

Examining Child Rape Provisions of Bangladesh in Comparison with Other South Asian Countries

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Abstract : Child rape or child abuse is a serious and fearsome crime against children, which is an epidemic almost in every state of today's world. However, in the case of Bangladesh, the scenario is terrifying. The objective of this paper is to examine the laws relating to child rape in Bangladesh as according to a renowned Daily Newspaper 'Prothom Alo', nearly 346 children are being raped since January 2019. This paper discusses and draws the difference of child rape provisions of Bangladesh with other South-Asian countries, comprises of India, Maldives, Pakistan, Sri Lanka, Nepal, Bhutan, and Afghanistan. In Bangladesh, girls below 18 years are considered to be a child. 'The Penal Code, 1860' and a special law 'Nari O Shishu Nirjatan Daman Ain, 2012' provides that any person committing child rape will be punished with rigorous life imprisonment and fine. This piece of law also gives provisions for punishment in case of child's death after the commission of rape and gang rape, and the punishment is the death penalty. In India there is 'The Protection of Children from Sexual Offences Act, 2012' (POSCO) which has separate provisions for sexual assault, penetrative sexual assault and aggravated penetrative sexual assault by different categories of person such as relatives, institutional officers and trustees and also for mentally and physically challenged child victims and provides punishment up to death penalty. In Pakistan, there is 'Pakistan Penal Code Amended Act, 2016' which has only two provisions for child rape. In case offence committed by one person, the punishment is 10 to 25 years of imprisonment and fine. In case of offence committed by two or more persons, each shall be liable to death or imprisonment for life. Unfortunately, Afghanistan has no laws for the protection of rape victims of women let alone children, whereas there are a lot of child rape cases, including both girls and boys who are used for sexual slavery. The Maldives has a special law named 'Special Provisions Act to Deal with Child Sex Abuse Offenders.' This has categorized the offenders like POSCO and has provided punishments accordingly. The punishments are: punishments range from 1 to 25 years accordingly, whereas Bangladesh has lesser provisions, but the gravity and duration of punishments are much higher. The Penal Code of Sri Lanka imposes a minimum sentence of 10 years for those convicted of raping a child under 18 years. In Bhutan, child rape provision is made according to the age of a child. 'The Penal Code of Bhutan, 2004', mentions provisions for the rape of a child in case of child rape below and above 12 years, gang rape of a child below and above 12 years and has graded the punishments as first, second and third degree. Though Bangladesh has better provisions for punishments, the ages are not categorized in the laws. In Nepal there is 'Act relating to Children, 2018' provisions are made for offenders who use or cause or engage child sexual exploitation, and the punishment is same for rape offenders according to prevailing laws in Nepal. No separate punishments for child offenders are made. The ultimate conclusion that can be drawn is Bangladesh has better punishments than all other South-Asian countries and same punishment as India however, Bangladesh can make or amend the laws and categorize offenders as like POSCO of India, Special provisions of Maldives and Bhutan.

Keywords : child rape, death penalty, sexual slavery, South Asia

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