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## PROBLEMS OF TRAFFICKED WOMEN AND CHILDREN IN INDIA

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### ABSTRACT:

*Dealing with Ladies and Youngsters is the gravest type of misuse and abuse of individuals. Great many Indians are dealt regularly to some objective or the other and are compelled to lead lives of bondage. They make due in houses of ill-repute, plants, guesthouses, dance bars, ranches and, surprisingly, in the homes of well-off Indians, with zero command over their bodies and lives. The Indian Constitution explicitly boycotts the traffic in people. Article 23, in the Key Freedoms part of the constitution, denies "traffic in people and other comparable types of constrained work". However there is no substantial meaning of dealing, one might say that*



*dealing essentially includes development/transportation, of an individual through pressure or trickery, and subsequent double-dealing prompting commercialization. The victimizers, including the dealers, the spotters, the carriers, the merchants, the purchasers, the end-clients and so forth, exploit the weakness of the dealt individual. Dealing shows incredible increment with globalization. Expanding benefit with practically zero gamble, coordinated exercises, low need in policing., bother what is happening. The pay produced by dealing is similar to the cash created through dealing with arms and medications.*

**KEYWORDS:** human trafficking; human rights; prostitution; kidnapping and abduction; child marriage; child labour.

### INTRODUCTION

One of the worst violations of human rights is the trafficking of women and children. Despite the fact that prostitution, child labor, bonded labor, child marriage, kidnapping, and abduction all exist independently of trafficking, it is extremely difficult to estimate the scale of the phenomenon. This paper has attempted to investigate the nature, causes, methods, and volume of human trafficking in a nation that has recently emerged as a low-hanging fruit in the South Asian region. India has not adhered to certain international standards to combat criminal activity. For effective strategies to combat this social ill, the paper emphasizes the need for a multidimensional approach and focuses on the structural aspects of human trafficking.

In recent years, the issue of human trafficking, particularly the trafficking of women and children, has emerged as a significant social problem in numerous regions of the world. India, like many other South-Asian nations, is rapidly becoming a source, transit point, and destination for traffickers, despite the fact that trafficking is largely an organized crime that does not have a border. In spite of the fact that a number of international initiatives have been taken to encourage governments to take action,

human trafficking, which is a highly secretive and opportunistic business, continues to largely go unreported and untraced. This is the core of the issue. On the other hand, the increasing rate of human trafficking is also a result of states' lack of political will, as evidenced by the numerous instances in which they allocate insufficient resources to combat the issue. India has been placed on the Tier 2 Watch List<sup>2</sup> for a fourth consecutive year in the Trafficking in Persons Report 2007 released by the United States Government for "its failure to show increasing efforts to tackle this large and multidimensional problem."<sup>3</sup> The report has not only pointed out that India is a hub of trafficking, but it has also criticized the Indian Government for not fully complying with the minimum standards for the elimination of trafficking. As a result, the issue is therefore much deeper and more extensive than their meager reports to the There is a lack of synergy among various government departments, such as the police, welfare, health, women and children, and so on, making the problem of human trafficking in India a low priority for the agencies responsible for enforcing law and delivering justice. Perfunctory and prolonged investigations, as well as decreasing conviction rates, have been the consequences of this. The government has recently proposed alterations to the Immoral Traffic.

### Human Trafficking In India In India,

Human trafficking is regarded as a significant and difficult problem. Even though the country has a number of laws against human trafficking, it is still a major issue. The country traffics men, women, and children for a variety of reasons, including prostitution, labor trafficking, and commercial sex demand. Men and boys are trafficked primarily for bonded labor or labor trafficking, whereas women and girls are trafficked within their own country in areas where there are a lot of men or the sex ratio is heavily biased in favor of men<sup>10</sup>. Everyone who was hurt, including men, women, and children. are forced to work as escorts, whores, prostitutes, gigolos, massage therapists, and other sexually exploited individuals. against their will.<sup>11</sup> Most of the country's trafficked children are forced to work as child laborers, housekeepers, factory workers, beggars, and other household servants. while violating their fundamental and fundamental human rights.<sup>12</sup> Children are frequently kidnapped across the nation and forced to work as armed combatants by various terrorist organizations and insurgent groups.<sup>13</sup> In India, women who have been trafficked themselves frequently initiate the trafficking of young girls into prostitution. They can use their personal connections and trust in their villages of origin as adults to recruit additional girls. Through a number of anti-trafficking laws, including the Immoral Trafficking Prevention Act, the Indian government punishes human trafficking for commercial sexual exploitation with seven years to life in prison.

### Concept and approaches to human

Trafficking is the movement of men, women, and children from one location to another for the purpose of economic and sexual exploitation through coercion, deception, or force. Trafficking is defined as the recruitment, transportation, transfer, harboring, or receipt of persons by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or position of vulnerability, or 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, according to the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children. The exploitation of others' prostitution or other forms of sexual exploitation, forced labor or service, slavery or practices similar to slavery, servitude, or the removal of organs are all examples of exploitation.

Since its inception, this is the first internationally recognized definition of human trafficking. Although it is argued that this definition was developed primarily in the context of crime control rather than with a focus on human rights, it does not particularly protect prostitutes from prosecution for the acts they are forced to perform, despite talking about preventive measures, victim compensation, repatriation, and other similar issues. However, human rights and the political economy of trafficking must be addressed before a broader perspective on the issue can be developed. However, there is no precise definition of the term "exploitation" in the Protocol. However, this definition addresses the means of trafficking, the exploitative consequences of trafficking, and most importantly the issue of

force or coercion that distinguishes the crime from migration and smuggling. It also assumes a clear line between legal and illegal migration, whereas in reality, this process is much more fluid.<sup>7</sup> Sexual and other forms of "exploitation" are the primary motives behind human trafficking, and the victim never "consents" to such suffering. Trafficking has a very different end goal than smuggling or migration. Even if the victim is lured, duped, falsified, deceived, and frequently coerced into giving their consent, it is only a facade and not "informed consent." Traffickers, on the other hand, are able to manipulate these processes and give the victim the impression that they are involved in "human smuggling" or "migration" fraud because migration and trafficking follow similar steps.

### Categories Of Human Trafficking

**Sex Trafficking:** As a precondition for allowing or arranging a migrant's migration, sexual trafficking involves exploitation and coercion of the migrant into a sexual act. Physical or mental exploitation and coercion, abuse of power, deceit, and forced debt are frequently used in this kind of trafficking. Women and children who have been trafficked frequently receive promises to work in the domestic or service industry, but instead are taken to brothels or another location where they are required to perform sex work. The International Labor Organization (ILO) claims that approximately 4.5 million people worldwide are affected by sex trafficking.<sup>17</sup> While the majority of the victims find themselves in circumstances that are either coercive or abusive, from which escape is like impossible, difficult, and dangerous, the traffickers are taking their passports and other identification documents.<sup>15</sup> In major cases, it has been discovered that the victims of sex trafficking have been beaten or locked up by the traffickers and were promised their freedom only if they earn through prostitution

### Labour Trafficking:

They are similar to unfree laborers and are subject to all forms of slavery, including serfdom, debt slavery, labor camps, and others. The International Labor Organization (ILO) defines forced labor as any involuntary work or service performed by victims under threat of punishment. The majority of jobs fall under this category. The movement of workers for the purpose of forced labor or services, such as domestic or involuntary servitude, bonded or child labor, or entertainment, is known as labor trafficking.<sup>19</sup> It typically occurs in the fields of agriculture, manufacturing, construction, domestic work, and so on. Nevertheless, indigenous peoples and migrant workers are particularly vulnerable. It is typically imposed and enforced on migrant workers who have traveled a considerable distance from their homes and moved to another country solely for the purpose of earning money. They are easy to tell apart from the general population because of their physical, linguistic, cultural, or ethnic differences. This is because they are not capable of complaining to the right people about the awful situation.

### Child Trafficking:

Child trafficking is a major problem that still exists in our nation. The recruitment, transportation, harboring, transfer, or receipt of children for the purpose of slavery, forced labor, or exploitation is what is meant to be meant by the term. Children can be exploited in a variety of ways, including commercial sexual exploitation, which involves forcing a child into prostitution or any other sexual activity, like pornography. In 2012, the United Nations Office on Drugs and Crime (UNODC) reported that the percentage of child victims had risen from 20 to 27 percent in a three-year gap. Additionally, it was reported that approximately 3 lakh children are taken from all over the world and sold by the traffickers as slaves.<sup>22</sup> Article 34 of the United Nations Convention on the Rights of the Child states that State Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. The international Hague Convention on the Protection of Children is about international adoption. Its goal is to stop child trafficking, child laundering, and other abuses related to international adoption.

### Anti-trafficking law in India

Even though India has become a major center for human trafficking, Article 23 of the country's constitution outlaws all forms of human trafficking. In response to the 1950 ratification of the International Convention on the Suppression of Immoral Traffic and the Exploitation of Prostitution of Others, the Suppression of Immoral Traffic Act 1956 (SITA) was amended in 1978 and 1986 to become the Immoral Traffic (Prevention) Act (ITPA). The amended law imposed severe penalties for various types of exploitative conditions and emphasized prevention rather than punishment for human trafficking. It also took into account international conventions and protocols. By focusing on traffickers, pimps, landlords, and brothel operators, the ITPA strengthened penalties for child trafficking while protecting underage girls as victims. The rescued girls are also protected and rehabilitated by the ITPA. Under the ITPA, it is illegal to keep a brothel or allow premises to be used as a brothel. Prostitution, procuring a person for the purpose of prostitution, and detaining a person in a place where prostitution is carried out are all punishable under this law. However, the ITPA does not define prostitution as a crime. However, it makes soliciting or performing sex work in or near a public place a crime. The police frequently use this section of the law to harass and punish sex workers who are themselves trafficked victims. Therefore, the Indian government has recently attempted to amend the law and exempt sex workers from the charge of soliciting or seducing by eliminating Section 8 of the act, despite the fact that this made the situation more complicated by recommending exemplary punishment for clients under a new section 5C.

### Issues And Challenges Of Human Trafficking In India

India must address a complex array of major issues and challenges related to human trafficking. Many abolitionists try to end the nature of sex trafficking by explaining the negative effects of a demand model. The traffickers view it as an economic supply. Males in this demand model ask for a female prostitute, which creates a market for sex workers and encourages sex trafficking, illegal trade, and the coercion of individuals into sex work. While traffickers and prostitutes become distributors and provide a chain of women for sexual exploitation. People always have a higher demand for sex, and most of the time, pimps and traffickers make it easier for people to get what they want. Because they do not require any kind of wages, safe working conditions, or the right to choose their own customers, trafficked women are also exploited as workers and subjected to harassment. Women may migrate voluntarily in response to poverty, educational and economic opportunities, or they may be forced into trafficking for sex work involuntarily. People, particularly women and children, have migrated and become more susceptible to human trafficking as a result of globalization's economic impact, which has made it easier for goods and services to be exchanged across national borders. Women are also more likely to migrate toward the less secure informal sector as a result of gender inequality. Unemployment, globalization, and internet technology have also made human trafficking easier. Additionally, the lengthy waiting lists for organs in nations like the United States and the United Kingdom have established a flourishing international human trafficking market. Well off nations can't fulfill their need of organs inside their own lines hence it propagates illegal exploitation.

### Magnitude of trafficking in women and children in India

Today, human trafficking is a global crime. It's a venture with a lot of potential but little risk. However, there is a dearth of systematic and trustworthy data regarding the issue. From one to four million annually, even some of the most frequently cited global estimates vary significantly. The United Nations Children's Fund estimates that 1.2 million children are among the two million people who are trafficked each year. There are at least 2.4 million people who are trafficked at any given time, and the International Labor Organization 12 has estimated that 1.2 million children, both boys and girls, are trafficked into exploitative work in agriculture, mining, factories, armed conflict, or commercial sex. Despite these differences, it is generally agreed that only drug and arms trafficking generate more revenue than human trafficking.

### Causes and modes of trafficking

There are a number of factors that contribute to the trade in people, particularly women and children. Two types of factors contribute to the trafficking of women and children: factors that pull and push. The factors that push include: poverty combined with frequent, almost annual natural disasters like floods that leave some people virtually homeless, a lack of opportunities for women (and their families) to learn, acquire skills, and earn a living in rural areas, a lack of awareness regarding the activities of traffickers, pressure to collect money for dowries that send daughters to faraway places to work, dysfunctional family life, domestic violence against women, low status of girl children, and other issues. The case studies suggest that extreme poverty and other forms of deprivation not only make people more likely to fall into the hands of traffickers, but they also make some people more likely to engage in trafficking. Prostitutes who are forced to leave the abusive environment frequently form close relationships with the traffickers and follow in their footsteps.

Multiple factors contribute to human trafficking, as does the fact that we have not done enough to address the problem up to this point. As a result, the traffickers are able to recruit or re-traffick women and children from the districts and send them to faraway places with relative ease thanks to the weak enforcement apparatus and excessive delays in the delivery of justice. The operators of the trade are encouraged to continue the lucrative trade and earn huge margins without investing because of the rare conviction of the real traffickers. In addition, victims' reluctance to pursue legal action is exacerbated by a lack of support from law enforcement and community members, which contributes to the crime's spread.

### Strategies for Prevention

Human trafficking is a socio-legal issue that is indicative of a much more extensive social evil. As a result, there can't be a quick fix for this issue. The task of prevention is significantly more difficult due to the difficulties in identifying and measuring cases of human trafficking. Nevertheless, there are a number of steps that can be taken in this direction, and the steps that are successfully carried out will undoubtedly result in some positive outcomes. The multidimensional nature of the issue necessitates a multidimensional "cosmopolitan"<sup>43</sup> prevention strategy as well. Human trafficking cannot be eradicated solely by some national governments because of the shifting nature of migration and mobility in the modern world. National governments should take the following short-term and long-term measures to combat human trafficking despite international efforts and cooperation:

1. To eliminate the underlying causes of women's and children's vulnerability, comprehensive programs and policies addressing both visible and hidden aspects of human trafficking must be developed as soon as possible, taking into account the circumstances and realities of each nation or region. In this direction, a region-specific vulnerability map of the trafficking source, demand, and transit areas will be extremely helpful.
2. In order to prevent re-trafficking, the rescued victims should be safeguarded and rehabilitated through appropriate means. The need of the hour is global coordination and collaboration among various stakeholders. A country's national security should not be the only consideration when implementing anti-trafficking measures. Migration and repatriation should also be considered from a legal and human rights perspective. Particularly, a victim's human rights should be safeguarded during rapid rescue operations.
3. The expansion of this lucrative trade is also attributed to the low prosecution rates of traffickers and the ineffective apparatus of law enforcement. As a result, India's legal system and law enforcement apparatus require a facelift. The recent effort to amend the relevant sections of the ITPA to stop arrests of prostitutes has sparked controversy because it suggests punishing clients. In India, soliciting by sex workers is currently a crime. But what prevents us from complying with the legal requirement? A difficult task is reintegrating a trafficked victim into her home family or community. As a result, it is critical to educate rural society about the importance of treating victims with respect. Until society's perception of trafficking victims shifts, laws cannot be effectively enforced.

5. To assist victims of human trafficking in resuming a normal, healthy, and fulfilling life by arranging for their education and professional training, governments should devise plans that receive adequate financial support. In order to stop re-trafficking, alternative sources of income must be created.

6. There is no doubt that structural factors like poverty, unemployment, unequal access to labor markets, a lack of income opportunities, and a lack of access to market economy opportunities in developing countries are some of the root causes of human trafficking 7. Legally and socially, the long-standing practice of child marriage and dowry should be curbed more aggressively, particularly in South-East Asia. Not only do these patriarchal institutions undermine a girl child's status, but they also foster gender inequality.

8. Trafficking is also caused by economically disadvantaged groups' lack of literacy and awareness. As a result, women's and children's basic capabilities must be strengthened immediately through increased awareness, improved health, and compulsory secondary education. In order to educate the media and educate people, particularly the poor, about human traffickers and keep them on their toes, ongoing and vigorous campaigning is required simultaneously.

9. To stop the sex trade in cities and tourist destinations, strict vigilance is necessary to prevent the trade in women. For this purpose, separate monitoring boards must be established in various tourism zones and vulnerable locations. The boards can look after other jobs in addition to monitoring hotel business. Community policing would help bridge the gap between the public and the police.

10. Community policing, on the other hand, does not diminish the significance of swift and severe police actions. Law enforcement personnel must receive extensive training to develop sensitivity to human trafficking issues. Strict vigilance, regular police raids, and the arrest of actual traffickers are all necessary to combat sex tourism.

## CONCLUSION:

The first category includes trafficking for prostitution, commercial sexual abuse, pedophilia, pornography, cyber sex, and various forms of disguised sexual exploitation that take place in some of the massage parlors, beauty parlors, bars, and other manifestations like call girl racket, friends clubs, and so on. The second category includes trafficking for prostitution, commercial sexual abuse, pedophilia, pornography, and cyber sex. Domestic labor, industrial labor, adoption, organ transplant, camel racing marriage-related rackets, and others are all examples of non-sex-based trafficking. However, the primary purpose of the growing female trafficking is prostitution. Prostitution is a worldwide issue that affects both developing and developed nations. Tragically, society stays lenient toward this terrible wrongdoing against ladies. In many nations, there are methods for luring women into prostitution; then there are particular approaches that are specific to a nation. False marriages, kidnapping, and false employment promises are probably the three most prevalent strategies. However, economic hardship, spouse abandonment, sexually exploitative social norms, and family traditions place women and girls at risk.

The problem of human trafficking in India must be addressed holistically. To combat the threat posed by human trafficking in our nation, a multifaceted strategy is required. Despite the fact that efforts include ensuring that all victims of human trafficking undergo a comprehensive rehabilitation and reintegration process. If not, we will not be able to address the problem effectively over the long term, and strategically, we will fail. Without the unwavering commitments of various developed and developing nations, as well as other material actors, to address the harmful effects of human trafficking on victims, I believe the fundamental principle of eliminating this threat will fail.

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