

The President of Bangladesh, H.E. Md Abdul Hamid

The Chair of the National Human Rights Commission, H.E. Kazi Reazul Hoque

Subject: Open letter on Digital Media Security Bill

Your Excellencies:

We write to you as international civil society organisations engaged on human rights and sustainable development issues in Bangladesh. We are concerned that in the current political climate in Bangladesh, which is narrowing avenues for free debate and legitimate democratic dissent in the country, the Bangladesh Digital Security Bill 2018, likely to be introduced in the current session of Parliament, fails to protect the right of the media, civil society and members of the general public to freely express their opinions on policies and actions of decision makers.

Many of our organisations have closely followed debates about this bill over the years. In the past we have raised concerns about the existence of overbroad definitions and harsh punishments in the bill which, if enacted, would severely undermine freedom of expression as well as the freedom of the press. From available information, it appears that our concerns about the bill's provisions as likely to impinge on constitutional rights and well as Bangladesh's commitments under international law persist. Both Article 29 of the Constitution of Bangladesh and Article 19 of the International Covenant on Civil and Political Rights allow the imposition of restrictions on the right to freedom of expression only in very limited and clearly defined circumstances.

In the present situation we recommend that the bill's provisions are carefully considered from a constitutional and international law standpoint. Mr. David Kaye, the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, has done extensive work on the subject including on the exercise of the freedom of expression in the digital age. We believe that the government would greatly benefit from engagement with Mr. Kaye, who could advise on the permissible limits on the freedom of expression under international law.

Furthermore, we urge the government to seek assistance from the Office of the UN High Commissioner for Human Rights (OHCHR) on measures to strengthen the protection and promotion of human rights in the country in line with constitutional and international standards. We are concerned to hear that an official visit to Bangladesh by the UN High Commissioner for Human Rights, H.E. Zeid bin Ra'ad Al Hussein has been postponed and request the facilitation of a such a visit at the earliest opportunity.

We believe that Bangladesh's democracy and commitment to human rights and sustainable development will be strengthened through constructive engagement with UN human rights experts. We urge you to kindly consider the above requests in the interests of the people of Bangladesh.

Sincerely,

List of signatories (in alphabetical order)

Asian Federation Against Involuntary Disappearances (AFAD)

Asian Forum for Human Rights and Development (FORUM-ASIA)

Asian Human Rights Commission

CIVICUS

FIDH – International Federation for Human Rights

Human Rights Watch

Odhikar

People's Watch

Robert F. Kennedy Human Rights

World Organisation Against Torture (OMCT)