

## **Child Abuse and the Recent Trends in Bangladesh: A Critical Analysis from Islamic and Bangladesh Laws**

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**Abstract:** Bangladesh has realized a growth in child killings and abuse in recent years; most of the sufferers have been lowly and poor children. Islam strictly prohibits the all sorts of abuse towards child. Islamic basic norms to the child are love, mercy and compassion which are uniquely practiced by the Prophet (s.m). This article is attempted to grow attention of Islamic guidelines against the abuse and exploitation of child. The core discoveries of this paper are that Islam forbids abuse of children; their exploitation is excluded and child labor is prohibited. This work also highlights about Child abuse, exploitation, child labor, and buying or selling children for purpose of prostitutions are prohibited under the Bangladeshi laws.

**Key words:** Child abuse, Islamic Law, Child exploitation, Child labor, Penal Code, Child Act

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### **I. Introduction**

Allah says in the Quran “Ye are the best of peoples, evolved for mankind..” (Quran 3:110) Islamic law separates between adults and children for there more vulnerability. Islam prohibits any attack; abuse, nuisance and annoyance to the human being including mental and beating or other forms of physical, emotional and sexual exploitation. Children are undoubtedly the most neglected members of society and only just have any voice, even within the home. As a result, they are constantly becoming easy victims of all types of abuse. In Bangladesh a big number of children are depressed of their basic human rights due to undesirable health, nourishment and education as well as social situations. Child abuse is the physical, psychological or emotional ill-treatment of children. Various categories of abuse in our society are existing and increasing day by day. Child abuse plays countless effect on Child’s mind and health. Now a day’s children are not safe both in home and outside. There are several laws and institutions that are very much energetic to mark awareness among the people. From numerous reasons poverty is significantly associated with child abuse. Child abuse may be sexual, physical or emotional in nature. In addition, children are showing to severe forms of physical and mental violence at home, in the work place, in institutions and other public places. On the whole, our children are not safe despite efforts made by government and non-government organizations in ensuring the rights of the children. (Odhikar, 2015)

The United Nations Convention on the Rights of Child (UNCRC) declares, “States Parties shall protect the child from all forms of physical or mental violence, injury or abuse, neglect, maltreatment or exploitation, including sexual abuse. [UNCRC, Article 19] According to Islamic declaration Children is the means of trial as well as means of decoration. (Quran 18:46 & 64:15) Islam is the divine rules which ensure the rights of all individuals in the society. It shows guideline and protect child from all sorts of abuse in the society. Bangladesh enacts some laws to prevent child abuse in the society. The main objectives of this study are, to discuss the different dimension of child abuse in the society and also explore the Islamic attitude about this abuse. Finally, to argue about child abuse in Bangladesh and represent the preventive action from the Bangladeshi laws particularly the provision of The Penal Code and The Child Act.

### **II. Concept of Child Abuse**

Child abuse’ or ‘maltreatment’ constitutes ‘all forms of physical or emotional ill treatment, sexual abuse, neglect or negligent behavior or commercial or other exploitation, resulting in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power. (WHO, 1999) Child abuse is the physical, sexual or emotional maltreatment or neglect of a child or children. (Encyclopedia) In the United States, the Centers for Disease Control and Prevention (CDC) and the Department for Children and Families (DCF), define “child maltreatment as any act or series of acts of commission or omission by a parent or other caregiver that results in harm, potential for harm, or threat of harm to a child.” (Leeb, 2008) According to the Journal of Child Abuse and Neglect, child abuse is “any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation, an act or failure to act which presents an imminent risk of serious harm.” (Herrenkohl, 2005) In nutshell, child abuse includes all types of cruelty and maltreatment harmful to body,

mind, emotion, impose force for personal concern and neglect by caregivers.

### III. Types of Child Abuse

There are four major classifications of child abuse:

1. **Physical Abuse:** Beating, Pushing, biting, punching, choking, shaking, throwing, poisoning, burning, scalding, and drowning. (ahsaniamission, 2014) Physical abuse includes physical violence directed at a child by an adult. The American Humane Association defines physical abuse as any "non-accidental trauma or physical injury" to a child. (Association)
2. **Emotional Abuse:** Cursing swearing, assaults on self-esteem, blaming criticizing children feelings. (ahsaniamission, 2014) In 2014, the American Psychological Association stated that: "Child psychological abuse [is] as harmful as sexual or physical abuse." "Nearly 3 million U.S. children experience some form of [psychological] maltreatment annually." (Association, 8 October 2014)
3. **Sexual Abuse:** Coercing, involve physical contact for example, rape or oral sex, non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. (ahsaniamission, 2014) Child sexual abuse (CSA) is a method of child abuse in which an adult adolescent abuses a child for sexual stimulation. (Plus, 2008) Sexual abuse denotes to the sharing of a child in a sexual act aimed toward the physical gratification or the financial profit of the person committing the act. (Theoklitou et al., 2012)
4. **Neglect:** heartening, throwing, smashing, breaking thing, punching walls, hiding. Neglectful acts can be allocated into various categories: Supervisory Neglect, Physical Neglect, Medical Neglect, Emotional Neglect, Educational Neglect, and Abandonment. (Goldsworthy, 2015)

### IV. Child Abuse and Islam

#### 4.1 Supplication for Child Avoiding Curse

Desire curse to the child is manner of psychological abuse to child. It also considered as emotional abuse of child. No efforts can be successful without the assistance of the Almighty. (Kasamali) Islamic teaching is that, the parents should never curse their child. As an alternative, they should always make du'a (supplication) for him. The Quran says, "And those who say, Our Lord, grant us from among our wives and offspring comfort to our eyes and make us an example for the righteous." (Quran 25:74), (A. Y. Ali, 1999) Allah declared, "And make righteous for me my offspring. Indeed, I have repented to You, and indeed, I am of the Muslims." (Quran 46:15) The Prophet said: "Three du'as (supplications) are surely answered: The du'a of the oppressed, the du'a of the traveler and the du'a of the father/mother upon their child." (Tirmizi, 2011) (kitab al-Birr wa Al-Silat, 1905). In addition, the Prophet is reported to have said:

"Don't curse yourself, your children, your servants, your property, least you ask Allah at a time in which supplications are accepted." (Muslim, 1971) (kitab al-Zuhdwa al-Raqa'q, 7294) Moreover, the Prophet has said: "Du'a can change even God's decree." (Majah, 1952) (Introduction)

#### 4.2 Prohibition of Abuse during Armed Conflict

Islam has taken greatly care of child, women and other vulnerable persons during armed conflict. At the time of warfare child is affected by the opposed party as target for killed. Islam does not inspire its followers to kill anyone amongst the *Kufaar* (enemies) except the fighters, and those who source other enemies of Islam with money or assistance. Allah says: "Fight in the way of Allah those who fight you but do not transgress. Indeed, Allah does not like transgressors." (Quran 2:190) According to 'Abdullah b. 'Abbas, 'Umar b. 'Abdul 'Aziz "those who fight against you" in the verse means those who participate in the war against you. That is, do not fight women, child and elderly. (A'shoor) The opinion of al- Shaybani is women, child, elderly and the like cannot be killed in war because of the verse (2:190) (Al-Shaybani, 1997) Al Mawurdee wrote, Killing women and children during armed conflict are not allowed, as long as they do not fight. (Mawurdee) This is also evident from the many authentic narration of the prophet. In one tradition the Prophet said, "Don't kill women and children." (Al-Tahawi) Ibn 'Abbas reported that the

Prophet prohibited from the killing of women and children. (Hanbal, 1999) (4739, 4747) 'Abdullah b. 'Umar reports that during some of the *Ghazawat* (battles) of Allah's Apostle a woman was found killed, so Allah's Apostle forbade the killing of women and children. (Al-Bukhari, 1987) (Hadith 2806, 2805) In another tradition the Prophet further said: "Never, Never to kill children and a servant." (Majah, 1952) (Hadith 2842) Therefore, residences and places for civilians and especially child shall not be the target of attacks by the Muslim armies (Munir, 2014) For instance, in recent years the force of Israel several times attacks on civilian and child of

Palestine.

#### **4.3 Exclusion of Child Abuse**

Broadly, child abuse may be defined as ‘a substantial harm done or anticipated to a child as an outcome of human action. The action may be planned or reckless and inflicted by individuals, groups, agencies or by the state’. (Cooper, 1993) Child abuse can be physical, psychological, sexual or emotional. Neglect, or not providing of a child's needs, is also a form of abuse. (health) ‘Physical abuse’ is the purposeful use of physical force against a child that effects in – or has a high likelihood of resulting harm for the child’s health, survival, development or dignity. This includes beating, hitting, kicking, shaking, biting, strangling, scalding, burning, poisoning and suffocating. (Butchart et al., 2006) (Butchart et al., 2006) The extreme form of child abuse is the enslavement of child, abduction, kidnaping, forced in prostitution, oppression, trafficking, selling and sexual exploitation. Maximum abused child suffer larger emotional than physical harm. An abused child may become disheartened even he or she may think of suicide. Islam, by its identical nature, is against abuse, cruelty and barbarity and all these considered as heinous sins. (B.Afshar, 2013)

Islam frequently warns against oppressing other human beings through the Quran and the narration of hadith. Both verse 75 of ‘Sura Nisa’ and verse 33 of ‘Sura Al ara’f’ demonstrate the prohibition against oppression and cruelty. “And why should ye not fight in the cause of Allah and of those who, being weak, are ill-treated and oppressed Men, women, and children, whose cry is: "Our Lord! Rescue us from this town, whose people are oppressors; and raise for us from thee one who will protect; and raise for us from thee one who will help!" (Quran 4:75) “Say: the things that my Lord hath indeed forbidden are: shameful deeds, whether open or secret; sins and trespasses against truth or reason; assigning of partners to Allah, for which He hath given no authority; and saying things about Allah of which ye have no knowledge.”

(Quran7:33) This is arguing on the basis of famous saying of the Prophet, “There should be neither harming, nor reciprocating harm.” (Majah, 1952) (Hadith 2340) A Muslim will never like to abuse his child, if this is so, then he should never abuse any other child. The Prophet warns in his tradition, “None of you \*truly+ believe until he wishes for his brother what he wishes for himself.” (Al-Bukhari, 1987) (Hadith 12) .The abuser should also remember another warning of the Prophet in this regard, He said: “He is not one of us who does not show tenderness to the young and who does not show respect to the elder.” (Tirmizi, 1980) (Hadith 1919, 1920) In another hadith, The Prophet said, "A Muslim is the one who avoids harming Muslims with his tongue and hands.” (Al-Bukhari, 1987) (Hadith 9, 10)

#### **4.4 Prevention of Physical Exploitation:**

Childhood is mainly a period when Childs are involved to playing, entertainment and to obtain the education and talents that will qualify them to lead a fruitful life in the future. Islamic Shari’a does not permit imposing any burden on child that would harmful their growth. (Al-Khayyatt) The Almighty Allah said, “He has chosen you, and has imposed no difficulties on you in religion.” (Quran 22:78) Sometimes child is used in hard and dangerous works that beyond their ability and physical strength which may threaten their health and lives. (Munir, 2014) Allah says in the Qur’an, “Allah does not lay responsibility on anyone beyond his capacity.” (Quran 2:286) Islamic scholars Beekum and Badawi opinion concerning child labor is that, the problem of child labor involve not only to the abuse and exploitation, but also to the Prophet’s stress on education as a compulsory obligation on every Muslim. (Elsaman, 2011) Slavery was the common form for forced labor before Islam; it was not possible for Islam to eliminate it at once. (Afroz, 2000) Islam eliminates slavery in an implied and regular way through restraint unfairness, inequality and oppression. (Emarah, 2006). Islam shows an exclusive example to prohibit forced labor as a hidden form of slavery and physical abuse of child. (Elsaman, 2011) It is note that the working of a child in an unhealthy environment is the direct result of the poverty. The state obviously prevents the child from leaving school in early. If all child leave schooling for engaged work, then society will suffer irreparable loss in the long run as highly educated and highly skillful people will not be available. This ultimately will lead to the collapse of society. (Munir, 2014)

Allah said: “Allah intends every facility for you; He does not want to put to difficulties.” (Quran 2:185) The prophet greatly demonstrates the unique example to prohibit forced labor. This is evident from the report of Anus who said: “I was with the Prophet for ten years and I swear in the name of God that he never said ‘uff’ (fie) to me nor did he say, “why have you done this or why have you not done that.” (Al-Bukhari, 1987) (Hadith 5612) He further proclaims that whenever I delayed to do something according to his orders or would do otherwise than would be ordered (by the Prophet), he would never blame me or chide me.

As is known Anus, ‘Abdullah b. ‘Abbas, Zaid b. Haritha b. Shurahbeel and Osama b. Zaid continued with the Prophet for a longtime and served him and his household but none of them have complained of any chiding, blaming, scolding and forced labor by the Prophet. (Munir, 2014) The Hanafi scholar Muhammad Astroshni state that, if the father, or grandfather, or the court put a child in a work, then it is allowed (in Islam law) if this is not beyond his capacity and he is paid equal to other child. However, if the child is paid less than

others for similar works, then it is not allowed. (Al-Astroshni, 1997) If a child got a contract of labor work and the child reached the age of puberty, he is free to keep it or terminate the contract. (Munir, 2014) The guardian is not allowed to make his daughters do any labor work. (Al-Astroshni, 1997)

#### **4.5 Protection from Sexual Exploitation**

Sexual violations against child are also noted (Corby, 2006) Sexual exploitation of child is to approach him in a way he feels painful and uncomfortable. (Munir, 2014) It can occur anywhere normally in the workplace, institution, family where the consequences of rejecting are very disadvantageous to the victim. It includes uninvited and unwelcome words, actions, deeds, signs, symbols or manners of a sexual nature that create the target feel rough. (Wikipedia) In case of female child, child marriage and female circumcision is methods of sexual provocation. (Unicef, 2005) Allah says, "Tell the believing men to reduce of their vision and guard their private parts." (Quran 24:30) The Quran declares, "And do not compel your slave girls to prostitution, if they desire chastity, to seek [thereby] the temporary interests of worldly life. (Quran 24:33) Sexual exploitation to child is commits by selling, child trafficking, homosexuality, used in prostitution and child pornography. Islam protects entirely from sexual violations by prohibits illegal sexual violent. The psychological shock of sexual abuse of the child is devastating. It damages his mental development and physical aptitudes. Sexually abused child always feel hesitate to present him in the family and the society. As a result, such child may end up as criminals and will drop any confidence in the future. Normally such child turns to drug addiction. (Munir, 2014)

Homosexuality is one foremost aspect of sexual exploitation which strictly forbidden in Islam. The Qur'an says, "We also (sent) Lut: He said to his people: "Do ye commit lewdness such as no people in creation (ever) committed before you? For ye practice your lusts on men in preference to women: ye are indeed a people transgressing beyond bounds." (Quran 7:80-81) Allah has given the worst punishment to the people of Lut. He says, "Verily, by thy life (O Prophet), in their wild intoxication, they wander in distraction, to and fro. But the (mighty) Blast overtook them before morning; And We turned (the cities) upside down, and rained down on them brimstones hard as baked clay." (Quran 7:72-74) The Prophet has said, "Allah curses the one who practices what was practiced by the people of Lot." (Nasai) (Hadith 7297) Islam has given a stern warning to a person for having sex with a man. The messenger of Allah said, "Allah will not look at a man who intercourse with a man or a woman through the anus." (Tirmizi, 1980)

The companions of the Messenger of Allaah agreed unanimously that the homosexual is to be executed, but they differed as to the method of execution. The view of Abu Bakr and 'Ali ibn Abi Taalib are that they should be burned to death. Ibn 'Abbaas thought that they should be thrown from a high building followed by stoning. The fuqah also differed on how they should be punished. The Hanafis said that he should be given a severe punishment on them as the judge sees fit (ta'zir). Imam Shahfi'i and Imam Ahmad b. Hanbal in one of his opinions wanted them to be given the hadd punishment of adulterer or fornicator as the case may be. (Al-Jawzia) According to Ibn Qudamah, "There is no dissimilarity of view among the scholars regarding the fact that the hadd punishment should not be imposed on one who is insane or a boy who has no not yet reached the age of puberty. (al-Maqdisi) However, the one who is forced to sodomy shall not be given any hadd punishment, because the Prophet said: "Allaah has forgiven my nation for mistakes and forgetfulness, and what they are forced to do." (Majah, 1952) (Hadith 2045)

#### **4.6 Refrain from Child Marriage**

Islam does not specify the age regarding of marriage which it identifies with the age of majority or puberty. (Ud-din, 2008) Different child reach majority at different ages as a matter of fact. Islamic jurists assign different ages and criteria for reaching this situation for both males and females. (Esposito, 2003) The primary objective of marriage, unquestionably, is the preservation of the human species. (Al-Qaradawi et al., 1985) Accordingly, marriage is not mode of enjoying the life but it bears a great duty and responsibility to upcoming generation, who's Allah declares as a great trial (Quran 64:15), for build as moral and noble slave of Allah. This rigid task is sole possible by the suitable and appropriate maturity of spouses. In the matter of marriage, the Quran links marriageable age with the capacity to make mature and sound judgments; an age in which a person can responsibly handle their wealth and possessions. The Almighty Allah said: "And test the orphans \*in their abilities+ until they reach a marriageable age; then, if you find them to be mature of mind/sound in judgment, hand over their property to them." (Quran 4:6) Set a minimum age for marriage is indispensable because a number of cases show that where a father or a brother considered as guardians give marriage a young girl to persons who assurance them to pay off their debts. The medical evidence clearly proved that early marriages could have adverse effects on a child's mental and physical health. This also would have an adverse effect the child's education thus having destructive effects on society as a whole. However, it can be claimed that Islamic Shariah does not prevent a State in accordance with the Islamic principle of maslaha or public interest, to enact legislation that sets a minimum age for marriage in order to protect child from detrimental early marriages.

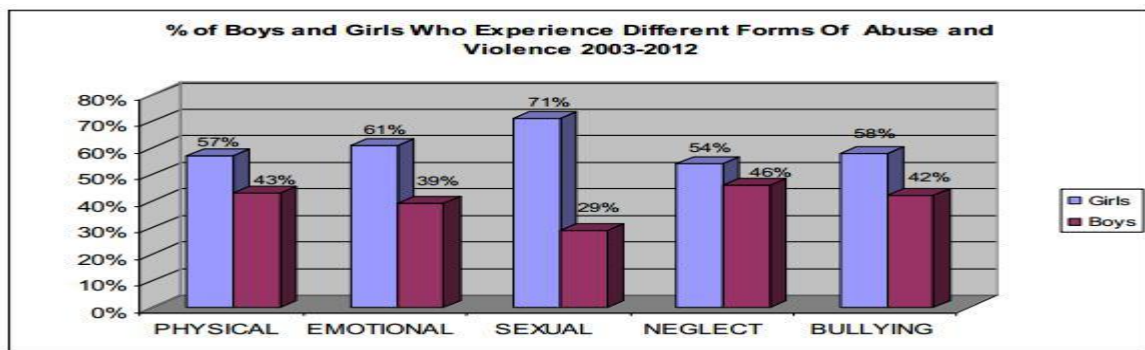
(Almihdar, 2008)

**V. Recent Example of Child abuse in Bangladesh**

In Bangladesh, 36 percent of the people earn less than one dollar per day. Poverty, discrimination, and the effects of natural disasters presencegrave challenges to children. (Odhikar, 2015) According to a statistics of Bangladesh ShishuAdhikar Forum (BSAF) The percentage of children being killed in the country had increased by 61 percent in 2014 than that of the previous year.It’s not considering good at all for this year. The BSAF reports at least 191 children were killed till this July, 350 in 2014, 218 in 2013 and 209 in 2012. At least 968 children were killed after brutal torture from 2012 to July 2015. (thedailystar, 2015)The BSAF also noted in this year, occurrences of murder, kidnap, human trafficking, rape, sexual harassment and violence against children are also on the rise. (thedailystar, 2015)Following the recent shocking murders of three children, NGOs, law enforcers, rights organizations and international organizations have expressed serious concern over child abuse in Bangladesh.

Thirteen-year-old Samiul Alam Rajon was beaten to death in Sylhet on July 8; twelve-year-old Rakib was tortured to death in Khulna on August 3, as two men inserted a high-pressure air pump nozzle into his rectum; and 10-year-old Rabiul was beaten to death for “stealing fish” in Barguna. (News, 2015)Besides, the body of a minor boy, aged around eight to nine years, was found in an abandoned travel bag in front of Dhaka Medical College Hospital. The boy was beaten to death, said sources at the DMC morgue after an autopsy. (thedailystar, 2015) In addition, as a nation our shame is increased by the event of Shahadat Hossain, a cricketer of Bangladesh national team, and his wife alleged for abuse of their 11 year old domestic helper.

**5.1 Figure-1 Abuse and Violence of Boys and Girls 2003-2012**



Source: Ahsaniamission.org.bd

**5.2 Table-1 Scenario of Bangladesh Total 1239 child abuse in 2011**

| Percentage as per child age |            | Percentage as per child occupation |            | Economics status of children |            |
|-----------------------------|------------|------------------------------------|------------|------------------------------|------------|
| Age                         | % of total | occupation                         | % of total | Economics status             | % of total |
| 2-5                         | 6%         | Students                           | 97%        | Lower class                  | 77%        |
| 6-9                         | 8%         | Others                             | 3%         | Lower middle class           | 10%        |
| 10-13                       | 20%        |                                    |            | Middle class                 | 12%        |
| 14-18                       | 66%        |                                    |            | Upper class                  | 1%         |

Source: A Social research of Bangladesh Mohila Porishad.

5.3 Table-2 The perpetrators of child sexual abuse in Bangladesh

| Perpetrator                           | % of total |
|---------------------------------------|------------|
| Close relative including father       | 21%        |
| Neighbors, friends, community figures | 47%        |
| House tutor                           | 32%        |

Source: Study of 117 cases reported to Breaking the silence

5.4 Table-3 Children Data (January to October -2015)

| Type of Incident                        | January-march | April-June | July-September | October | Total |
|---|---------------|------------|----------------|---------|-------|
| Rape                                    | 96            | 134        | 174            | 45      | 449   |
| Attempt to rape                         | 17            | 6          | 27             | 5       | 55    |
| Eve Teasing                             | 13            | 11         | 33             | 0       | 57    |
| Sexual Harassment                       | 15            | 11         | 31             | 5       | 62    |
| Murder after Rape                       | 7             | 10         | 4              | 3       | 24    |
| Suicide after Rape                      | 3             | 0          | 0              | 0       | 3     |
| Murder                                  | 66            | 88         | 92             | 15      | 261   |
| Attempt to Murder                       | 1             | 8          | 13             | 2       | 24    |
| Committing Suicide                      | 73            | 53         | 56             | 17      | 199   |
| Attempt to Suicide                      | 4             | 3          | 6              | 0       | 13    |
| Kidnapped                               | 41            | 88         | 74             | 5       | 208   |
| Attempt to Kidnap and prevented         | 14            | 5          | 9              | 2       | 30    |
| Rescued after Kidnapping                | 48            | 40         | 57             | 2       | 147   |
| Murder after Kidnapping                 | 10            | 13         | 8              | 1       | 32    |
| Missing                                 | 26            | 55         | 30             | 6       | 117   |
| Rescued After Missing                   | 2             | 1          | 0              | 0       | 3     |
| Found dead after Missing                | 19            | 16         | 17             | 3       | 55    |
| Rescued while / After Trafficking       | 10            | 91         | 44             | 1       | 146   |
| Found dead body of unknown newborn baby | 16            | 13         | 11             | 2       | 42    |
| Newborn baby theft                      | 4             | 1          | 2              | 0       | 7     |
| Newborn baby rescued after theft        | 2             | 3          | 0              | 0       | 5     |
| Found unknown baby                      | 11            | 7          | 4              | 1       | 23    |
| Victim of acid violence                 | 8             | 4          | 1              | 1       | 14    |

Source: Bangladesh ShishuAdhikar Forum (BSAF)Abuse Report January October, 2015

VI. Child Abuse under Bangladesh Laws

Basically here I will try to mention basic two Acts of Bangladesh e.g. The Penal Code, 1860 and The Child Act, 2013.

VII. Child Abuse under The Penal Code, 1860

The Bangladesh Penal Code considers the followings as means of abuse of child such as Kidnapping, Abduction, Slavery, sexual exploitation, selling and buying minors for the purpose of prostitution, unnatural offences and Forced Labor. This code also categories this acts as crime and prescribed punishment.

7.1 Punishment for kidnapping

In the matter of kidnapping and abduction The Penal Code mention different dimensions of kidnapping e.g. kidnapping from Bangladesh, kidnapping from lawful guardianship, Kidnapping or abducting in order to murder, Kidnapping or abducting a person under the age of ten, Kidnapping or abducting or inducing woman to compel her marriage etc. All these are modes of child abuse. Section 363 provides, "Whoever kidnaps any person from Bangladesh or from lawful guardianship, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine."

## **7.2 Prevention of Slavery**

In this code Slavery disclose two types firstly, 'Buying or disposing of any person as a slave' which punishment is up to seven years imprisonment and fine mention in the section 370 that, "Whoever imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine." Finally, habitually imports, exports, removes, buys, sells, traffics or deals in slaves and shall be punished with imprisonment for life, or with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine under section 371.

## **7.3 Punishment for forced labor**

The Bangladesh Penal Code considers compulsory unlawful labor as an offence under section 374(1) which says, "Whoever unlawfully compels any person to labor against the will of that person shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both."

## **7.4 Prohibition of sexual exploitation**

Sexual exploitation is firmly prohibited. In this Code sexual exploitation includes child used in prostitution, sodomy and rape. The Penal Code prohibits Selling and buying minor for purposes of prostitution etc. and deliberates punishment for doing this offence. Section 372 says, "Whoever sells, lets to hire, or otherwise disposes of any person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illegal intercourse with any person or for any unlawful purpose" shall be penalized with imprisonment not extend to ten years with fine. Furthermore, Section 373 mention that, Whoever is engaged to buys or attains possession of any person below the age of eighteen years with intending to used for the purpose of prostitution or illicit intercourse with any person shall be punished with imprisonment not more than ten years with fine. According to The Penal Code a girl cannot give consensus to sex with a man, even if she has given it, it will not be recognized by the court when she is less than fourteen years of age and any sex with such a girl will extent to rape and the alleged shall be punished with imprisonment for life or with imprisonment not extend to ten years with fine. In case of Sodomy carries imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine under section 377 of The Penal Code.

# **VIII. Child Abuse and The Child Act, 2013**

## **8.1 Penalty for Cruelty to Child**

If any person having custody, charge or care of any child abuses, assaults, neglects, abandons unprotected, uses for personal service or exposes in an obscene way and thereby causes unnecessary suffering or injury by which the child's sight or hearing is damaged or injury to any limb or organ or causing mental derailment shall be punished with imprisonment for up to five years or fine of up to one lac taka or both undersection-70

## **8.2 Penalty for Engaging a Child in Begging**

According to Section 71 Any person who engages a child for the purpose of begging or causes any child to beg or if any person having custody, charge or care of the child colludes with or encourages the engaging of a child for begging then he shall be penalized with imprisonment for up to five years or fine of up to one lac taka or both.

## **8.3 Penalty for giving Intoxicating Liquor or Injurious Medicine to a Child**

Section 73 provides If any person gives to a child any intoxicating liquor or medicine on account of illness or emergency without consulting a qualified doctor then he will be deemed to have committed an offence under this Act for which he shall be punishable with imprisonment for up to three years or fine of up to one lac taka or both.

## **8.4 Penalty for using a Child for Carrying Fire Arms for Committing Terrorist Actions**

Section 73 of The Child Act mention Anyone causing any child to convey or transport fire arms or illegal or banned articles will be deemed to have committed an offence under the Act for which he shall be punished with imprisonment for up to three years or fine of up to one lac taka or both.

## **8.5 Penalty for Exploitation of Child**

If any person delegated by the Children's Court with custody or care of a child or with the duty of upbringing a child or any other person keeps any child ostensibly for the purpose of employment as a servant or for employment in any factory or establishment under the Bangladesh Labor Act, 2006 but in fact exploits the

child for his own purpose, or confines the child or lives of the child's earning. This act shall be considered as an offence under this law and he shall be punished with imprisonment for not extent two years or a fine of up to fifty thousand taka or both.

In the same way in fact, if such person leads such child to a dishonest path or prostitution or immoral activity then he shall be deemed to have committed an offence under this Act for which he shall be punishable with imprisonment for up to five years or fine of up to one lac taka or both under section-80 of this Act.

### **IX. Causes of Child Abuse in Bangladesh**

There are various causes exist for child abuse in the society such as:

- i. Unemployment situation
- ii. Financial difficulties
- iii. Poverty
- iv. Lack of education
- v. Absence of religious knowledge and guidance
- vi. Nonexistence of implementation of laws
- vii. Deficiency of trial system and absence of exemplary sentences
- viii. Lack of political willingness
- ix. Tendency to quickly earn large amount of money
- x. Cultural degradation

### **X. Recommendations**

- a. The state should create its laws as strict as possible against sexual exploitation of children
- b. Rise knowledge about this issue and aware children about child abuse which person identify reliable and dependable.
- c. Stop aggressive attitude and behavior with children
- d. Generate consciousness among the people by write to newspapers and magazines about the issues
- e. Make easy trail system and impose exemplary sentences
- f. Produce religious guidance and direction regarding child abuse
- g. Increase family motivation to learn morality, justice and right way to choose friends

### **XI. Conclusion**

The present scenario of child abuse in Bangladesh is devastating and its increase day by day in everywhere from home of political leader to sports man and rich man. Abuse against children must break and the judiciary, law applying agents and the parents and guardians of children themselves, must be sensitized to the provisions of the Quran and the laws protecting children in Bangladesh. Muslims should not abuse children of others as this would have long-term psychological effects on the children and they will not be good members of the society. Child abuse is against Islamic law, therefore it should be completely banned by the state and any violator should be punished. The state should prohibit child labor and shall do its best to provide motivations to parents not to allow their children for child labor. This malicious phase start because parents are poor, deprived and cannot have enough money to educate their child even if education is free. A child laborer may bring in some money in



the evening. If the state does not interfere in such a condition and offer some incentives to the parents, such a child will not get education and will have no future. Every Muslim should ensure that another is harmless from his hand because this is measurement for to be a Muslim as per declaration of the Prophet (s.m). The Prophet (s.m) says, "...A Muslim is the brother of a

Muslim: he does not oppress him, nor does he fail him, nor does he lie to him, nor does he hold him in contempt... It is evil enough for a man to hold his brother Muslim in contempt." (Muslim 6358) He also said, "A Muslim is he from whose hand and tongue the Muslim's are safe." (Muslim70)

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