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Laws Without Teeth: Why Anti-Trafficking Policies Fail To Protect Victims



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ABSTRACT

Even though there's a global push to tackle human trafficking, many anti-trafficking policies just aren't doing enough to protect the victims. This shortfall often stems from weak enforcement, a lack of focus on the needs of victims, and support systems that just don't cut it. While many laws aim to punish traffickers, they often overlook the crucial aspect of helping survivors rebuild their lives, which leaves them at risk of being trafficked again. On top of that, issues like corruption, poor coordination between agencies, and not enough funding really weaken these efforts. In between what the law says and what really happens, the disconnect between it means that the victims often miss justice and they are in dire need of that care. In addition, strict immigration law can provide them with the safety instead of punishing the victims. To make a real difference, we need to strengthen anti-trafficking policies with solid enforcement, support that puts survivors first, and collaboration across different sectors. This article dives into the systemic issues within current anti-trafficking laws and offers some ideas for reforms that ensure legal frameworks are not only effective but also compassionate in meeting the needs of those who have survived trafficking.

KEYWORDS: Human trafficking, victim protection, law enforcement, policy failure, victim-centered approach, anti-trafficking laws, survivor rights, legal enforcement, systemic barriers.

INTRODUCTION

“Human trafficking steals freedom, but awareness and action can restore it.”

Human trafficking is a serious abuse of human rights that impacts millions of people across the globe. In spite of the fact that there are numerous international conventions and laws that are supposed to tackle the issue, many victims are not protected and perpetrators of these crimes can go unpunished. The shortcomings in combating anti-trafficking are due to poor implementation, corruption, and poor victim assistance, and a lack of political will on the part of leaders. Governments would prefer to talk about grand schemes to fight trafficking, but these schemes lack the enforcement that would make them effective. There's a gargantuan gap between what the law says and how it is implemented. Many nations have signed important agreements like the Palermo Protocol, but the implementation of laws in practice can be patchy. Sometimes law enforcers simply do not have the funds or the enthusiasm to pursue traffickers. Corruption also worsens the situation because officials may accept bribes or turn a blind eye, thus giving criminals room to continue with their operations. In addition, most anti-trafficking policies are more concerned with punishing perpetrators than assisting the victims. Victims who have suffered terrible physical and psychological abuse are often treated badly by legal systems that treat them as criminals or illegal aliens instead of survivors who need help. Without proper assistance like safe shelter and counselling, many victims are not able to start their lives again, thus leaving them open to the risk of being trafficked again. Another gargantuan problem is that there is not enough political will to tackle human trafficking as the urgent issue that it is. Governments may pass laws to conform to international standards, but they typically do not put enough money or resources into making sure the laws are enforced. Traffickers then manage to find openings. The article that follows will look at the failure of current anti-trafficking policy and the need for better enforcement, victim support, and accountability. If action is not actually taken, anti-trafficking law will be empty words that do not serve those most vulnerable.

WEAKNESS IN LEGAL FRAMEWORKS

Legal framework weaknesses are largely responsible for the ineffectiveness of anti-trafficking policies in safeguarding victims. One of the biggest problems is inadequate enforcement through corruption, insufficient resources, and lack of training of law enforcement officers. Although most nations have anti-human trafficking laws, they are not properly enforced. Corrupt government officials can take bribes from traffickers, and they can conduct their activities with impunity, while law enforcement agencies might not have the resources to investigate and prosecute traffickers. Consequently, victims are not protected, and traffickers carry on their activities without fear of punishment. Moreover, most legal systems do not have a victim-centered approach but instead concentrate on punishing traffickers more than ensuring proper support for those who have been exploited. Certain laws demand that victims collaborate with the authorities first before they can be assisted, which can be challenging for those who do not trust the police or fear retaliation. The victims are treated as criminals even in some cases, particularly if they have been forced to resort to illegal activity such as drug dealing or prostitution. The lack of recognition as victims is compounded in these ways and ostracizes them as well as discouraging them from reporting. Lack of

clear, comprehensive definitions of human trafficking is yet another flaw that underpins legal systems. In some legal jurisdictions, trafficking is only present where there is cross-border movement, with no consideration of instances of domestic trafficking. Others fail to recognize different forms of exploitation, such as forced labour, organ trafficking, and forced marriage, which leaves loopholes in protection where some victims are not covered by legal assistance. Secondly, insufficient international cooperation exacerbates the problem, as trafficking is invariably a cross-country issue that requires transnational coordination. Each country has a different level of justice, and without coordination in the sharing of information and in the enforcement of legislation, traffickers exploit jurisdictional gaps. Without coordinated efforts, traffickers easily escape punishment, while victims struggle to obtain access to much-needed protection and rehabilitation. In order to reverse such failures, legal systems must be strengthened through increased enforcement, efficient systems of victim support, clearer definitions in law, and increased international cooperation. Governments and international organizations must make victim protection a priority by witnessing laws enacted but also effectively enforced, a legal system in which traffickers are punished and victims are provided with what they require in order to heal and rebuild their lives.

PURPOSE OF HUMAN TRAFFICKING

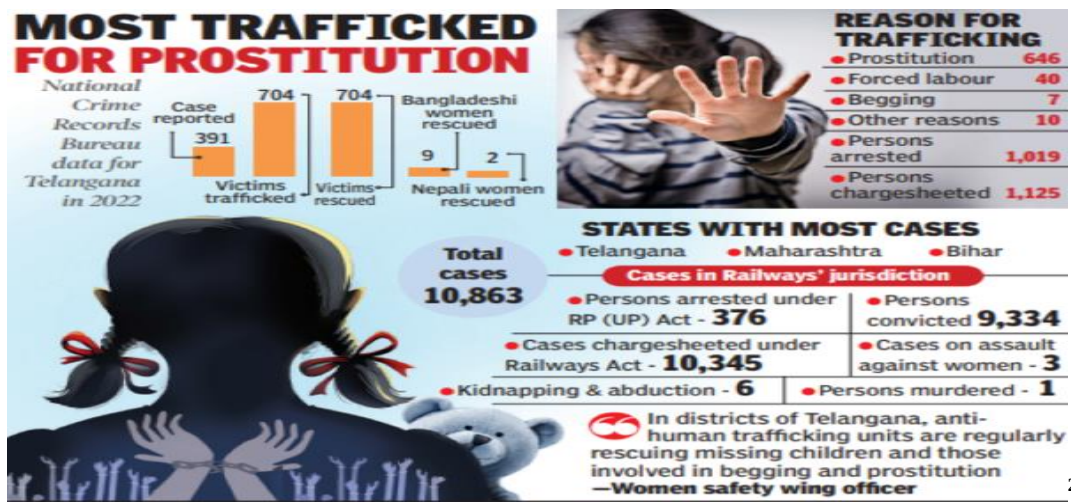
Human trafficking is a heinous crime and a serious human rights violation, which means illegal trade and exploitation of human beings for selfish and criminal ends. The primary motive of human trafficking is to exploit vulnerable sections of society, particularly women, children, and economically weaker segments of society. Traffickers frequently victimize individuals who come from poverty-stricken backgrounds, illiterate communities, or those displaced due to natural calamities or conflict, preying on their hopelessness and helplessness. Victims are typically recruited with false promises of jobs, education, marriage, or a better life but are subsequently put into situations of exploitation. Among the most frequent uses of human trafficking is for forced labor. In most circumstances, victims who are trafficked are forced into factories, constructions, agriculture, mines, housemaid work, or other working-intensive sectors without any decent salaries or rights in abysmal conditions. Most of them receive physical abuse and threats and even compelled to spend long hours. The second broad aim of the trafficking is for sexual exploitation. Women and children are specifically trafficked for prostitution, pornography, escort agencies, and other sexual abuse. Minor girls are often sold into brothels or forced into child marriages for money in most instances. Organ trafficking is another heinous use of human trafficking in which victims are abducted or tricked for the illegal sale of human organs such as kidneys, liver, and heart. This illegal market for organs is fueled by an excess demand for and shortage of organs for transplants in medical procedures. The trafficking of children is also prevalent, where the children are press-ganged for begging, labor, illegal adoption, or prostitution for criminal endeavours such as trafficking in drugs. Children are in some instances also trafficked to be used for rituals or in bonded labor. Human trafficking has also been attributed to forced marriages and slavery-like practices. Young girls are trafficked and sold into forced marriages in most rural areas, treated as properties and denied their basic human rights. Human trafficking

is also used for debt bondage, where the victims are compelled to work in order to pay off an exaggerated or artificial debt, holding them hostage for years. In summary, the aim of human trafficking is mainly to exploit human beings for economic gain, sexual pleasure, crime, or organ trade. It is motivated by greed, poverty, illiteracy, unemployment, and poor law enforcement. Human trafficking must be eliminated through combined efforts such as stringent laws, public sensitization, education, and rehabilitation of victims to provide them with safety and dignity.

NCRB DATA ON HUMAN TRAFFICKING

Human trafficking was a big issue in India with the National Crime Records Bureau (NCRB) reporting a 2.8% increase in 2022 compared to 2021. Exactly, 2,250 cases were reported compared to 2,189 cases in 2021. These accounted for 6,533 victims, of which 4,062 were women and 2,471 were men. Of special mention was the fact that 2,877 victims were minors, of which there was a higher proportion of underage boys (1,570) compared to girls (1,307). Region-wise, Telangana had the highest number of cases of human trafficking in 2021 at 347 cases, followed by Maharashtra at 320 cases, and Assam at 203 cases. In Maharashtra alone, 918 victims were identified, of which 858 were women. Of the rescued in the state, 856 were forced into prostitution, 16 into forced labor, and 3 into forced marriage. NCRB reports also record the shocking number of missing children with over 47,000 disappearing in 2022; 71.4% of them being minor girls.¹ The total number of missing children has recorded a generally growing trend since 2018, recording a 7.5% increase in 2022 compared to 2021. These statistics point to the ongoing efforts against human trafficking in India. The reports point out that the majority of victims of trafficking are women and children, typically used for forced labor, sexual exploitation, and forced marriages. The high number of such occurrences in states like Telangana, Maharashtra, and Assam point out hotspots that require locally targeted efforts. Efforts against human trafficking have also been noticed in the establishment of Anti-Human Trafficking Units (AHTUs) across the country, with 788 units established, of which 30 are in border guarding forces. Apart from this, proposals have been sanctioned to extend financial help to states and Union Territories for the establishment of protection and rehabilitation centers for trafficking victims, especially in border states. Despite such proposals, the rising trend in cases of trafficking and the abysmal rate of conviction indicate towards the necessity for enhanced implementation of anti-trafficking laws, enhanced mechanisms for support to victims, and enhanced coordination among law enforcing agencies. Eradication of the causative agents of poverty, illiteracy, and social inequality is also required to stop human trafficking.

¹ https://sansad.in/getFile/annex/265/AU1907_1UDjyR.pdf?source=pqars (Last visited on 2nd April 2025 at 5:20 pm)



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ROLE OF CIVIL SOCIETY AND NGO'S IN ANTI-TRAFFICKING POLICIES

Civil society groups and Non-Governmental Organizations (NGOs) are important actors in the fight against human trafficking and in the support of victims, particularly in nations such as India where traffic-in-persons is a serious social issue. Civil society groups and NGOs provide a connecting link between the government, law enforcing agencies, and vulnerable groups. The contribution of NGOs to anti-trafficking activities is multi-pronged, ranging from prevention, protection, rescue, rehabilitation, and reintegration of victims. NGOs work at the grassroots level to create an awareness of the risk of trafficking among vulnerable sections and educate them about rights and procedures of legal support. NGOs implement outreach programs in tribal and rural belts, border areas, and urban slums where the risk of trafficking is the highest. NGOs also spot the hotspots of trafficking and collaborate with law enforcement agencies to carry out rescue operations. Civil society groups are also engaged in offering post-rescue care and rehabilitation services to the victims. These include health care, psychological counselling, legal aid, vocational training, and skill development schemes that enable the victims to get reabsorbed into society. NGOs also establish shelter homes and protection centers where victims are provided with safe accommodation and counselling for emotional healing. They serve as the defenders of victims' rights, making sure that survivors are not victimized again by stigma or discrimination. They make the legal process easier for victims, assist them in accessing justice, and make their voices heard in court cases. Nevertheless, although their valuable contribution, NGOs' role in anti-trafficking policy is confronted with numerous challenges. The biggest hurdle is the insufficiency of financial support from the government. The majority of NGOs function on limited budgets, which impacts the quality of the rehabilitation services rendered to victims. Bureaucratic barriers, delayed government clearance, and coordination failures between NGOs and law enforcement agencies generally stand in the way of successful rescue and rehabilitation. Most policies fail to formally endorse or involve NGOs in the national anti-trafficking plan and limit their functions to offering inputs for policy-making or decision-making. In addition, NGO employees are frequently threatened, intimidated, and attacked by organized trafficking rings, making

² <https://static.toiimg.com/thumb/imgsize-23456,msid-105774736,width-600,resizemode-4/105774736.jpg> (Last visited on 2nd April 2025 at 8:30 pm)

operations very dangerous for them. Also, the current policies against trafficking in India are predisposed more to criminal prosecution of the traffickers, while protection and rehabilitation of the victims are usually given less attention. More government-NGO collaborations, increased funding, and training programs for NGO employees are needed in order to ease effective implementation of policies. Civil society groups have to be included in victim-based policy-making and monitoring procedures. Strengthening the function of NGOs will not only discourage trafficking but also provide a human rights-based response to victim care and protection. Hence, civil society and NGO involvement is unavoidable in preventing human trafficking, but it needs to be properly backed by the state in order to counter systemic barriers and policy constraints.

JUDICIAL RESPONSE AND CASE LAWS HIGHLIGHTING THE FAILURE OF ANTI-TRAFFICKING POLICIES TO PROTECT VICTIMS

The paper "Laws without Teeth: Why Anti-Trafficking Policies Fail to Protect Victims" critically analyses the disparity between the law against human trafficking and its weak enforcement, which in turn fails to protect the rights and dignity of victims. Even though there are constitutional provisions and a number of anti-trafficking laws, the enforcement agencies are not sensitive and efficient in handling victims. Significant case laws have brought out these failures. In **Vishal Jeet v. Union of India (1990)**,³ the Supreme Court acknowledged trafficking as a severe social ill and instructed the state governments to adopt necessary measures of prevention, rehabilitation, and reintroduction of the victims. However, the absence of effective mechanisms of enforcement hampered its utility. Equally, in **Prajwala v. Union of India (2015)**⁴, the Supreme Court provided elaborate guidelines for the rescue, protection, and rehabilitation of victims of sex trafficking, emphasizing victim-friendly procedures. Nonetheless, ground realities reveal that victims are still subjected to revictimization, stigmatization, and poor support services. Another milestone judgment is **Bachpan Bachao Andolan v. Union of India (2013)**⁵, in which the Court gave directions for the rescue and rehabilitation of trafficked children, emphasizing coordination among various authorities. However, the lack of effective monitoring, absence of accountability, and corruption in enforcement agencies prevent the proper implementation of such directions. In addition, the Immoral Traffic (Prevention) Act, 1956, while aimed at preventing trafficking, has been faulted as being out of date and more inclined towards criminalizing victims than their protection. The cases indicate that although Indian courts have actively been dealing with issues relating to trafficking, anti-trafficking laws tend to lack the "teeth" necessary to promote their mandate. In the absence of victim-focused measures, effective rehabilitation programs, and stringent accountability of enforcement agencies, these laws are ineffective in safeguarding victims of human trafficking.

³ The Constitution of India

⁴ The Constitution of India

⁵ The Constitution of India

SOLUTION AND RECOMMENDATION

The paper "Why Anti-Trafficking Policies Failed to Protect Victims" cites some of the major causes for the failure of existing anti-trafficking policies and presents useful recommendations for better victim protection. One of the most important of these solutions proposed is that anti-trafficking policies need to shift from the present criminal justice and border control orientation to a human rights-based and victim-oriented approach. Existing policies prioritize the prosecution of the traffickers and control of migration at the cost of the victims' welfare, and most victims of trafficking fail to receive adequate assistance, protection under the law, or access to essential services. To fill the gap, the article proposes that governments establish complete support systems that allow victims to gain access to secure shelter, medical care, psychological counselling, legal representation, and rehabilitation and reintegration into society. Anti-trafficking legislation must include all forms of trafficking, including labor exploitation, domestic servitude, and forced begging, not just sex trafficking. Another proposed solution is to increase victim identification procedures. Most trafficked victims are not identified because law enforcers, immigration officers, and frontline staff lack training. The article proposes the adoption of appropriate training schemes to enable authorities to identify and support victims without discrimination or criminalization, regardless of their immigration status. Besides, it is important that governments, NGOs, international organizations, and concerned communities collaborate to develop effective victim-focused policies. Victims and survivors need to be given a voice to narrate their experiences and engage in policy-making to ensure that their true needs are addressed. The article also points to the necessity of addressing the drivers of trafficking such as poverty, illiteracy, gender inequality, and unemployment. Anti-trafficking policy must extend beyond retribution and comprise social and economic policies that alleviate vulnerabilities and provide safer migration routes. There should also be additional mechanisms of monitoring for the purpose of assessing the effectiveness of anti-trafficking policies and holding institutions protecting victims accountable. Overall, the article calls for a comprehensive, rights-based policy that centers on victims in all forms of anti-trafficking efforts. Governments need to overhaul their policy to provide full victim protection, improve identification schemes, promote cooperation with civil society, tackle causative factors in trafficking, and seek ongoing assessment in a bid to make noteworthy progress in efforts to combat human trafficking.

CONCLUSION

In short, the article "Laws Without Teeth: Why Anti-Trafficking Policies Fail to Protect Victims" points out the huge gap between the presence of anti-trafficking laws and their effective enforcement in safeguarding victims. Although most nations have come up with robust policies and signed international agreements to eradicate human trafficking, such actions do not come with the accompanying enforcement mechanisms necessary to effectively bear fruit. The article explains that the lack of effectiveness in such laws is not only the result of inefficient enforcement of laws but also due to systemic abandonment of the victims' interests. Trafficking victims are criminalized, deported, and stigmatized rather than protected,

rehabilitated, and brought to justice. This is also augmented by the reality that law enforcement authorities have the propensity to value prosecution of traffickers over victim protection, therefore fostering a culture of re-victimization and mistrust of the justice system. Moreover, the article adds, anti-trafficking laws are symbolic legislation designed to improve the international standing of a country without investing in tangible reforms. Policy is designed for border control, immigration controls, and criminalization rather than reacting to the socio-economic circumstances that force individuals into being trafficked in the first place. The lack of proper victim-centered assistance services, including safe shelter, legal assistance, medical and psychological care, and counselling, deprives survivors of the resources to restart their lives. Corruption, inadequate funding, and ineffectiveness in coordinating government agencies also undermine anti-trafficking efforts. The article then emphasizes the necessity of addressing human trafficking in a holistic manner that transcends punitive legislation and addresses the root issues of poverty, inequality, poor education, and gender violence. The process necessitates partnership with governments, civil society, and international agencies to develop victim-centered policies that empower survivors instead of viewing them as offenders or illegal migrants. In short, "Laws Without Teeth" uncovers the bitter truth that having laws on the books is insufficient if not accompanied by political will, funding, and a human-rights-based approach to enforcement. Without affirmative efforts placing victims' needs and rights above all else, anti-trafficking efforts will continue to fail, and traffickers will continue to profit with impunity as survivors remain marginalized and voiceless. The article ends on the observation that for effective change to take place, there needs to be a change of focus from punishing the perpetrators to protecting and empowering the victims. This entails not only making legal systems stronger but also ensuring that the victims can access justice, holistic support systems, and reintegration opportunities into society. It is only with a victim-centered, rights-based approach that the exploitation cycle is broken and the real function of anti-trafficking legislation fulfilled — to shield, assist, and restore the dignity of the victims of the atrocities of human trafficking.