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Victims of Human Trafficking: A Victimological and Human Rights Juristic Perspective

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ABSTRACT

Human trafficking deprives people of their dignity, freedom and ability to make choices about their own lives. This goes far beyond a breach of law and order. The suffering often begins with false promises during recruitment and continues through coercion and exploitation. This may persist even after rescue when survivors face social stigma or inadequate support from institutions. This study examines trafficking through victimology and human-rights perspectives. It focusses on the relationship between structural vulnerability and organised exploitation. It examines human trafficking from different perspectives, beginning with its definition under international law and the factors that contribute to the crime. It discusses how victims are recruited and exploited, the protections available under the Indian Constitution and relevant legislation and the approach taken by the Supreme Court in selected cases. It also looks at the psychological and social difficulties survivors face, including the challenges of obtaining compensation and rebuilding their lives. The study adopts a doctrinal research methodology, examining statutory provisions, international instruments and selected judicial decisions. The paper argues that rescuing victims and prosecuting offenders alone cannot address the full impact of trafficking. Survivors also need protection from further harm, compensation, witness protection where necessary and continued support to rebuild their lives. The effectiveness of anti-trafficking measures must therefore be judged not only by the number of convictions but also by whether survivors are able to regain their independence, security and dignity.

Keywords: *Human trafficking, victimology, human rights, victim compensation, rehabilitation*

I. INTRODUCTION

People often associate human trafficking with moving a person from one place to another. But movement is only one aspect of the offence. Trafficking involves the recruitment, transportation, harbouring, transfer or receipt of persons for exploitation, using the means prohibited by law. It can take place across international borders, between states in India, or

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within the same community. Crossing a national border is not necessary for trafficking to occur. Similarly, the mere movement of a person does not, by itself, establish all the legal elements of trafficking. The conduct involved, the means used and the purpose of exploitation must therefore be examined in accordance with the applicable law.[1]

Looking at trafficking from a victimological perspective brings focus to victims' experiences and needs. A conventional criminal-law analysis generally examines the accused's conduct, the evidence required to establish guilt and the appropriate punishment. However, a victimological analysis also considers what happens to the person who has been exploited. Victimology also examines why a person was exposed to risk, how an offender gained control, what barriers prevented escape and whether institutions respond in ways that restore or further diminish the victim's dignity. These questions must be asked without transferring responsibility from traffickers to the people they exploit. Poverty, gender discrimination, childhood dependence, displacement and insecure migration can increase exposure to deception, but vulnerability is not culpability.

In India, the constitutional prohibition of trafficking is reinforced by general criminal law and specialised legislation. The Bharatiya Nyaya Sanhita, 2023 (BNS) addresses trafficking in section 143 and exploitation of a trafficked person in section 144. The procedural framework under the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), includes victim-compensation provisions.[2] These enactments should be read alongside constitutional guarantees, legislation protecting children, laws addressing commercial sexual exploitation, bonded labour and India's international commitments. Although human trafficking has been examined extensively from criminal-law and human-rights perspectives, the relationship between structural vulnerability, victimisation and the practical effectiveness of legal protection needs attention. In particular, the existence of statutory safeguards does not necessarily ensure that survivors receive timely compensation, protection from secondary victimisation or sustained rehabilitation. This paper adopts a doctrinal approach, examining trafficking through a combined victimological and human-rights perspective and focusing particularly on the Indian legal framework and judicial responses. Its central argument is that rescue and prosecution are necessary but insufficient: a rights-based response must also ensure safety, informed participation, compensation, healthcare, education, livelihood and social reintegration.

[1] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime art. 3, Nov. 15, 2000, 2237 U.N.T.S. 319.
[2] Bharatiya Nyaya Sanhita, No. 45 of 2023, §§ 143–44 (India); Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023, § 396 (India).

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II. Meaning and definition of human trafficking

Article 3 of the Trafficking in Persons Protocol, supplementing the United Nations Convention against Transnational Organized Crime, sets out a widely used international definition. For adults, the definition is commonly analysed through three elements: an act, specified means, and an exploitative purpose. The act may consist of recruitment, transportation, transfer, harbouring or receipt of a person. The means include force, threats, coercion, abduction, fraud, deception, abuse of power or vulnerability, and certain payments or benefits. The purpose is exploitation, including sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, and removal of organs.[3]

The three-part framework is useful because it prevents trafficking from being reduced to kidnapping or cross-border movement. Recruitment can be deceptive even where the victim initially agrees to travel. A person may accept an offer of employment but later be subjected to withheld wages, confinement, threats or debt bondage. The initial decision to migrate does not amount to consent to exploitation. Under the Protocol, where the specified means have been used, the victim's consent to the intended exploitation is irrelevant. For a child, recruitment, transportation, transfer, harbouring or receipt for exploitation can constitute trafficking even without proof of the listed means.[4]

Section 143 of the BNS reflects this structure. It criminalises specified acts undertaken for exploitation through the means set out in the provision and expressly states that the victim's consent is immaterial. The provision's explanation includes physical exploitation, sexual exploitation, slavery or similar practices, servitude, beggary and forced removal of organs.[5] Section 144 separately addresses a person who knowingly, or having reason to believe, engages a trafficked child or adult for sexual exploitation, with different punishment ranges for children and adults.[6] The distinction matters: trafficking and the subsequent exploitation of a trafficked person are related but legally distinct forms of conduct.

Not every instance of unsafe migration, labour exploitation or sexual exploitation will automatically satisfy every element of trafficking. The facts and relevant provisions must be analysed. A victim-centred analysis should consider the circumstances in which apparent agreement was made and the practical ability of the person to refuse or leave.

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[3] Trafficking in Persons Protocol, *supra* note 1, art. 3(a).
[4] *Id.* art. 3(b)–(c).
[5] Bharatiya Nyaya Sanhita, No. 45 of 2023, § 143 (India).
[6] *Id.* § 144.

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III. Causes of Trafficking: A Victimological Analysis

Human trafficking cannot be explained by a single cause. It emerges from the interaction of offender incentives, demand for exploitable labour or services, unequal social conditions, and failures of protection. Routine activity theory, associated with Lawrence Cohen and Marcus Felson, examines crime through the convergence of a motivated offender, a suitable target and the absence of capable guardianship.[7]

The term 'suitable target' must not imply that a victim caused the offence. It describes an offender's perception of opportunity, not a moral judgment about the person targeted. Poverty, lack of secure employment, displacement, family violence, caste-based exclusion, gender inequality and limited access to education or legal support may narrow a person's choices. In such conditions, a promise of a well-paid job, safe accommodation, marriage or travel can appear credible. The offender exploits the gap between the opportunity promised and the choices actually available.

Push factors in source communities may include unemployment, debt, agricultural distress, disasters, conflict, discrimination and inadequate social protection. Pull factors in destination settings include demand for cheap labour, sexual exploitation, domestic work, construction, agriculture, begging and other activities in which workers may be hidden from effective oversight. Brokers and recruiters can exploit informal migration channels, while corruption, weak inspection, fragmented jurisdiction and low perceived risk of punishment can make trafficking more profitable. International reporting also highlights how crises and displacement can intensify the risks faced by people already lacking secure livelihoods.[8]

Lifestyle-exposure approaches may help identify when daily routines or work arrangements increase contact with high-risk environments. A person seeking informal work in an unfamiliar city, working without written contracts, or depending on an employer for housing may have fewer opportunities to seek help. Recognising these patterns helps design preventative measures, such as community monitoring, accessible helplines, safe migration advice and labour inspections.

Children face particular risks because of dependence on adults, limited capacity to assess deceptive offers, and reduced ability to seek help independently. They may be trafficked for forced labour, sexual exploitation, forced begging, illegal adoption practices or other

[7] Lawrence E. Cohen & Marcus Felson, *Social Change and Crime Rate Trends: A Routine Activity Approach*, 44 Am. Soc. Rev. 588, 589–608 (1979), https://doi.org/10.2307/2094589.
[8] United Nations Office on Drugs and Crime, Global Report on Trafficking in Persons 2022 (United Nations 2023), https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP_2022_web.pdf.

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exploitative purposes. Gender can intersect with age, poverty, disability, caste, migration status and family violence. Marginalised groups may face additional obstacles because they anticipate disbelief, stigma, detention or discrimination from authorities. Effective prevention therefore requires targeted protection without stereotyping entire communities as inherently vulnerable.[9]

IV. Recruitment, control and exploitation

Trafficking often develops through a sequence rather than a single dramatic event. A recruiter identifies a person in difficulty, offers an opportunity, and builds trust. The offer may involve employment in hospitality, domestic work, manufacturing, agriculture, entertainment or commercial sex. In some cases, family members, acquaintances or local intermediaries are involved, making the offer seem safe.

Debt bondage is especially significant where recruitment and transport costs are imposed on a worker. The alleged debt is inflated, interest rates are manipulated, and wage deductions are made arbitrarily so that the worker cannot clear the balance. Debt is then used to justify restricted movement, long hours and lower pay. Psychological coercion, such as threats to inform family members, threats of violence, confiscation of identity documents, isolation, and constant surveillance, can maintain control even without physical locks.

The process is not identical in every case. Some victims are physically confined; others are kept in compliance through fear, shame, lack of money or unfamiliarity with local languages and laws. Understanding control as a process helps explain why a survivor might not escape at the first opportunity. Legal assessments must consider how coercive control operates over time rather than looking only for physical restraint.

V. International legal framework and human rights

The Trafficking in Persons Protocol is a central international instrument addressing trafficking in persons. It calls on states to prevent and combat trafficking, protect and assist victims with respect for their human rights, and promote cooperation between states. Its familiar prevention, prosecution and protection framework is useful, but protection should not be treated as a secondary benefit dependent entirely on successful prosecution. The Protocol contemplates measures supporting victims' physical, psychological and social recovery, including appropriate housing, counselling, medical assistance, employment, education and training, subject to the obligations and domestic arrangements of states.[10]

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[9] *See* Convention on the Rights of the Child arts. 19, 32, 34–35, Nov. 20, 1989, 1577 U.N.T.S. 3; Convention on the Elimination of All Forms of Discrimination against Women art. 6, Dec. 18, 1979, 1249 U.N.T.S. 13.

[10] Trafficking in Persons Protocol, *supra* note 1, arts. 2, 6, 9.

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The 1985 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power recognises that victims should be treated with compassion and respect for their dignity. It addresses access to justice, restitution, compensation and assistance.[11] Although a declaration is not equivalent to a binding treaty, it has influenced the development of victim-centred criminal justice principles. These principles are especially relevant where trafficked persons face financial barriers, fear of retaliation, language obstacles or distrust of authorities.

Human-rights protections also arise from the prohibition of slavery and servitude, the right to life and security, freedom from torture or degrading treatment, and equality before the law. The Convention on the Elimination of All Forms of Discrimination against Women requires states to take appropriate measures to suppress trafficking in women and exploitation of prostitution. The Convention on the Rights of the Child requires protection from violence, economic exploitation, sexual exploitation, sale and trafficking.[12] These instruments support a response that recognises both the immediate harm and the social conditions that leave people exposed to exploitation.

A further concern is secondary victimisation: harm caused not by the original trafficker alone, but by the response of institutions and communities. Repeated or hostile questioning, public disclosure of identity, detention without adequate consideration of coercion, disbelief, insensitive medical procedures, or pressure to return to an unsafe household can compound trauma. International human-rights guidance urges states to protect the rights and interests of trafficked persons and to avoid treating them simply as instruments for securing convictions.[13]

The principle of non-punishment is often discussed in this context. Its application depends on the relevant law and facts, but the underlying logic is clear: a trafficked person should not be penalised for unlawful acts committed as a direct consequence of being trafficked.[14] Charging survivors with immigration offences, sex-work offences or minor crimes committed under coercion undermines trust in justice and deters reporting.

VI. INDIAN LEGAL FRAMEWORK

India addresses human trafficking through constitutional guarantees, criminal legislation and special laws providing for victim protection, compensation and rehabilitation. The transition

[11] Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, G.A. Res. 40/34, annex, U.N. Doc. A/RES/40/34 (Nov. 29, 1985).
[12] Convention on the Elimination of All Forms of Discrimination against Women, *supra* note 9, art. 6; Convention on the Rights of the Child, *supra* note 9, arts. 19, 32, 34–35.
[13] UNITED NATIONS, *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, Principle 8, U.N. Doc. E/2002/68/Add.1 (May 20, 2002).
[14] *Id.* Principle 7; Guideline 2, para. 5; Guideline 4, para. 5.

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from the Indian Penal Code, 1860 (IPC), and Code of Criminal Procedure, 1973 (CrPC), to the Bharatiya Nyaya Sanhita, 2023 (BNS), and Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), has reorganised the relevant criminal and procedural provisions.

A. Constitutional and legislative framework

Article 23 of the Constitution of India, 1950, expressly prohibits traffic in human beings, begar and other similar forms of forced labour.[15] Article 21, guaranteeing the right to life and personal liberty, has been judicially interpreted to include the right to live with dignity, notably in *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*.[16] These constitutional guarantees provide the foundation for protecting victims from exploitation and ensuring their rehabilitation.

The Immoral Traffic (Prevention) Act, 1956 (ITPA), addresses commercial sexual exploitation and related activities, including brothel keeping, procuring and living on the earnings of prostitution. The Protection of Children from Sexual Offences Act, 2012 (POCSO), provides a specialised framework against sexual abuse and exploitation of children. The Bonded Labour System (Abolition) Act, 1976, abolishes bonded labour, extinguishes bonded debts and provides for the release and rehabilitation of bonded labourers.[17]

B. Trafficking and related offences under the BNS, 2023

Sections 143 and 144 of the BNS broadly correspond to Sections 370 and 370A of the IPC. Section 143 criminalises recruiting, transporting, harbouring, transferring or receiving persons for exploitation through threats, force, coercion, abduction, fraud, deception, abuse of power or inducement. Exploitation includes physical and sexual exploitation, slavery, servitude, beggary and forced removal of organs. The consent of the victim is expressly immaterial in determining the offence. Punishment varies according to the number and age of victims, with enhanced penalties for trafficking children and involvement of public servants or police officers.[18]

Section 144 penalises knowingly engaging, or engaging with reason to believe, a trafficked person in sexual exploitation. It prescribes rigorous imprisonment of five to ten years where the victim is a child and three to seven years where the victim is an adult, along with fine.[19]

Sections 98 and 99, corresponding to Sections 372 and 373 of the IPC, criminalise selling and buying children respectively for prostitution, illicit intercourse or other unlawful and immoral

[15] INDIA CONST. art. 23.
[16] INDIA CONST. art. 21; *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, (1981) 1 SCC 608 (India); *see also Budhadev Karmaskar v. State of W.B.*, (2011) 10 SCC 283 (India).
[17] Immoral Traffic (Prevention) Act, No. 104 of 1956, §§ 3–6 (India); Protection of Children from Sexual Offences Act, No. 32 of 2012 (India); Bonded Labour System (Abolition) Act, No. 19 of 1976 (India).
[18] Bharatiya Nyaya Sanhita, No. 45 of 2023, § 143 (India); Indian Penal Code, No. 45 of 1860, § 370 (India).
[19] Bharatiya Nyaya Sanhita, No. 45 of 2023, § 144 (India); Indian Penal Code, No. 45 of 1860, § 370A (India).

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purposes. Section 98 provides imprisonment up to ten years and fine, while Section 99 prescribes imprisonment from seven to fourteen years and fine. Section 95 further criminalises hiring, employing or engaging a child to commit an offence, including for sexual exploitation or pornography, with imprisonment from three to ten years and fine.[20]

Section 139 specifically criminalises kidnapping or obtaining custody of a child for forced begging, prescribing enhanced punishment where the child is maimed for that purpose. These provisions address distinct forms of exploitation frequently associated with trafficking and child abuse.[21]

C. Child protection under the Juvenile Justice Act, 2015

Sections 75–79 of the Juvenile Justice (Care and Protection of Children) Act, 2015, provide additional safeguards against child exploitation. Section 75 penalises cruelty to children by persons having charge or control over them. Section 76 criminalises employing or using children for begging, with enhanced punishment where a child is maimed. Sections 77 and 78 prohibit supplying children with intoxicating liquor, narcotic drugs, psychotropic substances or tobacco products, and using children for vending, carrying, supplying or smuggling intoxicating liquor, narcotic drugs or psychotropic substances, respectively. Section 79 penalises exploitation of child employees through bondage, withholding earnings or misappropriating their wages.[22]

These provisions complement the BNS by addressing specific forms of abuse and economic exploitation. Their application depends on the ingredients of each offence and does not automatically establish trafficking.

D. Procedural safeguards, compensation and witness protection

The BNSS, 2023, strengthens procedural safeguards for victims. Section 173 permits information concerning a cognizable offence to be given irrespective of the area where the offence occurred, facilitating the practice of Zero FIR.[23] Section 193(3)(ii) requires the police to inform the informant or victim of the progress of the investigation within ninety days.[24]

Section 396 provides for a Victim Compensation Scheme through the State and District Legal Services Authorities. Compensation may be awarded to victims requiring rehabilitation,

[20] Bharatiya Nyaya Sanhita, No. 45 of 2023, §§ 95, 98–99 (India); Indian Penal Code, No. 45 of 1860, §§ 372–373 (India).
[21] Bharatiya Nyaya Sanhita, No. 45 of 2023, § 139 (India).
[22] Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, §§ 75–79 (India).
[23] Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023, § 173(1) (India).
[24] *Id.* § 193(3)(ii).

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including in specified cases where the offender is not identified or the trial ends in acquittal or discharge. Section 396(5) requires the compensation enquiry to be completed within two months.[25] Section 397 provides for free immediate medical treatment to victims of specified sexual offences under the BNS and POCSO Act.[26]

Section 398 requires State Governments to notify a Witness Protection Scheme.[27] The Witness Protection Scheme, 2018, approved by the Supreme Court in *Mahender Chawla v. Union of India*, provides measures such as identity protection, in-camera proceedings, secure testimony and relocation, depending on the threat assessment.[28] Such safeguards are particularly important in trafficking cases involving organised networks and the risk of intimidation or retaliation against victims and witnesses.

E. Victimological perspective

The Indian legal framework combines punishment of traffickers with safeguards intended to protect victims from further exploitation. Nevertheless, statutory protection must be supported by effective investigation, legal assistance, compensation, rehabilitation and coordination among police authorities, courts, Child Welfare Committees and legal services institutions. A victim-centred approach must ultimately focus not merely on prosecution but also on restoring the victim's dignity, autonomy and ability to reintegrate into society.

VII. JUDICIAL PRECEDENTS AND VICTIM-CENTRED PRINCIPLES

The Supreme Court has addressed human trafficking and related exploitation through several decisions emphasising prevention, protection, dignity and rehabilitation.

In *Vishal Jeet v. Union of India*, the Court examined child prostitution, the Devadasi and Jogin traditions, and the exploitation of women and children. It recognised trafficking and prostitution as socio-economic problems requiring preventive measures, rather than relying solely on punitive action. The Court also directed the establishment of advisory committees to develop measures for the care, protection and rehabilitation of victims.[29]

In *Gaurav Jain v. Union of India*, the Court considered the position of children of sex workers and the need to protect their rights, particularly access to education and opportunities for social integration. The 1997 judgment was subsequently reviewed in 1998, when certain directions

[25] *Id.* § 396(1), (3)–(5).
[26] *Id.* § 397.
[27] *Id.* § 398.
[28] *Mahender Chawla v. Union of India*, (2019) 14 SCC 615 (India) (approving the Witness Protection Scheme, 2018).
[29] *Vishal Jeet v. Union of India*, (1990) 3 SCC 318 (India).

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concerning prostitution were set aside, while the directions relating to children of sex workers were retained. The decision remains relevant to the principle that children should not suffer social exclusion or discrimination because of their parents' circumstances.[30]

In *Bachpan Bachao Andolan v. Union of India*, the Court addressed the exploitation of children employed in circuses. It directed the authorities to rescue the children, ensure their protection and formulate appropriate rehabilitation measures. The decision demonstrates that rescue must be accompanied by safeguards for children's welfare, education and rehabilitation.[31]

In *Budhadev Karmaskar v. State of West Bengal*, the Court emphasised that sex workers are entitled to dignity and protection under Article 21 of the Constitution. In subsequent proceedings, it addressed rehabilitation and alternative livelihood opportunities, making clear that rehabilitation should be voluntary and not coercively imposed. The proceedings also recognised the importance of addressing the social and economic conditions affecting sex workers.[32]

In *Laxmi Kant Pandey v. Union of India*, the Court laid down safeguards for inter-country adoption, emphasising that the welfare of the child must be the primary consideration. It prescribed procedural safeguards to prevent abuse and exploitation in adoption arrangements. Although the case did not directly concern trafficking, its emphasis on child welfare and protection from exploitation bears on the prevention of trafficking because the Court required foreign applicants to apply through a recognised agency partly to reduce 'the possibility of profiteering and trafficking in children'.[33]

In *Prajwala v. Union of India*, the Supreme Court considered issues concerning the rescue, protection and rehabilitation of victims of trafficking for commercial sexual exploitation. In its judgment dated 29 May 2026, the Court further addressed the need for a comprehensive victim-protection framework covering pre-rescue, rescue, post-rescue, rehabilitation, repatriation and reintegration. This development reinforces the need to treat rehabilitation and protection as essential components of the response to trafficking, rather than as measures incidental to prosecution.[34] In a subsequent order dated 13 October 2026, the Court reviewed compliance with the Victim Protection Plan and issued further directions concerning the functioning of Anti-Human Trafficking Units and the threshold inquiry to be conducted by Magistrates in cases

[30] *Gaurav Jain v. Union of India*, (1997) 8 SCC 114 (India), *review allowed*, (1998) 4 SCC 270 (India).
[31] *Bachpan Bachao Andolan v. Union of India*, (2011) 5 SCC 1 (India).
[32] *Budhadev Karmaskar*, *supra* note 16; *Budhadev Karmaskar v. State of W.B.*, Crim. App. No. 135 of 2010, order dated May 19, 2022 (India).
[33] *Laxmi Kant Pandey v. Union of India*, (1984) 2 SCC 244 (India).
[34] *Prajwala v. Union of India*, 2026 INSC 609 (May 29, 2026) (Misc. Application No. 530 of 2022 in W.P. (C) No. 56 of 2004) (India).

involving rescued adult women.[35] This reinforces the importance of distinguishing trafficking victims from adults engaged in voluntary sex work while ensuring appropriate protection and rehabilitation.

VIII. Impact on Victims

The effects of trafficking may be psychological, physical, social and economic, and they do not necessarily end when exploitation stops. Physical health consequences can include injuries, chronic pain, untreated illness, malnutrition and reproductive health complications.[36] Psychological effects may include post-traumatic stress, anxiety, depression, substance dependence, memory difficulties and profound loss of trust.[37]

A person's apparent attachment to, defence of, or compliance with an exploiter should not be treated as proof that the exploitation was acceptable. Trauma bonding, fear of severe harm, lack of alternatives and learned helplessness can lead survivors to comply with exploiters or hesitate during questioning.[38] Legal and support workers should understand these dynamics so that survival strategies are not mistaken for consent.

Social stigma can produce a second layer of harm. Survivors may be rejected by family members or communities, blamed for their situation, or excluded from employment and social life. Where commercial sexual exploitation was involved, stigma can be particularly persistent. Reintegration efforts must therefore address community attitudes as well as individual needs.

Participation in criminal proceedings may create further pressure. Victims can fear threats against themselves or relatives, loss of privacy, prolonged court appearances and repeated questioning. Without protective measures, the justice process can feel like a continuation of distress rather than a path to recovery.

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[35] *Prajwala v. Union of India*, Order dated Oct. 13, 2026, Misc. Application No. 530 of 2022 in W.P. (C) No. 56 of 2004, paras. 8–22 (India).

[36] Stacey Diane A. Litam, *Human Sex Trafficking in America: What Counselors Need to Know*, 7 PROF. COUNSELOR 45, 51 (2017), https://doi.org/10.15241/sdal.7.1.45; Siân Oram et al., *Prevalence and Risk of Violence and the Physical, Mental, and Sexual Health Problems Associated with Human Trafficking: Systematic Review*, 9 PLoS MED. e1001224, at 6 (2012), https://doi.org/10.1371/journal.pmed.1001224; *Prajwala*, *supra* note 34, paras. 14, 22–23 (recording the account placed before the Court).

[37] Oram et al., *supra* note 36, at 6, 8; Litam, *supra* note 36, at 51–52; *Prajwala*, *supra* note 34, paras. 15, 21, 23 (recording the account placed before the Court).

[38] Litam, *supra* note 36, at 47; *Prajwala*, *supra* note 34, paras. 21, 23 (recording the account placed before the Court); NEW JERSEY HUMAN TRAFFICKING TASK FORCE, *Understanding Victims' Mindsets*, https://www.nj.gov/oag/dcj/humantrafficking/downloads/NJHTTF_FS_Understanding-Victims.pdf (last visited Nov. 6, 2026).

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IX. Compensation, protection and rehabilitation

Compensation is not a substitute for criminal accountability, but it can help acknowledge harm and meet practical needs. Under section 396 of the BNSS,[39] Legal Services Authorities administer victim compensation schemes. Financial support can assist with medical treatment, mental health support, housing, legal assistance, vocational training and emergency living costs.

Compensation procedures should not impose unrealistic evidentiary or administrative burdens on survivors.[40] A victim may struggle to obtain documents or proof of income immediately after rescue. Standardised procedures, interim relief and simplified application routes can prevent delays that leave survivors in financial distress.

Witness protection is another essential component. In *Mahender Chawla v. Union of India*, the Supreme Court approved the Witness Protection Scheme, 2018, highlighting that effective prosecution requires protecting witnesses from intimidation and harm.[41] Measures such as in-camera proceedings, video-conferencing, identity protection and safe transport can reduce fear and enable participation.

Rehabilitation should be individualised, sustained and voluntary wherever possible. It may include medical care, trauma-informed counselling, legal aid, safe housing, education, skill development and micro-finance opportunities. Institutional shelter should be a temporary protective measure rather than long-term detention, ensuring respect for the survivor's autonomy.

The principle of restorative justice can enrich this approach when understood carefully. It does not require a survivor to reconcile with a trafficker or compromise on criminal charges. Instead, it emphasises repairing harm, restoring dignity, meeting practical needs and ensuring accountability.

X. Recommendations and conclusion

First, prevention should be linked to social and labour policy. Safe recruitment, regulation of intermediaries, accessible education, social security and fair wages in high-risk sectors can reduce vulnerability before trafficking occurs.

Second, police, prosecutors, judges, medical personnel and frontline officials should receive practical training in trafficking law, trauma dynamics, child protection and victim rights.

[39] Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023, § 396 (India).
[40] *See id.* §§ 396–97.
[41] *Mahender Chawla*, *supra* note 28.

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Training should focus on reducing secondary victimisation and ensuring sensitive communication.

Third, compensation and rehabilitation should be timely and accessible. Legal Services Authorities and relevant departments should simplify application procedures, ensure interim relief, and provide clear information to survivors in accessible languages.

Fourth, child protection and survivor reintegration should be treated as long-term responsibilities. Education, safe family-based care, skill development and community support should extend beyond immediate emergency response.

Finally, the performance of anti-trafficking policy should not be measured solely by arrests, rescues or convictions. The protection of rights, access to compensation, witness safety and long-term recovery are equally important indicators of success.

Human trafficking exposes the limits of a criminal justice system that treats a case as complete when an offender is prosecuted. A victimological and human-rights perspective demonstrates that law must concern itself with the survivor's safety, recovery and future agency. By combining strict enforcement against exploiters with sustained protection and accessible remedies, legal systems can move closer to guaranteeing human dignity in practice.

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