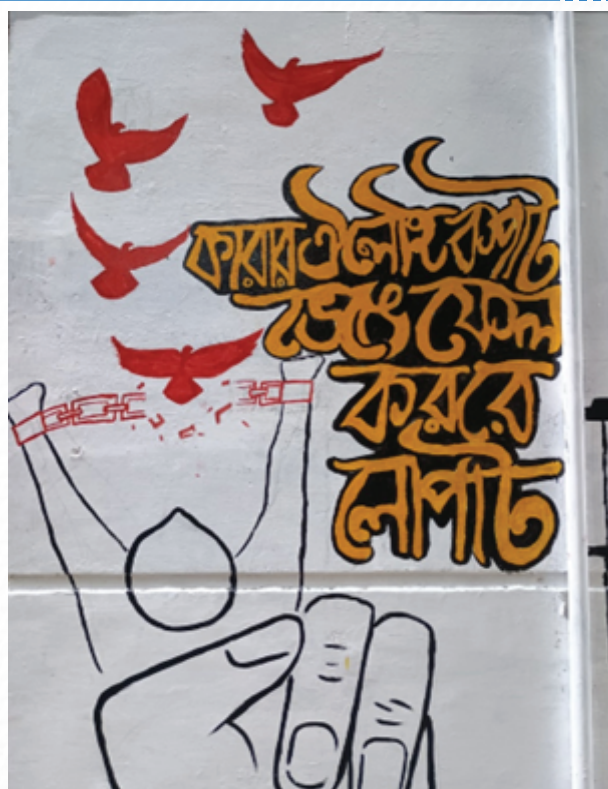


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Expression and Safety of Journalists (MDP)



An Assessment of **Bangladesh's Media Landscape** **FREE, INDEPENDENT AND PLURALISTIC MEDIA**





Graffiti was drawn on the walls of a public university in Dhaka in support of the popular mass uprising during July - August 2024, expressing the spirit of freedom of expression and call for free and independent media.

Photo courtesy: **Dr. S M Shameem Reza**

An Assessment of Bangladesh's Media Landscape

Free, Independent and Pluralistic Media

A collaborative study by the United Nations Development Programme (UNDP) and the United Nations Educational, Scientific and Cultural Organization (UNESCO)

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List of Acronyms

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BJWT	Bangladesh Journalist Welfare Trust
BPC	Bangladesh Press Council
BSS	Bangladesh Sangbad Sangstha
BTV	Bangladesh Television
CSA	Cyber Security Act
DFP	Department of Films and Publications
DSA	Digital Security Act
FoE	Freedom of Expression
ICCPR	International Covenant on Civil and Political Rights
ICT	Information and Communication Technology (Act)
IJF	International Federation of Journalists
MIB	Ministry of Information and Broadcasting
NIMC	National Institute of Mass Communication
PIB	Press Institute Bangladesh
RSF	Reporters Without Borders
TIB	Transparency International Bangladesh
UDHR	Universal Declaration of Human Rights



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EXECUTIVE SUMMARY

Background



In the wake of Bangladesh's July–August 2024 mass uprising, this joint assessment by UNDP and UNESCO was undertaken to better understand the country's evolving media landscape and to respond to the growing call for meaningful reform. Recognizing the critical role of a free, independent, and pluralistic media in upholding democratic values, the study provides a timely, evidence-based analysis of the legal, political, institutional, and financial challenges confronting the sector. Conducted between July and December 2024, the assessment aims to inform constructive dialogue and guide efforts to strengthen media institutions. The recommendations derived from the findings are firmly grounded in international human rights standards and closely aligned with the Sustainable Development Goals, particularly SDG 16, which emphasizes access to information, accountability, and the promotion of just, inclusive societies.

Methodology



A qualitative research methodology was employed, drawing on both primary and secondary sources to ensure a comprehensive and contextually grounded analysis. Primary data were gathered through Key Informant Interviews (KIIs), Focus Group Discussions (FGDs), and consultative meetings with a broad range of stakeholders including media professionals, policymakers, legal experts, civil society representatives, youth leaders, university students, UN officials, and members of the diplomatic missions. These engagements took place in Dhaka, Khulna, Jashore, and via virtual platforms to ensure geographical and demographic coverage.

Secondary data collection involved an extensive desk review of relevant national laws, policy documents, academic literature, and international frameworks. Particular emphasis was placed on assessing the alignment of Bangladesh's media governance with global human rights standards, including the UN Plan of Action on the Safety of Journalists.

The assessment faced some constraints in stakeholder engagement due to the transitional political context, further highlighting the urgency and sensitivity of the issues under review.

Media Landscape Before and After the Uprising

Prior to the July–August 2024 uprising, Bangladesh’s media environment was marked by deep-rooted structural challenges. Despite a proliferation of media outlets, the sector was effectively captured through politicized licensing, undermining editorial independence and pluralism. Journalists operated under significant threat, facing legal harassment, physical attacks, and arbitrary detention under broadly framed laws such as the ICT Act and the Digital Security Act (DSA) and its successor the Cyber Security Act (CSA). State-owned media served primarily as instruments of government messaging, while self-regulatory mechanisms, such as the Press Council, lacked credibility and effectiveness. Outdated access-to-information systems, combined with widespread self-censorship and politicized reporting, contributed to an erosion of public trust.

In the aftermath of the uprising, a fragile window for reform has emerged. The Interim Government has taken initial steps, including suspending the CSA and establishing a National Media Reform Commission. Yet, meaningful transformation remains uncertain. Journalists continue to face harassment, job insecurity, and editorial interference. New political actors have introduced fresh pressures, reinforcing self-censorship and editorial alignment. Many media institutions have yet to adopt professional standards or ethical reforms, while public skepticism has grown in response to the inconsistent role played by some media during the uprising.

Key Findings

1. Legal and Institutional Constraints

The legal framework including the repealed CSA and new Cyber Protection Ordinance remains restrictive, misaligned with international standards, and open to abuse. Judicial decisions often reflect political influence.

2. Economic Pressures and Market Distortions

State-controlled advertising distorts competition, particularly when it comes to print media. Corruption, political patronage, non-transparent licensing processes, and barriers to investment further undermine the sector’s sustainability, independence, and capacity for innovation.

3. Poor Working Conditions for Journalists

Journalists face low or unpaid wages, especially at the local level, lack formal contracts, and have limited access to training factors that fuel self-censorship and unethical practices.

4. Safety and Impunity

Journalists remain at risk of threats, violence, and surveillance, with impunity for past crimes and no functioning protection mechanism in place.

5. Weak Self-Regulation

The Press Council is widely seen as irrelevant and politically compromised. Most media lack internal ethical standards or complaint systems, with content often shaped by owners’ political or business interests.

6. Gender Inequality

Women journalists experience harassment, exclusion from leadership, and inadequate protections. Gender-sensitive policies are largely absent across the media landscape.

7. Marginalization of Community and Indigenous Media

Community radios lack stable funding and policy support. Indigenous media remain legally unrecognized and face stereotyping and limited access to public information.

8. Eroding Public Trust and Changing Media Use

Traditional media remains influential but increasingly distrusted, especially by youth, who are turning to online platforms, many of which propagate polarized or low-quality content.

Key Recommendations

- **Legal and Policy Reform:** Align national laws with international standards; reform licensing; establish an independent media regulatory authority.

- **Media Market Reform:** Ensure fair, transparent distribution of state advertising; support market competition and foreign investment; expand credit access for new media ventures.

- **Professional Standards:** Revive the Press Council as an independent self-regulator; institutionalize newsroom ethics and accountability.

- **Journalist Protections:** Enforce the Wage Board, formalize labor rights, establish safety mechanisms, and pursue justice for past violations.

- **Gender Equality:** Enact gender-sensitive newsroom policies, including equal pay, maternity leave, and anti-harassment protocols.

- **Support to Community/Indigenous Media:** Ensure regular funding access, and policy integration of marginalized media voices.

- **Capacity Building and Literacy:** Strengthen institutions like the Press Institute of Bangladesh (PIB) or the National Institute of Mass Communication (NIMC) and implement national media and digital literacy campaigns.

Conclusion

Bangladesh's transitional moment presents a critical opportunity to transform its media sector into one that is independent, pluralistic, and future-ready. Achieving this requires bold legal reform, institutional restructuring, and sustained commitment to freedom of expression in line with international human rights standards.

1 BACKGROUND OF THE ASSESSMENT

Introduction

The UNDP-UNESCO-supported project to assess Bangladesh's current media landscape is intended to identify the key challenges faced by the media sector in general, as well as legal and policy issues. The project will also identify a series of recommendations for further activities to support media development and legal reform.

This report analyses the mentioned elements based on the views provided by relevant stakeholders to identify the contexts and key challenges the sector is facing. In addition to analyzing the key legal instruments governing the media sector, this report examines several major thematic and policy areas including an overview of the Bangladesh media landscape; current trends in media and contents; economic and financial situation; working conditions of journalists; safety of journalists; problems of self-regulations; challenges faced by women journalists; and community and indigenous media.

In a functional democracy, the existence of an independent, free, plural, and ethical media landscape is vital to ensure transparency, accountability, and public participation. A credible media system is crucial for advancing an active and informed citizenry. In Bangladesh, although the current media landscape looks quite vibrant and incorporates an extensive number of media organizations, it also faces several challenges that seriously hinder its democratic function and threaten its independence and credibility. This situation is created by the lack of a proper media legal and policy environment, absence of comprehensive mechanisms to protect ethics and professionalism, deficient media business models, as well as serious issues vis-à-vis the protection of safety and security of journalists.

The legal environment poses a particularly significant number of challenges. Legislation such as the 'Information and Communication Technology Act, and the Digital Security Act (later Cyber Security Act)' have been used to restrict freedom of expression, curb free and independent journalism, and endanger safety of the journalists and ordinary citizens. Provisions included in the mentioned may not only contradict the existing constitutional rights and safeguards but also seriously contradict international human rights standards in the field of freedom of expression and freedom of information. It is therefore necessary to conduct a proper assessment of the media and information legal framework to promote an appropriate and consistent process of media legal reform, including adequate and independent implementation.

There is no independent statutory regulatory body in place to govern the Bangladesh media and communications sector.

This assessment is based on UNESCO's mandate regarding the protection and promotion of the right to freedom of expression and freedom of information according to the applicable international legal framework, also considering other relevant standards and documents such as the UN Plan of Action on the Safety of Journalists and the Issue of Impunity. This document is also connected to UNDP's goals to strengthen the space for dialogues and inclusive participation in line with the objectives of its SIPS (2023-2027) project. The assessment will also support achieving Sustainable Development (SDG) goals by promoting a policy environment and strengthening civic and media engagement for effective governance.

Following the recent people's uprising (July – August 2024), widely known as the 'July Revolution', the interim government of Bangladesh has taken up initiatives to reform the Constitution and the legal framework, as well as key institutions. In the first phase, six reform commissions were set to define policy recommendations towards the mentioned objectives. In a second phase, along with some more commissions, the government formed a National Media Reform Commission which delivered a report with a situation assessment of the media sector and to provide a series of recommendations.

Objectives



The main objectives of this assessment:

- Identify the key challenges faced by the media, including legal and policy, financial, and safety issues;
- Assess the current situation and existing resources and organizations in the field of training, education, and capacity building;
- Examine issues related to the safety of journalists, and the concern of impunity;
- Assess the situation and challenges faced by women journalists in their work;
- Consider the role and the need to protect Indigenous media;
- Assess the current status of self-regulation and respect for professional standards in the country;
- Provide a brief mapping of the policy reform areas that contribute to or have an impact on media freedom, independence, and diversity;
- Determine the compliance of relevant legislation with applicable international standards;
- Identify key institutional reforms necessary to fully align the implementation of the media legal framework with international human rights standards;
- Identify new areas for adequate and relevant legislation/regulation; and
- Propose a set of actionable recommendations for reforms that will help make the media independent, plural and free from political influence.

Methodology



Qualitative Methods and Approaches

This is a qualitative study for which information/data was collected both from primary and secondary sources. As the key aspects of the assignment include a diagnosis of the Bangladesh media landscape, and importantly, media and communication law and policy audit, necessary information has been collected from secondary sources. At the same time, to identify the challenges, and get the stakeholder's opinions, Key Informant Interviews (KII), Focus Group Discussions (FGD), and consultative meetings with the relevant stakeholders in media practice and governance were held.

Primary Sources: KII, FGD

KIIs and FGDs and discussions were held with a broad range of stakeholders representing journalists and media professionals, journalists' associations and unions, women journalists' networks, media owners, policymakers, regulators and government officials, members of statutory bodies, capacity building institutions, legal experts, media development NGOs and INGOs, civil society organizations, media donors, international media agencies, students of media communication and journalism departments, academicians, youth organizations, , community and Indigenous media, UN Agencies, human right watchers, and student leaders of the July uprising.

These activities took place both in the capital Dhaka and outside of the capital including district and divisional towns.

Secondary Sources: Desk and Archival Study

Published and unpublished (but not classified, and accessible) which may include items, like laws and acts, policies, rules, orders/directives; research/journal articles, books, reports, policy papers; academic materials including monographs, theses, special lectures, and information from different national and international sources and openly accessible online.

Challenges



The assessment was carried out at a time when Bangladesh was going through a period of political and economic transition. This context posed challenges in engaging policymakers, particularly within public institutions, as many stakeholders were already occupied with ongoing reform initiatives. Also, certain members of media and civil society were still reluctant to freely express their opinions and proposals for improvement.

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A

OVERVIEW OF THE MEDIA SECTOR

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Media Situation in Bangladesh Before the Uprising

Even though the last government (2009-2024) had formally committed to protecting the freedom of all types of media and the flow of information, the situation in terms of media freedom and pluralism must be described as restrictive and problematic.

Despite the government liberalizing the media market by formally opening media activities to private actors, the licensing and permissions regime was arbitrarily instrumentalized to prioritize political allegiance over eligibility. As a result, although the media sector looked flourishing, it was in reality facing serious challenges in terms of independence and sustainability. International Federation of Journalists (IJF) in its Press Freedom Report (2023-24) comments, “even as the number of media outlets has grown over the past two decades, media freedoms are being steadily eroded”.

The previous government thus used the state apparatus to control the media in many ways. Bangladesh slipped two notches on the World Press Freedom Index 2024, published by Reporters Without Borders (RSF), in which it ranks 163rd out of 180 countries. During its reign, cases of serious human rights abuses were reported.

Journalists suffered severe threats regarding their safety, including arbitrary detention, prosecution and conviction, physical attacks and abuses, inadequate protection vis-à-vis intimidation from third parties, lack of investigation and prosecution of crimes against them as well as an overall absence of recognition of their role in guaranteeing access to plural information and ideas. Pressure against media owners and journalists was exercised by State agencies, including security agencies, to impede fair and objective reporting. Also, the judiciary was politically compromised and lacked independence. As a result, judicial decisions on matters related to freedom of expression and media regulation did not follow basic constitutional and international human rights standards and safeguards in this area.

Institutions such as the Bangladesh Telecommunications Regulatory Commission had been politically captured and used without clear legal basis, in order to control and restrict the dissemination of information online.

In terms of public media, Bangladesh Television (BTV), Betar, and Bangladesh Sangbad Sangstha (BSS) were mere instruments for the dissemination of State propaganda rather than a public media service according to applicable international standards and best comparative practices.

From a legal and regulatory point of view, relevant provisions in this field include the Community Radio Policy 2008 and Right to Information Ordinance 2008, originally promulgated by the last caretaker government (2006–08). However, access to information legislation and procedures was not aligned with international human rights standards and lacked effectiveness. It must also be noted the fact that the government amended the ICT Act empowering police to arrest anybody (particularly those sued under section 57) without any warrant. Ignoring widespread outcry, the government also decided to adopt a cybersecurity law to be known as DSA, which eventually became a new tool for human rights abuse. Yamini Mishra, Regional Director for South Asia at Amnesty International commented: “The use of the draconian DSA on journalists and attacks on some of the largest news publications in the country together indicate a worrying trend towards repression and a downward spiral of the right to freedom of expression in Bangladesh” (Amnesty, 2023). Changes in the law and the enactment of the CSA were the consequence of criticism from civil society, even though excessive restrictions remained essentially unchanged.

From a broader perspective, and since independence, the number of laws governing the media space has been growing exponentially. The legal framework at the moment of the uprising had become extremely complex and difficult to predict in terms of enforcement, subject to arbitrary interpretation and application, as well as largely incompatible with applicable international human rights standards. Due to the absence of proper regulatory and self-regulatory structures, the exercise of journalistic activities was generally not guided by professional and ethical criteria.



General Aspects of Media in Bangladesh

Bangladesh media encompasses three main categories: commercial, public and state-owned, and community and indigenous media.

The origin of current media business and practices in this part of South Asia dates back to the colonial era and has been significantly influenced by laws and policies in place. Historically, newspaper-based journalism and media business have developed mostly under private investment. Radio and later television broadcasting began under the auspice of the State, particularly as an initiative of state-led modernization.

Today, and as mentioned already, three major tiers of legacy media are in operation – state-owned (government-managed), private/commercial, and community and Indigenous media. International news agencies and broadcast media channels are also important contributors in the evolving media ecology of the country. Despite legal constraints, online media and citizen journalism have found space and opportunities to grow fast.

Similarly to before the uprising, media plurality in the country still needs to be mainly understood in quantitative terms. Most relevant challenges to ensuring impartiality, quality, credibility, and diversity thus remain.

Private media have added new dimensions to media content, business models and journalism practices. However, news media outlets are generally considered politically biased. Most of the print and broadcast media companies are owned by individuals closely connected to politics. This politico-business nexus in media investment and operations has impeded the development of a competitive media economy.

The third-tier nonprofit media, namely the community radio (CR) sector may provide useful information in some areas of the country for some groups. However, it is also facing financial challenges, as it will be further developed. It is also worth noting the existence of exile media outlets, shaping narratives in various ways.

In the field of State media, BTV and BSS are strictly under the control of the government, from appointments and internal organization, to editorial decisions. Despite contributing to disseminating messages on issues of public interest, and focusing on peripheral and disadvantaged sections of the population, the state media conglomerate does not fulfil the roles of public service media. Some reform initiatives were undertaken in the past, even though they were unsuccessful due to the lack of political commitment.

Media Landscape after the July Uprising

The Interim Government of Bangladesh has expressed its commitment to ensure freedom of expression, to allow journalists to critically report on issues related to the government's performance, as well as to investigate corruption cases and human rights violations. Some steps have already been taken in this direction, including the suspension of existing legislation and pending lawsuits in the area of cyber security. However, the adoption of a new Cyber Security Ordinance has been criticized for including potentially restrictive provisions similar to those contemplated by the previous legislation.

As mentioned earlier, the Interim Government formed a National Media Reform Commission to analyze the current situation and orientate future change proposals.

In any case, the current interim situation in Bangladesh represents a moment of uncertainty in terms of media governance, the general political scenario, the evolution of media organizations, and the conditions for journalists. This creates an environment of provisionality that stifles the normal development of media activities. It is also important to note that certain decisions adopted by interim authorities, including different forms of pressure from State institutions, have contributed to the creation of a fragile, yet in certain ways still hopeful, environment. It needs to be noted that in 2025 Bangladesh has advanced 16 notches in the mentioned RSF index, which now locates the country in position 149th.

Besides the already mentioned Cyber Security Ordinance, some of the stakeholders interviewed particularly refer to events and circumstances such as the revoking of credentials of several journalists by the Government¹, continued lack of proper wages and fair labor conditions, allegations of harassment of journalists directly or indirectly associated with the previous regime, continuation of journalists' self-censorship due to continued pressures from editorial management and owners, disappointment and skepticism from certain sectors of the general public regarding expected changes in media plurality and professionalism, sudden changes in editorial orientation of media outlets thus negatively affecting critical reporting on the new leadership, as well as the continued polarization of journalists' unions and associations. It is also important to mention that while many journalists risked their lives during the July uprising to provide the most essential information to people, many media outlets failed, at that crucial moment, to critically report on the coercive and disproportionate measures used by the previous Government to crackdown on protests.

¹ <https://www.voanews.com/a/bangladesh-interim-government-revokes-credentials-of-50-journalists/7853955.html>

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B

CURRENT TRENDS IN MEDIA AND CONTENTS

Traditional and mainstream media continue to be the most followed and trusted sources of information, according to almost all the stakeholders and sources consulted for this assessment. In other words, legacy media is still an important source of everyday information. This being said, it is also important to note that growing systemic deficiencies are also creating an increasing distrust in media organizations and media content. Important factors in this area do not only include the already mentioned absence of professionalism and ethical standards among the journalist community but also the fact that media organizations do not count in general on clear, transparent and articulated editorial policies to guarantee accuracy and diversity. An illustrative example worth mentioning comes from the words of a journalist in the local news media, who is also a local correspondent of a national media outlet: “We have forgotten to ask questions”.

A specific factor to be noted is that traditional media has not been able to ingrain themselves with the ethos of the young population. Traditional media is run by those who do not always have an in-depth understanding of youth issues.

This situation has also brought a transformation in journalism as a profession, while truly interested professionals and journalism students are increasingly refraining from engaging in journalistic activities, some of those entering this sector are mainly guided by economic or political interests.

The significant Internet penetration in the country has triggered two important consequences in this area.

Firstly, most legacy media outlets are currently using both traditional and online platforms for disseminating news and entertainment items. For example, most important newspapers are now dedicating efforts and resources to publish online content along with what is published in their paper editions. Television stations are also using the most popular online platforms such as YouTube or Facebook to facilitate the spread and consumption of their audiovisual content. This is triggering a shift in both consumption and creation of media content in Bangladesh.

Secondly, traditional media organizations do not monopolize social media or the broader online space. Online speakers using social media and other digital means for information have become alternative and, in some cases, dominant voices in this new space. This change has been triggered by the mentioned evolution in the audiences' consumption trends, which also needs to be associated with the declining trend of public trust. In particular, young audiences differ from other generations in media content consumption thus focusing on online platforms. Due to the declining appeal of traditional news media content, more contemporary forms of news media replacement are getting youth attractions. "Conversations and debates on social networking sites are offering better options. On social media, every interacting individual is provided with some sense of agency in the form of a virtual platform that allows them to present opinions and share ideas" (Hussain and Jameel, The Daily Star, 2022).

In some cases, non-traditional media is in the position of providing independent and quality content not aligned or influenced by traditional media constraints. However, it also needs to be noted that social media "speakers" are often disseminating low-quality and particularly polarized content.

Some respondents including editors and professional journalists both at the local and national levels considered that even though the current environment is still challenging, it may also bring a renewed opportunity to promote and establish new professional standards and practices.



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ECONOMIC AND FINANCIAL SITUATION

The advertising market is still relatively weak and not sufficient to guarantee the viability of the private media sector. It should also be taken into account that with the exception of paper press most of the legacy media are not subscription-based and therefore sources of income are limited. In order to boost audience and thus advertisement revenues most media companies combine traditional distribution systems with online traffic, as mentioned in the previous section.

There is also a significant reliance (particularly among newspapers) on State subsidies, particularly in the form of State advertising. This system is however highly politicized and does not fulfill the necessary conditions of fairness, transparency, accountability, and non-discrimination. This situation gives State institutions the power to control media editorial decisions and therefore harms media independence. It also gives room to “underground” publications to engage in corrupt practices and cannibalize in some cases benefits deriving from Government advertising in detriment of “legal” publications.

In addition, from an institutional perspective, the Department of Films and Publications (DFP), under the Ministry of Information and Broadcasting in charge of officially providing circulation data of publication, has been accused of providing false and unreliable data. To be more precise, a media enlistment with DFP means inclusion in the list of newspapers approved by the Government. Only these newspapers qualify for receiving advertisements paid with State funds. Newspaper owners and editors have denounced that inclusion in such a list is a matter of complete arbitrariness and pointed out the fact that at least two top national dailies did not get any Government advertisements in the last one

² The news story titled “Incredulous circulation claims in newspaper industry”, explains how many listed newspapers that DFP has claimed exist only in name while others are not available regularly and may be seen pasted up on some city walls (Prothom Alo, 2024).

<https://en.prothomalo.com/bangladesh/government/0g6m9sh4dj>

decade or more². In some cases, media were not only deprived from State advertisement for a long period, but pressure was also put on commercial advertisers not to acquire any advertisement space from certain media outlets.

Several interviewees have referred to the existence of corruption within the media sector. Such allegations refer essentially to situations that affect both the relationship between owners and the political system, and, in some cases, the relationship between journalists themselves and public figures. In particular, some business owners have invested in the media sector with the only aim of pushing for a political agenda or being able to exert influence over State institutions for their own benefit. In such cases, professionalism, independence, or even profitability become completely irrelevant. In other cases, individuals have been using their “label” as journalists as a source of income in exchange for favorable reporting of certain individuals or organizations.

Another important factor of economic distortion is the absence of an actual competitive media market. Anti-competitive behaviour must not only be associated with the already mentioned opaque and unfair distribution of State subsidies but also to arbitrary licensing policies that have created an “artificial” media market with licensed media organizations that do not operate in practice but still try to obtain economic benefits.

To promote a dynamic media industry, it needs to be noted that there is a complete absence of systematic and comprehensive media policies, particularly in the area of incubation and fostering the creation of diverse and independent media organizations. When it comes to attracting capital, several stakeholders have complained about the unsurmountable legal obstacles to foreign investment in media companies as well as closed access to credit. This creates an environment where only existing and consolidated corporations operating in other economic sectors may



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WORKING CONDITIONS OF JOURNALISTS

There is broad consensus on the urgent need to improve the labor conditions of journalists, recognizing it as a fundamental precondition for meaningful reform of the media sector in Bangladesh. The key issue is the low and in some cases, non-existent wages due to the poor implementation of the latest Wage Board for Journalists. This situation is significantly acute in the Southern part of Bangladesh. It is also important to note that many newspapers have yet to implement even the older wage board recommendations, while journalists in the broadcasting sector report that the Wage Board is entirely disregarded. The issue also has a clear dimension of inequality, as some media outlets reserve high salaries for top-level journalists and, especially, media managers.

This situation has different consequences. Due to the poor economic conditions, for many local media journalists (and local correspondents of national media) journalism is a part-time job. This may also lead, as already mentioned, to corruption practices and the unethical involvement of journalists in local political games.

Journalists believe that improving their current working conditions requires new regulations that clearly obligate media companies to implement Wage Board decisions. However, they emphasize that focusing solely on remuneration would be a mistake. Other critical aspects of their professional environment also need attention through a comprehensive legal framework. These include protections for personal safety, professional independence, and ethical standards in the newsroom; the separation of management and editorial roles; and access to capacity-building and continuous training to adapt to emerging formats and technologies. Existing protective structures, including the Bangladesh Journalism Welfare Trust, are not playing their expected role and are not seen as relevant by the majority of the community. Many complaints were also directed to Press Clubs, which are considered by some as an obstacle to journalists' fair access to career opportunities due to practices of nepotism or completely arbitrary delivery of press cards.

Another factor with a relevant impact on the daily performance of professional journalistic activities resides in the significant lack of skills at mid-level managerial level, as well as the lack of proper training or capacitation of journalists have a bearing on their professional performances. This shortage of proper journalism training and capacity building is particularly acute at the local level. In the last three decades, a relevant number of capacitation programmes have been implemented by media development NGOs and INGOs with funds provided by international donors. State-managed journalism and media training institutes such as the PIB (Press Institute Bangladesh) and the NIMC (National Institute of Mass Communication) have been offering limited training for certain groups of professionals even though selection criteria and prioritization of resources do not appear to follow any clear strategy in this area. Furthermore, it has been reported by several sources that either those who needed the most did not get the training, or there were gaps in needs assessment to identify the training intervention areas.

Regarding specific resources to properly do their work, such as fact-checking tools or the acknowledgment of the need to support investigative reporting, many journalists, particularly at the local level, have expressed their frustration due to an absolute lack of support or recognition in these areas. Also, the mentioned shortcomings in terms of wages force journalists to prioritize the production of “fast” and poor-quality content, which has an overall impact on the accuracy and diversity of the content they provide. Conditions are deteriorating at the local level, where correspondent offices’ performance is usually assessed on the mere basis of economic efficiency.





SAFETY OF JOURNALISTS

In a recent editorial, the national English daily The Daily Star expressed concerns regarding the persistent situation of intimidation, harassment, and insecurity still being experienced by journalists after the uprising. The editorial states that the current mediascape remains fraught with obstacles despite the changeover (Nov 7, 2024)³. Similar concerns were expressed in the statements issued by the Editors' Council. This organization particularly noted the “escalating rhetoric and even threats of siege by certain quarters targeting certain media houses”.

A persistent culture of impunity has been shaping the safety and security perceptions of journalists in recent years. This situation remains broadly the same in the current days, particularly in the area of the fight against impunity. Justice for some murder cases is yet to be delivered. ⁴For instance, the murder case of the journalist couple Sagar-Runi has not been completed yet, which has remained unsolved for the last 12 years. These persisting threats remain particularly perceptible at the local level, according to several sources and interviewees.

Journalism in big cities, as well as in mufassil areas, is also under multiple pressures, which in many cases may also be felt as threatening at different levels. They come from political forces, power

elites, corporations, and advertisement providers, and may be applied in different manners: directives, threats, and financial and advertising restrictions from government departments and agencies. Bullying and smear campaigns against online commentators and activists are still common and appear to be orchestrated from powerful and resourceful instances.

In recent years, journalism and media activities have also been constrained under an over-restrictive and unpredictable legal and regulatory framework, which has also facilitated the use of “informal” pressure mechanisms from State agencies. Despite the political changes, the current environment still encompasses fears of the restrictive laws while pressures from the new elites are also a reality.

The associations and unions of the journalists, including the press clubs, are accused of failing to properly address these issues, due to the already mentioned operational shortcomings as well as their active role in political struggles and polarization. It is also important to note that media owners and managers are still not generally committed to prioritizing the safety of journalists.

³ <https://www.thedailystar.net/opinion/editorial/news/government-must-do-more-ensure-press-freedom-3747476>.

⁴ Since 2012, UNESCO's Observatory of Killed Journalists has recorded the deaths of 24 journalists in Bangladesh, with only 3 of these cases reaching judicial resolution.

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F

PROBLEMS OF SELF-REGULATION

The Bangladesh Press Council (BPC) was formed in 1979 as a hybrid (statutory/private) regulatory body to protect the freedom of the press and promote newspapers and news organizations' quality. The Act establishing this body had already been adopted in 1974. It is empowered by law to adjudicate complaints and settle disputes, which is an important role. It is also important to note that, considering the mentioned characteristics of the institution, this cannot be considered as a "pure" self-regulatory system but a hybrid mechanism that combines some of the features of statutory regulation with some elements present in self-regulatory systems.

Self-regulation is a mechanism that entails a different approach to the control of the exercise of the rights to freedom of expression and freedom of information, through means less intrusive than conventional regulation and sometimes more effective. Through self-regulatory mechanisms, a certain professional sector, a group of companies or economic actors, or any other form of associative modality or partnership, are subject to a series of ethical and professional standards or principles that self-impose voluntarily, relying on its own monitoring or control mechanisms.

Contrary to statutory regulation, the violation of norms or recommendations resulting from a process of self-regulation implies the adoption of measures of moral or symbolic reproach rather than those of sanctioning or limiting. Self-regulatory systems are useful tools when they are perceived and respected as mechanisms that solve problems related to the functioning of the media through the adoption of measures that do not involve the intervention of the administrative and judicial authorities.

It is important to differentiate between internal and external self-regulation. Internal self-regulation refers to mechanisms adopted within media organizations to guarantee the preservation of a series of ethical and professional principles as well as independent procedures for readers/audience members to complain. External self-regulatory schemes are based on the agreement of a series of media actors on the creation of an external and independent oversight mechanism and rules.

In recent decades, the BPC was hardly found active by the immense majority of stakeholders. This body has failed to set proper and agreed professional and ethical standards to elevate the quality and journalistic trust. The quasi-judicial powers granted to the Council, together with the plans to increase its power to impose severe sanctions to journalists have taken most of the media community to consider the BPC as a potential threat to media freedom since it could easily be used by governments to

curtail freedom of expression online. But in reality, according to an investigative story by Prothom Alo,⁵ only a very limited number of complaints have been submitted to the BPC with the subsequent lack of a proper set of decisions that would allow a proper analysis and consideration of its role. For example, according to sources, only six cases were filed in 2023.

Based on the above, it can be concluded that the BPC is currently an irrelevant organization that has failed to perform its tasks and to fulfill any basic objective in the establishment of a functional, independent, and widely accepted self-regulatory mechanism to improve the media ethics in Bangladesh.

In addition to this, and as it has already the elaboration of content by media organizations is not in most cases driven by ethical and professional standards but directly orchestrated by owners' economic and political interests, as well as corruption.

Existing media platforms and organizations, including press clubs, have not engaged in meaningful efforts to promote media professionalism and ethics or to establish alternative viable mechanisms for these purposes.

In addition to this, and in general, media organizations do not count on any internal or external guidelines establishing professional and ethical standards. Most media outlets do not have official in-house ethical standards, codes of conduct, or monitoring mechanisms such as ombudspersons. Only a few newspaper outlets have got their ethical and professional guidelines printed. Even though the BPC has aimed at creating a general code for the profession, journalists basically follow their own individual standards in cases where they understand this is part of their professional obligations and commitments. Since the 1990s media development NGOs have been trying to orient journalists in areas such as investigative journalism, advocacy and media development, with a less important focus on media laws and ethics.

In the current status quo, and due to a lack of legal certainty and proper self-regulatory mechanisms, individual self-censorship has become prevalent. Instead of following clear and shared professional and ethical standards to protect their independence and obtain the audience's trust, journalists report based on their own interests, fears and personal urgencies within a context of poor working conditions and lack of personal safety.

⁵ <https://en.prothomalo.com/bangladesh/t967zcyfac>

2 G GENDER-BASED CHALLENGES

Besides the mentioned general issues regarding the safety of journalists, it is important to note that women journalists are often singled out and targeted in connection with their reporting on controversial matters.

Interim institutions have not so far shown specific gender sensitivity in any of their decisions or proposals, including in the field of media and journalism. Furthermore, only one media organization has a specific internal policy particularly aiming at promoting gender balance and safety of female staff.

Legislation in the area of media and journalism does not contemplate specific gender-based protections or safeguards. Furthermore, existing laws and policies covering matters of gender equality from a general perspective are generally not respected either, both by the private and the public sectors.

As a consequence of all the above issues, the number of women interested in preparing themselves and engaging in journalism as a profession is clearly in decline. This trend can be found both in urban and local areas.

Also, consultations with several women journalists and media actors have brought up the following specific areas as requiring particular attention, particularly from a policy and regulatory point of view:

- Right to take maternity leave with proper social and labor protections.
- Wage equality.
- Effective participation of women in the elaboration and implementation of internal professional policies to provide a gender perspective.
- Adoption of gender-sensitive ethical principles within the overall context of new and comprehensive self-regulatory mechanisms.
- Adoption of clear internal media policies addressing harassment and other gender-targeted practices.
- Proper internal and external reporting and monitoring mechanisms to prevent indirect forms of pressure such as not giving certain assignments or tasks to women, or restrictions and undue interference in attire choices.
- Resources to address mental health issues, particularly caused by different forms of gender inequality and abuse.
- Establishment of helplines to easily report cases of abuse, harassment and other serious behavior against women.
- Proper consideration and integration of gender issues when defining and implementing media reform policies.

2H COMMUNITY AND INDIGENOUS MEDIA

Community Radio remains a popular medium. There are 19 community radio stations in 36 districts in Bangladesh, and 17 of them are currently operational. Community media does not receive regular allocation from their sister authority, local government, or any other source. In most cases, the NGOs/CSOs who design their social awareness-raising campaign activity engaging community radios become the only source of financial revenue (mostly for disaster preparedness in the coastal belt). Since the existing policies do not favor the commercial advertisement for the community radios (only 10%), there is hesitation to earn money from that practice.

From a technical point of view, some of the radio stations need support to repair their equipment and gadgets, which may in some cases be expensive.

It is needed to improve the coordination in between the district/sub-district level government authority office with Ministry of Information and Broadcasting (MIB) and the community radio stations, for the sustainability of the sector. The Upazila Nirbahi Officer (UNO) office has the budgetary allocation for making PSA (public service announcements) using sound system or miking, but not any allocation scope for community radios to announce the same message using radio media.

A coordinated action led by the MIB would be needed to address the most relevant issues related to the situation of community media in Bangladesh. This kind of initiative might also provide specific support to community radio stations by guaranteeing a regular income.

When it comes to the specific category of “indigenous media”, it needs to be noted that in Bangladesh the concept of “indigenous” groups is politically complex and raises many sensitivities. It is also rarely used and therefore at this stage it may constitute a weak basis for policy making.

It is important to note that, in general, there is limited media coverage of issues related to indigenous groups or communities. In addition to this, reporting about indigenous groups is often based on stereotypes or inaccurate depictions. Indigenous media outlets using digital distribution platforms (such as IPNews) have at times experienced particular problems connected to lack of proper legal recognition, insufficient resources, and even attacks from certain groups. Moreover, indigenous media representatives have also reported that they face significant issues when it comes to collaborating with local correspondents and community media, accessing sources to information and public officials, and in general having the capacity to report on matters of public interest.

3

LEGAL AND POLICY FRAMEWORK

General Overview



Despite constitutional and international commitments to uphold the right to freedom of expression, Bangladesh's legal and policy framework remains deeply misaligned with international human rights standards. While Article 39 of the Constitution promises freedom of speech and press, its broad and vague language opens the door to disproportionate and arbitrary restrictions, often grounded in ambiguous notions such as "public order," "morality," and "friendly relations with foreign states" terms that lack precise definition under international law.

As a party to the International Covenant on Civil and Political Rights (ICCPR), Bangladesh is obligated to ensure that any restrictions on free expression are lawful, necessary, and proportionate. However, in practice, the country's legal landscape—comprising a mix of outdated colonial-era laws, overly broad criminal statutes, and recently enacted digital legislation has created a chilling environment for journalists, media outlets, and ordinary citizens. Key laws and policies governing speech, including the Penal Code, ICT Act, Digital Security Act (now repealed), Cyber Security Act, and the newly promulgated Cyber Protection Ordinance, contain vague provisions that grant sweeping powers to authorities and are routinely used to stifle dissent and media freedom, particularly in areas such as the possibility of search, seizure and arrest without warrant.

This complex, overlapping, and often contradictory framework is marked by excessive executive control, weak judicial safeguards, and politicized enforcement. The absence of a coherent institutional architecture for media regulation further exacerbates the issue, leaving journalists and citizens vulnerable to surveillance, intimidation, and criminal prosecution. Moreover, recent legislative changes such as the Cyber Protection Ordinance have been introduced without meaningful public consultation, reinforcing concerns about transparency, accountability, and respect for fundamental freedoms.

To bring the national framework in line with international standards, a comprehensive legal reform agenda is needed. This includes aligning Article 39 of the Constitution with Article 19 of the ICCPR, and reviewing or amending relevant laws to ensure they uphold the right to freedom of expression both online and offline.

a) International Human Rights Standards

Assessing Bangladesh's legal framework on media and freedom of expression in relation to international human rights standards requires a review of key legal provisions, government actions, and international commitments.

Bangladesh is a signatory to the International Covenant on Civil and Political Rights (ICCPR), which guarantees **freedom of expression (Article 19)**.

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - a. For respect of the rights or reputations of others;
 - b. For the protection of national security or of public order (ordre public), or of public health or morals.”

The applicability of these international standards means that at the national level, all member states of the international community must recognize and protect a minimum of freedom of expression for all individuals. Freedom of expression and freedom of information are granted to “everyone”, and not only media outlets or professional journalists. Every single person has the human rights to freely seek, receive, and disseminate ideas, opinions, and information. It includes political discourse, commentary on one's own and public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse. It may also include commercial advertising.

In particular, limits to freedom of expression can only be imposed based on the principles and standards enshrined under Article 19 of the ICCPR and specifically **the three-part test**:

- a) All restrictions to freedom of expression must be previously established in law, in an express, restricted, and clear manner, in the formal and material sense. Such a norm must state the scope of the restrictions in the clearest and most specific terms possible, thus giving legal certainty to the citizenry.
- b) The restriction imposed on freedom of expression must pursue one of the legitimate ends stated in universal and regional law. Such objectives include: the protection of the rights of others, and the protection of national security, public order, or public health or morals.

- c) The third step of the three-part test refers to the necessity of the measure. It is divided, in turn, into three subparts:
- **Necessity:** limitations are needed within a democratic society to protect a legitimate right or interest.
 - **Proportionality:** limitations are the least restrictive possible
 - **Appropriateness:** limitations are appropriate to achieve the legitimate objective.

The UN Human Rights Council in its resolution 32/13 adopted on 1 July 2016, affirmed that “the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one’s choice,” in accordance with Article 19 of the UDHR and ICCPR.” In doing so, the Council reaffirmed its earlier resolutions 20/8 of 5 July 2012 and 26/13 of 26 June 2014, on the subject of the promotion, protection, and enjoyment of human rights on the Internet.

It is also important to remind here that with regards to the emerging issue of disinformation/fake news/propaganda as a main cause to restrict and regulate speech, and according to international human rights standards, an excessive focus on legal, and particularly, restrictive measures could lead to undesired consequences in terms of free exchange of ideas and individual freedom⁶:

- a) General prohibitions on the dissemination of information based on vague and ambiguous ideas, including “false news” or “non-objective information”, are incompatible with international standards for restrictions on freedom of expression. In other words, it is incompatible with international law to impose on private actors (journalists, media, bloggers, and individuals) a general obligation to disseminate accurate or truthful information, as well as establish penalties in cases of dissemination of non-defamatory false information. Even though the ongoing presence of disinformation may harm individuals’ ability to meaningfully exercise their human rights, it needs to be understood that disinformation is not the cause but the consequence of societal crisis and the breakdown in public trust. According to international standards, the right to freedom of expression applies to all kinds of information and ideas irrespective of the truth or falsehood of the content.
- b) Tackling disinformation requires multidimensional, multi-stakeholder responses grounded in the full range of human rights and the proactive engagement of States, companies, international organizations, civil society, and the media.
- c) State actors should not make, sponsor, encourage, or further disseminate statements which they know or reasonably should know to be false (disinformation) or which demonstrate a reckless disregard for verifiable information (propaganda).

⁶ See the Joint Declaration on freedom of expression, “fake news”, disinformation and propaganda adopted on 3 March 2017 by the Special Rapporteur, the OSCE Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression and the ACHPR Special Rapporteur on Freedom of Expression and Access to Information. Available online at: <https://www.osce.org/files/f/documents/6/8/302796.pdf>

- d) State actors should, in accordance with their domestic and international legal obligations, and their public duties, take care to ensure that they disseminate reliable and trustworthy information, including matters of public interest, such as the economy, public health, security and the environment.,
- e) Public authorities must promote a free, independent, and diverse communications environment, including media diversity, ensure the presence of strong, independent and adequately resourced public service media, and take measures to promote media and digital literacy. The free flow of information is a critical element of freedom of expression and places a positive obligation on States to proactively put information of public interest in the public domain, and promote plural and diverse sources of information, including media freedom. It can be a valuable tool for countering disinformation.

All these principles do not only apply to possible criminal provisions but also to restrictions adopted via civil or administrative law legislations.

b) Freedom of Expression in the Constitution of Bangladesh

Article 39 of the Constitution of Bangladesh establishes the following:

- “ 1. Freedom of thought and conscience is guaranteed.
2. Subject to any reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence–
- a. the right of every citizen to freedom of speech and expression; and
 - b. freedom of the press. ”

While the Constitution appears to establish a top-level protection of this fundamental right, the language of these provisions is not aligned with international human rights standards particularly the mentioned Article 19 of the ICCPR. The references to “reasonable” restrictions, as well as to very vague interests and principles not explicitly contemplated under international law (such as “friendly relations with foreign states”, “decency or morality”, “in relation to contempt of court”, “defamation” or “incitement to an offence”) create, already at the constitutional level, the risk for the imposition of overbroad restrictions, based on political interests.

Therefore, a process of legal reform in relation to the protection of freedom of expression and media regulation in Bangladesh would need to start from the consideration of a possible constitutional reform to align Article 39 with international human rights standards.

c) National Legal and Regulatory Framework

There is consensus among all stakeholders regarding the fact that the legal and regulatory framework applicable to media in Bangladesh is extensive, inconsistent, unpredictable, and politicized in terms of enforcement. In other words, even though there is an accumulation of different norms and regulations applicable to journalistic, media, and, more generally, speech activities, it can hardly be concluded that the rule of law principle applies to this important area in any functional democracy. According to the vast majority of stakeholders, this framework is used by a wide range of authorities to introduce, either formally or through different forms of pressure, important restrictions to the dissemination of ideas, opinion and information, based on political and economic interests.

Based on the above context, **the key policy and legal instruments governing the media sector include:**

- Constitution of Bangladesh (Article 39)
- Printing Press and Publications Act (1973)
- Official Secrets Act (1923)
- Special Powers Act (1974)
- Press Council Act (1974)
- Contempt of Court Act (1926)
- Penal Code (1860)
- Code of Criminal Procedure (1898)
- Bangladesh Telecommunication Act (2001)
- Information and Communication Technology Act (2006)
- National Broadcast Policy (2014)
- (Draft) National Broadcast Act 2018
- (Draft) Mass Media Employees (Services Conditions) Bill (2022)
- Press Council (draft amendments) Act (2022)
- Cyber Security Act (2023)
[Particularly the provisions affecting human right and FoE]
- Anti-Terrorist Act (2009)
- Right to Information Act (2009).
- National Online Mass Media Policy (2017)
- Commercial Advertisement Policy
- National Cyber Security Strategy (2014)
- Cyber Protection Ordinance (2024)

Many provisions included in the legislation and policies mentioned above are not compatible with international human rights standards in the area of freedom of expression. In this sense, and beyond the discussion on their compatibility with the national constitutional framework, such provisions lack legal certainty and therefore are open to arbitrary interpretation and enforcement, they do not pursue a legitimate interest according to international human rights law (since they may be oriented towards controlling and silencing certain types of dissenting actors and speech) and cannot be justified on grounds of necessity and proportionality.

In the absence of an articulated institutional framework for media regulation, it must also be noted that the judiciary has become the most relevant interpreter and enforcer of the mentioned complex legal framework. Also, security and law enforcement agencies often interact with media organizations and journalists thus indirectly affecting and limiting the dissemination of certain types of content. In general, international human rights framework is neglected and decisions are often influenced by political pressure and the overall political context, thus creating a general climate of unpredictability and inconsistency.

Discussions and advocacy around excessive restrictions to the right to freedom of expression have been particularly focused during the last five years on the impact of new legal tools particularly affecting the online space. It needs to be noted that controlling the exercise of freedom of expression online and particularly the dissemination of content via social media had already been directly or indirectly tackled for the last two decades via different pieces of legislation such as the Bangladesh Telecommunications Act, the Information and Communication Technology Act, the Anti-Terrorist Act or the National Cyber Security Strategy. Also, general restrictive speech norms such as those included in the Penal Code were also applied with punitive purposes to online speech. All this being said, it needs to be noted that an important step forward from a repressive point of view was taken with the adoption to the Digital Security Act (DSA) in 2018. This law was globally criticized by various UN Agencies, diplomats, and international human rights organizations for the wide powers to block content, impose criminal penalties and investigate without warrant⁷.

The widespread criticism around the DSA took the Government to introduce a series of amendments which transformed the DSA into the Cyber Security Act (CSA) in 2023. However, and once again, this reform was criticized for introducing minor improvements while serious issues of violation of international human rights standards remained, according to the view of relevant international monitoring mechanisms. In particular, the CSA remained too vague in defining possible limits to content, insufficient in terms of guarantees and safeguards against abuse and particularly problematic in terms of allowing restrictions to journalistic critical reporting via heavy penalties and overall intimidation⁸.

An apparently final step in this field was taken by the new Interim Government when it repealed the CSA on 7 November 2024.. However, the CSA regime was swiftly replaced with the approval of a new Cyber Protection Ordinance on 24 December 2024.

This last development created a significant frustration among civil society, activists, media and international organizations since the new text keeps the overly broad terms that pose a threat to freedom of expression and could deter legitimate comments or

⁷ CLJ Malaysia (2024), Social Media Regulation and the Rule of Law. Key Trends in Sri Lanka, India and Bangladesh, CLJ-KAS. Available at: <https://limeasia.net/2024/05/social-media-regulation-and-the-rule-of-law-insights-from-sri-lanka-india-and-bangladesh/>

See in particular the “OHCHR Technical Note to the Government of Bangladesh on review of the Digital Security Act” from June 2022 and available at: <https://www.ecoi.net/en/file/local/2089968/OHCHR-Technical-Note-on-review-of-the-Digital-Security-Act-June-2022.pdf>

⁸ See the analysis included in the letter from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression of 28 August 2023.

criticism of individuals, especially those in power. More specific concerns refer to allow the prosecution and jailing of citizens who "hurt religious sentiments", empowering the Bangladesh Telecommunication Regulatory Commission (BTRC) to remove or block content that may undermine "national unity," "economic activity," "security," "defence," "religious values" or "public order," on request of law enforcement agencies and the director-general of the National Cyber Security Agency, permitting warrant-less searches, seizures, and arrests, requiring reports to be submitted to a tribunal, but without a defined timeline, adopting non-bailable offences as a default approach, allowing for the confiscation of legitimate digital materials if they are found alongside prohibited content, as well as criminalizing using false identities, online sending or publishing aggressive, false or threatening information, including harmful or malicious content, among other measures that straightforwardly violate international human rights standards. Another significant reproach refers to the fact that the Ordinance was adopted with lack of meaningful dialogue and transparency in engaging with civil society and human rights defenders⁹. Specific safeguards, particularly the need to obtain a judicial authorization *ex post* are clearly insufficient and fall short of applicable international human rights standards.

The Ordinance also consolidates existing problems in two main areas. Firstly, despite the language of some of its provisions, it does not provide an effective tool to prevent in practice internet shutdowns from ever recurring. This has been a problem in the country, where access to Internet has been taking place in the course of the last years without clear legal provisions authorizing the adoption of such measures (which in any case would violate international human rights)¹⁰. Secondly, the Ordinance confirms the sensitive role of the BTRC as the instrumental body for content takedown on request from other authorities and without sufficient guarantees or safeguards thus diluting and confusing independence and accountability.

All this being said, it also needs to be underscored that the restrictive framework regarding freedom of expression, as well as future media legal reform initiatives, cannot be only focused on the mentioned and most recent legal instruments. Unfortunately, the Bangladesh legal system also includes a series of legal provisions from colonial and post-colonial times that contain significantly problematic provisions that seriously endanger the rule of law principle as well as the exercise of individual expression and journalistic and media activities. Among others, this legislation includes the Printing Press and Publications Act, the Official Secrets Act, the Special Powers Act, the Press Council Act, the Contempt of Court Act, the Penal Code, the Code of Criminal Procedure, consecutive National Policies on media, broadcasting and cyber security, as well as and even the Right to Information Act.

⁹ See the critical analyses elaborated by Front Line Defenders (<https://www.frontlinedefenders.org/en/statement-report/bangladesh-concerns-about-draft-cyber-protection-ordinance>) and Transparency International Bangladesh (<https://www.ti-bangladesh.org/articles/press-release/7175>).

¹⁰ See Samaya Anjum, Andras Csontos (2025), "Bangladesh Interim Government's "Right" to Uninterrupted Internet Access is a Sham", Tech Policy Press 14 January 2025. Available at: <https://www.techpolicy.press/bangladesh-interim-governments-right-to-uninterrupted-internet-access-is-a-sham/>

Main shortcomings clearly present in the mentioned legislation include the following:

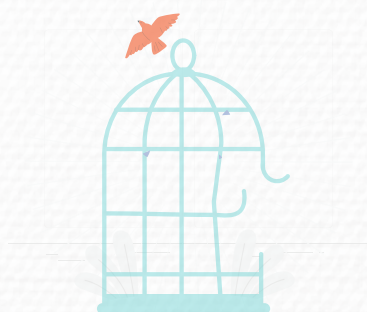
- a) Licensing regimes applicable to different media outlets (newspapers, television and radio stations) give a significant discretionary power to relevant licensing authorities, which opens the door to arbitrary decisions in this field. Since there is no independent regulatory authority in the media sector, this is an area fully controlled by political interests and where media outlets operate in a situation of complete lack of legal certainty. Also, when it comes to online media, the Online News Portal Registration Policy of 2021 (and the earlier 2017/2020 National Online Media Policies it builds on) assign the Ministry of Information and Broadcasting as the lead agency regarding this matter, while also establishing that “competent security bodies” must vet applicants.
- b) Specific content restrictions regarding different types of media and forms of expression are established on the basis of very vague language and concepts, thus putting in the hands of relevant authorities a significant amount of discretion to curtail critical expressions and limit the activities of journalists and media outlets. Examples include terms contemplated by criminal legislation such as “anti-State” speech, hurting religious sentiments, indecency, obscenity, scurrilousness, false reporting, subversive content, provoking an uprising, creating enmity and hatred among the citizens, denigrating religious beliefs, false content, harming political sentiments, attacks against the spirit of country’s independence and integrity, the ideologies of liberation war, the key pillars of the Constitution, national traditions, cultural values and norms, and the image of the State, affecting the “interest of the public and the country”, tarnishing personal image, and many others.
- c) In contradiction with international human rights standards, defamation is still contemplated as a criminal offence. It is important to note in this area that the General Comment No. 34 by the UN Human Rights Committee¹¹ declares that “State parties should consider the decriminalization of defamation, and, in any case, the application of criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty”. It also establishes that “simply considering that a declaration insults a public figure is not enough to justify the imposition of penalties” and that “all public figures, including those who hold the most important political positions, such as Heads of State or Government, may be the legitimate subject of criticism and political opposition”, as a result of which it “expressed concern regarding laws on matters such as *lèse-majesté*, contempt, lack of respect for authority, lack of respect for flags and symbols, defamation of the Head of State and protection of the honor of public officials”, stating that “laws should not establish penalties whose severity depends on the criticized person. States should not prohibit any criticism of institutions, such as the armed forces or the administration”.
- d) Penalties and measures to be adopted in response to the mentioned infringements are generally severe and completely incompatible with the principles of necessity and proportionality thus contributing to a general climate of

¹¹ Available at: <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>

intimidation and self-censorship. Punishments include license suspension and withdrawal, preventive arrests, hefty fines, communications interception and surveillance, and long-term imprisonment.

- e) Access to information provisions are not fully aligned with international human rights standards either, since they establish a wide range of exceptions drafted in very vague terms (protection of state security and relationship with other countries, likewise prohibiting misuse of intellectual property rights, safeguarding third party information, non-interference in court proceedings) which can be easily and arbitrarily used to curtail transparency and the right of citizens to know about sensitive matters such as political corruption, salaries, public tenders, personnel selection, etc. In addition to this, official secrets regulation also incorporates a very broad definition of categories of information not to be disclosed on such grounds, together with heavy punishments associated to the dissemination of confidential documents even in cases where the public interest would justify it. Also, the Bangladesh legal system does not incorporate proper protections for whistleblowers.
- f) The Bangladesh legal system does not incorporate any provisions aiming at protecting the legal and personal safety of journalists and media actors.
- g) The national legal framework does not establish an independent commission to regulate and make decisions (licensing, content, etc.) in the media sector. It does not properly support and incentivize proper self-regulatory mechanisms as the most indicated tools to address issues related to print publications. As mentioned, the existing framework applicable to BTRC creates issues of certainty and consistency and does not count of proper safeguards regarding independence, transparency and accountability. Also, and regarding access to information, the regime applicable to the existing Information Commission would need to be amended in order to guarantee that appointments are conducted in a transparent, open and accountable manner, and that the Commission remains independent from political pressures or influence.

Based on all of the above it is clear that a comprehensive reform and simplification of the whole legal and regulatory framework applicable to individual expression, journalism and media is urgently needed. Besides extensive consultations with civil society, activists and media actors, the reform process must be preceded by an exhaustive analysis of the different legal instruments in light of applicable international human rights standards in order to properly identify the different problematic aspects as well as to propose adequate alternative rules.



4

CONCLUSIONS AND RECOMMENDATIONS

1) Overall Media Situation

a) Media Content and Formats

....

- Establish the bases for a new approach to training and education of journalists. In particular, explore options for the re-structuring and rationalization of the role and remit of PIB, mapping available resources at universities and properly contemplating the needs of journalists in this area, both at the national and local areas.
- Undertake a thorough assessment of the current situation of state media to define an extensive and comprehensive reform plan to guarantee independence, professionalism and trust. This plan must contemplate legal, institutional, organizational and professional reforms. In this sense, it would be advisable to bring BTV, Betar and BSS under a common organization structure to promote efficient management and a shared approach to public service.
- Promote a comprehensive approach to the development of media and digital literacy strategies across the country. This shall count on the involvement of international organizations, state institutions, members of the education community at all levels, as well as media professionals.
- Promote a proper understanding among media professionals, and through their relevant association and representation bodies, of the challenges and opportunities of the digital space for new forms of journalism and expansion of traditional media activities.

b) Economic and Financial Situation

....

- Initiate a process of reform of instruments and criteria for granting on State subsidies to avoid politicization and support media independence. New mechanisms shall be based on the principles of transparency, fairness, accountability and reasonability. In addition to this, the DFP must update mechanisms regarding circulation data of publications, to guarantee the dissemination of accurate and reliable data.
- Promote among the relevant stakeholders (media organizations, academia, advertising sector) the elaboration of studies allowing for a proper assessment of the characteristics and viability of the advertising market.
- Establish new legal and regulatory mechanisms aiming at avoiding anti-competitive behavior within the media and connected markets. These initiatives must be accompanied with a reform of existing licensing mechanisms and institutions to guarantee fairness, transparency and accountability.

- Promote the elaboration and implementation of systematic and comprehensive media policies, particularly in the area of incubation and fostering the creation of diverse and independent media organizations.
- Implement all the reforms and remove all the obstacles to facilitate foreign investment in media activities, as well as access to credit to fund media initiatives.
- Transparency of media ownership must be a policy pillar in this area.

c) Journalists' Working Conditions

- Based on an extensive dialogue and consultation, adopt the legal instruments and establish the institutional mechanisms necessary to guarantee proper economic and labor conditions for journalists.
- Promote and incentivize (via regulatory reforms or through internal media policies) the establishment of mechanisms within media organizations to facilitate the dialogue, negotiation and definition of working conditions.
- Establish institutional mechanisms for reporting and overseeing possible abuses and infringements in relation to journalists working conditions.

d) Safety of Journalists

- Support the different public stakeholders regarding the implementation of preventive, protective and prosecuting measures to tackle lack of safety and impunity.
- Promote among significant actors (policymakers, judges, prosecutors, law enforcement...) a proper understanding of the demands connected to safety of journalists and the need to create an enabling environment for journalists.
- Support the reform legal provisions that may allow for the arbitrary arrest or detention of journalists.
- Support the establishment of all the legal and institutional mechanisms to prevent any forms of spying on journalists or interception of their communications.
- Support the establishment of legal and regulatory safeguards regarding the use of encryption and anonymity in online communications.
- Support the full legal protection of journalists' right to protect confidential sources.
- Train key stakeholders (including judges, law enforcement, military, journalists, and civil society) on the States' international legal obligations and commitments on the safety of journalists.
- Incentivize the public, unequivocal, and systematically condemnation of violence and attacks against journalists by relevant institutions and State actors.
- Promote the establishment of effective early warning systems and rapid response mechanisms for journalists, to be managed by competent law enforcement institutions.
- Promote the regular monitoring and report on attacks against journalists by different stakeholders.

- Establish the necessary criteria and rules to particularly guarantee the protection of journalists covering protests and elections.
- Recognize the role of media organizations in advancing safety.
- Promote a strategy to identify and tackle existing cases of unresolved crimes against journalists and combat impunity.
- Promote the adoption of legal and institutional reforms aiming at establishing the necessary mechanisms for the proper investigation and prosecution of crimes against journalists.
- Incentivize initiatives and institutional mechanisms aiming at ensuring that victims of crimes against journalists and their families have access to appropriate remedies.
- Actively promote efforts to effectively implement the international human right framework on the safety of journalists, in close and active collaboration with relevant international organizations and particularly UNESCO.

e) Self-regulation

- Media organizations must adopt new the ethical and operational standards for a proper self-regulatory environment.
- Improvement of external self-regulation by considering reinvigorating the Press Council through a legal reform upholding its independence, using existing platforms to promote professionalism, re-structuring existing training mechanisms, creating new opportunities for capacitation, and promoting the work of press clubs in promoting ethical standards.
- Improvement of internal self-regulation through granular work with media organisations to promote ethical policies and accountability mechanisms to support independence. These initiatives may be the result of the collaboration among international organizations, academia, civil society, media associations as well as media companies.
- Consider new audience engagement and collaborative journalism practices, as well as digital news literacy initiatives.
- Stakeholders mentioned in the previous paragraph must coordinate efforts to promote an optimal understanding of self-regulation in line with international human rights standards. In particular, self-regulation must become the only framework of rules applicable to written media (either on paper or online).

f) Gender Issues

- Support the definition of a proper policy in the field of media and gender, to promote all the necessary reforms both at the level of legislation and media organisations' internal practices.
- Promote and incentivize the establishment of mechanisms within media organizations to define specific gender internal policies as well as to facilitate the dialogue, negotiation and definition of working conditions for women.

- Support the establishment of agile and effective mechanisms to monitor and report misconducts and abuses against women in the newsroom.
- Establish initiatives to promote an equal treatment of women journalists by all those regularly and professionally engaging with them.
- Promote the establishment of rules and policies particularly aiming at guaranteeing equal labor conditions and pay, as well as the adoption of all the necessary and specific measures mentioned in section 1.h.

g) Community and Indigenous Media

- Support the definition of a policy/regulatory approach to indigenous media, in dialogue with relevant stakeholders.
- Promote a proper understanding of the role and importance of indigenous media among relevant stakeholders and particularly policymakers, regulators and lawmakers.
- Promote the adoption of legislation and regulations that facilitate community radio access to funding from local, national and international sources as well as a proper understanding about the potentiality of the sector.
- Promote via policy or regulatory instruments a better coordination in between the district/sub-district level government authority/UNO office with Ministry of Information and Broadcasting (MIB) and the community radio stations.

2) Legal and Institutional Framework

- Promote the submission of specific proposals and recommendations for change based on international human rights standards and through multi-stakeholder processes. This includes capacitation of stakeholders to be able to formulate an advocacy strategy for media legal reform.
- Consider legal simplification, legal certainty and legal consistency as fundamental elements of media legal reform.
- Consider the communications environment in all its extension, including all types of media and journalism as well as the governance of digital platforms.
- Promote the active and coordinated engagement by international bodies, organisations and donors with Government institutions, advisory and other relevant national institutions in order to promote a comprehensive understanding of the need for and direction of media legal and institutional reform. This engagement needs to particularly focus, in the current stage, on the outcome of the work of the National Media Commission, the Transparency and Anti-Corruption Commission and the Judicial Commission.
- Promote the establishment of an independent regulatory body through the introduction of a comprehensive understanding of the role and responsibilities of this kind of institutions.
- Support efforts and initiatives to reform the licensing system to replace it with clearly legally defined processes and criteria.
- Define specific training activities focused on judiciary, prosecutors and law enforcement to promote a correct understanding of international human rights standards and promote an enforcement of national legislation aligned with such criteria.
- Dedicate specific efforts to promote the establishment of legal and regulatory protections regarding the working conditions of journalists, as well as the gender equality in media.

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Key Questions Asked During the Consultations

1. What is your assessment of the current media legal framework? How adequate are the existing laws affecting media and expression activities in promoting freedom of expression and freedom of the media?
2. What is your perspective on implementation and enforcement laws affecting expression in Bangladesh? What areas if any do you think institutional actors (judges, regulators, law enforcement etc.) need to improve on to ensure full implementation and enjoyment of media related rights?
3. Which areas of legal reform are the most urgent/important ones at this stage?
4. What are the key issues, from an economic point of view, being faced by different media outlets and online platforms in the country?
5. How do you see the overall economic situation of the media and digital services sector? Are there differences between traditional media supports and online distribution systems?
6. What are the current and future targeted areas of Government's attention with respect to legal reform? Do you believe that all involved institutions (Government, Parliament, regulatory bodies...) are in synch in this field?
7. In your opinion, how can the role of community media be reinforced and made viable (both from a legal and economic points of view)?
8. What are the most important issues affecting State media? Which areas/aspects do you consider needing reform vis-a-vis the State media? What form should this reform take? How can a proper piece of legislation guarantee the transformation into public service media?
9. What is your opinion of the existing regulatory bodies with power over media and online content? To what extent if any are these in need of reform and what form should those reforms take to enhance their independence and effectiveness?
10. How do you see the current situation of media ethics and professionalism in the country?
11. Who are the most relevant and influential actors in media and communications policy and legislative reform at this stage? Which actors might be opposed to such reforms and to what extent they are influential?
12. What do you consider to be the challenges and opportunities being brought about by the Internet as a distribution platform in the country? What do you think needs to be done to enhance competition, access, quality, respect for human rights and diversity in the online environment?

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