

Protection of Rights of Child: National and International Approach

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Abstract

The paper deals with international and national approaches taken towards protection of rights of child by several international conventions and Indian constitution provisions. No country has ever been fully successful in protecting rights of child but various steps have been taken by time to time to ensure the protection of rights of child. these approaches have different objectives but meeting the end towards child's welfare.

INTRODUCTION

Assuming accountability for protecting the fundamental freedoms and rights of every citizen, One's state's adherence to the goal of being a state of law is measured by both the constitutional protection of those rights and the legal assurance of their rightful exercise. Thus, both theoretically and practically, the subject of protecting human rights, particularly those of children, is very important for modern society. After the events of December 1989, there has been a noticeable increase in the protection of children's rights, in part because Romania was able to comply with international law in this area, thanks to the installation of a democratic regime, and in part because a genuine system of child rights protection was required¹. Child is generally referred to a person who is below the age of 18. Convention of rights of child also defines child as "A child is any person under the age of 18".² Although it varies according to the constitution of the country and protection means to safeguard, protecting from neglect, abuse and exploitation at home or elsewhere. The children of the world are young, defenceless, inquisitive, hopeful, and vivacious. Their shared future ought to be one of peace and cooperation. But every day, a large number of kids are put in risk all around the world. Many children's circumstances, both here and overseas, are still dire, and in some places, things are probably going to get worse over the next ten years. The truth is that no nation fully upholds the rights of all of its children, offers them a sufficient level of health care, education, nursery, housing, and nutrition, or adequately safeguards them against maltreatment, neglect, and exploitation³. Children require rights to safeguard their integrity and dignity because they are vulnerable. Children's rights to protection from exploitation and abuse are considered to be fundamental human rights. However, there is a different relationship between national and international approaches with regard to children's rights because international law has advanced far more

¹ Porumbescu, A. (2009). Evolution of the Protection of Child Rights System. *Rev. Universitara Sociologie*, 178.

² <https://www.unicef.org/child-rights-convention/convention-text-childrens-version>

³ Castelle, Kay & Foster Parents Plan International, East Greenwich, RI & Defense for Children International-USA, New York, NY. (1989). In the Child's Best Interest [microform] : A Primer on the U.N. Convention on the Rights of the Child. New Edition-Revised Text / Kay Castelle. [Washington, D.C.] : Distributed by ERIC Clearinghouse

than domestic law in this area. The idea of children having rights is one that is still developing. The growing concern for children's rights is a result of society realising its duty to shield the most vulnerable members of society from careless or inadequate government action. Children should have some fundamental and unalienable rights, just like any other human being, by virtue of their being human. Children's rights may correspond to human beings' rights and the norms that apply to them. They also need extra protection because of their need and fragility stemming from their physical and mental immaturity. The protection of children's rights is a fundamental aspect of ensuring their well-being and development. It involves both national and international efforts to safeguard children from various forms of abuse, exploitation, discrimination, and neglect. The protection of children's rights is a fundamental aspect of ensuring their well-being, development, and overall dignity. Children are considered vulnerable members of society, and therefore, special attention must be given to safeguard their rights. Numerous international instruments, laws, and conventions have been established to protect and promote the rights of children, emphasizing their right to survival, protection, participation, and development. The United Nations Convention on the Rights of the Child (UNCRC), adopted in 1989, is the most comprehensive international treaty specifically focusing on children's rights. It outlines a wide range of civil, political, economic, social, and cultural rights that should be universally respected and protected for all children. The UNCRC recognizes the child's right to life, education, health, freedom from violence, and protection from exploitation, among many others. National governments play a crucial role in implementing and upholding children's rights. They are responsible for enacting legislation, establishing policies, and implementing programs that protect and promote children's well-being. Governments are also responsible for creating a conducive environment where children can grow, develop, and participate actively in society. As mentioned earlier, both national and international organization participate in protection of rights of child by conventions and laws implementation. Let us see when it started and what is the origin of it.

HISTORICAL BACKGROUND.

It started in 1920's, when attempts were made for development of general principle which will guide the states in their protection of children at international level. In 1924, the Assembly of the League of Nations adopted the Declaration of Geneva. This Declaration "contained five principles which were general but to the point. One was that children should be the first to receive relief in emergencies".⁴ The adoption of the Declaration of the Rights of the Child by the United Nations General Assembly in 1959 marked a more significant step. The proclamation acknowledged that because of their physical and mental inadequacy children need further precautions and care, including suitable legal defence. "The Declaration then lists eleven guiding principles for how parents, governments, and nonprofit organisations should treat children. These values include: no discrimination based on race, colour, sex, language, religion, or political opinion; special legal treatment; birthright citizenship; use of social security benefits; provision of education; and defence against abuse, maltreatment, and exploitation. The absence of any legally binding duties in the Declaration on the Rights of the Child was its main flaw".⁵ Later in 1980's, after the events in December 1989, the protection of rights of child increased effectively

⁴ Hammarberg, T. (1990). The UN convention on the rights of the child--and how to make it work. *Human Rights Quarterly*, 12(1), 97-105.

⁵ Humphrey, J. P. (1975). The international bill of rights: scope and implementation. *Wm. & Mary L. Rev.*, 17, 527.

due to two factors that were the establishment of a democratic government, which enabled Romania to comply with relevant international rules, as well as the requirement for a genuine system of child rights protection. Based on Government Decision No. 1432/2004, the National Authority for Child's Rights Protection, which is organised and functions as a speciality organ of the public central administration, with legal standing under the Ministry of Work, Family, and Social Protection, is responsible for promoting and defending children's rights in Romania. The Convention on the Rights of the Child, which was adopted by the General Assembly of the United Nations Organisation on November 29, 1989, and entered into force on September 2, 1990, also states the principle of the superior interest of the child, which serves as the foundation of Romanian law that governs children's fundamental rights. A system that characterises communist ideology, Romania's child protection policy had an overly centralised nature up until 1990 and was divided among several ministries, favouring the institutionalisation of children and obstructing families and communities of responsibility. After ratifying the UN Convention on the Rights of the Child in 1990 Romania is required to advance children's rights in accordance with the values and guidelines outlined in the Convention. As a result, between 1990 and 1996, numerous normative acts (pertaining to adoption, legal declarations of children abandoned, special protection for disabled people, etc.) were created. These acts were intended to improve the framework for child protection, but they were not generally reconsidered, which led to the maintenance of the divided and excessively statal character by the creation of new administrative structures. The Romanian child protection system underwent a number of stages between 1998 and 2004 as part of a constant reforming process, and it was also upgraded. This process culminated in 2005 with the redefinition of the entire social assistance system through the establishment of General Directorates of Social Assistance and Child Protection in each county and sector of Bucharest, which include all support and services directed at all social categories in need and are overseen by a single institution. After the reformation and adoption of child protection system, the best news concerns the steadily declining number of kids left in hospitals. All areas of this industry have clearly changed as a result of reformation programmes in the child protection system. Alternative services have been established over the years to provide basic services to families who have trouble staying together and raising their children. The demise of many of the older institutions has resulted in the creation of new types of residential centres. The annual statistic statistics show a considerable reduction in the number of abandoned infants as well as the infant death rate, demonstrating the impact of the child protection system reform.

INTERNATIONAL APPROACHES

The international approach to the protection of children's rights is rooted in the belief that all children, regardless of their nationality, race, or background, should be treated with dignity, cared for, and provided with opportunities for their holistic development. The international community has developed various frameworks, treaties, and organizations to promote and safeguard the rights of children worldwide. Time by time, different attempts are made at international level for protection of rights of child through various conventions, treaties, charters, organizations. Some of the important conventions for the protection of right of child are following-

- United Nations Convention on the Rights of the Child (UNCRC).
- Optional Protocols to the UNCRC.
- International Labour Organization (ILO) Conventions.
- Hague Convention on the Civil Aspects of International Child Abduction.

- African Charter on the Rights and Welfare of the Child.
- Beijing rules.

UNITED NATION CONVENTION OF RIGHTS OF CHILD.

54 articles make up the convention on the rights of the child, which also includes a lengthy preamble. The broad underlying goals of the treaty are outlined in the preamble. It ties the United Nations Charter's general human rights principles to the advancement and defence of children's rights. the International Covenant on Economic, Social and Cultural Rights of 1966 and the International Covenant on Civil and Political Rights, two human rights treaties negotiated under the aegis of the United Nations. the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, all of which were negotiated under the auspices of the United Nations. The Universal Declaration of Human Rights. Articles 1-41 cover the rights that the convention guarantees. Articles 42 to 45 talk about the convention's oversight, while Articles 46 to 54 talk about how the the convention will take effect.

“The rights of child, recognised by the convention, can be subdivided in five headings in line with the traditional classification of human rights:

1. **Civil rights** - In general, these correspond to the rights recognised by the first 18 articles of the Universal Declaration of Human Rights (1948). Examples are the right to a name to acquire a nationality (Article 7) and the right to an identity (Art. 8); the right to life (Art. 6) and the principle of non-discrimination (Art. 2). But there are also the so called “integrity rights”, such as the ban on torture (Art. 37), the right to protection from physical violence (Arts. 19 & 34), from arbitrary arrest (Arts. 37 & 40), the right to privacy (Art. 16).
2. **Political rights** - These cover freedom of opinion (Art. 12), freedom of expression (Art. 13), freedom of association (Art. 15), freedom of opinion, religion and conscience (Art. 14), freedom of access to information (Art. 17).
3. **Economic rights** - Article 4 states in general terms that state parties shall take all appropriate legislative, administrative and other measures regarding economic, social and cultural rights. More specifically this involves, among other things, the right to be protected from exploitation (Arts. 32 & 36).
4. **Social rights** - The heading of article 4 covers the right to education (Arts. 28 & 29), health care (Art. 24) and social security (Art. 26).
5. **Cultural rights** - In addition to Article 4 once again, in this context we need to mention Article 31, recognising the right to rest and leisure, to engage in play and to participate fully in cultural and artistic life”.⁶

The agreement has expanded significantly in scope by recognising a variety of children's rights and the means by which they should be exercised. The treaty simultaneously puts child issues on the political forefront and positions them in an international perspective by granting children civil, political, economic, social, and cultural rights. Additionally, the convention has facilitated future advancements in the international legislation on children's rights, which serves to increase public acceptance of particular children's rights.

⁶ Alam, M. S. (1996). Protection of Children Rights: National and Global Approach. *Dhaka Univ. Stud. Part F*, 7, 83.

OPTIONAL PROTOCOLS TO THE UNCRC- OPTIONAL PROTOCOL TO THE CONVENTION OF RIGHTS OF CHILD ON THE INVOLVEMENT OF CHILD IN ARMED CONFLICT.

Children were extensively used in warfare by the armed forces during the civil wars of the 1990s, particularly in Sub-Saharan Africa. Children-soldiers are a new type of fighter that appears. The images of young kids holding weapons of war spread consciousness over the globe and sparked outrage among the international community, which subsequently hurried to respond. The ILO will be the first to respond, classifying child recruitment in armed situations as one of the worst types of exploitation in the Convention 182 on the Worst types of Children Labour. The United Nations Security Council will then approve multiple resolutions condemning child labour in armed conflict and describing these serious human rights violations. This issue is also mentioned by the writers of Article 38 of the 1989 International Convention on the Rights of the Child. However, hiring young people is not against the law. The convention just allows for the option of enlisting youngsters in armed conflicts, provided they are at least 15 years old. “To compensate for this gap and to rectify this Article, the United Nations decided to adopt an optional Protocol to the Convention, concerning the involvement of children in armed conflicts”.⁷ The recruitment of minors into the armed forces is categorically prohibited by the optional Protocol regarding the involvement of children in armed conflicts. From this point on, the States have a legal duty and a civic duty to prohibit the enlistment of minors in the military. This policy serves as a gentle reminder that children lack the maturity and physical and mental maturity required to fully comprehend the gravity and ramifications of joining the military. In order to protect the greatest number of children who participate in armed conflicts, the protocol denounces the issue of child soldiers and provides a very broad definition of this term. A kid soldier may serve as an a watchman, chef, domestic slave, or sentry, either by force or voluntarily, as per the protocol.

OPTIONAL PROTOCOL TO THE CONVENTION OF RIGHTS OF CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION, AND CHILD PORNOGRAPHY.

Discussion of concerns relating to commercial sexual exploitation within the United Nations system. The Special Rapporteur on the sale of minors, child prostitution, and child labour was established in response to the 1990s' wave of child exploitation, pornography and the 1996 Stockholm, Sweden-based First World Congress against Commercial Sexual Exploitation of Children. Concerns relating to commercial sexual exploitation are discussed inside the United Nations system. In response to the 1990s wave of child exploitation, the Special Rapporteur on the sale of children, child prostitution, and child labour was established. The 1996 First World Congress against Commercial Sexual Exploitation of Children, which took place in Stockholm, Sweden. “The exploitative use of children in prostitution and pornography as well as sale of children and child trafficking is covered by articles 34 and 35 of the Convention on the Rights of the Child”.⁸

⁷ *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.* (n.d.). OHCHR. <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-involvement-children>

⁸ *UN Convention on the Rights of the Child - UNICEF UK.* (n.d.). UNICEF UK. <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

INTERNATIONAL LABOUR ORGANIZATION (ILO) CONVENTIONS.

The elimination of child labour is currently regarded as one of the fundamental labour principles. By designating four "fundamental" labour rights as binding on its members regardless of convention ratification, the ILO altered this entire procedure in 1998. The four guiding principles are the following:

1. freedom of association and free collective bargaining.
2. prohibition of forced or compelled labour.
3. prohibition of child labour.
4. The prohibition of employment discrimination.

ILO made this declaration in order to reiterate its commitment to eradicating child labour and to place a duty on its members to "promote and to realise" these principles".⁹

ILO Convention No. 138 on the Minimum Age for Employment, which sets the minimum age for work and defines the types of work that are hazardous or harmful to children and ILO Convention No. 182 on the Worst Forms of Child Labour, which prohibits the worst forms of child labour, such as slavery, forced labour, trafficking, and hazardous work.

The ILO continues to focus on child labour issues and promotes compliance from its member states through a system that uses the mild stick of public shaming and the mild carrot of financial assistance. Part of this process involves issuing numerous reports documenting local labour conditions, including both improvements and continued violations in member states.

HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION.

The Hague Convention on the Civil Aspects of International Child Abduction, commonly referred to as the Hague Abduction Convention, is an international treaty that aims to protect children from the harmful effects of abduction and wrongful retention across international borders. It provides a legal framework for the prompt return of children to their habitual residence and ensures that custody and visitation rights are respected. On October 24, 1980, the Hague Conference on Private International Law unanimously adopted the Hague Convention on the Civil Aspects of International Child Abduction in an attempt to address the considerable problem of international child abduction.¹⁰ The primary aims of the Convention are to restore abducted children promptly to their states of habitual residence⁴ and to facilitate the access⁵ of noncustodial parents to their children living in foreign countries.¹¹ The Convention does not require a prior custody arrangement, allows merely a short court action, and forbids any hearing on the custody issue's merits because it is assumed that a child's best interests are met by an immediate return to her previous parenting position. The Convention is a significant step towards international collaboration in resolving individual cases as well as towards awareness of the issues surrounding child abduction abroad.

⁹ Ho, J. (2006). The international labour organization's role in nationalizing the international movement to abolish child labor. *Chicago Journal of International Law*, 7(1), 337-350.

¹⁰ Hoff, P. M. (1997). *The Hague Convnetion on the Civil Aspects of International Child Abduction: A Curriculum for American Judges and Lawyers*. American Bar Association, Center on Children and the Law.

¹¹ Todd, J. A. (1995). The Hague Convention on the Civil Aspects of International Child Abduction: Are the Convention's Goals Being Achieved? *Indiana Journal of Global Legal Studies*, 2(2), 553-576. <http://www.jstor.org/stable/20644600>

AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD.

The need to take all appropriate steps to promote and protect the rights and welfare of the African Child was acknowledged in the Declaration on the Rights and Welfare of the African Child adopted by the Assembly of Heads of State and Government of the Organisation of African Unity at its Sixteenth Ordinary Session in Monrovia, Liberia from 17 to 20 July 1979.¹² The main concern is that the majority of African children continue to face a dire situation because of their particular socio-economic, cultural, traditional, and developmental circumstances, as well as natural disasters, armed conflicts, exploitation, and hunger, and because of their physical and mental immaturity, they require special protections and care. Here are some key features and provisions of the African Charter on the Rights and Welfare of the Child-

Scope and Definition: The charter applies to all individuals below the age of 18, and it defines a child as every human being below the age of 18 unless national laws recognize an earlier age for adulthood.

Fundamental Rights: The charter recognizes the inherent dignity and rights of every child and emphasizes the need for their protection and development. It covers a wide range of rights, including the right to life, identity, nationality, family care, health, education, and protection from abuse, exploitation, and harmful cultural practices.

Non-Discrimination: The charter prohibits discrimination against children on various grounds, such as race, sex, religion, disability, social origin, birth, or other status.

Best Interests of the Child: The charter emphasizes that the best interests of the child should be a primary consideration in all actions concerning children. It requires governments and relevant authorities to take measures to promote and safeguard the child's well-being.

Parental Responsibilities: The charter recognizes the rights, duties, and responsibilities of parents or legal guardians to provide appropriate direction and guidance to the child.

Protection from Harm: The charter obliges states to protect children from all forms of abuse, neglect, exploitation, and violence. It specifically addresses child labour, child trafficking, child prostitution, and harmful cultural practices affecting children.

Education and Culture: The charter promotes the right to education and emphasizes the importance of free and compulsory primary education. It also recognizes the role of culture in a child's development and encourages respect for the cultural values of the child's community.

Participation: The charter recognizes the right of children to express their opinions and to have their views taken into account on matters affecting them. It calls for the participation of children in decisions and institutions that affect their lives.

Implementation and Monitoring: The charter establishes mechanisms for monitoring and reporting on the implementation of its provisions. It calls on states to establish national bodies or institutions to promote and protect children's rights.

BEIJING RULES

United Nations Standard Minimum Rules for the Administration of Juvenile Justice 1985 named after Beijing rules, is a set of norms and rules which aims to protect the rights of child. The Beijing Rules' Clause 12.1 states that in order to make dealing with juveniles easier and reduce juvenile criminality, specific police units must be established and given specialised training. The commentary attached to

¹² Africa, S. (1985). Organization of African Unity. *International Development*.

Clause 12.1 reiterates the necessity of special police units for the efficient administration of the juvenile justice system and the application of the Fundamental Perspectives, which are mentioned in Clause 1 of the Beijing Rules. According to Clause 1.6, employees involved in such services, including police, must improvise their methods, approaches, and attitudes in order to create and coordinate juvenile justice services in a methodical manner. The "Guidelines for Action on Children in the Criminal Justice System"¹³ recommended by the United Nations Economic and Social Council in Resolution 1997/30 on July 21, 1997, are a supplement to the Beijing Rules. It is argued that Section 63 of the JJA's provision for the creation of CWO and SJPU for handling juvenile offenders and juvenile victims is a translation of the Beijing Rules.

Here are some key features of the Beijing Rules-

Best Interests of the Child: The Beijing Rules emphasize that the best interests of the child should be a primary consideration throughout the juvenile justice process. This principle requires authorities to consider the individual circumstances and needs of each child, taking into account their age, maturity, and social background.

Diversion: The Rules encourage the use of alternatives to formal judicial proceedings, such as diversion programs, counselling, or community-based measures, whenever appropriate and in the best interests of the child. Diversion aims to address the underlying causes of juvenile delinquency and prevent further involvement in the justice system.

Non-Criminalization and Minimum Use of Detention: The Beijing Rules emphasize that children should not be treated as criminals solely because they have come into conflict with the law. They advocate for the use of non-custodial measures and detention as a measure of last resort, stressing the importance of rehabilitation, reintegration, and the development of a sense of responsibility in young offenders.

Special Protection and Assistance: The Rules highlight the need for special protection and assistance for vulnerable groups of children, such as girls, indigenous children, children with disabilities, and children from marginalized communities. They emphasize the importance of providing support services, education, and appropriate care for these children within the juvenile justice system.

Due Process and Fair Treatment: The Beijing Rules underscore the importance of due process guarantees and fair treatment for children involved in the justice system. This includes ensuring access to legal representation, the right to be heard, the presumption of innocence, and protection against torture or cruel, inhuman, or degrading treatment or punishment.

NATIONAL LAWS ON PROTECTION OF RIGHTS OF CHILD.

CONSTITUTION OF INDIA

The history of legality of rights of child in India started in 1880's. first of all, it was started by British government and later on, it was carried out by Indian government, following the same path and adjust local demands with international medium. The child rights are considered to be violated when they are working and India has the highest number of working children.¹⁴ Although, since independence, several

¹³ Nurqalbi, V. (2023). Analysis of Diversion Arrangements in the Beijing Rules and the Juvenile Criminal Justice System in Indonesia. *European Journal of Law and Political Science*, 2(1), 52-55.

¹⁴ Pathak, J. (2012). An analytical study on rights of children and the constitution of India. Available at SSRN 2018853.

laws, rules and regulations have been implemented to prohibit the employment under the specified age and to avail safeguards to children who are employed. The Acts which deals with the issue of child rights and child labour are:

The Factories Act 1881, Children (Pledging of Labour) Act 1933, the Employment of Children Act 1938, the Factories Act 1948, Employment of Children (Amendment) Act 1951, the Motor Transport Workers Act 1961, the Apprentices Act 1961, the Beedi and Cigar Workers (Conditions of Employment) Act 1966, and Employment of Children (Amendment) Act 1978. After 1978, the most comprehensive act regarding the issue of child labour was implemented and given effect which was the child labour (prohibition and regulation) act, 1986. The objectives of the Act are:

- Banning the employment of children, i.e. those who have not completed their fourteenth year, in specified occupations and processes;
- Laying down procedures to decide modifications to the schedule of banned occupations or processes;
- Regulating the conditions of work of children in employment where they are not prohibited from working.

The authors of the Indian Constitution purposefully including pertinent clauses to safeguard children's interests. The Preamble, Part III of the Constitution—which covers Fundamental Rights—and Part IV of the Constitution—which covers Directive Principles of State Policy and Fundamental Duties - all contain constitutional provisions pertaining to children. The preamble ensures justice in the form of social, economic and political terms. According to **Article 14**, everyone is treated equally and is given the same level of legal protection.

Article 15(3) allows the State to make particular arrangements for children.

Article 19(1) mandates that all children in identical situations get the same treatment. Safeguards Indian citizens' freedom of association, of speech, and of the press.

Article 21(a) states that the State shall offer all citizens with free and obligatory education.

Article 22 stipulates protections upon arrest for minors aged six to fourteen, and an individual must appear before the closest magistrate within 24 hours of being arrested, according to the law. Within 24 hours after being taken up by the police, a juvenile in trouble with the law or a child in dire need of care and protection must appear before the Competent Authority created beneath the **Juvenile Justice (Care and Protection of Children) Act, 2000**.

Forced labour and human trafficking are also prohibited by **Article 23**, any violation of this clause is prohibited by law.

Article 24 forbids the employment of a kid under the age of 14 in any mine, factory, or other dangerous job.

According to **Article 39(e) and (f)**, the State is obligated to safeguard young children from abuse and from engaging in occupations that are inappropriate for their age and physical capacity. Equal chances and facilities must be offered to children so they can grow up in a healthy way. The State is required to take additional steps to safeguard children and teens from exploitation and abandonment.

In accordance with **Articles 41 and 45**, the State must take action to guarantee that all children receive free and compulsory education up until the age of 14 and that educational possibilities and resources are available.

JUVENILE JUSTICE ACT, 2015

Prior to the arrival of the British, Hindu and Muslim rules in India dictated how children should behave, and the families of the individuals in question were held liable for keeping an eye on their offspring. During the British occupation of India, new child-related laws were required. Between 1850 and 1919, a number of special laws were passed, including the Code of Criminal Procedure (1861), the Reformatory School Act (1876 and 1897), and the Apprentice Act (1850). Following independence, India's juvenile justice policy was built on the requirements outlined in Articles 15 (3), 21, 24, 39 (e) and (f), 45, and 47 of the Indian Constitution. The UN Convention on the Rights of the Child (CRC) and the Beijing Rules, also known as the UN Standard Minimum Rules for the Administration of Juvenile Justice, also served as guidelines for Indian juvenile justice policy.¹⁵ The Central Child's Act (1960), a significant piece of legislation for neglected and troubled children in India, forbade the detention of children beneath any circumstances. It said that the child welfare board and children's courts were two crucial organisations that would deal with such youngsters. 2000 saw the passing of the juvenile Justice (Care and Protection of Children) Act. It made possible a consistent legal foundation for justice throughout the nation. The new Act's primary goal was to guarantee that no juvenile criminal (until the age of 18) gets placed in jail. The Act also included requirements for the facilities and equipment needed for children's protection, care, and rehabilitation. The Act was revised once more in 2006 and 2010. Juvenile in conflict with the law is defined under the Juvenile Justice Act, 2000, section 2(I), as a juvenile who is accused of committing an offence and who is under the age of 18 (but over 10) on the date of the offence. There is disagreement about what constitutes a kid under multiple Indian laws, which leads to uncertainty and difficulty over how children are treated legally. Another group of youngsters is referred to as "Children in Need for Care and Protection" under section 2(d) of the same Act. These children are those who are discovered to be without a place to live, a permanent residence, or any apparent means of support. A metropolitan judge, or judicial magistrate of first class, and two social workers, at least one of whom ought to be a woman, make up the Juvenile Justice Board. Every police station must have a Special Juvenile Police Unit in accordance with the Act. All of these employees need to have sensitive knowledge of kid-related issues or, ideally, training in child psychology.

PROTECTION OF CHILDREN FROM SEXUAL OFFENCES (POCSO ACT)

All forms of sexual victimisation of children, including penetrative and non-penetrative sexual encounters, pornography, sexual harassment, commercial sexual exploitation, sex tourism, and internet exploitation, are considered forms of child sexual abuse (CSA). The Protection of Children from Sexual offences (POCSO) Act, 2012, which considers any sexual interaction with a kid under the age of 18 to be a crime, defines a variety of sexual offences in India. A recent epidemiological study mentions that the prevalence rates of CSA in Europe, America and Asia were 9.2%, 10.1% and 23.9%, respectively. Prior to the POCSO Act's passage, rules pertaining to sexual offences against minors were dispersed among a number of statutes, including the Juvenile Justice Act, the Indian Penal Code (IPC), and other legal measures. It was determined that these rules were insufficient to adequately handle the unique and delicate aspect of crimes against children. The National Commission for Women (NCW) and the legislation Commission of India suggested creating a comprehensive legislation that would only deal

¹⁵ UN Convention on the Rights of the Child - UNICEF UK. (n.d.). UNICEF UK. <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

with sexual offences against minors. The necessity of a child-friendly legislative system that puts children's greatest interests and protection first was underlined by these proposals. The public's uproar and calls for justice, coupled with a number of high-profile examples of child sexual exploitation and abuse, forced the judiciary to act. In order to address offences against minors, the Apex Court and many High Courts stressed how urgently a special statute needed to be passed. The Indian Parliament passed the Protection of Children from Sexual Offences (POCSO) Act in May 2012 in response to the recommendations and the urgent need to shield children from sexual offences. The Act was overwhelmingly approved by the two houses of Parliament. The POCSO Act outlines certain sexual offences against minors and imposes severe penalties on violators. It emphasises kid-friendly protocols for the investigation and prosecution, with a focus on preserving the victim's child victim's dignity and privacy. The Act requires the creation of special courts in order to expedite the hearing of matters falling under its jurisdiction. It also describes the protocols for documenting, managing, and reporting cases in order to provide a welcoming and unthreatening atmosphere for children during court proceedings. To address new issues and problems, the POCSO Act has been amended. For example, the death sentence for serious sexual assault involving children was added in 2019 modifications.

With its focus on the needs of the child, the POCSO Act has been crucial in addressing and preventing sexual offences against minors in India. It is a part of India's larger initiatives to build a safer and more protected environment for its youthful population and displays a commitment to protecting children's rights and wellbeing.