Human Trafficking and Human Smuggling: Modes and Patterns

Ever since the existence of mankind on the planet, human beings have remained divided into good and bad. As a result of this division, it is rightly said and agreed in spiritual world that world is double shaded. Every situation and action on this planet is accompanied by opposite reactions like joy followed by sorrow, victory by defeat and obedience by disobedience. The constructive forces of mankind symbolize peace, harmony, law and order and destructive strata symbolize war, destruction, crime and other illegal activities which are fatal for the smooth survival of mankind. This division of mankind leads to confrontation. Evil forces are always in search of defeating good section as it is essential for their existence and survival and the situation is vice versa. Therefore, human beings have created a set up to check the spread of evil in society. The creation of police, jails, judicial system and the establishment of international organizations like United Nations Organization and its various specialized agencies are solely for the purpose of checking crimes committed by destructive elements of mankind for self-gains.

Illegal methods adopted by the evil forces to exploit others have led to the coining of term ‘crime’ which has witnessed variety of expressions during the different points of time. This term was even used by the powerful ruling elites for the revolutionaries who challenged their authority as it happened in case of the Indian revolutionaries who stood against the British for the freedom of India or Scottish revolutionaries or people like Nelson Mandela who fought for the dignity of his people also met the same treatment. History is full of such examples when acts of people, who raised voice against exploitation, were termed as ‘crimes’. But with the coming of notion of welfare state, the states are obligated to maintain peace and security in order to provide a congenial environment for the development of its citizens and protection of the interests of weaker sections of the society. Hence, a stage is reached where ‘crime’ can be defined as an act committed against the established laws of the state obstructing the smooth functioning of society and the state. This acts against the existing social, legal, academic institutions and against the established norms. ‘Crime’ as Free Merriam Webster Dictionary defines is, “…. 
an act or the commission of an act that is forbidden or the omission of a duty that is commanded by a public law and that makes the offender liable to punishment by that law: a gross violation of law” (Dictionary, 2012: NP).

The states, keeping in view their demography, religion, customs, beliefs of the subjects and conditions necessary for their development and survival, establish a course of action for their members and declare some acts as ‘anti-state’ or ‘crime’. The police, jails, judicial systems and similar infrastructures are established by states for prevention of crime and smooth working of state. The level of development and efficiency of state reflects on its ability to combat crime. The more the degree of crime, the more the weak the state is and vulnerable to the instability and failure of the constitutional structures. If the state and its constitutional machinery are strong, the rate of crime in that state is likely to be less. Criminal groups search loopholes in the existing laws and weaknesses in the functioning of security agencies and violate or attempt to violate them for their personal gains. On their part the states keep on modifying and updating the existing mechanism to curb crime and criminals.

In the age of globalization, when the movement of goods and persons across the borders has become easy and the concepts like global village has come to exist, it has become very difficult job for the states to check crime as the nature and area of crime is no more restricted to one state. Crime in the existing world order has become transnational in nature, taking hold of whole globe into its clutches rather than being limited to one state. Technological developments and globalization in the world have brought prosperity, efficiency and enhanced knowledge but at the same time it has brought new forms of crime and increased the magnitude of crimes. Nowadays, crimes are being committed in so well organized manner that their planning takes place somewhere else in the globe and are committed elsewhere and hence this transnational and organized complicated nature has made crime more deadly and dangerous. Subsequently, it is becoming too difficult for law enforcing agencies to check crime and catch the criminals. Having observed this increase in magnitude of crime, the global law enforcing agencies have picked up momentum to curb its growth. The organized criminal syndicates are in hunt to find new strategies and methods to earn more from the exploitation of others in such a way that they are not subjected to any punishment by the state. Transnational criminal groups like
Snakeheads, Coyotes and Yakuazas have been seen deeply involved in illegal migration in the form of human trafficking and human smuggling. Main reason for the advent of such criminal syndicates towards the illegal entry of people into rich states is the vagueness about meaning and scope of above stated crimes among law enforcing agencies and targeted population. Because of such confusion and no strict preventive mechanism, the transnational syndicates are earning fearlessly from the trade of human trafficking and human smuggling.

In this context, this chapter focuses on the theoretical explanations of terms like ‘human trafficking’, ‘human smuggling’ and ‘transnational organized crime’. The human trafficking and human smuggling are two forms of illicit migration involving transnational organized crime (TOC). Usually, human trafficking and human smuggling are confused with each other during the debates and discussions on the cases related to illegal migration. Therefore, the attempt has been made to differentiate these two related terms. The parameters necessary for any illegal act, to be included into the list of TOCs are fully met by human trafficking and human smuggling but still the law enforcing agencies do not treat illegal migration the way other transnational threats are dealt with, which is proving fatal for prospecting migrants, law and order of source, transit and destination countries. This chapter also makes distinction between human trafficking and human smuggling. It is well circulated fact among academicians and border security agencies that the smugglers/traffickers use different and circuitous routes. The recruited persons many times are not sent to desired destinations directly by air routes rather entry is made through very hazardous terrains which are crossed on foot with the help of the expert handlers. Many times, they pack their clients into trailers or trunks of the cars to pump them into promised state. During the journey, they are often exposed to grave risks and the traffickers exploit them to drain or extract or squeeze more money. They are not given adequate food to eat and are stationed in very risky and hazardous condition. The chapter also seeks to analyze the different routes, methods used by the smugglers/traffickers to recruit and push their recruits into destination state, exploitation meted out to the prospect migrants at the hands of their handlers during the course of journey, and the life after reaching the destination. The human rights abuses involved in such crimes at global level have also been examined.
Explaining the Concepts

The concept of ‘Organized Crime’, ‘Transnational Organized Crime’, ‘Human Trafficking’ and ‘Human Smuggling’ has been spelt out as under:

‘Organized Crime’

The universally accepted definition of the concept of ‘Organized Crime’ has been lacking although the organized crime is centuries old phenomenon. Activities of pirates in open seas and slave trade are key examples of the presence of organized crime in past times. Earlier, the term ‘Organized Crime’ was used for the activities of Italian and American mafia. Edgar Hoover who served as the Director to US Federal Bureau of Investigation (FBI) refused to accept the existence of ‘Organized Crime’ and limited this menace only to the activities of American mafia. But with the findings of President’s Commission in 1986, during the Reagan Administration, the scope of ‘Organized Crime’ was widened to include the activities of various groups like Jamaican passers, Asian gangs, Russian mafia (Roth, 2010:11).

‘Organized Crime’ is largely defined in terms of high levels of cooperation among groups of professional criminals. This definition is criticized on the ground that it equates ‘Organized Crime’ with criminal associations only and ignores variety of other social factors involved in the crime. ‘Organized crime’ refers to “ subnational and transnational corporate agencies that operate systematically outside the purview of law with the intention to turn in profits for its members, especially leaders” (Vayrynen, 2003: NP). The US Federal Omnibus Crime Control And Safe Street Act of 1968, defined ‘organized crime’ as, “…the organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such associations” (Adamoli et al.,1998:4). Another US agency Federal Bureau of Investigation (FBI) defines ‘Organized Crime as’, “…any group having some manner of a formalized structure and whose primary objective is to obtain money through illegal activities. Such groups maintain their position through the use of actual or threatened violence, corrupt public officials, graft or extortion, and generally have a significant impact on the people in their locales, region, or the country as a whole” (FBI, 2014:NP).
The term ‘Organized Crime’ refers to a process or method of committing crimes, not a distinct form of crime itself and not even a distinct type of criminal (Adamoli et al., 1998:4). It is not any unique type of crime but a distinctive method of doing that crime which involves great level of planning, coordination and group relations.

The ‘Organized Crime’ is, thus, a group activity of at least three organized persons having criminal tendencies, involved in illegal acts for economic gains of its members. It involves corrupting public officials, use of violence and of loopholes in law to carry out their illegal activities. Initially, such organized criminal groups used to have rigid hierarchies, loyalty toward leadership and strict lines of action but in modern times, they have developed the element of cunningness and rapidly respond to the actions of the state. They have the ability to change the organizational set up and activities with the changing situations. Nowadays, they use legal business like structures as front cover for their illegal activities (Adamoli et al., 1998:11)

‘Transnational Organized Crime’

The ‘Organized Crime’ gained transnational character with the passing of various ‘Navigation Acts’ in England. It was further exaggerated with the circumnavigation of world by Ferdinand Magellan as it opened new routes and avenues for criminal syndicates of one country to operate across national borders. In 1990s, the transnational aspect of ‘Organized Crime’ received attention from international community as transnational criminal syndicates emerged as formidable challenge to global law enforcement agencies (Roth, 2010:11). The Political Declaration and Global Action Plan against Organized Transnational crime, adopted at World Ministerial Conference on Organized Transnational crime held at Naples, Italy, on November 21-23, 1994 concluded that any crime is ‘Transnational Organized Crime’ if it is committed by group organization, leader of the group control it through personal relations and hierarchical links, make use of violence and corruption to carry out their operations which are usually for their personal financial gains, infiltrate in the legitimate economy through illegitimate means and resources, have the potential to expand their illegal activities across the national borders and often cooperate with other transnational criminal groups (Adamoli et al., 1998: 9).
This conceptualization has proved to be a milestone in understanding the concept of ‘Transnational Organized Crime’.

In 1997, the United Nations Draft Framework Convention against ‘Organized Crime’ stated that, ‘Organized Crime’ contained group activities of three or more persons, with hierarchical links or personal relationships which enable their leaders to earn profit or to control territories or markets international or foreign, by means of violence, intimidation or corruption, both in furthering criminal activity and infiltrating the legitimate economy, in particular means of: Counterfeiting currency, trafficking in persons, theft and use of nuclear material, illicit trafficking in narcotics drugs or psychotropic substances, money laundering, illicit traffic in or theft of cultural objects, illicit import, export or transfer of ownership of cultural property, terrorist acts, illicit traffic in or theft of arms and explosive material, illicit traffic in or the theft of motor vehicles and the corruption of public officials (Adamoli et al., 1998:7). The United Nations initiated Convention (2000) against Transnational Organized Crime (UNCTOC) defines Transitional Organized Criminal group as: (a) ‘organized criminal group’ shall mean a structured group of three or more persons, existing for a period of time and action in consent with the aim of committing one or more serious crime… in order to obtain, directly or indirectly, a financial or other material benefits; (b) Serious crime shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty; (c) Structured Group shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its member, continuity of its membership or a developed structure. Article -3 Paragraph-2 of the Convention testifies that an offence is transitional in nature if:

a. It is committed in more than one state;
b. It is committed in one state but a substantial part of its preparation, planning, direction or control takes place in another state;
c. It is committed in one state but involves an organized criminal group that engages in criminal activities in more than one state; or
d. It is committed in one state but has substantial effects in another state.
The theft of intellectual property, aircraft high jacking, sea piracy, insurance fraud, computer and environmental fraud, removal of organs, fraudulent bankruptcy, and infiltration of legal business have been included into the list of transnational organized crime.

Transnational Organized Crime and Illegal Migration

Migration has been part of human civilization since time immemorial. Not only human beings but several other species also migrate from one place to another, in order to fulfill their needs and in search of new horizons. It is the movement of people from one area of globe to another for fulfilling their needs or for the purpose of safety, high earning and high living standard. The main motive of migration is to maximize family’s income and lead lavish life which is otherwise not possible in native state. The beginning of migration in human culture can be traced back to the origins of mankind in the Rift Valley, from where *Homo erectus* and *Homo sapiens*, spread initially into Europe and later to other parts of the globe, around 5000 B.C. Afterwards the process of migration continued in the form of Greek colonization, Roman expansion, and Mesopotamia, Inca, Indus and Zhou empires. In eighteenth and nineteenth century, migration process continued in the form of slave trade from Africa to New world. The area of migration spread to United States from 1850 until the Great Depression of 1930s. The millions of workers from poor economic background and from different repressive regimes migrated to United States and contributed in its rise as an industrial power. The next phase that contributed to the growth of the migration was the period after Second World War. The countries of Europe, North America and Australia entertained laborers from different parts of the world, to sustain their booming economies (Koser, 2007:3). Thus the process of migration is not new for the human beings as it had always remained part and parcel of human culture around the globe. In ancient times, migration process was very easy as there was no existence of hard borders and travel requirements like passports or visas. The turning of soft borders into the hard borders of the nation states paved way for illegal migration as the interested and needy prospect migrants are usually not in a position to fulfill the requirements of destination states for procuring visa.
The trait of migration in human beings has been exploited by fellow beings by turning their migration process into illegal migration i.e. human trafficking and human smuggling. In developed countries, every tenth person is a migrant and in case of developing countries, one out of seventy people has the migrant status (Vayrynen, 2003: NP). The migration to developed states is mainly from developing and poor states. Moreover, the continuous breakdown of global economy and need of cheap labor for various routine works, for which the local population demands high wages but on the other hand less complaining nature of migrant labor about wages, work and working conditions, is exaggerating the problem of illegal migration. The illegal migration is harmful for every state which is part of its operations as it is an alarming signal to the source, transit and recipient states that they have either failed in protecting their borders or their employees are not loyal towards the state and it proves their inefficiency. In countries where most of the illegal migration is carried out by the transnational syndicates, it poses grave threat to the peace and security of source, transit and recipient countries. Many times, the flow of illegal migration proves to be reason of tension between bilateral political relations of source and recipient state, as it happened in case of Bangladesh and India, Palestine and Israel. To make the situation worst, the terrorist groups manage to smuggle weapons and militants to the target country through such networks which further strain the friendly relations between the two countries. Apart from the tension between two countries, it creates feeling of hatred towards irregular migrants and make them victim of wrath of local population and often leads to riots between the native and migrant community (International Organization For Migration, 1994:1).

In present world order, the craze for migration of young generation from developing and under-developed countries of the world, to developed states of North America and Europe, has been taken over by the transnational mafia. Illegal migration business is high earning without any risk of capital punishment. It is world’s third largest business after drug and ammunition trade. Internationally famous transnational criminal syndicates such as Snakeheads, Yakuzas, Coyotes and Russian mafia are actively involved in illegal migration in the form of human
trafficking and human smuggling. The major reason for this trend is high profit, very less investment and no risk of capital punishment (Shelley, 2010:3).

It is very easy to allure victims from third world countries by making them fake promises of good jobs, glamour, safe and bright future in the destination state, of which the people of third world countries are crazy. The source states hardly pay any attention toward the exploitation of their citizens during trafficking/ smuggling, at the hands of unscrupulous travel agents, highlighted by national and international print and electronic media. The source states are primarily engaged in tackling various issues and problems such as basic health, education, food security services to their citizens or they are entangled in civil wars, insurgencies and corruption. Moreover, they view illicit migration as a helping hand in setting their house in order as it reduces their burden by outflow of big chunk of population to another state. In case, they get settled in foreign state, the home state receives remittance and hence don’t make any strict law to curb such activities, fully ignoring the exploitation, met out to its citizens at the hands of transnational criminal syndicates. After the disclosure of deadly accidents like 'Malta Boat Tragedy' the governments of poor countries and international community have turned their attention toward this exploitation of innocent people. The transnational syndicates take advantage of the different legal businesses, prevalent in different corners of the world, to exploit the earning of other fellows. The fishing industry is serving as the major front cover to carry out the criminal activities like human trafficking and human smuggling. The children from poor families across the globe are recruited in fishing industry through the process of human trafficking. The children ageing between thirteen to fourteen years of age are involved in ‘Gillnetting operations’. In this operation, the children are required to dive into the water to guide the fish into the net, which is quite risky for the children of this age group (United Nations Office on Drugs and Crime, 2011:26). The fishing vessels are often used to traffic or smuggle the people in very risky and exploitative conditions.

The international migration can be regular and irregular. The regular migration is the way of migration in which prospect migrant enters into foreign country after fulfilling all the legal formalities, established by the law of the recipient state, without tampering any document. Regular migrant is entitled to long
list of rights and protections in the host state. The real threat to the smooth functioning of the source, transit and destination state is from irregular migration as it is an entry either by tampering travel documents or by fraudulent documents or clandestinely crossing borders by cheating security agencies without any travel document. Irregular migrant refers to a person who enters the territory of the state without authorization, as well as to those who entered the country legally and subsequently lost their permission to stay (International Council on Human Rights, 2009:15). Both the types of migrations can either be voluntary or forced. If a person, despite having enough resources in home state, undertakes migration for the sake of more earning then his migration can be termed as voluntary but if a prospect migrant migrates because of poverty, civil war, natural calamities and persecution then his migration can be forced. The section of forced migrants who possesses some skilled or technical qualification are categorized as High Skilled Migrants and are more liable to get genuine visa as the rich countries are in search of such people. Non-skilled migrants are more vulnerable to fall into the trap of traffickers/smugglers (Koser, 2007: 6 and 16). The irregular migration does not always take place with the help of traffickers/smugglers, rather it can be done at individual level. Apart from it, it is also not necessary that every irregular migrant is criminal or offender because many times prospect migrants are cheated by travel agent because the travel agents do not disclose that the travel documents provided to them are either fraudulent or tampered. The irregular migrants, keeping in view their mode of entry and purpose of entry, are divided into four categories. The first category is of ‘Refugees’. They are the people who illegally cross international border and enter into other state because of fear of persecution in native state, for belonging to particular religion, community, race and political group. Another group, which falls into the category of irregular migrants, is of ‘Asylum Seekers’. An asylum seeker is an individual who enters foreign state because of dangers from home state and seeks international protection or the permission to reside in the crossed state, whose claim has yet not been decided by the concerned state. It is not necessary that asylum seeker seeks shelter in rich state only; he/she can prefer neighboring and safe state as it is happening in the case of Bangladeshi refugees who are taking asylum in India leaving other rich states. It is not necessary that every asylum seeker will be given refugee status or permission to reside in a foreign state but every refugee is initially
an asylum seeker and this is the most popular tactic used by smugglers to manage stay of their customers in the concerned state and they charge huge sum for this service. These smugglers have lawyers, immigration consultants in their network and they get commission in referring their customers to such specialists in their network to achieve the above said status who further charge heavy fee for their service. The third category is of ‘Trafficked Persons’. These are persons recruited and harbored by a professional travel agent, by means of force, abuse of authority and coercion for monetary gains. The recruited person is unaware of the illegal modus operandi used by his handler and is left with no way out except to surrender to exploitation of the trafficker. On the contrary ‘Smuggled Person’ is one who willingly gives consent to crossing of international borders with the help of a facilitator, and is well aware of the fact that his facilitator is using illegal modus operandi. The relationship between the smuggler and the smuggled ends up after entering into the border of the destination state. It is quite possible that the process of smuggling may turn into trafficking; depending upon the ignorance of legal system and language of victim and sometimes the situation may be vice versa (International Migration and Human Rights, 2008:9 and 11).

The above mentioned are four categories of irregular migrants but only last two can be included into the sphere of ‘Transnational Organized Crime’. The smugglers and transnational syndicates are evidently making use of asylum seeking or refugee status seeking techniques for arranging permanent stay of their clients in the destination state and are earning more from this illegal economy. The security agencies or law enforcing agencies don’t have clear cut direction, guidelines and proper training to identify the differences between the above said irregular migrants and many times if the victims of human trafficking get caught, then they suffer double exploitation, at the hands of traffickers and state agencies when get caught.

In most of the cases, the above stated categories of irregular migrants cross international borders with fraudulent documents or with the help of transnational criminal syndicates and become victims in case of human trafficking and criminal in case of human smuggling. This victimization and criminalization of the recruited person depends upon various factors like communication skills, English speaking, contacts in foreign land, support and sources of family in native state. If the person
is well aware of international rules and regulations, it is difficult to make him fall prey to human trafficking and his journey is usually termed as smuggling.

The United Nations initiated a convention against Transnational Organized Crime known as Palermo protocol. This Convention was supplemented by three protocols: (A) Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (B) Protocol against the Smuggling of Migrants by Land, Sea and Air; and (C) Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. These Declarations led to internationally accepted definition of human trafficking and human smuggling and inclusion in the category of Transnational Organized Crime. Normally, the terms like ‘Irregular or Illegal Migration’, ‘Human Trafficking’, ‘Human Smuggling’ and ‘Refugee’ are confused with each other. There is very thin difference between illegal migration and human trafficking and human smuggling as the illegal migration can be done by individual alone at his own level without any assistance of others. However, when a person migrates illegally with the help of any person or organization then this process of illegal migration may take the form of human smuggling. When a prospect migrant is cheated on the pretext of greener pastures abroad and is unaware of the illegal modus operandi of the handler and is exploited during journey or on reaching destination then it turns out to be human trafficking.

Human Trafficking

The debate on human trafficking started in the end of nineteenth century against forced prostitution by feminist Josephine Butler, the crusaders against prostitution in Europe and United States. She campaigned against international trafficking and in 1904 thirteen states inked an agreement against white slavery in Paris. It was followed by the International Convention for the Suppression of White Slave Traffic in 1910 and International Convention for the Suppression of Traffic in Women and Children in 1921. Thereafter, International Convention for the Suppression of the Traffic in Women in Full Age was another step forward in curbing the evil (Morehouse, 2009:26).
Till this span of time, it was considered that only women and girl children are and can be trafficked and hence all the international initiatives against trafficking were focused on women and children but with the passage of time it came to light that men are and can also be victim of trafficking. There was no internationally accepted definition of Human Trafficking but noticing the pace of growth in Human Trafficking at international level and with the happening of tragic incidents like Malta Boat tragedy, the United Nations came to its front foot and initiated Convention on Transnational Organized Crime which was supplemented by three protocols and in these protocols the internationally accepted definitions of Human Trafficking and Human Smuggling emerged.

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000), has defined trafficking in persons as:

…the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs (United Nations Office Drugs and Crime, 2004: 42).

International Organization for Migration (IOM) defines trafficking in migrants as an act in which:

…. an international border is crossed, departure, transit, entry or stay of a migrant is illegal; an intermediary – the trafficker – is involved in the movement of the migrant providing services, such as supplying counterfeit identity documents, official or unofficial transportation and introduction into the illegal labor market in the destination country, the trafficker profits from such activities and that the transaction is voluntary, other than in cases of trafficking women for the purpose of sexual exploitation, on the basis that the migrant may be willing to be trafficked to secure their long term well-being (Schloenehardt, 1999:82).
The United Nations Office of Drug and Crime (UNODC) holds that the crime of trafficking can be defined through combination of three constituent elements and not through the individual components. These three constituent components are:

a) Process: recruitment, transportation, transfer, harboring or receipt of person

b) Means: threat, force, coercion, abduction, fraud, deception, abuse of power, giving and receiving of payments.

c) Purpose: Exploitation which includes: (i) prostitution and other forms of sexual exploitation; (ii) forced labor and services; (iii) slavery and similar practices; (iv) involuntary servitude and; (v) removal of organs (Perera, 2011: 3).

It is a process of people being recruited in the country of origin and transported to the transit and destination countries. It covers recruitment, transportation, transfer, harboring or receipt of person(s) through means of threat, force, coercion, abduction, fraud, deception, abuse of power abuse of vulnerability, giving and receiving of payments for the purpose of exploitation. The exploitation may be sexual exploitation, forced labor, removal of organs, involuntary servitude, and slavery and practices similar to slavery.

Nature

Human Trafficking is not only a crime against state and individual but it is crime against humanity as well. It has been observed that the Human Trafficking is mixed with other forms of illegal migration and in case such individuals, get caught overseas, then they suffer exploitation at the hands of security agencies and languish in jails and their handlers usually escape punishment.

Human trafficking is an under reported crime. It takes place at much higher scale than reported in print and electronic media and detected by law enforcing agencies. The reason is its clandestine nature and stigma it carries because of sexual and financial exploitation suffered at the hands of traffickers. Moreover, the international legal system and domestic legal system of native third world states is
so costly and time consuming that the victims often choose to stay quiet. The victims are reluctant to go to authorities or unable to do so because of intimidation and fear of reprisals (Laczko, 2007: 40).

Human trafficking should not only be viewed as crossing of domestic or international borders and exploitation at alien land rather it is a long process starting with the various methods of recruitment such as giving attractive advertisements of earning in lakhs, good jobs and other fake promises of safe and legal journey. The various sources of publicity like newspapers, television and channels of advertisements are used to propagate such offers. Moreover, the recruitment is also done by purchasing or hiring young men, women and children from poor families by fraud marriages or love affairs, illicit adoptions and abduction (Morawska, 2007:100-103). People are also recruited through personal contacts. The recruiters give attractive offers, promising to send people to foreign countries without any language proficiency test without showing bank balance, qualification. They also give advertisements of audition for giving roles in television dramas or films for trapping people. Apart from it, the traffickers/smugglers have sub-agents scattered all over, even in remote areas of the country, having their offices without any registration with government and enjoy no control of any governmental department over themselves (Perera, 2011:5).

After recruitment, the sub agents in the field areas either directly or indirectly hand over the prospect migrant to the main traffickers. This initial consent is often achieved through fraud and deceit. The main trafficker makes arrangements for his transportation with the help of either fake travel documents or by bribing officials at airport. Once the recruited individual is displaced from his native town or community or country, his full control is taken over by his/her handler. Usually, the route to destination is not direct and they are taken to such areas from where the trafficker could manage their illegal entry in transit country. Most of the youth interested to migrate to Europe are either made to station in Russia or Malaysia or Indonesia. Their link with their native land is broken, their travel documents are taken from them and are placed in such demographic situation, to which the recruited individuals are not familiar and have to rely on trafficker for every small requirement and hence, the trafficker exploits the victim for long even after
receiving his promised fee for transportation. Traffickers offer services such as transportation, assistance in crossing borders, fraudulent documents, accommodations, jobs or job brokering that are required by the prospective migrants to reach their provisional or final destination after their link is broken with native land. The trafficker further earns a lot in the form of commission from hotels, factory owners, apartment leasing firms, which he manages for his clients. The needs of the prospective migrants vary vis-à-vis the factors such as their nationality, linguistic and cultural background, immigration restrictions and geographical distance of destination country from the country of origin (International Organization for Migration, 1994: 3). After reaching the destination, trafficked person finds him/her helpless due to the lack of knowledge of local language, rules and regulations, various routes to reach back home and necessary travel documents. Thus, trafficked person is left with only one option to surrender before the wishes of trafficker.

Human Trafficking is a complex process and cannot be managed by single individual. After recruitment by the sub agent, the prospect migrants are handed over to the main agent in metropolitan who further has trans-border associates or has links with the mafias associated with human trafficking and human smuggling. They manage the boarding and lodging of the consignment overseas. The foreign links of the trafficker/smuggler have nexus with the owners of transport companies, truck drivers, taxi drivers who often cross borders with their vehicles along with genuine guests or material goods to be transported into the adjoining state, professionals in making forged travel documents and owners of guest houses or hotels who are involved in completing the cycle of human trafficking. Apart from the stated people, many times professionals connected with transnational criminal syndicates are also involved for guiding the consignment to the borders through forests or other risky ways for pushing the consignment into the other state and such guides are often termed as ‘Donkers’ and the process is known as ‘Donkey Walk’\(^2\). Hence, human trafficking is completed with the help of multiple actors like informers, guides, crew members, enforcers, money launders, debt collectors, supporting personnel and specialists (Arnowitz, 2009: 68).
The element of coercion is inseparable part of character of human trafficking along with exploitation. The victims, after crossing international borders, are kept in unhygienic and overcrowded rooms, situated at secluded places, are given very little to eat, either not paid or underpaid and the situation of Punjabi youth in Mauritania, Ginny Bissau and recently landing youth into Iraqi militant camps and forcing them to clear war debris and they had to pull live shells. They were sold to militants and were insecure even from security agencies. This shows the coercion and exploitation meted out to victims at the hands of transnational criminal syndicates (Tuteja, 2011:1). The menace of human trafficking is so widespread that every year 600,000 to 800,000 people are trafficking across borders and then are indulged into prostitution or forced labour. The International Labour Organization (ILO) estimates that 12.3 million people are victims of forced labour at any point of time (Miko, 2007:40). The coercion and exploitation is possible after the movement of recruited individual away from his native place to an alien land (Perera, 2011:5).

The density of trafficking is more where pressure for migration is strong and opportunities to migrate are limited and norms for migration are fulfilled only by handful of people and needy of migration are left only at the mercy of traffickers/smugglers for crossing borders. This gap between pressure and opportunities is exploited by the traffickers (Cameroon and Newman, 2008: 73). It is mandatory aspect of nature of human trafficking that a trafficker must be involved. The recruitment, crossing of borders and procurement either of genuine or fraudulent travel documents must be managed by the trafficker and crossing of borders should usually be illegal, if that particular illegal migration is to be termed as Human Trafficking (International Organization for Migration, 1994:2).

Nevertheless, untraced trafficked persons are further taken to other states by the traffickers. Many of them die while facing grave risks in open seas, crossing dangerous mountainous regions and die either of cold or get buried in glaciers. Their bodies remain untraceable and their death remains a mystery for their families behind. Many cases are found, when traffickers kill trafficked people themselves, if police or security agencies chase them, in order to eliminate evidences against them (Baath, 2007: 14-20). This cycle of trafficking does not end with death of victims.
and rescue of victims as new sub-agents recruit new victims with above said methods and prepare new consignment of victims and this cycle goes on.

‘Human Smuggling’

There is very thin line of demarcation between human trafficking and human smuggling although both are forms of illegal migration. Sometimes an individual starts journey as a smuggled migrant but becomes victim of trafficking on the way. Moreover, if a person is caught while crossing international borders, of which he is not a legal entrant, he is punished without making his status clear as a smuggled or trafficked migrant by the security agencies that make him a victim of double exploitation.

The term ‘Human Smuggling’ came into use recently, when migrants started receiving systematic and coordinated help from transnational organized groups in crossing international borders illegally with the help of fraudulent travel documents given by smugglers to their clients for making entry into a foreign state an easy affair (Zhang, 2007: 2). It involves financial benefits to the facilitator by the migrant for the services rendered or to be rendered. The crossing of international borders is illegal, supported by many illegal acts like fake travel documents, clandestine entry into the state and also the migrant is willing to migrate and knows well that his facilitator is using illegal modus operandi for transporting him into destination state (Nadig, 2002: 6). Generally, human smuggling is defined as, “delivering person into the country they wish to enter illegally and then leaving such persons to their own devices. It involves a voluntary act, entailing a payment of a fee to provide a passage to a particular destination” (Bernadetta and Susan, 2008: 28).

The United Nations Protocol against Smuggling of Migrants by Land, Sea and Air, supplementing United Nations Convention against Transnational Organized Crime, in its Article-3(a), defines Human Smuggling as:

…the procurement, in order to obtain, directly or indirectly, a financial or other material benefits, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident... (United Nations Office on Drugs and Crime, 2004: 54-55).
Thus, it is clear that if any illegal migration is to be termed as a human smuggling, it requires the presence of a facilitator who helps the illegal migrant in his illegal journey and helps in crossing of international border between two countries illegally. Most of the times, it is done by professional smugglers who earn from this illegal entry of a person but the involvement of the close relatives or family members, settled abroad to manage the arrival of their remaining family members in foreign land, cannot be negated in this form of illegal migration. They may or may not take the help of professional smugglers or just exploit loop-holes in the immigration laws like fraud marriages or political asylums. The profit may or may not be their consideration and this way makes human smuggling a multi-faced act (Zhang, 2007: 1).

The most important thing about the structure of human smuggling is that this business strictly depends upon and responds to market demands. Sometimes the natural calamities or wars give momentum to human smuggling from a particular part of globe but the favorable conditions in local situation may slow down this process. Before the invasion of Iraq, the smugglers of the Sulaimaniya and Arbil, in Kurdish part of Iraq, offered their services to those who wanted to leave the country (Shelley, 2010:99). Here, it becomes worth mentioning that smugglers not only coordinate with smuggling groups of transit countries but also have links with the employees at airport, border, and sea port and in immigration department of transit and destination countries. Apart from it, hotel owners, transporters, sailors and crew of ships also constitute inseparable part of the smuggling network (Zhang, 2007:85).

In the whole operation of human smuggling operation, there is an involvement of individuals performing specialized roles, without which the smuggling of migrants into destination state is impossible. This includes recruiters, who search needy individuals and settle the terms and conditions with them. After that, there is coordinator who makes plan for this illegal journey and have links with smuggling mafia working in transit countries near the borders of destination states. Apart from this, there is variety of other experts like drivers who help in crossing international borders in their vehicles, document vendors, who make arrangement for necessary travel documents either by buying them from black market or preparing fraudulent ones. The list of experts don’t end here and further includes
safe house operators, local guides, corrupt officials, enforcers, who maintain law and order in the smuggling group and serve them food etc (Zhang, 2007:96 and 97).

**Modus Operandi of the Traffickers/Smugglers**

The smugglers use several types of modus operandi to push their clients into destination countries. They exploit the legal system for smuggling person. The young boys and girls who are citizens of rich states like United States or Canada are hired by smugglers to do contract marriage with their client to destination state. As soon as the clients become permanent residents of destination states, such marriages are annulled. Usually such marriages take place between the people of same community and are entirely on contract and professional basis. Even some immigration provisions like K-1 visa in United States for calling their fiancée to destination state is also exploited (Zhang, 2007:30). Apart from it, the smugglers make use of strategies to procure temporary visas on the pretext of arranging business meetings and to watch international games or temporary labor needed for arrangement and maintenance of such mega events, to push a person into destination state. The smugglers also make arrangements for training a person in communication skills, detailed story to explain the trip along with the evidences and knowledge about the profession under which his handler is seeking temporary visa for him (Zhang, 2007:34).

The smugglers also make use of counterfeit documents for serving their purpose. The undercover federal agents exposed 240,000 US dollars business of counterfeit documents in operation at Chicago’s Mega Mall. The documents for travelling like passports, social security cards, green card etc were made available to clients at very high prices for smuggling them to their dream state (Zhang, 2007:39). The Smugglers either make use of forged or tampered travel documents or the documents are authentic but the person who is making use of those documents is different. The authentic passports of a person from Asian or African community, with authentic visa of some rich country stamped over it, is given to client by smuggler and made to travel on that document after charging high fee from him as the features of Asian and African community resemble and it becomes difficult for European or American airport authorities to distinguish between the person
travelling on that particular passport and photograph of a person on passport. Sometimes the bio-page of the passport having visa of the rich country of Europe or North America is changed with the passport of the prospect migrant (United Nations Office on Drug and Crime, 2009:42-44). They usually buy such passports from black market on high price and use them for pushing migrants from same community. Such passports are either made by some specialists or authentic passports are stolen or authentic passports are sold by the holders at very high price. The passports of the citizens of rich states who visit source or transit states like Thailand and India are stolen with such motive. After selling their travel documents, they make complaint about it with a delay of few days and in the meantime that passport is used by the smuggler to smuggle his client on those documents to the concerned state. In this way, both the seller and the user get benefited. The use of Japanese passports is made to smuggling people from China and other Asian Pacific countries as above stated passport enjoy visa waiver agreement with United-states and United States is blued eyed destination of people from Asia, Africa and other world countries. The estimated price of US passport in black market varies from 10,000 to 15,000 US dollars. The Snakehead queen Sister Ping was having three passports of different countries at time of her arrest at Hong Kong in 2000 and she admitted that she made several visits to United States under different identities (Zhang, 2007:42-44 and 86).

The smugglers make use of various methods like arranging legal visas to a particular point and from there the individuals are made to cross borders with the help of professional gangs. These gangs distract the attention of border security agencies and arrange the individuals entering into destination state along with the help of guide who is well aware of routes. The smugglers make use of hard geographical terrains on borders of European and North American states like huge mountains, forests, freezing temperature and glaciers to smuggle the individuals as it is hard for security agencies to protect borders in such hard conditions. The sea route is also used in smuggling migrants. The small boats are used for shifting illegal migrants on the shores of the rich states from transit point. Such transit states are Bahamas, Mexico and Cuba for smuggling the migrants to United States (Zhang, 2007:68). The Malta boat tragedy is world famous example of use of sea. The use
of land routes for trans-border transportation of illegal migrants for smuggling them into the destination state through the tankers of trucks or in the trunks of the cars is frequently used method. (Vayrynen, 2003: NP).

The smugglers/traffickers have links with government officials working either on borders, on airports and seaports which makes operations possible. The first chain in this regard is the owners of taxis, small boats, trucks, by which smugglers can traffic migrants to another state, taking the advantage of their occupation. They are not well organized and it is not their main source of income. Another group of traffickers/ smugglers is small and well-organized. They are specialists, having complete knowledge about the routes and loopholes in immigration rules. The last category consists of organized international trafficking networks. They are most sophisticated, dangerous and flexible. They keep on changing their style and area of operation from time to time and are very responsive to changes and happenings at the global level. The flexibility in their character makes it difficult for security agencies to check them.

**Distinction between Human Trafficking and Human Smuggling**

A person, who has been smuggled, pays large amount of wealth and enters a country clandestinely, or through deception, such as the use of fraudulent documents. Unlike trafficking victims, the smuggled person consents to be smuggled, knowing well about illegal modus operandi to be used to push him into destination state. The relationship between the smuggler and the smuggled person is a voluntary business transaction. This relationship ends after crossing the border. In smuggling, person being smuggled is not victim of fraud and coercion. He/she, generally, cooperates with the smugglers. The smuggled person is free to leave or change the job in the destination country. It is only a crossing of an international border. Human trafficking is a much bigger level of exploitation than that of human smuggling. Trafficking in human beings is a crime against individuals as well as states whereas human smuggling is a crime against state in which exploitation of person does not exist (US State Department, 2010: NP).

In trans-border context, the term human trafficking is closely related with the concept of human smuggling and, thus, both are often confused with each other. To
remove the confusion and also for setting a legal framework to cope up with the problem, it was necessary for the states to define the menace appropriately.

The Union Council Framework Decision on Combating Human Trafficking, mentions three basic differences between human trafficking and human smuggling, as summarized below:

- Source of Benefit: The primary source of profit and thus also the primary purpose of human trafficking is exploitation. In contrast, smugglers generate their profit through facilitating illegal entry or stay. After reaching destination country the relationship between migrant and smuggler usually ends.

- Trans-nationality: Migrant smuggled always has a trans-national dimension involving at least two countries. But in case of trafficking, it can be at domestic level within the borders of a particular state or at international level also

- Victimization: Smuggling does not necessarily involve the victimization of the migrant. Migrant smuggled generally consent to the smuggled. In contrast, victims of trafficking do not either give initial consent it becomes meaningless if the trafficker gains control over the victim with deception or violence. Smuggled person is a part of crime and trafficked person is a victim of crime (United Nations Office on Drugs and Crime, 2010: 7).

Moreover it is held that consent is not obtained in case of human trafficking and even if taken it is obtained with fraud or coercion. Such consent is mandatory in case of human smuggling. Exploitation is involved in human trafficking and not in human smuggling (United Nations Office on Drug and Crime, 2010; 18). In human trafficking, human beings are exploited for mutual profits. Trafficked person is controlled by traffickers from every aspect. Traffickers earn from the services of trafficked persons. The victim of trafficking has no role or very little role in crossing of international borders illegally. Sometimes it has been observed that person starts his journey to green pastures with smuggling but on the way, becomes victim of trafficking, when he is exploited to give more money to handler and his movements
are checked and his consent is achieved through fraud and on false promises of safe and legal journey to desired destination (US State Department, 2010: NP).

It emerges from the review of literature above that:

- Human trafficking is higher level of exploitation than human smuggling.

- Human trafficking can be inter-state or intra-state where as smuggling is always crossing of international border.

- Human trafficking is a crime against humanity and the state in which trafficked person he/she is victim whereas smuggling is a crime against State and both the smuggler and the smuggled are culprits.

- Trafficking contains an element of force, coercion and fraud but the person being smuggled is generally cooperating.

- In trafficking, trafficked person is enslaved, subjected to limited movement or isolation, or has his/her documents confiscated but in case of smuggling the smuggled person is free to leave and change jobs.

The law enforcing agencies treat victims of trafficking as culprit similar to human smuggling. Invariably it is difficult to distinguish between a situation of trafficking and smuggling. As noted earlier, there is also possibility that smuggled migrants will also try to dodge security agencies by proving their case as trafficked persons or may be coached by the smuggler to show themselves as trafficking victim if caught during the entry into destination state. This is so when law entails less punishment for a particular crime.

**Routes of Human Trafficking and Human Smuggling**

The routes for human trafficking and human smuggling are not fixed. The traffickers and the smugglers keep on changing the routes according to the response of security agencies. Around the globe, there are locations on the borders of some countries which are hard to protect because of their geo-political location. The traffickers /smugglers take advantage of such points and push their clients into other state. Although these routes are not fixed, yet the INTERPOL has identified some of the
routes which are frequently used by the criminal syndicates for this purpose. The route for pushing Asians clients to Europe and North America starts with Kazakhstan as starting point and Uzbekistan, Kyrgyzstan, Tajikistan, Turkmenistan as transit points. From there, the illegal migrants are pushed into Russia and from where they are transported to Ukraine, Slovakia and Czech Republic. From there, it is easy for illegal migrants to enter into Western Europe. The prospect migrants from Asian countries like China, India and Sri Lanka are taken to Pacific Island. From there, they are pushed into Australia, New Zealand and Europe as per their preferences (United Nations Office on Drugs and Crime, 2010: 41).

The Balkan route is quiet favorite, with its transit points in Asian countries like Iran and Turkey, for reaching Europe (Zhang, 2007:19). The Turkey is safe haven for illegal migrants from Iraq, Iran, Afghanistan and many Asian countries including China. The people of Turkey are also getting inclined toward this illegal business because Turkey serves as the main gateway for entering into Europe for the illegal migrants from Asia. The number of smugglers has risen up to 850 in year 2000 from 100 in year 1998(Vayrynen, 2003: NP). The popular route for smuggling and trafficking from Africa is via Spain, Portugal to Western Europe. Spain is host for thousands of illegal migrants from Africa as it is just twenty one kilometers wide strait of Gibraltar, separating Africa and Europe. The smugglers/traffickers starts illegal journey from Morocco and make use of boats and ships to make their clients cross this strait. Recently when security forces tightened their vigil over this area, the traffickers/smugglers shifted route via Canary Islands to Spain (Vayrynen, 2003: NP). In 2006, 31000 illegal migrants were flocked into Canary Islands by the travel agents due to its proximity to the Western Africa and easy entry into Europe from there (INTERPOL, 2010: NP). The third route for illegal migration is from the Middle East and Asia to Oceania and further to Australia. The Christian Islands located near Indonesian archipelago are also often used by the traffickers/smugglers as transit point for pushing their clients into Australia (INTERPOL, 2010: NP). Illegal migrants from Asian countries like India, Pakistan, Nepal and Bangladesh enter into Malaysia first by genuine visa, which is very easy to arrange and then to Indonesia. From Indonesia, they can easily reach by land routes to Southern
Another land route is from Asia to Europe is via Bosnia. Bosnia is a landlocked state, having 900 Kilometers border with 400 crossing points with Croatia. The entry into Croatia is not without risk as illegal migrants have to cross river Sava. In 2000, 30 illegal migrants were drowned while crossing this river. After entering into Croatia, the illegal migrants move toward Slovenia, Albania and from there to Italy as Albania has 4800 miles long coastline with Italy and further to eastern and Central Europe. In Italy, the main destination point is Coast of Apulia. The association of Milosevic regime with transnational criminal networks developed Belgrade as a major route for trafficking/smuggling to Europe (Vayrynen, 2003: NP). The route for entering into United States and Canada, the most favored destinations states for Asians especially Indians and Chinese is from different points of Russia adjoining international borders and the main transit point is Mexico. It has been highlighted in the various sources that Mexico is spending more than nine million US dollars on the stay, feeding and on deporting of the illegal migrants. It is also becoming difficult day by day for authorities to check this menace with the involvement of strong transnational criminal syndicates (Zhang, 2007:21). Sometimes the illegal migrants are taken to Jamaica and Bahamas and then are pushed into United States, taking the advantage of the sea link, with the help of boats. Mexico, Bahamas, Jamaica are transit points because the illegal migrants from Asia and the other source areas can easily be flown to the above stated territories because of very lenient visa terms.

The craze for foreign countries is increasing day by day. The people from the third world countries are trying their luck to enter into the dream states by hook or crook despite the strict actions and tightening of the security at the international borders. The number of illegal migrants detained in Turkey, increased from 11400 in 1994 to 94000 in 2000. In Italian province of Lecce in Apulia alone, 20,000 illegal migrants were detained by police in 1997. In Canary Islands, the route used to traffic illegal migrants into Spain, witnessed the arrest of 875 illegal migrants in 1999 and arrest of 4112 in 2001 (Vayrynen, 2003: NP). It is estimated that 15000 to 50000 victims of trafficking, all over the globe, arrive United Sates each year. The United
Nations estimates that about 2.5 million people from 127 countries of the globe are being made victim of human trafficking or are crossing international borders with the help of smugglers (Perera, 2011:1)

These routes, although used countless times, are of grave risks and countless fatal accidents have occurred on these routes. In 2000, 30 people were drowned while crossing river Sava, to enter into Croatia. Fifty Chinese get suffocated in a container while making illegal entry to England in 2005 (Vayrynen, 2003: NP).

**Fee Structure**

Human trafficking and human smuggling is world’s most profitable business as it requires very less input and output is very high. It is estimated that the annual revenue from this illegal migration is between USD 5 billion to 9 billion. The estimate profit of Council of Europe from this venture is around USD 4.25 billion (Perera, 2011:1). There is no fixed rule about the fee to traffic or smuggle a person from one particular state to another. There are various parameters which are taken into consideration for fixing the fee.

The first parameter is distance of destination state from native state. The more the distance of destination state from home state is, the more the amount of the fee. The economy of the trafficking is determined by the distance travelled, mode of the transport, number, characteristics of the persons to be trafficked/smuggled and a set of other circumstantial conditions (Petros, 2005: 12). The expenses of travel are likely to exceed with the distance. The arrangements for stay and food are to be made by the handler and this is likely to increase with the distance and time and their cost is also included into the fee. Usually the recruited persons pay off this money by selling some share of their property or by borrowing it from various sources on very high interests. Sometimes the main kingpin of the trafficking networks carry out the journey of migrants on their cost and then recover this money with heavy debt, from the exploitation of the migrants in brothels or factories (International Organization for Migration,1994:7). The mode of journey and the route of journey are not shared with the recruited individual.
The fee for migration also varies on the basis of demands. The fee is high when the flow of population from particular region is more to particular destination point. The people from source countries usually prefer to go to such destinations countries where they can earn more, have their native population in large number, work is available and that destination state enjoys high social respect in their native state. Apart from it, the smugglers/traffickers also take into consideration the route to be adopted for transporting migrants and approximate time of their stay in the transit country, the share of the sub agents and other experts, part of the operation, while demanding fee. Sometimes, the migrants have to stay in the transit country for months and the arrangement for their food and stay has to be made by the trafficker/smuggler, although this arrangement is very poor and they adjust this amount in their fee, which is comparatively very high (United Nations Office on Drugs and Crime, 2010: 98).

The mode of journey is another factor, taken into consideration while fixing the fee of illegal migration of a prospect migrant. The complete journey by air usually costs high as this mode is costlier all over the world. If the distance travelled by air is small en-route to destination state and the rest of journey is completed by road or by walking, then the price may be comparatively less. Sometimes, it had been noticed that the prospect migrants are made to enter into destination state with the help of fishing boats or other types of sea traveling. This may cost more than the road and less than air. The cost of the road and sea travelling may rise with the less number of migrants (United Nations Office on Drugs and Crime, 2010: 98).

The costliest route is that of from Asia to America. The Chinese, among all other Asian communities, are leading in paying money to the facilitators for entering into United States and Canada. The migration to United States from Asia is usually from the poor countries of Asia like India, Pakistan, Afghanistan, Sri Lanka but Chinese are aggressively crazy for United States because of population pressure there, no job security and violation of human rights and liberal environment of US. The lure of migration has gripped Asian community as the first three highest prices paid for entry into foreign state are made by the Asians with United States on the top of the price list followed by Europe and Australia (Petros, 2005: 6). The Asia and Pacific region generates the highest profits of USD 9.7 billion which represents one-
third of the global profit. This trend is followed by transition countries (USD 3.4 billion) and Middle East and North Africa (USD 1.5 billion) (International Labor Organization, 2005: NP). Margins of huge profit with little investment and very little is boosting the business by making it third biggest trans-border illicit business after drug and arms trade, being run by trans-border mafias.

As noted earlier fee of the trafficker depends upon the services rendered to the migrant for illegal migration. The prospect migrants require handler to push into the destination state; boarding, lodging and work is managed by their personal contacts or relatives. At times, there can be a group which requires long range of services starting from the making of the travel documents to the provisions of stay and work in the destination state. In such cases payments goes up. The handlers earn profit from managing such affairs in the form of commission from the factories and various firms which provide accommodations.

**Exploitation and Issues of Human Rights**

The International Bill of Human Rights includes a variety of civil, political, economic, social and cultural rights such as right to life, freedom from torture, freedom from slavery, freedom from forced labour and equality before courts (International Council on Human Rights, 2009:40). The issue of human rights has gained importance at domestic and at international level. Every country makes the claim for the protection of human rights. These rights are vital for development of human beings and smooth running of the society. The illegal migration in the form of human trafficking and human smuggling also results in exploitation and violations of human rights of the individuals involved. They are forced to work in inhuman and risky conditions. The illegal migrants from the Indian Punjab in the United Kingdom are called as “Faujis” and are involved in most risky works related to construction. They are forcibly given more work and paid less. In case of accident, they are not given any compensation and not even taken to hospital by the company they were working for because of their illegal status. Many incidents reported from time to time in print and electronic media show that such victims at times get permanently crippled in accidents (Cheema, 2010: 39).
The handlers enjoy complete control over the migrants during their journey and often expose them to grave risks in open seas, forests and glaciers. Some of them even lose their limbs while crossing hard terrains. Some had to walk on snow for long hours causing them several diseases due to long and continuous exposure to snow. Many migrants perish on their way to destination states were killed by the handlers when security forces try to catch them, for hiding their guilt (Pal, 2011:3). They are sold to terrorist camps which force them to do risky jobs such as clearing of mines, supplying arms and ammunition, cooking food for the terrorists without any pay and above all the movement of such victims is monitored so that they could not contact their families back or state authorities and embassies (Pal, 2011:7).

The handlers create a situation where migrants cannot think of contacting law enforcing agencies or judicial system or embassies for help if the need be. They are beaten, abused and given very less to eat during their journey and if anyone tries to run they are beaten mercilessly and even may be eliminated. Approximately three lakhs children are involved in around 30 armed conflicts around the world and are recruited through the process of human trafficking. They are used as cooks, guards, messengers, servants, spies and suicide bombers. The situation of female child soldiers is much worse than the male. They have to serve as sexual slaves of the soldiers and officers involved in conflict. The plight of children serving as forced laborers in the field of Argentine, Bolivia and the children involved in brick kiln industry of Pakistan clearly shows the violation of human rights (Dupont, 2009: 21-22).

The forced labor is one of the most popular forms of exploitation because of the state’s apathy. The rich and industrialized states intentionally permit this kind of exploitation in order to meet the increasing demand for labor by industries due to globalization. The labor from the third world countries is very cheap and less complaining. The large number of illegal migrant get involved in risky works related to construction, farm works and mining which the local population is either not willing to do or demand high wages. The International Labor Organization (ILO) estimates that there are at least 12.3 million people victim of forced labor worldwide (Scarpa, 2008:11).
Forced prostitution is another type of exploitation resulting into violation of human rights from illegal migration. The females, across the globe are recruited on the pretext of giving them respectable jobs with good earning in those foreign countries. But after reaching destination state or after leaving their native state, they realize that they have been ditched by the travel agent and they cannot do any legal work because of their illegal status. Their status is illegal as entry is made on the fake documents or clandestinely or is made by the travel agent by snatching or tampering their documents. They are physically and psychologically tortured for making them fall in the line. Bulk of the money goes to handler and the victim is given very less as it is deducted on the pretext of repayment of debt or money spent on their journey (Aronowitz, 2009: 54 and 57). It is estimated that USD 81,280 is monthly income from a single brothel in Thailand. Even girls are trafficked or smuggled for forced marriages. Many countries all over the world are facing shortage in female population and China having single child policy is facing imbalance between males and females. In 2005, there were 100 females against 118 males in China and to overcome this backlog, the girls from Korea are trafficked to China for marriages (Scarpa, 2008:16 and 26).

The children of poor families from poor countries, ageing between four to twelve years are trafficked to Arab countries are exploited in camel races as camel jockeys. Although camel races have been declared illegal and banned but it is still a most favorite sport and source of high earning because of betting in Arab world and this practice goes on behind the curtains. The children from poor families are the main target of the agents recruiting camel jockeys. The poor families from third world countries, struggling for bread are allured by the agents and family members are promised good upbringing of their kids in foreign state. The family members regards this offer as a golden opportunity for the bright future of their kid and happily handover their kids to the agents. The children are then taken to camel farms on fake travel and identity documents and sold to rich farm owners. The children in camel farms are underfed in order to keep them light in weight so that the camel don’t face problem of jockey’s weight in race. Moreover, they are often sexually exploited by the farm managers and disposed off by the farm owners after they get a bit heavy and mature, and it becomes very hard for such children to adapt and
survive in world without any kind of education, ill health because of under feeding and no support from any social link (Shelley, 2010:143).

The transnational criminal syndicates along with earnings from illegal migration and prostitution also earn a lot from organ transplant. The poor and illiterate people from third world poor countries are allured by the agents of criminal syndicates and displaced from their native place with fraud, deceit and coercion. After taking them to some other state, the rules and language of which, they are not familiar with, the operation is conducted clandestinely either with consent or without it. The operation, as conducted clandestinely is done without taking proper safety measures. In United States also has around 97000 people waiting for various organs to be transplanted and out of it 74000 for kidney transplant. It has been seen that 64 percent of all renal transplants are done from living unrelated donors. The donors receive an average USD 1070 whereas the middlemen get USD 125000. After operation, the donors are not taken care of by the syndicates or middlemen and at times die because of necessary medical follow up. The donor may not even be given promised money if the transplant is done with his consent (Scarpa, 2008:37).

To sum up, this chapter establishes the distinction between human trafficking and human smuggling. The nature of menace is such that human trafficking and human smuggling are included in its scope as per Palermo Protocol but deserve to be treated differently while cracking the cases related to illegal migration by security agencies of the different countries. The victims of human trafficking themselves are victim of the menace and deserve sympathetic attitude of the state where as smuggled migrants can be placed under the category of criminals. Moreover the agencies dealing with illegal migration should be trained very well to differentiate between victim and culprit as sometimes the process of human smuggling gets converted into human trafficking. The degree of exploitation and violation of human rights is so severe that national and global security agencies should strictly deal with the said menace as they deal with various other transnational threats. But the cases related with human trafficking and human smuggling is taken very lightly by the source, transit and destination states. Moreover, the nexus of transnational criminal syndicates involved in illegal migration with various terrorist outfits and guerillas further established this threat (Adamoli et al., 1998: 35 and Alt, 2005: 4). The active
involvement of transnational criminal groups like snakeheads, coyotes and yakuzas is also proving very fatal for the safety and security of the states because of the fluid character of such groups. They easily change their set up and style of functioning with the movement of state agencies and had genuine businesses as their front covers. The differences between the human trafficking and human smuggling clearly differentiate between the nature of two crimes which are normally ignored by the academic circles while analyzing the menace of illegal migration. The trafficking/smuggling syndicates make use of various techniques to allure people and then exploit them. They are always in search of new routes and make full use of vulnerable routes to push their clients into the rich and desired countries. The prospect migrants who fell into the trap of traffickers/smugglers faces severe financial exploitation and human rights violation starting from prostitution to removal of organs. The flow of migrants in the form of human trafficking and human smuggling is always from poor countries to rich countries. There are always some push factors like poverty, civil war, unemployment and natural calamities in native country and some pull factors like glamour of rich countries, huge wages, safe and secure future in destination countries. The combination of pull and push factors is compelling the people across the globe to fell prey to the said menace. There are no hard and fast rules in the source countries to monitor the traffickers/smugglers and they are charging according to their sweet will.

Notes

1. Malta Boat tragedy: It is capsizing of the boat named 'Johuana' in Malta Sicily waters because of overloading. The boat was overloaded with illegal migrants for pushing them into Greece. Around 300 people, probably illegal migrants sank into sea along with boat and around 170 were from Indian Punjab.

2. Donkey walk: It is crossing of the hard geographical terrains like snow covered mountains and forests by foot with the help of a guide for crossing the international border. The handlers in this operation are very rude and careless towards their clients and often result into death of physically weak clients and cost them their limbs many times.
3. K-1: It is a visa issued to the fiancé or fiancée of a United States citizen to enter the United States. A K-1 visa requires a foreigner to marry his or her U.S. citizen petitioner within 90 days of entry. Once the couple marries, the foreign citizen can adjust status to become a lawful permanent resident of the United States (Green Card holder).

4. Sister Ping: Snakehead queen who arranged illegal entry of hundreds of people into United States. She admitted that she herself crossed United States borders illegally many times and earned millions from this service before her arrest.

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