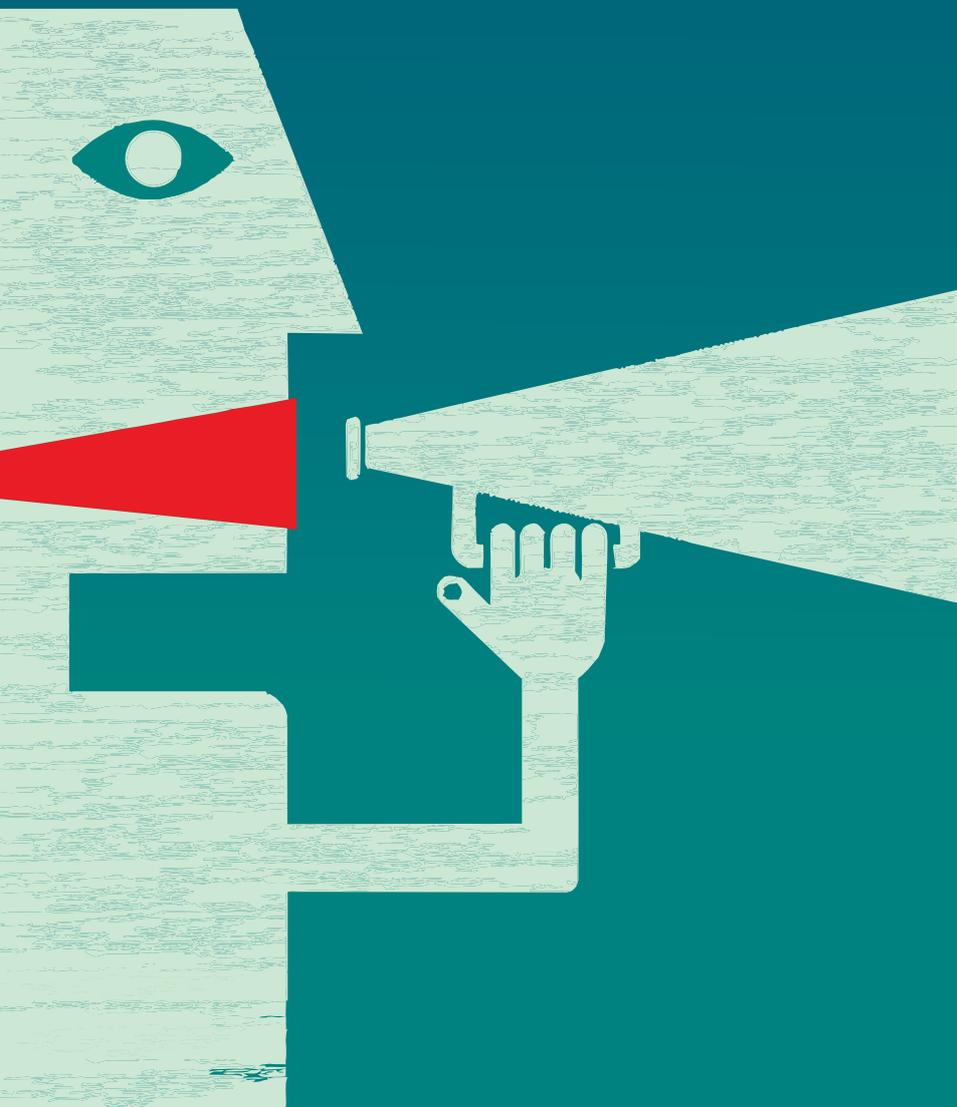


*An assessment of*  
**SHRINKING CIVIC SPACE  
IN BANGALDESH  
DURING COVID-19**



AN ASSESSMENT OF  
**SHRINKING CIVIC SPACE IN BANGLADESH DURING COVID-19**

December 2021



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# LIST OF ABBREVIATIONS

**AL**- Awami League

**BGB**- Border Guard Bangladesh

**BNP**- Bangladesh Nationalist Party

**CGS**- Centre for Governance Studies

**CRNI**- Cartoonist Rights Network International

**CSO**- Civil Society Organization

**DSA**- Digital Security Act

**DSE**- Dhaka Stock Exchange

**DUCSU**- Dhaka University Central Students' Union

**GoB**- Government of Bangladesh

**ICCPR**- International Covenant on Civil and Political Rights

**ICT**- Information and Communication Technology

**IFF**- Illicit Flow of Finance

**LGBTIQ+**- Lesbian, Gay, Bisexual, Transgender, Intersex or Questioning

**NHRC**- National Human Rights Commission

**OHCHR**- Office of the High Commissioner for Human Rights

**SPSS**- Statistical Package for the Social Sciences

**SDG**- Sustainable Development Goals

**SAHR**- South Asians for Human Rights

**RAB**- Rapid Action Battalion

**UN**- United Nations

**UPR**- Universal Periodic Review

# TABLE OF CONTENTS

## **Chapter-1: Background**

- 1.1 Context
- 1.2 Objectives
- 1.3 Methodology

## **Chapter-2: Civic Space and Civic Engagement: An Overview in Bangladesh Context**

- 2.1 Civic space in the constitutional and legal framework
- 2.2 Citizen and CSOs' Participation' in the democratic process
- 2.3 CSO-Enabling Environment and the compromised state of civil society

## **Chapter-3: Squeezing Civic Space, citizen and democratic rights in Bangladesh amid the COVID-19**

### **3.1 Repressing freedom of expression**

- i. Massive Surveillance in the Digital arena
- ii. Instrumental use of Digital Security Act (DSA)
- iii. Silencing the dissident: Custodial Torture and Death

### **3.2 Restriction on Freedom of Assembly**

- i. Muzzling the political opponents and association
- ii. Obstructing citizen and youth movements
- iii. Prolonged restrictions on the opening of educational institutions and teacher-student protest at universities

### **3.3 Limiting the Freedom of Association**

- i. Restriction on Social Movements
- ii. Restriction on Civil Societies and Development Organizations
- iii. Restriction on Free Movement

## **Chapter-4: Conclusion and Recommendations**

- 4.1 Conclusion
- 4.2 Recommendations

# CHAPTER-1

## BACKGROUND

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### 1.1 Context

Civil society played a pivotal role in the country's liberation when Bangladesh emerged as an independent country in 1971. Among the reasons that triggered the movement for the country's liberation was the closing civic space for Bengalis; their voice was throttled by the then Central Government of Pakistan. The 24 years under the Pakistani regime (1947–1971) was marked by a history of oppression of the Bengalis, and it was expected that after liberation, the Bengali people would be able to exercise their democratic rights freely. However, a perusal of the post-independence period, from 1971 to the present, reveals that the culture of rejection of dissenting views is still prevalent and has been constantly affecting the lives of Bengalis. Political turmoil, military coups, and enactment of unpopular laws have all been aimed at suppressing dissent in the country since independence.

In the first few post-independence years, the insertion of provisions in the Constitution that suspended fundamental rights during emergencies, the introduction of preventive detention laws, and the formation of a single political party, coupled with limiting the number of newspapers circulated in the country, are some ways in which attempts were made to restrict civic space. However, it has also been posited

that the early years of independence necessitated such steps to restore stability in the country. After the 1975 assassination of President Bangabandhu Sheikh Mujibur Rahman, widely hailed as the Father of the Nation, the country went into the hands of military rulers. For the 15 years that followed, the country was governed by a military-bureaucratic alliance that foiled democratic institutions. The founding principles of the State outlined in the Constitution—democracy, nationalism, secularism, and socialism—were compromised. In particular, the principles of absolute faith and trust in the Almighty were inserted in the place of secularism and the Islamic customary expression 'Bismillah Ar Rahman Ar Rahim' inserted at the outset of the Constitution.

After the fall of General Hussain Ershad from power in 1990, parliamentary democracy was restored through a general election in 1991. However, even the post-1991 period has seen an ebb and flow of attempts made to continue to restrict civic space. The country saw the rise of Islam-based politics with the Bangladesh Nationalist Party (BNP)-Jamaat-e-Islami alliance coming to power in 2001, with the religious minority communities, mainly Hindus, facing violence.<sup>8</sup> Since 2004, there has been a rise of religious militancy, and

recurrent attacks on secular thinkers, as well as the enactment of suppressive laws that go against the spirit of the Constitution and human rights norms. The current ruling party, the Awami League, which also led the country's independence movement, has been in power since 2009, having won the elections three times—in 2009, 2014, and 2018—although the credibility of the elections held in 2014 and 2018 has been questioned. During the 2009-2014 period, the government enacted some progressive legislation, including those aimed at protecting the right to information, the formation of a National Human Rights Commission (NHRC), restoration of original constitutional principles, and so on. The enactment of these laws had been widely celebrated. However, the post-2014 environment has been marked by political vandalism and destruction, including enforced disappearances and apprehension of opposition political figures. The misuse of social network platforms by the vested groups and terrorists led to the formulation of national broadcasting policies, regulation of the activities of non-state actors, and the enactment of the Digital Security Act 2018. While the need for such steps can hardly be overemphasized, the legislative and administrative steps have taken an overall toll on the fundamental human rights situation in the country. On many occasions, the new legislative measures have been useful in addressing the rumors, militancy, online harassment, etc. But they have substantially curbed the liberty of citizens and groups, in particular, those working for the protection and promotion of minority rights have been affected severely, including those focused on religious

minorities, indigenous peoples, refugees, LGBTIQ+ communities, and labor rights.

New rules during the pandemic just received a boost on restricting civil rights for the common citizens of the country. Bring the constitution of Bangladesh, people's rights, gradually got repressed, govt. using covid immensely. Since the inception of the global pandemic, the midweeks of March 2020, civic space has come under attack in Bangladesh. A brutal trend has started in this country where the government began shrinking the space of the citizens using both legal, and extralegal actions. They are using the "Covid-19 pandemic" as a tool to justify violating the exercise of free speech and peaceful assembly. Authorities have detained, prosecuted, attacked, and even killed critics, closed media outlets, broken up peaceful protests, and enacted vague laws in the name of protecting public health and security. The victims include human rights defenders, writers, bloggers, cartoonists, journalists, activists, artists, singers, filmmakers, healthcare workers, political opposition groups, and others who have criticized government responses to the coronavirus. During this period, the government of Bangladesh has been unable, or unwilling to some extent in implementing proper steps that led the nation into torture, enforced disappearance, and extrajudicial killings. However, torturing, beating, detaining, prosecuting, and censoring peaceful critics violates the fundamental rights of the citizens of the country that are guaranteed by the constitution.

In a democratic country like Bangladesh, it is expected that the citizens would be able to organize, participate and communicate with each other freely without any obstacle, and would have the right to influence the political and social structures of the country. There must be an environment to enable civil societies who play significant roles in the political, economic, and social life in our societies. On the contrary, there were police forces who physically assaulted journalists, bloggers, and protesters, including some who criticized government responses to Covid-19. The assault includes firing live ammunition at peaceful protesters, assaulting them in detention, and beating them at checkpoints, with brutality and impunity. In most cases, these forces said they were enforcing Covid-19-related regulations whereas the security forces injured, detained, and fined dozens of protesters.

Freedom of expression implies that people have the right to seek, obtain, receive and hold information about human rights and human rights violations. Repressing that freedom, the government started doing massive surveillance in the digital arena. The government is misusing the Digital Security Act (DSA) as a prime instrument in silencing dissidents and any kind of criticisms. Such acts are leading to custodial torture and death that have become prominent in the country. The political opponents and associations got muzzled due to the restrictions on social movements, political movements, citizen and youth movements. This creates restrictions on freedom of assembly and association as well. Despite the challenges

faced by people around the world during COVID-19, responses to the pandemic must not be used as a tool to restrict civic space.

The necessary space that must be given to the citizens of a country, i.e., the “Civic Space” allows individuals and groups to contribute to policy-making that affects their lives, including access to information, expressing dissent or disagreement, and joining together to express their opinions and views through communications and discussions. Thus, it is a prerequisite for establishing sustainable development and peace in a country. The advancement of new inventions and technologies in Bangladesh has helped civil societies to grow their networks to some extent, but it has also helped the government to get access to control civil society movements and media freedoms under security pretexts. Today, this civic space is under immense pressure falling prey to various prevailing repressive laws with increased restrictions. In most cases, the state authorities are citing social distancing concerns, or using Covid-19 as a justification to disperse protests and other gatherings critical of government policies unrelated to the coronavirus. In all cases, the authorities are immensely intervening citizens’ actions even in their personal lives.

The Government has used Covid-19-related public health measures or laws predating the pandemic to arbitrarily arrest, detain, or prosecute thousands of people expressing their opposition to the authorities’ responses to the pandemic or other government policies unrelated to

Covid-19. People who criticized the government in any way were behind bars, either in pretrial detention/ remand or in prison after being convicted.

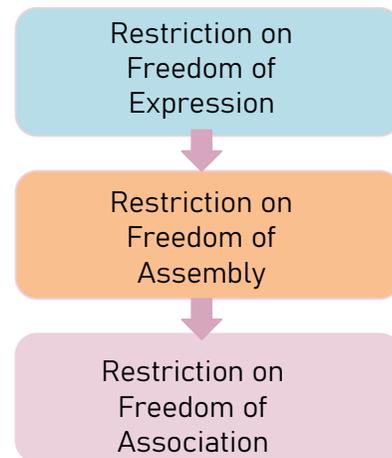
All democratic Governments are abided by an international obligation to provide the public with access to accurate information, including methods of preventing and controlling a pandemic. Restriction on free speech can make it tough to find misinformation about Covid-19, including conspiracy theories about false and dangerous treatments that easily get viral in both virtual and real life. It is quite evident that the violent crackdowns on a critical speech by the government are nothing but a treacherous attitude to sideline fundamental freedom in the name of countering the pandemic. Governments have to protect the public from this deadly pandemic and not open sanctions and open mandates for restricting access to information and vanquishing dissent. While internationally it is permitted to provide accessibility to all important information that is necessary for the citizens to know about the exact situation of the country, it could still be narrowly tailored to safeguard against censoring information that is against the government or viewed as dissenting, distasteful, or insulting. However, that must be done harmoniously

## 1.2 Objectives

The main focus of the study is to assess the overall condition of civic space and civil rights in Bangladesh. Also, to critically analyze the gradual trend of shrinking civic

and must not harm any individual, or opposition party, or civil society, etc.

It is high time the Government and other state authorities must end excessive restrictions on free speech in the name of preventing the spread of Covid-19 and hold to account those responsible for serious human rights violations and abuses. Governments are obligated to protect the right to freedom of expression, including the right to seek, receive, and impart information of all kinds online and offline. The right to freedom of expression is integral to the enjoyment of freedom of assembly, including for public protest. digital surveillance, data protection and privacy, violation of data privacy rights.



*Fig: Suppressing Civic Space*

space in the country specifically focusing on the freedom of expression, assembly, and association. The broader objective of this research is to critically assess the

implementation of COVID 19 regulations affecting civic space.

The dissemination of this study would lead to sensitizing and raising awareness among stakeholders. Thus, the knowledge

base would be enhanced and awareness among the greater public would be raised. Lastly, this study would assess the citizen and democratic rights, condition, critical analysis, legal and constitutional rights.

### 1.3 Methodology

This study makes use of a qualitative research strategy, where the research approach implemented has been made by synthesizing facts that are derived from both primary and secondary sources, and which are qualitative. Reports from government and CSOs, published articles and journals, seminar/conference papers and proceedings, digital documents available in social media and daily newspapers have been consulted to gather data and information. Primary information was collected through Key Informant Interviews of 15 respondents from human rights defenders, academicians, CSO representatives, journalists, and rights activists including lawyers. Given the ongoing Covid-19 pandemic and the restrictions on physical movement, data was also collected through online interactions, virtual meetings, and phone interviews.

The research makes use of data triangulation and analysis as it allows

approaching the research objectives from different viewpoints. This necessitated questionnaires and interviews with the respondents. To cover more abstract aspects of the research, complementary method structured interviews were conducted consisting of several questions, which were separately taken from the respondents.

The analysis of the questionnaire results took place via thematic analysis. Because of the small number of respondents and the diverse design and answer sets of the questions, and because of the qualitative research approach of the study, no statistical software was used (SPSS or STRATA). The results of the interviews were also analyzed manually, where common answers were chosen to be able to determine trends and tendencies in the answers of the respondents.

# CHAPTER-2

## **CIVIC SPACE AND CIVIC ENGAGEMENT: AN OVERVIEW IN BANGLADESH CONTEXT**

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### 2.1 Civic space in the constitutional and legal framework

Civic space is defined as the set of conditions that determine the extent to which all members of society, both as individuals and groups, can exercise their basic civil rights freely without any discrimination. Principal among these is rights of information, expression, assembly, association, and participation. These rights are enshrined in international law and reflected in the constitutions and legal frameworks of a majority of countries around the world. The extent to which these fundamental rights are respected and enabled in practice, however, varies enormously, and no nation can claim a perfect record in protecting these rights for all inhabitants.

The Constitution does not expressly grant the fundamental right to privacy. However, the courts have read the right to privacy into the following existing fundamental rights:

- freedom of thought and conscience;
- freedom of speech under Article 39; and
- right to life and personal liberty under Article 32.

These fundamental rights under the Constitution are, though, subject to reasonable restrictions provided under Article 39 (2) of the Constitution that may be imposed by the State. Under Article 43, the Constitution grants every citizen the right, subject to any reasonable restrictions imposed by law in the interests of the security of the State, public order, public morality, or public health, to the privacy of his/her correspondence and other means of communication. Furthermore, the Constitution provides that no person shall be deprived of life or personal liberty except according to procedures established by law. As such, judicial intervention is very much possible in the legal system of Bangladesh, and so much privacy is subject to the application of lawful interception.

The Technology Act and the Digital Security Act address issues relating to wrongful disclosure, misuse of personal data, and violation of contractual terms in respect of personal data. Bangladeshi constitution, Universal declaration on human rights-treaties and laws, this many orgs ensured it Article 39, 43 (b), many more relevant, violation of laws. Article 38 of Bangladesh

was substituted by the Constitution (Fifteenth Amendment) Act, 2011 (Act XIV of 2011), section 16. As per the amendment: "Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interests of morality or public order."

On October 5, 2016, Bangladesh's Parliament passed a controversial law named the Foreign Donations (Voluntary Activities) Regulation Law 2016, which regulates the work and activities of foreign-funded non-governmental organizations (NGOs). The law provides for a series of highly restrictive measures that will significantly limit the ability of non-governmental organizations (NGOs) to operate in the country, in violation of the national constitution and the State's international human rights law obligations.

Among other restrictive measures, the law prohibits organizations from receiving foreign donations without prior governmental approval; requires all organizations who receive foreign donations to register with the NGO Affairs Bureau; requires prior approval from the NGO Affairs Bureau for all projects that are funded by foreign donations; provides for penalties if the NGO Affairs Bureau concludes that an NGO is engaging in activity that is "illegal or harmful for the country;" and provides the NGO Affairs Bureau with the power to deregister NGOs if they make malicious or derogatory statements about the constitution and constitutional bodies of the country.

According to the Kennedy Center for Justice and Human Rights, or RFK Center,

the unchecked power for the NGO Affairs Bureau and the broad scope of this law makes it virtually impossible for Bangladesh to enforce these provisions in compliance with its international human rights law obligations. Bangladesh should be building an environment that enables the vital work of NGOs throughout the country, not putting in place measures to limit their ability to operate.

Robert F. Kennedy Human Rights calls on the Bangladeshi government to immediately repeal the law and adopt the necessary measures for development and human rights NGOs to operate in an enabling environment that complies with international standards. This is because it shrinks civic space which is essential to the healthy functioning and development of any society and is considered a precondition for accountable governance and social justice. Civic space is critical to enable all members of society to contribute to public life by empowering them to exercise their fundamental rights of information, expression, assembly, association, and participation. When civic space is restricted, human and civil rights are denied, government accountability is jeopardized, citizen voices are silenced, civic energy is sapped, confidence in state authorities is eroded and opportunities for dialogue and development are lost. According to the UN, It is essential in any society that there is space for peaceful dissent, discussion and dialogue. And it is incumbent upon every Government to help create this space.

Bangladesh confirmed the first COVID-19 case in its territory on March 7, 2020,

though many experts speculated that the virus may have entered the country earlier than that but had not been detected due to inadequate monitoring. On March 25, Bangladesh declared the enforcement of a lockdown for 10 days effective from March 26. With the enforcement of this lockdown, travel on water, rail, and air routes was banned and road transportation was suspended. All businesses and educational institutions were closed, except for pharmacies, groceries, and other unavoidable necessities. Later, in two instances, the country declared extensions of the nationwide lockdown, keeping it in place through April 25, and those people coming from different areas of the country had to head back to their home residences. From the first week of March, Bangladesh

started to postpone all mass gatherings—political, social, cultural, and religious rallies. This created challenges and threats in the right to peaceful assembly, people continued to take to the streets to voice their concerns related to COVID-19 and demand other important rights. International human rights law makes clear that while limitations on rights are permissible during a health emergency, these limitations have to be necessary, proportionate, non-discriminatory, and in place for a limited period. However, as highlighted in CIVICUS’s 2020 report *People Power Under Attack*, some governments including the GoB have gone beyond this and used the pandemic as a pretext to further restrict civic freedoms.

## 2.2 Citizen and CSOs’ Participation’ in the democratic process

Theories of modernization suggest that socio-economic development is important for democratic practices whereas others have indicated the role of political factors such as political culture or modes of electoral mobilization and campaigning.

All forms of violence, violence against children, the flow of arms, Rule of Law and access to justice, Illicit financial flows, stolen assets, organized crimes, corruption and bribery, public access to information all of these are pivotal tools to establish sustainable peace justice, and strong institutions. Transparency International

Bangladesh published a report in June 2020, where it said that the intentional homicide rate has reduced in 2019. Violence against women and children has risen. 88.8 percent of the children starting from 1-14 were reported to experience physical or psychological aggression. In the Global bribery risk index 2019, Bangladesh was ranked 178. A survey, Citizen perception Household Survey 2018 revealed that 31.32 percent of the total population had at least once been approached for a bribe or been given a bribe. In the year 2015, Illicit Flow of Finance (IFF) from Bangladesh was 36 percent of its total tax revenue. Overall, the condition of bringing peace, justice, and strong institutions is poor and stagnating. Protecting fundamental freedom and the

functioning of SDG 16 in Bangladesh is staggering and other related targets to goal 16 under other goals have varied developments, improvements, and progress. However, specifically, the targets under goal 16 are almost stagnant and in this chapter how 16+ is instrumental in Bangladesh is shown.

2018 has produced some unexpected election results in Bangladesh. That year's election is historic for several reasons. It is being held on 30 December, the month when millions celebrated the country's 48th victory day. The previous national election was boycotted by the main opposition and ended in bloodshed. At that time, the opposition is determined to participate in the election at any cost. The incumbent government, therefore, faces a difficult choice. Failure to organize a credible election will undermine the rule of law, increase political uncertainty, and put at risk the country's development gains. On the other hand, a fair election may end authoritarian rule. Since the start of the election campaign on December 10, opposition leaders in Bangladesh have come under attack almost daily. According to local and international media, some campaigning opposition candidates have been publicly beaten by ruling party cadres or sent to jail on false accusations.

Although poverty and extreme poverty levels are declining, a lot of people in Bangladesh are still living below the poverty line. The high incidence of poverty and the growing wealth of the rich shows the inequality in Bangladesh is worsening over the years. Poverty rates have fallen from 31.5% to 20.5% and extreme poverty

levels have fallen from 17.6% to 10.5%. However, millions of people in the country remain in poverty. According to the World Bank's Poverty and Shared Prosperity 2018 report, Bangladesh is home to 24.1 million extremely poor people (out of more than 160 million) who earn less than US\$1.90 a day.

Human Rights Watch - The Bangladeshi government should review and reform the proposed Digital Security Act (DSA) instead of enacting the law in its current form. On January 29, 2018, the cabinet approved a draft law, intended to replace the much-criticized Information and Communication Technology Act (ICT). The draft is even broader than the law it seeks to replace and violates the country's international obligation to protect freedom of speech.

Amnesty International - Responding to the newly enacted Digital Security Act 2018 in Bangladesh which has drawn serious concerns for press freedom and the right to freedom of expression, Amnesty International's South Asia Campaigner, Saad Hammadi, said: "This law imposes dangerous restrictions on freedom of expression. Instead of learning from the lessons of the past, it seeks to repeat them. Given how the authorities have arbitrarily arrested hundreds of people in the past six years under the Information and Communication Technology Act, there are serious concerns that the new Act will be used against people who speak out." "The government's disregard for editors' recommendations and the concerns of the general public shows a lack of concern for the grave issues regarding the bill that have been raised by civil society. The

government must revert its course from this regressive law that compromises its international commitments and ensure they fully uphold the right to freedom of expression as protected by international human rights law."

Article 19 - ARTICLE 19 has expressed grave concern regarding the bizarre filing of cases and arrests under the Digital Security Act (DSA) 2018 across the country,

### 2.3 CSO-Enabling Environment and the compromised state of civil society

Civic space is the politico-legal and socio-cultural environment that enables citizens to come closer, share their interests and concerns, and act individually and collectively to influence and shape policy-making. In Bangladesh, mainstream civil society organizations (CSOs) are mostly philanthropic groups, citizen coalitions, and private voluntary agencies. Many CSOs seek to meet the needs of under-served or neglected populations, to expand the freedom of or to empower people, to engage in advocacy for social change, and to provide services. The exact number of CSOs in Bangladesh is unknown. According to one estimate, the number of CSOs registered with various governmental authorities totals 250,000. Among these, it is estimated that less than 50,000 organizations are active.

There have been certain instances where press freedom was repressed and contents

for merely manifesting views on social media. The controversial act has further spotlighted the towering crisis in the government's capacity, efficiency, and management in tackling the ongoing Covid-19 pandemic following the arrests of a ninth-grader boy, university teachers, students, writers, journalists, and cartoonists, ARTICLE 19 said in a press statement.

were blocked and censored in Bangladesh. Some of these instances are discussed below.

The controversial general election of 2014, which witnessed widespread political violence, has deeply divided Bangladesh's political landscape. CSOs and media organizations have also become sharply polarized while trying to survive in an atmosphere where the authorities always have the final say, regardless of whether local dissenters or the international community view things differently. Democracy in Bangladesh has come to be defined along the lines of 'I will agree with you as long as you agree with me.' Amidst a winner-takes-all, zero-sum-game political culture, dissenting voices are slowly waning as self-censorship is rising.

In 2015, the Government blocked social media sites for 22 days following protests after the verdicts of the International Crimes Tribunal. The government also

monitors bloggers in the country. A leaked report showed that bloggers killed in Bangladesh overlapped with those under the surveillance of the state.

In 2016, the Government of Bangladesh blocked 35 news websites without any explanation that included multiple game sites and adult pornography sites. Critical issues such as enforced disappearances, secret and arbitrary detentions, extrajudicial killings, and a crackdown on the freedoms of speech and association have become the new normal. Since the introduction of the 2016 Foreign Donation Act, CSOs in Bangladesh are in a state of confusion: barring a handful, most stay silent regarding the widespread human rights abuses and choose to play safely on the multiple governances and rights deficits to avoid the wrath of the almighty authorities. And the Bangladeshi media have resorted to self-censorship. Many have even jumped on the bandwagon to trumpet the so-called development successes of the incumbent government.

In May 2017, the Government of Bangladesh blocked a website of Swedish Radio after it published a report containing a confessional statement over extrajudicial murders by an officer of Rapid Action Battalion. In 2017, the Government of Bangladesh blocked The Wire, an Indian newspaper, following a report on the Directorate General of Forces Intelligence abducting an academic. From 1 to 2 June 2018, the Government of Bangladesh blocked the website of The Daily Star for an in-depth investigation into the Drug Trade. In August 2018, Shahidul Alam was arrested after he gave an interview

criticizing the Government of Bangladesh on Al Jazeera English.

All this is happening at a time when financial sustainability has become a persistent problem for CSOs. Most of them have long depended on external grants for their sustainability and survival, and currently face continued shortages as development partners slowly reduce the amount of aid on the pretext of Bangladesh's now elevated economic status as a lower-middle-income country. Meanwhile, in 2018 the BRAC Center topped the list of outstanding non-profits worldwide for the third year in a row, pointing to the fact that all hopes are not yet lost for CSOs in Bangladesh.

During 2018, domestic civil society organizations (CSOs) in Bangladesh, including media organizations, have largely adopted a see-no-evil strategy to survive and the few remaining independent entities have felt the heat and wrath of the authorities when trying to expose the widespread human rights violations and abuses of democratic values.

The Government has approved the usage of Deep packet inspection to monitor web traffic. According to Freedom House, Bangladesh is partly free like 63 other countries in the world. Freedom House has reported that the Awami League government has consolidated its power through the intimidation of political rivals and journalists. The government of Bangladesh throttled internet speed during the 2018 Bangladesh road-safety protests to prevent information from being uploaded.

While a section of the media has remained independent and strives hard to play a critical role in holding the government accountable for its actions or inaction, the criminalization of dissent, the widespread practice of self-censorship by most media outlets, and the use of physical violence against journalists and bloggers, along with impunity for past murders and other acts of violence, have weakened the voices of the public. Attempts have been made to use social media to fill this gap in highlighting various governance and human rights deficits, and these have made the government unhappy. In response, the government recently introduced the Digital Security Act 2018, which journalists and human rights defenders fear will further slash the freedom of expression and media freedom.

Both CSOs and media are recognized as important pillars of Bangladesh's national integrity strategy. The SDGs also call upon governments to undertake collaborative actions involving CSOs and media to

achieve sustainable development targets. Tripartite partnerships among government, media organizations, and CSOs are therefore imperative for sustainable changes to arise. Any deviation from this approach will only diminish democratic and human rights values and practices.

In this challenging environment, Civil Society Organizations (CSOs) play an essential role. CSOs that connect to and work with marginalized communities with a focus on advocacy and accountability are key to ensuring that human rights, transparency, and citizens' participation are safeguarded. Furthermore, in an environment where governments face unprecedented economic negative shocks and need to decide what trade-offs to make, civil society organizations that focus their work on research and analysis are essential to promote evidence-based decisions. Without organizations that represent a wide range of people, we cannot build just, peaceful and inclusive societies that leave no one behind.

# CHAPTER-3

## **SQUEEZING CIVIC SPACE, CITIZEN AND DEMOCRATIC RIGHTS IN BANGLADESH AMID THE COVID-19**

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The global health, economic and social crisis generated by the COVID-19 pandemic has dramatically highlighted the vulnerability of certain populations which have been disproportionately affected. Existing structural problems and inequalities have been exacerbated. Health workers and concerns faced difficulties and fell prey to vague compliments of the government during this period.

Over time, a worrisome trend of shrinking civic space and enhanced restrictions on CSOs has emerged in Bangladesh. These threats to civic space take a multitude of forms that include passing restrictive laws governing CSOs, blocking CSO funding, cracking down on public demonstrations, harassing or intimidating civic space actors through arrests, smear campaigns, physical attacks, etc.

On 20 March 2019, the government blocked aljazeera.com after it published a report that implicated Major General Tarique Ahmed Siddique, Defense Advisor to Prime Minister Sheikh Hasina, in the abduction of his business associates. The Joban, a Bengali language news website, was blocked after publishing the report on Tarique Ahmed Siddique. In this case, both

websites were blocked by intelligence agencies circumventing Bangladesh Telecommunication Regulatory Commission and proper procedure.

In January 2020, the Government of Bangladesh blocked Netra news, a Swedish-based news website, after they published a report accusing Obaidul Quader of corruption and used pictures of him wearing expensive watches including a 34-thousand-dollar Rolex. Currently, in Bangladesh among the press and even among the public there is a tendency developed for self-censorship just to avoid possible hassles and legal constraints.

A report specifically highlighted that in 2020, the country has blocked access to social media, blocked access to websites, shut down the internet, arrested and physically assaulted internet users, and conducted technical attacks on the internet (October 10, 2021, The Daily Star). The report also pointed to the newly proposed data protection bill as including "extremely broad and far-reaching investigative powers, including the power to obtain access to all personal data and access to any premises." This, together with pre-existing roadblocks to the freedom of

speech and the press both online and offline, means that citizens will find it harder to protect their rights going forward.

There should be legitimate concerns about what it will ultimately mean for people's privacy and other basic rights. The biggest concern highlighted by the report: the shrinking space for free speech in cyberspace. At a time when civilization is transferring more and more of itself onto the internet—by doing business, communicating, learning, and other activities—the fact that people's voice online is being increasingly curtailed is extremely detrimental for societal well-being and human rights. It is also a threat to democracy. This is why cyberspace needs to be freed from the increasingly intrusive surveillance and legislation being pushed by the government. This report is another grim reminder that we are quickly reaching a point where online freedom may soon cease to exist. Now would be a good time to turn back.

As foreign assistance has dwindled, CSOs have maintained engagement with the government on 'safe and soft' issues. The Sustainable Development Goals (SDGs) have given a new lease of life to these CSOs, which have not missed the opportunity to engage with the government on SDG issues. The mechanisms they use include advocacy, lobbying, awareness-raising, media campaigns, and partnerships with politicians, bureaucrats, academics, and socio-cultural activists. The NGO Affairs Bureau under the Prime Minister's Office has also recognized the value of CSO engagement and recently formed a seven-

member CSO sub-committee to advise the Bureau, the regulator, on SDGs.

However, when it comes to critical and independent views on democratic values, human rights, and governance deficit issues, the authorities will only welcome softer 'constructive criticism'. So, when CSOs like Transparency International's Bangladesh chapter take a harder position and say, for instance, that parliament is lacking in playing its role of ensuring accountability and establishing good governance, the government and its supporters happily slam the organization for undermining parliament.

Currently, in Bangladesh, only a handful of credible CSOs will stand up for victims of human rights violations, demand government accountability, and inform the media about violations perpetrated by public officials. A section of civil society bears some responsibility for the deteriorating situation. Plagued by the existence of weak boards and strong founder/successor executives, CSO accountability has taken a backseat. With notable exceptions, CSOs provide compromised tax returns and audits to the government. Many CSOs do not practice internal audits; coupled with inadequate self-regulation, the weaknesses of CSOs' accountability systems create opportunities for unscrupulous regulatory officials to manipulate the situation.

In 2020, Bangladeshi human rights activists, lawyers, journalists, and academics demanded the immediate release of people arrested under the DSA and the repeal of the act itself. Despite

indications from the Law-Minister Anisul Huq that steps were being taken to ensure the law was not being abused and that no one could be arrested under it before an

investigation had taken place, there appear to be no steps by the government to amend or repeal the law.

### 3.1 Repressing freedom of expression

Freedom of speech is to express your words, thoughts, and opinions without any hesitation, fear, or pressure. When one cannot express their opinion, cannot comment on a particular issue against a particular person or a group, party, or state then that means there is no freedom of speech. There's a line between freedom of speech and hate speech. Freedom of speech is to express one's feelings, thoughts, or opinions in a constructive way. On the other hand, hate speech is targeting someone or a group and using bad language or saying something which hurts their sentiment or triggers them.

The right to freedom of opinion and expression grants all people the right to express themselves and to seek, receive and impart information through any medium. Freedom of expression allows pluralist dialogues and creates a secure platform for critical voices. It ensures that people have the right to seek, obtain, receive and hold information about human rights and human rights violations. Freedom of expression is codified in the Universal Declaration of Human Rights (UDHR) in Section 19, which states in part: "...everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart

information and ideas of all kinds, regardless of frontiers, either orally, in writing or print, in the form of art, or through any other media of his choice." States should ensure that people can peacefully protest, publicize and circulate information, and criticize the failure of governments to protect or promote human rights. Violations of the right to freedom of expression have wide implications for society as a whole. Freedom of expression is fundamental to the underlying values of democracy and is essential for a free and independent media space. This includes the right of anybody, especially human rights defenders, to have access to and use information technologies and the media of one's choice, including radio, television, and the Internet.

Human rights defenders do not have more rights than other people but, as with journalists and media workers or lawyers, those holding power often aim at silencing them. Hence, they need higher protection to be able to express their opinions and promote any human right. This applies even more to those expressing dissenting views, defending the rights of persons belonging to minorities, or espousing minority beliefs.

The manifestation of dissenting views can take different forms. It can be through peaceful protests or media, during public events, or through calling for boycotts, such as of an electoral process or a referendum. States must comply with both negative and positive obligations. That is, refraining from interfering with the right to express dissenting views, and adopting measures to protect the expression of views peacefully.

We are not talking about the classic examples of challenges to freedom of expression where repressive regimes attempt to block, limit and inhibit across a population as a whole. Rather we are looking at cases wherein both more and less free societies particular groups face greater barriers to free expression than the wider population. Such groups can often be denied an equal voice and active and meaningful participation in political processes and wider society. Poverty, discrimination, legal barriers, cultural restrictions, religious customs, and other barriers can directly or indirectly block the voices of the already marginalized. How much do these barriers and lack of access to freedom of expression matter?

Why is access to freedom of expression important? Freedom of expression is a fundamental human right. It also underpins most other rights and allows them to flourish.

The fact that freedom of speech has taken a backseat in this corona time is not surprising. Historically, in times of national emergencies of any kind, states have assumed more power. And this assumption

of power has been justified under the excuse that states need greater power to rescue the nation—to take drastic measures, etc. Exercise of freedom of speech or other freedoms in such times have been viewed as obstacles to the state's necessity, and hence, these freedoms have been sacrificed or become less important. Generally, the popular government in times of crisis enjoys the support of its populace. And people generally also tend to think that the exercise of these freedoms may jeopardize or hinder the national process. The best example is of course in wartime when the government usually manages to excite the people against the enemy and take emergency measures. Now we don't have war, we have pandemics. But still, war-like language is often being used. There have been mentions of us fighting an invisible war—meaning the coronavirus. And hence freedom of speech is once again the usual casualty. Freedom of speech is more important in terms of holding the government accountable. So, all rights are essential, for different purposes and in different situations.

Greater exercise of freedom of speech or expression will better help facilitate the taking of right decisions. In the absence of freedom of speech, the government may end up taking whimsical, unwise decisions—decisions without the participation of the populace that often tends to be wrong. But we are not allowed to ask any questions when there are so many questions to ask about the government's efficiency and success—to hold the government accountable in terms of its efforts to control the virus. And now

we know that the government has miserably failed. If the government had allowed the relevant journalists, particularly those covering the health sector, to ask challenging questions, the government would have had to justify its decisions. And that would have helped the government come up with much better responses than it is managing now. So, the poor response from the government so far, to a large part, is down to the fact that it has decided to remain silent and silence those who ask questions. And so, in a way, it has refused to face up to the people. By taking questions, it could have involved the entire population in this struggle. But now it is only a government effort. And every afternoon the people are just made to listen to some sermon on what we should do and what we should not, without being a party to those decisions.

The function of the judiciary and the parliament and to an extent the press is to hold the government accountable. The parliament is not in session, even the budget is being pushed through after having very few discussion sessions. And the judiciary is in complete lockdown. Nobody else is in that kind of lockdown anymore. Why is the judiciary still in complete lockdown? It is letting the government do what it wants to, basically with no accountability. The limitation of rights, coupled with the abdication of its role by the judiciary, will always foster a more abusive government— which will lead to a more prolonged health disaster, among other disastrous consequences.

We have to strongly assert our rights now, and not wait for a post-Covid world. Some

recent comments and news reports in our media are increasingly becoming more critical, but also realistic about the government's almost utter failure in dealing with this crisis. The government can for the time being ignore the criticism. But more trenchant use of freedom of speech, particularly by those who care for the nation, will have a tremendously positive role in pursuing the government to take better measures. It is incumbent upon those who are supposed to hold the government responsible to now openly exercise their right to free speech more sharply and with greater focus, to compel the government to change course when it is doing wrong and to encourage it to do what is right and to take more efficient measures. People should be more vocal about the corruption, lack of coordination, and the self-pursuit of people in power, and the establishment of special medical facilities for the so-called important persons, while the rest of the population is ignored—and people must start doing that.

The years 2013 through 2016 marked particularly turbulent times for the writing and publishing community with the killings of bloggers and attacks on writers. Books on sensitive or controversial issues such as religion, atheism, or sexuality have been banned at the month-long Boi Mela (Ekushey Book Fair) and their publishers threatened with the closure of their stalls. All this has contributed to deteriorating freedom of expression and a climate of fear and self-censorship among writers and publishers. Many feel that diverse views are no longer welcome. Writers cannot speak and write freely. Dissenting voices

have been clamped down on, or have fled

into exile

## I. Massive Surveillance in the Digital arena

Bangladesh is reportedly among 45 countries where people have been spied upon with the Pegasus spyware, created by Israeli company NSO Group. Reports by some major international news outlets said rights activists, journalists, politicians, and jurists in 45 countries across the world have been targeted since 2016 with the spyware that works on iPhones and Android devices. The spyware can harvest data, turn on the mic and camera of a smartphone without the user's input, track location, and record keystrokes, the reports said. In some cases, it can be installed without the need to trick a user into initiating a download. NSO Group sold the software to at least 10 countries and scores of its clients.

A Washington Post in its Q&A: A guide to 'spyware' said Citizen Lab, a Canadian cybersecurity organization, has documented suspected Pegasus infections in 45 locations. Bangladesh was named among the locations mentioned by the Washington Post. The leak consists of more than 50,000 smartphone numbers believed to have been identified as connected to people of interest by NSO clients since 2016.

Although the pandemic offered us opportunities for thinking about digital organizing in the context of Bangladesh in innovative ways, we are also experiencing the harsh reality of activists and

participants of various organizing initiatives facing backlashes and surveillance. The Digital Security Act remains a nightmare for social justice activists who rely on social media platforms. The government of Bangladesh faced strong criticisms from local and global human rights advocates since the act had been enacted. Amnesty International reported that about 2000 cases had been filed under the Act and many of these cases targeted journalists (DW, March 3, 2021). There was a flurry of criticisms both from local protestors and international human rights bodies after the recent death of Mushtaq Ahmed in prison, who was arrested for posting comments on Facebook criticizing the government's Covid response. Nevertheless, the act remains at play.

The Digital Security Act passed by the Bangladeshi parliament the law, which replaces the much-criticized Information and Communication Technology Act (ICT), retains the most problematic provisions of that law and adds more provisions criminalizing peaceful speech. It is not just the draconian act threatening social justice activists who are using digital platforms during the pandemic. The government is increasingly enhancing its digital surveillance technologies and skills for monitoring and obstructing acts of dissent. According to Privacy International, RAB officers received approval to travel to countries, such as the USA, Russia, Netherlands, and Portugal, for obtaining training on advanced surveillance technologies. It reported that Bangladeshi

forces actively sought phone surveillance equipment known as 'IMSI Catchers' capable of identifying, tracking, and intercepting communications from all devices in an area. RAB also announced tender calls for sophisticated technologies such as 'wi-fi interceptor' and 'laser listening device' (Privacy International, August 14, 2018). After the road safety protest in 2018, Facebook was told by a Bangladesh government representative that it needs to abide by the law of

Bangladesh if it wants to run its operation in the country, and it should not allow publishing any post that goes against the state (The Independent, August 11, 2018). A recent Al-Jazeera report suggested that the Bangladesh army purchased Israel-made surveillance equipment that could mass-monitor cell phones of ordinary users. It also reported that Israeli intelligence experts trained Bangladeshi military intelligence officials in Hungary (Al-Jazeera, February 2, 2021).

## II. Instrumental use of Digital Security Act (DSA)

The government continued to use the draconian Digital Security Act (DSA) 2018 to suppress the right to freedom of expression and to target and harass journalists and human rights defenders. Despite repeated calls from civil society and human rights organizations to repeal controversial and punitive provisions of the DSA, the law was not amended.

The Centre for Governance Studies report says often an accused has been effectively punished even before trial. Some 4,657 people, mostly politicians and journalists, have been sued under the Information and Communication (ICT) Act and the Digital Security Act (DSA) since 2013, said a report of the Centre for Governance Studies. Of these cases, 925 were filed in 2018; 1,189 in 2019, and 1,128 cases in 2020.

According to the report, more than 1,500 cases were filed between 1 January 2020 and 15 September 2021. The Centre for Governance Studies was able to track details of 668 cases with 1,516 accused; among them 194 are politicians, 142 are journalists, 67 are students, and 35 are teachers. Among those who have been arrested, 42 are journalists, 55 politicians, and 32 students. They found that the majority of these cases were not filed by aggrieved individuals but often by ruling party activists for their leaders. Law enforcement agencies have filed 76 cases, a press release from the Centre said.

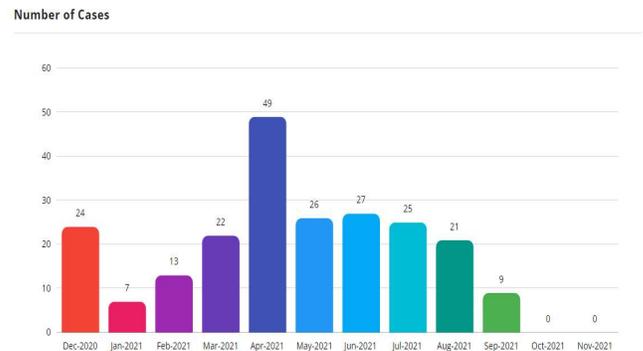
In April, Mohiuddin Sarker, the acting editor of Jagonews24.com, and Toufiq Imroz Khalidi, editor-in-chief of bdnews24.com, were charged under the DSA for publishing reports on embezzlement of relief materials intended for people economically affected by the COVID-19 lockdown. Both men were granted bail from the High Court and were awaiting trial at the end of the year.

In May, Ramzan Ali Pramanik and Shanta Banik, news editor and staff reporter respectively of Dainik Grameen Darpan newspaper, and Khandaker Shahin, publisher and editor of the online news portal Narsingdi Pratidin, were arrested for reporting on death in custody at Ghorashal police station. In June, AMM Bahauddin, the editor of Bangla national newspaper Inqilab, was charged for publishing a story about an adviser to the Prime Minister. The trial was pending with the court at the end of the year.

Academics were also persecuted for peacefully exercising their right to freedom of expression. In September, the Dhaka University authorities dismissed Professor Morshed Hasan Khan for publishing an opinion piece in a national newspaper, and the National University authorities dismissed Professor AKM Wahiduzzaman for posting a comment on Facebook about the Prime Minister. In June, two professors at Rajshahi University and Begum Rokeya University were sacked for Facebook comments they made about a deceased ruling party Member of Parliament.

In particular, there has been an upsurge in attacks on media critical of the government's response to the coronavirus

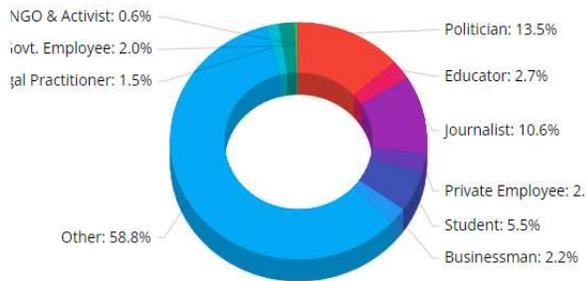
pandemic in Bangladesh. The Government is increasingly using the deeply flawed Digital Security Act 2018 to harass, charge and arrest journalists.



There have also been restrictions on dissent by the public: medical professionals have been told not to talk to the media; social media is being monitored; and government employees have been told not to like, share or comment on social media posts that are critical of the Bangladeshi government.

While the crackdown on freedom of expression has escalated during the pandemic, it also fits in a wider pattern of serious restrictions of critical voices in Bangladesh, where there are currently dozens of journalists, bloggers, and activists in prison for simply expressing their opinion.

### Profession of the Accused Person



In September 2020, a Dhaka University professor, Hasan Morshed Khan, faced

trumped-up sedition charges, had his position terminated, and was denied access to his residence on campus, all for publishing an opinion piece in a national daily. Bangladesh had at least 433 prisoners under the Digital Security Act as of July 11, 2021, Amnesty International told the United Nations Human Rights Council (HRC). The figure was 358 exactly a year ago (July 11, 2020), said the rights body during the Council's 48th session.

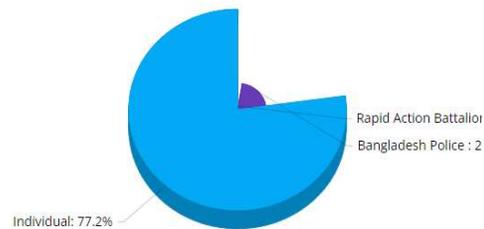
### III. Silencing the dissident: Custodial Torture and Death

Torture in police custody and silencing the dissident remains a massive cause of concern in Bangladesh, particularly with the enactment and implementation of the provisions of the Digital Security Act 2018.

Think-tank Centre for Governance Studies says it tracked details of 668 out of more than 1,500 cases filed under the controversial Digital Security Act in the last 20 months or so and found that only two of the cases have been disposed of.

The DSA came into force on this day three years ago and it has come under severe criticism for several of its sections which rights activists say curb people's freedom of expression and target-independent journalism.

This is even though the law stipulates an investigation report must be submitted within 60 days of the filing of the case. The authorities might get another 15 days of extension. Another month can be granted if allowed by the cyber tribunal.



It has been found that most of the acquisitions were made by different individuals through extralegal activities. However, on November 4, 2021, Law Minister Anisul Haque speaks at a discussion on the Bangabandhu killing, organized by Samprতির Bangladesh, at the National Press Club: "I mean, we're going to be tough on the misuse of the Digital Security Act. The minister said that he had also spoken to the home minister to ensure that journalists were not immediately arrested when cases were filed against them. He told me it would be done that way," he said, adding that a case would be registered immediately but the complaint would be scrutinized before arrest.

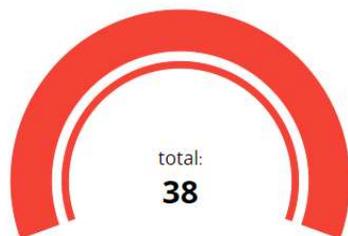
The Bangladesh government has ignored repeated calls for the repeal of the draconian law since it came into effect three years ago.

According to the governance and research platform, Centre for Governance Studies (CGS), more than 1,500 cases were filed under the DSA-2018 between January 1, 2020, and September 15, 2021.

The CGS tracked the details of 668 cases till September 7 2021 and found that the total number of accused in these cases was 1,516. Among them, the professions of only 571 people could be known. Of them 142 were journalists.

CGS data revealed that from 1,543 individuals accused, charges were pressed against only 1.17 percent, even though the law stipulates an investigation report must be submitted within 60 days of filing the case. This wanton disregard of the existing provisions of the law, which has led to the unlawful detainment without trial of those accused under the DSA, is a serious breach of the fundamental rights that a Bangladeshi citizen is accorded under the country's Constitution.

#### Outcome of Cases



## CARTOONIST AHMED KABIR KISHORE

Born in 1979, Kishore is identified as a Cartoonist Rights Network International (CRNI) "affiliate leader" in Bangladesh for his decades-long work as a cartoonist and activist. During March and April in 2020, Kishore drew several cartoons criticizing and satirizing the government's handling of the Covid-19 pandemic, posting it on Facebook with the title "Life in the Time of Corona". After walking out of jail, Kishore told the media that he was not in a condition to go home and needed to go to a hospital first. He also said he was tortured following his arrest. He stated that he was feeling pain in his left leg, which made it difficult for him to walk. "I was struck on my ear. Pus [fluid discharge] still comes out of it, and I am having hearing problems as a result," he said. He also complained that he was denied treatment in jail, adding that he had diabetes and his blood sugar level had spiked due to not receiving medical attention. Kishore added that he had become weak and devastated — both mentally and physically. Later on March 10, he filed a complaint with a Dhaka court under the Torture and Custodial Death (Prevention) Act against unidentified perpetrators.

## WRITER MUSHTAQ AHMED

In May 2020, police arrested writer Mushtaq Ahmed from his Dhaka residence under the Digital Security Act. He was not released till his death. He passed away on February 25, 2021. When he wrote his last letter from prison, Mushtaq Ahmed was worried about the health of his wife Lipa Akhter. She had suffered a mental

breakdown and had been hospitalized, reportedly because of her inability to obtain bail for her husband. The circumstances of Mushtaq Ahmed's death are unknown. It is unlikely that the autopsy will reveal anything untoward. It is not known if Ahmed was tortured after his arrest though according to one account, he was kept blindfolded for the first 36 hours after he was arrested. But, his fellow prisoner, Kabir, was the subject of brutal torture by the security agencies, his lawyer told the court. He was denied bail six times and finally passed away last night before he could ever walk free. Writer Mushtaq Ahmed, who had been locked up under the controversial Digital Security Act for over nine months, was in the Kashimpur High-Security Jail-3 in Gazipur. Kashimpur Jail superintendent Giasuddin told New Age that Mushtaq, 54, was declared dead by the duty doctor of Shaheed Tajuddin Ahmad Medical College at 8:10 pm.

### **DSE DIRECTOR MINHAZ MANNAN EMON**

On 6th May 2020, Dhaka Stock Exchange (DSE) Director Minhaz Mannan Emon was sent to jail in a case filed under the Digital Security Act. Ramna police produced the defendants to the Metropolitan Magistrate's Court with a prayer seeking their remand for seven days. Rapid Action Battalion

### **PHOTOJOURNALIST SHAFIQL ISLAM KAJOL**

On 9th March 2020, Awami League lawmakers from Magura-1 constituency Saifuzzaman Shikhor filed a case against Kajol. Dhaka court deferred it till November

8 the hearing on charge framing against photojournalist Shafiqul Islam Kajol in three cases filed under the Digital Security Act (DSA) in Dhaka. On March 10, Kajol went missing after leaving his office. After a 53-day disappearance, he turned up in police custody on May 3 after the Border Guard Bangladesh (BGB) arrested him on charges of trespassing at the Benapole border in Jessore. For seven months, he was denied bail several times by the lower court. Finally, the High Court granted him permanent bail in the three cases in November and December. He walked out of jail after 237 days, on December 25. On 18th April 2020, Detective Branch (DB) of police submitted the charge sheet against the photojournalist, and dropped the names of 31 others from the charges, as their involvement was not found.

(RAB) arrested a businessman and DSE Director Minhaz on May 6, following an anti-state propaganda lawsuit against him under the Digital Security Act. Minhaz Mannan, the cousin of Education Minister Dipu Moni, is also the chief executive officer (CEO) of BLE Securities Limited, which is a member organization of DSE. Reportedly, Minhaz and other detainees were arrested over the accusation of their online propaganda posts, the details of which could not be known. However, he was accused of promoting anti-state propaganda against the father of the Nation Bangabandhu Sheikh Mujibur Rahman in, 1971 liberation war, and misleading people with rumors against the government's handling of the coronavirus pandemic situation in Bangladesh.

## **RASHTRACHINTA COORDINATOR DIDARUL**

Didarul Bhuiyan was arrested on May 8 2020 in a case filed by RAB at Ramna Police Station under the Digital Security Act. He was accused of using Facebook to spread rumors about the Father of the Nation, the Liberation War, and the novel coronavirus pandemic; tarnishing the image of the state or government, and creating unrest. The case statement also said that various posts were made from the "I am Bangladeshi" page to tarnish the image and reputation of the state. Referring to Didarul and Minhaz as being "friends" of Mushtaq on Facebook, it was said in the statement that evidence of conspiratorial chatting against the state had been found on their WhatsApp and Facebook Messenger. He got bailed on 14 September 2020. Earlier, Didarul's bail application was rejected in a judicial court. He then applied for bail in the High Court.

## **VP NURUL HAQUE NUR CASE**

Former Dhaka University Central Students' Union (DUCSU) vice president Nurul Haque Nur was named as an accused in two cases filed under the Digital Security Act over hurting religious sentiments. Another DSA case was filed against Nur over the same incident later on.

## **3.2 Restriction on Freedom of Assembly**

The right to freedom of peaceful assembly continued to be severely restricted. The COVID-19 pandemic limited outdoor political

activities after March and indoor meetings of opposition parties were targeted by the authorities.

According to the case statements, Nur hurt the religious sentiments of Awami League supporters with his offensive comments during a Facebook Live stream in the afternoon on April 14.

## **Extrajudicial Executions and Enforced Disappearances**

In 2018, almost 222 people were killed by the security forces in alleged extrajudicial executions – 149 people were killed without being arrested, 39 were killed after arrest, and others died during torture or in other circumstances. At least 45 Rohingya refugees were allegedly extrajudicially executed by members of different law enforcement agencies during the year, mostly during operations as part of the “war on drugs”, a government campaign launched in 2018 which has resulted in thousands of extrajudicial executions.

Nine incidents of enforced disappearance were reported during 2018: a college teacher, an editor, a businessperson, two students, and four opposition activists. Three were later “found” by the police and then detained, and a student leader was released by undisclosed captors after 48 hours amid intensified protests from civil society and human rights organizations. One political activist was found dead, and four others remained missing later on.

Between January and December, the government officially blocked 17 public gatherings using Section 144 – a legal provision under the Penal Code 1860 that permits the authorities to prohibit gatherings of five or more people and the holding of public meetings on grounds of public safety. The government also blocked or dispersed several other political gatherings.

This reckless use of the controversial law has shrunk civic spaces and created a culture of fear in the country. We call upon the government to immediately remove this threat to freedom of expression and democracy, and rescind the DSA before more innocent citizens fall victim to it.

## **I. Muzzling the political opponents and association**

Since independence, political censorship and rising Islamism have combined to muzzle journalists and activists in the country. Independent Bangladesh has witnessed both military rule and the establishment of democratic institutions; throughout, the press has continued to suffer at the hands of not only various censorship laws but also some sedition and criminal libel laws. With the increasing use of social media in the recent decade, one of the most draconian laws, the Digital Security Act 2018, allows for conducting searches and arresting individuals without a warrant and criminalizes various forms of speech.

Bangladesh now ranks 151st among 180 countries, with the lowest score for press freedom among all South Asian countries, according to Reporters without Borders (RSF). In the two years since the Digital Security Act was passed, Bangladesh has dropped five places.

The main opposition party, the BNP, has been weakened by regular harassment and arrests of key members that have significantly harmed its ability to challenge the AL in elections. The 2018 election campaign was characterized by a crackdown on dissent that saw thousands of people and several political candidates arrested. There were also several acts of violence committed against opposition figures.

In the run-up to the 2018 parliamentary polls, former prime minister and BNP leader Khaleda Zia were convicted on corruption charges in two separate court cases, sentenced to over a decade in prison, and later banned from electoral competition. In March 2020, the government temporarily released Zia from jail to receive medical treatment at home, though she was not permitted to leave the country; her release was extended another six months in September. Zia remained sidelined by politics, which severely hampered the competitiveness of the BNP.

A JI spokesman said more than 1,850 party members were arrested ahead of the 2018 elections, and some party members

claimed they had been subject to torture while in custody.

In the first half of 2019, the BNP and other opposition parties boycotted local elections, which saw historically low turnout, but the BNP has since returned to political competition. In 2020, the BNP participated in municipal and other local elections.

In January 2021, members of the ruling party, Awami League, physically attacked the opposition Bangladesh Nationalist Party's (BNP) mayoral candidate in Dhaka City North during his campaign, injuring him and several of his followers.

In February 2021, police baton-charged and violently dispersed a series of meetings organized by the BNP and its affiliated organizations across the country. In July, police stopped an indoor discussion meeting of the newly formed Amar Bangladesh Party in Brahmanbaria district without any provocation.

In August 2021, police in the southern district of Barguna violently dispersed a peaceful rally and human chain organized to demand the release of a graduate student of Stamford University in Dhaka. Videos suggest that the police broke up the human chain violently without any provocation from the protesters.

On 25th October 2021, an article published in the Daily Star says that the Dhaka court issued arrest warrants against BNP Senior Joint Secretary General Ruhul Kabir Rizvi Ahmed and Organizing Secretary Ruhul Kuddus TalukderDulu in a Special Powers Act case.

Dhaka Metropolitan Session Judge KM Emrul Keyesh issued the arrest warrants after accepting the charges leveled against 18 BNP leaders and activists in the case. BNP leaders Khairul Kabir Khokon, Sultan Salauddin Tuku, Fazlul Haque Milon, Sarafat Ali Safu, and seven others are out on bail in the case, while Ishaq Ali Sarkar is in jail custody. According to the case statement, on February 2, 2015, a vehicle was set on fire in front of Appayan Community Centre in Mirpur's Pallabi area of the capital, during the BNP-led 20-party alliance enforced non-stop blockade program.

BNP leaders and activists brought out a procession in front of the National Press Club on March 8, 2018, demanding the release of BNP Chairperson Khaleda Zia, the statement added. Later, police filed a case against 18 and several other unknown people with Shahbagh police station. After an investigation, detectives submitted a charge sheet against the accused before the court.

## **II. Obstructing citizen and youth movements**

Civil society groups Front Line Defenders, CIVICUS, and South Asians for Human Rights (SAHR) have jointly published a report highlighting the use of excessive force, arbitrary arrests, and allegations of torture and ill-treatment by the Bangladesh security forces during student protests. The report also sheds light on attacks by non-state actors perpetrated with impunity against the students.

The report titled 'Crushing Student Protests' came out on 10 June 2020. It

discusses the government's response to two major student protests (quota reform and road safety movements) in 2018. The report states that both movements were faced with excessive use of force by law enforcement agencies. It also states that unidentified armed individuals – associated with the ruling party – attacked protesters with wooden logs, sticks, iron rods, and sharp weapons. Multiple cases were filed by the police against protesters, journalists were assaulted and detained; many student activists, their friends, and family members continued to face surveillance, intimidation, and harassment. The report states that these patterns portray how repression is continued for a longer period and effectively silences future dissent.

One such arrested journalist was Shahidul Alam, a well-known photojournalist, and activist. Mr. Alam was arrested by plainclothes policemen on 5 August 2018, a few hours after giving an interview to Al Jazeera English on the student protests. The next day, he was charged under the Information and Communication Technology (ICT) Act for making "false" and "provocative" statements.

The report observes that the crackdown on protests is indicative of a broader pattern of aggression and attacks by the Government against critics to silence dissent. The ICT Act (previously) and (now) the Digital Security Act, have been used to charge and convict human rights activists, journalists, and government critics for speaking up. Incidents of forced disappearance are also found.

Based on the study, the report opines that human rights defenders in Bangladesh have been subjected to 'unprecedented attacks' over the last years till 2021. Some of the human rights defenders have even left the country for safety after being targeted by extremist groups or even the State. They have not received proper support from the police and authorities. Others have been publicly smeared or have faced false accusations.

These violations are inconsistent with Bangladesh's Constitution and its international human rights obligations under the ICCPR and Convention against Torture, and other international laws and standards.

### **III. Prolonged restrictions on the opening of educational institutions and teacher-student protest at universities**

On 24th May 2021, students rallied and formed human chains in parts of the country in demand of reopening educational institutions, which were closed due to the pandemic. The government shut down educational institutions on March 17 2020 for the safety of the students as coronavirus struck the country.

Many students took to the streets as the government announced another week of lockdown while easing much of the curbs on public transportation and movement. A human chain protest under the banner of "General Students" was held in front of the National Press Club in Dhaka. The protesters said they are getting increasingly frustrated and worried about session jams as schools, colleges, and

universities remained shut for more than 14 months.

Similar protests were organized in different places outside the capital, including Jahangirnagar University, Sylhet Agricultural University, Sylhet Shahid Minar, Thakurgaon town, Rajshahi, Bogura town, Tangail Shaheed Minar, and Haji Mohammad Danesh Science and Technology University in Dinajpur.

The protestors said that the decision to keep everything except the educational institution open does not make any sense and urged the policymakers to consider students' futures.

They were also almost unanimously against online exams and classes as they stated that the benefits of online education failed to reach most of the students due to the digital divide.

The students also said that many of them are going through clinical depression

### 3.3 Limiting the Freedom of Association

Freedom of association is a fundamental human right proclaimed in the Universal Declaration of Human Rights 25 (1948). It is the enabling right to allow effective participation of non-state actors in economic and social policy, lying at the heart of democracy and the rule of law.

For many years the dirty secret of the steadily growing Bangladeshi garment

because of the status quo by pointing out how the suicide rate has increased among students of public universities during the pandemic.

They said that they are willing to return to the residential halls of their respective universities following vaccination and urged the concerned authorities to make a decision accordingly.

The students warned of more protests to press for their demand. On the other hand, authorities hope to decide to reopen all educational institutes in the country after assessing the Covid situation. It was earlier announced that the educational institutions would remain closed till May 29, 2020.

Secondary and Higher Education Division Secretary announced that the government has extended the lockdown till May 30 and added that they will announce a new date for the reopening of schools, colleges, and universities very soon.

industry has been its disposable workers. The lowest-paid garment workers anywhere in the world, hundreds of them have died in preventable factory fires and building collapses during the last two decades, and countless more have been injured. After each tragedy, labor groups have asked: How many more workers will have to die before the industry changes? Workers have demanded “no more fires.”

One of the reasons the Accord on Fire and Building Safety is such an important safety program in Bangladesh is that they understand that dangerous workplaces are

not just failures in building engineering or fire and electrical safety, but also of failures of a social system that ignores and excludes workers and denies them their voice. Workers know the safety problems in their factories better than anyone else. When they are denied the opportunity to report on those problems and suggest solutions, their workplaces are surely corrupted. Also, it violates the freedom of association when the workers do not get the opportunity to participate. Hence, the authorities must come forward to the defense of workers who are courageous enough to voice their safety rather than getting them fired or punished. Government must ensure that the workers are getting proper access to express their difficulties and are taking part in the decisions.

### **I. Restriction on Social Movements**

Bangladesh has introduced new restrictions on public movement during the coronavirus lockdown that has been extended till May 16, 2020. The local administration asked people to stay at home, except for emergency medicine, treatment, and funeral, etc. People otherwise are not allowed to go out from 8 p.m. to 6 a.m. Inter-district public transport services were closed during the lockdown. The mass exodus of people to their home towns to spend the festival of Eid-al-Fitr was prohibited.

Millions of Bangladeshis usually leave big cities and return to their home towns at the end of Ramadan to celebrate Eid with their families. Meanwhile, citing public need due to the upcoming festival, shops and malls have been allowed to remain open till 5

p.m. on a limited scale, strictly maintaining social distance and COVID-19 health guidelines. At every entrance of all shopping malls, there was an arrangement of cleaning hands with antiseptic soaps and hand sanitizers. Referring to the country's economic conditions, it added that readymade garments, pharmaceutical, and export-oriented industries were kept open ensuring health facilities, social distancing, and following health guidelines.

The South Asian nation has so far confirmed 10,143 infections, with 688 new cases. The death toll increased by five to 182. Among the newly infected are the chief of the state-run Bangladesh Television, SM Haroon-or-Rashid, and his wife. Dozens of other staffers of private television channels have also been sent to home quarantine following reports that their colleagues in the field have contracted the virus. Some 147 patients have recovered from the disease in the last 24 hours, raising the total recovery tally to 1,209 to date, according to the Ministry of Health and Welfare.

### **II. Restriction on CSO Movements**

COVID-19 created an extraordinary social situation in which governments struggle to mitigate the harmful consequences of the pandemic. Challenging times show a society's resilience and capacity for solidarity and cohesion, the government's ability to deal with emergencies effectively, the stability and inclusiveness of political systems, and their aptitude to respect democratic values. It is particularly important to examine this period from the point of view of civil society and civil

society organizations (CSOs), since civil society plays a pivotal role in the alleviation and dissipation of societal troubles associated with the epidemic, indeed a vital role in curbing the virus. The civil sector's strength and resilience too is tested. As the studies in this Special Issue show, exploiting the potential of civil society was an option that only some countries have been able to seize - as a result of which they have effectively reduced the consequences of the calamity while increasing a sense of solidarity and belonging in their societies. Others, however, failed to recognize the importance of civil society and interpreted the situation as a "single-actor play on stage".

In times of crisis, the pluralist and social democratic visions that underlie the effective workings of civil society often fade. In some cases, governments overestimate the voluntary financial and physical efforts of the population fighting the virus, utilizing or even abusing the basic value of solidarity. In other cases, governments take advantage of the emergency to further strengthen pre-existing positions, moving ever closer to the elimination of democratic control and advancing authoritarian forms and structures.

### III. Restriction on Free Movement

The Bangladesh government has clamped fresh restrictions on public movement in a bid to tackle the new Covid-19 wave during 2021. However, the response was sectarian in this regard because keeping the huge garments' factories and industrial factories

open and shutting all other things including educational institutions and public transport rose questions about the intention of the government for the lockdown and movement restrictions.



To take a tougher stance government imposed restrictions that include:

All kinds of public gatherings (social, political, religious, and others) should be restricted. Public assembly is prohibited in high-infection areas.

All kinds of public gatherings (social, political, religious, and others) should be restricted. Public assembly is prohibited. Public gatherings on the occasion of any social event, including wedding and birthday parties, should be discouraged. Public gatherings in tourist attractions, cinema halls, and theatres have to be made limited as well as fairs and exhibitions of all kinds should be discouraged; unnecessarily roaming and gathering must be stopped. Going out after 10 pm without an emergency needs to be controlled. Peoples are fined and imprisoned massively if even anybody goes out for emergency without a pass and also for day laborers', rickshaw pullers, CNG auto drivers who went off home on roads

forcefully to earn daily wages to feed their families. A huge mismanagement and livelihood uncertainties were observed regarding on the movement restrictions and movement pass. It's tracked that during the new wave restrictions owners of 219 vehicles were slapped with fines worth Tk545, 500 for violating the lockdown restrictions and over 300 people got arrested in Dhaka for breaching lockdown rules (Dhaka Tribune, July 2, 2021). Again, mobile courts fined 137 people Tk 95,230 while DMP's traffic division fined 441 vehicles Tk 10,83,000 (Daily Star, July, 2021).

The laws that were made extensively during the COVID-19, were misused to

restrict the free movement of people resulting to repression of freedom of assembly and expression. Although, the garment sector was open, the other sectors like education, development organizations, service sectors, industrial sectors etc. had a shut down. No other country had this prolonged shut down of education sector like Bangladesh in South Asia spanning a prolonged period of 507 days altogether. Since schools closed in March 2020, nearly 38 million students in Bangladesh have missed out on the opportunity to receive proper learning that will cause serious damage to the future of the nation.

# CHAPTER-4

## CONCLUSION AND RECOMMENDATIONS

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### 4.1 Conclusion

To conclude, Freedom of expression ensures that people have the right to seek, obtain, receive and hold information about human rights and human rights violations. Repressing that freedom, the government started doing massive surveillance in the digital arena and is misusing the Digital Security Act (DSA). Moreover, silencing the dissident, leading to custodial torture and death has become prominent in the country. The political opponents and associations got muzzled due to the restrictions on social movements, political movements, citizen and youth movements. This creates restrictions on freedom of assembly and association as well. New rules during the pandemic just received a boost on restricting civil rights for the common citizens of the country. Despite the challenges faced by people around the world during COVID-19, responses to the pandemic must not be used as a tool to restrict civic space.

### 4.2 Recommendations

The government should encourage NGO entrepreneurship to enhance autonomous and flexible responses to crises. However, the study raises concerns about state

paternalism intensifying as a result of the pandemic, particularly concerning the smaller CSOs. Meanwhile, at the opposite end of this scale, are countries where the government, both central and local, invited civil society partners in the response to COVID-19 with high-quality and multilevel cross-sectoral cooperation and provided partners with the necessary (financial) resources. In those cases, CSOs were empowered effectively to participate in a process designed to address the pandemic and its consequences under principles of participatory democracy.

Bangladesh is one of the 14 States that was reviewed by the Universal Periodic Review (UPR) Working Group. The last UPR of Bangladesh was reviewed on 14th May 2018. This was the third review of the country. Bangladesh's first and second UPR reviews took place in February 2009 and April 2013, respectively. The reviews were based on: 1) national report - information provided by the State under review; 2) information contained in the reports of independent human rights experts and groups, known as the Special Procedures, human rights treaty bodies, and other UN entities; and 3) information provided by other stakeholders including national human rights institutions, regional organizations, and civil society groups. The next UPR would be on November

2023. Country recommendations on civic space for the UN's Universal Periodic Review:

In the last UPR, CIVICUS draws attention to a range of legislative restrictions which have been strengthened and imposed to curtail the operation of independent civic groups in Bangladesh. Of particular concern are new restrictions on groups seeking funds from abroad, as well the repeated use of the penal code to arrest HRDs and place blanket bans on meetings and assemblies. We further examine the spate of extrajudicial killings against secular bloggers and LGBTI activists which is illustrative of Bangladesh's downward spiral to civic freedoms and systemic failure to protect civil society.

- Engaging and convening the citizens or civilians typically the CSOs to put light on the alarming shrinkage of the civic space in Bangladesh would lead to mass awareness.
- Strengthening relationships with a broad network of civil society partners, working across civic space issues as we believe that diversity and inclusivity are key to developing commitments that respond to the needs of the community and advance civic space priorities.
- Engaging relevant members and staff in policymaking to raise awareness of intended co-creation commitments and to help build constant support for any required legislative action.

- Identifying policies from individual or organizational action plan commitments that can complement one another to build a stronger, enabling environment for civic space to thrive.
- Strengthening and supporting more systemic participation of civil society, with special attention to human rights defenders, writers, bloggers, cartoonists, journalists, activists, artists, singers, filmmakers, healthcare workers, political parties, and youth.

The pandemic fear and anxiety of it are causing overwhelming stress for everyone. This stress gets piled up when people receive mixed messages. On the other hand, sharing the real facts and understanding the actual risk reduces the stress. Social activists, television and print media, social workers, and religious and political leaders should come forward to disseminate information among people properly. In that way, social/political/human rights movements would be easily led and no obstacles would be made in the name of social distancing/ any other pandemic rules. Moreover, this also would help the governing bodies to organize and manage the crisis better. The media personalities and political/religious leaders could help spread basic knowledge on COVID-19-related issues to the people, especially the marginalized communities (OHCHR). On 11<sup>th</sup> December 2021, health authorities of Bangladesh have confirmed the presence of the Omicron variant of Covid-19 (Dhaka Tribune). This might recreate obstacles for the development

workers and activists to freely exercise their activities. However, Bangladesh must source a decent emergency support fund to help its workers, employers, marginal people, and host refugees rather than closing the working sectors and or restricting their works. It has already received fast-track support of USD 100 million from the World Bank; however, this is far from the actual amount needed for this country of 180 million people.

Additionally, the country has already unveiled an economic stimulus package of almost 8 billion USD to counter the adverse effects of the pandemic (OHCR). In this case, the Government should collaborate with the development sectors and should support their activities. Only a supportive and empathic collaborative effort can help the country to overcome the crisis of a squeezed civic space in the country.

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