



Research Paper

FEMALE HUMAN TRAFFICKING IN INDIA

Dr.B.Mukunda Naidu

Assistant Professor(Contract)

Department of Sociology

Sri Venkateswara University

TIRUPATI – 517 502, Andhra Pradesh

Mobile: 9440898152

Email Id: mukundabollineni@gmail.com

ABSTRACT

Trafficking in women and children is a gross violation of human rights. However, this does not prevent an estimated 800 000 women and children to be trafficked each year across international borders. Eighty per cent of trafficked persons end in forced sex work. India has been identified as one of the Asian countries where trafficking for commercial sexual exploitation has reached alarming levels. While there is a considerable amount of internal trafficking from one state to another or within states, India has also emerged as a international supplier of trafficked women and children to the Gulf States and South East Asia, as well as a destination country for women and girls trafficked for commercial sexual exploitation from Nepal and Bangladesh. Trafficking for commercial sexual exploitation is a highly profitable and low risk business that preys on particularly vulnerable populations. This paper presents an overview of the trafficking of women and girls for sexual exploitation (CSE) in India; identifies the health impacts of CSE and suggests strategies to respond to trafficking and related issues.

Key Words: *Female Human Trafficking, Commercial Sexual Exploitation, HIV and AIDS*

INTRODUCTION

Human trafficking is considered a modern form of slavery, taking various forms including sexual exploitation, forced labour or services, child marriage, commercial surrogacy and forced organ removal. In India, the prevalence and consequences of human trafficking have long been recognised. However, recent reports and research indicate that the trafficking landscape is changing alongside rapid technological advancements and the social media age, aiding the proliferation of pornography, online sexual exploitation, and prostitution. This evidence suggests that increasingly, traffickers utilise digital methods to recruit and exploit victims. While India has adopted a range of laws that deal with human trafficking and establish provisions for victims to access justice and rehabilitation support, these laws are not widely enforced and trafficker conviction rates are low. This seminar

will present an overview of current and emerging trends in human trafficking in India, followed by an update on the Indian legal framework concerning trafficking in persons.

Female trafficking for sexual exploitation (SE) is one of the major problems in India. Young females are particularly vulnerable to this crime. Existing state machinery is somewhat deficient in its tactical and technical doctrines to combat the challenges posed in this regard. The current study attempted to understand the spatiality of female trafficking in India, which can inform combat strategies. We considered a systematic review of published quantitative and qualitative kinds of literature. Potentially relevant articles for systematic review were identified by searching bibliographical databases. A mixed-method was deployed to analyze deemed necessary for inclusion of female trafficking for sexual exploitations. Trafficking for commercial sexual exploitation occurs particularly in poverty-stricken regions and vulnerable populations. Tribal people have mainly been pushed into such activities. Additionally, it has given an opportunity for the enormous potential profits for those syndicates that were set up for organized crimes and independent traffickers. It is the fundamental right of women and children to be protected from any forms of trafficking and to be treated with dignity. Therefore, it requires a comprehensive anti-human trafficking strategy that embedded in a human rights approach since the violation of human rights is both the cause as well as the consequence of human trafficking.

Crime is a surface expression of discontents that lie deeply embedded in the social system. Like any surface manifestation, crime can provide a clue(s) to the particular forces which cause it, these, in turn, may be traced to the more profound contradictions which churn in the guts of the social and economic system.¹ Crime leaves deep scars in the society; therefore, we need to study the nature, causes, and patterns of crime affecting people and their property to find out the reasons behind them and prescribe measures to curb such incidences. The geography of crime is interplay between crime, space and society through the analysis of offences, offenders and the end effects.² Unfortunately, the human trafficking is a global phenomenon and one of the most shameful crimes in the world, affecting not only the lives of several people around the world but also robbing their dignity. Traffickers entrap women, men and children from all corners of the world and force them into exploitative situations every day. The best-known form of human trafficking is female trafficking for sexual exploitation.³

The concept of female trafficking refers to the criminal practice of exploiting females by treating them as property for profit.⁴ These trafficked victims were subjected to long-term exploitation. An estimated about 800,000 women and children are trafficked each year across international borders, 80% ending in forced sex work. These estimates exclude those trafficked within their own countries or missing children. Human trafficking for sexual exploitation (SE) is a gross violation of human rights and has been described as a modern form of slavery. The trafficking of women and children for SE in Asia has victimized over 30 million people.⁵ India has recognized as one of the Asian countries with substantial female trafficking for commercial sexual exploitation.⁶ Until now, there is no concrete study in India that has been solely focused on knowing the nature and spatiality of female trafficking. This study represents an analytical overview of the trafficking of women and girls for sexual exploitation (SE) in India. It has two specific objectives that are to understand the spatiality of female trafficking for sexual exploitation in India and to find out the main supply, transit and destination regions of female trafficking in India.

TRAFFICKING FOR COMMERCIAL SEXUAL EXPLOITATION (CSE)

The clandestine and transnational nature of trafficking and the reluctance of those involved to discuss the topic make accurate assessments of the magnitude of CSE difficult. A recent government commissioned by the Department of Women and Child Development (India) estimated the number of persons trafficked for CSE in India to be around 2.8 million, an increase of 22% from an earlier estimate. The majority of trafficked persons are young women or children who have been forced into sex work as a result of poverty, often before they were 18 years old. Published literature further points to an increasing demand for younger children and virgins, partly fuelled by the fear of HIV/AIDS; the emergence of new sources and destinations for trafficked persons; and an increase in the overall sophistication of trafficking networks, many of which are controlled by organized crime syndicates or insurgent factions. This has been illustrated in Nepal where the traditional trafficking of Nepalese girls to Indian brothels had been taken over by Nepalese rebel groups in order to fund their fight against the state.⁷

The magnitude of the problem may partly be accounted by the different forms of sexual exploitation in India. The most common form of sex work involves young women and girls from economically deprived and marginalized groups (e.g. Dalits) who have been 'recruited' by brokers, sold to pimps or brothel owners (most of whom are ex-prostitutes), and forced into

prostitution. Brokers may be community members known to the victims or the victims' families pretending to help families; agents seeking the help of a local person to approach families and victims; individuals willing to kidnap potential victims; and family members (e.g., parents or husbands). Recruitment strategies include: false promises of employment; approaching debt-bonded families and persuading them to part with their children to pay for their debts; abduction; and arranged marriages whereby young women and underage girls are 'married' to grooms willing to pay poverty-stricken parents a dowry. Once married (marriage makes this form of trafficking particularly difficult to challenge under the law), wives are either forced into prostitution directly by their husbands or abandoned/divorced and sold to a broker who resells them to a brothel.⁸ This practice has been documented in Bihar, West Bengal, Chhattisgarh, Orissa, Uttaranchal, and Hyderabad. Common destinations for women and girls forced into 'arranged' marriages include Punjab, Haryana, Uttar Pradesh, and the United Arab Emirates.⁹

Customary prostitution is also prevalent in India. It includes socially (if not legally) accepted forms of prostitution, i.e., religious and tribal prostitutions. Victims of religious prostitution are pre-pubertal girls from scheduled castes (e.g., Devadasi, Jogini, Nailis, Muralis, and Theradiyan) who are dedicated to different deities. After a few years of concubinage with temple priests, they are sold or auctioned to traffickers for CSE. The market value of girls tends to fall after puberty. This form of prostitution is mostly practiced in Karnataka, Maharashtra, and Andhra Pradesh. Tribal prostitution involves girls from different ethnic tribes (e.g., Bedia, Nats) who used to entertain feudal lords. Overtime, many of these tribal communities have been forced to engage in prostitution for economic reasons. Tribal prostitution is prevalent in Andhra Pradesh, Rajasthan, Maharashtra, West Bengal, Chhattisgarh, and Manipur. However, Orissa, Bihar, and Uttaranchal have also emerged as supply states for tribal prostitution. Victims of customary prostitution are generally forced into prostitution at a very young age (9–13) by family members (parents or brothers) who act as agents of the victims. Approximately 16% of persons forced in the sex trade are in prostitution as a result of customary practices.¹⁰

Another form of sexual exploitation includes sex tourism (ST). ST includes the sexual exploitation of young boys and girls by international and Indian tourists. Street children are particularly vulnerable to this type of sexual exploitation. Costs per sexual act vary from 50 to 200 Indian Rs (about 1 to 5 US\$) and can reach up to 1000 Rs (about 25 US\$) when victims

remain with their clients overnight or longer. Sex tourism is prevalent in the 'pink triangle', i.e., the Agra-Delhi-Jaipur belt, as well as south and south-west India: Goa, Maharashtra (Mumbai), Karnataka (notably, in some of the new tourist spots like Gokarna and Karwar), Kerala (in Kovallam, and other new popular destinations such as Cochin, Kumily, and Varkala), in Tamil Nadu (Mammallapuram), and in Orissa (particularly Puri). Himachal Pradesh and Rajasthan are emerging as new destinations for sex tourism. Sex tourism may be facilitated by travel agencies, tour operators, hotels, and associated business. There is also some evidence of young boys being imported from the Gulf countries into Southern India and forced into prostitution.¹¹

FACTORS CONTRIBUTING TO TRAFFICKING FOR CSE

Trafficking for CSE is a demand-driven phenomenon, facilitated by traffickers, who find trafficking highly profitable and low risk, and the availability of vulnerable populations. Vulnerability results from a range of inter-related economic, social, political, and familial factors (e.g., poverty, lack of sustainable livelihoods, structural inequities) and creates the supply needed by traffickers to meet the nature of the demand. In most cases, trafficking results from the interface of multiple risk factors. For example, trafficking in Manipur has been fuelled by years of civil unrest, the presence of armed forces, drug trafficking from neighbouring Myanmar, and poverty.

The number of women and children trafficked for CSE in India is large. Trafficking in India has become an international business and, unless stringent action is taken, is unlikely to slow down, given the enormous potential profits for organized crime syndicates and independent traffickers. Women and children have a right to be protected from any forms of trafficking and to be treated with dignity. This requires a comprehensive anti-human trafficking strategy embedded in a human rights approach since violations of human rights are both the cause and consequence of human trafficking. Such an approach requires the systematic development and implementation of policies and programmes that address the socio-economic, political, environmental, and cultural factors that increase vulnerability to trafficking at the local, regional, state, national, and international levels. India's recent effort toward the harmonization of the anti-trafficking legal framework in India, and its new/revised Child Marriage Prohibition Act (2007) are steps into that direction. However, accrued efforts towards the promotion of gender equality in the family, community, and society at large, the facilitation of women's economic empowerment (via job training, job creation and income-generation schemes) and women's ownership and control of productive resources, the development of

wider social welfare networks, the enforcement of safe migration policies, and a zero-tolerance level for corruption are also needed. For example, a wider number of border guards, police, and health practitioners should receive specific training related to trafficking.¹²

As many others, we suggest strengthening the Immoral Trafficking Prevention Act, India's legal response to trafficking, in accordance to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in persons, Especially Women and Children (2000) and the UN Recommended Principles and Guidelines on Human Rights and Human Trafficking (2002). Comprehensive anti-trafficking policies not only address the root causes of both supply of and demand for trafficked persons, but they also include the protection of and assistance to trafficked persons, appropriate enforcement mechanisms, and adequate sanctions against traffickers. Protection and assistance to the victims should include compensation for victims of trafficking; necessary medical care; provision of free legal assistance; and the rehabilitation and reintegration of rescued victims in consultation with trafficked victims and countries of origin.¹³

With respect to health, a human rights approach posits that women in prostitution have the same rights to health and safe environments as any other human beings. It requires that STI prevention move away from stereotypical and moralistic notions of prostitution to a broader understanding of the complex nature of human trafficking for CSE; be sensitive to and inclusive of the experiences and perspectives of WP; and extend the locus of responsibility for HIV/AIDS prevention from WP to those participating in or facilitating this business, namely clients, regular partners, the families of WP, brothel owners, pimps, and law enforcement. Interventions also need to address the stigmatization and discrimination against WP at all levels of society (e.g., media, law enforcement, health care, communities), as exemplified by the Sonagachi project launched in Kolkata in 1992. Harassment and ostracism drive epidemics underground and undermine the reach and effectiveness of prevention efforts. This means not only improving the quality of STI interventions for vulnerable women and their partners but also increasing STI monitoring, prevention, and intervention efforts at male sexual workers and men having sex with men. In the context of the global AIDS epidemic, sex between men is significant because it may involve anal sex – a practice that carries a higher risk of HIV transmission than vaginal sex, when no protection is used. Evidence suggests that more people become infected with HIV through male-male sex than via any other transmission route.

In India, recent estimations of HIV prevalence among MSM varied from 6.41 to 11.8% [65,66]. However, this group has largely been ignored due to the reluctance of the government to acknowledge and monitor MSM. In fact, sex between men is considered a criminal act in India. As a result, MSM often hide their same-sex relations from friends and families. Many have wives, or have sex with women as well as men, transmitting HIV to their female partners if they are infected. The impact that HIV may have on MSM is therefore not an isolated problem, but one that is linked to the country's wider HIV epidemics, and one that needs to be addressed with greater efforts.¹⁴

IMPACT

Human trafficking in India results in women suffering from both mental and physical issues. Mental issues include disorders such as PTSD, depression and anxiety. The lack of control women have in trafficking increases their risk of suffering from mental disorders. Women who are forced into trafficking are at a higher risk for HIV, TB, and other STDs. Condoms are rarely used and therefore there is a higher risk for victims to suffer from an STD.¹⁵

CONCLUSION

A large number of children and women trafficked for SE in India. Such trafficking in India has become a substantial international business and, unless legislating and executing strong laws and stringent action was taken, it is unlikely to slow down. Additionally, it has given an opportunity for the enormous potential profits for those syndicates that were set up for organized crimes and independent traffickers. The nature of trafficking in India is surreptitious and transnational. •Young girls from socio-economically marginalized groups are more vulnerable. There is an increasing demand for virgins, partly fuelled by the fear of STD. New origin and destinations are being controlled by the organized crime mafia.

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