

Event Report



Celebrating 50 Years of Independence

BILIA LECTURE SERIES | **Lecture 4**

FREEDOM OF EXPRESSION IN BANGLADESH: PROSPECTS AND CHALLENGES

বাংলাদেশে মত প্রকাশের স্বাধীনতা: সম্ভাবনা ও চ্যালেঞ্জ

| Date & Time

26 June 2021
Saturday 4.00 - 6.00 pm

| Keynote

Dr. Shantanu Majumder
Professor, Department of Political Science, University of Dhaka

| Panel Discussion

Mr. Zafar Wazed
Director General, Bangladesh Press Institute (PIB)

Mr. Monjurul Ahsan Bulbul
Former President
Bangladesh Federal Union of Journalist (BFUJ)

| Chair

Barrister M. Amir-UI Islam
Chairman, Bangladesh Institute of Law and International Affairs (BILIA)



Bangladesh Institute of Law and International Affairs (BILIA)

Lecture 4

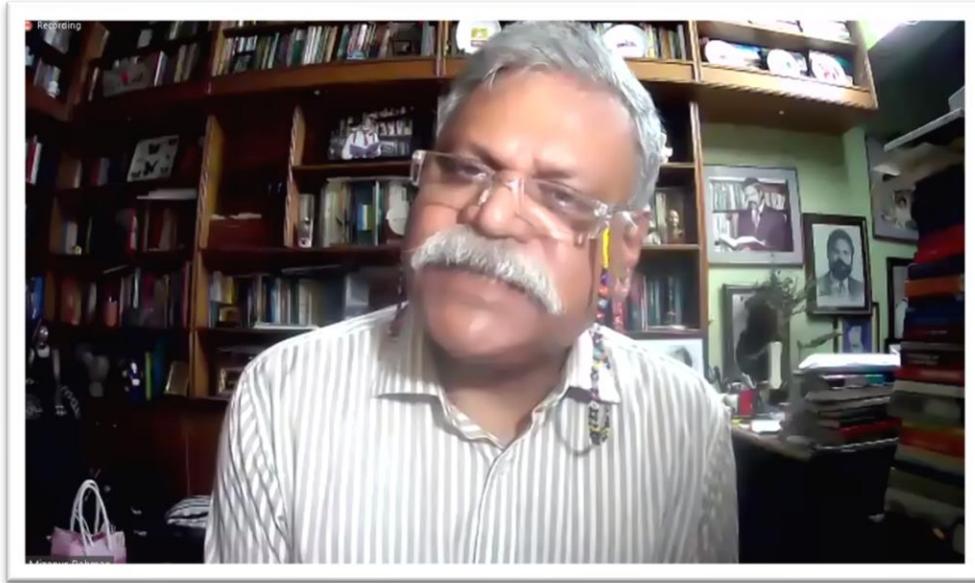
Freedom of Expression in Bangladesh: Prospects and Challenges



(From left to right) Dr. Mizanur Rahman, Dr. Shantanu Majumder, Mr. Zafar Wazed, Mr. Monjurul Ahsan Bulbul and Barrister M. Amir-Ul Islam

In celebration of 50 years of Independence of Bangladesh, Bangladesh Institute of Law and International Affairs (BILIA) has initiated a series of lectures. The fourth lecture of the series titled “Freedom of Expression in Bangladesh: Prospects and Challenges” held virtually on June 26, 2021, Saturday at 4:00 p.m. Dr. Shantanu Majumder, Professor, Department of Political Science, University of Dhaka presented the keynote speaker. Mr. Zafar Wazed, DG, Bangladesh Press Institute (PIB), and Mr. Monjurul Ahsan Bulbul, Former President, Bangladesh Federal Union of Journalists (BFUJ) were present as the panel discussants. This lecture was chaired by Barrister M. Amir-Ul Islam, Chairman, BILIA, and conducted by Professor Dr. Mizanur Rahman, Director, BILIA.

Welcome Address



Prof. Dr. Mizanur Rahman, Director, BILIA

In his welcome speech, Dr. Mizanur Rahman expressed his heartfelt gratitude to the keynote speaker, the panel discussants, and all the distinguished guests and participants for joining the lecture. He said that if freedom of thought and expression is disrupted in a society, not only the rights of the people would be infringed thereby, but also the whole process of state-building would be handicapped. He then, after giving a short introduction to the works and accomplishments of the keynote presenter and the designated discussants, hand over the session to the keynote presenter.

Keynote Speech

At the outset of his presentation, Dr. Shantanu Majumder gave some definitions of freedom of expression drawn from the international instruments, namely, *The Universal Declaration of Human Rights (UDHR), 1948* (Art. 19 and 20), *European Convention on Human Rights (ECHR), 1950* (Art. 10), *International Covenant on Civil and Political Rights (ICCPR), 1966* (Article 19). The presenter then delineated some excerpts from the historical development of freedom of expression and opined that there was nothing like “freedom of expression for all” in history. The right to freedom of expression was always reserved exclusively for the ruling elites. In this respect, among other examples, Dr. Majumder mentioned the death sentence inflicted on Socrates in 399 BC in Athens who was prosecuted by the state for his ideas on religion and political associations, and the persecution of in 1633, when the Roman Catholic Church punished Galileo Galilei for his scientific view that ‘the earth revolves around the sun’ in contrast to the orthodox Church view that

‘the earth was the immovable center of the universe’. According to Dr. Majumder, Renaissance in Europe, the invention of the printing press, and later on the American independence and the French revolution brought forth the idea of the "right to freedom of expression for all" and it gained due recognition through the Universal Declaration of Human Rights, 1948.



Keynote Presenter Dr. Shantanu Majumder

Mr. Majumder observed that most of the definitions of ‘freedom of expression’ (such as given by UDHR, ICCPR, ECHR, etc.) were developed after World War II and are mostly state-centric and based on a state-citizen binary where the state was considered as the only enemy of freedom of expression. Hence, it is now imperative to give a second thought over these definitions as the role of the non-state actors have been a reality since the final quarter of the last century in restricting freedom of expression considerably.

At this point, Dr. Majumder raised two important propositions. Firstly, Bangladesh is not an exceptional case study while discussing freedom of expression. Rather the situation here is similar to many other post-colonial countries and to many other countries where the Muslims are the majority religious community. And, secondly, he contends that not only the state but also the non-state actors (i.e., local-international organizations, institutions, corporate organizations, etc.) and non-state actors (i.e., socially important individuals and groups, for example local mosque

presidents, influential family members, religious leaders, extremist-conservative) are restricting freedom of expression in Bangladesh.

Afterward, the keynote presenter delved into the current challenges and prospects of freedom of expression in Bangladesh. The positive signs, to him, are the widespread use of the internet and smartphones, the activities of netizens on social media, the increasingly visible outcry and protesting voices in the social sphere. The availability of the internet and smartphone made the production, consumption, and distribution of information easier and consequently, the suppression of the same became harder day by day. Though, he continued, some degree of caution is maintained by netizens while discussing the *Digital Security Act (DSA)*, LGBT, and Atheism on social media.

Moving to the challenges obstructing freedom of expression in Bangladesh, Dr. Majumder opined that a kind of culture of fear is being created by the government among the citizens through DSA. The government claims that such legislation is needed for the digital security of the people and to prevent the youth from going astray and engaging in militancy and terrorism. That is, in fact, not reducing the fear among the people. The government should take steps to alleviate that fear and to keep in mind that expressing concerns over a law does not necessarily mean denying the necessity of that law. Besides, only state-facing criticism is paving ways for many non-state and not-state actors to enjoy practical impunity despite they are trampling down freedom of expression relentlessly. According to the presenter, the traditional definitions of 'freedom of expression' enshrined in national and international charters are limited to civil rights and violations by the state, which does not provide a proper explanation of the situation of freedom of expression in a state like Bangladesh. In Bangladesh, he continued, the culture of intimidation has spread beyond politics and extended to the socio-cultural as well as the religious realm. At present, freedom of expression is also being taken away in the name of "our" culture and expected social behaviour. Interestingly, those who are horribly interfering in women's rights in the name of 'decency', at first take resort to flexible propaganda; but in the face of opposition, they use to appear in the guise of "wolf in sheep's clothing". Headmasters, school committee presidents, local government officials, or law enforcement agencies are punishing students for their hairstyles. Such kind of forced "social tuning" and "moral policing" along with the state repression should be considered as a glaring example of a violation of freedom of expression. Moreover, there is no freedom of expression in the discussion of religion. The presenter observed that we translate 'freedom of religion' as 'freedom to observe religion', but it should be 'freedom to practice or avoid religion'. He emphasized that everyone should attempt to figure out whether 'self-censorship' in media exists or not and to look for the reasons if any exists.

Reaching out to the end of his presentation, Dr. Majumder observed that to safeguard freedom of expression from the state machinery, the voice needs to be raised, democratic institutions need to be strengthened, and the non-state and not-state actors need to be identified. The most essential in

this regard is the party or regime-neutral discussion. He opined that freedom of speech/expression is essential but not absolute and the restrictions in this regard “shall only be such as are provided by law and are necessary” (Article 19, International Covenant on Civil and Political Rights, 1966). In his view, France can be a good example for Bangladesh in preserving the rights of freedom of expression for all, because the French legislature and court seeks to balance freedom of speech with other imperatives, such as other freedoms and rights and public order.

Panel Discussion



Mr. Zafar Wazed, DG, Bangladesh Press Institute (PIB)

Mr. Zafar Wazed began his speech by appreciating the keynote presentation. He commented that we have defined the right to speak, right to express our opinion in our own way. Dr. Majumder’s presentation was unique in the sense he did not only place the issue from the global context but also made some new perspectives in our domestic context. Before the twentieth century, Mr. Wazed continued, the issue of freedom of expression was limited to the movement for its recognition as a right. Because the state, in its characteristics, was then an autocratic one. The main concern was to express one's opinion freely in public. That is why the English poet Milton said – “Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties”. The important question here is from whom freedom was sought? The answer is that at

that time freedom was usually sought from the church and the state. Because from these two institutions power used to be distributed. They controlled everything. They were, as now we call technically, Hard World and Soft World.

Mr. Wazed contended that after 50 years of independence of Bangladesh if we look at the fact that although we liberated this country on the basis of secularism, it (secularism) has been questioned since 1972. Even the question went that far as to whether secularism equates with atheism. Our leaders who preached it, however, could not make the concept of secularism clear to the people. Father of the Nation Bangabandhu Sheikh Mujibur Rahman spoke of secularism. But his party-men were not able to convey it properly to the people. That is why the fanatics have risen recklessly and intensified day by day. Mr. Wazed asked how acceptable are the statements they make on YouTube in the name of freedom of expression? These statements are in fact malicious.

Mr. Wazed recalled that people were imprisoned for talking about socialism in Pakistan. Bangabandhu was arrested after each rally after the declaration of the 'Six-point Program'. There was no newspaper except *Ittefaq* who used to publish the news of Six-points Demand. There was no freedom of expression for Bangabandhu. He was incarnated again and again, but he never stopped. And thus the struggle for the 'right to self-determination' intensified and consequently, the struggle for independence resulted in the making of a sovereign country. After 1971, Bangabandhu promoted freedom of expression by allowing the harsh criticism ushered in the newspapers of the day against the government led by him. Regarding the control of newspapers after the introduction of *Bakshal*, Mr. Zafar contended that it was the journalist leaders like Enayetullah Khan, Shahidul Haque, Toab Khan who advised Bangabandhu to close all the newspapers except four. Thereafter, a total of 371 newspapers, including periodicals, were allowed to be published and the government gave unemployed journalists jobs in various positions. But, rights after the brutal assassination of Bangabandhu, they spread the propaganda that freedom of expression was curtailed during the rule of Bangabandhu Sheikh Mujib.

Mr. Monjurul Ahsan Bulbul commenced his speech by agreeing with Dr. Majumder that freedom of expression is not absolute. But he could not subscribe to the view that France could be a model for Bangladesh in terms of freedom of expression. Whatever is mentioned in the French constitution, in reality, today's France cannot be taken as a model. In this regard, he cited the example of *Charlie Hebdo* who had published a controversial caricature of Muhammad (PBUH) in the name of freedom of expression, which led to terrorist attacks, violence, and the killing of journalists.



Mr. Monjurul Ahsan Bulbul, Former President, Bangladesh Federal Union of Journalist (BFUJ)

It is still a controversial issue around the world as to whether there can be a caricature of Muhammad (PBUH) when there is no picture of him available. On the other hand, Mr. Bulbul continued, violent extremism and terrorist attack cannot be anyhow a response to the caricature. So, in today's world, there is no global definition of 'freedom of expression' which can be treated as the model for all.

The Freedom House in the United States publishes a 'Press Freedom Map' every year. According to their survey, Bangladesh is a 'partially free' country and has remained in the same position for decades. When question put to them that why Bangladesh is a 'partially free' country, it is said that in the case of Bangladesh, state actors, as well as the non-state actors, stand in the way as a barrier to freedom of expression. Mr. Bulbul observed that the role of 'not-state actors' Dr. Majumder indicated is relevant in this regard. We have not developed any guidelines regarding freedom of expression. Rather, some of the decisions of our courts have in fact confused us. We see cases where contempt of court was filed for publishing a report on a high court judge using a forged academic certificate. Though the editor and publisher of the newspaper were exempted by the court, the reporter was ultimately held guilty and punished.

Like Jefferson's statement regarding freedom of expression, Mr. Bulbul continued, we also have a historical directive from our Father of the Nation Bangabandhu Sheikh Mujibur Rahman. In a

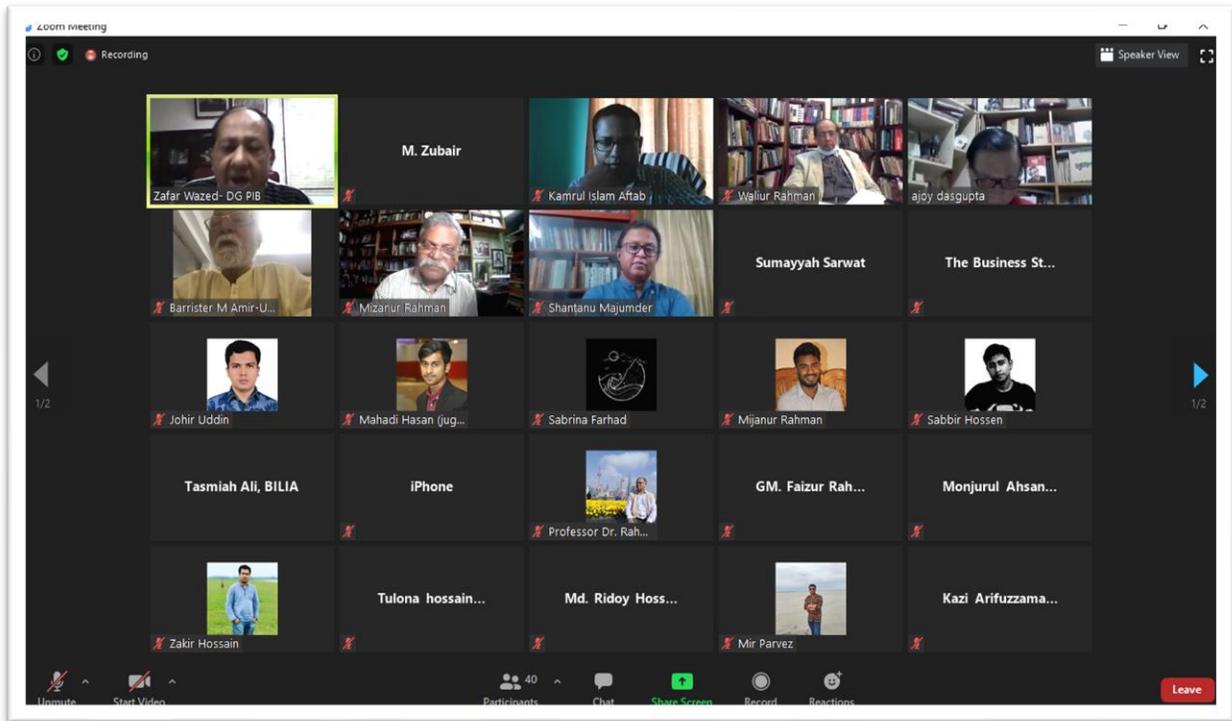
speech delivered at Dhaka Journalists Union in 1972, he said that there is a principle of politics and there is one for journalism too. If we follow these two principles, there will be no conflict between them. In Bangladesh, when we talk about freedom of expression, common people usually think that it is meant for freedom of the media or freedom of journalists. The right of the common people is not much discussed in this regard. When the Right to Information Act was passed, the common people, as well as many MPs, said that there is already freedom of expression and the right to information. What a separate law is necessary? It was quite troublesome to make them understand that the law is necessary not only for the journalists but also for the common people. When common people can question a government's decisions, only then good governance can be ensured and we can raise a finger against corruption. Unfortunately, the law regarding the right to information did not reach the general public as widely as expected. Mr. Bulbul then observed that there are three major factors in the case of freedom of expression/press/media in the context of Bangladesh. Firstly, there are some laws, such as Article 39 of the Constitution where freedom of expression is guaranteed. Secondly, there is a dearth of law regarding some important issues. For example, Bangladesh has a thriving electronic media industry, but there is no law to control them. There is a broadcast policy. But policy and law are not the same things. The third factor is the conflict between old and new laws, such as the *Digital Security Act (DSA)* and the *Official Secrets Act*. Mr. Bulbul concluded his remarks by mentioning several challenges to freedom of expression including the crisis of freedom and responsibility and morality, culture of fear, culture of impunity, legal crisis, lack of accountability, conflict of interests, conflict of new and traditional media, etc. He said that a renewed academic discussion on these issues should be cultivated. People have a desire to know freely, our responsibility as media workers is to feed their desire responsibly.



Barrister M. Amir-Ul Islam, Chairman, BILIA

Concluding Remarks

Barrister M. Amir-ul Islam concluded the session with his valuable remarks. He thanked the keynote speaker and the discussants for their enlightened discussions and urged the academicians and the policy-makers to research the issues and challenges of freedom of expression in Bangladesh with a renewed vigour and keeping the changing world in mind. Holding that the right to freedom of expression is an essential prerequisite for establishing a democratic polity, he contended that more responsible behaviour is required from both the Government and the citizenry.



Participants of the zoom lecture

The event was overwhelmed by the presence of a number of participants from various professions. Kazi Arifuzzaman, Joint Secretary, Ministry of Law, Justice and Parliamentary Affairs; Ambassador Waliur Rahman; Professor Dr. Rahmatullah, Dean, Faculty of Law, University of Dhaka; Eminent journalist Ajay Dasgupta, among others, graced the session by their presence.

The event is covered by Muhammad Zubair, Research Assistant, BILIA.