

Human Trafficking in Pakistan: Legal Framework and Challenges

ABSTRACT:

Human trafficking is a criminal act of modern society which threatens millions of people all over the world. According to the world situation of socio-economic conditions and geographical location, this scourge affects Pakistan more than any other nation. The purpose of this study is to establish a review of human trafficking in this country to the legal system, which will reveal some of the difficulties of implementing it and the country's recommendation on how the problem can be addressed adequately. The paper also looks at the International and domestic laws in relation to human trafficking in Pakistan and the effectiveness of each law. It also looks at the different issues that surround the fight against this crime, among them inadequate funding, corruption, and ignorance. In addition, the research also examines the grim consequences that tender victims of humans, both sexually and psychologically. In response to these issues and in order to mitigate and comb human trafficking effectively, the following has been recommended. These include enhancing legal measures, identification of victims, provision of assistance to victims, country's cooperation with international organizations, and combating social and economic factors that lead to vulnerability. This way, Pakistan can reduce the rates of human trafficking and protect its citizens if these recommendations are followed. This research will be of significant interest and utility to any government, police force and NGOs that are struggling to contain this world problem.

KEY WORDS:

Human Trafficking, Pakistan, Legal Framework, Challenges, Recommendations, Victims, International Cooperation, Social Factors, Economic Factors

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Introduction

Global Human trafficking is a systemic and diversified certainty that relates to the exploitation and forceful use of Females, males, children and/or an adult through coercion, fraud or deception with a view to using him/her for labour or sexual exploitation and or unlawful body organ trade. According to the United Nations, human trafficking is a business-involved recruitment, transportation, transfer, harbouring, or receipt of individuals through force, coercion, abduction, fraud, deceit, coercion, force, coercion, take advantage of the abuse/use of the helpless individuals, and other forms of abuse in order to exploit those individuals (Normandin, [2022](#)). This definition emphasises the fact that trafficking is complex because it can take different forms within different societies; thus, there is a need to understand the legal aspects of responding to this crime.

Trafficking in persons is widely practised in Pakistan, and the practice takes different devastating forms: forced marriages, bonded labour, and forced labour. The country serves as both a supply and demand country and a transit point for victims of these vices, with many people having been victimized by these practices (Baig, [2024](#)). Sources of information suggest most of the victims endure forced labour in farming, construction, and house help, while women and children are at a higher risk of sexual exploitation (Baig, [2024](#)). The type of measurement that exists in the criminal justice system of Pakistan in relation to human trafficking is an issue of considerable challenge. Further, the absence of some of the trafficking forms, including organ trafficking, prejudices the situation because victims might stay undetected and unidentified (Yousaf & Purkayastha, [2015](#)).

Knowledge of the legal parameters of human trafficking plays an important role in combating and addressing the problem. Today, there are a number of international conventions and national laws banning human trafficking, but the problem is that the legislation is often Riddick, 2016, p. For example, the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons is a comprehensive framework, but the enforcement is quite different in the case of different nations, including Pakistan (Normandin, [2022](#)). The absence or weakness of definitions of trafficking in human beings across different jurisdictions still poses additional challenges to enforcement (Gomes & Sani, [2023](#)). In Pakistan, there is the Prevention of Trafficking in Persons Act, adopted in 2018 and designed to fight trafficking in persons as a whole. Despite that, it has its weaknesses: its implementation and the protection of victims (Baig, [2024](#)).

The main issues staggered in fighting human trafficking In Pakistan are bound to socio-economic factors such as poverty, illiteracy, and gender disparity. These vulnerabilities are usually exploited by the traffickers by selecting vulnerable groups of persons, including women, children as well as minority groups (Normandin, [2022](#)). One can identify many issues with this mixture: forcibly displaced people are more vulnerable to trafficking (Yousaf, [2017](#), p. 10). Moreover, the challenges involved in victim identification remain key since they hinder the formulation of efficient intervention measures. Despite the fact that social workers and healthcare professionals, for example, are in a position to potentially identify victims, they often do not receive adequate training or tools by which they can identify victims (Mostajabian et al., [2019](#); Brunovskis, [2022](#)).

Education and awareness of the community on human trafficking cannot be over-emphasized. Stereotyping and stereotyping of victims create barriers to people seeking support, hence allowing various forms of exploitation to continue their rounds (Aronowitz & Chmaitilly, [2020](#)). Awareness campaigns should extend to those wider cultural narratives underpinning trafficking, through which these cultural narratives shape the funding and policies available to counter-trafficking movements (Bonilla & Mo, [2018](#); Meriläinen & Vos, [2015](#)). However, the role of Intergovernmental organizations and non-governmental organizations (NGOs) also play a significant part in supporting victims, raising awareness, and providing services and education for everyone (Baig, [2024](#)).

This paper uses a quantitative content analysis method to analyse the difficulties experienced in enforcing international and domestic laws on human trafficking in Pakistan. To this end, this study intends to use a qualitative research approach by reviewing extant secondary data such as peer-reviewed journal articles, grey literature comprised of official policy documents, official legal documents and other relevant reports in order to ascertain the gaps in the current legal frameworks and the implementation patterns. This qualitative analysis attempted to offer an integrative overview of the challenges and barriers to implementing anti-trafficking laws in the context of Pakistan based on the synthesis and analysis of secondary sources of literature.

Challenges in Combating Human Trafficking

Human trafficking presents a social evil that has received much attention locally as well as internationally, resulting in the existence of different treaties and domestic laws seeking to fight this vice, which is an enormous violation of human rights. The Palermo Protocol bears the full title of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and was adopted in 2000 as part of the United Nations Convention

against Transnational Organized Crime. This protocol played a significant shift in the world's approach to human trafficking by proffering a well-coordinated definition of trafficking and the role of states in the crusade against this vice (Hickle, [2016](#)).

The Palermo Protocol not only describes but also enshrines the protection of victims' rights in human trafficking. It demands both measures to combat trafficking and victim protection and to advance international cooperation (Kotiswaran, [2021](#); Praditama, [2023](#)). The protocol has helped to influence national laws and policies since countries are urged to domesticate the protocol's provisions. For example, through the Adoption of Trafficking in Persons Act 2018 in Pakistan where, the movement has provisions which outlaw trafficking in persons and the establishment of several frameworks that support the protection of victims in the country (Al-Assaf, [2021](#)).

Besides the Palermo Protocol, the following international treaties and conventions have other components and aspects of human trafficking. {refer to annexe II } The United Nations Convention against Transnational Organized Crime is the general framework in which the Palermo Protocol is contained; other protocols target particular features of trafficking in persons, such as the Protocol against the Smuggling of Migrants by Land, Sea and Air (Einarsdóttir & Boiro, [2014](#)). Taken together, these instruments establish the need for a global approach to combating trafficking because doing so involves a global problem, which requires a concerted international approach towards prevention and prosecution (Kane, [2023](#)).

At the domestic level, nations like Pakistan have passed laws that display their intentions towards fighting against human trafficking. The Protection from Trafficking in Persons Act 2018 outlines legal measures taken for prosecuting offenders underneath the following types of trafficking, compelled labor and compelled sexual compelled labour. This act rejoices with the guidelines provided in the Palermo Protocol, highlighting issues of protection for the victims and the prosecution of the traffickers (Al-Assaf, [2021](#)). The Pakistan Penal Code also deals with trafficking laws, and while the penalties prescribed and enforcement measures may differ, suggesting the issues that crop up in the actualization of anti-trafficking laws (Al-Assaf, [2021](#)).

The Palermo Protocol provisions include provisions for defining what trafficking is, involving acts of recruitment, transport, transfer, harbouring or receipt of persons through the use of threats, force, coercion, abduction, fraud, deception or abuse of power (Azis & Wahyudi, [2020](#); Hickle, [2016](#)). This broad definition makes the possibility of belonging to all types of exploitations such as human trafficking, sexual exploitation, the traffic of children and other labor products. The protocol also pays attention to victimization and calls on the states to offer adequate support services for the victims, such as shelter, medical attention and legal aid (Kotiswaran, [2021](#); Praditama, [2023](#)).

The sanctions for trafficking offences also differ In severity, and there are differences due to legislation and cultures around the world. In a similar vein, Pakistan Criminal code has Pakistani Penal code (Act XLV of 1860) section 366B in the Prevention of Trafficking in Persons Act 2018, which provides uncompromising punishment for the traffickers, including imprisonment and fines and more so created legal obligations of the state to provide services to the victims (Al-Assaf, [2021](#)). In the same regard, the United Nations Office on Drugs and Crime, UNODC, has argued that countries have to ensure that there are relevant stiff penalties for traffickers if the scourge is to be cured (Kane, [2023](#)).

But even though these international conventions and domestic legislation exist, there are still a lot of problems in the fight against human trafficking. Perhaps one of the hardest challenges is the Issue of reporting traffickers; victims rarely tend to come forward because they are either scared of the police, do not trust the justice system or their main worry is being deported (Al-Assaf, [2021](#)). This reluctance is additionally influenced by the shortcomings within the availability and effectiveness of present safeguard processes, which could cause poor or no victim support in the course of a criminal trial (Al-Assaf, [2021](#)).

However, the practical effect of anti-trafficking legislation is less effective because of inadequate funding, capacity building, and understanding of applicable anti-trafficking laws among police and judicial actors (Praditama, [2023](#)). It is therefore imperative to require extended education programs and information dissemination as a means of meeting the needs of the national and international authorities charged with the responsibility of the implementation of anti-trafficking laws in the identification and support of the victims (Kane [2023](#)).

Challenges in Implementing International and Domestic Laws

This paper focuses on the challenges Pakistan faces regarding the Implementation of international and domestic laws on human trafficking where proper actions against this widespread problem are difficult to take. Among these challenges, one of the challenges is a low level of awareness and understanding of human trafficking. A lot of people, police inclusive, or the public at large, have limited understanding of the different strands of trafficking, victims' rights or laws that seek to protect against these vices. This ignorance can result in unsuccessful investigations of trafficking cases and totally non-recognition of victims, which aggravates the circle of violence and abduction (Baig, [2024](#)).

Each year, more instances of human trafficking are reported in Pakistan due to corruption and collusion with law enforcement and other governmental agencies. Corrupt practices erode the legal standards and make it possible for trafficking criminals to go scot-free. There is some information that some officials are involved either directly or indirectly in trafficking; they continue to tolerate the process in exchange for money (Khan et al., [2018](#)). They not only weaken the law enforcement process so that several existing rules can never be implemented but also undermine people's confidence in authorities that are meant to safeguard the weaker sections of society.

Lack of funds and support is, therefore, any nation's biggest challenge in fighting human trafficking, as well as the weak transport networks. Police remain ill-equipped and understaffed, as do most attorneys, detectives, and forensic experts who are wary of investigating and convicting traffickers. The lack of institutional structures for conducting operations against human trafficking makes fighting this phenomenon even more difficult (Baig, [2024](#)). As well, no provision of victim support services that include shelters and rehabilitation centres means that survivors cannot get the support they require for restoration.

Another major operational difficulty in Pakistan is the identification of victims truffled into human trafficking. It is all legitimised by cross-sectional specimens of the fact that many victims do not report the crime due to fear, shame or ignorance about their rights. Besides, because trafficking is a hidden business, victim identification and rescue are also a problem for law enforcement agencies (Yousaf & Purkayastha, [2015](#)). Another challenge that is born from the trade's structure, which increasingly consists of trafficking networks with cross-border dimensions, is the identification and protection of victims. The flows involve some or all of the components of trafficking, making it difficult to police due to its cross-border nature, where collaboration is usually limited (Baig, [2024](#)).

In this context, analysing the cultural and social factors can also explain why human trafficking is still prevalent in Pakistan. This is because societal culture and perception towards women and usually the vulnerable in society make them vulnerable to trafficking (Baig, [2024](#), para 15). Also, the ordinary act of trafficking can develop a negative connotation, which keeps victims from reporting their condition or seeking assistance, Therefore perpetuating the problem in specific geographic areas.

The effect of human trafficking In Pakistan is extensive and cuts right across the whole social and economic life of the country. In this social aspect, trafficking leads to the breakage of families and societies, hence increasing the vulnerability of the most vulnerable in societies. Economically, it pulls people out of the labour market and increases the cost of supporting social welfare programs (Wheaton et al., [2010](#)). Victims often suffer from a form of trauma that may lead to everything from mental illness, substance abuse and social readjustment problems (Yousaf & Purkayastha, [2015](#)).

However, human trafficking has a close relationship with organized crime and terrorism. The traffickers are most times part of other criminal cartels involved in other criminal activities such as drug peddling and arms dealing. This interrelation can cause the linked organizations to elaborate security issues in Pakistan as some of these networks may fund terrorism besides other kinds of violence (Wheaton et al., [2010](#)). Criminal and consumer justice expenses and losses in economic productivity due to illicit business and services, where victims were trafficked to provide, and customers sought sexual exploitation and forced labour, psychologically and were burdensome on Pakistan's ailing economy (Wheaton et al., [2010](#)).

Coping with Challenges

The problems encountered with the application of both international and domestic legislation combating human trafficking include significant challenges in responding to this issue in Pakistan. Solving such problems implies intersectoral cooperation for the enhancement of the legal basis and practical measures, improvement of the identification of victims and their assistance, an increase of awareness and educational activities, promotion of international cooperation, and encouragement of the combating of social and economic factors motivating trafficking.

The lack of adequate laws and failure in implementation need strong legal reform for counteracting human trafficking in Pakistan. Although the existing laws are fairly extensive, most of them remain poorly implemented because of insufficient funding, authorities' lack of training in these affairs, and inefficiency of cooperation between the police departments. For example, risk factors: the identification of trafficking victims still presents a major problem when reporting and/or when misdiagnosed owing to the covert nature of trafficking (Hill, [2023](#)). Authorization of adequate laws that define trafficking and prescribe the requirement that law enforcement agencies undergo legal training can make the identification of traffickers and subsequent prosecution easier. However, getting organizations from government and non-government and community organizations working together to come up with policies help in eradicating the challenges of trafficking (Macy & Graham, [2012](#)).

Enhancing the recognition and support of the victims is another crucial issue that should be discussed. Trafficking survivors experience many challenges to service utilization, such as isolation, fear of police, and lack of knowledge about services (Brace et al., [2018](#)). This is especially important since the establishment of victims falls under the responsibility of healthcare professionals, but many of whom remain unaware of how to notice traffic victims or even how they should respond (Ross et al., [2015](#)). Using trauma-informed care or culturally competent methods can enhance recognition of those involved and their subsequent related intervention (Hemmings et al., [2016](#)). Moreover, aftercare services should be set to ensure the inclusion of all kinds of services offered, such as legal, psychological and accommodation services, to support trafficking survivors' recovery and reintegration (Macy & Graham, [2012](#)).

Teaching people about human trafficking and increasing their knowledge of this problem is crucial for developing a community in which people would be able to prevent this problem. There is a need to use public campaigns to inform communities about the warning signs, the rights of victims and where they can get help (Combs & Arnold, [2021](#)). Lastly, educational institutions themselves can also come in by helping to implement awareness of trafficking into their academic systems so as to ensure learners of today are able to stand up against human trafficking once they find themselves in society. Finally, further education and training for healthcare givers, social workers and the police will increase their knowledge about trafficking and its effects and also increase their capacity for responding to the victims (Macias-Konstantopoulos, [2016](#)).

There is also the need to improve the cooperation that exists between countries because many of the cases relating to the sale of human beings are cross-national. Pakistan can learn from other countries through cooperation with international organizations like the United Nations and Interpol, were trying to fight against trafficking networks

by sharing successful practices, important resources, and intelligence information (Surtees, 2013). Moreover, the two countries should be able to agree on combating trafficking by immediately heading to the side of the victim and giving them proper assistance in whichever country they belong to. It can also involve cooperation in sharing training with law enforcement and judicial personnel to standardize and meet the trafficking cases (Sweileh, 2018).

A more efficient way of fighting human trafficking involves looking at the base of the pyramid where societal and economic causes derive, hence making the solution sustainable. Lack of resources and employment, illiteracy, and unemployment all predispose the inhabitants of Pakistan to traffickers, where many of the victims are women and children (Eviningrum et al., 2019) by offering education, vocational training, economic support to adults to avoid their vulnerability to being trafficked. However, eradicating gender disparity and women's rights could go a long way in combating trafficking, especially since it is a vice that mainly targets this gender (Kakar et al., 2020).

Conclusion

Like most problems in Pakistan, human trafficking is a phenomenon that cannot also be reduced to just one checklist. Therefore, multiple strategies must be applied. Despite the efforts of the country in the last couple of years to deal with this problem through the passage of specific legislation and formation of specialized institutes, questions related to its effectiveness, practicability, and applicability, as well as trial and protection of victims, still linger.

The first major issue concerning human trafficking in Pakistan is the general and specific ignorance among the population, law enforcement officers and victims. Especially most of the victims do not know what human trafficking is and what legal rights they can claim; in other words, they may not easily be rescued. Moreover, they made new findings that revealed that victims of human trafficking still suffer from a social stigma that would prevent them from seeking assistance even if they find themselves in helpless situations.

The other major concerns are corruption and collusion of police and other governmental forums, which are widespread in the country. It can also complicate the fight for justice by the victims as well as the pursuit of hammering accountability on the criminals. Moreover, capacity weakness and equipment restraints limit the possible exploration of human trafficking criminals as well as crimes among law enforcement agencies.

Last but not least, Pakistani authorities face a challenge in the aspect that human trafficking is a transnational crime. Some victims may be trafficked from closely located countries or some from one province of Pakistan to another. This makes it almost impossible for the police to launch coordinated operations and to monitor the circulation of the negligent maize by the traffickers together with their prey.

In order to fight human trafficking in Pakistan, it is necessary to organise an extensive plan of action simulating these obstacles and shifts, as well as the question of the rights of victims. From this perspective, this strategy should incorporate the following: increase awareness and understanding of human trafficking, recognizing legal gaps and subsequently increasing enforcement of related laws, increasing the ability to identify victims and the provision of services that they require, intensifying regional and international cooperation, social and economic conditions that lead to vulnerability to trafficking for a particular individual.

Recommendations

1. **Strengthen the Legal Framework:** Legal review and enhancement of current legislation by comparing it with the current international legislation on the Issue of human trafficking.
2. **Enhance Enforcement:** Expand the capability and availabilities of policing apparatus to fight human trafficking legal cases competently.
3. **Establish Specialized Units:** Set up specialized departments in the police and prosecution agencies to deal with cases of trafficking in person.

4. **Improve victim Identification:** Increase publicly available information about trafficking victims as well as educate IAPs on how to recognize these victims.
5. **Provide Victim Support:** Expand the availability of safe houses and construct a programme for reimbursing victims of crime.
6. **Enhance International Cooperation:** Signify international and multilateral conventions, engage in bilateral relations and join regional processes and programmes.
7. **Address Underlying Social Factors:** Foster economic growth, enhance learning, and support efficient social protection mechanisms.
8. **Challenge Cultural Norms:** Reduce human trafficking by increasing awareness of gender prejudice that fosters culturally unacceptable social beliefs.

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