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DSA Repeal The Only Viable Option To Curb Its Misuse: TIB

Dhaka, 12 April 2023: Transparency International Bangladesh (TIB) strongly demanded the repeal of the Digital Security Act (DSA), 2018 as amending it is not a solution to its problems. TIB thinks that the law is not only limited to its many sections targeting fundamental rights, rather it is arbitrarily misused to repress the press, civil societies, and the rights of individual citizens.



The Act has created a sense of fear and TIB has demanded the formulation of new legislation following global standards to ensure the safety of digital infrastructures without violating fundamental rights.

TIB Executive Director, Dr. Iftekharuzzaman, said since the enactment of the Act in 2018, it has been misused arbitrarily against dissenters and created “panic and insecurity” among citizens of Bangladesh. A section of the law enforcers misused the law to such an extent that suppressing minorities, silencing the media, kidnapping people in the middle of the night, torturing them, and ultimately killing them while in custody became a regular occurrence.

The Act’s repressive use against the free press and dissenters goes against the spirit of the Liberation War, and aids in creating conducive environment to radical fanaticism and communal power, added Dr. Iftekharuzzaman.

In an increasingly IT-dependent digital Bangladesh, TIB acknowledges the need for a law to support the safe and healthy use of digital media. Therefore, TIB called on the government to repeal the Digital Security Act and take initiatives to enact new cyber security laws solely for the purpose of securing digital infrastructure and its use.

EC's Guidelines Will Relegate Journalists To Subservient Role

Dhaka, 13 April 2023: Transparency International Bangladesh (TIB) stated that the various restrictions imposed on journalists by the Election Commission's guidelines would impede their professional duties in reporting on election-related news.

According to the new guidelines, journalists must seek permission from presiding officers before taking photos or recording videos, and returning officers are responsible for granting access of journalists to the polling station. Other restrictions include a ban on motorcycle usage, limitations on live broadcasts, and a maximum entry time of 10 minutes for journalists at the polling booth.

Expressing grave concern in a press statement, TIB said that restrictions on journalists proposed by the Election Commission aimed to manipulate and control the media and make journalists subservient to those in power.

TIB's Executive Director, Dr. Iftekharuzzaman, questioned the logic behind the restrictions on motorcycle usage, as it is nearly impossible to travel to remote areas during the national election without them. He also raised concerns over the limit on entry time for journalists and the rule that allows returning officers to determine the number of journalists at the polling centres, which may be misused for political gain.



Dr. Zaman further criticised the requirement for additional permission from the presiding officer to access polling booths, as it can deter journalists from collecting information on untoward incidents during polls. Additionally, he also criticised the prohibition of live telecasts at polling centres, stating that this does not align with transparency and does not follow global practice.

The Illusion Of Personal Data Protection: Examining Surveillance, Supervision, And Suppression

Dhaka, 17 April 2023: Bangladesh's Data Protection Act, 2023 (Draft) was meant to safeguard the privacy of its citizens, but it could end up doing more harm than good. The government's decision to retain certain sections in the draft has raised concerns that it could impinge on constitutional rights to privacy, freedom of expression, harm business revenues, and enable arbitrary misuse to target dissent.



At a press conference held on Monday at the TIB head office, observations on the fourth draft of the Act were discussed. TIB submitted a 41-point recommendation on the draft on March 28, 2023, following the government's call for stakeholder recommendations. Although the government incorporated some of TIB's recommendations, there are still concerns over the sections it has chosen to retain.

One major issue is the overly broad definition of “person” in the draft law, which includes natural as well as legal persons, i.e., organisations, stakeholders, companies, associations, corporations, cooperative societies, institutions, and statutory bodies. This could mean that everyone, including protection agencies, could be considered data subjects, processors, and controllers in different contexts. TIB sees this as an attempt to ensure government supervision and surveillance of personal data.

Dr. Iftekharuzzaman, Executive Director of TIB, expressed concern over retaining certain sections in the Data Protection Act, stating, “Rather than safeguarding fundamental rights, the government’s decision to keep certain provisions puts individual privacy at risk. The lack of clear definitions and classification of personal data increases the likelihood of arbitrary misuse of the law. Additionally, the proposed agency for data protection is compromised by conflicts of interest and fails to meet global standards.

Data localisation threatens businesses, intensifies state surveillance

Another issue is data localisation, which requires companies to store sensitive data, user-generated data, and classified data inside state borders in locally operated servers. This could deter global companies from operating in Bangladesh as server hosting costs would skyrocket. Small and medium businesses would be deterred from competitive business, and excess business costs would mean higher consumer expenditure. Relevant research shows that data localisation could decrease Bangladesh’s digital exports by 45%, and annual growth might drop by 0.58%. Foreign investments might also decline due to data localisation laws.

Data localisation would also give the government ultimate authority over data surveillance and control. The unchecked power of the government-appointed Data Protection Agency and the lack of authority to ensure checks and balances could be used to suppress constitutional rights to freedom of speech and privacy.

Guilty until proven innocent

Additionally, the draft law has drafted sections that make an “individual” guilty until they prove their innocence, which goes against the fundamental principle of criminal law. The draft law states that if any company commits any crime under this Act, then all owners, chief executives, directors, managers, secretaries, stakeholders, or any other officials will be considered perpetrators until they prove that the crime was committed without their knowledge and they took steps to stop the crime.

Sheikh Manjur-E-Alam, Director of Outreach & Communication at TIB, emphasised the legal risks associated with the proposed law, stating, “The draft law’s provision that considers individuals guilty until they prove their innocence poses serious legal risks for civil society organisations, media, and both local and foreign companies. This provision and the government’s broad powers under the law threaten to silence and disable human rights defenders and media organisations.”

TIB urges the government to continue discussing the draft with stakeholders and make necessary amendments in line with global standards to better protect citizens’ rights to privacy and free speech.

Business Integrity And Ethical Sourcing Are The Key To RMG Sector Sustainability: TIB

Dhaka, 25 April 2023: On the occasion of the 10th anniversary of the Rana Plaza tragedy, Transparency International Bangladesh (TIB) has called upon international brands and buyers of Bangladeshi readymade garments (RMG) to conduct business with integrity, especially ethical sourcing, which are the key to sustainability of the sector. "Exploitative practices of some brands and buyers motivated by short-term profitability at the expense of business integrity



together with continued failure of relevant authorities to ensure accountable and workers' rights-sensitive governance pose the most formidable challenges of sustainability of the industry," TIB said in a statement issued today.

TIB recalled that on April 24, 2013, the collapse of Rana Plaza in Bangladesh resulted in one of the deadliest industrial disasters in history, claiming the lives of over 1,100 workers and leaving more than 2,500 others injured. The tragedy exposed a range of governance deficiencies, including poor and non-compliant structural and working conditions, inadequate safety standards, denial of labour rights, deficits and violations of labour laws and regulations, and environmental sustainability standards in the country's ready-made garment (RMG) industry. Following this devastating event, national and international stakeholders joined hands to contribute to improving governance and safety standards in Bangladesh's RMG sector.

The statement noted that significant progress has indeed been made in the industry over the past ten years, particularly in regard to structural and fire safety. Bangladesh now boasts hosting half of the world's top 100 LEED-certified green industrial units, with 187 LEED-certified green factories in operation - all but four of which are in the garment sector. Another 500 RMG factories are in the process of obtaining LEED certification. Moreover, the reduction of workplace accidents in the export-oriented RMG units is considered to be the result of the targeted structural, fire and electrical safety inspection and follow-up remediation measures.

However, despite such progresses the profit-obsessed RMG industry continues to face the main challenge of transitioning to a workers' rights-sensitive business model, leaving the key concerns of the RMG workers who are the main factor of profitability and sustainability of the industry at bay. Practically nothing has happened in ten years to ensure accountability of those responsible for the tragedy and the facilitators and

protectors of non-compliance. Victims of the Rana Plaza disaster and other tragic accidents and their families have been treated more with a charitable approach at best rather than the right to compensation principle. The new labour law, despite many credible provisions, is widely considered to have fallen short of being enough to ensure some key workers' rights including prevention of harassment for exercising the right to decent work, freedom of association, and protection against discrimination.

COVID-19-induced supply chain disruption shifted focus of stakeholders to protection of interests of brands and buyers on the one hand and producers and exporters on the other ignoring the fundamental rights of workers. Moreover, the package of Covid response for the sector represented a policy priority targeted to producers and exporters leaving the workers' plight outside the mainstream strategic consideration.

In the meantime, compliance with Accord-designed safety standards is now overseen by the Remediation Sustainability Council (RSC), which follows a problem-solving mechanism without much discretion. On the other hand, the Remediation Coordination Council (RCC), has handed over all responsibilities to the Industrial Safety Unit (ISU) of the Department of Inspection for Factories and Establishments (DIFE), following which inspections have decreased by half in the last fiscal year, while the quality of inspections remains questionable due to alleged corruption. Bribing compliance auditors to overlook non-compliance issues and ignoring important concerns worsens the situation.

Unreasonable price reductions, delaying deliveries, withholding payments, canceling bookings, and other unpredictabilities of international buyers have become normal in the sector since COVID-19. Referring to a recent study done by NYU Center for Business and Human Rights, the Executive Director of TIB says, "Such exploitative tools used by brands and buying houses are leading to unhealthy competition between producers, facilitating lowest possible pricing through non-compliant sourcing. The ultimate burden of such practices is shifted to the workers in the form of low and irregular salaries and benefits." Despite the longstanding demand for a living wage for RMG workers, there has been no progress yet. Moreover, the minimum wage in Bangladesh remains lower than other RMG exporting countries in the region, for which the exploitative practices of brands and buying companies cannot escape responsibility, said Iftekharuzzaman, executive director of TIB. He called upon international buyers to refrain from such practices.

TIB has called upon the government to reform the labour law, review the minimum wage of workers to be consistent with the cost of living, push the agenda of a living wage, and remove barriers against the exercise of workers' right to trade unions and collective bargaining.

"It is in the interest of all stakeholders – brands and buying companies, producers and exporters, employees and workers as well as the Government to ensure a safe, workers' rights-based, and sustainable RMG industry that adheres to business integrity and ethical practices. It is time for all stakeholders to work together to achieve this goal," the TIB statement said.

Draft Bank Company Act: It's No Secret Doc, Disclose It, TIB Demands

Dhaka, 27 April 2023: Transparency International Bangladesh (TIB) has called for the public release of the draft of the Bank Company (Amendment) Act, 2023, which has been prepared in response to the long-standing demands for reformation of the banking sector in Bangladesh.

TIB expressed concern that despite the cabinet division's approval of the draft act in principle, it has not been released to the public, leaving doubts as to whether it reflects the people's interests and offers effective solutions to the significant issues in the banking sector.

TIB Executive Director, Dr. Iftekharuzzaman, said, "We expected the government to follow the good practice of making the draft act public when it was approved in principle by the cabinet division a month ago, but unfortunately, it has not been disclosed. Media reports reveal that the Financial Institutions Division did not show the draft act even to the IMF representatives citing confidentiality, which is quite surprising."



Dr. Zaman shed doubts over the classification of the draft act as 'confidential' and its potential prioritisation of a certain group over the public interest, since the Act directly impacts people.

"The reluctance to release a non-confidential draft law is creating confusion, especially as there is widespread concern that the banking sector's policy framework has already been hijacked by influential circles involved in defaults, various forms of fraud, and money laundering. Therefore, we call on the government to release the draft immediately in the public interest and create an adequate opportunity to take the views of the concerned stakeholders," Dr. Zaman said.

TIB appreciates the efforts to amend the Bank Company Law, which had been recommended earlier in TIB's research concerning good governance challenges in the banking industry. TIB hopes that the draft of the Bank Company (Amendment) Act, 2023 will be completed through the involvement and input of all stakeholders, particularly experts in the banking sector while ensuring full transparency. If not, TIB believes that the government's commitment to establishing good governance in the banking sector will be called into question.

TIB Mourns The Demise Of Rokia Afzal Rahman



Dhaka, 5 April 2023: TIB expresses deep shock and mourns the demise of Rokia Afzal Rahman, former Trustee Board Member of TIB, renowned entrepreneur, and Caretaker Govt. Adviser.

She served as a trustee of TIB for two terms between 2012 and 2018 and remained an honorable General Assembly member until her demise.

Bemoaning her departure, TIB's Executive Director, Dr. Iftekharuzzaman, stated that Rokia Afzal Rahman's demise is an irreparable loss for the country. Her bold and courageous role in ensuring good governance and her contribution to the anti-corruption movement are exemplary to many.

With immense gratitude and reverence, TIB acknowledges her prudent guidance and unwavering support for the organization. She will always be a source of inspiration for her hard work, patriotism, and activism in the anti-corruption movement. TIB's field-level watchdogs—Committee for Concerned Citizens (CCC), Active Citizens' Group (ACG), and Youth Engagement and Support (YES)—also express deep sympathy for her family and pray for her departed soul.

PACTapp Helps Pointing Out Healthcare Problems; Jhalakati Sadar Hospital Authority To Take Action

Dr. Shamim Ahmed, Superintendent of Jhalakati Sadar Hospital, expressed dedication to enhancing services during an advocacy meeting organized by CCC, Jhalakati, on 11 April 2023. The meeting addressed issues such as doctor shortages, X-ray film crisis, harassment, wheelchair/trolley scarcity, inadequate toilets, and outdated web portal. The problems found in community monitoring through TIB's specialized mobile app PACTapp. The problems that could not be solved locally were advised to be solved through appropriate authorities. The hospital now is committed to collaboration and aims to be a trusted healthcare institution.



Collaborative Efforts For Education At An Upazila School In Chattogram

As part of advocacy in ensuring good governance and transparency in education sector, ACG and CCC of Patiya Upazila in Chattogram, joined forces to hold a meeting in regards to quality education with the authority of Milanchakra Govt Primary School of the Upazila on 06 April 2023. The meeting focused on enhancing student engagement and addressing infrastructure challenges. Key initiatives, including parent gatherings, competitions, and support programs, were discussed. The collective commitment to working together for positive change was emphasized. A. G. M. Jahangir Alam, Area Coordinator of CCC in Patiya, presented a keynote paper while Head Teacher Ratna Raha Chowdhury attended the meeting.



Advocacy Meeting Held To Improve The Quality Of Secondary Education In Bagerhat

An advocacy meeting was held by CCC, Bagerhat, aiming to improve secondary education quality on 11 April 2023 at Bagerhat Sadar Upazila Secondary Education Office. The meeting discussed various measures for improvement. The topics covered included teacher recruitment, mothers' gatherings, parental awareness, moral education, selection of educational institutions for CCC's work, and student stipends.



Bagerhat Sadar Upazilla Secondary Education Officer S. M. Morshed presided over the meeting while Convener of CCC's Education Sub-Committee Professor Chowdhury Abdur Rob gave a welcome speech. S. M. Morshed emphasized the need for collaboration among teachers, students, parents, and stakeholders to enhance education quality.

Sharing Of Baseline Report On Hospital Services With Hospital Authority

An advocacy meeting of Active Citizen Group (ACG) with Jhenaidah General Hospital Authority was held on 30 April 2023. Superintendent of the Hospital Dr. Syed Rezaul Islam presided over the meeting while Area Coordinator of TIB, Bokhtiar Hossain moderated it.



ACG coordinator presented the baseline report conducted by ACG regarding the hospital services. Meanwhile, the Convener of CCC's Health Sub-Committee mentioned the problems found during the baseline and ACG member Mubinu Islam shared the minutes of the previous meeting. The hospital authority assured to implement all the activities through proper coordination with ACG and CCC.

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