
Human Trafficking - A Form Of Violence Against Women

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Abstract

“Human trafficking is an open wound on the body of contemporary society, a scourge upon the body of Christ. It is a crime against humanity.” — **Pope Francis (2020)**

Human trafficking, defined as the illegal trade of humans most commonly for the purposes of sexual slavery and forced labour, currently claims an estimated 27.6 million victims worldwide, and the Global Slavery Index (2023) estimates that 8 million trafficking victims live within India's borders. Trafficking of women is an ancient enterprise that goes back nearly to the beginnings of civilizations. Female slaves were often highly esteemed in the ancient nations for their use as prostitutes, concubines, or to breed more slaves. Women and girls are mostly trafficked for the purpose of sexual and economic exploitation, particularly prostitution and pornography, forced labour as a domestic worker, arranged marriages or to be 'sold' as brides, recruitment for participation in hostilities, and such related purposes as a sexual worker or forced surrogates. Though many NGOs, human rights, and governmental organizations agree that the trafficking of women is a serious violation of their human rights that needs to be earnestly guarded and fought, the complex and considerable operations of human trafficking make prosecution and punishment of traffickers almost not possible in many instances. Most of the women are sold by friends, family, or acquaintances who do not even protest against this exploitation and others may be kidnapped for trafficking.

Keywords- civilizations, illegal trade, Human Trafficking and Violence Against Women.

Introduction

Traffickers often recruit or buy women from destitute areas, promising them to find work as domestic servants in a new country to earn more. Though these women are often raped and abused by their recruiters, and then sent to brothels or prostitution institutions where they are sometimes literally held under lock and key. Women sold into prostitution are often discouraged or forbidden from using contraceptives such as condoms and thus become high-risk candidates for the spread of sexually transmitted diseases. Since these women do not have any support they have no access to any type of health care, and are thus far more likely to suffer from illnesses of all kinds. Madhusudhana (2006) in his study conducted in the state of Andhra Pradesh mentioned the reason and consequences of the spread of trafficking in India. He opined that trafficking in women became part of transnational organized crime and has been referred to as the 'dark side of globalization'. Due to the illicit nature of people trafficking, the number of children and women trafficked for commercial sex work is difficult to quantify in nature. He additionally believed that the global trade in trafficking has accelerated significantly over a decade. He concluded that there's a link between gender discrimination, deprivation, poverty, greed, and trafficking. According to him discrimination also means for the girl child, deprivation of education, lack of economic opportunities, early marriage, early childbearing, and risks to health and wellbeing. He recognizes that many tribal customs also do not permit women to

own land, which is the main source of income in a rural community, thus making women far more vulnerable than men. He concludes that ‘the victims not only face the danger of being psychologically abused, but also the reality of being infected with HIV/AIDS. It is also likely that they will become procurers after a few years of victimization’. He says that the existing discrimination and stigmatization by the own family members in addition to the community people while reintegrating into society makes women further vulnerable to trafficking.

The causes of human trafficking in India include gender discrimination, the vulnerability of the poor population, and the desperation to support their families. Trafficking industries in India are taking advantage of the plight of India’s disadvantaged and poor population for the benefit of others, as trafficking victims are rarely paid.

Operational Definitions

According to Oxford Dictionary, the unlawful act of transporting or coercing people to benefit from their work or service, typically in the form of forced labour or sexual exploitation. According to United Nations Office on Drugs and Crime (UNDOC), **Human trafficking** is the trade of humans for the purpose of forced labour, sexual slavery, or commercial sexual exploitation. Human trafficking can occur within a country or trans-nationally. It is distinct from people smuggling, which is characterized by the consent of the person being smuggled. Human trafficking is condemned as a violation of human rights via international conventions; however, rights protection importance varies globally. The practice has tens of millions of sufferers around the world.

Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Individuals defines “trafficking in Persons as the recruitment, transportation, transfer, harbouring or receipt of persons, employing the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or 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”.

Causes of Human Trafficking in India

Gender-based discrimination and forced marriage

The leading cause of female trafficking in India is gender-based discrimination, responsible for the deaths of approximately 239,000 girls under the age of five in India each year. Gender-based discrimination is a cultural norm in India, as sons are considered more useful and important to the family than daughters. This trend of patriarchal society leaves girls with limited access to education, leading to gaps in both literacy rates and financial earning potentials between both sexes. According to the 2021 census, the literacy rate for men was 84.4 percent and 71.5 percent for women, and according to the 2023 census, men are paid 27 percent more than women. As a result of gender-based discrimination, the sex ratio in India is greatly skewed.

Due to the higher female foeticide and infanticide rate, there are far more men in India than young women, and bride trafficking, or the illegal sale of women for the purpose of marriage, is becoming more prevalent in India. In most rural Northern states, where the sex ratio is worse than the national average, bride trafficking has become a norm. More than 90 percent of married women in these Northern states have been sold from other states, some as many as three times, often first becoming

brides as preteens. Centuries of Gender-based discrimination in India have precipitated a social scenario that strongly favors males over females to the point of self-destruction. As a result, men are unable to find wives, thus driving demand for the human trafficking of women in India solely for the purpose of marriage.

Sex Trafficking

Another cause of human trafficking in India is a lack of opportunity for better living prospectus in India's poor communities, especially for uneducated women who struggle to provide for their families. In 2021-22, only 29.4 percent of women in India worked regular wage or salaried positions. Victims of sex trafficking in India are predominantly young, illiterate girls from impoverished families in rural states. Although poverty is decreasing in India, approximately 28 percent of the population still lives below the poverty line. Women from poor communities are especially vulnerable to human traffickers, as they frequently offer better job opportunities or debt relief to lure victims. With limited opportunities to make a living, offers like these are hard to decline for young women. Sex trafficking victims average 10 to 14 years of age, down from its previous average of 14 to 16, because younger girls are thought to be less likely to carry sexually transmitted diseases.

Forced Labor

While bonded labour was abolished in India in 1976, many industries that still rely on this type of scheme for their workforces have turned to the human trafficking trade for workers in their mills, quarries, and kilns. Traffickers recruit labourers from terrible, rural regions of India, promising correct bills at the end of their contracts. Workers are nominally compensated for their labour, and horrible working situations initiate ailments that cause wage advances and loans that maintain the workers in lifelong debt to their contractors.

Woman trafficking prohibition laws in India

Section 370 of the Indian Penal Code (IPC) criminalized trafficking offenses that concerned exploitation that covered any act of bodily exploitation or any shape of sexual exploitation, slavery, or practices much like slavery, and servitude. The regulation no longer explicitly copes with labor trafficking. Section 370 prescribed consequences starting from seven to 10 years imprisonment and a fine for offenses involving a grownup victim, and 10 years to existence imprisonment and a penalty for the ones concerning an child victim; these consequences were sufficiently stringent and, with appreciate to sex trafficking, commensurate with the ones prescribed for other serious crimes, such as kidnapping. Inconsistent with worldwide regulation, section 370 required an illustration or proof of force, fraud, or coercion to represent a child sex trafficking offense and therefore did not criminalize all forms of child sex trafficking. The Suppression of Immoral Traffic in Females and Girls Act of 1956 (SITA), other than loss of enforcement, SITA is complicated in numerous approaches. One of all its drawbacks is that the prescribed penalties discriminate based on intercourse: a prostitute, described beneath SITA as always, a girl, who is arrested for soliciting under SITA might be imprisoned for as much as a year, but a pimp faces only three months. SITA allowed prosecution of people apart from the prostitutes only if the individuals involved "knowingly" or "willingly" made ladies interact in prostitution. The client, moreover, was no longer viewed as a wrongdoer and could not be sanctioned under SITA.

Additionally, the government prosecuted sex trafficking crimes under other laws like the Protection of Children from Sexual Offenses Act (POCSO) and the Immoral Traffic Prevention Act (ITPA), which

criminalized various offenses relating to commercial sexual exploitation. The recruitment of children younger than age 18 through non-state armed organizations used to be criminally prohibited by using phase 83 (1) of the Juvenile Justice Act. The government persisted to draft an anti-trafficking bill with input from civil society and trafficking survivors; the draft remained pending by means of the give up of the reporting period. Also, there have been no specialized courts to listen to trafficking cases, and prosecutors had been regularly inadequately educated on trafficking, resulting in drawn-out trials, Karnataka established a special undertaking force to conflict trafficking beneath the state legal services authority to improve coordination among agencies and legal service provision. States had been empowered to dedicate a special court docket in each district to hear cases below the POCSO Act, which includes child sex trafficking; but, judges and prosecutors at POCSO courts reportedly had no training or know-how in POCSO crimes in some states.

Latest consensus regarding women trafficking in India

India's 28 states and 8 union territories had the number one responsibility to analyse and prosecute trafficking crimes. Common anti-trafficking regulations and regulation enforcement efforts throughout India, especially in opposition to forced sexual activity and bonded labour, remained inadequate as compared to the dimensions of the hassle.

U.S. Department of State's [Office](#) report on "2022 Trafficking in Persons Report: India" states that In 2020, the government reported identifying 6,622 trafficking victims and 694 potential trafficking victims compared with 5,145 trafficking victims and 2,505 potential victims identified in 2019. In 2020, authorities identified 5,156 victims in labor trafficking, including 2,837 in bonded labor, and 1,466 in sex trafficking; authorities did not report the type of trafficking for the 694 potential victims. **Nearly 99 percent of trafficking victims identified were Indian; approximately 53 percent were adults, 47 percent were children, and 59 percent were female and 41 percent were male.** Despite some estimates of eight million Indians in bonded labor, the Ministry of Labor and Employment's annual report stated that the government had identified and released 313,962 since 1976. Karnataka, Tamil Nadu, and Uttar Pradesh states accounted for the majority of bonded labor victims identified in 2020, with 1,291, 289, and 1,026 victims identified respectively, overall accounting for 92 percent of the country's total identification of bonded labor victims.

The Ministry of Women and Child Development (MWCD) initiatives:

To stop the trafficking of women and children the Ministry of Women and Child Development (MWCD) has undertaken several initiatives, such as

- The Ministry of Domestic Affairs has installed a devoted nodal cell liable for providing country governments with imperative studies, research, and data.
- National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children 1998, was formulated to mainstream and reintegrate sufferers of trafficking.
- A Central Advisory Committee (CAB) was constituted to advise on strategies and tactics to address the problem.
- Special training to all concerned departments such as police, authorities' officials, and so forth to better understand the situation and therefore respond properly to a suspicious act or man or woman.

- The MWCD runs refuge primarily based houses, short stay houses, and Swadhar homes for ladies in tough situations.
- With the Ministry of External Affairs, MWCD has endeavoured to create unique mission forces to struggle with cross-border trafficking.

Conclusion

Women trafficking and its ramifications are not just far away and others' issues. It is an issue of our routine and happens here in India as well as in pretty much every other "enlightened" country from one side of the planet to the other. Neediness and lack of education are the fundamental components comprising the foundation for trafficking. The quantity of non-legislative associations working in the field has expanded immensely during the most recent couple of years. Accordingly, strategies, projects, and procedures that address counteraction must be novel with an emphasis on women's rehabilitation and a direction toward this multitude of issues.

Suggestions and Strategies for Preventing Women and Girl Child Trafficking

- Increase investigations, prosecutions, and convictions of all varieties of trafficking, inclusive of bonded labors.
- Appreciably increase efforts to identify and refer trafficking sufferers, along with disseminating standard operating procedures (SOPs) and training concerned officials on their use.
- Harmonize central and state government mandates for and implementation of safety applications and reimbursement applications for trafficking sufferers, particularly women and children.
- Train officials, prosecutors and judges to increase the number of restoration orders for trafficking victims.
- Motivate legal aid officers to mechanically inform trafficking victims of available compensation mechanisms.
- Cease penalization of trafficking victims.
- Cease detention of person trafficking sufferers in government-run and authorities-funded shelters.
- Increase identification and protection for workers in the informal sector, including home-based workers.
- Lift bans on female migration through agreements with destination countries that protect females from human trafficking.

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