



INTERNATIONAL LAW A GLOBAL EFFORT TO END HUMAN TRAFFICKING

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Abstract

The international efforts to combat human trafficking are examined in this paper. In this instance, various moral arguments pertaining to human trafficking have gained international traction, which has finally led to a lacklustre global governance initiative and weak laws. The history of this prescriptive policy and the various ideals associated with the fight against human trafficking are presented at the beginning of the article. This will include history that resulted in human trafficking. We will include national and international efforts involved in fighting against trafficking. The international efforts against human trafficking—especially those pertaining to the trafficking protocol—as well as American attempts to combat this crime are then covered in detail in the following sections. Although these methods may take into consideration the effects of people trafficking, they frequently ignore the larger socioeconomic context that fuels this crime. In light of this, this essay aims to reinterpret human trafficking as a migratory response to contemporary globalising socioeconomic processes.

Keywords: *human trafficking, human smuggling, prostitution, Socio- Economic, International, Crime, Prevention, and Protection.*

1. Introduction

The use of coercion, fraud, or force to obtain commercial sex acts or labour of any kind is known as human trafficking. Millions of men, women, and children are trafficked annually, both internationally and domestically in the United States. Victims might be of any age, ethnicity, gender, or nationality, and it can occur in any society¹. The traffickers use the following methods to attract the women into such situations :

1. Aggression
2. Forgery
3. False promises for high paid jobs

¹ Available at: www.dhs.gov/blue-campaign/what-human-trafficking and accessed on 01-11-2023

4. Romantic Connections

Human trafficking is often an undetected crime since victims are often prevented from seeking assistance by language issues, fear of their traffickers, and/or fear of law authorities. For a variety of reasons, traffickers seek out easy prey, such as:

- Emotional or psychological susceptibility
- Financial difficulty
- Absence of a welfare safety net
- Natural catastrophes
- Unstable political climate

1. Significance of addressing human trafficking as a global community

The international community must act in concert and as a single body due to the global nature of human trafficking. The necessity of a global effort to eradicate human trafficking is highlighted by several important factors. The rights to life, liberty, and security are among the fundamental rights that are flagrantly violated by human trafficking. An international response reaffirms the dedication to protecting each person's rights and dignity, regardless of their origin or country of citizenship. By taking advantage of weaknesses in the legal and law enforcement systems, human trafficking crosses national borders. To overcome jurisdictional obstacles and guarantee that traffickers cannot take advantage of regional differences in the legal system, a cohesive worldwide strategy is necessary. Human trafficking, in which victims are subjected to forced labour, sexual exploitation, and other types of servitude, is sometimes confused with contemporary slavery. It will take a global endeavour to end these modern kinds of slavery and establish a society in which no one is subjected to force. Poverty, inequality, and violence are among the core reasons of human trafficking that are intertwined and frequently cross national borders.²

A worldwide perspective enables a deeper comprehension of these elements and the creation of tactics that deal with the intricate web of issues contributing to it. Law enforcement organisations must coordinate their efforts since human trafficking networks sometimes operate across national borders. International collaboration makes it easier to share intelligence, conduct coordinated operations, and extradite criminals, all of which improve prosecution efficacy.

Since victims of human trafficking are frequently transported over international borders, cooperation between states is essential in ensuring their safety and support. Regardless of where they are rescued or identified, survivors will always receive thorough care when there is a global response in place. Human trafficking has detrimental effects on the economy at all scales. Individual victims experience economic exploitation, and because trafficking is illegal, nations may suffer financial losses.

² Available at: www.ncbi.nlm.nih.gov/pmc/articles/PMC5699819/ and accessed on 01-11-2023

International cooperation to dismantle trafficking networks is fostered by a global endeavour, which helps to lessen these economic effects. People who are trafficked are frequently placed in hazardous and unhygienic environments, which raises the possibility of infectious disease transmission. Public health requires a worldwide strategy to combat trafficking since it can help stop the cross-border spread of illnesses. Human trafficking frequently flourishes in areas plagued by political unrest, conflict, and ineffective government. Human trafficking frequently flourishes in areas plagued by political unrest, conflict, and ineffective government. By fostering stability, lowering the power of criminal networks, and minimising the exploitation of vulnerable populations in unstable regions, combating trafficking advances global security.

International relations are based on common principles of justice, equality, and human dignity, which are strengthened by cooperative efforts to combat human trafficking. By fostering a sense of solidarity and shared responsibility among nations, such collaboration helps to create a more just and compassionate world.

2. The United Nations Definitions for Human Trafficking

Under international law, human trafficking has a formal definition. The "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children" was adopted by the UN General Assembly in 2000. The Palermo Protocol is the name for this. It is a component of the Palermo convention, often known as the United Nations Convention against Transnational Organised Crime (UNTOC). The Palermo Protocol's Article 3(a) contains the following definition:³

"People trafficking" is defined as the recruiting, transportation, transfer, harbouring, or receiving of people through the use of threats, actual or threatened force, other forms of coercion, theft, deceit, or abuse of authority or vulnerability, or the offering or receiving of money or benefits in order to gain the consent of someone in a position of control over another person with the intention of exploiting them. At the very least, exploitation must involve the following: forced labour or services; adultery or other types of sexual abuse; slavery or acts comparable to it; and the harvesting of organs. There are several purposes of these actions such as Exploitation which includes Exploitation of the prostitution of others [in other words, forced prostitution], other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude And removal of organs.

3. Understanding the problem

3.1 Root Causes

- **Poverty:** A complex web of interrelated elements supports the illegal trafficking of human lives, providing traffickers with a favourable environment in which to operate. The fear of poverty is one of the main motivators for human trafficking. People and families may be drawn to places experiencing severe financial difficulty by false promises of well-paid employment or improved living conditions, which makes them easy targets for dishonest traffickers.
- **High-quality education:** Access to high-quality education is a major contributing element. Without the empowerment that comes from education and knowledge, people could not be aware

³ Available at: www.state.gov/what-is-trafficking-in-persons and accessed at 02-11-2023

of possible trafficker traps or might not be able to take advantage of better, safer possibilities, which puts them at risk of being victims of these criminals.⁴

- **Political Instability:** It plays a significant part in this depressing scene as well. Human traffickers can take full advantage of the power vacuums and absence of law enforcement that emerge from inadequate or absent rule of law, unstable regimes, or corrupt leaders.
- **War like situations and natural disasters:** Armed conflict zones turn into susceptible centres for this illegal activity. Because opportunistic criminals take advantage of vulnerable conditions, the instability, dislocation, and social disturbance brought on by wars and civil unrest frequently result in an increase in trafficking. The issue is also exacerbated by natural calamities. Human traffickers can easily take advantage of the turmoil, despair, and infrastructure destruction that follow an earthquake, flood, or other disaster.

4.2 Types of Trafficking:

1. Sex Trafficking

When someone performs a commercial sex act under pressure, fraud, or force, it is known as sex trafficking. Any commercial sex act, even in the absence of force, deception, or coercion, is deemed trafficking if the person doing it is under the age of eighteen. Sexual exploitation takes place in a variety of places, such as massage parlours, brothels, strip clubs, the street (often referred to as the "track"), and private residences. People can be trafficked both within a country and internationally.⁵

2. Trafficking for forced labour

The majority of victims of this common kind of trafficking are from developing nations. They may be held in domestic servitude or compelled to labour in labor-intensive industries like mining, construction, agriculture, or fishing.

3. Trafficking for forced criminal activities

Victims are forced into committing a variety of illicit acts, which provide revenue for criminal groups. Theft, drug production, selling fake goods, and, more recently, fraud—which is frequently committed by abusing technology—are examples of activities. Victims frequently have targets to meet and risk harsh consequences if they fall short of them.⁶

4. Trafficking for organ smuggling

Due to the lengthy waiting lists for transplants in many nations, criminals have taken advantage of this situation to prey on the desperation of both potential victim donors and patients. Following transplants, victim-donors

⁴ Available at: www.tookitaki.com/glossary/human-trafficking#section and accessed on 01-11-2023

⁵ Available at: humantraffickingsearch.org/types-of-trafficking and accessed on 01-11-2023

⁶ Available at: www.interpol.int/en/Crimes/Human-trafficking-and-migrant-smuggling/The-issues and accessed on 02-11-2023

sometimes receive little to no recompense for their donation, and they must deal with serious health problems and financial hardships in order to have the necessary medical follow-up.

5. Legislative Framework

International conventions and treaties

International conventions and treaties are vital to the global fight against human trafficking. By establishing similar norms and principles for the prevention of human trafficking, the protection of victims, and the punishment of traffickers, these legislative frameworks serve as a foundation for international cooperation.

1. **UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons:** This protocol was added to the United Nations Convention against Transnational Organised Crime in 2000. Often referred to as the Trafficking in Persons Protocol, this legally binding global treaty is the first to directly address human trafficking. The primary aims of the protocol are to deter and oppose human trafficking, safeguard and support victims, and foster global collaboration. Forced labour and sexual exploitation are also included in the protocol's thorough definition of trafficking in persons. It urges countries to take action to classify human trafficking as a serious crime and advocates for the criminalization of trafficking offences. The protection of victims is emphasised, along with strategies for their social reintegration, physical and mental healing, and recovery. The treaty promotes international collaboration in the investigation, prosecution, and mutual legal aid of trafficking cases.⁷
2. **Palermo treaty :** The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, which is an addendum to the United Nations Convention against Transnational Organised Crime, is commonly known as the Palermo Protocol. This agreement was adopted in 2000 in Palermo, Italy, and is frequently mentioned in conjunction with the UN Trafficking in Persons agreement. In recognition of women's and children's increased susceptibility to human trafficking, the Palermo Protocol lays particular emphasis on their protection. It makes it clear that when force, deception, or coercion are used in human trafficking, the victim's agreement is immaterial. Preventive Measures: Public awareness campaigns and educational initiatives are among the preventive measures outlined in the protocol to stop human trafficking. The Palermo Protocol, like the UN Protocol, emphasises significance of defending the rights of victims of human trafficking, much like the UN Protocol does.

5.1 National Legislation

Article 23 (1) of the Indian Constitution forbids the trafficking of human beings or persons. The Immoral Traffic (Prevention) Act, 1956 (ITPA) is the main law that prevents trafficking in persons for the purpose of commercial sexual exploitation.

⁷ Available at: www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html and accessed on 02-11-2023

With the introduction of the Criminal Law (amendment) Act of 2013, Section 370 of the Indian Penal Code was replaced with Sections 370 and 370A of the Indian Penal Code. These new sections offer comprehensive measures to combat the growing problem of human trafficking, which includes the trafficking of minors for physical or sexual exploitation, slavery, servitude, or the forced removal of organs.

The purpose of the Protection of Children from Sexual Offences (POCSO) Act, 2012 is to safeguard minors from sexual abuse and exploitation. It went into force on November 14, 2012. It gives detailed explanations of the many types of sexual abuse, such as penetrating and non-penetrating assault and sexual harassment.⁸

Furthermore special laws have been passed in relation to the trafficking of women and children. Aside from certain sections of the IPC, such as Sections 372 and 373, which deal with the buying and selling of girls for prostitution, other laws that prohibit child marriage include the Prohibition of Child Marriage Act of 2006, the Transplantation of Human Organs Act of 1994, and the Bonded Labour System (Abolition) Act of 1976. To address the issue, state governments have also passed specialised legislation. (For instance, the 2012 Punjab Prevention of Human Smuggling Act.

5.2 Impact of Human Trafficking on different Countries

Based on the most recent data released by the ILO, almost half of all forced labour and marriage victims worldwide—29.6 million—come from the Asia and Pacific region. But when we look at prevalence per thousand people and account for population size, the Arab States have the greatest rate of exploitation—10.2%.

The regions of the world, ranked by number of people in human trafficking:

- Asia and the Pacific: 29.3 million
- Africa: 7 million
- Europe and Central Asia: 6.4 million
- Americas: 5.1 million
- Arab States: 1.7 million

The Global Organised Crime Index evaluates 193 nations' levels of criminal activity as well as their ability to withstand organised crime. The 2021 research claims that the most common illegal activity in the world now is human trafficking. Based on both qualitative and quantitative data as well as professional opinions, the following five nations have the lowest rankings for human trafficking:

- Egypt
- Eritrea
- Yemen
- United Arab Emirates
- Turkmenistan

Libya is ranked lowest in large part due to the destabilisation of the nation brought on by the 2014 civil war. The judicial system has not been operating to its full potential, and a significant portion of the country has been outside of government authority, according to the U.S. State Department's 2022 Trafficking in Persons Report

⁸ Available at: www.mea.gov.in/human-trafficking.htm and accessed on 03-11-2023

on Libya. It has been alleged that illegal armed organisations and criminal organisations engage in the trafficking of sex and labour, taking advantage of migrants, refugees, and asylum seekers. Libya, Eritrea, and Yemen are three of these lowest-ranked nations that are characterised by political instability, a dearth of the rule of law, or civil conflict. Two of the nations—Eritrea's military service and Turkmenistan's agricultural sector—are charged with forced labour by the government.⁹

The United Arab Emirates (UAE) is the exception among these five nations. Ninety percent of the UAE's workforce is hired from outside the country. A large number of these migrant labourers are subjected to forced labour conditions, including denial of pay, restriction of travel, and passport withholding.

The most recent report from the UNODC outlines the primary forms of exploitation as well as the prevalent victim profile in each region. Four profiles comprise the detected victims: adults (men and women), girls, and boys (under 18). The most common forms of exploitation that have been found include sexual, forced labour, and other (such as forced organ trafficking, begging, etc.).¹⁰

Most victims of human trafficking in the Americas are women who are exploited sexually. The Pacific and East Asia are no different. But compared to the Americas, child trafficking is more common there. On the other hand, forced labour is a more prevalent kind of exploitation throughout most of Africa.

6. International Cooperation to fight against Human Trafficking

1. UNODC

Men, women, and children are used as commodities in the global and pervasive crimes of human trafficking and migrant smuggling. These profitable crimes are committed by organised networks or lone individuals who prey on the weak, the desperate, or those who are just looking for a better life. Through the destruction of the criminal organisations that deal in human trafficking and the conviction of the primary offenders, UNODC works to eradicate these crimes. In the end, the protection that these crimes provide against abuse, neglect, exploitation, or even death is what our work ultimately achieves.¹¹

2. IOM

Men, women, people of other gender identities, and children who were trafficked for the purpose of organ removal, slavery or comparable practises, sexual exploitation for labour, or any combination of these are protected by IOM. IOM tackles human trafficking holistically, focusing on partnerships, prevention, protection, and prosecution as the four main pillars of counter-trafficking measures. Furthermore, the core of all of IOM's counter-trafficking initiatives is respect for human rights, each person's and his or her a community's well-being on all fronts, and the sustainability of our actions through partnerships and organisational development. Since 1994, IOM has been fighting human trafficking.¹²

⁹ Available at: theexodusroad.com/where-does-human-trafficking-occur and accessed on 03-11-2023

¹⁰ Available at : [//theexodusroad.com/where-does-human-trafficking-occur](http://theexodusroad.com/where-does-human-trafficking-occur) and accessed on 03-11-2023

¹¹ Available at: www.unodc.org/unodc/human-trafficking and accessed on 03-11-2023

¹² Available at: eea.iom.int/counter-trafficking-human-beings and accessed on 04-11-2023

7. Prevention for Human trafficking

If the system does not implement strict corrective actions, this illegal trading will persist. The first stage ought to be the coordination of all authorities and agencies. Each department should operate autonomously and with efficiency. There will be no discernible improvement in the current situation unless they combine their operations and create an efficient action plan.

It is challenging for countries and international agencies to effectively combat human trafficking due to the absence of reliable worldwide statistics. Immediate action is required to fortify the information gathering mechanism and motivate nations to dutifully recognise and report crimes.¹³

Strict legislation and judicial action against such offences are required. Owing to the comparatively low likelihood of trials, organised crime groups have become more prevalent, taking advantage of legislative loopholes and weak law enforcement and criminal justice systems.

To raise awareness of the gravity of the issue, information about the unlawful trade must be made public. This will eventually make it possible for investigatory agencies and legislators around the world to establish solid frameworks for efficient policy enforcement, and in accordance with that, an action plan may be developed for their prompt response to such offences.

Conclusion

Our mission to eliminate human trafficking has taken us through a complex and challenging landscape that has occasionally left us feeling hopeless. This study has examined the many facets of human trafficking, including its causes, legal frameworks, preventative tactics, and the critical role that international cooperation plays. As we come to the close of this investigation, it is clear that the battle against human trafficking necessitates not just a thorough comprehension of the problem but, more importantly, an international front that cuts over national boundaries, political divisions, and ideologies.

The global initiative to eradicate human trafficking is a necessity arising from our common humanity, not merely a humanitarian endeavour. Every life lost to human trafficking is a cry for help, an urgent appeal to free ourselves from a kind of contemporary slavery that taints the very fabric of our society. The realisation that no country is exempt from the effects of this widespread crime underscores the importance of international solidarity. We must all work together to stop the exploitation of the weak, as human trafficking has far-reaching effects that go well beyond the immediate victims.

Without a doubt, the first line of defence is to prevent human trafficking. Our investigation into preventive tactics brought to light the significance of economic empowerment, education, and addressing the underlying issues that make people vulnerable to exploitation. To empower communities, end poverty, and eliminate the

¹³ Available at: www.downtoearth.org.in/blog/governance/yes-india-can-prevent-trafficking-here-is-how-81949 and accessed on 04-11-2023

systemic injustices that give rise to the human trafficking industry, a global endeavour necessitates a global commitment. By providing people with economic opportunities, information, and skills, we create resilient societies that are less vulnerable to human trafficking.

In summary, the global campaign to abolish human trafficking is more than just a campaign; it is a communal cry to action that resonates across the halls of justice, the corridors of power, and the hearts of people everywhere. It is a cry to unify, overcoming divisions and ideologies, in opposition to a crime that tarnishes humanity's conscience on a worldwide scale. In order to break the bonds of exploitation and make the promise of freedom a reality for everyone, the globe must unite in the fight against human trafficking, which is a pivotal moment in our common history. Acting now is essential because, by working together, we can free ourselves from oppression and create a future in which human dignity is unassailable and human trafficking is a thing of the past.

