

The Daily Star

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Journalism can't thrive under digital siege

Bangladesh's continued slide in Press Freedom Index is alarming

WE'RE deeply worried about the total lack of concern being shown to the continued slide in the state of press freedom, and generally the freedom of expression, in Bangladesh. This has been reflected, most recently, in the 2022 World Press Freedom Index released by Reporters Without Borders on the occasion of World Press Freedom Day on May 3. Bangladesh, unsurprisingly and quite in keeping with its record over the past decade, has put up a dismal performance as it ranked 162nd out of 180 countries and territories. This marks a 10-point slide from last year, when Bangladesh ranked 152nd, while its score—36.63—is the lowest among all South Asian countries. While this is more or less predictable by now, there are important takeaways from our latest showing, including how social media has replaced traditional media as the new frontier of censorship and journalist repression.

The role of social media in endangering journalists—which has been recognised in this year's Press Freedom Day theme of "Journalism Under Digital Siege"—cannot be emphasised enough. To that end, Bangladesh offers a "successful" template. Between January 2020 and February 2022, more than 200 journalists have been implicated under the Digital Security Act (DSA). There have been instances of involuntary disappearance and pretrial detention as well. Editors and media managers have repeatedly blamed the authorities for weaponising the DSA to turn the heat on journalists, so that they are forced to toe the official line. The problem is, DSA doesn't need to be weaponised—it is the weapon. It's replete with vague terms. Most of its sections are also non-bailable, which means the accused, as guilty until proven innocent, faces an uneven road to justice. Few of those sued under the law have been convicted, however, indicating that the main purpose of this law is not to judge, but to intimidate. In other words, a culture of fear has been created through this law.

Bangladesh's score in the Press Freedom Index was 57 in 2011. In 2022, it stands at 36.63. Bangladesh's score in the democracy index was 60 in 2011. In 2022, it stands at 39. Clearly, our slide in press freedom and democracy has been simultaneous, and we cannot expect improvements in either if the authorities are not respectful of people's voices and fundamental rights. Unfortunately, instead of trying to improve our scores in these vital indexes, the authorities have recently drafted new laws to regulate personal data, mass media, social media and over-the-top (OTT) media services which, if enacted, will put journalists, critics and rights defenders at a greater risk. We urge the authorities to turn away from this dangerous road, and take measures that actually empower the journalists both in the digital sphere and in their professions on the ground.

Exploitation of shipbreaking workers must stop

Why didn't they get Eid bonuses?

WE share the disappointment of thousands of shipbreaking workers who were denied their festival bonus before Eid-ul-Fitr this year. As per our report, shipyard owners used a loophole in the labour law of Bangladesh to deprive the workers of their festival bonuses. A provision in the law specifies that festival bonuses cannot exceed the basic salary of the workers who worked for one year at any yard. The law, however, doesn't mention a lower limit for the bonus. So, the yard owners gave some of the workers Tk 500 and some Tk 1,000 as Eid bonuses, while many went home empty-handed. The same thing happened last year as well, according to the workers. Meanwhile, they paid the full salary and bonus to the management and regular staff.

The reason why the owners could exploit the workers in such a shameful way is that they never implemented the minimum wage structure declared by the government. In 2016, the government fixed the minimum wage for shipbreaking workers (entry level) at Tk 16,000, making the basic salary Tk 8,000. But since none of the yards have implemented the new wage structure yet, it has also given them the chance to deprive the workers of their Eid bonuses. The result is, around 25,000 workers employed in this dangerous job could not enjoy their Eid holidays with their family members due to financial hardship.

Shipbreaking yards are, reportedly, the most dangerous workplaces in the country, due mostly to lax implementation of environmental and safety laws. Many workers in this sector have lost their lives in deadly workplace accidents, while injuries are also fairly common. While the workers risk their lives to do their work, the authorities of these yards remain oblivious to their safety and well-being. This is, in no way, acceptable in a civilised society.

The questions that must be asked here are: Why couldn't the yard owners implement the government-fixed wage structure in all these years? How could they ignore the fact that it is through the hard work of these workers that the industry is making such huge profits? Also, why is it so hard for them to ensure a safe work environment for the workers?

We think the government should take action against the yards that are not complying with the government-fixed wage structure. These yard owners should be directed to give their workers their due bonuses when they rejoin work after Eid holidays. The government must also have a monitoring mechanism in place to ensure that our shipyards are safe for workers. Without proper monitoring from the authorities, the industry may continue exploiting its workers.

Speak now or forever hold your tongue



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SAAD HAMMADI

BETWEEN January 2020 and February 2022, more than 200 journalists have been implicated across Bangladesh under the draconian Digital Security Act (DSA), leading, in some cases, to involuntary disappearance and pretrial detention.

In August 2021, the Bangladesh Police told me that they were not required to reveal the number of cases they filed, or the number of people they accused or arrested for online dissent under the DSA at any given time. In response to my inquiry under the country's Right to Information Act, they argued that the public disclosure of such information could "obstruct enforcement of the law."

When information is denied to people and any attempt to expose truth by journalists is penalised by authorities, the state of freedom of expression in Bangladesh, including press freedom, is not hard to guess.

In February last year, writer Mushtaq Ahmed died in prison. He had been denied bail six times over a 10-month period and held without trial simply for criticising the government's response to Covid-19 online. Another inmate alleged that Ahmed had been subjected to torture. His case exposes how the DSA has been weaponised to cruelly target dissenting voices.

During a meeting of foreign correspondents in December last year, Law Minister Anisul Huq assured those in attendance that reporters would not be arrested immediately under the DSA when cases were filed against them. Instead, they would be summoned and could seek bail from the court. His assurance arrived amid severe criticism of the law. This means that the government can bypass the law on a whim or make exceptions in order to target certain groups of people. This unnerving suggestion promotes exceptionalism and suggests that the rule of law is flexible and will not be applied equally to everyone.

Just under two months later, state critic and journalist Zohurul Haque was arrested under the DSA, which showed that the authorities intend to use the law to target anyone who does not toe the party line. Under the pretext of combating disinformation, defamation and the "deterioration of law and order,"

the authorities have used the DSA to incarcerate journalists and cartoonists for months, many of whom are held without trial. Even children have been targeted.

According to the international human rights law, any restrictions placed on the right to freedom of expression must be necessary, proportionate and provided by laws to protect, for example, public health or national security. Using a criminal law

access private information in encrypted communications on personal devices, or to censor content on digital platforms.

This means that if someone expresses a critical view of the achievement of Bangladesh's Liberation War, or the country's relationship with another nation in a Facebook status, or even in a private message between friends on WhatsApp, that individual could be subjected to



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to combat disinformation and defamation clearly does not meet these standards.

Government policymakers remain adamant that the DSA can effectively address disinformation on digital platforms. Instead of breaking away from past acts of repression, the authorities have drafted new laws to regulate personal data, mass media, social media and over-the-top (OTT) media services like Netflix and other digital platforms. Human rights defenders, lawyers, journalists, academics, film-makers and civil society organisations all fear that these laws will be used, like the DSA, to target individuals or content deemed to be anti-state or anti-government.

The proposed Data Protection Act, for instance, gives authorities broad powers to access, control and process data without judicial oversight. This would make journalists and their sources vulnerable and would lead to heightened self-censorship as their information can be accessed by the authorities. The law would also exempt state agencies from being held accountable for violating people's right to privacy. Moreover, the authorities would use vague and overbroad descriptions, such as the need to protect the "spirit of Liberation War," "sovereignty of state" or "friendly relations with foreign states" to

criminal punishment under the DSA, intrusive surveillance under the data protection law, or censorship under the digital, social media and OTT platform regulations.

These laws and regulations are deeply problematic and clearly arbitrary in nature. To make the new laws fair and transparent, the authorities must broaden consultations to allow the concerns of numerous independent critics to be heard. Otherwise, many more individuals, including journalists, will continue to be punished under the DSA and the new laws for criticising powerful people and holding state institutions to account.

Bangladesh ranks at the bottom of the eight countries in South Asia, having slid from 146 in 2018 to 162 in 2022 on Reporters Without Borders' global press freedom index. The repression legitimised under the DSA, and the newly proposed laws signal an imminent deterioration of press freedom.

While the media and human rights and civil society organisations must play a role in lobbying for change, I hope politicians will also take concrete steps to critically and objectively review these laws, and ensure they fall in line with international human rights law and standards. It is, I am afraid, a case of now or never.

The authorities have used the Digital Security Act (DSA) under various pretexts to incarcerate journalists, cartoonists and critics for months, many of whom are held without trial.

PROJECT SYNDICATE

Europe's soft-power problem



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MARK LEONARD

THE Ukraine crisis shows that the European Union (EU) has a problem with power. While its hard-power deficit has recently moved to the centre of attention, its philosophical and political shortcomings are an even bigger concern. After all, given Germany's *Zeitenwende* (foreign-policy "turning point"), Finland and Sweden's debates over Nato membership, and the size of European rearmament spending pledges, Europe will likely have more military resources than anyone other than the US before too long. But even then, it will have a soft-power problem.

Europe is home to two identity-building projects, both of which are deeply alienating to the rest of the world. Each was represented in the second round of the French presidential election, where the incumbent, Emmanuel Macron, defeated the far-right nationalist Marine Le Pen to secure a second term.

Macron framed the campaign as a choice about what kind of civilisation France—and Europe—wants to be. He portrayed his country as the ultimate embodiment of enlightened civic virtue. For him (and for Europeans like myself), the European project is an elaborate attempt to transcend the continent's bloody history of nationalism, imperialism and genocide. The EU is meant to forge a new European identity based on civic principles such as international law (against "might makes right"), liberal democracy (against populist majoritarianism), privacy (against "surveillance capitalism"), and human rights (against the surveillance state). This project implies a new kind

of patriotism, and, insofar as it has succeeded, it has provoked a counterrevolution from those who believe that globalisation and European integration threaten their wealth, culture, and status. Le Pen presents herself as the tribune of this new-old version of European identity. Describing Macron as a globalist agent of death who will lead France and Europe to cultural suicide, she claims to represent the forgotten farmers and workers whose interests have been sidelined for the benefit of economic elites and refugees.

The structural dynamics of the French electoral system have intensified the dialectical relationship between these two versions of European identity, with the traditional contest between the centre left and the centre right giving way to a showdown between Christian ethnic nationalism and civic internationalist patriotism. But France is hardly alone. One finds similar divisions across Europe. Movements to "take back control" have mobilised voters against the openness and internationalism that underpin the new European identity.

The problem with the European far right is obvious. Despite her appeals to religion and traditional values, Le Pen's xenophobia, Islamophobia, and implicit white supremacy have alienated a large share of the global population, not least the world's 1.9 billion Muslims. What is more surprising is that attempts by internationalists such as Macron to develop a civic identity have sometimes also reduced Europe's appeal in many parts of the world. His version of Europe supports gender parity, minority rights, and environmental action, but it has also been increasingly willing to subordinate sovereign power to the imperatives of markets and supranational principles and institutions.

These new priorities have naturally been met with charges of hypocrisy. Many European countries that slammed their doors during the 2015 Syrian refugee crisis are now offering a warm, open-

ended welcome to the blond, blue-eyed refugees fleeing from Ukraine. And, as many attendees at this year's Doha Forum noted, the West's commitment to the principle of sovereignty in Ukraine rings somewhat hollow after years of Western drones patrolling the skies above Pakistan and Afghanistan. Weren't these the same countries that changed international borders in Kosovo, overthrew Muammar al-Qaddafi in Libya, and invaded Iraq? Moreover, after raping the planet for centuries, Europe has now decided to present itself as a champion of climate change mitigation and environmental protection.

What is most off-putting is the way that Europeans tend to universalise their own experience, often assuming that what is right for them is right for others. For various historical reasons, most European societies have embraced a balance between majoritarian democracy, minority rights, and private property, and we now take this package of principles as a given. But as the Arab Spring showed, people elsewhere might opt for the right to vote without demanding the full package. Those who rebelled against authoritarian regimes sought to emancipate themselves, not to mimic the West.

The world seems to be moving from an era of imperialism to one of decolonisation. In the former, the success of the capitalist economic model and new communication technologies helped spread Western ideas and values worldwide, but now, countries and societies increasingly want to celebrate their own values and culture.

This paradigm shift has profound implications for everyone, but especially for Europe. Powers that want to prosper will need to embrace a "sovereignty-friendly" idea of soft power. Failing that, we Europeans will always be accused of using our norms and standards to defend white privilege. We will remain at odds with the new project of decolonisation, and thus out of step with much of the international community.

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