

## **Human Trafficking – A shame to humanity**

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### **ABSTRACT**

*Human trafficking is the trade in humans, most commonly for the purpose of sexual slavery, forced labour, or for the extraction of organs and tissues including surrogacy. Trafficking is a lucrative industry, representing an estimated \$32 billion per year in international trade. Human trafficking is a bizarre and multifaceted crime. Because of its unique nature, most often, it escapes the radar of law.*

**Key words :** *trafficking, Human.*

### **What is Trafficking :**

Trafficking is defined as a trade in something that should not be treated in for various social, economic or political reasons. Thus we have terms like drug trafficking, arms trafficking and human trafficking. The concept of human trafficking refers to the Criminal practice of exploiting human beings by treating them like commodities for profit.

At the World Congress Against Commercial Sexual Exploitation of Children, ‘Trafficking’ was taken to refer to the illegal moving and selling of human beings across countries and continents in exchange for financial or other compensation.

The Global Alliance Against the Trafficking of Women (GAATW), on the other hand defines ‘Trafficking’ as the recruitment and transportation of (a) person(s) within and across national borders, by means of violence or threat of violence, abuse of actual or perceived authority arising from a relationship or deception, in order to subject them to the actual and unlawful power of (an) other person(s)’.

Another useful definition is that advanced by the Netherland Advisory Committee on Human

Rights and Foreign Policy, “The traffic in person could be defined as transporting a person from one place to another in order to subject him or her to the actual and unlawful power of other persons by means of using violence or the threat of violence or by using a position of authority arising from a relationship or by misleading the other persons.” According to the definition of the United Nations “Trafficking is any activity leading to recruitment, transportation, harbouring 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 labour 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 35000 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 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 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 the average have 100 such cases each year. As per the data, more than half of 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 in 2012. Cases of human trafficking were reported from Karnataka in the period of four years, in Tamil Nadu the Number is 2244 whereas Andhra Pradesh has 2157 cases of human trafficking. Recently 300 bonded labour 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 hot spot for illegal trade of young girls for domestic labour, forced marriage and prostitution. Delhi is also the transit point of human trafficking.

**Factors that encourage trafficking :**

Several socio-economic and political factors stimulate the rate of trafficking especially in the developing and underdeveloped countries. These factors may be grouped into two categories – personal circumstances and structural forces.

**Personal Circumstances :**

Economic deprivation due to various reasons and its associative conditions are among the most important factors that lead to vulnerability. Almost all studies on the subject have found that a high percentage of trafficked people belong to lower income groups. The greater the degree of impoverishment, the higher is the risk of falling prey to trafficking. Low levels of literacy, awareness and information are also risk factors. A dysfunctional home environment often makes people vulnerable to trafficking. Break up of the family, marital discord, physical abuse, drug use, family pressures, large families, gender discrimination etc. are a few circumstances that often render people more vulnerable to trafficking. Studies have revealed that trafficking of women is considerably high. Trafficked women are mostly unmarried, divorced, separated or widowed.

**Structural factors :**

Industrialisation and globalization, economic crises, decline, disruption or underdevelopment, economic policies like privatization, liberalization, promotion of sex tourism, withdrawal of subsidies are a few factors which have fuelled trafficking. This leads to an environment which lack livelihood options and economic opportunities. Political factors like conflicts, disruption and instability, immigration policies, human rights violations and the gaps between government rhetoric and practice often contribute to the process of trafficking. Rapid urbanization is another factor which has enhanced the rate of vulnerability. The growth of connectivity of remote areas with road linkages has not only increased mobility but made trafficking easier and faster. Early marriage, lack of choice regarding one's spouse and the diminution of women who remain servile and bear injustice silently are other factors that render them more vulnerable to this socio-economic evil.

**Time :**

Traffickers choose special times for recruitment. They take advantage of difficult periods, either before the harvesting season or during a drought, when people may look elsewhere for income to survive.

**Method :**

The range of the strategies reportedly used vary from extremely violent actions (drugging, kidnapping and abduction) to persuasion, material inducements, befriending or false marriage offers.

Traffickers approach women and girls in groups as it helps them to win their trust. In India recent news stories show a trend of traffickers using marriage bureaus, placement agencies and tutorial agencies as a front for luring people.

**Recruiters :**

Recruiters can be neighbours, family friends, relatives of friends, acquaintances returning from abroad, women who have migrated or who have been traffic, women friends returning from abroad, husbands, fathers, boyfriends or lovers. Some recruiters can be gay men who were trusted by women because of their sexual orientation. They can also be drug peddlers, head masons at construction sites, even band leaders in dance / live bars. More specific recruiters include motor cycle pilots as in Goa or labour contractors. They use friends and acquaintances to recruit or rely on word of mouth. Terms like dalal or dalali are used to refer to traffickers.

**Profile of traffickers :**

Traffickers are usually young men and middle aged women who are significantly older than the young women/ children they recruit. Many of the traffickers are older women who are either former prostitutes or are themselves in forced prostitution, trying to escape abuse and bondage by providing substitute. (77; Tumlin 2000)<sup>1</sup>

Trafficking networks may involve players the police, visa / passport officials, railway / bus authorities and employees, taxi auto rickshaw drivers or rickshaw pullers (DWCD 1996)<sup>2</sup> Traffickers fill various roles that are classified as financiers or investors, procures or recruiters, organizers, document forgers, corrupt public officials or protectors, brothel operators and the owners and managers of sex establishments, escorts, guides or travel companions and crew members. There is also the category of an initial spotter, which is called choghat or arkathi in Bengali.

Some additional categories are given by Raymond (2000)<sup>3</sup> in the context of smuggling and trafficking, especially for cross border operations. These categories are : informers, enforces, supporting personnel and specialists, debt collectors, money movers and transporters who gather

information on matters such as border surveillance, immigration and transit procedures, asylum systems and law enforcement activities. There are also agents who pay the recruiter arrange for travel documents, hold the trafficking victims until they are ready to leave and brokers who meet the victims on their arrival and pay the agent for delivering them.

Traffickers operate within zones which are marked and do not usually violate the zone norms. Consequently, when moving from one zone to another, entirely different sets of people take over the activities. They also frequently change their area of residence to not only avoid the police, but also to widen their field of operations.

**Trafficking Route :**

Trafficking patterns and routes are often highly complex, ranging from trafficking within one country and cross borders flows between neighbouring countries to inter-continental and globalised trade (Tumlin 2000)<sup>4</sup>. The general understanding is that the movement of trafficked people is from less developed areas to more developed regions. Thus the flow of trafficked women and children moves from the South to the North, from countries in economic, social and politically stable countries, or from rural to urban areas. People have been trafficked from South East Asia and South America to the United Kingdom, Italy and the US. They are also trafficked to the Middle East. Some cases of trafficking from India to South East Asia have been reported. Delhi and Mumbai are said to be the main transit zones for international movement. (Haq 2001)<sup>5</sup>

Routes are usually divided into origin, transit and destination points and some reports also mention collection and dispersal points, correspondingly, nations are categorized as sending, transit or destination countries. Some countries may belong to more than one category, as in the case of India, which is a destination, a source and a transit point. Nepal and Bangladesh are the two main suppliers of trafficking victims for India. There have been news reports that after the disintegration of Union of Soviet Socialist Republics (USSR), women from Russia and the other CIS countries, like Uzbekistan, are being trafficked into India.

Bangladesh has a 4,156 km border with 30 districts on the Indian side. India has twenty official checkpoints manned by the Border Security Force (BSF). Being few and widely dispersed, they are ineffective in maintaining vigilance over movements across the border. Crossing the border between Bangladesh and West Bengal is a daily routine for many. Illegal entries by traffickers are a matter of common knowledge and it is a generally accepted idea that they are

protected. A number of businesses have developed to facilitate these cross-border movements and each troop may cost no more than Rs. 50 per person (ADB 2002 : 16, 23). Further a multiple passport system, facilitates easy entry of Bangladeshi girls into Kolkata brothels and a close nexus exists between traffickers and border village Communities (DWCD 1996).<sup>6</sup>

Once trafficked women enter India, they are generally kept in West Bengal and Orissa. After being sorted and graded they may be sold to pimps or sent to the Middle East, Kolkata, Basirhat, Mumbai or Agra.

**Mechanism of control :**

The aim of trafficking is to transfer a person from one place to another for purposes of exploitation. Thus various control mechanism are used to ensure the victim's compliance with the exploiters demands. Trafficked person may be subjected to three forms of control : physical confinement, monetary control and all kinds of violence and threats. In fact violence is an integral part of the trafficking process and is used as a means of initiation, intimidation, punishment and control. It is the tool by which slavery is achieved, the aim of slavery is profit (Bales 1999).<sup>7</sup> Thus, situation and circumstances are created where trafficked people have little or no control over their bodies and lives.

Rozario (1988)<sup>8</sup> reports upto 18 forms of violence faced by women trafficked for prostitution. They may be starved, locked up in a dark room, beaten, burnt with cigarette butts, bound, forced to drink, strangled, stabled or killed for not trading their bodies.

Women are often in debt bondage because money is withheld from the victims as payback for the purchase price. Bales (1999)<sup>9</sup> refers to this as 'Contract Slavery' which is extremely profitable. They have little money for sustenance and most trafficked women live off the tips received. This leads to the victim's dependence on traffickers for money, food, clothes and other necessities. The resulting emotional and physical manipulation ensures that the traffickers' activities are kept secret, allowing them to maintain control over the victim. Rescued trafficked women fear reprisals by traffickers to whom they are indebted. (Raymond 2002, Rozario, 1988, Karmakar, 2001, Mukherjee, 1997)<sup>10</sup>

**Bonded labour :**

Extraction of labour on the basis of the debt bondage is widely prevalent in the sectors served by trafficking. This is especially true of India. In his work on slavery, Bales (1999 : 8 – 9)<sup>11</sup> estimated

that the number of slaves in the world is around 27 million, of which 15 to 20 million constitute bonded labour in India, Pakistan, Nepal and Bangladesh. Bonded labour is said to be prevalent in over 20 states in India. Migrant workers have been found to be working under conditions. Similar to the bonded labour system in fish processing units in Gujrat, stone quarries in Hariyana and brick kilns in Punjab (ILO 2001).<sup>12</sup>

According to a 1996 HRW report, at least 15 million children were working as virtual slaves. Agricultural labour accounts for 52 to 87 per cent of the employment of bonded labourers. Children can also be in bondage, working as domestic helps, in domestic and export industries (silk and silk saris, beedis, silver jewellery, synthetic and precious gemstones, footwear and sporting goods and handwoven wool carpets) and in services like small restaurants, truce stops and tea shops. Other instances of children in forced labour are found in prostitution, begging, drug selling and petty crime. Trafficking of children is especially high in the carpet industry. (HRW 1996, HRW 2003 : 6)<sup>13</sup>

**Prosecution :**

The Govt. of India penalizes trafficking for commercial exploitation through the Immoral Trafficking Prevention Act with prescribed penalty of seven years' to life imprisonment. India also prohibits bonded and forced labour through the Bonded Labour Abolition Act, the Child Labour Act and the Juvenile Justice Act.

Indian authorities also use Sections 366(a) and 372 of the Indian Penal Code, prohibiting kidnapping and selling minors into prostitution respectively, to arrest traffickers. Penalties under these provisions are a maximum of ten years' imprisonment and a fine.

**Protection :**

India's efforts to protect victims of trafficking vary from State to State, but remain inadequate in many places. Govt. authorities do not proactively identify and rescue bonded labourers, so few victims receive this assistance. Some states provide services to victims of bonded labour, but non-governmental organizations provide the majority of protection services to these victims. 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 nations who have been trafficked, once repatriated, however, neither the Central Government or most State Governments offer any medical, psychological, legal or reintegration assistance for these victims.

The UN-Recommended Guidelines on Human Rights and Human Trafficking Cell for national plans of action to combat trafficking in persons. Strategies to prevent trafficking must address the macroeconomic policies in both developed and developing countries that generate the push and pull which influence labour migration and thus, where the movement is illegal, directly promote trafficking. On the one hand, the economic liberalization promoted by industrialized countries exposes people from less developed countries to compete with imports in local markets. On the other, their own products continue to face trade barriers in the markets of those same industrialized economies. The result is a strong pressure on the inhabitants of the affected poor countries to migrate to the industrialized economies in search of the means of livelihood, often becoming victims of trafficking in the process.

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