



# EFFECTIVE LEGAL FRAMEWORK TO COMBAT SEXUAL TRAFFICKING IN WOMEN IN THE ERA OF GLOBALIZATION: NEED OF THE HOUR

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*“Human trafficking is a modern form of slavery. It is scourge for humanity and must project its values and protect vulnerable persons.”*

-Jeff Fortenberry

**Abstract--** Globalization as defined refers to an increasing interdependence, connectivity and integration on a global level which has brought about the increase in economic development, increase in employment rate creating many opportunities in emerging economies. This has caused people to overlook the downside of the phenomenon including human trafficking, which is a fast growing criminal activity and is a business for few people. Over the past decades women trafficking have emerged as a new area for researchers and scholars across a wide range. It has moved from the margins of states to the mainstream of international concern. People are engaging in the trade of women for the purpose of forced labour, sexual slavery or commercial sexual exploitation. It has intensified the illicit trade of people and their body parts within and across territorial borders, which has generated a concern among the activists and academicians. This even includes Sex trafficking, it is an industry with both a long history, and a fast growth rate. It is a coercive and global activity. An effective strategy to defeat trafficking must begin with a better understanding of the global "push" and "pull" factors that promote emigration, including the factors that lure individuals and population groups to wealthier foreign countries and those countries' restrictions on legal immigration. This article reviews about globalization of women trafficking, its causes and anti-trafficking efforts.

**Keywords:** Globalization, Women trafficking, immigration, slavery.

## I. INTRODUCTION

The world today is confronted with the effects of globalization because of its seemingly favorable impacts like opening borders between nations and increasing the awareness of the differences between racial, religious, traditions as well as making it possible for emerging economies to develop economically. These benefits have prevented people from looking closely at the phenomenon from a different perspective, especially, when it comes to the harmful effects of this phenomenon. One such adverse impact of globalization is human trafficking. The world today is confronted with the effects of globalization because of its seemingly favorable impacts like opening borders between nations and increasing the awareness of the differences between racial, religious, traditions as well as making it possible for emerging economies to develop economically. These benefits have prevented people from looking closely at the phenomenon from a different perspective, especially, when it comes to the harmful effects of this phenomenon. One such adverse impact of globalization is human trafficking

As we all know India is a contrast of people. We can see that there is still humanity and peace on one side and the other side it is filled with inhuman actions and cruelty which is increasing day by day. On one hand



they speak about empowerment of women and on the other hand they treat women as a commodity. Women can be doing multi-tasking they are having multifarious image we can see them as doctors, teachers, nurse, IAS officers, police etc., or even we have seen a women as a home maker, or who has been denied her right to life and personal liberty or even a women facing domestic violence, we have even seen women bleeding into blood because of a men's lust. As everybody knows that women and children are considered to be vulnerable and they are the people who easily face difficulties every now and then. There are women who face harassment at workplace yet they have never raised their voice against it. The Globalization<sup>1</sup> entered India since in the 19<sup>th</sup> century. Globalization is the modern way of strengthening interconnectedness. It involves many things such as speeding, widening, growing, deepening of flow of money that has resulted in unprecedented flow of capital, goods and services and labour into every continent and nearly every country in the world. It is the development of an increasingly integrated global economy marked especially by free trade, free flow of capital, and the tapping of cheaper foreign labour markets that transcend nation-state<sup>2</sup> boundaries. The process of globalization is especially pronounced and entrenched in the world economy. The world today is confronted by the effect of globalization as because of its favourable impacts within the nation and across the borders creating a huge economy for the countries and helping in getting more benefits making it possible for people to ignore to look into it from different perspective. People are ignorant towards the adverse effect of globalization.

It's a known fact that there are four major ways to interact at global level:

1. Communication, movement of information from one place to another which even includes the transmission of beliefs, ideas and doctrines.
2. Transportation, wherein it includes the movement of commodities and services, including war materials and assistance, personal property and merchandise.
3. Finance, the movement of commodities and service needs movement of money and credits.
4. Travel and movement of people from one place to another, that includes voluntary movement of people and involuntary movement i.e. human trafficking.

Globalization has actually caused a huge adverse effect especially on the people from rural areas those who depended upon the small scale industries and people below the poverty line. As we all know rural economy is totally depending upon agriculture, cottage and small scale industries. Women are working in every field including the unskilled labour works. Now as they could be seen in every field being capable of being independent they are getting exploited as a man thinks women as a piece of commodity which can be sold or consumed for self. The crimes related to women and children often go unreported as they are either threatened or are forced for the sake of pleasure giving them pain. The crimes as sexual exploitation are very common and as that goes unreported or ignored because of the process and the perspective people have towards the police and its services. Prostitution in India though not crime but is ignored and getting an accurate and comprehensive picture of the same is very difficult. There are many middlemen who cause a real trouble, as they act being very secretive and in a very organized but criminal manner, there are millions of people who are prostitutes in India. Human trafficking<sup>3</sup> is one among such effects. An

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<sup>1</sup>The process by which businesses or other organizations develop international influence or start operating on an international scale. "Globalization is the development of an increasingly integrated global economy marked especially by free trade, free flow of capital, and the tapping of cheaper foreign labour markets that transcend nation-state boundaries."

<sup>2</sup>A nation state is a state in which the great majority shares the same culture and is conscious of it.

<sup>3</sup>The action or practice of illegally transporting people from one country or area to another, typically for the



increasingly integrated world economy enables human trafficking to thrive. Just like the slavery of old, modern day trafficking of humans is a lucrative business that has only become more rewarding for traffickers with the advent of globalization. Trafficking supplies human beings for prostitution, sweatshop labour, street begging, domestic work, marriage, adoption, agricultural work, construction, armed conflicts (child soldiers), and other forms of exploitive labour or services. This even has increased the sex trafficking<sup>4</sup> in the world.

It cannot be ignored that many forms of slavery and human trafficking are not only the outcomes of globalization but they are even the part of the globalization process which in actual involves functional integration of dispersed economic activities.

In our nation human trafficking is referred to the extent of abuse and exploitation that a country tolerates against its citizens who have illegal standing in the country. It is the extreme form of human exploitation for forced labour, slavery, debt bondage, prostitution or want of human organs. The means that is used in human trafficking are many like; abduction, coercion, deception and even threats. It is even considered to be a crime that includes phases like recruitment, allocation, shipping and even harbouring of people.

Now that human trafficking has even chosen legal way. They are offering people with a good job and handsome salary for those who wish to work abroad. With the poverty people rush towards such an offer and they suffer. This is very usual with women and children.

Globalization has been playing a very vital role in giving a good fuel to this crime as it is increasing socio-economic disparities. This economic globalization facilitates the trading of women through many trade routes and even through countries borders. Traffickers are managing the illicit business of women trafficking very easily as they bribe the officers. The desire to get a better life, better livelihood and great earnings people urge to travel abroad and they get trapped by the traffickers and land in the destination countries.

## II. VICTIMS- THE USUAL SUSPECTS

Socio-economically disadvantaged people dream about a livelihood in a transforming world they want to improvise their life and earning, but the predators of women trafficking who are opportunists always take an advantage of the same and seize upon the vulnerable. Women and children are always traded on a very large scale they are coerced to work in sex industries they are considered to be the principal victims of the sex industries. Sometimes even men are victims of this in addition to women and children. It often goes difficult for these women from the web of deceit and they suffer in the destination nation. The internet which is an ultimate icon of globalization has proven that the traffickers are taking an advantage of the same. Traffickers can now, from the comfort of their own lairs, lure women into trafficking under the guise of mundane job advertisements in foreign countries. When caught, these women and children are often treated as criminals and subjected to further abuse before being returned to their home countries where their lives only get worse.<sup>5</sup>

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purposes of forced labour or sexual exploitation.

<sup>4</sup> “Money, goods, or other services exchanged for sexual activity that is forced against a person’s will, including but not limited to prostitution, peep shows, and pornography, through either physical contact or via Internet pictures and videos.”

<sup>5</sup> <https://criminaljusticelaw.org/philosophy/globalization-and-criminal-justice/is-globalization-the-cause-for-increases-in-human-trafficking/>



Globalization creates many uncertainties like shifting of business, bringing changes in economic conditions and even unemployment. Because, of the constantly shifting of economic conditions, uncertainty resides in the hearts of many, even Western Nations. In fact, no nation is immune to this uncertainty.

### III. WOMEN'S RIGHTS AND SOCIAL, ECONOMIC GLOBALIZATION

As we speak about women empowerment, the large contribution towards economic globalization is by women as we can see them in every contributing towards the increase of economy. On one hand globalization has been beneficial for the women empowerment by removing the gender differences on the other hand it is a bane for them because of the illegal trafficking of women for the sake of sex industry. They are nowhere less as compared to the men. Moreover the growth in trade and commerce had made it a hub of competition for many industries causing the survival of the fittest and here the women are questioned with their welfare and are considered to be of less worth due to their vulnerability. Indian Constitution also provides a good opportunity for women as they have the fundamental right<sup>6</sup> provided under it. Women are given equal rights as men; they are allowed to get educated, to work at different places, to migrate from place to place. There are many legislations that protects the right of women as such like; Constitution of India, Domestic Violence Act<sup>7</sup>, Dowry Prohibition Act, Immoral Traffic Prevention Act Etc. The very important act for now is the Immoral Traffic Prevention Act and the Constitution. The Indian constitution has always protected the rights of women as they are considered vulnerable there are special provisions<sup>8</sup> provided under Constitution of India. Apart from this even the schemes at International level tries protecting the rights of women. The CEDAW<sup>9</sup> also has tried its best to remove the discrimination among the gender and make them get equal opportunity at the global level. This could be taken as an advantage.

Now the globalization is not only related to the economic factor but even includes social, cultural and political factors therefore, the social globalization helps to have a good communication with people and makes them have a good rapport. But this can even have an adverse effect as they socialize themselves they may even face the trafficking at any point of time.

#### 1. Causes of Women Trafficking:

The root cause of women trafficking can be different in each country. The factors that can be the root cause depends upon the culture, economy, social factor and other factors that differ from each nation and some are very specific for each individual trafficking. There are even common factors that can be considered in general or can be found in different regions, patterns or cases in a very wide range.

Some of the common factors are the very local conditions that make the population want to migrate in search of better conditions of life and livelihood because of

- i. Poverty
- ii. Oppression
- iii. Lack of education

<sup>6</sup> Article 14, 15, 19 and 21 of the Constitution of India

<sup>7</sup> 26th October, 2006, vide notification no. S.O. 1776(E), dated by 17th October, 2006, see Gazette of India, Extraordinary, Part II, sec. 3(ii)

[https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection\\_of\\_women\\_from\\_domestic\\_violence\\_act%2C\\_2005.pdf](https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf) accessed on 20 Oct 2021 at 10:00 AM

<sup>8</sup> Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution of India

<sup>9</sup> Convention on the Elimination of All Forms of Discrimination Against Women, adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women





- iv. Lack of human rights for vulnerable group
- v. Lack of social or legitimate economic opportunity
- vi. Demand for cheap labour/demand for sex
- vii. Social and cultural factors and practices
- viii. Conflict and natural disasters
- ix. Lack of safe migration options
- x. Trafficking generates profits
- xi. Dangers from conflict or instability and similar conditions.
- xii. Political instability, militarism, civil unrest, internal armed may result in an increase in trafficking.

These factors make them become a victim of forced labour and face exploitation and even abuse. These factors shall tend to exert peer pressures on victims that they “push” them into migration and hence into the control of traffickers, but other factors that shall tend to “pull” potential victims can also be significant.

Other issues that are related to this are -porous borders, few corrupted government officials, those involvement of international organized criminal groups and even limited capacity of commitment by immigration and law enforcement officers to control borders. Lack of adequate legislation and of political will and commitment to enforce existing legislation or mandates are other factors that facilitate trafficking in persons.

In response to the above root causes, most prevention strategies fall within one of the following categories:

- i. “Reducing the vulnerability of potential victims through social and economic development.
- ii. Discouraging the demand for the services of trafficked persons.
- iii. Public education.
- iv. Border control.
- v. Preventing the corruption of public officials”<sup>10</sup>

What makes trafficking in persons an issue is that it is both domestic and global issue.

For instance, human trafficking is the world's fastest-growing criminal enterprise, valued to be an estimated \$32 billion-a-year global industry. "After drug trafficking, human trafficking is the world's second most profitable criminal enterprise, a status it shares with illegal arms trafficking What makes trafficking in persons an issue is that it is both domestic and global issue. For instance, human trafficking is the world's fastest-growing criminal enterprise, valued to be an estimated \$32 billion-a-year global industry. "After drug trafficking, human trafficking is the world's second most profitable criminal enterprise, a status it shares with illegal arms trafficking What makes trafficking in persons an issue is that it is both domestic and global issue.

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<sup>10</sup>Addressing the Root Causes, [https://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296\\_tool\\_9-2.pdf](https://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_9-2.pdf) accessed on 20 Oct 2021 at 5:19 PM



and global issue. For instance, human trafficking is the world's fastest-growing criminal enterprise, valued to be an estimated \$32 billion-a-year global industry. "After drug trafficking, human trafficking is the world's second most profitable criminal enterprise, a status it shares with illegal arms trafficking

### 2. Technology and Women Trafficking:

Technology has increased the crime either directly or indirectly. In the context of human trafficking the technology i.e. the internet has paved the way for sex trafficking and sexual exploitation to be fastest growing crimes. People easily get attracted towards the jobs that could increase the livelihood and standard of life. The internet is the best source for the traffickers to track the vulnerable and trap them into their tricks. The internet offers fake job offers to the people and they fall prey to the traffickers.

In India this is quite very common and the cases go unreported. UNODC<sup>11</sup> also shows how victims are being targeted and recruited via social media and online dating platforms where personal information and details of people's locations are readily available. "Traffickers are currently using technology to profile, recruit, control and exploit their victims as well as using the Internet, especially the dark web, to hide illegal materials stemming from trafficking and their real identities from investigators."

### IV. EFFECTS OF GLOBALIZATION OVER WOMEN TRAFFICKING

One of the direct effects of globalization is shown in this research. Around the world, researchers and research organizations are collecting data like never before in history. They are analyzing the data, researching hypotheses, and drawing conclusions about human trafficking, the causes, the reasons, and the methods used to fight modern slavery. Advances in technology and globalization are making this happen. The crime rates are increasing and women are the victims of such cyber crimes. There are statistics related to the crime rates of trafficking.

Some statistics worth noting about global human trafficking are:

- i. "80% of human trafficking results in slavery in the sex industry.
- ii. 19% results in labour slavery
- iii. Between 600,000 and 800,000 people are trafficked each year.
- iv. Half are children
- v. 80% female
- vi. Between 20 and 30 million people are currently enslaved worldwide.
- vii. The average starting age for a sex worker in the United States is 13.
- viii. Texas is the top receiving state for the National Human Trafficking Hotline.
- ix. About 17,000 people enter the United States annually at the hands of human traffickers.
- x. Human trafficking generates more than \$30 billion each year."<sup>12</sup>

### V. INDIAN LAWS, PROVISIONS TO CURB WOMEN TRAFFICKING

In India we have many legislations that can protect the rights of the women and there are still more legislations to be made for the betterment of the society by bringing women empowerment, creating new jobs for women, creating conducive working conditions, teaching self-defence as a compulsory subject at school. The legislations are as follows:

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<sup>11</sup>United Nations Office on Drugs and Crime

<sup>12</sup><https://criminaljusticelaw.org/philosophy/globalization-and-criminal-justice/is-globalization-the-cause-for-increases-in-human-trafficking/> accessed on 20 Oct 2021, 3: 10 PM



## 1. Constitutional Law

Trafficking in Human beings or any person is prohibited under the Constitution of India under Article 23(1)<sup>13</sup>. In *People's Union for Democratic Rights V Union of India*<sup>14</sup> the Supreme Court has decided that "Article 23(1) targets forced labour as it can manifest. It therefore prevented beggar as well as all unwilling jobs, whether paying or not, from being overwhelmed. If an individual is compelled to operate, the sum of money received shall be immaterial."

Article 23 of the Constitution forbids "slave labour and requires the crime to be punished in compliance with rule 4 for the violation of that prohibition. Although the prohibition against slavery is total, there is one exception that is made to the prohibition against forced labour; that is, if that service is required for public purposes the State can enforce a mandatory service."

In *Bandhua Mukti Morcha v. Union of India*<sup>15</sup>, the Supreme Court observed that "the State was in violation of Articles 21 and 23 when it refused to recognize the bonded work-men free them from slavery or rehabilitation of them as contemplated under the 1976 Bonded Labour System [Abolition] Act."

## 2. Immoral Traffic(prevention) Act 1956(ITPA)

The Suppression of Immoral Traffic in Women and Children Act, 1956 was given assent on 30th December 1956 and was made applicable to the whole of India. The main objective is to prevent immoral traffic in women and children as India did sign the United Nations International Convention for the "Suppression of Women in Traffic in Persons and of the Exploitation in Others" in New York on 9th May 1950. There are Subsequent amendments that were brought which not only changed the nomenclature of the act but even the preamble to The Immoral Traffic (Prevention) Act, 1956 (hereinafter referred to as PITA) and an act made "for the prevention of immoral traffic" respectively. The PITA has undergone two amendments in the year 1978 and 1986 respectively and it made the act more gender-neutral. There is a bill pending for the amendment of the same in the year 2006.

## 3. Criminal Law(Amendment) Act 2013<sup>16</sup>

Justice Verma Committee was set up after the Delhi Gang Rape. There were major changes brought under the section 370 of IPC and they added section 370A. Section 370 has reframed IPC totally. The concept of human trafficking has been added in this newly amended act. The section has been changed to enlarge the scope of the offence and to include within its purview not just the mischief of the slavery but even the trafficking in general- of minors or also adults, forced labour or bonded labour, prostitution, organ transplantation and to some extent child marriage.

The new section 370 provides the following:

Whoever for the purpose of exploitation, (a) recruits, (b) transports, (c) harbours, (d) transfers, or (e) receives, a person or persons, by—

First— using threats, or

Secondly— using force, or any other form of coercion, or

Thirdly— by abduction, or fourthly— by practising fraud, or deception, or

Fifthly— by abuse of power, or

<sup>13</sup>Clause 1 of Article 23 prohibits the trafficking of human beings, beggar any similar form of forced labour.

<sup>14</sup>1982 AIR 1473, 1983 SCR (1) 456

<sup>15</sup>AIR 1998 SC 3164

<sup>16</sup>Came into force on 3<sup>rd</sup> day of February 2013.



Sixthly— by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, commits the offence of trafficking.

#### 4. **Protection of Children from Sexual offences (POCSO) Act, 2012<sup>17</sup>**

It is a special law to protect children from sexual abuse and exploitation. It provides precise definitions for different forms of sexual abuse, including penetrative and non-penetrative sexual assault, sexual harassment.

There are other specific legislations enacted relating to trafficking in women and children: “Prohibition of Child Marriage Act, 2006, Bonded Labour System (Abolition) Act, 1976, Child Labour (Prohibition and Regulation) Act, 1986, Transplantation of Human Organs Act, 1994, apart from specific Sections in the IPC, e.g. Sections 372 and 373 dealing with selling and buying of girls for the purpose of prostitution.”<sup>18</sup>

State Governments have also enacted specific legislations to deal with the issue. (e.g. The Punjab Prevention of Human Smuggling Act, 2012)

### VI. ADMINISTRATIVE MEASURES AND INTERVENTIONS

Besides the legislations the government has planned some special administrative strategies and interventions for the protection of human trafficking and curb the same. They have provided the nation with:

#### 1. **Anti Trafficking Cell (ATC):**

Anti-Trafficking Nodal Cell was set up in the Ministry of Home Affairs (MHA) (CS Division) in 2006 to act as a focal point for communicating various decisions and follow up on action taken by the State Governments to combat the crime of Human Trafficking. MHA conducts coordination meetings with the Nodal Officers of Anti Human Trafficking Units nominated in all States/UTs periodically. This helps to improve the effectiveness in tackling the crime of human trafficking and even to increase the responsiveness of the law enforcement machinery.

The MHA has provided fund for the comprehensive scheme to strengthen the enforcement of law by ATC. They have even set up TOT (Training of Trainers) workshops for the police officers and the prosecutors across the nation to help them create awareness of the same “In order to train and sensitize the trial court judicial officers, Judicial Colloquium on human trafficking is held at the High court level. The aim is to sensitize the judicial officers about the various issues concerning human trafficking and to ensure speedy court process. So far, eleven Judicial Colloquiums have been held at Chandigarh, Delhi, Himachal Pradesh, Maharashtra, Chhattisgarh, Tamil Nadu, Andhra Pradesh, Bihar, Uttar Pradesh, Jharkhand and Odisha.”<sup>19</sup>

#### 2. **Schemes:**

##### (i) **National Commission for Women:**

In January 1992, the Government did set this statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary, etc.

##### (ii) **Reservation for Women in Local Self -Government:**

The 73rd Constitutional Amendment Acts passed in 1992 by Parliament ensure one-third of the total seats for women in all elected offices in local bodies whether in rural areas or urban areas.

<sup>17</sup>which has come into effect from 14th November, 2012

<sup>18</sup><https://www.mea.gov.in/human-trafficking.htm>

<sup>19</sup>Judicial Colloquium, <https://www.mea.gov.in/human-trafficking.htm>





(iii) **The National Plan of Action for the Girl Child (1991-2000) :**

The plan of Action is to ensure survival, protection and development of the girl child with the ultimate objective of building up a better future for the girl child.

(iv) **National Policy for the Empowerment of Women, 2001 :**

The Department of Women & Child Development in the Ministry of Human Resource Development has prepared a “National Policy for the Empowerment of Women” in the year 2001. The goal of this policy is to bring about the advancement, development and empowerment of women.

## VII. MEASURES AT INTERNATIONAL LEVEL

The United Nations trafficking as a crime, a protocol was made by UN<sup>20</sup> which reads:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, 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.<sup>21</sup>

Human trafficking is the global issue and needs to be solved by the whole globe and hence the UNO always has involved itself to curb the practice of such trafficking. International Institutions such as Interpol, the U.N., and a host of NGOs are teaming up to combat human trafficking. The very important international instrument as provided to combat trafficking is the Palermo Protocol<sup>22</sup>, this was a supplement to the UN Convention against Transnational Organized Crime<sup>23</sup> (2000). Article 5 of the Protocol requires States “to criminalize trafficking, attempted trafficking, and any other intentional participation or organization in a trafficking scheme”. Two International Labour Organization (ILO) conventions focus on forced labour or services: The ILO Forced Labour Convention (Convention No. 29 of 1930) and its newly adopted Protocol, which defines forced or compulsory labour, and the ILO Abolition of Forced Labour Convention (Convention No. 105 of 1957). The Slavery Convention (1926) defines slavery, and its Supplementary Convention describes “practices similar to slavery,” including debt bondage, and institutions and practices that discriminate against women in the context of marriage. The UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949) requires States “to punish any person who exploits the prostitution of another”. The International Covenant on Civil and Political

<sup>20</sup>Acceptance taken by 111 nations in the year 2007.

<sup>21</sup> “Exploitation shall include at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs” (UN 2007)

<sup>22</sup> “The **Palermo protocols** are three protocols that were adopted by the United Nations to supplement the 2000 Convention against Transnational Organized Crime (the Palermo Convention). They are:

1. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; and
2. The Protocol against the Smuggling of Migrants by Land, Sea and Air.
3. The Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition”

<sup>23</sup>Transnational organized crime (TOC) groups are self-perpetuating associations of individuals who operate, wholly or in part, by illegal means and irrespective of geography. They constantly seek to obtain power, influence, and monetary gains. There is no single structure under which TOC groups function—they vary from hierarchies to clans, networks, and cells, and may evolve into other structures.



Rights (ICCPR) prohibits a number of practices directly related to trafficking, including slavery, the slave trade, servitude and forced labour.

### 1. UN Convention:

India has ratified the United Nations Convention on Transnational Organised Crime (UNTOC)<sup>24</sup> which has as one of its Protocols of Prevention, Suppression and Punishment of Trafficking in Persons, particularly Women and Children. Various actions have been taken to implement the convention and as per Protocol, Criminal Law Amendment Act, 2013 has been enacted wherein human trafficking has specifically been defined.

### 2. SAARC Convention:

India has ratified the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution. A Regional Task Force was constituted to implement the SAARC Convention. Five meetings of Regional Task Force have been held so far. Fifth meeting was held at Paro, Bhutan from 11-12 April, 2013.

### 3. Bilateral mechanism :

For dealing with cross border trafficking and to address the various issues relating to prevention of Trafficking, victim identification and repatriation and make the process speedy and victim-friendly between India and Bangladesh, a Task Force of India and Bangladesh was constituted. So far five meetings of Task force between India and Bangladesh have been held. Fifth meeting was held on 17-18 August, 2015 at Dhaka, Bangladesh.

**4. Memorandum of Understanding (MOU)** between India and Bangladesh on Bi-lateral Cooperation for Prevention of Human Trafficking in Women and Children, Rescue, Recovery, Repatriation and Re-integration of Victims of Trafficking was signed in June, 2015.

Because of the global nature of human trafficking, no single nation can make an impact on the trade. The United Nations is the only organization in a position to adequately fight the scourge of global slavery, but it lacks the teeth to do so. The traffickers do underground trade and as a result of that they often manage to stay one step ahead of law enforcement. Globalization has largely facilitated human trafficking while accordingly serving to impede counter-trafficking efforts. State-centered approaches to combat trafficking are proving obsolete and futile since human trafficking knows no state boundaries.

The United Nations Global Plan of Action to combat women trafficking in persons was adopted by the General Assembly on 30 July to urge Governments worldwide to take coordinated and consistent measures to try to defeat the scourge. The plan calls for integrating the fight against women trafficking into the United Nation's broader programmes to boost development and strengthen security around the world.

In the US, human trafficking is defined and criminalized under the U.S. Federal Law Trafficking Victims Protection Act<sup>25</sup> (TVPA), which passed in 2000. This act defines the two main forms of human trafficking. The first form is labour trafficking, which is defined as, "the recruitment, harbouring, transportation, provision, or obtaining of a person for labour or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery."

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<sup>24</sup>Adopted by the UN General Assembly: 15 November 2000, by resolution 55/25

Entry into force: 29 September 2003, in accordance with article 38

Signatories: 147,

Parties: 190 (as of 26 July 2018)

<sup>25</sup>Usually referred as TVPA passed in the year 2000.



### VIII. UN MEASURES TO STOP HUMAN TRAFFICKING

The United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) was conceived “to promote the global fight on human trafficking, on the basis of international agreements reached at the UN. There are 140 parties have signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, which supplements the Palermo Convention against transnational organized crime.”<sup>26</sup>

UN.GIFT aims to fight human trafficking by building support for the following goals:

- i. **“Raise awareness**—inform the world of this crime and mobilize people to stop it
- ii. **Strengthen prevention**—warn vulnerable groups and alleviate the factors that make people vulnerable to trafficking, such as poverty, underdevelopment and lack of opportunity
- iii. **Reduce demand**—attack the problem at its source by lowering incentives to trade and decreasing demand for the products and services of exploited people
- iv. **Support and protect victims**—ensure housing, counselling, medical, psychological and material assistance, keeping in mind the special needs of women and children and people at risk, such as those in refugee camps and conflict zones
- v. **Improve law enforcement**—strengthen information exchange between law enforcement agencies on international trafficking routes and traffickers’ profiles in order to dismantle criminal groups, leading to the conviction of traffickers
- vi. **Implement international commitments**—ensure that international agreements are turned into national laws and practice by assisting countries in need and improving the monitoring of compliance
- vii. **Enrich knowledge**—deepen world understanding of the scope and nature of human trafficking through more data collection and analysis, joint research initiatives and the creation of an evidence-based report on global trafficking trends
- viii. **Strengthen partnerships**—build up regional and thematic networks involving civil society, inter-governmental organizations and the private sector
- ix. **Create a special purpose fund**—to attract and leverage resources into funding projects around the world committed to ending human trafficking
- x. **Create an informal contact group**—to give like-minded Member States ownership of the process and create long-term momentum.”<sup>27</sup>

The objectives set for the Global Initiative will contribute for achieving the UN Millennium Development Goals of “empowering women, improving maternal health, combating HIV/AIDS, eradicating poverty, improving education and developing a global partnership for development. There are number of UN agencies and regional programs which deals with many aspects related to trafficking. These are working together through steering committee:

- i. “United Nations Office on Drugs and Crime (UNODC) as the guardian of the UN Protocol against trafficking in persons.
- ii. United Nations Children's Fund (UNICEF), promoting the protection of children.
- iii. International Labour Organization (ILO), promoting measures against forced labour.
- iv. International Organization of Migration (IOM), promoting the protection of migrant workers.

<sup>26</sup>UN.GIFT HUB <https://www.ungift.org/about/>, accessed on 20 Oct 2021, at 3:00PM.

<sup>27</sup>The Global Initiative to Fight Human Trafficking, <https://www.unodc.org/pdf/gift%20brochure.pdf> accessed 20 Oct 2021 on 5:30 PM.



- v. Organization for Security and Co-operation in Europe (OSCE), fighting human trafficking.”

#### CONCLUSION

Basically a human being is been provided with many rights and there the nation is under the duty to protect the rights of its citizens and if the State violates the rights of its citizens then there lies an action. In India people are not aware of any rights nor do they much concentrate upon it. Trafficking in humans violates the rights of human beings that compels against code of ethics. Social workers when they raise their voice that should be against the human trafficking including their violation of rights. This human trafficking is not the issue in India but rather the issue of the globe. Though Globalization cannot be the cause for human trafficking but that is an intermediate which has created a easy way to cause human trafficking. The globalization provides necessary information to the traffickers which make it easy for them to carry on such activities without having any restrictions. The main reason is poverty that pushes the people to try an employment and there is this pull factor that makes a pavement for the people to fall a prey for this to fulfil their dreams of having better life standards. Poor people who always feel their dream of having a standard life would remain as a dream shall always suffer and their rights are violated under Article 23 of the Constitution. Though the slavery is statutorily prohibited yet because of less awareness people suffer. People are not aware of the anti-trafficking acts or rules and that needs to be made known by the government. The government should even imply new programs for the sustainable livelihood and poverty elimination programs or scheme by creating more jobs so that the problem of unemployment can be stopped and even that can make the people from migrating. Multi-tasking disciplinary programs like health-care, counselling, education, social and educational integration must be strengthened very seriously. To accentuate about this it can be concluded that women trafficking and sex industry is an evil and undesirable act. If it has to be removed from the root then the government should plan for a social setup that would give a greater sexual freedom to both men and women wherein women's dignity is equally respected as men and would be treated as a human being too. The government should indeed provide good education system and should show care and concern towards the vulnerable.