REASSESSING CHILD-CENTRED JUSTICE UNDER THE POCSO ACT, 2012: IMPLEMENTATION GAPS, INSTITUTIONAL COORDINATION AND ACCESS TO JUSTICE IN INDIA

by

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ABSTRACT

The Protection of Children from Sexual Offences Act, 2012 (POCSO) created a specialised legal architecture for responding to sexual offences against persons below eighteen years of age. Yet the existence of a specialised statute does not, by itself, guarantee effective protection. This article reassesses POCSO through the connected stages of disclosure, reporting, investigation, medical and psychosocial support, adjudication and post-trial rehabilitation. It argues that the principal implementation problem is not simply the absence of legal rules but fragmentation across institutions that must act at different stages of the same child-protection pathway. The analysis is doctrinal and qualitative and draws upon the POCSO Act, the POCSO Rules, the post-2019/2020 legal framework, selected Supreme Court decisions, government materials and peer-reviewed scholarship. Recent judicial developments also demonstrate the continuing importance of sensitivity, privacy, fair process and careful interpretation of sexual-offence provisions. The article proposes a six-dimension effectiveness model comprising legal, institutional, procedural, judicial, psychological and rehabilitation dimensions. Rather than treating case registration or conviction as the sole indicators of success, the paper proposes a child-centred outcome framework that asks whether a child can disclose safely, participate without avoidable trauma, obtain timely support and receive meaningful protection after adjudication. The article concludes that implementation should move toward an integrated prevention–protection–prosecution–rehabilitation model supported by continuous training, inter-agency protocols, case-management systems, privacy safeguards and evidence-based evaluation.

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1. Introduction

Child sexual abuse is a multidimensional legal and social problem. The harm is not confined to the prohibited act itself; it may also affect physical safety, psychological well-being, education, family relationships, social participation and long-term trust in institutions. The legal system therefore encounters a dual responsibility: it must investigate and prosecute alleged offences while simultaneously preventing the justice process from becoming an additional source of trauma.

The POCSO Act, 2012 was enacted to provide a dedicated statutory framework for sexual offences against children. The Act defines multiple forms of sexual offending and establishes procedural protections, Special Courts and mechanisms intended to make proceedings more responsive to children's developmental needs. The statutory design is significant because it recognises that conventional criminal procedure may not adequately address the vulnerability, communication needs and privacy interests of child victims.The scale of the challenge underscores why implementation, and not only statutory design, deserves sustained attention. National Crime Records Bureau data analysed by independent researchers show that POCSO registrations rose by more than thirty per cent between 2016 and 2020, while the proportion of such cases pending before courts exceeded ninety four per cent by the end of that period. Figures of this kind suggest that the principal constraint lies in institutional capacity to carry cases through to conclusion rather than in the volume of cases entering the system.[1]

However, legal design and practical implementation are distinct questions. Earlier scholarship has identified structural deficits involving Special Courts and institutional capacity, while more recent empirical work has documented continuing gaps in the implementation of child-friendly procedures and stakeholder training. The literature therefore supports examining POCSO as an implementation system rather than merely as a penal statute (Belur & Singh, 2015; Juyal et al., 2017; Kumar, 2022; Dube & Shaw, 2023).

[1] Factly, 'Data: POCSO Cases Increased by 30% in 5 Years While Pendency Rate in Courts Crossed 94%' (*Factly*, 2 December 2021) <https://factly.in/data-pocso-cases-increased-by-30-in-5-years-while-pendency-rate-in-courts-crossed-94> accessed 19 September 2026.

This article revises the earlier conceptual treatment of the subject by placing greater emphasis on institutional coordination, procedural continuity and measurable child-centred outcomes. It also updates the legal discussion in light of the POCSO Rules, the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), and recent Supreme Court developments.

Figure 1. Integrated POCSO Implementation Framework

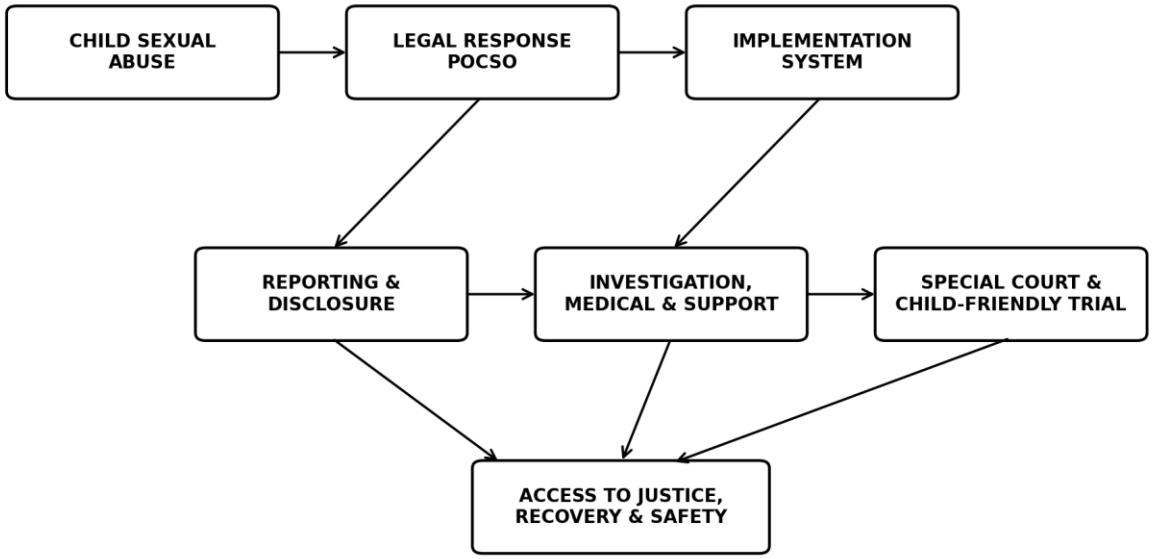

Figure 1. Integrated POCSO Implementation Framework. Source: Author's conceptual model.

2. Review of Literature and Research Gap

The literature on child sexual abuse in India has developed along several strands. Belur and Singh (2015) examined the promise and unintended consequences of POCSO, highlighting the tension between a protective legislative framework and its operation within existing social and institutional conditions. Juyal et al. (2017) identified the shortage of adequately functioning Special Courts as a structural deficit capable of contributing to delay. Kumar (2022), using qualitative interviews with judicial officers, demonstrated that training and infrastructure influence how child-sensitive procedures are implemented. Dube and Shaw (2023) similarly found that formal POCSO directives do not necessarily translate into consistent courtroom practice.

Quantitative and state-level research has also expanded the understanding of child sexual abuse. Maity and Chakraborty (2023) analysed determinants of child sexual abuse at the state level and emphasised under-reporting as a limitation on interpreting registered cases. Other recent studies have examined professional awareness, victim rights and judicial outcomes, indicating that implementation requires cooperation among legal, medical, social-work and institutional actors.

This concern is reinforced by the largest judicial-data study of POCSO conducted to date. A joint study by the Vidhi Centre for Legal Policy and the World Bank examined more than two lakh POCSO cases drawn from eCourts records across twenty eight states and union territories for the period 2012 to 2021, and found that only around fourteen per cent of disposed trials resulted in conviction, with acquittal rates varying widely between states. Findings of this kind indicate that stage-specific studies, taken alone, cannot fully account for the divergence between the protective intent of the statute and its recorded outcomes.[2]

Despite this growing literature, a useful gap remains. Much of the discussion isolates one stage—such as legislation, reporting, courts or training—rather than treating the child-protection process as a connected chain. This article addresses that gap through an integrated implementation model. Its contribution is analytical rather than statistical: it does not claim to estimate the prevalence of child sexual abuse or produce original victim-level data. Instead, it identifies where institutional discontinuity can weaken the protective purpose of POCSO and develops a framework for future empirical evaluation.

3. Research Problem

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The central problem is the gap between statutory protection and effective protection. A child may have a legal right to protection and a formal route to justice while still encountering barriers at the stages of disclosure, reporting, investigation, medical care, evidence collection, trial and rehabilitation. The problem is therefore not reducible to whether POCSO contains sufficiently strong offences or punishments. It concerns whether the institutions implementing those provisions function as a coordinated child-protection system.

The research problem is formulated as follows: To what extent does the POCSO framework operate as an effective child-centred justice system, and which institutional and procedural

[2] Vidhi Centre for Legal Policy and World Bank, 'A Decade of POCSO: Developments, Challenges and Insights from Judicial Data' (2022), discussed in IAS Gyan, 'POCSO' (*IAS Gyan*, 18 November 2022) <https://iasgyan.in/daily-current-affairs/pocso> accessed 19 September 2026.

factors most strongly affect safe reporting, fair investigation, timely adjudication and continuing support?

4. Objectives

- To examine the principal legal and procedural dimensions of POCSO implementation.
- To analyse the relationship between disclosure, reporting, investigation, adjudication and rehabilitation.
- To examine the role of police, Special Juvenile Police Units, medical professionals, prosecutors, Special Courts and support persons.
- To identify institutional and procedural barriers that can generate delay or secondary victimisation.
- To integrate recent judicial and legislative developments into the analysis.
- To propose a child-centred effectiveness framework suitable for future empirical research.

5. Research Questions

- RQ1. How does POCSO structure the legal response to sexual offences against children?
- RQ2. Which procedural safeguards are intended to make the justice process child-friendly?
- RQ3. How can institutional fragmentation affect reporting, investigation and trial?
- RQ4. What role do training, infrastructure and inter-agency coordination play in implementation?
- RQ5. How should the effectiveness of POCSO be assessed beyond registration and conviction figures?

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6. Methodology

The study adopts a doctrinal, descriptive and analytical methodology. Primary legal materials include the POCSO Act, the POCSO Rules, relevant procedural legislation and selected judgments of the Supreme Court of India. Secondary materials include peer-reviewed scholarship and research literature concerning child sexual abuse, Special Courts, professional training and victim–justice-system interaction. The analysis is qualitative and interpretive; no human participants were recruited and no identifiable victim information is used.

A limitation of the study is that it does not undertake a district-level empirical assessment of police, court or rehabilitation outcomes. Consequently, the conceptual effectiveness model

proposed here should not be interpreted as an empirical causal model. Its purpose is to identify variables and institutional linkages that can be tested through future field research.

7. The Legal Architecture of POCSO

The POCSO Act defines a child as a person below eighteen years and creates distinct offences covering penetrative sexual assault, aggravated penetrative sexual assault, sexual assault, aggravated sexual assault, sexual harassment and specified uses of children for pornographic purposes. The Act also establishes Special Courts and contains provisions directed toward child-sensitive evidence and trial processes. The statutory architecture is therefore broader than a conventional rape-centred framework. It recognises that sexual harm to children may occur through different forms of conduct and that procedural protection is part of substantive child protection.

The POCSO Rules supplement the Act by providing an institutional and support-oriented framework. The legal response also operates alongside broader criminal-procedure legislation. In the current procedural environment, the BNSS contains time-bound investigation provisions for specified POCSO offences, reinforcing the policy objective of timely investigation. Time limits, however, are meaningful only when investigative capacity, forensic support, prosecutorial coordination and court infrastructure are adequate.This timeline is now considerably more specific than earlier practice: investigation of the offences concerned must ordinarily conclude within two months of the recording of information, with any delay required to be recorded in writing and reported to the magistrate. Legal commentators have described this as part of a broader shift toward a more victim-centred and accountable investigative process under the new procedural codes. Whether this accountability mechanism narrows delay in POCSO matters specifically will depend on whether police stations are given the forensic and administrative capacity needed to meet it.[3]

[3] LiveLaw, 'Understanding Timelines Set By BNSS (New CrPC) For Investigation, Trial Procedure, Judgment Etc' (*LiveLaw*, 7 January 2024) <https://www.livelaw.in/amp/top-stories/timelines-set-by-bnss-new-crpc-for-investigation-trial-procedure-judgment-etc-246062> accessed 19 September 2026.

8. From Reporting to Rehabilitation: The Child-Protection Chain

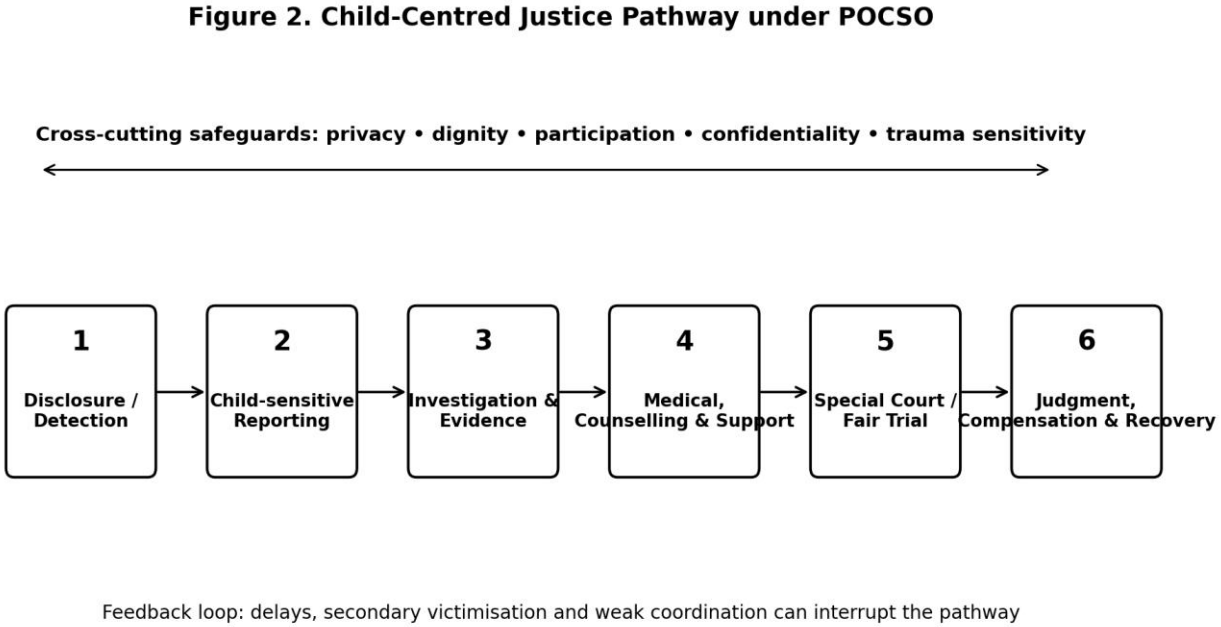

Figure 2. Child-Centred Justice Pathway under POCSO. Source: Author's conceptual model.

The first institutional contact after disclosure can shape the child's subsequent experience. A response that is dismissive, repetitive or intimidating may discourage further disclosure and increase psychological burden. Conversely, a coordinated response can protect the child's privacy, reduce unnecessary repetition and connect investigation with immediate care.

Government-run One Stop Centres, which are designed to provide integrated police, medical, legal and psychosocial assistance under a single roof, are one institutional mechanism through which this early coordination is intended to occur. As of mid-2024, more than eight hundred such centres had been approved across the country, although their capacity to respond specifically to child victims within a wider caseload of gender-based violence remains uneven. Embedding POCSO-specific protocols within these centres could meaningfully reduce the number of separate institutional contacts a child must undergo immediately after disclosure.[4]

[4] Ministry of Women and Child Development, Government of India, Reply to Unstarred Question No 1906, Rajya Sabha (7 August 2024) <https://rsdebate.nic.in/bitstream/123456789/750943/1/PQ_265_07082024_U1906_p526_p528.pdf> accessed 19 September 2026.

Investigation should therefore be understood as both an evidentiary and protective activity. Investigators must preserve evidence and comply with procedural requirements while communicating in an age-appropriate manner. Coordination with medical professionals and support services is essential because medical examination is not merely a forensic exercise. It can also be a point of clinical care, psychological support and referral.

At the adjudication stage, Special Courts are expected to balance fair-trial rights with the child's safety, privacy and developmental needs. A child-friendly process does not mean abandoning due process. Rather, it requires procedural design that allows the court to obtain reliable evidence without unnecessary exposure of the child to intimidating or repetitive interactions.

Finally, protection cannot end with judgment. Psychological support, compensation, rehabilitation and reintegration may remain necessary after the criminal proceeding. A justice system that measures success only by conviction risks overlooking the continuing needs of the child.

9. Institutional Responsibilities

9.1 Police and Special Juvenile Police Units

Police and SJPU personnel occupy a critical position because reporting and early investigation determine whether the formal justice process can proceed effectively. Training should cover child-sensitive communication, confidentiality, statutory duties, evidence preservation, referral mechanisms and avoidance of victim-blaming assumptions. Standard operating procedures should also establish clear hand-offs between police, medical services, child-protection authorities and prosecutors.

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9.2 Medical Professionals

Medical professionals must respond to the child's immediate health needs while following legally relevant examination and documentation requirements. The care-plus-evidence approach is preferable to an evidence-only model because the child may simultaneously require treatment, psychological support and protection from further harm.The Ministry of Health and Family Welfare has issued dedicated guidelines and protocols on the medico-legal care of survivors of sexual violence, intended to standardise how examination, documentation and referral are conducted across healthcare facilities. Uniform application of these guidelines is significant

precisely because it operationalises the care-plus-evidence approach discussed above, reducing the risk that examination practices vary unpredictably between hospitals and states. Continued monitoring of compliance with these guidelines would strengthen the medical dimension of the child-protection chain.[5]

9.3 Prosecutors and Special Courts

Prosecutors and Special Courts must preserve evidentiary fairness while implementing statutory safeguards for children. Court infrastructure, waiting arrangements, privacy protections, scheduling and communication practices can materially affect a child's experience. Research on Special Courts indicates that formal legal requirements can remain under-implemented where dedicated personnel, infrastructure and training are insufficient.Recent independent analysis illustrates the scale of this under-implementation. A 2023 study by the India Child Protection Fund found that only around three per cent of POCSO cases nationally resulted in conviction in 2022, with more than two lakh cases pending before Fast Track Special Courts as of January that year, a backlog that would take roughly nine years to clear even if no further cases were filed. Government data further indicate that, as of December 2023, only 411 exclusive e-POCSO courts were functional nationwide, each disposing of approximately 125 cases on average that year.[6]

9.4 Support Persons and Rehabilitation Services

The support function should be treated as an institutional component of justice rather than an optional afterthought. Children and families may require counselling, information about proceedings, assistance with compensation mechanisms and longer-term psychosocial support. Inter-agency referral systems should therefore be documented and monitored.The Ministry of Women and Child Development has introduced a dedicated scheme, funded through the Nirbhaya Fund, to provide integrated medical, psychological, legal, educational and non-

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[5] Ministry of Women and Child Development, Government of India, Reply to Unstarred Question No 2034, Lok Sabha (2024) <https://eparlib.nic.in/bitstream/123456789/2979213/1/AU2034_hxJTvG.pdf> accessed 19 September 2026.

[6] 'India Will Need At Least Nine Years to Clear the Backlog of Pending POCSO Cases: Study' (*The Wire*, 12 December 2023) <https://thewire.in/law/india-will-need-at-least-nine-years-to-clear-the-backlog-of-pending-pocso-cases-study> accessed 19 September 2026; Ministry of Women and Child Development, Government of India, Reply to Unstarred Question No 740, Rajya Sabha (8 February 2024) <https://rsdebate.nic.in/bitstream/123456789/747954/1/PQ_263_08022024_U740_p341_p342.pdf> accessed 19 September 2026.

institutional support to minor victims of sexual offences, with specific provision for pregnant child victims under sections 4 and 6 of the Act. Measures of this kind suggest that rehabilitation is beginning to be treated as a distinct policy stream rather than an incidental consequence of prosecution. Their practical value, however, depends on consistent implementation by state governments and on families being made aware that such support exists.[7]

10. Reporting, Under-Reporting and Interpretation of Statistics

Reported cases are administrative records of incidents that enter the criminal-justice system; they should not automatically be treated as a complete measure of prevalence. Fear, dependence, stigma, family pressure, lack of awareness and distrust of institutions may influence disclosure and reporting. Conversely, an increase in registered cases may sometimes reflect improved reporting and institutional awareness rather than a simple increase in underlying incidence.The Vidhi and World Bank study referred to above also sheds light on the relational dynamics that may underlie under-reporting: it found that the accused was known to the victim in a substantial proportion of cases, and that acquittal rates varied considerably between states, from around one fifth of disposed cases in some states to more than half in others. Variation of this magnitude suggests that differences in state-level policing, medical support and prosecutorial practice, and not only differences in underlying incidence, shape how POCSO statistics ought to be interpreted.[8]

For this reason, research using NCRB or other administrative data should distinguish carefully between incidence, reporting, registration, investigation, prosecution, disposal and conviction. The earlier version of this manuscript contained an illustrative bar chart with invented stage-wise values. That figure has deliberately been removed from this revised manuscript because invented numerical values should not appear in a submission presented as empirical evidence.

11. Recent Judicial and Procedural Developments

Recent Supreme Court developments reinforce the need for sensitivity and careful legal reasoning in sexual-offence cases. In 2024, the Court considered issues concerning adolescent

[7] Ministry of Women and Child Development, Government of India, Reply to Unstarred Question No 723, Lok Sabha (29 November 2024) <https://eparlib.sansad.in/bitstream/123456789/2983607/1/AU723_hWoZKV.pdf> accessed 19 September 2026.

[8] IAS Gyan, 'POCSO' (*IAS Gyan*, 18 November 2022) <https://iasgyan.in/daily-current-affairs/pocso> accessed 19 September 2026, summarising Vidhi Centre for Legal Policy and World Bank, 'A Decade of POCSO: Developments, Challenges and Insights from Judicial Data' (2022).

privacy in the context of POCSO proceedings, demonstrating the continuing importance of balancing child protection, privacy and criminal-justice requirements. In a later line of litigation concerning a POCSO case from Kasganj, the Supreme Court rejected an approach that treated the alleged conduct merely as preparation rather than attempt and restored the original summons order; the Court also called for expert work on judicial sensitivity and compassion in vulnerable-case proceedings. These developments illustrate why the implementation of POCSO cannot be separated from judicial culture, procedural interpretation and institutional training.

In this matter, the Court directed the National Judicial Academy to constitute an expert committee, headed by a former judge of the Supreme Court, to frame draft guidelines for judicial sensitisation rooted in the Indian social context rather than in borrowed frameworks. Legal commentary has described this direction as a shift from correcting individual judicial errors toward institutionalised training on victim psychology and trauma-informed adjudication. The initiative supports this article's proposition that judicial and psychological effectiveness, as dimensions of the proposed model, are interdependent rather than separable concerns.[9]

The transition from the IPC/CrPC framework to the Bharatiya Nyaya Sanhita, 2023 and Bharatiya Nagarik Suraksha Sanhita, 2023 also makes legal updating necessary in contemporary POCSO scholarship. POCSO remains the specialised child-sexual-offence statute, but its operation must be read together with the current procedural environment.

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[9] LiveLaw, '"Erroneous": Supreme Court Sets Aside HC Verdict That Grabbing Minor's Breasts, Loosening Pyjama String Wasn't Rape Attempt' (*LiveLaw*, 17 February 2026) <https://www.livelaw.in/supreme-court/supreme-court-sets-aside-allahabad-hc-verdict-that-grabbing-minors-breasts-loosening-pyjama-string-wasnt-rape-attempt-523598> accessed 19 September 2026.

12. Six-Dimension Effectiveness Model

Figure 3. Six-Dimension Effectiveness Model

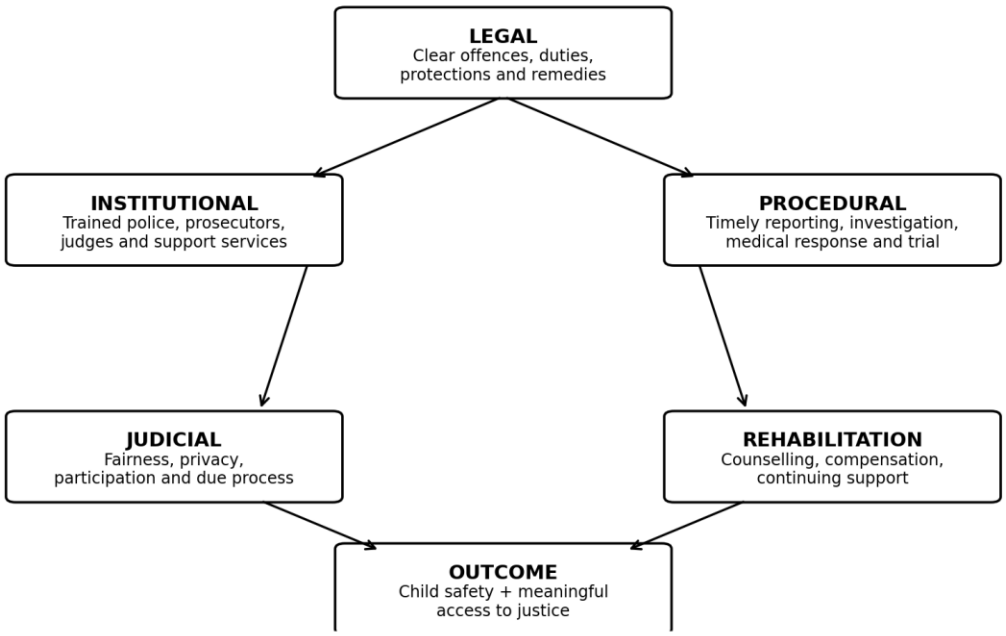

Figure 3. Six-Dimension Effectiveness Model. Source: Author's conceptual model.

The proposed model evaluates POCSO through six connected dimensions:

- Legal effectiveness: clarity of offences, duties, safeguards and remedies.
- Institutional effectiveness: availability and capacity of police, prosecutors, courts, medical services and support agencies.
- Procedural effectiveness: timely reporting, investigation, evidence handling and trial management.
- Judicial effectiveness: fair adjudication, privacy, participation, due process and sensitivity.
- Psychological effectiveness: access to trauma-informed communication, counselling and protection from secondary victimisation.
- Rehabilitation effectiveness: continuity of support, compensation and reintegration after adjudication.

The dimensions are interdependent. A weakness in one stage can affect subsequent stages. For example, delayed investigation may reduce evidentiary quality and prolong the child's involvement in proceedings; weak support services may reduce the child's ability to participate

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meaningfully; and inadequate court infrastructure may undermine privacy even when the statutory rule is clear.

13. Proposed Indicators for Future Empirical Research

Dimension	Possible Indicator	Evidence Source
Reporting	Time from disclosure to formal registration	Police/SJPU records
Investigation	Time from registration to completion; evidence delays	Case records
Medical support	Availability and referral completion	Hospital/support records
Court process	Adjournments, duration and child-sensitive facilities	Special Court records
Participation	Use of support persons and privacy safeguards	Case files/interviews
Rehabilitation	Counselling, compensation and post-trial support	DCPU/agency records
Training	Coverage and frequency of POCSO training	Institutional training records
Outcome	Child safety and service continuity	Longitudinal, ethically approved studies

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14. Conceptual Protection Chain

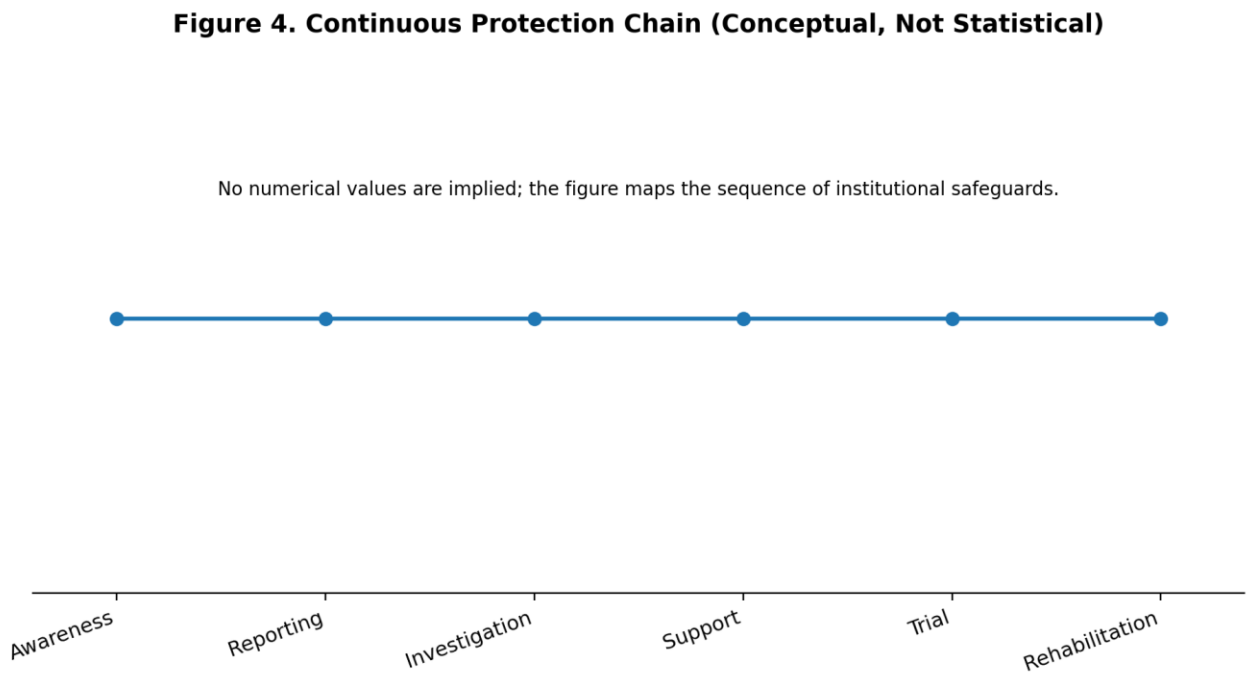

Figure 4. Continuous Protection Chain (Conceptual, Not Statistical). Source: Author's conceptual model.

The figure intentionally avoids numerical scoring. Its purpose is to show that child protection is continuous: awareness can influence disclosure; reporting activates formal protection; investigation creates the evidentiary basis for prosecution; support services affect participation and well-being; trial determines legal accountability; and rehabilitation addresses continuing needs.

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15. Discussion

The central analytical finding is that POCSO effectiveness should be evaluated as a system. A specialised statute can provide strong legal standards while producing inconsistent outcomes when institutions operate in isolation. The gap is therefore partly organisational: different agencies may hold different records, use different timelines and operate under different professional cultures. The child, however, experiences these institutions as one continuous process.

A second finding concerns the meaning of speed. Timely justice is essential, but speed should not be measured only by disposal. A rapid process that compromises evidence, communication,

participation or rehabilitation may fail to deliver meaningful justice. Conversely, procedural safeguards require sufficient resources to function. The appropriate objective is therefore timely and fair justice rather than speed in isolation.

A third finding concerns training. Training should not be a one-time orientation programme. Because POCSO cases involve law, child development, trauma, evidence, privacy and inter-agency coordination, continuing professional development is required. Training should also be evaluated through observable practice rather than attendance alone.

A fourth finding concerns data quality. Future research should avoid presenting illustrative values as if they were official statistics. Administrative datasets should be triangulated where possible, and researchers should distinguish between registered cases and underlying prevalence. Longitudinal and district-level research could provide stronger evidence concerning delay, attrition and rehabilitation.

16. Recommendations

- Develop integrated district-level protocols linking police/SJPU, medical services, prosecutors, Special Courts and child-protection agencies.
- Introduce continuing, competency-based POCSO training for investigators, prosecutors, judges, medical personnel and support workers.
- Use case-management systems to identify avoidable delays and coordinate procedural milestones.
- Strengthen privacy safeguards and reduce repeated questioning or unnecessary exposure of child victims.
- Treat medical response as a combined care-and-evidence function, with trauma-informed communication and referral pathways.
- Monitor Special Court infrastructure, dedicated personnel and child-friendly facilities through measurable indicators.
- Strengthen access to counselling, compensation and post-trial rehabilitation.
- Use verified official datasets for numerical claims and clearly label conceptual figures as conceptual.
- Promote ethically designed empirical research using anonymised, longitudinal and district-level evidence.

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- Evaluate success through child-centred outcomes—safe disclosure, meaningful participation, timely support and continuing safety—in addition to conventional criminal-justice indicators.

17. Limitations

This is a doctrinal and analytical study and does not claim to provide an original prevalence estimate, conviction-rate calculation or field-based assessment of any particular district. The effectiveness model is conceptual and requires empirical validation. Further research should examine variation across states and districts, compare court practices, study the experiences of support persons and professionals, and investigate post-trial rehabilitation outcomes using ethically approved methodologies.

18. Conclusion

The POCSO Act represents a significant legal commitment to specialised protection of children from sexual offences. Its effectiveness, however, cannot be inferred solely from the existence of offences, punishments or Special Courts. The practical promise of the statute depends upon the functioning of an interconnected protection chain beginning with awareness and disclosure and extending through reporting, investigation, medical and psychosocial support, adjudication and rehabilitation.

The article therefore recommends an integrated prevention–protection–prosecution–rehabilitation approach. The appropriate measure of success is not only whether a case is registered or a conviction is obtained, but whether the child can enter the justice system safely, participate without avoidable trauma, receive timely and appropriate support, and continue to live with dignity and security after the formal case has ended.

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