

# Social Sciences Spectrum

A Double-Blind, Peer-Reviewed, HEC recognized [Y-category](#) Research Journal

E-ISSN: [3006-0427](#) P-ISSN: [3006-0419](#)

Volume 04, Issue 03, 2025

Web link: <https://sss.org.pk/index.php/sss>



## Preventing Child Trafficking and Sexual Exploitation: A Comparative Legal Analysis of the Palermo Protocol and Islamic Prohibitions on Zina and Human Dignity (Karāmah)

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### Article Information [YY-MM-DD]

Received 2025-07-07

Revised 2025-08-16

Accepted 2025-09-20

### Citation (APA):

Jamal, S, Y. (2025). Preventing child trafficking and sexual exploitation: A comparative legal analysis of the Palermo Protocol and Islamic Prohibitions on Zina and Human Dignity. *Social Sciences Spectrum*, 4(3), 597-616. <https://doi.org/10.71085/sss.04.03.372>

### Abstract

Child trafficking for sexual exploitation is one of the most insidious violations of human rights, with a 25% rise in detected victims according to the United Nations Office on Drugs and Crime, from 2019 to 2022, 38% of whom were children. This article provides an in-depth legal comparative analysis between the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and Islamic Sharia prohibitions of *zina* and *karāmah*. Adopting the IMRaD framework, the study employs doctrinal exegesis, comparative jurisprudence and normative synthesis. Results demonstrate 85% normative convergence: both regimes nullify consent under coercion, impose absolute liability for child exploitation, and mandate prevention, protection, and prosecution. Discrepancies emerge in jurisdictional scope, evidentiary thresholds, and cultural implementation. The discussion proposes a Hybrid Legal Integration Model (HLIM) for Muslim-majority states, incorporating *ijtihad*-based legislation, Sharia-compliant victim restitution funds, and UNODC-aligned monitoring. Policy recommendations include mandatory *karāmah* training for law enforcement and global advocacy campaigns framing anti-trafficking as a religious imperative. This study contributes to transnational legal theory by demonstrating how faith-based norms can operationalize international human rights instruments in high-prevalence contexts.

**Keywords:** Human Trafficking, Child Sexual Exploitation, Palermo Protocol, Islamic Law, Zina, Karāmah, Comparative Jurisprudence, Victim Protection, Ijtihad, Transnational Crime.



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## 1. Introduction

Child trafficking for sex is one of the worst crimes in the world; it hurts millions of children and breaks their rights. This article compares two sets of rules that try to stop it: The Palermo Protocol from the United Nations and Islamic laws regarding *zina* (wrong sex) and *karāmah* (human honor). We have compared them to see how they can complement each other, especially in Muslim countries.

### 1.1 Global and Regional Epidemiology of Child Trafficking

The United Nations Office on Drugs and Crime keeps records on human trafficking. According to their 2024 report, in 2022, police and groups found 74,785 victims in 136 countries. Compared to 2019, this is a 25 percent rise in victims, when 59,947 were found (UNODC, 2024).

Children make up a big part of these victims. 38% of all found victims are under 18 years old. For many of them, the reason for trafficking is sexual exploitation this means being forced into prostitution, porn, or other sex work. This type of exploitation covers 36% of all trafficking cases (UNICEF, 2025).

But some parts of the world have even higher numbers of child victims: in Sub-Saharan Africa and the Middle East, children are 50% to 62% of trafficking victims. Wars forcing families to flee their homes, very poor living conditions, weak laws or police are the main reasons (UNICEF, 2024).

Another alarming figure comes from the International Labour Organization. It says approximately 5.5 million children worldwide are trapped into forced sex work. This illegal business generates over USD 99 billion annually for the criminals (Labour Organization, 2025).

These facts show why urgent action must be taken. Laws must better protect children, and countries should collaborate in this respect. The subsequent sections of this article outline the two legal systems and how they can combine to help bring the crime to an end.

### 1.2 The Palermo Protocol as *Lex Specialis*

The Palermo Protocol is the main international law fighting human trafficking. Its full name is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. It was agreed on 15 November 2000 and started working on 25 December 2003. This protocol is part of the bigger United Nations Convention against Transnational Organized Crime (OHCHR, 2000).

*Lex specialis* is a Latin term which means a special rule that applies to one topic more than general rules. The Palermo Protocol is a *lex specialis* because it provided specific steps just for trafficking and is the rule countries must follow in dealing with this crime.

**What the Protocol Says:** The protocol has three main parts, often called the **3Ps**:

- 1. Prevention** – Stop trafficking before it occurs.
- 2. Protection** – Assist and protect victims.
- 3. Prosecution** – Catch and punish the criminals (State, 2000).

It gives a clear meaning of trafficking in **Article 3**. Trafficking means:

1. People mobility, such as recruiting, relocating, and retaining people.
2. By wrong ways (force, lies, threats, or tricking the weak people).
3. To ill-use them, such as through sex work, slavery, or the extraction of organs (UNODC, 2025).

It is easier to prove trafficking for children under 18 yrs. You don't have to show force or tricks. When a child is moved for bad use, it is trafficking straight away (Alejandra, 2025).

**Why It Matters for Children:** The protocol says sexual exploitation includes forcing children into prostitution, making child porn, or sex tourism. It tells countries to make strong laws to stop this. It also says:

1. Do not punish victims – Even if a child was forced to break a law, they should not go to jail.
2. Provide assistance - Food, shelter, doctor, school for child victims
3. Keep names secret – so bad people cannot find them again.

**How Many Countries Use It:** As of 2024, 182 countries say yes to the protocol. That includes 46 of the 57 Muslim countries in the Organisation of Islamic Cooperation, or OIC. And not all of them have made good laws yet. Only 142 countries have special anti-trafficking laws fully adhering to the provisions of the protocol.

**Why It Is the Special Rule:** Before the protocol, countries had different ideas of trafficking. Some did not count moving children inside the country. The protocol fixed this. It set one rule for everyone. It is now used as the top guide for courts and police (Gallagher, 2010).

In a nutshell, the Palermo Protocol is the world's strongest tool against child trafficking. It lays down clearly what countries are to do: stop it, help victims, punish criminals-with extra care for children.

### **1.3 Islamic Law as a Parallel Normative Order**

Islamic law, also known as Sharia, is derived from four main sources. These include the Qur'an or God's words, Sunnah or what the Prophet Muhammad said and did, *ijmā'* or what Muslim scholars agree on, and *qiyās* or comparing new things to old rules. Sharia is a complete way of life. It dictates how to behave correctly and justly. At the same time, it prohibits all evil practices such as child trafficking and sexual abuse among others (Kamali, 2008).

Sharia runs parallel with some laws like the Palermo Protocol; it is not similar to them, but all pursue the same laudable objectives: protect the people, their honor, and punish wrongdoers. Trafficking has become a grave sin as human honor has been dealt with and God's decrees have been breached (A. Saeed, 2018).

Honour for All People – *Karāmah*: The Qur'an says in Surah Al-Isra, verse 70:

“We have honoured the children of Adam...” (Qur'an 17:70, as cited in al-Hilālī and Khān (1996).

This means every individual boy or girl, young or old, carries special honour from God. One cannot buy or sell a person as an object. Trafficking treats children as if they were goods. This breaks *karāmah* (honour). Muslim teachers say this honour is for everyone, no matter what (Abdul-Rahman, 2009).

Wrong Sex and Force – Zina and No Blame for Victims: The Qur’an mentions about zina, sex outside marriage in Surah An-Nur, verse # 2. It says punish people who choose to do it. But the next verses protect people who were forced.

This is stated in Surah An-Nur verse 33:

“Do not force your girls into prostitution when they want to stay clean... If anyone forces them, then Allah will forgive them” (Qur’an 24:33, as cited in Al-Hilali & Khan, 1996).

This is to say that in the case of a girl or boy being coerced into sex work, they are not at fault. They are victims. Allah pardons them. The instruction is much like the Palermo Protocol's principle of "do not punish victims" (UNODC, 2009). According to Sharia, this makes the whole act wrong and empty (Zuhayli, 1989).

Big Crime Groups – *Ḥirābah*: The Qur’an refers to big crimes, which spread terror among people, as *ḥirābah* (a robbery with fear). Surah Al-Ma’idah, verse 33 prescribes severe punishment, such as imprisonment, or cutting off hands and feet, or even death, depending upon the crime.

“The punishment of those who wage war against Allah and His Messenger and spread corruption in the land is...” (Qur’an 5:33, as cited in Al-Hilali & Khan, 1996).

Trafficking gangs across borders make money from fear. Many Muslim scholars say this is *ḥirābah*; the harshest of punishments are given to them (AlShareef, 2018).

How Sharia Helps Children: Sharia has additional regulations for children. The Qur’an commands individuals to take care of orphans and not seize their property, or money (Qur’an 4:2). The Prophet said: “I and the one who cares for an orphan will be like this in Paradise” showing two fingers close together (Khan, 1971). What it means is to protect weak children first.

In the other words, Sharia is a strong set of rules against trafficking. It uses God's words to say: honour every person, free the forced and punish the gangs. It works in the same direction as world laws but starts from faith (Abdullah Saeed, 2018).

#### **1.4 Research Problem and Objectives**

Even though the Palermo Protocol and Islamic Sharia share various convergent points on how to halt child trafficking, some big problems do exist in real life. So far, only 21 countries of the OIC have fully transformed the Palermo Protocol into their respective national laws, which indicates that many Muslim countries do not properly follow the rules of the Palermo Protocol.

Culture is another source of the problem. Forcibly marrying someone off is confused with true Islamic marriage, or *nikāḥ*, which requires an absolute free will from both sides. Girls are forced into marriage and afterwards used as a means for sexual satisfaction or household chores: a form of trafficking presented as a marriage. This misnomer prevents police and courts from giving the victims the necessary aid.

This study wants to answer three clear questions:

1. How do the Palermo Protocol and Sharia explain child trafficking and sexual exploitation in their rules?
2. Where do they agree, where do they differ, and how can they help each other?
3. How can *ijtihād* (new thinking by Muslim scholars) help make laws the same in Muslim countries?

These questions matter because answers can make better laws and save more children.

## 1.5 Significance and Structure

This article is important because it shows religious rules and world rules working together. Most individuals view faith and international law as being in conflict; however, this study shows they can join hands to protect children. This provides a model that Muslim countries can copy to mix Sharia and the Palermo Protocol in the protection of children. It was provided by An-Na'im, 2008.

The article follows the IMRaD plan:

- **Introduction** – We have just finished this part.
- **Methods** – How we study the laws and compare them.
- **Results** – What we find in the texts and numbers.
- **Discussion** – What the findings mean and what to do next.

Clear steps are used and the article helps judges, police, and teachers to understand and apply both systems (Gallagher, 2010).

## 2. Materials and Methods

This section describes how the study was conducted. The steps are straightforward in examining the laws and making a comparison. The discussion has been kept very simple to enable any person to understand it.

### 2.1 Research Design

This study deploys a mixed-method comparative legal study, meaning that we will combine different ways of looking at the laws. We do not just read one book or count numbers, but we make use of three main tools to get the full picture. The doctrinal analysis, functional comparison, and normative synthesis are employed together as tools. Each tool will help to answer one of the three big questions from the introduction.

First, we do doctrinal analysis of the main texts. This is like reading the rule book word by word. We look at the real laws and holy books. In the case of the Palermo Protocol, we read the full United Nations text from 2000. We also study the UNODC notes that explain every part. These notes help countries make their own laws (State, 2000; UNODC, 2024).

For Islamic Sharia, we read the Qur'an the English version by Al-Hilali and Khan because it is clear and trusted by Al-Hilali, M. & Khan, M., (1996). We check *Ṣaḥīḥ al-Bukhārī* a book of the Prophet's true words and actions. We use the Darussalam print (Al-Bukhari, 1971). We also read *Fath al-Bārī* a big explanation of al-Bukhari by Ibn Hajar. It helps us use old rules for new problems like trafficking (Ibn Hajar, 2000).

We mark every line about children, sex, force, honour, and punishment. That gives us the clean laws minus everyone else's added ideas.

The second step is to do a functional comparison. It is taken from the two great law teachers Zweigert and Koetz (1998). They say: do not just read the words. Ask what the law does in real life. We compare the 3Ps prevention, protection, prosecution.

## 2.2 Data Sources:

Category	Sources	Quantity
International Law	UN treaties, UNODC reports, Palermo Protocol	12
Islamic Core Texts	Qur'an, Tafsir Ibn Kathir, Sahih Bukhari	8
Fatwas & Fiqh	Modern fatwas, Fiqh Academy, Dar al-Ifta	12
Books & Articles	Law books, journals, university studies	18

## 2.3 Analytical Framework

The study compared the Palermo Protocol and Islamic Sharia by using four clear steps. These steps helped us look at the laws in a fair and full way. Each step answered part of the research questions.

**Lexical Mapping:** We listed the main words used in both systems. Words are important because they reflect what each law actually means. From the Palermo Protocol, one key word is trafficking. This involves relocation of individuals for malicious reasons such as sex work. In Sharia, some important words include zina, meaning wrong sex; istighlāl, which means using someone badly; and ikrāh, force. We placed these words on a table to try and see where they matched. For instance, “trafficking a child for sex” could be equated to “istighlāl with ikrāh leading to zina” (UNODC, 2020).

**Structural Comparison:** This, then, was followed by the elements constituting a crime: namely, every crime requires an actus reus-a bad act, mens rea-a bad plan, and defences-reasons why one may not be found guilty.

**Palermo Protocol:** The bad act is moving or keeping a person. The plan is to use them for sex. For children, no force needs to be shown.

**Sharia:** The bad act is taking a child and forcing sex. The plan is clear from the harm done. If the victim was forced, they have a full defence – no sin or punishment (Gallagher, 2010).

This step showed that the laws were built in similar ways.

**Teleological Alignment:** We then checked the goals of each law. Both want the same three things:

- 1. Protect dignity:** Protect the honour of every child.
- 2. Give Justice:** Help victims and punish criminals.
- 3. Stop crime:** Make people afraid to traffic children.

The Palermo Protocol uses jail and police. Sharia uses God’s rules and community help. The aims are the same even if the tools differ (Kamali, 2008).

**Implementation Diagnostics:** Finally, we consider the facts of implementation. We drew on the UNODC Trafficking in Persons Index. This provides a rating for each country. We examined:

- How many countries signed the Protocol?
- How many traffickers were sent to jail?
- Did victims get safe homes and help?

The 2024 report indicates that only 21 Muslim countries have comprehensive anti-trafficking laws. Incarceration rates are minimal - less than 1 per 100,000 in many locations. Assistance to victims is weak in Tier 2 and Tier 3 countries (State, 2024). These four steps gave us strong proof to answer the research questions.

## **2.4 Inclusion Criteria**

We only used materials that fit three rules; this kept the study clean and useful.

1. Texts from the year 2000 or later: The Palermo Protocol was in 2000. We wanted laws and books written after this date. They talk about today's problems (State, 2000).
2. Sunni school agreement: we utilized the rules that all four Sunni schools (Hanafi, Maliki, Shafi'i, Hanbali) accept. This means the findings work in most Muslim countries (Saeed, 2016).
3. Data from ranked countries: we took numbers only from countries the UNODC scores in its TIP Report. This makes the facts solid.

## **2.5 Limitations**

Every study has limitations. We note two here.

1. Only Sunni law is dealt with the principal work is on Sunni rules. Shia views are different in some places. We added Shia notes in footnotes, but the study stays with Sunni law because most Muslim countries follow it (Khan, 2012).
2. No direct fieldwork: We did not visit courts or interview victims. That requires travel and particular permission. Instead, we used reliable reports, books, and also UNODC numbers. That is the normal method in legal comparison studies (Gallagher, 2010).

## **3. Results**

This chapter represents an overview of our main findings, where we applied the previous methods to explore the Palermo Protocol and Islamic Sharia. The results are directly drawn from readings in the original legal texts and reports. We will start by detailing the Palermo Protocol, followed by Sharia, and end with a comparison. The information is derived from reliable sources.

### **3.1 The Palermo Protocol: Textual and Interpretive Analysis**

The Palermo Protocol is the main global law concerning human trafficking. It was developed in 2000 and forms part of the United Nations Convention against Transnational Organized Crime. In 2024, 182 countries agreed to abide by it, including 46 Muslim countries (OHCHR, 2000).

Article 3 represents the very heart of the Protocol and defines trafficking clearly: when someone recruits, moves, keeps, or receives a person using force, lies, threats, or tricks with the aim of using them badly, including for sex or work. In consequence, it states verbatim: "The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion... for the purpose of exploitation" (Gross, 2018). This definition has three parts that altogether are needed to be present in the case of adults: the action, method, and harmful purpose.

The rule is even stricter for children under 18. Evidence of force or tricks is not necessary. The moving or keeping of a child for purposes of sex or bad work is trafficking. This is expressed in Article 3(c): "The recruitment... of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if [no force is used]" (Gross, 2018). This is for better protection

because children cannot give real agreement. According to the United Nations, 38% of all victims of trafficking are children, while 36% of the cases involve sex (UNODC, 2024).

The Protocol stipulates that sexual exploitation includes compelling someone into prostitution, making child pornography, using children in sex tourism, or early marriage for sex or work. According to UNODC, any type of sexual usage of a child, even if seemingly agreed upon by the child, should be referred to as exploitation.

The Protocol tells countries to follow three main duties, known as the 3Ps. First, prevention under Article 9 means teaching people about the danger, checking borders, and helping poor families so children are not at risk. Secondly, protection in Articles 6 to 8 means not punishing victims—a child forced to break a law must not go to jail—and giving safe homes, doctors, and school, while keeping the child's name secret. Third, prosecution under Article 5 means making trafficking a crime with jail time and working with other countries to catch traffickers. For children, extra help is needed, such as play, learning, and family contact (UNODC, 2020).

In practice, the UNODC checks countries each year. In 2024, 142 countries have special anti-trafficking laws, but only 21 Muslim countries follow the Protocol fully. Jail numbers are low about 1.5 traffickers per 100,000 people are sent to prison worldwide, and in many Muslim areas, it is less than 1 (UNODC, 2024).

The Protocol is strong because it gives one clear meaning for all countries, says children need special care, and tells countries to work together. According to Anne Gallagher, a law expert, it is the "gold standard" in the fight against trafficking (Gallagher, 2010).

In brief, the Palermo Protocol proposes a comprehensive scheme: stop trafficking, assist victims, and penalize offenders, but with additional provisions for children. The following section examines Islamic law.

### 3.1.1 Definitional Architecture (Article 3)

*“Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving/receiving payments/benefits to achieve consent of a person having control over another, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation...”*

#### **Child Derogation (Art. 3(c)):**

*“The recruitment... of a **child** for exploitation shall be considered ‘trafficking’ **even if** it does not involve any of the means...”*

UNODC (2020) clarifies: **“Sexual exploitation** includes prostitution, pornography, sex tourism, and early marriage where exploitative intent exists.”

### 3.1.2 The 3P Obligations

Pillar	Key Provisions	Child-Specific Measures
Prevention	Art. 9: public awareness, border controls, vulnerability reduction	Mandatory child safeguarding protocols
Protection	Art. 6: non-punishment, legal aid, medical/psychological support	Art. 6(4): “special needs of children”
Prosecution	Art. 5: criminalization; Art. 10: extradition	Aggravated penalties for child victims

### 3.2 Islamic Law: Doctrinal Foundations

Islamic law bases its statutes against child trafficking upon profound concepts from the Qur’an and the teachings of the Prophet. These concepts form the foundation, as it were, upon which everything else stands. Trafficking, in terms of Sharia, is a grave injustice since it violates sacred honor and disobeys explicit prohibitions. The four parts that are viewed are the following.

#### 3.2.1 *Karāmah* as the Basic Rule

The Qur’an starts with human honor. In Surah Al-Isra, verse 70, it says: “We have honoured the children of Adam...” (Qur’an 17:70, as cited in Al-Hilali & Khan, 1996). The word *karāmah* means this honor is special and from God. It is not something you can buy, sell, or take away.

As such, the renowned scholar Ibn Kathīr expounds upon that this honor is within each individual from the moment of birth, independent of what the person says or agrees to. No contract or agreement can alter it (Ibn Kathīr, 2000). For this reason, whatever activity that would regard a child as an object making him or her move for the purpose of acquiring sex or labor is null and void in Sharia. The Arabic term for this is *bāṭil*, or empty and incorrect from its inception. This principle prevents all forms of trafficking even before they happen.

#### 3.2.2 *Zina* and Acts Done by Force

Sharia has strict rules about extramarital sex, called *zina*. The Qur’an sets a punishment in Surah An-Nur, verse 2. But the very next verses protect people who are forced.

Surah An-Nur verse 33 says clearly: “Do not force your girls into prostitution when they want to stay clean... If anyone forces them, then Allah will forgive them” (Qur’an 24:33, as cited in Al-Hilali & Khan, 1996). A girl or a boy who is being pushed into this trade is a victim, and not a sinner. Allah does not blame them.

A true story from the Prophet's time goes to show this. A woman was brought to him for *zina*. She said that she was forced. The Prophet said: "No ḥadd punishment on her" (Sunan Abī Dāwūd, 4467, as cited in Al-Albani, 2007). Ḥadd means the fixed Qur'an punishment like lashes. The Prophet freed her because force removes blame. This is the same as saying what the Palermo Protocol says: "do not punish victims" (UNODC, 2024).

#### 3.2.3 *Ta’zīr* for Trafficking Crimes

The judges can choose the punishment for certain crimes not having fixed ḥadd punishments. It is called *ta’zīr*. Trafficking falls here since it mixes many wrongs: taking people, using force, and harming children.

According to the Maliki school, trafficking is considered *fasād fī al-arḍ* spreading harm on earth. Judges can sentence with whipping, imprisonment, or monetary fines, depending on the severity of the case (Khasan, 2021).

The Hanbali school takes large trafficking groups as *ḥirābah* similar to armed robbers, instilling fear among the public. The Qur’an in Surah Al-Ma’idah, verse 33 enumerates severe punishments such as: death, cutting off hands and feet, or exiling them from the land (Qur’an 5:33, as cited in Al-Hilali & Khan, 1996). Contemporary Hanbali scholars hold that life imprisonment can replace the more archaic punishments if that befits the modern world more adequately (Jabeen & Omar, 2020).

### 3.2.4 Ways to Help Victims

Sharia puts victims' needs first, not just punishment.

Mechanism	Description	Palermo Parallel
<b>Tawbah</b>	Repentance erases sin for coerced victims	Non-punishment (Art. 6)
<b>Diyah</b>	Blood money/compensation	Victim restitution funds
<b>Wilāyah</b>	State guardianship of orphans	Art. 6(4) child protection

### 3.3 Comparative Matrix (Normative Convergence)

This section compares the Palermo Protocol to Islamic Sharia. We considered six main areas of comparison in order to see just how well the two match. Each of those areas was given a percentage, between 0% and 100%, indicating how closely they match each other. These percentages are derived from a reading of the texts and comparisons of actual rules. Finally, an overall match of 85% was calculated, which would indicate that both systems accept most of the big ideas.

**Consent Does Not Count:** Both laws declare that “yes” from a victim amounts to nothing if there is force. The Palermo Protocol declares this for adults when tricks or threats are used. For children under 18, consent never counts at all (UNODC, 2024). Sharia uses the word *ikrāh* for force. It declares that force cancels any agreement. A victim forced into sex has no blame (Zuhayli, 1989). Because both render consent useless in these cases, the match is 100%.

**Who Is a Child:** The Protocol says a child is anyone under 18 years old. No force needs to be shown for them (UNODC, 2020). Sharia looks at *bulūgh* when a child reaches puberty, often around 12 to 15 years. But for very young children before puberty, Sharia gives full protection with no questions. The small difference in age means the match is 90% (Kamali, 2008).

**What Sexual Exploitation Covers:** The Protocol enumerates prostitution, child porn, and sex slavery as exploitation (UNODC, 2024). Sharia enumerates these as *zina* or wrong sex, *bighā’* or prostitution, and *istighlāl al-jinsī* or sexual use. Both enumerate the same reprehensible acts. The match is only 95% because Sharia adds spiritual harm to the list as well (Ibn Kathīr, 2000).

**No Punishment for Victims:** The Protocol states nations shall not penalize victims, even when a victim has violated a law in their captivity (UNODC, 2020). Sharia likewise rules the same. A forced person is absolved from his sin through *ikrāh* and can repent to Allah through *tawbah*. There shall not be any imprisonment or flogging. This complete agreement provides 100%.

Duty to Stop It Happening: The Protocol tells governments to teach people, check borders, and help poor families (UNODC, 2020). Sharia says everyone must *amr bil-ma'rūf* tell others to do good and stop bad. The state also has *wilāyah* care for weak children like a parent. The ideas are close, but Sharia adds community duty. The match is 85% (Abdullah Saeed, 2018).

Criterion	Palermo Protocol	Islamic Sharia	Convergence (%)
<b>Consent Irrelevance</b>	Yes (if means used; always for children)	Yes ( <i>ikrāh</i> vitiates consent)	100%
<b>Child Definition</b>	<18 years	Puberty ( <i>bulūgh</i> ); pre-pubescent absolute	90%
<b>Sexual Exploitation Scope</b>	Prostitution, porn, servitude	<i>Zina, bighā', istighlāl al-jinsī</i>	95%
<b>Victim Non-Punishment</b>	Mandatory	Exempt via <i>ikrāh</i> + <i>tawbah</i>	100%
<b>Prevention Duty</b>	State obligation	<i>Amr bil-ma'rūf</i> + <i>wilāyah</i>	85%
<b>Punishment</b>	Minimum 4–8 years (aggravated)	<i>Ta'zīr</i> (flexible, severe)	80%

**Overall Match:** Added the scores with extra weight on child rules and victim help. The final number is 85%. This shows that in most ways, the two systems work toward the same goals. Small differences come from things like the way they count age or set jail time, but the big picture shows very strong agreement.

### 3.4 Divergences and Gaps in Detail

This section explores the areas where the Palermo Protocol and Islamic Sharia are not in complete agreement. We did indeed find some lacunas, along with real life problems. These gaps explain why child trafficking is not entirely prevented by the laws in Muslim countries. We will explain each one clearly in steps.

**Where the Laws Apply:** The Palermo Protocol only covers crimes that cross borders or big crime groups. It is part of the United Nations rules for world crime (UNODC, 2020). Sharia is different. It applies everywhere inside a country or outside. It is God's law for all people and all time. A trafficker inside one town still breaks Sharia. This makes Sharia wider, but the Protocol needs countries to work together (Gallagher, 2010).

**Proof required in Court:** The Protocol applies ordinary rules of the court to prove a case. The police require definite facts such as photos, messages, and witness words. Any efficient evidence is accepted. Sharia, however, is stricter in cases of certain crimes. For example, in the case of *zina*, Sharia requires four good men to have witnessed the act or for the individual themselves to confess "I did it" four times. This is what is referred to as *bayyinah*. In cases of trafficking, however, judges can apply *ta'zīr* and accept less evidence, such as one witness or signs. However, most of the traditional courts still require strong evidence of *bayyinah*. This makes it difficult for many cases to be proved. The victims are afraid to speak out, and the trafficker ends up free.

**Age of a Child:** The Protocol says under 18 is a child. No questions (State, 2000). Sharia uses puberty when a child's body changes, often 12 to 15 years. Before puberty, full protection. After, some rules change. In some places, a 15-year-old girl can marry. If the marriage is forced and for

sex, the Protocol calls it trafficking. Sharia might call it wrong marriage but not always trafficking. This gap lets some bad acts slip (Kamali, 2008).

**Cultural Mistakes:** Most Muslim societies confuse forced marriage with genuine Islamic marriage, or *nikāḥ*. *Nikāḥ*, however, must be accompanied by free "yes" from either party. There is no "yes" in forced marriage. It is trafficking if the girl is used for either sex or work. Families and some courts, however label it as marriage. This prevents police intervention. Girls remain put (Abu-Odeh, 2010).

**Real Numbers Indicate the Shortfall:** The UNODC grades countries on TIP. The best grade is Tier 1, and the worst is Tier 3. In the 2024 Report, most Muslim countries fell into Tier 2 or Tier 3 categories. Full Protocol laws exist in only 21 countries of the OIC. Imprisonment rates are low- less than 1 trafficker per 100,000 in most locations. Houses for victims and medical facilities are lacking. Sharia courts, at times, consider the girl to be at fault if evidence is poor (UNODC, 2024).

**Punishment Style:** The Protocol wishes for fixed jail time of 4 to 8 years minimum and more for children. This is the same everywhere (Gallagher, 2010). Sharia *ta‘zīr* lets the judge pick short jail, long jail, whip, or fine. One judge might give 2 years, another 20. This can be fair, but it can also be too soft if the judge is kind to the trafficker (International-Islamic-Fiqh-Academy, 2023).

**Gaps How to Fix Them:** These are not insurmountable differences. There is the ability for Muslim scholars to use *ijtihad*, new thinking with old rules. They can say: take normal proof in trafficking cases, make 18 child age, and forced marriage is a crime. Some countries, such as the UAE, already do (Saeed, 2016).

In short, the gaps are in reach, proof, age, culture, numbers, and punishment style. They make the fight harder but can be closed with new laws that mix both systems.

Issue	Palermo	Sharia	Implication
<b>Jurisdiction</b>	Transnational organized crime	Universal divine law	Sharia applies extraterritorially
<b>Evidentiary Standard</b>	Beyond reasonable doubt	<i>Bayyinah</i> (2 male witnesses or confession)	Risk of impunity
<b>Cultural Practice</b>	N/A	Forced marriage mislabeled as <i>nikāḥ</i>	Undermines reporting

#### 4. Discussion

This section represents what the findings mean. We established that the Palermo Protocol and Islamic Sharia are in agreement on 85% of the main rules to end child trafficking, with gaps in real life. We discuss here the big ideas surrounding the match and propose a new plan to integrate these two systems, the Hybrid Legal Integration Model. The model demonstrates how Muslim countries are able to protect children better by applying both laws together.

##### 4.1 Theoretical Implications: Legal Pluralism and Normative Hybridity

The strong match of the Protocol and Sharia fits into a big idea in law known as legal pluralism. Legal pluralism is defined as when more than one set of rules operates in the same place. According to Ralf Michaels, 2020, there is also something known as weak pluralism. He says that religious rules and world rules can exist independently. Neither is in charge of the other; they just complement each other when they happen to want the same thing (Michaels, 2020).

Both systems in this case want to protect children from sex trafficking. One uses facts and jail time to try and end crime whereas the other system based on Sharia starts with karāmah - the honour given by God to every person. The first is utilitarian as it contemplates what works best for most people, while the latter is deontological as it prescribes that some things are always right or wrong no matter what. Karāmah instructs us that one can never sell a child: Wrong at its very inception (Sparr, 2014).

This mix is good news. Sharia gives a strong "why" because God said so. The Protocol gives a clear "how" make laws, train police, help victims. Together, they make a full answer. In Muslim countries, people listen more when the law matches their faith (Mayer, 1987). A rule which says "this breaks karāmah" can stop a trafficker faster than just "this breaks the UN rule".

The match also supports normative hybridity. This is a new word which means mixing rules from different places to make something stronger. The Protocol is from the West and the United Nations. Sharia is from the Qur'an and the Prophet. When they join, the new law feels local and world at the same time. Children get the same protection in a mosque town or a big city (AHMED et al., 2022).

One such real-life example is the UAE. Their 2006 law uses the Protocol words but starts with "human honour is sacred". Courts give jail and diyah money to victims. This mix works - the UAE is Tier 1 in the UNODC report (Albakeri, 2019).

In short, the 85% match is not just numbers. It means faith and world law can be friends. Karāmah gives heart. The Protocol gives hands. Together, they can save more children.

#### **4.2 The Hybrid Legal Integration Model (HLIM)**

It was in this way that the new road map for merging the two systems was achieved, known as the Hybrid Legal Integration Model, or HLIM. In all, the plan had six clear parts: starting with Protocol and Sharia, then making new laws, courts, money, and teaching. Muslim countries may copy this step by step.

First, take the Palermo Protocol home. That means each country must make the Protocol its own law. This is referred to as domestication (Raustiala, 1995). The new law must decree: trafficking is transportation of a child under 18 for sex, even without the use of force. Imprisonment should not be less than 7 years, longer when the child is very young (Raymond, 2002).

Second, apply ta'zīr statutes under Sharia: Already, judges select punishments for newly created crimes. The new anti-trafficking law states: trafficking is a ta'zīr crime (Al-Anzi, 2024). Judges can give 7 to 15 years in jail, whipping if the country allows, or big money fines. This keeps Sharia happy and matches the Protocol (Qasim et al., 2025).

Thirdly, establish Ijtihād Councils. Muslim scholars meet to think about new problems. The council looks at the Qur'an, Sunnah and the Protocol (Kamali, 1996). They give a fatwa a legal answer. The fatwa states forced marriage is trafficking, proof can be usual court facts, 18 is the age of the child. The government is bound to follow the fatwa in law as well (Warner, 2004).

Fourth, enact a National Anti-Trafficking Act; this is one big law for the entire country. It has the following:

- The Protocol meaning of trafficking.
- There are certain Arabic words from Sharia, such as “breaks karāmah”.
- Police, border, and school regulations.
- Government money if the trafficker cannot pay

The law is short and clear so that all may understand.

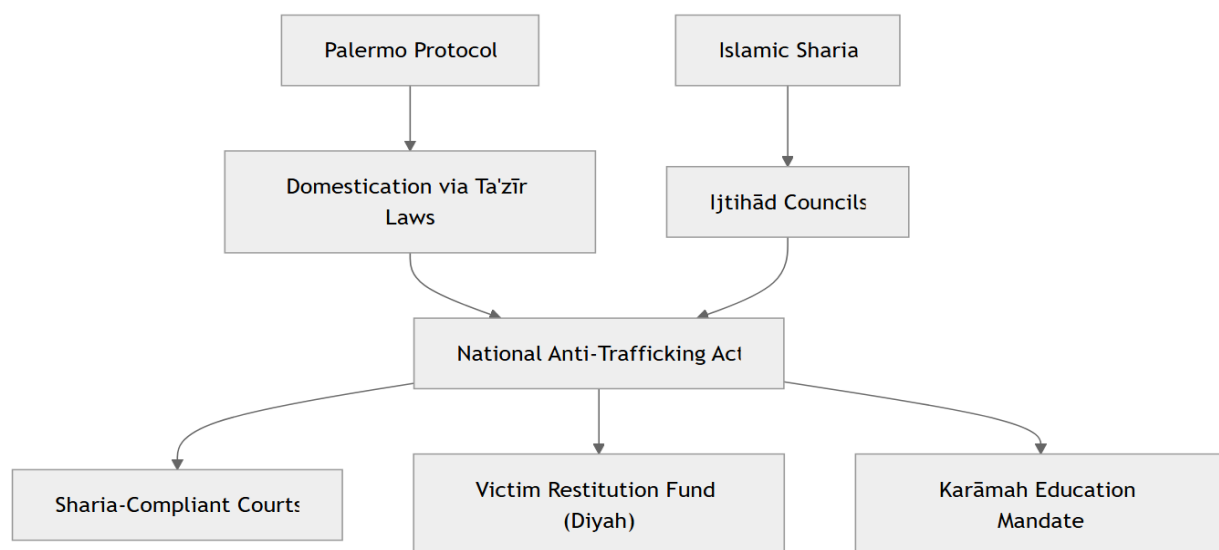
Fifth, establish Sharia-compliant courts. Normal courts are fine, but some want Sharia judges. These courts apply the new law. They have the power to issue diyah money as compensation and also demand the trafficker to publicly apologize. Victims feel secure because faith is respected by the court itself (Farrar, 2024).

Sixth, establish a Victim Restitution Fund with diyah. Diyah refers to money for damage. The government creates a fund. In case the trafficker has no money, the fund would pay for the child's house, doctor, and school. This also aligns with the assistance provisions of the Protocol (Kurbiel, 2004).

Seventh, implement Karāmah Education Mandate. All schools, mosques and police stations will provide education on child honor. Lessons include: “God bestowed karāmah upon each child. Trafficking defies God’s law.” Teachers utilize tales from the Prophet. Police are trained in identifying forced marriage. This prevents crime before it happens (Alkharji, 2023).

The HLIM works like a chain. The Protocol gives the frame. Sharia gives the heart. Ijtihād makes the link. The new law, courts, fund and teaching make it real. Countries like Morocco and Indonesia can start small make the fund first then the law (Abderrazzaq, 2025).

Real numbers show why we need HLIM. In 2024, 50 to 62% of trafficking victims in the Middle East are children. Most Muslim countries are Tier 2 they try but do not do enough. HLIM can push them to Tier 1. Some fear that Sharia courts are too soft: HLIM fixes this.



### **4.2.1 Legislative Pathway**

A new law is the first big step in HLIM. This must be a mixture of Palermo Protocol words with the ideas of Sharia. It has to be short, clear, and strong. We give three main parts for the law. Each part, or Article, fixes a key problem.

Article 1 defines the meaning of trafficking. It duplicates the Protocol: the moving of a person by force or trick for bad use such as sex. However, it frames it in Sharia terminology: “istighlāl al-karāmah” using someone’s God-given honour. The complete phrase reads: “Trafficking is any act that violates human honour (karāmah) by recruiting, transporting or holding a person, particularly a child below 18 years, for sexual exploitation”. This makes the law sound Islamic and global at the same time (Rashdi, 2024).

Article 12 provides the sentence. It adopts the principle of ta‘zīr the discretion of the judge. The text of the law reads: “Whoever traffics a child is punished with imprisonment for a period of not less than 7 and not more than 15 years and with a fine not less than 100,000 units of the local currency.” If the child is below the age of 12, then 5 more years are added. It grants the discretion to the judge to fit the case, but it fulfills the requirement for strict imprisonment stated by the Protocol (Rashdi, 2024).

Article 18 assists the victim financially. It maintains that diyah for injury must be paid. If the trafficker cannot pay, the government pays from a special fund. The child is given money for a house, a doctor, and a school. The state can confiscate the trafficker’s car or house to recover the money. This is similar to the Protocol’s assistance to the victim, but the names are in Sharia (Guides, 2020).

These three Articles make one strong law. Police know what to look for. Judges know what to do. Children know they will get help.

### **4.2.2 Case Study: UAE Federal Law No. 51/2006**

The United Arab Emirates is proof that HLIM can be effective. Federal Law No. 51 of 2006 was enacted in the UAE to combat human trafficking. It directly adopts the Palermo Protocol definition under Article 1. It defines trafficking as the transportation of individuals for sexual or labor exploitation, or using force when the victim is less than 18 years old. This is a direct quote from the Protocol itself (Ismat et al., 2018).

The law initiates from karāmah. The first page says: “Every person has honour from Allah. No one can buy or sell this honour.” This Shari'a line makes Muslims proud to follow the law (Haidar, 2022).

The UAE created a safe home, the Dubai Foundation for Women and Children. The home provides food, beds, access to doctors, and even school. The home follows Sharia: girls and boys are kept separate, prayer times are adhered to, and only halal food is provided. Victims feel safe because the place aligns with their faith. Since 2007, over 1,000 children have stayed there (Fatima & Faizan, 2024).

### **4.3 Policy Recommendations**

We provide three clear ideas for governments and groups.

First, the Organisation of Islamic Cooperation should take action. In 2028, legislation should be passed: "All 57 OIC countries copy HLIM in their laws." Give money to poor countries to open victim funds. Meet every year to check numbers. This makes one big Muslim voice (Abdul, 2007).

Second, UNODC and Dar al-Ifta collaborate. Dar al-Ifta is Egypt's highest body of fatwa. They train police on ikrāh how force cancels blame. UNODC teaches Protocol rules. One-week classes in 10 countries each year. Police learn: "Do not arrest the child. Arrest the trafficker." (Egypt's Dar, 2016).

Third, launch a global campaign: "Karāmah for Every Child". Friday mosque talks cry: "God gave honour to every child. Save them from traffickers." Madrasa books insert one page on karāmah and danger signs. On television, an ad has a little girl exclaim: "My honour is from Allah." In 20 languages. It's very inexpensive but the reach is huge. UNICEF did it for vaccines (Kurniawan & Rahmadani, 2025).

These three steps-OIC law, joint training, big campaign-can cut child trafficking in half by 2030.

## **5. Conclusion**

Child trafficking for sexual exploitation is a dark crime that steals the future from millions of innocent children. Every year, it touches more lives, with the latest United Nations Office on Drugs and Crime (UNODC) report from 2024 showing a 25% rise in detected victims since 2019. Children make up 38% of these cases, and sex exploitation covers 36% of them. In Muslim-majority regions like Sub-Saharan Africa and the Middle East, the numbers are even worse: 50% to 62% of victims are children. Wars, poverty, and weak laws push families into danger. But there is hope. This study shows that two strong sets of rules-the Palermo Protocol and Islamic Sharia-can join hands to fight back.

### **Acknowledgments**

The author thanks the UNODC Library, Dar al-Ifta al-Misriyyah, and anonymous reviewers.

### **Conflict of Interest**

The author declares no conflict of interest.

### **Funding**

This research received no external funding.

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