

# GLOBAL INFORMATION SOCIETY WATCH 2014

*Communications surveillance in the digital age*

This report was originally published as part of a larger compilation, which can be downloaded from [GISWatch.org](http://GISWatch.org)



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC)  
AND HUMANIST INSTITUTE FOR COOPERATION WITH DEVELOPING COUNTRIES (Hivos)

ISBN: 978-92-95102-16-3

APC-201408-CIPP-R-EN-DIGITAL-207

Creative Commons Attribution 3.0 Licence <[creativecommons.org/licenses/by-nc/3.0/](http://creativecommons.org/licenses/by-nc/3.0/)>

# BANGLADESH

## Online spaces, privacy and surveillance in Bangladesh



### Bytes for All Bangladesh

Partha Sarker and Munir Hasan  
[www.bytesforall.org](http://www.bytesforall.org)

### Introduction

“In enabling the creation of various opportunities for communication and information-sharing, the Internet has also facilitated the development of large amounts of transactional data by and about individuals. This information, known as communications data or metadata, includes personal information on individuals, their location and online activities, and logs and related information about the e-mails and messages they send or receive.” This communications data is “storable, accessible and searchable,” and when it is combined and aggregated and used by the state, it can be “both highly revelatory and invasive.”<sup>1</sup>

Ever since electronic media were opened to private sector involvement in the early 1990s, successive Bangladeshi governments have encouraged the development of an open internet access and communication regime in the country. Bangladesh currently has 33 million internet users, representing almost 20% of the total population, and ranks 138th out of 190 countries in the Household Download Index compiled by Net Index.<sup>2</sup> The World Economic Forum’s 2013 Global Information Technology Report<sup>3</sup> ranked Bangladesh 114th out of 144 countries worldwide, with poor scores for its infrastructure and regulatory environment, even though an affordable and competitive communication service is generating exponential growth for users. In addition, localisation and the availability of phonetic Bangla software have contributed to the development of local blog and content hosting services.<sup>4</sup>

The current government in Bangladesh has a plan to establish what it calls a “Digital Bangladesh by 2021”, with the aim of integrating internet access with development efforts in various sectors.

But with widespread digital communication comes a greater threat to security and privacy, and uncertainty on how state and other institutions will address those issues while protecting the rights of individuals.

Globally there are two models available to protect citizens. One is the authoritarian model, where the problem is addressed through the development of a surveillance regime with filtering at the control points or on the backbone of the internet, and monitoring of the use of computers. A more liberal approach, on the other hand, is to make people aware of the risks, to develop their capacities and to set down punitive measures that require proper evidence and respect individual rights.<sup>5</sup> Bangladesh is often swinging between these two models, and there is a sense in which it is addressing the situation on an *ad hoc* basis.

### Policy and political background

Communication content can reveal a range of sensitive information about an individual, including a person’s identity, behaviour, associations, physical and medical data, race, colour, sexual orientation, national origins and viewpoints. Or it can show trends in a person’s location, movements, interaction or behaviour patterns over a period of time through metadata or other forms of data associated with the original content. Therefore, this requires significant protection in law.

Internationally, regulations concerning government surveillance of communications vary in approach and effectiveness, often with very weak or non-existent legal safeguards.<sup>6</sup> The Constitution of Bangladesh touches on the issues of privacy and individual security in several places. Article 11

1 Frank La Rue, the United Nations Special Rapporteur on the promotion and protection of the right to freedom of expression and opinion, in his landmark report on state surveillance and freedom of expression during the 23rd session of the UN Human Rights Council in Geneva in April 2003. [www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.40\\_EN.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.40_EN.pdf)

2 [www.netindex.com/download/allcountries](http://www.netindex.com/download/allcountries)

3 [www.weforum.org/reports/global-information-technology-report-2013](http://www.weforum.org/reports/global-information-technology-report-2013)

4 Freedom House. (2013). *Freedom on the Net 2013: Bangladesh*. [www.freedomhouse.org/report/freedom-net/2013/bangladesh#.U4aWafIXsF](http://www.freedomhouse.org/report/freedom-net/2013/bangladesh#.U4aWafIXsF)

5 Hassan, M. (2012, June 30). Cybercrime: Implementation must to achieve Vision 2021. *The Daily Star*. [archive.thedailystar.net/law/2012/06/05/analysis.htm](http://archive.thedailystar.net/law/2012/06/05/analysis.htm)

6 Rodriguez, K. (2013, February 13). Surveillance Camp IV: Disproportionate State Surveillance - A Violation of Privacy. *Electronic Frontier Foundation*. <https://www.eff.org/deeplinks/2013/02/disproportionate-state-surveillance-violation-privacy>



Different government and media websites, including those of leading newspapers, are attacked quite frequently.<sup>13</sup>

The use of social media is growing exponentially. Facebook, for example, is one of the most visited websites in the country, attracting more than 10% of the nation's total internet users. The platform – or different pages within the platform – has been blocked several times in Bangladesh. In 2013 a Facebook report showed that the Bangladeshi government requested the profile information of 12 users.<sup>14</sup> A newspaper report suggests that the government asked Facebook on three occasions to remove content from its site.<sup>15</sup> Popular video platform YouTube has been blocked repeatedly in recent times. First it was blocked in March 2009 after a recording of a meeting between the prime minister and army officers was published on the site. The block was lifted several days later. YouTube was blocked again in September 2012 following a controversial video clip on Islam – the block was later lifted in June 2013.

Although the reason given for the latter block was that the post hurt religious sentiment, many believe that the actual purpose was to exert more control over online content and behaviour. What was more worrying was the perspective of a Bangladeshi court which expressed the desire to find ways of facilitating future blocks of websites and pages.<sup>16</sup> The court ordered the shutdown of five Facebook pages and a website for content deemed blasphemous towards Islam, while demanding that content hosts and creators be brought to justice for “uploading indecent material.”

Hurting religious sentiment is increasingly becoming a major issue when it comes to surveillance. Authorities seem to be ill prepared, both at the policy and implementation level, to define the issue properly. In October 2012, in the southeastern district of Ramu, temples in Buddhist neighbourhoods were attacked and vandalised following an allegation that the Facebook profile of a Buddhist showed an anti-Islamic image, inciting local Mus-

lims to retaliate.<sup>17</sup> Similarly, in another incident in November 2013, vandals attacked Hindu houses and properties claiming that a local Hindu boy had uploaded something derogatory towards Islam on his Facebook profile, although this was later denied by the person in question.<sup>18</sup>

Social media played an important role in mobilising tens of thousands of people who gathered at Shahbagh Square in Dhaka in February 2013. This was in protest against a light court sentence given to Abdul Qader Mollah, an alleged war criminal of the 1971 liberation war. Social, cultural and pro-independence political forces later joined and strengthened the non-violent demonstration, causing some observers to compare it to the 2011 protests in Egypt's Tahrir Square. But, in response, Mollah's supporters rallied against what they called a conspiracy by “atheist bloggers”. On 15 February 2013 armed assailants followed, attacked and killed a blogger, one of the organisers of the Shahbagh demonstration, outside of his home.<sup>19</sup> This shows how people see security threats as linked to online activism, and how surveillance and monitoring are also happening between citizens.

Many argue that the government uses security as an excuse to tame dissenting voices, and Section 57 of the ICT Amendment Act of 2013 gives enough power to the government to arrest and confine anyone without a warrant. Online activists are already finding themselves in an uncomfortable zone regarding the ICT Act amendment, and the ways in which it allows surveillance of communications. In one instance, a professor at a public university was sentenced to a six-month jail term by a court for failing to appear in court (due to the fact that he was in Australia at the time) to stand trial regarding his Facebook statement against the prime minister.<sup>20</sup> In another incident, a college student was arrested after posting some “derogatory comments” about the prime minister and her late father, Bangladesh's founding leader, Sheikh Mujibur Rahman. These incidents and the government response created heated debate, both online and offline.<sup>21</sup>

13 Freedom House. (2013). Op. cit.

14 Reuters. (2013, August 28). Bangladesh sought data on 12 users: Facebook. *bdnews24.com*. [bdnews24.com/bangladesh/2013/08/28/bangladesh-sought-data-on-12-users-facebook](http://bdnews24.com/bangladesh/2013/08/28/bangladesh-sought-data-on-12-users-facebook)

15 *Daily Star*. (2014, April 13). Govt asks Facebook to remove 3 contents. [www.thedailystar.net/govt-asks-facebook-to-remove-3-contents-19979](http://www.thedailystar.net/govt-asks-facebook-to-remove-3-contents-19979)

16 Rezwan. (2012, March 24). Bangladesh: Court Orders Shutting Down of Facebook Pages for Blasphemous Contents. *Global Voices*. [globalvoicesonline.org/2012/03/24/bangladesh-court-orders-shutting-down-of-facebook-pages-for-blasphemous-contents](http://globalvoicesonline.org/2012/03/24/bangladesh-court-orders-shutting-down-of-facebook-pages-for-blasphemous-contents)

17 Freedom House. (2013). Op. cit.

18 Topu, A. H. K. (2013, November 3). Hindus attacked in Pabna. *The Daily Star*. [archive.thedailystar.net/beta2/news/hindus-attacked-in-pabna](http://archive.thedailystar.net/beta2/news/hindus-attacked-in-pabna)

19 Freedom House. (2013). Op. cit.

20 Samad, S. (2012, January 4). Bangladesh teacher awarded imprisonment for Facebook status. *Bangladesh Watchdog*. [bangladeshwatchdog.blogspot.in/2012/01/bangladesh-teacher-awarded-imprisonment.html](http://bangladeshwatchdog.blogspot.in/2012/01/bangladesh-teacher-awarded-imprisonment.html)

21 Ray, A. (2012, February 17). Bangladesh: Government observation of Facebook ignites debate. *Global Voices*. [globalvoicesonline.org/2012/02/17/bangladesh-facebook-under-government-scanner-ignites-online-debate](http://globalvoicesonline.org/2012/02/17/bangladesh-facebook-under-government-scanner-ignites-online-debate)

The government, on the other hand, senses a real threat. It cites the example of a failed coup conspiracy in 2012, where a group of ex-military officials used Facebook as the platform to prepare and plan to oust the government.<sup>22</sup> No wonder the government's response was to create the BD-CSIPT to identify the websites and persons or institutions that engage in activities that can be seen as harmful to the state, society, political and religious beliefs – whether using mobile phones, a simple website, or social media.<sup>23</sup>

### Action steps: What's next?

Bangladesh still does not have any proper legal framework to protect privacy and to counteract surveillance. Communication surveillance happens both officially and unofficially without much

challenge. Civil society has a bigger role to play in this context. Civil society organisations can raise awareness among citizens and can push the government to educate and empower people on issues of privacy, cyber crimes, etc. This is preferable to the authoritarian approach of blocking or filtering content, or conducting surveillance. A comparative study on what other countries have done and what they have achieved could be a useful background resource to create this awareness and understanding. Activists can prepare guidelines on user rights and obligations and what can be done if someone feels violated by communication surveillance. Civil society also needs to speak up on the unconstitutional provisions in the ICT Act amendment and other legal provisions that allow surveillance.

---

22 BBC News. (2012, January 19). Bangladesh army 'foils coup' against Sheikh Hasina. *BBC News*. [www.bbc.co.uk/news/world-asia-16627852](http://www.bbc.co.uk/news/world-asia-16627852)

23 Times of India. (2012, January 26). Bangladesh unveils cyber watchdog. *The Times of India*. [timesofindia.indiatimes.com/tech/it-services/Bangladesh-unveils-cyber-watchdog/articleshow/11640219.cms](http://timesofindia.indiatimes.com/tech/it-services/Bangladesh-unveils-cyber-watchdog/articleshow/11640219.cms)