

GPR

GLOBAL POLITICAL REVIEW
HEC-RECOGNIZED CATEGORY-Y

VOL. X, ISSUE I, WINTER (MARCH-2025)

DOI (Journal): 10.31703/gpr

DOI (Volume): 10.31703/gpr/.2025(X)

DOI (Issue): 10.31703/gpr.2025(X.I)

Article Title

Human Trafficking in Pakistan: Legal Challenges and the Way Forward

Abstract

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Keywords: Human Trafficking, Forced Labour, Child Trafficking, Legal Framework, Victim Protection, Pakistan, Palermo Protocol

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Pages: 25-36

DOI: [10.31703/gpr.2024\(X-1\).03](https://dx.doi.org/10.31703/gpr.2024(X-1).03)

DOI link: [https://dx.doi.org/10.31703/gpr.2025\(X-1\).03](https://dx.doi.org/10.31703/gpr.2025(X-1).03)

Article link: <http://www.gprjournal.com/article/A-b-c>

Full-text Link: <https://gprjournal.com/fulltext/>

Pdf link: <https://www.gprjournal.com/jadmin/Auther/31rv1olA2.pdf>

Global Political Review

p-ISSN: 2521-2982 e-ISSN: 2707-4587

DOI (journal): [10.31703/gpr](https://dx.doi.org/10.31703/gpr)

Volume: X (2025)

DOI (volume): [10.31703/gpr.2025\(X\)](https://dx.doi.org/10.31703/gpr.2025(X))

Issue: I Winter (March-2024)

DOI(Issue): [10.31703/gpr.2025\(X-1\)](https://dx.doi.org/10.31703/gpr.2025(X-1))

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Volume: X (2025)

<https://www.gprjournal.com/Current-issue>

Issue: I-Winter (December-2025)

<https://www.gprjournal.com/issue/10/1/2025>

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Citing this Article

03	Human Trafficking in Pakistan: Legal Challenges and the Way Forward		
Authors	Rai Akhtar Hussain Nuzhat Bashir	DOI	10.31703/gpr.2024(IX-I).03
		Pages	25-36
		Year	2025
		Volume	X
		Issue	I
Referencing & Citing Styles			
APA	Hussain, R. A., & Bashir, N. (2025). Human Trafficking in Pakistan: Legal Challenges and the Way Forward. <i>Global Political Review</i> , X(1), 25-36. https://doi.org/10.31703/gpr.2025(X-I).03		
CHICAGO	Hussain, Rai Akhtar, and Nuzhat Bashir. 2025. "Human Trafficking in Pakistan: Legal Challenges and the Way Forward." <i>Global Political Review</i> X (1):25-36. doi: 10.31703/gpr.2025(X-I).03.		
HARVARD	HUSSAIN, R. A. & BASHIR, N. 2025. Human Trafficking in Pakistan: Legal Challenges and the Way Forward. <i>Global Political Review</i> X, 25-36.		
MHRA	Hussain, Rai Akhtar, and Nuzhat Bashir. 2025. 'Human Trafficking in Pakistan: Legal Challenges and the Way Forward', <i>Global Political Review</i> , X: 25-36.		
MLA	Hussain, Rai Akhtar, and Nuzhat Bashir. "Human Trafficking in Pakistan: Legal Challenges and the Way Forward." <i>Global Political Review</i> X.I (2025): 25-36. Print.		
OXFORD	Hussain, Rai Akhtar and Bashir, Nuzhat (2025), 'Human Trafficking in Pakistan: Legal Challenges and the Way Forward', <i>Global Political Review</i> X(1), 25-36.		
TURABIAN	Hussain, Rai Akhtar and Nuzhat Bashir. "Human Trafficking in Pakistan: Legal Challenges and the Way Forward." <i>Global Political Review</i> X, no. I (2025): 25-36. https://dx.doi.org/10.31703/gpr.2025(X-I).03 .		



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Abstract

Human trafficking remains a significant human rights violation in Pakistan, affecting vulnerable groups such as women, children, and migrant workers. The country faces numerous challenges in effectively addressing this issue, despite having enacted several anti-trafficking laws. This article critically analyzes the existing legal framework and highlights the overlapping and conflicting provisions among various laws related to human trafficking. It identifies key legal gaps and jurisdictional conflicts that hinder the effective prosecution of trafficking offences. This study adopts a qualitative doctrinal research methodology by examining domestic laws, international conventions, and judicial decisions. It recommends comprehensive legislative reforms, including amendments to the Prevention of Trafficking in Persons Act, to harmonize conflicting laws, strengthen victim protection frameworks, and enhance the capacity of law enforcement agencies. This study underscores the urgent need for Pakistan to align its anti-trafficking laws with international human rights standards.

Keywords:

[Human Trafficking](#), [Forced Labour](#), [Child Trafficking](#), [Legal Framework](#), [Victim Protection](#), [Pakistan](#), [Palermo Protocol](#)

Introduction

Human trafficking (HT) is a significant issue in Pakistan (Khan et al., 2022). This serious problem occurs both internally and externally (Siller, 2017). Common forms of trafficking include forced labour, sexual exploitation, and bonded labour. Internal trafficking is more prevalent, often involving bonded labour in brick kilns, agriculture, and domestic servitude. International trafficking primarily affects women, young, and children being trafficked to other countries for forced labour or

sexual exploitation (Cockbain & Bowers, 2019; Kara, 2015; Shelley, 2013).

Many socio-economic factors are contributing to HT in Pakistan. Poverty, unemployment, and insecurity are among the primary reasons for HT in Pakistan. They are forcing many individuals, particularly the youth, to seek better opportunities abroad. The widespread lack of economic opportunities, especially in rural areas, when coupled with rising inflation and limited access to education, also creates a desperate desire for migration. Many Pakistanis from disadvantaged



communities view migration as a pathway to a better future. They are inspired by the financial success of families whose members work overseas. This aspiration often makes them vulnerable to exploitative traffickers who promise lucrative jobs abroad (Mustafa et al., 2023). The attraction of foreign remittances plays a profound role in the continuation of this cycle. Families when receiving financial support from overseas members, serve as role models in poor communities, and it encourages others to seek similar opportunities (Gul et al., 2022). However, the lack of legal migration ways and high costs associated with lawful visa processes push many towards irregular migration routes which are facilitated by human traffickers (Tunio & Somroo, 2024). These traffickers operate within highly organized networks; they exploit the hopes of vulnerable people and take profit from their desperation. They trap them in networks of forced labour, sexual exploitation, or bonded labour.

Tragic incidents including Pakistani migrants who were attempting to reach Europe via unsafe sea routes have become increasingly common in recent years. In June 2023, a catastrophic shipwreck near Greece claimed the lives of 209 Pakistani migrants (Al Jazeera, 2023), many of whom hailed from Punjab's disadvantaged districts. Another similar incident occurred in December 2024, when an overcrowded boat carrying illegal migrants sank off the coast of Greece, which ended in the deaths of five Pakistanis (Express Tribune, 2024). According to reports, in a tragic incident of irregular migration, a boat carrying illegal migrants capsized off the coast of Libya. According to reports gathered by the Embassy of Pakistan in Tripoli, 63 Pakistani nationals were reportedly on board. As per the information provided by local authorities and the Zawiya Hospital, 16 bodies were recovered, whose Pakistani nationality was confirmed through their passports. However, the exact number of casualties and missing persons remains uncertain (MOFA, 2025). This incident highlights the grave risks associated with irregular migration and the exploitation of vulnerable persons by human traffickers who operate in transnational networks. Such tragedies underscore the urgent need to address the socio-economic vulnerabilities that cause irregular migration and to strengthen anti-trafficking measures in Pakistan.

International organizations have constantly expressed their concerns about the rising incidents of HT in Pakistan. The U.S. Department of State, Trafficking in Persons Report, has constantly placed Pakistan on its Tier 2 Watch List (U.S. Department of State, 2024), which shows the failure of the government to meet the minimum standards which are required for the removal of HT. These warnings show the probability of further humanitarian crises if comprehensive steps are not taken to tackle the root causes of HT. It also includes the required improvements in legislation and support of law enforcement efforts in its implementation.

This article critically scrutinizes the confusion and overlapping provisions, which are existing among various laws, that deal with HT in Pakistan: it includes the Pakistan Penal Code, 1860 (PPC), the Emigration Ordinance, 1979 (EO), the Prevention of Trafficking in Persons Act, 2018 (PTPA), and the Prevention of Smuggling of Migrants Act, 2018 (PSMA). This paper also highlights the limited scope and conflict in provisions of the EO for HT, and the absence of a comprehensive victim-centric framework in it. The research also identifies major gaps in the application of the Code of Criminal Procedure, 1898 (CrPC), and the lack of independent and effective prosecution services, such as the Punjab Criminal Prosecution Service Act, 2006 (PCPSA). This study reviews the existing HT legislation to evaluate its compliance with international obligations, mainly the UN Trafficking Protocol (Palermo Protocol). Thereafter, this study proposes legislative amendments to align domestic laws with global standards. It further addresses the challenges of weak implementation due to the lack of training, specialized units, and resource constraints among law enforcement agencies, at the time of recommending measures to enhance Pakistan's legal and institutional response to HR.

Significance of the Work

HT remains one of the most pressing human rights violations in Pakistan. Despite the enactment of special legislation, Pakistan continues to face significant legal challenges in eradicating this issue (Naqvi & Batool, 2024). The value of this study lies in its examination of the legal framework that deals with HT in Pakistan because it covers the gaps, inconsistencies, and overlapping provisions in that framework. This study is essential for the reason that

it highlights the difference between the domestic legal framework of Pakistan and its international obligations under various conventions such as the Palermo Protocol. The research, through practical recommendations to improve the legal framework and to strengthen law enforcement mechanisms, aims to contribute to the existing legal material on the subject.

Research Objectives

This analysis aims to make a critical analysis of the available legal framework on HT in Pakistan. It has made its particular focus on the identification of gaps, inconsistencies, and conflicts among different laws. It further seeks to evaluate the compatibility of domestic laws with international legal obligations. The main objective of this study is to propose legislative amendments to improve the legal framework with international human rights standards for improvements in its capacity to tackle HT cases successfully.

Research Queries

This research attempts to answer several key questions: what is the existing legislative and institutional framework that is available for tackling HT in Pakistan and what are legislative gaps, overlapping provisions, and conflicting provisions among various laws, such as the PPC, EO, and PTPA and PSMA in dealing with HT cases.

Research Methodology

This research work mainly adopts a qualitative doctrinal research methodology to do a critical analysis of the current legal framework of HT in Pakistan. The research principally relies on primary legal sources: it includes domestic legislation, international conventions, and judicial decisions. Help from secondary sources such as research articles, reports by international organizations, and case studies are also sought in this study. Briefly, international conventions are also analyzed to check the compliance of Pakistani legislation with global standards. The current work also uses case laws from Pakistani courts to support its arguments.

Scope and Limitations

The scope of this analysis is mainly on the legal framework of HT in Pakistan. It principally examines the PTPA, along with other relevant laws

i.e., the PPC, and the EO, etc. This research also evaluates the role of legal institutions and the issue of their overlapping jurisdictions: it includes the FIA, police, and Punjab Child Protection Bureau, in HT cases and their investigations. However, this study does not cover all forms of trafficking i.e., organ trafficking or child trafficking for adoption, etc. The research is based on secondary data and legislation mainly due to its limited access to primary data like interviews of trafficking survivors or law enforcement agencies. There is a lack of comprehensive and up-to-date statistics on HT in Pakistan and this also causes a few challenges in the measurement of the extent of this problem in quantitative form. Despite having these limitations, this study provides a comprehensive legal analysis, and, in the end, it offers practical recommendations to improve and strengthen the legal response to HT of Pakistan.

Conceptual and Theoretical Framework of Human Trafficking

HT is a complex and multifaceted issue. It requires comprehensive consideration not only of its legal aspects but also of the social and economic dimensions, however, this examination is limited to its legal aspects due to paucity of space and word limitations. A clear conceptual and theoretical framework is essential to understand the underlying dynamics of HT. This section briefly deliberates the conceptual and theoretical legal frameworks that underpin the phenomenon of HT. For this purpose, brief attention is also drawn to international and national legal definitions, and key elements of HT in available laws.

HT is often confused with migrant smuggling due to its overlapping characteristics. However, the two crimes differ in several critical aspects (Szablewska, 2022). The UN Protocol against the Smuggling of Migrants by Land, Sea, and Air (2000) defines migrant smuggling as the facilitation of illegal entry into a country for financial gain. The primary distinction is that smuggling involves the consent of the migrant, whereas HT involves coercion, deception, or exploitation. Moreover, HT is a crime against the person, whereas migrant smuggling is primarily a crime against state borders. In Pakistan, this distinction is often blurred due to the widespread irregular migration facilitated by HT. The EO administers irregular migration but fails

to tackle the exploitative elements of trafficking; this also contributes to confusion and weak enforcement (Sajid, [2010](#)). In Pakistan, the subject of migrant smuggling is dealt with by PSMA. This law provides a legal framework for the eradication of migrant smuggling. It has provided an independent definition of the offence and provided its penalties; besides it emphasizes the promotion of national and international cooperation on this subject. This act aims to prevent HT through the provision of punishments, at the same time it also obliges the state to protect the rights of smuggled migrants (Khan et al., [2022](#); Mardan et al., [2024](#)).

A comprehensive understanding of HT requires an integrated conceptual and theoretical framework that covers its legal definitions and institutional shortcomings. The existing definitions under international and Pakistani laws provide a foundation for fighting HT, but the fragmented legal framework and weak enforcement mechanisms create substantial challenges.

Human Trafficking under International Law

The primary international instrument that deals with HT is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, [2000](#) (Palermo Protocol), which supplements the United Nations Convention against Transnational Organized Crime (UNTOC, [2000](#)) (Zhang, [2022](#)). The Palermo Protocol (*United Nations Convention against Transnational Organized Crime*) defines HT in Article 3 as:

"The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation."

The exploitation under this definition includes, at a minimum, sexual exploitation, forced labour, slavery, servitude, and the removal of organs. This definition is widely accepted as the global standard definition because it provides a comprehensive framework for the identification of HT offences. Furthermore, the Protocol Against the Smuggling of Migrants also deals with organized criminal migrant smuggling. It defines it globally with aims to prevent

the exploitation of migrants, which can intersect with HT. The Protocol against the Illicit Manufacturing of and Trafficking in Firearms is also an instrument that focuses on firearms, yet it indirectly impacts HT by controlling weapons used in organized crime, including those that enable trafficking (King, [2009](#)).

Several other international instruments complement the Palermo Protocol, including the ILO Conventions on Forced Labour, which define forced labour as "work or service exacted from any person under the menace of any penalty and for which the person has not offered himself voluntarily." However, researchers in scholarly discourse observe that although HT constitutes a criminal offense, the ILO recognizes it fundamentally as a form of forced labour. This analysis suggests that regardless of the involvement of the victim in ancillary criminal activities, their primary status should be that of victims and potential witnesses, rather than being classified as "workers" or "labourers" (Bakirci, [2009](#)).

Additionally, the UN Convention on the Rights of the Child, [1898](#) (CRC) prohibits child HT, especially for sexual exploitation or forced labour. Revaz ([2001](#)) notes that the adoption of two significant Optional Protocols to the CRC on May 25, [2000](#), addresses severe violations of the human rights of children. Specifically, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, [2000](#), (Sex Trafficking Protocol) is the one that aims to tackle the escalating issue of child sex trafficking. This protocol defines and criminalizes the sale of children, child prostitution, child pornography, etc. Concurrently, the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, [2000](#) (Child Soldiers Protocol) also deals with the exploitation of children as soldiers. It prohibits the use of individuals under the age of eighteen in armed conflicts. These protocols serve as important instruments in the HT of children.

These international conventions impose binding obligations on state parties, including Pakistan, to criminalize HT, protect victims, and prevent such offences (Mardan et al., [2024](#)).

Human Trafficking under Pakistani Law

The Constitution of Pakistan, [1973](#) (COP) under its

articles 11(1), 25, & 37(e) bans slavery, forced labour, and HT. It also requires the state to provide fair and humane conditions for women and children. COP, as the supreme law, guarantees rights and prohibits forced labour and human trafficking under Article 11(2). It also mandates safe working conditions. It protects women and children from unsuitable employment (The Constitution of Pakistan, 1973). Moreover, the special law on the subject not only addresses the smuggling of persons under the guise of legal emigration, particularly related to labour exploitation but also covers cases of cross-border trafficking (The Emigration Ordinance, 1979, S. 17). After ratification of the Palermo Protocol, Pakistan has promulgated special laws on the subject (The Prevention and Control of Human Trafficking Ordinance, 2002) (PACHTO), to combat transnational trafficking and criminalize trafficking for sexual exploitation, forced labour, and slavery. Thereafter, the PTPA came which overrides PACHTO. It criminalizes internal and cross-border trafficking by defining "trafficking in person", including exploitation for forced Labour, sexual exploitation, and organ removal. It also introduces penalties for traffickers and mandates victim support. After the 18th Amendment in the COP, provinces are at liberty to promulgate their laws, therefore, the subject of domestic trafficking is also covered by different legislations at the provincial level in Pakistan i.e. the Punjab Destitute and Neglected Children Act, 2004, the Punjab Bonded Labour System (Abolition) Act, 1992, the Sindh Child Protection Authority Act, 2011, the Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010, and the Baluchistan Child Protection Act, 2016.

Furthermore, Pakistan has incorporated the international definition of human trafficking into its domestic legal framework through the PTPA (Sultana, 2024). Section 3 of the Act defines trafficking in persons as:

"The recruitment, transportation, transfer, harboring or receipt of persons, through coercion, abduction, fraud, deception, abuse of power, or by giving or receiving payments, for the purpose of exploitation."

Though the PTPA is a significant step towards bringing into line the legal framework with international standards, however, the law is limited in its scope through primarily addressing trafficking across borders but not comprehensively covering

internal trafficking (Zahid, 2023). Other relevant laws, such as the PPC and the Bonded Labour System (Abolition) Act, of 1992, also deal with specific forms of exploitation but they do not explicitly define HT as a distinct offense. This fragmented legal framework creates confusion, and it weakens the overall enforcement of anti-trafficking laws.

Both international and domestic definitions of HT emphasize three essential elements:

- **Act:** The recruitment, transportation, transfer, harboring, or receipt of persons.
- **Means:** The use of force, coercion, deception, fraud, or abuse of power.
- **Purpose:** Exploitation, including forced labour, sexual exploitation, bonded labour, or organ removal.

In the case of child trafficking, the element of "means" is irrelevant under the Palermo Protocol, as the mere act of recruitment or transportation for exploitative purposes establishes trafficking. This principle is also reflected in the PTPA.

Overlapping and Contradictions in the Legal Framework on Human Trafficking in Pakistan

Pakistan has made noteworthy steps in curbing HT through its legal framework. It has primarily anchored in the PTPA. As has been observed above, this legislation aligns with international standards, particularly the UN Palermo Protocol, and it has Criminalised all forms of HT, including forced labour, sexual exploitation, and organ trade. Although the law prescribes severe penalties for traffickers, challenges such as weak enforcement, overriding legal provisions, lack of awareness, etc. hinder its effective implementation. Pakistan is also a signatory to several international conventions, as above discussed, and it further reinforces its commitment to fight HT. Despite these efforts, gaps in legislative provisions and then their enforcement remain critical areas for improvement.

Pakistan's trafficking laws are the result of its commitments under international conventions, including the Palermo Protocol, and ILO Forced Labour Conventions. Despite the above-referred constitutional provisions and international commitments, the legal framework of Pakistan on HT is marked by overlapping and contradictory

laws, this section provides an overview of these laws and analyzes their inconsistencies.

Overlapping between the Emigration Ordinance, 1979 and the Prevention of Trafficking in Persons Act, 2018

The legal framework governing HT and irregular migration in Pakistan is marked by significant overlaps and inconsistencies between the EO and the PTPA. These overlapping provisions create legal ambiguities that not only hinder the effective prosecution of HT but also undermine the protection of victims in these cases. The EO was enacted to regulate emigration for overseas employment and to prevent the exploitation of emigrants by unauthorized agents. Whereas PTPA is a specialized law: it is designed to curb the menace of HT in people. However, there is an absence of clear demarcation between these two statutes due to lack of an overriding clause and this situation is creating substantial legal challenges in the practical implementation of both laws.

The EO deals with unauthorized agents or sub-agents, those who are engaged in sending people abroad without proper authorization. It treats such acts as violations of EO, but it does not treat them as HT offences. Under this ordinance, the offense is only made out when emigration laws are violated; it does not categorize these acts as HT. This narrow approach results in the exclusion of many cases where people are transported abroad through deception or coercion. On the other hand, the PTPA seems to have adopted a broader definition of HT. That definition covers any form of recruitment, transportation, or transfer of persons through coercion, or deception, regardless of whether a violation of emigration laws has occurred in the matter or not.

Furthermore, the overlapping jurisdiction of investigation agencies is also another issue that creates further legal confusion. While the local police are authorized to investigate domestic trafficking offences under the PTPA, on the other hand, the FIA has been empowered to investigate transnational trafficking cases. However, in many cases, the distinction between domestic and international trafficking is blurred. When victims are transported across borders through unauthorized agents operating within Pakistan. The lack of coordination between police and FIA

complicates the investigation and prosecution process. The PTPA grants jurisdiction to First-Class Magistrates to adjudicate HT offences, whereas the EO mandates that offences under its provisions are required to be tried by special courts who are comprising Sessions Judges with prior government sanction. The absence of an overriding clause in either law creates uncertainty regarding which court has the authority to hear cases that involve elements of both emigration violations and trafficking offences.

Moreover, another significant gap in the EO is its failure to provide clear guidelines on the applicability of the Cr.PC. Although Section 24 of the EO stipulates that special courts shall observe the provisions of the Cr.PC unless inconsistent with the Ordinance, however, the lack of express provisions regarding the bailable or non-bailable nature of offences, or their classification as cognizable or non-cognizable, is creating ambiguities. This uncertainty compels courts to rely on the Second Schedule of the Cr.PC for special laws. However, the PTPA has provided procedures for investigation, trial, and victim protection as well. The absence of a comprehensive procedural framework in the EO obligates the concerned authorities to make legislative reforms to harmonize both laws and ensure consistency in their implementation.

Additionally, it is also observed that the EO adopts a punitive approach because it emphasizes the enforcement of laws and holds accountable unauthorized agents or victims who fail to comply with EO provisions. However, it does not have a victim-centric framework. It does not provide any mechanism for victim protection, rehabilitation, or compensation. On the contrary, the PTPA does provide victim protection by making shelter, medical care, legal assistance, and rehabilitation services compulsory for them. This discrepancy in the approaches of both laws further intensifies the inconsistency between them.

These overlapping provisions and approaches of the EO and the PTPA are creating substantial legal issues for prosecutors during court proceedings to determine the appropriate legal remedy under which to prosecute these cases. This ambiguity not only weakens the legal protection of victims but also allows traffickers to exploit legal loopholes to evade justice and liability. To overcome these challenges, it is imperative to introduce a legislative reform

package that clearly defines the scope of the EO and the PTPA. These reforms should also ensure that both laws complement each other and do not operate in conflict.

Overlapping Provisions in the Punjab Bonded Labour System (Abolition) Act, 1992

This law was enacted firstly to fulfill the constitutional obligation under Article 11(2) of the COP, and secondly to comply with international commitments under the ILO conventions. The Act aims to dismantle the bonded labour system from the country through the declaration of all bonded labour agreements null and void in section 5, criminalizing bonded labour in section 11, extracting bonded labour in section 12, and abetment of such offences in section 14. However, its effectiveness is undermined due to the bailable nature of most offences and the compoundable status. The summary trial procedure before First-Class Magistrates also often prioritizes speedy disposal over victim protection. The Act also lacks comprehensive provisions for victim rehabilitation, compensation, and witness protection. Though the Act serves as an important step toward bonded labour, however, its limited punitive measures weaken its role in combating HT. There is a pressing need for legislative reforms to enhance its scope, to make offences non-bailable, to improve victim protection, etc.

Overlapping between The Punjab Destitute and Neglected Children Act, 2004, and The Prevention of Trafficking in Persons Act, 2018

Pakistan ratified the CRC in 1990 and as part of this commitment, the Punjab Destitute and Neglected Children Act, 2004, (PDNCA) was enacted to protect the welfare of destitute and neglected children in Punjab. The law aims to rescue, protect, rehabilitate, and reintegrate vulnerable children who are exposed to exploitation, abuse, and neglect. It has Criminalised a wide range of exploitative practices such as using children for begging, involvement of them in hazardous work, supplying intoxicants, exposure of them to drugs or alcohol, etc. under sections 34, 36, 36A, 36B, and 37 of the law. The Act designates special Child Protection Courts to adjudicate such cases. The Act also contains an

overriding clause i.e. section 48, which grants primacy over any other law in cases of inconsistency.

On the other hand, the PTPA forbids all forms of HT, including child HT. Although both laws seem to share common objectives of protection for vulnerable children, some noteworthy overlapping situations and inconsistencies are present in their provisions. For instance, the PDNCA makes offences of child begging and hazardous labour, whereas the PTPA makes these acts HT offences. Moreover, another important issue that arises is which law takes preference when a child is trafficked for purposes such as begging or labour within Punjab. Although the PDNCA has an overriding effect, the PTPA remains silent in this matter. This silence often results in jurisdictional conflicts between the provincial child protection institutions such as the Child Protection and Welfare Bureau (CPWB) and the federal agencies like the FIA, which have been empowered under the PTPA.

Moreover, the procedural provisions of both laws further confuse the situation. Offences under the PDNCA are triable by Child Protection Courts (which are Sessions Courts). These are non-bailable, with punishments from 3 to 7 years. On the other hand, the PTPA imposes severe penalties of up to 14 years of imprisonment, but such offences are triable by First-Class Magistrates. Hence it is raising concerns about the proportionality of punishments and the competence of lower courts in handling HT cases. These overlapping provisions not only create confusion in the prosecution process but also result in delays, forum shopping, and conflicts between agencies. The lack of a clear conflict resolution mechanism further exacerbates the situation; it is leaving victims vulnerable.

In a recent case, the Lahore High Court has broadly discussed the PDNCA in the context of safety of the vulnerable children. The court emphasized that this law is very helpful in the protection of destitute and neglected children. It ensures making it an obligation upon the state for rehabilitation and prevents their involvement in any illegal activities. This judgment deals with the case of an 11-year-old minor who was found in a distressed condition and who was allegedly involved in criminal activities. Using PNDCA, the court ordered his custody to be placed before the CPWB for her rehabilitation. In this case, the court also directed the investigation agencies to follow cases

involving gangs that are exploiting minors (*Rehana Nazir v. DPO Gujrat* 2025 PCrLJ 1).

Overlapping Provisions in the Pakistan Penal Code and Anti-Trafficking Laws

The increasing prevalence of HT for sexual exploitation in South Asia, combined with pressure from NGOs, human rights groups, judicial directions, and obligations under GSP+ trade requirements and international frameworks, resulted in the enactment of the Protection of Women (Criminal Law Amendment) Act, 2006. It introduced sections 371-A, 371-B, and 367-A into PPC. These provisions specifically criminalize the sale, purchase, and exploitation of persons, particularly women and children. Moreover, the PPC also criminalizes kidnapping or abduction of children for slavery in Section 369, unnatural lust in Section 375, and procuring or importing minor girls from foreign countries for illicit purposes in Section 366-B. However, these offences are triable by courts of ordinary jurisdiction without any specialized framework for HT elements. The legal ambiguity becomes more pronounced when HT of children are subsequently subjected to forced labour or begging. It raises questions regarding the appropriate legal regime for prosecution.

The absence of clear guidelines on the applicability of the PPC, the PTPA, or child protection laws is creating confusion for prosecutors and law enforcement agencies. This gap highlights the persistent need for legislative harmonization in the application of anti-trafficking laws.

Overlapping in the Punjab Prohibition of Child Labour at Brick Kilns Act, 2016, and the Prevention of Trafficking in Persons Act, 2018

The Punjab Prohibition of Child Labour at Brick Kilns Act, 2016, was enacted to fulfill obligations under the CRC and ILO Conventions to tackle the issue of child labour in brick kilns. This sector is notorious for its exploitative practices. However, its provisions overlap with the PTPA. Though the Punjab Brick Kiln Act focuses exclusively on the prohibition of child labour in brick kilns, the PTPA adopts a broader approach by penalizing trafficking, forced labour, debt bondage, etc. Both laws authorize local police to investigate offences; it leads to confusion regarding which law should apply in

cases of child labour with elements of forced labour or debt bondage. The Punjab Brick Kiln Act provides that its provisions are in addition to other laws, while PTPA lacks any overriding clause. This legal inconsistency creates uncertainty in prosecution and may result in fragmented investigations. There is a dire need to harmonize these laws.

The Prevention of Trafficking in Persons Act, 2018: An Analysis of Legal Framework and Proposed Amendments

Pakistan enacted its first anti-human trafficking law, PACHTO after signing the Palermo Protocol. The PACHTO aimed to criminalize HT but faced substantial criticism due to its limited scope. The ordinance mainly focused on transnational trafficking even though ignoring domestic trafficking and victim protection measures. Moreover, the law did not recognize the vulnerability of women and children. This approach contradicted COP article 25. That is why PTPA was enacted. However, despite being a more comprehensive law, the PTPA still suffers from several deficiencies that hinder its alignment with international standards and its effective results.

Legal Inconsistencies in the Prevention of Trafficking in Persons Act, 2018

The PTPA does not contain an overriding clause to ensure its application over other conflicting laws. This creates ambiguity regarding its precedence over other existing legislations such as the PPC and the EO. Consequently, law enforcement agencies retain the discretion to choose which law to apply, which is not good.

The Federal Government has introduced the Prevention of Trafficking in Persons Rules, 2020 to cover gaps in the PTPA. However, the Rules go beyond their supplementary role by introducing definitions of key terms such as prosecutor, informed consent, broadcasting, NGO, and medical terms that are not defined in the parent legislation. This inconsistency violates the established legal principle that subordinate legislation cannot override or supplement the primary legislation. The absence of these definitions in the PTPA creates uncertainty regarding the roles of various stakeholders, particularly prosecutors in trafficking cases. The PCPSA is an independent prosecution service in Punjab, but the PTPA does not clarify the

prosecutorial framework or the role of the prosecution service. Finally, section 8 of the PTPA designates the FIA and local police as the investigating agencies without specification of the procedural framework. The Act also remains silent on the applicability of the CrPC.

Proposed Recommendations/Amendments in the Prevention of Trafficking in Persons Act, 2018

To strengthen the legal framework against HT and to make the PTPA align with international standards, the following amendments are proposed:

Inclusion of an Overriding Clause

A provision should be introduced to give the PTPA an overriding effect over other conflicting laws. This amendment would resolve jurisdictional confusion.

Expansion of Definitions

The definition clause of the Act should be amended to include other terms such as coercion, bonded labour, mental disorder, exploitation, cases against organized crime associations, the role of the prosecutor, informed consent, etc. This would provide a clearer framework for law enforcement and the judiciary.

Comprehensive Punishment Framework

Section 3 of the Act provides a general punishment without discussing the severity of different trafficking offences. It is proposed that the punishment framework may be categorized based on the nature of the trafficking offense, such as Sexual exploitation and organ removal: Life imprisonment or rigorous imprisonment of 7–14 years with a minimum fine of 10 million rupees. Debt bondage and forced labour: Rigorous imprisonment of 5–14 years with a minimum fine of 1 million rupees. Child trafficking: Enhanced punishment of no less than 10 years with a minimum fine of 5 million rupees.

Aggravating Circumstances

Aggravating circumstances such as trafficking of children, and cross-border implications should serve as guidelines for the court in sentences rather than being treated as separate offences.

Victim Protection and Non-Punishment Clause

Section 6 should be amended to include a non-punishment clause to protect victims from prosecution for offences committed under coercion or undue influence. However, this protection should not extend to victims who participated in HT with informed consent.

Role of Prosecutors and NGOs

The role of prosecutors and NGOs is required to be incorporated into these laws. Prosecutors may be held in charge of coordination in victim protection, while NGOs may provide rehabilitation and victim support services but that too under governmental regulation.

Organized Crime and Vicarious Liability

A new provision is required to be introduced to hold all members of organized crime associations or networks vicariously liable for HT offences. This would help to demolish criminal networks and make them jointly liable to those who are involved in HT.

Mutual Legal Assistance and International Cooperation

The PTPA is also required to incorporate provisions from the Mutual Legal Assistance Act, 2020 and the Extradition Act, 1972, to deal with cross-border trafficking issues, and to enable cooperation with foreign jurisdictions for admissible evidence collection and extradition of offenders.

Accountability of Public Servants

Negligence or involvement of public servants or law enforcement agencies which prove to facilitate HT offences is required to be made independently accountable under the Act. This would enhance the integrity of HT laws in Pakistan.

Regulation of Commercial Carriers

A new section is required to be framed to impose independent penalties on commercial carriers who remain intentionally unsuccessful in verifying passenger identifications or to report suspected HT cases to authorities.

Conclusion

HT remains an insistent issue in Pakistan. It is caused due to socio-economic vulnerabilities, weak legal frameworks, and the organized operations of HT networks (Kashif et al., 2025). Despite the enactment of several anti-trafficking laws, the legal results are unfavorable due to substantial gaps, inconsistencies, and uneven implementation (Zahid, 2023). This study reveals that the existence of certain overlapping provisions among various laws, including the PTPA, the PPC, the EO, the PSMA, and provincial child protection laws, are creating legal ambiguities, resultantly they are hindering effective prosecution and victim protection instead of fetching justice for them. The lack of an overriding clause in the PTPA is one of the main reasons that cause jurisdictional conflicts between law enforcement agencies.

This study highlights the urgent need for a comprehensive legislative reform package to

harmonize the existing legal framework of HT in Pakistan. This includes the introduction of an overriding clause; the clear definitions of HT elements; the coherent and structured punishments; and the victim-centric provisions. All this will strengthen the existing legal framework. Enhancement in the coordination among investigation agencies, and the establishment of an independent specialized anti-trafficking unit in each investigation agency may also prove to be beneficial in the enforcement of these laws. This study has also revealed that the alignment of domestic laws with international obligations, particularly the Palermo Protocol, is very important to gain effective legal results in HT cases. Finally, through adoption of a victim-centric approach in a harmonized manner among the above-referred HT laws will help eradicate the root cause of HT in Pakistan, eventually, this country will be able to take more steps in eradicating this menace.

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