CHAPTER 2

HUMAN TRAFFICKING: THE CONCEPTUAL DIMENSIONS

This chapter tries to demystify various concepts about the present day modern slavery i.e. trafficking in human beings which have often been distorted and misunderstood. The basic clarity of these concepts is essential for the proper understanding of the trafficking situations and for taking appropriate measures.

2.1 Human Trafficking: Definition and Concept

There are varying perceptions about the definition and concept of trafficking. Three discernible schools of thought have been associated with its definitions.

The first school of thought defines trafficking as that which has to do with forcible procurement of women and children and mainly focuses on sexual exploitation. The only specific United Nations instrument addressing this issue in the beginning was The Convention on the Suppression of Traffic of Persons and the Exploitation for Prostitution of Others, 1949. This convention was ratified by only 60 countries and remains largely unused and moribund. Other countries that have legalized or regulated prostitution are not supportive of the convention, which is perceived to be abolitionist in orientation. Moreover, the convention does not have a monitoring body that can mandate countries to report on development and progress in combating prostitution and trafficking.

The second school of thought broadened the definition of human trafficking and tried to include within it the impact of economic liberalization and globalization. This definition has been given by the United Nations General Assembly in 1994, thus, defining Human Trafficking as:

"The illicit and clandestine movement of persons across national and international borders, largely from developing countries and some countries with economies in transition, with the end goal of forcing women and girl children into

1 The Convention on the Suppression of Traffic of Persons and the Exploitation for Prostitution of Others, 1949 was approved by the General Assembly resolution 317 (IV) of 2 December 1949.
sexually or economically oppressive and exploitative situations for the traffickers, such as forced domestic labour, false marriages, clandestine employment and false adoption.”

This definition has some limitations. Firstly, it is econometric-mainly emphasizing on the role of the market and its relationship with the push and pull factor of trafficking. Secondly it associates trafficking in human beings with only the visible part of the problem i.e. forced prostitution, coerced labour etc. Trafficking has a whole sphere of activity which is largely invisible and which is thriving unmitigated. The relationship between undocumented migration and trafficking, the influence of the patriarchal order of society, the subtle forms of domestic trafficking and the power inequalities in societies are not explicitly explained in this definition.

The third school of thought gives definition of the trafficking in human beings which is the most recent and definitely the most succinct of all definitions. This definition has dubbed trafficking as modern day slavery, thus defining human trafficking as:

“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 other or other forms of sexual exploitation, forced labour or services, slavery or practices, similar to slavery, servitude or the removal of organs.”

Article 3(b) of the Trafficking Protocol 2000, further specifies that if one of the means mentioned in Article 3(a) of the Protocol is used, it is irrelevant whether the person trafficked expressed his/her consent or not. On the contrary, the definition of trafficking in minors contained in Article 3(c) of the Protocol does not take into account the issue of consent, so that the recruitment, transportation, transfer,
harbouring and receipt of a child followed by his/her exploitation has to be considered as child trafficking. Finally, Article 3(d) of the Protocol defines a child as a person who is under the age of eighteen. 6

The United Nations Trafficking Protocol 2000, makes reference to some specific forms of exploitations. However, the list is not exhaustive and it may include other forms as well. The choice made was the one to extend as much as possible to the definition of trafficking in persons to include any possible known or still unknown – form of exploitation. Thus, definition under United Nations Trafficking Protocol is well equipped to fight against any new form of exploitation that may arise in future. 7

The South Asian Association for Regional Cooperation (SAARC) has also framed a definition of trafficking in the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002). 8 Human trafficking under this convention reads as:

“Trafficking means the moving, selling or buying of women and children for prostitution within and outside a country for monetary or other considerations with or without the consent of the person subjected to trafficking.” 9

Few countries have their own counter trafficking laws with definitions differing in the content. According to the U.S.A. law called the Trafficking Victims Protection Act (TVPA, enacted in 2000) 10, trafficking in persons is defined as follows:

“All acts involved in the transport, harbouring, or sale of persons within national or across international borders through coercion, force, kidnapping, deception or fraud, for the purpose of placing persons in situations of forced labour or services, such as forced prostitution, domestic servitude, debt bondage or other slavery-like practice.” 11

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6 Supra note 2.
8 India being a member of SAARC is under obligation to comply with this convention, even if trafficking in this convention is also limited to prostitution only.
9 SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002), Article I(3).
10 For details see: http://www.state.gov/j/tip/laws/(Accessed on 04.03.2013)
11 Trafficking Victims Protection Act (TVPA, enacted in 2000), Section 103(8)(A&B).
A unique aspect of the TVPA is that it provides tools for the U.S. government to combat trafficking in persons, both domestically and internationally and creates a global monitoring mechanism through the Trafficking in Persons (TIP) Report. The Department of State (USA) produces this annual report assessing the situation and response in each country with a significant number of victims of severe forms of trafficking in persons. Based on the level of government efforts to combat trafficking, countries in the annual report are rated in three tiers. Tier I (Countries that fully comply with the Act’s minimum standards for the elimination of trafficking), Tier II (Countries that do not fully comply with the minimum standards but are making significant efforts to bring themselves into compliance), Tier II Watch List (Countries on Tier II requiring special scrutiny because of high or significantly increasing number of victims, failure to provide evidence of increasing efforts to combat trafficking in persons; or an assessment as Tier II based on commitment to take action over the next year) and Tier III (Countries that neither satisfy the minimum standards nor demonstrate a significant effort to come into compliance. Countries in this tier are subjected to potential non humanitarian and non-trade sanctions).\textsuperscript{12}

The Indian position regarding the definition of human trafficking can be found in the various sections of the Immoral traffic (Prevention) Act, 1956. Section 5 of the Act speaks about the procuring, taking and even inducing a person for the sake of prostitution. According to this section, even an attempt to procure and an attempt to take or cause a person to carry on prostitution amounts to trafficking. Therefore, human trafficking in this Act has been given a broad scope without any precise definition.\textsuperscript{13}

Another comprehensive definition of human trafficking is given in the Goa Children’s Act, 2003.\textsuperscript{14} This Act specifically focuses on child trafficking. It defines “Child Trafficking” as:

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the procurement, recruitment, transportation, transfer, harbouring or receipt of persons, legally or illegally, within or across borders, by means of threat or
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\textsuperscript{12} Trafficking in Persons in Afghanistan, A Field Survey Report, International Organization for Migration, (2008), p. 15
\textsuperscript{13} P.M. Nayer, \textit{Trafficking: Women and Children for Sexual Exploitation (Handbook of Law Enforcement Agencies in India)}, United Nations Office on Drugs and Crime (UNODC), New Delhi, (2007), p. 2
\textsuperscript{14} The State Government of Goa in 2003 legislated and passed the child welfare act. The Goa Children's Act was amended two years later in 2005.
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 giving or receiving payments or benefits to achieve the consent of a person having control over another person, for monetary gain or otherwise".  

Thus, it can be said that definition laid down under the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children is much comprehensive and covers various emerging forms of human trafficking.

2.2 Trafficking and Prostitution

Trafficking in persons does not mean prostitution. The two terms are not synonymous. In understanding trafficking, one needs to delink it from prostitution. As per the existing law, i.e. the Immoral Traffic (Prevention) Act, 1956 (ITPA), prostitution becomes an offence when there is commercial exploitation of a person. If a woman, or child is sexually exploited and any person gains out of the same, it amounts to commercial sexual exploitation (CSE), which is a legally punishable offence wherein there exists culpability against all exploiters. Trafficking is the process of recruiting, contracting, procuring or hiring a person for commercial sexual exploitation. Therefore, trafficking is a process and commercial sexual exploitation is the result. 

The problem usually encountered in the discussion of the issue is that the connection between human trafficking and prostitution is mostly ignored by the government, law enforcement authorities, and the public. Massive development all over the world has resulted in large scale migrations. This mass movement of people has created opportunities for traffickers to lure women and girls who are desperate enough for well-paying jobs. They become easy prey for sex traffickers, who offer them luxurious jobs which does not materialise except for commercial sexual exploitation. Therefore, prostitution is one of the main causes of human trafficking throughout the world.

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15 Goa Children’s Act 2003, Section 2(z).
16 Supra note 13 at 1.
The presence of an adult sex industry increases both the rates of child sexual exploitation and human trafficking. It may be true that some women in commercial sex exercised some level of informed choice, had other options of entering and have no histories of familial trauma, neglect or sexual abuse. But, these women are in minority and don’t represent the overwhelming majority of women, girls, boys and transgender youth, for whom the sex industry isn’t about choice but lack of choice. The argument that legalizing prostitution makes it safer for women just hasn’t been borne out in countries implementing full legalization. In fact, legalization has spurred traffickers to recruit children and marginalized women to meet the demand.\textsuperscript{18}

\subsection*{2.3 Trafficking and Illegal Migration (Human Smuggling)}

The dynamics of population movement have undergone fundamental transformation in the twenty-first century adding new multi-faceted dimensions, complexities, and challenges. The age old migratory nature of human beings, which helped conquer the planet, has substantially been reshaped by formation of nation-states, extreme poverty, economic imbalances, environmental degradation, and security challenges. Today migration does not only imply shifting of population from one place to another across political or geographic frontiers. Migration is not determined by the simple human nature of desire: rather it is an outcome of a set of interrelated historical, geographical, economic, social and political factors. These factors, forces and processes create a complex migration picture. The migration picture developed in the mid-1990s did not contain trafficking in persons as a part of the migration phenomenon. It does not mean that trafficking in human beings did not exist then. It was rather, that the lack of understanding and knowledge of intricacies of trafficking and migration that led to the absence of recognition of trafficking as a case of population movement. These gaps or limitations in understanding pose a critical challenge for the States and international communities to manage various types of migrations effectively. Therefore human trafficking is the dark side of population movement.\textsuperscript{19}

\begin{itemize}
\item \textsuperscript{18} For details see: \textit{http://prostitution.procon.org/view.answers.php?question ID=000243}, (Accessed on 05.03.2013)
\item \textsuperscript{19} Karen D. Beeks, Delila Amir, \textit{Trafficking & the Global Sex Industry}, Lexington Books, (2006), p. 4
\end{itemize}
There are mainly two types of population movement. First, there is involuntary or forced migration in which people are compelled to move out of their home in large numbers in situations of conflicts, both armed and non-armed. People flee or are obliged to leave their homes or places of habitual residence out of fear of persecution or events threatening to their lives or safety. There are numerous reasons behind forced migration such as persecution, human rights abuses, repression, conflict, military aggression, and natural and man-made disasters. Sometimes people also leave their homes on their own initiative to escape from these life threatening situations. Often armed groups force a large number of people out of their homes to fulfil objectives such as depopulating an area or ethnic cleansing. Those forced to leave their homes either cross international borders in search of refuge or move to another place within the state borders. The first group is known in general as refugees, whereas the second group of people is termed as internally displaced people. Refugees move under compulsion, not by choice or for better livelihood. Refugees have a special status in international law under the United Nations Convention and Protocol relating to the Status of Refugees administered by UNHCR. Second, there is voluntary migration in which people move out in search of better livelihood or for other reasons. The voluntary migration is a part of people’s strategies to enhance and/or diversify their livelihood. The decision to migrate is often guided by the wider and brighter opportunities abroad. People who migrate are known as migrants, labour migrants, or economic migrants. The migrants are rational persons who are able to judge opportunities abroad. The term migrant covers all cases where the decision to migrate is taken freely by the individual concerned, for reasons of personal convenience and without intervention of external compelling factor. But people also migrate because of poverty, lack of opportunity, and disasters. The forces of globalisation, widening and deepening of trade liberalisation, and economic disparities at home combined with the ageing and declining of population abroad, influence both internal and international migration.  

In one way or the other, prostitution and human trafficking are both related to migration. Although migration is not a required factor in defining cases of human trafficking, it is generally agreed that usually prostitutes are not natives of the places where they practice prostitution. Women who are living in poverty, or looking for a

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20 Id. at 5.
better life, tend to migrate for economic, social, or political reasons, in search of better opportunities.21

Physical movement is central to human trafficking. In the international discourse on human trafficking, movement to a site for exploitation is an important component of the concept. However in the Indian discourse on human trafficking, traditional migration practices followed by Indian tribal populations and the practice of bonded labour create a dilemma. In case of bonded labour, the site of exploitation and the place of origin may be the same. Yet it can be classified as trafficking, although the component of movement is missing.22

Due to the common component of movement, there is also a lack of clarity on concepts such as illegal migration, smuggling and trafficking. These are not overlapping concepts as they are sometimes mistaken to be. The second part of the United Nations Convention Against Transnational Organised Crime (2000) distinguished between a smuggled migrant and a trafficked person using the factor of coercion.23

The UN Convention Against Transnational Organised Crime (2000)24 is supplemented by another Protocol dealing with the smuggling of migrants by land, sea and air. This international instrument signifies that:

"Smuggling of migrants shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State party of which the person is not a national or a permanent resident."25

The choice of supplementing the Convention Against Transnational Organised Crime with Optional Protocols clearly highlights the complexity of dealing with the illegal activities of organised crime group. However, while smuggling of migrants is a crime against the State, trafficking in persons is a crime against the individual, which

21 Supra note 17 at 39.
22 Sankar Sen, Trafficking in Women and Children in India, Orient Longman Pvt. Ltd. (2005), p. 140
23 Id. at 141.
24 The United Nations Convention against Transnational Organized Crime was adopted by General Assembly resolution 55/25 of 15 November 2000. This convention is the main international instrument in the fight against transnational organized crime.
25 Supra note 7 at 68.
presupposes exploitation. This difference is highlighted by the fact that the UN Trafficking Protocol refers to trafficked persons as victims, whereas the UN Smuggling Protocol considers smuggled persons as migrant persons who buy an illegal transportation service from a smuggler. Their relationship ends once they arrive at the destination. Consequently, they are considered to be mere clients. Trafficked persons, on the other hand, do not have any control over what happens to them and after their transportation they are held in exploitative situations.\textsuperscript{26}

As an initial process, the relation between migration and trafficking may be defined as being opportunistic in nature and to the advantage of traffickers. The characteristic of migration process provides the traffickers a golden opportunity to implement their plans and achieve their goals by manipulating the whole process. Possibilities of manipulation occur at the time of relocation through the use of agencies and when an initial investment is required while migrating.\textsuperscript{27}

Trafficking through illegal migration is not uncommon to India. People mostly women, girls and young boys are being trafficked from Nepal and Bangladesh on the pretext of jobs but their destination in India is either a brothel or other exploitative works.

The plight of the trafficked victims through illegal migration can be seen through the examples of trafficking of two Bangladeshi girls aged 22 and 26. These two girls were lured to India by two women agents in October 2008 on the promise of jobs as housemaids, but they sadly ended up in the flesh trade. Two young women had brought these girls to Bangalore and sold them to another agent, who pushed them in to commercial sexual exploitation. Police arrested them during night raid. Salem, Principal Sessions Judge acquitted them under Immoral traffic (Prevention) Act, 1956 but sentenced them to two years imprisonment under the Foreigners Act (for not possessing appropriate documents). They served the sentence in Vellore Central Prison and were later brought to the Government Protection Home in Salem as they could not be repatriated immediately. The two girls escaped from the Protection Home, but were caught by the police. A fresh case was slapped against them and Judicial Magistrate Court-III Salem convicted them for the offence under

\textsuperscript{26} \textit{Ibid.} \\
\textsuperscript{27} \textit{Supra} note 22.
Section 224 (resistance or obstruction by a person to lawful apprehension) of the Indian Penal Code. After they served the sentence, they were lodged in the quarantine prison at the Mandapan refugee on October 11, 2012. As there were no signs of their repatriation a Public Interest Litigation at the Madurai bench of the Madras High Court was filed. When the case came up for the hearing during December 2012, the Centre’s standing counsel informed the court that it had sent a communication dated November 23, 2012, directing the State government to repatriate the girls. After recording the submission, a division bench comprising of Justice K.N. Basha and Justice P. Devadass, in its order on January 9, directed the State Home Secretary and Ramanathapuram District Collector to repatriate the girls to their country within a period of seven days from the date of the receipt of a copy of the order. According to S.J. Sheik Ibrahim, District legal intervention coordinator — People's Watch, it was nothing but bureaucratic red tape. A great injustice has been done to these hapless girls. The girls should have been repatriated in 2008. District Collector K. Nanthakumar, however, said the girls could not have been released just like that. After getting clearance from the Union Home Ministry and Inspector General of Border Security Force (BSF) they were sent home safely, the Collector of the area told the Hindu. Superintendent of Police N.M. Mylvahanan stated that soon after getting the travel permit, the Inspector of Police, Thangachimadam, secured the release of two girls and escorted them to the border.\textsuperscript{28}

People get trafficked not for only commercial sexual exploitation (CSE) but mostly during migration, people also get trafficked for labour exploitation. Human trafficking for labour exploitation is a global concern. In West Asia and the Gulf Cooperation Council Region, it is a particular worry given the scale of labour migration and the prevalence of opaque and exploitative regulatory systems. A new report on forced labour and human trafficking in the Middle East, based on research sponsored by the International Labour Organisation (ILO) attempts to quantify the scale of the problem. Not surprisingly, it makes for some disturbing reading. The report puts the estimated number of victims of forced labour in the region at 6, 00,000. These numbers have a huge resonance for India, which accounts for a significant chunk of the labour force there. What emerges is the close relationship

\textsuperscript{28} Special Correspondent, Two Bangladeshi Women’s Ordeal Ends, \textit{The Hindu}, March 10, 2013.
between human trafficking and labour migration, and how failures in labour migration governance systems are allowing trafficking to persist. In the region’s capital-rich economies, the rapid development of infrastructure has relied on the use of short-term labour immigration. An estimated 14 million migrant workers, originating mostly in Asia and Africa, were in the Gulf Cooperation Council (GCC) States between 1975 and 2010. In order to manage the influx, many countries in the region rely on kafala, or the sponsorship system, that creates an unequal power dynamics between the employer and the worker as it determines the latter’s terms of residence and employment. Today, this system governs the lives of most of the migrant workers, who cannot leave their employers. Thus, loopholes and deficits in labour law coverage reinforce underlying vulnerabilities.29

Even where legal redress is provided for under national law, and human trafficking is criminalised and made punishable, there have been few prosecutions. In such a context, there is first of all a clear case to regulate and control the role of recruiting agencies that very often overlook the interests of migrants while pursuing their own agendas. The Gulf States need to get more serious about implementing labour protection measures, and giving all expatriate workers a better deal in wages, housing, and health. The 2008 Abu Dhabi Declaration was an acknowledgment of the issues that had piled up. It outlined a collaborative action plan to give a fair deal to workers. However, the recommendations that emerged, including that effective actions be initiated to root out illegal recruitment, and that more transparent policies and practices of recruitment and employment be promoted, remain largely a mirage. India should weave in these concerns while firming up the provisions of its new emigration bill and signing any new bilateral agreements with countries of the region.30

2.4 Trafficking and Missing Persons

Missing persons generally denote the people who had run away from their respective homes of their own will. Various factors may contribute to their decision to run away from their homes including family tensions, torture at home, work, fear of getting caught in cases of people involved in unlawful deeds etc. In the case of

29 Ibid.
30 Protecting India’s Migrants, The Hindu, April 24, 2013.
children, the reasons could be lack of attention and care from parents, domestic violence, failure in their studies, and exposure to adult life at a very young age or involvement of criminals, i.e. kidnapping/abduction for ransom etc. Whatever may be the reason, in most of the cases, the society and law enforcement agencies put the blame and responsibility on the persons gone missing. This being the prevalent attitude in the society and among the law enforcement agencies, there is a lack of priority and sensitivity to investigate thoroughly into the cases of missing persons.31

It has been observed many a time that women and children rescued during raids in brothels or sweat shops or other similar places have been reported missing elsewhere in the country, indicating that there is a link between missing persons and trafficking. Although women and children might have left the house of their own will in lure of good jobs, bright future etc., but in reality they might have been trafficked. Parents who are unaware of this fact tend to lodge a complaint with the police that their wards are missing. While trafficking is a serious crime, missing persons *per se* is not viewed as a crime. The seriousness of the issue gets diluted by registering the case under missing person’s category.32

In a colloquium on human trafficking held on 2nd August 2012 in Chandigarh, U. Sarathchandra, Member Secretary of National Legal Service Authority, informed that, “There are more than one lakh missing children in India, who might have been trafficked and about 80% of the trafficked population in India are minors”.33 Even the Justice Verma Committee Report 2013 links missing persons with human trafficking.34

Currently understanding the need for locating the missing persons mostly children and to ensure that they are not being exploited, various NGOs and Social forums have created websites which provide a database of missing persons to identify and locate them.

32 Ibid.
34 Verma Committee was appointed immediately after the December 16, 2012 Delhi gang rape.
2.5 Trafficking and Gender

Earlier views on human trafficking mainly focused upon prostitution and/or commercial sexual exploitation of women and girls. Some organisations in modern times strongly maintain this link. One modern contributing factor for this is the emergence of stronger advocacy for women’s human rights. Since the creation of the United Nations in 1945, protection of women’s rights has been on its agenda. This is evident in the adoption of more than 20 different instruments which include provisions on the status and treatment of women. In case of trafficking in human beings, women and girls have been the primary victims of prostitution and commercial sexual exploitation. This has been treated as an issue affecting women’s human rights, particularly as a form of violence against them.\(^\text{35}\)

Prostitution and commercial sexual exploitation are still common forms of exploitation but people trafficked for other kinds of exploitations cannot be undermined. It has been reported that about one quarter of the entire population of those trafficked are exploited sexually. This suggests that majority are trafficked for other purposes. The need to pay attention to other forms of exploitation is recognised by the United Nations Special Rapporteurs on Violence against Women and on Sales of Children, Child Prostitution and Child Pornography.\(^\text{36}\) Problem is that the debates on human trafficking from a gender perspective tend to focus more on prostitution rather than on the process of trafficking. In this respect, the definition in the Trafficking Protocol is gender neutral. Even during the drafting process, the question was raised as to whether or not it should only address women and children. Argentina had certain reservations that it should only relate to women and children but at the second session of the Ad Hoc Committee, almost all States expressed the view that the Protocol should address all persons. Consequently, at the Fourth Session of the Ad Hoc Committee, a revised version of the Protocol was submitted, and the language was changed from “women and children” to “all persons” especially women and children.\(^\text{37}\)


\(^\text{37}\) Supra note 35 at 27 & 28.
In most of the debates and discussion it is trafficking of women and children which is being highlighted, trafficking of men is rarely highlighted. There are undoubtedly instances of trafficking of men as well. However, trafficking in men in no way approximates the dimensions of trafficking in women and children. Men are generally smuggled or illegally transported, whereas, women and children are mostly trafficked.\textsuperscript{38}

2.6 Trafficking and HIV/AIDS

As it is now clear that unregulated migration often leads to trafficking in human beings. The resulting mobility and migration are not in themselves risk factors for the spread of HIV/AIDS. However, the condition under which such migration occurs can often compromise the well being of those involved. Separation from the spouse, family and known socio-cultural norms can result in isolation and loneliness. This can lead to social and sexual practices that render migrant and mobile workers more susceptible to HIV exposure.\textsuperscript{39}

Trafficking in women and girls is an integral, gendered and violent outcome of undocumented migration, and is connected to other harmful outcomes such as STD’s and HIV/AIDS. There is a risk in assuming an automatic link between human trafficking and HIV/AIDS, as this may lead to the assumption that all the trafficked women and girls are HIV infected. Such an assumption can cause further stigmatisation to the victims of human trafficking. There is no doubt that there is a high incidence of HIV prevalence among trafficked girls and women, because of their vulnerability, but there are no clear statistics on this. It is being seen that politicians are more comfortable dealing with HIV than with trafficking and are more ready to deal with trafficking if it is linked with the spread of HIV than an issue itself. This makes it imperative to seek cooperation from the States in order to combat this problem that is endangering the human species.\textsuperscript{40}

Recent studies have found that sex trafficking is becoming more prominent in fuelling the HIV epidemic. There are several reasons why this is occurring. Firstly, trafficked persons are forced to have unprotected sex with multiple partners and if

\textsuperscript{38} Jyoti Sanghera, \textit{Trafficking of Women and Children in South Asia: Taking Stock and Moving Ahead}, Project Sponsored by the UNICEF and Save the Children Alliance, New Delhi, (1999), p.7

\textsuperscript{39} \textit{Supra} note 2 at 16.

\textsuperscript{40} \textit{Ibid.}
violent sex acts occur, tearing of genital tissue is more likely, making HIV transmission easier. Secondly, there has been an increased demand of young boys and girls and consumers are willing to pay more for these youth. There is the assumption that younger individuals are less likely to be HIV infected and so the consumer is safe from the disease. Lastly, in some parts of the world, there is a belief that having sex with a virgin girl can cure AIDS. Unfortunately, because of the secrecy associated with human trafficking, HIV and STD testing are almost nonexistent and ongoing transmission of these diseases continues, especially when the trafficked individual is asymptomatic, which is very common with HIV infection.41

The direct and individual impact of sex trafficking and HIV on girls and women is illustrated by the experience of a girl namely “Gita” (not her real name). Gita grew up in India, and was sold into flesh trade by a family member when she was twelve years old. When she arrived at the brothel in Mumbai, she was locked in a room, raped, tortured, and abused until she was deemed sufficiently obedient. When the brothel owners began selling Gita, she was threatened with death if she refused to have sex with a customer. Most days she was forced to have sex with ten to twenty men. The brothel did not provide condoms, and she was not able to control which of her customers chose to practice safer sex. During her early teens, Gita contracted HIV from a customer. However, she was not allowed to seek testing or treatment and was forced to continue having unprotected sex with several men per day for several more years. Finally, Gita managed to escape to a local anti-trafficking organization and is now living in a shelter and receiving HIV treatment and counselling. Gita contracted HIV as a direct result of her status as a victim of sex trafficking. She also, unknowingly and unintentionally, may have spread HIV to large number of customers who bought her after she became infected. If Gita were never trafficked, she may not have ever become infected with HIV and, in turn, transmitted it to the other men who bought her and their future sex partners. Preventing this multiplier effect of HIV transmission catalyzed by sex trafficking involves fighting two global phenomena—a deadly disease and a highly complex and lucrative criminal industry, both of which disproportionately affect girls and women around the world.42

United Nations Office on Drugs and Crime (UNODC) aims to help countries to provide people vulnerable to trafficking, particularly women and girls, with comprehensive, gender-sensitive, HIV prevention and care in countries of origin, transit and destination. UNODC also helps countries provide at-risk groups with information on HIV transmission and how to protect themselves from entering a trafficking situation and being infected with HIV, and providing people vulnerable to human trafficking with appropriate HIV prevention and care services. This includes information and education, voluntary and confidential HIV testing and counselling, promoting condom use, treatment of sexually transmitted infections, and providing anti-retroviral treatment and palliative care for persons with AIDS. Civil society organizations are encouraged to provide health, social and legal assistance services, for example, providing repatriated persons who have been trafficked with comprehensive HIV/AIDS prevention and care services and assistance in reintegration, particularly with a view to avoiding re-trafficking. Destination countries are also encouraged to review their repatriation policies with the view of providing people who have been trafficked with the best possible HIV/AIDS prevention and care services. It is therefore suggested that laws countering stigma and discrimination against people living with HIV/AIDS, especially victims of human trafficking should be strengthened.\textsuperscript{43}

Mostly women and girls are the main victims of global menace of sex trafficking and HIV/AIDS. Sex trafficking victims are more vulnerable to HIV because of their lack of choice with regard to high-risk sexual exposure. Therefore, it can be said that HIV/AIDS is one of the dark sides of trafficking in human beings.

2.7 The Trafficking Process (Modus Operandi)

Traffickers and exploiters do not use a uniform model of recruitment process of trafficking victims, rather it depends upon many factors. In the process of this research it has been seen that in majority of the cases, traffickers lure victims by making specific fake promises. In other cases consent of the trafficking victim is either obtained from parents or force/deception is used. Research conducted all over the world about process of trafficking in human beings shows that traffickers can be relatives of the victim, friends, well known persons or professional recruiters who

make promises of well off jobs, modelling, etc. Further there are also cases in which families are known to have sold their children.

Most of the women trafficked for their commercial sexual exploitation declare that they did not know the real activity they had been coerced to perform because traffickers had assured them that they would find employment as waitresses, or domestic helpers. There are reports that victims knew the activity they were going to perform, even if they could not imagine the slavery like situation they would be subjected to. However, it is worth noting that, according to the definition of United Nations Trafficking Protocol, the consent of the adult victim is irrelevant if the trafficker used at least one of the improper means listed within it and it is always irrelevant in the case of children.  

When the victims are very young and they have to be transnationally trafficked, their documents are falsified and sometimes such children are falsely presented at the border as belonging to the traffickers/exploiters. In the case of adolescents, the falsified documents necessary to pass through an international border may hide their nationality and age. There is evidence that in some cases these documents are obtained by paying bribes to corrupt police or diplomatic officials. In other cases, there is no need to falsify the documents: the victims may be taken from one country to another by crossing an unchecked border in the mountains, or travelling by sea. There are also cases in which trafficking victims are not illegal immigrants and they obtain visas to work legally in the country of destination. The two most common examples are the cases of visas granted by some States to artists and dancers or to domestic helpers, including those accompanying diplomatic officials abroad. Notwithstanding their legal status in the country of destination, these people may also find themselves in situations of vulnerability and exploitation because their visas depend on their continuation of an employment contract with their employer. Other similar cases of unlawfully resident trafficked victims may be those persons entitled to stay in the country of destination as tourists or as wives/ husbands of a citizen.

It may be noted that apart from international trafficking there is internal trafficking (trafficking within the country) on a large scale. People are easily

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44 Supra note 7 at 17.
45 Id. at 17 & 18.
transported from one State to another State or from one place to another place in the same state with no need to falsify documents and the fear of checking at borders.

2.8 The Trafficked Person (Victims)

There is no consistent profile of human trafficking victims. Based on the researcher's discussions with various NGO's it has been seen that victims can be men, women, adults or children, and citizens or foreign nationals. However, majority of the victims are young girls (aged 15-25) because of their misuse in the commercial sexual industry. Few victims are educated. Most are them are either illiterate or have a basic/informal education.

It is essential to remember that vulnerability to human trafficking is far-reaching, spanning multiple different areas such as age, socio-economic status, nationality, education-level, or gender. Traffickers and exploiters often prey on people who are hoping for a better life, lack employment opportunities, have an unstable home life, or have a history of sexual abuse conditions that are present in all spheres of society. While anyone can become a victim of trafficking, certain populations are especially vulnerable. These may include undocumented immigrants; runaway and homeless youth; victims of trauma and abuse; refugees and individuals fleeing conflict; and oppressed, marginalized, and/or impoverished groups and individuals.46

According to researcher's view the profile of the victim also depends upon the purpose for which the victim is trafficked. If a person is trafficked for commercial sexual exploitation it is usually women or girls and if a victim is trafficked for other kinds of exploitation it can be anyone irrespective of age and gender.

Analysis of this study shows that there is a growing awareness that men and boys are also victims of labour and sex trafficking and also that women and girls are also subjected to forced labour. But identification and adequate service provision remains a challenge around the world for male victims. The U.S.A Trafficking in Persons Report (2013) documents male forced labour victims who have been identified in a variety of countries and sectors. Central Asian men exploited in forced labour in Russia; West African boys forced to beg for corrupt religious teachers in schools; boys in forced labour in illegal drug production and transportation in the

46 For details see: http://www.polarisproject.org/human-trafficking/overview/the-victims. (Accessed on 03.10.2013)
United Kingdom and Mexico. In South Asia, entire families are enslaved in debt bondage in agriculture, brick kilns, rice mills, and stone quarries. In South America and Africa, male victims of trafficking are exploited in agriculture, construction, mining and logging, among other industries. The forced labour of men and boys from Burma, and Cambodia on Asian fishing vessels has been the topic of increased press coverage over the last year. The sex trafficking of boys is often hidden, reflecting cultural taboos in many parts of the world. In Afghanistan and coastal Sri Lanka, boys are more likely than girls to be subjected to prostitution. In Mexico and Central America, boy migrants are vulnerable to commercial sexual exploitation en route to the United States of America. Boys in South East Asia are exploited in prostitution. To a lesser extent, men are also victims of sex trafficking. In recent years, Brazilian men were identified in forced prostitution in Spain and men were identified as sex trafficking victims in the United States.47

Identification of trafficking victims is a challenge across the world. However, to the degree authorities are trained to identify human trafficking, far too many look primarily for female victims and often miss male victims. When male victims are not identified, they risk being treated as irregular migrants instead of exploited individuals and are vulnerable to deportation or being charged with crimes committed as a result of being trafficked, such as visa violations. Likewise, cases involving male victims are often dismissed as labour infractions instead of being investigated as criminal cases.48

In implementing anti-trafficking policies, the researcher suggests it is essential that governments provide medical, psychological, and legal assistance sensitive to the needs of all victims, irrespective of gender. Assistance may include shelter, medical assistance, vocational training, repatriation, and other aids. Governments need to adapt some methodologies to curb trafficking of men as well. The goal is that governments must ensure that all human trafficking victims are adequately protected and repatriated.

47 For details see: http://www.state.gov/j/tip/rls/tiprpt/2013/, (Accessed on 04.11.2013)
48 Ibid.
2.9 Human Traffickers

Human traffickers lure and entrap individuals into labour trafficking and sex trafficking situations using methods of control such as force, fraud, or coercion. There is no specific profile of a human trafficker. Essentially, a human trafficker can be anyone who is willing to exploit another human being for profit. Traffickers include those who recruit, transport, harbour, obtain, and exploit victims, often using force, threats, lies, or other physical and psychological methods of control. They can be foreign nationals and Indian citizens, males and females, family members, intimate partners, acquaintances, and strangers.49 Based on the observation of various human trafficking cases, examples of primary and potential traffickers include:

- Friends
- Family Members
- Relatives
- Brokers
- Pimps/Agents (Dalals)
- Brothel owners
- Sex workers
- Massage parlour business owners
- Police

Human traffickers lure victims into exploitative situations often by preying on their hopes to improve their lives and the lives of their families. They often promise a chance for a better life – a good job, a loving relationship, or new and exciting opportunities. In other cases, traffickers kidnap/abduct victims and use physical and psychological violence to control them, forcing them into labour or commercial sexual exploitation. A wide range of criminals, including individual pimps, family operations, small businesses, loose-knit decentralized criminal networks, and international organized criminal operations, can be human traffickers. Often the traffickers and their victims share the same national, ethnic, or cultural background,

49 For details see: http://www.polarisproject.org/human-trafficking/overview/the-traffickers, (Accessed on 03.10.2013)
allowing the trafficker to better understand and exploit the vulnerabilities of their victims. There are two primary factors that drive human traffickers: high profits and low risk. This powerful combination is driving the explosive spread of human trafficking, making it one of the fastest-growing criminal industries in the world.50

2.10 The Causes and Contributory Factors

The causes and contributory factors of trafficking in human beings are many and complex.51 As acknowledged by the United Nations Secretary General in its 2002 Report on Traffic in Women and Girls:

“The growth in trafficking reflects not just an increase in push factors from countries of origin, but also the strong pull of unmet labour demands, particularly in the informal sector. There is clearly a need to address those demand factors in countries of destination which make trafficking so profitable in the first place.”

There are various sociological theories that explain an etiology of trafficking in human beings. Some of such theories are; economic conditions (Bonger, 1916), poverty (More, 1916), anomie (Merton, 1968; Durkheim, 1964), hedonism (Bacaria, 1819; Bentham, 1967), social control (Hirschi, 1969), class and crime (Chambliss and Mankoff, 1976; Quinney, 1977), greed (McCaghy, 1980), and globalization.

In each country, causes of trafficking in human beings can be different. A country may be suffering from the brutalities of a civil war. Therefore, there is lack of a stable environment in such places. Young children in such a situation are often kidnapped and forced to fight. In another country, women might suffer from lack of civil rights. Young girls might be sold into slavery, often as prostitutes. In yet another country, there might be greater need for cheap labour. Nations like these need a lot of workers but do not want to pay them a fair wage, children might be forced into labour. Where organised crime (crime mobs, like the Mafia) is very strong, government officials might not be able to stop well-armed and well-funded traffickers from kidnapping people and taking them out of the country.52

50 Ibid.
51 Supra note 7 at 12.
In order to curb the menace of human trafficking holistically, it is important to have a complete understanding of the various contributory causes and factors responsible for trafficking in human beings. These factors need to be seen at global, regional and local levels as interlinked push and pull factors. Various such causes and contributory factors are generalised below:

2.10.1 Economic Factors

Economic determinism is a pivotal factor in trafficking in human beings. Both the rich and the poor want the good things of life. The rich want to get richer, and the poor do not want to go to prison. Both are pursuing wealth through various means, but some want to get wealthy by all means.\(^{53}\) With economic liberalization and rapid globalization, price competition is increasing the demand for cheap labour required for keeping the cost of production low. This has caused a rapid growth of the informal labour sectors such as street vending and of unregulated work in factories. In most instances, workers have become more vulnerable and subject to abusive working conditions, because these marginalized and unregulated areas of work are not visible and thus are not subject to labour laws and regulations. These contributory factors are on the pull side.\(^{54}\)

On the push side, rapid globalisation results in breaking down the traditional family structure. Each member of the family has become a separate and independent unit of labour to be plugged into the modern labour market. Further, structural economic changes like break down of rural economy, natural disasters, agro-climatic variation and shrinking employment opportunities drive poor communities with no economic alternatives to leave for areas where their chances might be improved. These migrants are generally at a high risk of being trafficked.\(^{55}\)

2.10.2 Gender Discrimination

The unfavourable and discriminatory conditions prevalent both in the family and in the society, mostly for women expose them to traffickers. The girls when considered a burden in the family are neglected, they consequently fall an easy prey to


\(^{54}\) Ibid.

move out to insecure situations. The trafficking agents promise them a job and take them to the urban areas where till the time they realize that real truth of their job, it is too late for them to escape from the hell they are trapped into.\textsuperscript{56}

2.10.3 Problem of Migration

It is said that "traffickers fish in the stream of migration". Therefore, the entire spectrum of migrants, involuntary restless refugees, internally displaced persons, illegal migrants etc. are at high risk of being trafficked, particularly women and children. There is an increasing presence of women and children in contemporary migration because of the societal and family burden on them. With the increasing responsibility to look after their families, women move out to look for work opportunities. However, due to the lack of education and job opportunities these women are pulled into the sex industry, domestic work and fake marriage market. This leads to what is called feminization of migration.\textsuperscript{57}

2.10.4 Developmental Issues

Lopsided developmental policies created a divide between the developed and developing world, a divide that is replicated at local, regional, national and global levels. Increasing number of people from the less developed parts become a commodity for consumption for the developed part. The underdeveloped part serves as a supply zone and developed as a demand zone. Further, the promotion of sex tourism as a developed strategy is also a contributing factor to trafficking for the purpose of prostitution. There is a connection between the influx of relatively wealthy foreigners seeking sex with women from developing countries and the movement of women into the sex industry to meet that demand. Therefore, trafficking in women and children is clearly both a human rights and a developmental issue.\textsuperscript{58}

2.10.5 Armed Conflicts and Insurgency

The concrete forms of trafficking in persons during conflict may vary according to the conflict region, the specific economic and political context and the military and civil actors involved. What is common is the extreme vulnerability of
women and children living in war territories of being trafficked, in particular when the general level of violence against women is high. Forcibly displaced women and children are particularly in danger of being trafficked. During the times of armed conflict women and girls are often abducted and enslaved by government or rebel forces. They are held as military sexual slaves, to perform forced labour, or as forced combatants. Abducted women face huge social, health and economic problems after their escape or release from the camps. Further, national and international post-conflict recovery, reconciliation and reconstruction programmes have failed to pay attention to the particular situation of abducted and enslaved women during war.59

During armed conflicts, cross border trafficking of women is prevalent, yet data on this phenomenon is very limited. War-torn countries may in particular be areas of origin and transit for trafficking. Impunity, lawlessness, dysfunctional State institutions and border controls as well as the generally high level of violence during wars are highly conducive factors to the trafficking of women and girls through and from war zones. War lords who profit from war-related economic trafficking activities, e.g. in small arms and drugs, may expand to trafficking in women. The destruction of livelihood in communities and families put women at risk of being trafficked. Women and girls who are forced to leave their homes and become internally displaced or refugees are in particular vulnerable to being trafficked.60

2.10.6 Religious and Cultural Vulnerability

Religious, cultural and traditional practices contribute in determining a specific vulnerability to trafficking in human beings as well. Dedication of young girls to temples or to Gods or Goddesses has been practiced in many parts of this subcontinent for centuries. This system is known by many names such as Venkatasani, Jogini, Nailis, Muralis, Theradiyan and is prevalent in temple towns. It requires dedication of young girls to deities such as Yellamma, Meenakshi, Jagannath and Hanuman. These girls are than trafficked by temple priests and others into prostitution. Besides the Devdasi system in Karnataka and Maharashtra and the Jogini system in Andhra Pradesh, temple prostitution is reportedly practiced in other parts of the country too, such as Uttar Pradesh and Odisha. For initiation into becoming a

59 For details see: http://www.ungift.org/doc/knowledgeschb/resourcetreNGO_GTZ_Armed_conflict_and_trafficking_in_women.pdf (Accessed on 03.02 2013)
60 Ibid.
Devadasi between the age of five to nine years, from poor, lower caste homes, they go through an initiation rite at the local temple during full moon day where they are married to the presiding deity, Goddess Yellamma by the tali rite. She is then branded with a hot iron on both shoulders and breasts. She is suctioned for her virginity and the deflowering ceremony known as Udilumbuvadu becomes the privilege of the highest bidder. The market value of a girl falls after she attains puberty when she has no resource other than prostitution. The situation is not very different with the girls initiated into other forms of dedication to temples of Gods or Goddess.

2.10.7 Information Technology

Modern information technologies particularly the internet, have been increasingly used to market women and children for the purposes of pornography, prostitution and fake matrimony. This ever-transforming technology has added new features to globalized communication, replete with moving images of exploitation. To state in simplified terms, the impetus in technology and commerce has provided an unexampled opening for human trafficking.

2.10.8 Authority Complicity

It has been seen that officials accept bribes from traffickers in return for allowing traffickers to cross-borders. Also in some cases officials may be directly involved in the problem. Likewise a lackadaisical approach of law enforcement agencies to implement anti-trafficking laws and a low conviction rate in offences against women and children are other factors contributing to trafficking in women and children. According to Ms. Radhika Coomaraswamy, the United Nations Rapporteur on Violence against Women, trafficked persons have reported high levels of government officials complicity and participation.

61 Aparna Srivastava, Human Trafficking with Special Reference to Delhi, A William Carey Study and Research Centre and Joint Women’s Programme Publication, (2006), p. 35
64 Supra note 55 at 20.
2.10.9 Vulnerability to Growth in Tourism

Globalisation, tourism industry has grown worldwide and especially in developing countries. Children irrespective of caste, class or even sex are vulnerable to sexual exploitation by tourists who lure them with small toys and other fancy gifts. Tourists come to the developing countries from different parts of the world for easy and cheap sexual gratification especially with children. American men along with Europeans are reportedly, the most notorious sex tourists in Central America, south East Asia. Not only is it the perverse psyche that makes them use children as commodities of sex, but they also believe in a myth that sex with the virgin girl will cure AIDS.\textsuperscript{65}

2.10.10 Inter-Country Adoption

With birth rates falling in many of the developed countries, adoption from developing countries with higher fertility rates is very common. The need for children has put pressure on birth countries to respond quickly to the growing demand often without having the necessary infrastructure and mechanism to proceed properly. This situation has led to abuses and creation of an international market for adoptable children, which in turn gives boost to the trafficking Industry.\textsuperscript{66}

2.10.11 Inadequate education

According to the researcher in most of the cases uneducated and less educated people fall easily in the trap of traffickers. Traffickers also believe that it is easy to convince uneducated people than the educated, as in their case they do not have to use force or deceit.

2.11 Forms of Human Trafficking

Victims of human trafficking are subjected to various forms of abuses and exploitations that are most often based on their gender and age. Consequently girls and women are mostly trafficked for commercial sexual exploitation, fake/forced marriages and as domestic helpers. Young children are trafficked for illegal adoption or for camel races and mostly men are mostly trafficked for drug peddling and illegal organ transplantation.

\textsuperscript{65} Supra note 55 at 21.
\textsuperscript{66} Gaurav Jain v. Union of India & Ors, AIR 1990 SC 292.
The following sub topics will discuss the most common forms and dimensions of trafficking in persons viz, Commercial sexual exploitations, forced marriages, bonded labour, organ trade, slavery, street begging, illegal adoption, pornography, camel races and sports events.

2.11.1 Commercial Sexual Exploitation

Trafficking in persons for the purpose of sexual exploitation can be related to commercial and non-commercial purposes. The former includes at a minimum the exploitation of trafficked victims through forced prostitution, pornography, paedopornography in the case of children, strip dancing and any activity mainly comprising early and forced marriages and mail-order brides.67

Exploitation of victims of human trafficking for commercial sexual exploitation is one of the largest organised crimes. Thousands of young girls are lured by false promise of marriage; good career etc. and then forced into prostitution. They are not in a position to return from the whirl pool that they are pushed into. They face tremendous abuse, disease, physical and mental trauma at the hands of the brothel owners and touts.68 Sexual exploitation is a special category of human trafficking. In this case the traffickers make money every time from their victims, who are mostly women and children, who are forced to have sex. Customers buy these victims for an hour or so. Sometimes, the victims are made to have sex several times a day.69

In the process of human trafficking for sexual exploitation, individuals are victimised through forced participation in the sex industry. Sex Trafficking is not simply pornography or prostitution. It involves traffickers, victims and clients. For clarity, the United Nations has recognised the distinction between sex trafficking and prostitution and advanced the notion of participant victim by their extension of the definition of sex trafficking to include payments or benefits to a person with control over another person for the purpose of exploitation. In this criminal activity of sexual exploitation, the trafficker controls both the sexual exploitation of his ex worker, his workers decision to work or not to work and his workers location for work. Across the globe, sex trafficking is not limited to prostitution. Victims of sex trafficking are

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67 Supra note 52 at 22.
69 Supra note 52 at 11.
forced in to a variety of sexual exploitations including prostitution, pornography, bride trafficking, and sex tourism.\textsuperscript{70}

Among the Asian countries trafficking in women and children is highly prevalent in India, Nepal and Bangladesh. India is a major destination and transit place for trafficking victims from Nepal and Bangladesh. Trafficking of women and young children from these two countries is because of the liberal passport policy. Since there is an open border between Nepal and India, the people from Nepal do not need any passport or visa to migrate to India. This, gives an opportunity to traffickers to exploit the victims easily.

\section*{2.11.2 Forced Marriages}

The legal age of marriage in India is 18 and 21 for girls and boys respectively. However the legal age notwithstanding, child marriages continue in rural areas of States like Rajasthan, Utter Pradesh, Maharashtra, Chhattisgarh and even Kerala, the most literate State. A recent survey conducted by the Ministry of Health and Family Welfare in Kerala found that nearly 69 percent of the girls got married before 18 years of age. Trafficking of children for marriage is both an inter-country and an intra-country phenomenon. There is a thin line that divides the illegal act of child marriage and child trafficking. What complicates the situation further is that under the Child Marriage act, 1929 the child marriage continues to be legal. This kind of marriage is not always meant for a proper marriage. It may be a means to get young girls into prostitution or bonded or forced labour. Organizations working in the Balasore district of Odisha have reported an increasing trend of girls belonging to poor families being lured by middlemen to Western Uttar Pradesh with the promises of a good dowry free marriage. Invariably the aspiring grooms are already married or old. These girls are forced to work as agricultural labourers during the day and cater sexually not only to their husbands but to others too at night.\textsuperscript{71}

The forced bride market is flourishing all over the country. The Hindu published a shocking case of human trafficking of a girl. In the tea gardens of Banarhat, a remote village bordering Bhutan in West Bengal, her father once worked as a labourer. After his death, the family survived for years on the meagre income of her mute brother, not enough to even pay for the proper treatment of her recurrent

\footnotesize{\textsuperscript{70} Mary C. Burke, \textit{Human Trafficking: Interdisciplinary Perspectives}, Routledge (2013), p. 135
\textsuperscript{71} Supra note 61 at 34.}
bouts of mysterious stomach-aches. And then one day, yet another tragedy struck in the garb of a well-wisher. A human trafficker took Paro the girl (name changed) to faraway Haryana, raped her and then sold her off as a bride to a middle-aged widower. The family knew Mustafa Ali as the husband of the girl who once lived in their neighbourhood. “We had taken Paro to the village doctors, but they could not cure her. This had worried us and in such a state of haplessness, Mustafa approached giving us a hope. He stayed with us for a night. Mustafa told us that not only Paro, but her mute brother could also be cured by the blessings of one Baba Rampal Maharaj, claiming that the Godman had his ashram in Haryana,” said Paro’s elder sister. She had no inkling of Mustafa’s visit as she lived in another village with her husband. Convinced that he was a God-sent saviour, Paro’s mother readily agreed to accompany Mustafa to Haryana along with the girl and her two sons. They boarded a train on July 3. “Paro a 24-year-old woman who had virtually starved for the past few weeks said we left for Delhi, from where we were taken to Kheri Man Singh village in Karnal. Mustafa took us to his house, where he lives with his two wives. We were shocked to discover that the villagers there knew him as Rajender Pal. Narrating her tale of horror, Paro recounted, Rajender disclosed that he wanted to marry me off. When my mother and brothers objected, he and his men beat them up. He also attempted to sexually assault my mother. Following this, she and one of my brothers were forced to board a train back to our village. Rajender raped me and kept me in confinement for over 20 days. He would lock me inside a room whenever he went out.”

Paro refused to eat in protest and partly because she did not get her staple food — rice. While she languished at Rajender’s house, about four prospective grooms paid visits to check on her. The deal was finally struck with one Darshan Kumar for Rs.70,000. They staged a ceremony, where brother of Paro was forced to pose for a photograph showing that the marriage had his approval. She was sent with Darshan, while her brother was sent packing home after his job was over. According to Paro, Darshan, a widower, sexually assaulted me and ill-treated me all the time. His mother also abused me. I was constantly looking for an opportunity to escape. Then one day, in the early hours, I managed to slip out while the others were sleeping. I spent the entire day in the nearby sugarcane fields, but the villagers caught me the next morning and took me back to Darshan. They forced me to put my fingerprints on a blank

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72 *The Hindu*, September 20\(^{th}\), 2013
paper. A few days after Paro’s brother reached his village, the family learnt that Rajender had once again visited the village looking for some more girls. “We had got a case registered at the Banarhat police station on July 27. The police soon arrested him,” said Paro’s sister. The West Bengal Police then contacted a Non-Government Organisation Shakti Vahini seeking assistance for the victim’s rescue. The NGO contacted the Karnal Superintendent of Police, on whose orders a team was sent to Darshan’s residence along with the organisation representatives, over two months after she was kidnapped. There is a video footage capturing the operation showed Paro screaming, bursting into tears and hugging her sister as soon as she saw her. Holding each other tightly, the sisters sobbed as Paro shared the agony and torture she had been subjected to. According to Rishi Kant of Shakti Vahini, Darshan was not at home when the team reached there. The villagers confronted the NGO members, asserting that she had been bought for Rs.70,000. We finally managed to take the victim to the area police station, where she immediately went to the bathroom and sat under a tap till the sindoor was washed away completely.73

According to Mr. Kant, hundreds of girls and women like Paro are sold-off by human traffickers as brides in villages of Haryana since the past several years. “A skewed sex ratio (877 females per 1,000 males) in the State is the prime reason behind the mushrooming of such organised syndicates. As reported in the latest Report published by the United Nations Office on Drugs and Crime (UNODC), a field study by Drishti Stree Adhyayan Prabodhan in 92 Haryana villages covering 10,000 households revealed that over 9,000 married women had been bought from other States. They address the purchased brides as Paro (from outside the State). Age, beauty and virginity are the yardsticks that determine their price. Studies by various organisations have revealed that girls from poverty-stricken villages in Assam, West Bengal, Jharkhand, Bihar, Odisha and even from Uttar Pradesh, Madhya Pradesh and Andhra Pradesh, are trafficked to Haryana and Punjab via Delhi for forced marriages. The UNODC report further states that trafficking for forced marriages has also been reported from Kutch in Gujarat. Hundreds of Bengali-speaking Muslim women are trafficked from West Bengal and Bangladesh to Kutch, where they are sold off as brides.74

73 Ibid.
74 Ibid.
The Tribune published a shocking news of a Bride bazaar flourishing in Hyderabad. The Report reveals that a “bride bazaar” is thriving on a well-oiled network of unscrupulous Qazis (priests) and agents who exploit the poverty and illiteracy of Muslim families and push young girls into a life of hell. The unearthing of a contract-marriage racket in the old city area of Hyderabad recently, involving foreigners buying young brides for sexual exploitation, has come as a grim reminder of a flourishing trade through sham marriages. The police busted the racket and arrested six persons, including two Qazis, two Sudanese students and two women brokers. The modus operandi of the operators exposed chinks in the monitoring set-up of the government agencies and the State Wakf Board. The agents used to identify minor girls from poor families of old city, lured them with money and promise of a prosperous life in a faraway land and sold them off to foreigners with the help of Qazis who performed marriage using fabricated documents. At the end of it, it was the minor girls from poor families who became the victims of exploitation. In a recent case, a 25-year-old Sudan national Mohammed Ansari, who is on a student visa, married a 16-year-old girl by paying Rs 50,000 to brokers. The girl’s mother was a poor widow with five daughters and hardly any source of income. After suffering two weeks of sexual abuse by her husband and also his friend, another Sudanese student, the young bride managed to run away and sought police protection. At least seven more such incidents were reported in the city in the recent past involving Sudanese and Somalians, suggesting existence of a contract-marriage racket, exploiting poor muslim women, He added investigation revealed that the young bride was made to sign a blank piece of paper that was intended to be later used as a khulanama or a declaration of divorce. With this, she would not be entitled to alimony or other rights. The foreigner bridegrooms would leave after the expiry of their student visa.

According to police sources after arriving here on student visas, these Sudanese nationals trap poor girls into marriage, use them, and when they leave, they already have a divorce paper ready in hand, so they can go scot free. The police has registered a number of cases of rape, abduction of minor for marriage, outraging modesty and also cases under the Immoral Traffic (Prevention) Act. Muslim intellectuals have suggested a series of measures to prevent exploitation of girls in the name of marriages. Muslim intellectuals suggested that the Wakf Board should be given more powers. The archaic Qazi Act should be replaced by a comprehensive Act.

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75 The Tribune, July 4th, 2011
that takes into account the changing needs of the muslims. A sustained effort must be
made to promote education, vocational training and employment of the girl child.\textsuperscript{76}

\subsection*{2.11.3 Bonded and Forced Labour}

The trafficking of children, women, girls and men for bonded and forced labour is one of the fastest growing problems. Trafficking of human beings for forced and bonded labour at times is camouflaged under the pretext of helping the innocent children. Bonded labour is the most widely used method of enslaving people around the world. A person becomes a bonded labourer when their labour is demanded as a means of repayment for a loan. The person is then tricked or trapped into working for very little or no pay, often for seven days a week. The value of their work becomes invariably greater than the original sum of money borrowed. Often the debts are passed on to the future generations. Bonded labourers are forced to work to repay debts their employer say they owe, and they are not allowed to work for anyone else. Various forms of force are used to ensure they do not leave. In many cases they are kept under surveillance, sometimes even under lock and key. Poverty and threats of violence force many bonded labourers to stay with their masters, since they would not otherwise be able to eat or have a place to sleep. The debts play an important element in human trafficking. People who are offered a job abroad often have to borrow big sums of money to pay the traffickers to cover the costs of their journey and a fee for finding a job, often borrowing money against their family house or business. However, when they reach their destination it turns out that the promised job doesn’t exist and they cannot leave anyway until the debt is paid off. This is propounded by the threats against the victims’ family back at home.\textsuperscript{77}

Bonded labour has existed for hundreds of years. Debt bondage was used as a means of trapping indentured labourers into working on plantations in Africa, the Caribbean and South-East Asia, following the abolition of the Transatlantic Slave Trade. In South Asia it is rooted in the caste system and predominately affects Dalits (the lowest caste called untouchables) and still flourishes in the agriculture sector, brick kilns, mills and factories. Bonded labour also remains a problem in some regions of South America. In the Punjab region of India hundreds and thousands of men, women and children are forced to work as bonded labourers in quarries and

\textsuperscript{76} Ibid.
brick kilns where they receive little or no pay in return for a loan typically used for survival, including medical costs. Today the International Labour Organisation (ILO) estimates a minimum 11.7 million people as undergoing bonded labour in the Asia-Pacific region, the majority of these are in debt bondage.78

Bonded labour exists because of the persistence of poverty and the existence of people who are prepared to exploit the desperation of others. The need for cash for daily survival forces people to sell their labour in exchange for a lump sum of money or a loan. Despite the fact that bonded labour is illegal, governments are rarely willing to enforce the law, or to ensure that those who profit from it are punished. Widespread discrimination against some social groups means that they have limited access to justice, education and ways to get themselves out of poverty which is one of the main reasons the debt is taken in the first place. Bonded labour exists in spite of being explicitly outlawed by the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956).79 It is also prohibited under Article 23 of the Indian Constitution.

2.11.4 Organ Trade

Every year more than 114,000 organ transplants are reportedly performed around the world. These surgeries satisfy less than an estimated 10% of the global need for organs like livers, kidneys, hearts, lungs, and pancreas. It has been seen that the shortage of human organs coupled with the desperation experienced by the patients in need of transplants has created an illicit market for organs.80

Transplantation of human organs is one of the most beneficial developments in the science of medicine. Organ transplantation requires removal of organs from one body and its grafting on another human body. Along with scientific intricacies, the procedure involves numerous ethical as well as legal issues. Right to health is a well defined human right. Article 21 of the Constitution of India which guarantees right to life has been interpreted broadly so as to include right to health and medical care therein. Thus right to health is a fundamental and human right of every individual. Advent of technology of organ transplantation is a corollary to the right to health. Human organs like heart, lungs, kidneys, liver, pancreas, cornea etc. can be

78 Ibid.
79 Ibid.
transplanted now in any human body in need. Long ago, transplantation was done very rarely because of non-availability of donors, inadequate facilities for transplantation and lack of skilled staff for performing the technical surgeries. Transplant surgeries have turned fantasies into realities, given sight to the blind, ear to the deaf, and a new life to dying persons by engrafting vital parts on the needy body.\(^{81}\)

To accomplish the need of requisite human organs for transplantation on the recipients, voluntary donors were required to part with their organs. Since very few voluntary or relative donors were available, it gave birth to the most gruesome practice of trafficking in human organs like spare parts. Under medical science some of the organs existing in pairs are spare organs and therefore their removal does not cause any infirmity to the man. This factor has largely contributed to the sale of organs. This vile, deplorable and ethically reprehensible development has created organ bazaars and people have started indulging in the prostitution of the human body. Transplant surgery has turned into a commercial exercise i.e. trafficking in organs with price tags fixed to various parts of the human body. This immoral trafficking has spread its bloody tentacles to metropolitan cities assuming menacing proportions. Hunger stricken people in a poverty ridden society are allured by the attractive incentives and handsome price tags to the body parts like kidneys, lungs, liver, eyes, pancreas etc. which are sold them to the paymasters. It is in fact an exploitative business of transferring health of the poor to the rich, defying the cardinal principle of equality, humanity and morality. This shady business is controlled by a well knit network of touts, hospitals and donors, clandestinely performing such operations.\(^{82}\)

Initially, the trade was restricted mainly to the hospitals in Bombay and Madras only, but now it has percolated to a large number of other cities like Hyderabad, Calcutta, Delhi, Bangalore, Pune, Jaipur etc. and many other suburbs as well. Several thousand kidneys are sold annually besides large number of other organs. In several metropolitan cities slums are turning into organ farms, where autorikshaw drivers, theatre usherers, watchmen, mechanics and the like living in small mud houses or hutments, struggling for a square meal have found organ sale a lucrative trade, yielding them enough money to buy new autorikshaw, build their


\(^{82}\) Ibid.
brick houses and get rid of indebtedness. India is one of the third world's great organ bazaars, with the kidney business alone is more than Rs.400 million. Racketeering by middlemen and unethical practices by medical professionals and institutions has eroded public confidence in the kidney transplantation programme, raising important ethical issues. There are nightmarish reports of removal of organs from the inmates of mental hospitals, theft of organs during operation of other parts, kidnapping of children to develop them for organ farming and removal of organ by deceiving, defrauding and misinforming the person. Reports of the organ trade across the sea even in the developed countries are also available. Voluntary export of donor corneas material 20,000 pairs of eyes to more than 50 countries from Sri Lanka alone is reported in a year. Export of children from Guatemala to United States, to be used as donors for organ transplantation has also been reported. Increase in the rate of success of organ transplants due to the use of cyclosporine, has brought in the wake of flood of foreigners ready to pay king's ransom for organs to the impoverished Indians, providing a ready market of live donors. Thus, sprang a breed of Indian touts acting on behalf of the rich patients, both Indian and foreigners, leaving the field open to unscrupulous shady practitioners and institutions, who make their handsome commission out of the sale proceeds.\textsuperscript{83}

This commercial exercise in human organs has led the gullible impoverished donors to be exploited by the rich, raising the biggest ethical issue in the country. This unholy alliance of agents, doctors and hospitals renders a very cogent evidence of ethical and moral deterioration of the profession. Focal point of the ethical issue is whether doctors should perform operations, when they know that the organ is being bought for a price? Removal and grafting of organs has aroused the reluctance from some corners on the plea of its being contrary to religious beliefs and mandates. However in total sum organ transplantation for therapeutic purpose is permissible but trafficking is organs not. Moreover, the Constitution of India also prohibits trafficking in human beings proclaiming it as a fundamental right against exploitation. Selling parts of the human body is not only immoral but also against the public policy.\textsuperscript{84}

Traffic in organs raises another issue of the right of personal liberty of an individual to deal with its organs as spare parts. Do we own our body? Do we have unbridled power for disposal of our organs? Can the state fetter an individual’s right

\textsuperscript{83} Ibid.

\textsuperscript{84} Ibid.
of liberty to part with the organs? So far as the individual's right to personal liberty to part with its organs is concerned, it is inviolable, but state, can always impose reasonable restrictions thereon by enacting the law to curb unethical, immoral practices and trafficking in human beings. It is in this perspective that suicide, prostitution and sale of organs are actionable offences.85

Organ trafficking is perhaps the least profiled form of human trafficking. There has been almost no empirical research, but individual stories and investigation of illegally harvested organs surface on a regular basis. Urban legends exist of children being kidnapped and killed for their organs, but there is little empirical evidence to support these claims. In 2006, the United Nations came to the conclusion that it was impossible to provide any estimation on the scope of organ trafficking. The topic was not a priority nor had it received close scrutiny from the United Nations member States. Most cases included in the report involved the illegal and trafficking of organs or tissues (group of human cells) from deceased persons86

2.11.5 Street Begging

The phenomenon of street begging is not always linked to trafficking of human beings. Therefore, street begging can be categorised between the practice in which the whole family is involved because of extreme poverty and forced begging which take place because of trafficking. In trafficking of human beings for street begging mostly young children and disabled persons are engaged. Street begging is prevalent all over the globe. Minors, disabled persons, and mothers with children are seen outside malls, traffic lights, stores and religious places, begging.87

Forced child begging is seen as a form of exploitation and more recently has been considered as a form of servitude and modern slavery. The most recent report on Forced Child Begging was published in April 2009 by Anti Slavery International. Called 'Begging for Change'. The research looks at cases of forced child begging in Albania, Greece, Senegal and India. The report provides a clear picture of the

85 Id at 66.
complex grooming and behaviour patterns that keep children locked in a cycle of exploitation when forced to beg for family members.\textsuperscript{88}

Child protection and psychology specialists involved in the Albanian research commented that in addition to a sense of protection, children who are forced to beg by their parents may experience more positive feelings of belonging, usefulness and power from providing income needed by the family, which children forced to beg by third parties do not. However, depending on how each individual child responds to events in their lives, these can conflict with the negative feelings they also have from being mistreated by their parents. So while in the short-term many tend to feel less threatened than children who are forced to beg by third parties, the problematic relationship with their parents can lead to additional emotional difficulties in later life. The report authors state that from the outset governments must ensure that adequate legislation is in place to protect children who are forced to beg, and that these laws are enforced.\textsuperscript{89}

Forced child begging constitutes a gross violation of children’s rights and requires urgent action on the part of governments and others with a duty to protect children’s rights. Forced child begging by third parties is grossly harmful, but forced child begging by parents is devastating and should not be ignored despite the particular challenges associated with addressing this menace.

\textbf{2.11.6 Pornography}

Discussions with NGO’s working on issues of human trafficking reveals that women and children who are being sexually exploited and trafficked are also being used for the production of porn movies. Sometimes acts of commercial sexual exploitation are filmed without the consent of the victim and distributed. On other occasions women and girls are trafficked for the sole purpose of porn production. This rise of internet accessibility has resulted in the high prevalence of child pornography.

The reason why we do not hear much about the horror tales of sex trafficking within the porn industries is because it is a large part of our entertainment and remains clandestine behind closed doors. It is not right to say that every person involved in the porn industry is a victim of human trafficking but certainly there are cases in which

\textsuperscript{88} Ibid.
\textsuperscript{89} Ibid.
persons involved are victims of sex trafficking. The pornography industry rakes in $97 billion per year and is a driving force behind sex trafficking. Porn coarsens and sexualizes our popular culture and to put it mildly simulates the demand side of the commercial sex equation, with results that are often harmful to relationships, families, health and careers, and sometimes end in criminal acts including murder. What was once called soft-core pornography is now part of the mainstream, and the porn industry is portraying increasing violent acts (hardcore) of harm against women. Prostituted women report that they are often asked to perform degrading and painful sex acts which the man has seen in porn and which his wife or girlfriend refuses to perform. This demand for pornified sex fuels the trafficking in women and young teen girls. Brothel operators and pimps meet the porn-driven demand with a supply of vulnerable women who are seduced, tricked, drugged, kidnapped, abducted, or stolen from their families, and forced into commercial sexual exploitation.  

2.11.7 Illegal Adoption

Trafficking of children for inter-country and intra-country adoption is another ill-omened game of traffickers. The need arises when biological parents are unable to take care of their child or where the child is without parents. Generally, Indians prefer a boy child in adoption rather than a girl child. In contrast developed countries have less number of children available for adoption, thus, there is a great demand of inter-country adoption of Indian children and this has prompted many individuals and organisations to traffic children.

According to the United Nations Trafficking Protocol only those adoptions fall with the definitions of trafficking in persons in which the child is exploited after adoption. Exploitation can take place in any form like forced begging, pretty thefts, future forced marriages, forced labour, sexual exploitation etc.

To stop the menace of illegal adoption Supreme Court of India in Lakshmi Kant Pandey’s Case looked into the complaints of illegal adoptions by various individuals and organisations. The Supreme Court laid down various guidelines for inter-country adoptions. The Court held it is desirable to setup a Central Resource

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90 For details see: [http://embracedignity.org/?page=trfckng](http://embracedignity.org/?page=trfckng). (Accesses on 19.11.2013)
92 Lakshmi Kant Pandey v. Union of India, AIR 1984 SC 469.
Adoption Authority (CARA) that acts as a clearing house of information and forward applications of foreigners to one or other social organisations.

In pursuance of the Supreme Court guidelines, the Ministry of Justice and Empowerment setup the Central Adoption Resource Authority which monitors and scrutinises the working of social and child welfare organisations both in inter country and intra country adoptions.

2.11.8 Camel Races

It has been widely accepted now that children from various countries are misused in camel races and as camel jockeys. Mostly Children from India, Pakistan, Bangladesh and Sudan are trafficked to Gulf countries for the purpose of camel jockeys. This practice is very dangerous as they can cause serious injury or even death to the child. In this type of exploitation, the child because of his light weight is tied to the back of the camel so that they do not jump off during races. It has been seen that the child most often falls from the camel and is trampled to death by other camels on the track.93

The trafficking of children and their use as camel jockeys is prohibited by ILO Conventions and by the United Nations Convention on the Rights of the Child, all of which have been ratified by the various Gulf countries. Nonetheless practices of child camel jockeys are still prevalent.

2.11.9 Sports Events

Sporting events like the Olympics, World Cups etc. provide both an opportunity to raise the awareness about the trafficking in human beings as well as a big challenge to identify victims of trafficking and punish traffickers who take undue advantage of these events. It has been seen that major sporting events often entail massive capital improvement and infra-structure projects, creating a huge demand for cost-effective labour and materials. The governments and NGO's can take steps to prevent this significant increase in construction from being accompanied by an increase in forced labour. The governments of hosting events must ensure labour laws

93 Supra note 22 at 35.
meet international standards, regulate labour recruitment agencies, and frequently inspect construction projects for checking the violation of labour laws.  

2.12 Re-Trafficking of Victims

The expression “re-trafficking” is a problematic one, and a wider debate within research on trafficking is needed to reach a common understanding of the term and to assist accurate comparison between data sets, along with facilitating improved case management. It is difficult to determine at which stage a person can be understood to have experienced re-trafficking. Literally speaking, the term is commonly used to describe a situation where a person (victim) has returned to his/her country of origin and is then trafficked from there for a second time.

Victims of human trafficking are highly vulnerable to re-trafficking immediately after having exited a trafficking situation and en route to assistance. Victims of trafficking are frequently re-trafficked within two years or less of having exited a trafficking situation. Where re-trafficking occurs, it is not uncommon for it to be to a different destination or for a different purpose of exploitation on each occasion. The International Organisation for Migration (IOM) database data also reveals a cross-over between international and internal trafficking, with trafficked persons appearing to be potentially more vulnerable to internal trafficking on return to their countries of origin from an international trafficking situation. A wide range of factors has been found to contribute to the re-trafficking of persons. Some of these factors have been drawn from the direct experiences of trafficked persons documented in the database. Others have been relayed by IOM mission staff that in their work assist victims, have observed a number of interconnected factors in the re-trafficking of persons. It is difficult to separate the causes of re-trafficking from the wider causal factors of trafficking, in which a well-documented and broad range of socio-economic factors intersect and interact. However, some of the causal factors of re-trafficking indicated here do relate specifically to trafficked persons' previous experiences of trafficking or to their experiences with assistance organizations.

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96 Ibid.
2.13 Human Trafficking: Implications

Trafficking in human beings today is a global phenomenon, affecting men, women and children in over 130 countries of the world. Trafficking is a heinous crime against individuals in particular and humanity in general. As such, the consequences are most directly felt by trafficked victims. Trafficking activities contravene fundamental human rights, denying people the basic and broadly accepted individual freedoms. Trafficking also has broad economic, social and cultural consequences. As a criminal act, trafficking violates the rule of law, threatening national jurisdictions and international law. Further, trafficking in persons redirects the benefits of migration from migrants, their families, community and government or other potential legitimate employers to the traffickers and their associates. Difficult as it is to measure accurately the scope of human trafficking, it is equally difficult to measure its impact. The dynamics of the trade are constantly evolving and a range of national perspectives exist. Available statistics are dependent upon a variety of sources, methodologies and definitions. Because trafficking is an underground activity, its consequences are also hidden and adequate indicators have yet to be developed that will allow the anti-trafficking community to successfully measure the impact of this crime.97

The effects of trafficking have an impact on individuals in all areas of their lives. Victims of human trafficking often experience abuse, exploitation, poverty and poor health prior to being trafficked. These conditions are only exacerbated by their experiences as victims of crime. Each stage of the trafficking process can involve physical, sexual and psychological abuse and violence, deprivation and torture, the forced use of substances, manipulation, economic exploitation and abusive working and living conditions. What differentiates the consequences of trafficking from the effects of singular traumatic events is that trafficking usually involves prolonged and repeated trauma.98

The effects on the health of the human trafficking victims mostly depend upon the type of exploitation they are subjected to. In case of sexual abuse, victims in most of the cases are exposed to sexually transmitted diseases, like HIV/AIDS, pregnancy and other reproductive illnesses. Victims in this form of trafficking suffer from

98 Ibid.
depression and other mental trauma as well. Social stigma of prostitution makes it very hard for victims to return to their native families and communities.\textsuperscript{99}

The impact of trafficking on the victims’ of organ trade is equally disturbing. Usually victims do not receive proper and necessary medical care after the removal of organs. Thus, they get various kinds of infections and even die. Finally, the problem of human trafficking has both short and long-term effects not only on the physical and mental health of the victims but it also destroys human resources and can affect the economic and developmental growth of the community.\textsuperscript{100}

The effect and impact of human trafficking, thus not only extends to the hopeless and helpless victims but to the whole society in general. The crime of human trafficking which is considered as a contemporary form of modern slavery goes against the basic tenets of humanity. The barbaric sale and purchase of human beings for commercial sexual abuse, forced labour, organ trade, forced marriages and begging is a direct blot and insult to the human conscience and civilisation.

\textbf{2.14 Concluding Remarks}

To understand the problem of human trafficking, the researcher feels that the concept of the issue acts as a base for further study. This chapter has introduced the conceptual dimensions of the problem of the human trafficking including definitions of the trafficking in human beings in various national and international legal instruments, causes, implications of human trafficking etc. A deep analysis of the problem has revealed a need for a comprehensive human rights based approach to tackle the problem. Only a comprehensive perspective can include within its ambit all the emerging dimensions of the problem. Such an approach will not only punish the traffickers and violators but also protect the victims of human trafficking to a larger extent.

\textsuperscript{99} Ibid.
\textsuperscript{100} Ibid.