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Child Trafficking in Pakistan and India: A Comparative Legal Analysis under International Law

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Abstract

Child trafficking remains a pervasive and largely unresolved human rights violation across South Asia, sustained by entrenched poverty, limited access to education, adverse cultural practices, and weak institutional capacity. International law addresses this harm through a cluster of binding and interpretive instruments most notably the United Nations Convention on the Rights of the Child (1989), the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, the Palermo Protocol supplementing the UN Convention against Transnational Organized Crime (2000), and International Labour Organization Convention No. 182 on the worst forms of child labour each of which obligates states parties to criminalize trafficking, protect child victims, and cooperate across borders. This article undertakes a doctrinal, comparative legal analysis of how Pakistan and India have translated these international obligations into domestic law, and where implementation continues to fall short of treaty commitments. The analysis centers on Pakistan's Prevention of Trafficking in Persons Act 2018 and India's Protection of Children from Sexual Offences Act 2012 and Juvenile Justice (Care and Protection of Children) Act 2015, examining statutory design, underlying drivers of trafficking, and judicial responses through comparative case law drawn from both jurisdictions. Relying on statutory interpretation, international treaty analysis, and judicial precedent, the article finds that although both states have ratified core international child-rights and anti-trafficking instruments with the notable exception of Pakistan's non-ratification of the Palermo Protocol itself domestic enforcement in each jurisdiction is undermined by fragmented and overlapping statutory provisions, weak inter-agency coordination, corruption, inadequate victim support services, and persistent socio-cultural stigma. India's more expansive statutory architecture and comparatively active civil society offer instructive, though imperfect, lessons for Pakistan's ongoing legislative reform. The article concludes that meaningful and durable protection for trafficked children in the region requires closer alignment of domestic law with international standards, harmonization of overlapping national legislation, strengthened enforcement capacity, expanded child-centred rehabilitation services, and sustained cross-border regional cooperation between Pakistan and India.

Keywords: *Child trafficking, Pakistan, India, international law, Palermo Protocol, United Nations Convention on the Rights of the Child.*

1. Introduction

A history of child trafficking in Pakistan and India is as old and as sinister as the social and economic vulnerability of child trafficking (Bashir, 2025). Despite decades of legislative efforts, child trafficking is still prevalent in India, with traffickers exploiting children through promises of better opportunities in domestic work, agriculture and commercial sex exploitation and working through weak family structures, organised trafficking networks and poorly monitored borders, most notably across impoverished rural communities. Child trafficking is also rampant in Pakistan, fueled by poverty, lack of access to education and the relatively weak legal enforcement system, with children from marginalised communities being trafficked internally, as well as internationally, for sexual exploitation, forced labor, and begging (Fayyazuddin et al., 1998). Both states have introduced laws and law-enforcement programming to address trafficking, but still have many challenges due to social stigma, insufficient resources, and corruption, while non-governmental organisations and multilateral organisations have been instrumental in raising awareness, providing victim assistance and advocacy.

Child trafficking, as defined by the Palermo Protocol the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention against Transnational Organized Crime occurs where a person "recruits, transports, transfers, harbors, or receives" a child for the purpose of exploitation, and the Protocol's definition has been widely adopted internationally (United Nations General Assembly, 2025). According to the Palermo Protocol and the United Nations Convention on the Rights of the Child (UNCRC) the child is a person who is no older than 18 years (Montà et al., 2020). The Immoral Traffic (Prevention) Act, 1956 (ITPA) criminalizes trafficking of minors for sexual exploitation, sections 370 and 370A of the Indian Penal Code, (IPC) 2013, offer a detailed framework for the prevention of trafficking for any form of exploitation, including forced removal of organs, slavery, and sexual and physical exploitation, while the Juvenile Justice (Care and Protection of Children) Act, 2015, addresses the prevention, protection, care, and rehabilitation of trafficked children (Diphusha, 2022).

Trafficking of any form, including forced or bonded labor, is explicitly banned in Pakistan's Constitution Article 11 and the state is expected to ensure the protection of its citizens, especially women and children, from trafficking, who are most vulnerable to such exploitation (Molfenter, 2011). In addition, the Constitution prohibits the use of children under the age of fourteen in dangerous activities (Article 11). Pakistan is a party to several relevant international instruments, such as the UNCRC (1990) and the Optional Protocol to the CRC on the sale of children, child prostitution, and child pornography (2011), but it has not ratified the Palermo Protocol, even though this Protocol is the most important instrument on trafficking internationally (Jabeen, 2013). In India, trafficking increased significantly in the 1990s stimulated in large part by the movement of women into urban areas; it is estimated that 6 000 girls were trafficked from Nepal to urban red-light districts in India during that period, and from 2005 onwards the number of trafficking incidents recorded in India has escalated rapidly, making it increasingly a country of origin, transit and destination (Nair & Sen, 2005). According to the National Crime Records Bureau (NCRB), India had more than 2,746 cases of child trafficking in 2019, with child activists arguing that the actual number is

considerably higher because of under-reporting (Rana, 2021). Pakistan's problems with trafficking extend back to poverty, social instability; bonded labour whereby children are forced to work to pay off family debts; the cultural practice of *vani* (child marriage) and the rise of militant activity and the continued conflict which have contributed to forced recruitment of children as well as to trafficking for sexual exploitation (Tunio & Somroo, 2024).

This study critically reviews the main shortcomings of Pakistan's legal framework for combating child trafficking, such as the enforcement of laws, protection of victims, and inter-agency coordination, and then compares it with the more well-established statutory structure in India to suggest specific legal changes for Pakistan that should include strengthening the country's legislation to bring it closer to international standards and the adoption of successful measures from India's experience.

2. Research Methodology

The approach of the article is doctrinal legal research (qualitative) using the official and legal documentation like statutory documents, judicial decisions, treaty instruments, and government report from Pakistan and India have been used exclusively (Pradeep, 2019). The sources are relied upon to evaluate the effectiveness of Pakistan's legal measures in combating child trafficking and to compare them with the Indian experience. Information was collected through systematic review of data in international treaty databases, collation of information on available statistical data on trafficking incidents and extraction and analysis of relevant statutory provisions and case law. The material collected was analyzed using content analysis to determine the extent of the problems that occur in both jurisdictions, and it was analyzed using doctrinal legal analysis to determine specific problems in the law, gaps and inconsistencies. The scope of the research is limited to the official and legal documentary sources of Pakistan and India and does not include fieldwork or primary empirical sources; this documentary limitation would need to be kept in mind when interpreting the findings of the article. This cogent article provides an evidence-based analysis of the anti-trafficking laws and institutions in Pakistan, a comparative assessment with the laws and institutions of India's anti-trafficking laws, and recommendations for legislative reform.

3. International Legal Framework

The Palermo Protocol, adopted in December 2000, and the supplementary Trafficking in Persons Protocol are the key international commitments to combating transnational organised trafficking (United Nations Office on Drugs and Crime, 2004); and the Convention was adopted in December 2000 at Palermo, Italy, but the Protocol itself has not been ratified by Pakistan, which has enacted domestic legislation addressing trafficking most significantly, the Prevention of Trafficking in Persons Act 2018 (PTPA), and faces substantial challenges in implementation, particularly in terms of resourcing, training, and inter-agency coordination (Einarsdóttir & Boiro, 2014). The UNCRC, a treaty adopted in 1989 and entering into force in 1990, covers the basic international definitions of child and definitions of the rights to be protected from abuse and exploitation, as well as to enjoy education, healthcare and freedom of expression, and makes for periodic state reporting to the Committee on the Rights of the Child (United Nations Convention on the Rights of the Child, 1989). There is no single, dedicated legislation in Pakistan addressing child trafficking, and the trafficking-related issues are not consistently addressed by law enforcement and judicial officers or suitably trained. Poor coordination between different agencies for child welfare issues further aggravated by poverty, illiteracy and lack of expertise in trafficking-related

issues among law enforcement and judicial officers have made it difficult to tackle and implement child trafficking cases.

The Convention No. 182 of the International Labour Organization on the elimination of the worst forms of child labour is another relevant indicator, especially in the context of Pakistan's continued challenges in passing a single comprehensive statute that is precise in defining child trafficking, in providing uniform enforcement and a consistent penalty for child trafficking (Iqbal, 2015). Despite ongoing gaps in the inter-agency coordination, training, and capacity of law enforcement agencies, legislative activity has continued, including several bills introduced in the Pakistani Parliament in 2025 to strengthen the anti-trafficking response, including by increasing penalties and clarifying jurisdiction for trials (Bashir, 2025). By comparison, India has succeeded in having comparatively high prosecution rates due to better laws and ongoing partnerships between NGOs and government bodies, while the root causes of trafficking are largely comparable between the two states. The SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002, obligates all the parties of the agreement to criminalise trafficking and provide support to victims and at the regional level, there are instances of weak enforcement and failure to provide support to victims of trafficking, inadequate statutory definition of trafficking and poor inter-agency coordination in Pakistan, while in India, despite similar socio-economic pressures, there are comparatively stronger enforcement mechanisms, awareness building programmes, and law-enforcement units (Fariha & Fahim, 2024).

4. National Legal Frameworks

4.1 Pakistan

The Prevention of Trafficking In Persons Act, 2018, is Pakistan's main trafficking law, which specifically aims to address trafficking of women and children by outlawing trafficking and sets out clear penalties of up to fourteen years imprisonment, as well as victim-protective measures, such as the prohibition on the punishment of the victim for committing offences under coercion (Khan et al., 2022). The Act requires the police and the Federal Investigation Agency to investigate and encourages public awareness, victim compensation and data collection, and gives the government the power to enact subordinate rules, and repeal outdated legislation. Despite this structure, there are significant challenges that still need to be addressed in Pakistan, such as the lack of timely data collection, weak implementation of the policy and insufficient services for victims, and which requires more reform in law-enforcement training and inter-agency collaboration. The PTPA is in addition to a cadre of sector-specific and provincial laws such as the Punjab Prevention of Child Labour at Brick Kilns Act 2016, the Islamabad Capital Territory Child Protection Act 2018 and the relevant provisions of the Pakistan Penal Code on trafficking, slavery and child exploitation, which all focus on a different aspect of the problem without offering detailed, comprehensive and coherent protection (Alam, 2023). Although primarily focussed on the prevention of migrant smuggling and not trafficking as such, the Prevention of Smuggling of Migrants Act, 2018, was also relevant; however, the ambiguity in statutory terms, the lack of victim support, and poor inter-agency functioning remained concerns.

Another important, although more specific, legislations that has been passed since the high-profile Zainab Ansari case is the Zainab Alert Response and Recovery Act, 2020, which created a national framework for the response and recovery of missing and abducted children, to ensure prompt action by the police and introduce technologically assisted measures such as AI-powered facial recognition and real time tracking of a missing child using a national

database, as well as a public web portal to facilitate alerts and recovery (Akram et al., 2025). These innovations are still limited by inadequate law enforcement training and a lack of public knowledge about how to report and the fact the Act does not tackle the root causes of trafficking poverty and lack of education, it also does not cover victim rehabilitation. The overall legal system is weak and is spread across various laws and acts on trafficking in various sectors which the traffickers can exploit and hinders consistent prosecution and victim protection.

4.2 India

The Indian statutory framework is relatively more well established and extensive. The Immoral Traffic (Prevention) Act, 1956 was the first law to criminalise trafficking of minors for sexual exploitation, whereas the Indian Penal Code (2013 amendment) has added sections 370 and 370A, which promulgate a broader, exploitation-based definition of trafficking in goods, in addition to sex trafficking (Diphusha, 2022). The Protection of Children from Sexual Offences Act, 2012 (POCSO), is another more focused piece of legislation for handling the sexual abduction and trafficking of children, and the Juvenile Justice (Care and Protection of Children) Act, 2015, which regulates kids' care, protection and rehabilitation where they are victims of trafficking or otherwise vulnerable (Jha, 2023). The constitutional system in India also supports this statutory system, as Article 23 of the Indian Constitution bans trafficking in human beings and forced labour, and Article 24 bars children under 14 from being employed in hazardous work (Bajpai, 2018).

Despite this larger statutory framework, India still faces serious implementation issues such as corruption in law enforcement and judiciary, lack of uniformity in law enforcement across states and ongoing lack of specificity of the scope of exploitation-related provisions (Chauhan et al., 2025). India's greater population and greater trafficking networks lead to a greater number of cases, and though the civil society sector of NGOs, public awareness programmes, and advocacy groups is well advanced, victim rehabilitation is not well resourced throughout the states of Pakistan. Comparatively, then, while India's statutory and institutional structure is wider and more developed, both nations have weaknesses in both enforcement capacity, inter-agency coordination, and victim support one that shows a relationship between the breadth of statutes and the strength of implementation, in terms of the capacity, coordination, and support of those who are affected (Dakua et al., 2024).

5. Causes and Drivers of Child Trafficking

Though the nature of child trafficking varies in degree and local expression, the socio-economic, institutional and cultural factors driving child trafficking in Pakistan are like those in India. Socio-economic deprivation is still at the root: an estimated 2.05 million children aged 10 to 14 are involved in child labour in Pakistan, a failure to implement the Employment of Children Act 1991; the informal and irregular migration routes known as *dunki* expose children to the risk of trafficking and smuggling; the continued use of children as camel jockeys in the Gulf states is documented as a concern; and the sexual and financial exploitation of boys, inflicts severe psychological harm, and is inadequately addressed due to weak legal coverage and social silence (Asghar, 2025). In a similar model of vulnerability, India faces the same socio-economic vulnerability though its statutory provisions, in particular the Juvenile Justice Act and POCSO Act are more robust, the implementation is not uniform in view of the scale of ongoing poverty and educational disadvantage.

These vulnerabilities are exacerbated by poor legal systems. The operation of PTPA is hindered by overlapping laws, such as the Emigration Ordinance and the Prevention and

Control of Human Trafficking Ordinance (PACHTO), which create legal uncertainty from which traffickers can benefit to avoid prosecution, low conviction rates due to systemic deficiencies and lack of training and insufficient funding, corruption, and lack of consistency in court reasoning, and lack of coordination between federal and provincial agencies, along with gaps in victim identification, which further weakens enforcement, and new challenges including online trafficking, where weak cyber regulatory coverage allows traffickers to operate with ease. India has a more comprehensive framework, but it suffers from similar prosecutorial shortcomings due to corruption, non-compliance, and limited prosecution of certain forms of exploitation. Forced child marriage, such as the child marriage custom of *vani* and *swara* that is common in parts of Khyber Pakhtunkhwa, also contributes to vulnerability and perpetuates cycles of poverty and exploitation, while in India, child marriage and dowry related practices also allow for children to be trafficked for forced labour and sexual exploitation, with few cases reported and very little social condemnation, leaving both legal systems poorly equipped to intervene effectively, emphasizing the need for continued community education and legal reforms.

Poor anti-trafficking responses in both countries, where corruption in law enforcement and the judiciary contributes to a culture of impunity, are seen in delayed or abandoned prosecutions and in the low risk of operating for trafficking networks, alongside limited awareness of trafficking indicators and the rights of trafficking victims, which can contribute to normalisation of trafficking-adjacent practices like child labour and forced marriage. Despite the provision of helplines and legal support by Pakistani NGOs like Sustainable Social Development Organization (SSDO), their impact is limited and full rehabilitation for victims' physical, psychological, social and economic needs is rare in both countries (Mannisto-Ichés, 2012). Other drivers on the demand side are continuing in Pakistan's case, cheap unregulated labour in agriculture, construction and domestic work is a driver of trafficking; in the other Indian case, the Durand Line is weak and porous, and the Indian border with Bangladesh and Nepal is insufficiently monitored to prevent traffickers from entering. Stigma, especially attached to victims of sexual exploitation, makes it less likely to report and less likely to reintegrate, both in the victim's home country and in their destination country; this can lead to the victim being blamed for the crime and not recognising him/her as a victim of a serious crime, and thus not reporting or reintegrating. Day to day governance issues regularly take institutional resources and attention away from continued anti-trafficking law enforcement and operations in both states, while political unrest weakens the capacity of law enforcement. Finally, there is a lack of coordination between government bodies, non-governmental organisations and community bodies in both States resulting in weak, uncoordinated responses: in Pakistan, multiple government departments and civil-society actors often work in parallel without effective coordination, while in India there is a problem of overlapping mandates between national and state-level agencies that creates confusion and repetition despite a more complex institutional framework. Lack of coordinated and resource arrangements for cross-agency working significantly diminishes the effectiveness of otherwise appropriate legislation in both instances.

6. Judicial Responses: A Comparative Analysis of Case Law

6.1 India

It is important to state that there has been a growing and extensive area of judicial interpretation on child trafficking in India, ranging from PILs, habeas corpus, bail applications, and jurisdictional issues. In the case of *Bachpan Bachao Andolan v. Union of*

India & Ors. The Supreme Court of India in the case of *Gauri Shankar vs the State of Assam and Ors.* (2011), dealt with PILs in relation to the exploitation and cruelty meted out to children who were forced to work in circuses, systematic documentation of trafficking, physical, sexual and emotional abuse of children and directions for enforcement of Juvenile Justice (Care and Protection of Children) Act, 2000, intra state trafficking, bonded labour and sexual abuse of children as cognisable offences, and the exposure of the conditions all inmates of circuses faced, which included cramped quarters, starvation rations, lack of sanitation and exposure to dangerous jobs. In *K. Balamurugan v. The Madurai Bench of the Madras High Court* (2013) in a Habeas Corpus petition brought against the sale of an infant, found the existence of an organised chain of brokers, intermediaries and those who were pretending to be the child's parents, with bogus documents and cash transactions being used to sell the infant; the Court directed that these facts be investigated and appropriate legal action taken against all those involved. In *Balamma v. In the habeas corpus petition filed by the Inspector of Police (Crime)* (2019), the Madras High Court directed genetic tests to be conducted to determine whether there was any biological link between the children and the petitioner's family and, on finding that there was no such link, the court invoked the *parens patriae* doctrine, thereby quashing the petitioner's right of custody and directing the Anti-Child Trafficking Unit to investigate whether the petitioner was involved in any child trafficking cases.

The judiciary's ongoing dealing with the procedural and substantive aspects of trafficking is seen in the subsequent decisions. In *Moharpal Maurya v State of U P* (2023) the Allahabad High Court denied bail to an accused charged with trafficking of a minor girl and subjecting her to sham marriage and repeated sexual assault, highlighting the seriousness of treating a child as "property" for a sexual profit. In *Sanjay v. The State of Uttar Pradesh & anr.* In the case of *Siddharth Shetty vs State of Madhya Pradesh* (2024), the Supreme Court of India considered the risk of re-offending from bail given in a criminal case involving an alleged central figure in a Madhya Pradesh, Uttar Pradesh and Jharkhand trafficking network, and directed a simultaneous investigation for coordinated accountability. In *Ms. XXXX & Ors. v. Union of India & Ors.* In its judgement in 2024, the Supreme Court reviewed the mechanisms for compensation to survivors of trafficking in cases of commercial sexual exploitation of their properties and provided directions for the Central Government to consult further before finalizing a specific compensation scheme outside the ambit of the existing NALSA. On the issue of cooperation between the National and State child rights commission, the Supreme Court in *National Commission for Protection of Child Rights v. Rajesh Kumar* (2020) held that cooperation should be preferred over competition, and that inquiry does not simply mean the process of obtaining information but must involve an active investigation. In *Rajendra Prasad v. Union of India* (2015), Kerala High Court considered allegations that children were being illegally taken away from poor districts in Bihar, Jharkhand and West Bengal to be living in orphanages in Kerala under the pretense of free education and found that child welfare is a responsibility of the state as well as civil society. In *Pankaj Sain v. State* (2014), the Court reaffirmed the Child Welfare Committee's decision that a minor domestic worker was entitled to unpaid wages and compensation because of her lost childhood following a review, determining that a minor's consent to work is irrelevant to the law. Other recent judgements rendered in the matter of school dropouts due to the pandemic and the introduction of recorded victim testimony in pandal courts for the speedy conduct of trials in cases of trafficking, *Ishsatkhar v. State of NCT of Delhi & Anr.* (2022).

The ongoing effort to find a missing child with a disability, such as in (2024), is a testament to the judiciary's continued innovation in procedures in this space.

6.2 Pakistan

Pakistani case law on child trafficking is comparatively sparse and largely reflects Pakistan's less developed institutional and reporting practices; however, the most important case is illustrative of the willingness of the judiciary to take strong action when there is clear evidence of child trafficking. In the case of *Raja Khurram Ali Khan and Another vs. Tayyaba Bibi and Another* (2018), Islamabad High Court dealt with the serious violations of child-welfare provisions of the Pakistan Penal Code. The conviction of the appellants as judicial officers and their wife for wilful neglect and cruelty towards Tayyaba Bibi, a child domestic servant below the age of 10, for physical abuse such as burns caused by intentional contact with a hot stove and psychological abuse, wrongful confinement and denial of education was supported by medical evidence including a Medico-Legal Report confirming injuries which were not consistent with being caused accidentally, and the evidence of witnesses and photographic evidence. The court stated that the treatment of Tayyaba was a form of slavery in the modern world, citing the absence of any form of employment contract, failure to comply with the minimum wage, and failure to obtain his consent and relying on the precedent set in *Saeed Ahmed v. The State* (2015) to confirm that the appellants had deliberately ignored the injured child by not taking him to a doctor and had therefore committed both the *actus reus* and *mens rea*. The court found that the appellants' punishment was to be stiffened to three years' imprisonment and did not accept any mitigation as the suffering inflicted was deliberate and the gravity of the role played by a judicial officer in the abuse. The decision, in itself, is a very strong affirmation of the judiciary's role in safeguarding the rights of children, and its high profile indicates that child trafficking cases in Pakistan continue to be under-detected and under-prosecuted as compared to India, where there is a much greater body of reported trafficking case law.

7. Solutions and Reform Pathways

To tackle child trafficking in Pakistan and India, a comprehensive and multi-faceted approach is needed that is attuned to the root causes listed here. The socio-economic interventions are a prerequisite: poverty alleviation programme coverage is needed, as is greater and lower cost access to education and the provision of viable alternatives to labour, with conditional cash transfers and vocational training for at risk families being a realistic way of achieving them; both countries could be better served with greater and more targeted social protection in this form. The strengthening of the legal framework is also very crucial; Pakistan's PTPA needs to be rationalised with regard to overlapping laws; the focus should be on providing clear statutory definition and formation of dedicated task force to rescue victims and improve victim identification and rescue procedures and the ongoing development in India, such as the draft Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021 provides a template for the dedicated anti-trafficking courts and child sensitive procedures that Pakistan could benefit from. Both states would also want to create dedicated anti-trafficking courts with child-friendly procedure to speed up the process, while ensuring that evidence does not deteriorate and witnesses (often children themselves) are not available or unwilling to testify (Rawat & Verma, 2023).

Community education, engagement with communities' leadership and destigmatisation of child survivors, especially those of sexual exploitation, are also essential components of cultural change, which has proven to be vital in Pakistan, where laws against *vani* and *swara*,

but not community norms, have been established, and in India, where child marriage and dowry-related trafficking have not been eradicated by formal legislation. In both states, transparent reporting mechanisms, independent oversight and accountability structures will be essential to fight corruption within law enforcement and judiciary officials, while continued scale-up of public awareness campaigns via schools, community leaders and civil-society partners will also be vital, as many trafficking victims are trafficked into these systems just because their communities are not yet aware of their warning signs. There is need for strengthening of victim support services, including more consistent geographical and financial support of victim services and further development of psychological, legal and vocational support for victims; in both countries, rescued children are at a high risk of re-trafficking unless such support services are extended, and in Pakistan, the SSDO helpline and the Ministry of Human Rights' Digital Victim Support Services Directory (cataloguing over 500 services across the country) provide valuable foundations (Ali et al., 2025). Finally, measures that collectively address the persistent gaps between legislation and action, such as by reducing demand for cheap and exploitative child labour, and increasing border monitoring including through biometric identification and intelligence sharing systems with other countries, such as on the Durand Line and at borders with Bangladesh and Nepal and developing structured government/NGO/community collaboration, for example, through mechanisms like Sindh's Provincial Stakeholders' Dialogue on Child Trafficking, are needed to address the persistent gaps between legislative ambition and operational reality in both jurisdictions.

8. Findings and Recommendations

This analysis indicates that Pakistan, even as its laws are broadened, are still more underdeveloped than Indian laws in two respects: in their legal institutional maturity and in the level of engagement with civil society. While the PTPA, 2018, offers a substantive statutory basis, its effectiveness is marred by fragmented and overlapping laws, reduced awareness among the population, limited capacity to enforce, and weak victim services that hinder conviction, and enable traffickers to take advantage of the weakness of the law. While India's institutional framework is still grappling with challenges such as corruption, weak enforcement and uneven victim rehabilitation, its more comprehensive institutional framework, including constitutional protections under Articles 23 and 24, the ITPA, 1956, the POCSO Act, 2012 and the draft Trafficking in Persons Bill, 2021, has provided lessons. Based on this, the following reforms are suggested for Pakistan. Existing anti-trafficking laws (PTPA, the Prevention of Smuggling of Migrants Act and PACHTO) and the Emigration Ordinance and relevant provincial laws need to be harmonized and consolidated into one comprehensive national law to remove definitional ambiguity and overlap and to ideally be incorporated within a single national law. Second, there must be a continuing investment in the training of law enforcement officers and the establishment of specialized anti-trafficking units, which must be well resourced and shielded as much as possible from the political and budgetary turmoil that has been a plague on law enforcement efforts to maintain continuity. Third, a system of data collection with centralised management is needed to monitor the prevalence and trends of trafficking over time and evaluate the effectiveness of interventions, as such data is currently largely unavailable due to the many unrecognized cases. Fourth, victim support and rehabilitation services should be grown and better funded, to cater to the psychological, legal and economic needs of victims, like the Ujjwala scheme in India. Fifth, there is a need to continue educating the public about cultural norms that allow exploitation, using community and religious leaders as trusted messengers. Sixth, there should be a

renewed effort to strengthen inter-agency and cross-border collaboration, including with India, to break the trafficking networks between the two countries, and in the prosecution and victim rehabilitation as well. These measures, when implemented together, with constant monitoring through continuous evaluation, would enable Pakistan to build a more coherent, victim-centred and evidence-based response to child trafficking, which is informed by the Indian experience, while plugged into the specific institutional and socio-cultural context in Pakistan.

9. Conclusion

The underlying causes of child trafficking in Pakistan and India are poverty, lax enforcement of law, adverse cultural practices, and the presence of various corruption issues, which make children of various marginalized communities vulnerable to child trafficking on a continuous basis. Both countries have made the relevant laws, PTPA 2018 in Pakistan and Juvenile Justice Act 2015 and other relevant acts in India; however, the implementation of the laws and their overlapping provisions is problematic in both countries as well as lack of support for the victim, which is further complicated by social stigma and limited public awareness on reporting and intervening. While the statutory framework is broader in India, the level of enforcement is not as effective as that of Pakistan, and the civil society is more active, with high case reporting, the Indian civil society is not more effective than the Pakistani one because of persistent enforcement gaps. The volume and sophistication of the case law of India, compared against the isolated but strong precedent of Pakistan, as set out in the comparative record in this article, argues for the achievements of a more sophisticated judicial and institutional framework and for how far it remains to be developed to be able to deliver on the promise of its respective statutes.

This is a systemic issue that will take time to address through ongoing legislative reform, more effective law enforcement training, strong victim rehabilitation programming, and widespread community education and outreach to combat the cultural norms that underpin trafficking. This problem cannot be solved by either country acting alone; children trafficked across the Pakistan-India border, as well as the networks that traffic them, do not respect the current jurisdictional boundaries between the two countries in terms of how the law and enforcement are applied. Such a coordinated, multi-sectoral approach, aimed at securing the protection and rights of the most vulnerable children, is only achievable if both states pursue this approach through joint, consistent and collective action, across shifts of government and of institutional leadership.

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