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Legal Protection for Child Sexual Violence Victims: Victimology Perspectives, Challenges, and Policy Solutions in Asia

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ABSTRACT

This study critically examines the implementation and effectiveness of legal protection mechanisms for child victims of sexual violence across selected Asian-majority countries. While many nations in the region have ratified international conventions (such as the CRC) and enacted specialized domestic legislation, the reality of enforcement is often undermined by socio-cultural dynamics and systemic weaknesses. Methodologically, this study employs a socio-legal (socio-juridical) research method utilizing a qualitative analysis approach, integrating victimology frameworks with empirical insights into the socio-cultural challenges surrounding child sexual violence. Coupled with a comparative legal approach, this research evaluates legal provisions alongside social realities, implementation barriers, and regional legal frameworks. The study identifies three core implementation challenges common across the region: 1) the pervasive influence of stigma and victim-blaming rooted in traditional values, leading to underreporting and case withdrawal; 2) procedural inadequacies within law enforcement and judicial sectors, resulting in non-trauma-informed practices and secondary harm; and 3) the failure to effectively deliver restitution and holistic rehabilitation services due to funding gaps and lack of integrated inter-agency cooperation. Drawing on comparative case analysis, this paper proposes culturally sensitive yet legally robust policy solutions. Key recommendations include implementing mandatory specialized judicial training focused on child psychology and trauma-informed interviews, establishing state-funded victim compensation and rehabilitation schemes independent of criminal prosecution outcomes, and promoting community-level restorative justice initiatives that prioritize the child's well-being over solely punitive measures. Ultimately, this study advocates for a paradigm shift from a purely punitive legal response to a comprehensive, victim-centered approach tailored to the unique societal structures of Asian-majority countries.

Keywords: *Child Sexual Violence, Legal Protection, Victimology, Asia, Revictimization.*

A. INTRODUCTION

Child sexual violence remains one of the most pressing human rights violations across Asia, particularly in countries with the largest populations, such as India, China, Indonesia, Bangladesh, and Pakistan (Equality Now, 2024). The demographic weight of these nations means that the scale of victimization is vast, with millions of children exposed to sexual abuse each year, both in physical settings and increasingly through digital platforms (Stoltenborgh, M. et al., 2011). Reports from UNICEF (UNICEF Regional Office for South Asia, 2020) and international organizations consistently reveal that child sexual abuse in Asia is not only widespread but also deeply underreported due to cultural stigma, fear of retaliation, and systemic weaknesses in law enforcement. In India, national surveys indicate that nearly one-third of children have experienced some form of sexual abuse before the age of eighteen. Despite the enactment of the *Protection of Children from Sexual Offences Act (POCSO)* in 2012, challenges persist in terms of implementation, awareness, and access to justice (Ministry of Women and Child Development, Government of India, 2007). China faces a different reality (Katz, I., Shang, X., & Cui, Y, 2019), where cultural norms and the absence of a comprehensive legal definition of child abuse hinder effective protection, leaving many cases unreported and victims without adequate remedies (Mathews, B. et al., 2022). Indonesia, meanwhile, has emerged as one of the countries with the highest prevalence of online child sexual exploitation materials, ranking among the top globally (Tempo.co, 2025). This highlights the urgent need for legal frameworks that extend beyond physical abuse to address the complexities

of digital victimization (Witting, S.K., 2020). In Bangladesh and Pakistan, child sexual violence is often intertwined with practices such as early marriage, gender-based exploitation, and weak social protection systems.

These realities demonstrate that while legal frameworks have been established in many Asian-majority countries, their effectiveness is undermined by structural, cultural, and institutional barriers (Equality Now, 2024). Victimology provides a critical lens to understand the position of children as victims, the obstacles they face in accessing justice, and the broader social dynamics that perpetuate abuse (Van Niekerk, S., & Coetzee, L., 2020). By examining the challenges and exploring alternative solutions, this study seeks to contribute to a more comprehensive understanding of child protection in Asia's most populous states, offering insights that can inform both legal reform and practical interventions.

Child sexual violence has long been recognized as a critical issue in Asia, with numerous studies highlighting its prevalence and the inadequacy of legal responses (Horii, H. 2020; World Vision, 2023). Previous research has often focused on single-country contexts. For example, studies in India have examined the implementation of the Protection of Children from Sexual Offences Act (POCSO) and revealed persistent gaps between legislation and enforcement, particularly due to stigma and limited institutional capacity (Vyas, M., 2024; Sinha & Singh, 2023). Research in Indonesia has emphasized the alarming rise of online child sexual exploitation materials, positioning the country among the highest globally in terms of digital abuse cases (Kemen PPPA, 2024; ECPAT Indonesia, 2025). Meanwhile, scholarship in Bangladesh has frequently linked

child sexual violence to structural problems such as early marriage and gender-based discrimination, underscoring the socio-cultural dimensions of victimization (UNICEF, 2025; The Business Standard, 2025). Although these studies provide valuable insights, they remain largely fragmented and country-specific (Harker & Cohen, 2020; Sebastian, 2022). Few attempts have been made to adopt a comparative victimological lens across multiple Asian-majority states, especially those with the largest populations, where the scale of victimization is most significant (Mathews et al., 2022; UNICEF, 2023).

This study seeks to fill that gap by integrating legal analysis with socio-legal realities in Indonesia, India, and Bangladesh, while drawing comparative lessons from other South Asian contexts (Bhan et al., 2023; Human Rights Watch, 2021). Unlike earlier research that primarily assessed legal frameworks in isolation, this study combines sociological evaluation with victimological perspectives, examining not only the existence of laws but also their effectiveness in practice and the lived experiences of child victims. (Whiting & Horii, 2024; Van Dijk & Letschert, 2024).

To effectively address the gap in legal protection, this study adopts a victimological lens (Rock, 2021), recognizing the child as an active legal subject rather than a passive recipient of justice (Goodey, 2022). Such an approach is rooted in the state's fundamental obligation to uphold the best interests of the child, as outlined in the UNCRC (Tobin, 2019). By situating the analysis within Asian-majority countries, this research highlights both common challenges—such as underreporting, cultural stigma, and weak enforcement—and country-specific dynamics that shape the protection of children from sexual violence. In

doing so, it aims to contribute a more comprehensive understanding of the issue, offering alternative solutions that are both legally grounded and socially responsive.

Child sexual violence remains one of the most urgent human rights concerns across Asia, particularly in countries with the largest populations, such as India, China, Indonesia, Bangladesh, and Pakistan (World Health Organization, 2020; ECPAT International, 2022). The demographic weight of these nations means that the scale of victimization is vast, with millions of children exposed to sexual abuse each year, both in physical settings and increasingly through digital platforms (Interpol, 2022; Mathews et al., 2022). Reports from UNICEF and international organizations consistently reveal that child sexual abuse in Asia is not only widespread but also deeply underreported due to cultural stigma, fear of retaliation, and systemic weaknesses in law enforcement (UNICEF, 2023; Bhan et al., 2023). This crisis is further exacerbated by the slow adaptation of legal frameworks to the rapid expansion of online child grooming and exploitation in the region (Davidson, 2021; Harker & Cohen, 2020). Consequently, protecting children in these high-population states requires a departure from traditional legalism toward a more robust, victimological approach that accounts for the 'lived realities' of the most vulnerable (Whiting & Horii, 2024; Van Dijk & Letschert, 2024). UNICEF estimates that 64% of the world’s children who experience severe violence live in South Asia. At the same time, recent victimological studies reveal that one in eight children reports sexual assault before the age of eighteen. These findings highlight both the scale of the problem

and the urgent need for stronger legal protection and victim-centered approaches UNICEF, South Asia Report):

Earlier studies have provided important insights but have largely remained fragmented and country-specific. Research in India has examined the implementation of the Protection of Children from Sexual Offences Act (POCSO), highlighting persistent gaps between legislation and enforcement (Vyas, 2024; Sinha & Singh, 2025). Studies in Indonesia have emphasized the alarming rise of online child sexual exploitation materials (Kemen PPPA, 2024; ECPAT Indonesia, 2025), while scholarship in Bangladesh has often linked child sexual violence to structural issues such as early marriage and gender-based discrimination (UNICEF, 2024; Dhaka Tribune, 2024). These works are valuable, yet they tend to focus narrowly on national contexts and legal frameworks in isolation.

This study seeks to move beyond those limitations by adopting a comparative socio-legal and victimological lens across Asian-majority countries. Conceptually, it is grounded in the recognition that children are not only legal subjects but also a vulnerable group requiring special protection (Gillespie, J., & Pipkorn, A. (Eds.). (2019). The research draws upon international instruments such as the Convention on the Rights of the Child (CRC) and the Sustainable Development Goals (SDGs), which frame child protection as both a legal obligation and a developmental priority.

Theoretically, the study is informed by victimology, particularly perspectives that emphasize vulnerability, systemic victimization, and victim protection. Classical victimology, as developed by scholars such as Hans von

Hentig and Benjamin Mendelsohn, initially explored the role of victims in the commission of crime. “The first systematic treatment of victims of crime appeared in 1948 in Hans von Hentig’s book The Criminal and His Victim. In the fourth part of the book, under the provocative title ‘The Victim’s Contribution to the Genesis of the Crime’, von Hentig offered a new dynamic approach as a substitute for the static, unidimensional study of the offender which had dominated criminology (Fattah, 1992). However, in the context of child sexual violence, victim precipitation theories are less relevant, as children are passive victims without agency to prevent or resist abuse (Elisna, 2023). Instead, this research employs theories of victim vulnerability, which highlight the biological, psychological, and social factors that make children especially susceptible to sexual violence. It also draws upon systemic victimology, which examines how victims interact not only with offenders but also with legal institutions, cultural norms, and social structures—often experiencing secondary victimization when facing stigma or inadequate justice mechanisms. Finally, victim protection theory underscores the need for legal and policy frameworks that prioritize victims' rights and ensure access to justice, rehabilitation, and comprehensive recovery. Building on classical victimology, contemporary scholars such as Aura Preda (2023) emphasize the regulatory dimensions of secondary victimization, while Van Niekerk and Coetzee (2020) demonstrate how child victims are re-traumatized within criminal justice systems. Fattah’s victimological analysis further underscores the structural vulnerability of children as victims. Together, these perspectives provide a modern framework for analyzing child sexual violence in Asian-majority states, highlighting the need for victim-sensitive legal protection and systemic reform (Aura Preda, 2023).

By integrating these conceptual and theoretical foundations, this study frames child sexual violence as both a legal and social problem, requiring analysis

that bridges law in books with law in action. Through a comparative examination of Indonesia, India, Bangladesh, and other South Asian contexts, the research aims to identify common challenges, highlight gaps between socio-legal frameworks and lived realities, and propose legally sound, socially responsive alternative solutions. In doing so, it contributes to a deeper understanding of child protection in Asia's most populous states. It offers victimology-based strategies to strengthen legal safeguards for children against sexual violence. This study adopts a socio-legal approach, combining the analysis of written law with the observation of how such law operates in society. The focus is on examining the effectiveness of legal protection for children who become victims of sexual violence in Asian-majority countries, particularly Indonesia, India, and Bangladesh, with comparative insights from other South Asian contexts. The research relies on both documentary studies and empirical exploration. Legal texts, court decisions, and international reports from organizations such as UNICEF and ECPAT provide the socio-legal foundation.. In contrast, interviews with legal practitioners, child protection agencies, and academics enrich the empirical dimension. Data are gathered through the review of legislation and judicial practice, complemented by semi-structured interviews and field observations that reveal the social and cultural barriers victims face in accessing justice (Creutzfeldt, N., Mason, M., & McConnachie, K. (Eds.). (2019). The analysis is carried out by comparing the socio-legal frameworks with the realities of enforcement, highlighting gaps between law in books and law in action. (Banakar, R., & Travers, M. (Eds.). (2022). Victimology serves as the guiding lens, positioning children as victims within broader social structures and identifying the vulnerabilities that hinder their protection. Through this method, the study seeks to evaluate the strengths and weaknesses of existing legal systems, identify the challenges that persist in practice, and propose contextually relevant

alternative solutions for Asian-majority countries.

Although Asian-majority states such as India, Indonesia, and Bangladesh have established legal frameworks to protect children from sexual violence, the reality shows persistent gaps between law and practice (Niaz, U. (2019).. Victims face cultural stigma, weak enforcement, and even secondary victimization within justice systems, while digital exploitation adds new layers of complexity. Existing studies remain fragmented and country-specific, leaving a lack of comparative victimological analysis. The core problem is how to strengthen legal protection for child victims of sexual violence in Asia's most populous countries by bridging socio-legal frameworks with victimological realities and socio-cultural challenges.This research adopts a qualitative socio-legal research method enriched by and intertwined with victimological perspectives (Tapley, J., & Davies, P., 2020). The socio-legal approach examines laws, regulations, and judicial decisions alongside social realities related to child sexual violence across selected Asian countries. Victimology provides the critical lens to understand the position, experiences, and socio-psychological impacts on child victims within the justice system. Data are drawn from primary legal sources (statutes, conventions, court rulings) and secondary materials (academic studies, NGO reports, policy papers) (Mendez, M., (2021)). Case studies and empirical findings from victim support organizations are also used to highlight practical challenges. The scope is limited to selected Asian jurisdictions to maintain depth, while acknowledging differences in legal traditions and data availability.

B. RESULT AND DISCUSSION

1. The Effectiveness Of The Existing Legal Framework In Asian-Majority Countries In Protecting Child Victims Of Sexual Violence

The effectiveness of the existing legal framework in Asian-majority countries in

protecting child victims of sexual violence remains a complex and contested issue.

While many jurisdictions have enacted laws criminalizing sexual violence and providing specific protections for children, the implementation of these frameworks often faces significant challenges. Furthermore, the transition from a retributive to a victim-centric approach in the Asian legal landscape is hampered by deeply embedded procedural traditions. The adversarial nature of criminal trials in many of these nations often forces child victims to undergo grueling cross-examinations, which trigger secondary victimization rather than providing redress (Sebastian, 2022).

This effectiveness is further compromised by the "cultural filtering" of justice, where patriarchal norms and social stigma often delegitimize a child's testimony, leading to low conviction rates and a preference for informal, non-legal resolutions that fail to uphold the child's best interests (Whiting & Horii, 2024). Consequently, while the formal framework may appear robust on paper, its effectiveness is limited by a systemic failure to integrate socio-legal realities with victimological principles, leaving many victims without adequate remedies or long-term rehabilitation (Mathews et al., 2022). In this research, the effectiveness of legal protection for child victims of sexual violence is assessed through several parameters:

Accessibility of Justice – whether child victims can safely and easily access formal legal mechanisms without facing procedural or financial barriers.

1. **Protection from Secondary Victimization** – the extent to which legal processes prevent retraumatization, particularly during investigation and trial
2. **Conviction and Enforcement Rates** – the ability of the legal framework to secure convictions and ensure sanctions are effectively implemented.
3. **Integration of Victimological Principles** – the degree to which laws and procedures reflect victim-centered approaches, including recognition of psychological and social needs.

4. **Cultural and Social Responsiveness** – whether the system can overcome
5. patriarchal norms, stigma, and informal dispute resolutions that undermine children's rights.
6. **Provision of Remedies and Rehabilitation** – the availability of long-term support such as counseling, reintegration programs, and compensation for victims.

By applying these parameters, the study moves beyond a narrow formalistic legal view by fully adopting a socio-legal research approach that situates effectiveness within both legal performance and socio-legal realities. This ensures that the analysis captures not only the robustness of laws on paper but also their practical impact on child victims in Asian contexts.

In countries such as Indonesia, the Philippines, and India, statutory provisions exist to safeguard children, yet enforcement gaps, cultural stigma, and institutional weaknesses frequently undermine their impact. Research shows that legal frameworks are often strong on paper but weak in practice, with victims encountering barriers such as fear of retaliation, lack of trust in law enforcement, and inadequate victim support services (Rijadi, Mahmudah, & Jamil, 2025). Comparative studies in Southeast Asia highlight that while legislation has expanded to include harsher penalties and victim-

centered provisions, the absence of child-sensitive procedures in courts and police investigations continues to expose children to secondary victimization (Aninda & Nugroho, 2023).

Empirical evidence also suggests that disclosure of sexual violence by children is hindered by socio-cultural factors, including shame, fear of disbelief, and family pressure, which limit the effectiveness of legal remedies (Alaggia, Collin-Vézina, & Lateef, 2019). Even when cases reach the courts, lengthy trials and adversarial procedures often retraumatize victims, raising questions about whether existing

frameworks truly serve the best interests of the child (Sutherland, E. E., & Macfarlane, L. B., Eds.). (2016). Studies in India and Bangladesh further demonstrate that despite the presence of specialized laws such as the Protection of Children from Sexual Offences Act, systemic delays and lack of trained personnel reduce their effectiveness (Jones et al., 2012). At the same time, international organizations such as UNICEF and UNODC emphasize that legal frameworks must be complemented by multidisciplinary support services, including psychosocial care, medical assistance, and educational interventions, to ensure holistic protection. Without these integrated services, legal provisions alone cannot adequately safeguard children. The ASEAN guidelines on protective services reinforce this point by stressing the need for coordination between law enforcement, healthcare, and social services to make legal protections meaningful in practice (ASEAN, 2016).

Overall, while Asian-majority countries have made significant progress in enacting laws to protect child victims of sexual violence, their effectiveness is limited by enforcement challenges, cultural barriers, and institutional shortcomings. Strengthening these frameworks requires not only legislative reform but also investment in child-sensitive justice mechanisms, community-based awareness programs, and regional cooperation to address transnational dimensions of sexual exploitation. Only through such comprehensive measures can the promise of legal protection be translated into genuine safety and justice for child victims.

Although most Asian-majority states have enacted laws criminalizing child sexual violence, the effectiveness of these frameworks in protecting victims remains uneven and often limited in practice. Across the region, statutory provisions generally align with international conventions such as the UN Convention on the Rights of the Child and its Optional Protocols, yet translating these commitments into meaningful protection is hindered by structural, procedural, and socio-cultural barriers. In Indonesia, for example, the Child Protection Law, the Sexual Violence Law, and the

ITE Law provide a strong legal foundation. Still, enforcement is hampered by underreporting, stigma, and fragmented coordination among agencies. Data from the National Center for Missing and Exploited Children (NCMEC) revealed that Indonesia ranks fourth globally and second in ASEAN for child sexual abuse material cases, underscoring the inadequacy of current frameworks to address digital victimization. UNICEF further reports that between 17 and 56 percent of Indonesian children subjected to online sexual exploitation never disclose their experiences, highlighting the scale of hidden victimization.

Similar challenges are evident in other Asian jurisdictions. In Bangladesh, scholarship has consistently linked child sexual violence to structural problems such as early marriage and entrenched gender discrimination. Despite statutory prohibitions, the persistence of patriarchal norms and poverty sustains high rates of child marriage, which in turn increases vulnerability to sexual abuse. UNICEF data show that one in two Bangladeshi women aged 20–24 was married before the age of 18, a structural factor that directly correlates with heightened risks of sexual violence. In India, the Protection of Children from Sexual Offences (POCSO) Act introduced child-friendly procedures and broadened definitions of abuse, yet conviction rates remain low relative to prevalence, with delays in trials and evidentiary burdens discouraging victims from pursuing justice. China presents another dimension, where cultural norms and the absence of a comprehensive legal definition of child abuse hinder consistent identification and response. Studies emphasize that disciplinary practices often blur the line between acceptable parental authority and abuse, complicating enforcement and victim protection. The Philippines has made notable progress with specialized cybercrime units and strong anti-trafficking laws. Still, the country continues to face systemic challenges in addressing live-streaming exploitation, which is financially incentivized and often involves transnational networks. Thailand and Malaysia have clear criminalization statutes and some specialized victim services, yet procedural protections are applied inconsistently, and online child sexual exploitation and abuse

(OCSEA) remains under-regulated. Pakistan has expanded its cybercrime law and criminalization of sexual violence, but enforcement capacity and victim services remain uneven, particularly outside urban centers.

Taken together, these findings suggest that while Asian-majority states have made significant strides in criminalizing child sexual violence, the frameworks are only partially effective in protecting victims. Laws are strongest in defining offenses and prescribing penalties, but weakest in ensuring victim-centered justice, integrated services, and effective responses to digital victimization. Underreporting, stigma, and socio-cultural norms continue to suppress disclosure and access to justice, while enforcement agencies struggle with capacity, coordination, and cross-border cooperation. The data demonstrate that effectiveness is not simply a matter of having laws in place, but of ensuring that those laws are comprehensive, victim-sensitive, and adaptable to the realities of digital abuse. Without reforms that expand definitions, strengthen child-friendly procedures, guarantee psychosocial and legal support, and foster international collaboration, the protection of child victims in Asian-majority states will remain incomplete.

2. Secondary Victimization Of Child Victims In Asian Justice Systems

Secondary victimization of child victims in Asian justice systems remains a pressing concern that undermines the effectiveness of legal protection and the pursuit of justice. Although many Asian-majority countries have enacted laws to criminalize sexual violence and provide safeguards for children, the justice process itself often exposes victims to harm further. Secondary victimization occurs when children experience additional trauma through insensitive questioning, repeated testimony, lack of confidentiality, or stigmatization within their communities. Studies show that adversarial court procedures, lengthy trials, and the absence of child-sensitive mechanisms frequently retraumatize victims, making them reluctant to participate in legal proceedings (Alaggia, Collin-Vézina, & Lateef, 2019). In Indonesia and the

Philippines, for example, children are often required to recount their experiences multiple times to police, prosecutors, and judges, which not only prolongs their suffering but also increases the risk of psychological distress (Aninda & Nugroho, 2023).

Empirical research highlights that cultural stigma and patriarchal norms exacerbate secondary victimization, as victims are frequently blamed or disbelieved by their families and communities. Comparative studies in Southeast Asia reveal that, despite statutory frameworks, children often face hostile environments in police stations and courts, where officials lack training in trauma-informed approaches (Rijadi, Mahmudah, & Jamil, 2025). This aligns with findings from India and Bangladesh, where specialized laws such as the Protection of Children from Sexual Offences Act have not fully eliminated practices that retraumatize victims, including confrontational cross-examinations and delays in trial processes (Jones et al., 2012).

International organizations emphasize that secondary victimization is not only a procedural issue but also a systemic failure to integrate victimological perspectives into justice systems. UNICEF stresses that justice mechanisms must prioritize the best interests of the child, ensuring confidentiality, minimizing exposure to perpetrators, and providing psychosocial support throughout the process (UNICEF, 2016). UNODC similarly underscores the importance of continuous training for law enforcement and judicial actors to prevent insensitive treatment and to embed child-sensitive practices into institutional culture (UNODC, 2020). Without such reforms, legal frameworks risk perpetuating harm rather than delivering protection.

The persistence of secondary victimization demonstrates that legal reform alone is insufficient. Effective protection requires a comprehensive approach that combines legislative safeguards with operational innovations such as one-stop crisis centers, specialized child-friendly courts, and multidisciplinary support services. Evidence suggests that when children are provided with trauma-informed care and supported by trained professionals, their willingness to engage with justice systems increases, and

the risk of retraumatization decreases (Alaggia et al., 2019; ASEAN, 2016). Ultimately, addressing secondary victimization in Asian justice systems demands not only stronger laws but also cultural change, institutional accountability, and regional cooperation to ensure that child victims are treated with dignity and compassion.

Secondary victimization occurs when children suffer additional harm through the very processes intended to protect them—during reporting, investigation, and trial (UNICEF, 2021). Studies across Asian justice systems demonstrate that children often face *secondary victimization* when interacting with police, prosecutors, and courts. In Indonesia, research shows that child victims are frequently subjected to repeated questioning and intrusive procedures, which can retraumatize them and limit their ability to participate meaningfully in proceedings (Putri, 2021). In India, despite the Protection of Children from Sexual Offences Act (POCSO), courtroom practices such as adversarial cross-examination and delays in trial continue to expose children to distress and stigma (Kumar & Singh, 2020). Similarly, in Bangladesh, socio-cultural pressures—including early marriage and gender discrimination—intersect with justice processes, leading to intimidation, privacy breaches, and pressure to withdraw complaints, all of which exacerbate secondary victimization (Huda, 2019). Comparative reviews by UNICEF and ECPAT further emphasize that while statutory frameworks align with international conventions, implementation gaps and socio-cultural barriers perpetuate harm during justice interactions (UNICEF, 2021; ECPAT International, 2023).

In Indonesia, recent comparative legal analysis shows that child victims' participation remains tightly constrained, with courtroom practice prioritizing the extraction of "material facts" over developmental and psychological needs; the absence of routine Victim Impact Statements in juvenile proceedings limits victim voice and contributes to re-traumatization through intrusive questioning and adversarial dynamics. Conceptually, this aligns with broader criminological work on

secondary victimization as an "epistemic injustice," where institutional practices discount the child's perspective and knowledge, reproducing harm through disbelief, credibility attacks, and silencing within formal procedures.

Evidence from practice studies indicates recurring features of secondary victimization across child justice systems: repeated interviews and testimony without child-friendly protocols; inconsistent application of special measures (in-camera hearings, video links, intermediaries); exposure to the accused in open-court settings; delays and adjournments that prolong stress; and limited access to psychosocial and legal aid. Research demonstrates that even where policies exist to minimize secondary harm, enforcement is uneven—resulting in retraumatizing contact with police, prosecutors, and courts, and discouraging pursuit of justice. These patterns are salient in countries such as India and Bangladesh, where adversarial cross-examination, suggestive questioning, and social pressure to reconcile or withdraw complaints exacerbate fear, shame, and self-blame—especially for girls facing gender-norm constraints and early-marriage contexts—thus converting help-seeking into a risky, distressing experience.

Taken together, the data suggest that secondary victimization is driven by procedural design (adversarial questioning, evidentiary burdens, and timeframes), institutional capacity (training, coordination, and resourcing), and socio-cultural determinants (patriarchal norms and stigma) (Doak, J., 2014). Where systems embed child-friendly justice—mandated special measures, standardized interview protocols, recognition of victim voice (e.g., impact statements), and integrated referral pathways—the risk of secondary harm declines, and institutional trust improves. Conversely, when protections remain discretionary or poorly implemented, children are more likely to experience disbelief, privacy breaches, and emotional distress within justice processes, perpetuating attrition and underreporting.

3. Socio-Cultural And Economic Barriers To Reporting And Prosecution Of Child Sexual Violence

Cultural stigma operates as a powerful silencer, deterring disclosure and fueling underreporting. Children and families fear reputational damage, social exclusion, and blame, which leads to delayed or suppressed reporting even where formal protections exist (UNICEF, 2021). Systematic reviews show survivors often anticipate disbelief

or moral judgment, and many experience negative reactions from authority figures that compound trauma, further discouraging engagement with the justice system (Alaggia,

Collin-Vézina, & Lateef, 2019). From a cultural perspective, norms around honor and purity, family reputation, and the privatization of sexual harm normalize silence and push cases into informal resolution or non-reporting (Trilia, Nambiar, & Mohd Said, 2024).

Patriarchal norms shape both community responses and courtroom dynamics. In many South Asian contexts, laws and practices still contain protection gaps (e.g., marital exceptions, narrow definitions, evidentiary hurdles) that undermine the pursuit of justice for child victims (Equality Now, 2024). Adversarial cross-examination, suggestive questioning, and credibility attacks can retraumatize children and produce secondary victimization, especially when child-friendly special measures are inconsistently applied (UNICEF, 2021; Equality Now, 2024). Scholarship on disclosure shows that fear of not being believed—rooted in patriarchal hierarchies and adult authority—reduces the likelihood that children will report. At the same time, institutional disbelief during investigation or trial entrenches attrition (Alaggia et al., 2019).

Socio-economic conditions further depress reporting and prosecution by making help-seeking practically costly and risky. Wieberneit et al. (2024) argue that socio-economic dependence and the high costs of legal processes significantly depress

reporting and prosecution of sexual violence. Families with limited resources often lack access to legal aid, transportation, or safe accommodation, and may depend economically on perpetrators or community brokers, which disincentivizes reporting and sustains informal settlements (UNICEF, 2021). Systematic reviews emphasize how poverty intersects with cultural scripts—where early marriage, household labor demands, and local power asymmetries convert justice pathways into high-risk endeavors for children and caregivers (Trilia et al., 2024). These constraints magnify delays, multiply the number of interviews, and reduce witness availability, thereby weakening prosecutorial outcomes (Equality Now, 2024).

Collectively, this evidence shows a cycle: stigma suppresses disclosure; patriarchal norms erode credibility and limit child-friendly procedures; and poverty blocks access to remedies and sustains informal resolution (Human Rights Watch. (2021). Even where statutes align with international standards, gaps in enforcement and culturally embedded practices undermine victim protection and case progression (UNICEF, 2021; Equality Now, 2024; Alaggia et al., 2019). Strengthening outcomes requires embedding mandatory special measures, trauma-informed interviewing, and integrated services, while confronting stigma and patriarchal beliefs through community engagement and protection-first policy design (UNICEF, 2021; Alaggia et al., 2019).

4. Towards A Comparative Victimological Approach In Asia

Towards a comparative victimological approach in Asia, it is increasingly evident that the study of victimization must move beyond national boundaries and engage with regional similarities and differences in law, culture, and institutional practice. Victimology in Asia has often been shaped by diverse socio-cultural contexts, ranging from collectivist traditions that emphasize family honor to legal systems influenced by colonial legacies. These variations create unique challenges for child victims of sexual violence, women subjected to gender-based harm, and communities affected by structural inequalities (Utari, I.S. et al., 2023). Comparative victimological research

highlights that while many Asian states have enacted laws to protect victims, the effectiveness of these frameworks depends on how they are operationalized within justice systems and social environments. For instance, studies in Indonesia and the Philippines reveal that victims often face secondary victimization due to adversarial court procedures and a lack of trauma-informed practices, despite the existence of statutory protections (Aninda & Nugroho, 2023; Rijadi, Mahmudah, & Jamil, 2025). Similarly, research in India demonstrates that specialized laws such as the Protection of Children from Sexual Offences Act have not fully eliminated barriers to justice, as victims continue to encounter stigma and procedural delays (Jones et al., 2012).

A comparative victimological approach also underscores the importance of integrating victim-centered perspectives into policy design. Scholars argue that victims in Asian contexts are frequently marginalized by patriarchal norms and cultural silence, which hinder disclosure and reporting of crimes (Alaggia, Collin-Vézina, & Lateef, 2019). This is consistent with findings across Southeast Asia, where community stigma and fear of retaliation often prevent victims from accessing justice, even when legal frameworks are in place. By comparing across jurisdictions, victimology can identify both common patterns of victimization and innovative practices that may be adapted regionally. For example, ASEAN guidelines emphasize the need for integrated protective services that combine law enforcement, healthcare, and psychosocial support, offering a model that could be replicated across diverse legal systems (ASEAN, 2016).

Moreover, comparative victimology in Asia highlights the role of restorative justice and community-based approaches in empowering victims. While Western models often emphasize individual rights, Asian contexts reveal the importance of collective healing and reintegration, particularly in societies where family and community structures are central (Pali & Lünnemann, 2023; Zeldin, 2020). The United

Nations and UNODC have stressed that child-sensitive justice mechanisms must balance punitive measures with restorative practices to reduce retraumatization and foster reintegration (UNODC, 2020; Zinsstag & Keenan, 2022). This comparative lens allows scholars and policymakers to see how victimological insights can be adapted to local realities while maintaining international standards of protection (Lynch, 2019; Gavrielides, 2021).

Ultimately, moving towards a comparative victimological approach in Asia requires bridging legal analysis, cultural understanding, and empirical research (Creutzfeldt et al., 2019; Bhan et al., 2023). It demands recognition that victimization is not only a legal issue but also a social and cultural phenomenon shaped by norms, institutions, and regional dynamics (Whiting & Horii, 2024; Ali & Rogers, 2023). By drawing on diverse studies and frameworks, victimology in Asia can evolve into a discipline that not only critiques existing systems but also proposes context-sensitive solutions that strengthen justice and protection for victims across the region (Sebastian, 2022; Daly, 2023).

A comparative victimological approach helps explain why prior studies on child sexual violence (CSV) in Asia have remained fragmented and country-specific, and how cross-country synthesis can reveal shared drivers of harm and systemic remedies. Most existing research is anchored in national legal frameworks, institutional capacities, and socio-cultural context, producing deep but siloed insights that are difficult to generalize across diverse jurisdictions (UNICEF, 2021). Country studies often prioritize statutory analysis, enforcement practices, and localized cultural norms, which—while essential—limit visibility into common patterns of victimization and secondary harm spanning Indonesia, India, and Bangladesh (Putri, 2021; Kumar &

Singh, 2020; Huda, 2019). Comparative victimology, by contrast, aligns evidence across law, procedure, and lived experience—mapping how stigma, patriarchy, poverty, and institutional design jointly shape reporting, investigation, and prosecution outcomes (Alaggia, Collin-Vézina, & Lateef, 2019).

5. Alternative Solutions to Strengthen Legal Protection and Ensure Child-Sensitive Justice Mechanisms

Strengthening legal protection for child victims of sexual violence in Asian-majority states requires a comprehensive approach that integrates legal reform (UNICEF, 2023; Tobin, 2019), institutional innovation (Mishra, 2021; UNODC, 2020), and socio-cultural transformation (Whiting & Horii, 2024; Bhan et al., 2023). This multifaceted strategy must move beyond mere legislative enactment to ensure that justice systems are equipped with specialized child-friendly procedures that prevent retraumatization (Sebastian, 2022; Zinsstag & Keenan, 2022). Furthermore, sustainable protection is only achievable when formal legal mechanisms are supported by community-based interventions that actively challenge patriarchal norms and the systemic stigma surrounding disclosure (Ali & Rogers, 2023; Human Rights Watch, 2021). This need is reflected in comparative studies across Southeast Asia, which highlight persistent gaps in enforcement and victim support despite the existence of statutory frameworks (Rijadi, Mahmudah, & Jamil, 2025). Juridical analyses in Indonesia further demonstrate that legal protection often fails to address the socio-cultural barriers that prevent victims from accessing justice (Aninda & Nugroho, 2023). Recent scholarship also emphasizes the importance of institutional innovation and family involvement in safeguarding children's rights (Kurniawan & Septiningsih, 2023). Although many countries have enacted laws criminalizing sexual violence,

enforcement gaps and the absence of child-sensitive procedures often undermine their effectiveness.

One promising solution is the establishment of specialized child-friendly courts and procedures that prioritize confidentiality, minimize retraumatization, and allow children to testify through video links or in-camera hearings. International guidelines emphasize that such mechanisms are essential to ensuring children's meaningful participation in justice processes without fear or intimidation (UNICEF, 2016; UNODC, 2020). Beyond procedural reform, integrating victimological perspectives into policy design is critical. Children must be recognized not only as victims but as rights-holders whose voices should shape justice systems. Embedding restorative justice elements, under strict safeguards, can provide children with agency and closure while ensuring accountability, a principle highlighted in the *Guidance Note of the Secretary-General on Justice for Children* (United Nations, 2008).

Equally important is the development of multidisciplinary support services. Legal protection cannot be effective without psychosocial, medical, and educational interventions that accompany it. The creation of one-stop crisis centers, staffed by professionals trained in trauma-informed care, ensures that children receive holistic support from disclosure through the conclusion of legal proceedings. ASEAN guidelines underscore the importance of integrated protective services that bridge law enforcement, healthcare, and social services (ASEAN, 2016). At the same time, capacity-building for law enforcement and judicial actors is necessary to prevent secondary victimization. Police officers, prosecutors, and judges must be trained to handle cases involving child victims with sensitivity, and accountability mechanisms should be established to monitor their conduct. UNODC's framework on justice for

children emphasizes the need for continuous professional development and institutional accountability to shift cultures toward child-centered justice (UNODC, 2020).

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In addition to institutional reforms, strengthening community-based mechanisms is vital to ensure that children are protected within their immediate social environments. Studies show that disclosure of sexual violence is often hindered by stigma, fear of disbelief, and cultural silence, which makes community awareness programs indispensable (Alaggia, Collin-Vézina, & Lateef, 2019). Grassroots initiatives that involve parents, teachers, and religious leaders can help dismantle harmful norms and encourage early reporting. Evidence from Southeast Asia further

demonstrates that community trust in formal institutions significantly increases when preventive education and awareness campaigns are embedded in local contexts (Rijadi, Mahmudah, & Jamil, 2025).

Another critical dimension is the integration of restorative justice approaches that prioritize the child's voice and agency (Gavrielides, T., 2021). While punitive measures remain necessary, restorative practices—such as victim-offender mediation under strict safeguards—can provide children with a sense of closure and empowerment (Zinsstag, E., & Keenan, M. (Eds.)., 2022). The United Nations has emphasized that, when carefully implemented, restorative justice can reduce retraumatization and foster reintegration (United Nations, 2008). Moreover, comparative legal studies in Indonesia highlight that restorative approaches, combined with psychosocial support, are more effective in addressing the long-term needs of child victims than purely retributive models (Aninda & Nugroho, 2023).

International collaboration and knowledge exchange are essential to strengthen national frameworks. International collaboration and knowledge exchange are widely recognized as crucial for strengthening national child protection and sexual violence prevention frameworks, especially in contexts where crimes cross borders, and cultural stigma hinders reporting (UNICEF, 2021). Cross-border initiatives, particularly within ASEAN, can harmonize child protection standards and facilitate the sharing of best practices. Research underscores that countries with strong regional cooperation are better able to address transnational dimensions of child sexual exploitation, including trafficking and online abuse (Jones et al., 2012). By embedding these collaborative strategies into national systems, Asian-majority states can move toward a justice model that is not only legally sound but also socially responsive and child-centered.

Finally, community-based awareness and prevention programs are indispensable in contexts where cultural stigma and silence surrounding sexual violence hinder reporting and access to justice (Jewkes, R., Flood, M., & Lang, J., 2015). Grassroots initiatives that engage parents, teachers, religious leaders, and youth can help dismantle harmful norms, encourage early reporting, and build trust in formal institutions. UNICEF stresses that access to justice must be paired with community-level prevention and reintegration efforts to ensure sustainable protection (UNICEF, 2016). Taken together, these alternative solutions demonstrate that child-sensitive justice is not achieved solely through legal reform but through a comprehensive ecosystem of protection, empowerment, and cultural change. By embedding victimological insights into both law and practice, Asian-majority states can move closer to justice systems that genuinely safeguard the rights and dignity of child victims of sexual violence.

C. CONCLUSION

Legal protection for child victims of sexual violence in Asian-majority states reflects both achievements and persistent shortcomings. On one hand, many countries have enacted laws and frameworks that formally recognize the rights of children and criminalize acts of sexual violence. On the other hand, the lived reality of victims often reveals gaps in enforcement, limited institutional capacity, and cultural barriers that prevent children from accessing justice in a safe and supportive way. The justice process itself can sometimes become a source of secondary victimization, where children are retraumatized by insensitive questioning, repeated testimony, or lack of confidentiality.

To overcome these challenges, protection must be understood as more than legislation. It requires a comprehensive system that integrates child-sensitive justice mechanisms, trauma-informed practices, and multidisciplinary support services. Courts, police, and social institutions must be equipped to handle cases with sensitivity, while communities must be engaged to dismantle stigma and silence that often surround sexual violence. Equally important is the need for cultural transformation, recognizing that children are not only victims but also rights-holders whose voices and experiences shape the justice system.

The path forward lies in building justice systems that are protective, empowering, and restorative. This means creating environments where children feel safe to disclose, where their dignity is preserved throughout the legal process, and where justice outcomes contribute to healing rather than harm. By embedding victimological perspectives into law, policy, and practice, Asian-majority states can move toward a model of justice that is not only legally robust but also socially responsive, ensuring that child victims of sexual violence experience genuine protection and meaningful access to justice.

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