

**An Overview of the Legal System of Bangladesh on  
Child Sexual Abuse**

**DISSERTATION SUBMITTED TO DAFFODIL INTERNATIONAL  
UNIVERSITY IN PARTIAL FULLFILMENT OF THE REQUIREMENT  
FOR THE AWARD OF THE DEGREE**

**MASTER OF LAW**

**2018-2019**

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### **Candidate's Declaration**

We both Moriom Akter, Id: 182-38-274 & Sirajum Munira, Id: 182-38-253 respectively of LL.M. (final) hereby declare that this research work entitled as “An Overview of the Legal System of Bangladesh on Child Sexual Abuse” has been performed by us and we are totally careful that we have a guarantee to clear up to the assessor which is our own work.

It has been submitted in the satisfaction of the necessity for the degree of Masters of Law: LL.M.(final).

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## **Certification**

This is to certify that the research on “AN OVERVIEW OF THE LEGAL SYSTEM OF BANGLADESH ON CHILD SEXUAL ABUSE” is finished by our in the halfway satisfaction of the necessity for the level of LL.M (Final) from Daffodil International University of Bangladesh. The proposal has been completed under our direction and is a record of this examination which is done effectively.



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## **Acknowledgement**

Initially, we offer a large number of sincere gratitude to Almighty ALLAH, who has given us solidarity to finish of this Research Monograph effectively.

For we inquire about paper, we led essential and auxiliary research. Our essential research comprises a little study with our partner and relatives. Our auxiliary research dependent on online diary; entry magazine and so on.

We feel pleased to offer our sincere thanks and thankfulness to our respectable research supervisor Professor Dr. FARHANA HELAL MEHTAB, Associate Dean of Daffodil International University, for his academic direction, untiring interest, productive analysis and innovative recommendation all through this examination. It was his devotion and direction amid the examination time frame that has enormously enlivened us to set up this Research Monograph effectively.

We additionally accept the open door to express our appreciative to our respectable educator and Head of the law division, MR.MD. RIADUZZAMAN and Md. ABU SALEH for his educational direction, untiring interest, productive analysis and inventive recommendation all through this exploration.

We accept the open door to offer our thanks and significant gratitude to our regarded educator, S.M. SAIFUL HAQUE, Assistant Professor of division of law at Daffodil International University, whose profitable interview supported us for the examination.

Additionally, appreciation goes to our regard educator DR. MIZANUR RAHMAN, Professor of law, University of Dhaka and previous Chairman of the National Human Rights Commission, Bangladesh.

We favored with the adoration, love and consolation from our dad and mom, who are our steady wellspring of motivation to finish the examination paper.

We might want to thank our different companions for their kinship. It helped us with mental help to experience this investigation. They additionally assisted with the counsel of utilizing more exhortation innovation made our work simpler.

## **Dedication**

We want to dedicate our research work to 60 million children of our country.

(source: <https://www.humanium.org/en/bangladesh>).

## Certificate

This is to certify that the work exhibited in this paper depends on the work completed by the author themselves under my supervision in the Department of Law.

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It is additionally ensured that the work displayed here is reasonable for accommodation as the style and substance, for satisfaction of the Degree of LLM: Master of laws.



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## **List of Abbreviation**

UN: United Nation

UDHR: Universal Declaration of Human Rights

CSA: Child sexual abuse

CRC: Convention on the Rights of Children

HCD: High Court Division

AD: Appellate Division



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# Chapter One

## Introduction

### 1.1. Background of the Study

Child sexual abuse is not only serious or dangerous issue but also very complexed and universal problem. As is crucial to talk over, concerning that children are the next future generation and valuable asset who will play important parts for the essence of the country and nation. The child sexual abuse is much mountainous problem than it has been expected. If we try to follow the historical background of child sexual abuse, then we find it first turned into an open issue in the late 1970 and 1980. But before that time it was hidden topic up to 1968, 44 out 50 U.S states had authorized compulsory laws that was mandatory to all doctors to report instances of suspicious child abuse. But in present world child sexual abuse not only the subject of U.S it also subject in all the countries in the world. In Bangladesh, child sexual abuse is also very serious problem. And it increases day by day. We therefore like to discuss in our research work the overall scenario of child sexual abuse in Bangladesh regarding this human matter.

### 1.2. Objectives of the Study

- To assess the scenario of child sexual abuse in Bangladesh.
- To detect the main causes of child sexual abuse in Bangladesh.
- To narrate the present legal system about to protect child from sexual abuse.
- To describe the impact of child sexual abuse in our society.

### 1.3. Research Questions

1. What about the present scenario of child sexual abuse in Bangladesh?
2. What are the main causes about child sexual abuse in Bangladesh?
3. What about the legal system to protect children from sexual abuse?
4. What are the impact of child sexual abuse in society?
5. What will be the recommendations to restraint that child sexual abuse?

### 1.4. Methodology

This research paper has been followed by Qualitative approach for data collection. The Qualitative research is a scientific method of observation to collect non-numerical data. Qualitative type of

research "refers to the meanings, concepts definitions, characteristics, image, symbols, and description of things" and not to their "counts or measures. That type of research answers how and when and where certain matter occurs. So qualitative approach includes-

content exploration, narrative method, observation, historical method. It also includes different case study about child sexual abuse.

In that research two types of data have been used.

- i) primary and
- ii) secondary data

Primary sources include different treaties which are related with this topic. It also include statutory law of different countries, different case law and judicial review.

Secondary sources mainly based on UNO reports, internet browsing, reports of newspaper, research work, books, journals, relevant laws and rules, E-Books etc.

## **1.5. Literature review**

Child sexual abuse happens when a adult, more grounded child or immature uses a child for sexual purposes or includes a youngster in sexual acts. Additionally, incorporates when a youngster who is more seasoned or all the more dominant uses than another child for sexual satisfaction or excitement.

My research topic is selected with a view to evaluate the present condition of child sexual abuse in our country and to recommend some necessary step which can decrees the child sexual abuse problem which seems very harmful for our society as well as our country. There are some books, journals, paper, Articles are followed to complete this research. The definition of child sexual abuse is collected from a handbook Understanding child sexual abuse written by Edward L. Rowan. Them I tried to focus the nature of child sexual abuse which include relationship between the victim and child sexual abusers, time of child sexual abuse, specific place for action, different indication and Prefix of child sexual abuse such as physical indication, health indication and social attitude. That topic is collected from a hand book named Child sexual abuse reference written by Karen L. Kinner. That topic also followed by different article from academia.

Then I tried to describe the present view of child sexual abuse in Bangladesh. That topic is collected from different Articles and websites. That topic also includes some reasons behind child sexual abuse under two journal named child abuse and neglect, reasons behind child sexual abuse.

That topic also followed some website articles. The reasons include communal economic causes, the family conditions and background, parental scheme, environmental background, influence of internet, pedophilia. I also tried to focus some loophole of legal system in Bangladesh by studied the local law related to child sexual abuse. I also include some important recent relevant case from different paper. Which define the actual scenario of child sexual abuse in Bangladesh at present.

Then I tried to evaluate the impact of child sexual abuse which followed by Child maltreatment journal and a handbook named impact of child sexual abuse written by Nancy Whitter which include physical health impact, psychological impact, sentimental impact, behavioral impact, communal impact. Then I also focused some grooming process in favor of child who are sexually abused and that topic is taken from different articles specially the article named impact and grooming of child who are abused in sexually.

Then I include a chapter named child sexual abuse under legal system in Bangladesh. In that chapter the present legal system which protect the child from sexual abuse are discussed. It followed different law such as Women and children act of 2000(amended in 2003), National children policy act 2011, Bangladesh constitutional provision, Children act 2013, Penal code 1860, The Pornography Control Act,2012. Child sexual abuse under international perspective are also discussed.

Then I tried to recommend some steps which can decrees or remove the child abuse specially child sexual abuse on my own opinion.

## **1.6. Significance of the Study**

Through this study we are able to narrate how child sexual abuse happened. By that study parents will be more conscious of both child environment and attitudes. Through that study the government could take some necessary steps to control that kind of child abuse. Many research had been done about child abuse in Bangladesh, but specifically about child sexual abuse in Bangladesh there are not any proper research.

## Chapter Two

### Nature of child sexual abuse

#### 2.1. Definition of child sexual abuse

It is illegal to involve in sexual activities with a child under the age of sexual consent. This age different from county to country. This age is fixed by specific country laws. According to our country law Engaging in sexual activities with a person below 18 years is illegal. The term Sexual abuse involves forcing or seducing a child to take part in sexual activities. It includes prostitution whether or not the child is aware of what is happening. Sexual activities may comprise physical contact including both sensible and non- sensible act like kissing, touching or fondling the child genitals or breasts, vaginal or anal intercourse or oral sex, forced viewing of sex. Child sexual abuse may also include non-contact activities, such as involving children in looking at, or in the production of, pornographic material or taken sexual activities, or encouraging children to behave in sexually inappropriate act.

##### 2.1.1. Different types of child sexual abuse

There are different types of child sexual abuse.

Extreme forms of child sexual abuse:

- Affection or touching
- Sexual intercourse involving anal or oral copulation
- Rape and physical attack
- Taking photograph of child nude
- Compelled any child to show his/her private organs.

Other forms of child sexual abuse:

- Oppressive kissing
- Sexual advantages during travel of a child
- Sexual advantages to child during marriage ceremony of others
- Exhibiting before a child
- Influencing a child to pornographic materials

## **2.2. Relationship between the victim and child sexual abusers**

Nearly all cases child sexual abuses are done by the closest persons such as relatives, friends, neighbor etc. So children are not safe from any one. In maximum cases victim family cannot believe that victim can abuse by that abuser who is very close relative to the victim.

## **2.3. Time and Place of child sexual abuse**

Child Sexual abusers are always searching for the right time to commit that offence. The child sexual abusers always looking for the most suitable time depending on the surrounding condition and the absence of other family in the house. It may happen in morning, afternoon or evening specially.

Child sexual abusers always try to find suitable place to commit that crime. It may be the empty house, remote place, toilet park etc.

## **2.4. Indication and Prefix of child sexual abuse**

Indication of sexually abused children are similar to depression, nervous anxiety, loneliness and so on. Indication of sexual abuse are categorized into three types.

- 1) Physical indication
- 2) Health indication
- 3) Social attitude

### **2.4.1. Physical indication:**

- Because of pain in genital area they feel trouble when walking and sitting
- Seductive behavior and sexual interest is shown by child
- Starting avoid a specific person for no reasons
- In case of changing cloth, they avoid to change in front of others.
- Specially for teens they may be affected by sexually transmitted disease(STI)
- Unwanted pregnancy
- Sometimes they try to runs away from home

**2.4.2. Health indication:**

- Intestine disorder
- Avoiding to take food
- Failing to sleep properly
- Facing headache
- Feeling stomach pain

**2.4.3. Social attitude:**

- Withdrawal from regular and normal activities
- Pay less attention to studies
- Passing much time in internet
- Feeling excessive fear



## Chapter Three

### The scenario of child sexual abuse in Bangladesh

#### 3.1. Present trends of child sexual abuse in Bangladesh

According to The United Nations Convention on the Rights of Child (UNCRC) [Article 19], Every States Parties shall protect the child from all forms of physical or mental violence, injury or abuse, neglect, exploitation, including sexual abuse. In conformity with Islamic Declaration Children is the means of trial as well as means of decoration. Islam shows guideline that how we can protect child from all sorts of abuse in the society. Bangladesh enacts some laws to prevent child abuse in the society. Day by child sexual abuse is increasing in Bangladesh.

Influence of child sexual abuse can incorporate disappointment, post-traumatic anxiety, complex post traumatic anxiety issue, be afraid, turning to further exploitation and physical damage to the child. Child sexual abuse by relative is one type of inbreeding and can provoke about more genuine and chronic pull mental injury. According to **Mohandas K. Gandhi**, If we want to achieve real peace in this world and if we want to carry a real war against a war, it is mandatory for us to begin with child. And if we will let them to grow with natural innocence we need not have to straggle. In case of Bangladesh the child sexual abuse is not a new matter. May be Bangladesh is one of the top positioned countries in violence against children in peaceful time. Almost all Bangladeshis recognized about violence or abuse and it can be physical, observable or exposed shape. It is most often practice and most of the time it is cleverly hidden by victim or his or her family members. International convention on the right of the child (CRC) work to protect child from any kinds of abuse and Bangladesh ratified that convention in 1990 and committed itself to protect child from abuse. It is a matter of sorrow that despite of promise our child cannot get proper security in both home and out of home which hinders children in accessing their full enjoyment and their proper rights.

A research Of 2018 from Bangladesh Shishu Adhikar Forum, child sexual abuse percentage 4.6 in our country and they are abused

- by family members 45%
- by relatives 14%
- by teachers 8%
- by others 33%

And the places of child sexual abuse

- Own house 46%
- Others house 16%
- Streets 28%
- Others places 10%

### **3.2. Main causes of child sexual abuse in Bangladesh perspectives**

If we want to talk about the causes of child sexual abuse, then there is no single fact in child abuse. It is usually a combination of different causes such as

- 1) Communal economic causes
- 2) The family conditions and background
- 3) Parental scheme
- 4) Environmental background
- 5) Influence of internet
- 6) Pedophilia
- 7) Loophole of legal system

#### **3.2.1. Communal economic causes**

The most communal economic causes are

- i) **The status of family:** In most of the time we can see that the child who belongs poor and needy family can fall victim to adult abuser easily when an abuser pretends to help them but on the contrary he takes advantage from child. And this fact is more genuine in case of poor and broken family.
- ii) **Cultural effects:** Cultural norms create impact the way of any person attitude when they interacting with children. Sometimes it may cause sexual abuse because

when a person gets much closer to child he may fall affectionate and the results turns into abuse.

- iii) **Social oppression:** Social oppression arises child abuse greatly. It turns into severe condition when the rate of unemployment is high, illness of major earned person, large family size, because of new born baby, sudden death of earned person. In such cases child cannot get quality time from their parents and as a result others person took that advantages and the child get abused sexually.
- iv) **Weak communal involvement:** Because of weak community contact parents cannot change their attitude to maintain community values and standards. In such case children cannot get opportunity to communicate others and less capable in understanding the real condition of society.

### **3.2.2. The family conditions and background**

Sometimes family conditions and background are liable for child sexual abuse.

- i) **Absence of family support:** Now a day we can see that both parents are busy with their respective working place. They are unable to give proper time to their child as a result child are brought up by others in family members and most of time they are forcedly abused.
- ii) **Inefficient child education:** Maximum people of our country lives below poverty lines. As a result, they cannot effort proper education expense. Sometimes they send their child to local community institution which supposed to be free. But that institute cannot ensure the proper sexual knowledge. And that result turns into sexual abuse because a child cannot understand the behavior of the abuser when she or he would be molested.
- iii) **Gender dissimilarity:** In our society boys and girls are not treat equally. In our villages girls are brought up with less care and they show less affectionate to their parents. In such result when a person shows affectionate to herself she is started to believe him but the person take advantage and the girls would be molested.

### **3.2.3. Parental scheme**

Parental scheme or profile also responsible for sexual abuse in child.

- i) Teenage condition of parents: Teenage parents are less matured to maintain their child than adult parents. They have not proper knowledge about the risk of sexual abuse of their child. They show less attention when their child claims that he or she abused by someone. If they recognize the actual reason sometimes they want to hide actual matter because of their children safety which results the repeat crime of abuser.
- ii) Uneducated parents: Napoleon said that give me an educated mother I will give you an educated nation. From this line we can understand the importance of educated mother. An educated mother is much conscious about their children and provide their children proper care and knowledge about sexual abuse which minimize the risk of sexual abuse with their child.
- iii) Addicted parents: Parents who are addicted through drugs, alcohol etc. they pay less attention to their child which creates a distance between child and parents. Sometimes the children are afraid of their parents to discuss about any important issue related to sexual abuse. In that case the abuser repeatedly do his crime.
- iv) Mental disorder of parents: Children are at risk if their parents are mentally ill. We can see now a day many girls are raped by their own father which are very much shocking or more heinous to mankind.

#### **3.2.4. Environmental background:**

Environmental background or factors are also responsible for child sexual abuse. If a child was born in brothel, he or she must be abused under proper aged. Due to superstitions and religious issues some places in our country child are sexually abused. Environment plays vital role in creating a good mental health and a good future. It is necessary for our child to have a good environment because children are the future leader of our nation.

#### **3.2.5. Influence of internet**

Malpractice of internet increases the risk of child sexual abuse. They are always search different site for their better enjoyment. Sometimes they enter into pornographic site and try to do such with anyone else. And they try to choice child for their better enjoyment.

### **3.2.6. Pedophilia**

A person who is exclusively attracted to child is called pedophilia. It is a mental disorder of person which is very important reason behind child sexual abuse. They are always in search of child by offering them through chocolates, chips, toys, flowers and others attractive gifts. This disease increasing alarmingly and this is a threat for our society as well as country.

### **3.2.7. Loophole of legal system**

Bangladesh legal system is also liable for child sexual abuse.

Bangladesh has no specific law about child sexual abuse. The children act 2013, National children policy 2011, women and children act 2000 are the laws which provide the protection of children from any kind of abuse. But it is necessary to pass a new law with some requirement about specially child sexual abuse. Because by present law it seems difficult to control child sexual abuse. Some loophole remains in present law.

They are-

- The abusers are easily get bail and try to consist new crime. I think in case of child sexual abuse the abuser should be non-bail able in status.
- There has no sufficient provision if police are failed to register case without sufficient grounds about child sexual abuse case.
- There should be specific law to register case through online also.
- In our country the police officer are less accountable about maximum cases. But in case of child sexual abuse police officer should be more serious than other cases and try to provide punishment the victim as soon as possible. But there is no any specific provision about to take that measure.
- There is no specific provision that if investigation officer failed to collect proper evidence he also should be punishable under the law. But that provision is very necessary because by that law investigation officer will try to collect evidence properly and earliest.
- It is necessary to by amending law create force the investigation and social agencies to take proper step about child sexual abused child.

### **3.3. An overview of 2018 as a brutal year for children**

As we glance back at the earlier year which saw an expansion of viciousness against kids we should take a promise to have our influence to improve 2018 every year for kids. It is actually difficult to head out our dissatisfaction at our aggregate inability to shield our youngsters from the different types of maltreatment that they need to endure all the time.

How about we take a gander at the insights from some driving child rights associations. Despite the fact that these measurements won't give us the entire picture of what our youngsters had experienced over the most recent a year, since these are gathered from the occurrences that were accounted for in our national papers, we can at any rate have a look at the terrible violations submitted against our child.

According to Bangladesh Shishu Adhikar Forum's (BSAF) Child Rights Violation Data from January to October 2018, a sum of 501 kids were raped, among whom 64 were gang-raped. The quantity of occurrences of rape of crippled Childs was 40 and for attempted rape was 57. And 18 youngsters were killed in the wake of being raped.

As per this youngster rights association, though 446 kids were raped and 265 were killed in 2017, in only nine months of 2018, an aggregate of 501 kids were raped and 268 killed, a stressing increment.

Be that as it may, as indicated by Ain O Salish Kendra (ASK), from January till November 2018, a sum of 574 kids were executed in the nation. Among them, 135 were matured somewhere in the range of seven and 12 years and 137 were matured six or underneath. Amid a similar time of the year, ASK recorded 983 occurrences of brutality against kids, including 431 rape cases and 66 attempt to rape cases.

As exasperating reports of child abuse kept on standing out as truly newsworthy all through 2018, it just ended up evident that every one of the laws and mindfulness bringing up projects against child abuse have had next to no effect in changing the circumstance on the ground. Truth be told, our inability to act has brought about an ascent in viciousness against child. I will specify a portion of the cases to get an image of how profound established the issue is and how we have completely neglected to shield our youngsters from various types of brutalities going from sexual maltreatment and rape, to beating and murder.

### **3.3.1. Relevant cases**

1<sup>st</sup> case

A four years old child named Tanha was raped and murdered by her neighbor Md Shipon in the capital's Badda zone on 31<sup>st</sup> july, 2018. The child was taken by Shipon to his home by enticing her with food and raped her before murder. Then Shipon dumped that child body inside a common toilet at the victims' residence.

2<sup>nd</sup> case

The very shocking news published about a father (Rahman Bhuiyan) who committed rape his 10-year-old girl in Ramkantopur town in Sadar upazila of Rajbari in Faridpur in November at the last year. That child was additionally assaulted a few times by another man named Sumon but When she try to raise objection, she was whipped by them. Police later captured both the culprits, the dad of the young lady and Sumon. The investigation officer of the case, named Kamal Hossain Bhuiyan revealed to The Daily Star that they have 60 days to research the case and that period isn't finished yet. We can dare to dream that this case won't be lost into insensibility like numerous different cases do.

Another brutal case is about

Puja a girl 11 years old was playing near her home in Dinajpur. At evening her mother observed that she was missing then searched every place but she was not found. Then next morning her dead body was founded in a field by villagers. So it is clear that, every place is going to be unsafe for child. Child sexual abuse can happen anywhere.

### **3.4. The result of child sexual abuse in Bangladesh**

We can see many different impact of child sexual abuse. There is abundant physical muddling as a result of child sexual abuse. Child sexual abuse is one of the essential reasons of desperation around children. Although physical damage may or may not be instantly visible. The most common impact of child sexual abuse includes stomachaches, headaches, gut issues and other physical indications. Sexually abused victim always try to be apart from others. The victims' inner feelings lead him or her to be frustrated. Almost 80% of victims do not get help while this is crucial on that time. Sexually abused children are more unfavorable to make companion with others. When any child sexually abused then that side effect does not close to the point when the injury vanished. The main impact can be classified into

- 1) Physical health impact
- 2) Psychological impact
- 3) Sentimental impact
- 4) Behavioral impact
- 5) Communal impact

#### **3.4.1. Physical health impact**

The common physical health impact of child sexual abuse is shaken baby syndrome. It can include vomiting, concussion, respiratory offend, seizures and departure or death. Long term outcome can comprise blindness, learning incapacity, mental obstacle or permanent paralysis.

Physical health impact of child sexual abuse is impaired brain development which results in impaired physical, mental and emotional development. Impaired brain development comprises with sleep disturbance, anxiety, hyper activities, rise vulnerability etc.

Another health impact of child sexual abuse is poor physical health. Most of the country of our country earn less than 300 takas per dat. As a result, they cannot effort their family properly. They are unable to live in hygienic environment. Which increases of their child to be sexually abused by others. Long term physical health problem are sexual transmitted diseases, cancer etc.

#### **3.4.2. Psychological impact**

The instant psychological impact of child sexual abuse may include fear, incapacity to trust, detachment which can turn into life time result such as low self – esteem, anxiety and relationship problem. The most common forms of psychological impact are poor mental and emotional health.

It is found that those have poor mental and emotional health they suffer in the long run after they their sexual abused. The child who have poor mental and emotional health are facing many problems such as depression, anxiety, sleeping problem, eating problem, suicidal attempt, post traumatic stressed disorder and learning problem.

Physical impact of sexually abused child also measured by their cognitive capabilities. Those who are sexually abused scored low academic result than others. They are also facing problems with language capabilities and normal movement of their daily works. Another psychological



impact is social difficulties. Sometimes sexually abused children cannot take participation in any social program. They are neglected by others in society.

### **3.4.3. Sentimental impact**

Child sexual abuse can also result for various sentimental impact. A research shows by Joy Heart Foundation, Childhood development greatly depends on the family, caregivers and society. It is difficult to that child who are sexually abused to establish or maintain a good relationship with his or her friends and family. It seems difficult to trust someone by a sexual abused child. Maximum abused child are unable to cope with stress and frustration. Sometimes victims are bound to realize that violation is a part of life. The victims are always try to withdraw themselves from societal activities. And sometime they offended to go school. Sometimes victim try to abscond from own house which is very harmful for their life and security.

### **3.4.4. Behavioral impact**

All most all the time sexually abused child shows their change through behavioral means. They always show their violent behavior without any reasons. Sometimes they try to abuse other or try to do the same thing what they were facing. They are try to withdraw themselves from all kind of social gathering or from different festival. The victim sometimes attempts to wounded by themselves and also attempt to suicide. In Bangladesh the juvenile delinquency is increased day by day. The child sexual abuse is responsible behind the juvenile delinquency which is very harmful for our society as well as country. The sexually abused child are easily addicted to drug and alcohol for vanish their past bad memory.

### **3.4.5. Communal impact**

The sexual abused child is always try to detached from society as a result they cannot take any part to reform society. Hence children are the great leader of society, if child are sexually abused the society deprived from the development work by that victim. The violence and occurrences are increased by sexual abuse of child. Sometimes our parents forbade us to engage with sexual abused child as a result the victim are bound to live alone and brought up with stress and frustration. They cannot improve themselves like others child. The victim child is lag behind from normal child.

## Chapter Four

### Legal system of child sexual abuse in Bangladesh

#### 4.1. In national legal perspective

Bangladesh has many laws which ensure child security and safety. Day by day that law are developed by amending necessary provisions. Recently a new law amended that in case of female child victim the victim's statement should be recorded by female officer. And it will be very helpful for child sexual victim. The others law in Bangladesh related to protect child sexual abuse are described below:

##### **Constitutional guarantee:**

According to our Bangladesh constitution **Article 27, 28, 31** recognize right to equality before law and equal protection of law. It also prohibited every kind of discrimination between any grounds like religion, sex, culture, race etc which ensure the proper protection of children.

**Article 14:** Our constitution article 14 prohibit all kind of exploitation.

**Article 18:** Provides that the state will raise the mark of sustenance and enhancements of general wellbeing.

**Article 28:** It provides the state will not be kept from making special provision for children.

**Penal code 1860:** Penal code 1860 not mentioned directly the punishment about child sexual abuse. But according to literal meaning of **section 376, 377** we can include child sexual abuse in which the maximum punishment is life imprisonment.

**The Human Trafficking Deterrence and Suppression Act 2012:** This Act was authorized to forestall and suppress human dealing, including child and guaranteeing assurance and privileges of the people in question.

**The Pornography Control Act 2012:** This Act has been instituted to counteract deterioration of the social and good qualities with extraordinary spotlight on the lady and child.

**MDG role in case of child protection issues:** Child assurance issues meet with all of the Millennium Development Goals (MDGs).

1. Killing outrageous destitution
2. Primary training
3. Child marriage, sex balance
4. Child isolated from their moms, danger of early demise, decrease youngster mortality
5. Maternal wellbeing
6. Sexual misuse and misuse hamper
7. Ecological catastrophes, misuse and misuse, natural supportability.

**Children act 1974:** It was passed to guarantee by and large security of the kids and their rights. Activities have been taken as of now to refresh this bit of enactment steady with the multidimensional advancement.

### **Child protection act:**

**Article 34:** To shield the child from all types of sexual misuse and sexual maltreatment.

**Article 39:** To advance physical and mental recovery and social reintegration of a kid unfortunate casualty.

### **Women and Children act of 2000 (amended in 2003):**

That act mainly provides the security of child and women from any kind of abuse. Specially **Section 7, 9 and 10** deals with child sexual abuse and provide proper punishment maximum death penalty.

**The Children Act 2013:** This act provide necessary section to ensure child act right and secured child from any kind of abuse specially child sexual abuse.

## **4.2. Legal provisions under international perspective**

### **Universal Declaration of Human Rights(UDHR):**

According to UDHR **article 1-**

‘We are all born free and equal’.

Each individual is qualified for certain major rights, basically by the reality of being human. These are classified "human rights" as opposed to a benefit.

each time you slowly inhale, a child is being abused. Now and again the abuser is the parent, kin or family companion. The eventual fate of our country and the world relies upon abused child. So we should protect our child from abuse.

### **Convention on the Rights of Child(CRC):**

In 1990, Bangladesh is one of the countries that signed and endorsed the Convention on the Rights of the Child [CRC] 1989. The National Child Policy was made in 1994. According to CRC the underneath provisions must be trailed by the states to secure and guarantee human rights and essential privileges of the child.

- 1) **Article 12:** The privilege to express his or her perspectives uninhibitedly in all issues influencing the child, as per age and maturity.
- 2) **Article 19:** The privilege to assurance from all types of physical or mental violence, injury or misuse, abuse or abuse, including sexual maltreatment, while being taken care of by guardians, gatekeeper, or some other individual.
- 3) **Article 34:** The privilege to insurance from all types of sexual misuse and sexual abuse.
- 4) **Article 36:** The privilege to security from all types of abuse biased to any part of the child welfare.

## **Chapter Five**

### **Recommendation and conclusion**

#### **5.1. Recommendation**

According to the above mentioned discussion we have some recommendations. That are-

1. Bangladesh has many laws about children but has no specific law about child sexual abuse. So it is necessary to pass a new law on child sexual abuse.
2. In case of child sexual abuse, the abuser should be non-bailable in status.
3. There must be specific provision with punishment for law enforcement agencies i.e. police are failed to register case without sufficient grounds related to child sexual abuse case.
4. There should be specific IT system to register case through online also.
5. It is necessary to amend CrPC for create force the investigation and social agencies to take proper step about child sexual abused child.
6. Children should be offered proper attention, care by their family members.
7. Should not leave a young child in home or any other place alone.
8. Children should get proper knowledge on how they can save themselves from any kind of abuse including sexual abuse.
9. In our educational system it should be compulsory to provide proper knowledge to the children with a view to increase awareness about child sexual abuse.
10. Our media can also play a vital role by preparing different documentary and increase awareness about child sexual abuse.
11. Local NGO's should also take necessary step to protect the child from sexual abuse.

## **5.2. Conclusion**

Children have always need their parents and parents also should care for their child. It is called that child is father of an adult. Who are child in today they will be future of tomorrow. So the development of a country is always depending on child and their mental and physical growth. Child are the heart of social development. In Bangladesh children are abused by many different ways. Child sexual abuse in one of them which is very harmful for physical and mental growth of a child. Though in Bangladesh there are many laws relating to child protection but the child sexual abuse is increasing day by day. So it is essential to take necessary step to promote the child sexual abuse law and decrease that crime as soon as possible. It is a matter of hope that many organizations are started working for child and their peaceful and happy life. Its needed to enrich social values and communal ethics which can take part to give a secured life in child. Parents should give concern about all remarkable changes of their child. If their child abused, then they should take necessary steps to recover their children physical and mental condition. All the member of our society should be aware for our beloved children.

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