

CHILDREN'S RIGHTS IN DETENTION: EVALUATING COMPLIANCE WITH UNCRC STANDARDS

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Abstract

The issue of how children's rights are protected while they are in detention has become one of the most significant areas of concern around the world. It goes hand in hand with the overall international recognition of the rights children have, which is well presented by the United Nations Convention on the Rights of the Child (UNCRC). The Convention provides a wide range of standards, e.g. detention should be used only as a last resort, humane treatment, separate from adults, access to education, health care, legal assistance, and effective monitoring. However, in practice, compliance is uneven across different jurisdictions. This article reviews the degree to which actual detention practices are compatible with the requirements of the UNCRC and indicates those areas where there are still gaps in protection.

The research, through a rights-based analytical framework, surveys the minimum living conditions, the guarantees of due process, and the protection mechanisms within the institution as stipulated by international law. It draws attention to the issues that have been there for a long time, e.g. overcrowding, lack of sufficient personnel, poor provision of mental-health services, and the limited participation of children in decision-making processes. Besides, the article points out that on the systemic level there are obstacles that make it difficult for the measures taken to bring about the desired effect. These include weak supervision, poor accountability mechanisms, and cultural or administrative biases that still do not give up the punitive approach while ignoring the rehabilitative one.

While delving into worldwide trends and compliance gaps, the piece puts forward the idea of switching to restorative, child-centred justice models which would foremost facilitate the use of non-custodial alternatives, the application of trauma-informed care, and the strengthening of monitoring systems. Legislative harmonisation is only one of the prerequisites for the successful implementation of UNCRC standards, there are also structural reforms, capacity building and political will that need to be present.

In conclusion, the article reiterates that putting children's rights first in detention situations is not only prescribed by law but also constitutes a moral obligation, which is at the core of granting dignity, rehabilitation and eventual reintegration of each detained child.

Keywords: Children's Rights in Detention; UNCRC Compliance; Juvenile Justice System; Due Process and Child-Centred Justice

1. Introduction: UNCRC Framework and the Principle of Child-Centred Justice

The United Nations Convention on the Rights of the Child (UNCRC) adopted in 1989, is the most far-reaching and universally accepted legal instrument in the field of children's rights protection. It is close to a universal ratchet, and hence, it is binding on States Parties to grant every child irrespectively of nationality, social origin, or situation the basic rights of dignity, freedom, development, and security.

The core of the UNCRC is the realization that children are not simply passive recipients of care but are, in fact, autonomous individuals with rights whose voices and interests have to be the focus of all decision-making processes. The rights-based approach becomes very important particularly in the case of children in detention since the deprivation of liberty inherently makes them more vulnerable and thus, raises higher possibilities of abuse, neglect, and systemic injustice.

The UNCRC changes the way the world understands child-centred justice by enumerating four fundamental guiding principles that define the global understanding of this concept. First of all, the principle of non-discrimination (Article 2), second - protection of the best interests of the child (Article 3), third - the right to life, survival, and development (Article 6), and fourth - the right of the child to be heard (Article 12). These principles are binding on the entire juvenile justice system and serve as a yardstick to measure if a State's detention practices are in line with the prevailing international human rights standards. Among these norms, the third article the best interests of the child is considered as the foundation that goes beyond adjudication and, in fact, applies at any stage of detention, be it arrest, custodial placement, disciplinary measures, education, healthcare, or re-integration, where it authorizes officials to take care of the child's welfare.

According to the theme of the article, child-centred justice means that detention will only

be employed as a last resort and for the shortest time possible, a requirement that is explicitly stated in UNCRC's Article 37(b). The provision is an expression of worldwide agreement that detention leads to psychological, social, and developmental issues for children. Through the detention, children miss out on the opportunity to learn, lose ties with families, and become exposed to places where they may be subjected to violence, discrimination, or lack of care. Hence, from this standpoint, efforts made by UNCRC and its interpretative documents, especially Committee on the Rights of the Child's General Comment No. 24 (2019) on children's rights in the child justice system, to promote alternatives to detention such as restorative justice mechanisms, community-based rehabilitation, and diversion programmes that focus on accountability without affecting developmental needs are really laudable.

Another important aspect of the UNCRC conceptual framework is its emphasis on procedural fairness and due process guarantees for children who have been deprived of liberty. Article 40 is the one that provides legal assistance, a fair hearing, and a justice process that is ageappropriate, independent, and impartial for every child who is alleged or accused of an offence. The Article is also in corroboration with the general child-centred justice approach that calls for legal systems to be changed according to the developmental level of children rather than expecting children to abide by strict adult procedural rules. The presence of child-friendly legal settings, complaint mechanisms that are easily accessible, rapid review of detention orders, and constant judicial oversight are some of the very important requirements for the realization of the UNCRC standards. The Committee's General Comments also indicate this by emphasizing the necessity of qualified professionals, support teams from different fields, and the provision of adequate measures against ill-treatment in institutional settings.

Additionally, the system lays stress on that, firstly, children in detention need to be protected against any form of physical and mental abuse. Secondly, they should maintain a good physical and mental health. Thirdly, the overall framework must provide for good, and continuing, access to education for children in detention. This is also the general rule that connects the rest of the framework's articles and acts as a kind of umbrella. Article 37, in particular, is committed to protecting children from torture, inhuman or degrading treatment, and illegal or arbitrary imprisonment. Article 24, on the other hand, promises the highest level of health care to all citizens, while Article 28 emphasizes uninterrupted access to education, even when a person is in custody. Together, these elements provide a broader picture of children's protection and oblige the governments concerned to provide incarcerated minors not only with decent, but also with model, humane, and sensitive services, especially with regard to their weakest points. The insistence by UNCRC that children should be separated from adult inmates is in line with the understanding that minors need special care and protective measures that are not offered in regular prisons.

The participation of the child in decision-making, which is stated in Article 12, is another feature of child-centred justice. It requires States to recognize the views of children as an important factor and guarantees that their voices would have influence over decisions that affect them. At the detention place, this principle means that children have the possibility to express their views, take part in procedures concerning discipline, report any wrongdoing, and be involved in planning their recovery and re-integration. Not only does this give power to the children, but also it improves the accountability and transparency in detention systems.

In a nutshell, the UNCRC framework redefines juvenile justice by shifting the focus from punitive objectives to rehabilitative, protective, and developmental goals. Child-centred

justice, as envisioned by the UNCRC, requires States to balance the need for public safety with the fundamental obligation to respect the rights and dignity of children. The incorporation of binding international obligations, interpretative comments, and progressing worldwide case law offers a solid structure against which adherence can be determined. Hence, this article places the debate within this normative context by gauging whether the existing detention practices are consistent with the UNCRC's view of justice that actually serves the best interests of each child.

2. Minimum Standards of Care in Detention: Examining UNCRC Obligations

Detaining children touches upon their dignity, protection, and development. The United Nations Convention on the Rights of the Child (UNCRC) offers the most comprehensive system of rules that the states are required to respect to see that children locked up are treated in a way befitting their age, dependence, and their growing capacities. These norms are the reflection of an agreement that the use of detention should only be the last resort, and if it is the case, the custody conditions should be focusing on rehabilitation rather than punishment.

The minimum standards under the UNCRC mainly stem from the Articles 37 and 40, assisted by the General Comment No. 24 (2019) on children's rights in the child justice system, the Havana Rules (1990), the Beijing Rules (1985), and the Mandela Rules (2015). Together, these binding pieces evoke a comprehensive, rights-based, and holistic view of the care of children in detention.

The UNCRC first of all stresses the right to decent and dignified treatment. Article 37(c) specifically requires that any child deprived of liberty be treated with humanity and respect for their inherent dignity, taking into account their minority-related needs. It extends the necessity to the states to provide safe and adequate living conditions, including security, proper ventilation, cleanliness, clothing, and

beddings. Overcrowding, unsatisfactory sanitation, and absence of privacy are the manifestations of this standard being violated.

The Havana Rules restate that the facilities should be more like the educational or home-like ones rather than the punitive prisons, thus reflecting the rehabilitative nature of juvenile justice. A child in detention should be comfortable free from the terror of assault, bullying, and intimidating. For that reason, states must hire well-trained staffs, set up unambiguous conduct codes, and ensure the presence of surveillance while not infringing on the privacy of the persons concerned.

Moreover, the UNCRC requires that children be separated from adults. This "firewall" measure stems from the fact that the greatest dangers for kids while being with grown-ups are abuse, exploitation, and psychological harm. Article 37(c) requires that the authorities make the necessary arrangements so that children and adults are not detained together unless it can be convincingly demonstrated that it is in the child's best interest. In places where detention is mixed, the safety of minors is at risk as they can be exposed to physical and sexual assault, forced recruitment into gangs, and negative behavioral imitation. Besides that, separation also relates to gender-sensitive creations: girls should be kept in wards that are not only guarded by but are also accessible solely to female staffs.

General Comment No. 24 points out even further that within the children's facilities, living quarters should be appropriate to age, maturity, and developmental aspects. Hence, the mandate of separation is twofold, i.e., it is a measure that both anticipates and guards against potential dangers thereby ensuring that the detention atmosphere doesn't deepen the child's vulnerability.

The right to education and development is an indispensable part of the minimum standards of care. Article 28 of the UNCRC is fully valid for the children in detention, and it requires that they be given equal access to both formal and

vocational education. No admission to a detention centre is permitted to suspend the schooling of a child; on the contrary, it has to create more opportunities for academic progression as well as skill acquisition. In accordance with General Comment No. 24, the education provided in detention should be up to the standard of that in the community and conducted by qualified teachers.

Besides that, children should have the provision of fun, life skills, and cultural programmes, etc. that are indispensable for their all-around growth. Hence, the facilities are required to have libraries, play areas, and training workshops. Educational and development-centred programming serve as the major differences between the juvenile justice and the adult punitive systems and at the same time, they facilitate reintegration upon release.

Another basis of the UNCRC obligations is healthcare access that covers physical, mental, and emotional well-being. By Article 24, the States are obliged to provide children the best possible health standard and this has a special emphasis in the case of custodial settings. Most of the time, children in detention are those who have suffered traumatic experiences in their lives and have been neglected, lived in poverty, or come from families with substance abusing parents.

Therefore, among other things, there has to be a mandatory medical check-up upon admission, regular health review, and availability of specialists to deliver services such as psychological counselling, psychiatric support, and programme on addiction rehabilitation. According to the Mandela Rules, the quality of care provided in detention should be on a par with that in the community. In addition to that, girls need gender-specific health care services such as menstrual hygiene management. Not delivering adequate healthcare is not only going against the set international obligations but it also acts as an obstacle for the juvenile justice system to attain its rehabilitation goals.

The UNCRC also provides for the continuance of family relations as a protective factor, recognizing family ties. Article 37(c) together with Article 9 assures children of the rights to keep up personal relations and direct contact with parents except in cases of harm. Contact can be made through visits, phone calls, letters, or digital means. Children's detention should not isolate them from the world but rather should make their support network stronger which is crucial for their emotional stability and reintegration. States are thus motivated to set up childfriendly visiting rooms, allow extended family interaction, and give transport support to the families which are not able to travel on their own.

Having family members around also serves as a very good informal monitoring mechanism that enables the identification of violations and thus helps in keeping the authorities accountable.

One of the main features of UNCRC are the measures to protect children against torture, abuse, or any humiliating treatment. Article 37(a) forbids the use of torture, solitary confinement, or any kind of cruel disciplinary measures. Among children, the use of solitary confinement is condemned everywhere; General Comment No. 24 very clearly articulates that it needs to be eliminated both legislatively and in practice. Any and all disciplinary measures must uphold the dignity of the child and under no circumstance should they involve physical punishment, the use of force, or acts that degrade the child's personality. The staff should be trained in methods of calming down and in child psychology in order to be able to resolve conflicts without the use of violence.

If the children are provided with avenues for filing complaints, these means should be easy to find, child-friendly in nature, allow confidentiality, and be independent in nature, thus enabling children to lodge their complaints without fear of retribution. Besides that, an on-the-spot control made by the

judiciary, administrative, and civil society bodies is one of the key elements in the elimination of mistreatment on a systemic level.

In the end, the UNCRC gives priority to reshaping even during detention. Although this is closely linked with the overall duties to the rehab, the UNCRC sees it as one of the care obligations at the minimum level. Vocational training, post-release planning, community reintegration schemes, child-friendly therapeutic care, and support all these measures taken together would ensure that detention does not become a signal for the transfer of juvenile offenders to the adult criminal world. The list of activities for reintegration starts with the early release planning involving the child, parents, social workers, and school representatives. Reintegration being a long-term one, it cannot be considered as a solution after the detention period but rather a continuous process.

To cut a long story short, care at the minimum level as regulated under the UNCRC is a protective framework of rights that comprehensively takes care of the issues of dignity, safety, development, and rehabilitation. Apart from being a legal status, detention is an environment in which every right of the child has to be respected. UNCRC changes the idea of juvenile detention being about punitive isolation to developmental and reformatory intervention. Adherence to these obligations requires not only legal assurances but also their actual enforcement—resources at work, qualified personnel, open-to-public checking, and strong institutional accountability. It is only then that states will be able to claim that they honour their international commitment to safeguarding the rights of children deprived of liberty.

3. Due Process Guarantees and Access to Justice for Detained Children

Due process guarantees are the essential components of the juvenile justice system that works in a fair manner. They are the

mechanisms through which children who have been deprived of liberty are not treated as mere offenders but as individuals who have rights, and these rights include protection, dignity, and a fair hearing of their case. The United Nations Convention on the Rights of the Child (UNCRC), in particular, Articles 37 and 40, provide a detailed scheme that requires the implementation of procedural safeguards that are sensitive to the needs of children from the moment of arrest to the release and return to the community. These measures highlight that children's detention must be legal, necessary, and proportionate, and for the shortest appropriate period, at the same time ensuring that the child has real access to justice throughout the process.

An essential due process guarantee is the right to immediate and efficient legal assistance. As per Article 40(2)(b)(ii) of the UNCRC, a child who is alleged or accused of breaking the law must be informed of the charges immediately and directly, and legal or other suitable assistance should be given to prepare the defence. Besides, the provision covers access to juvenile defenders trained in child psychology. In addition, they have to communicate in a manner that is suitable for the child's age and be able to explain the consequences of the procedures in simple words. However, in many jurisdictions, the child is poorly equipped for a defense due to the delay in the appointment of the counsel and as a lack of specially trained juvenile advocates. Moreover, if the legal aid comes in good time, it is not only a procedure of justice but also a protection against forced confessions, scares, and illegal detention.

A closely related to legal assistance concept is the right to be heard- a fundamental feature of Article 12 of the UNCRC. The right extends to all stages of the juvenile justice system outside the courts, in particular to arrest, detention or disciplinary decisions in institutions, release planning. Children have to be given the chance to express their views without constriction, and the views should be given the weight

considered by the child's age and maturity. The reality is that systems still consider children as inactive subjects rather than participatory. Complex legal language, intimidating environment, and lack of child-friendly procedures are some of the reasons that have contributed to the silencing of children. There is no doubt that child-sensitive interviewing techniques, simplified rights explanations, and giving support of an adult or guardian during the process are of great importance in enabling genuine participation.

One of the most important due process rights is the right to prompt judicial review of detention. According to Article 37(d), the right to challenge the legality of their detention before a competent authority and to receive a prompt decision is given to every child deprived of liberty. Judicial control on a detention that is arbitrary or prolonged is one of the functions it performs. It is a problem that occurs due to several reasons, amongst which are slow investigations, court backlogs or administrative delays. Referrals ensure that it is still necessary and proportionate to detain a person, as also alternatives can be considered, and the child's welfare can be checked. Quick trials and procedure times suitable for the child's age are a very important part of the prevention of long-term pre-trial detention, which is a source of psychological problems and, at the same time, reduces the chances of rehabilitation.

Protection from self-incrimination is another very important due process right. Children are very easy to be influenced by pressure, can misunderstand the situation, and are afraid when they are interrogated. What is more, the most important point in this article is that under no circumstances should a child be forced to give testimony or confess to having committed wrongdoing. It strengthens the stipulation, *inter alia*, on the presence of a lawyer or guardian during the interrogation, on the recording of interrogations, and on the training of officers in child-friendly methods. Forced confessions are the main reasons of wrongful convictions and they are unfairness in its most basic forms.

Enabling the unauthorised use of those statements which are made without following proper procedures is the key to respect due process.

Furthermore, due process includes the right to privacy, as recognized in Article 40(2)(b)(vii). Keeping a child's identity secret in judicial procedures helps the child not to be stigmatized and also becomes easier for him/her to be duly integrated. In conformity with the juveniles' confidentiality, court proceedings in which the juveniles are involved must be carried out in such a way, which consists of limitations on media reporting as well as sealing of the records, facilitating this. The privacy provisions are not limited only to the courts but also they are extended to institutional settings, which require confidential complaint procedures as well as safe personal data handling.

One of the significant pillars of due process is the provision of oversight and grievance mechanisms to which there should be no barriers regarding access. Although children in captivity may experience very harassing conditions, e.g., suffer from abuse, neglect, malnutrition, or have their rights violated, they do not dare to tell anyone because they are scared of reprisals and do not have trust. According to the UNCRC, those children who are deprived of their liberty must be allowed to lodge their complaints with the proper authorities, and also have these complaints considered quickly and by people who are not biased. The efficient supervisory organizations, e.g., ombudspersons, child commissioners, or independent inspection panels, are essential in charging them with the responsibility of keeping an eye on the situation, looking into the accusations, and, then, facilitating the accountability of the institutions. An important component of ensuring that atrocities are kept under control as well as prevented is, therefore, guaranteeing regular, unannounced inspections of facilities.

A key to success in realizing such rights is child-friendly procedural adaptations. In its General Comment No. 24 (2019), the UN Committee on the Rights of the Child, highlights that juvenile justice systems need to adjust their processes according to children's developmental needs. It involves simplified language, shorter hearings, using diversion as much as possible, nonintimidating courtrooms, and so on. Social workers, psychologists, and probation officers should be active participants to support the child in understanding and taking part. Procedural justice is not only a legal requirement but also a developmental necessity, as it ensures children grasp the processes and can decide on their futures in an informed manner.

Large implementation gaps can still be found worldwide, despite the existence of strong normative standards. In a lot of countries, children are kept in detention without immediate access to lawyers, forced to endure harsh interrogations, are mixed with adults, or are deprived of the right to challenge illegal detention. In addition, poverty further limits children's access to justice, as poor families cannot provide legal representation or the means for attending the hearings. Also, institutional cultures that emphasize the importance of discipline rather than rehabilitation, consequently, procedural fairness are being eroded. To tackle these issues, apart from legal reforms, it is also necessary to have the training, infrastructure, and specialized juvenile justice staff.

In essence, due process guarantees have a double function: to protect children from unfair or unlawful treatment and to ensure that juvenile justice systems operate in line with the rehabilitative spirit of the UNCRC. Justice should not be seen as an abstract principle but rather as something tangible that is shaped by the child's ability to understand, participate, and seek remedies. The adoption of a rights-based and child-centred approach guarantees that detention will not deprive children of their humanity but, instead, will be a means of

ensuring accountability, dignity, and return to the society. Therefore, it is very important to the juvenile justice system that places fairness, protection, and the best interests of every child first to strengthen due process mechanisms if one really wants to make a step forward towards genuine compliance with UNCRC standards.

4. Compliance Challenges: Gaps in Implementation Across Jurisdictions

Although the United Nations Convention on the Rights of the Child (UNCRC) provides a strong normative framework, adherence to children's rights standards in detention at the international level is still patchy across different jurisdictions. Many States have embedded the principles of the UNCRC into their domestic laws; however, numerous practical, structural, and cultural challenges still exist, which impede the full realization of these rights. The differences can be seen in both the developed and the developing countries, thus indicating that the issue is not only economic in nature, but also institutional and attitudinal.

One of the significant issues is the matter of overcrowding and the condition of the juvenile detention facilities. In several regions, juvenile detention facilities are putting out children in the nights, far exceeding their officially sanctioned capacity, leading to close living quarters, shortage of privacy, unhygienic conditions, and lessened security. The UNCRC standards are obliging that detention places should be those that physically and psychologically promote well-being of the children; however, the reality is that many of these facilities are more similar to adult correctional models rather than being child-centred. The overcrowding situation results in restricted access to physical activities, psychological support, and schooling, thereby, the rehabilitative aim of juvenile justice is being defeated. Even in cases where the law provides for the use of some courts only as the last resort, due to the poor diversion options and

judicial procedures being slow, children end up in institutions unnecessarily.

Another important issue is the shortage of trained personnel and limited capability for traumainformed care in this field. The UNCRC and General Comment No. 24 stress that the staff who deal with children in detention should be specially trained in child psychology, conflict deescalation, and rights-based approaches. In reality, many juvenile homes have staff who are not fully qualified, and some personnel are more accustomed to the adult correctional systems. The problem of such mismatch is the risk of various forms of ill-treatment, e.g., severe disciplinary measures, and emotional neglect increase. Also, untrained staff may not be able to identify the situations in which children are abused, in psychological distress, or to call out the developmental needs, hereby, creating retraumatisation rather than turnaround cycles.

Among issues that jurisdictions are struggling to solve is institutional violence that comprises, among others, abuse by staff, aggression of peers, bullying, and, in the most extreme, torture or degrading treatment. It should be noted that in the major part of the jurisdictions laws forbid corporal punishment and inhuman treatment; however, enforcement of the rules is still at a low level. There is a lack of access to the complaint mechanisms for children or they are scared of retaliation due to which they keep silent. The UNCRC requires independent, confidential, and child-friendly complaint mechanisms; yet, in numerous systems, complaints are dealt with internally, the level of transparency and accountability being thus lowered. Monitoring bodies being structurally weak, inspections being irregular, and lack of external oversight giving rise to these infringements being overlooked or left unaddressed.

Moreover, there are significant procedural shortcomings in the children's right to a fair trial, for instance, in the pre-trial stage. A lot of children are put in custody for a long time while awaiting trial because of systemic delays, lack

of legal representation, or insufficient bail mechanisms. This is against Article 37(b) which requires that detention be kept for the shortest possible time and only in cases that are strictly necessary. Additionally, a number of legal systems do not offer the child-friendly environment for questioning or, even worse, do not let children get the full understanding of the charges and procedures against them. Speaking in one's native language not being possible, having some kind of disability, and coming from poor social background create even more hurdles on the way to justice. Even if the law provides for legal aid to be given timely, the lack of juvenile defense lawyers who are qualified causes the delay in getting proper representation.

Furthermore, separation from adult detainees, which is a fundamental requirement of Article 37(c), is another area where compliance is still insufficient. Putting children together with grown-ups exposes the children to serious dangers, for example, sexual exploitation, gang influence, and psychological harm. Although a lot of countries prohibit this practice formally, the real implementation of the ban is different due to reasons such as overcrowding, lack of facilities dedicated solely to juveniles, or a poorly developed categorization system. This violation is one of the most significant failings of child protection in detention as exposure to adult offenders significantly hampers the juvenile justice system's rehabilitative goal.

The issues of mental health and rehabilitation are a long way from being equal, too. Very often, detention centres are without the help of qualified counsellors, psychologists, or social workers. The children who come into detention are usually the ones who have been through trauma, lived in poverty, experienced abuse, or have become addicted to drugs. Nevertheless, the absence of structured interventions for mental health makes it impossible to address these vulnerabilities and thus, it causes the children to suffer psychological issues even after a long time has passed. The UNCRC standards call for the full rehabilitation of the

child which not only includes school, but also skills learning, cultural activities, and mental health support. Actually, in a lot of places, detention is still primarily seen as a way of confining rather than a rehabilitative environment.

Technology-based monitoring brings with it a newer set of gaps in terms of privacy and data protection. Many facilities utilize CCTV surveillance, biometrics for attendance, and digital systems for case management. Although the implementation of these measures makes things more transparent and lessens the chances of abuse, they also trigger worries in respect to the improper storage of data, unauthorized sharing, and intrusive surveillance. The UNCRC framework insists on children's dignity and privacy being respected even in detention, therefore, by the wrong usage of surveillance devices, the happening of these protections being violated is highly likely.

A wider systemic problem is insufficient implementation of non-custodial measures of which there is a clear guidance in UNCRC recommending diversion, restorative justice, and community-based interventions. The largest part of the jurisdictions is neither equipped with the necessary funds, nor with trained mediators or community programs ready to offer support to alternatives. Consequently, children who would have the opportunity to be rehabilitated outside of institutions find themselves in detention unnecessarily. This is not only a breach of the principle whereby detention is used as a last resort only, but also causes overcrowding in institutions thus, further exhausting the limited resources.

Moreover, administrative and cultural barriers stand in the way of compliance as well. There are jurisdictions that put juvenile offenders into the category of those who should be punished and thus, under this view, the aspects of discipline and control are given more importance than the rights and rehabilitation. The consequences of this are, among others,

the strict institutional rules, excessive surveillance, and limited freedoms which are in direct opposition to the childcentred approach of the UNCRC. Also, the social stigma followed by juvenile offenders hampers reintegration and decreases the political will in investing in reforms of child-friendly justice.

Last but not least, monitoring and accountability systems are still not strong enough in the majority of the jurisdictions. The independent bodies that carry out inspections often do not have sufficient funding and resources and may be lacking in enforcement abilities. Reports may be delayed, disregarded, or only partially implemented. Without strong oversight, infringements go on without being stopped. The absence of trustworthy data about the conditions of detention makes it even harder for reformers as they cannot evaluate the level of compliance or identify the places where intervention is needed.

To sum it up, even though the UNCRC presents a strong structure aimed at protecting children in detention, it is still difficult to achieve its standards due to problems with the infrastructure, weak institutional capacity, procedural shortcomings, and cultural barriers. It takes a deep reform to bridge these gaps: among other things, the reforms need to focus on non-custodial measures, improve staff training, ensure independent oversight, and create child-friendly justice processes. States can only be allowed to make sure that children in detention are treated with dignity, protected from harm, and given the necessary rehabilitative support for their return to society through sustained commitment and systemic change.

5. Way Forward: Strengthening UNCRC-Driven Detention Reforms

The route to full compliance with UNCRC standards in the case of children detained in the juvenile justice system is undoubtedly a multidimensional and complex reform framework that essentially revolves around the idea of the child being the centre of all

institutional, legal, and administrative decisions. The immediate step in this direction would be an effort to lessen the dependence on detention by giving first-hand preference to non-custodial, community-based, and restorative justice alternatives. In this respect, the UNCRC, through its Article 37(b), envisages detention as a last resort and for the shortest time possible.

Thus, it would be expected from the States to bring to life a wide array of diversion possibilities as well as to minimise the use of formal judicial paths by way of mediations, family conferencing, youth offender programmes, and supervised probation. Besides, these models are not only a way to respect the dignity of the child, but also they actually help to decrease the phenomenon of institutional overcrowding which is one of the main contributing factors of serious breaches of human rights.

Second, a reform agenda should include a thorough upgrading of institutional standards in the current juvenile detention facilities. UNCRC compliance is essentially about the provision of a set of fundamental rights to children in conflict with the law which among others imply decent and humane treatment, sufficient living space, nutrition, mental health care, educational opportunities, and social support. Yet, there are still numerous juvenile detention facilities worldwide that are poorly built and lack the provision of staff trained in the care of children.

The governments and their agencies are called to evaluate uniform minimum standards that are in full conformity with UNCRC General Comment No. 24. The latter are covering a wide range of issues such as, among others, ensuring safety in physical environments, existence of childfriendly complaint mechanisms, gender-specific needs, and protection from torture, abuse, and solitary confinement. Besides, it is definitely worth mentioning that the continuous training of police officers, caregivers, counsellors,

probation officers, and medical staff is equally important. Employees should receive training in trauma-informed practices, child psychology and de-escalation techniques with the ultimate goal to provide non-violent and developmentally appropriate interactions.

Thirdly, it is imperative to establish efficacious monitoring and accountability systems at the core of these institutions. The independent supervision authorities like national human rights commissions, child rights ombudsmen, judicial committees, and civil society partners, should be unconditionally allowed to visit and examine detention centers. To make a violation less likely, besides the unannounced inspections, there should be open inspection plans, reports that can be easily accessed by the public, and compulsory follow-up steps to ensure that the breaches that have been recorded are not only corrected but in fact prevented.

Another step that can be taken to modernize the transparency in monitoring and make it more open and easy for everybody is the implementation of electronic tools such as electronic records, e-reporting, CCTV in non-private areas, and dashboards for anonymous reporting. Although these measures may facilitate transparency, there should still be solid data-protection mechanisms in place in order to ensure children's privacy rights are respected. The fourth point on the agenda of children's rights in the detention milieu refers to the issue of their meaningful and effective participation which represents a very significant obligation under UNCRC that is, unfortunately, often neglected in detention-driven institutions.

The said Article 12 requires that each and every child that is capable of forming and expressing his view should be given an opportunity to freely and unconditionally express it. So, the practical side of the matter is the existence of children-friendly legal aid offices, case reviews, and grievance redress mechanisms and, further, the establishment of channels through

which children's voices may be acknowledged in facility management. Participation not only engages the children in holding actors accountable but also provides them with the opportunity to be rehabilitated as it helps strengthen the sense of autonomy and self-worth.

Fifthly, States are supposed to put an emphasis on the importance of building up robust reintegration and aftercare services as, without a well-structured follow-up, detention usually leads to repeat offending and social exclusion. Therefore, the aftercare services must be comprehensive combining access to education, vocational training, mental health support, family therapy, and connecting the young person with community mentors. Hence, the reintegration process should actually start while the child is still under detention through individually tailored rehabilitation plans that consider the educational, psychological, and social needs of a child.

In this way, the collaborative efforts of NGOs, schools, juvenile welfare boards, and local government can be instrumental in the creation of a seamless care network which supports the healthy transition back into society. Lastly but definitely not least, the alignment of domestic laws with UNCRC requirements is a must when it comes to the issue of sustainable reform. In this respect, the States are liable to examine their laws that are either conflicting or obsolete and that on this account allow the punishing of children or their being subjected to adult-like treatment.

Furthermore, normative frameworks initially should outlaw in a clear-cut manner the use of solitary confinement, assure separation from adults, require speedy trial and guarantee access to legal aid. Moreover, national child justice action plans should be an amalgam of the UNCRC principles that characterize areas such as policing, the judiciary, welfare departments, and correctional institutions. Also, the increase in the day's budget earmarked for the child justice system is of equal importance;

the rights-related reforms, which are the subject of this paper, cannot be implemented if there is no financial input.

Essentially, supporting detention reforms driven by UNCRC standards calls for a comprehensive strategy that is grounded in prevention, humane treatment, supervision, engagement, and reintegration. As long as the child rights are integrated into every turn of the justice system – from arrest to aftercare, governments will be able to come close to the UNCRC offer of a child-centred, rights-respecting juvenile justice structure.

Conclusion

How children's rights are protected while they are held in detention remains one of the most telling and significant ways of measuring the commitment of any country to the UN Convention on the Rights of the Child (UNCRC). In spite of the fact that the Convention quite explicitly states that detention should be the last resort and only for the shortest period of time necessary, the reality on the ground in many places is that the structural and normative gaps are still there visible.

Based on the analysis of the UNCRC standards, the children deprived of their liberty should not only be provided with the minimum survival conditions but their daily regime should be one which is respectful of dignity, which protects their mental health and which guarantees real rehabilitation. Their rights are not something to be aimed at; on the contrary, they constitute legally binding international obligations, which must be realized by States without any discrimination.

In spite of the existence of very detailed legal frameworks in several countries, the problem of conforming to laws is still there. The overcrowding of institutions, shortage of staff, limited access to education and healthcare as well as the occurrence of abuses are the factors that violate the principles of humane justice and justice focused on the needs of children. Moreover, the lack of child-friendly

procedures, absence of grievance mechanisms, and weak supervision features that there are still violations of rights. Many countries are still confronted with problems such as institutional lethargy, lack of resources and a punitive approach to juvenile offenders, all of which hinder the implementation of the UNCRC transformative vision. These systemic flaws point to the fact that legislation alone is not enough; there is a need for effective implementation, continuous supervision and mechanisms for holding those accountable who are in power.

Community-based and non-custodial alternatives, if properly implemented, would facilitate compliance with regulations governing this matter. The global best practice evidence shows that restorative justice models, diversionary strategies, and family-based interventions are very effective in cutting the rate of reoffending and providing developmental needs of children. For nature's detained children must be released from the prison routine to care, rehabilitation, and reintegration. Strengthening staff training in trauma-informed approaches, setting up independent inspection bodies, enhancing access to legal representation, and making sure that children's voices are really heard in all the decisions that concern them are ways this can be done.

The way to meeting standards set in the UNCRC is founded upon recognising that children in detention are the most vulnerable rights holders. The treatment of these children is not only an indicator of to what extent the law is complied with but also of the moral and institutional character of the society. Ensuring a child-centred detention system is thus not only a matter of regulations; it is the core justice, humanity and the collective obligation to protect every child's potential. Substantial reform of the system has to be on-going, guided by evidence, and grounded in the belief that no matter under what circumstances, every child kept in detention has the right to dignity, protection, and hope for rehabilitation a

right that no circumstance of detention can ever take away.

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