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Review paper human trafficking - A global crisis

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Abstract

Human Trafficking is a complex and multidimensional phenomenon and requires multidisciplinary approach. Any analysis of the root causes of human trafficking must take into account factors that are specific to India, its socio-economic conditions and its Poverty levels Human trafficking is a violation of human rights and any strategy to eliminate trafficking should be framed within a human-rights perspective by placing the victim at the centre. Human trafficking is a booming international trade, making billions of dollars at the expense of millions of victims, many of them are young girls and children, who are robbed of their dignity and freedom. Although most of us have never witnessed this crime, it happens every day all around the world. Criminals profit while satisfying consumer demand. Victims are coerced to do what others would never freely do and they are paid virtually nothing for their pains. In a perverse commercialization of humanity, they are used like products and then thrown away. Gender discrimination further aggravates human trafficking.

Keywords: Human trafficking, protection, health

Introduction

Human trafficking has received increasing global attention over the past decade. Initially, trafficking of women and girls for forced sex work and, to a lesser extent, domestic servitude, were the sole focus of advocacy and assistance. Today, there is recognition that women, children and men are trafficked into many different forms of labor, and for sexual exploitation. Human trafficking is the third largest organized crime after drugs and the arms trade across the globe. According to the definition of the United Nations – “trafficking is any activity leading to recruitment, transportation, harboring or receipt of persons, by means of threat or use of force or a position of vulnerability”. Close to 80% of the human trafficking across the world is done for sexual exploitation and the rest is for bonded labor and India is considered as the hub of this crime in Asia. As per the statistics of the government – in every eight minutes a child goes missing in our country. In 2011 about 35,000 children were reported missing and more than 11,000 out of these were from West Bengal. Further, it is assumed that only 30% of the total cases are reported, so the actual number is pretty high.

Human trafficking as defined by the UN- “the recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or service, slavery or practices similar to slavery, servitude or the removal of organs.

It is a really sad situation which India is facing. In almost every city there are certain parts filled with brothels. Human trafficking includes sexual exploitation, labour trafficking, etc. Nowadays even cross-border human trafficking is prevalent. India has a huge population and because of that and our dwindling economy many people live below the poverty line. The smugglers and traffickers promise them a better life- a ray of hope, jobs as domestic servants, in the film world or in factories. They can offer them money, pleasure trip invitations or false promises of marriage. The main targets are the people who lack job opportunities, who have been victim to regional imbalances or social discrimination, mentally disturbed, or the people who have growing deprivation and are from the marginalized communities or people caught in

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debt bondages or because their parents think that their children are burden and sell them off – in simple words- the poor, helpless people are the ones who are exploited the most. Human trafficking is one of the major problems in India. Till date no concrete study has been conducted so far to know the exact number of trafficked kids in India. The New York Times has reported on the widespread problem of human trafficking in India especially in the state of Jharkhand. Also in the report it is stated that young girls are trafficked from neighboring Nepal to India. In another article published in The Times of India – Karnataka is the third state in India for human trafficking. Other South Indian states are also the most sought after destinations for human trafficking. Every year more than 300 such cases are reported in each of the four south Indian states. Whereas West Bengal and Bihar, on an average have 100 such cases each year. As per the data, more than half of the human trafficking cases are from these states. According to the latest report on human trafficking by the United Nations Office on Drugs and Crime reveals that Tamil Nadu has 528 such cases of human trafficking in 2012. The number is really high and more than any other state except for West Bengal (549). As per the data from Home Ministry, 1379 cases of human trafficking were reported from Karnataka in the period of four years, in Tamil Nadu the number is 2,244 whereas Andhra Pradesh has 2,157 cases of human trafficking. Recently 300 bonded labourers in Bangalore have been rescued. According to an article in Firstpost, Delhi is the hub of human trafficking trade in India and half of the world's slaves live in India. Delhi is the hotspot for illegal trade of young girls for domestic labour, forced marriage and prostitution. Delhi is also the transit point for human trafficking.

Trafficking in Indian Context

India is a source, transit and destination country for thousands of men, women and children. It receives women and children from Nepal and Bangladesh. It also sends women and children to Middle Eastern countries daily of the 74 million south Asian women reported as missing, 20 million are said to be working in Indian brothels. An estimated 25 percent of women trafficked to India are under 18 years of age. In addition, there are several indications of internal trafficking. Internal trafficking of women, men and children for purposes of sexual exploitation, domestic servitude, bonded labour, and indentured servitude is widespread. Internal trafficking of women and girls from rural areas to cities for purpose of sexual exploitation and labor is also noticeable (A Human Rights Report on Trafficking of Persons, Especially Women and Children).

Trafficking from neighbouring countries accounts for only 10 per cent of the coerced migration in India, with approximately 2.17 per cent from Bangladesh and 2.6 per cent being from Nepal. The share of interstate trafficking is estimated at 89 per cent (ADB 2002) ^[1]. Studies by Rozario (1988) ^[7], CSWB (1996) ^[2], Mukherjee (1997) ^[5], Ganthia (1999), Haq (2001) ^[3] and SAP (2001) ^[9] provide details about the internal trafficking routes in India and about Commercial Sexual Exploitation centres. These studies also identify geographical belts of exploitation, like for instance, the pink triangle between Agra, Jaipur, and Delhi. Andhra Pradesh, Bihar, Karnataka, Madhya Pradesh, Rajasthan, West Bengal, Uttar Pradesh and Maharashtra appear to be the main states from where trafficked persons are sourced, with the metro cities being the most frequent destination points. About trafficking

in northern India, a report prepared by Shakti Vahini (an NGO) reveals that every year, thousands of young women and girls in northern India are lured or sold for involuntary marriage. They are bartered at prices that vary depending on their age, beauty and virginity, and exploited under conditions that amounts to a modern form of slavery. Though as per the findings and from locally available information there are about 5-10 thousand women forced into marriage by coercion or trade in Rewari and Faridabad district alone in Haryana and about 4-5 thousand women in Mansa district of Punjab alone, the clandestine character of trafficking makes it very difficult to establish definite figures as many trafficked women and girls are kept in captivity, bonded like condition and sexual slavery (Shakti Vahini, 2003). The report further reiterates that Assam, Jharkhand, West Bengal, Orissa, Bihar, Madhya Pradesh, Uttar Pradesh & Himachal Pradesh are prime supply zones from where the trafficking in guise of migration for coerced or forceful marriage, domestic servants and agricultural labour is taking place.

Why Trafficking of Women and Children?

There are many supply side reasons for trafficking. The first reason is poverty. The primary reason for the increase in trafficking into the global menace it has become is the breakdown of traditional livelihood options. Industrialization and globalization has destroyed the viability of traditional livelihood especially in rural areas. The erosion of livelihood in the source areas and the availability of better livelihood opportunities in other areas initiate migration of poor people towards high-income areas. People migrate all the time for various reasons from personal and professional development, usually middle class professionals to semiskilled, unskilled and low skilled workers. However, the chances of migration turning into trafficking are higher for those who are at the bottom level in terms of skills, who also happens to be poor.

The available literature also emphasizes the fact that trafficking occurs in the context of increased instances of human rights violations against women. These include the violation of women's reproductive rights, right of female infants and fetuses to life, domestic violence against women, custodial violence and the violation of women's rights to decision-making, land assets and other resources (Sanghera 1999; Karmakar, 2001; Raymond *et al.*, 2002) ^[10, 4, 8]. Early marriage, lack of choice regarding a marriage partner and the socialization of women into persons who remain servile and bear injustice silently are other factors that render women more vulnerable (ADB, 2002; 42) ^[11].

While analyzing the reasons as to why trafficking occurs, Alison Phinney (2001) ^[6] rightly puts forward the notion of the trafficking triangle, which refers to the space created by the demand, supply and impunity with which trafficking occurs. According to her, 'trafficking is driven by demand for women's and children's bodies in the sex industry, fuelled by supply of women who are denied equal rights and opportunities for education and economic advancement and perpetuated by traffickers who are able to exploit human misfortune with near impunity' (Phinney, 2001) ^[6]. Insufficient or inadequate laws, poor enforcement, ineffective penalties, minimal chances of prosecution, the relatively low risks involved, corruption and complacency, invisibility of the issue, the failure of governments to implement policies and provide adequate services for victims- all play a role in perpetuating trafficking (Phinney, 2001; UNDP, 2002) ^[6].

Health Consequences of Trafficking

Sexual assault is a traumatic event with physical and emotional effects on the victim. Sexual assault is any sexual activity between two or more people in which one person is involved against his or her will. The sexual activity involved in an assault can include many different experiences. Women can be the victims of unwanted touching, grabbing, oral sex, anal sex, sexual penetration with an object, and/or sexual intercourse. Trafficking victims are often made to participate in sexual activities through, for example, pressure from someone with authority over them, bribery or manipulation, or impairment from alcohol or drugs. After experiencing sexual assault, a woman may experience a range of physical consequences and emotional reactions, including severe stress and depression. More information on reactions women have to sexual assault can be found in the section entitled Sexual Assault. Women who work in the commercial sex trade are vulnerable to sexual and reproductive health complications, including sexually transmitted diseases (STDs) (most notably HIV/AIDS) and other gynecological problems. Women who have been trafficked into the sex trade often may not have access to, or are not allowed to use, condoms or other methods of birth control, and may only have irregular gynecological examinations. Such women face the risk of unwanted pregnancies and miscarriages. Women who work as prostitutes experience high rates of abortion, sterilization and infertility.

Protection

India's efforts to protect victims of trafficking varies from state to state, but remains inadequate in many places. Victims of bonded labour are entitled to ₹ 10,000 (\$185) from the central government for rehabilitation, but this programme is unevenly executed across the country. Government authorities do not proactively identify and rescue bonded labourers, so few victims receive this assistance. Although children trafficked for forced labour may be housed in government shelters and are entitled to ₹ 20,000 (\$370), the quality of many of these homes remains poor and the disbursement of rehabilitation funds is sporadic. Some states provide services to victims of bonded labour, but Non Governmental Organisations provide the majority of protection services to these victims.[citation needed] The central government does not provide protection services to Indian victims trafficked abroad for forced labour or commercial sexual exploitation. Indian diplomatic missions in destination countries may offer temporary shelter to nationals who have been trafficked; once repatriated, however, neither the central government nor most state governments offer any medical, psychological, legal, or reintegration assistance for these victims.

Section 8 of the ITPA permits the arrest of women in prostitution. Although statistics on arrests under Section 8 are not kept, the government and some NGOs report that, through sensitisation and training, police officers no longer use this provision of the law; it is unclear whether arrests of women in prostitution under Section 8 have actually decreased. Because most law enforcement authorities lack formal procedures to identify trafficking victims among women arrested for prostitution; some victims may be arrested and punished for acts committed as a result of being trafficked.

Some foreign victims trafficked to India are not subject to removal. Those who are subject to removal are not offered legal alternatives to removal to countries in which they may face hardship or retribution. NGOs report that some Bengali victims of commercial sexual exploitation are pushed back across the border without protection services. The government

also does not repatriate Nepali victims; NGOs primarily perform this function. Many victims decline to testify against their traffickers due to the length of proceedings and fear of retribution by traffickers. Ministry of Labour and Employment displays full-page advertisements against child labour in national newspapers at periodic intervals. The government has also instituted pre-departure information sessions for domestic workers migrating abroad on the risks of exploitation. These measures include distinguishing between 'Emigration Check Required' (ECR) and 'Emigration Check Not Required' (ECNR) passports. ECR passport holders must prove to government authorities that they shall not be exploited when travelling abroad, if they wish to do so. Most of the Indian workers pay large sums of money to agents who facilitate their emigration outside the official channels and willingly emigrate despite being aware of the conditions prevailing in those destinations. This is because of the fact that most of the destinations abroad pay better sums of money. Therefore, a dream of better future ahead often lures the people abroad and hence trafficking cannot entirely be prevented. India ratified the 2000 UN TIP Protocol 2011.

The Government of India launched an anti human trafficking web portal in February 2014 that they hope will be an effective way for interested parties to share information about this topic.

Conclusion

Paper tried to show that The human trafficking is a global issue today that needs the attention of everyone in order to eradicate it. In order to stop the human trafficking problem, governments including nongovernmental organizations need to collaborate and work together to identify victims and punish criminals. The foregoing analysis clearly points to the fact that trafficking has to be understood and addressed more as an exploitative process in a continuum of events and conditions, and not as a one-off, exploitative situation. What this means is that initiatives aimed at prevention or reduction of trafficking should deal not just with the actual act of trafficking, but recognize and address the causal factors, and more critically, the conditions and circumstances accompanying/preceding the act. Economic aspects like poverty, lack of opportunities, and breakdown of livelihood options are factors, which make people easily fall prey to the exploitation and trafficking. It is also important to deal with issues of gender, age, class and caste dimensions, which have very clear roles to play in defining vulnerabilities.

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