

Understanding Human Trafficking: A Sociological Analysis

Pradeep Kumar

Abstract

Trafficking affects every county and region in the world. The movement of victims cut across national, international and continental boundaries. To co-ordinate the global efforts the United Nations Convention against Transnational Organized Crime, came into effect in December 2003. The convention has urged countries to take legislative action to respond to trafficking. However, many countries have legislation that covers only some victims (only children, women and/or foreigners) or certain forms of exploitation (for example sexual exploitation). Regions of Africa and Middle East have significant legislative gaps that need to be filled. In Asia, due to partial legislation there are persons living in trafficking situations constituting an offence according to the international standards, but who may not be considered as trafficking victims by the national authorities as these are using legal definitions. Such loopholes have allowed trafficking to persist and increase rapidly. The present paper is aimed to understand the gaps in policy issues related to trafficking in India from sociological point of view.

Keywords: *Human trafficking, policy issues, legislative constraints*

The latest UN report on human trafficking published by United Nations Office on Drugs and Crime (UNODC) confirms that the crime of trafficking affects virtually every country in the world. It is a trade that exploits victims at every stage. According to the definition of UNODC, "trafficking is 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or service, slavery or practices similar to slavery, servitude or the removal of organs."

Trafficking serves as sources of profit. Various types of exploitation of trafficking victims have been documented. These include sexual exploitation, forced labour, organ removal, committing crime, begging, pornography (including internet pornography), forced marriages, benefit fraud, baby selling, illegal adoption, armed combat and rituals. Two most common form of exploitation includes forced labour and sexual exploitation. As per the 2011 data, sexual exploitation constituted 53% of trafficking victims. Trafficking for the purpose of sexual exploitation is especially high in regions of

Central Asia and Eastern Europe. The share of forced labour in trafficking has increased over the last few years- from 32% in 2007 to 40% in 2011. Such is especially prevalent in South Asia, East Asia and the Pacific making up to two thirds of the detected victims. In South Asia, over 80% of the reported victims are trafficked for forced labour (UNODC, 2014).

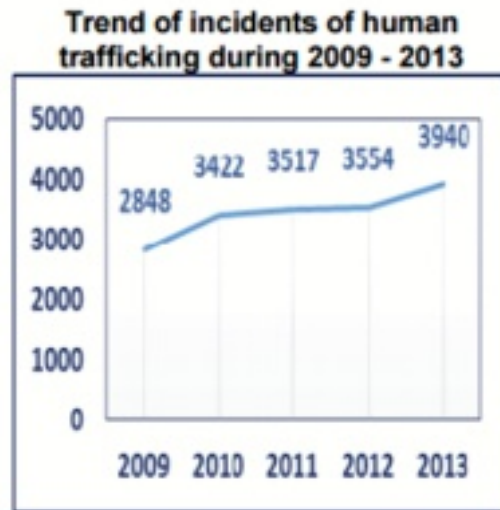
The UNODC report reveals that the international trafficking flows mainly in the rich countries of Middle East, Western Europe and North America. These flows often involve victims from the poorest countries of East and South Asia and Sub Saharan Africa. The report has compiled official figures of trafficking cases provided by 124 UN members nations and compiled 510 flows of trafficking. The report categorically begins by stating, "the data reported to UNODC by national authorities' represent only what has been detected. It is clear that the reported numbers are only the tip of the iceberg." So the question is how wide spread is the network of this crime. According to a statement made by Admiral SJ Locklear (US Navy Commander) on April 15, 2015 before the United States House Armed Services Committee, "nearly 21 million victims of human trafficking are estimated worldwide and nearly two-thirds are from Asia, with India, China, Indonesia, Bangladesh, and Thailand among the countries with the highest number of victims."

The first Global Slavery Index published by 'Walk Free Foundation' in 2015 gives a horrible picture of extreme human right violations and exploitation of people worldwide. The index defines modern slaves and slavery as "depriving a person of their freedom: their freedom to leave one job for another, their freedom to leave one workplace for another, their freedom to control their own body. Modern slavery involves one person possessing or controlling a person in such a way as to significantly deprive that person of their individual liberty, with the intention of exploiting that person through their use, management, profit, transfer or disposal" (Global Slavery Index, 2014). Its forms include slavery, forced labour, or human trafficking. According to the index, globally, about 35.8 million people are affected by modern slavery. Within India itself, an estimated 14 million people are enslaved, whether through forced or bonded labour, human trafficking or forced marriage."

Trafficking in India

India is the source, destination and transit place for human trafficking. Trafficking flowing to Middle East countries from Nepal and Bangladesh use India as transit place. Victims, including children, are trafficked to Middle Eastern Countries for activities including for sports like camel racing. The domestic trafficking in India is very high as compared to international trafficking. Around 90 percent of trafficking in India is intra-regional, i.e. from one part of the country to another (Hameed *et al*, 2010). Trafficking within India is rising because of "increased mobility and growth in industries that use forced labor, such as construction, textiles, wire manufacturing for underground cables, biscuit factories, and floriculture" (US State Department, 2014). Trafficking takes place from poorer states to more affluent ones. According to Childline India Foundation (an independent organization collaborating with Government of India to curb human trafficking) states like Andhra Pradesh, Karnataka, West Bengal and Tamil Nadu act as origin areas for largest number of people trafficked. Delhi and Goa are the major receiver states. Trafficking from Jharkhand, Chhattisgarh, Bihar, Uttar Pradesh and North Eastern States is also high.

India is considered both, the largest source and destination of human trafficking in the world. Based on estimates of various NGOs, Childline India Foundation reported about 12,000 - 50,000 women and children are trafficked into the country annually from neighboring states for the sex trade. "Thousands of girls are trafficked from Bangladesh and Nepal. 200,000 Nepalese girls under 16 years are in prostitution in India. An estimated 1,000 to 1,500 Indian children are smuggled out of the country every year to Saudi Arabia to beg during Haj." "The forced labor of an estimated 20 to 65 million citizens constitutes India's largest trafficking problem; men, women, and children in debt bondage – sometimes inherited from previous generations – are forced to work in industries such as brick kilns, rice mills, agriculture, and embroidery factories." (US State Department, 2014).

Fig. 1

Source: NCRB, 2013

Trafficking in India is not new, it has been there for centuries to cater to the demand for cheap labour, prostitution, begging, forced marriages, bonded labourer etc. The NCRB data show that the increased awareness among people, government and non-government initiatives has encouraged people to report cases of trafficking thus resulting in an increase in reporting of incidents of trafficking. The number of reported incidents saw an increase from 2848 incidents in 2009 to 3940 in 2013 (Around 38% increase in last five years). However, these cases reported by NCRB are much less compared to the annual estimation of trafficking in India. According to Save the Children India, every year over one million children are trafficked across India.

Despite rampant prevalence, there are still lacunae of authentic data on trafficking and functioning of the trafficking racket. This void in data, among other factors, makes human trafficking a marginalized issue.

Brief Profile of the Victims and Trafficker

According to United Nations Office on Drugs and Crimes a majority of the traffickers worldwide are men whilst the victims are women. 49% of detected victims are adult women, 33% of detected victims are children (21% girls and 12% boys) and about 18% of trafficked victims are men. Males (boys and adult men) make up to 25% to 30% of trafficking victims- this is an increase from the previous period. A primary cause for this increase could be in greater trafficking for forced labour that involve more males than females. Child trafficking too has seen an increase of 5% in between 2010-12 as compared to 2007-2010 (UNODC, 2014).

Women comprise the vast majority of the detected victims who are trafficked for sexual exploitation. Men make up a majority of trafficked victims for forced labour, while women make up nearly one third of detected victims. However, in regions especially Asia, most of the victims of trafficking for forced labour are women. There are high regional variations. "In some areas, child trafficking is the major trafficking related concern. In Africa and the Middle East, for example, children comprise a majority of the detected victims. In Europe and Central Asia, however, children are vastly outnumbered by adults (mainly women)" (UNODC, 2014).

Data reflects that in India, trafficking affects lowest caste Dalits, members of tribal communities, religious minorities, and women are most vulnerable to trafficking. A study by the

National Commission for Women found that 62% of women in commercial sex work are from scheduled castes and 30% from schedule tribes. Similarly, children who are out of school and come from poor families are especially vulnerable to trafficking. Most prevalent sectors where trafficked victims work includes commercial sex work, bonded labour, domestic work, entertainment (circus, camel jockeying) and begging. Children are preferred for labour work because they are “naïve, uncomplaining, easily controlled, vulnerable, desperate and dispensable.” (Hameed *et al*, 2010)

Most traffickers are males. As per the Global Report on Trafficking in Persons 2014, over 72% of convicted traffickers are men and 28% are women. These traffickers were convicted of involvement in domestic as well as transnational trafficking schemes. “When looking at the gender and age of offenders and victims, for the period 2007-2010, countries with high rates of female offending were generally countries where many underage female (girl) victims were detected. This could indicate that female traffickers are more frequently involved in the trafficking of girls.” Other reasons for increased involvement of women in the crime could also be explained because of the role they play in trafficking. Women may be involved in roles as such as guards, money collectors and/or receptionists. These activities are more visible and exposed to risks of prosecution and detection making women more vulnerable to law enforcements (UNODC, 2014).

In India, the data available to identify traffickers is limited. Available numbers reflect an increasing presence of women in trafficking- 40% of the persons investigated for trafficking in persons in India were females (UNODC, 2014). Groups that carry out trafficking include organized gangs and crime groups, drug dealers, employment agencies and brothel owners.

Policy Responses

United Nations Office on Drugs and Crime (UNODC) is the specialized body of United Nations to deal with the crime related to trafficking and smuggling of migrants. To coordinate international and national flow of trafficking and ensure stringent global action against human trafficking UN general assembly adopted the United Nations Convention against Transnational Organized Crime (UNTOC) on 15th November 2000. To target specific areas within human trafficking, the convention is supplemented by three protocols.

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

According to the latest report of UNODC, 90 percent of its member nations have streamlined their domestic laws as per the spirit of the convention and protocols.

India ratified the UN Convention and Protocol in 2011 and brought about required amendments in the Indian Penal Code (IPC) by inserting section 370A. The Central Bureau of Investigation (CBI), Government of India, has been designated as the Nodal Authority to receive and respond to all requests for assistance as a single point of contact and to act as a liaison between the Ministry of External Affairs and other State parties on matters relating to the Convention as well as the Protocols. The Union Ministry of Home Affairs monitors all issues of law and justice pertaining to human trafficking. The Union Ministry of Women and Child Development look in the issues of community awareness, prevention, rescue protection and rehabilitation of trafficked women and children.

Trafficking as described earlier is a multifaceted crime due to the complexity of process and purpose of trafficking, people involved in it, extent and kind of exploitation involved. To address such diversity of crime, India has number of laws in place. The National Crime Record Bureau (NCRB) collects trafficking related data under following laws of land.

1. Procurement of minor girls (section 366-A IPC)

2. Importation of girls from foreign country ((Sec. 366-B IPC)
3. Selling of girls for prostitution (Section-372 IPC)
4. Buying of girls for prostitution (Section -373 IPC)
5. Immoral Trafficking (Prevention) Act 1956
6. Prohibition of Child Marriage Act, 2006.
7. Bonded Labour System (Abolition) Act 1976
8. Juvenile Justice (Care and Protection of Children) Act 2000
9. Child Labour (Prohibition and Regulation) Act 1986
10. Transplantation of Human Organs Act 1994.

Despite, a range of laws dealing with each aspect of trafficking, the rate of reporting, investigation and conviction remain very low in India. Various estimates reveal that the millions of people are affected from trafficking in India. Each year, thousands of children, women and men are being trafficked from one part of the country to another. Despite this rampant flow of trafficking very few of them are reported. According to the Anti-Trafficking Cell of Ministry of Home Affairs, in 2013 only 4566 people were reported trafficked and 1665 people were arrested for their involvement in trafficking. Out of 1665 accused, 356 were charge sheeted and only 13 were convicted during the year (MHA, 2014).

Conclusion

Trafficking affects every county and region in the world. The movement of victims cut across national, international and continental boundaries. To co-ordinate the global efforts the United Nations Convention against Transnational Organized Crime, came into effect in December 2003. The convention has urged countries to take legislative action to respond to trafficking. However, many countries have legislation that covers only some victims (only children, women and/or foreigners) or certain forms of exploitation (for example sexual exploitation). Regions of Africa and Middle East have significant legislative gaps that need to be filled. In Asia, due to partial legislation "there are persons living in trafficking situations constituting an offence according to the international standards, but who may not be considered as trafficking victims by the national authorities as these are using legal definitions." As per estimates, about two billion people lives in areas where trafficking is not criminalized (UNODC, 2014). Such loopholes have allowed trafficking to persist and increase rapidly. Understanding where gaps lie will be crucial to direct response in an effective manner.

References

- Child Line India 2015: <http://www.childlineindia.org.in/child-trafficking-india.htm#> Accessed on: 29th April, 2015.
- Global Slavery Index, Methodology 2014: Walk Free Foundation, http://d3mj66ag90b5fy.cloudfront.net/wp-content/uploads/2015/01/GSI2014_full_methodology_new-op.pdf, Accessed on 3rd May, 2015.
- Hameed, Sadika, Sandile Hlatshwayo, Evan Tanner, Meltem Türker, and Jungwon Yang 2010: 'Human Trafficking in India: Dynamics, Current Efforts, and Intervention Opportunities for The Asia Foundation', <https://asiafoundation.org/resources/pdfs/StanfordHumanTraffickingIndiaFinalReport.pdf> Accessed on: 30th April, 2015.
- Ministry of Home Affairs 2014: 'Data On Human Trafficking In India During 2013', [http://stophumantrafficking-mha.nic.in/writereaddata/DATA%20ON%20HUMAN%20TRAFFICKING%20IN%20INDIA%20DURING%202013%20\(As%20on%2021_01_2014\).pdf](http://stophumantrafficking-mha.nic.in/writereaddata/DATA%20ON%20HUMAN%20TRAFFICKING%20IN%20INDIA%20DURING%202013%20(As%20on%2021_01_2014).pdf), Accessed on: 29th April, 2015
- National Crime Record Bureau, Also Available at: <http://ncrb.gov.in/> Accessed on: 29th April, 2015
- United Nations Office on Drugs and Crime, Global Report on Trafficking in Persons 2014: http://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP_2014_full_report.pdf Accessed on: 29th April, 2015
- United Nations Office on Drugs and Crime, 2015: 'Definition of Trafficking in Persons', <http://www.unodc.org/southeastasiaandpacific/en/topics/illicit-trafficking/human-trafficking-definition.html>, Accessed on: 28th April, 2015
- United States Department of States 2014: "Trafficking in Persons Report – India", , 20th June 2014, <http://www.refworld.org/docid/53aab9ec14.html>, Accessed on: 29th April, 2015.
- Walk Free Foundation 2015: "Slavery Alert: Consumer Poll, India", <http://d3mj66ag90b5fy.cloudfront.net/wp-content/uploads/2015/03/Consumer-Poll-INDIA.pdf>, Accessed on: 29th April, 2015