
PROTECTIVE APPROACH IN CRIMINOLOGY: ADDRESSING BOOTLEGGING, DRUG ABUSE AND ENVIRONMENTAL POLLUTION AS SOCIAL CRIMES

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ABSTRACT

Criminology has increasingly shifted from a punitive framework to a more humane and reform-oriented perspective known as the protective approach. The approach emphasizes prevention, rehabilitation, and social welfare rather than mere punishment. The present study examines criminal activities such as bootlegging, drug abuse, and environmental pollution as manifestations of deeper social, economic, and structural problems rather than isolated legal violations. Bootlegging and drug abuse are often rooted in poverty, unemployment, lack of education, and social disorganization, while environmental pollution is frequently driven by industrialization, regulatory failure, and economic exploitation. Treating these acts solely as crimes ignores their underlying causes and limits the effectiveness of criminal justice interventions. The protective approach, therefore, advocates for addressing these root causes through social policies, community participation, awareness programs, and institutional support systems. This argues that a protective model—integrating legal control with welfare measures—can significantly reduce recidivism and promote long-term social stability. It highlights the need for a coordinated response involving government agencies, non-governmental organizations, and civil society to tackle these issues holistically. Ultimately, the study underscores that sustainable crime prevention lies not in harsher penalties, but in strengthening protective mechanisms that address the socio-economic realities behind criminal behavior.

Keywords: Protective Approach in Criminology, Bootlegging, Drug Abuse, Environmental Pollution, Social Crimes, Crime Prevention, Rehabilitation, Social Justice, Public Policy, Community Participation.

Introduction

Juvenile delinquency has emerged as a critical concern in modern society, reflecting the complex interaction between social, economic, and environmental factors. Traditionally, criminal justice systems relied on punitive measures to control crime; however, contemporary criminology emphasizes a protective approach, which focuses on prevention, rehabilitation, and social reintegration.

Activities such as bootlegging, drug abuse, and environmental pollution are not only crimes but also social conditions that significantly influence juvenile behavior. Exposure to illegal liquor trade, substance abuse environments, and polluted or neglected living conditions often increases the vulnerability of children to delinquent activities. These factors weaken family structures, disrupt education, and normalize deviant behavior among juveniles.

The protective approach recognizes that juveniles are not hardened criminals but individuals shaped by adverse circumstances. Therefore, instead of punishment, there is a need for state intervention, community support, and welfare-oriented policies to address the root causes of delinquency. This study explores how these social crimes contribute to juvenile delinquency and how a protective approach can effectively respond to them.

Statement of the Problem

the existence of juvenile justice laws and welfare programs, the involvement of juveniles in crimes related to drug abuse, illegal liquor activities (bootlegging), and environmentally degraded areas continues to rise. The current system often fails to address the socio-economic and environmental conditions that push juveniles into crime.

There is a lack of integrated strategies that combine legal enforcement with social protection mechanisms. Juveniles exposed to such harmful environments are often criminalized rather than rehabilitated. This creates a cycle of reoffending and social exclusion.

Hence, the problem lies in the inadequacy of the existing punitive system and the need to adopt a protective approach that addresses the root causes influencing juvenile delinquency.

Review of Literature

The issue of juvenile delinquency has been widely examined by criminologists, sociologists,

and legal scholars, many of whom emphasize the role of environmental and social factors in shaping juvenile behavior. **Edwin H. Sutherland**, through his theory of differential association, argued that criminal behavior is learned through interaction with others, suggesting that juveniles exposed to environments involving bootlegging and drug abuse are more likely to adopt such behaviors. Similarly, **Clifford Shaw and Henry McKay**, in their Social Disorganization Theory, highlighted that crime is more prevalent in communities characterized by poverty, instability, and environmental neglect, conditions often associated with illegal liquor trade and polluted surroundings.

Further, **Travis Hirschi's Social Control Theory** explains that weak bonds with family, school, and society increase the likelihood of delinquency, which is commonly observed among juveniles living in areas affected by substance abuse and social disorder. Studies on drug abuse have consistently shown that early exposure to narcotic substances significantly increases the risk of juvenile offending, as addiction not only affects mental health but also pushes juveniles toward criminal activities to sustain their habits. In addition, environmental criminology research points out that degraded and polluted living conditions contribute to frustration, neglect, and anti-social behavior among youth.

Legal scholars and policy studies on juvenile justice also stress the importance of adopting a protective and rehabilitative approach rather than a purely punitive one. Research indicates that punitive measures alone fail to address the root causes of delinquency and often lead to recidivism. Instead, welfare-based interventions, community support systems, and preventive strategies have been found to be more effective in reforming juvenile offenders. Overall, the existing literature strongly supports the view that juvenile delinquency is deeply influenced by social crimes such as bootlegging, drug abuse, and environmental pollution, thereby reinforcing the need for a comprehensive protective approach in criminology.

Research Objectives

To examine the concept of the protective approach in criminology in relation to juvenile delinquency.

To analyze the impact of bootlegging, drug abuse, and environmental pollution on juvenile behavior.

To evaluate the effectiveness of existing juvenile justice mechanisms in addressing these issues.

To suggest preventive and rehabilitative measures for reducing juvenile delinquency.

Research Questions

1. How do bootlegging, drug abuse, and environmental pollution influence juvenile delinquency?
2. To what extent does the current juvenile justice system adopt a protective approach?
3. What are the gaps in addressing the root causes of juvenile delinquency?
4. How can protective strategies reduce juvenile involvement in crime?

Research Hypothesis

The study is based on the hypothesis that juveniles who are exposed to environments characterized by bootlegging, drug abuse, and environmental pollution are more likely to engage in delinquent behavior. It assumes that the traditional punitive approach of the criminal justice system is less effective in addressing juvenile delinquency compared to a protective and rehabilitative approach. The research further hypothesizes that the absence of adequate social support systems, including family stability, education, and community guidance, significantly contributes to higher rates of juvenile offending. Lastly, it is presumed that the implementation of welfare-based and preventive interventions can play a crucial role in reducing recidivism and promoting positive behavioral change among juveniles.

Significance of the Study

This study holds considerable significance as it emphasizes a shift from punishment to protection in addressing juvenile delinquency. By focusing on the impact of social crimes such as bootlegging, drug abuse, and environmental pollution, it highlights the importance of understanding the underlying causes of delinquent behavior among juveniles. The findings of this research are expected to contribute to the development of more effective juvenile justice policies that prioritize rehabilitation and social reintegration. It also underscores the role of government institutions, communities, and families in creating a supportive environment for

children. Ultimately, the study aims to promote a more humane and sustainable approach to crime prevention that aligns with the principles of child rights and social justice.

Research Methodology

This research adopts a doctrinal and analytical methodology, primarily relying on secondary sources of data. The study is based on an extensive review of books, academic journals, legal provisions, and government reports related to criminology and juvenile justice. A qualitative approach is used to analyze the relationship between social crimes and juvenile delinquency, with particular emphasis on the protective approach. The research also employs a comparative method to evaluate existing legal frameworks and their effectiveness in addressing the issue. The scope of the study is limited to a conceptual and legal analysis of juvenile delinquency influenced by bootlegging, drug abuse, and environmental pollution. However, the study is constrained by its reliance on secondary data and does not include empirical or field-based research.

Theoretical Framework

The theoretical framework of this study is based on established criminological theories that explain the relationship between social environment and juvenile delinquency, particularly in the context of bootlegging, drug abuse, and environmental pollution. These theories collectively support the idea that juvenile delinquency is not merely an individual failure but a consequence of broader social, economic, and environmental conditions. The framework also integrates the protective approach in criminology, which emphasizes prevention, rehabilitation, and welfare-oriented interventions rather than punishment.

Social Disorganization Theory developed by Clifford Shaw and Henry McKay, provides a foundational understanding of how environmental conditions influence criminal behavior. According to this theory, crime is more prevalent in communities characterized by poverty, residential instability, and weak social institutions such as family and schools. In areas where bootlegging and drug abuse are widespread, social control mechanisms are often ineffective. Juveniles growing up in such disorganized environments are more likely to be exposed to criminal activities and deviant lifestyles. Additionally, environmental pollution in these areas reflects neglect and lack of governance, further contributing to poor living conditions. This theory highlights that juvenile delinquency is deeply rooted in community-level dysfunction,

thereby supporting the need for a protective approach that focuses on strengthening social institutions and improving living environments.

Differential Association Theory proposed by Edwin H. Sutherland, explains that criminal behavior is learned through interaction with others. Juveniles who are frequently exposed to individuals involved in bootlegging or drug abuse are more likely to adopt similar behaviors. In such settings, crime becomes normalized, and juveniles may perceive illegal activities as acceptable or even necessary for survival. This theory is particularly relevant in understanding how peer groups and family environments influence juvenile behavior. It suggests that intervention strategies should focus on altering the social environment and providing positive role models, which aligns with the principles of the protective approach.

Social Control Theory developed by Travis Hirschi, emphasizes the importance of strong social bonds in preventing delinquency. According to this theory, individuals refrain from criminal behavior when they have strong attachments to family, commitment to education, involvement in conventional activities, and belief in societal norms. However, in environments affected by drug abuse, illegal liquor trade, and pollution, these bonds are often weakened. Juveniles may experience neglect, lack of supervision, and limited access to education, which increases their likelihood of engaging in delinquent activities. This theory underscores the importance of reinforcing family structures, educational systems, and community networks as part of a protective strategy.

Strain Theory introduced by Robert K. Merton, provides insight into how socio-economic pressures lead to criminal behavior. It argues that individuals resort to illegitimate means when they are unable to achieve socially accepted goals through legitimate opportunities. In the context of juvenile delinquency, poverty and lack of opportunities may push juveniles toward bootlegging as a means of income. Similarly, drug abuse may arise as a coping mechanism for stress and frustration caused by adverse living conditions. Environmental pollution further exacerbates these issues by creating unhealthy and marginalized communities. This theory highlights the role of structural inequalities in shaping delinquent behavior and supports the need for socio-economic reforms under the protective approach.

Environmental Criminology

The perspective of Environmental Criminology further strengthens the framework by focusing

on the role of physical surroundings in influencing crime. It suggests that neglected and polluted environments create opportunities for criminal activities and reduce informal social control. In such areas, the absence of recreational facilities, educational institutions, and safe public spaces contributes to antisocial behavior among juveniles. Exposure to hazardous environments not only affects physical health but also impacts psychological well-being, increasing the risk of delinquency. This perspective emphasizes that improving environmental conditions is a crucial aspect of crime prevention.

Protective Approach in Criminology

the serves as the central framework of this study, integrating the insights of the above theories. Unlike traditional punitive approaches, the protective approach views juveniles as individuals in need of care, guidance, and support. It advocates for preventive measures such as education, awareness programs, community development, and welfare policies. In the context of bootlegging, drug abuse, and environmental pollution, this approach emphasizes addressing the root causes rather than merely penalizing offenders. It calls for coordinated efforts by government agencies, non-governmental organizations, and communities to create a supportive environment for juveniles.

CONSTITUTION PROVISION

Article 21 – Right to Life and Personal Liberty

Article 21 of the Constitution guarantees that no person shall be deprived of life or personal liberty except according to procedure established by law. The Supreme Court has expanded the scope of this Article to include the right to live with dignity, right to health, right to education, and right to a clean environment. In the context of juvenile delinquency, this provision is highly significant because children exposed to drug abuse, bootlegging environments, and environmental pollution are often denied a dignified life. Living in such harmful conditions affects their mental, physical, and emotional development, pushing them toward delinquent behavior. Therefore, Article 21 imposes a positive obligation on the State to ensure safe living conditions, access to education, and protection from harmful influences. It forms the core constitutional basis for adopting a protective and rehabilitative approach instead of a punitive one.

Article 14 – Equality Before Law

Article 14 ensures equality before the law and equal protection of laws to all persons. However, this equality allows for reasonable classification, meaning that different groups can be treated differently if there is a valid justification. Juveniles are considered a special category because of their age, vulnerability, and capacity for reform. Hence, the law provides separate treatment for juveniles, such as reformatory justice under the Juvenile Justice system. In cases involving exposure to drug abuse or illegal activities like bootlegging, juveniles are often victims of circumstances rather than intentional offenders. Article 14 supports the idea that treating juveniles differently through a protective approach is not discrimination but a necessary step toward ensuring true justice and equality.

Article 15(3) – Special Provisions for Children

Article 15(3) empowers the State to make special provisions for women and children, even though Article 15 generally prohibits discrimination. This provision acts as a constitutional justification for various child welfare laws and policies. In the context of juvenile delinquency, it allows the government to introduce protective measures such as rehabilitation programs, child care institutions, education schemes, and preventive interventions. Children living in environments affected by drug abuse, illegal liquor trade, and pollution require special care and protection. Article 15(3) ensures that the State can take proactive steps to safeguard children from exploitation and criminal influence, thereby supporting the protective approach in criminology.

Article 24 – Prohibition of Child Labour

Article 24 prohibits the employment of children below the age of 14 years in factories, mines, and other hazardous occupations. This provision is particularly relevant because children are often exploited in illegal activities such as bootlegging, drug trafficking, and other criminal operations. Such involvement not only endangers their lives but also increases their likelihood of becoming habitual offenders. By prohibiting child labour in hazardous conditions, Article 24 aims to prevent early exposure to criminal environments. It reflects a preventive and protective strategy by ensuring that children are kept away from harmful activities and are instead directed toward education and development.

Article 47 – Duty of the State to Improve Public Health

Article 47, a Directive Principle of State Policy, imposes a duty on the State to raise the level of nutrition, improve the standard of living, and enhance public health. Importantly, it directs the State to prohibit the consumption of intoxicating drinks and drugs harmful to health, except for medicinal purposes. This provision directly relates to issues of bootlegging and drug abuse, which are major factors influencing juvenile delinquency. When such substances are easily available in society, juveniles are more likely to be exposed and influenced. Article 47 emphasizes the need for preventive policies and strict regulation to control substance abuse, thereby protecting children and reducing delinquency.

Article 48A – Protection and Improvement of Environment

Article 48A directs the State to protect and improve the environment and safeguard forests and wildlife. Environmental pollution has a direct impact on the quality of life and development of children. Juveniles living in polluted and neglected environments often face health issues, lack of basic amenities, and social neglect, which may lead to frustration and delinquent behavior. This provision highlights that a healthy environment is essential for the proper growth and development of children. By ensuring environmental protection, the State indirectly contributes to preventing juvenile delinquency and promoting social well-being.

Article 51A(g) – Fundamental Duty to Protect Environment

Article 51A(g) imposes a fundamental duty on every citizen to protect and improve the natural environment, including forests, lakes, rivers, and wildlife. It also emphasizes compassion for living creatures. This provision complements Article 48A by involving citizens in environmental protection. A clean and safe environment reduces social disorder and creates a positive atmosphere for children. When communities actively participate in maintaining their surroundings, it helps in reducing crime-prone conditions and provides a supportive environment for juveniles. This aligns with the protective approach, which emphasizes community participation and collective responsibility in preventing delinquency.

Case Laws**Sheela Barse v. Union of India**

In this landmark judgment, the Supreme Court addressed the issue of custodial conditions of

children and emphasized that juveniles must not be treated as ordinary criminals. The Court recognized that children in conflict with law are often victims of neglect, poverty, and adverse social environments rather than intentional offenders. It directed the establishment of separate juvenile homes and emphasized the need for care, protection, and rehabilitation. This case is highly relevant to the present study as it reflects the protective approach in criminology, especially for juveniles exposed to harmful environments such as drug abuse and illegal activities like bootlegging. It reinforces the principle that the criminal justice system must focus on reforming and reintegrating juveniles rather than punishing them.

M.C. Mehta v. Union of India

The Supreme Court in this case took a strong stance on environmental protection by addressing the pollution of the Ganga River caused by industrial activities. The Court expanded the scope of Article 21 by recognizing the right to a clean and healthy environment as a fundamental right. It issued strict directions to industries to control pollution and emphasized the responsibility of the State in safeguarding environmental quality. This case is significant in the context of juvenile delinquency because environmental degradation often leads to poor living conditions, health issues, and social neglect, which can influence juvenile behavior. By ensuring a clean environment, the Court indirectly supports the preventive aspect of the protective approach, reducing factors that contribute to delinquency.

Bandhua Mukti Morcha v. Union of India

In this case, the Supreme Court dealt with the issue of bonded labour, including the exploitation of children in hazardous conditions. The Court held that such exploitation violates fundamental rights under Articles 21 and 24 and directed the State to identify, release, and rehabilitate bonded labourers. The judgment emphasized the importance of human dignity and the State's responsibility to protect vulnerable groups. This case is particularly relevant to the topic as children involved in illegal activities such as bootlegging or drug trafficking are often victims of economic and social exploitation. It supports the idea that such juveniles require protection and rehabilitation rather than punishment, aligning with the protective approach in criminology.

Gaurav Jain v. Union of India

The Supreme Court in this case focused on the rehabilitation of children of sex workers,

recognizing that their social environment places them at a high risk of entering criminal or exploitative activities. The Court directed the government to establish separate educational and rehabilitation institutions to ensure that such children are given opportunities for a dignified life. The judgment highlights the role of social environment in shaping behavior and emphasizes preventive measures to protect children from delinquency. This case is relevant as it demonstrates how adverse social conditions influence juvenile behavior, supporting the need for a protective and welfare-oriented approach.

Subhash Kumar v. State of Bihar

In this case, the Supreme Court declared that the right to pollution-free water and air is a fundamental right under Article 21. The Court recognized that environmental pollution directly affects the quality of life and health of individuals. This judgment is important in the context of juvenile delinquency because children living in polluted environments often face health issues, lack of resources, and social neglect, which can contribute to deviant behavior. By linking environmental protection with fundamental rights, the Court supports the idea that improving environmental conditions is essential for preventing crime and promoting social well-being.

Laxmi Kant Pandey v. Union of India

This case laid down important guidelines for inter-country adoption of children, ensuring that such adoptions are conducted in a manner that protects the best interests of the child. The Supreme Court emphasized that children must be safeguarded from exploitation, trafficking, and neglect. It introduced procedural safeguards to ensure transparency and accountability in the adoption process. This case is relevant to the study as it highlights the importance of protecting children from being placed in vulnerable situations that could lead to delinquency. It reinforces the protective approach, which prioritizes the welfare and development of children.

Bachpan Bachao Andolan v. Union of India

In this case, the Supreme Court addressed the serious issue of child labour and trafficking, directing authorities to take immediate steps to rescue and rehabilitate affected children. The Court emphasized the importance of education, rehabilitation, and social integration for

rescued children. It recognized that children involved in labour or trafficking are victims of socio-economic conditions and require protection rather than punishment. This case is highly relevant as it reflects situations where juveniles are drawn into illegal activities such as drug trade or bootlegging. It supports the argument that a protective and rehabilitative approach is essential in addressing juvenile delinquency.

State of Haryana v. Raja Ram

In this case, the Supreme Court recognized the importance of treating juveniles differently from adult offenders. The Court emphasized that the objective of juvenile justice should be reformatory rather than punitive, considering the age and potential for change in young offenders. It highlighted that juveniles should be provided with opportunities for correction and reintegration into society. This case supports the fundamental principle of the protective approach in criminology, which views juveniles as individuals capable of reform. It is particularly relevant in cases where juveniles are influenced by environments involving drug abuse or illegal activities, reinforcing the need for care, guidance, and rehabilitation.

Legislative Role in Advancing Constitutional Protection

The Indian legislature plays a crucial role in translating constitutional mandates into practical legal frameworks that protect children and address the root causes of juvenile delinquency. The Constitution, through provisions such as Articles 21, 14, 15(3), 24, 47, 48A, and 51A(g), lays down broad principles relating to child protection, public health, and environmental safety. However, these principles become effective only when implemented through detailed legislation. In this context, the legislature has enacted several laws that reflect a protective and rehabilitative approach, particularly in addressing issues like bootlegging, drug abuse, and environmental pollution, which significantly influence juvenile behavior.

Juvenile Justice (Care and Protection of Children) Act, 2015,

One of the most significant legislations is the Juvenile Justice (Care and Protection of Children) Act, 2015, which embodies the constitutional vision of child welfare and protection. This Act emphasizes that children in conflict with law should be treated with care, dignity, and a focus on rehabilitation rather than punishment. It establishes mechanisms such as Juvenile Justice Boards and Child Welfare Committees to ensure that children are provided with

appropriate care, protection, and social reintegration. The Act also recognizes children who are exposed to harmful environments, including drug abuse and exploitation, as children in need of care and protection. By focusing on reformatory justice, this legislation directly advances the protective approach mandated by the Constitution.

Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act), addressing drug abuse, the legislature enacted the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act), which aims to control and regulate operations related to narcotic drugs and psychotropic substances. While the Act primarily focuses on penal provisions, it also includes measures for prevention, treatment, and rehabilitation of drug addicts. Importantly, juveniles involved in drug-related activities are often treated under the juvenile justice framework rather than being subjected to strict punishment. This reflects a balance between law enforcement and protection, ensuring that children are not criminalized for circumstances beyond their control.

The issue of bootlegging and illegal liquor trade is addressed through various state excise laws, which regulate the manufacture, sale, and consumption of alcohol. These laws aim to control illegal liquor activities that often involve the exploitation of children and contribute to social disorder. By enforcing strict regulations and penalties for illegal activities, while simultaneously promoting awareness and rehabilitation programs, the legislature seeks to protect vulnerable sections of society, including juveniles, from being drawn into such crimes. These measures align with Article 47, which directs the State to prohibit intoxicating substances harmful to health.

Environment (Protection) Act, 1986.

Environmental protection, which is closely linked to juvenile well-being, is addressed through laws such as the Environment (Protection) Act, 1986. This Act empowers the government to take measures to protect and improve environmental quality and prevent pollution. A clean and healthy environment is essential for the physical and psychological development of children. By regulating industrial activities and controlling pollution, the legislature indirectly contributes to reducing conditions that may lead to juvenile delinquency. This Act gives effect to constitutional mandates under Articles 48A and 21.

Child Labour (Prohibition and Regulation) Act, 1986

Additionally, the Child Labour (Prohibition and Regulation) Act, 1986 plays a significant role in preventing the exploitation of children in hazardous and illegal activities. Children involved in bootlegging or drug trafficking are often victims of economic exploitation. This legislation prohibits such practices and promotes the rehabilitation and education of affected children. It reinforces the constitutional guarantee under Article 24 and supports the protective approach by keeping children away from harmful environments.

The legislature has also introduced various welfare schemes and policies aimed at improving education, health, and social security for children. These initiatives address the root causes of juvenile delinquency, such as poverty, lack of education, and social neglect. By focusing on prevention and rehabilitation, the legislative framework complements the constitutional vision of creating a just and equitable society.

In conclusion, the legislative role is vital in advancing constitutional protection by converting abstract rights into enforceable laws and policies. Through laws related to juvenile justice, drug control, environmental protection, and child welfare, the legislature ensures that children are safeguarded from harmful influences such as bootlegging, drug abuse, and pollution. These laws collectively promote a protective, preventive, and rehabilitative approach, which is essential for effectively addressing juvenile delinquency and ensuring the holistic development of children.

Conclusion

In conclusion, juvenile delinquency cannot be understood or addressed in isolation from the broader social realities in which children live. Factors such as bootlegging, drug abuse, and environmental pollution are not merely individual criminal acts but represent deeper structural and social problems that significantly influence the behaviour of juveniles. Children exposed to such harmful environments often become victims of neglect, exploitation, and lack of opportunities, which increases their vulnerability to delinquent activities. Therefore, treating juveniles as offenders without addressing these underlying causes would be both ineffective and unjust.

The study clearly demonstrates that a protective approach in criminology is essential for

dealing with juvenile delinquency. Unlike the traditional punitive system, the protective approach emphasizes prevention, rehabilitation, and social reintegration. It recognizes that juveniles are capable of change and should be provided with guidance, education, and support rather than harsh punishment. Constitutional provisions, legislative measures, and judicial decisions in India collectively support this approach by prioritizing the welfare and best interests of the child.

Furthermore, addressing issues such as drug abuse and illegal liquor activities requires not only strict regulation but also awareness programs, community participation, and effective rehabilitation mechanisms. Similarly, ensuring a clean and healthy environment is crucial for the overall development of children and plays a preventive role in reducing delinquency. The role of the State, society, and institutions is therefore interconnected and must be coordinated to create a supportive and protective framework for juveniles.

Ultimately, the success of any juvenile justice system lies in its ability to transform young offenders into responsible citizens. This can only be achieved through a balanced approach that combines legal control with social welfare measures. By addressing the root causes of crime and strengthening protective mechanisms, society can move towards reducing juvenile delinquency and ensuring a safer and more just future for children.

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