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Human Trafficking and Human Rights

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Hello and welcome to this blog on human trafficking and its impact on human rights, with a special focus on relevant and latest case laws.

A serious crime, human trafficking entails the exploitation of weak people, frequently for forced labor and sexual exploitation. & quote; Human trafficking is the recruitment, transportation, transfer, harboring, or receipt of people through force, fraud or deception, with the aim of exploiting them for profit, & quote; according to the United Nations Office on Drugs and Crime.

India is among the nations with the highest rates of modern slavery, with an estimated 40.3 million people living in this form today, according to the Global Slavery Index.

The transportation, housing, or receiving of people under duress, coercion, kidnapping, or fraud with the intention of exploiting them is considered human trafficking. Human trafficking is a severe socioeconomic issue that has become increasingly prevalent, especially affecting women and children. It is a serious violation of their human rights and dignity. It is the heinous commodification and commercialization of the lives of defenseless people. Despite being a transnational crime, traffickers frequently use India, along with many other South Asian nations, as a source, a transit hub, and a final destination. It is not so much about human rights being violated as it is about human rights being defeated.

According to the international Labor Organization (ILO), an estimated 21 million people worldwide are victims of forced labor, with the majority of them being women and girls. Many of these victims are trafficked across international borders, making the crime a global issue. Numerous causes, such as poverty, illiteracy, gender inequality, armed conflict, and the need for cheap labor and commercial sex, are major contributors to human trafficking. Vulnerable people are the prey of human traffickers; victims are frequently abused physically and psychologically, denied their fundamental human rights, and made to work long hours in hazardous and cruel circumstances.

The United Nations Convention against Transnational Organized Crime has been supplemented by the Protocol to prevent, suppress, and punish Trafficking in Persons, Especially Women and Children, as part of the actions the international community has taken to combat human trafficking. According to the agreement, states must take action to stop and prevent human trafficking as well as work together to combat it.

In addition to international efforts, many countries have passed domestic laws to address human trafficking. These laws typically provide for criminal penalties for traffickers, as well as protections for victims. However, the enforcement of these laws can be difficult, particularly in countries with weak rule of law or where corruption is rampant.

International and national laws exist to protect against human trafficking and punish those who engage in it. However, trafficking remains a complex issue that requires a coordinated effort from governments, NGOs, civil society, and the private sector to prevent, identify, and assist victims, as well as to bring perpetrators to justice. It is a human rights issue that demands a collective response to end this heinous crime and protect the fundamental rights of all people. Traffickers use a variety of methods to control their victims, including physical violence, sexual abuse, emotional manipulation, and debt bondage. Victims of trafficking are often kept in deplorable conditions, with little or no access to medical care, education, or other basic necessities. They are often forced to work long hours without pay, and their passports and other identification documents are confiscated, leaving them with no means of escape.

Money laundering, gun trafficking, and drug trafficking are just a few of the organized crime activities that are frequently connected to human trafficking. The exploitation of victims by traffickers is profitable for them, and the industry is supported by the need for cheap labor and sex services. The human trafficking industry is one of the most profitable criminal industries in the world, with estimates of its annual revenues reaching up to $150 billion.

While governments everywhere have taken action against human trafficking, much more work needs to be done. In order to address the underlying causes of trafficking, protect victims, and prosecute traffickers, the United Nations has approved a Global Plan of Action to Combat Trafficking in Persons, which advocates for more collaboration between governments, civil society, and international organizations. The plan acknowledges the significance of safeguarding victims; human rights and making sure they have access to social and legal services.

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It is imperative to deal with the underlying causes of the issue in order to effectively prevent human trafficking. People are more susceptible to trafficking when they are poor, illiterate, or live in unstable political environments. Governments need to endeavor to enhance the state of the economy, offer education and healthcare, and promote stability and security.

The use of fake opportunities is a prevalent instance of human trafficking. The individual being trafficked may be informed about excellent career prospects or the possibility of pursuing higher education, and the trafficker offers to assist them in achieving their goals. This individual will follow the trafficker out of their familiar surroundings in the hopes of being guided to a better life. However, the trafficker will seize the victim's identification and travel documents when they arrive (or while they are traveling), making it impossible for them to go back home. In addition, the trafficker can inform the victim that they are now obligated to pay them for escorting them to this new place and that they will need to labor to settle this unexpected bill.

Through friendship or affection, exploitation is another prevalent tactic. In addition to leading the victim via grooming techniques and isolating them from their prior life, the trafficker will pretend to have a loving relationship with the victim. This person eventually only knows what their trafficker has told them. After a while, they'll come to genuinely believe that their human trafficker has their best interests at heart, even when the trafficker is only in it for the money. Romeo Relationships: like these are Frequently observed in the commercial sex sector is the transformation of a boyfriend into a who sells out. those who entrust them with forced labor. For several important reasons, this crime is committed in secret. First of all, because they frequently come from underprivileged backgrounds, the targeted victims already don't receivethe basic respect that is due to all human beings.

Second, victims could not even be conscious that they are a part of a human trafficking scenario. Human trafficking is not as common as it is portrayed in the media, which frequently shows victims being cuffed and confined. Instead, it is more like smuggling or kidnapping. Although physical torture is sometimes frequent, the majority of human trafficking involves the victim being physiologically manipulated. For soliciting, selling drugs, or theft, many people may be arrested and made to go through the legal system without anyone questioning if they were pressured or pushed into committing this crime by someone they trusted. Recall that traffickers are purely motivated by profit, hence coercing their employees into engaging in additional criminal activity is standard procedure.

Finally, trafficking can come from unexpected places. The majority of people assume that parents and guardians will teach their kids and keep them safe from the outside threats. Although it's expected that caregivers will act in the best interests of the patient, this isn't always the case.

News stories abound about parents who sell their kids for drugs or cash, about police who hide a human trafficking ring for personal benefit, or about caretakers who render their elderly patients incapable of caring for themselves and taking advantage of their finances.

Following accurate definitions of human trafficking, healthcare professionals, educators, law enforcement, the judicial system, and community members can start looking for hidden victims within their communities.

The prevention of human trafficking requires a multi-faceted approach that involves addressing the root causes of trafficking and strengthening laws and policies to protect victims and punish traffickers. Here are some strategies that can be employed to prevent human trafficking:

Raise Awareness: Educating the public, especially vulnerable groups such as women and children, about the dangers of human trafficking, and how to identify and report cases of trafficking can help prevent it. Governments, NGOs, and civil society organizations can work together to organize awareness-raising campaigns and provide training to communities.

Strengthen Laws and Policies: Governments must ensure that their laws and policies are in line with international human rights standards and provide adequate protection to victim trafficking.

This includes laws that criminalize trafficking, ensure the prosecution of traffickers, and provide support and assistance to victims.

Address the Root Causes: Human trafficking is often driven by poverty, lack of education, and limited economic opportunities. Addressing these root causes by promoting economic development, increasing access to education, and providing support for vulnerable communities can help prevent trafficking.

Increase Collaboration: Preventing human trafficking requires a coordinated effort between governments, NGOs, civil society organizations, and the private sector. Collaboration can help to identify and address trafficking hotspots, share information and resources, and develop effective prevention strategies.

Support Victims: Providing support and assistance to victims of trafficking is essential to prevent re-victimization and ensure their recovery. This includes providing medical care, legal https://www.scconline.com/blog/post/2020/09/20/human-trafficking/

In the 1953 case of Raj Bahadur v. State of W.B., 1953 SCC Online Cal 129, it was established unequivocally that trafficking in human beings refers to the sale, rental, or other disposal of men and women as commodities. For unethical or other reasons, it would include the trafficking of women and children.

The Supreme Court in Budhadev Karmaskar v. State of W.B., (2011) 11 SCC 538 had issued notice to all States while noting down the concern on the pathetic conditions of sex workers: "… we strongly feel that the Central and the State Governments through Social Welfare Boards should prepare schemes for rehabilitation all over the country for physically and sexually abused women commonly known as prostitutes as we are of the view that the prostitutes also have a right to live with dignity under Article 21 of the

Constitution of India since they are also human beings and their problems also need to be addressed. A woman is compelled to indulge in prostitution not for pleasure but because of abject poverty. If such a woman is granted opportunity to avail some technical or vocational training, she would be able to earn her livelihood by such vocational training and skill instead of by selling her body.

Hence, we direct the Central and the State Governments to prepare schemes for giving technical/vocational training to sex workers and sexually abused women in all cities in India."

https://www.scconline.com/blog/post/2020/09/20/human-trafficking/

The Indian government made a well-timed and well-intentioned attempt with the now- lapsed Bill to pass comprehensive legislation that addresses the core issues of human trafficking. Nonetheless, in line with the Expert Committee; s recommendations, the

Government was meant to take a more comprehensive stance against human trafficking. Since the Modi Government has a clear majority in Parliament and the Women and Child Development Ministry is fully committed to combating this threat, it is hoped that any new Bill will bring all stakeholders on board to enact a people-centered social legislation that addresses some of the issues that need to be addressed.

Nevertheless, ensuring effective legislation and its implementation will take time and patience.

The problems identified here and in line with the expert committee recommendations.

Thus, it may be concluded using the words of Justice V.R. Krishna Iyer, without prejudice to any one gender, "No nation, with all its boasts, and all its hopes, can ever morally be clean till all its women are really free — free to live without sale of their young flesh to lascivious wealth or commercializing their luscious figures…."

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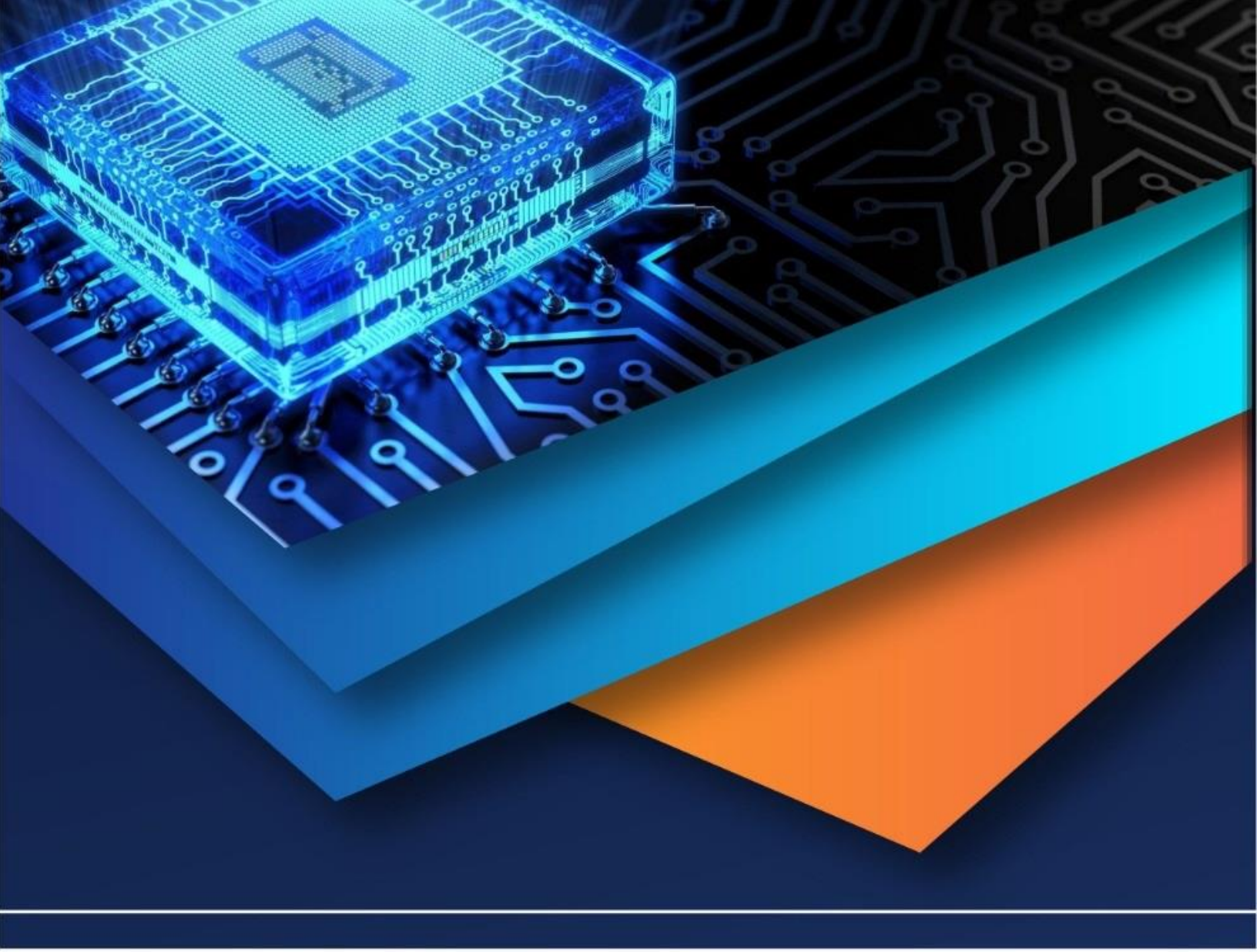

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