

**Research Monograph
On
“The Protection of Children in Bangladesh from Cruelty: A Legal Analysis”**



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Subject: Submission of research paper on “**The Protection of Children in Bangladesh from Cruelty: A legal Analysis**”

Revered Sir,

It is a gratification for me to put forward the Research Monograph on “**The Protection of Children in Bangladesh from Cruelty: A legal Analysis**” which is done for the partial fulfilment of the degree of Masters of laws. While doing this study, I have tried my best to maintain the required standard. I hope that this thesis will accomplish your expectation.

I, therefore, pray and Hope that you would be kind enough to this dissertation for evolution. I always available for any further clarification for any part of this research paper at your convenience.

Thank You

—আরফাত হাজারী—

Sincerely Yours

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Declaration

It is hereby declared and affirmed that the Research Monograph titled “**The Protection of Children in Bangladesh from Cruelty: A legal Analysis**” is an original work done by me and the citations are taken with proper references. The work I have presented does not breach any copyright.

I further undertake to indemnify the University against any loss or damage arising from breach of the foregoing obligations.

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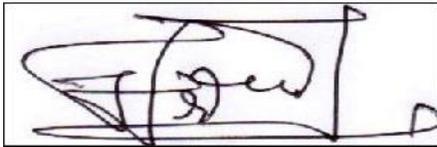
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Certification

This is to certify that the dissertation report on “**The Protection of Children in Bangladesh from Cruelty: A legal Analysis**” An Appraisal is done by Arafat Hazari in partial fulfilment of the requirements for the degree of Law from the Daffodil International University. The dissertation report has been carried out our guidance and as a record of the bona fide work carried out successfully.

Thank You



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Dedication

Firstly, I am showing very much respect and gratitude to Allah. I would like to express my gratitude and to my parents for their encouragement and to provide me with opportunities for higher education.

Acknowledgement

First of all, I wish to acknowledge the immeasurable grace and propound kindness of the Almighty Allah, I express our gratitude to our honorable dissertation supervisor Dr. Kudrat-E- Khuda Babu Professor & Head of Daffodil International University, Department of Law for giving me the opportunity to complete my dissertation report under his supervision. He gave me his valuable time and important information to complete the dissertation report. Without his proper guidance, it was quite impossible for me to complete the dissertation.

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Abstract

As human being, children have the right to grow up in safe, warm, peaceful, secured and friendly environment by facilitating them basic human rights. The general laws and the constitution of Bangladesh entitle children to equal rights and status to those of men in public life. But yet children in Bangladesh suffer multiple form of violence including domestic violence, rape, death, sexual harassment, suicide, forced marriage, trafficking and other psychological and financial oppressions. So, from this point of view this research is an attempt to discuss the existing laws relating to children in Bangladesh and the gap of the law. The present paper using information from different statutes relating to children examines the lacunae, shortcoming, ambiguity, strengths of the existing laws and to suggest some recommendations for taking step to remove the shortcomings to make the law more effective so that the law can save the children.

Keywords: Protection, Children in Bangladesh, Cruelty, Legal Analysis

Table of Contents

SL.	Heading	Page No.
	Chapter One: Introductory Chapter (1-5)	
1.1	Statement of the Problem	1
1.2	Research Question	2
1.3	Literature Review	1-4
1.4	Limitation of the Thesis	4
1.5	Structure of the Thesis	4-5
	Chapter Two: Fundamental Concept Regarding Cruelty against Child (6-11)	
2.1	Introduction	6-7
2.2	Silent Violence	7
2.3	Physical Punishment of Home and in Educational Institution	7
2.4	What is Physical Punishment	8
2.4.1	Reason for Punishment by Parents	8
2.4.2	Reason for Punishment by the Teacher	8
2.5	Violence at the work place	8-9
2.6	Using children for political activities and arms and drug trafficking	9
2.7	Early Marriage	9-10
2.8	Reasons for Cruelty against Children	10-11
2.8.1	Lack of awareness about child rights among adults and children	11
2.8.2	Ergative attitudes of adults toward children	11
2.8.3	Lack of opportunity for children to express opinions	11
2.8.4	Lack of proper implementation of the laws relating to children	11
2.8.5	Poverty	11
2.9	Conclusion	11

	Chapter Three: Legal Provision of Cruelty against Children (12-13)	
3.1	Introduction	12
3.2	The Constitution of the People’s Republic of Bangladesh	12
3.3	International Prospective	12-13
3.4	Conclusion	13
	Chapter Four: Case Study of Cruelty against Children (14-20)	
4.1	Introduction	14
4.2	Nine-year-old Belal Hossain, allegedly tortured by Khulna city metropolitan police	14-17
4.3	Analysis of the fact	17
4.4	School student Shubo was killed and two other children were injured in Fatulla	17-20
4.5	Conclusion	20
	Chapter Five: Conclusion	
5.1	Conclusion	21
	References (22-24)	

Chapter One

Introductory Chapter

1.1 Statement of the Problem

Cruelty against child in Bangladesh is a serious problem in our society about which far too little is known. Cruelty against child in Bangladesh is constantly evolving, encompassing a broad variety of crimes, and possessing unique characteristics that distinguish it from violent and traditional property crimes. —Cruelty against child in Bangladesh is not always easy to distinguish from other types of non-violent theft.

Typically, however, cruelty against child in Bangladesh situations for financial gain. In part, the relative neglect of research into areas of cruelty against child in Bangladesh The number of children in Bangladesh is also increasing. In this study the research tried to look at the legal protection of children in Bangladesh because this main issue should be pointed out that the rights of children are violated.

In any case, many families discard their children, which force them to choose a impence life. Some children engage in drugs, illegal act, other criminal activities and became obvious targets of abuse by individuals, political pioneer people such as organization that lay bar the law. The invisibility and complexity that make it difficult to detect also make it difficult to research.¹

This policy has been implemented across all BDRCS programs and events with the goal of preventing the abuse and exploitation of minors. The policy establishes overarching concepts, standards, and obligations to help BDRCS stakeholders realize their value in child safety.²

1.2 Research Question

How effective are the laws in dealing with the protection of children from cruelty in Bangladesh?

1.3 Literature Review

In the literature review part, I have discussed the definitions, forms and impacts of cruelty against children. More specifically, I have presented the problem of cruelty against child in Bangladesh of social perspective. Furthermore, the literature review part discussed the impact of cruelty against

¹ Ruchira Tabassum Naved and Lars Åke Persson, _Factors Associated with Spousal Physical Violence Against Women in Bangladesh (2005 36 Studies in Family Planning 289.

² Salam, Alim and Noguchi (n 2).

child in social perceive. I have also present eel some cruelty against child along heath some practical examples.

The Act to implement the UN Convention on the Rights of the Child. The Act changes the legal definition of a child from being a person under the age of 14 to one under the age of 18.³ It criminalizes any kind of cruelty inflicted on children while they are working in both the formal and informal sectors. The Act for the Prevention of Cruelty to and Better Protection of Children of 1893 stipulated that for every town of 10,000 people or more, a receiving home or shelter must be provided for the temporary care of children apprehended under its authority until homes could be found.⁴

The Children Act 2013 in Bangladesh aimed to establish child-friendly justice by creating institutional setups, such as child help desks, separate children's courts, and child development centers.⁵ However, despite these efforts, many children are still deprived of fair treatment in the justice system due to the lack of professional ethics among personnel involved in different phases of the process. This study highlights the challenges faced in the treatment of offender children, such as ethical approaches, skills, and knowledge. To provide value-based justice, professionals must adhere to a code of ethics. The study emphasizes the legal and ethical responsibility of the child justice system to protect the rights and childhood of children. In summary, while the Children Act 2013 was a positive step towards creating a child-friendly justice system, the lack of professional ethics among personnel demonstrates the need for a code of ethics to protect the best interests of children.⁶

In my dissertation, I analyzed a paper on the child justice system in Bangladesh and identified several gaps in the author's argument. First and foremost, I found that the author did not provide any evidence or data to support their claim that most children are deprived of fair justice in different phases of the justice system. Without concrete evidence, this claim may be questioned by readers and undermines the overall credibility of the argument.

Additionally, I found that the author used vague language, such as "most of the children" and "lack of professional ethics," which can be interpreted in different ways by readers. It would be helpful for the author to provide more specific details and examples to clarify their arguments and ensure that readers fully understand their points.

Moreover, I noted that the author's focus on the legal and ethical responsibility towards the child justice system in Bangladesh is limited. To provide a more comprehensive analysis, it would be

³ United Nation, _Convention on the Rights of the Child ' (OHCHR, 1989) <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>> accessed 2 May 2023.

⁴ super_admin, _The History of Child Welfare in Canada '(Until the Last Child, 26 February 2014) <<https://untilthelastchild.com/the-history-of-child-welfare-in-canada/>> accessed 2 May 2023.

⁵ Ministry of Law, _Child Law, 2013'(2014 <<http://bdlaws.minlaw.gov.bd/act-1119.html>> accessed 2 May 2023.

⁶ Sidney Ruth Schuler and others, _Credit Programs, Patriarchy and Men 's Violence against Women in Rural Bangladesh '(1996 43 Social Science & Medicine 1729.

beneficial for the author to compare the child justice system in Bangladesh to other countries and identify best practices that could be adopted to improve the system⁷

Lastly, while the author identifies several challenges in the child justice system, they do not provide any solutions or recommendations for improving the system. I believe it would be helpful for the author to provide actionable steps that could be taken to address the challenges identified and make concrete suggestions for how the child justice system in Bangladesh could be improved.

Overall, I believe that these gaps in the author's paper could be addressed to strengthen their argument and provide a more thorough analysis of the child justice system in Bangladesh.

The author's paper on child protection and research in the UK has some limitations. The study period covered only 2010 to 2014, which may not accurately reflect the current state of research on this evolving issue. The paper only reports on selected results, limiting its comprehensiveness, and there is a need for a more comprehensive review of research studies. The paper lacks a detailed analysis of the effectiveness of preventative and protective measures currently in place, and it does not explore the impact of cultural and social factors on child maltreatment. Understanding these factors is important for developing culturally appropriate preventative and protective measures. Future research in this area should aim for greater comprehensiveness, analyze the effectiveness of preventative and protective measures, and consider cultural and social factors.

The paper aims to provide an overview of the various factors that influence children's multidimensional development, with a particular focus on the negative impact of abuse and neglect. Childhood is crucial to shaping a person's response to life's challenges, but social risks to healthy growth are frequently overlooked by family and society. The psychosocial state of children who require care and protection should be taken into account, as their formative experiences can influence their ability to contribute to society as adults. However, in Indian society, children are not given their due share in the country's development process, which has long-term effects on their physical, social, psychological, mental, and moral development. The paper discusses the developmental needs of children and the challenges they face, including orphans, abandoned children, child beggars, and trafficked children.⁸

The author's paper on the factors that influence children's multidimensional development in India has some gaps. Firstly, there is a lack of specific data and research to support the claims made about the state of child development in India and the impact of abuse and neglect. Additionally, there is no clear research question or hypothesis, making it difficult to understand the aims of the study. Moreover, the paper has a limited discussion of the factors that influence child development and primarily focuses on the negative impacts of abuse and neglect.

⁷ Farzana Islam and Gulshan Ara Akhter, 'Child Abuse in Bangladesh' (2015) 9 Ibrahim Medical College Journal 18.

⁸ Syed Masud Ahmed, 'Intimate Partner Violence against Women: Experiences from a Woman-Focused Development Programme in Matlab, Bangladesh' (2005) 23 Journal of Health, Population and Nutrition 95.

It would be beneficial to include a more balanced discussion of both positive and negative factors that contribute to healthy child development.

1.4 Limitation of the Thesis

This dissertation the scope of the study relates to the cruelty against child in Bangladesh research condition in Bangladesh. It may be noted that this study will not specifically focus only on the cruelty against child in Bangladesh research in Bangladesh.

Most problematic matter is, for the shortage of time and funding. I am not able to go to all the office and places of the region to collect materials directly by myself and the country is newly in a way to digitalized all their works.

Thus, there were difficulties in collecting government reports and documents because most of government websites were under construction. Due to constraint of time and financial support the study is limited in respect of time and place as mentioned above. With regard to methodological limitations, since not all of the measures included in the research are the same as what we included in the current study, a direct comparison for all results is not possible. Additionally, this study only measures cruelty against child in Bangladesh representation in the criminological literature.

1.5 Structure of the Thesis

In Chapter 2, we'll go deeper into the Fundamental Concept of child abuse in Bangladesh. In this chapter, we will examine how the imbalance of power and interests between adults and children may be at the root of the problem of violence against children.

Adults in Bangladesh frequently make decisions for kids without asking for or considering the kids' input. When youngsters refuse to accept authority figures' decisions, they are often subjected to cruelty, abuse, and even physical harm. Adults typically fail to acknowledge children's capacity for free speech and participation in family decision making. It's possible that most adults' ignorance of children's rights is also a factor in the prevalence of violent acts against them. Listed below are a few of the main ones:

Chapter Three will assess Legal Provision of cruelty against children. This chapter will analyze has been national perspective, children act 2013, The Constitution of the People 's Republic of Bangladesh, The Memorandum of Understanding Committee (MOU), The Bangladesh Rehabilitation Assistance Committee (BRAC), The Child Marriage Restraint Act 1929, The Universal Declaration of Human Rights 1948 (Art 25,26), UN Convention on the rights of the child projection of children forum violence.

Case Study of Child Cruelty will be discussed in Chapter Four. Belal Hossain, age 9, was allegedly tortured by officers from the Khulna city metropolitan police, according to Mahbub Alam Prince,

manager of the child development department at Aparajeyo Bangladesh; Shahinur Begum, Belal's mother, aged forty; SI Maniruzzaman Khan, Sadar Police Station; SM Kamrujjaman, officer-in-charge at Sadar Police Station; and analysis of the facts found. There will also be an in-depth discussion and analysis of the prosecutors and defense attorney's roles.

Chapter Five will be summarizing the findings of each chapter. It will be a recommendation and conclusion remark of the dissertation. It will present the findings of the study.

Chapter Two

Fundamental Concept Regarding Cruelty against Child

2.1 Introduction

In many facets of daily life, children in Bangladesh face sexual and physical assault. Seven young domestic workers were hurt, three were raped, and four were killed in 2001 due to workplace violence. Zahirul, a little boy from Khagrachari, was beaten by his boss after he sneaked a bite of cucumber. The child of her employer fell from her lap, and she was only fifteen years old. She was had to endure the punishment of having boiling oil poured over her. Then there are forms of severe physical and sexual abuse that target girls disproportionately. Torture, rape, and dowry-related violence, as well as acid and other corrosive material attacks, fall into this category. Acid attacks typically occur after a girl has been subjected to repeated harassment by a boy over rejected romantic or marriage offers or dowry demands. In most cases, the boy or husband directs the acid at the girl's face, allegedly out of vengeance or to ruin her chances of being married in the future. Both family members and non-family members have been known to throw acid. In 2001, 66 examples of youngsters being damaged by acid were reported by 9 different daily newspapers. Most of the victims are young women under the age of 18 who were forced into prostitution after declining sexual advances or marriage promises. Trafficking victims include children who are forced into prostitution or used as camel jockeys. Akhtar Mia, age 4, and Sarkar, age 5, were rescued from Pripal village, which is located close to the Bangladesh-India border, on May 24th, 2001. Agents were luring them to the Middle East with the promise of a career as a camel jockey. They are both native Mymensinghians. Rapid social development and the disintegration of societal values contribute to the problem of trafficking in women and children just as much as the growth of global market forces and a rising materialism propagated by the media. More women and children are being trafficked and forced to work abroad due to the rise in unemployment, underemployment, and extreme poverty in recent years. Cultural views that devalue women continue to be another factor. They are already at the bottom of society, and when they try to improve their lot by looking elsewhere, they put themselves in even more precarious situations. Young women become victim to sexual exploitation because of these conditions and the assistance of shady figures like pimps, procurers, broker owners, traffickers, and agents. Since no official sources ever mention it, child trafficking is hidden from view. Most buyers are people the seller already knows. Young girls and youngsters are easy prey once they've gained the self-assurance to leave their families in search of better employment and marriage opportunities.

Bangladesh has accepted the international convention against slavery and prostitution, but this has not prevented the widespread exploitation of children, especially young girls, in the country. Laws

prohibiting human trafficking and prostitution are rarely enforced. Without proper government intervention, families often resort to private efforts to locate missing children. However, the repatriation process is lengthy, and it is not uncommon for the child to be held in "safe-custody" before being released on bail, which the family can hardly afford.

2.2 Silent Violence

Other forms of violence, in addition to those already mentioned, are also regularly committed against children. Although the effects of such "unnoticed violence" on a child's mental growth and overall development are detrimental, such "violence" is typically not recognized as such by our cultural norms and thus does not factor into the many discussions about children and violence.

2.3 Physical Punishment of Home and in Educational Institution

As a form of discipline, physical violence against children is extensively used, both at home and in schools. In today's culture, many people believe that spanking is an effective form of child discipline. In order to successfully raise children via family and classroom cooperation rather than adult power and childish compliance, positive discipline is essential.

No child is too young for rules and direction; nonetheless, physical punishment is never justified. Across the globe, children are slapped and hit as a form of punishment that is thought to be "in the best interest of the child." All forms of physical punishment have negative effects on children's physical and mental health, so they should never be used as a parenting strategy. When asked about being physically reprimanded, most kids would rather talk about the shame they felt. Wood all et al. (1998) did worldwide research on children's perceptions of their working lives and asked kids to explain the things in their life that made them sad. The two of them had nearly identical responses. A kid from Ethiopia said, "it was not the pain that hurt me but the feeling of humiliation I underwent when my classmates laughed at me" after describing being disciplined in class by having a pencil placed between his fingers and squeezed. That was the last time you'd see me outside of that school. Radio Lagadadi of the Ethiopian Educational Broadcasting Service, 1995.⁹

When children are punished, they often feel humiliated and ashamed, which can be even more painful than the physical pain itself. A youngster who is subjected to regular physical punishment runs the risk of losing his or her confidence and self-esteem, which can lead to the development of undesirable qualities like hostility. Those who exhibit extreme hostility are generally the products of a childhood marred by severe physical abuse and neglect.

⁹ Mazharul Islam and others, "The Application of International Laws in Bangladesh: A Critical Evaluation" (2022) 8 Unnes Law Journal 207.

2.4 What is Physical Punishment

The use of physical force to inflict pain or distress constitutes physical punishment. Physical punishment includes but is not limited to: hitting a child with a fist, a cane strap, a belt, or another item; kicking, shaking, or throwing a child; scratching, squeezing, or pulling their hair; locking or tying up a child; and choking a child. Physical discomfort can range from being completely harmless to being really severe. In the most extreme cases, children in the care of parents, legal guardians, or anyone else might suffer from physical punishment that leaves visible marks and scars or internal injuries, neglect, or exploitation, including sexual abuse.

2.4.1 Reasons for punishment by parents

Adults in Bangladesh place a larger value on parental rights than do those elsewhere. Most parents who resort to physical punishment on their children had similar experiences with their own parents growing up. Many parents use physical force out of frustration and anger, and because they don't know any better. Similarly, most parents have no concept of the harm caused by spanking. These are the most common justifications given by parents for using discipline in the United States. Recent polling suggests that most parents in Bangladesh approve of using light physical discipline on their children. Since they came from a culture where children were not given much of a voice, they didn't know how to properly take their perspectives into account. Results showed that while some parents used relatively tight and protected systems of child upbringing, others used too much flexibility, indulgence, and inconsistency in their approach to raising their children.

2.4.2 Reasons for punishment by the teachers

Most educators think that hitting students is an effective form of discipline. They also think that if you scare pupils with a stick, they'll be more likely to obey the regulations of the school. The harmful effects of physical punishment were lost on them. The majority of educators are unaware of effective alternatives. They consider corporal punishment to be the sole effective form of pupil discipline. Most educators believe that students have an implicit awareness that they will be physically disciplined for disobedience, and that such punishment is an integral element of the classroom culture. They believe that children will benefit from physical punishment if it is "institutionalized" in a culture and come to embrace it as a normal part of growing up.

2.5 Violence at the work place

While working, children often face verbal and physical abuse. Because they are forced to work, children often face not only the dangers of their jobs but also the abuse of their employers. As well as physical violence, verbal abuse, low wages, lengthy shifts, a lack of breaks and holidays all

contribute to an unhealthy work environment for children. Although research has been conducted to identify potential threats to children in the workplace, particularly in the informal sector where the vast majority of children in the labor force are employed, little attention has been paid to the prevalence of violence in these settings. Conflict in the public square the children living on the streets are subjected to abuse and violence on a daily basis. Children living on the streets are frequently harassed by hooligans, City Corporation employees, and law enforcement officers. Adults, notably those in authoritative positions, as well as older children, abuse them as well. They are thrust into a world of crime where they have few options. With no access to a juvenile justice system based on compassion, young people who choose a life of petty thievery and drug use face beatings, arrest, and imprisonment alongside adult offenders in terrible conditions. Adolescent girls, more than any other children, face the harsh consequences of sexual abuse and prostitution on the streets.

2.6 Using children for political activities and arms and drug trafficking

A considerable number of youngsters (mainly street children) have been used by members of political parties in modern times, it has become regular practice to use minors to transport illegal drugs and weapons. Research titled "Using Children in Carrying Arms and other Illegal Activities" was conducted in 2001. Sixteen kids were interviewed who had participated in such behavior. Some examples of these crimes are assaults on political opponents, occupations of slums or illegally acquired land, drug trafficking, toll collection from contractors, robberies, and so on.

Payments might range from fifty to one thousand taka (Taka) each occurrence, depending on its severity. Further, these young people are pleased with themselves for joining terrorist organizations, which provides them with a sense of 'honor' in their communities and safety. While kids know better than most adults how dangerous these pursuits can be, they still often choose to participate anyway. The kids say that if they fail the mission, the worst thing that could happen to them is to be beaten by the police, to go to jail, to get seriously hurt, to be abused, or to be physically tortured. Some of these dangers have already been encountered by many children. In most cases, young people who engage in criminal behavior do so because they like the immediate rush of excitement it gives them.¹⁰

2.7 Early Marriage

Marriage before the age of 18 is against the law. This is a severe kind of psychological and bodily harm inflicted on children. Despite there being a law against it, child marriage affects hundreds of children, usually girls, in rural communities. The majority of parents do not understand the

¹⁰ Salma Ahmed and Ranjan Ray, _Health Consequences of Child Labour in Bangladesh_ '(2014) 30 Demographic Research 111.

psychological and physiological harm that might result from a child's marriage at a young age. For this reason, parents will often push for an early marriage for their 'daughters'.

2.8 Reasons for Cruelty against Children

The imbalance of power and interests between adults and children may be the root cause of violence towards children. Adults in Bangladesh frequently make decisions for children without asking for or considering the children's input. When youngsters refuse to accept authority figures' decisions, they are often subjected to cruelty, abuse, and even physical harm. Adults typically fail to acknowledge children's capacity for free speech and participation in family decision making. It's possible that most adults' ignorance of children's rights is also a factor in the prevalence of violent acts against them. Listed below are a few of the main ones:

2.8.1 Lack of awareness about child rights among adults and children

Most adults lack the information necessary to protect the rights of children, despite the fact that we welcome children into our homes and hearts with open arms. Therefore, adult behavior toward children is not always conducive to the children's well-being and healthy growth. Lacking the same legal standing as adults, children are unable to speak out when their rights are being violated.

2.8.2 Ergative attitudes of adults toward children

Children's opinions and sense of responsibility are rarely taken seriously by adults. Instead, they see children as helpless dependents. Adults often fail to see the potential of children and their unique requirements.

2.8.3 Lack of opportunity for children to express opinions

National and international regulations recognize the right of children to free expression as a fundamental right. However, in practice, kids rarely get to voice their opinions on issues that may or may not directly affect them. As a result of adults' presumption that children cannot evaluate moral dilemmas for themselves, children are often coerced into accepting adult decisions, which can escalate into physical abuse.

2.8.4 Lack of proper implementation of the laws relating to children

Fortunately for the kids of Bangladesh, a legislation tailored specifically to their needs, the Children Act, was passed in 1974, even before the United Nations Convention on the Rights of the

Child was established in 1990. When it comes to safeguarding the rights of children in Bangladesh, the Children Act of 1974 covers nearly every base. Unfortunately, none of that has really manifested at this point. There is a direct correlation between the lack of enforcement of legislation meant to safeguard children and the prevalence of violence against children. It has been noted that most of the time, the offenders are able to evade justice. Most victims of child abuse come from low-income families, making it impossible for them to bear the financial and time burdens of a drawn-out legal process.

2.8.5 Poverty

Many kids are verbally and physically abused by their parents because of their low socioeconomic status. When parents can't afford to keep their kids fed, clothed, and educated, they often send them to work at young ages. This can put them in dangerous situations.

2.9 Conclusion

The Convention's articles can be organized into four sets of rights and a set of principles. By selecting a subheading below, you will be sent to an easily understandable summary of the relevant Convention articles. Articles 43–54 of the Convention elaborate on how countries and international organizations like UNICEF would put into practice the Convention's provisions to protect children's rights. If you follow the link in the box to the right, you can read the entire Convention.

Chapter Three

Legal Provision of Cruelty against Children

3.1 Introduction

In Bangladesh, as in every other country in the world, minors experience violence in their homes and communities. Despite governments, citizens, and children taking action to end this violence, the proportion of young women in Bangladesh who marry before the age of 18 and children who report experiencing violent discipline at home indicate that the present efforts to end assault on children are insufficient. World Vision believes a world without child abuse is feasible. To end violence against minors, all members and organizations of society must take action.

3.2. The Constitution of the People’s Republic of Bangladesh

The Constitution of the People’s Republic of Bangladesh Section 17, (a Free and compulsory education, establishing a uniform, mass oriented and universal system of education and extending free and compulsory education to all children to such stage as may be determined by law; Discrimination on grounds of religion, etc Section 28 (3) Nothing in this article shall prevent the State from making special provision in favor of women or children or for the advancement of any backward section of citizens.

3.3 International Perspective

Article 25

(1) Everyone has the right to a standard of living adequate for the health and well- being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.⁵⁹

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.⁶⁰

Article 26

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

3.4 Conclusion

Child protection is the protection of children from violence, exploitation, abuse and neglect. Article 19 of the UN Convention on the Rights of the Child provides for the protection of children at home and abroad. Child protection systems are typically a set of government-run services designed to protect minor children and youth and promote family stability.

Chapter Four

Case Study of Cruelty against Children

4.1 Introduction

A significant number of children in Bangladesh are deprived of their fundamental human rights due to insufficient health, nutrition, education, and social conditions. In addition, children are subjected to grievous forms of sexual, physical, and mental abuse at home, at work, in institutions, and in other public settings. The nature and extent of abuse against children of all ages, sexes, and social classes is escalating daily. These include physical torture, rape, murder, and occasionally heinous acid assaults. Child servitude and abduction are also considered the most severe forms of child exploitation and maltreatment in the world today.

4.2 Nine-year-old Belal Hossain, allegedly tortured by Khulna city metropolitan police

Belal Hossain (9), Tortured Child

According to Belal Hossain, he attended Fulbari Gate Madrassa all the way to third grade. The financial hardships of his family prevented him from continuing his schooling. On the morning of April 12th, 2011, at around 11:00 a.m., Belal and his neighbor Milon Miah traveled to the Nirala Alkatra Mill neighborhood. They had scavenged five or six metal rod pieces from the area and were taking them home to sell for money to buy food. Some of the men began shouting, "Thief, thief!" after a while, and Milon quickly fled. He then informed the villagers that he wasn't a thief when they accused him of trying to steal the rods. They didn't believe him and instead contacted the cops. The officers from the Khulna Police Station arrived at about 11:30

a.m. and arrested him after placing him in handcuffs. Belal claimed the police officers took him there and made him wait on a veranda outside of the station. A police officer blindfolded him and hauled him away later that day. Belal thinks he may have been moved to a different room. The officer probed him with questions and shocked all 10 of his fingers. He yelled out due to the pain he was experiencing from the electric current. The policeman ignored his pleading and threatened to kill him if he didn't shut up. The men blindfolded him, tortured him physically and mentally, then led him out of the room. A police officer drove him to the Khulna Train Station as night fell. He took him to several different places and questioned him about his companions. He was taken back to the station and eventually placed in a safe house. The following morning, on April 13, 2011, he was returned to his mother from the shelter after having spent the night there.

Shahinur Begum (40), Belal's Mother

Shahinur Begum told Odhikar that she found that the police had abducted her son Belal in the afternoon of April 12, 2011. That night, she phoned authorities to get her son released. She was told by the police that Belal had been taken to an Aparajeyo Bangladesh shelter. Child Development Manager of 'Aporajeyo Bangladesh' Mahbub Alam Prince visited their home on the morning of April 13, 2011, to give them the news that they would be caring for Belal. Next, she visited the 'Aparajeyo Bangladesh' headquarters. The police officers also visited this location. They escorted Belal to the local police station. At the police station, the officer in charge had her sign a document. She put her signature on the paperwork, and they let Belal depart. Belal told her that the police officers had blindfolded and shackled him before shocking him. They also made fun of him verbally. The police had tortured Shahinur Begum's child, and she told Odhikar about it. Due to her poverty, she is unable to provide medical care for her son Belal. Belal has been living in perpetual fear ever since the torture event. Like someone with a mental illness, he acts strangely and doesn't say anything.

Mahbub Alam Prince, Child Development Manager, Aparajeyo Bangladesh

Mahbub Alam Prince revealed to Odhikar that he learned the police had detained a young man named Belal on April 12, 2011. After learning this, he proceeded to the police station and arrested Belal, who was already in handcuffs. He said that Belal appeared healthy and uninjured on the outside, but that upon closer inspection, the boy was afraid and emotionally distraught. On April 13, 2011, he turned Belal over to the authorities at the police station. He said that the police officers involved had been "show-caused" after a writ petition was filed with the High Court Division in protest of the torture they had committed. Mahbub Alam concluded by saying that the police had provided an explanation for the show-cause.

Nasir Uddin (60), the Land Lord of Belal's house, Mistripara Khalpar road, Khulna

Nasir Uddin, a former member of the Bangladesh Rifles, approached Odhikar and requested that he not report the event involving Belal. He gave Shahinur, Belal's mother, a strong warning in front of Odhikar's reporter not to talk about her son being tortured while in police custody. Nasir Uddin wrote down the interviewer, Odhikar's fact-finder's name and address and peppered him with questions. Quite suspiciously, he seemed.

Sub-Inspector (SI) Fakhrul Islam, Khulna Sadar Police Station, Khulna Metropolitan Police

SI Fakhrul Alam explained to Odhikar that he was on mobile duty on April 12 of that year. He went to the Alkatra (tar) Mill in Nirala after hearing about it from the Officer-in-Charge of the

police station. He arrived to see the locals around Belal. He placed Belal under arrest and returned him and the stolen property to the police station. There he confronted Belal with his concerns about the situation. According to him, Belal was joined by two other people at the time of the occurrence. He claimed he did not know for sure if the other two were thieves as well. The accusation that he tortured Belal was refuted by him.

SI Maniruzzaman Khan, Sadar Police Station, Khulna Metropolitan Police

Maniruzzaman Khan, according to Odhikar, went on special duty to the station area on April 12, 2011, accompanied with Farhad Hossain and Sufiyan. He went to the station at 2:15 on that day after receiving instructions from the Officer in Charge. The OC gave custody of a juvenile criminal named Belal to him in that location. During questioning, Belal provided SI Maniruzzaman with the names of two other people, as

reported by the SI. He had brought Belal to the Khulna train station so he could make an arrest there. After searching the train station and finding no sign of the perpetrators, he fed Belal and drove him back to the police station. All charges of torturing Belal were also rejected by him.

SI Jelhaj Uddin, Duty Officer, Sadar Police Station, Khulna Metropolitan Police

Odhikar was told by SI Jelhaj Uddin that on April 12, 2011, SI Fakhru Alam had brought Belal to the police station, and that Uddin had locked Belal up in accordance with Alam's instructions. Belal was too young at the time to be included on the station roster. SI Maniruzzaman questioned Belal afterwards on OC's orders. He insisted that Belal was not tortured by the cops.

SM Kamrujjaman, Officer-in-charge, Sadar Police Station, Khulna Metropolitan Police

SM Kamruzzaman told Odhikar that he learned from an unnamed man that a little boy named Belal had been arrested on April 12, 2011, shortly after 10:00 a.m., for stealing metal rods from the Nirala Alkatra (tar) Mill. He immediately radioed the patrolling SI Fakhru Alam with orders to retrieve Belal from the people and bring him to the station. When they arrived at the station, SI Fakhru Alam turned the child over to the on-duty officer. After questioning Belal, he discovered that Belal had participated in a number of other thefts in the neighborhood. He added that when Belal was little, the NGO Aparajeyo Bangladesh took him in and raised him in one of their shelter homes. On the afternoon of April 13, 2011, police were called and Belal was taken in for questioning. His mother, Shahinur Begum, received him afterward. After allegations of torture

were made against SI Maniruzzaman, he was transferred to Sonadanga Model Police Station on April 18, 2011, he told Odhikar¹¹

4.3 Analysis of the Facts

The fact-finding expedition included interviews with police officers, witnesses, and others with knowledge of the occurrence. Belal said the police tortured him, although the police have denied this. As a result of the electric shocks, Belal says his right-hand hurts and is uncomfortable. Belal's mother has said that her son is currently displaying symptoms of mental illness. Due to their financial situation, she was unable to get her child medical attention. As a result of poverty, a disproportionate number of kids go without food, clothing, and a safe place to live. Odhikar insists on an impartial inquiry into the incident, prosecution of those responsible, and compensation for Belal's medical bills and living expenses. Any form of torture should be considered a crime, and anyone responsible for torturing a child should face severe consequences.

4.4 School student Shubo was killed and two other children were injured in Fatulla, Naraganganj Rahima Begum (45), Shubho's mother

On the evening of June 14, 2011, at around 8:00 p.m., Rahima Begum told Odhikar that she was on her way to the store to get some 'daal puri' with her sons, and Badal, a classmate of Shubho's. She could see that a group of guys, including neighborhood thugs Monir Hossain, Arif Hossain Bhulu, and Sohel, were dragging a man in white shirts and jeans near the gate of her house, but only in the faint light cast by the regularly occurring power outages. While punching, kicking, and stomping on him furiously, they ran across the street. The man was yelling and making futile attempts to free himself. The three men, Shubho, Shohag, and Badal, were ahead of Rahima. After the two had gone a short distance toward the gate of the house next door, Shubho turned around and told his mother to stop. "Mother, there are a few men standing there with weapons," he said. Just then, she heard a loud explosion. She didn't run into Shubvo or Shohag throughout that time. As far as she was concerned, Shubho and Shohag had already gone inside. Another sound was picked up as she advanced a short distance. A person was lying on the floor next to the wall when she arrived. It wasn't long until she recognized her son, Shubho. She noticed blood coming from his mouth and realized he had been shot in the lower portion of his face. As her tears flowed, she yelled for help from her family. Shohag, her son, was shot below the knee, while Badal, Shubho's classmate, was shot in the left hand and left side of the stomach. A short time later, concerned citizens rushed in, loaded up the three wounded kids into a car, and rushed them to Narayanganj Sadar Hospital. After declaring Shubho dead, the on-call physician referred Shohag to the National

¹¹ Odhikar Pathshala: Reigniting the Hopes of Child Labourers' (Dhaka Tribune, 12 June 2019) <<https://archive.dhakatribune.com/bangladesh/dhaka/2019/06/12/odhikar-pathshala-reigniting-the-hopes-of-child-labourers>> accessed 2 May 2023.

Institute of Traumatology, Orthopaedics, and Rehabilitation (also known as the Pangu Hospital). Shubho's classmate was sent home after receiving emergency care. As Rahima explained, Shubho's body had been sent to the Dhaka Medical College Hospital mortuary because no post-mortem facilities were available in Narayanganj.

On June 29, 2011, a RAB member visited her home to offer his condolences. He informed Rahima, "You are my sister, my nephew Shubho has died and we will do what needs to be done regarding the matter." Whoever shot and killed Shubho will face serious consequences. He also told her that RAB wasn't responsible for Shubho's death, but that one of the drug dealers had shot and murdered him.

Sergeant Mohammad Shafiqul Islam, RAB-10, Company number 1, Dhalpur, Jatrabri, Dhaka

Sergeant Mohammad Shafiqul Islam told Odhikar that six members of RAB disguised as drug buyers at around 8:00 p.m. on June 14, 2011, as part of the anti-drug raid. The rest of the team was stationed in advantageous positions. The drug dealers became suspicious when they spotted new customers. Upon seeing the Sergeant and Lance Corporal Zakir Hossain enter the alley where the drug dealers' den was located, the dealers apparently immediately realized the gravity of the situation. The criminals launched their assault when they realized the RAB had arrived. They came towards the RAB members with knives out, trying to take their firearms.

According to the Sergeant, a fight broke out when the criminals tried to steal his gun. They were now seriously beating him. He claimed he was punched in the side of the head and hit with a wooden stick to the forearm. After realizing he had no way to get away from the bad guys, Zakir Hossain blasted blanks into the air. The goal was to get the attackers to scatter. There were maybe 20 or 25 of these drug dealers. They had bats, rods, and knives, and they utilized them. When the RAB was split up, the members were able to escape and, with the aid of the other RAB members, catch two of the bad guys.

Abu Sayeed (50) Shubho's father

When Abu Sayeed arrived home at 8 o'clock on June 14, 2011, he noticed Badal, a classmate of Shubho's, with blood pouring from his arm, and he told Odhikar about it. Badal was at a loss for words and kept showing him his arm. As his brother Shubho lay bleeding on the ground, Shohag begged his father to go help him. When he stepped outside, he discovered Shubho pinned against the wall, bleeding from a gunshot wound to the chin. The sight of blood coming from the lower portion of Shubho's face caused him to shout out for aid and faint.

Abdul Malek (60), Shubho's maternal Grandfather

Abdul Malek told Odhikar that he found out from a friend that RAB militants had shot Shubho at around 8:00 p.m. on June 14, 2011, and that he was transported to Narayanganj Sadar Hospital for treatment. He then visited that hospital and saw Shubho's body there. On the morning of June 15, 2011, at around 11:00 am, Shubho's body was transferred to Dhaka Medical College due to a lack of post mortem facilities. At 5:00 p.m. that day, investigators had finished their post-mortem examination. After being laid to rest in the Pagla Shahi Bazaar cemetery, Abdul Malek returned home with Subho's remains at 6:30 p.m.

Mohammad Badal Hossain Rakib (15), Shubho's classmate

Odhikar learned from Mohammad Badal Hossain Rakib that he and Shubho went to school together in ninth grade. He had gone to Shubho's residence to study with a private instructor on the evening of June 14, 2011. Since their teacher did not show up for class that day, they decided to hang out. The men emerged from the house to find RAB members and random men fleeing down the street. Shubho was shot in the face and knocked to the ground seconds afterwards. Badal was shot in the stomach and left arm at the same moment. A while later, he, Shubho, and Shohag were rushed to the emergency room. The hospital pronounced Shubho dead, and Badal, after receiving treatment, went home.

Abdul Jabbar (30) Badal's brother-in-law

Abdul Jabbar told Odhikar that he saw his brother-in-law Badal be shot in the left arm at around 8:00 p.m. on June 14, 2011. He learned he was shot from Badal. Abdul then placed a tiny towel around Badal's arm and made plans to take him and two other kids to the hospital. Following his medical care, Badal was returned to his family.

Mohammad Anwar Hossain (45), Shubho's Neighbor

On the evening of June 14, 2011, at around 8:00 p.m., Mohammad Anwar Hossain reported hearing gunfire to his friend Odhikar. He witnessed Shubho's mother frantically rushing up and down the street. In addition, he saw two men fleeing from the scene. All the residents of the residence had locked their doors and windows in response to the RAB's gunfire outside. When he emerged from the house, Shubho's father informed him that his son had been shot in the mouth. Aside from two other kids, he took Shubho to the Narayanganj Sadar Hospital. Within 15 minutes, a RAB car pulled up in front of his house. He witnessed the two individuals who had fled the area in the RAB vehicle. The RAB members in the car were promptly questioned by him about the identities of the

two strangers. Both men, he was told, were RAB members who had been hurt in the attack. After the event, they returned to the scene and picked up the motorcycle.

Khandokar Fazle Rabbi, ASP, RAB-10, Jatrabari, Dhaka

Khandokar Fazle Rabbi told Odhikar that the RAB-10 had conducted an anti-drug raid in the Fatualla district of Narayganj on June 14, 2011. Some RAB members, pretending to be drug buyers, entered a specific alley in the Islamia Battola Bazaar. Lance Corporal Zakir Hossain and Sergeant Shafiqul Islam were attacked by narcotics dealers who had discovered their presence and the RAB. Thieves made an attempt to steal their weapons. The RAB guys were attacked by drug dealers with knives; in self-defense, they fired a single shot. He reported that nobody was hurt by the shots. Odhikar insists that the situation be thoroughly investigated and that those responsible for this crime be held accountable.

4.5 Conclusion

Children, parents, teachers, and other professionals and adults all share their memories of growing up in these narratives. They serve as a constant reminder of the urgency of our mission to ensure that every kid has a happy and healthy childhood. Children's experiences in the court and child protection systems, as well as the consequences of parental issues like inability to attach as infants or substance abuse, are all depicted here. These kids and their families have been through a lot, but hearing their tales gives you hope that things can get better if you put in the effort and get the help you need. Child abuse alters childhood, but the experiences of the children we've helped through our hotline and other specialized local services indicate that we can make a difference. A parent or other caretaker's physical, sexual, or emotional abuse or neglect of their child is child abuse or child maltreatment.¹² Abuse of children can occur in a kid's household or in the groups the child is involved with, such as a church or a sports team, or in the wider community, such as a school or a park.

¹² Luis Aguilar Esponda, _Interview with Honorable Justice Muhammad Imman Ali, Judge of the Supreme Court of Bangladesh (2016 3 Institutionalized Children Explorations and Beyond 130.

CHAPTER 5

Conclusion

5.1 Conclusion

Unacceptable health, dietary, educational, and social conditions in Bangladesh deprive a vast number of children of their basic human rights. In addition, kids face serious kinds of physical and mental violence in the home, the classroom, the workplace, and the community at large. There has been a steady rise in the frequency and severity of assaults on children of all ages, genders, and socioeconomic backgrounds. Despite attempts by government and non-government organizations to protect children, our kids are often not protected. Understanding the status of children in society and the violence many of them experience at home and in the community is crucial before discussing the plight of children incarcerated in Bangladesh. Many of these victims of violence and abuse wind themselves behind bars or in residential correctional facilities. The violence doesn't stop at the walls of these establishments, either. In light of the complexity of the problems, the CRC-SL's recommendations center on strengthening the existing system and committing more resources to enforcing the rules and regulations already on the books. The current institutional architecture for child protection system is urged to be upgraded by government in order to deal with the concerns thoroughly. Greater cooperation and leadership in policy oversight, sector harmonization, and coordination responsibilities are essential components of any improved system. This will mobilize the resources of all relevant parties to provide comprehensive solutions to problems facing children at the federal, state, local, and family levels. The voices of children are rarely heard, even at home, and they are among the most disregarded members of society. That's why they keep falling for the same kind of violence over and over again. The Children Act of 1974 was passed in an attempt to address juvenile justice issues, however it is woefully inadequate. Furthermore, the criminal justice system and law enforcement are often indifferent to these laws and treat children as harshly as they would treat adult offenders. The judges, law enforcement, and parents and guardians of children themselves all need to be educated on the Convention on the Rights of the Child and the laws of Bangladesh that aim to protect children from violence. In addition, kids should be shielded from special-interest groups, and bad actors who prey on kids while posing as protectors of society should be punished severely and legally.

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