



TOWARDS A CHILD-CENTERED JUSTICE SYSTEM - THE NORMATIVE AND PRACTICAL IMPLICATIONS OF LEGAL EDUCATION IN PROMOTING FAMILY RIGHTS AND EMPOWERMENT

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ABSTRACT

Over the last few decades, the global shift towards “child friendly” or rather “child centered” justice has focused on the need to value children’s rights, agency, and family contexts within the legal system. The actualization of this shift relies not only on legislative changes and institutional innovations, but the impact of legal education. If legal practitioners were educated and children and families were empowered then the justice system would shift towards being more “child-centered”, In this instance, legal education would have to be directly concerned with the empowerment of families, children, and legal actors, as the only way to shift the normative agenda of justice is to translate it into lived empowerment. The paper identifies and discusses the core elements of this to be legal education, the teaching of family rights, & implications that derive from that. The interface that family rights provide is the unique conduit through which legal education might address the chasm that exists between formal rights and actual empowerment, particularly in support of children’s rights. Some of the key challenges in this regard, which have been directed towards law schools, include continuing professional education, and community legal literacy initiatives.

Keywords: Child-Centered Justice; Family Rights; Legal Education; Empowerment; Access to Justice; Child Rights



Every system has its own centers; family, whether biological, social, legal, or affiliated, is an important variable in an individual's life, in the wheels of the justice system, whether the issue is in conflict. The wheels of justice should flow smoothly, accompanied by grace, with defined protocols for entry and exit, over sustained periods of manifestations. The wheels of justice can cause alienation of systems of a pair of the socio-legal-mentoring systems and bifurcated systems of a family of tools. The wheels of justice should flow smoothly with grace, ensure the protocols for alienated, pair, bifurcated systems of family & partner systems alienation, should be carefully monitored and overseen by keeping a modified gate, the systems can be kept. Family and partner socio-legal bifurcations can be kept alienated in. The "justice gap" for children remains considerable across the globe, including systemic issues like limited legal aid, punitive approaches, insufficient child-friendly processes, and low awareness within children and families ("Child Victims and Witnesses of Crime in India", 2010).

Similarly, the rights of the family like the right to be heard, right to family integrity, & right to the participation of a parent, conflicts with the rights of a child and family rights and remains unaddressed. The intersection of children's rights and family rights is essential yet poorly developed within legal education and practice (K.M., 2019). It explores legal education as a critical factor in closing this gap. For the purposes of this paper, legal education encompasses the training of legal practitioners (judges, lawyers, child welfare officers), community legal education targeting families and children, and children's and family rights- focused pedagogical approaches in law curricula. The hypothesis is that legal education for children, families, and children's rights advocates remains so weak that the goal of a child-centered justice system remains unachieved.

This paper is structured in the following manner. The first section explains the normative foundations of family rights and a child-centred justice system. The second section explains the challenges and modalities of legal education in family rights and empowerment. The third section analyses the practical implications of the field designed legal education interventions. The fourth section provides recommendations. The conclusion discusses the critical need for normative coherence and educational practice in the family rights aspect of the child-centred justice system.



NORMATIVE FOUNDATIONS - CHILD-CENTRED JUSTICE AND FAMILY RIGHTS

International human rights instruments and developing national jurisprudence underscore the necessity of a child-centred justice system. The Convention on the Rights of the Child (CRC) outlines the foundational normative basis. It stipulates that in all actions concerning the child, the best interests of the child shall be a primary consideration (Art. 3) and that the child has the right to free expression in all matters affecting her or him (Art. 12). This is reinforced by the recognition that children are rights-holders, and appropriate legal and procedural safeguards must be extended. Legal scholarship has also pointed out that justice systems must evolve from being merely child-friendly (i.e. adapting adult systems for children) to child-centred systems, those designed around the child's perspective and experience (Sadat, 2024).

The normative framework also captures the family rights dimension. Families are the first line of support, protection, and participation for children. Key family rights include the rights to family life & responsibilities of parents, & child's right to be heard within the family environment. These rights can be found in national constitutions, human rights laws, and court decisions (for instance, the right to family life in the European Convention on Human Rights). A justice system that focuses on children must understand and accommodate family relationships and recognize families as rights holders and key partners in justice, not solely as recipients of services. The emphasis on both children and their families acknowledges that family empowerment significantly strengthens children's access to justice and achieves more positive and lasting results (India. Committee on Reforms of Criminal Justice System, 2003b).

From the standpoint of legal education, the normativity suggests the need to address children's rights, family rights, empowerment and agency, procedural safeguards, & need for reform in the system. It involves training future lawyers, judges, and legal practitioners not just about the law, but also about designing, implementing, and assessing processes that are child-centered and family-empowering. Policy frameworks only build on the normative case. The OECD Child-Friendly Justice Framework, 2023 is based on four pillars, (i) designing and delivering child-friendly services; (ii) governance enablers and infrastructure; (iii) the empowerment of children and workers within the justice system; and (iv) planning, monitoring, and



accountability. Third pillar empowerment is quoted as; “fundamental literacy and numeracy are important for legal capability and key to raising children’s awareness of their rights and legal pathways.” This normative architecture serves to contextualize the importance of legal education and empowerment within a child-centred justice ecosystem (OECD Child-Friendly Justice Framework, 2023).

LEGAL EDUCATION AS AN EMPOWERMENT TOOL FOR FAMILY RIGHTS

Legal education has been more doctrinal and procedural on the litigation focus and has been intended for future practitioners (lawyers, judges). However, when considering a child-centred justice system, legal education needs to expand -to serve three interlinked target groups.

- (1) justice-system professionals,
- (2) children, and
- (3) families (especially marginalised families).

Each group has a pivotal role towards family rights and empowerment. Judges, lawyers, social workers, child welfare officers, and police officials require specific knowledge and training concerning children’s rights, trauma-informed care, and family empowerment. Without this understanding, any child-centred and family rights approach will remain just a theory. Training could include, developmental psychology, child interviewing, multidisciplinary teamwork, family therapy, restorative justice, and evaluation frameworks. Evidence shows that family-inclusive juvenile justice systems work better than those that exclude family and isolate the child (Naincy, 2018).

Legal educators and trainers must therefore include family rights and participatory approaches in teaching interdisciplinary questions. Children also need legal education and training about their rights, justice, and family support systems in a form that is appropriate for their age. This could include school programs, legal literacy training, interactive tools, peer education, and other participatory activities. This education promotes agency, the capacity to claim rights, and active citizenship. Empowerment within the family also promotes positive family communication around rights, supporting family rights.



Families, especially those who are vulnerable, marginalised or newly involved in justice processes, need support to appreciate their rights, responsibilities, & means to engage with the justice system. Legal literacy initiatives geared to parents or caregivers can simplify and clarify the process, rights connected with the family (e.g. parents' rights in juvenile justice hearings, family placement decisions, and restitution orders) and prepare families to participate with their children. Numerous families are unaware of children's rights & steps in processes tailored for children. Legal education can help close this gap and reduce power imbalances.

When legal education targets all three groups, it becomes a multi-faceted instrument of empowerment, professionals become more sensitive to children and families; children become aware and engaged; families become active partners in the justice process. This "ecosystem approach" continues to build on the governance / enabler and empowerment pillars of the child-centred justice frameworks. Based on the report, *Children in India, 2018*, there were around 472 million children (0-18 years) in India, approximately 39% of India's total population (*Children in India, 2018, n.d.*).

PRACTICAL IMPLICATIONS FOR DESIGNING LEGAL EDUCATION INTERVENTIONS

Implementing legal education for child-centred justice, family rights and empowerment requires careful design and tailored approaches in modalities, content and delivery. There are a range of practical implications that follow. Children's rights and family rights should be positioned as core subjects in the curriculum of law schools and CPD legal education programmes. For instance, a compulsory course on "Child and Family Rights in the Justice Systems" that includes juvenile justice law, family law, restorative justice, legal empowerment, and justice pedagogy. Teaching through case law should involve some canonical texts and landmark decisions (this is particularly true in the Indian context, although there is insufficient space here to comment in detail). Such training must address procedural rights and access, child participation, family engagement, and effective monitoring and evaluation of outcomes (Kilkelly & Pleysier, 2023).

People want and need interventions to be accessible to families. People need legal-literacy workshops in community centres explaining children's rights, family rights, how families access legal aid, and how family court and tribunal processes work and where families fit in.



Workshops should be participatory using role-play, simulated hearings, and family-rights scenarios. Legal materials should be intelligible without legal jargon.

Child-friendly legal literacy for children age-appropriate modules for explaining rights, child-friendly justice, the role of families, and how children's voices can be heard in Justice processes should be designed in school and/or in collaboration with NGOs. More engagement and retention can be achieved using gamified platforms, interactive media, story-based learning, and peer-facilitated sessions. An example is a gamified AI-powered platform study conducted in India where children's understanding of rights improved significantly post-intervention ("Children's Evidence & Convention on the Rights of the Child, Improving the Legal System for Children", 2010).

Training must be multidisciplinary because child-centred justice encompasses the law, social work, psychology, education, and health. Legal professional training programmes should include social work modules, psychologists should be aware of legal safeguards, and police and child welfare officials should be trained on family-rights engagement. This multidisciplinary approach equips professionals to work together when families and children are in contact with the justice system.

Evaluating training programs ensures that the outcomes meet their intended objectives. For example, do families feel empowered? Are children listened to? Have professionals adopted family inclusive practices? Have children's justice outcomes improved, such as diversions, reduced recidivism, and family reintegration? The normative frameworks identify planning, monitoring, and accountability to one of the four essential principles. Evaluation based on evidence can sustain and support the improvement of legal-education initiatives (Bajpai, 2006).

When teaching law, one must be aware of intersectional inequalities. Children and families from marginalised groups, such as the economically disadvantaged, minorities, or children with a disability, may experience deeper injustices. The system should be flexible to adapt training materials for different cultures and languages, and to support children and families who may be economically, educationally, or geographically disposed from access to training resources. A family-rights perspective promotes the participation & empowerment of marginalised families as principal actors.



PRACTICAL IMPLICATIONS FOR DESIGNING LEGAL EDUCATION INTERVENTIONS

Translating normative commitments to child-centred justice requires a fundamental re-thinking of legal education. Legal pedagogy ought not to stop at doctrinal teaching; it must also train lawyers to understand child impact, empower families, and transform systems. Establishing specialised legal-aid and rights-based clinics is one of the most powerful tools in this respect. In numerous jurisdictions, university clinics have been effective in training law students while also assisting those in need and serving vulnerable populations. Adapting this model to family and child justice, child-rights clinics can become legal counselling, assisted representation, and socio-legal family crisis interventions comprehensive centres (Justice & Justice, 1975).

These clinics would provide much more than litigation support; they would help families manage child protection litigation, provide strategies and counselling to legal advocates, and help families challenge welfare decision-making and provide legal entitlement petitions, and draft and file petitions with adjusted welfare and child protection frameworks. Students will learn and become advocates for trauma-informed interviewing, understand family dynamics, and respect children's rights to participation in decisions about them and their lives, all of which, sadly, is often missing in contemporary legal education.

The shift to technology-driven pedagogy is critically important in modern legal practice. It opens up the prospect of using technology-assisted legal outreach to further empower communities. Legal practitioners can now offer digital tools that help communities to understand their legal rights and empower children to participate in legal frameworks that affect their rights. Chatbots targeted towards children that provide legal guidance on reporting abuse or accessing welfare benefits and tele-counselling services are transformative innovations to assist and empower communities. Digital education tools can ensure rights-awareness penetrate rural and marginalised communities. However, tools designed to provide access to justice digitally must provide safeguards for the rights of the children most at risk who seek legal education to avoid the risk of exposing them to further danger. Safe digital design and child-focused user experience principles must be integrated along with accountability measures that ensure children are protected from legal abuse.



Family involvement is another important dimension of a truly child centred justice system. Thus, training courses should prepare future legal practitioners on strategies that include families in joint collaborative decision-making. These strategies should include organised pre-hearing consultations with the guardians; conferencing arrangements that provide children and family members the opportunity to raise issues together and separately, & development of communication plans that show empathy and cultural sensitivity. Child rights compliant justice processes do not perceive families as mere appendages; they understand that an informed and engaged family can have a significant impact on the rehabilitative and developmental outcome. Legal education should teach students to facilitate participation in ways that respect the child's evolving capacities, avoid coercion, and maintain the dignity of families.

An argument for legal education to focus on child-centred jurisprudence continues to gain impetus with recent developments in the law. Courts in India have, for some time now, adopted a rehabilitative approach for the juveniles in the system. In *Gaurav Kumar v. State of Haryana* (2019 SCC OnLine P&H 2411), the Punjab and Haryana High Court, reiterated that juvenile matters, and especially the interventions, must focus on reform and not punishment, stressing the importance of counselling & inclusion of the family in the justice process. This is indicative of a greater paradigm shift away from punitive approaches and underscores the demand for competent legal professionals who can grapple with the psychosocial aspects of juvenile offending.

The need for systemic capacity building, as articulated by the Supreme Court, is clear. In *Sampurna Behura v. Union of India* (2018) 4 SCC 433, the Court took particular note of the directions for the training of all parties inclusive of the police, juvenile justice boards, and child-welfare committees, and for the functioning of the juvenile justice institutions. This is the first case of a court giving an order for the training of implementers. The Court stated that without legislation, and a corresponding competence in the implementers, it becomes useless. In the same way, in family law, in *ABC v. State (NCT of Delhi)* (2015) 10 SCC 1, the court recognised a non-conventional family by upholding the rights of an unwed mother without paternal rights, highlighting that family law needs to adapt and embrace family arrangements and structures that have changed. This is something that legal institutions need to pass on to the next generation of legal practitioners.



As the world moves towards recognizing children's rights, so does Indian jurisprudence. *In re Gault* (387 U.S. 1 (1967)) is one example that laid the foundation for this development and claimed that children must receive procedural safeguards, and that parents must be present for fair adjudication in juvenile courts. This case established the groundwork for the due-process rights of minors and juvenile-justice systems. The influence stretched across-remains common-law systems stretching to India. The combination of the above *Gault* case settlements and Indian systems shows the development of legal capacities is not solely a technical one, but rather a constitutional one, centred on dignity, fairness, and equality.

While the Judiciary recognizes and appreciates the importance of education, meaningful reform is still stalled due to unnecessary clutter. The legal culture, which is predominantly and traditionally adult-centric in nature, presumes adults to be the primary rights holders with children being passive and mute recipients of the protection. This perception, & associated culture, leads to the silencing of the child's agency in instances of the justice system, even when the laws provide for participatory rights. This perennial bias can only be shifted by the system through a change in pedagogy from a culture of paternalism towards a culture of empowerment, & roots of which must be in empathy, child-development psychology, and rights-aware legal reasoning (Naincy, 2018).

Child-rights advocacy incorporates various fields, including social work, psychology, education, and public health. However, legal training often remains siloed. A law school curriculum focusing on the needs of the child should promote inter-professional education and provide opportunities for law students to work with psychologists, school counselors, doctors, and social workers. Without this, legal practitioners might understand the theory but advocate for a cause with little context.

Concerns over funding and institutional inertia are also significant. The creation of new specialty clinical programs, digital learning opportunities, and interdisciplinary courses require investment and staffing and are often a function of institutional culture and mission. Minimal changes to teaching practices are more common, whereby institutions are offering the appearance of including child-rights pedagogy while offering a radical teaching change. To ensure this is not the case, child and family law practice competencies should be integrated into assessment matrices, accreditation standards, and bar-council regulations (Cross et al., 1999).



The underlying philosophical approach in these reform initiatives is a commitment to empowerment. In child-justice contexts, empowerment involves expanding capacity, augmenting agency, and restructuring systems to facilitate active engagement. However, children's empowerment hinges on the simultaneous empowerment of families, especially in contexts where families are fundamental units of socialisation and support. When families comprehend legal systems, they can advocate for their children in a more articulate and effective manner, and when they are treated with respect during legal processes, they are integrated into the collaborative and positive aspects of the child's development rather than standing on the periphery. Therefore, improved legal education around family justice promotes the system as a whole.

Restorative justice approaches provide powerful opportunities to harmonise legal systems with a child-focused, family-affirming approach. Restorative approaches, unlike punitive systems, understand that children in conflict with the law need to be reintegrated into society and not isolated because the goal is to restore relationships not sever them. Family-group conferencing allows children, their guardians, & people to work together to endorse children's healing outcomes. Indian courts have started to appreciate the value of these approaches. However, the primary value of these approaches lies in the ability of legal practitioners to scaffold restorative conversations, understand family coercive dynamics, and juxtapose relational restoration with the preservation of rights. These overlapping domains of law and social work require both the moral courage to reflect & pedagogical fundamentals of advanced social work schools (Pradhani, 2017).

RULINGS & EMERGING JURISPRUDENCE ON DEEPPAKES

With regards to deepfakes, the EU has not yet experienced an overwhelming amount of litigation, however still emerging judicial trends alongside data-protection and online-speech litigation provide useful insight on how the courts might tackle the problem. Jurisprudential fore-thinking mainly comes from the ECHR & Court of Justice of the European Union with the central pillars being privacy, protection of one's identity, & integrity of information.

With regards to the protection of one's reputation, *Von Hannover v. Germany* (No. 2, 2012) is of relevance. The ECtHR underscored the importance of the protection of one's reputation and privacy, especially with regards to loss of control of the media and manipulation of images.



The reasoning used in this case may still apply, albeit with the assistance of older technology, to the case of digital manipulation and should be interpreted on the side of rights protection. *Delfi AS v. Estonia* (64569/09) established that online platforms may be responsible for user-generated content that infringes rights or causes harm, and this is especially relevant in the case of the distribution of deepfakes. Most recently, *Fuchsmann v. Germany* (Application no. 71233/13) reiterated the pre-existing understanding that false statements that harm one's honour and private life provide reasonable justification for courts to take action. This is likely to be the first of many cases to consider deeply harmful malicious 'deepfakes' as defamation and privacy-violating material and take evidence.

CJEU jurisprudence paves the way for addressing the harms of deepfakes. In *Google Spain SL v AEPD* (C-131/12), the Court recognised the right to control the dissemination of personal data. This right could be the starting point for extending erasure rights to manipulated digital likenesses that misappropriates identity or reputation. In *Glawischnig-Piesczek v. Facebook* (Case C-18/18), the CJEU further stated the platforms could be required to remove not only specific illegal content, but also identical and equivalent variants. This is a particularly useful approach for dealing with viral replication and re-posting of deepfake content across networks.

There seems to be a willingness to privilege harm to dignity, privacy, and true representation of identity, and, on the other, to digital expression, which is potentially unlimited. With deepfake technology and legal issues arising, EU courts will likely be the first to apply the privacy rights, dignity protections, self-determination of the info, and disproportionate responsibility of the platforms to novel harms while the AI Act and DSA continue to unfold.

Even with developing regulations, enforcement continues to be an important puzzle to solve. In considering policing, the problems are especially acute. With new, cheap, and low-tech deep fake applications being developed, the problems become multiplication orders worse. There are also problems arising from the fragmentation of enforcement authority within and between Member States. The EDPB, Europol, and ENISA all work on desynchronized pieces of the legislative puzzle; data protection, cybercrime, and technology policy, leaving deep fake misuse enforcement to policy levers of last resort (Computer Fraud & Security, 2014).

Jurisdictions within and especially outside the EU add to enforcement complications. Cross-border evidence collection Bluetooth and deepfake content flows from outside the Union,



which requires enforcement diplomas that are glacially paced. In criminal processes, the law must be harmonized around the use of AI & admissibility of evidence, custodial chains for digital evidence, forensic processes to authenticate fake and real media, and evidence attestations. The Commission has indicated the establishment of trusted flagger systems and rapid removal pathways under the DSA. Unfortunately, this vision does not factor-in the inharmonized operation of these systems across services & disparate integration of AI across Member States. Member training & provision of AI-forensics to police are also poorly coordinated (Wilman, 2022).

The EU proves it has a focus on a rights-centric framework. However, without perfect integration and collaboration among regulators, courts, tech developers, and platforms, trust will be lost. There is an increasing need for automated detection tools, specialised cyber units within the EU, redress instruments for users across the EU, and frameworks for collaborative cross-border investigations. As the technology behind deepfakes becomes more advanced, legislation, and institutional frameworks must also advance and become more flexible to meet the challenges posed by rapid technological advancements.

INTEGRATING INNOVATION WITH FUNDAMENTAL RIGHTS AND ETHICAL GOVERNANCE

The EU Charter on Fundamental Rights states the EU must disallow innovation that violates dignity, autonomy, & right to democracy & privacy of the individual. The EU's advanced AI governance attempts to incorporate these principles through a tiered approach on the use of AI actively trying to prohibit the abhorrently harmful manipulative use of AI. Striking this equilibrium can be observed through the AI Act & EU Digital Services Act & GDPR. These legislative instruments created and perpetuated the technological innovation-constitution balance. This constellation of laws obtained the harmonious technological innovation-constitutional balance the EU strives to achieve (Chiarella, 2022).

Another challenge is that reactions to the use of the technology should not undermine the use of valid speech that includes critiques, satire, and artistic creativity. These all are part of free speech that is safeguarded by Article 11 of the Charter of Fundamental Rights of the EU & rulings of the ECtHR. The positive use of the technology can have cognitive and cultural societal benefits, especially if it is creatively used to recreate and animate historical figures,



tell stories, assist the disabled, and help with the preservation of languages and cultures. The distinction by the EU between ill will and constructive intent is very important. The AI Act, which considers the intent of people & actual risks posed, is a potential guiding model in this respect. However, several challenges remain, especially based on how platforms determine the classification and management of systemic consent and authentication, and how the regulators can be transparent in a way that does not systemically burden the creative and research communities (Woods, 2022).

Governance that is ethical responds to root social weaknesses that allow deepfake misuse, most importantly, the challenges posed by media illiteracy, gendered online violence, and informational asymmetry. Female public figures, journalists, and activists disproportionately targeted by abuse deepfakes reveal the synergy that exists between technologically-advanced abuse & socially-constructed gender inequity that still prevails. The European Union responds, albeit piecemeal, to some of these issues by supporting the EU Centre to Prevent and Counter Child Sexual Abuse and funding media literacy projects through Erasmus+ and Horizon Europe. A more complete approach is still necessary, though, and it should focus on the integration of gender, rights, and abuse sequentially removing inequitable algorithms, implementing survivor redress, encouraging cross-platform silos, & active prevention of online harassment (Routledge, 2013).

Institutional competence is key when it comes to the ethical deployment of deepfake technology. Those involved in the judiciary, regulation, law enforcement, and private platforms must have the necessary tech skills to make determinations about the nature, intent, and harm of the tech in question. If there is no investment in building this necessary competence, the likelihood of inequitable and inconsistent enforcement of legal and regulatory frameworks will undermine public confidence in the governance of technology. For the EU, future regulation will need to ensure not only the development of strong legal frameworks, but also the skills, infrastructure, and institutional ethos needed to adequately fulfill those laws and frameworks. The success of the Union on deepfake governance will rely on its ability to balance defending rights, sustaining innovation, and building enforcement frameworks that are responsive to the technology at hand and faithful to the Constitution on fundamental rights.



DEEPAKE REGULATION IN EUROPE - TRANSPARENCY, PROVENANCE, AND WATERMARKING STANDARDS

The Priority of Transparency in Europe's Approach to Deepfake Regulation, based on an understanding of a new governance model, the EU focuses on the principle of transparency while also recognizing that the misuse of deepfakes can happen when there is a lack of visibility around manipulated content and when that content can be disguised as authentic. As a response to the need for transparency in the EU AI Act, the amended provisions incorporate a tiered disclosure framework in which AI-generated or AI-manipulated content that can mislead viewers, disturb public order, or violate personal rights must be accompanied by clear disclaimers and identified as potentially manipulative. The obligations around transparency extended beyond mere labeling to include explainability, pathways of provenance that can be verified, human agency and control, & independent auditing of high-risk AI frameworks (Kim & So, 2024).

Watermarking technology, which involves embedding invisible digital identifiers within media, is anticipated to become foundational. It is important to understand that it is not a universal solution, nor is it purely a technical means to an end. It reflects a normative position that there should be a minimum threshold of authenticity and traceability. The sustainable information ecosystem starts here. The consistency of normative values of transparency and accountability ascribed to the EU's approach to the GDPR and Digital Services Act is telling of its intrinsic constitutional nature. The CJEU has emphasized the aspect of public trust and self-determination in information, as in *Google Spain SL v. AEPD* (Case C-131/12, 2014). In the case of deepfakes, this is an insistence of regulation that citizens should know when machine speech is being used.

However, standards that are technical can possibly fall short of the required clarity on the philosophical level. One of the careless watermarking guidelines might stifle casual, harmless creativity, open-source scholarship, and legitimate remixing of copyrighted derivative works. This is why, in the EU, the policy discourse would ideally feature concerns of over-regulation and under-regulation free-market permissiveness, as in the Union's policies put in-place today. The Union's policies dominate the discourse to the Union's favor by permitting a light regulatory approach, where the low-risk creative deepfake applications on the European Union could pose risks to the Union's policies only where potential deception manipulations are



concerned, while more potentially deceptive deepfake applications that politically manipulate, and deep fake pornography are manipulated to pose more serious risks to the Union's policies and societal risks pose stricter obligations (Singh, 2022b).

The third and final principles of the transparency trade system rest on AI metadata provenance and content authentication systems. These systems are meant to certify the content origin & editing history of the content in contrast to watermarking that provides a trail of evidence that is tamper proof. Initiatives, such as the European Digital Media Observatory which the Union funds and other similar collaborative projects with Union-accredited universities provide a powerful indication that the Union, and more broadly, the European Union, views content authentication as a foundational issue that must go beyond mere acknowledgment of the technological platforms in use. The controls on the use of emerging technologies would dictate that controls would dictate the legal obligations that would arise to impacts such as interoperable standards of metadata provenance, proof of audited AI training data, and other proof of public reporting of closed system of data similar to transparency for systemic risks the Digital Service Act (Helgeson et al., 2022).

DEEFAKE PROLIFERATION AND HARM TO INDIVIDUALS

There has been considerable attention on the need for the EU to act in a more systematic and comprehensive manner regarding deepfakes. Based on a report by Europol and Trend Micro, between 2022 and 2023, the first report on deepfake technologies and cybercrime estimated an increase of over 400% in deepfake cybercrime, with almost 90% of cases being detected non-consensual sexual deepfakes and politically manipulative content being the most rapidly expanding segment since 2022. Rather, the primary concern should be the technological advancements of the harms being caused. The intersections of identity, democracy, and violence against women calls for regulation (Europol, 2022).

Again, the Union's deepfake strategy does fall primarily within the larger constitutional scope of human rights and empowering the public. Regulation cannot solve the problem of synthetic misinformation. Education, empowerment, and cultural evolution are necessary prerequisites of societal resilience. Digital literacy measures being undertaken within the Erasmus+ programme & European Democracy Action Plan are aimed at equipping citizens with the skills of critical thinking and AI-assisted persuasive content awareness, and verification. This focus



resonates with the jurisprudence of the ECtHR in the context of the free exchange of public ideas, and in particular, with the *Handyside v United Kingdom* (App. No. 5493/72, 1976) where the Court stated, ‘that which is offensive, shocking or disturbing is inextricably part of the ideas and freedom of expression.’ In the context of deepfakes, the freedom to express an idea should be protected in such a way that the recipients possess critical discernment as opposed to mere passivity, and harmful tools should be limited.

Nonetheless, these programs should focus on the general public and not the elite. The digitally marginalized include people on the losing end of deepfake technology, especially women, which is horrific. The deepfake technology is not only aimed at women but is made primarily for abuse. Activists become targets of disinformation and legislative hate speech is aimed and directed at minority groups, and hate propaganda is spread. The victim perspective is within the context of the EU’s greater goals for equality as set out in Article 21 of the Charter. Legal empowerment is only real with the provision of active, accessible, takedown measures. More relevant, supportive, and rapid takedown policies should be enforced so that real theorized control is provided.

CONCLUSION AND WAY FORWARD

The human aspect of justice means addressing the needs of children and adolescents as well. Children and adolescents are being targeted by harmful deepfake technologies with impersonation, cyber-bullying, and sexual exploitation. The rights-protective ethos represented by the EU Strategy on the Rights of the Child and soon the EU Centre on Online Child Sexual Abuse, responds to cases like *Söderman v Sweden* (App. No. 5786/08, 2013), where the ECtHR recognized the duty of the State to protect children from digital abusive exploitation and violation of dignity. As deepfake harms towards children escalate, regulations on safety by design, preventive geo-fencing, automatic age estimation, and real-time monitoring of deepfake systems will be required as critical compliance elements.

The EU’s deepfake governance is the first of its kind in the world, with the Union adopting constitutional rights grounded, proportionality, democracy, and responsibility to technology as pillars of its deepfake policy. The AI Act, Digital Services Act, GDPR, and strategic policies aligned with these regulations declare the Union’s real understanding and recognition of the deeply embedded nexus between technology, the law, and governance. The question is how to



safeguard the truth, dignity, and autonomy of individuals in a world where the very essence of reality can be algorithmically altered and reconstructed?

In the future, the EU framework will need constant evolution via passive anticipation strategies, global collaboration, investment in detection systems, and a willingness towards media literacy and societal empowerment. As much as innovation and advancements in technology enforcement capabilities will need to increase as well, Unprotected norms will not become protective in the real world. Digital governance relies on public trust, which, in turn, relies on transparency, accountability, and recognition. Without respect to rights, trust will not exist.

AI-generated media comes with colossal prospects as well as dangers. In aiding the growth and evolution of technology, the EU model seeks to civilize technology and ensure the anti-technology future. In the balance between civility and safety lies the structure of a global information society with rights.

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