

# HUMAN TRAFFICKING: A MODERN TOOL OF HUMAN SLAVERY

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## **Abstract:**

Human beings are created by the nature with an inherent right of freedom, equality and dignity. But the this very law of nature is infringed by the people in the form of various crimes done against the human being and one such crime is Human trafficking. Human trafficking is just another name for modern-day slavery, wherein the numbers of peoples are involved in forced, coerced and deceived labor and sexual exploitation. The figures are very scary and increasing day. Almost 6, 00,000 to 8, 00,000 women and children are annually trafficked across national borders of the nation. The vulnerable group of children and women are drag into the trap of traffickers and they are not permitted to leave upon arrival at their destination. They are held over these places against their will through acts of physical violence or coercion and are forced to provide services to the traffickers themselves or to the people as said by these traffickers. The work or services may include anything from bonded or forced labor, begging or the commercialized sexual exploitation. Sometimes this arrangement may be structured as a work contract, but with no or low payment or if it is on terms and terms are highly exploitative. Sometimes the arrangement is structured as debt bondage, with the victim not being permitted or able to pay off the debt. The root cause of trafficking may vary from poverty or economic insecurity, structural inequality to culturally sanctioned practices.

In India human trafficking can be seen highly across the border areas on the Eastern side. On the eastern side India is chiefly bordered by Bangladesh and Nepal and this pave a route to the traffickers to reach their motive of trafficking. Every year large number of people crosses over to the Indian side from Nepal and Bangladesh. Uttarakhand, Assam and Meghalaya act as the chief entry points from this illegal immigration. The illegal immigration overlaps human trafficking in some cases especially in the case of women since sometimes women are forcibly pushed across the border either by offering them a bright career, good Job opportunity or sometimes they are drag off due to false friendship or love affairs.

Human trafficking is proved to be a modern form of slavery because it includes the most inhuman of practices which go against the very ideals of life of dignity of a free man as envisaged in the UN charter and various other legislations of the nation. It is also seen as a threat to the security and integrity of a country. Hence every feasible measure must be taken along the lines by successive governments to wipe out this menace from the face of this planet.

***Index Terms:* Human trafficking, child soldiers, sex trafficking, forced labor**

## **Introduction:**

Human trafficking is the third largest organized crime after drugs and the arms trade across the globe. The reasons for the increase in this global phenomenon are multiple, very complex and hence they are affecting rich and poor countries alike. Here India stands in no exception to this problem. Human trafficking is the trade of humans, most commonly for the purpose either related to slavery, forced labor, or commercial sexual exploitation, for the trafficker or for the others. This may also encompass providing a spouse in the context of forced marriage, or the extraction of organs or tissues i.e. organ transplantation, for surrogacy and ovary removal. Human trafficking can occur within a country or globally. Human trafficking is a crime against the person because of the violation of the victim's rights of movement through coercion and because of their commercial exploitation and against the nation too because this crime is affecting the very dignity of the said citizen of a nation. Human trafficking is the trade in people, and does not necessarily involve the actual movement of the person from one place to another.

According to United Nations' Palermo Protocol, *“Trafficking in persons can be defined as the recruitment, transportation, transfer, harboring 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 should include, at a minimum, the*

*exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organ*". Around 80% of the human trafficking across the world is done for sexual exploitation alone and the rest is for bonded labor and India is considered to be the hub of trafficking. In India, 90% of trafficking occurs domestically (intra-state or inter-state), and 10% occurs across national borders for various reasons also the country serves as a destination for persons trafficked from neighboring countries such as Nepal and Bangladesh, and as a transit country for individuals being trafficked to the Middle East and other parts of the world. In addition, India is a source country for individuals trafficked to Europe, the Middle East and North America. The majority of trafficked persons in India, including a number of people of either sex are trafficked for purposes of forced labor. Labor trafficking is the trafficking of a person by means of fraud, coercion or duress for the purpose of exploiting him or her for forced labor or services or slavery or practices similar to slavery, including involuntary servitude, peonage and debt bondage. Sex trafficking is also prevalent within the domain of India and predominantly affects women and girls of all age. Sex trafficking is the trafficking of a person by means of fraud, coercion or duress for the purpose of exploiting him or her for involuntary commercial sex acts, prostitution of that person or other forms of sexual exploitation. In 2016 about 20,000 children were reported missing and became the victim of trafficking. Further, it is assumed that only 30% of the total cases are reported, so the actual number is pretty high.

### **Human traffickers:**

Anyone can be a human trafficker there is no special characteristic of these persons. A trafficker can work independently, in a small criminal group, or in a large-scale organized crime network also. Frequently a trafficker is someone that the victim knows on a personal basis, such as a family member, friend, boyfriend or any known community member. Most traffickers have the same nationality as their victim. The United Nations Office on Drugs and Crime has found that in some part of the world women plays a more active role in human trafficking. This may be because former victims become perpetrators as a means of escaping their own enslavement, or because women are more successful recruiters, as they are more likely to be trusted and very often doubted by anyone.

### **Strategy used in human trafficking:**

Each case of human trafficking in itself is unique. The plan and strategy vary from case to case after seeing the class of persons or the circumstances. Traffickers use a variety of tactics to intimidate their victims, including:

- ❖ Physical violence, torture, and starvation of the victims
- ❖ Rape and other sexual abuse by the victims of family members.
- ❖ Psychological abuse, coercion, and blackmailing
- ❖ Victims are often drag into the trap of Drug addiction
- ❖ Threats of violence against their family or loved ones
- ❖ Confiscation of passports or other important document

### **Classification of Human Trafficking:**

Human trafficking can broadly be classified into following types:-

#### **Child Soldiers**

Child soldiering is a manifestation of human trafficking when it involves the unlawful employment or use of children – either through force, fraud, or coercion – as combatants or for labor or sexual exploitation by any armed force. Perpetrators may either be government forces, paramilitary organizations, or rebel groups. Many children are forcibly abducted to be used as combatants or to make work as porters, cooks, guards, servants, messengers, or spies. Young girls can be forced to marry or have sex with male combatants. Both male and female child soldiers are often sexually abused and are at high risk of contracting sexually transmitted diseases.

#### **Sex Trafficking**

When an adult is coerced, forced, or deceived into the sex trade – or maintained in the sex trade through coercion – that person is a victim of sex trafficking. Sex trafficking also can occur within debt bondage, as women and girls are forced to serve as prostitutes through the use of unlawful “debt” purportedly incurred through their transportation, recruitment, or even their crude “sale” – which exploiters insist they must pay off before they can be free. Sex trafficking in itself contains the Child sex trafficking,

which leads to the consequences of long-lasting physical and psychological trauma, disease (including HIV/AIDS), drug addiction, unwanted pregnancy, malnutrition, social ostracism, and possible death.

### **Forced Labor**

Forced labor is also known as involuntary servitude; forced labor may result when unscrupulous employers exploit workers and made them more vulnerable by high rates of unemployment, poverty, crime, discrimination, corruption, political conflict, or cultural acceptance of the practice. Female victims of forced or bonded labor, especially women and girls in domestic servitude, are often sexually exploited as well by the employers or other known of employer. A child can also be a victim of forced labor. It is a situation of a child in which the child appears to be in the custody of a non-family member who has the child perform work that financially benefits someone outside the child's family and does not offer the child the option of leaving.

### **Root causes of human trafficking in India:**

There are many factors which contribute to human trafficking in India. They include:

- **Poverty:** More than 42% of the Indian people are economically deprived. Traffickers took the advantage of this situation and often gave good Job opportunity offers to the people and latterly drag them into the trafficking. Other harsh reality is that parents never hesitate to sell out their daughters in lieu of some money and send their sons for forced labor.
- **Lack of education:** Many Indian villages do not have schools. The schools that do exist are in very poor condition. Parents who are willing to get their child educated often fall into the trap of vicious people who offered false promise of education to the parents as well as children and take them with themselves, promising for a better future ahead and these children never come back to their homes, as they are pushed into the trafficking.
- **Caste System:** India still functions with the caste system. The lower castes, which contain the majority of the population, have very less opportunity for advancement as compared to the higher castes. People of lower castes are vulnerable to all kinds of exploitation in Indian society. The upper castes intimidate, manipulate, and coerce lower caste girls/Women for sexual pleasure and slavery.
- **Gender -related Differences:** In Indian culture, boys are preferred over girls. Initially steps are taken so avoid the birth of baby Girl but if she dares to survive she is trafficked as housemaids so that they can bring the money for the family. After a couple of years, she will be sold into the brothels, and the family gets another girl born for the same purpose. This is a trend that occurs mainly in the northern part of India.
- **City Life Dreams:** For the village people, the city represents a dream of a better life. When traffickers offer their daughters a job in the city, the villagers happily send their girls as they hope that one day the rest of the family can move to the city and can lead a comfortable life, but they don't even know this mind set will lead them to complete darkness.
- **Poor awareness of Human Trafficking and Brothel Life:** The village people are illiterate. A trafficker, through persuasive promises, can easily mislead them. Most of the people are unaware of human trafficking and its connection to prostitution that takes place in brothels and other places in major cities. Unaware about these crimes they easily send their children's to the place as promised by the traffickers.
- **Dysfunctional Families:** Mental, physical, and emotional abuse of children is very common now days throughout Indian society. This abuse, as well as family poverty and neglect, often compel children to leave their homes. Most of them end up in the hands of traffickers.
- **Devadasi Tradition:** The devadasi system is still prevalent in some states in India, particularly in the south, including in Karnataka, Tamil Nadu, Andhra Pradesh, and Maharashtra. Daughters are dedicated to the Lord Shiva when they are very young for temple service. These young women are known as temple dancers. In the southern part of India, families offer their daughters to the goddess Yellamma. People believe that by doing so, they will bring prosperity and good luck in their lives and family. Once a girl is dedicated to the temple, the parents consider their daughter to be dead. These girls live inside the temple and become the slave of the lord. In the physical sense, the lord is the priest. Sexual abuse takes place by the priest, family members, and those who visit the temple. This sexual abuse takes place as early as eight years of age. After a couple of years of service to the temple, trafficking brokers take the girls to brothels and sell them. The brokers offer very handsome amount of money to priest. Many young people come into slavery through this said devadasi system.
- **High Market Demand for Minor Girls:** Worldwide there is a very high demand for minor girls in the sex trade. India is no different. Minor girls are easy targets for exploitation. They are afraid to speak out about the crimes that are committed against them as they are threatened by the traffickers, and they typically remain very obedient to the customers. Foreign tourists prefer minor girls for both their youthful appearances and their submissiveness to them. Young girls are very desirable for both brothel owners and customers.
- **Lack of Legal Convictions against the Traffickers:** A number of influential people are indulging in these human trafficking rackets. So it is very difficult to file a complaint against them, and if it is made then no action is taken to curb the whole racket. The voices of the victim family often remain unheard. Also the Indian court system is congested due to an increasingly crowded

docket. The heightened crime rate in Indian society has proven too much for the current judicial system to handle. Corruption has also crept into the judicial system. The writs of petition that come to the high court of India will often take eight to ten years to be heard.

### **Effects of Human Trafficking**

Women, who are sexually exploited, are forced to participate in sexual activity, which can result in long term physical injuries. Usually these women are not allowed to use any kind of contraception (condoms) or contraceptive Pills, and as a result of this, many women contract sexually transmitted diseases, or become pregnant. Infertility is also a major, physical effect that results in sexual exploitation.

According to the Department of Health and Human Services, the physical injuries associated with Sexual Exploitation are:

- Broken bones, concussions, burns
- Traumatic brain injury – perhaps resulting in memory loss
- Dizziness, headaches, and numbness
- Sexually transmitted diseases (Infections caused by unsanitary environments)
- Chronic cardiovascular or respiratory problems from toiling in dangerous agriculture, sweatshop or construction conditions
- Weak eyes and other eye problems from working in dimly lit sweatshops
- Malnourishment and serious dental problems. This is especially common in children.
- Infectious diseases
- Undetected or untreated diseases, such as diabetes or cancer;
- Bruises, scars and other signs of physical abuse and torture.
- Substance abuse

Not only do physical injuries occur in sexual exploitation but also same occur in forced labor. Victims that are forced to work in sweat shops, farms, houses or any other place usually are affected by a number of physical injuries. For example according to World Health Organization, those who are forced to work in the coco industry, usually end up with severe cuts or amputated limbs. “The risks can include poor ventilation and sanitation; extended hours; repetitive-motion activities; poor training in use of heavy or high-risk equipment; chemical hazards; lack of protective equipment; heat or cold extremes; and airborne and bacterial contaminants. Exposure to such risk factors can result in exhaustion, dehydration, repetitive-motion syndromes, heat stroke or stress, hypothermia, frostbite, accidental injuries, respiratory problems and skin infections.”

### **Emotional effect**

Human Trafficking can have a major effect on ones emotional state; it shakes the very existence of a person. Clearly a person’s mental state can vary from person to person, but some of the effects are generally common which can be seen in the victims of human Trafficking. Mental effects may include:

- **Isolated**- being alone can have serious consequences on a person’s mental state. They may feel like no one cares about them, or unwanted. Victims usually are left alone to work, therefore having no real connections to people; they became isolated from the family, society and became more prone to suicidal thoughts.
- **Have Low self esteem**- being trafficked continuously can have major effects on ones self-esteem. They may feel unworthy of living and not good enough, they feel themselves neglected.
- **Lost Trust** - People who are trafficked usually don’t trust either their family, person trafficking them, or even anyone they come into contact with. For example, if a young girl was sent away by her family to be a prostitute, she may not trust her family ever again.
- **Feel Guilty and ashamed**- In most occasions, victims of human trafficking feel themselves responsible for their situation, and blame themselves for the circumstances. For example, a child who was sexually exploited may not try and break free from their situation, as they feel ashamed and guilty from what has happened to them. Many people after they have left their situation rarely seek help as they feel ashamed of what has happened to them.
- **Post traumatic stress (PTS)** - This is a disorder that is very common among people who are victims of human trafficking. Victims usually suffer from bad nightmares, intrusive thoughts and flashbacks from their situations. It leaves people in constant fear of what might happen next, or even the future. The victims never come out of their past experience.
- **Became Addict to Alcohol**- Some victims of sexual abuse resort to alcohol and drugs as a form of coping with the situation they have faced. They thought that Alcohol will probably help them to forget about their past experience.
- **Difficulties in maintaining healthy relationships**- Usually people who have suffered from sexual abuse or exploitation find it difficult to trust people, therefore making it difficult to keep healthy relationships then after.

### **Rationale behind expansion of human trafficking in India:**

The common rationale that has been identified as the main driving force behind human trafficking in India is the poverty. However, caste based discrimination, lack of resources, lack of human and social capital, social insecurity, gender discrimination, commoditization of women, social exclusion, marginalization, inadequate and outdated state policies, lack of proper governance, nexus of police and traffickers, unemployment, breaking down of community support system, cheap child labor, child marriage and priority to marriage, attraction of city life, corruption, employment trade, migration policies conflict and lack of awareness and education among the victims are also some of the reasons leading to human-trafficking. Globalization has also become one of the emerging factors in leading human-trafficking. Further, the report of the International Organization for Migration, says that 90 percent of the victims trafficked as sex slaves experienced domestic violence before they were trafficked. The decreasing sex ratio and the increasing demand of women in women starve areas would also been considered as a factor behind bride trafficking in India. There are also certain other factors that are responsible through direct and indirect means and mode but, all kind of these push factors forced the victim to get further exploitation, vulnerabilities and to become an element of this modern kind of slavery throughout their life span. Here this is the need of hour to look into the pains of these victims and to make some rigid laws to curb the problem of human trafficking in India.

### **Legal frameworks:**

As far as the legal frameworks are concerned, several International and National Conventions, laws and protocols have been adopted by the international and state agencies and various departments. The international interventions include: International agreement for suppression of white slave traffic (1904 and 1910), International convention for the suppression of the traffic of the women and children (1921), Slavery Convention (1926), ILO Forced Labour Convention (1930), International Convention for suppression of traffic in women of full age, Universal Declaration of Human Rights (1948), Convention for the suppression of the traffic in persons and of exploitation of the Prostitution of others (1949), UN convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984), Tourism Bill of Rights and the Tourist Code (1985), Convention on Protection of Rights of Migrant Workers (1990), Optional Protocol to the Convention on the elimination of all forms of discrimination against Women (1999), UN protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, 2000 etc. However, these legal frameworks within the ambit of Indian territory has a strong foundation as the issue has also been taken under the fundamental rights, in the constitution of India. Article 23 (1) of the Indian constitution prohibits trafficking in human beings and forced labour. The Suppression of Immoral Traffic in Women and Girls Act, 1956 was enacted with an objective of abolishing the immoral trafficking in women and girls. However this act was later amended and renamed as The Immoral Traffic (Prevention) Act, 1986 (ITPA). ITPA is a special legislation that deals exclusively with trafficking. But, irrespective of the legal sanctions and constant watch, it is the fact of the matter that the phenomenon of human-trafficking has not reduced yet and surprising increasing day by day. In fact, it is still expanding and flourishing its existence among the vulnerable groups and has huge impact on their basic fundamental rights of having a dignified life with full liberty as guaranteed by the constitution and over Human Rights.

### **Conclusion and Suggestions:**

Human-trafficking is one of the worst crime that has spreaded its infection over the globe. It is one of the wicked acts that have made the lives of millions as worse as the hell, and never allowed to come out thereof. This kind of modern slave trade has washed away the humanity among those who are being involved in trafficking. The moral values, ethos and sense of belongings as a member of same human race have been curbed by the individual interest and pleasure, people are becoming greedy animals. The victimization of poor and vulnerable masses has excluded them from the human race and commodified them like animals and vegetables in the market, victim are sold in exchange of money like other things or commodities. Their right and access to justice has no significant meaning and worth for them. The procedures, process, means, methods as well as the rate of involvement is increasing in this crime each day due to lack of resources, education, proper implementation of laws, less conviction rate etc. It is, thus, imperative to have a careful watch and monitoring mechanism as well as strong interventions of executive, judiciary and commitment through which we can attempt to clean out this crime across the globe. Strict liability should be cast upon police officials for not undertaking the immediate rescue of victim when encountered with the situation of Commercial Sexual Exploitation & Trafficking or when informed about the incident. Government should frame stringent laws to convict traffickers who indulge in trafficking of women and children and must watch that there implementation should be made accordingly. The Law enforcement agencies should take action against such criminals. Compensation has to be paid for serious violation and deprivation of Fundamental and Human rights of the victim and family by the traffickers. Socially, Appropriate measures has to taken to eliminate discrimination against women in the field of employment in order to ensure, on a basis of gender equality, the right to equal pay for equal work and the right to equality in

employment opportunities etc. Gender sensitization programs should be conducted and education should be provided on equal bases. By the help of NGOs and Police officials there can be some types of advertisements or awareness through the popular media in particular location and by conducting some awareness programs in villages, local schools, among kids of the poor society and public so that they can made alert of being victimized. Lastly, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, and that leads to trafficking.

Human trafficking threatens the dignity and security of trafficked individuals, and severely violates their human rights. Constitutions of India guarantee the equal rights of men and women, but they are often merely rhetoric when it comes to the question of actual implementation. In order to combat trafficking and thus to protect the human rights of the vulnerable people, strong political will of the government is important so as to implement their anti-trafficking mandates. Thus we can say any crime which can be used as business one day becomes a big social evil tomorrow. The problem is still in our hands to be solved if the strong steps are taken deliberately and policies are made and implemented strictly we can save a number of people to fall into this modern form of slavery.

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