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Bangladesh: Digital Security Bill Seriously Flawed

The government of Bangladesh recently approved a Digital Security Bill which has now been sent to parliament for its review and ultimately adoption. An Analysis by CLD shows that the Bill fails in several important ways to respect international guarantees of freedom of expression. This is despite the fact that a lot of criticism has already been directed at provisions in Bangladeshi laws which restrict freedom of expression online, under which 21 journalists were charged over just four months in 2017.

"The Bill includes numerous provisions which either duplicate existing provisions in the Penal Code or establish restrictions on digital content which fail to respect international standards", said Toby Mendel, Executive Director of CLD. "We very much hope that the government recognises that this Bill is not the right way forward and, instead of trying to pass it, consults with local stakeholders with a view to amending it."

Some of the more serious problems with the Bill include:

- Content restrictions which are vague and/or overbroad, which protect interests that are not recognised as legitimate under international law, or which duplicate offences that are already covered in more carefully tailored ways in the Penal Code.
- Significant overreach, based on very wide definitions, leading to the criminalisation of perfectly innocuous activities, such as the fact that changing the settings on your own computer is included within the offence of hacking.
- Oversight bodies that are firmly under government control, contrary to the international law rule that regulatory bodies for expressive activities need to be independent of government.
- Leaving it up to the government to define the main functions and powers of key regulatory bodies, rather than including these in the primary legislation.

CLD calls on the government to substantially revise the Bill to address these and other problems, and then to table it in Parliament again.

The Analysis is available at: <https://www.law-democracy.org/live/bangladesh-digital-security-bill-seriously-flawed/>

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