

Trafficking In Women and Children: Conceptual Analysis of Trafficking

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Abstract

Human trafficking occurs as a result of the trafficker's simple belief that the human body is a non-essential, reusable "commodity". Several things happen during a "human being sale," including the victim's selection, trickery, coercion, and deception, as well as their transportation to the "location". Then there is a possibility of a shift to a "central location" where true human trafficking occurs in big numbers, there are numerous factors to consider. Although, the reasons for human trafficking are numerous; however, main reason is poverty, despite 60 years of independence, the advantages of economic progress have not reached the poorest members of society, and millions of people continue to live in poverty.

Introduction: Women and child trafficking historical perspective

To understand the phenomenon of "trafficking in persons", it is important to touch on the historical development of the concept. The first kind of global trade started with the African slave trade. This is the first known international flow of human trafficking.

The term "trafficking" was first used to refer to the so-called "world slave trade" in women around 1900. The trade in white women from Europe to the Arab countries and Oriental prostitution is the concern of men, women and European governments. The "trafficking" meant the movement of women for an immoral purpose, that of prostitution. Originally, this definition required crossing the country's borders, but in 1910 it was changed to traffic within the country's borders. Trafficking in women is considered to be linked to slavery, but is also closely linked to prostitution. The problem of human trafficking also traced back to the time of the Greek cities. History is rife with efforts by states to regulate, control and restrict certain sections of society and certain types of activities such as prostitution.⁵

Prostitution has been oldest trend in human society, however, in ancient societies, it was not a trade or a profession. In ancient period no women are forced into prostitution. The prostitutes were called "Ganikas", that is, wife of the people. It may be due to the social needs of those people who cannot marry or live alone, and it may be a necessity of the state since neither man nor woman can control sexual desire which is natural. But over the time, the wealthy people with status started indulging in sexual activities with prostitutes and it was treated as matter of luxury. The brothels were developed and organized by brothel keepers who exploited the women. The slaves were forced to work as prostitutes.

Originally, prostitutes were the daughters, sisters, and mothers of prostitution traders, who developed into a class of prostitutes commonly known as "bedhias", whose livelihood was solely depend on prostitution. They were doing nothing but taking guests and providing prostitutes in hotels, brothels and other places. They started buying girls and supplying it to brothels. There were incidences of kidnaping underage girls and put them into the prostitution business, this brutal practice let to flourishing prostitution industry. Due to involvement of rich and powerful people working with the state machinery, prostitute industry becomes source of corrupt money.⁶

After independence of India, the Constitution provided for protection of women from immoral trafficking. Art. 23 of the Indian Constitution provided for prohibition of immoral traffic in human beings and forced labour. An International convention for the prevention of immoral traffic was accepted by the United Nation's

Organizations in 1950 and India ratified it. Accordingly, the Parliament passed the Suppression of Immoral Traffic on woman and girls, 1956, which then amended and named as Immoral Traffic Prevention Act 1956. Like woman children's are also very harshly treated in the society like young animals. Children's are the properties of the nation. It is the most important responsibility of the state to promote them since their start and birth equally, whatever families they belong high or low. State must be given them free education. The discrimination in the society must be finished and it must not be permitted to exploit the childhood of the nation at any rate. Children's have been given several protective rights in criminal and labour laws which must be strictly implemented.⁷

According to 2010 Trafficking in Persons Report (released annually by the United States department of state) there are many million children and adults in forced labour, bonded labour and forced prostitution around the world, though many other evaluations this number to be a surprising 27 million. So it is required to analyze and reconsider of our policies, programs, and practices which protect this worst situation of trafficking.

Concept and meaning of human trafficking

Generally it is said that, dealing women and children for prostitution or other dishonest purposes can be termed as human trafficking. In broader term, HT is considered to be a situation where one or more people hold the possession of another for the compiled service. Services can be debt, servitude, forced labor, slavery, sexual exploitation, bondage, forced entertainment, or medical favor including organ transplantation.

UN convention against transnational organized crime defines HT or trafficking in persons (TIP) as- "The recruitment, transportation, transfer, harboring, or receipt of person, 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. The exploitation shall include- sexual exploitation, forced labour or services, slavery, servitude or removal of organ."⁸

Trafficking in persons involves the movement of people by using means such as violence, coercion or deception for slavery, servitude or forced labor. It led to slavery because of use violence, intimidation and other forms of coercion to force victims to do things against their will. This includes monitoring and controlling their freedom of movement, deciding their time, place of work, nature of work and the salary they will receive, if any.⁹

Human Trafficking is

- "the illegal use of a variety of means
- to force an individual (the trafficked)
- to surrender his/her personal freedom
- For the profit of another person (the trafficker).
- Often, simply considered involuntary servitude or modern-day slavery.¹⁰

Human Trafficking is a trade of people for profit. Human Trafficking needs to be understood as a process, rather than a crime. As discussed earlier this trade does not require crossing borders of countries, it can also happen within a particular country.

While defining human trafficking, it is pertinent to distinguish it from smuggling human beings. Human smuggling can be defined as helping in providing unauthorized entry of a foreign citizen into another country. Smuggling of human differs from human trafficking because these people are willing to migrate and often by making payment, they want to migrate for betterment of their lives. Human trafficking is also known as "trafficking in person", it has an element of coercion. Individuals subject to human trafficking are forced against their will to move to a new place of residence or country, and often under conditions of slavery. According to the International Labor Organization, more than 2.4 million individuals are in forced labor as a result of human trafficking. Almost, 800,000 individuals are subject to human traffic across the world each year. Though the above mentioned number is a large number, it is very less as compared to the individuals who are subject to human traffic in their own countries each year.

Child trafficking- working definition of save the children alliance

All acts of recruiting, transporting, buying, selling, transferring, receiving or fostering a person, including a child (as defined by the United Nations Convention on Human Rights and/or national law applicable to the Member States) internally or through the boarding in connection with the use of deception, coercion (including the use or threat of force or abuse of power), debt or bondage, whether payment is given or received, for the purpose of bringing or maintaining the person in involuntary domestic, sexual or reproductive slavery, forced labor or slavery, such as slavery or fake adoption.

The 2010 TIP report states that illegal adoption, trade in human organs, child pornography and prostitution are not human trafficking they are the end results of trafficking or the purpose for which human beings are trafficked or the reasons why human trafficking exists.

Types and Grounds of Trafficking in India

The factors which are responsible for business of human being in trafficking crime are divided into mainly two types that are Push and Pull factors.

There are many things included in the “push factors” like poverty, having many members in the family of leading to lowering of socio- economic conditions. . Other factors like natural disasters which occur annually e.g. floods, draughts etc. causing great loss to people. Many problems like their educational loss, loss of income opportunities to women and her family members especially in rural areas has created. Such people have pressure about dowry for their daughters, therefore they send their daughters to work at uncomfortable places pushing them in traffickers trap. As these people don’t have knowledge about the activities of traffickers.¹

Others are “pull factors” like different promises given by traffickers like - giving employment in big cities, earning money in an easy way, providing them comfortable life are given because there are demands of young girls in different sectors like sweat shop labour and for marriage in some area, for sex industry, commercial sexual exploitation etc. there are demands of young children for adoption, for working as a labour in factory. There is shortage of women in areas like Punjab and Haryana because of reason of female feticide as traffickers are aware of these facts they bring the girls from state of Assam, Bihar under the name of marriage without giving dowry, as a result the poor parents indirectly fall in this trap of traffickers and later these girls are sent for prostitution.²

“Trafficking” is often determined and motivated by factors that are economic, social, and cultural and the state in which trafficking occurs. There are some specific individual trafficking patterns particular to the State. There is also possibility of having common factors of trafficking found broadly in different cases or regions. These common factors are like poverty, political instability, domination, and dangers from conflicts that may be social or armed, absence of human rights, aggression, also due to war population moved or transferred. Consequently, the orphan children or the children living on streets get affected.

Due to the rapid increase of media and telecommunication services including internet creates a desire among people in developing countries and transferred to well- developed States. Because of this trafficking increases. Parents have a hope that if their children can go to other places where they got better opportunity of education or job, due to poverty it is not possible to provide them the same. Traffickers take benefit of these things.³

General causes responsible to trafficking

Social causes like, Poverty, Fashion and media trends, Unemployment, Illiteracy, Attitudinal, Lower status ,Disaster, Broken Families ,Addicted Father, Economic causes like Economic Deprivation, Low income, Debt, Agriculture failure, Psychological causes like deficiency of confidence. Absence of will power, Stress, tension Contributory causes like Lack of political sensitivity, No proper preventive measures, Lack of enforcement of law⁴

According to researcher, above factors which are given by the author are appropriate and really affecting the trafficking against women and children .Even along with the above general factors there are specifically vulnerability factors also given by the author which really affects the trafficking against women and children. There is agreement found among the reasons for trafficking in many of the research studies among these studies vulnerability factors considered to be base of trafficking.

Vulnerability Factors

1. Conflicts in marriage, family status, Sexual and drug misuse, sex differences, Broken domestic conditions, Desertion by husband, Dowry Children in substitute care, Involvement in commercial sex work of any other in family extra-marital relation
2. Socio structural Industrialization and globalization, Economic crisis, Economic decline, Underdevelopment and Privatization and liberalization
3. Political Battles affecting trouble and uncertainty, Settlement Procedures, violation of human rights, Poor governance, Limited Law Enforcement and Unequal Distribution There are three important factors considered as trafficking triangle they have been drawn by Alison Phinney responsible for trafficking.⁵

Top five reasons for trafficking in humans

- **Natural disasters, War, a search for a better life and Poverty:** Traffickers are always in search of such people who are vulnerable. These vulnerable peoples are generally such a persons who always need financial assistance because they suffer from circumstances like Natural disasters, economic crisis, also movement of population increase individual's sensitive exposure. Political uncertainty also one of the reason for trafficking.
- **Special objects are women and children:** There are many societies in the world where there is devalue of women and children which make women and children more weak. Also traditional approaches of people are responsible for trafficking in women and children, like marriage of girls at early age make them weaker. Today there is huge demand for women in sex industry so women and children are sold throughout the world for commercial sexual slavery or for labour purpose.
- **To purchase labour at low cost is in demand:** There are some specific areas where trafficking in human beings is common using the way of demanding the cheap labour, that are kitchens and restaurants, agricultural or domestic work. These workers generally given promise of safe work and good salary but actually they paid very less salary for lots of work. Many owners of the business even if found guilty, the trafficking victims have no means to take action against them.
- **Large profit is produced through trafficking in human beings:** Today trafficking in human being considered as very fast growing criminal activity in the world as it create very large profit every year. Before this trafficking in human beings, drug trafficking is the maximum profitable industry but through sex and domestic trafficking criminals also got profit so human trafficking come at second level.
- **Elements causative for supply:** There are very less facilities or chances of jobs or occupations in rural and countryside areas. Many families suffered from poverty etc. so many women are in search of job or better work opportunities in metro area or abroad, for that purpose they are living in touch of different service agencies or study programs but they doesn't know about the legitimacy of these agencies. In different employments also well position is not given to women at many places last preference is given to her, many places her sexual harassment at workplaces is there. All these situations influences women to go abroad for better employment but this may cause risk of exploitation or indirectly trafficking.

Reasons Funding together to Supply and Demand

There are some countries which are declared as clashed sectors or Conflict zones and always situation of militarization occurred. In such States women become more vulnerable and she can be used for various immoral purposes forcefully like prostitution, sexual abuse or for domestic purposes for soldiers. Even rape is used like weapon for enemy soldier. Such types of conflicts results in uncertainty for peoples of these countries which specially affects on position of women because it causes movement of women from one place to other make them sufferer of trafficking.

Major grounds for trafficking in human beings

Following are the major reasons responsible to trafficking in human being in India. They are as follows.

Economic causes

There are maximum such families in the country having very less income and not having property etc. specially in rural areas there is less profit in the agriculture and there are rare land owners so it becomes necessary that women and children of that family do work and help financially to their family in some manner. Many peoples live in poor villages and due to poverty they can't send their children to schools also some parents compulsory send their children to work for money purpose because they have less money for their proper living and they doesn't think about child laws etc. only to eradicate their poverty is the main reason. In India, always preference is given to boys as compared to daughters as this tradition believes that son

will carry their name in future and they have to give dowry to girls in marriage because of which girls are send for work , these parents can send their daughters for work and sometimes if any relative or friend told them that if their daughter will go with them outside work she will earn more money and so in desire of money they send their daughters and many times these girls found in brothels or doing sexual servitude. There are less social security systems or lack of such security system and do not reach up to poorest people and up to disadvantaged sections of the community.¹⁴

Today there are very few jobs available to youths. Many of these youths are unemployed and especially very few opportunities to women as compared to men and even there is less payment given to unskilled labor, women are limited to household work and sales and services in informal sectors . Many women are works as maids in very bad circumstances in the faith of finding somewhat improved, when traffickers offers good job to village girls their parents think about the dream city and good income there, her parents having faith that after some time all remaining members of the family can go to the town so in this economic condition peoples from the countryside are shifting into cities for better opportunities, peoples are going to work in different regions e.g. construction industries, tourism and agriculture where there is more need for labour and in such situation migration of women mainly happens which afterwards turns into trafficking.

Sometimes it is possible that children are forced to work as beggars and in other criminal activity, also there are examples that children are worked in mining factories and in other harmful industries. Many traffickers work in community to trap such peoples who is in need.

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