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## **IMMORAL TRAFFICKING - INDIA & GLOBAL PERSPECTIVES**

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### **ABSTRACT**

Trafficking in human beings, including trafficking of women and children has become a matter of grave concern which, off late, has taken a shape of an organized crime having trans-national character. The current review is about the human trafficking in India and global scenario and its prevalence in India and certain acts to protect the human trafficking .One of the important act regarding human trafficking is IMMORAL HUMAN TRAFFICKING ACT and its prevalence in the India and other territories. It also comprise of the comparison of the state of human trafficking in India and USA. This study involves the elements, causes, forms and effect of human trafficking. The existing researches say that the acts brought by the government are useful enough to reduce the human trafficking but my study about the human trafficking says that the present act like the Immortal Traffic Prevention Act is not useful as, much until the amendment bill was passed in 2006 in India.

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### **Introduction**

In 1950 the government of Asian country sanctioned the International Convention for the Suppression of Immoral Traffic in Persons and also the Exploitation of the prostitution of others. In 1956 Asian country passed the Suppression of Immoral Traffic in Women and Girls Act, 1956 (SITA). The act was more amended and adjusted in 1986, leading to the Immoral Traffic Prevention Act additionally recognized as more useful one. Immoral Traffic Prevention Act, 1986 solely discusses trafficking in relevance whoredom and not in relevance alternative functions of trafficking love domestic work, kid labour, organ harvest home, etc. the subsequent is an overview of the provisions during this law that pertains to youngsters below the age of eighteen. The act defines kid as anyone WHO has completed eighteen years. The primary section of the act has provisions that define the unlawfulness of prostitution and also the social control for owning an identical institution, or for living of earnings of prostitution.

Trafficking in human beings, more so in women and children, is one of the fastest growing forms of criminal activity, next only to drugs and weapons trade, generating unaccountable profits annually. The reasons for the increase in this global phenomenon are multiple and complex, affecting rich and poor countries alike. India is no exception to this. The source areas or points of origin are often the more deprived places, regions or countries, and the points of destination are often although not always urban conglomerates within or across borders. For all those who view trafficking in economic terms, it is the real or perceived differential between the economic status of source and

destination area that is important. In practice, however, human beings may be and are trafficked from one poor area to another poor area as well for reasons best known to the traffickers, a fact that has been corroborated by research studies and documentation across the world. The fact that the process of trafficking is designed and manipulated by traffickers for their own ends for which they employ all kinds of means, it would, therefore, be wrong to assume that human beings are always trafficked from undeveloped to more developed places, as this is not always so. This, to a large extent, also signifies that trafficking primarily is a human rights issue for it violates the fundamental human rights of all those who are trafficked.

Human trafficking, a form of organized crime that extends across borders, covers various forms of human rights violations, ranging from commercial sexual exploitation to forced labour and organ donation. Over the years it has taken on more complex and diverse forms making it necessary to reform laws and strategies geared towards its eradication and control. Tragically, the involvement of children, especially girls, has also grown. According to the United Nations, Office on Drugs and Crime (UNODC) in its 2012 Report the share of minor girls trafficked increased from 13% in 2006 to 17% in 2009. The Report also shows that trafficking for commercial sexual exploitation accounts for 57-62% of all victims of trafficking. In order to deal with this growing menace the United Nations Convention against Transnational Organized Crime developed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000), to provide the international legal framework through which trafficking could be combatted world-wide. Countries, like India, who have ratified the protocol, are obligated to amend their domestic laws accordingly to deal with the problem at the national level.

#### **Regional Trends - Asia and the Pacific:**

In 1950 the govt. of Republic of India legal the International Convention for the Suppression of Immoral Traffic in Persons and also the Exploitation of the Prostitution of others. In 1956 Republic of India passed the Suppression of Immoral Traffic in Women and Girls Act, 1956 (SITA). Trishala A , Lakshmi T and Rajeshkumar S The act was amended in 1986, leading to the Immoral Traffic revention Act additionally referred to as PITA. Immoral Traffic interference Act, 1986 PITA solely discusses trafficking in reference to prostitution and not in reference to alternative functions of trafficking admire domestic work, kids labour, organ harvest, etc.(Ronald weitzer). In Raj Bahadur's case the Calcutta High Court pointed out that "Traffic in human being," means selling and buying men and women like goods and includes immoral traffic in women and children for immoral and other purposes. Under Part IV of the constitution Article 39 (e) and 39 (f) identifies that men and women and the tender age of children are not abused and the citizens are not forced by economic necessity to enter avocations unsuited to their age or strength and childhood and youth should be protected from exploitation and moral and material abandonment respectively and these are some of the principles of policies which should be followed by the state.

As far Bangladesh is concerned trafficking has a great influence on this country. The illegal network involved in the trafficking of Bangladesh is massively utilizing the poverty, social structure and ignorance of the victim and they are, making them targets on the pretence of high paying jobs abroad or other financial facilities.

An estimated 2, 25,000 victims are trafficked from South East Asia annually according to the US Department of States. The growth of sex tourism in this region is one of the main contributing factors for the large- scale child prostitution that occurs in many countries. Thailand, Cambodia, and the Philippines are popular travel destinations for "sex tourism", including pedophiles from Europe, North America, Japan and Australia.

Japan is the largest market for Asian women trafficked for sex, where some 1, 50,000 non-Japanese women are involved. Half are from Philippines and 40 per cent are from Thailand. There exists a racist hierarchy among the sex industry with the top being occupied by independent and well paid prostitutes who are Japanese or Western women, followed by bonded slaves of whom the best are the white women from Eastern Europe and at the bottom being women from South East Asia. Victims are also trafficked in increasing numbers to newly industrialized countries and regions,

including Taiwan, Malaysia, Hong Kong and Thailand. Cross-border trafficking is prevalent in the Mekong region of Thailand, Myanmar, Laos, Cambodia, Vietnam and the Southern Yunan province of China. Vietnamese women are trafficked to China and Cambodia; women and children from Myanmar to Thailand.

Victims from South East Asia, especially China, Myanmar, Philippines, Thailand, Cambodia and Vietnam are also sent to Western Europe, United States, Australia and the Middle East. In South Asia, the US Department of State estimates that some 1, 50,000 victims are trafficked annually. Sri Lanka and India are the favoured destinations of sex tourists from other parts of the world. Bangladesh and Nepal serve as the supply zone whereas India and Pakistan serve as destination countries. Estimates of the number of Nepalese girls and young women lured or abducted to India for sexual exploitation each year ranges from 5,000 to 10,000. The total number of Nepalese working as prostitutes in India ranges from 40,000 to 2, 00,000. More than 15,000 women and children are believed to be trafficked out of Bangladesh every year. Over 4,000 women and children are trafficked from Bangladesh to Pakistan each year. Also, according to the Amnesty International, Afghan women have been sold into prostitution in Pakistan.

Some 7,000 Nepalese women and children are trafficked for prostitution to the Asia Pacific, especially Hong Kong. A rough estimate shows that about 2, 00,000 Bangladeshi women and children have been trafficked to the United Arab Emirates (UAE). India is a source, transit, and destination country, receiving women and children from Bangladesh, Nepal, Bhutan, Sri Lanka and Pakistan and sending them to Europe and Middle East.

Australia has been a prime source of sex tourists in Asia. The Philippines, Thailand, South Korea, Sri Lanka and Hong Kong are some of the primary Asian destinations for organized sex tours from Australia. Indonesia and Taiwan are secondary destinations. To counter attack this problem, Australia has been active in review of extraterritorial legislation and public awareness campaigns aimed at travelers.

International criminal organizations traffic hundreds of Thai women yearly to Australia. Therefore, Australia plans to introduce tougher Laws including long jail terms to curb the increased trafficking of Asian women to Australia for prostitution.

## **Europe**

The former Soviet Union and Central and Eastern Europe have replaced Asia as the main source of trafficked women to Western Europe. Victims come from Russia, Ukraine, and other East European countries. With the economic and political turmoil after the collapse of the Soviet Union, trafficking from the region has escalated from a minor problem before 1991 into a major crisis. As criminal organizations have grown, especially in Russia, they have gravitated to this lucrative business. Russian organized crime groups and other including Albanian, Estonian, Chechen, Serb and Italian groups are involved in human trafficking in Europe. Russian criminal groups reportedly are also gaining control of prostitution in Israel, and other parts of United States<sup>13</sup>.

Around 1, 75,000 who are trafficked annually are from the former Soviet Union and Eastern Europe. In addition, several Central and East European countries are reported to be the source, receiving, and transit countries. The conflicts in Bosnia and Kosovo provided new opportunities for traffickers in the former Yugoslavia and the Balkans. Traffickers have targeted refugee women who fled Kosovo. According to the Women's Commission for Refugee Women and Children, Albanian traffickers have smuggled thousands of Kosovo women into Italy by boat for the sex trade<sup>14</sup>.

An estimated 70 per cent of Russian and East European victims are believed to be sent to West European countries especially Germany, Italy, France, Switzerland, Netherlands, Greece, Austria and England. Another 15 per cent are sent to the Middle East especially Israel and Saudi

Arabia and the Far East especially Japan and Thailand. About 5,000 or 3 per cent are sent to United States or Canada. The remainders are sent to Central European countries, especially Poland, Hungary and the Czech Republic. The Western European countries are also destination points for victims from other parts of the world including Africa, Ghana, and Nigeria, Morocco, and Latin American countries viz., Brazil, Colombia, South East Asian countries viz., Dominican Republic, Philippines and Thailand.

#### **Middle East:**

The sexual exploitation of women and children in the Middle East involves the import of women from other regions. The exploitation of Middle Eastern women and children tends to have less of a commercial dimension.

Women and children, mostly from Asian countries viz., Thailand, Indonesia, Bangladesh, Philippines are trafficked as prostitutes, brides, camel jockeys, and domestic help to the Middle East. Women from the former Soviet Union are sent to Israel. According to Israel Women's Network, every year well-organized criminal groups bring several hundred to 2,000 women from Russian and the former Soviet Union to Israel.

#### **Latin America and the Caribbean:**

Estimates of the number of Latin America and Caribbean women and children trafficked for sexual exploitation each year is over 1, 00,000. Impoverished children are particularly vulnerable to trafficking. The Organization of American States estimates that more than two million children are sexually exploited in Latin America.

The presence of sex tourism from Europe, North America, and Australia has significantly contributed to the trafficking of women and children. A growing number of sex tourists are going to Latin America, partly as a result of recent restrictions placed on sex tourism in Thailand, Sri Lanka, and other Asian countries. Favored sex tourism destinations are Brazil, the Dominican Republic, Mexico, Honduras, Costa Rica, Trinidad and Tobago and Argentina.

Brazil has one of the worst child prostitution problems in the world. More than 50,000 women from the Dominican Republic reportedly have been trafficked abroad.

Victims from Latin America and the Caribbean are trafficked to Western Europe and the United States. The Central American countries and Mexico are also transit countries for trafficking to the United States.

#### **Africa:**

In Africa, over 50,000 victims are believed to be trafficked annually according to the US Department of States. Although the extent of trafficking is not well documented like elsewhere, poverty and low status of women are major contributing factors. In addition, wars and civil strife engulfing countries like Sudan and Rwanda, as well as the indifference of some Government's make women and children vulnerable to trafficking

Trafficking in children for labour is a serious problem in Togo and Benin as well as Botswana, Zaire, Somalia, Ethiopia, Zambia, Nigeria, Algeria. Victims are trafficked to Nigeria, Gabon, Ghana and South Africa. Africans especially women from Nigeria are trafficked to Western Europe and the Middle East.

#### **North America:**

Between 45,000 to 50,000 women and children are trafficked to the United States each year. Most come from South East Asia and the former Soviet Union. About half are forced into sweatshop labour and domestic servitude. The rest are forced in prostitution and the sex industry. The United

States and Canada are the major destinations for young children kidnapped and trafficked for adoption by childless couples unwilling to wait for legitimate child adoption procedures and agencies. The largest source country is Mexico.

American men along with Europeans are reportedly the most numerous sex tourists in Central America (Costa Rica, Honduras), South East Asia (the Philippines, Thailand) and South Asia (India, Sri Lanka). Many companies operating in a number of large cities reportedly specialize in sex tours.

### **Historical Background of Trafficking:**

In order to understand the phenomenon of 'trafficking in persons', and to obtain a clear and unambiguous definition it is of utmost importance to trace the historical development of the concept of 'trafficking'. The problem of trafficking can be traced back to the time of Greek City states. Its history is full of attempts on the part of the States to regulate, control and to limit certain sections of the society and certain kind of activities like prostitution. The Greek State and following it others regulated prostitution but in spite of the best efforts of the State and of other social agencies, prostitution has retained itself in large towns since the last 2,500 years proves how deep-rooted it is in human social life.

Social, economic and moral changes in society, which necessarily influence different aspects of social life, have affected this institution as well. The Abolitionist Movement that set in at the end of the 19<sup>th</sup> Century brought with it a system of State regulation of prostitution. It was the spread of venereal diseases that the demand of its total abolition started to be heard. Apart from this, the inquiries conducted by various social organizations at the end of the 19<sup>th</sup> century revealed that women were more often than not forced into this profession and did not embrace it willingly as was the misconception hitherto. The Governments sought to introduce severe legislation and also aimed at its strict enforcement. The elusive nature of trafficking was due to the fact that the various acts for carrying it out constituted a crime were never all committed in just one country. It involved the enticing away of girls from one country on some deceitful pretext, to another for her complete exploitation.

The earliest understanding of term "trafficking" comes from UN instruments. The term "traffic" was first used to refer to the so-called 'white slave trade' in women around 1900. The trafficking and voluntary migration of white women from Europe to Arab and Eastern States as concubines or prostitutes was of particular concern to European middle- class men, women and Government. The result was the creation of an international agreement for suppression of the 'white slave trade' in 1904. At this time, traffic meant the movement of women for an immoral purpose i.e. prostitution. Initially, this definition required the crossing of country borders, but by 1910 it changed to acknowledge traffic in women could occur within national boundaries. Traffic in women was seen as related to slavery but also to be closely linked to prostitution.

The link between trafficking and prostitution solidified even more in the following decades, most clearly in the adoption of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of Prostitution of Others. This Convention would be analyzed in detail in Chapter 3. This early confusion of recognizing trafficking with prostitution is still seen in the anti-trafficking activism of some individuals, organizations and Governments today.

Unfortunately, Governments of some destination countries also continue to conflate trafficking with undocumented migration particularly with prostitution. These responses do not bring out the entire gamut of the problem on the contrary harm the interest of women. These Governments generally adopt stricter immigration policies particularly to combat the movement of young women; under the guise of combating 'illegal trafficking in persons'. From the foregoing

account one can thus see that at different points of time in history, the then prevailing concept of trafficking has

- ignored the human rights of trafficked persons;
- been used by moralists and abolitionists to dictate to women in prostitution;
- been used by Governments to restrict the movements of women.

Realizing the ever-growing problems of human trafficking, laws are promulgated to combat the problems. However, existing laws have had very little effect on curbing trafficking. There are many non governmental, governmental, regional and international agencies which are doing a lot to curb the crime, yet there is enough scope to carry out a lot of work at every level. The problem is that if there is no real commitment to implement the laws or no increase of international pressure, then trafficking will continue to be on the increase. It is quite apparent that trafficking and the abuses suffered by its victims violate not only internationally recognized human rights, but also the laws of involved countries. To avoid condemning and denouncing victims of trafficking, society must be sensitized to the vulnerability of women in trafficked situations. Morally incorrect and inhuman social rituals and customs, the marriage of young girls to older men, illiteracy, poverty, discrimination, and violence against women must be eliminated. This must be done by changing society's perceptions and by imposing severe punishment on perpetrators of laws and human rights.

Government Policy adopted as anti human trafficking measures: Throughout the 19th and 21st centuries government measures are taken to prevent this menace internationally, through some Acts and Convention, such as- International Anti Slavery Convention, International Anti-Prostitution Convention, International Labour Law, International Human Rights Law and Rights to Children Act, etc. These are one of the several measures taken by government all over the World. In India also government has taken several anti trafficking measures to prevent the exploitation of women and children from the threat of human trafficking. In the Indian Constitution, Article no. 23 (1) Provides that, 'trafficking in human beings are prohibited and any contravention of this prohibition shall be an offence and punishable. In Article no. 39 (1) imposes duty on the state to direct its policy towards saving 'that children are given opportunities and facilities to develop in a healthy manner and in condition of freedom and dignity and children and youth are protected against exploitation...' The immoral Traffic Preventing Act 1956 is the main legal instrument against the trafficking of human being in the country. In 1998, the Indian Prime minister approved a National Plan of Action to combat trafficking and commercial sexual exploitation of women and children.

## **Cocclusion**

The article covers the sources of trafficking i.e. countries, regions and areas, characteristics of traffickers and trafficking victims, forms of violence against trafficked victims, magnitude of trafficking, reasons for trafficking, structural factors for trafficking, places used for prostitution, types of prostitutes, link between migration and prostitution, types of sex tourism and reasons for sex tourism, link between poverty and trafficking, link between lack of women empowerment and trafficking, impact of trafficking on individuals, family and household, health problems of trafficking victims, implications of repatriation of trafficking victims, legal implications of trafficking and role of state in preventing trafficking and reasons for failure in preventing the trafficking. Certain court judgments have also been referred in the review for having a holistic view of the issue of human trafficking. It is very important to record that, not many academics ventured into this area of research, as collecting data and information are difficult from the original sources of trafficked victims, who, generally, refuse to share information. Hence, most of the studies reviewed here include reports, monographs and court judgments.

Human trafficking is a form of modern day slavery and is considered a crime under federal and international law; it is also a crime in every state in the United States. The Trafficking Victims Protection Act of 2000 was the first comprehensive federal law to address trafficking in individuals. The law addressed prevention, protection, and prosecution. According to federal law, any minor under the age of 18 engaging in commercial sex is a victim of sex trafficking, regardless of the presence of force, fraud, or coercion.<sup>3</sup> To address this global problem, it is essential that all health care workers take on the responsibility to educate themselves about human trafficking, be acquainted with screening questions to ask to identify victims, and know what resources are available to help victims. As frontline health experts, we are in a unique position to help stop human trafficking. We may be the only outside person that the victim comes in contact with who is able or willing to help them attain their safety and freedom. As we go forward in our practice settings, be diligent to make sure that any opportunities to assist victims are not missed.

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