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WHEN DIGITAL RIGHTS BECOME A HUMAN RIGHT

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Private university student Sumon (not his real name) had already gone to bed when the police came to his bachelor pad, last month. The cops were on a "block raid"—a security exercise that Dhaka Metropolitan Police executed over several areas in the city in the aftermath of the Safe Roads movement waged by student protestors.

"They came into my room, woke me up and told me to fire up my laptop and give them my phone," describes Sumon. The cops then proceeded to look through his Facebook and checked his WhatsApp messages, claims the student. "They found a text message forwarded to me by a neighbor saying that the police are doing a block raid, so I should be alert and speak to them politely."

The policeman checking his phone got alarmed by the text message. "Who tipped you off about the block raid? Was it someone from the opposition party?" Sumon claims the police said, before calling the higher official supervising the raid. Along with five of his other flatmates, he was then rounded up and taken to the local police station for further questioning. It was only in the early hours of the morning that Sumon's brother managed to make phone calls and get Sumon released.

The relevant police station was asked to confirm that Sumon was indeed picked up from his house, but they claimed that nobody was arrested on the night of the block raid, so *Star Weekend* is refraining from naming them. Technically it is true—Sumon was never booked in as arrested—he was only "brought to the police station" for a few hours, which is equivalent to detention.

But this does not change the fact that Sumon was allegedly picked up for having received a text message that the entire city was getting. People all over Facebook were sharing statuses about cops knocking on doors, and police cars cordoning off areas. In fact, during the days block raids were happening in the areas around Dhanmondi and Bashundhara, *The Daily Star* and every other major news organisation too reported on what was going on.

Yet Sumon was allegedly interrogated on "how he got the information". The police arrested 97 "agitators" this past month on charges of "spreading misinformation and rumors on social media" under Section 57 of ICT Act, but that's hardly a new story. Since the amendment of the law in 2013—eliminating the need for arrest warrants and official permission to prosecute—and April 2018, the police submitted 1,271 charge sheets under Section 57, many of which had multiple accused[1]. Special public prosecutor of Cyber Tribunal, Nazrul Islam Shamim told *Dhaka Tribune* last year that the majority of the cases filed under Section 57 cannot be proven in court. "Some cases are fabricated and filed to harass people," he added. "Most of these cases are settled out of court."

And while the government will be scrapping Section 57, as declared by Posts, Telecommunications and IT Minister Mustafa Jabbar last week, it will be replaced with more problematic sections curtailing freedom of speech. In the new draft Digital Security Act, Section 30 is basically a reworded Section 57, and sets prison terms for vague offenses like publishing "aggressive or frightening" information. The law would also impose sentences of up to 10 years in prison for posting information which "ruins communal harmony or creates instability or disorder or disturbs or is about to disturb the law and order situation."

The criticism of laws restricting freedom of speech barely scratches the surface of a wider, more important discussion on digital rights and privacy of the ordinary citizen. Digital rights describe human rights that allow individuals to access, use, create and publish digital media or to access electronic devices and communication networks. Unassumingly European-sounding in its definition, digital rights were initially established through the Association of Progressive Communications (APC) Internet Rights Charter in Prague in 2001, and later adopted under the Universal Declaration of Human Rights by the United Nations. In response, several countries today recognise the right to Internet access—related to existing rights to privacy and freedom of expression—by law.

Arguably, in Bangladesh, where 24.3 percent of the population live in poverty, digital rights seem like a lofty, elitist goal. Digitising the country has been central in the current government's political manifesto since 2008, yet comes with little discussion on the rights associated with access to digital tools. The Bangladesh Telecommunication Regulatory Commission report that 152 million Bangladeshis today have a mobile phone subscription, creating a tremendous market for digital economy. However, discrepancies between administrative and international statistics of Internet users, paint an incomplete picture of Internet prevalence.

Effective enactment of digital rights in Bangladesh nevertheless comes with stipulations. The ordinary individual should have the freedom to choose what digital tools they access and when, what they consume on it, and what they communicate through it without being exploited by the government or private corporations. Low-cost, readily available Internet does not give a free pass to the provider to limit people's access to information available on it, nor to collect data on the users, as was the case with Facebook Basics initially. The right to access comes with the right to know how to effectively use the tool (digital literacy), the right to choose what information to consume through it (informed consent), the right to protect the information shared through it (freedom of expression) and the right to own and protect personal data collected through it (privacy controls). The government's current digital policies do not provide clarity on the rights of the people enabling the state to control information, provide no legal safeguards on privacy, and prosecute

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