



## The Big picture - War against Human Trafficking

Human Trafficking has emerged as a significant problem all across the world. **The World Day against Trafficking in Persons is observed every year on 30<sup>th</sup> July.** In 2010, the UN General Assembly adopted the Global Plan of Action to Combat Trafficking in Persons to encourage the international community to take action against this heinous crime.

According to the Global Report on Trafficking in Persons released by the UN Office on Drugs and Crime (UNODC), countries are now detecting and reporting more victims and at the same time convicting more traffickers. This report also says that most vulnerable individuals are women and girls with majority of victims being trafficked for sexual exploitation and 35% of those trafficked for forced labour being female.

**Human trafficking is prohibited in India under Article 23 (1) of the Constitution and the Immoral Traffic (Prevention) Act 1956 is the premier legislation to deal with this issue.** The government is now planning to reintroduce a comprehensive bill to check human trafficking. The Trafficking in Persons (Prevention, Protection and Rehabilitation) Bill, 2018 was passed by the Lok Sabha in 2018 but lapsed after dissolution of the 16th Lok Sabha.

### Human Trafficking

- Human trafficking involves **recruitment, transportation, transfer, harbouring or receipt of persons**, by means of the threat or use of force or other forms of coercion, **for the purpose of exploitation.**
- Exploitation include, at a minimum, the exploitation of the **prostitution of others** or other forms of sexual exploitation, **forced labour** or services, **slavery** or practices similar to slavery, servitude, or the **removal of organs.**

### How big is the problem of Human Trafficking?

- According to the report by the UNODC, most of the victims detected globally were trafficked for sexual exploitation, although this pattern is not consistent across all regions.
  - Trafficking for forced labour is the most commonly detected form in sub-Saharan Africa.
  - In Central Asia and South Asia, trafficking for forced labour and sexual exploitation are near-equally detected.
- **90% of detected victims of sexual exploitation are women and girls.**
- There is a popular understanding that trafficking is happening a lot more between countries but the report highlights that **close to 60% of trafficking happens internally in countries.**
- Many other forms, such as **trafficking for exploitation in begging or for the production of pornographic material or armed combat**, are reported in different parts of the world.
- **Situation in India:**
  - The most affected state presently is West Bengal followed by Chhattisgarh, Jharkhand and Assam.
  - The trafficking of children for forced labour, for all kinds of domestic work and trafficking of women for sexual exploitation is the heaviest in these areas.

### Root Causes of Trafficking

- **Poverty** is a cause behind child trafficking. Some parents sell their children, not just for the money, but also in the hope that their children will escape the situation of chronic poverty and move to a place where they will have a better life and more opportunities.
- **Social or cultural practice** of devaluing women and girls in society, thus making women disproportionately vulnerable to trafficking.
- Other causes are **porous nature of borders, corrupt Government officials, the involvement of international organized criminal groups** or networks and limited capacity of or commitment by immigration and law enforcement officers to control borders.
- **Migration:** The desire of potential victims to migrate is exploited by offenders to recruit and gain initial control or cooperation, only to be replaced by more coercive measures once the victims have been moved to another State or region of the country, which may not always be the one to which they had intended to migrate.
  - Some of the **common reasons behind migration** are poverty, oppression, lack of human rights, lack of social or economic opportunity, dangers from conflict or instability and similar conditions.

## Relevant Laws in India

- **Article 23 and 24** of the Constitution of India.
- 25 sections in IPC such as **366A, 366B, 370 and 374.**
  - **Section 370 and 370A of Indian Penal Code (IPC)** provide for comprehensive measures to counter the menace of human trafficking including trafficking of children for exploitation in any form including physical exploitation or any form of sexual exploitation, slavery, servitude, or the forced removal of organs.
- **The Juvenile Justice Act and the Information Technology (IT) Act and also the Immoral Traffic Act, Prevention of Child Labour Act, the Bonded Labour (Abolition) Act, among others.**

## Challenges

- **Human Trafficking is the third most challenging organised crime in the world**, the first being drugs and the second being weapons.
- 'Human Trafficking', has **not been defined clearly** anywhere in the Indian laws.
- There is no dearth of the related laws in the country but there is a **problem of inadequate understanding and unfaithful implementation of laws.** In the police priorities, human trafficking does not figure in the top five.
- **Social media is becoming a new tool for human trafficking.** India does not have any law to regulate the use of facebook, whatsapp and even twitter in certain matters.
- There is not enough data on the crime.
- The government has not been able to ensure timely release and rehabilitation of victims.

## Drishti Input

### Steps Taken by India

- India has **ratified the United Nations Convention on Transnational Organised Crime (UNTOC)** which among others has a Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.
- India has **ratified the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.**
- **A Memorandum of Understanding (MoU) between India and Bangladesh** has been signed on Bi-lateral Cooperation for Prevention of Human Trafficking in Women and Children, Rescue, Recovery, Repatriation and Re-integration of Victims of Trafficking was signed in June, 2015.
- **Anti-Trafficking Nodal Cell** was set up in the Ministry of Home Affairs (MHA) in 2006 to act as a focal point for communicating various decisions and follow up on action taken by the State Governments to combat the crime of Human Trafficking.
- **Judicial Colloquium:** In order to train and sensitize the trial court judicial officers, Judicial Colloquium on human trafficking are held at the High court level. The aim is to sensitize the judicial officers about the various issues concerning human trafficking and to ensure speedy court process.

- To enhance the capacity building of law enforcement agencies and generate awareness among them, various **Training of Trainers (TOT) workshops on 'Combating Trafficking in Human Beings' for Police officers** and for Prosecutors at Regional level, State level and District level have been organized by the government throughout the country.
- Ministry of Home Affairs under a Comprehensive Scheme 'Strengthening Law Enforcement Response in India against Trafficking in Persons' through Training and Capacity Building, has released fund for **establishment of Anti Human Trafficking Units** for 270 districts of the country.
  - The primary role of an Anti Human Trafficking Unit (AHTU) is law enforcement and liaising with other concerned agencies for care & rehabilitation of victims.
  - MHA conducts coordination meetings with the Nodal Officers of Anti Human Trafficking Units nominated in all States/UTs periodically.

## Way Forward

- The government needs to look at the scope of trafficking crime in respect of the social media. The new law should have a provision to address human trafficking crimes via social media.
  - According to some sources, the Bill defines human trafficking and provides for strict punishment and also bears the provision of rehabilitation.
- **The capacity building of the Police along with that of the NGOs is necessary** to tackle the menace of human trafficking.
- There is a need to ensure **proper data sharing**, internally in an administration or between agencies like the police or the NGOs, or between the different countries as well.
  - **The Justice Verma Committee had recommended for census of the missing children.** The state government and the central government should work together to make data reporting more robust.
- The proper enforcement of the existing laws should be a priority. The law enforcement needs to be strengthened in terms of its capacities, awareness, resources, for e.g, building capacity of the Anti Human Trafficking Units (AHTUs).
- There has to be an element of time bound response for victims.
- Government needs to take **some preventive steps**, such as
  - Educating children on the crime of trafficking by including the same in their school curriculum.
  - Making people aware as a society i.e. if an individual comes across any suspicious activity, s/he should report the same to the concerned authorities.
- **The society needs to be made sensitive towards victims of human trafficking.**

*The menace of human trafficking is huge, and there is a need to not just prevent such crimes but also ensure that the relief and rehabilitation process takes place in a smooth manner. Policies further need to be improvised and appropriate actions should be taken by various agencies and stakeholders. The right to be protected against human trafficking is a constitutional right. This right needs to be protected to provide a dignified life to every child, every man and every woman in the country.*