

## A blatant disregard for rights treaties

The Digital Security Act must go, before it inflicts further harm

Two issues that have consistently bothered rights defenders in Bangladesh are the government's excruciatingly slow response time in addressing concerns over the draconian Digital Security Act (DSA), and its uncompromising stance on the question of repealing it. Last week, the law minister reiterated that some amendments would be made to the act by September this year – after over four years of continued, blatant abuse – but dashed any sense of optimism by rejecting the possibility of repealing it.

It was over 11 months ago that the Office of the United Nations High Commissioner for Human Rights (OHCHR) recommended that the government scraps two sections of the DSA and amends eight others. To this day, the government maintains that those sections are "necessary", but is open to some amendments based on its review which is yet to be completed. It is futile to ask why it is taking so long.

After all, the OHCHR is not the first to point out the extremely broad, ambiguous and harsh provisions of the law, which contradict several international rights treaties (including ICCPR) that Bangladesh as signatory is bound to uphold. The Sampadak Parishad, among others, has also repeatedly and elaborately highlighted these issues since 2018, to no visible effect so far. The last four years and so have amply justified their concerns, with journalists, activists, and political rivals frequently targeted.

It is possible that the government will indeed bring some amendments come September, even if merely to distract naysayers ahead of the upcoming general election. But it will be neither enough nor in keeping with its pledge to prevent abuse of the DSA. Any legal change barring an outright repeal may give the appearance of reforms but it may still not be immune to exploitation since the very nature of the law, as a Supreme Court lawyer reminds us, "is contrary to the constitution and fundamental rights." It will certainly do nothing for the thousands of victims who are facing harassment or punishment as a result of its abuse.

The government's failure to recognise their plight or address the glaring problems in the DSA is deeply concerning. We urge the authorities to take the concerns of journalists and activists seriously, and approach the question of reforms in DSA from a human rights perspective instead of imposing their version of reforms.

## Support children with Down's syndrome

They have more to offer to society than we realise

It is unfortunate that we as a society have been unable to create an enabling environment for children suffering from various health and developmental issues, including Down's syndrome. Down's syndrome occurs when a person is born with an extra chromosome. Although they may appear to be like everyone else, their abilities can vary and they may require special care.

According to the government's Disability Identification Survey, 6,028 individuals in Bangladesh have so far been diagnosed with Down's syndrome. However, due to a lack of awareness among parents and society in general, it is possible that the actual number is higher. And this is a major problem as early detection can prove vital in providing the care required by children with Down's syndrome and making their lives easier, particularly in relation to their schooling.

Like many other conditions, Down's syndrome continues to be stigmatised in Bangladesh due to lack of awareness and understanding. Therefore, parents themselves are often reluctant to seek out the additional support their children require. But even when they do, the support system being offered by the government in particular, and society in general, is also woefully subpar.

For example, although there are a number of schooling services in Dhaka for children with such conditions, these are not sufficient. The situation is far worse in rural areas where such schools are almost non-existent. The number of trained teachers who are qualified to help these children flourish is also very low.

Because they tend to be different, children with Down's syndrome may sometimes struggle to integrate with their peers. However, it is often the case that they may excel more in certain fields and are naturally talented in them. That is why it is essential for society to provide them with the care and nurturing conditions they require, so that they can contribute more to our nation. Hence, the government should increase the number of special schools and other facilities for children with such conditions and thus help them live an active and meaningful life.

## LETTERS TO THE EDITOR

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### Address the plight of GPA-5 holders

I completed my HSC in 2021 with a GPA of 5 and my SSC in 2019 with a GPA of 4.72. Recently, I applied for honours courses at the National University for nine separate subjects, but I haven't been selected to study there. I was a good and hardworking student throughout my life. But now I feel depressed. Where will I study now? There are so many GPA-5 holders in the country. But the question is: will all of them get a chance to study further? Just imagine how dire the situation is for the students under the national curriculum. I urge the authorities to do something about this, so that none of us have to drop out.

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# EDITORIAL

US' VISA RESTRICTION 'SIGNAL'

## A fair warning against a foul conduct



BLOWIN' IN THE WIND

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The decision to restrict US visa services to Bangladeshi nationals who might be unlawfully and immorally involved in undermining the forthcoming electoral process has created a political maelstrom. The announcement came from the US Secretary of State Antony Blinken on Wednesday. The White House spokesperson, Matthew Miller, explained the new visa policy under Section 212(a)(3)(C) – known as "3C" – of the Immigration and Nationality Act that had been enacted to "support Bangladesh's goal of holding free, fair, and peaceful national elections."

At the White House press briefing, available on the website of the US Department of State, the diplomatic correspondent from the AP, Matt Lee, queried why the 3C needed to be spelt out specifically for Bangladesh as the US reserved the right to issue or revoke visas anyway. A tete-a-tete ensued as Lee tried to understand the nature of the "grand deterrent", to which Miller conceded that it was "a symbolic thing."

A second journalist tried to decipher the "signal." Miller replied, "It is a signal to all members of society – military security forces, members of the judiciary – that we have this ability and that we are paying attention."

The journalist quizzed, "Are you expecting that there will be rigged elections or irregularities because you're sort of doing this preemptive strike? Is that in any way a warning or criticism of the government and the prime minister in Bangladesh?"

Miller responded by saying, "No, I think it is a signal [by] our part that we support free, fair, and peaceful elections in Bangladesh."

Miller was then asked, "Usually you impose these visa restrictions or sanctions when there's proof of irregularities. In this case, you're saying, 'Watch out if?'"

Miller confirmed by saying, "Correct."

There is a lot to be learned from this discourse; the beauty of democratic norms. The US decision, as we now know, was intimated to our foreign secretary when he was touring Washington. For three weeks, the government had time to prepare its response. It did so by heightening suspicions about the adversary role of foreign agents. The withdrawal of police escort from certain diplomats, the unnecessary



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FILE PHOTO: REUTERS

comment on ambassadorial flags, and the high profile BBC interview to suggest dislike for the premier, all added fuel to the fear of sanctions. When the news eventually broke three weeks later, it turned out to be mildly strategic. The potency of this remedy is homoeopathic as it has the potential of being increased in intensity. And they say the power of homoeopathic medicine increases every time you hit the bottle a certain way.

The announcement that came in the wake of the Gazipur City Corporation mayoral election had already shown some impact on the people or agencies concerned. Coincidence or not, we just saw a peaceful election where the candidate from the incumbent party lost to a rival independent token figure.

The "loser" conceded in a manner that would have surprised even the US, who had not even recovered from the nightmare of counting and recounting their presidential ballots. One can only "watch out" for the "fair" electoral practice that we saw in Gazipur prevailing in the next seven months for the strengthening of democracy.

The "fair electoral warning" made the Ministry of Foreign Affairs give a very composed reaction, reiterating the government's position on holding

impede the election; the opposition's violent past is a case in point. The opposition interprets this visa ban as a slap on the wrists of those who have been in power for long. The "visa stick", the opposition hopes, will create a level playing field for them to participate in the next election. This does not, however, resolve the issue of a referee supervising the fair play. Can the nullified provision for a caretaker government be promoted by the visa master, who does not have any such practice in its own fair and lovely world?

The idea of "fairness" is, by definition, subjective. What tools will be used to determine "fairness"? In a country, where electioneering is a "costly" affair as candidates have to produce "conviction" of their abilities to be close to power to bring any considerable change to the constituency. They have to pay heavily to the party leadership to buy their tickets, then pay visits to their constituents to franchise or not to franchise their rights to veer the verdict in their favour. So any aggrieved party can cry foul in an after-election scenario. In a country that loves litigation, there's a local joke that describes the act of a village politician, who admits, "Since I am in town, I

actors can become counterproductive if the officials decide to avoid the electoral hassle altogether. A magistrate might think, "Why jeopardise my son's future of studying in the US for a fight not my own?" There can be many others in villages who might think that visa restrictions do not concern them at all, as they are not the ones with green cards or second homes in the Global North. But their impudence and actions on the periphery might have consequences for their leaders or instruction givers at the centre. Indeed, it will take time for us to practise democracy in its full form.

Meanwhile, our access to the promised land will depend on how we exhibit and practice prescribed virtues to be aligned with the free-thinking liberal world. The signal comes with an additional string of not deviating from the "ideal" path to tilt towards the lure of the material growth of development.

There is a new world order brewing on the margin. The eye shifts to other parts of the world to ensure the sanctity of the order. It is an emerging battle between two world orders: "freedom-with democracy" and "progress-without democracy". A clash of the titans is unfolding at the macro level. We, mere mortals, are caught in the crossfire at the micro level.

## The looming US default and some lessons



AN OPEN DIALOGUE

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For over two months, there has been speculation in the US – and, one might even say, across the globe – about whether the Biden administration and the US House of Representatives will reach a deal to raise the debt ceiling. The current debt ceiling is \$31.46 trillion. Secretary of the Treasury Janet Yellen announced on May 1 that unless the US Congress raises the ceiling, the US government could run out of cash as early as June 1.

For the rest of the world, the negotiations in the US capital between the opposing teams (led by President Biden and Speaker McCarthy) have been a lesson on economics, politics, and the latest state of the geopolitical power balance. Biden, who had planned an extended trip to Japan, Papua New Guinea, and Australia to shore up the anti-Russian alliance and to counter growing Chinese influence in the Pacific, cut short the sojourn and rushed back home after the G7 summit for the budget talks.

The moral of the story so far is: domestic financial stability and the president's credibility are of greater urgency and rightly deserve a higher priority than fighting Russia and isolating China.

For those who might have lost track of the negotiations and are wondering how the crazy US-American reality show arrived at the current state of affairs, let me offer a recap.

Every few years, the US government goes to Congress to seek approval to spend more money than it earns. In 1939, Congress passed a law establishing the debt ceiling at an initial limit of \$65 billion. Since 1960, the US has either raised, extended, or revised the debt limit 78 separate times and has always succeeded in raising the debt ceiling.

The problem now is two-fold. The House of Representatives is under the control of the Republican Party, which took over in January on the promise that it would enact legislation to curtail the Federal Budget. However, the president, a Democrat, won the 2020 elections and has since then gone on a mission to spend more money on green energy, the Ukraine War and various social programmes. The Republicans are using the debt crisis and the June 1 deadline to extract some concessions from the Democrats, particularly stricter work requirements for social safety net programmes, and cuts in the Inflation Reduction Act

(IRA) spending measures.

Interestingly, the House of Representatives proactively passed a bill on April 26 to raise the debt ceiling, and this was approved 217 to 215 along party lines. The Limit, Save, and Grow Act of 2023 would suspend the debt limit through March 31, 2024, or by \$1.5 trillion, whichever comes first. The legislation would raise the debt ceiling in exchange for freezing spending at last year's levels for a decade – a nearly 14 percent cut – and cap spending growth at one percent. Biden and the Democrats have already expressed their opposition to this bill, but the Republican initiative has put the Democrats in a tight spot.

So, what happens if Congress and the president fail to agree to raise the debt ceiling? First, the US government could default and postpone payments on some of its obligations. While the media has focused on debt servicing, the government could reduce its other discretionary expenditures, including social security, salaries, Medicare and various commitments.

Secondly, a default would have a major impact on the financial market and the US economy. Brookings Institution analysts Wendy Edelberg and Louise Sheiner recently argued that, "Worsening expectations regarding a possible default would make significant disruptions in financial markets increasingly probable" and that "such financial market disruptions would very likely be coupled with declines in the price of equities, a loss of consumer and business confidence, and a contraction in access to private credit markets."

The United States has the highest credit rating from two of the three major rating agencies. But if it defaults on its debt, the agencies have vowed to downgrade its rating.

Even if the two sides reach a deal after Memorial Day weekend, some damage has already been done.

To avoid a default, the government could bypass the speaker and work with centrist Republicans to secure the 217 votes needed to get a pro-Democrat bill. Failing that, it could keep on borrowing and ignore the debt ceiling under the umbrage of the 14th Amendment. However, as legal scholars have pointed out, while the 14th Amendment bars debt defaults, it does not authorise the president to borrow money to pay for social security or welfare.

So, when the president and the congressional leaders sit down next week, we expect some progress.

There are three lessons. First, as Professor Tomas Philipson of the University of Chicago and former acting chairman of the White House Council of Economic Advisors wrote in an op ed, "Great damage is done by the debt negotiations, which are part of a persistent pattern in which the government creates large, destabilising market risks."

Second, the outgoing World Bank President David Malpass criticised the governments for borrowing from the market, leading to an explosion of public debts, and crowding out private sector growth.

Third, as *The Wall Street Journal* reports, even once the debt crisis is resolved, the financial market will experience further aftershocks, especially the deposit-hungry banks.

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