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3rd Year, BBA LL.B. (Hons.).**PROSTITUTION SLAVERY AND HUMAN TRAFFICKING: THE
WORLDWIDE PRACTICES OF ELIMINATING IT****Introduction:**

Trafficking in people is a complex and deeply troubling issue that reflects on both the nature of globalization and the evolution of human rights discourse and practice. Over the last few years and with increasing frequency and intensity, the international community and particularly certain NGOs and governments have grown increasingly concerned with the phenomenon, often arguing that human trafficking is expanding so significantly that it has come to represent one of the world's most pressing human rights violations. Without distinguishing between the wide range of factors involved in this practice, governments have for the past two decades raised significant concern regarding trafficking in response to a collection of diverse issues including: international labor migration, the victimization of women and children, the impact of conflict on vulnerable populations, and issues related to refugees. Trafficking was discussed and reviewed in a number of high-profile international contexts such as the UN General Assembly, the World Conference on Human Rights in Vienna in 1993, and the World Conference on Women in Beijing in 1995.

Slavery, Prostitution and Human Trafficking are the most heinous crimes of this era. Each of these crimes have an effect on today's time and mindset. In modern era, there are people who are struck as slaves and are generating large amount of money by working day and night on the pavement. Human trafficking is a crime that undermines the security of people in our country as it is an organized and a corrupted crime in the developing country like India. This happens only in cases because here people aren't given the will, dignity to live a great life ahead. They are often exploited, raped and killed. Throughout the world, people cross international borders without proper legal authorization papers for a variety of reasons. Some flee political violence, ethnic conflict, famine or natural disasters. Others leave their homes as a result of economic crises or in search of improved opportunities. According to the UN,

approximately 191 million persons currently live in a different country than where they were born, and one out of every ten people living in more developed regions are migrants (in general, the movement of undocumented migrants is from less developed nations to more developed nations).¹

Prostitution:

Prostitution is a practice of dealing in fresh trade and getting paid for it. Prostitution is the exchange of sexual pleasures for financial benefits. In this case, a woman in order to earn money resorts to other way of selling her body and earning cash. It is called as the fastest way of cash making. It is one of the oldest profession, even in the biblical times. The law relating to prostitution varies from place to place, region to region, however, in today's time it must be legalized as it is a choice of a woman, child. The commercial sex industry is, of course, a very old phenomenon. However, in recent years, there has been increased interest in the special harm and suffering associated with transporting women and children for the purposes of sexual exploitation. The nature of the problem is complex, in part, because of the widely different understandings of the commercial sex trade, on both moral and legal terms. A significant component of the international discourse on human trafficking focuses on the issue of sexual exploitation, so much so that at times the issue of sex trafficking becomes the focus of anti-trafficking policies.

Models Adopted by Countries across the Globe to Deal with the Crisis:

Prostitution laws can be categorized into five different models depending upon how this act is committed. The term prostitution doesn't merely mean buying and selling of sex, but it also encompasses within its ambit, concepts such as pimping, organizing brothels etc.

Slavery:

The notion of slavery isn't new. It is an age-old practice and going on from ages. It is a mechanism that allows people to be treated as the property of another, just like purchased goods. This was in initial phases, prevalent in rural areas, where most of the people sell their kids for money.

Types of Slavery:

Bonded Labor: It is also called Debt bondage. It usually takes place when individual place themselves as collateral and security for a loan. Instead of placing a valuable item as a collateral, they place themselves as security. It is the situation whereby the individual is forced to work for someone against his will and the output of the work is completely under the control of a third party. Forced labor also includes within its gamut child labor. Child labor is very common in India, whereby children are forced to participate in industries which are ordinarily dangerous for them.

Chattel Slavery:

¹ Population of the Department of Economic and Social Affairs of the United Nations Secretariat, International Migration Wall Map 2006, http://www.un.org/esa/population/publications/2006Migration_Chart/Migration2006.pdf (last visited Apr. 29, 2010)

Just like any commodity in the market, it is a mechanism which allows ownership, selling and buying of human beings. The individual bought is a personal slave and has no means of escaping his situation. He is forced to be a servant throughout his life time and often this burden is shifted on the next generation. Thus, any children born of the slave would also be a personal slave. This being an utmost disgrace to human dignity is condemned by the entire world and no society has deemed it as legal.

Forced Marriages and Sex Slavery:

Forced marriages and slavery for sexual purposes are very common in some regions of the world. Women and often teenage girls are forced to marry older men who have an affluent status in society to have a so called guarantee of life. They are forced to live as wives and main job of them is to fulfil each and every whim and fancy of their husbands. They are forced to live as wives and main job of them is to fulfil each and every whim and fancy of their husbands. Primarily, they are used as sex slaves whereby there are abused and tortured, physically and sexually. The most common occurrences are in Middle East countries, China, North Korea and war torn areas such as Syria.

Penal provisions against Slavery:

Slavery was prevalent in all societies across the globe. The abolition of the same took at different time in different countries. Today in 2020, slavery has been abolished de jure in all countries, however some countries still allow certain practices which are akin to slavery and thus it exists in that form in many countries in the world.

Slavery has been abolished in International Law. There have many treaties, conventions and declarations which deal slavery. In Universal Declaration on Human Rights (1948), it guarantees that no individual should be held in slavery or servitude. In India, Slavery was abolished by the Indian Slavery Act, 1843 whereby the slaves in custody of East India Company were freed. In 1860, the Indian Penal Code came into being and it effectively brought slavery to an end as it made a provision declaring that an enslavement of human beings a criminal offense.

Additionally, India has also implemented the Bonded Labor (Prohibition) Act 1976 with prohibits bonded and forced labor.

In America and Western Europe, it was a landmark movement to set free the Atlantic slave trade. Slave trade act has been implemented in United Kingdom and United States to deal with slavery. In United Kingdom, the Slave Trade Act of 1788 was implemented which abolished slavery. Thereafter, Acts of 1811, 1824, and 1843 were enacted. Apart from them, Amelioration Act 1798, Slavery Abolition Act 1833 were also implemented by UK. United Kingdom is also a member of European Convention on Human Rights and under the same, Article 4 prohibits of all forms of slavery. The Human Rights Act of 1998 also abolishes slavery as it violates the basic principles of human rights. In United States, The Slave Trade Act of 1794 was implemented which abolished slave trade. This was strengthened by The Slave Trade Act of 1800. Further Act of 1807 to Prohibit Importation of Slaves was implemented.

In India, Slavery was abolished by the Indian Slavery Act, 1843 whereby the slaves in custody of East India Company were freed. In 1860, the Indian Penal Code came into being and it effectively brought slavery to an end as it made a provision declaring that an enslavement of

human beings a criminal offense. Further, in the constitution, Article 23 in The Constitution of India, 1949 deals with prohibition of traffic in human beings and forced labor. Additionally, India has also implemented the Bonded Labor (Prohibition) Act 1976 which prohibits bonded and forced labor. Additionally, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) condemns trafficking and calls for its prohibition, yet does not suggest that the crime require cross-border movement.²

Human Trafficking

Human Trafficking is a combined trade of forced labor, slavery and commercial exploitation of humans by the traffickers. Human trafficking is the most serious violation of the human rights as it takes away the basic right of an individual to live a free and dignified life on his own terms. Human trafficking may be a well organized crime during which people are held against their captive and made to interact altogether or any of the above listed practices consistent with a politician study conducted by International Labor Organization, it's billion dollar industry which is spread throughout the planet. It's often viewed together the fastest growing trans-national crimes within the world as trafficking isn't isolated in anybody particular region. The foremost common victims of this menace are, women, children, marginalized groups, migrants, war victims etc.

There are many international treaties and conventions which have affect human trafficking. In 1957, Convention on the Abolition of Slavery, came into force. There are many protocols like protocol to stop , Suppress and Punish Trafficking in Persons, protocol against the Smuggling of Migrants by Land, Sea and Air, Optional Protocol on the Sale of youngsters , Child Prostitution and kiddie porn etc. aside from these, the ILO has also through various conventions enunciated on the concept of human trafficking. A number of the convention are forced labor convention, 1930, abolition of forced labor convention, 1957, minimum age convention, 1973, worst sorts of child labor convention, 1999 etc.

Most of the countries have tried to adopt laws, rules and regulations to affect the causes of human trafficking. They plan to eliminate the causes of human trafficking like prostitution, bonded labor in an attempt to eliminate human trafficking.

In European countries, such as France, it has prohibited sexual exploitation and human trafficking in its constitution itself under Article 225. France has also established various policies such as Respect for Human Rights Policies. Under this, it mentions workers' rights, trafficking and pimps are punished for prostitution. Even if a person's aids in it, it would violate the law and he can be punished. In United Kingdom, the parliament has passed the Sex Offenders Act, 1997. It prohibits the citizens of United Kingdom to engage in sex tourism and even the intention to partake in it could entail in an offence. In India, Human Trafficking Act has been passed to keep a check on the crime.

Why is human trafficking a billion-dollar industry?

According to an official study conducted by International Labor Organization, it is billion-dollar industry which is spread throughout the world. It is often viewed as one the fastest growing trans-national crimes in the world. It is growing into a billion-dollar industry as there

² Convention on the Elimination of All Forms of Discrimination against Women, Sept. 3, 1981, 1249 U. N. T. S. 13.

are no uniform regulations to control it. Some countries have very lenient regulations where as some countries have very stringent controls. Further most trafficking occurs through smuggling routes which largely remain unchecked.

As regards adults, the issue of coercion is complex, and there often exists an open question as to whether or not an individual has accepted the conditions under which they are transported and in which they labor. These are interesting issues posed by virtually every stage in the process of moving from one place to another under conditions that might meet the definition of human trafficking. For example, individuals laboring under forms of required debt payment, such as workers who pay off smuggling debts with labor, may be viewed as working under coercive conditions, though the opposite may also be said to be true. In fact, within a particular group of workers laboring under this situation, there may be wide divergences as to the question of coercion and abuse. Some workers might accept working off a debt as a reasonable means to gain entry to a foreign country. Others might view it as a violation of their rights. There currently exists no internationally accepted test for the issue of coercion and there may be significant disagreement between how to best analyze a particular case to determine whether or not the employment relationship is fundamentally coercive. This issue is especially complex where the individuals in question come from highly vulnerable circumstances and have willingly traded some degree of freedom for what they believe is an improved opportunity for themselves and their families.

This issue has been widely discussed in relation to prostitution and the sex industry. Some NGOs, activists and victims' associations take the position that women engaged in prostitution can never consent to participation in such activities and, are by definition, coerced.³

Conclusion

Prostitution, slavery and human rights trafficking are few of the most common form of gross human rights violations that are taking place in the world at large. They are seeds to the world's most menacing problems which are so deep that despite global organizations they is still quite rampant. These types of crimes are not limited to one religion, ethnicity, community, country rather it is going on throughout the globe and most of the times, they run like well-organized enterprises having connections in multiple countries. Thus, the world must come together and set aside its differences to ensure that these practices are nipped at the bud.

The world is changing in a variety of complex ways linked to increasing market interpenetration, mass migration and the shifting meaning of international borders. These and other processes of globalization promise great advances for humanity while also presenting significant challenges related to increased social and economic inequity and related issues of justice. The growing problems of trafficking in persons represent a key intersection between the forces of economic globalization and the transformative possibilities of international human rights discourse (which is, in fact, its own form of intellectual and legal globalization). For an array of practical and theoretical reasons, trafficking has become a significant human rights challenge and one of the first such issues to define emerging advocacy for the new millennium.

Last, but not least, this is fundamentally a moral issue, because it deals with the lives and dignity of human beings. An estimated 2 million women and children live in sexual slavery,

³ See generally Janie Chuang, Redirecting the Debate over Trafficking in Women: Definitions, Paradigms, and Contexts, 11 HARV. HUM. RTS. J. 65 (1998).

and many of them die as a result of this condition. How can the world community, how can any government, how can any human being tolerate this practice is beyond human comprehension? There should be no further delay in mobilizing the international community to take effective action to protect the victims of this inhuman crime.



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