iJRASET
International Journal For Research in Applied Science and Engineering Technology



INTERNATIONAL JOURNAL FOR RESEARCH

IN APPLIED SCIENCE & ENGINEERING TECHNOLOGY

Volume: 10 **Issue:** I **Month of publication:** January 2022

DOI: https://doi.org/10.22214/ijraset.2022.40034

www.ijraset.com

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International Journal for Research in Applied Science & Engineering Technology (IJRASET)
ISSN: 2321-9653; IC Value: 45.98; SJ Impact Factor: 7.538
Volume 10 Issue I Jan 2022- Available at www.ijraset.com

Prostitution- A Reason for Human Trafficking: Case Summary and Analysis

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I. INTRODUCTION

Atmaja a poor Indian girl was born in broken family. Her father was alcoholic and use to abuse and beat her mother every day. Her mother instead of consoling her took out all anger and frustration on her telling her that she was an unwanted child and should have died the day she was born. Atmaja was married in younger age with a man who used to rape and abuses her every night and telling her that she deserve this and this was her fortune. Atmaja showed courage and left her husband and came to live with her mother and started to teach tailoring to a girl who lived far away. While tailoring she became friend with two auto drivers who latter tricked her to offer job in Delhi where she could earn 10000 for teaching tailoring. Innocent Atmaja followed them and came to Delhi where these auto drivers sold her at G.B.Road (the largest brothel of Delhi). At the brothel She was beaten and kept without food or water. Her first customer was a huge man who had a cynical smile. She says "how can I ever forget that dreadful night? My hands were tied to the bed, two people parted my legs and held them and the man raped me. He tore my body apart." brothel owner would charge customer Rs 5000 and Atmaja would get just 50. One day, Aatmaja felt severe stomach pains and was taken to the hospital where she had kidney stones removed. After taking a blood test she found out that she was HIV+. She says that she doesn't know how long she has to live, but is trying to make the best of each day, each moment that she is alive. Today she doesn't feel ashamed to reveal that she is HIV+ and has learned to fight the trauma and disease. Trafficking is something *to be deceived or taken against your will, bought, sold and exploited just to satisfy someone's greed and power.*

In trafficking girls are sold at global market place where they are considered as product and have price tag and our inhuman society auction them, sell them, rape them, beat them and make them bleed until they are sexually satisfied.

The easy to make money has made this crime so popular that it stands 3rd position in crime list in world. According to UN report prostitution generates $32 Billion annually... Shocking but true. This figure has encouraged criminals to trafficking women and children for prostitution around the globe to satisfy the customer that are invisible.

Prostitution is widely socially tolerated, with the buyers socially invisible. Even today, many mistakenly assume that prostitution is sex, rather than sexual violence, and a vocational choice, rather than a human rights abuse. It is important to address men's demand for prostitution. Acceptance of prostitution is one of a cluster of harmful attitudes that encourage and justify violence against women. Violent behaviors against women have been associated with attitudes that

promote men's beliefs that they are entitled to sexual access to women, that they are superior to women and that they are licensed as sexual aggressors. Those concerned with human rights must address the social invisibility of prostitution, the massive denial regarding its harms, its normalization as an inevitable social evil, and the failure to educate students in the mental health and public health professions. Trafficking and prostitution can only exist in an atmosphere of public, professional and academic indifference.

Talking about India, India is 4th dangerous country for women. In India, a whole gamut of human trafficking is run whereby women and girls are trafficked within and into India since they are most vulnerable into the sex trade. The enormous bulk of trafficked women and girls are poor, some belong to landless families, and most come from dalit, adivasi or other low caste communities. In 2009 it was estimated by India's Central Bureau of Investigation that about 90 percent of trafficking took place within the country and that there were some 3 million prostitutes, of which about 40 percent were children.

II. PROSTITUTION AND HUMAN TRAFFICKING

Human trafficking for sexual purposes i.e. prostitution is one of the thresholds for achieving the social and gender equality in this modern era where the human dignity and rights are treated as the paramount consideration. Trafficking profoundly violates human dignity and the right of individuals to decide over their own lives and their own bodies. The vulnerable group like women, girls and in some cases boys are exposed in this evil. The human trafficking by way of prostitution can be said to be the combination of ancient profession with the modern slavery.

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Time and again this menace has emerged as a hot topic for debate and went through cycles of criminalization tolerance-legalization. Young girls are trafficked to work in the sex industry. For this purpose several ways like inducing them are kidnapping them or enticing they are followed by the traffickers. They are forced to have sex with the clients and if they desist to do so, they are beaten mercilessly or they are drugged of forced to drink alcohol until senseless. Trafficked girls are threatened to have they leave or escape.

There are various countries where the prostitution has been legalized while in some other it is still illegal. It has been seen that the countries where prostitution is legalized, there is a greater demand for human trafficking victims and nearly always an increase in the number of women and children trafficked into commercial sex slavery. Legalization of the prostitution have boosted the growth of the sex industry and created a safe heaven for the traffickers to escape the clutches of the legal action. Legalization simply makes it easier for them to blend in with a purportedly regulated sex sector and makes it more difficult for prosecutors to identify and punish those who are trafficking people.

One of the report states that around 600,000 to 800,000 people trafficked cross international borders annually, 80 percent of victims are female, and up to 50 percent are minors. Hundreds of thousands of these women and children are used in prostitution each year.[1]

III. CAUSES

Poverty, illiteracy, unawareness of the rights, are some of the factors which are contribution the menace. The poverty stricken parents often sell their girl child to the person who sold these girls again and compel them to work in the sex industry. In some cases these traffickers induced the parents and carry away the girls on the false pretext like better life, marriage etc. but instead of that they sell them in the sex industry. It has been seen that the some brothels owners and trafficker breed the girls. Their sons become the bonded laborers and their daughter becomes the prostitute. Although the purpose of the trafficking is to compel the girls to work in the brothel but with the growth of the porn industry, the most of the trafficking is taking place to supply the girls for these industries.

IV. POSITION IN INDIA

India is listed among those countries which have been failed to combat the human trafficking. India is still the hotspot for the forced labor and sex industry. The way of Nepal is one of the easy escapes for the traffickers to import and export the girls from India for this very purpose. Most of the attention o human trafficking on those who are trafficked across national borders every year, and in many cases, forced to work as prostitute or virtual slaves. There is fairly wide framework of the laws enacted by the union parliament and state legislatures of combat this evil, but all these efforts have proved futile. Poor implementation of these legislations, low conviction rates and serious corruptions are adding problem rather solving it. In the recent time several efforts which have been done by the social action groups, NGOs and community welfare groups have proved effective tools to combat the prostitution by human trafficking. Gender discrimination is prevalent throughout the India and sexual abuse of women in many parts of the country is widespread. There are several victims of the human trafficking who are sexually exploited and forced into the darkest phase of prostitution. Due to rampant, deep rooted stigma and other factors, there are only few institutions which are working for curbing this menace. [2]

Every year between 5000-7000 Nepali girls are being trafficked into the Indian red light cities. Many of the girls are in between the age group of 9-18. There have been the rampant trafficking if Nepali girls in India. These girls are cabined for many days, staved, beaten and it has been also reported that these girls are subjected to mass rape in order to make them learn to have the 20 sex per day.[3]

The vast majority of the victims come from the vulnerable groups like Dalits or Tribals. Most of the trafficking is internal or inter-state in India. The areas of West Bengal, Orissa, Bihar,

Jharkhand and North-Eastern states are serving the hotspot for this evil. Large number of girls are deported to another world through the way of Nepal or on false pretext and are then thrown in the illicit business of the prostitution.[4] The prostitution industry have been proved much beneficial to the traffickers much of the vast profit generated by the global prostitution industry goes into the pockets of human traffickers.

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[1] Malarek, Victor, The Natasha's: Inside the New Global Sex Trade. Arcade Publishing, New York, 2004.
[2] www. Rescuefoundation.net Accessed on 12-12-2014.
[3] Ibid.
[4] www.dfn.org.uk,
Accessed on 12-12-2014.

Thus the trafficking for prostitution represents the darkest phase of any legal system. It is the gross violation of the human rights. The thinking of treating women as commodities and compelling them in the sex industry need to be curbed and the legal wing in association with the social action groups must come forward to safeguard the integrity and dignity of the women and curb this menace.

V. DOES LEGALIZED PROSTITUTION INCREASES HUMAN TRAFFICKING

As per the survey the prostitution laws vary from country to country and their local laws and jurisdictions among them. Sex work is legal in some parts of the world and could be regarded as a profession, while on the other hand in some other countries it is a crime which is punishable by death.[5] In most of the jurisdictions we can see that the sex worker is the party which is subject to penalty and on the other hand it is client who is subject to penalty. It seriously had been condemned as a single form human rights abuse and an attack on the dignity and worth of human beings and not only women, while we can see that some schools of thought stated that sex work is a legitimate occupation. In most of the countries sex work is controversial. Some members of religions oppose prostitution as it is threat to moral codes, while other parties via it as a necessary evil.

As per the United Convention for the suppression of the traffic in persons and the exploitation of the prostitution of others[6] favored the criminalizing of these activities of those seen as exploiting or coercing prostitutes, while leaving sex workers free from regulation. It is stated by the convention that "prostitution and the accompanying evil of the traffic in persons for the purpose of this were in compatible with the dignity and the worth of human beings. Prostitution mostly are actually practiced satisfied the element of trafficking. Sex workers activist and organizations tries to distinguish between the human trafficking and legitimate sex worker, and asserted the importance of recognizing that trafficking was not synonymous with sex work. But as per UNAIDS Guidance it was noted that on HIV and Sex Work recognized that sex worker organizations are the best positioned to refer people who are the victims of trafficking to appropriate services[7].Legalization had been spurred traffickers to recruit children and marginalized women to meet demand. The presence of an adult sex industry had increased both the rates of child sexual exploitation and trafficking. It might be true that some women in commercial sex exercised some level of informed choice, had other options to entering and had no histories of familial trauma, neglect or sexual abuse. But, these women were in the minorities and unable to represent the overwhelming majority of women, girls, boys and transgender youth, for whom the sex industry was not about choice but lack of choice. The issue that legalizing prostitution made it safer for women just had not been borne out in countries which implemented full legalization. Amsterdam, touted the model and recently started recognized rates of trafficking into the country had increased and was beginning to address the enormous hub of trafficking and exploitation had been created. Criminalization of women and girls in commercial sex was not the solution but neither its legalization. Focus had been given on criminal justice resources on traffickers and buyers was a promising step, as it was providing services, support and authentic options to women being bought and ensuring children and youth are treated as victims, a step taken by New York's groundbreaking Safe Harbor Act in 2008. While truly addressing trafficking and commercial sexual exploitation, it's critical to address the systematic factors making girls and women so vulnerable – poverty, gender inequity, racism, classism, child sexual abuse, lack of educational and employment opportunities for women and girls globally. So, sanctioning an industry that preys upon some of the most marginalized and disenfranchised individuals in our society is not the answer. [8] A study published in 2012 in World Development, "Does Legalized Prostitution Increases Human Trafficking?" had investigates the effect of legalized prostitution on human trafficking which inflows into high-income countries. The researchers had analyzed cross– sectional data of 16 countries to determine the effect of legalized prostitution on human trafficking inflows. In addition, they also reviewed case study of Denmark, Germany and Switzerland to examine the longitudinal effects of legalizing or criminalizing prostitution. The results are as follows:

1) Countries which had legalized prostitution were associated with higher human trafficking inflows than countries where prostitution is prohibited. The scale effect of legalizing prostitution, i.e. expansion of the market, outweighs the substitution effect, where legal sex workers are favored over illegal workers. On average, countries with legalized prostitution reported a greater incidence of human trafficking inflows.

[5] "Burma". State.gov. 25 February 2009. Retrieved 16 January 2012.
[6] "China". State.gov. 25 February 2009. Retrieved 16 January 2012.
[7] "China". State.gov. 25 February 2009. Retrieved 16 January 2012. "Laos". State.gov. 25 February 2009. Retrieved 16 January 2012
[8] http://www.nytimes.com

2) The effect of legal prostitution on human trafficking inflows in stronger in high-income countries than middle-income countries since trafficking for the purpose of sexual exploitation required that clients in a potential destination country have sufficient purchasing power, domestic supply acts as a constraint.

3) Criminalization of prostitution in Sweden had resulted in the shrinking of the prostitution market and the decline of human trafficking inflows. When Sweden is compared with Denmark (where prostitution is decriminalized) and Germany (expanded legalization of prostitution) were consistent with the quantitative analysis, showing that trafficking inflows decreased with criminalization and increased with legalization.

4) It hardly matters what type of prostitution but it only matters prostitution is legal or not. So legalization of prostitution itself was more important in explaining human trafficking than the type of legalization.

Hence, the likely negative consequences of legalized prostitution on a country's inflow of human trafficking might be seen to support those who argue in favor of banning prostitution, thereby argumentation overlooks potential benefits that the legalization of prostitution might have on those employed in the industry. Working conditions could be substantially improved for prostitutes at least those legally employed- if prostitution is legalized. Prohibition of prostitution also raised tricky "freedom of choice" issues concerning both the potential suppliers and clients of prostitution services.[9] Prostitution and related activities always encouraged the growth of modern day slavery by providing a façade behind which traffickers for sexual exploitation operate. Where prostitution was tolerated, there was a greater demand for human trafficking victims and nearly always increases in the number of women and children trafficked into commercial sex slavery, few women seek out or choose to be in prostitution and most are desperate to leave it. In the study it was found that 89 percent of women in prostitution want to escape prostitution but had no other options for survival. Margareta Weinberg former Deputy Prime Minister of Sweden , as per her We will never succeed in combating trafficking in women if we do not simultaneously work to abolish prostitution and the sexual exploitation of women and children.

VI. ROLE OF GOVERNMENT

The effect of prostitution laws on human trafficking and voluntary prostitution is subject to debate so far we have seen. There are basically four legal approaches to prostitution. It can be criminalized, legalized, decriminalized or abolished. Where there was criminal prostitution, all parties to the prostitution transaction were arrested: the woman who is selling sex in prostitution, the buyer, the pimp and the trafficker.

Abolition of prostitution is human rights based legal approach that aims to stop the buying, selling and trafficking of women in prostitution while at the same time. As far we have seen that Prostitution and Trafficking for sexual purposes represents a serious obstacle to social equality, gender equality and the enjoyment of human rights. Most of the victims are women and children, but men and boys are also exploited. As per the studies which shows great majority of sexual services are purchased by men. To cope with such a situation efforts must be proceeding from a judicial, social and gender equality perspective and be based on the human rights principle. Sweden's commitments in the EU, the Council of Europe and the UN serve as a basis for government policy in the sphere.

The action plan which is started by the government aimed to intensify outreach activities and give priority to sheltered housing, treatment centre and other forms of support and protection to the victims. Contacts have been established with the children and young people who are exposed to or being exposed to sexual exploitation is particularly difficult.

Professional groups working with people in prostitution and trafficking victims needed more knowledge and training. It includes greater protection and support for children and young people at risk, Training for staff working with health care, the social services, youth clinics and sheltered housing, rehabilitation for the victims, intensified efforts in the substance abuse and addiction care service, additional support for the national board of institutional care, all are a safer return for the victims of trafficking for sexual purposes.

An important part of preventive work is to heighten people's awareness and help them rethink their attitudes to those exposed to prostitution and trafficking. Here, education and information are the most vital ingredients. Among both official bodies and voluntary organizations, ethical guidelines and codes of conduct are an important aspect of preventive work which has been included by the government. Special priority is to be attached to information targeting children and young people.

[9] Cho, Seo-Young; Dreher, Axel; Neumayer, Eric; "Does Legalized Prostitution Increase Human Trafficking?" World Development, 2013.

The members of the SOUTH ASIAN ASSOCIATION FOR REGIONAL COOPERATION (SAARC) focused and included the following aspect: Emphasizing that the evil of trafficking in women and children for the purpose of prostitution is incompatible with the dignity and honor of human beings and is a violation of basic human rights. The parties of the different nations which are members would provide sufficient and adequate means, training, research and assistance and care to their authorities and representatives so that they can work more effectively and purposely and conduct inquiries, surveys and investigations of offences under this Convention, The Parties should increasingly makes concern over their law enforcement agencies and the judiciary in respect of the offences and other related factors.

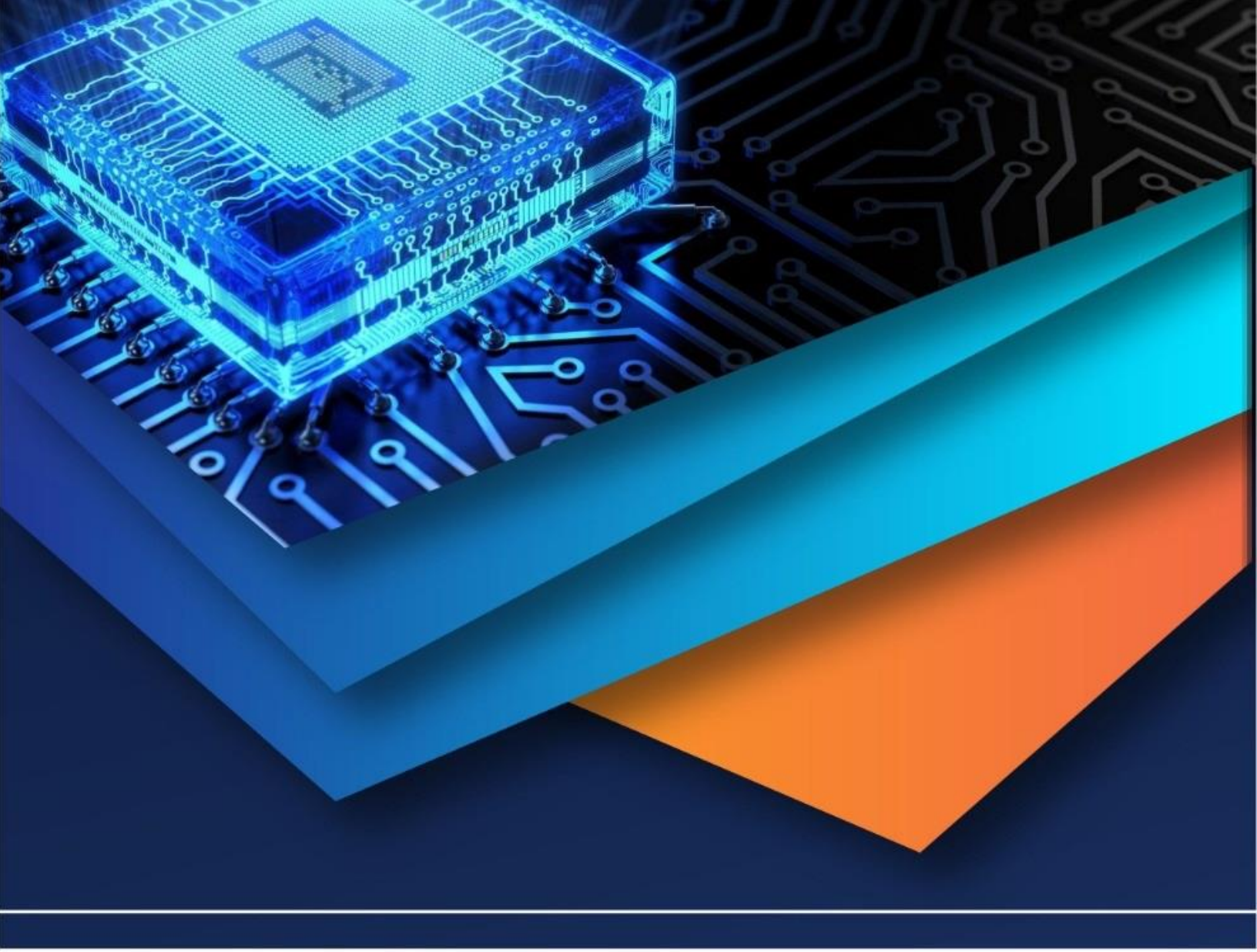
There has been a long and very important effort and contribution made by many NGOs to eliminate and exempt prostitution per se from the category of Human Rights violations. This effort reached the climax especially influencing public at large and the society at large and eradicating and removing this social evil. Instead of seeing and viewing prostitution itself as violence and exploitation against women, and thus a human rights violation, had acted on the presumption that the term prostitution is a human right, a right of woman to do what she wants with her body. A lot of NGOs have the right words to say against violence against women. For example- Recently a report of Human Rights Watch Asia is carefully researched and responsively written report on the trafficking of Nepali Girls and Women into India. Yet after percept the extreme youth, the poverty, the horrendous abuse, the force and completely kidnapping of young 10-14 year old girls into prostitution in India.[10]

Several Non-Governmental Organizations such as Guria[11] whose objective is to built a just and humane world where all beings co-exist in harmony, fight against human trafficking and forced prostitution especially among women and children, elimination of second generation prostitution, prevention of forced labor, other forms and sexual exploitation, awareness among the women, elimination of negative cultural attitudes and practices against girls, livelihood support in vulnerable rural areas. It is basically a non-profit organization which works against the sec trafficking and prostitution which had became severe due to sex tourism and HIV/AIDS. They strongly believed that it is not charity that is wanting in the world but it is justice to make a humane world where all beings co-exist in harmony. The Constitution of India, the fundamental law of the land also disallows trafficking in persons. Article 23 expressly forbids traffic in human beings and beggar and other similar forms of forced labor. Article 24 explicitly disallow employment of children below 14 year of age in factories, mines or other hazardous employment, besides it Article 14, 15, 21 ,22. The Immoral Traffic (Prevention) Act, 1956 9ITPA) , initially enacted as the 'Suppression of Immoral Traffic in Women and Girls Act, 1956, is the main legislative tool for preventing and combating trafficking in human beings in India. [12]

VII. CONCLUSION

Trafficking in persons" shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs; Human trafficking for sexual purposes that is prostitution is one of the threshold for achieving the social and gender equality where the human dignity and rights are treated as the paramount consideration. The present scenario is vulnerable, pathetic, defenseless, unguarded women, girls, and in some cases boys also exposed in the evil. It is basically that is human trafficking by way of prostitution can be said to be the combination of ancient profession with the modern slavery. For this purpose several ways including abducting them or inducing them are also included. Legalization of the prostitution have boosted the growth of the sex industry and created a safe heaven for the traffickers to escape the clutches of the legal action. Poverty, illiteracy, unawareness of the rights are some of the factors. India is listed among those countries which has been failed to combat the human trafficking, hotspot for forced labor and sex industry. The government of India signed the Trafficking Protocol on 12th December 2002, this is a huge step forward in advancing the human rights of trafficked people as it not only prevents and protects the victims of trafficking but also punishes the traffickers.

[10] www.catwinternational.org/
[11] www.guriaindia.org
[12] nhrc.nic.in



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