

Legal Protection for Children in the Framework of Internasional Law: A Study of the National Convention

Wahab Aznul Hidayah

wahabaznulhidaya@um-sorong.ac.id

Faculty of Law, Muhammadiyah University of Sorong, Indonesia

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Abstract

All around the world, children face various forms of exploitation, violence, and human rights violations. This study aims to analyze child rights protection within the internasional legal framework and its implementation at the national level. The main focus the study is to explore the challenges faced by countries, especially developing countries, in implementing child rights protection, as well as the role of internasional organizations in supporting these efforts. The method used is a normative juridical approach that analyzes various internasional legal instruments relating to children's rights and how countries integrate them into their domestic legal systems. This study also conducts a comparative analysis between countries that have successfully implemented child protection and countries that face significant obstacles. The novelty of this study is due to the in-depth analysis of the discrepancies between internasional legal norms and local customs, as well as the identification of workable solutions to address these gaps. The results show that while the internasional legal framework has provided a solid foundation, implementation at the nasional level still faces various obstacles, especially development by providing strategic recommendations for policymakers and internasional organizations to strengthen child protection systems worldwide.

1. Introduction

Children are the most vulnetable and require attention to protect their rights in

some areas.¹ All around the world, children face various forms of exploitation, violence, and human rights violations.^{2,3} The phenomenon of child abuse does not only occur in developing countries but also developed countries. Therefore, legal protection for children is a global issue that continues to be fought for by various countries and international organizations.⁴

One of the international instruments that has become a milestone in protecting children's rights is the United Nations Convention on the Rights of the Child (CRC).⁵ The Convention, adopted in 1989, emphasizes the importance of member states guaranteeing the rights of children without discrimination and with due regard to the child's best interests. However, implementing the Convention at the national level often faces various challenges, including cultural differences, legal systems, and the capacity of states to integrate CRC principles into their domestic laws.

Many academics and legal practitioners have conducted studies on the legal protection of children in the international legal framework. One of the previous studies has discussed the effectiveness of the CRC in encouraging policy changes in member states of analyzed the obstacles faces in its enactment.⁶ however, in-depth studies on how the CRC is enforced in specific contexts, including comparative analysis between countries with different levels of enactment, are still needed. This research aims to fill the gap and make an original contribution to the discourse on legal protection for children in the international legal framework.

Therefore, identifying the problem in this study is crucial to highlight the gap between international legal norms and their enforcement at the national level. By understanding this issue, this study can provide relevant recommendations for policymakers, legal practitioners, and international organizations to improve legal protection for children worldwide. Therefore, this study aims not only to enrich the academic literature but also to make a real contribution to efforts to

¹ Tryana Pipit Mulyah, Dyah Aminatun, Sukma Septian Nasution, Tommy Hastomo, Setiana Sri Wahyuni Sitepu, "PERLINDUNGAN HUKUM INTERNASIONAL TERHADAP ANAK DALAM ADOPSI," *Jurnal Hukum Dan Kewarganegaraan* 7, no. 2 (2024), <https://doi.org/https://doi.org/10.3783/causa.v2i7.2416>.

² Brendan D. Kelly, "Multi-Level Protection of Rights: India's Mental Healthcare Act, 2017 and the United Nations' Convention on the Rights of Persons with Disabilities (Articles 12 and 14)," *International Journal of Law and Psychiatry* 91, no. April (2023): 101937, <https://doi.org/10.1016/j.ijlp.2023.101937>.

³ Dr Karolina La Fors, "Legal Remedies For a Forgiving Society: Children's Rights, Data Protection Rights and the Value of Forgiveness in AI-Mediated Risk Profiling of Children by Dutch Authorities," *Computer Law and Security Review* 38 (2020): 105430, <https://doi.org/10.1016/j.clsr.2020.105430>.

⁴ Cecillia Maria Margaretha et al., "Penanganan Pelanggaran Hak Asasi Manusia Dalam Hukum Internasional Oleh Perserikatan Bangsa Bangsa," *Jurnal Ilmu Hukum, Sosial, Dan Humaniora* 5624, no. 1 (2025): 176-95, <https://doi.org/https://doi.org/10.572349/kultura.v2i1.826>.

⁵ United Nations, "Convention on the Rights of the Child. Retrieved From," 1989, <https://www.unicef.org/child-rights-convention>.

⁶ Daniel Manoj et al., "Child Protection and Practice Behind the Screens : Understanding the Gaps in India ' s Fight against Online Child Sexual Abuse and Exploitation," *Child Protection and Practice* 4, no. May 2024 (2025): 100088, <https://doi.org/10.1016/j.chipro.2024.100088>.

protect children's right.

2. Research Method

In this study, the approach used in a normative juridical approach, examining internasional legal instruments, especially the CRC, and their implementation at the national level. The sources of legal materials used include primary legal documents such as convention texts and secondary legal materials such as academic journals, internasional organization reports, and policy documents. The analysis of legal materials is carried iut qualitatively to understand the extent to which the principles of the CRC have been adopted and enforced by member states.⁷

3. Results and Discussion

A. International Legal Instruments that Protect Children

The United Nations Convention on the Rights of the Child (CRC) is the main instrument governing child protection at the internasional level.⁸ The CRC puts out children's rights in various aspects, including the right to life, protection from exploitation, education, health, and the right to be heard in decisions that affect them.⁹ The Convention has been ratified by almost all countries in the World, making it the instrument with the widest support in the history of internasional law.¹⁰

Besides the CRC, there are several additional protocols, such as: a) The Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography (OPSC) is and additional protocol to the Convention on the Rights of the Child (CRC) that the United Nations General Assembly passed on May 25, 200, and entered into force on January 18, 2002. This protocol aims to strengthen internasional efforts to protect children from exploitation in the form of the sale of children, child prostitution and child pornography;¹¹ b) The Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) in an additional protocol to the Convention on the Rights of the Child (CRC) which was adopted by the United Nations General Assembly on May 25, 2000 and entered into force on February 12, 2002. The protocol aims to procect children from recruitment and involvement in armed conflict, as well as enhance their protection in colflict

⁷ S Soekanto, S., & Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: Rajawali Pers, 2004).

⁸ S. Atkinson-Sheppard, "The Gangs of Bangladesh: Exploring Organized Crime, Street Gangs and 'Illicit Child Labourers' in Dhaka," *Criminol. Criminal Justice* 16, no. 2 (2016): 233–249, <https://doi.org/https://doi.org/10.1177/1748895815616445>.

⁹ Pipit Mulyah, Dyah Aminatun, Sukma Septian Nasution, Tommy Hastomo, Setiana Sri Wahyuni Sitepu, "PERLINDUNGAN HUKUM INTERNASIONAL TERHADAP ANAK DALAM ADOPSI."

¹⁰ Md Mahmudul Hoque, "A Critical Review of Bangladesh's Child Labor Regulations and Policies," *World Development Sustainability* 5, no. July 2024 (2024): 100177, <https://doi.org/10.1016/j.wds.2024.100177>.

¹¹ La Fors, "Legal Remedies For a Forgiving Society: Children's Rights, Data Protection Rights and the Value of Forgiveness in AI-Mediated Risk Profiling of Children by Dutch Authorities."

zones.¹²

Furthermoew, ILO Convention Number 182 on the Prohibition and Prompt Action to Eliminate the Worst Forms of Child Labour was adopted by the Internasional Labour Organization (ILO) on 17 June 1999 and officially entered into force on 19 November 2000.¹³ The Convention is designed to protect children from exploitation in work that is harmful to their health, morality and growth.¹⁴ It is an important instrument in the global effort to eliminate child labour. Convention Number 182 complements ILO Convention Number 138 on the Minimum Age for Employment, which sets the minimum age for employment at 15 years (or 14 years in developing countries), with exceptions for light work. However, Convention Number 182 emphasizes eliminating the worst forms of labour, regardless of the child's age.¹⁵

The 1948 Universal Declaration of Human Rights (DUHAM), adopted by the United Nations (PBB) General Assembly on December 10, 1948, is a landmark document that sets out universal human rights principles that all states must respect.¹⁶ Although not specifically aimed at children, the DUHAM includes some articles that explicitly and implicitly guarantee the protection of their rights.¹⁷ Article 1 states that every human being is born free and equal in dignity and rights, so children are also entitled to dignified treatment and respect for their rights.¹⁸ Article 2 affirms everyone's right to enjoy freedom without discrimination, including based on age, which includes protecting children from discrimination.¹⁹ Article 3 guarantees the right to life, liberty and security of a person, ensuring that children can live safely and free from violence. Article 25, paragraph 2 provides special protection to mothers and children, including the right to care and assistance and equal social protection for all children, regardless of their birth status, whether born within the legitimate or illegitimate child. In

¹² Perlindungan Hukum, Internasional Terhadap, and Anak Sebagai, "KORBAN TINDAK PIDANA PERDAGANGAN ORANG Ruli Vita Sari, Rina Arum Prastyanti Universitas Duta Bangsa Surakarta, Indonesia Abstrak Berbagai Lembaga Dan Negara Di Seluruh Dunia Terus Memperhatikan Perlindungan Hukum Internasional Terhadap Anak-Anak Yang Me" 3, no. 4 (2024).

¹³ Maria Margaretha et al., "Penanganan Pelanggaran Hak Asasi Manusia Dalam Hukum Internasional Oleh Perserikatan Bangsa Bangsa."

¹⁴ Audrey R. Chapman et al., "Promoting Children's Rights to Health and Well-Being in the United States," *The Lancet Regional Health - Americas* 25 (2023): 100577, <https://doi.org/10.1016/j.lana.2023.100577>.

¹⁵ Angel Maria Sumasa, "Kajian Hukum Humaniter Internasional Dalam Aspek Perlindungan Hak-Hak Anak Di Daerah Konflik," *Lex Et Societatis* 7, no. 12 (2020): 15–23.

¹⁶ Vella Septia Renanda et al., "Perlindungan Hukum Terhadap Kaum Rohingya Dalam Perspektif Ham Dan Hukum Internasional," *SIBATIK JOURNAL: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi, Dan Pendidikan* 2, no. 1 (2022): 143–52, <https://doi.org/10.54443/sibatik.v2i1.1510>.

¹⁷ Sumasa, "Kajian Hukum Humaniter Internasional Dalam Aspek Perlindungan Hak-Hak Anak Di Daerah Konflik."

¹⁸ Sri Lestari Rahayu, Siti Muslimah, and, Sasmini, "Perlindungan Ham Pekerja Migran: Kajian Normatif Kewajiban Indonesia Berdasar Prinsip-Prinsip Dan Norma-Norma Hukum Internasional," *Yustisia Jurnal Hukum* 2, no. 1 (2013): 111–22, <https://doi.org/10.20961/yustisia.v2i1.11082>.

¹⁹ Magdaleen Swanepoel, "Aspects of the Impact of the United Nations Convention on the Rights of Persons with Disabilities on South African Health Law: Section 1," *Forensic Science International: Mind and Law* 1, no. February (2020): 100014, <https://doi.org/10.1016/j.fsimpl.2020.100014>.

addition, Article 26 affirms the right to education as a key element of child protection, allowing them to develop and avoid exploitation.^{20,21}

The principles in the DUHAM became the basis for the development of other internasional instruments that more specifically protect children, such as the Convention on the Rights of the Child (1989), which provides for the comprehensive protection of children's rights, and the Declaration of the Rights of the Child (1959) which emphasizes the importance of special protection for children.²² In the context of the DUHAM, children's rights include the right to live free from violence and exploitation, the right to education to support intellectual and emotional growth, the right to health services for optiman growth, and the right to special protection for vulnerable children, such as orphans or refugees.²³ As a universal foundation, the DUHAM remains relevant in ensuring child protection, especially in countries that have not ratified other internasioanal instruments.²⁴ These principles also provide moral and legal legitimace for internasional organizations and civil society in championing children's rights worldwide.

Protecting children through internasional legal instruments, such as the CRC, its optional protocols, and ILO Convention Number 182, demonstrates a global commitment to ensuring children's rights are respected and protected. Despite challenges in implementation, these instruments provide a strong legal framework to protect children from exploitation abuse and discrimination. The UDHR remains the foundation upon which more specific child rights policies are developed and enforced within the internasional legal framework.

B. National Implementation

Although the Convention on the Rights of the Child (CRC) has been widely ratified, the application of its principles at the national level varies widely, depending on each country's social, economic and political conditions. Developed countries generally have adequate legal, institutional and social inflastructure to ensure the protection of children's rights as mandated by the

²⁰ Oluwabunmi L. Niyi-Gafar and Olanike S. Adelakun, "The Impact of Viral Diseases on the Rights of Vulnerable Population: Covid-19 and the Nigerian Internally Displaced Child," *Social Sciences and Humanities Open* 6, no. 1 (2022): 100268, <https://doi.org/10.1016/j.ssaho.2022.100268>.

²¹ Benyam Dawit Mezmur, "Based Solely on Their Date of Birth ? Rethinking Age Discrimination against Children under the Convention on the Rights of the Child," *Harv. Hum. Rts* 7 (2023).

²² Michela Mariotto, Cinzia Albanesi, and Maric Martin Lorusso, "Encountering Transgender and Gender-Expansive Children in School: Exploring Parents' and Teachers' Practices through the Lens of Cisgenderism and Adulthood," *Children and Youth Services Review* 164, no. July (2024): 107819, <https://doi.org/10.1016/j.chilyouth.2024.107819>.

²³ Wahab Aznul Hidayat, "Penerapan Diversi Dalam Sistem Peradilan Pidana Anak," *Justisi* 5, no. 2 (2019): 84–96, <https://doi.org/10.33506/js.v5i2.543>.

²⁴ Rahmawati Novia Sigit and Novianti Novianti, "Perlindungan Terhadap Orang Tanpa Kewarganegaraan (Stateless People) Dalam Hukum Internasional (Studi Kasus Etnis Rohingya Di Myanmar)," *Uti Possidetis: Journal of International Law* 1, no. 1 (2021): 118–47, <https://doi.org/10.22437/up.v1i1.8303>.

CRC. However, developing countries often face significant challenges in effectively implementing the CRC.^{25,26}

One of the main constraints in developing countries is a lack of resources. It includes limited budgets to fund protection programs, a lack of trained professionals in the fields of law, health, education and social services, and a lack of adequate infrastructure. For an example, many developing systems for children who are victims of violence or exploitation.

In addition, systemic challenges such as poverty, conflict and social inequality also exacerbate the situation. Children from poor communities of living in conflict areas are often overlooked in the exercise of their rights. They tend to be more vulnerable to labour exploitation, human trafficking, violence and limited access to education and health services.

The lack of law enforcement is also a crucial issue. Although laws protecting children exist in many developing countries, enforcement is often weak due to corruption, a lack of capacity of law enforcement agencies, or low public awareness of children's rights. In addition, specific cultural values or traditions may conflict with the principles of the CRC, such as early marriage or the use of child labour.²⁷

Overcoming these challenges requires the cooperation of governments, international organizations and civil society. Approaches include increasing budget allocations for child protection programs, strengthening the capacity of legal and social institutions, and raising public awareness about the importance of children's rights. Assistance from international organizations such as UNICEF also has an important role in helping developing countries fulfil their obligations beneath the CRC.

The non-conformance between international legal norms, such as those in the Convention on the Rights of the Child (CRC), and local customs is often the main obstacle in enforcing child rights protection in different countries. International legal norms are designed based on the principle of universality, which emphasizes that all children are entitled to protection regardless of cultural background or tradition. However, in many societies, especially in developing countries, local customs of long-entrenched traditions often conflict with these international principles.

Meanwhile, the CRC legally provides clear guidelines for protecting children's

²⁵ Norma Rizqitha Latukaisupy et al., "Pengaturan Hukum Internasional Untuk Tenaga Kerja Anak Ilegal," *Fhukum.Unpatti.Ac.Id* 1, no. 1 (2021): 1–11, <https://fhukum.unpatti.ac.id/jurnal/tatohi/article/view/492>.

²⁶ Polina Heidemans, "Perlindungan Hak Asasi Manusia Terhadap Anak Dalam Instrumen Hukum Nasional Dan Internasional," *Lex et Societatis* III, no. Hak Asasi Manusia (2015): 26–38.

²⁷ Rosmi Darmi, "Implementasi Konvensi Hak Anak Terkait Dengan Perlindungan Anak Yang Berhadapan Dengan Proses Hukum," *Jurnal Penelitian Hukum De Jure* 16, no. 4 (2016): 439–50.

rights, but its implementation in developing countries faces various challenges. Limited resources, social challenges and incompatibility with local customs are the main factors affecting the effectiveness of CRC implementation at the domestic level. Thus, to ensure that children's rights are maximally protected, collaboration between governments, internasional institutions and civil society is needed to strengthen protection mechanisms and support developing countries in fulfilling their obligations under the CRC.

C. The Role of Internasional Organizations

Internasional organization such as UNICEF, Save the Children, and Human Rights Watch are crucial in raising global awareness about protecting children's rights while providing technical support to countries to strengthen their protection systems.²⁸ UNICEF, for instance, has been active in assisting countries in designing national policies in line with the principles of the Convention on the Rights of the Child (CRC).²⁹ Using a data-driven approach and in-depth analysis, UNICEF guides governments to create holistic policies that cover education, health, social protection and juvenile justice. In addition, Save the Children works directly to assist children in emergencies, such as armed conflict or natural disasters, while promoting policy changes to ensure the continued protection of children's rights.³⁰ meanwhile, Human Rights Watch plays a role by documenting child rights violations in various parts of the world, putting pressure on governments and the internasional community to take immediate corrective action. These three organizations contribute significantly to global efforts to protect and advance children's rights worldwide through their different but complementart approaches.³¹

Save the Children has a key role in handling issues that impact children's rights, particularly in the areas of education and ending the exploitation of child labour.³² The organization works in conflict-affected and socio-economically challenged countries to ensure children have adequate access to quality education. They develop programs that help children return to school, build safe schools, and provide training for teachers to improve the quality of education,

²⁸ Darmi.

²⁹ Yunita Ajeng Fadila and Khayatudin, "Tinjauan Yuridis Pelindungan Pekerja Anak Di Indonesia Dalam Perspektif Konvensi Hak Anak," *Yustitiabelen* 8, no. 2 (2022): 143–66, <https://doi.org/10.36563/yustitiabelen.v8i2.563>.

³⁰ Yunita Syofyan and Didi Nazmi, "Studi Perbandingan Perkawinan Anak Dalam Hukum Adat Di Indonesia Dan India Ditinjau Dari Perspektif Hak Asasi Manusia," *UNES Journal of Swara Justisia* 6, no. 4 (2023): 383, <https://doi.org/10.31933/ujsj.v6i4.288>.

³¹ Nabila Thifallya Regina et al., "Peran Unicef Dalam Perlindungan Anak Indonesia Role of Unicef in Children'S Protection in Indonesia," *Jurnal Penelitian Dan Pengabdian Kepada Masyarakat (JPPM) E* 3, no. 3 (2023): 117–24.

³² Taufan Herdansyah Akbar, "Peran Save The Children Dalam Melindungi Pekerja Anak Di Kawasan Industri Sepatu Cibaduyut, Bandung Jawa Barat Pada Tahun 2017-2019," *Academia Praja: Jurnal Ilmu Politik, Pemerintahan, Dan Administrasi Publik* 3, no. 2 (2020): 341–51, <https://doi.org/https://doi.org/10.36859/jap.v3i2.212>.

expecially for the most vulnerable children.³³

In addition, Save the Children also focuses on ending the exploitation of child labour through various advocacy efforts and child labour reduction programs. They work with governments and the private sector to introduce policies that reduce children's involvement in hazardous work. The organization also provides direct support to children who have been trapped in child labour by providing alternatives such as education and skills training to help them escape exploitative situations and build a better future. Save the Children is committed to fighting the deep causes of child labour exploitation, such as poverty, gender inequality, and lack of access to education, and working to create a world where every child can grow and develop without discrimination or exploitation.

Furthermore, several countries have demonstrated significant success in implementing strong child protection through progressive national policeis and partnerships with internasional organizations. What follows is a discussion of three countries that have succeeded in this regard, with evidence and data to support these assertions.

Sweden is recognized as a pioneer in eleminating corporal punishment for children in all contexts, including family, school and community. The country became the first country to officially ban corporal punishment of children in 1979 through the Child Protection Act. It is a massive step in ensuring children's right to be treated with respect and dignitu. Evidence of its success can be seen in the significant decline in child abuse rated, both in families and schools. According to data from Swedish National Council for Crime Prevention, in recent decades, reported cases of child abause have decreased. Sweden also actively promotes non-violent education in parenting and supports alternative, more constructive approaches to child discipline. The country has set an example for other countries in ensuring the protection of children from physical and psychological abuse.³⁴

Germany has strict law enforcement mechanisms to address child sexual exploitation and child marriage. The country has an effective justice system addressing crimes against children, with severe penalties for perpestrotors of child sexual exploitation and trafficking. Germany has ratified various internasional instruments, including the Convention on the Rights of the Child (CRC) and the CRC Optional Protocol on the Protection of Children from Sexual Exploitation. One of the key policies adopted by Germany is a stringent ban on child marriage. In 2017, Germany amended its marriage law to set a minimum

³³ Luerdi and Mardiyanti, "Peran Organisasi Internasional Di Wilayah Perang: Upaya UNICEF Dalam Melindungi Hak-Hak Anak Di Yaman," *Dauliyah*, 2021, 23-58, <https://ejournal.unida.gontor.ac.id/index.php/dauliyah/article/view/5858>.

³⁴ Chris Beckett, "The Swedish Myth: The Corporal Punishment Ban and Child Death Statistics," *British Journal of Social Work* 35, no. 1 (2005): 125-138., <https://doi.org/https://doi.org/10.1093/bjsw/bch166>.

age of 18 for marriage, although previously, child marriage with court permission could occur at a younger age. Evidence of success can be seen in data from the Federal Criminal Police Office (BKA), which shows a significant decrease in child sexual exploitation cases in recent years. In addition, Germany is also making substantial efforts to combat child trafficking by organizing awareness campaigns and providing protection services for victims.³⁵

Kenya has successfully reduced child labour rates by collaborating with international organizations such as the ILO and UNICEF to introduce free primary education. In 2003 Kenya introduced the Free Primary Education policy, which provides children nationwide access to education at no cost. Evidence of the success of this policy is seen in the decline in the number of children engaged in child labour. According to data from UNICEF, the number of working children in Kenya decreased significantly after implementing the free education policy, which opened up opportunities for children to attend school rather than work in the informal sector or hazardous jobs. Also, according to the International Labor Organization (ILO), Kenya has significantly decreased the number of child labourers, especially in the agricultural sector and informal industries. This success has also been driven by a growing awareness of children's rights among communities and collaborative efforts with various international organizations to provide education and skills training services.³⁶

International organizations like UNICEF, Save the Children and Human Rights Watch have a crucial role in encouraging states to meet their obligations towards protecting children's rights, whether through policy development, direct intervention, or monitoring and documenting violations. The achievements of countries such as Sweden, Germany and Kenya in implementing child protection provides evidence that collaboration between governments, international organizations and civil society can result in significant changes that benefit the well-being of children worldwide. Further efforts should be made to expand awareness and implementation of child protection policies, especially that still face significant challenges in terms of resources, social inequality and conflict.

4. Conclusion

To sum up, this study shows that international legal instruments, such as the Convention on the Rights of the Child (CRC), additional protocols and other international convention, provide a strong basis for protecting children's rights worldwide. Despite a clear legal framework, challenges in implementation remain, especially in developing countries that face limited resources, social

³⁵ Sven A Hartmann, "Television and Family Demography: Evidence from a Natural Experiment in East Germany," *Labour Economics* 91, no. October (2023): 102640, <https://doi.org/10.1016/j.labeco.2024.102640>.

³⁶ Lydia Davenport and Eric Halford, "Building Police Capability in Child Protection in Kenya," *Child Abuse and Neglect* 147, no. October 2023 (2024): 106538, <https://doi.org/10.1016/j.chiabu.2023.106538>.

inequality, and incompatibility with local customs. However, international organizations such as UNICEF, Save the Children, and Human Rights Watch are crucial in providing technical support, raising awareness and helping countries meet their child rights protection obligations. Prosperous countries such as Sweden, Germany and Kenya show that collaboration between government, civil society and international organizations can significantly improve child protection. Therefore, more significant efforts are needed to strengthen child protection mechanisms in countries that still face significant challenges and expand awareness of children's rights worldwide. Recommendations for countries that have not yet fully implemented the CRC principles are to strengthen resources, legal infrastructure, and social systems, as well as strengthen coordination with international organizations to improve the quality of child protection.

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