

Child security in the Era of global governance: Challenges & solutions

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Abstract: Human capital plays an important role in the development of any country. And today's children are the future of tomorrow, so overall development and protection of children is essential for the bright future of the country. In the era of global governance, child security has emerged as a paramount concern, necessitating a re-evaluation of policies and strategies at international and national levels. Therefore, for the development and protection of children, many efforts are being made at the national level as well as at the international level. Constitutional provisions, laws and schemes are available for the safety, protection and best interest of children. In order to strengthen the child protection system, Child Protection Committees are being constituted at international level and national level.

Through this research paper, a best effort will be made to explain various statutory provisions and laws related to child rights and child protection in simple language, as well as awareness can be generated on the subject of child rights and child protection. And we will find out who is the child? What is the right to security? We will study in detail about female feticide, child marriage, child labor, child sexual abuse, human trafficking, And along with this, and Along with this in this modern era, the child is becoming a victim of new types of exploitation, such as Cyber-attack, online exploitation, online predators, and data privacy. On the one hand, technology is developing the children, making them aware, on the other hand, it is exploiting them, through this paper we will study the protection of the children and along with this we will also present the suggestions which will maintain the balance between the positive and negative effects of technology.

Keywords: Cyber-attack, Child Security, Child Protection, Fundamental rights

1. INTRODUCTION

India has been committed to the rights, equality and development of children since the beginning. Children have the right to protection in case of any kind of danger and risk. In India too, along with the whole world, Child Rights Day is celebrated on 20 November. According

to international rules, child means a person whose age is less than 18 years. This is the global definition of the child, which has been accepted in the United Nations Convention on the Rights of the Child. This has been recognized by most of the countries in the world. As far as India is concerned, in India also a person can vote, obtain a driving license or enter into any other legal agreement only after the age of 18 years. After accepting the UNCRC in 1992, India made significant changes in its child law. Under this, it was arranged that a person who is below 18 years of age is in need of care and protection and he is entitled to get such facility from the state.

There are two classifications: **Crimes against children and Crimes by children**. If we talk about Crimes against children, they are mostly found in **two societies**, a highly developed society, where pleasures and luxury are more prevalent. There are more sexual crimes against children. And secondly, there are less developed societies such as backward countries, African countries, Islamic countries, where crimes occur due to social conventions and poverty, such as making children work, selling small girls. The word **Gailma** is used where small children are used as sex tools, So in these two societies namely; highly developed and underdeveloped societies, there are more crimes against children, but in the developing societies, so many crimes are not seen there because they get the protection of the family.

Now the second category is the **Crimes committed by Children**, these are also found more in these 2 societies. First, the society in which there is so much materialistic style in which parents do not have time to give to their children, their children commit crimes to fulfill their mental needs, physical needs, children commit crimes to fulfill their aspirations, and which is a less developed society. There crimes are committed to fulfill their minimum needs, due to extreme poverty or because of bad company or because the social environment is criminal. Now the second category is the crimes committed by children, these are also found more in these 2 societies.

In this paper firstly I will discussed the Laws for the protection for children in India as well as at the Global level. Secondly, Challenges to Child Security in the Era of Global Governance and lastly Solutions and Recommendations.

2. LAWS FOR PROTECTION OF CHILDREN IN INDIA

The laws for the protection of children in India, spanning the Constitution, the Bharatiya Nyaya Sanhita, 2023, the Bharatiya Nagrik Suraksha Sanhita, and other special legislation, are summarized in Figure 1 below.

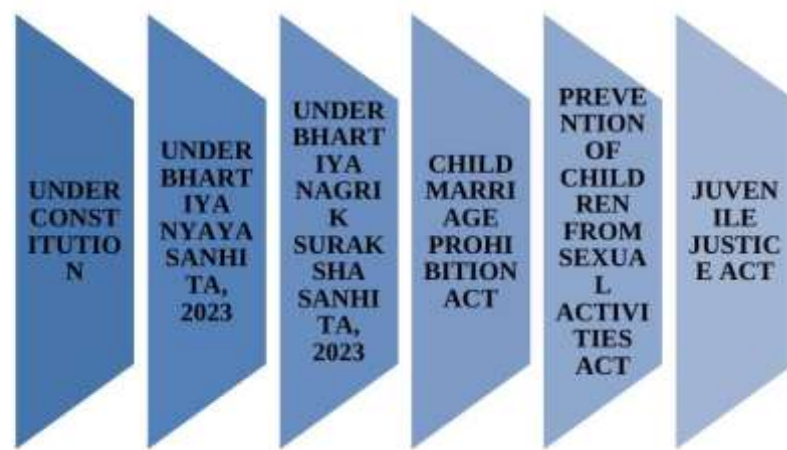


Figure 1: Laws for Protection of Children in India (TABLE-1)

- In India there are various laws and Policies for the protection of Children. In which The Constitution of India is a supreme law. Under the Constitution there are various provisions which are related with the protection of children. These provisions are classified into four categories which are summarized as follows--

WHAT ARE CHILD RIGHTS?

1. Fundamental Rights

- i. Article 14-- Right to Equality
- ii. Article 15(3)-- Power of State to make special provisions for the protection of children.
- iii. Article 21-- Right to Life and Personal Liberty
- iv. Article 21A-- Right to Education
- v. Article 23 -- Protection Against Forced Labour
- vi. Article 24-- No child below the age of 14 years employed in the hazardous factory/employment.

2. Directive Principle of State Policy

- i. Article 39(e) Protection from being forced, due to financial necessity, to work that is not appropriate for the age of the child.
- ii. Article 39(f) To provide children with opportunities and facilities for healthy development and to protect them for exploitation.
- iii. Article 45 To provide early childhood care and education for all children below 6 years.

3. Fundamental Duties

Article 51A(K) Duty of the guardian or parent to provide opportunities for education of his child.

4. Other Provisions

Article 350A-- To provide adequate facilities for instruction in Mother Tongue at the primary stage of education to those children who are belong to linguistic minority group.

● LAWS FOR THE PROTECTION OF CHILDREN IN BHARTIYA NYAYA SANHITA, 2023 --

The key provisions for the protection of children under the Bharatiya Nyaya Sanhita, 2023 are illustrated in Figure 2 below.

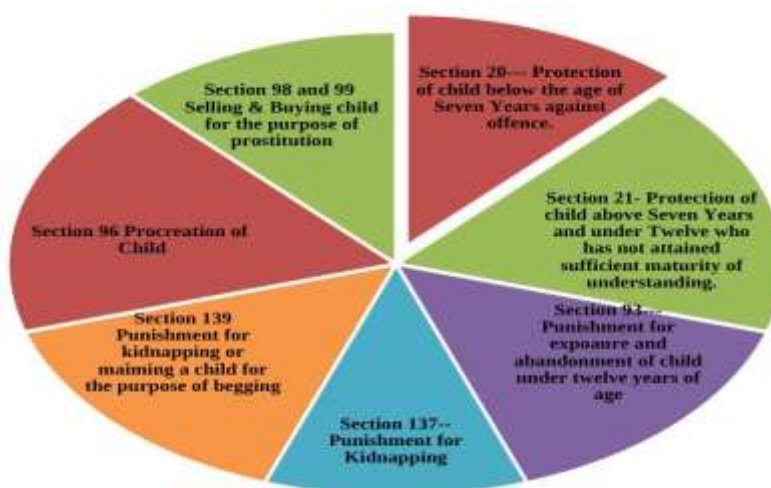


Figure 2: Laws for the Protection of Children under the Bharatiya Nyaya Sanhita, 2023
(TABLE-2)

- **LAWS UNDER THE BHARTIYA NAGRIK SURAKSHA SANHITA**
 1. **Section 144--** It is the duty of Parents to provide the maintenance to his minor child or major or major child who is incapable to maintain himself due to the physical or mental abnormality.
 2. **Section 179--** No women and male under the age of fifteen years shall be called to attend at any place by police officer for investigation other than the place in which he/she resides.
 3. **Section 283--** When the offence is committed against the child below the age of fourteen years no Plea Bargaining is permissible.
 4. **Section 480--** Bail is allowed in Non-Bailable Cases if committed by the child below the age of 16 years.
- **CHILD MARRIAGE PROHIBITION ACT, 2006 --** Effective from 1 November 2007. The purpose of this Act is to prohibit the organization of child marriages.
- **THE CHILD LABOR ACT, 1986--** Under this, it was considered a crime to make children under 14 years of age do physical work like hard labour. After this amendment, it was considered legal for children up to 14 years of age to work in family enterprises. Adolescents aged 14-18 years were prohibited from working in areas declared hazardous.
- **POCSO ACT, 2012--** This is an act designed to protect children from sexual crimes. This law protects children from serious crimes such as sexual exploitation, sexual abuse and pornography. Under this law, different punishments have been prescribed for different crimes. Under this law, which is applicable across the country, all crimes are heard in a special court in the presence of the child's parents in front of the camera. The definition of child pornography has been fixed in this law.
- **JUVENILE JUSTICE ACT, 2015 --** The Juvenile Justice Act, 2015 was amended to provide for the care and protection of children involved in juvenile delinquency. The Juvenile Justice Board will have the power to decide whether to take minors to regular court or to a correctional center. Children aged 16-18 years cannot be handcuffed and sent to jail or lockup if they commit a crime. In case of minors aged 16 or above being

involved in heinous crimes, the Juvenile Justice Board will take the decision to try them as adults.

3. LAWS FOR PROTECTION OF CHILDREN AT GLOBAL LEVEL

THE UNITED NATION CONVENTION ON THE RIGHT OF CHILD-- International Children's Day was first celebrated on 20 November in 1954. This day was conceived by VK Krishna Menon, an Indian citizen. The importance of November 20 as Children's Day increases because on this day in 1959, the General Assembly of the United Nations had declared the rights of the child. On 20 November 1989, the United Nations General Assembly adopted the Children's Convention. This convention came into force in September 1990. By signing this agreement, 196 nations of the world have pledged to provide protection to all children in their country without any discrimination on the basis of caste, religion, color, gender, language, property, ability etc. Only America has not signed it yet. India had made its commitment by signing this Child Rights Convention in 1992. Through this treaty, for the first time, governments recognized that children also have the same human rights as adults. There are 54 articles in this convention. It includes many types of provisions, some of which are - right to life, right to nationality and name, right to freedom of expression, right to conscience and religion, privacy, non-community in family, home or correspondence. The right to be protected from legal and arbitrary interference and the right to enjoy the highest standard of health. The high-level meeting, held during the 74th session of the United Nations General Assembly, highlighted the progress made through the treaty towards healthy lives and sustainable livelihoods. But more than 26 crore children and youth are still not able to study in schools, more than 65 crore girls and women are married before the age of 18, and one in four children lives in such areas. Where there will be limited water resources by the year 2040. In such a situation, an appeal has been made to the member countries that in view of the new challenges, the member countries will have to strengthen their resolutions. So far, 196 countries have ratified this treaty, except America, although it has also expressed its intention to approve it. Since the passage of the Convention on the Rights of the Child, more children than ever before are receiving the protection and support they need and deaths among children under five have declined by fifty percent. Besides, a decline has also been recorded in the number of children suffering from malnutrition. Efforts are being made to change actions to suit the challenges faced by children and youth in the modern world.

The United Nations Convention on the Rights of the Child is the most important agreement regarding children. In common parlance it is called CRC or UNCRC. This agreement, along with the Indian Constitution and our laws, sets out the rights of children.

What is the United Nations Convention on the Rights of the Child (CRC)?

The rights which people of every age, every class, every race get are called human rights. Children also get these rights but children have also been given some special types of rights. They have got these rights because children always need more protection and care. These rights are called child rights or children's rights. These are written in the United Nations Convention on the Rights of the Child (CRC). Some special aspects of the Child Rights Agreement are:-

- This agreement applies equally to both boys and girls up to the age of 18 years. If someone is married before the age of 18 and has children, he will still be considered a child.
- This convention is based on the principles of "child interest", "impartiality" and "respect for the child's opinion".
- The family has been given an important place in this convention. This convention emphasizes the need to create an environment that is conducive to the proper development and growth of the child. This convention gives the responsibility to the government to keep children free from all forms of discrimination and Give them equal status.
- This convention protects the four rights of children in the civil, political, social, economic and cultural fields and draws attention to Right to life.
- **ILO CONVENTION NO.182**-- made for the purpose of eradicates severe forms of Child Labour.
- **HAGUE CONVENTION ON INTER-COUNTRY ADOPTION**-- To prevent the abduction, sale or trafficking of children.
- **UNICEF**-- To advocate for the protection of the rights of the children and to help meet their basic needs and to expend their opportunities to reach their potential.

CHILD RIGHTS CONCERNS IN INDIA--

- According to NITI Aayog, the infant mortality rate in India is around 34 per thousand. Whereas if we look at this figure in children below five years of age, it is 39 per thousand. Most of these children die due to diseases like diarrhea and pneumonia. In 2016, about three lakh children died due to diarrhea and pneumonia alone. These are those diseases which can be treated easily.
- Every year in India, more than 10 lakh children die due to malnutrition alone. Bihar, Meghalaya and Madhya Pradesh are among the Indian states where four out of every 10 children are malnourished. 2.3 crore children up to six years of age in the country are victims of malnutrition and underweight.
- Talking about education, about 10 crore children do not have access to school. A report by the District Information System for Education (DICE) states that out of every hundred children, only 32 children are able to complete school education. Among these, there are about one crore children who are forced to work along with studies due to poor financial condition of the house.
- According to the Human Development Report of the World Bank, there are between 10 and 14 crore child laborers in India. Most of the cases of violation of child rights also occur in India. Along with this, the tendency of suicide among school children is increasing rapidly. Children in nuclear families are also becoming victims of cyber bullying.
- There is also a lack of proper and reliable data about children.
- Children constitute about 40% of the population in India. Children are helpless because of their social, economic and geopolitical circumstances.
- Concerns about child labour, child abuse, displacement and unsafe migration.
- Trafficking in professional sexual exploitation is a serious challenge.
- Problems of domestic work, beggary, human organ trade and pornography also persist.

4. CHALLENGES TO CHILD SECURITY IN THE ERA OF GLOBAL GOVERNANCE

The principal challenges to child security in the era of global governance are summarized in Figure 3 below.



Figure 3: Challenges to Child Security in the Era of Global Governance

Many people consider child labor and making children work as the same thing. These two things are different. Child labor means that a child has to do physical labor to feed himself and his family. In this he has to face backbreaking hard work and exploitation. In such a situation, the rights of child laborers are violated. Such children are deprived of education, sports, proper food -- everything. If children do small jobs at home or in the society, which do not cause them physical or mental harm, and do not violate any of their rights, then it will not be called child labor or child labour. In our country, taking children out of school and sending them to work is considered a normal thing.

Child Labour: Its Impact on Children

- Children are exposed to various risks, health problems and exploitative conditions in the workplace.
- Children's educational rights are violated.
- The physical, mental, emotional and social well-being of children is at risk.

The practice of child marriage has been widespread in our country. Even today it is prevalent in many parts of the country. It is surprising that this practice exists on such a large scale even

in the 21st century. In North India, many children get married on Akshaya Tritiya. It is considered a very holy day in these areas. In many parts of the country, marriages of children take place on Ram Navami, Shivratri, Basant Panchami and other festivals. These traditions are born out of the customs, value beliefs and thinking of the local society.

In the name of customs and to avoid excessive dowry in the future, small boys and girls are married. In many cases, young girls are married to middle-aged men and in some cases they are pushed into the dark world of prostitution.

Why is child marriage against child rights?

- Early marriage destroys the childhood of children.
- Due to child marriage, children, especially girls, are deprived of education. Child marriage has a very bad effect on the physical and mental health of the child.
- If physically immature girls give birth to a child, their health becomes even more at risk.
- Child marriage means rape of the child because till then the children are not at the age to take such serious decisions.
- Child brides often become widows at an early age and the responsibility of taking care of the children also falls on them.
- Pregnancy at an early age also increases the risk of miscarriage, and children born to teenage mothers often have low birth weight and are more likely to die before completing one year of age.
- Like girls, early marriage of boys is also a violation of their rights. Due to this, their right to take decisions is taken away and responsibilities greater than their age and capacity fall on their shoulders.
- The 2011 census shows that the number of women for every 1,000 men in our country has come down to only 940. This ratio appears even worse in children. The sex ratio of boys/girls has been continuously falling since the 1991 census. In 1991, there were 945 girls for every 1000 boys, whereas in 2001, there were only 927 girls for every 1000 boys. According to the 2011 census, the child sex ratio is 919 girls for every 1000 boys.

The incidence of abortion or female feticide based on sex selection is increasing. Similarly, the child sex ratio of Chhattisgarh and other tribal state, which was 975 per thousand in 2001, has decreased to 969 per thousand in 2011.

There is no guarantee that even if a girl survives the curse of feticide or infanticide and is in the age group of 0-6 years, she will survive further. It is not surprising to kill girls by not giving them adequate food, keeping them confined within the walls of their homes, giving them too many tasks, depriving them of timely treatment and medicine. Many of the girls who are born have to live a life of neglect. The number of girls and women is decreasing in Haryana. As a result, there is no bride for the boys. Now many people here buy underage girls/women from other states and sexually exploit them. Brokers play an important role in arranging such "brides" from West Bengal, Bihar and Assam. "Every year 1.2 crore girls are born. Out of them, 30 lakh girls die before their fifteenth birthday. About one third of these 30 lakh girls do not even complete their first year of life. It is estimated that every sixth girl/woman dies due to gender discrimination."

- Our country is witnessing a continuous increase in the number of children who are victims of sexual exploitation. Such incidents happen with children outside the house as well as inside the house. You would agree that sexual abuse is one of the most egregious violations of children's rights. It has long-term consequences for its victims and their families.

It is true that girls are more vulnerable to sexual exploitation. But, contrary to popular belief, boys also face this danger. This risk is even greater for children with mental and physical disabilities.

The perpetrator of sexual abuse may be an acquaintance of the child or a stranger. In 30 percent of the cases, the culprit was found to be an acquaintance and confidant of the child. Such a person usually takes advantage of relationships of trust and abuses his power to prey on the child. In many cases the culprit is a close relative of the child like father, elder brother, cousin or uncle or neighbor etc. When the culprit is a family member, the incident is called incest. Children are afraid to tell anyone about sexual abuse or the occurrence of a sexual act. In case of incest, it becomes even more difficult for children to break this silence. Children are unable to tell anything to anyone due to fear of family breakdown or distrust. Parents and elders in the house, as well as the society itself, try to hide the repeated sexual abuse or misconduct of children by ignoring their concerns.

"When children tell about an incident of sexual abuse, they are often doubted. In this way, their trust and confidence is hurt. By creating a sense of guilt within the child, he is also made to feel that someone "Neither would her behavior and conduct have provoked the abuser." Sometimes cultural and social reasons also promote sexual exploitation. This especially increases the possibility of sexual exploitation of girls and women. It is for these socio-cultural reasons that such misconduct remains hidden, ignored or accepted as a part of normal experience.

What is child sexual abuse?

If any kind of sexual relationship is made with a child or he is used for this work or he is shown obscene material then it is called child sexual abuse. Whether the child has consent or not, whether the perpetrator is doing it for his own sexual satisfaction or for the sexual satisfaction of someone else, such an act will be called child sexual abuse.

- Untouchability continues even today in many parts of our country. Our innocent children do not know anything about this but still they suffer this discrimination.

Be it school or playground, there are many children who have to face untouchability. It is so surprising and ironical that even while walking on the path of modernization and development, we are teaching the lesson of untouchability to our children.

We often argue that we did not create the system of social hierarchy, it was already like this, but why do we forget that these differences are created only to suppress some people. That means, if we want, we can change them also.

5. SUGGESTIONS & CONCLUSION

1. The system of education for children should be such that it is oriented towards the development of children's personality, their intelligence and all their physical and mental abilities to the highest level.
2. Gender equality, tolerance etc. should be included in education.
3. The education system should be such that it makes children aware of their rights.

4. Teacher is the role model of children, hence to protect the rights of children, it is necessary that teachers are aware of these rights and the problems of children. For this, it is necessary that teachers are given proper training.
5. Schemes related to children's nutrition and health should be monitored and evaluated from time to time.
6. Child protection laws should be strictly followed.
7. For the success of laws and schemes, it is necessary to increase social awareness about their rights and problems.
8. Children are the foundation of development of any country. That means, if we want to shape our future, we will have to make children healthy and literate.
9. To avoid the cyber security threats there must be parental control and the site must be secured.

Safety of children is a joint responsibility of all three parties (school administration, parents and government). This cannot be done separately by the school or the parents or the government alone. To find a solution to this problem, necessary and appropriate steps need to be taken in this direction, so that it can be ensured that no child becomes a victim of child abuse or exploitation.

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