Input for report on disinformation

15 February 2020

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**Overall Situation and Background**

The overall situation of Freedom of Expression in Bangladesh has been a matter of serious concern. Despite the fact that such a freedom is the constitutional fundamental right of every citizen of Bangladesh, this right is hardly ever given the due respect that a citizen deserves. Within this area, the issue of disinformation has become a severe issue due to the impact it has had on the innocent critiques and others. Due to the severity of the impact of disinformation, the Government has taken stringent legal and other actions against disinformation to combat the spread of fake news and rumours; however, rather than preventing disinformation, it has been noticed that most times, it curtails the freedom of expression in the general space, creating a chilling effect and self-censorship amongst the people in the digital platform.

There have been incidents where social media platform Facebook was used to spread fake news instigating religious conflicts.

The Government of Bangladesh has the policy vision to shift the country to a Digital Bangladesh by 2021. According to the statistics collected from Bangladesh Telecommunication Regulatory Commission’s (BTRC), as of August 2020, the number of internet subscribers in the country stood at 108.188 million which is nearly twice the number of users which was 54.120 million at the end of December 2015.

While the increase in the total number of internet users would mean the overall access to information to increase; however, it also increased the scope of spreading disinformation. This has been due to the general public not being well aware of the situations or due to the lack of availability of accurate and adequate information. In this digital age, with the social media platform being used as a major source of information most time, the users take the information they receive for granted without cross-checking which results in the spread of misinformation, especially where the users share those information without further verification or research.

In the last few years, Bangladesh has been experiencing an increase in the number of incidents of digital disinformation. These led to serious communal disharmony, distrust, social religious unrest, all due to the increase in the circulation of fake news and rumours by miscreants. Facebook, a widely used social media platform, has become very crucial in circulating disinformation. This resulted in the government to adopt serious and stern actions with respect to the media and impose heavy restriction of the freedom of expression.

As no clear or specific definition, guideline or code of conduct exist with respect to disinformation or misinformation, the Government of Bangladesh often uses, or rather misuses certain instances of misinformation (without verifying the intention of the user) and takes action against them as well as other innocent dissenters or critics under the Digital Security Act 2018, charging them with ‘spreading rumours or fake news’.

The law was enacted with the purpose of ensuring security in the digital space so as to protect information in the digital space and prevent misuse of data. However, it has been noticed that the law is seldom used to prevent it, but rather, arresting and detaining individuals as a means of harassing them. This practice of detaining or arresting individuals under the guise of ‘spreading rumours’, ‘defaming the nation’ or otherwise is a somewhat common trend against anyone expressing dissent or criticising government’s initiatives. It is to be noted that during the COVID-19 pandemic, the Government of Bangladesh issued strict directions to the government officials to refrain from sharing any news or post in the social media platform regarding the health measures or the quality of the PPE. This was following the incidences of arrests and detention that were published in the news media.

**Key challenges raised by disinformation**

One of the key challenges raised by disinformation is the lack of clear demarcation between disinformation and misinformation, and the measure/mechanism of state with respect to each. By the nature itself, it is tough to determine which information falls in either of these categories. However, independent media, accurate information flow and transparency in every level of the governance are essential to tackle disinformation, unfortunately which is not in the case of Bangladesh. Rather the government has adopted repressive legal framework in the name of restoring social and religious harmony which is ultimately creating a major obstacles for the dissidents, oppositions or free thinkers.

Besides, due to the lack of fair and independent investigations into incidents and information, the authenticity and credibility of the information made available is seldom questioned. Incidences of mob beatings were on the rise in different parts of the country based on some rumours that stated that “human heads are needed for Padma Bridge construction”. This resulted in many getting killed on being suspected of kidnapping children for such sacrifices. These incidents created fear in people’s mind, hampering citizens’ security and above all creating unrest within the country. Although the government did state that it would take stern action against those spreading the rumour; due to the absence of any monitoring body for the digital space where this rumour was spreading, no strong preventive mechanism has been visible. We have noted that previously, on multiple counts, the Government take actions like blocking social media apps and other channels; however, how far such ‘stern’ measures are effective in preventing the spread of disinformation is questionable. On this note, it is essential to note that access to information, which are clear, adequate, accurate and credible, is fundamental in countering disinformation.

There exists no legal, administrative, policy or regulatory mechanism by the government to counter such disinformation, either online or offline. In this regards, an independent strong monitoring, policing and fact-checking agency is fundamental, who would overlook the information shared in the digital platform from the neutral lens and a human rights based tunnel.

**Lack of adequate measures to ‘counter’ disinformation**

The legal system of Bangladesh does not specifically deal with the legality of issues relating to disinformation. Rather, there are provisions issues relating to the following: punishment for making any kind of propaganda or campaign against liberation war, spirit of liberation war, father of the nation, national anthem or national flag; transmission, publication, etc. of offensive, false or threatening data-information; publication, broadcast, etc. of information in website or in any electronic format that hurts the religious values or sentiment; publication, transmission, etc. of defamatory information, under the national law titled, ‘Digital Security Act 2018’.

Most times, the allegation against these individuals is that they are defaming the aggrieved party and is bringing down the image of the country. It has been noticed that the government does not have any protection mechanism for the journalists; rather they face charges under the aforementioned law. Till date, there have been multiple instances whereby the ones filing the case under said act belonged to the ruling political party and were misusing the law as a means to harass them, intimidate them, or prevent them from reporting further on that issue.

During this time of the pandemic, there were multiple instances where there was spread of disinformation through fake news, and rumours, which were proliferated through the social media platforms. Alternatively, there were many other false cases filed against individuals for expressing their dissenting opinion with the government.

While the government addresses various different issues of economic, social, cultural and developmental rights, it seldom deals with the civil and political rights, right to freedom of expression, speech, and opinion. Besides drafting the draconian law, there is little to no initiative taken to address the restrictions placed on the freedom of expression throughout.

**Suggestions and Recommendations on how to protect and promote the right to freedom of opinion and expression while addressing disinformation**

1. The government should increase the access to information further. The availability to ample accurate and credible information will increase the scope of raising awareness and decreasing the credibility and trust on disinformation.
2. The government should conduct timely, effective and fair investigation and research on the instants of human rights violations, especially with regards to cases filed under Digital Security Act 2018 for any spread of disinformation.
3. The government should amend the Digital Security Act to ensure an enabling environment for free-thinkers, dissidents and general people.
4. The government should ensure proper checking of facts by independent organisations so as to supplement and improve journalism and hold professional journalists more accountable for any disinformation.
5. The government should develop a clear, comprehensive and broad set of actions to tackle the spread and impact of online disinformation through the consultation with relevant stakeholders. The plan of action should be in line with human rights and fundamental freedoms.