

INSATIABLE EXPLOITATION OF WOMEN - AN ANALYSIS ON HUMAN TRAFFICKING & PROSTITUTION OF VULNERABLE GROUP

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ABSTRACT

'Trafficking' is an act of illegal buying and selling goods and people. It can be said that demand, supply and impunity together evolve a space in which trafficking can flourish. It includes sexual exploitation, forced labor, slavery, servitude, removal of organs, etc. 'Sex trafficking' is not only an issue of crime or migration; rather it is an issue of human rights, a manifestation of persistent gender inequality and the subordinate status of women all over the world. Women are sometimes considered as a commodity in the flourishing market where agents get the remuneration from their masters to get young girls or women to marry or remarry again against their wishes to a person totally unknown to them. They belong to a group of women who are kidnapped or abducted from the lawful guardianship of their parents or relatives and are brought to the cities for high profile Babus for their service. In our society, the most trafficked targets are women and children of low socio-economic status. The uncontrollable demand for women and young girls in strip shows, escort services, brothels, pornography and street prostitution is the main aspect which makes the trafficking trade so profitable. Therefore, women are also considered as vulnerable groups of a society. And such kind of exposures can even lead them to indulge in illegal activities. This research paper aims at discussing the various aspects of trafficking of women and girls, its related issues and how it can lead to commission of heinous offences by the victims of trafficking. This research paper further aims at making some suggestions with regard to protection of women from trafficking and safeguarding their interest.

Keywords: *Trafficking, Demand, Women, Prostitution, Illegal*

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1. INTRODUCTION

Definitions:-

- **Exploitation:** The action or fact of treating someone unfairly in order to benefit from their work.²
- **Human Trafficking:** Human trafficking is a trade of humans for the purpose of forced labour, sexual slavery or commercial sexual exploitation for the trafficker or others.³
- **Illegal:** Not authorized by law⁴
- **Prostitution:** The practice of engaging in relatively indiscriminate sexual activity, in general with someone who is not a spouse or a friend, in exchange for immediate payment in money or other valuables.⁵
- **Sexual Harassment:** Harassment in the workplace or discrimination where unwelcome and unwanted advances are made to a person by one or more other employees.⁶
- **Trafficking:** The carrying on of an illegal commercial activity such as selling drugs or substances that are banned.⁷

It is hard to believe that every eight minutes a person goes missing in India, specifically those belonging to vulnerable group and approximately forty percent of them never return back. Another statistic which is hard to believe is that out of three million people engaged in sex work, approximately more than forty percent of them are below the age of eighteen years and moreover some are as young as five years of age. Many trafficked humans remain unreported, untraced and invisible. Such crimes are happening worldwide and that too on

² Available at <https://en.oxforddictionaries.com/definition/exploitation>

³ Available at https://en.wikipedia.org/wiki/Human_trafficking

⁴ Available at <https://thelawdictionary.org/illegal/>

⁵ Available at <https://www.britannica.com/topic/prostitution>

⁶ Available at <https://thelawdictionary.org/sexual-harassment/>

⁷ Available at <https://thelawdictionary.org/trafficking/>

large scale but mostly remain hidden within various societies. Females of our societies and even minor children especially girls are also used for the purpose of prostitution. They are being highly supplied to various countries.

In addition to trafficking of minor girls for the purpose of prostitution, other purposes are like forcing them into marriage, their illegal adoption, moreover, they are used as cheap or unpaid labour and for sport and organ harvesting. Some children are employed into armed groups.

2. DIFFERENT GEOGRAPHICAL AREAS IN WHICH HUMAN TRAFFICKING IS PRACTICED

Bihar, Jharkhand, Uttar Pradesh, Karnataka, Andhra Pradesh, Rajasthan, Maharashtra, West Bengal, Assam, Delhi, Kerala and Bangalore are some of the places where trafficking is practiced. Some children belonging to Nepal were rescued from rat hole mines located in Meghalaya, girls living in Assam have been transported to Haryana and were found married to men there as population of girls is less in the state. Children from Tamil Nadu have been kidnapped and transported to Europe. Goa is a place where girls are found in spas and parlours and are forced to cater to needs including massage and health treatments. Moreover, the list of places is not exhaustive as it is practiced worldwide.

A committee constituted by National Human Rights Commission (NHRC) was formed to look into this matter of “Missing Children” to put an end to such serious issue with regard to the protection of children and to prevent such cases of individuals being missing/lost in similar crimes. This Committee constituted by the NHRC also submitted a report on Missing Children (June 2007)⁸ which revealed about many cases of children being killed and buried, children being working as cheap forced labour in factories, establishments and homes illegally, exploited as sex slaves or forced into the child pornography/ porn industry. The report also reveals that children are being engaged as a camel jockeys in the Gulf countries, as child beggars in big begging rackets. There are various victims of illegal adoption, forced marriages, organ trade and even grotesque cannibalism as reported at Nithari.

⁸ The Report of the NHRC Committee on Missing Children (June 2007)

Child Trafficking

Child Trafficking is defined as any person under eighteen who is recruited, transported, transferred, harboured or received for the purpose of exploitation, either within or outside a country. A child has been trafficked if he or she has been moved within a country, or across borders, whether by force or not, with the purpose of exploiting the child.⁹

The 2012 Global Report on Trafficking in Persons released by United Nations Office on Drug and Crime (UNODC) has revealed that 27 per cent of all victims of human trafficking officially detected globally between year 2007 and 2010 are children. Child trafficking either happens for sex trade or for child labour. Another big area of concern is the gender skewing among missing children, as the MHA data reveals. Over 2010-2014, out of the 3.85 lakh children who went missing across the country, 61% were girls. For example, the number of missing girls in the state of Andhra Pradesh stands at a shocking 11,625 as against 6,915 missing boys (The Times of India). These girls are often forced into prostitution and begging rackets and are destined for a life of **child abuse** and **exploitation**.¹⁰

3. CAUSES AND MODES OF TRAFFICKING OF VULNERABLE GROUPS IN INDIA

There are a number of factors contributing towards human trafficking and more particularly in women and girl child. Some of the factors are like:

- Poor socio-economic conditions of a large number of families;
- Poverty coupled with natural disasters like floods leading to virtual destitution of some people;
- Female feticide
- Lack of education;
- Lack of skill and income opportunities for women, specifically in rural areas;
- Lack of awareness about the activities of traffickers;
- Low status of girl child;
- Lucrative employment propositions in big cities,

⁹ Available at https://www.unicef.org/southafrica/SAF_pressrelease_notetrafficking.pdf

¹⁰ Available at <https://www.cry.org/issues-views/child-trafficking>

- Easy money and promise of better pay and comfortable life by the trafficking touts and agents;
- Requirement of young girls for marriage in other regions;
- Demand for low paid and underage sweat shop labour;
- Growing demand of young kids for adoption;
- Increase in demand for women in the rapidly growing sex industry;
- Young girls are demanded in military concentration places like Kashmir in India in recently;
- Young girls are demanded for sexual exploitation as a misconception at large that physical intimacy with young girls reduces men's chances of contracting HIV/Aids, or that sex/physical intimacy with a virgin can cure HIV/Aids and impotence, etc.

The abovementioned list of causes and modes is not exhaustive. Any kind of reason can develop with the rapidly changing society and its need. With time, it is now understandable that the targets are the vulnerable groups only most of times like females and children, more specifically young girls. Females and young girls are victims of sexual harassment which can take place at any work place or any other such places where they get employed.

Sexual harassment includes many things like:¹¹

- Actual or attempted rape or sexual assault.
- Unwanted pressure for sexual favors.
- Unwanted deliberate touching, leaning over, cornering, or pinching.
- Unwanted sexual looks or gestures.
- Unwanted letters, telephone calls, or materials of a sexual nature.
- Unwanted pressure for dates.
- Unwanted sexual teasing, jokes, remarks, or questions.
- Referring to an adult as a girl, hunk, doll, babe, or honey.
- Whistling at someone.
- Cat calls.
- Sexual comments.
- Turning work discussions to sexual topics.

¹¹Available at <http://www.un.org/womenwatch/osagi/pdf/whatish.pdf>

- Sexual innuendos or stories.
- Asking about sexual fantasies, preferences, or history.
- Personal questions about social or sexual life.
- Sexual comments about a person's clothing, anatomy, or looks.
- Kissing sounds, howling, and smacking lips.
- Telling lies or spreading rumors about a person's personal sex life.
- Neck massage.
- Touching an employee's clothing, hair, or body.
- Giving personal gifts.
- Hanging around a person.
- Hugging, kissing, patting, or stroking.
- Touching or rubbing oneself sexually around another person.
- Standing close or brushing up against a person.
- Looking a person up and down (elevator eyes).
- Staring at someone.
- Sexually suggestive signals.
- Facial expressions, winking, throwing kisses, or licking lips.
- Making sexual gestures with hands or through body movements.

NON-VERBAL¹²

- Looking a person up and down (Elevator eyes)
- Staring at someone
- Blocking a person's path
- Following the person
- Giving personal gifts
- Displaying sexually suggestive visuals
- Making sexual gestures with hands or through body movements
- Making facial expressions such as winking, throwing kisses, or licking lips

¹² *Id.*

PHYSICAL

- Giving a massage around the neck or shoulders
- Touching the person's clothing, hair, or body
- Hugging, kissing, patting, or stroking
- Touching or rubbing oneself sexually around another person
- Standing close or brushing up against another person¹³

4. VARIOUS LEGAL PROVISIONS/ENACTMENTS RELATED TO HUMAN TRAFFICKING

National Legislations:-

- Section 363-A IPC: Kidnapping for begging
- Section 366-A IPC: Procurement of minor girls.
- Section 366-B IPC: Importation of girls from foreign country.
- Section 369 IPC: Kidnapping child for stealing from its person
- Section 370 & 370-A IPC: Human Trafficking.
- Section 372 IPC: Selling of minors for prostitution.
- Section 373 IPC: Buying of minors for prostitution.¹⁴
- Article 23 of The Constitution of India: Prohibits traffic in human beings and other similar forms of forced labor.
- Article 24 of The Constitution of India: No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.
- Article 39(e) of The Constitution of India: Provides for health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age.
- Article 39(f) of the Constitution of India: Imposes a duty on the State to direct its policy towards ensuring that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and

¹³ *Id.*

¹⁴ The Indian Penal Code, 1860

youth are protected against exploitation and against moral and material abandonment.¹⁵

- Immoral Traffic (Prevention) Act 1956¹⁶: The legislation has been passed by the Government for suppression of Immoral Traffic in persons and exploitation of the prostitution of others.
- Juvenile Justice (Care and Protection of Children) Act, 2015¹⁷: The legislation has been passed to recognize the crime committed by the child falling in the age group of 16 to 18 years of age and if the crime committed is of heinous nature, the trial will be conducted in the same manner as it is conducted in case of an adult.
- Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2016
- Karnataka Devadasi (Prohibition of Dedication) Act, 1982
- Andhra Pradesh Devadasi (Prohibiting Dedication) Act, 1989
- Children's Act, 2003
- Criminal Law Amendment Act, 2013

International Legislations¹⁸:-

- The Convention on the Rights of the Child, 1989.
- The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000.
- The Convention on the Elimination of All forms of Discrimination against Women, (CEDAW) 1979.
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.
- Declaration on Social and legal principles relating to the Protection and Welfare of Children, with special reference to Foster placement and adoption Nationally and Internationally, 3 December, 1986.
- SAARC Convention on Regional Arrangement for the Promotion of Child Welfare, 2002.

¹⁵ The Constitution of India

¹⁶ The Immoral Traffic (Prevention) Act 1956.

¹⁷ Juvenile Justice (Care and Protection of Children) Act, 2015

¹⁸ Available at <http://documents.gov.in/central/12262.pdf>

It has been estimated by the NGOs that 12,000-50,000 women and children are trafficked into the country every year from neighboring states for the trade prevailing in sex industries. Trafficking of minor girl child is not a new aspect now. By flipping back the pages of our history, we will come to know that it has been linked to slavery and prostitution which involved the trade like sale and purchase of human beings as chattel, treating the human beings as commodities that could be brought and sold. The owner maintained the absolute rights over the human beings converted into slaves, who were considered as owner's private property. Many minor girls from India are trafficked everyday to some destination or the other and are they are forced to lead lives of prostitution and slavery.

5. CONCLUSION

Vulnerable groups like women and small children especially girls become the targets when it comes to human trafficking and prostitution leading to insatiable exploitation of these vulnerable groups. To curb the human trafficking at national and international level various legislative measures have been developed over the time by the concerned governing bodies. Despite various legislations and preventive steps, trafficking, prostitution and exploitation of women and girl child are the activities which are still being practiced worldwide within the societies and are mostly kept hidden. Therefore, most of the cases regarding human trafficking, sexual exploitation/harassment and prostitution remain unreported. Several factors are also discussed in this research paper due to which victims sometimes fail to report regarding the crime committed against them including lack of education and awareness w.r.t. trafficking. This research paper explains various causes and modes of human trafficking and the provisions made at national and international level. But by merely recognizing the sources of the crime and providing the legislative measures to curb them does not mean the implementation of the law. When it comes to ground reality, it is observed that due to unreported crimes, most of the times society fails to recognize the crime and punish the wrong doers. It is the duty of the state and the individual's together living on this globe to join hands and to eradicate this widespread crime which is sneaking in every country.

6. SUGGESTIONS

1. Human trafficking can be curbed by disseminating education regarding human trafficking among people through various activities like campaign, etc.

2. Government has established various schemes for poor sections of our societies to help them live a better life still they are unaware of it as most of them are uneducated. Such people become the victim of poverty and under pressure of running their families; they adopt various illegal measures to meet the daily needs of livelihood by practicing human trafficking, prostitution and generating money out of it. Awareness must be generated specially among poor sections with the help of publishing informative articles in various languages which are understandable by maximum. For illiterate people, announcement can be made regarding various schemes provided by the government and regarding the human trafficking and its punishment to make a deterrent effect upon the society covering the urban as well as rural areas.

3. NGOs and media should also work hard on spreading awareness among people regarding human trafficking, prostitution and exploitation of women and minors of our society and should also spread awareness regarding preventive measures for the same through various awareness and advocacy mechanisms.

4. The literate/educated section, people living in urban areas and all the people around the globe must keep their eyes and ears open to observe such illegal activities happening around them and report the same as soon as possible to the concerned authorities to save the vulnerable groups of our societies from exploitation at the hands of traffickers. The law is made by the various legislative bodies at national and international levels but the implementation is in our own hands i.e. in the hands of state and its individuals.