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## **HUMAN TRAFFICKING**

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### **ABSTRACT**

Human trafficking is an organised crime involving the overt or covert participation of several criminals at various places at different points of time. No population is exempted from the ever-present threat of traffickers. Human traffickers are driven by avarice, lust, contempt, sex and what not. Victims constantly live under comprehensive threat and violence in which they have to live with no option left. Through the Statistics, it is evident that human right is being violated every single day. Certain NGO's are working to curb this menace. These NGO's deploys innovative solutions for every individual to reabolish slavery at their own level across the globe. There is a long list of human rights voilation on a trafficked person in the Indian context which is now being taken into account by almost every aware denizel.

Based on the constituents of human trafficking there are two kinds of components... categorically ESSENTIAL AND NON ESSENTIAL COMPONENTS with latent and manifest features. Generally human trafficking takes place with money transaction where in trafficked person is exploited and being involved in several crimes.

Basically the trafficking process has a chain of various stakeholders with assorted roles. There is even trans-border crime wherein victims are transported from Bangladesh to Gulf through India because of the presence of these stakeholders. Technology is vastly used here for the quick response, fastest delivery and net banking. On these heartening varients also lead to multiple and deadly diseases like HIV. In a nutshell human trafficking is a deadly evil which is weakening the roots of human culture and democracy.

### **Keywords:**

Human trafficking, Criminals, Exploitation, Victim, Violence, Servitude, Awareness, Law Enforcement, Offences, Legislation, Sexually assaulted, Deprivation, Grievances, Denial, Displacement, Exploitation,

Commercialisation, Torture, Onslaught, Transportation, trans- border, Telecommunication, Socio-economic, Inequities

Human trafficking is an organised crime involving the overt or covert participation of several criminals at various places at different points of time. The major ingredients of the process of human trafficking are recruitment or hiring or transfer; exploitation and commercialization of human beings. The trafficked person is a victim who always succumbs to the direct effects of the harm or to the consequential problems arising thereof. In order to understand the concept in a better perspective; the following case study will help us:

***"Where's the pretty house?" Asha asked shyly. "Quiet!" Kala barked. This is your new home.".....***

The driver announced the good news they were in Mumbai. Asha became excited. What will the family be like? What about their big house? When Asha and Kala climbed down from the bus there was no one to meet them. Asha was confused. She looked around. Kala grabbed her hand and nearly jerked her off her feet. "Come, child!" They walked quickly through the busy station, past the beggars who swarmed the sidewalk outside, and to the taxi stand. Asha had

never been in a car. Kala spoke crisply to the driver. "Falkland Road." This must be a very special place, she thought for the driver instantly nodded his head in recognition. It was night when the taxi wound its way through Mumbai's crowded streets, but unlike Nepal, it wasn't dark. Everywhere she looked, Asha saw lights, lots of lights with strange markings. Asha did not know the meaning of the strange markings. She had never been to school. After an hour's drive, the taxi turned onto what seemed to be the busiest street of all. The taxi stopped. Kala pulled her arm again. "This is where we get out," the woman said crossly. This was a strange place. "Where's the pretty house?" Asha asked shyly. "Quiet!" Kala barked. This is your new home." Women and girls lounged in the doorway. Their faces were painted in ways Asha had never seen. Asha stopped and stared, Kala roughly pulled the little girl through the door. They walked down a series of long, poorly lit corridors. Asha could feel the wet garbage under her bare feet, oozing between her toes. There was heaviness in the air. This did not seem like a happy place.

Asha is only one of the 2.2 million children that are sold into the sex trade industry every year. In India, children cost less than cattle, and yet last year alone, the sex trade industry profited \$32 billion dollars. That is more than Starbucks, Google and Nike combined. These children live under constant threat and violence in which they have no control over. Experts say that these girls are told that they are being offered a modeling job or a job serving tables, but little do they know they are just a product on the Black Market.

The Universal Declaration of Human Rights clearly states in Article 4 "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms." Through these statistics and examples, it is evident that this right is being violated every single day, in large numbers as well. A specific NGO that is working to save the victims of human trafficking and raise awareness to the public about the issue is the Not For Sale campaign. Not For Sale is a Campaign of students, artists, entrepreneurs, people of faith, athletes, law enforcement officers, politicians, social workers, skilled professionals, and all justice seekers united to fight the global slave trade and end human trafficking. The Campaign aims to recruit, educate, and mobilize an international grassroots social movement that effectively combats human trafficking and slavery through "Smart Activism". It deploys innovative solutions for every individual to re-abolish slavery in their own backyards and across the globe. Not For Sale believes that everyone has a skill to contribute than can free an individual living in bondage, and together we can stop human trafficking and end slavery in our lifetime.

In the Indian context, the list of offences attracts punishment under various Acts including those under special legislations like the Bonded Labour System (Abolition) Act, 1976, the Child Labour (Prohibition and Regulation) Act, 1986 etc. as well as local legislations like the Goa Children's Act, 2003, depending on the situation and place. If the victim of labour trafficking is sexually assaulted, the list of offences will further swell up and include one or more of those mentioned in the previous paragraph.

The list of human rights violations on a trafficked person is quite long and includes:

Deprivation of the right to life (slave-like conditions)

Deprivation of the right to equality

Deprivation of the right to education/employment.

Deprivation of the right to liberty Deprivation of the right to security

Denial of the right to just and favourable conditions of work

Deprivation of dignity Denial of the right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment.

Deprivation of the right to access to justice and redressal of grievances.

Denial of access to health services, denial of the right to the highest standard attainable of physical and mental health.

Denial of right to self-determination (e.g. when the victim is pushed back)

Denial of right to return to own community.

Denial of the right to equal protection under the law Deprivation of the right to be free from all kinds of discrimination.

Double jeopardy (e.g. when a person trafficked across a border is convicted for non-possession of passport/ visa etc. and is simultaneously punished on charge of 'soliciting' or 'prostituting')

Denial of right to representation. Denial of right to be heard before decision making.

Denial of access to justice and delivery of justice.

The list of violations of rights is long and several. More violations can be listed out if one delves into the provisions of the Constitution/ Protocols/ Conventions etc.

#### Components of Human Trafficking

There are two ways of classifying the components of human trafficking. Based on the constituents, it can be classified as essential and non-essential component and based on the redeeming attributes or features it could be classified as manifest and latent features.

#### Essential Components:

Displacement

Exploitation

Commercialization

#### Non-essential Components:

Transportation

Buying/Selling/harboursing

Physical/sexual torture

#### Manifest Features:

Victim is voiceless, maybe looking dumb or incommunicative.

The victim is under the control and command of the exploiter

The victim is helpless, looks destitute and withdrawn.

Latent Features:

Debt bondage of the victim

Criminal confinement

No control over the human rights violations on oneself

Freedom to decide for oneself

Having no control over the commercial exploitation by the exploiter

Having no say in the share of the commercial gains borne out of exploitation

No scope of redressal of grievances nor access to justice.

The indicators of the process of trafficking can be broadly listed as generic and specific. The generic indicators of human trafficking commonly seen in the Asian context include:

Commercial exploitation of a person where the exploiter, who could be one or more persons located at different places, gain monetarily out of the exploitation of the person. The gain may be in the form of cash or kind or even services.

- There is an economic activity with money transaction to the benefit of one or more persons and to the detriment of at least one person.
- The ambience around the trafficked person is exploitative and involve several crimes and violations.

The ambience around the exploiter excludes a general sense of impunity where the exploiter carries on the business with perceptible ease and without much challenge. Huge assets accrue to the exploiter from continuous exploitation of victim/victims. The assets may not be visible all the time but the manifestations, which indicate the same, may be many and can be easily discerned by any observant person. The exploiter would have established adequate safety valves, protective measures and chain of command towards off any onslaught by law enforcement agencies or other exploiters or a media.

The specific indicators of the process of human trafficking are many. Though all of them may not be seen in all contexts, most of them are:

Transportation

Vulnerability of the traffic the person

Poor response systems and law enforcement systems

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Basically, the trafficking process has a chain of several stake-holders with assorted roles. The chain may be long or short depending on the number of persons and the places involved. In a crime of trans-border trafficking of boys from Bangladesh to Gulf through India, which was interrupted at an airport, the trafficking chain had the following stake-holders at all the places where the trafficked person was moved.

- (a) Village or recruitment-spotter, recruiter, seller, buyer, agent of the buyer.
- (b) Village bus stop-harbourer, transporter, agent of the buyer.
- (c) The alighting railway station - another harbourer, another transporter, escort persons.

- (d) During transit through railway the escorting persons.
- (e) The embarking railway station -another harbourer, another transporter, escort persons, a new purchaser.
- (f) The alighting airport - A new purchaser, the new escorter who pretended and posed to be the legal guardians of the trafficked boys, the corrupt officials of various departments who were in collusion with the traffickers.
- (g) The embarking airport and thereafter - since the crime was interrupted just before alighting into the aircraft, by an alert immigration official, the supply chain got interrupted.

This example shows that the chain is long, undulated and uneven. The stake-holders each chain may or may not be physically present. Demand requests are often made through electronic media or telecommunication channels and therefore the face of supply chain remains fuzzy. "The fullest use of new technology, however, is in the sex trade.

Along with all these heartening variants, human trafficking is directly linked to innumerable diseases, mostly the relationship with HIV is more intimate, pronounced and real. More often it is hidden as there is a strong tendency to suppress the information. Victim may be unaware of having contracted HIV. Medical check ups and treatments seldom exist, as is the case with prevention methods. The exploiters would suppress the fact so as to avoid publicity and ward off any challenge to their business'. No doubt, trafficking causes HIV and HIV causes trafficking. There is a cause- effect linkage. Sexual exploitation by multiple persons, especially unprotected sex, makes the victims of trafficking highly vulnerable to HIV. It is not gender specific. Even boys, trafficked into exploitative labour have been victims of HIV as several of them have been subjected to constant sexual exploitation. HIV is indeed an essential and an integral part of the world of human trafficking.

Since early last year, humanity has been under siege. While globally several countries have had their share of recoveries and relapses, the Covid-19 pandemic, particularly the second wave, has put India under considerable strain. The pandemic exposed and exacerbated the systemic and deeply entrenched socio-economic inequities in Indian society, thus increasing manifold the consequential vulnerability and marginality. The disruption in economic activities across sectors, massive rise in unemployment and sources of livelihood have put a sizable population of India under desperate circumstances.

A study by Azim Premji University estimates that nearly 230 million Indians have fallen below the poverty line since the pandemic which resulted into a tremendous increase in the human trafficking. As many as 27 lakh distress calls were made to the Ministry of Women and Child Development between March and August 2020. Between April 2020 and June 2021, over 9,000 children were rescued from traffickers.

## **CONCLUSION**

It has become need of the hour to strengthen the law or and and encounter the vices of human trafficking. Government should take necessary steps to prevent this heinous crime. It not only violates human right but also child right and the dignity of the child at the same time. It is a crime that disgrace the entire humanity and is complex problem which requires very effective and stringent mechanism to control it. We as responsible citizens of the nation should keep our eyes wide open in order to save the tender heart and innocent souls.

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