

Legal Provisions on Child Pornography in Bangladesh: A Comparative Study on South Asian Landscape

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Abstract : 'Child Pornography' is a sex crime that portrays illegal images and videos of a minor over the Internet and now has become a social concern with the increase of commission of this crime. The major objective of this paper is to identify and examine the laws relating to child pornography in Bangladesh and to compare this with other South Asian countries. In Bangladesh to prosecute under child pornography, provisions have been made in 'Digital Security Act, 2018' where it has been defined as involving child in areas of child sexuality or in sexuality and whoever commits the crime will be punished for 10 years imprisonment or 10 lac taka fine. In India, the crime is dealt with 'The Protection of Children from Sexual Offences Act, 2012' (POSCO) where the offenders for commission of this crime has been divided separately and has provision for punishments starting from three years to rigorous life imprisonment and shall also be liable to fine. In the Maldives, there is 'Special Provisions Act to Deal with Child Sex Abuse Offenders, Act number 12/2009'. In this act it has been provided that a person is guilty of such an act if intentionally runs child prostitution, involves child in the creation of pornography or displays child's sexual organ in pornography then shall be punished between 20 to 25 years of imprisonment. Nepal prosecutes this crime through 'Act Relating to Children, 2018' and the conviction of using child in prostitution or sexual services is imprisonment up to fifteen years and fine up to one hundred fifty thousand rupees. In Pakistan, child pornography is prosecuted with 'Pakistan Penal Code Child Abuse Amendment Act, 2016'. This provides that one is guilty of this offence if he involves child with or without consent in such activities. It provides punishment for two to seven years of imprisonment or fine from two hundred thousand to seven hundred thousand rupees. In Bhutan child pornography is not explicitly addressed under the municipal laws. The Penal Code of Bhutan penalizes all kinds of pornography including child pornography under the provisions of computer pornography and the offence shall be a misdemeanor. Child Pornography is also prohibited under the 'Child Care and Protection Act'. In Sri Lanka, 'The Penal Code' de facto criminalizes child prohibition and has a penalty of two to ten years and may also be liable to fine. The most shocking scenario exists in Afghanistan. There is no specific law for the protection of children from pornography, whereas this serious crime is present there. This paper will be conducted through a qualitative research method that is, the primary sources will be laws, and secondary sources will be journal articles and newspapers. The conclusion that can be drawn is except Afghanistan all other South Asian countries have laws for controlling this crime but still have loopholes. India has the most amended provisions. Nepal has no provision for fine, and Bhutan does not mention any specific punishment. Bangladesh compared to these countries, has a good piece of law; however, it also has space to broaden the laws for controlling child pornography.

Keywords : child abuse, child pornography, life imprisonment, penal code, South Asian countries

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