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Human Rights Framework and Victim Protection: A Rights-Based Approach to Protecting Victims of Human Trafficking, Violence, Discrimination, and Harassment

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Abstract. *Human trafficking, violence, discrimination, and harassment have become growing global concerns due to their profound impact on the enjoyment and protection of fundamental human rights. These forms of victimization not only threaten the safety and well-being of individuals but also undermine human dignity, equality, freedom, and access to justice. Although many states have developed legal and institutional mechanisms for victim protection, conventional approaches that primarily rely on welfare-based assistance and criminal justice responses often fail to provide comprehensive protection and effective recovery for victims. Consequently, there is an increasing need for a human rights-based approach that recognizes victims as rights-holders entitled to legal protection, participation, and remedies. This study aims to analyze victim protection through a human rights-based framework and to examine international human rights standards governing victim protection and access to justice. The research employs normative legal research using a statutory approach, a conceptual approach, and an international human rights approach. Relevant international legal instruments, scholarly literature, and human rights principles are analyzed to identify the normative foundations of victim protection. The findings demonstrate that victims of human trafficking, violence, discrimination, and harassment are legal subjects entitled to protection, participation, recovery, and effective remedies. States bear the obligation to respect, protect, and fulfil victims' rights through responsive legal frameworks, public policies, and institutional mechanisms. Furthermore, access to justice and effective remedies constitute essential components of a human rights-based victim protection system. This study proposes a Six-Pillar Human Rights-Based Victim Protection Framework that integrates prevention, protection, participation, access to justice, remedies and reparation, and accountability as a comprehensive and sustainable model for victim protection.*



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1. Introduction

The protection of victims has emerged as one of the most significant concerns in contemporary international human rights law. Over the past several decades, the international community has increasingly recognized that victims of human trafficking, gender-based violence, workplace harassment, and discrimination are not merely individuals who have suffered personal harm but are rights-holders whose fundamental human rights have been violated. This shift reflects a broader transformation in international law from a state-centered paradigm toward a human-centered approach that places the protection of human dignity, equality, and justice at the core of legal and policy frameworks (Shelton, 2015).¹

Despite remarkable developments in international human rights norms since the adoption of the Universal Declaration of Human Rights (UDHR) in 1948, various forms of victimization continue to affect millions of people worldwide. Globalization, technological advancement, labor migration, economic inequality, armed conflict, and political instability have generated new opportunities for development while simultaneously creating conditions that facilitate exploitation, abuse, and discrimination. Consequently, human trafficking, violence, harassment, and discriminatory practices remain persistent challenges that undermine the realization of fundamental human rights and sustainable development goals.

Human trafficking represents one of the most severe manifestations of contemporary human rights violations. The United Nations defines trafficking in persons as the recruitment, transportation, transfer, harboring, or receipt of persons through coercion, deception, abuse of power, or other forms of exploitation (United Nations, 2000)². According to the *Global Estimates of Modern Slavery 2022*, approximately 49.6 million people worldwide were living in conditions of modern slavery, including forced labor and forced marriage (International Labour Organization [ILO]³, Walk Free Foundation, & International Organization for Migration [IOM], 2022). These figures demonstrate that, despite the formal abolition of slavery in international law, exploitative practices continue to evolve in increasingly sophisticated forms.

¹ Shelton, D. (2015). Remedies in International Human Rights Law.

² United Nations. (2000). Palermo Protocol, Art. 3.

³ ILO, Walk Free Foundation, & IOM. (2022). Global Estimates of Modern Slavery 2022.

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From a human rights perspective, human trafficking constitutes a multidimensional violation affecting numerous fundamental rights simultaneously. Victims are commonly deprived of their liberty, security, dignity, freedom of movement, labor rights, and bodily autonomy. Gallagher (2010) argues that trafficking in persons should be understood not only as a transnational crime but also as a profound violation of human rights requiring a victim-centered response. A criminal justice approach focusing exclusively on prosecution and punishment is insufficient if it fails to address victims' needs for protection, rehabilitation, compensation, and social reintegration.⁴

In addition to trafficking, gender-based violence remains one of the most widespread forms of victimization globally. According to the World Health Organization (2021), approximately one in three women worldwide experiences physical or sexual violence during her lifetime. Such prevalence indicates that violence against women is not an isolated phenomenon but rather a structural manifestation of gender inequality deeply embedded within social, cultural, economic, and political institutions⁵. Human rights scholars increasingly recognize that gender-based violence constitutes a form of discrimination that prevents women from fully enjoying their rights and freedoms on an equal basis with men (Edwards, 2011).⁶

The persistence of violence against women also demonstrates the limitations of formal legal equality. While many countries have adopted legislation prohibiting gender discrimination and violence, implementation gaps remain substantial. Women frequently encounter barriers in reporting violence, accessing legal remedies, obtaining protection orders, and receiving adequate support services. Consequently, international human rights bodies have emphasized that states possess positive obligations to prevent, investigate, prosecute, and remedy acts of violence, whether committed by state agents or private actors.

Another significant challenge concerns workplace harassment. Harassment in employment settings can take various forms, including sexual harassment, psychological abuse, bullying, intimidation, and discriminatory treatment. Such conduct not only affects the mental and physical well-being of victims but also undermines their right to work in conditions of dignity and equality. Cortina and Magley (2003) demonstrate that workplace harassment often results in psychological distress, decreased job satisfaction, diminished productivity, and long-term career disadvantages. These consequences reveal that workplace harassment is not merely an organizational issue but a human rights concern involving equality, dignity, and freedom from degrading treatment.⁷



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⁴ Gallagher, A. T. (2010). The International Law of Human Trafficking.

⁵ World Health Organization. (2021). Violence Against Women Prevalence Estimates.

⁶ Edwards, A. (2011). Violence against women under international human rights law.

⁷ Cortina, L. M., & Magley, V. J. (2003). Raising voice, risking retaliation.

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The rapid expansion of digital technologies has further transformed the landscape of victimization. Online harassment, cyberstalking, non-consensual dissemination of intimate images, and other forms of technology-facilitated abuse have become increasingly prevalent. Citron (2014) argues that digital harassment can have profound consequences for victims, including psychological trauma, social isolation, professional harm, and restrictions on participation in public life. The digital environment therefore presents new challenges for legal systems that were largely designed to address conventional forms of victimization.⁸

Discrimination remains another fundamental obstacle to the realization of human rights. International human rights law is founded upon the principle of non-discrimination, yet discriminatory practices continue to affect individuals on the basis of race, gender, ethnicity, religion, disability, sexual orientation, age, and migration status. Fredman (2011) explains that discrimination may occur both directly and indirectly, through laws, policies, institutional practices, or social structures that disproportionately disadvantage particular groups.⁹

Victims of discrimination frequently experience reduced access to education, employment, healthcare, housing, social protection, and justice mechanisms. Such exclusion reinforces cycles of marginalization and vulnerability, increasing exposure to other forms of abuse and exploitation. Consequently, discrimination must be understood not merely as unequal treatment but as a structural phenomenon that undermines substantive equality and social inclusion.

These various forms of victimization illustrate that victims constitute a particularly vulnerable category of rights-holders. Vulnerability does not arise solely from the harm inflicted by perpetrators but also from social, economic, institutional, and legal conditions that limit victims' capacity to protect their interests and access remedies. In this context, victims should be recognized as individuals entitled to protection, participation, assistance, and effective remedies under international human rights law (Van Boven, 2010).¹⁰

The human rights implications of victimization are extensive. First, victimization undermines human dignity, which serves as the foundational principle of international human rights law. Second, victimization threatens equality by disproportionately affecting marginalized and disadvantaged populations. Third, victimization frequently restricts individual freedom through coercion, intimidation, exploitation, or fear. Fourth, it compromises personal security and bodily integrity. Finally, victimization often creates significant barriers to justice, preventing victims from obtaining accountability and redress.

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Recognizing these challenges, the international community has increasingly emphasized victim-centered approaches within human rights frameworks. International organizations, treaty bodies, and human rights courts have stressed that victims must be placed at the center of protection efforts. This approach requires not only the prosecution of perpetrators but also comprehensive measures addressing prevention, protection, participation, rehabilitation, and reparation. Such developments reflect a broader transformation in international human rights law toward acknowledging victims as active rights-holders rather than passive recipients of assistance.

2. Research Methods

2.1. Type of Research

This study employs normative legal research as the primary methodological framework. Normative legal research examines law as a system of norms consisting of legal principles, doctrines, rules, and legal concepts that regulate human conduct and institutional relationships within a particular legal order.¹¹ Unlike empirical legal research, which focuses on the behavior of legal actors and the implementation of law in society, normative legal research concentrates on the analysis of legal norms, legal reasoning, and the consistency of legal principles in addressing specific legal issues.¹²

The selection of normative legal research is particularly appropriate for this study because the primary objective is to analyze the human rights framework governing victim protection under international law. The study focuses on legal standards concerning the protection of victims of human trafficking, violence, discrimination, and harassment as established in international human rights instruments. Accordingly, the research does not seek to measure the effectiveness of victim protection policies empirically; rather, it aims to examine the normative foundations, legal obligations, and conceptual framework underlying victim protection within international human rights law.

⁸ Danielle Keats Citron, *Hate Crimes in Cyberspace* (Cambridge, MA: Harvard University Press, 2014).

⁹ Sandra Fredman, *Discrimination Law* (2nd ed., Oxford University Press, 2011)

¹⁰ Van Boven, T. (2010). Victims' rights and remedies under international law. In *Studies in Human Rights*.

¹¹ Soekanto, S., & Mamudji, S. (2015). *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*.

¹² Marzuki, P. M. (2021). *Penelitian Hukum*.

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Through this approach, the study evaluates the legal obligations imposed upon states to respect, protect, and fulfill the rights of victims. Furthermore, normative legal research enables a systematic examination of international legal instruments and scholarly doctrines concerning access to justice, remedies, reparations, and state accountability for human rights violations.¹³

2.2. Approaches

To achieve a comprehensive understanding of victim protection within the human rights framework, this study employs four complementary legal approaches.

A. Statutory Approach

The statutory approach is utilized to examine international legal instruments that establish standards for victim protection and state obligations under international human rights law. This approach focuses on analyzing treaties, conventions, declarations, protocols, and other legal instruments that constitute the normative foundation of victim protection.¹⁴

Given that contemporary victim protection is largely regulated through international human rights treaties and related legal instruments, the statutory approach is essential for identifying the rights guaranteed to victims and the corresponding obligations imposed upon states. Through this approach, the study analyzes key international instruments, including the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), the Convention on the Rights of Persons with Disabilities (CRPD), the Palermo Protocol, and the United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation.

B. Conceptual Approach

The conceptual approach is employed to explore the theoretical and doctrinal foundations of victim protection within international human rights law. This approach examines legal concepts such as human dignity, equality, non-

¹³ McConville, M., & Chui, W. H. (2017). *Research Methods for Law*.

¹⁴ Ibid.

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discrimination, access to justice, victim-centered protection, state responsibility, and effective remedies.¹⁵

The conceptual approach is particularly important because victim protection has evolved significantly from welfare-oriented models toward rights-based frameworks. Consequently, understanding the conceptual development of victims' rights requires an examination of legal theories and scholarly interpretations that shape contemporary human rights discourse.

C. Human Rights Approach

The human rights approach serves as the central analytical framework of this study. Under this approach, victims are viewed as rights-holders entitled to protection, participation, remedies, and access to justice, while states are regarded as duty-bearers responsible for respecting, protecting, and fulfilling those rights.¹⁶

This perspective shifts the focus from discretionary welfare assistance to legally enforceable rights. Accordingly, victim protection is understood not merely as a humanitarian concern but as a legal obligation derived from international human rights law. The human rights approach further facilitates an examination of how international legal standards address the needs of victims and establish mechanisms for accountability and redress.

D. Comparative Approach

The comparative approach is utilized to identify similarities and differences among various international standards and legal frameworks governing victim protection. Comparative analysis enables the study to evaluate how different legal instruments conceptualize victim protection and to identify universal principles that may contribute to the development of a comprehensive human rights-based victim protection model.¹⁷

Through comparative examination, the study seeks to identify best practices and normative trends that may strengthen the protection of victims across different categories of victimization, including trafficking, violence, discrimination, and harassment.

¹⁵ Marzuki, P. M. (2021). Op.Cit.

¹⁶ Clapham, A. (2015). Human Rights: A Very Short Introduction.

¹⁷ Zweigert, K., & Kötz, H. (1998). An Introduction to Comparative Law.



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2.3. Legal Materials

This study employs primary, secondary, and tertiary legal materials.

A. Primary Legal Materials

Primary legal materials consist of authoritative legal sources that possess binding normative force and serve as the principal basis for legal analysis. The primary legal materials used in this study include:

1. Universal Declaration of Human Rights (1948);
2. International Covenant on Civil and Political Rights (1966);
3. International Covenant on Economic, Social and Cultural Rights (1966);
4. Convention on the Elimination of All Forms of Discrimination against Women (1979);
5. Convention on the Rights of the Child (1989);
6. Convention on the Rights of Persons with Disabilities (2006);
7. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) (2000);
8. United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation (2005).

These instruments establish the international legal standards governing victim protection, access to justice, reparations, and state accountability for human rights violations.¹⁸

B. Secondary Legal Materials

Secondary legal materials consist of academic writings that explain, interpret, and critically analyze primary legal materials. These include peer-reviewed international journal articles indexed in Scopus, scholarly books, research reports,

¹⁸ United Nations General Assembly. (2005). Basic Principles and Guidelines on the Right to a Remedy and Reparation.

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legal commentaries, and academic publications relevant to human rights law, victimology, and international law.¹⁹

Particular attention is given to contemporary scholarly discussions concerning victims' rights, human trafficking, gender-based violence, discrimination, and access to justice. Secondary materials provide the doctrinal and theoretical foundation necessary for interpreting international legal standards and evaluating their implications for victim protection.

C. Tertiary Legal Materials

Tertiary legal materials are employed to facilitate understanding of legal terminology, concepts, and definitions used throughout the study. These materials include legal dictionaries, encyclopedias, international reports, and reference works relevant to human rights and victim protection.²⁰

2.4. Collection and Analysis of Legal Materials

A. Library Research

The collection of legal materials is conducted through library research. This method involves identifying, selecting, and reviewing relevant legal instruments, academic literature, scholarly publications, and international reports concerning victim protection within the framework of international human rights law.²¹

Library research enables a comprehensive examination of both primary and secondary legal sources while ensuring the reliability and academic validity of the materials analyzed.

B. Qualitative Legal Analysis

The study employs qualitative legal analysis to examine the content, structure, and implications of legal norms. Qualitative analysis facilitates a deeper understanding of legal principles and enables the researcher to interpret the relationship between legal norms and the broader objectives of victim protection.²²

¹⁹ Shelton, D. (2015). Remedies in International Human Rights Law.

²⁰ Garner, B. A. (2019). Black's Law Dictionary.

²¹ Hutchinson, T., & Duncan, N. (2012). Defining and describing what we do: Doctrinal legal research.

²² Cane, P., & Kritzer, H. M. (2010). The Oxford Handbook of Empirical Legal Research.



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Rather than relying on statistical measurement, qualitative legal analysis emphasizes interpretation, legal reasoning, and normative evaluation.

C. Systematic Interpretation

Systematic interpretation is utilized to examine legal provisions within the broader framework of international human rights law. Through this method, individual legal provisions are interpreted in relation to other relevant norms and principles in order to ensure coherence and consistency within the legal system.²³

This approach is particularly relevant because victim protection is regulated through multiple international instruments that must be interpreted as an integrated and mutually reinforcing framework.

D. Teleological Interpretation

In addition, this study employs teleological interpretation, which focuses on the objectives and purposes underlying legal norms. Teleological interpretation seeks to identify the social and humanitarian goals that international human rights instruments are intended to achieve, particularly the protection of human dignity, the prevention of victimization, and the promotion of effective remedies and justice for victims.²⁴

Through teleological interpretation, legal norms are analyzed not only according to their textual meaning but also in light of the broader values and objectives embedded within international human rights law.

3. Results and Discussion

3.1. Conceptualizing Victim Protection within Human Rights Law

Victim protection has emerged as one of the most significant developments in contemporary international human rights law. Historically, victims occupied a relatively marginal position within criminal justice systems, often serving merely as witnesses whose primary function was to facilitate the prosecution of offenders. Modern human rights law, however, has fundamentally transformed this perspective by recognizing victims as rights-holders entitled to protection, participation, remedies, and access to justice. This transformation reflects a

²³ Nowak, M. (2019). Introduction to the International Human Rights Regime.

²⁴ Clapham, A. (2015). Human Rights: A Very Short Introduction.

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broader shift from offender-centered justice toward victim-centered justice, emphasizing the restoration of victims' rights and dignity rather than focusing exclusively on punishment.²⁵

The international legal definition of victims is articulated in the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* adopted by the United Nations General Assembly in 1985. According to the Declaration, victims are persons who, individually or collectively, have suffered physical, mental, emotional, economic, or fundamental rights-related harm as a result of acts or omissions that violate criminal laws or internationally recognized human rights standards.²⁶ This definition demonstrates that victimization extends beyond physical injury and encompasses broader forms of harm affecting an individual's well-being, social status, economic security, and legal rights.

Within the framework of international human rights law, victims may be categorized into several groups, each requiring specific forms of protection. The first category consists of victims of human trafficking, who are subjected to exploitation through recruitment, transportation, transfer, harboring, or receipt by means of coercion, deception, abuse of power, or vulnerability.²⁷ Human trafficking victims frequently experience violations of liberty, security, labor rights, bodily autonomy, and human dignity.

The second category includes victims of violence, encompassing physical, psychological, sexual, and economic violence. Particular attention has been devoted to gender-based violence due to its widespread prevalence and its connection to structural discrimination against women.²⁸ The third category consists of victims of discrimination, who experience unequal treatment based on race, ethnicity, religion, gender, disability, migration status, or other protected characteristics. Such discrimination often restricts access to education, employment, healthcare, political participation, and justice.²⁹

The fourth category includes victims of harassment, such as workplace harassment, sexual harassment, psychological abuse, and technology-facilitated harassment. The rise of digital technologies has expanded opportunities for

²⁵ Van Boven, T. (2010). Victims' Rights and Remedies under International Law.

²⁶ United Nations. (1985). Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

²⁷ United Nations. (2000). Palermo Protocol.

²⁸ Edwards, A. (2011). Violence Against Women under International Human Rights Law.

²⁹ Fredman, S. (2011). Discrimination Law.

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victimization through cyber harassment, cyberstalking, and online abuse, generating significant psychological and social consequences.³⁰

The protection of all categories of victims is fundamentally grounded in the principle of human dignity. Human dignity constitutes the normative foundation of international human rights law and serves as the basis for recognizing every individual as possessing inherent worth. According to Nowak, the protection of human dignity is the ultimate objective of international human rights law because all human rights derive from the recognition of the intrinsic value of every human being.³¹ Victim protection therefore seeks not only to alleviate suffering but also to restore dignity that has been violated through acts of exploitation, violence, discrimination, or abuse.

Closely related to human dignity is the principle of non-discrimination. This principle requires states to ensure equal protection and equal enjoyment of rights without distinction based on race, religion, sex, disability, nationality, or other status. Fredman argues that non-discrimination must be understood substantively rather than merely formally, requiring states to address structural inequalities and systemic barriers that disadvantage particular groups.³² Consequently, victim protection must recognize that certain populations, including women, children, migrants, ethnic minorities, and persons with disabilities, may require additional safeguards to achieve substantive equality.

The principle of equality before the law further reinforces victim protection by requiring equal access to legal institutions, judicial remedies, and procedural guarantees. In practice, equality before the law necessitates measures ensuring that vulnerable victims can effectively participate in legal proceedings and access available remedies.³³

Another central component of victim protection is the principle of effective remedy. Shelton emphasizes that rights become meaningless if victims are unable to obtain practical and effective remedies when violations occur.³⁴ Effective remedies encompass access to courts, restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. Consequently, victim protection within international human rights law extends beyond criminal accountability and

³⁰ Citron, D. K. (2014). Hate Crimes in Cyberspace.

³¹ Nowak, M. (2019). Introduction to the International Human Rights Regime.

³² Fredman, S. (2011). Log.Cit.

³³ Smith, R. K. M. (2022). Textbook on International Human Rights.

³⁴ Shelton, D. (2015). Op.Cit.

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encompasses broader mechanisms aimed at restoring victims' rights and facilitating recovery.

Collectively, the principles of human dignity, non-discrimination, equality before the law, access to justice, and effective remedy constitute the theoretical foundation of victim protection under international human rights law. These principles establish victims as rights-holders whose protection is an essential component of human rights governance.

3.2. International Human Rights Standards for Victim Protection

The protection of victims has become an integral component of the international human rights system. Various international instruments provide normative standards that define victims' rights and establish corresponding state obligations.

The foundational instrument is the *Universal Declaration of Human Rights* (UDHR) of 1948. Although the Declaration does not explicitly refer to victims, it recognizes rights directly relevant to victim protection, including human dignity, equality, security of person, and the right to an effective remedy before competent national tribunals.³⁵ These provisions constitute the normative basis upon which subsequent human rights treaties have been constructed.

The *International Covenant on Civil and Political Rights* (ICCPR) provides more specific protections relevant to victims. Article 7 prohibits torture and cruel, inhuman, or degrading treatment, while Article 8 prohibits slavery, servitude, and forced labor.³⁶ The Covenant further guarantees equality before the law, equal protection, and access to judicial remedies. These provisions are particularly significant for victims of trafficking, violence, and other serious human rights violations.

The *International Covenant on Economic, Social and Cultural Rights* (ICESCR) complements civil and political protections by recognizing rights essential to victim recovery and rehabilitation. These include the rights to health, social security, work, education, and an adequate standard of living.³⁷ Effective victim protection requires not only legal safeguards but also access to social and economic support systems that facilitate long-term recovery.

³⁵ United Nations. (1948). Universal Declaration of Human Rights.

³⁶ United Nations. (1966a). International Covenant on Civil and Political Rights.

³⁷ United Nations. (1966b). International Covenant on Economic, Social and Cultural Rights.

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The *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) establishes a specialized framework for protecting women from discrimination and gender-based violence. Through General Recommendation No. 35, the CEDAW Committee recognizes gender-based violence as a form of discrimination that impairs women's enjoyment of human rights and fundamental freedoms.³⁸ This victim-centered approach obliges states to prevent, investigate, punish, and remedy acts of violence against women.

The *Convention on the Rights of the Child* (CRC) provides comprehensive protections for child victims of abuse, exploitation, trafficking, and neglect. The Convention emphasizes that the best interests of the child must be a primary consideration in all actions affecting children.³⁹ This principle requires child-sensitive approaches to victim identification, protection, participation, and rehabilitation.

Similarly, the *Convention on the Rights of Persons with Disabilities* (CRPD) recognizes that persons with disabilities face heightened risks of violence, exploitation, and abuse. The Convention requires states to adopt measures ensuring accessibility, protection, and equal access to justice for persons with disabilities.⁴⁰

Particularly important in the context of human trafficking is the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (Palermo Protocol). While originally adopted as a supplement to the United Nations Convention against Transnational Organized Crime, the Protocol incorporates significant victim protection provisions. These include victim identification, privacy protection, physical and psychological recovery, social reintegration, and access to legal proceedings.⁴¹

Together, these instruments establish a comprehensive international framework for victim protection. They recognize that victimization may affect multiple dimensions of human rights and therefore require integrated responses that combine legal protection, social support, and access to justice.

3.3. State Obligations in Victim Protection

³⁸ Committee on the Elimination of Discrimination against Women. (2017). General Recommendation No. 35.

³⁹ United Nations. (1989). Convention on the Rights of the Child.

⁴⁰ United Nations. (2006). Convention on the Rights of Persons with Disabilities.

⁴¹ Gallagher, A. T. (2010). Op.Cit.

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The effectiveness of victim protection ultimately depends upon the fulfillment of state obligations under international human rights law. States are recognized as primary duty-bearers responsible for ensuring that individuals enjoy their human rights without discrimination or unjustified interference.⁴²

The first category of obligations is the duty to respect. This obligation requires states to refrain from directly violating human rights through their actions or policies. Governments and state agents must not engage in trafficking, torture, arbitrary detention, discrimination, or other forms of abuse that create victims.⁴³

The second category is the duty to protect. This obligation requires states to safeguard individuals against human rights violations committed by private actors, including corporations, criminal organizations, employers, and individuals. In the context of human trafficking, for example, states must enact legislation, establish enforcement mechanisms, and investigate offenses in order to protect potential victims.⁴⁴

The third category is the duty to fulfill. This obligation requires states to adopt positive measures that enable individuals to enjoy their rights effectively. Such measures may include victim assistance programs, rehabilitation services, legal aid, social protection schemes, and compensation mechanisms.⁴⁵

International human rights law further incorporates the doctrine of due diligence. Under this doctrine, states are required to exercise reasonable efforts to prevent, investigate, prosecute, punish, and remedy human rights violations. Failure to act with due diligence may result in state responsibility even when the original violation was committed by non-state actors.²² The landmark decision in *Velásquez Rodríguez v. Honduras* established that states may incur international responsibility not only for direct violations but also for failing to prevent or respond adequately to abuses committed by private individuals.⁴⁶

The development of positive obligations further strengthens victim protection by requiring states to create conditions that facilitate the effective enjoyment of rights. Positive obligations may include legislative reforms, institutional

⁴² Clapham, A. (2015). Human Rights: A Very Short Introduction.

⁴³ Nowak, M. (2019). Op.Cit.

⁴⁴ Gallagher, A. T. (2010). Op.Cit.

⁴⁵ Shelton, D. (2015). Remedies in International Human Rights Law.

⁴⁶ *Velásquez Rodríguez v. Honduras*, Inter-American Court of Human Rights (1988).

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development, public awareness programs, specialized victim support services, and mechanisms for monitoring compliance with human rights standards.⁴⁷

To ensure compliance, international human rights law has developed multiple accountability mechanisms. These include United Nations treaty bodies, special procedures of the Human Rights Council, regional human rights courts, national human rights institutions, and reporting mechanisms. Such mechanisms provide avenues through which victims and civil society organizations may challenge state failures and seek accountability.⁴⁸

Accordingly, state responsibility for victim protection extends beyond non-interference and encompasses active measures aimed at preventing victimization, protecting vulnerable populations, facilitating access to justice, and ensuring effective remedies. The framework of respect, protection, fulfillment, due diligence, and accountability forms the legal foundation of contemporary victim protection under international human rights law.

4. Conclusion

In the author's view, existing victim protection frameworks within international and domestic legal systems remain largely fragmented and sector-specific. Victims of human trafficking, violence, discrimination, and harassment are frequently addressed through separate legal regimes, institutional mechanisms, and policy responses. While these approaches have contributed significantly to victim protection, they often fail to provide a comprehensive understanding of victimization as a broader human rights issue. In practice, victims from different categories frequently encounter similar challenges, including violations of human dignity, barriers to justice, inadequate protection measures, limited access to remedies, and insufficient accountability mechanisms. Based on these observations, this study proposes a new conceptual model entitled the Six-Pillar Human Rights-Based Victim Protection Framework. The model is founded on the premise that victim protection should be understood as an integrated human rights system that places victims at the center of legal and policy responses. Rather than focusing solely on post-violation interventions, the framework seeks to incorporate prevention, protection, participation, justice, recovery, and accountability into a single coherent structure.

⁴⁷ Smith, R. K. M. (2022). Textbook on International Human Rights.

⁴⁸ Nowak, M. (2019). Log.Cit.

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The first pillar is Prevention. The author argues that effective victim protection must begin with efforts to address the root causes of victimization, including poverty, social inequality, discrimination, gender-based exclusion, lack of education, and limited legal awareness. Prevention should not be viewed merely as a supplementary policy objective but as a fundamental component of human rights protection. By reducing structural vulnerabilities, societies can significantly decrease the risk of trafficking, violence, harassment, and other forms of victimization. The second pillar is Protection. States have a responsibility to ensure comprehensive protection for victims from the moment they are identified until their recovery and reintegration are achieved. Protection should encompass physical safety, psychological support, legal assistance, social services, and economic empowerment. A victim-centered protection system must recognize that different victims have different needs and vulnerabilities, requiring tailored and responsive interventions. The third pillar is Participation. The author contends that victims should no longer be treated as passive objects within legal processes. Instead, they should be recognized as rights-holders who have the ability to express their views, contribute to decision-making processes, and actively participate in proceedings that affect their rights and interests. Meaningful participation reflects respect for individual autonomy, dignity, and self-determination. The fourth pillar is Access to Justice. Every victim should have effective access to legal mechanisms, legal aid services, complaint procedures, witness protection measures, and fair judicial processes. Access to justice serves as the bridge between the formal recognition of rights and the practical realization of those rights. Without effective access to justice, victim protection remains incomplete and largely symbolic. The fifth pillar is Remedies and Reparation. The author emphasizes that the ultimate objective of victim protection is not solely the punishment of perpetrators but also the restoration of victims' rights and well-being. Accordingly, victims should have access to comprehensive remedies, including restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. Effective reparation contributes not only to individual recovery but also to the restoration of dignity and social trust. The sixth pillar is Accountability. Victim protection cannot function effectively without clear mechanisms of responsibility for both state and non-state actors. Accountability requires investigation, prosecution, institutional oversight, monitoring systems, and legal consequences for violations. It also serves as a preventive mechanism by discouraging future abuses and promoting compliance with human rights standards. Through these six interconnected pillars, the author argues that victim protection should be understood as a holistic system that extends from prevention to accountability. The proposed framework offers a more comprehensive approach than traditional protection models because it integrates human rights principles, access to justice, victim recovery, and state responsibility within a single

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conceptual structure. Consequently, the Six-Pillar Human Rights-Based Victim Protection Framework may serve as a new theoretical foundation for legal reform, policy development, and the implementation of victim-centered protection systems at both national and international levels. It seeks to advance a more inclusive, rights-based, and sustainable model of victim protection capable of responding to the complex realities of contemporary victimization.

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