



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL
ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, translated, or distributed in any form or by any means—whether electronic, mechanical, photocopying, recording, scanning, or otherwise—without the prior written permission of the Editor-in-Chief of *White Black Legal – The Law Journal*.

All copyrights in the articles published in this journal vest with *White Black Legal – The Law Journal*, unless otherwise expressly stated. Authors are solely responsible for the originality, authenticity, accuracy, and legality of the content submitted and published.

The views, opinions, interpretations, and conclusions expressed in the articles are exclusively those of the respective authors. They do not represent or reflect the views of the Editorial Board, Editors, Reviewers, Advisors, Publisher, or Management of *White Black Legal*.

While reasonable efforts are made to ensure academic quality and accuracy through editorial and peer-review processes, *White Black Legal* makes no representations or warranties, express or implied, regarding the completeness, accuracy, reliability, or suitability of the content published. The journal shall not be liable for any errors, omissions, inaccuracies, or consequences arising from the use, interpretation, or reliance upon the information contained in this publication.

The content published in this journal is intended solely for academic and informational purposes and shall not be construed as legal advice, professional advice, or legal opinion. *White Black Legal* expressly disclaims all liability for any loss, damage, claim, or legal consequence arising directly or indirectly from the use of any material published herein.

ABOUT WHITE BLACK LEGAL

White Black Legal – The Law Journal is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

- Constitutional and Administrative Law
- Criminal Law and Criminal Justice
- Corporate, Commercial, and Business Laws
- Intellectual Property and Technology Law
- International Law and Human Rights
- Environmental and Sustainable Development Law
- Cyber Law, Artificial Intelligence, and Emerging Technologies
- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

INTERNATIONAL STANDARDS AND INDIAN LAW **ON CHILD VICTIMS' RIGHTS: A COMPARATIVE** **STUDY**

AUTHORED BY - MS. JASHANPREET KAUR

LL.M. student

University School of Law, SGGSWU, Fatehgarh Sahib, Punjab

Abstract

The protection of child victims has emerged as a significant concern within both international human rights law and domestic legal systems. Children who become victims of crime, abuse, exploitation, trafficking, neglect, or violence occupy a particularly vulnerable position due to their age, dependency, and limited capacity to protect their own interests. Recognizing this vulnerability, the international community has developed various standards and principles aimed at ensuring the protection, rehabilitation, participation, and access to justice of child victims. Instruments such as the United Nations Convention on the Rights of the Child, the United Nations Guidelines on Justice Matters involving Child Victims and Witnesses of Crime, and other international frameworks emphasize a child-centric approach that prioritizes dignity, best interests, and recovery. In India, several constitutional provisions, legislative measures, and judicial interventions seek to safeguard the rights of child victims. However, challenges relating to implementation, procedural delays, inadequate rehabilitation, and secondary victimization continue to persist. This paper critically examines international standards and the Indian legal framework governing child victims' rights and undertakes a comparative analysis to identify strengths, deficiencies, and areas requiring reform. The study argues that while India has made substantial progress in child protection, greater alignment with international standards is necessary to ensure a comprehensive and effective child-friendly justice system.

Keywords

Child Victims, Child Rights, UNCRC, POCSO Act, Juvenile Justice Act, Child-Friendly Justice, Victim Protection, Rehabilitation, International Standards, India

I. Introduction

The protection of children has long occupied a central place in international human rights discourse and domestic legal systems. Children constitute one of the most vulnerable sections of society because of their physical, emotional, and psychological dependence upon adults. Their vulnerability becomes even more pronounced when they become victims of crimes such as sexual abuse, trafficking, child labour, domestic violence, neglect, kidnapping, exploitation, or other forms of victimization. Unlike adults, children often lack the ability to understand legal processes, assert their rights, or seek remedies independently. Consequently, the legal system bears a heightened responsibility to ensure that child victims receive adequate protection, support, and access to justice.

Historically, criminal justice systems across the world were primarily offender-oriented, focusing on the investigation, prosecution, and punishment of offenders while paying comparatively little attention to the rights and needs of victims. Child victims were frequently treated merely as witnesses in criminal proceedings rather than as rights-bearing individuals entitled to special care and protection. This traditional approach often exposed children to further trauma through repeated questioning, hostile courtroom environments, and prolonged legal proceedings. The growing recognition of the psychological impact of victimization on children led to a gradual shift towards victim-centred and child-sensitive justice systems.¹

The international community has played a significant role in promoting this transformation. Various international instruments have established principles designed to safeguard child victims and ensure that their rights are respected throughout the justice process. The adoption of the United Nations Convention on the Rights of the Child (UNCRC) in 1989 marked a watershed moment in the recognition of children's rights as human rights.² The Convention emphasizes the principles of non-discrimination, the best interests of the child, survival and development, and participation. These principles have subsequently influenced numerous international guidelines and national legal systems. The United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime further strengthened the international framework by emphasizing dignity, protection, privacy, participation, and rehabilitation.³

India, as a signatory to the UNCRC and various other international instruments, has undertaken

¹ Jo-Anne Wemmers, *Victims in the Criminal Justice System* 15-18 (Kugler Publications, Amsterdam, 1996).

² Convention on the Rights of the Child, adopted on Nov. 20, 1989, 1577 UNTS 3.

³ United Nations Economic and Social Council, *Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime*, ECOSOC Res. 2005/20 (July 22, 2005).

several legislative and policy measures to protect child victims. The Constitution of India embodies a commitment to child welfare through provisions relating to equality, dignity, education, and protection from exploitation.⁴ Legislative enactments such as the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), the Juvenile Justice (Care and Protection of Children) Act, 2015, and provisions contained in the Bharatiya Nyaya Sanhita, 2023 seek to provide legal safeguards for children who become victims of crime. Judicial decisions have also played an important role in interpreting these laws in a manner that promotes child welfare and access to justice.⁵

Despite these developments, significant challenges remain. Many child victims continue to face obstacles in reporting crimes due to social stigma, fear of retaliation, lack of awareness, and institutional shortcomings. Delays in investigation and trial often prolong the trauma experienced by victims. Inadequate rehabilitation services, limited psychological support, and inconsistencies in the implementation of child-friendly procedures further weaken the effectiveness of legal protections. Moreover, disparities between international standards and domestic practices continue to raise concerns regarding the adequacy of existing safeguards.

The concept of child victims' rights extends beyond mere protection from harm. It encompasses the right to be treated with dignity and compassion, the right to participate in legal proceedings, the right to privacy, the right to receive protection from intimidation and retaliation, and the right to rehabilitation and reintegration into society. Modern child justice systems increasingly recognize that the objective of legal intervention should not merely be the punishment of offenders but also the restoration of the child's well-being and development.⁶

The comparative study of international standards and Indian law is therefore essential to assess the extent to which domestic legal mechanisms conform to globally accepted principles. Such an examination enables the identification of strengths and weaknesses within the existing framework and provides guidance for future reforms. As India continues to strengthen its child protection regime, lessons derived from international standards can contribute significantly to the development of a more effective and child-centric justice system.

This paper seeks to critically analyse the rights of child victims under international law and Indian law and to evaluate the degree of harmony between them. By examining legal principles, statutory frameworks, and judicial developments, the study aims to contribute to the ongoing

⁴ INDIA CONST. arts. 14, 15(3), 21, 21A, 23, 24, 39(e), 39(f), 45.

⁵ *Sakshi v. Union of India*, (2004) 5 SCC 518; *Nipun Saxena v. Union of India*, (2019) 2 SCC 703.

⁶ Geraldine Van Bueren, *The International Law on the Rights of the Child* 31-37 (Martinus Nijhoff Publishers, The Hague, 1998).

discourse on child protection and victim rights. It argues that while India has adopted several progressive measures, achieving full compliance with international standards requires stronger implementation mechanisms, improved institutional coordination, enhanced rehabilitation services, and a more comprehensive commitment to child-friendly justice.

II. International Standards on Child Victims' Rights

The development of international standards relating to child victims' rights represents one of the most significant achievements of modern human rights law. Historically, children who suffered abuse, exploitation, neglect, trafficking, or violence were largely viewed as passive recipients of welfare rather than as independent holders of legal rights. The evolution of international law gradually transformed this perception by recognizing children as individuals entitled to dignity, protection, participation, and access to justice. This shift was driven by the growing realization that children experience victimization differently from adults and therefore require specialized legal safeguards designed to address their unique vulnerabilities and developmental needs.⁷

The modern framework of child victims' rights is primarily rooted in the principle that every child possesses inherent human dignity and is entitled to special protection by reason of childhood. International instruments emphasize that legal systems must not merely punish offenders but must also ensure the recovery, rehabilitation, and reintegration of child victims. The focus has therefore expanded beyond traditional criminal justice objectives to include psychological well-being, social support, and the restoration of normal childhood development. This child-centred approach has become a defining characteristic of contemporary international standards.

A landmark development in this regard was the adoption of the United Nations Convention on the Rights of the Child (UNCRC) in 1989. The Convention is widely regarded as the most comprehensive international instrument concerning children's rights and has achieved near-universal acceptance among States.⁸ The Convention establishes several guiding principles that directly influence the protection of child victims. The principle of the best interests of the child requires that all actions concerning children must prioritize their welfare and development. Similarly, the principle of non-discrimination ensures that every child receives equal protection irrespective of gender, religion, ethnicity, disability, or social background. The Convention

⁷ Geraldine Van Bueren, *The International Law on the Rights of the Child* 15-22 (Martinus Nijhoff Publishers, The Hague, 1998).

⁸ *Supra* note 2.

further recognizes the child's right to survival and development and affirms the child's right to express views in matters affecting them.

The UNCRC contains several provisions specifically relevant to child victims. Article 19 obligates States to protect children from all forms of physical or mental violence, injury, abuse, neglect, maltreatment, or exploitation while under the care of parents, guardians, or any other person responsible for the child.⁹ Article 34 requires States to protect children from all forms of sexual exploitation and sexual abuse, while Article 35 mandates measures to prevent the abduction, sale, and trafficking of children. Article 39 is particularly significant because it requires States to promote the physical and psychological recovery and social reintegration of child victims in an environment that fosters health, self-respect, and dignity. These provisions collectively establish that child protection extends beyond prevention and punishment to encompass rehabilitation and long-term welfare.

The international framework was further strengthened through the adoption of the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime in 2005. These Guidelines recognize that child victims often experience secondary victimization during legal proceedings and therefore require special procedural safeguards.¹⁰ The Guidelines emphasize that child victims must be treated with compassion and respect for their dignity throughout the justice process. They stress the importance of minimizing trauma by reducing unnecessary interviews, ensuring child-friendly procedures, protecting privacy, and preventing intimidation by offenders or other parties.

A notable feature of the Guidelines is their recognition of the child's right to participate in legal proceedings. Traditionally, children were often excluded from decision-making processes on the assumption that they lacked sufficient maturity. However, modern international standards acknowledge that children possess evolving capacities and should be given opportunities to express their views in accordance with their age and understanding. Participation not only enhances the fairness of proceedings but also promotes a sense of empowerment and respect for the child's autonomy.¹¹

Privacy protection constitutes another fundamental aspect of international standards. Child victims frequently face risks of stigmatization, social exclusion, and emotional distress if their identities are disclosed publicly. Consequently, international instruments emphasize

⁹ *Id.*, art. 19.

¹⁰ *Supra* note 3.

¹¹ UNICEF, *Implementation Handbook for the Convention on the Rights of the Child* 145-150 (UNICEF, New York, 2007).

confidentiality and privacy throughout investigations, prosecutions, and judicial proceedings. The publication of identifying information concerning child victims is generally discouraged because such disclosure may cause lasting psychological harm and discourage reporting of offences.

International law also recognizes that child victims require access to effective remedies and support services. Victim support is not limited to legal representation but extends to counselling, healthcare, shelter, educational assistance, and social reintegration programmes. The concept of restorative justice has gained increasing recognition in this context. Rather than focusing exclusively on punishment, restorative approaches seek to address the harm suffered by victims and facilitate healing and reintegration. While restorative justice must be applied cautiously in cases involving children, its emphasis on recovery aligns closely with contemporary understandings of child victims' rights.¹²

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice, commonly known as the Beijing Rules, have also contributed significantly to the protection of children within justice systems. Although originally focused on juvenile offenders, the principles contained in the Rules promote child-sensitive procedures and respect for children's rights throughout legal processes.¹³ The Rules emphasize fairness, dignity, and proportionality while encouraging legal systems to adopt measures that minimize harm to children involved in judicial proceedings. Similarly, the United Nations Guidelines for the Prevention of Juvenile Delinquency, commonly known as the Riyadh Guidelines, recognize the importance of creating social environments that protect children from victimization and exploitation. These Guidelines stress the role of family, education, community support, and social welfare institutions in preventing circumstances that expose children to abuse or neglect. By addressing structural and social causes of victimization, the Riyadh Guidelines complement legal protections and contribute to a broader framework of child welfare.

Regional human rights instruments have also played a significant role in advancing child victims' rights. The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, commonly known as the Lanzarote Convention, establishes comprehensive obligations relating to prevention, prosecution, victim assistance, and international cooperation.¹⁴ Although India is not a party to this regional instrument, its

¹² Jo-Anne Wemmers, *Victims in the Criminal Justice System* 78-84 (Kugler Publications, Amsterdam, 1996).

¹³ United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), G.A. Res. 40/33, Nov. 29, 1985.

¹⁴ Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Oct. 25, 2007, CETS No. 201.

provisions offer valuable guidance regarding best practices in child protection. The Convention emphasizes child-friendly reporting mechanisms, specialized investigative procedures, and coordinated support services, many of which have influenced contemporary child protection frameworks worldwide.

The international legal framework further recognizes the importance of combating child trafficking, child labour, and other forms of exploitation. Instruments adopted by the International Labour Organization and the United Nations require States to implement measures addressing the root causes of exploitation while ensuring effective support for victims. These standards highlight that child victimization is often linked to poverty, discrimination, lack of education, and social exclusion. Consequently, effective protection requires both legal intervention and broader social policies aimed at addressing underlying vulnerabilities.

Despite the existence of extensive international standards, implementation remains a significant challenge across many jurisdictions. Differences in legal systems, resource constraints, cultural practices, and institutional capacities often affect the effectiveness of child protection measures. Nevertheless, international standards continue to serve as important benchmarks for evaluating domestic legal frameworks and guiding legislative reforms. They provide a coherent vision of child-friendly justice based upon dignity, participation, protection, rehabilitation, and accountability.

The cumulative effect of these international instruments has been the emergence of a rights-based approach to child victim protection. This approach rejects the notion that children are merely passive beneficiaries of welfare and instead recognizes them as rights holders entitled to meaningful participation and effective remedies. Contemporary international law therefore requires States not only to prevent victimization but also to ensure that child victims receive support, recovery, and justice in a manner consistent with their best interests and developmental needs. The influence of these standards is increasingly evident in national legal systems, including India, where legislative and judicial developments have sought to incorporate many of these principles into domestic law.

III. Child Victims' Rights under Indian Law

The protection of child victims in India is grounded in a combination of constitutional guarantees, statutory enactments, judicial interpretations, and policy measures designed to secure the welfare and dignity of children. Over the years, the Indian legal system has

increasingly recognized that children who become victims of crime require special protection because of their vulnerability and limited capacity to navigate legal processes independently. This recognition has led to the development of a legal framework that seeks not only to punish offenders but also to provide support, rehabilitation, and access to justice for child victims. While substantial progress has been achieved, the effectiveness of this framework continues to depend upon its implementation and the ability of institutions to adopt a genuinely child-centric approach.

The constitutional foundation of child protection in India is reflected in several provisions that collectively emphasize dignity, equality, development, and protection from exploitation. Article 14 guarantees equality before law and equal protection of laws, ensuring that child victims are entitled to the same legal protection as all other individuals.¹⁵ Article 15(3) empowers the State to make special provisions for children, thereby recognizing the need for differential treatment to address their unique vulnerabilities. Article 21, which guarantees the right to life and personal liberty, has been interpreted expansively by the Supreme Court to include the right to live with dignity, privacy, safety, and development.¹⁶ These constitutional protections are supplemented by Directive Principles of State Policy, particularly Articles 39(e) and 39(f), which require the State to protect children against abuse and to ensure conditions conducive to their healthy development.¹⁷

The legislative framework for child victims underwent a significant transformation with the enactment of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act). Prior to this legislation, offences against children were largely addressed through general provisions of criminal law, which often failed to recognize the specific needs of child victims. The POCSO Act introduced a comprehensive legal regime specifically designed to address sexual offences against children and to ensure child-friendly procedures throughout the criminal justice process.¹⁸ The Act adopts a broad definition of sexual offences and provides safeguards intended to minimize trauma during investigation and trial.

One of the most notable features of the POCSO Act is its emphasis on child-friendly procedures. Statements of child victims are required to be recorded in environments where the child feels comfortable and secure. The Act discourages aggressive questioning and mandates

¹⁵ INDIA CONST. art. 14.

¹⁶ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248; *Justice K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.

¹⁷ INDIA CONST. arts. 39(e), 39(f).

¹⁸ The Protection of Children from Sexual Offences Act, 2012 (Act 32 of 2012), ss. 2(d), 19, 24, 26, 27, 33, 35, 37 and 40.

that legal proceedings be conducted in a manner that minimizes intimidation and emotional distress. The identity of child victims is protected, and media disclosure of identifying information is prohibited. These safeguards reflect an understanding that the justice process itself can become a source of secondary victimization if not handled with sensitivity and care.¹⁹

The judiciary has played an important role in strengthening the rights of child victims. In *Sakshi v. Union of India*, the Supreme Court emphasized the necessity of adopting procedures that protect children from trauma during legal proceedings.²⁰ The Court acknowledged the difficulties faced by child victims in recounting experiences of abuse and stressed the importance of ensuring that the justice system remains accessible and sensitive to their needs. The decision marked an important step towards recognizing child-friendly justice as an essential component of victim protection.

The Juvenile Justice (Care and Protection of Children) Act, 2015 constitutes another significant pillar of India's child protection framework. While the Act is often associated with children in conflict with law, it also provides protection for children in need of care and protection, including victims of abuse, neglect, exploitation, trafficking, and abandonment.²¹ The legislation establishes institutional mechanisms such as Child Welfare Committees, which are empowered to take measures for the care, protection, treatment, development, and rehabilitation of vulnerable children. The Act adopts a welfare-oriented approach and emphasizes rehabilitation and reintegration rather than merely addressing immediate risks.

The concept of rehabilitation occupies a central position within Indian child protection laws. Contemporary legal approaches increasingly recognize that justice for child victims cannot be achieved solely through the conviction of offenders. Victims frequently require psychological counselling, educational support, healthcare services, shelter, and social reintegration programmes. The Juvenile Justice Act and various governmental schemes seek to provide such assistance, although the availability and quality of services often vary across different regions of the country. Effective rehabilitation remains one of the most challenging aspects of child victim protection due to resource limitations and institutional constraints.

The Bharatiya Nyaya Sanhita, 2023 has further strengthened protections available to child victims by retaining and expanding criminal provisions relating to offences against children. The legislation criminalizes acts such as trafficking, sexual exploitation, kidnapping, and

¹⁹ *Id.*, ss. 24, 26, 33 and 37.

²⁰ *Supra note 5.*

²¹ The Juvenile Justice (Care and Protection of Children) Act, 2015 (Act 2 of 2016), ss. 2(14), 3, 27, 29, 30, 31, 36 and 39.

various forms of abuse directed against children.²² These provisions complement specialized laws such as the POCSO Act and reinforce the State's commitment to protecting children from victimization. The integration of child protection principles within general criminal law reflects the recognition that offences against children constitute serious violations of human dignity and fundamental rights.

The right to privacy has emerged as an increasingly important dimension of child victims' rights in India. The disclosure of a child victim's identity may result in stigma, social exclusion, psychological harm, and reluctance among other victims to report offences. In *Nipun Saxena v. Union of India*, the Supreme Court emphasized the importance of protecting the identity of victims of sexual offences and directed strict compliance with confidentiality requirements.²³ Although the case addressed broader issues relating to victims of sexual violence, its principles have significant implications for child victims, who often face even greater risks of social and psychological harm.

The Supreme Court has also recognized the importance of adopting a purposive interpretation of child protection laws. In *Eera v. State (NCT of Delhi)*, the Court highlighted the protective object of the POCSO Act and emphasized that statutory provisions must be interpreted in a manner that advances the welfare and protection of children.²⁴ This approach reflects the broader constitutional commitment to child welfare and reinforces the principle that legal interpretation should prioritize the best interests of the child.

Compensation constitutes another important aspect of victim protection under Indian law. Child victims often suffer not only physical and emotional harm but also educational disruption, social exclusion, and long-term psychological consequences. Victim compensation schemes seek to provide financial assistance to support recovery and rehabilitation. Courts have increasingly emphasized the importance of compensation as a component of restorative justice, recognizing that meaningful support is necessary to facilitate recovery and reintegration. However, practical difficulties relating to awareness, accessibility, and implementation continue to affect the effectiveness of compensation mechanisms.

Despite the existence of an extensive legal framework, significant challenges remain. Delays in investigation and trial frequently prolong the suffering of child victims. In many cases, children must repeatedly recount traumatic experiences before different authorities, increasing the risk of secondary victimization. Limited availability of trained professionals, inadequate

²² The Bharatiya Nyaya Sanhita, 2023 (Act 45 of 2023), ss. 93, 94, 95, 96, 137, 138, 139 and 143.

²³ *Supra note 5*.

²⁴ (2017) 15 SCC 133.

counselling facilities, and insufficient coordination among institutions further weaken the effectiveness of legal protections. Rural and marginalized communities often face additional barriers due to lack of awareness and limited access to support services.

Another concern relates to the gap between legal guarantees and actual implementation. Although child-friendly procedures are mandated by law, their practical application varies considerably across jurisdictions. Investigating officers, prosecutors, medical professionals, and judicial officers may not always receive specialized training necessary for handling cases involving child victims. Consequently, children may continue to encounter intimidating environments and insensitive treatment despite the existence of protective legal provisions.

Nevertheless, the evolution of Indian law demonstrates a clear movement towards a rights-based and child-centric approach to victim protection. Constitutional guarantees, specialized legislation, judicial interventions, and welfare-oriented policies collectively reflect a growing commitment to safeguarding the dignity and well-being of child victims. While challenges remain, the legal framework provides a strong foundation upon which further reforms can be built. The extent to which this framework aligns with international standards, however, requires closer examination through a comparative analysis of the principles governing child victims' rights at both the international and domestic levels.

IV. Comparative Analysis of International Standards and Indian Law

The protection of child victims has evolved significantly within both international law and the Indian legal system. Although India has enacted various constitutional, statutory, and policy measures aimed at safeguarding children from victimization, the extent to which these protections align with internationally recognized standards remains a subject of considerable legal and academic discussion. A comparative analysis reveals substantial convergence between international norms and Indian law in several areas. At the same time, important gaps persist, particularly in relation to implementation, institutional capacity, rehabilitation mechanisms, and the practical realization of child-friendly justice.

One of the most fundamental principles governing international child rights law is the doctrine of the best interests of the child. This principle, recognized under Article 3 of the United Nations Convention on the Rights of the Child, requires that the welfare and well-being of the child be treated as a primary consideration in all actions affecting children.²⁵ International standards view this principle not merely as a policy objective but as a legally enforceable

²⁵ *Supra* note 2.

obligation that must guide legislative, administrative, and judicial decision-making. Indian law has increasingly embraced this principle through constitutional interpretation, child welfare legislation, and judicial pronouncements. The Juvenile Justice (Care and Protection of Children) Act, 2015 expressly incorporates the best interests principle, while courts have repeatedly emphasized that decisions affecting children must prioritize their welfare and development.²⁶ Nevertheless, despite statutory recognition, practical implementation often varies across jurisdictions due to differences in institutional resources and administrative efficiency.

A second area of comparison relates to the participation rights of child victims. Modern international standards reject the traditional assumption that children should remain passive subjects of legal proceedings. The UNCRC recognizes the child's right to express views freely in matters affecting them and requires those views to be given due weight according to the child's age and maturity.²⁷ Similarly, the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime emphasize that children should be informed about proceedings, consulted when appropriate, and allowed meaningful participation. Indian law has gradually moved towards recognizing these principles. Child-friendly procedures under the POCSO Act seek to facilitate communication with child victims and reduce intimidation during legal processes. Judicial decisions have also emphasized the need to hear and consider the perspectives of children in matters affecting their rights and welfare.²⁸ However, practical challenges remain, as many children continue to encounter procedural complexities and institutional environments that limit effective participation.

The protection of privacy constitutes another significant area of convergence between international standards and Indian law. International instruments consistently recognize that child victims require special protection against public exposure, stigmatization, and disclosure of sensitive information. The publication of identifying details is generally prohibited because such disclosure may result in long-term psychological and social harm.²⁹ Indian law similarly provides robust safeguards concerning confidentiality. The POCSO Act prohibits the disclosure of information that may reveal the identity of child victims, while judicial decisions have reinforced the obligation to maintain confidentiality. In *Nipun Saxena v. Union of India*, the Supreme Court emphasized that victim privacy is essential to preserving dignity and

²⁶ The Juvenile Justice (Care and Protection of Children) Act, 2015 (Act 2 of 2016), s. 3(iv).

²⁷ *Supra* note 2.

²⁸ *Supra* note 5.

²⁹ *Supra* note 3.

encouraging reporting of offences.³⁰ While the legal framework demonstrates substantial consistency with international standards, challenges occasionally arise due to media reporting, social media dissemination, and inconsistent enforcement of confidentiality requirements.

The right to protection from secondary victimization represents another important dimension of international child protection standards. Secondary victimization occurs when legal procedures themselves inflict additional trauma upon victims through insensitive treatment, repeated questioning, delays, or exposure to intimidating environments. International guidelines therefore emphasize child-friendly interviews, specialized support services, and procedures designed to minimize psychological harm.³¹ Indian law has incorporated several of these principles through provisions requiring child-friendly investigation and trial procedures. The POCSO Act mandates that statements be recorded in a supportive environment and seeks to reduce unnecessary interaction between victims and accused persons. Despite these legal safeguards, implementation remains uneven. Many child victims continue to experience repeated interviews, prolonged proceedings, and inadequate psychological support, highlighting the gap between legislative intent and practical reality.

Rehabilitation and recovery constitute areas where international standards arguably provide a broader and more comprehensive framework than domestic implementation. Article 39 of the UNCRC requires States to promote the physical and psychological recovery and social reintegration of child victims in an environment conducive to health, dignity, and self-respect.³² International law views rehabilitation as an integral component of justice rather than a supplementary measure. Indian law also recognizes the importance of rehabilitation through provisions contained in the Juvenile Justice Act, victim compensation schemes, and various welfare programmes. However, rehabilitation services often remain inconsistent in terms of quality, accessibility, and availability. Psychological counselling, educational assistance, vocational training, and long-term reintegration support are not uniformly available across all regions. Consequently, while legal recognition exists, implementation frequently falls short of international expectations.

Compensation mechanisms provide another useful basis for comparison. International standards increasingly acknowledge the importance of compensation and restorative measures as components of victim justice. Financial assistance may help victims access medical treatment, educational opportunities, and support services necessary for recovery. Indian law

³⁰ *Supra* note 5.

³¹ *Supra* note 3.

³² *Supra* note 2.

has adopted victim compensation schemes under criminal justice frameworks and judicial directives. Courts have repeatedly emphasized that compensation is not merely a matter of financial assistance but also a recognition of harm suffered by victims.³³ However, procedural delays, lack of awareness, and administrative barriers often hinder access to compensation. Compared to international standards, which emphasize prompt and effective assistance, Indian mechanisms occasionally struggle with implementation challenges.

Institutional mechanisms constitute another area where important differences emerge. International standards encourage multidisciplinary approaches involving law enforcement agencies, social workers, psychologists, healthcare professionals, educators, and child protection authorities working collaboratively to address the needs of child victims. This integrated approach recognizes that child victimization has legal, social, psychological, and developmental dimensions. India has established institutions such as Child Welfare Committees, Special Courts under the POCSO Act, District Child Protection Units, and various support services.³⁴ Nevertheless, coordination among these institutions is often inconsistent, resulting in fragmentation and delays. International experience suggests that stronger inter-agency cooperation and specialized training can significantly enhance the effectiveness of child protection systems.

Another significant point of comparison concerns access to justice. International instruments emphasize that justice systems must be accessible, understandable, and responsive to the needs of children. Legal proceedings should be conducted in a manner that children can comprehend and participate in effectively. Indian law has made notable progress in this regard through special courts, child-friendly procedures, and legal aid mechanisms. However, barriers such as social stigma, lack of awareness, procedural delays, and limited access to legal support continue to affect many child victims. The existence of legal rights alone is insufficient unless accompanied by mechanisms that enable children to exercise those rights effectively.

A broader comparative assessment indicates that India has largely succeeded in incorporating the normative principles reflected in international standards into its domestic legal framework. Concepts such as dignity, best interests, privacy, participation, rehabilitation, and child-friendly justice are firmly embedded within legislation and judicial interpretation. The principal challenge therefore lies not in legislative deficiency but in implementation. International standards increasingly focus upon outcomes and effectiveness rather than mere legal

³³ *Ankush Shivaji Gaikwad v. State of Maharashtra*, (2013) 6 SCC 770.

³⁴ The Protection of Children from Sexual Offences Act, 2012 (Act 32 of 2012), ss. 24, 26, 33, 37 and 40; The Juvenile Justice (Care and Protection of Children) Act, 2015 (Act 2 of 2016), ss. 2(14), 3, 27, 29 and 30.

recognition. From this perspective, the success of child protection frameworks must be measured by the extent to which children actually receive protection, support, and justice in practice.

The comparison ultimately demonstrates that Indian law reflects a strong commitment to international child rights principles. Significant legislative reforms, progressive judicial decisions, and specialized institutional mechanisms have contributed to the development of a child-centred legal framework. However, achieving full conformity with international standards requires sustained efforts to strengthen implementation, expand rehabilitation services, improve institutional coordination, reduce procedural delays, and enhance awareness among stakeholders. The existence of legal protections is undoubtedly important, but the true measure of success lies in ensuring that every child victim experiences justice not merely as a legal process but as a meaningful pathway towards recovery, dignity, and reintegration.

V. Challenges in the Protection of Child Victims

Despite the existence of extensive international standards and a relatively comprehensive domestic legal framework, the protection of child victims continues to face significant challenges in practice. The effectiveness of legal safeguards depends not only upon the enactment of laws but also upon their implementation by institutions entrusted with child welfare and criminal justice administration. In many cases, child victims continue to encounter barriers that undermine their access to justice, delay their recovery, and weaken the overall effectiveness of protection mechanisms.

One of the most persistent challenges is the problem of underreporting. A substantial number of offences against children remain unreported because of fear, social stigma, family pressure, economic dependence, and lack of awareness regarding available legal remedies. Children are often reluctant to disclose experiences of abuse due to fear of retaliation, feelings of shame, or emotional attachment to the perpetrator, who may frequently be a family member, caregiver, or trusted acquaintance. Consequently, many child victims remain outside the formal justice system and are deprived of legal protection and support services.³⁵

Another significant concern relates to secondary victimization. Although contemporary legal frameworks emphasize child-friendly procedures, many children continue to experience trauma during investigation and trial. Repeated interviews by different authorities, insensitive

³⁵ UNICEF, *Hidden in Plain Sight: A Statistical Analysis of Violence Against Children 22-28* (UNICEF, New York, 2014).

questioning, lengthy court proceedings, and exposure to intimidating environments may cause additional psychological harm. Child victims often find it difficult to repeatedly narrate traumatic experiences, particularly in cases involving sexual abuse or exploitation. The justice process itself may therefore become a source of distress rather than protection.³⁶

Delay in investigation and adjudication constitutes another serious obstacle. Criminal proceedings involving child victims frequently take several years to conclude despite legislative efforts to ensure expeditious disposal. Delayed justice may adversely affect the emotional well-being of children, weaken evidentiary value, and reduce confidence in legal institutions. The prolonged uncertainty associated with pending proceedings can hinder rehabilitation and interfere with educational and social development. Although special courts have been established under the POCSO Act, increasing case backlogs continue to pose substantial challenges.

The availability of rehabilitation and support services remains uneven across different regions of the country. International standards emphasize that child victims require psychological counselling, healthcare, educational support, social reintegration, and long-term assistance. In practice, however, access to such services often depends upon geographical location, institutional capacity, and resource availability. Rural and economically disadvantaged regions frequently lack trained counsellors, child psychologists, social workers, and specialized rehabilitation centres. As a result, many child victims receive limited assistance beyond the completion of criminal proceedings.³⁷

Institutional coordination also presents significant difficulties. The protection of child victims requires cooperation among law enforcement agencies, judicial institutions, child welfare authorities, healthcare providers, educational institutions, and civil society organizations. However, fragmented responsibilities and inadequate communication frequently undermine the effectiveness of protection mechanisms. Delays in information sharing, overlapping functions, and administrative inefficiencies may adversely affect the quality of support provided to child victims.

Another challenge arises from inadequate training and sensitization of stakeholders. Police officers, prosecutors, medical professionals, teachers, social workers, and judicial officers play critical roles in the protection of child victims. Nevertheless, many stakeholders may not receive sufficient specialized training regarding child psychology, trauma-informed

³⁶ *Supra* note 3.

³⁷ Save the Children, *Protecting Children in Justice Systems* 45-50 (Save the Children International, London, 2018).

approaches, and child-friendly procedures. The absence of adequate training can result in insensitive treatment, procedural irregularities, and failures to recognize the unique needs of child victims.

Technological developments have created additional concerns relating to online exploitation, cyberbullying, child pornography, grooming, and digital trafficking. The rapid expansion of internet access has generated new opportunities for offenders to target children through digital platforms. While legal frameworks have evolved to address some of these issues, enforcement agencies often struggle to keep pace with emerging technological challenges. Effective protection increasingly requires specialized expertise, technological resources, and international cooperation.

The persistence of socio-economic inequalities further complicates child protection efforts. Poverty, illiteracy, gender discrimination, social exclusion, and lack of access to education often increase children's vulnerability to victimization. Children belonging to marginalized communities frequently face additional barriers in accessing justice and support services. Consequently, legal reforms alone cannot eliminate child victimization unless accompanied by broader social and economic measures aimed at reducing vulnerability and promoting child welfare.

These challenges demonstrate that the protection of child victims requires a holistic and multidisciplinary approach. While legal safeguards are indispensable, their effectiveness ultimately depends upon strong institutions, adequate resources, professional training, social awareness, and sustained commitment to child welfare. Addressing these challenges is essential to ensuring that legal rights translate into meaningful protection and recovery for child victims.

VI. Conclusion and Suggestions

The protection of child victims has emerged as one of the most important dimensions of contemporary human rights law and criminal justice policy. The international community has progressively recognized that children who become victims of crime require protection extending beyond traditional criminal law responses. International standards embodied in instruments such as the United Nations Convention on the Rights of the Child, the Beijing Rules, and the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime emphasize dignity, participation, privacy, protection, rehabilitation, and access to justice. These principles collectively establish a child-centred approach that seeks to promote recovery and reintegration while safeguarding the best interests of the child.

India has made substantial progress in incorporating these principles within its constitutional and statutory framework. Constitutional guarantees, the Protection of Children from Sexual Offences Act, 2012, the Juvenile Justice (Care and Protection of Children) Act, 2015, and judicial interventions have significantly strengthened the legal protection available to child victims. The comparative analysis undertaken in this study demonstrates that Indian law substantially reflects the normative values embodied in international standards. Principles such as confidentiality, child-friendly procedures, rehabilitation, and victim participation are increasingly recognized within domestic law and judicial practice.

However, the existence of legal safeguards does not automatically guarantee effective protection. Significant implementation challenges continue to affect the realization of child victims' rights. Delayed proceedings, inadequate rehabilitation services, secondary victimization, institutional fragmentation, and disparities in access to justice often undermine the objectives of child protection laws. The gap between legal recognition and practical implementation remains one of the most significant obstacles to achieving meaningful justice for child victims.

Certain reforms may strengthen the protection framework and enhance compliance with international standards. First, greater emphasis should be placed upon specialized training of police officers, prosecutors, judges, medical professionals, and child welfare personnel to ensure sensitive and child-friendly handling of cases. Second, rehabilitation services should be expanded through increased investment in counselling, mental health support, educational assistance, and reintegration programmes. Third, stronger institutional coordination among child protection agencies, courts, law enforcement authorities, and social welfare organizations is necessary to provide comprehensive support to victims. Fourth, awareness programmes should be conducted to encourage reporting of offences and reduce the social stigma often associated with victimization. Fifth, technological capacities should be strengthened to address emerging threats relating to online exploitation and cyber-enabled offences against children.

The principle of the best interests of the child must remain the guiding consideration in every stage of the justice process. Legal institutions should not merely seek to punish offenders but should also ensure that child victims receive protection, support, dignity, and opportunities for recovery. A truly child-friendly justice system is one that recognizes children as rights holders and places their welfare at the centre of all decision-making processes.

In conclusion, while India has established a robust legal framework for the protection of child victims, achieving full compliance with international standards requires continued reform, effective implementation, and sustained institutional commitment. The future of child

protection lies not merely in stronger laws but in creating a justice system that is accessible, compassionate, responsive, and capable of safeguarding the rights and dignity of every child victim. Such an approach would not only fulfill India's international obligations but also reinforce the constitutional vision of justice, equality, and human dignity for all children.

Bibliography

Books

- Geraldine Van Bueren, *The International Law on the Rights of the Child* (Martinus Nijhoff Publishers, The Hague, 1998).
- Jo-Anne Wemmers, *Victims in the Criminal Justice System* (Kugler Publications, Amsterdam, 1996).
- Save the Children, *Protecting Children in Justice Systems* (Save the Children International, London, 2018).
- UNICEF, *Hidden in Plain Sight: A Statistical Analysis of Violence Against Children* (UNICEF, New York, 2014).
- UNICEF, *Implementation Handbook for the Convention on the Rights of the Child* (UNICEF, New York, 2007).

Journal Articles

- John E.B. Myers, "A Decade of International Reform in Child Protection" (2008) 12 *Child Abuse Review* 117.
- Julia Sloth-Nielsen, "Children's Rights in International Law and Domestic Legal Systems" (2011) 15 *International Journal of Children's Rights* 23.
- M. Cherif Bassiouni, "International Recognition of Victims' Rights" (2006) 6 *Human Rights Law Review* 203.
- Ton Liefaard, "Child-Friendly Justice: Protection and Participation of Children in the Justice System" (2016) 18 *Temple Political and Civil Rights Law Review* 1.

Cases

- Ankush Shivaji Gaikwad v. State of Maharashtra, (2013) 6 SCC 770.
- Era v. State (NCT of Delhi), (2017) 15 SCC 133.
- Justice K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.
- Maneka Gandhi v. Union of India, (1978) 1 SCC 248.

- Nipun Saxena v. Union of India, (2019) 2 SCC 703.
- Sakshi v. Union of India, (2004) 5 SCC 518.

Statutes

- The Bharatiya Nyaya Sanhita, 2023 (Act 45 of 2023), available at: [India Code – Bharatiya Nyaya Sanhita, 2023](#) (last visited on May 29, 2026).
- The Constitution of India, 1950.
- The Juvenile Justice (Care and Protection of Children) Act, 2015 (Act 2 of 2016), available at: [India Code – Juvenile Justice Act, 2015](#) (last visited on May 29, 2026).
- The Protection of Children from Sexual Offences Act, 2012 (Act 32 of 2012), available at: [India Code – POCSO Act, 2012](#) (last visited on May 29, 2026).

International Instruments

- Convention on the Rights of the Child, adopted on Nov. 20, 1989, 1577 UNTS 3.
- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), Oct. 25, 2007, CETS No. 201.
- International Covenant on Civil and Political Rights, adopted on Dec. 16, 1966, 999 UNTS 171.
- International Covenant on Economic, Social and Cultural Rights, adopted on Dec. 16, 1966, 993 UNTS 3.
- United Nations Economic and Social Council, *Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime*, ECOSOC Res. 2005/20 (July 22, 2005).
- United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), G.A. Res. 45/112, Dec. 14, 1990.
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), G.A. Res. 40/33, Nov. 29, 1985.
- Universal Declaration of Human Rights, adopted on Dec. 10, 1948, G.A. Res. 217 A (III).