

**BANGLADESH**

AN ASSESSMENT OF  
**RESPONSIBLE USE OF INTERNET AND  
FREEDOM OF EXPRESSION**

**HATE SPEECH, CONTENT BLOCKING AND CENSORSHIP**



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# LIST OF ACRONYMS

ACC	Anti-Corruption Unit
BoiMela	Ekushey Book Fair
DSA	Digital Security Act
ICT	Information and Communications Technology
Pathao	A ride sharing application
RWB	Reporters Without Borders
RAB	Rapid Action Battalion
UN	United Nations

# TABLE OF CONTENTS

BACKGROUND .....	5
INTRODUCTION.....	6
FREEDOM OF EXPRESSION IN BANGLADESH .....	7
CRIMINALISING FREEDOM OF EXPRESSION .....	9
SILENCING VOICES AND PRESS FREEDOM.....	10
CONTENT BLOCKING AND CENSORSHIP .....	12
REPRESSING THOUGHTS: BLOCKING BOOKS AND PUBLICATION .....	13
ATTACKS ON ARTISTIC FREEDOM: CENSOR OF FILMS .....	15
HATE SPEECH .....	17
“HATE SPEECH” REGULATION IN INTERNATIONAL HUMAN RIGHTS LAW .....	18
STATE OBLIGATIONS AND THE REGULATION OF ONLINE HATE SPEECH.....	19
HATE SPEECH TOWARDS WOMEN IN BANGLADESH .....	20
HATE SPEECH TOWARDS OTHER RELIGION .....	21
CONCLUSION .....	22

# BACKGROUND

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Overall Human Rights situation in Bangladesh is seriously deteriorating. There have been increasing trends of extra-judicial killings, custodial deaths, forced disappearances, catastrophic situation of violence against women and girls, shrinking space of freedom of expression and freedom of assembly. Hundreds of people were victims of apparent extrajudicial executions in the recent so-called “war on drugs” campaign. The Digital Security Act severely restricted the work of journalists, activists, human rights defenders, and others who faced arrests for exercising their right to freedom of expression. There has been a sharp increase in incidents of violence against women and girls. Although, in recent years Bangladesh has reported the fastest economic growth rate in the Asia-Pacific region, accelerating the country's socio-economic development efforts, while widening inequalities. And, hit by the COVID-19 pandemic this economic inequality has been widening higher than ever.

Human rights in Bangladesh are enshrined as fundamental rights in Part III of the Constitution of Bangladesh. According to Mizanur Rahman, the chairman of the National Human Rights Commission in 2015, 70% of allegations of human rights violations are against law enforcement agencies. There are a wide range of grave human rights issues in Bangladesh. The Government of Bangladesh is responsible for multiple human rights violations, including unlawful killings and disappearances, arbitrary arrest and detention, and torture. Unlawful arrests

occur frequently, so does torture in security force custody.

During the pandemic, freedom of speech, thought, conscience and expression of the citizens have been severely violated and various forms of harassment have been carried out against them including filing cases, dismissals and arrest. Due to the fact that the news media could not work independently, and tons of fake news and mis/disinformation flooded the social media. Due to this, social media was also under surveillance by the government. Many media outlets and journalists have reportedly been forced into self-censorship due to government pressure on the media. The government controls most of the news media, especially electronic media, and almost all electronic media and most print media are owned by individuals loyal to the government. On the other hand, the pro-opposition electronic and print media Diganta TV, Islamic TV and Amar Desh have been shut down by the government since 2013. During this period, journalists were attacked while performing their professional duties and false and fabricated cases were filed against them. During 2020, the government used the repressive Digital Security Act of 2018 to curtail the freedom of expression of dissenting voices. Citizens from various walks of life, including teachers and imams of mosques, have been sued and arrested under the Digital Security Act, 2018 for posts criticizing high-ranking individuals or leaders of the ruling party, on Facebook. Members of law enforcement agencies and leaders of the ruling party have filed these lawsuits, and courts have refused to grant bail to those arrested under the Digital Security Act.

# INTRODUCTION

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The government of Bangladesh officially encourages open internet access and communication to promote development. Private commercial stakeholders have also helped in the proliferation of internet usage. Bangladesh benefits from a vibrant – if often partisan – traditional media industry, though journalists face threats and legal constraints, and online news portals have been actively observing significant self-censorship.

In Bangladesh, like many other countries in the world, the Internet has fast become one of the key instruments to exercise the right to freedom of expression. It combines all the necessity like disseminate information, Ideas, opinion, expressions and other form of writing or multimedia.

There are few countries like Bangladesh which have adopted laws to control Internet's content. From the human rights perspective, any regulation of Internet ought to balance between privacy and freedom of expression. The privacy issues at stake so far have been (i) how to ensure the privacy of personal data and (ii) how to balance the privacy of communication against law enforcement's need for interception and access to online communications. The content issues have been (i) how to control illegal content and (ii) how to control legal but potentially harmful content without unduly infringing on the right to freedom of expression.

# FREEDOM OF EXPRESSION IN BANGLADESH

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## ***Torture and harassment of Journalists***

Bangladesh is passing an unprecedented difficult time. The Bangladesh government appears to be cracking down on free speech as COVID-19 hits the country, silencing those who express concern over the government's handling of the epidemic.

Persistent suppression of freedom of expression and censorship under the government has continued amid the pandemic. Journalists are being prosecuted under the Digital Security Act and arrested, harassed for reporting on government's corruption. It seems criticism of the government in social media under the current regime is a 'crime'. Writers, cartoonists, artists, teachers, students, political activists, journalists, social activists none are excluded from this list of arrestee. The Digital Security Act is being used as a tool to repress all dissents and criticisms. They are being prosecuted, arrested and even made disappeared. Numbers of doctors have raised serious doubts about the quality of PPEs, especially masks, provided by the authorities concerned and their voices being repressed, intimidated and show-caused for speaking out. Agents from intelligence agencies are visiting hospitals to intimidate authorities and directing healthcare professionals not to talk to the media. The Bangladesh government has taken advantage of the COVID-19 pandemic to ramp up its assault on civic freedoms. Journalists have been systematically targeted since March 2020 under the draconian Digital Security Act for their reporting on the pandemic and on other critical issues. There have also been reports of journalists allegedly being tortured

or forcibly disappeared. The below graph shows a growing trend of journalists harassment in various forms including harassment using DSA, treats from ruling party members and law enforcing agencies over one year.

## ***The repressive use of Digital Security Act (DSA)***

Nearly 2000 cases have been filed under the DSA since its enactment on 8 October 2018, according to data from the Bangladeshi government's Cyber Crime Tribunal. This includes more than 800 cases filed in the first nine months of 2020 alone, with many of the country's most prominent editors and senior journalists being increasingly targeted. Covid-19 has put a halt on almost everything but cases lodged under the Digital Security Act saw a manifold increase recently against people voicing any criticism, particularly people raising their voice against the corruption and mismanagement in the health sector. Moreover, some were even charged for communicating through social media. Analysts and human rights bodies have expressed their concerns over this sudden rise in case under the Digital Security Act and accused the government of using the law for silencing journalists and citizens to cover up its own failures even during this coronavirus crisis.

## ***Information Privacy and Right to Information***

The jurisprudence of data protection stems from the right to privacy. Data protection and privacy are recognised as fundamental rights. An individual's "private life" includes the protection of his or her personal data. Personal data, in principle, is information

that identifies an individual, or is related to the individual. It is unfortunate that there is no law, regulation or guideline for ensuring data privacy in Bangladesh which is applicable for all sectors, irrespective of their nature. As a result, individuals have become concerned about the harmful consequences that may arise from the use and misuse of their information. We share our personal information every day by visiting a website, opening a bank account, social media account, buying goods and services online, registering for email etc., without any hesitation. It is a matter of grave concern that some organisations not only collect personal details but also store it in insecure places and share it with third parties, or move this data across borders without taking customers' consent.

Recently Pathao, a ride-sharing homegrown platform from Bangladesh has come under a lot of flak and scrutiny for allegations of unauthorized access to user's SMS and contact list. This incident also started an

important discussion relating to the protection of personal data protection in Bangladesh. In the first half of 2020, the government placed 241 requests, up 2.5 times year-on-year, according to Facebook's global transparency report. During the period, the government also requested information on 371 specific accounts/users, up from 123 a year earlier. Facebook though has not entertained all the requests made in 2020: 44 per cent were accepted. The social media giant responded to the Bangladesh government's request for the first time in the second half of 2015. The number of requests was below 12 in 2013-2016 and 44-205 in 2017-2018. In 2013, the government made only one request to Facebook, which increased to 7 in 2014 and then dropped to 3 in 2015. The frequency at which the government has started seeking user information from the California-based tech giant started increasing from 2016. It was 10 in 2016, 44 in 2017 and 152 in 2018. It dropped in 2019 to 95. But this year, it soared to 241.

# CRIMINALISING FREEDOM OF EXPRESSION

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The circumstances created by Covid-19, Bangladesh's struggle with press freedom have become a constant challenge. In this year's World Press Freedom Index released by the Reporters Without Borders (RWB), the country has ranked 151st out of 180 countries, while its position was 150th last year. This is evident that the situation of press freedom in the country is being repressed in a larger extent day by day. This is precisely why journalism is more vital now than ever before. The Covid-19 pandemic has placed independent media front and centre in providing reliable, fact-checked and potentially life-saving information. An independent press can ensure our leaders and officials remain accountable and their measures are scrutinised. This will only help improve the government's response to the crisis—as will an emboldened citizenry free to voice their legitimate concerns and grievances.

Since pandemic started in country the authorities have apparently arrested at least 81 people, including a doctor, opposition activists, students, and normal civilian for their comments about corona virus, most of them under the Digital Security Act. On March 25, the government issued a circular assigning 15 officials to monitor each television channel for “rumors” and “propaganda” regarding Covid-19. In the face of a huge outcry, the information ministry cancelled its circular assigning 15 officials to monitor if private television channels were running any propaganda or rumours about the novel corona virus outbreak. Besides law enforcing agencies Education Ministry also took action against teachers who were vocal against the nature of handling of COVID situation in the country. The facet is 63 cases were filed

under the Digital Security Act in 2019. A comparative analysis shows that the number was surpassed and almost became doubled within the first six months (January to June) of 2020 with 108 cases. Police Headquarters officials failed to inform in a journalistic enquiry on how many cases were lodged and how many people were charged under the Digital Security Act between March and June. According to their information 1,135 people were arrested in 632 cases in an overall basis under the Digital Security Act in 2019 compared to the first two months of this year, 339 people were arrested in 165 cases. The data shows that 30% of arrests and 26% of cases compared to last year has crossed within the first two months of this year.

The Anti-Corruption Commission (ACC) has commenced inquiries against 94 Union Parishad members, including 30 chairmen, for their alleged involvement in corruption and irregularities during the Covid-19 relief programs. This government has been accused of muzzling the press and trying to prevent journalists from reporting the public about the severity of the corona virus pandemic in the country. In the absence of free flow of information, not only will the people be confused and panicked, but also the government plan for management and recovery from the fallout of the crisis and its implementation is misinformed, inappropriate and distorted. During this period of pandemic, there have been several incidents of repressing journalists from January to August. Throughout the country 198 journalist were harassed in some way for doing news on corruption, spread and handling of corona virus, and irregularities on relief aids by political party leaders.

# SILENCING VOICES AND PRESS FREEDOM

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Freedom of the press in Bangladesh refers to the censorship and endorsement on public opinions, fundamental rights, freedom of expression, human rights, explicitly mass media such as the print, broadcast and online media as described or mentioned in the constitution of Bangladesh. The country's press is legally regulated by the certain amendments, while the sovereignty, national integrity and sentiments are generally protected by the law of Bangladesh to maintain a hybrid legal system for independent journalism and to protect fundamental rights of the citizens in accordance with secularism and media law. In Bangladesh, media bias and disinformation is restricted under the certain constitutional amendments as described by the country's post-independence constitution.<sup>1</sup> There have been certain instances where press freedom was repressed and contents were blocked and censored in Bangladesh. Some of these instances are discussed below,

- In 2015, the Government blocked social media sites for 22 days following protests after the verdicts of International Crimes Tribunal. The government also monitors bloggers in the country. A leaked report showed that blogger killed in Bangladesh overlapped with those under surveillance of the state.<sup>2</sup>
- In 2016, the Government of Bangladesh blocked 35 news websites without any explanation that included

multiple game sites and adult pornography sites.<sup>3</sup>

- 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.<sup>4</sup>
- In 2017, the Government of Bangladesh blocked The Wire, an Indian newspaper, following a report on 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 in-depth investigation in to the Drug Trade.
- In August 2018, Shahidul Alam, was arrested after he has given an interview criticizing the Government of Bangladesh on Al Jazeera English.<sup>5</sup>
- On 20 March 2019, the government blocked aljazeera.com after it published 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

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<sup>1</sup><https://medialandscapes.org/country/bangladesh/policies/media-legislation>

<sup>2</sup><https://theasiadialogue.com/2018/06/21/the-worrying-trend-of-media-censorship-during-bangladeshi-crises/>

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<sup>3</sup><https://thewire.in/external-affairs/bangladesh-government-blocks-wire>

<sup>4</sup><https://thewire.in/external-affairs/bangladesh-government-blocks-wire>

<sup>5</sup><https://thewire.in/south-asia/bangladesh-al-jazeera-blocked-digital-censorship>

Regulatory Commission and proper procedure.<sup>6</sup>

- In January 2020, the Government of Bangladesh blocked Netra news, a Swedish-based news website, after they published a report accusing ObaidulQuader of corruption and used pictures of him wearing expensive watches including a 34 thousand dollar Rolex.<sup>7</sup>

Currently in Bangladesh among press and even among public there is a tendency developed for self-censorship just to avoid possible hassles and legal constraints.

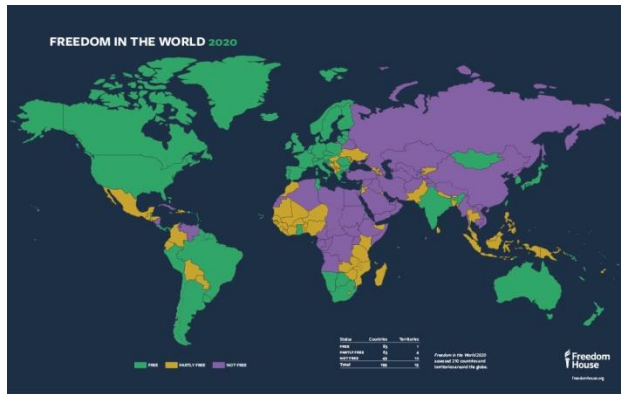
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<sup>6</sup><https://rsf.org/en/news/rsf-decries-brazen-censorship-bangladeshi-news-websites>

<sup>7</sup><https://www.aljazeera.com/news/2020/1/2/bangladesh-blocks-news-website-accusing-minister-of-corruption>

# CONTENT BLOCKING AND CENSORSHIP

The Government has approved the usage of Deep packet inspection to monitor web



traffic. According to Freedom House (a U.S.-based, U.S. government-funded non-profit non-governmental organization that conducts research and advocacy on democracy, political freedom, and human rights) 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.<sup>8</sup>

In May 2019, the Government of Bangladesh arrested three people, including a lawyer and poet, over content posted online.<sup>9</sup>

The Government of Bangladesh increased suppression of the press following the COVID-19 pandemic in Bangladesh. After Netra news, based in Sweden, claiming two million would die in the pandemic in

Bangladesh; government intelligence agents visited the mother of its editor, Tasneem Khalil, in Sylhet. They made her to call her son and ask him to stop publishing news against the government. They visited her after a warning against "rumors" by Hasan Mahmud, the Minister of Information. According to The Diplomat, any information that is deemed critical of Sheikh Hasina led Awami League is called "rumors" by the government. The government has suspended doctors, government officers, and academics for criticizing the government response to COVID-19.<sup>10</sup>

As Part of an anti-pornography campaign the government of Bangladesh banned 20 thousand websites and blogs. Mustafa Jabbar, ICT Minister, described it as part of his "war on pornography". One of the blogged websites was somewhereinblog.net which is a blogging website that bans explicit content and is a partner of Deutsche Welle. The ICT minister supported the ban by stating that the website published content which was critical of the government and Islam.<sup>11</sup>

There have been a multi-level trans-media content blocking and censorship happening in Bangladesh that includes press, films, books and publication etc. which are discussed below.

<sup>8</sup><https://freedomhouse.org/country/bangladesh/freedom-net/2019>

<sup>9</sup><https://www.aljazeera.com/news/2019/5/16/free-speech-concerns-in-bangladesh-as-writers-activist-arrested>

<sup>10</sup><https://thediplomat.com/2020/04/bangladesh-is-suppressing-free-speech-during-the-covid-19-pandemic/>

<sup>11</sup><https://www.dw.com/en/bangladesh-anti-porn-war-bans-blogs-and-google-books/a-47684058>

# REPRESSING THOUGHTS: BLOCKING BOOKS AND PUBLICATION

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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 BoiMela (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.

Over the years, writers have been subject to threats from extremists with little to no intervention on their behalf by the state. 2015 proved most fatal for writers, starting with Avijit Roy, a Bangladeshi-American secularist blogger and writer, murdered while leaving the BoiMela. Roy managed the blog Mukto-Mona (Free Thinker).

Months later, Roy's publishers, Faisal Arefin Dipan and Ahmedur Rashid Chowdhury Tutul were attacked on the same day. Dipan was killed but Tutul, along with two bloggers in his office at the time, survived with severe injuries. Continued attacks that year saw three other bloggers killed.

Both Niladri Chattopadhyay Niloy (known as Niloy Neel) and Dipan, shortly before their murders, had requested police protection after receiving multiple death threats but

been turned away. The police had told Niloy to refrain from writing or leave the country instead.

Even earlier, prominent writer Humayun Azad had been attacked fatally, like Avijit on his way back from the BoiMela, by machete-wielding assailants, in 2004. In the mid-90s, Taslima Nasreen left Bangladesh after receiving death threats from extremists. Back in 1973, Daud Haider was first taken into custody and then had to leave the country, following death threats because of one of his poems. Both have never been allowed to return to the country for writing critically on religion.

Following the attacks on Tutul and Dipan, not only writers but publishers had now come under fire. Thus, even writers brave enough to pen criticism of orthodox religious beliefs for one may no longer manage to find a willing publisher. Far from providing protection, or at the very least, assurance to the writing and publishing community, the police and government have been slow to unequivocally condemn the killings and ensure justice. As a result, secular writers have been leaving the country. There are certain examples that are talked below,

- In 2002, the Government of Bangladesh banned "Wild Wind" by Taslima Nasreen. This was the third book of Taslima that was banned by the government of Bangladesh. She had been forced to flee Bangladesh after the publication of her novel "Lajja", which had been deemed blasphemous. Her second book, "My

Girlhood", was also banned for blasphemy.

- Bangladesh banned two fictional books, "DiaArefin" and "Diya Arefiner NanirBani", in 2020 for hurting religious

sentiments. The books were banned following a court order by Bangladesh High Court. They had been written by Diarshi Arag, a secular writer.

# ATTACKS ON ARTISTIC FREEDOM: CENSOR OF FILMS

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Film is one of the significant mediums to express the artistic expression. Fiction films are often made taking references from the real life and events; documentary films are made based on factual events and issues. And making films requires its artistic freedom universally, however often the contents of the films are censored and blocked in many parts of the world. In Bangladesh blocking and censoring films are old phenomena which happens both institutionally and socially in different layers. Bangladesh Film Censor Board is the authority who provides film screening certification that has blocked many films in Bangladesh portraying national and social issues that might critique issues that government don't like or feels embarrassed. Moreover, films portraying issues criticizing religious malpractices and fundamentalism face social blockade and threat mainly from religious fundamentalist groups. There are certain such instances discussed below.

- In 2005, the Ministry of Home Affairs tried to censor "Teardrops of Karnaphuli", a documentary the effect of Kaptai Dam on the indigenous community in Chittagong Hill Tracts. The documentary was made by Tanvir Mokammel.
- In 2009, the Bangladesh Censor Board refused to allow the release of "Nomuna", a satirical film by Enamul Karim Nirjhar, because of the film satirizing political figures of Bangladesh. The Censor board forced the removal of scene showing street harassment from the movie Third Person Singular Number.
- In 2011 feminist filmmaker Rubayet Hossain's debut film "Meherjan" was

banned for its non-conventional liberation war narrative and was withdrawn from the theatres after one week of its release.

- In 2011, the Bangladesh Censor Board banned "Rhidoi Bhanga Dhew" due to reason that the main villain in the movie wore a Mujib Coat, a coat worn by Sheikh Mujibur Rahman.
- In 2015, Bangladesh Censor Board delayed the release of the First Chakma, an ethnic minority in Bangladesh, language film "MorThengari-My Bicycle" by refusing to give certification to the film. The Ministry of Information in a letter to the Censor board object to some scenes of the film and requested their deletion. The director, Aung Rakhine, withdrew the film rather than cut it.
- In 2015, the first feature travel and adventure documentary film name "Life in a Rainbow" by Razibul Hasan was denied a censor certification over objection on some scenes and Bangladesh Film Censor Board suggested for 19 scene cuts of the film. The film was pending in censor board for over 3 years and the filmmaker submitted a writ petition in High Court and later in 2018 the film was granted the censor certificate with court intervention.
- In 2019 Bangladeshi acclaimed director Mostafa Sarwar Farroki's "Saturday Afternoon" a fiction drama made on the horrific incident of Holy Artisan Attack was submitted in Censor Board for clearance and

still now he is denied the censor certification of the film.

- A Bangladeshi aspiring filmmaker Sahadat Russel have been threatened to be killed by hacking by the Islamist and fundamentalist groups since he has uploaded his short narrative drama "Colour of Childhood" on YouTube. The film portrayed the issue of male child rape and molestation in Madrasahs in Bangladesh. And the police have failed to act or arrange security for the filmmaker.

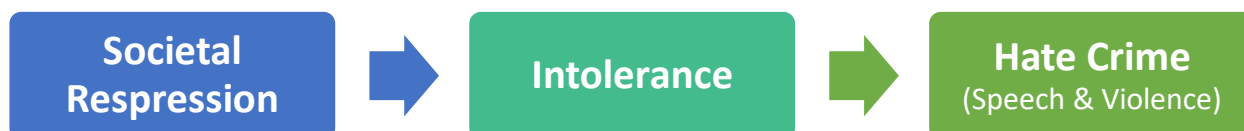
- Very recently a Bangladeshi film director Annana Mamun has been arrested and charged after a scene depicting police harshly interrogating a rape victim and highlighting attitudes towards violence against women. The scene from the movie "Nabab LLB" went viral on social media with criticism directed at police over their handling of the case. It angered the force, with Mamun, 34, and the actor who played the policeman, 46-year-old Shaheen Mridha, arrested on Friday.

# HATE SPEECH

In a world of rising calls for limits on hate speech, international human rights law provides standards to govern State and company approaches to online expression. In the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression explains how those standards provide a framework for Governments considering regulatory options and companies determining how to respect human rights online. The Special Rapporteur begins with an introduction to the international legal framework, focusing on United Nations treaties and the leading interpretations of provisions related to what is colloquially called “hate speech”. He then highlights key State obligations and addresses how content moderation by companies may ensure respect for the human rights of users and the public. He concludes with recommendations for States and companies.<sup>12</sup>

According to the UN Strategy and Plan of Action on Hate Speech: “the term hate speech is understood as any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor.

Hate speech is an outburst of social repression. This is a chain, when the state and the society are too much repressive; it leads to intolerance that explodes as hate crime in speech or violence form.



This hate crime explodes in two forms one is Religious Hate speech & crime and other is Political Hate speech & crime.



<sup>12</sup><https://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/ReportOnlineHateSpeech.aspx>

# “HATE SPEECH” REGULATION IN INTERNATIONAL HUMAN RIGHTS LAW

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Under international human rights law, the limitation of hate speech seems to demand a reconciliation of two sets of values: democratic society's requirements to allow open debate and individual autonomy and development with the also compelling obligation to prevent attacks on vulnerable communities and ensure the equal and non-discriminatory participation of all individuals in public life. Governments often exploit the resulting uncertainty to threaten legitimate expression, such as political dissent and criticism or religious disagreement. However, the freedom of expression, the rights to equality and life and the obligation of non-discrimination are mutually reinforcing; human rights law permits States and companies to focus on protecting and promoting the speech of all, especially those whose rights are often at risk, while also addressing the public and private discrimination that undermines the enjoyment of all rights.

Article 19 (1) of the International Covenant on Civil and Political Rights protects the right to hold opinions without interference, and Article 19 (2) guarantees the right to freedom of expression, that is, the right to seek, receive and impart information and ideas of all kinds, regardless of frontiers, through any media. Numerous other treaties, global and regional, expressly protect the freedom of expression. The Human Rights Committee, the expert monitoring body for the Covenant, has emphasized that these freedoms are “indispensable conditions for the full

development of the person ... [and] constitute the foundation stone for every free and democratic society”. They “form a basis for the full enjoyment of a wide range of other human rights”.

Since the freedom of expression is fundamental to the enjoyment of all human rights, restrictions on it must be exceptional, subject to narrow conditions and strict oversight. The Human Rights Committee has underlined that restrictions, even when warranted, “may not put in jeopardy the right itself”. The exceptional nature of limitations is described in article 19 (3) of the Covenant, recognizing that States may restrict expression under article 19 (2) only where provided by law and necessary to respect the rights or reputations of others or protect national security, public order, public health or morals. These are narrowly defined exceptions and the burden falls on the authority restricting speech to justify the restriction, not on the speakers to demonstrate that they have the right to such speech.

The restriction must be demonstrated by the State as necessary to protect a legitimate interest and to be the least restrictive means to achieve the purported aim. The Human Rights Committee has referred to these conditions as “strict tests”, according to which restrictions “must be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they are predicated”.

# STATE OBLIGATIONS AND THE REGULATION OF ONLINE HATE SPEECH

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Strict adherence to international human rights law standards protects against governmental excesses. As a first principle, States should not use Internet companies as tools to limit expression that they themselves would be precluded from limiting under international human rights law. What they demand of companies, whether through regulation or threats of regulation, must be justified under and in compliance with international law. Certain kinds of action against content are clearly inconsistent with article 19 (3) of the International Covenant on Civil and Political Rights, such as Internet shutdowns and the criminalization of online political dissent or government criticism. Penalties on individuals for engaging in unlawful hate speech should not be

enhanced merely because the speech occurred online.

It is useful to contemplate a hypothetical State that is considering legislation that would hold online intermediaries liable for the failure to take specified action against hate speech. Such an “intermediary liability” law is typically aimed at restricting expression, whether of the users of a particular platform or of the platform itself, sometimes with a view to fulfilling the obligation under article 20 (2) of the Covenant. Any legal evaluation of such a proposal must address the cumulative conditions established under article 19 (3) to ensure consistency with international standards on free expression.

# HATE SPEECH TOWARDS WOMEN IN BANGLADESH

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The Gender Equality Strategy paper of the Council of Europe elaborates on hate speech targeted at women as "Sexist hate speech takes many forms both online and offline, notably victim blaming and re-victimisation; "slut-shaming"; body-shaming; "revenge porn" (the sharing of explicit or sexual images without consent); brutal and sexualised threats of death, rape and violence; offensive comments on appearance, sexuality, sexual orientation or gender roles; but also false compliments or supposed jokes, using humour to humiliate and ridicule the target."

In Bangladesh two forms of Hate speech takes place against women,

- A. **Online Hate speech:** The most obvious expression of online sexist hate speech

in Bangladesh is the view that "certain kinds" of women invite rape upon them or deserve to be raped.

- B. **Offline Hate speech by Islamic Clerics:** In their speech in wazmahfils and other religious gatherings; demeaning and humiliating language used to reduce women into being nothing more than body parts, and the suggestion that women who do not behave in certain ways deserve to be punished somehow.

A wing of the Home Ministry issued a report listing 15 Islamic preachers allegedly advocating undemocratic religious communalism and stances detrimental to the interests of women in wazmahfils but no further and visible actions taken in this regard.

# HATE SPEECH TOWARDS OTHER RELIGION

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A large part of the hate speech instigate on social media, hatred are spread mainly on Facebook and YouTube against religious and ethnic minority communities in Bangladesh. Often those are intentional to evict people from their land, or take political benefit. There are some such notable incidents discussed below.

**Ramu incident:** Damaged Buddhist artifacts and religious books are lined up at a torched Buddhist temple in Ramu, which was one of the temples and homes attacked and destroyed by a mob on September 29, 2012 after an anonymous person posted a photograph of a desecrated Quran on a local Buddhist boy's Facebook profile. At least 12 monasteries and 30 households in Ramu, seven monasteries and 11 houses in Ukhiya and Teknaf were torched during the attack. It's already 8 years communal harmony has returned after the brutal attacks in Ramu, no progress had been made in terms of meeting out justice to the perpetrators.

**Bhola incident:** At least four people were killed and more than a hundred others

injured as religious zealots clashed with police in Bhola's Borhanuddin upazila over a hate conversation spread through Facebook and its messenger. The zealots torched a house and vandalised 12 more belonging to the Hindu community in Borhanuddin municipality. Seemingly designed to hurt religious sentiment, screenshots of the conversation went viral among social media users in the locality, and the person at the centre of the storm went to Borhanuddin Police Station that night and filed a general diary saying his Facebook account had been hacked.

**Cricketer Shakib Al-Hasan being threatened:** Cricketer Shakib Al-Hasan issued an apology after he received a death threat on social media for taking part in a celebration as part of a Kali puja in Kolkata. A youth threatened to kill the Bangladeshi all-rounder in a video post on Facebook accusing the cricketer of blasphemy. The man who had threatened the cricketer has been identified as Mohsin Talukdar from Sylhet in Bangladesh. Beside this through social media he was randomly getting death threats and odd comments.

# CONCLUSION

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For Building a democratic society and to build Peace, Justice and Strong Institutions it's very important for Bangladesh to restore democratic practices, freedom of expression and promote diversity in the society. International human rights law should be understood as a critical framework for the protection and respect for human rights when combating hateful, offensive, dangerous or disfavoured speech. Online hate speech, the broad category of expression described in the present report, can result in deleterious outcomes. When the phrase is abused, it can provide ill-intentioned States with a tool to punish and restrict speech that is entirely legitimate and even necessary in rights-respecting societies. Some kinds of expression, however, can cause real harm. It can intimidate vulnerable communities into silence, in particular when it involves advocacy of hatred that constitutes incitement to hostility, discrimination or violence. Left unchecked and viral, it can create an environment that undermines public debate and can harm even those who are not users of the subject platform. It is therefore important that States and companies address the problems of hate speech with a determination to protect those at risk of being silenced and to promote open and rigorous debate on even the most sensitive issues in the public interest.

State approaches to online hate speech should begin with two premises. First, human rights protections in an offline context must also apply to online speech. There should be no special category of online hate speech for which the penalties are higher than for offline hate speech. Second, Governments

should not demand – through legal or extralegal threats – that intermediaries take action that international human rights law would bar States from taking directly.



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