.⁵⁴ Robi paid its fifth and last installment of what the court had directed by May 2020.⁵⁵ As of January 2021, however, the BTRC had not dropped the claim for the remaining amount from Grameen Phone and Robi.⁵⁶

A5 0-4 pts

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

Officially, the BTRC is an independent regulatory body responsible for overseeing telecommunications and any related ICT issues. However, in practice the body lacks independence and represents the interests and priorities 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 Post and Telecommunications responsible for the regulation of the telecommunications sector, with the BTRC acting as an auxiliary organization.⁵⁷ In 2014, the Ministry of ICT merged with the Ministry of Posts and Telecommunications.⁵⁸ In addition, the prime minister’s office has an access-to-information program supported by the UN Development Program, which has considerable influence over top-level decision related to ICT policy.⁵⁹

B Limits on Content

B1 0-6 pts

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

Authorities block websites and news outlets criticizing the government, especially amid tense political moments or in relation to the COVID-19 pandemic. Social media and communication platforms have occasionally been subject to blocking and throttling.

On December 8, 2020, the High Court asked relevant government authorities to block all digital channels belonging to Kanak Sarwar, a Bangladeshi journalist living in the United States. The directive was issued under claims that the portals in question, including his Facebook and YouTube channel, spread historically inaccurate and antistate content.⁶⁰ The initial public interest litigation filed against him the month before was for comments made in one of Sarwar’s YouTube videos by an interviewee of his about the first president of Bangladesh.⁶¹ The impact of the request remains to be seen.

News outlets continued to be blocked during the coverage period. On August 30, 2020, the Bangladesh government blocked Amardesh.co.uk, an online news portal critical of the government, within 12 hours of its launch from the United Kingdom.⁶² The online portal is a new iteration of the *Daily Amar Desh*, an opposition daily that had been shut down in 2013, and was not accessible within the country as of July 2021.

Some previously blocked outlets have since been made accessible again. Sweden-based investigative journalism portal Netra News, which had been blocked since December 2019, was accessible again in May 2021. The English-Bangla outlet had been blocked for an article alleging corruption against Obaidul Quader, the country’s minister of road transport and bridges and general secretary of the ruling Awami League.⁶³ According to the BTRC, Bangladesh’s military intelligence agency, the Directorate General of Forces Intelligence (DGFI), had ordered the website to be blocked, although the agency declined to confirm this.⁶⁴ A mirror site of the portal was also blocked after Netra News published a leaked UN memo in March 2020 that claimed the COVID-19 pandemic could result in up to 2 million deaths in Bangladesh if immediate steps were not taken.⁶⁵ BenarNews, an online affiliate of Radio Free Asia that republished the report about the UN memo, and one of 50 websites ordered blocked by the BTRC in April 2020 for spreading

misinformation about COVID-19,⁶⁶ was also found to be accessible during the coverage period.⁶⁷ Bangla.report and Poriborton, two popular news sites blocked in 2019 likely for publishing articles critical of the government, were available again as of May 2020.

The BTRC has also temporarily blocked popular gaming sites during previous coverage periods, including at the request of cybersecurity police following complaints by parents.⁶⁸ The government intensified efforts to block pornography and gambling sites following a November 2018 High Court ruling (see B3).⁶⁹

In December 2018, leading up to a general election, the BTRC blocked 58 news websites, and then later unblocked them. Subsequently, it again blocked 54 of the 58 sites for “national security” reasons and for publishing “fake news” ahead of the general elections.⁷⁰ Some of the blocked websites supported opposition parties.⁷¹

The government has also blocked or throttled social media platforms (see A3). In March 2021, Facebook and Facebook Messenger services were throttled for 3 days during protests against the visiting Indian Prime Minister Narendra Modi. Before the national elections in 2018, the BTRC briefly blocked Skype. In 2015, Facebook, Facebook Messenger, WhatsApp, and Viber were among several platforms temporarily blocked.⁷² Similarly, the communications apps Threema and Wickr were blocked from May 2016 to mid-2018.

B2 0-4 pts

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

Authorities employ legal, administrative, and other means to force publishers, content hosts, or digital platforms to delete legitimate content. Many cases are not publicly disclosed.

Recent High Court rulings have requested the blocking of content, as well as content removal. On March 17, 2021, the Bangladesh High Court ordered BTRC, the national telecom regulator, to remove all online uploads of texts and videos of an Al Jazeera investigative story that alleged that the army chief of Bangladesh, General Aziz Ahmed, had been helping his brothers elude criminal pasts. The court claimed it was exercising “extraordinary jurisdiction” in its order regarding the reporting, which revolved around a documentary entitled “All the Prime Minister’s Men.” Bangladesh’s foreign ministry had denounced the report as a defamatory and politically motivated smear campaign (see C3).⁷³

Authorities and progovernment actors also employ informal means of removing online content. A *Netra News* report from May 2020 alleged that the DGFI hires civilian contractors to make false copyright infringement complaints against government critics on Facebook in order to get their pages and accounts removed. The contractors are thought to use fake accounts to target the posts and profiles of the activists, journalists, and opposition figures specified by a daily spreadsheet that includes the URLs of the content in question (see B5).⁷⁴ Critical websites and YouTube channels are also 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, alter the date to make it appear like the first version posted, and lodge the complaint against the platform in question.⁷⁵

In December 2020, the Global Network Initiative surveyed 17 journalists, bloggers, and activists, and 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, with religious and political actors widely suspected as perpetrators. The victims said they do not get enough support from Facebook to regain or reactivate their accounts.⁷⁶

Authorities have threatened websites with legal action or blocking if critical content is not removed, and users occasionally delete their own posts in fear of facing criminal charges. The editor of the news outlet Bangla.report alleged in 2019 that the minister of post and telecommunication threatened to take legal action if the website did not remove an article about an individual who wanted to meet with the minister at a business summit.⁷⁷ After declining to remove the content, the website was temporarily blocked (see B1).

The government periodically asks private companies to remove content. Facebook reported restricting access to 247 items between July and December 2020, including for COVID-19-related misinformation and blasphemy, unverifiable rumors, and promoting hostility.⁷⁸ Over that same time period, Google reported receiving 97 requests from the government to remove 267 items from Google products (mostly YouTube videos), and one court order. Of the removal requests, 75 percent were for content deemed government criticism. Only the court order request was complied with. Between January and June 2020, Google received 10 requests from the government to remove 24 pieces of content, none of which they complied with.⁷⁹ TikTok received only one government request to restrict or remove content from July to December 2020, which it did comply with.⁸⁰

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

The process for restricting internet content lacks transparency, and there is no independent appeals process in place for blocked websites or content removal orders. Further, the government’s restrictions on connectivity and social media platforms are disproportionate and lack transparency.

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 official censorship as ad hoc in nature, without follow-up mechanisms in place to ensure compliance.⁸¹ 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). No appeals have been documented in response to censorship directives.

Courts have also ordered restrictions on internet content (see B1 and B2). In March 2021, for example, the High Court ordered the national telecom regulator to remove all online uploads of text and videos of an Al Jazeera investigative story involving alleged criminal activity by relatives of the Army chief of Bangladesh (see B2).

The BTRC has tried to ramp up its technical ability to block, filter, and remove content online, including on social media. In September 2019, the BTRC confirmed that the Department of Telecommunications (DoT) set up the Cyber Threat Detection and Response (CTDR) project under the National Telecommunication Monitoring Center of the DoT. The system is reportedly intended to monitor websites, apparently for keywords, to then enable police to request that the BTRC remove or block “derogatory” or “harmful” content. The 1.5 billion takas (\$17.6 million) designated for the project enables the monitoring of 2,700 Gbps of data.⁸² CTDR is also reportedly installing deep packet inspection (DPI) to enable blocking of any online content, including Facebook pages or accounts, more quickly.⁸³

B4 0-4 pts

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

Online journalists and social media commentators continue to engage in self-censorship on political and religious topics in Bangladesh, and online activists are increasingly hesitant to post due to attacks from progovernment actors and trolls.⁸⁴ A series of fatal physical attacks on bloggers in recent years (see C7), coupled with an increase in criminal charges against online journalists and other internet users under the DSA and the ICT Act (see C3), have exacerbated online self-censorship.⁸⁵ In a report published by Human Rights Watch (HRW) in December 2018, one journalist said they had published only 10 to 20 percent of potential news stories, while another claimed to self-censor 50 percent of the time.⁸⁶

The 2020 World Press Freedom Index, produced by Reporters Without Borders (RSF) continues to rank Bangladesh as the worst country for press freedom in all of South Asia, and its global ranking was 151 out of 180 countries surveyed.⁸⁷

B5 0-4 pts

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

Whistleblower reports published by Swedish investigative news site Netra News in May 2020 alleged that a unit under the Directorate General of Forces Intelligence (DGFI)—the Public Relations Monitoring Cell (PRMC)—has contracted civilians to maintain thousands of fraudulent Facebook pages and accounts. They reportedly receive daily directions outlining which pages and accounts to target, most often those of journalists, dissidents, and opposition figures.⁸⁸ The report has not been confirmed by other sources. Facebook removed the accounts and pages of a Bangladesh-based hacking operation with similar tactics in December 2020, though it was linked to two local NGOs and not the government. The NGOs Defense of Nation (also called Don’s Team) and the Crime Research and Analysis Foundation (CRAF) were found to be attempting to get content removed with false copyright claims and by hacking the accounts of their targets, as well as using the compromised accounts of the journalists, activists, and members of religious minorities they hacked to amplify their own content (see B2).⁸⁹

Government agencies reportedly issue directives barring their employees from using social media in certain ways. In October 2020, the government introduced such guidelines for teachers at government colleges, 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. If teachers transgress these guidelines, immediate action can be taken by their superiors who may inform and provide evidence to the Directorate of Secondary and Higher Education. Other government employees and officials have received similar circulars, including with threats of legal action against those who contravene them.⁹⁰ Everyday users receive similar warnings. In October 2020, the Ministry of Home Affairs issued a press release threatening immediate legal action against those using social media to spread false or provocative messages about government, security, and military officials.⁹¹

Such directives were also used to control the narrative about the COVID-19 pandemic. In April 2020, the Department of Nursing and Midwifery banned all officials and employees of government hospitals from speaking to reporters or in public without prior permission.⁹² The administration of Bangabandhu Sheikh Mujib Medical University also issued a directive that prohibited medical staff from speaking to journalists or posting on social media about content that could tarnish the government’s image.⁹³ In March 2020, the Ministry of Education temporarily suspended two government-employed college teachers for social media posts that officials claimed were “inconsistent” with how the government allegedly responded to the pandemic.⁹⁴

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.⁹⁵

Coordinated inauthentic behavior has been used by authorities in the past, especially around elections. During a campaign rally in September 2018, a senior government advisor encouraged political activists in the ruling party to be more active online by flooding social media with new accounts, using both real and fake names.⁹⁶ Shortly before the elections in December 2018, Facebook removed government-linked pages fronting as independent news outlets that actually disseminated anti-opposition and progovernment content.⁹⁷ Twitter also removed a small number of accounts connected to state-sponsored actors that month that were engaged in “coordinated platform manipulation.”⁹⁸

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users’ ability to publish 2 / 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.⁹⁹ 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 media control.¹⁰⁰

In May 2019, Minister of Information Hasan Mahmud announced that the government would mandate the registration of online media outlets, noting the need for “discipline” and guidelines for online media.¹⁰¹ In December 2019, the government announced that it received 3,595 applications for registration and would start reviewing them and granting approvals.¹⁰² The minister also stated that “steps would be taken” against outlets not registered.¹⁰³ An initial list of 34 verified news outlets was released in July 2020, and another list of 92 online newspapers was released on September 2020.¹⁰⁴ That same month, the government set a fee of 10,000 takas (\$118) as the registration fee for news sites, and 5,000 takas (\$59) as the annual fee for renewal. Until an official commission is formed, the Press Information Department (PID) will be responsible for registering sites.¹⁰⁵ Another list of 51 news portals allowed to register was released in November 2020.¹⁰⁶

Beginning in July 2019, global social media and commercial websites operating in Bangladesh without offices in the country were subjected to a 15 percent value-added tax (VAT) on their digital services, including advertisement for foreign products.¹⁰⁷ Amazon Web Services and Google completed the process to get VAT registration in May 2021, ending a two-year long stalemate over the issue.¹⁰⁸ Facebook received its registration in June 2021, after the coverage period.¹⁰⁹

In September 2020, a local sales partner of Facebook, Httpool, paid over 17 million takas (\$200,000) in VAT and fines after the VAT Intelligence Directorate of the National Board of Revenue (NBR) filed a case against them over noncompliance with the VAT Law. The suit, lodged on charges that Httpool had failed to deposit VAT revenues they collected from Bangladeshi clients advertising on Facebook, failed to file returns, and failed to notify VAT authorities of a change of address, was dropped after the money was paid.¹¹⁰

The Bangladesh Telecommunication Regulatory Commission (BTRC) is in discussion regarding the creation of guidelines for taxing and further controlling content on messaging platforms and over-the-top (OTT) streaming media services.¹¹¹

B7 0-4 pts

Does the online information landscape lack diversity and reliability? 3 / 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.¹¹² As 4G technology has become widespread, YouTube content in Bengali languages have become more popular, especially during the COVID-19 restrictions.¹¹³ Some YouTubers in the field of food, music, entertainment, and news boast over a million subscribers.

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 express their opinions and experiences in response to broad discrimination in the country. Since 2002, a network called Boys of Bangladesh has been active, and at present manages an official Facebook page,¹¹⁴ as has another page called Bangladesh Against Homophobia, which has more than 14,000 subscribers.¹¹⁵ Similar groups evolved on Facebook over the past few years, such as Bangladesh LGBT Community (6,100 members), Bangladesh LGBTQIA Sangh (2,200 members), LGBTIQ Bangladesh (2,500 members) and LGBT Bangladesh (4,200

members), among others.¹¹⁶ However, the overall environment in Bangladesh is hostile and dangerous for LGBT+ people: state discrimination is prevalent and there have been violent, sometimes fatal, attacks in recent years.¹¹⁷ Many activists have gone into hiding.¹¹⁸

While Bangladesh’s marginalized ethnic groups are inadequately represented in the mainstream media, the popularity of social media and news sites have 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.¹¹⁹

Other marginalized groups, such as religious minorities, have been the targets of offline violence due to mis- and disinformation spread on social media platforms, such as Facebook, in the past. In November 2020, a mob vandalized and burned several homes of Hindu people after the Facebook post of a Bangladeshi expat living in France generated high tensions and undefined “rumors” in Cumilla’s Muradnagar. The post in question allegedly praised French President Emmanuel Macron for criticizing Islam following the decapitation of a teacher in Paris who had displayed caricatures of the prophet Muhammad. A local kindergarten headmaster had been supportive of the post in a comment, a screenshot of which went viral with the claim that he supported such caricatures of the prophet. The police arrested two people after the incident, including the headmaster, under the Digital Security Act on charges of harming religious sentiment.¹²⁰

B8 0-6 pts

Do conditions impede users’ ability to mobilize, form communities, and campaign, particularly 3 / on political and social issues? 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.

During protests in March 2021 against the visit of Indian Prime Minister Narendra Modi, during which at least 12 people were killed, Facebook and Facebook Messenger services were restricted for three days.¹²¹ The Post and Telecommunications Minister stated that the restrictions had been carried out by law enforcement agencies for national security purposes, though the Bangladesh Telecommunications Regulatory Commission (BTRC) had initially maintained that restrictions were due to technical glitches.¹²² At the same time as the Facebook restrictions, some users reported restrictions to 3G and 4G internet services in areas near the capital and within various districts.¹²³

Social media platforms, particularly Facebook, continue to play an important role for mobilization and awareness raising. In October 2020, a Facebook profile image blackout movement started trending in Bangladesh protesting incidents of rape in Sylhet MC college and Begumganj Upazila in Noakhali. The movement intended to show what a world without women would look like.¹²⁴ Another trending social media movement was started by the son of abducted journalist Shafiqul Islam Kajol shortly after he went missing in March 2020. Monom Polok launched the campaign for his father, #whereiskajol, over Facebook, Instagram, and Twitter, successfully garnering international attention. His father returned after 53 days, but was then immediately arrested and detained for nine months, released on bail in December, and quickly charged again under the DSA (see C3 and C7).¹²⁵

Previously, in protests in April and August 2018, demonstrators shared photos and videos paired with hashtags to spread their message.¹²⁶ In a troubling move, however, the Dhaka police invoked cybercrime laws to open investigations against demonstrators for allegedly spreading propaganda online, a tactic they repeated months later against political opponents in the run-up to the national election.¹²⁷ August 2018 protests also saw authorities restrict 3G and 4G service, reducing protesters’ ability to live stream and share other video content related to reports of violence during the demonstrations.¹²⁸

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 2 / information, and press freedom, 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,¹²⁹ 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,¹³⁰ though it also includes an array of penalties for citizens who violate others’ rights to communicate electronically (see C2). The Digital Security Act (DSA), which parliament approved in September 2018, is ostensibly meant to prevent cybercrime and replace parts of 2006 ICT Act. However, it contains provisions that can infringe on free expression online (see C2).

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. The Dhaka Cyber Tribunal is the only one as of March 2021, though plans have been made to form cyber tribunals in Bangladesh’s seven other divisions.¹³¹ The Appellate Tribunal, which can reverse the Cyber Tribunal’s rulings, has yet to be formed.¹³²

The judicial system of Bangladesh is formally independent from the executive and legislative branches, but critics assert that it can be partisan. Police and regulators generally bypass the courts to implement censorship and surveillance without oversight, and pressure on judicial officers by government actors continue to pose a concern.¹³³

C2 0-4 pts

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

Online activists, journalists, and other users regularly face civil and criminal penalties for online expression. Notably, Section 57 of the 2006 ICT Act outlines prohibitions on the electronic dissemination of defamatory, obscene, or false information, with violations punishable by a minimum of seven years’ imprisonment and fines of up to 10 million takas (\$125,000).¹³⁴ In 2013, the ICT Act was amended, increasing the maximum prison term for those convicted from 10 to 14 years.¹³⁵

In September 2018, the parliament approved the draft DSA; the cabinet first approved the act in early 2018.¹³⁶ While Section 57 of the ICT Act was repealed by the legislation, the new law imposes similarly restrictive provisions. Section 21 provides for sentences of up to 14 years in prison for anyone who uses digital devices to spread negative propaganda regarding the Liberation War 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 three years in prison for publishing information intended to defame someone. Section 31 provides for sentences of up to seven 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.

Under the DSA, no warrant is required before making ICT-related 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, which can be extended to a maximum of 105 days, leaving users in custody for months.¹³⁷ The government has voiced interest in stopping abuse of the DSA, but does not plan to amend it.¹³⁸

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 DSA illegal for being too broad and infringing on free expression.¹³⁹ In February 2020, the High Court asked the government to explain why sections 25 and 31 of DSA are constitutional, and should not be repealed.¹⁴⁰ As of May 2021, the hearing had not taken place.¹⁴¹

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.¹⁴²

C3 0-6 pts

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

In Bangladesh, individuals are frequently penalized for online activities that are protected under international human rights standards.

A number of journalists, activists, and ordinary users have been arrested and charged under the DSA.¹⁴³ The nongovernment organization (NGO) Article 19 in a 2020 report concluded that the government was increasingly using the controversial DSA to harass, charge, and arrest people for their online and offline speech.¹⁴⁴ More than 800 cases were filed under the DSA within the first nine months of 2020, and data from the government’s Cyber Crime Tribunal shows that nearly 2,000 cases have been filed under the DSA since its implementation in October 2018.¹⁴⁵ In a May 2021 report, Article 19 found that 410 of 631 attacks on journalists and human rights defenders in 2020 involved the criminalization of online expression.¹⁴⁶

The DSA continues to be weaponized to intimidate journalists into ceasing their critical commentary, frequently on corruption and largely by progovernment or state actors who file cases based on personal complaints.¹⁴⁷ On May 10, 2021, journalist Khalilur Rahman was arrested under the DSA after the councilor of Nalchity Municipality filed a case with local police over allegedly defamatory comments that Rahman had made on Facebook the day before. He was jailed on May 11 for the post, which had called on the mayor of Nalchity to look into a road maintenance project that the councilor had received money for.¹⁴⁸ On April 20, 2021, journalist Abu Tyeab was arrested after the mayor of Khulna filed a DSA case against him for a Facebook post Tyeab had made claiming a company affiliated with the mayor was evading taxes.¹⁴⁹ Tyeab was sent to jail two days later and released on bail after 21 days’ imprisonment. The mayor also filed the case

against journalist MA Sabur Rana for comments he had made on Tayeb’s post, claiming they were defamatory and baseless. Rana was sent to jail on June 3, 2021, and was granted bail the following month, on July 6.^{[150](#)}

Previously, in March 2020, a DSA case was filed against photojournalist Shafiqul Islam Kajol and 31 others for an article about the arrest of Jubo Mohila League leader Shamima Nur Papia.^{[151](#)} The report, which Kajol later shared on social media, alleged that influential bureaucrats and politicians were involved in a sex work and extortion scandal.^{[152](#)} Kajol was abducted in front of his office one day after the case was filed, found alive 53 days later, detained by authorities, and released after eight months (see B8 and C7).^{[153](#)} Another case was filed against him in February 2021 for the Papia-related content he had shared on Facebook, in response to which he was allegedly granted permanent bail, before having fresh charges brought against him in May 2021 under the allegation that he intended to deteriorate law and order in posting the allegedly defamatory photos and text on Facebook.^{[154](#)}

In a rarer case filed under non-DSA charges on February 17, 2021, a government-linked Bangladeshi lawyer filed a sedition case against Al-Jazeera Media Network’s acting director general Mostefa Souag, British journalist David Bergman, Swedish-Bangladeshi journalist Tasneem Khalil, and Hungary-based entrepreneur Zulkarnain Saer Khan over an Al-Jazeera investigative report that had also been blocked by the government (see B2). The report alleged that the country’s army chief aided in the escape of his brothers with criminal convictions.^{[155](#)} The court rejected the case later that month.^{[156](#)}

During and shortly after the March 2021 visit of Indian prime minister Narendra Modi and the resulting protests, numerous everyday users were arrested under the DSA for unfavorable posts about Modi and Bangladeshi prime minister Sheikh Hasina (see B8). 19-year-old Rabiul Islam was arrested under the DSA on March 31 for posting a music video to Facebook that used photos of the prime ministers deemed offensive by the progovernment youth leader that filed the case.^{[157](#)} User Mizanur Rahman Sikder was arrested on April 1, 2021, and sent to jail the following day under the DSA for sharing allegedly distorted photos of both prime ministers on Facebook.^{[158](#)} Another user, Nurul Afsar, was arrested on April 5, 2021, for allegedly defamatory comments he made on a March 26 Facebook post about Modi and Hasina.^{[159](#)} Many others, including students, were arrested and jailed for similar posts.^{[160](#)}

Musicians have faced arrest under the DSA for posting content deemed offensive to religious figures or leaders. In December 2020, the Dhaka Cyber Tribunal issued arrest warrants against Baul singer Rita Dewan and two individuals that had uploaded a video of hers to Youtube, Shahjahan Kabir and Iqbal Hossain, following a case that had been filed against them in February of that year. The previous December, Dewan had performed a live session in which she reportedly made a comment about Islam in a musical battle against another performer who played God. A lawsuit was then filed against them for “hurting religious sentiment” under the DSA. As of November, Dewan had had four such cases filed against her, and a flood of videos online had called for her death. On January 13, 2021, a Dhaka tribunal granted Dewan interim bail.^{[161](#)} Previously, Sufi folk singer Shariat Sarkar was arrested in January 2020 for allegedly making comments in a concert relating to Islam and singing, a video of which was uploaded to YouTube.^{[162](#)} He was charged with violating Section 28 of the DSA for hurting the “religious sentiment” of Muslims, and reportedly granted bail in August 2020.^{[163](#)}

In November 2020, police announced that they had arrested Tithy Sarker, a third-year zoology student at Jagannath University who had previously been missing for two weeks.^{[164](#)} She was sent to jail under the DSA over screenshots of allegedly derogatory comments about Islam made from her Facebook account, which had gone viral the previous month;^{[165](#)} she claims the remarks were made after her account was hacked.^{[166](#)} A university student was arrested on March 21, 2021, for making allegedly derogatory remarks about the prophet Muhammad on his Facebook page. The police filed the case under the DSA after the comments reportedly went viral, and the student was later suspended from the university.^{[167](#)} User Jhumon Das Apon was arrested under the DSA on March 16, 2021, in connection to Facebook posts he had made about Islamist leader Mamunul Haque. He was denied bail in May 2021 and remained in jail throughout the end of the reporting period.^{[168](#)}

Users have routinely been arrested and charged for their online criticism of the government’s response to the COVID-19 pandemic. Facebook user Mizanur Rahman Mizan was arrested on April 19, 2021, under the DSA for criticizing a mobile court that imposed fines on local businesses for violating safety protocols during lockdown.^{[169](#)} In May 2020, cartoonist Ahmed Kabir Kishore, writer Mushtaq Ahmed, activist Didarul Bhuiyan, and businessman Minhaz Mannan were arrested for allegedly spreading rumors and misinformation on Facebook about the government’s response to the pandemic.^{[170](#)} All but Mannan had DSA charges pressed against them on February 4, 2021.^{[171](#)} Bhuiyan and Mannan had been released on bail in September 2020.^{[172](#)} After having their bail petitions rejected as many as six times, Mushtaq Ahmed remained in detention until his death on February 25, 2021, and Kishore was released on bail in March 2021 (see C7).^{[173](#)} The Counter Terrorism and Transnational Crime Unit (CTTCU) of the police sought permission from the court to interrogate Bhuiyan and Mannan for their posts in March 2021.^{[174](#)} A user protesting Mushtaq Ahmed’s death in a Facebook status was also arrested in a case filed under the DSA on February 27, 2021.^{[175](#)} He was released on bail on April 18, 2021.^{[176](#)}

Section 57 of the ICT Act was frequently used to penalize online expression before it was repealed and replaced with the DSA in late 2018. Between July and September 2018, a crackdown on the road safety and job quota protest movements in Dhaka led to approximately 100 arrests and 52 cases filed under Section 57 of the ICT Act, sections of the penal code, and the Special Powers Act.¹⁷⁷ Authorities used social media content—including likes, shares, and posts—as justification for many of the arrests.¹⁷⁸ Most were charged with spreading false information or working to destabilize the country.

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption? 2 / 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 are required to obtain a mobile connection, curtailing users’ ability to communicate anonymously.¹⁷⁹ The BTRC is set to implement a National Equipment Identity Register system in 2021 that will automatically register mobile phones to the country’s IMEI database, though its status and potential impact are unclear.¹⁸⁰

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.

C5 0-6 pts

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

Score Change: The score declined from 2 to 1 due to the emergence of evidence that the government purchased surveillance technology from Israeli-based firms that is capable of monitoring and extracting data from mobile devices.

Bangladesh recognizes the right to privacy and correspondence under Article 43 of the constitution.¹⁸¹ However, there is no specific privacy or data-protection law, leaving internet and mobile phone users vulnerable to surveillance or other violations of their privacy.¹⁸²

A February 2021 Al-Jazeera investigation alleged that Bangladesh had bought Israeli-made surveillance equipment capable of monitoring hundreds of mobile phones simultaneously in 2018. The DGFI purchased the tool, known as the P6 Intercept, from Israeli-based firm PicSix, which is run by former Israeli intelligence agents.¹⁸³ The report stated that in February 2019, Israeli intelligence agents trained Bangladeshi military intelligence offices in Hungary—from where the contract claims the equipment originally came, as Bangladesh officially prohibits trade with Israel.¹⁸⁴

Building on these allegations, a joint investigation between Al-Jazeera and Israeli newspaper *Haaretz* revealed in March 2021 that the Bangladesh government had recently purchased phone-hacking equipment developed by the Israeli company Cellebrite. The product, UFED, can unlock and extract data from mobile phones, including encrypted data, and the report showed that officers of Bangladesh’s Criminal Investigations Department were apparently trained on in Singapore in February 2019. The investigation also referenced the Bangladesh government’s investment in surveillance drones and Wi-Fi interceptors, as well as a training project for members of the Rapid Action Battalion (RAB) on the use of UFED that began in 2019 and was set to end in June 2021.¹⁸⁵ A notorious paramilitary force, the RAB has a track record of human rights abuses that include extrajudicial killings, disappearances, and torture.¹⁸⁶

A CitizenLab report from September 2018 had earlier 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.¹⁸⁷

Separately, the government introduced the smartphone app Corona Tracer BD in June 2020. The app uses Bluetooth proximity tracking to alert users if they have come in contact with a confirmed positive infection.¹⁸⁸ There is little information about what data the app uses, how it is stored, and who has access to it. Over one million people had downloaded the app by May 2021.¹⁸⁹

Social media monitoring remains a concern in the country. In March 2020, the Ministry of Information announced that a new unit would monitor social media for “rumors” related to COVID-19.¹⁹⁰ They scrapped the order after two days in the wake of public outrage.¹⁹¹ Previously, in October 2018, the government had announced a new social media monitoring program to identify “fake news” and propaganda online. The project reportedly began in November 2018 and is overseen by the RAB.¹⁹² The program’s initial budget was 1.2 billion takas (\$14 million).¹⁹³ Similarly, in August 2018, authorities announced that the police would establish a monitoring cell in each local district across the country to monitor “cybercrime” and the spread of rumors, including on social media.¹⁹⁴ It is unclear whether this program is connected with the RAB’s monitoring efforts.

The privacy rights of mobile phone users have also been threatened. In December 2018, it was revealed that the BTRC had collected the personal information of about 70 million mobile subscribers and shared it with other government agencies for a purported “survey.”¹⁹⁵

In September 2019, the BTRC confirmed that the government set up the Cyber Threat Detection and Response project (see B3).¹⁹⁶ News reports from 2017 had revealed that the government was planning to install internet monitoring equipment worth approximately \$19 million by May 2018 for the project’s purposes. Reports claimed 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.¹⁹⁷

The Ministry of Home Affairs submitted a proposal in 2015 to purchase approximately \$25 million worth of equipment from foreign companies to upgrade its mobile telephone, internet, and related surveillance networks. The proposal requested that a cabinet committee on economic affairs 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 Ministry of Home Affairs since 2014, according to reports. Foreign companies listed in the proposal include the US firms Verint Systems and SS8, German firms Trovicor and UTIMACO, the Italian firm RCS, the Chinese firm Inovatio, and the Swiss firm New Saft.¹⁹⁸ The companies advertise equipment capable of analyzing data traffic, calls, emails, and audiovisual materials online. In June 2018, the Ministry of Home Affairs’ proposal to spend \$27 million on the surveillance technology was approved.¹⁹⁹

In 2014, the UK-based nonprofit Privacy International reported that the RAB sought 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.²⁰⁰ The same year, leaked documents about a Bangladesh law enforcement agency’s 2012 purchase of FinFisher software distributed by Gamma International, which is used to monitor digital traffic, was published on WikiLeaks.²⁰¹

C6 0-6 pts

**Does monitoring and collection of user data by service providers and other technology companies 2 /
infringe on users’ right to privacy? 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).²⁰²

Bangladesh lacks a dedicated personal-data protection act.²⁰³ 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.²⁰⁴ 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.²⁰⁵ Numerous leaks of personal audio and video communications to social media 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 the fall of 2020 (see C5).²⁰⁶ In November 2020, the state ICT Minister announced that a draft law on data localization for locally produced data and data privacy was underway.²⁰⁷

In 2017, Facebook refused to sign a memorandum of understanding with the Bangladesh police requesting that the social media platform require additional identification, including national identification numbers, from Bangladeshi nationals to register an account.²⁰⁸

Between July and December 2020, Facebook received 300 requests from the government for user data—almost a 25 percent increase from the previous six-month period. Facebook provided them with at least some data in 44 percent of cases.²⁰⁹

C7 0-5 pts

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

Physical violence, intimidation, and harassment of online journalists and ordinary users have increased in recent years, and reports of abduction and torture in detention in relation to critical social media activity emerged during the coverage period.

On February 25, 2021, writer Mushtaq Ahmed died in detention at the Kashimpur High Security Prison. He had been detained in May 2020 alongside colleague and cartoonist Ahmed Kabir Kishore in relation to an article he posted on Facebook criticizing the lack of personal protective equipment (PPE) for healthcare workers during the COVID-19 pandemic, and for sharing cartoons drawn by Kishore on the same platform (see C3).²¹⁰ Kishore claims that Ahmed had relayed to him that he had been tortured by electric shock.²¹¹ Though the cause of his death remains unclear, several human rights organizations considered it a direct result of the country’s practice of prolonging detentions, and lamented the lack of accountability within the 100 days following.²¹² Kishore, who had been detained for his Facebook posts depicting caricatures of party leaders and criticizing their handling of the COVID-19 pandemic on Facebook, also reported being tortured in detention upon his release in March (see C3).²¹³ He says the severe beatings he endured left him without hearing in one ear and difficulty walking from pain in his knee and ankle.

Ashraf Uddin Mahdi, a student and online activist, was kidnapped in Dhaka in August 2020.²¹⁴ Mahdi told Amnesty International that he was released after 48 hours on his abductors’ conditions that he cease posting critical commentary on social media about people connected to the government. In a separate case before the coverage period, in March 2020, journalist Shafiqul Islam Kajol was abducted in front of his office one day after a case was filed against him and others under the DSA (see B8 and C3). The case stemmed from a report Shafiqul shared on social media alleging influential bureaucrats and politicians were involved in a sex work– and extortion scandal.²¹⁵ He was found alive 53 days later, 250 kilometers (155 miles) away from his office, in Benapole near the Indian border.²¹⁶ He was then detained by authorities and eventually released on a bail in December 2020.

Beatings by progovernment actors in retaliation for critical online commentary have also risen in recent years. In August 2020, members of the student wing of the ruling Awami League party, the Chhatra League, accused Dhaka University law student Saleh Uddin Sifat of carrying out “antigovernment activities” on social media and beat him so severely that he required hospitalization.²¹⁷ Members of the same student wing had previously tortured and murdered fellow student Abrar Fahad in October 2019.²¹⁸ The attack was potentially in retaliation for Fahad’s Facebook activity criticizing the government’s new water-sharing agreement with India.²¹⁹ Supporters of the Awami League had also physically attacked Mostafizur Rahman in February 2020, a reporter for online news portal Agami News, while he covered the Dhaka City Corporation election.²²⁰ He was hospitalized and received stitches on his head.

Family members of dissidents, including of those living in exile, also experience harassment for their relatives’ online activities. France-based online human rights activist and government critic Pinaki Bhattacharya, who fled Bangladesh in 2018 fearing detention by the DGFI, relayed on Facebook that police had visited his father’s home in October 2020 to interrogate his mother and uncle. They also called his wife to interrogate her. Police asked the family members about personal information pertaining to themselves, Bhattacharya, and their modes of communication with each other.²²¹ Before the coverage period, in April 2020, three intelligence agency officials visited the mother of the editor in chief of Netra News, Naznin Khalil. The men pressured Khalil’s mother to call her son and tell him to stop publishing reports that “tarnish the image of Bangladesh.”²²²

Online harassment and death threats continue to pose a threat to those expressing themselves on social media. In June 2020, an Oxford graduate student from Bangladesh name Shamir Montazid posted a picture of himself standing in front of a pride flag. Montazid had been the chief operating officer of a well-known online educational platform, 10 Minute School, and the image quickly went viral. He was then attacked online by trolls and cyberbullies who accused him of indoctrinating youth with “liberal gay values.”²²³ The founder of the platform, Ayman Sadiq, soon began receiving messages containing calls to destroy the platform, hate speech, and numerous death threats.²²⁴

Journalists and ordinary users have been subject to physical violence, intimidation, and harassment linked to online comments about COVID-19, as well as in 2018 amid student protests and elections.²²⁵ Journalists and others who speak out on controversial issues have been killed in the past. A series of bloggers murdered from 2013 to 2016 has had a deleterious effect on internet freedom. Although local Al-Qaeda branches claimed responsibility in some cases,²²⁶ police have said that local radical groups, notably the Ansarullah Bangla Team, recruited and trained students and religious teachers to execute the targets, at times using machetes.²²⁷ Many bloggers have left the country or sought asylum abroad.²²⁸ In February 2021, a court sentenced five men to death and one to life in prison for the February 2015 murder of secular blogger Avijit Roy.²²⁹

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to 1 / widespread hacking and other forms of cyberattack? **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.

May 2020 reporting from the Swedish investigative Netra News cited whistleblowers alleging that the Directorate General of Forces Intelligence (DGFI) maintains a team of civilian, contracted hackers who work for the Signal Intelligence Bureau (SIB).²³⁰ The hacking team reportedly has sophisticated technology that gives them the ability to intercept SMS messages to access verification codes for two-factor authentication. Netra News also claimed that they have evidence that the SIB hacked into the Facebook account of writer Pinaki 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 they use for high-value hacking operations. Also according to the article, during a May 2020 Facebook Live event on COVID-19 and government censorship featuring Netra News editor in chief Tasneem Khalil and members of the student organization Swatantra Jote, members of the Public Relations Monitoring Cell (PRMC) mass reported the page to Facebook. The platform then imposed restrictions on Swatantra Jote’s page.

Malware attacks used to steal user information pose threats to cybersecurity in Bangladesh. In February 2021, the Cyber Threat Research team of the e-Government Computer Incident Response Team (BGD e-GOV CIRT) identified a malware campaign targeting critical-services websites.²³¹ The campaign used a version of Remote Access Trojan (RAT) to steal users’ personal information by creating fake government websites mimicking domains including the Bangladesh Police, Islami Bank, the Government Corona Portal, and Brac Bank, among others.²³²

Private-sector actors are also frequently subjected to technical attacks. On April 1, 2021, BGD e-GOV CIRT published a report stating that Hafnium, a Chinese hacking group, had compromised the email servers or website portals of 147 entities in Bangladesh.²³³ These included government entities such as the Bangladesh Bank, the Bangladesh Army, and the Bangladesh Telecommunication Regulatory Commission, as well as other financial institutions and business.²³⁴ The group is thought to have exploited server vulnerabilities of Microsoft Exchange in order to gain access.²³⁵ Earlier, cyberattacks against three Bangladeshi banks in May 2019 caused major monetary losses, with one bank losing approximately \$3 million in the attack.²³⁶

Footnotes

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