



Human Trafficking -An Anti Social Act

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ABSTRACT: Human trafficking is the trade of humans for the purpose of forced labour, sexual slavery, or commercial sexual exploitation.^[1] 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 by international conventions, but legal protection varies globally. The practice has millions of victims around the world.

KEYWORDS: human trafficking, forced labour, sexual slavery, anti-social, smuggled, victims, exploitation

I.INTRODUCTION

Human trafficking is the third largest crime industry in the world, behind drug dealing and arms trafficking, and is the fastest-growing activity of trans-national criminal organizations.^{[11][12][13]}

In January 2013, UNODC published the new edition of the Global Report on Trafficking in Persons.^[14] The Global Report on Trafficking in Persons 2014 has revealed that 30 per cent of all victims of human trafficking officially detected globally between 2015 and 2014 are children, up 3 per cent from the period 2007–2010. The Global Report recorded victims of 137 different nationalities detected in 142 countries between 2012 and 2015, during which period, 500 different flows were identified. Around half of all trafficking took place within the same region with 42 per cent occurring within national borders. One exception is the Middle East, where most detected victims are East and South Asians. Trafficking victims from East Asia have been detected in more than 64 countries, making them the most geographically dispersed group around the world. There are significant regional differences in the detected forms of exploitation. Countries in Africa and in Asia generally intercept more cases of trafficking for forced labour, while sexual exploitation is somewhat more frequently found in Europe and in the Americas. Additionally, trafficking for organ removal was detected in 16 countries around the world. The Report raises concerns about low conviction rates – 16 per cent of reporting countries did not record a single conviction for trafficking in persons between 2007 and 2010.^[2] Significant progress has been made in terms of legislation: as of 2012, 83% of countries had a law criminalizing trafficking in persons in accordance with the Protocol.^[15]

Trafficking of children involves the recruitment, transportation, transfer, harboring, or receipt of children for the purpose of exploitation. Commercial sexual exploitation of children can take many forms, including forcing a child into prostitution^{[28][29]} or other forms of sexual activity or child pornography. Child exploitation may also involve forced labour or services, slavery or practices similar to slavery, servitude, the removal of organs,^[30] illicit international adoption, trafficking for early marriage, recruitment as child soldiers, for use in begging or as athletes (such as child camel jockeys^[31] or football trafficking.)^[32]

Child labour is a form of work that may be hazardous to the physical, mental, spiritual, moral, or social development of children and can interfere with their education. According to the International Labour Organization, the global number of children involved in child labour fell during the twelve years to 2012 – it has declined by one third, from 246 million in 2000 to 168 million children in 2012.^[33] Sub-Saharan Africa is the region with the highest incidence of child labour, while the largest numbers of child-workers are found in Asia and the Pacific.^[33]

IOM statistics indicate that a significant minority (35%) of trafficked persons it assisted in 2011 were less than 18 years of age, which is roughly consistent with estimates from previous years. It was reported in 2010 that Thailand and Brazil were considered to have the worst child sex trafficking records.^[34]

Traffickers in children may take advantage of the parents' extreme poverty. Parents may sell children to traffickers in order to pay off debts or gain income, or they may be deceived concerning the prospects of training and a better life for their children. They may sell their children into labour, sex trafficking, or illegal adoptions, although scholars have urged a nuanced understanding and approach to the issue - one that looks at broader socio-economic and political contexts.^{[35][36][37]}



The adoption process, legal and illegal, when abused can sometimes result in cases of trafficking of babies and pregnant women around the world.^[38] In David M. Smolin's 2005 papers on child trafficking and adoption scandals between India and the United States,^{[39][40]} he presents the systemic vulnerabilities in the inter-country adoption system that makes adoption scandals predictable.

The United Nations Convention on the Rights of the Child at Article 34, states, "States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse".^[41] In the European Union, commercial sexual exploitation of children is subject to a directive – Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography.^[42]

The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (or Hague Adoption Convention) is an international convention dealing with international adoption, that aims at preventing child laundering, child trafficking, and other abuses related to international adoption.^[43]

The Optional Protocol on the Involvement of Children in Armed Conflict seeks to prevent forceful recruitment (e.g. by guerrilla forces) of children for use in armed conflicts.^[44]

The International Labour Organization claims that forced labour in the sex industry affects 4.5 million people worldwide.^[45] Most victims find themselves in coercive or abusive situations from which escape is both difficult and dangerous.^[46]

Trafficking for sexual exploitation was formerly thought of as the organized movement of people, usually women, between countries and within countries for sex work with the use of physical coercion, deception and bondage through forced debt. However, the Trafficking Victims Protection Act of 2000 (US)^[47] does not require movement for the offence. The issue becomes contentious when the element of coercion is removed from the definition to incorporate facilitation of consensual involvement in prostitution. For example, in the United Kingdom, the Sexual Offences Act 2003 incorporated trafficking for sexual exploitation but did not require those committing the offence to use coercion, deception or force, so that it also includes any person who enters the UK to carry out sex work with consent as having been "trafficked".^[48] In addition, any minor involved in a commercial sex act in the US while under the age of 18 qualifies as a trafficking victim, even if no force, fraud or coercion is involved, under the definition of "Severe Forms of Trafficking in Persons" in the US Trafficking Victims Protection Act of 2000.^{[47][49]}

Trafficked women and children are often promised work in the domestic or service industry, but instead are sometimes taken to brothels where they are required to undertake sex work, while their passports and other identification papers are confiscated. They may be beaten or locked up and promised their freedom only after earning – through prostitution – their purchase price, as well as their travel and visa costs.^{[50][51]}

A forced marriage is a marriage where one or both participants are married without their freely given consent.^[52] Servile marriage is defined as a marriage involving a person being sold, transferred or inherited into that marriage.^[53] According to ECPAT, "Child trafficking for forced marriage is simply another manifestation of trafficking and is not restricted to particular nationalities or countries".^[22] Labour trafficking is the movement of persons for the purpose of forced labour and services.^[57] It may involve bonded labour, involuntary servitude, domestic servitude, and child labour.^[57] Labour trafficking happens most often within the domain of domestic work, agriculture, construction, manufacturing and entertainment; and migrant workers and indigenous people are especially at risk of becoming victims.^[45] People smuggling is a related practice which is characterized by the consent of the person being smuggled.^[58] Smuggling situations can descend into human trafficking through coercion and exploitation.^[59] They are known to traffic people for the exploitation of their labour, for example, as transporters.^[60]

Bonded labour, or debt bondage, is probably the least known form of labour trafficking today, and yet is the most widely used method of enslaving people. Victims become "bonded" when their labour, the labour which they themselves hired and the tangible goods they have bought are demanded as a means of repayment for a loan or service whose terms and conditions have not been defined, or where the value of the victims' services is not applied toward the liquidation of the debt. Generally, the value of their work is greater than the original sum of money "borrowed".^[61]

Forced labour is a situation in which people are forced to work against their will under the threat of violence or some other form of punishment; their freedom is restricted and a degree of ownership is exerted. Men and women are at risk of being trafficked for unskilled work, which globally generates US\$31 billion according to the International Labour Organization.^[62] Forms of forced labour can include domestic servitude, agricultural labour, sweatshop factory labour, janitorial, food service and other service industry labour, and begging.^[61] Some of the products that can be produced by forced labour are: clothing, cocoa, bricks, coffee, cotton, and gold.^[63]



II.DISCUSSION

Trafficking in organs is a form of human trafficking. It can take different forms. In some cases, the victim is compelled into giving up an organ. In other cases, the victim agrees to sell an organ in exchange of money/goods, but is not paid (or paid less). Finally, the victim may have the organ removed without the victim's knowledge (usually when the victim is treated for another medical problem/illness – real or orchestrated problem/illness). Migrant workers, homeless persons, and illiterate persons are particularly vulnerable to this form of exploitation. Trafficking of organs is an organized crime, involving several offenders:^[64]

- the recruiter
- the transporter
- the medical staff
- the middlemen/contractors
- the buyers

Trafficking for organ trade often seeks kidneys. Trafficking in organs is a lucrative trade because in many countries the waiting lists for patients who need transplants are very long.^[65] Some solutions have been proposed to help counter it.

Most fraud factories operate in Southeast Asia (including Cambodia, Myanmar, or Laos), and are typically run by a Chinese criminal gang. Fraud factory operators lure foreign nationals to scam hubs, where they are forced to scam internet users around the world into fraudulently buying cryptocurrencies or withdrawing cash, via social media and online dating apps. Trafficking victims' passports are confiscated, and they are threatened with organ theft, organ harvesting or forced prostitution if they do not scam sufficiently successfully. Abolitionists who seek an end to sex trafficking explain the nature of sex trafficking as an economic supply and demand model. In this model, male demand for prostitutes leads to a market of sex work, which, in turn, fosters sex trafficking, the illegal trade and coercion of people into sex work, and pimps and traffickers become 'distributors' who supply people to be sexually exploited. The demand for sex trafficking can also be facilitated by some pimps' and traffickers' desire for women whom they can exploit as workers because they do not require wages, safe working circumstances, and agency in choosing customers.^[66] The link between demand for paid sex and incidences of human trafficking, as well as the "demand for trafficking" discourse more broadly, have never been proven empirically and have been seriously questioned by a number of scholars and organisations.^{[87][88][89][90]} To this day, the idea that trafficking is fuelled by demand remains poorly conceptualised and based on assumptions rather than evidence. Human trafficking victims face threats of violence from many sources, including customers, pimps, brothel owners, madams, traffickers, and corrupt local law enforcement officials and even from family members who do not want to have any link with them.^[93] Because of their potentially complicated legal status and their potential language barriers, the arrest or fear of arrest creates stress and other emotional trauma for trafficking victims.^{[94][95]} The challenges facing victims often continue after their removal from coercive exploitation.^[96] In addition to coping with their past traumatic experiences, former trafficking victims often experience social alienation in the host and home countries. Stigmatization, social exclusion, and intolerance often make it difficult for former victims to integrate into their host community, or to reintegrate into their former community. Accordingly, one of the central aims of protection assistance, is the promotion of reintegration.^{[97][98]} Too often however, governments and large institutional donors offer little funding to support the provision of assistance and social services to former trafficking victims.^[99] As the victims are also pushed into drug trafficking, many of them face criminal sanctions also.^[100] Human trafficking victims may experience complex trauma as a result of repeated cases of intimate relationship trauma over long periods of time including, but not limited to, sexual abuse, domestic violence, forced prostitution, or gang rape. Complex trauma involves multifaceted conditions of depression, anxiety, self-hatred, dissociation, substance abuse, self-destructive behaviors, medical and somatic concerns, despair, and revictimization. Psychology researchers report that, although similar to post-traumatic stress disorder (PTSD), complex trauma is more expansive in diagnosis because of the effects of prolonged trauma.^[108]

Victims of sex trafficking often get "branded"^[109] by their traffickers or pimps. These tattoos usually consist of bar codes or the trafficker's name or rules. Even if a victim escapes their trafficker's control or gets rescued, these tattoos are painful reminders of their past and result in emotional distress. Removing or covering these tattoos can cost hundreds of dollars.^{[110][111]}

Psychological reviews have shown that the chronic stress experienced by many victims of human trafficking can compromise the immune system.^[102] Several studies found that chronic stressors (like trauma or loss) suppressed cellular and humoral immunity.^[105] Victims may develop sexually transmitted infections and HIV/AIDS.^[112] Perpetrators frequently use substance abuse as a means to control their victims, which leads to compromised health, self-destructive



behavior, and long-term physical harm.^[113] Furthermore, victims have reported treatment similar to torture, where their bodies are broken and beaten into submission.^{[113][114]}

Children are especially vulnerable to these developmental and psychological consequences of trafficking due to their age. In order to gain complete control of the child, traffickers often destroy the physical and mental health of the children through persistent physical and emotional abuse.^[115] Victims experience severe trauma on a daily basis that devastates the healthy development of self-concept, self-worth, biological integrity, and cognitive functioning.^[116] Children who grow up in environments of constant exploitation frequently exhibit antisocial behavior, over-sexualized behavior, self-harm, aggression, distrust of adults, dissociative disorders, substance abuse, complex trauma, and attention deficit disorders.^{[104][115][116][117]} Stockholm syndrome is also a common problem for trafficked girls, which can hinder them from both trying to escape, and moving forward in psychological recovery programs.^[114]

Although 98% of the sex trade is composed of women and girls,^[114] there is an effort to gather empirical evidence about the psychological impact of abuse common in sex trafficking upon young boys.^{[116][118]} Boys often will experience forms of post-traumatic stress disorder, but also additional stressors of social stigma of homosexuality associated with sexual abuse for boys, and externalization of blame, increased anger, and desire for revenge.

III. RESULTS

Sex trafficking increases the risk of contracting HIV/AIDS.^[120] The HIV/AIDS pandemic can be both a cause and a consequence of sex trafficking. On one hand, children are sought by customers because they are perceived as being less likely to be HIV positive, and this demand leads to child sex trafficking. On the other hand, trafficking leads to the proliferation of HIV, because victims cannot protect themselves properly and get infected.^[121] In India, the trafficking in persons for commercial sexual exploitation, forced labour, forced marriages and domestic servitude is considered an organized crime. The Government of India applies the Criminal Law (Amendment) Act 2013, active from 3 February 2013, as well as Section 370 and 370A IPC, which defines human trafficking and "provides stringent punishment for human trafficking; trafficking of children for exploitation in any form including physical exploitation; or any form of sexual exploitation, slavery, servitude or the forced removal of organs." Additionally, a Regional Task Force implements the SAARC Convention on the prevention of Trafficking in Women and Children.^[166]

Shri R.P.N. Singh, India's Minister of State for Home Affairs, launched a government web portal, the Anti Human Trafficking Portal, on 20 February 2014. The official statement explained that the objective of the on-line resource is for the "sharing of information across all stakeholders, States/UTs [Union Territories] and civil society organizations for effective implementation of Anti Human Trafficking measures."^[166] The key aims of the portal are:

- Aid in the tracking of cases with inter-state ramifications.
- Provide comprehensive information on legislation, statistics, court judgements, United Nations Conventions, details of trafficked people and traffickers and rescue success stories.
- Provide connection to "Trackchild", the National Portal on Missing Children that is operational in many states.^[166]

Also on 20 February, the Indian government announced the implementation of a Comprehensive Scheme that involves the establishment of Integrated Anti Human Trafficking Units (AHTUs) in 335 vulnerable police districts throughout India, as well as capacity building that includes training for police, prosecutors and judiciary. As of the announcement, 225 Integrated AHTUs had been made operational, while 100 more AHTUs were proposed for the forthcoming financial year.^[166]

In the U.S., services and protections for trafficked victims are related to cooperation with law enforcement. Legal procedures that involve prosecution and specifically, raids, are thus the most common anti-trafficking measures. Raids are conducted by law enforcement and by private actors and many organizations (sometimes in cooperation with law enforcement). Law enforcement perceive some benefits from raids, including the ability to locate and identify witnesses for legal processes, to dismantle "criminal networks", and to rescue victims from abuse.^[94]

The problems against anti-trafficking raids are related to the problem of the trafficking concept itself, as raids' purpose of fighting sex trafficking may be conflated with fighting prostitution. The Trafficking Victims Protection Re-authorization Act of 2005 (TVPRA) gives state and local law enforcement funding to prosecute customers of commercial sex, therefore some law enforcement agencies make no distinction between prostitution and sex trafficking. One study interviewed women who have experienced law enforcement operations as sex workers and found that during these raids meant to combat human trafficking, none of the women were ever identified as trafficking victims, and only one woman was asked whether she was coerced into sex work. The conflation of trafficking with prostitution, then, does not serve to



adequately identify trafficking and help the victims. Raids are also problematic in that the women involved were most likely unclear about who was conducting the raid, what the purpose of the raid was, and what the outcomes of the raid would be.^{[94][197]} Another study found that the majority of women "rescued" in anti-trafficking raids, both voluntary and coerced sex workers, eventually returned to sex work but had amassed huge amounts of debt for legal fees and other costs while they were in detention after the raid and were, overall, in a worse situation than before the raid.^[198]

Law enforcement personnel agree that raids can intimidate trafficked persons and render subsequent law enforcement actions unsuccessful. Social workers and attorneys involved in anti-sex trafficking have negative opinions about raids. Service providers report a lack of uniform procedure for identifying trafficking victims after raids. The 26 interviewed service providers stated that local police never referred trafficked persons to them after raids. Law enforcement also often use interrogation methods that intimidate rather than assist potential trafficking victims. Additionally, sex workers sometimes face violence from the police during raids and arrests and in rehabilitation centers.^[94]

As raids occur to brothels that may house sex workers as well as sex trafficked victims, raids affect sex workers in general. As clients avoid brothel areas that are raided but do not stop paying for sex, voluntary sex workers will have to interact with customers underground. Underground interactions means that sex workers take greater risks, where as otherwise they would be cooperating with other sex workers and with sex worker organizations to report violence and protect each other. One example of this is with HIV prevention. Sex workers collectives monitor condom use, promote HIV testing, and cares for and monitor the health of HIV positive sex workers. Raids disrupt communal HIV care and prevention efforts, and if HIV positive sex workers are rescued and removed from their community, their treatments are disrupted, furthering the spread of AIDS.^[199]

Scholars Aziza Ahmed and Meena Seshu suggest reforms in law enforcement procedures so that raids are last resort, not violent, and are transparent in its purposes and processes. Furthermore, they suggest that since any trafficking victims will probably be in contact with other sex workers first, working with sex workers may be an alternative to the raid and rescue model.^[200]

There are different feminist perspectives on sex trafficking. The third-wave feminist perspective of sex trafficking seeks to harmonize the dominant and liberal feminist views of sex trafficking. The dominant feminist view focuses on "sexualized domination", which includes issues of pornography, female sex labor in a patriarchal world, rape, and sexual harassment. Dominant feminism emphasizes sex trafficking as forced prostitution and considers the act exploitative. Liberal feminism sees all agents as capable of reason and choice. Liberal feminists support sex workers' rights, and argue that women who voluntarily chose sex work are autonomous. The liberal feminist perspective finds sex trafficking problematic where it overrides consent of individuals.^{[204][205][206]}

Third-wave feminism harmonizes the thoughts that while individuals have rights, overarching inequalities hinder women's capabilities. Third-wave feminism also considers that women who are trafficked and face oppression do not all face the same kinds of oppression. For example, third-wave feminist proponent Shelley Cavalieri identifies oppression and privilege in the intersections of race, class, and gender. Women from low socioeconomic class, generally from the Global South, face inequalities that differ from those of other sex trafficking victims. Therefore, it advocates for catering to individual trafficking victim because sex trafficking is not monolithic, and therefore there is not a one-size-fits-all intervention. This also means allowing individual victims to tell their unique experiences rather than essentializing all trafficking experiences. Lastly, third-wave feminism promotes increasing women's agency both generally and individually, so that they have the opportunity to act on their own behalf.^{[204][205][206]}

Third-wave feminist perspective of sex trafficking is loosely related to Amartya Sen's and Martha Nussbaum's visions of the human capabilities approach to development. It advocates for creating viable alternatives for sex trafficking victims. Nussbaum articulated four concepts to increase trafficking victims' capabilities: education for victims and their children, microcredit and increased employment options, labor unions for low-income women in general, and social groups that connect women to one another.^[205]

The clash between the different feminist perspectives on trafficking and sex work was especially evident at the negotiations of the Palermo Protocol. One feminist group, led by the Global Alliance Against Traffic in Women, saw trafficking as the result of globalisation and restrictive labour migration policies, with force, fraud and coercion as its defining features. The other feminist group, led by the Coalition Against Trafficking in Women saw trafficking more narrowly as the result of men's demand for paid sex. Both groups tried to influence the definition of trafficking and other provisions in the Protocol. Eventually, both were only partially successful;^{[207][208]} however, scholars have noted that this rift between feminist organisations led to the extremely weak and voluntary victim protection provisions of the Protocol.^[209]



IV. CONCLUSIONS

According to modern feminists, women and girls are more prone to trafficking also because of social norms that marginalize their value and status in society. By this perspective females face considerable gender discrimination both at home and in school. Stereotypes that women belong at home in the private sphere and that women are less valuable because they do not and are not allowed to contribute to formal employment and monetary gains the same way men do further marginalize women's status relative to men. Some religious beliefs also lead people to believe that the birth of girls are a result of bad karma,^{[210][211]} further cementing the belief that girls are not as valuable as boys. It is generally regarded by feminists that various social norms contribute to women's inferior position and lack of agency and knowledge, thus making them vulnerable to exploitation such as sex trafficking.^[212]

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