



Female Trafficking: Conceptualisation of the Problem

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ABSTRACT: Trafficking is an offence which is not only complex in nature but is spreading its tentacles throughout the world without any discrimination of region, sex, creed, religion or race. Trafficking can involve movement of any man/woman/minor girl/minor boy of any age; healthy or diseased, fit or handicapped from any one part of the world to another part of the world for any type possible exploitation. But trafficking becomes nastiest when it involves females as trafficked victims and irrefutable is the fact that trafficking in women and children is an obscene affront to their dignity and rights.

Keywords : Female Trafficking, India, United Nations.

INTRODUCTION : Trafficking involves many illegal activities and various types of exploitation such as forced domestic labour, false marriages, clandestine employment, false adoption, begging, prostitution and other sexual activities. As various studies reveal almost 90% of total trafficked people are females or minor girls.

HISTORICAL BACKGROUND OF FEMALE TRAFFICKING

The problem of trafficking can be traced back to the time of Greek City states. Its history is full of attempts on the part of the States to regulate, control and to limit certain sections of the society and certain kind of activities like prostitution. The Greek State and following it others regulated prostitution but in spite of the best efforts of the State and of other social agencies, prostitution has retained itself in large towns since the last 2,500 years proves how deep-rooted it is in human social life.

At this time, traffic meant the movement of women for an immoral purpose i.e. prostitution. Initially, this definition required the crossing of country borders, but by 1910 it changed to



acknowledge traffic in women could occur within national boundaries. Traffic in women was seen as related to slavery but also to be closely linked to prostitution. The link between trafficking and prostitution solidified even more in the following decades, most clearly in the adoption of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of Prostitution of Others. This early confusion of recognizing trafficking with prostitution is still seen in the anti-trafficking activism of some individuals, organizations and Governments today.

HISTORY OF FEMALE TRAFFICKING IN INDIA:

During British Empire i.e. during 19th century exploitation of females for domestic and commercial labour and bonded labour started besides sexual exploitation. For these 200 years of British rule in India Thousands of females were displaced for commercial sexual exploitation by British Soldiers, many of others were used as forced domestic helpers or as workers in British factories in India or at construction places. Independence also was not a happy phase for females as again traffickers used the situation for their benefit and transported lots of lost females to faraway places and sold them to be exploited.

Whether trafficking is done from India or through India one way or the other India has always been a highly susceptible area for trafficking.

TYPES OF TRAFFICKING:

On the basis of types of exploitation trafficking of one can be divided into two categories as given below:

Female trafficking for commercial sexual exploitation (CSE): Sex-trafficking is a three-dimensional evil having social, legal and gender based derivations.

Firstly the act is result of social vulnerabilities that arise in women due to eras of suppression by males, their weak social status, a historic notion prevailing in our society that women are meant to provide pleasure to men and serve them in all possible ways and their un-empowerment.



Secondly sex-trafficking is a crime against gender and a form of exploitation of femininity.

Thirdly it is a crime against body that has no legal sanctity.

Trafficking in human beings constitutes a violation of human rights and an offence to the dignity and the integrity of the human being and may result in slavery for victims.

Demand and supply/push and pull factor

Push factor : Females are pushed into trafficking due to their vulnerable conditions these various types of vulnerabilities are discussed later. On one hand vulnerabilities push females out of their shells to move out and explore other worlds in expectation of better life and on the other hand traffickers nurture such expectations for luring such desperate females for their benefits.

Pull factors: Females' demand could be understood in two inter-related behaviours one is exploiters conduct and second is traffickers' demeanour and both these outlooks overlap each other.

Exploiters crave for females as they generate revenue out of the exploitations of their femininity. The trafficked victim's freedom even to think, let alone move out, is dictated by the exploiters, who could be at times the trafficker himself.

Traffickers aim at females as :

- Firstly they are vulnerable
- Secondly they are trouble-free targets
- Thirdly they are less suspected by law enforcement agency hence provide more security to traffickers making whole act less more complicated
- Fourthly they are always in demand
- Fifthly they are so subservient in nature that they hardly show any sign of confrontation and can be easily coerced/forced into trafficking by the trafficker.



Exploiters want females to execute their erroneous intentions so traffickers exploit vulnerabilities of females to their benefit and pull them to the ambit of trafficking by luring them with the promises of handsome salary, good money, high lifestyle, marriages and sometimes these females are straight away bought from parents by giving them money in lump sum.

Hence this demand-driven supply of females through trafficking make the whole complicated concept a simple business deal where the trader tries to give customer/client the commodity (females) which is in demand; sometimes with all the specified fine points like minor/virgin/fair girls etc.

Other important factors responsible for this are as under:

1. Gender based vulnerabilities
2. Physical vulnerabilities
3. Illiteracy based vulnerabilities
4. Unemployment based vulnerabilities
5. Under-employment based vulnerabilities
6. Social vulnerabilities
7. Feminization of poverty' based vulnerabilities
8. Corruption in government generated vulnerabilities
9. Political instability based vulnerabilities
10. Insufficient penalties against traffickers generated vulnerabilities
11. Regional imbalances based vulnerabilities
12. Forced/false marriage (for migration) generated vulnerabilities
13. Porous borders generated vulnerabilities
14. Advanced communication technologies based vulnerabilities

EXTENT OF THE PROBLEM:

As of now, there are no reliable estimates on trafficking. The difficulty of coming up with accurate figures related to trafficking stems from two inter-related factors:



1. Trafficking as a process is largely hidden and has become an organized crime.
2. There is a nexus of criminal syndicates with those in power.

Nevertheless, some estimates can be made on the dimensions of the problem. The United States State Department estimates that around 1 to 2 million people are trafficked each year worldwide, 50,000 to the United States. Trafficking affects virtually every country in the world. The largest number of victims comes from Asia, with over 2,25,000 victims each year from South East and over 1,50,000 from South Asia. The former Soviet Union is now believed to be the largest new source of trafficking for prostitution and sex industry, with over 1,00,000 trafficked each year from that region.

CURRENT SITUATION:

India is a source, destination, and transit country for men, women and children trafficked for the purposes of forced labour and commercial sexual exploitation; majority of trafficking happens when women and girls are trafficked within the country for the purpose of commercial sexual exploitation; Indian women are trafficked to the Middle East for commercial sexual exploitation.

METHODS AND TECHNIQUES OF TRAFFICKERS IN INDIA

Trafficking in women and girls is easy along the 1,740 mile-long open border between India and Nepal. Trafficking in Nepalese women and girls is less risky than smuggling narcotics and electronic equipment into India. Traffickers ferry large groups of girls at a time without the hassle of paperwork or threats of police checks. The procurer-pimp-police network makes the process even smoother. Bought for as little as Rs (Nepalese) 1,000, girls have been known to fetch up to Rs 30,000 in later transactions. Police are paid by brothel owners to ignore the situation. Girls may not leave the brothels until they have repaid their debt, at which time they are sick, with HIV and/or tuberculosis, and often isolated districts of Sindhupalchow, Makwanpur, Dhading and Khavre, Nepal where the population is largely illiterate. Of the 218 Nepalese girls rescued in February 1996 from a Bombay police raid, 60-70% of them were HIV positive.



POLICY AND LAW

The UN Convention of the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (1949), and the supplementary convention on the abolition of slavery, the slave trade and institutions and practices of slavery have been signed by most of the SAARC countries, including Bangladesh, India, Pakistan and Sri Lanka.

In 1992, Bombay, India, police intercepted the traffic of 25 Bangladeshi children, 5 to 8 years old. The children and trafficker were held in the same jail. Three years later, 12 of the children were returned to their homes. Trafficked girls generally cannot go back as many of the trafficked girls have contracted HIV while enslaved in India.

ORGANIZED/INSTITUTIONALIZED SEXUAL EXPLOITATION AND VIOLENCE

50 million girls and women are missing from India's population, the result of systematic sex discriminations, such as abortion of female fetuses, which is officially banned. In 1990, more than 50 widows were burnt alive when their husbands' bodies were cremated in ritual known as "sati," based on the belief that a Hindu woman has no existence independent of her husband.

Although dowry is legally banned, at least 5,000 women are victims of "dowry murders," in which they are killed by their husband or his family because of "insufficient" dowries. At least 12 women "die" every day from brazier kitchen fires, which are typically concealed dowry murders. The dowry system has also led to an inflating female infanticide especially among very poor families. Few of these cases are ever even brought to trial.

A very large percentage of marriages are arranged. "The custom of arranged marriage is a legitimized institution. In a majority of cases the bride has little or no say. She and the bridegroom are virtual strangers. In many rural communities the bridegroom does not even attend his own wedding. The sex act (between the two) is nothing but a rape. The Indian woman's acceptance of the inevitable has, sanctified this abhorrent practice, and, subsequently legitimized it". More than 5,000 women are murdered each year as the result of dowry killings in India. In 1993, in-laws killed about 16 women every day for dowry,



although the government declared accepting dowry illegal in 1961. Women's groups say the number of cases reported is a fraction of the real figure.

During the armed conflict in Kashmir, Punjab and other Northeastern states women are victimized, raped, tortured, sexually abused and violated by military personnel, militants or insurgents, para-military units, rebel groups, religious sects, fundamentalist armed groups, warlords, state security forces, armed opposition groups, or terrorists and peace-keeping forces.

In 1997, there were reports of Indian armed forces arresting, torturing and molesting women and girls in Kashmir. Every day the local newspapers report such incidences. Women and girls have been systematically brutalized and raped by Indian forces in house to house searches in Kashmir between October 1996 and December 1997.

OFFICIAL RESPONSE AND ACTION

To halt child marriages, the National Human Rights Commission (NHRC) in India has recommended compulsory registration of marriages to be added as an amendment to the Child Marriage (Restraint) Act. A considerable number of child marriages, performed on April 29, 1998 which happened to be an auspicious day of Akshay Thithiya, were witnessed and took place without any obstruction from the authorities or members of the public in Bikaner and Jodhpur, India.

The National Girl Child Week began in India on 23 September 1998 as part of a regional celebration of the rights of the girl child in India, Pakistan, Bangladesh, Nepal and Sri Lanka to reaffirm commitment to the SAARC Decade of the Girl Child. The UNICEF India Country Office has identified high maternal mortality, low birth weight babies and discriminatory post-natal attention to boys in India as some of the major reasons for disparity in male-female child ratio. The week will highlight governmental, inter-governmental, and non-governmental efforts to end this disparity.

Victims are lured or abducted from their homes and subsequently forced to work against their wishes through various means in various establishments, indulge in prostitution or subjected



to various types of indignities and even killed or incapacitated for the purposes of begging and trade in human organs.



CONCLUSION & SUGGESTIONS

The Conclusion suggestions and recommendations included are not exhaustive, though efforts are made to identify the important issues and list out the suggestions and recommendations that are required to address them. For convenience and easy understanding of the suggestions and recommendations, they are presented in Five categories, as below:

1. Cross-cutting issues
2. Prevention of trafficking
3. Protection of victims and survivors
4. Prosecution of exploiters and others
5. Changes proposed in ITPA
6. Suggestions for limiting incidents of beggary after trafficking
7. Suggestions for abolition of bonded labour
8. Proposals for eradication of human organ trade
9. Protection of trafficked domestic helpers

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