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## Impediments to the Enforcement of Child Protection Laws in Bangladesh: Legal Framework Gaps and Reform Approaches

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*Human rights apply to all age groups, and children share the same fundamental human rights as adults. In Bangladesh, a significant proportion of children experience a lack of fundamental human rights because of inadequate healthcare, nutrition, education, and unfavourable social circumstances. The Universal Declaration of Human Rights (UDHR) in 1948 recognised the need to put in place specific protective measures for children. Subsequently, the Convention on the Rights of the Child (CRC) further detailed these rights and received nearly unanimous ratification. When a government ratifies the Convention, it signifies its commitment to translating this pledge into concrete actions. State parties are required to adjust or establish legislation and policies to ensure full allegiance to the Convention, and they must always prioritise the well-being of children when taking any action. To safeguard the well-being of children, the government has introduced several laws, including the Children Act 2013 and the Women and Children Repression Prevention Act (WCRPA) 2000. This study aims to offer a comprehensive legal assessment of the current legal framework for child protection in Bangladesh, examining the effectiveness of these laws in ensuring the safety of children. Additionally, this research will explore legal obstacles in the existing legislation related to child protection. Lastly, the paper will provide recommendations and insights for governments to consider to ensure equitable treatment of children in Bangladesh.*

**Keywords:** *child protection, human rights, Bangladesh legal framework, crc, child welfare legislation.*

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## INTRODUCTION

The UDHR 1948 recognised the importance of implementing distinct protective measures for children. This commitment to children's rights was expanded in the CRC, an extensively ratified international convention that provides comprehensive coverage of children's rights.<sup>1</sup> In 1990, Bangladesh was among the nations that endorsed and formally accepted the CRC of 1989. The Convention asserts that each child is entitled to sufficient nourishment and a well-maintained, active physique, as well as the right to receive a quality education and to unleash their potential. It also guarantees access to opportunities for recreation and free time, while emphasising the child's entitlement to protection from abuse, exploitation, neglect, violence, and peril, with the provision of assistance from the State.<sup>2</sup> As a signatory to the CRC, Bangladesh has a responsibility to safeguard and advance the rights of every child. Consistent with constitutional and global pledges, the Government of Bangladesh has embraced, amended, and implemented a range of policies and laws. In 2013, the government took measures to safeguard the rights of children by enacting the Children Act.

In 2000, the WCRP Act was introduced to curb oppression targeting children. Additionally, the DVPP Act, passed in 2010, prevents domestic violence among children. According to statistics made public by the legal assistance group Ain o Salish Kendra (ASK), 128 children in Bangladesh died between January and March 2023.<sup>3</sup> Further, 225 children suffered from various types of abuse and tyrannies throughout the same period. At least 75 of the victimised children, including boys, were subjected to rape. Multiple factors have been connected to these deaths and acts of oppression, including rape related homicides, kidnappings, domestic abuse, mistreatment of minor household workers, mistreatment by law enforcement, and unjust conduct by teachers. Based on the facts presented, it is clear that even with the abundance of laws about child protection, abuse, violence, and oppression against children remain significant problems. Regrettably, this is not a recent disclosure for Bangladesh.

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<sup>1</sup> MOK Wahedi, 'Child Protection: Bangladesh Context' (2012) 10(1) Journal of Medical College for Women and Hospital 1

<[https://www.researchgate.net/publication/303484661\\_CHILD\\_PROTECTION\\_BANGLADESH\\_CONTEXT](https://www.researchgate.net/publication/303484661_CHILD_PROTECTION_BANGLADESH_CONTEXT)> accessed 21 August 2025

<sup>2</sup> *Ibid*

<sup>3</sup> Tasneem Tayeb, 'Bangladesh's persistent child abuse woes' *The Daily Star* (27 April 2023)

<<https://www.thedailystar.net/opinion/views/closer-look/news/bangladeshs-persistent-child-abuse-woes-3304891>> accessed 21 August 2025

ASK, in collaboration with various human rights organisations, publishes such reports on an annual basis, and media outlets consistently cover the distressing and gruesome nature of crimes committed against children.<sup>4</sup> Children are acknowledged as future pillars of a nation and valued, assets and investments. However, child abuse is a prevalent social problem globally.<sup>5</sup> Children often face different forms of mistreatment, including emotional, sexual, and physical abuse, negatively impacting their psychological and social growth.<sup>6</sup> From the earlier conversation, it is evident that the government, caregivers, and other relevant stakeholders should actively oppose any form of mistreatment of children, aiming to secure their well-being and create a more conducive environment for them. In this context, the Ministry of Law, Justice, and Parliament Affairs could play a crucial role by implementing robust measures to ensure justice for children in Bangladesh.

## DEFINITION OF THE CHILD

Article 1 of the CRC, 1989, defines a child as any individual under the age of eighteen, unless national law specifies a younger age for attaining legal adulthood.<sup>7</sup> This definition sets the internationally recognised age threshold for childhood while allowing for variations based on specific legal contexts. According to the Children Act of 2013, irrespective of any conflicting stipulations in other existing laws, individuals below the age of 18 (eighteen) years shall be recognised as children.<sup>8</sup> According to the WCRP Act, 2000, a child means any person not more than sixteen years of age.<sup>9</sup> Under the DVPP Act, 2010, the term child denotes any person who has not attained the age of eighteen.<sup>10</sup> A minor is defined as a person who, in the context of marriage, is under 21 years old if male or under 18 if female, as per the Child Marriage Restraint Act, 2017.<sup>11</sup> According to the Act, child marriage is defined as a union in which one or both parties are underage.<sup>12</sup>

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<sup>4</sup> *Ibid*

<sup>5</sup> Nusrat Jahan and Mehedy Hassan Razib, 'Child Abusing News: Episodic and Thematic Media Framing Adapting the Children Act and UNICEF's Principles in Bangladesh' (2023) 9(2) Athens Journal of Mass Media and Communications <<http://dx.doi.org/10.30958/ajmmc.9-2-3>> accessed 21 September 2025

<sup>6</sup> *Ibid*

<sup>7</sup> Convention on the Rights of the Child 1990, art 1

<sup>8</sup> Children Act 2013, s 4

<sup>9</sup> Women and Children Repression Prevention Act 2000, s 2(k)

<sup>10</sup> Domestic Violence (Prevention and Protection) Act 2010, s 2(18)

<sup>11</sup> Child Marriage Restraint Act 2017, s 2(1)

<sup>12</sup> Child Marriage Restraint Act 2017, s 2(4)

## LEGAL FRAMEWORK FOR CHILD PROTECTION IN BANGLADESH

**The Constitution of the People's Republic of Bangladesh 1972:** Bangladesh has instituted constitutional clauses and supplementary legal measures to ensure and protect the welfare and rights of children. According to Article 15, the state bears a fundamental duty to secure essential life necessities such as food, clothing, shelter, education, and medical care.<sup>13</sup> Additionally, citizens have the right to social security, encompassing public assistance during instances of unmerited need stemming from unemployment, illness, disability, widowhood, orphanhood, old age, or similar circumstances.<sup>14</sup> Article 15 articulates the state's inherent duty to guarantee that children enjoy essential elements vital to their welfare. The inclusion of social security rights extends to children, highlighting the need for public support when children experience unmerited deprivation, such as the loss of parents. This perspective acknowledges children's vulnerability and underscores the state's obligation to create a nurturing environment that ensures the protection of their rights and overall well-being.

In accordance with Article 17, the government shall establish an inclusive and widespread education system that is accessible to the masses, providing free and mandatory education for all children up to a specified level as determined by law.<sup>15</sup> According to Article 18, the government shall consider the enhancement of nutritional standards and public health as integral responsibilities.<sup>16</sup> In the context of children's protection, this commitment implies a focus on ensuring that children have access to adequate nutrition and healthcare, contributing to their overall well-being and development. Furthermore, the state's pledge to adopt effective measures against prostitution and gambling<sup>17</sup> is also protective of children, as it aims to create an environment that minimises risks and vulnerabilities associated with these activities, which can negatively impact children's safety and welfare.

Article 28 does not exclude the State from taking particular actions to assist women and children or the advancement of any underprivileged group within society.<sup>18</sup> Article 34 states that forced labour of any type is prohibited and that doing so is a crime that carries legal

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<sup>13</sup> Constitution of the People's Republic of Bangladesh 1972, art 15(a)

<sup>14</sup> Constitution of the People's Republic of Bangladesh 1972, art 15(d)

<sup>15</sup> Constitution of the People's Republic of Bangladesh 1972, art 17(a)

<sup>16</sup> Constitution of the People's Republic of Bangladesh 1972, art 18(1)

<sup>17</sup> Constitution of the People's Republic of Bangladesh 1972, art 18(2)

<sup>18</sup> Constitution of the People's Republic of Bangladesh 1972, art 28(4)

punishment.<sup>19</sup> The aforementioned Article expressly forbade any form of forced employment, which would serve as a safeguard against child labour. The clear definition of forced labour as an offence punishable by law reinforces the commitment to protecting children from such exploitative practices. This protective stance aligns with international standards and underscores the importance of ensuring that children are not subjected to any form of forced labour, thereby promoting their rights, well-being, and protection from exploitation.

**Children Act 2013:** Due to Bangladesh's adherence to the UNCRC and its commitment to implementing the charter's provisions, the government passed the Children Act 2013, leading to the repeal of the Children Act of 1974. This law outlines detailed provisions concerning the appointment,<sup>20</sup> roles, and obligations<sup>21</sup> of probation officers in relation to children. For instance, when a child is taken to the police station, the probation officer is obligated to assist both the police and the child.<sup>22</sup> The responsibilities of probation officers include locating the child's parents,<sup>23</sup> evaluating the potential for bail, <sup>24</sup>and diverting the child from the criminal justice system. During proceedings at the Children's Court, these tasks involve attending the entire trial,<sup>25</sup> creating a social inquiry report,<sup>26</sup> and ensuring legal representation for the child.<sup>27</sup>

Chapter 3 of the Act talks about how the Child Welfare Board is set up and what it does. The National Child Welfare Board (NCWB) is led<sup>28</sup> by the Minister of Social Welfare, who acts as the Chairperson. Along with that, the Speaker of Parliament selects two female Members of Parliament, one from the ruling party and one from the opposition. The Board also includes the Secretary of the Ministry of Social Welfare, senior officials from other ministries (not below the rank of Joint Secretary), the Inspector General of Prisons, the Inspector General of Police, or a police officer nominated by the IG, who must be at least a Deputy Inspector General.

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<sup>19</sup> Constitution of the People's Republic of Bangladesh 1972, art 34(1)

<sup>20</sup> Children Act 2013, s 5

<sup>21</sup> Children Act 2013, s 6

<sup>22</sup> Children Act 2013, s 6(a)

<sup>23</sup> Children Act 2013, s 6(a)(iv)

<sup>24</sup> Children Act 2013, s 6(a)(v)

<sup>25</sup> Children Act 2013, s 6(b)(i)

<sup>26</sup> Children Act 2013, s 6(b)(ii)

<sup>27</sup> Children Act 2013, s 6(b)(iii)

<sup>28</sup> Children Act 2013, s 7(1)

The NCWB is tasked<sup>29</sup> with providing directives for the rehabilitation and integration of underprivileged children, as well as those engaged in legal proceedings, into family and societal settings. It is also responsible for guiding concerned parties on developing and executing plans aimed at promoting the well-being and development of children. Additionally, the NCWB is obligated to determine the gender-specific count of such children, advise the government on data collection about their lifestyles, decide on appropriate diversion or alternative care when necessary, and evaluate information related to children undergoing such processes or care to establish guidelines, among other responsibilities. In addition to the NCWB, this legislation requires the establishment of the District Child Welfare Board<sup>30</sup> and the Upazila Child Welfare Board.<sup>31</sup>

This legislation entrusts the Ministry of Home Affairs with the formation of a Child Affairs Desk,<sup>32</sup> led by a Child Affairs Police Officer<sup>33</sup> (CAPO) with a minimum rank of Sub-Inspector. It is mandated that the Child Affairs Desk's tasks be assigned to the female Sub-Inspector first if she is available at the corresponding police station.<sup>34</sup> The CAPO is tasked with maintaining distinct files and records for cases about children. Upon the arrival of a child at the police station,<sup>35</sup> it is the responsibility of the CAPO to notify the Probation Officer and to apprise the child's parents or, if unavailable, the guardian in foster placement, guardian, or a member of the extended family, providing them with details about the court appearance and other relevant case information. Additionally, the CAPO is tasked with offering immediate mental support to the child, arranging for necessary first aid, and, if required, facilitating the child's transfer to a clinic or hospital. Ensuring that children's basic needs are met is also one of the CAPO's responsibilities.

Notwithstanding the stipulations within the Code of Criminal Procedure (CrPC) 1898, or any other applicable legislation, when an offence involves both an adult and a child, separate police reports for General Registered (GR) cases or, distinct inquiry reports for Criminal Registered (CR) cases shall, be prepared and submitted specifically for the child, independent

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<sup>29</sup> Children Act 2013, s 7(2)

<sup>30</sup> Children Act 2013, s 8(1)

<sup>31</sup> Children Act 2013, s 9(1)

<sup>32</sup> Children Act 2013, s 13(1)

<sup>33</sup> Children Act 2013, s 13(2)

<sup>34</sup> Children Act 2013, s 13(1)

<sup>35</sup> Children Act 2013, s 14

of the reports concerning the adult.<sup>36</sup> Furthermore, regardless of the provisions laid down in the CrPC or any other relevant law, when addressing an offence committed by both an adult and a child, the offences attributed to each party shall be considered separately.<sup>37</sup> Furthermore, trial procedures for offences committed by children shall be submitted to the Children's Court, coupled with the documentation that is required. Trial procedures for adult offences shall simultaneously be sent, along with all required documentation, to a suitable court, and the public prosecutor shall be made aware of the case.<sup>38</sup>

At every district headquarters, a court or court designated as a Children's Court shall be established to adjudicate any offence committed by a child in conflict with the law.<sup>39</sup> Furthermore, within its specified jurisdiction, every tribunal created under the WCRP Act, 2000, which is intended to prevent the persecution of women and children, shall be regarded as a Children's Court. The District and Sessions Judge of a district shall be regarded as the Children's Court within its jurisdiction if the district lacks such a tribunal. The Children's Court performs all the duties of the Court of Session because it shares the same jurisdiction and responsibilities.<sup>40</sup> According to this law, children are entitled to attend each trial stage in person.<sup>41</sup> If there is any negligence or omission on the part of the Probation Officer, the relevant police officer, or the CAPO in carrying out their duty to effectively initiate and manage cases in compliance with the provisions of this Act, the Children's Court will promptly refer a case.<sup>42</sup> The issue will be sent to the District Social Services Office's Deputy Director for Probation Officer, and the Superintendent of Police will handle any necessary legal action for the CAPO or the implicated police officer. The responsible authorities have a task to provide a report to the appropriate Children's Court detailing the actions they have implemented.

The Act makes it clear that no child younger than nine years old can be arrested.<sup>43</sup> Furthermore, it prohibits the use of handcuffs or ropes around the waist as a means of

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<sup>36</sup> Children (Amendment) Act 2018, s 3(1)

<sup>37</sup> Children (Amendment) Act 2018, s 3(2)

<sup>38</sup> Children (Amendment) Act 2018, s 4

<sup>39</sup> Children (Amendment) Act 2018, s 5

<sup>40</sup> Children (Amendment) Act 2018, s 7

<sup>41</sup> Children Act 2013, s 22(1)

<sup>42</sup> Children Act 2013, s 22(5)

<sup>43</sup> Children Act 2013, s 44(1)

restraining a child.<sup>44</sup> Considering the nature of the allegation, along with the child's psychological condition and socioeconomic background, child affairs police officers are empowered under section 47(2) of this Act to exercise discretion by releasing the child. Such a release may be carried out through a formal or informal caution, provided it is given in the presence of a guardian or another competent authority.<sup>45</sup> However, this discretion is rarely put into practice.<sup>46</sup> The Act also mandates that sessions in the Children's Court shall take place in a regular room, free from witness boxes or podiums, and with no red cloth barriers.<sup>47</sup> In practice, however, juvenile defendants are often tried in the same courtroom as adult offenders, which can be extremely distressing for children facing public trials.<sup>48</sup>

According to the provisions outlined in section 33(1)<sup>49</sup> under the Children Act 2013, no child shall be subjected to a sentence of capital punishment, life imprisonment, or a regular term of imprisonment. In circumstances where a child is adjudicated guilty of a crime that is subject to capital punishment or life imprisonment, the Children's Court has the authority to impose a confinement sentence within a Child Development Centre for a term of three to ten years.<sup>50</sup> In contrast, as stipulated in section 34 of the Children Act 2013, if the offence does not justify the imposition of death or life imprisonment, the child may be ordered to serve a maximum of three years in a Child Development Centre. Moreover, a child showing significant improvements in personality, behaviour and character, who is not charged with drug offences, sexual violence, robbery, murder, armed robbery, trafficking, or other grave crimes may qualify for release upon turning 18.<sup>51</sup> In accordance with this understanding, section 34 indicates that recommendations for release may be presented to the government three months before an individual reaches the age of majority.

Any person bestowed with the custody, care, or convoy of a child who engages in acts of assault, abuse, neglect, abandonment, or utilises the child for personal benefit or exposes the child, in an inappropriate manner, leading to groundless endurance or excoriation that

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<sup>44</sup> Children Act 2013, s 44(3)

<sup>45</sup> Children Act 2013, s 47(2)

<sup>46</sup> Tasmiah Juthi, 'Implementation of Children Act 2013 required' *The Daily Observer* (07 December 2019) <<https://www.observerbd.com/news.php?id=232137>> accessed 21 June 2025

<sup>47</sup> Children Act 2013, s 17(4)

<sup>48</sup> Juthi (n 46)

<sup>49</sup> Children Act 2013, s 33(1)

<sup>50</sup> Children Act 2013, s 34(1)

<sup>51</sup> Children Act 2013, s 34(2)

affects the child's eyesight or hearing, causes harm to any limb or organ, or results in psychological harm, is considered to have committed an offence under this law. The penalties for such infractions may be a prison term of up to five years, a fine not exceeding one hundred thousand takas, or a combination of the two.<sup>52</sup>

Any individual who engages a child in begging, incites a child to beg, or collaborates with or encourages the child's involvement in begging, shall be recognised as having committed an offence under this law. The sanctions for such actions include a maximum sentence of five years in prison, a fine of up to one hundred thousand takas, or both.<sup>53</sup> Furthermore, an individual who administers intoxicating substances to a child, whether liquor or medication for sickness or emergency, without consulting a qualified medical professional, is also regarded as having committed an offence under this statute. The punishment for such an offence includes imprisonment for a maximum of three years, a fine of up to one hundred thousand takas, or both.<sup>54</sup> Publication of any report, photograph, or information concerning trials or proceedings under this Act that is detrimental to the child's interest and may lead to the child's direct or indirect identification is strictly prohibited in any form, including print, electronic media, or the internet. The infringement of this provision is classified as an offence under this Act, resulting in penalties for the offender, which include a maximum imprisonment of one year, a fine not exceeding fifty thousand takas, or both.<sup>55</sup> In cases where a company, association, entity, or establishment is convicted of the offence, it may face a suspension of its registration for a period of up to two months, along with a potential financial penalty of up to two hundred thousand taka.<sup>56</sup>

The Children Act 2013 includes a crucial provision mandating the establishment of a child affairs desk in each police station. However, in reality, most police stations do not have a functioning child affairs desk, and there is a shortage of proficient, trained Child Affairs Police Officers (CAPOs) in both police stations and courts.<sup>57</sup> One commonly observed argument is that the juvenile justice system conflicts with the core principles of the rule of law, which ensure equitable rights and safeguards for all individuals. Within the juvenile

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<sup>52</sup> Children Act 2013, s 70

<sup>53</sup> Children Act 2013, s 71

<sup>54</sup> Children Act 2013, s 73

<sup>55</sup> Children Act 2013, s 81(2)

<sup>56</sup> Children Act 2013, s 81(3)

<sup>57</sup> Md. Zakir Hossain, 'Legal Analysis towards Justice for Children' *The Daily Sun* (17 March 2020) <<https://www.daily-sun.com/printversion/details/469940>> accessed 25 June 2025

justice framework, children are entitled to particular rights and protections. The congruence of the juvenile justice system with the Constitution of Bangladesh can be demonstrated through a detailed review of Article 28(4). This article imposes a compulsory duty on the state to enact specific provisions for the benefit of women, children, and other marginalised segments of the population.<sup>58</sup>

The absence of safeguards for children during the recording of a confessional statement under the Children Act 2013 may be viewed as a loophole. This law asserts that, unless explicitly mentioned otherwise in this Act or its corresponding regulations, the processes delineated in the Code of Criminal Procedure shall, to the extent possible, be utilised in filing complaints and conducting trials.<sup>59</sup> However, no particular provision addresses safeguards for children during the recording of a confessional statement. As in the case of *Jaibar Ali Fakir v the State* (28 BLD, page 627, para 14), it is acknowledged that children may act impulsively and may not fully comprehend the consequences of their actions. Consequently, their confessions can be easily influenced through threats or displays of affection.

After the conclusion of a trial, if a juvenile offender is determined to be responsible for engaging in delinquent behaviour, he/she will be incarcerated in a correctional facility for a certain period. To evaluate the success of rehabilitation programmes, it is imperative to analyse the organisational structure, environment, and amenities provided to the accused. The detention of juvenile offenders is managed through three specialised facilities identified as Child Development Centres (*Shishu Unnayan Kendra*). It is not inaccurate to characterise the administrative systems of these correctional centres as subpar. In 2017, an adolescent resident at the Jessore Juvenile Rehabilitation Centre reportedly took his own life by hanging. This incident highlights the inadequacy of the centre's administration in adequately addressing the needs of juveniles.

**Domestic Violence (Prevention and Protection) Act 2010:** The DVPP Act, 2010, was enacted in Bangladesh to tackle issues related to domestic violence. Its preamble highlights the commitment to safeguard constitutional guarantees of equality for women and children. The central purpose of the Act is to combat domestic violence while ensuring the safety and protection of women and children who are especially at risk of such abuse. According to the

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<sup>58</sup> Constitution of the People's Republic of Bangladesh 1972, art 28(4)

<sup>59</sup> Children Act 2013, s 42(1)

Act, domestic violence encompasses a wide range of conduct, including physical, emotional, sexual, or financial abuse, carried out by a family member who has, or once had, a kinship connection with the victim.<sup>60</sup> Nonetheless, the definition articulated in Section 3 of the Act does not sufficiently clarify the boundary between domestic violence offences and acceptable family discipline practices.<sup>61</sup> In the societal context of Bangladesh, there is a strong conviction that parents and guardians are justified in disciplining their children and that husbands hold the authority to address the faults of their wives. However, the Act does not adequately define the parameters under which these rights may be exercised. Individuals with malicious intentions can exploit this ambiguity to take advantage of societal norms.

Alongside the victim, an application for relief under this Act may also be submitted by a police officer, enforcement officer, service provider, or any other representative acting on behalf of the aggrieved person.<sup>62</sup> According to this Act, an aggrieved person refers to a child or woman who is currently experiencing, has experienced, or is at risk of facing domestic violence from another family member with whom they share a familial relationship.<sup>63</sup> However, a crucial concern arises: how can a child, especially one as young as 5, 6, or 7 years old, seek remedies for domestic violence incidents against them when they may be unable to communicate about the abuse? A collaborative survey conducted by the Manusher Jonno Foundation (MJF) and the Integrated Community and Industrial Development Initiative (INCIDIN) in Bangladesh revealed that a considerable number of child abuse cases were committed by the children's parents and guardians.<sup>64</sup>

This survey was carried out across 11 districts from June 2020 to May 2021. The findings presented in the report titled *Violence Against Children in Bangladesh* indicate that 86.9% of the surveyed children have experienced domestic physical violence. Additionally, approximately 81% of adults express approval for corporal punishment when a child disobeys their parents. Notably, in this scenario, boys endure a higher rate of corporal

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<sup>60</sup> Domestic Violence (Prevention and Protection) Act of 2010, s 3

<sup>61</sup> Nazia Wahab and Shahnewaj, 'The Domestic Violence (Prevention and Protection) Act, 2010: An Appraisal' *The Daily Sun* (24 May 2017) <<https://www.daily-sun.com/printversion/details/228765/The-Domestic-Violence-Prevention-and-Protection-Act-2010:-An-Appraisal>> accessed 26 June 2025

<sup>62</sup> Domestic Violence (Prevention and Protection) Act 2010, s 11

<sup>63</sup> Domestic Violence (Prevention and Protection) Act 2010, s 2(18)

<sup>64</sup> '95% of children abused at home' *The Business Standard* (07 June 2022)

<<https://www.tbsnews.net/bangladesh/over-95-children-abused-home-report-434934>> accessed 28 June 2025

punishment (88.4%) than girls (84.1%). An essential aspect that requires clarification under this Act is the extent to which disciplinary actions by parents or guardians can be considered family discipline rather than domestic violence against children.

This law includes clauses outlining the rights and remedies available to victims of domestic violence. These provisions encompass interim protection orders,<sup>65</sup> protection orders,<sup>66</sup> residence orders,<sup>67</sup> compensation orders,<sup>68</sup> and custody orders.<sup>69</sup> Under this legislation, any Enforcement Officer who fails to execute his/her responsibilities as mandated by the Court without a legitimate justification shall face departmental disciplinary actions.<sup>70</sup> Under this Act, offences are cognisable, subject to bail, and amenable to compromise.<sup>71</sup>

A First-Class Magistrate or, where necessary, a Metropolitan Magistrate shall manage any application, trial for an offence, or procedure under this Act.<sup>72</sup> Furthermore, there are no monetary restrictions on judicial or metropolitan magistrates when they issue a reparation order.<sup>73</sup> A respondent's infringement of a protection order is classified as an offence according to this statute and is subject to punitive measures. The punishment may include imprisonment for up to six months, a fine of up to 10,000 Taka, or both. Engaging in the same unlawful act again could result in a maximum imprisonment of two years, a fine not exceeding one hundred thousand Taka, or both consequences.<sup>74</sup> Notwithstanding the stipulations outlined in the Code of Criminal Procedure or any other applicable legislation, the Chief Judicial Magistrate, or the Chief Metropolitan Magistrate court, where relevant, will act as the appellate court for the implementation of this Act.<sup>75</sup>

**The Women and Child Repression Prevention Act 2000 (WCRPA):** The rationale behind the enactment of this Act is to strictly suppress crimes against women and children. Section 3 provides that the regulations laid down in this Act take precedence over any existing

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<sup>65</sup> Domestic Violence (Prevention and Protection) Act 2010, s 13

<sup>66</sup> Domestic Violence (Prevention and Protection) Act 2010, s 14

<sup>67</sup> Domestic Violence (Prevention and Protection) Act 2010, s 15

<sup>68</sup> Domestic Violence (Prevention and Protection) Act 2010, s 16

<sup>69</sup> Domestic Violence (Prevention and Protection) Act 2010, s 17

<sup>70</sup> Domestic Violence (Prevention and Protection) Act 2010, s 34

<sup>71</sup> Domestic Violence (Prevention and Protection) Act 2010, s 29

<sup>72</sup> Domestic Violence (Prevention and Protection) Act 2010, s 21(1)

<sup>73</sup> Domestic Violence (Prevention and Protection) Act 2010, s 21(2)

<sup>74</sup> Domestic Violence (Prevention and Protection) Act 2010, s 30

<sup>75</sup> Domestic Violence (Prevention and Protection) Act 2010, s 28(1)

legislation.<sup>76</sup> Anyone convicted of causing or attempting to cause the death of a woman or child through the use of poisonous, caustic, or burning chemicals is subject to life imprisonment or the death penalty, along with a fine of up to 100,000 taka.<sup>77</sup> Additionally, a person who unlawfully seizes a woman or child for motives not associated with the crimes defined in Sections 3 and 6 of the Prevention and Suppression of Human Trafficking Act, 2012, may incur a life sentence or a stringent maximum sentence of 14 years in prison, in conjunction with a fine.<sup>78</sup> Additionally, anyone who unlawfully detains a child or woman with the intent to extort a ransom shall incur either the death penalty or rigorous life imprisonment, along with a financial penalty.<sup>79</sup>

Sexual oppression occurs when a person uses any part of their body or an item to unlawfully touch a woman's or a child's sexual organ or any other organ to satisfy their sexual cravings. A minimum of three years and a maximum of 10 years of rigorous imprisonment, as well as a fine, shall be inflicted against said person.<sup>80</sup> If an individual deliberately injures a child's hands, feet, eyes, or any other limb or intentionally disfigures the child in any way with the intent to turn the child into a beggar or sell any part of it, he/she is liable to face either the death penalty or life imprisonment, in addition to a financial penalty.<sup>81</sup> Despite additional laws that are now in existence, the state shall take responsibility for the rearing of any child that is the result of a rape.<sup>82</sup>

In addition, the government can take back from the rapist the money that was set aside for the child's welfare. If it is not feasible to obtain the stated sum from the rapist's existing assets, it shall be obtained from assets that the perpetrator may eventually acquire or own.<sup>83</sup> All breaches identified in this Act shall be adjudicated solely within the jurisdiction of the Women and Child Repression Prevention Tribunal, established in accordance with section 26.<sup>84</sup> If a child is implicated in an offence under this Act or is a witness to such an offence, the

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<sup>76</sup> Women and Child Repression Prevention Act 2000, s 3

<sup>77</sup> Women and Child Repression Prevention Act 2000, s 4(1)

<sup>78</sup> Women and Child Repression Prevention Act 2000, s 7

<sup>79</sup> Women and Child Repression Prevention Act 2000, s 8

<sup>80</sup> Women and Child Repression Prevention Act 2000, s 10

<sup>81</sup> Women and Child Repression Prevention Act 2000, s 12

<sup>82</sup> Women and Child Repression Prevention Act 2000, s 13(1)(c)

<sup>83</sup> Women and Child Repression Prevention Act 2000, s 13(3)

<sup>84</sup> Women and Child Repression Prevention Act 2000, s 20(1)

regulations laid down in the 2013 Children Act shall be enforced to the greatest extent possible.<sup>85</sup>

**Pornography Control Act 2012:** As stipulated in Section 2(e) of the Pornography Control Act, 2012 (PCA), the definition of child aligns with that of Section 2(f) of the Children Act, 1974.<sup>86</sup> It is crucial to emphasise that the enactment of the Children Act of 2013 led to the repeal of the Children Act of 1974. Therefore, the definition of child in the PC Act of 2012 should be updated. According to Section 8(1) of this Act,<sup>87</sup> engaging in the production of pornography, recruiting and organising participants, coercing or compelling individuals (including women, men, or children) to participate, or persuading them to be part of any enticing activities and capturing still images, video footage or films, whether with or without their knowledge, shall be considered a criminal offence. For this offence, the person involved shall face a punishment of rigorous imprisonment for a maximum of seven years and a fine of up to 200,000 (two lakh) takas.

Furthermore, anyone involved in the creation, distribution, printing, or publication of pornography involving a child or engaging in the sale, supply, display, or promotion of child pornography shall be considered to have committed an offence. The individual shall face rigorous imprisonment for a maximum of 10 years and a fine of up to 500,000 (five lakhs) takas.<sup>88</sup> Offences under this Act shall be tried following the procedures outlined in the Code of Criminal Procedure, 1898. The government retains the authority to designate a special court or tribunal for the adjudication of offences under this Act, as communicated through an official notification published in the Official Gazette.<sup>89</sup>

**The Penal Code 1860:** According to the Penal Code, any actions performed by a child under the age of nine are not classified as offences.<sup>90</sup> Additionally, for children aged between nine and twelve, their actions are not regarded as offences unless it can be demonstrated that they possess the requisite maturity to understand the implications and consequences of their actions.<sup>91</sup> Consent given by individuals under the age of twelve years is not considered

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<sup>85</sup> Women and Child Repression Prevention Act 2000, s 20(7)

<sup>86</sup> Pornography Control Act 2012, s 2(e)

<sup>87</sup> Pornography Control Act 2012, s 8(1)

<sup>88</sup> Pornography Control Act 2012, s 8(6)

<sup>89</sup> Pornography Control Act 2012, s 11

<sup>90</sup> Penal Code 1860, s 82

<sup>91</sup> Penal Code 1860, s 83

valid.<sup>92</sup> In terms of marital relations, if a wife is over the age of 13, the act of rape is not considered to have occurred.<sup>93</sup> Furthermore, Section 361 stipulates that the abduction of a male under 14 years old or a female under sixteen from their legal guardians constitutes a violation.<sup>94</sup> Likewise, Section 364A classifies the abduction or kidnapping of any individual under the age of 10 as an offence.<sup>95</sup>

**Bangladesh Labour Act 2006:** The phenomenon of child labour is a serious global issue that compromises the health and welfare of children, especially in developing countries like Bangladesh.<sup>96</sup> The discrepancies in the legal definition of a child in Bangladesh significantly contribute to the persistence of this problem. As mentioned earlier, according to the 2013 Children Act, a child means any person under 18 years. On the contrary, under the Bangladesh Labour Act, 2006 (BLA), a child is defined as an individual below 14 years old according to section 2(63).<sup>97</sup> Additionally, section 2(8) of the BLA categorises individuals aged 14 to 18 as adolescents.<sup>98</sup>

Bangladesh has established a legal system to combat child labour and protect children from unsafe working conditions. According to section 34 of the Bangladesh Labour Act, 2006, it is forbidden to employ children below the age of 14 years or to allow them to work in any occupation or establishment.<sup>99</sup> The BLA specifies that adolescents cannot engage in any occupation unless they possess a certificate of fitness and carry a token referencing this certificate while working.<sup>100</sup>

The BLA of 2006 stipulates that parents or guardians are not allowed to enter into any contractual agreement that would enable the employment of a child.<sup>101</sup> In situations where there is ambiguity regarding an individual's classification as a child or adolescent, clarification will be sought through examination of a birth registration certificate, a school

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<sup>92</sup> Penal Code 1860, s 90

<sup>93</sup> Penal Code 1860, s 375

<sup>94</sup> Penal Code 1860, s 361

<sup>95</sup> Penal Code 1860, s 364A

<sup>96</sup> Arman Hossain, 'Legal challenges to eradicate child labour' *The Daily Star* (29 October 2022)

<<https://www.thedailystar.net/law-our-rights/news/legal-challenges-eradicate-child-labour-3154831>> accessed 30 June 2025

<sup>97</sup> Bangladesh Labour Act 2006, s 2(63)

<sup>98</sup> Bangladesh Labour Act 2006, s 2(8)

<sup>99</sup> Bangladesh Labour Act 2006, s 34(1)

<sup>100</sup> Bangladesh Labour Act 2006, s 34(2)(b)

<sup>101</sup> Bangladesh Labour Act 2006, s 35

certificate, or a document from a licensed medical professional that confirms the individual's age.<sup>102</sup> Furthermore, this legislation explicitly forbids the employment of adolescents in any underground or underwater work activity.<sup>103</sup> Individuals who employ a child or adolescent, or permit their engagement in work that contravenes any stipulation of this Act, will incur a penalty, with the highest fine established at 5,000 (five thousand) taka.<sup>104</sup> Furthermore, if a parent or guardian agrees with the child that violates section 35, he/she shall be liable for a fine, which may amount to a maximum of 1,000 (one thousand) taka.<sup>105</sup>

Apart from the above-mentioned laws, other relevant laws address children's rights and protection. The Contract Act 1872 considers a minor to lack the competence to engage in contracts, and any contract entered into by a minor is deemed void under section 11 of the Act. However, the guardian of a minor has the authority to enter into a sales contract on behalf of the minor, either due to legal necessity or for the benefit of the minor's estate. The Guardians and Wards Act 1890 grants authority to a specified court to designate a guardian for a minor's person, property, or both.

The court needs to ascertain that the appointment of a guardian aligns with the best interests of the minor, and the court cannot proceed with appointing a guardian if it goes against the minor's preference. The Criminal Procedure Code, 1898, instructs a designated court to require an individual with adequate resources who is neglecting or refusing to support his/her wife or child (whether legitimate or illegitimate) to provide a monthly allowance for their upkeep. Section 30 of the Partnership Act of 1932 stipulates that a minor is not eligible to become a partner in a firm. However, with the consent of all current partners, a minor may be granted the advantages of the partnership.

## FINDINGS AND RECOMMENDATIONS

According to a survey on street children conducted by the Bangladesh Bureau of Statistics and UNICEF (2022), approximately 30.1% of children reside and sleep in public or open areas, such as streets, stations, terminals, fields, and parks, lacking access to even the most fundamental amenities; a total of 71.8% of children cannot both read and write; a significant

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<sup>102</sup> Bangladesh Labour Act 2006, s 36

<sup>103</sup> Bangladesh Labour Act 2006, s 42

<sup>104</sup> Bangladesh Labour Act 2006, s 284

<sup>105</sup> Bangladesh Labour Act 2006, s 285

majority of children, specifically 82.9%, experience abuse or harassment from passersby; and 49.8% encounter violence while at their workplace. This recent statistical report underscores the alarming conditions faced by street children in Bangladesh.

Additionally, the legislation highlighted in this paper does not address the challenges facing street children, and currently, there is no dedicated law addressing their concerns in Bangladesh. To address this gap, the Ministry of Law, Justice, and Parliamentary Affairs could play a crucial role by enacting specific legislation to safeguard street children. Moreover, the Ministry of Women and Children's Affairs must address this issue with the utmost seriousness. The establishment of a distinct patrolling police team at each police station could also prove effective in ensuring the protection of street children.

It is clear that, based on the CRC, a child is defined as an individual aged below 18 years old. However, there exist evident legal complexities within the current legal framework of Bangladesh regarding the definition of a child. According to the WCRPA (2000), a child is considered to be below 16 years old. Conversely, per the Bangladesh Labour Act, 2006, the age of a child is 14 years. Additionally, under the Child Marriage Restraint Act, 2017, an individual younger than 21 years (if male) and younger than 18 years (if female) is considered a minor in the context of marriage. It is to be noted that the said Act uses the word minor instead of child, which requires clarification. This puzzling situation concerning the definition of a child should be amended to safeguard the rights and protection of children in Bangladesh.

Based on the preceding discussion in the 2013 Children Act, the Act indicates that it is a juvenile justice-rights law. The primary objective of the law is to facilitate judicial proceedings that are conducive to the needs of children; however, the implementation and progression of the legal framework remain insufficient due to the absence of dedicated courts and specialised courtrooms that prioritise the welfare of minors. In Bangladesh, correctional facilities in Tongi and Jessore are recognised for their role in housing male juvenile offenders, while Gazipur operates a facility exclusively for females, adhering to the gender-specific accommodation requirements outlined in the Act.<sup>106</sup> Despite this, various national

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<sup>106</sup> Himaloya Saha and Saquib Rahman, 'Juvenile delinquents and the Children Act' *The Daily Star* (24 January 2017) <<https://www.thedailystar.net/law-our-rights/juvenile-delinquents-and-the-children-act-1350073>> accessed 13 July 2025

newspapers have reported on the mismanagement and poor living conditions prevalent in these institutions in recent years.

The children in these facilities lack proper nutrition, medical attention, and educational support, let alone rehabilitation efforts. The situation has deteriorated to such an extent that there are serious allegations regarding the provision of narcotics to children to maintain their composure and compliance, which constitutes a blatant infringement of the fundamental principles outlined in the Children Act. Consequently, the government must implement stringent oversight, closely monitor, coordinate, review, and evaluate the activities of the Child Development Centres. Moreover, the government should organise sufficient training programmes for staff engaged in Child Development Centres and for personnel involved in Child Affairs within the police department. Although the Children Act asserts that every tribunal established under the WCRPA, 2000, is to be deemed a Children Court, it fails to offer clarification concerning the definition of a child across the aforementioned Acts.

The DVPPA, 2010, explicitly acknowledges its limitations in Section 35.<sup>107</sup> This section emphasises that the regulations outlined in the Act are supplementary to and do not override the provisions of any other existing laws. According to Section 29 of this law, an offence committed under this Act is deemed cognisable, bailable, and compoundable.<sup>108</sup> However, it is noteworthy that this section does not place any obligation on the judge or magistrate to proactively address this matter. The primary purpose of enacting this law is not punitive; instead, it inherently aims to protect women and children from the perpetration of domestic violence.

This Act does not specify the nature of actions to be taken against an enforcement officer who fails to comply with a court order, leaving a need for clarification to ensure the protection of children from domestic violence. Furthermore, the penalties for violating protection orders laid down in this legislation are deemed insufficient and should be strengthened. Domestic violence is typically regarded as a behavioural concern associated with the offender, which can potentially be mitigated through therapeutic counselling. Nonetheless, the current legal framework does not incorporate provisions for counselling aimed at perpetrators and victims in domestic violence cases. Effectively combating domestic violence against women and

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<sup>107</sup> Domestic Violence (Prevention and Protection) Act 2010, s 35

<sup>108</sup> Domestic Violence (Prevention and Protection) Act 2010, s 29

children requires widespread social movements that involve people from all walks of life because no legal instrument alone can be sufficient.

Examining the provisions outlined in the WCRPA, 2000, it primarily emphasises punitive measures rather than the rights of children. As a specialised law, it lacks clauses addressing psychological counselling and offers no guidance for children who encounter physical harm. In instances of violence, whether domestic or general, psychological counselling is crucial as a remedy for children who have experienced such experiences. Although the Pornography Control Act 2012 includes clauses addressing the punishment for child pornography, it does not incorporate child-friendly trial procedures, specifically, in cases where a child is either in conflict or in contact with the law under this legislation. Additionally, the Act does not outline provisions concerning privacy in courtrooms where a child is a participant.

The issue of child labour remains a significant challenge in Bangladesh, as highlighted by the recent National Child Labour Survey-2022, which revealed a disturbing increase of 4.5% in child labour over the past decade.<sup>109</sup> According to a survey conducted by the Bangladesh Bureau of Statistics (BBS), over 1.776 million children, representing approximately 8.90% of the population aged 5 to 17 years, are trapped in child labour within the country.

This troubling trend highlights the necessity for immediate action and a united effort involving the government, NGOs, INGOs, and private sector organisations that have dedicated corporate social responsibility initiatives. According to the BBS survey, children entering the workforce can be attributed to root causes, such as income inequality, economic injustice, and discriminatory social structures. These factors deprive children of educational opportunities, subjecting them to exploitation and hazardous working conditions. In this context, the penalty for child labour under the BLA (2006) is so minimal that it could incentivise others to hire children in unsafe environments. Raising public awareness through campaigns can serve as a potent means of emphasising the adverse impacts of child labour on the physical and mental well-being of children. By instilling a shared sense of responsibility, society can actively promote the elimination of child labour and cultivate a more supportive environment for children.

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<sup>109</sup> Rabiul Alam, 'Lost childhood, wasted potential: We must put an end to child labour' *The Daily Star* (06 August 2023) <<https://www.thedailystar.net/opinion/views/news/lost-childhood-wasted-potential-we-must-put-end-child-labour-3387101>> accessed 15 July 2025

## CONCLUSION

In conclusion, this research paper has delved into critical aspects of child protection, addressing issues such as juvenile justice, child labour, domestic violence, and the challenges faced by street children. The findings underscore the significance of robust child protection laws as a cornerstone for safeguarding the well-being and future of our youngest citizens. Moving forward, policymakers, legal authorities, and advocacy groups must collaborate to refine and implement comprehensive child protection laws. Stricter enforcement of existing legislation, coupled with the development of new initiatives, may play a pivotal role in combating child labour and curtailing domestic violence against children.

Moreover, focused interventions are crucial to meet the distinctive requirements of street children, providing them with an opportunity for a future characterised by dignity and security. Furthermore, a multi-pronged approach involving public awareness campaigns, educational programmes, and community engagement is crucial for fostering a culture that prioritises the protection of children. Collaborative efforts among stakeholders are crucial to creating a supportive environment that safeguards every child's rights, ensuring that mechanisms for reporting and addressing violations are easily accessible.