

**Research Article**

## **Vulnerability of Women and Child Trafficking: Prevention is the Need of Hour**

**Mohd Husain**

Assistant Professor (SG), Department of Social Work, Institute of Social Sciences (ISS),  
Dr. Bhimrao Ambedkar University, Agra, Uttar Pradesh, India  
Email id: husainmsw@gmail.com

Date of Submission: 17/05/2024; Date of Acceptance: 05/08/2024

### **ABSTRACT**

The widespread contemporary exploitation of men, women and children is unacceptable to people of conscience the world over. Traditional approaches to preventing trafficking in human beings, to protect and assist trafficked persons and bring criminals to justice have had some small impact on the global phenomenon, but not enough. That even one young person is denied the benefits of childhood, that one young woman is subjected to the brutal humiliation of sexual exploitation and that one man become the slave of a cruel taskmaster in another country are clear signals that we must renew both our resolution as well as our initiatives to protect those who are vulnerable. The United Nations Global Initiative to Fight Human Trafficking (UNGIFT) was born out of a renewed commitment by the world leaders in the battle against human trafficking to end this crime, one of the most shocking violation of human rights in the world today. Formally launched in March 2007 by the United Nations Office on Drug and Crime (UNODC), and made possible by a generous grant from the United Arab Emirates. UNGIFT is a call to action, reminding Governments, civil society across, the media, the business community and concerned individuals of their common commitments to fight trafficking in persons, and that this battle cannot be fought, or won alone. The Trafficking Protocol was adopted in November 2000 and had ratified by 116 countries as on 4 December 2007. Since the adoption of the Protocol, the international community has witnessed an explosion of popular and political interest in combating that trafficking in human beings reflected in an influx of funds, widespread awareness raising campaigns, features films and numerous books, the enactment of anti-trafficking legislation around the world. Law enforcement-centred training and the rapid escalation and victim support services

provided by non-governmental, international or regional organisations. These measures are being implemented within the framework established in the Trafficking Protocol, now known as '3P' approach, focusing on the prevention of the crime; the prosecution of offenders are the protection of victims. Present paper is an attempt to understand the severity of the problem of trafficking globally in general and India in particular.

**Keywords:** Trafficking, Exploitation, Vulnerable, Trafficking protocol, Prosecution and prevention

---

## INTRODUCTION

Trafficking and prostitution are widely believed to be synonymous, and to be the leading international crimes. 'The Trafficking Victims' Protection Act of 2000 has been presented as an important tool in combating the exploitation and abuse of undocumented workers, especially those (Murphy, 2001) found in forced prostitution. This type of sex slavery can lead to unsafe sex which is the main cause for transmitting sexual diseases and HIV infection. India is a source, destination, and transit country for men, women, and children trafficked for the purpose of forced and commercial sexual exploitation. India is also a destination for women and girls from Nepal and Bangladesh trafficked for the purpose of commercial sexual exploitation. Nepali children are also trafficked to India for forced labour of various forms. Trafficking in children is on rise, and nearly 60 per cent of the victims of trafficking are below 18 years of age. The population of women and children in sex work in India is stated to be between 70,000 to (Abrams, 2005) one million.

## WHAT IS HUMAN TRAFFICKING?

The long-term understanding of trafficking was mostly as sex trafficking and similar to 'forced prostitution'. This is one of the major reasons why the human rights violations inherent in all forms of trafficking were poorly understood. The term 'sex trafficking' means the recruitment, harbouring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act (Anderson, 2002). The monolithic definition of trafficking called for the demystification of trafficking as a phenomenon and its various manifestations. The complexity of the phenomenon of trafficking, its multidimensional nature, its rapid spread and the confusion surrounding the use of the term made the need for a deeper comprehension of trafficking top priority. The reason for trafficking's persistence and rapid propagation was not very clear. Thus, there was an urgent need for a greater understanding of the various aspects of the phenomenon. There was a strong indication from the available information that women

and children, especially those living in poverty, were most vulnerable forms of trafficking (Blancher, 2002) because of their lack of livelihood options. This is a situation that medical anthropologist, Farmer, labels 'structural violence' (2004). Structural violence is used to describe a type of violence embedded in social institutions and structures that results in cumulative disadvantages for certain groups and people. Experiencing hardship, violence and social injustice can then be described as examples of structural violence that in many instances intersect with actual violence. In thinking about trafficking the concept of (Chancer, 1993) structural violence points to ways in which the poverty experienced by many exacerbates the potential and susceptibility of being a victim of trafficking (Chapkis, 2003).

In the absence of awareness of human rights and social justice, the economically and socially deprived people at the grassroots have become easy target to the trafficking trade. In 2000, the USA enacted a national anti-trafficking law that considers 'severe forms of trafficking' as a modern form of slavery involving a wide range of workers and industries. In particular, the legislation distinguished voluntary sex work from sex trafficking. This is an important distinction because it avoids the misnomer of equating the fear and suffering of a trafficked person with the typical working (Farmer, 2004) situation of all voluntary sex workers. These conditions are often far from perfect, but they are not comparable with debt bondage or enslavement.

The concept of human trafficking refers to the criminal practice of exploiting human beings by treating them commodities for profit. Article 3, paragraph (a) of the *Protocol to Prevent, Suppress and Punish Trafficking in Persons* defines trafficking in persons as the recruitment, transportation, transfer, harbouring (Giri, 1999) 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 minimum, the exploitation of the prostitution of others or other form of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

## **TRAFFICKING SCENARIO**

In an increasingly interconnected world, movement is easier. Coalition to Abolish Slavery and Trafficking (CAST) is a Los Angeles-based Anti-human trafficking organisation which is working to abolish the slavery and human trafficking, has estimated that 27 million people around the world are enslaved today. Between 600,000 to 800,000 victims are trafficked through international borders every year, not including the

estimated millions of women and children trafficked domestically within their own countries. It estimates that human trafficking is around \$ 9 billion industries (Haynes, 2004) in the world. It ranks second, after drug smuggling, and tying with arms dealing, in organised crime activities. It is the fastest growing criminal enterprise in the 21<sup>st</sup> century. As many as 50,000 men, women and children are trafficked into the U.S. every year. The U.S. is one of the top three destination points for trafficked victims, along with Japan and Australia.

In 2007 researchers from the Harvard School of Public Health carried out a study that suggested that the trafficking of women and young girls as sex slaves was contributing to the spread of HIV in South-East Asia (Silverman *et al.*, 2007). The data showed that in the case of Nepalese women and girls who trafficked to India forced into prostitution that upon return almost 40 per cent were HIV positive. Furthermore, for the youngest and the most vulnerable of the women- those were sex trafficked before their 15<sup>th</sup> birthday and accounted for one in seven of those included in the research- their HIV infection rate upon return was above 60 per cent. Silverman, the lead author of the study, when commenting on the research stated that ‘the high rates of HIV we have documented support concerns that sex trafficking may be a significant factor in both maintaining the HIV epidemic in India and in the expansion of this epidemic to its lower-prevalence neighbours’ (Henriot, 1996).

The statistics of human trafficking in India are very alarming, 378 of the 593 districts in India are affected by human trafficking. Ten per cent of human trafficking in India is international, while almost 90 per cent is interstate trafficking. The intra state or inter district trafficking is high in the states of Rajasthan, Assam, Meghalaya, Bihar, Uttar Pradesh, Andhra Pradesh, Karnataka, Tamil Nadu and Maharashtra. States like Delhi and Goa are ‘receiver’ states. India’s porous border with Nepal, Pakistan and Bangladesh are the major reasons cited for the prevalent high levels of children and women trafficked every year. The outlawed religious practices like the ‘*Devadasi*’ and ‘*Jogin*’ system, temple priests have used their position to traffic the girls for prostitution. A myth that makes young girls vulnerable is widespread belief that sex with a virgin girl will cure men of STD and HIV/AIDS. Political instability and economic compulsions are major (Hunt, 1990) reasons for young girls from Nepal, Bangladesh and Myanmar to be sold to traffickers. Trafficking from these countries is a one-way rout, ‘into India’.

## FEATURES OF TRAFFICKERS

In general terms, traffickers are young men and middle-aged women who are significantly older than the young women / children they recruit. They are natives

and agents who travel back and forth from home countries / regions to receiving regions and generally have links with the villagers to which the victims belong. Purchasers are reportedly substance abusers or gamblers. Many of the traffickers are older women, who are either former prostitutes or are themselves in forced prostitution, trying to escape abuse and bondage by providing a substitute. Often, these agents speak several languages (Giri, 1999; Tumlin, 2000). They may have multiple roles (Martin and Mark, 2000).

Some of the demands and requests traffickers fulfil define the areas they operate in. Some Indian men believe that it is provident to have sex with scalp-eczema afflicted prostitutes. Parents sell infants with this condition, called 'pus babies', to brothels for a premium (Robert I. Friedman, 'India's Shame: Sexual Slavery and Political Corruption Are Leading to an AIDS Catastrophe', *The Nation*, 8 April 1996). Some studies on Indian brothels also demonstrate that many clients demand very young girls and often request virgins. These men believe having sex with someone who is virgin will protect them from HIV and other infections or even cure such diseases. This is one factor in the much higher rate of HIV infection among sex trafficking's youngest victims.

Trafficking both for commercial sexual exploitation and for non-sex based exploitation is a transnational and complex challenge as it is an organised criminal activity, an extreme form of human rights violation and an issue of a lack of economic empowerment and social justice. The trafficking of women and (Nam, 2007) children causes untold miseries as it violates the rights and dignity of the individual in several ways. It violates the individual's right to life, dignity, security, privacy, health, education and redress of grievances.

## **PROSECUTION**

The Government of India prohibits some forms of trafficking for commercial sexual exploitation through the Immoral Trafficking (Prevention) Act, 1956 (ITPA). Prescribed penalties under the ITPA ranging from seven years to life imprisonment- are sufficiently stringent and commensurate with those for other grave crimes. India also prohibits bonded and forced labour through the Bonded Labour Abolition Act (1976), the Child Labour (Prohibition and Regulation) Act (1986) and The Juvenile Justice (Care and Protection of Children) Act (2015).

These laws are ineffectually enforced, however and their prescribed penalties- a maximum of three years in prison- are not sufficiently stringent. Indian authorities also use Section 366 (A) and 372 of the Indian Penal Code, prohibiting kidnapping and selling minors into prostitution respectively, to arrest traffickers. Penalties under these provisions are a maximum of ten years' imprisonment and a fine.

In addition to this, corrupt (Obokata, 2005) officials and people having a stake in this lucrative business facilitate bonded and movement of sex trafficking victims. They protect brothels that exploit victims, and protect traffickers and brothel keepers from arrest and other threats of enforcement. This makes prosecution even more difficult and also demonstrates how structural violence is embedded in social institutions that help and protect the most vulnerable in society.

## **PROTECTION**

Some states provide services to victims of bonded labour, but voluntary organisations provide the majority of protection to these victims. The central government does not provide protection services to these victims trafficked abroad for forced labour or commercial sexual exploitation. Indian diplomatic mission in destination countries may offer temporary shelter to nationals who have been trafficked; once repatriated, however, neither the central government nor most state governments offer any medical, psychological, legal, or reintegration assistance for these victims.

Section 8 of ITPA permits the arrest of women in prostitution. Although statistics on arrest under Section 8 are not kept, the government and some NGOs report that through sensitisation and training, police officers no longer use this provision of law; it is unclear whether arrest of women in prostitution under Section 8 have actually decreased. Because most law enforcement authorities lack formal procedures to identify trafficking victims among women arrested for prostitution, some victims may be punished for acts committed as a result of being trafficked (Paul and Syed, 2000).

Several years later, it is now reasonable to ask how far countries have come in preventing trafficking. In areas of prosecution and protection, tangible evidence of new legislation and a rise in law enforcement activities (police training, arrest, trials, convictions and sentences) indicates that efforts have been made. Some victims of trafficking have been identified and provided with shelter and / or other forms of assistance. It is more difficult to identify the impact of these efforts; few baseline data exist to provide a context against which to assess progress. In the case of prevention, it is even harder to determine the extent to which measures have been effective (Renda, 1991).

Despite a lack of consensus on the actual extent of human trafficking, experts however report that the crime is increasing. Conferences open with energetic statements related to the growth of human trafficking, often referred to now as a form of 'modern-day slavery'. Poignant illustrative examples describing heart wrenching abuse and exploitation are intended to reinforce the commitments of Governments, civil society and donors.

## THE CURRENT FRAMEWORK FOR PREVENTION OF TRAFFICKING

The term 'prevention' is defined by illustration in the Trafficking Protocol. Such a definition has enabled it to acquire meaning primarily through practice rather than policy. While recognised as a critical issue in combating trafficking, little clarity exists as to what constitute comprehensive preventive measures. Notably, (Sen and Nair, 2005) national anti-trafficking policies or national action plans, where they exist, acknowledge the importance of prevention in an overall national strategy but seldom define the term.

A recent study on the measures to combat trafficking among members States of the Organization for Security and Cooperation in Europe (OSCE) includes a high level of importance attached to furthering prevention efforts, but also reveals a diversity of perspectives on the nature of prevention itself. Member States identified the need for prevention related activities encompassing three broad areas. The **first** is prevention through public awareness and education, reflecting a need to inform the public, including individuals who are potentially at risk, of the dangers of being trafficked. The **second** is prevention through data collection and research in order to understand both the scope as well as the nature of trafficking in those countries. The **third** form of prevention cited by OSCE member States involves the development of social and economic interventions related to human trafficking, reflecting the need to generate alternatives for those potentially at risk of being trafficked. All three areas are necessary to the development of comprehensive prevention activities and all are described in the OSCE Action Plan to Combat Trafficking in Human Beings. Notwithstanding identified needs as well as a clear normative framework, the study also shows that the most frequently implemented prevention programmes in countries with an OSCE field presence belong to the first category. Currently, some prevention programmes corresponding to the second and third categories mentioned above are being implemented by international organisations, civil society groups and government agencies but they are not the majority.

Is this emphasis on public awareness and education sufficient? Can the reported increases in trafficking referred to be possibly linked to limited prevention efforts? In order to answer these questions honestly, it is necessary to understand the meaning of prevention in the context of human trafficking. Firstly, practitioners need to be clear as to what they are trying to prevent. An initial response (Silverman, Michele *et al.*, 2007) stems from the context of the Trafficking Protocol itself, which states in its preamble that preventing trafficking involves preventing a crime. This response is further clarified in the definition of the term 'trafficking in persons', found in article 3 of the Protocol. The Protocol allows us to consider that prevention includes both preventing a crime and reducing the conditions that make an individual vulnerable to trafficking (Stone and Martina, 1999).

Both crime prevention and reduction of vulnerability are valid approaches. Each calls for different dynamics in policy and programme planning. They involve different actors, including at risk individuals themselves, civil society and government agencies. Neither approach diminishes the reality that in addition to being a crime, trafficking in persons is also an abuse of human rights. A focus on vulnerability will in fact enhance the human rights components of any anti-trafficking (Wardlow, 2004) policy. Indeed, the two different approaches are complementary, as an examination of various definitions of crime prevention will show.

## CONCLUSION

Trafficking is a violation of several human rights including the very right to life, the right to liberty and human dignity, and security of person, the right to freedom from torture or cruelty, inhuman or degrading treatment, the right to a home and family, the right to education and proper employment, the right to health care and everything that makes for a life and dignity. Trafficking in women and children is on the rise. It is the national focal point for combating trafficking in women and children in India. Trafficking in human beings, especially children, is a form of modern day slavery and requires a holistic, multi-sectorial approach to address the complex dimension of the problem. Being a complex phenomenon, trafficking can be viewed from different perspectives. Thus, it is important to acknowledge the standpoint from which it is being approached from. The problem is deeply rooted in the socio-economic, political and cultural reality of the context in which it occurs. Corrupt officers reportedly continued to facilitate the movement of sex trafficking victims, protect brothels that exploit victims and protect traffickers and brothel keepers from arrest and other threats of enforcement. Migration and trafficking are inextricably linked to each other, although they are different processes. In the fight against trafficking government organisations, non-governmental organisations, civil society, pressure groups, international bodies, all have to play an important role. Law cannot be only instrument to take care of all problems. This gap has to be urgently addressed. The last few years has brought new laws and acts into force to help combat human trafficking and protect victims, but to effectively combat it is necessary for world leaders and organisations to address the pre-trafficking conditions, such as the poor infrastructure, economic opportunities that create vulnerability and situations of structural violence. In order for this to happen, pressure must be put on them to do so.

## REFERENCES

- Abrams, K. (2005). Polygamy, prostitution and the federalization of immigration law. *Columbia Law Review*, 105(2), 641.
- Anderson, S. A. (2002). Prostitution and sexual autonomy: Making sense of the prohibition of prostitution. *Ethics*, 112(4), 748-780.

- Blancher, T. (2002). Beyond boundaries: A critical look at women labour migration and the trafficking within. Dhaka: USAID.
- Chancer, L. S. (1993). *Prostitution, Feminist Theory and Ambivalence: Notes from the Sociological Underground. Social Text No. 37*, A special Section Edited by Anne McClintock Explores the Sex Trade. p. 171.
- Chapkis, W. (2003). Trafficking, migration and the law: Protecting innocents, punishing immigrants. *Gender and Society*, 17(6), 26.
- Farmer, P. (2004). The anthropology of structural violence. *Current Anthropology*, 45(3), 320-333.
- Giri, M. V. (1999). Kanya: Exploitation of little angels. New Delhi: Gyan Publishing House.
- Haynes, D. F. (2004). Used, abused, arrested and deported: Extending immigration benefits to protect the victims of trafficking and to secure the prostitution of traffickers. *Human Rights Quarterly*, 26(2), 23.
- Henriot, C. (1996). From a throne of glory to a seat of ignominy: Shanghai prostitution revisited. *Modern China*, 22(2).
- Hunt, D. E. (1990). Drugs and consensual crimes: Drug dealing and prostitution. *Crime and Justice*, 13(2), 22.
- Martin, P., & Mark, M. (2000). Smuggling and trafficking; a conference report. *International Migration Review*, 34(3), 112-115.
- Murphy, S. D. (2001). International trafficking in persons, especially women and children. *The American Journal of International Law*, 95(2), 407-410
- Nam, J. S. (2007). The case of missing case: Examining the civil rights of action for human trafficking victims. *Columbia Law Review*, 107(7), 1655.
- Obokata, T. (2005). Trafficking of human beings as a crime against humanity: Some implications for the international legal system. *The International and Comparative Law Quarterly*, 54(2).
- Paul, B. K., & Syed, A. H. (2000). Trafficking in Bangladeshi women and girls. *Geographical Review*, 90(2).
- Renda, L. (1991). Prostitution as a human rights question: Problems and prospects of united nation action. *Human Rights Quarterly*, 13(2), 455.
- Sen, S., & Nair, P. M. (2005). Trafficking in Women and Children in India. New Delhi: Orient Longman Pvt. Ltd.
- Silverman, J. G., Michele, R. *et al.* (2007). HIV prevalence and predictors of infection in sex-trafficked Nepalese girls and women. *Journal of the American Medical Association*, 298(5), 536-542.
- Stone, A., & Martina, V. (1999). How the Sex Trade Becomes a Slave Trade: The Trafficking of Women to Israel? Middle East Report No. 211, Trafficking and Transiting: New Perspectives at Labour Migration.
- Tumlin, K. C. (2000). Trafficking in Children in Asia: A Regional Overview. Bangkok: Institute for Asian Studies, Chulalongkorn University.
- Wardlow, H. (2004). Anger, economy and female agency: Problematizing prostitution and sex work among the Huli of Papua New Guinea. *Sign*, 29(4), 1017-1040.

**How to cite this article:** Husain, M. (2024). Vulnerability of Women and Child Trafficking: Prevention is the Need of Hour. *Journal of Exclusion Studies*, 14(2), 168-176.