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**PROSTITUTION AND HUMAN TRAFFICKING- ROLEPLAY  
BETWEEN THE TWO****ABSTRACT:**

*The term "prostitution" is used when commercial sex involves adults and there is no third-party force, fraud, or coercion. The phrase "sex trafficking" is used when commercial sex involves children and/or is compelled by a third-party utilizing force, deception, or coercion<sup>1</sup>. The root cause behind prostitution and sex trafficking is the demand of it. To seduce their victims into work or commercial sexual exploitation, traffickers utilize force, deceit, or compulsion. They are looking for people who are vulnerable for a number of reasons, such as psychological or emotional weakness, economic difficulty, a lack of social safety net, natural calamities, or political instability. The trauma inflicted by human traffickers can be so severe that many victims can not recognize themselves as victims or seek aid, even in public places.*

*If there had been no demand, these sex markets wouldn't have been there. The reason why police couldn't tackle and diminish prostitution and sex trafficking is all because of the corruption that still exists in india at such a great level. There are a number of reasons for the demand of prostitution and these are explained in this research paper in depth. Some also believe that legality of prostitution is necessary. Consumer demand for commercial sex is the primary driver of prostitution and sex trafficking.*

**KEYWORDS:**

*Commercial sex, prostitution, sex trafficking, trauma, corruption.*

**INTRODUCTION:**

Prostitution and human trafficking for the purpose of sexual exploitation have grown into criminal judicial actions and collaborative programmes aimed at reducing the market for sex trade. The

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<sup>1</sup> Demand forum, AVAILABLE AT: <http://ww1.demandforum.net/> (last visited Feb. 21, 2022)

police have made a mistake in their approach to prostitution. They've decided to go for the prostitutes. The consumer should have been the priority. Human trafficking and pimping are identical. In both circumstances, it comes down to sex slavery. It makes little difference if one is carried from one state to another, from one nation to another, or from one street corner to another. It's all about luring young girls and women into selling sex and then stealing their money. Prostitution and sex trafficking result in a host of problems for both suppliers and buyers of illegal commercial sex, as well as the communities in which it occurs. The bulk of police reactions to prostitution are based on complaints from neighbors and local businesses.<sup>2</sup>

### **ROOT CAUSE OF PROSTITUTION AND SEX TRAFFICKING:**

Only strategies that entail controlling demand have been shown to be useful in preventing prostitution and sex trafficking. There is evidence that anti-demand measures can diminish the operation of illicit commercial sex markets; however, there is no clear evidence that initiatives concentrating on "supply" and "distribution" diminish sex trafficking occurrence or incidence.

There are two basic approaches to directly impact real and future commercial sex purchasers:

- a. educating of actual or potential sex trade buyers, and
- b. law enforcement actions focused at preventing and penalizing males who buy sex.

Consumers of commercial sex (Demand) (Consumer level demand)	→ pimps, traffickers (distribution) (wholesale level demand)	→ survivors of sexual exploitation (supply)
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Supply, demand, and distribution all have intricate interconnections and feedback systems in any market. The approach does, however, demonstrate something that is impossible to dispute: without demand, there is no reason to produce and deliver a supply. The model also shows how distributors (whether pimps or traffickers) might be avoided in situations where demand and supply can be directly connected. Third parties brokering (or imposing) interactions between those offering commercial sex and those seeking commercial sex are not usually present in commercial sex markets.

Ones who offer commercial sex but are not compelled to do so by pimps or traffickers might regard themselves to be their own distributors. While prosecuting women participating in street prostitution may momentarily remove a conspicuous region of activity, pushing it to other areas or indoors, history demonstrates that this tactic has little long-term advantages. Prostitutes pass through the criminal court system often and quickly, sometimes returning to the roads within hours after being caught.

Furthermore, girls and women imprisoned for prostitution are seldom offered resources to assist them in dealing with the conditions that render them prone to future sexual exploitation. The underground commercial sex industry, like any other commodity or service sector, is driven by

<sup>2</sup> OJP, AVAILABLE AT: <https://www.ojp.gov/pdffiles1/nij/grants/238796.pdf> (last visited Feb. 21,2022)

demand. Prostitution and sex trafficking (commercial sex given by individuals forced to do so through force, fraud, or compulsion) both stem from men's decisions to purchase sex. In most ways, studies of male commercial sex purchasers reveal that they are similar to the overall community, unlike most populations of criminal offenders. A large percentage of males in the United States admit to buying sex at some time in their lives.<sup>3</sup>

### **REASON BEHIND PROSTITUTION**

Many studies looked at why men buy sex and discovered that there are a variety of reasons why men buy sex from prostitutes.

There are a few primary sorts of motives discovered in these surveys:

- seeking intimacy (i.e., a way to approximate intimate relationships they are unable or unwilling to develop)
- seeking sex without intimacy (a way to get sex without the investment and compromises required for intimate relationships)
- trying to seek diverse range (satisfying a desire to have sex with women of various "types," based on ethnicity, size, age, hair color, and so on)
- rush of adrenaline (being drawn by the "thrill of the hunt" and the potentially illegal (drawn by compulsion, addiction, or by forms of sociopathy, psychology, or misogyny where the intent is to control and harm).
- to participate in sex practices that few other women are willing to engage in.
- To have sex with women who have a diversity of physical characteristics.
- To satiate a yearning for sex and/or closeness that they can't meet any other way.
- To meet a need for emotional support that isn't being met by others.
- Because they are drawn to the thrill of the forbidden, give them with sex that demands little or no emotional investment.
- They are drawn to the thrill of prostitution's clandestine character.
- They believe that the majority of women find them ugly.
- Because it gives a less hazardous way of imitating severe or criminal desires, such as incest or rape, for those who do not have the time or desire the responsibilities of a traditional relationship.
- They want to be "in charge" or dominate women once they have sex.<sup>4</sup>

### **IS LEGALIZING PROSTITUTION EVEN AN OPTION?**

Long-running disputes have raged concerning the extent of harm caused by unlawful commercial sex, as well as its rightful legal standing. The opinion that prostitution is intrinsically destructive and should be handled as a criminal is on one extreme of the spectrum. Arguments that adult prostitution is victimless and should be legalized and controlled like other companies, and that

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<sup>3</sup> OJP, AVAILABLE AT: <https://www.ojp.gov/pdffiles1/nij/grants/238796.pdf> (last visited Feb. 21,2022)

<sup>4</sup> OJP, AVAILABLE AT: <https://www.ojp.gov/pdffiles1/nij/grants/238796.pdf> (last visited Feb. 21,2022)

commercial sex workers choose to sell their time and services for money, as in any lawful employment arrangement, are on the other extreme of the spectrum.

Evidence can be gathered to support either side, and the same evidence is occasionally used to support contradictory conclusions. Prostitution opponents, for example, argue that the drug misuse, community disintegration, and ancillary criminality that inevitably accompany street prostitution warrant prosecution. Those in favor of legalization say that these problems are caused not by prostitution itself, but by the enterprise's unlawful status, much to how alcohol prohibition encourages illicit markets, organized crime, and street violence. Proponents of legalization believe that because prostitution cannot be prevented, legalizing it would allow commercial sex to be taxed and controlled, and prostitutes' working conditions to be improved by the same sorts of monitoring and legal safeguards afforded in other professions.

Significant empirical data, on the other hand, shows that sex trafficking and prostitution are harmful, and that deregulation and legalization do not mitigate those costs for more than a tiny percentage of commercial sex providers. Prostitution and sex trafficking have well-documented detrimental implications for all persons engaged, both directly and indirectly. Those involved in the illegal sex trade, their "clients," and citizens and businesses in prostitution-prone regions all face direct consequences.

Customers of commercial sex are prone to being victimized and are at an increased risk of developing sexually transmitted illnesses, despite the fact that they are frequently the perpetrators of violence. When prostitution is visible, businesses suffer, and communities suffer from the wide range of misdemeanors and communal blight that inevitably accompany prostitution. Prostitution market pressures also generate demand for human trafficking victims.<sup>5</sup>

### **VULNERABLE WOMEN AND GIRLS DRAWN INTO PROSTITUTION:**

The typical age of entrance into prostitution is between 12 and 16. According to most surveys, and the vulnerabilities that bring girls and young women into commercial sex frequently conspire to keep them there. Most women and girls who are enticed or pushed into prostitution are economically and emotionally fragile, having been traumatized by childhood sexual and physical abuse, as well as various types of domestic instability. 63 percent of the prostituted women they interviewed in nine nations had been sexually assaulted as children, with 57 percent of U.S. respondents also reporting physical abuse as a kid.

Homelessness and a lack of economic self-sufficiency are two factors that contribute to prostitution. Children who have been sexually or physically mistreated are more likely to flee, and women and girls who are unable to support themselves financially are more vulnerable to sexual exploitation. Commercial sex providers have been reported to have high rates of childhood truancy, inadequate education, poor job skills, and debt. Running away from home and homelessness are often identified as key predictors of prostitution in studies. Many juveniles are contacted for sex within 48 hours of becoming homeless, according to the Minnesota Attorney General's Office (1999). Many runaway and homeless adolescents are too inexperienced,

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<sup>5</sup> OJP, AVAILABLE AT: <https://www.ojp.gov/pdffiles1/nij/grants/238796.pdf> (last visited Feb. 21,2022)

unskilled, drug-addicted, traumatized, and/or young to hold down a job, and may resort to prostitution to make ends meet.<sup>6</sup>

### **HOW PROSTITUTION LEADS TO SEX TRAFFICKING**

Consumer demand for commercial sex is the primary driver of prostitution and sex trafficking.

It is not essential (or useful) to distinguish prostitution from sex trafficking in order to counter demand because:

- a. The difference between people who are selling sex who are forced by a third person versus those that are not is typically unknown to buyers – especially since most buyers are energized to trust that suppliers are engaged knowingly and willingly. Providers of sex trade who are trafficked are motivated to portray themselves as though they are participating willingly by market incentives and fear of retaliation from pimps and traffickers, and most johns cannot (or choose not to) perceive differently.
- b. Separate remedies for men purchasing coerced sex and men paying for sex from persons who are not forced by a third party are not possible. There is one exception to this rule: Separate legislation might be enacted to increase the penalties for males who buy sex from trafficked people. It's also worth noting that distinct laws already exist for commercial sex with children, which is always considered human trafficking. The only feasible solution is to prohibit all sex purchases.
- c. For enforcement agencies and other rescue personnel, prostitution is the "front gate" to sex slavery and trafficking, because most cases begin as prostitution and are later reclassified as slavery or trafficking when evidence is presented proving to the involvement in commercial sex being forced by third-party force, fraud, or coercion (or by finding the survivor to be a minor).

### **LOOKING TOWARDS THE LEGAL ASPECT:**

The Immoral Trafficking Prevention Act (ITPA) of the Indian government punishes trafficking for commercial sexual exploitation, with penalties ranging from seven years to life imprisonment. The Bonded Labour Abolition Act, the Child Labour Act, and the Juvenile Justice Act all ban bonded and forced labour in India.

To apprehend traffickers, Indian police apply Sections 366(A) and 372 of the Indian Penal Code, which prohibit abduction and selling kids into prostitution, respectively. The maximum penalty under these regulations is 10 years in jail and a fine. Corrupt authorities may occasionally enable bonded labour and the migration of sex trafficking victims. They shield victims from brothels that exploit them, as well as traffickers and brothel owners from prosecution and other law enforcement threats.<sup>7</sup>

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<sup>6</sup> OJP, AVAILABLE AT: <https://www.ojp.gov/pdffiles1/nij/grants/238796.pdf> (last visited Feb. 21,2022)

<sup>7</sup> Lawnn, <https://www.lawnn.com/human-trafficking-india/> (last visited Feb. 21,2022)

Typically, no attempts are taken to address the issue of government officials' involvement in the trafficking of employees for offshore jobs. The state of Maharashtra prepared an action plan to combat human trafficking in November, however it did not commit adequate resources to achieve the plan's goals.<sup>8</sup>

India's attempts to safeguard victims of human trafficking differ by state, but many remain ineffective. Women in prostitution can be arrested under Section 8 of the ITPA. Although no statistics on arrests under Section 8 are kept, the government and some NGOs claim that police officers no longer use this provision of the law as a result of increased awareness and training; however, it is unclear whether arrests of women in prostitution under Section 8 have actually decreased. Some victims may be prosecuted and punished for crimes performed as a result of being trafficked since most law enforcement agencies lack specific processes to identify trafficking victims among women convicted for prostitution. Some international victims of human trafficking in India are exempt from deportation.

Those facing deportation are not given legal options other than deportation to nations where they may risk hardship or retaliation. According to non-governmental organizations, some Bengali victims of commercial sexual exploitation are being thrown back across the border without protection. Nepalese victims are likewise not repatriated by the government; this is mostly done by NGOs. Due to the duration of the processes and the risk of retaliation by traffickers, many victims refuse to testify against their traffickers.

Except for a few minor differences, ITPA has a similar colonial background and design to SITA, equating consenting adult sex employment with trafficking (Cunha, 1987). Along with the ITPA, India now has new human trafficking laws, according to a revision to section 370 of the Indian Penal Code, which defines human trafficking as:

*“Whoever, for the purpose of exploitation, recruits, transports, harbors, transfers, or receives, a person or persons, by using threats, or using force, or any other form of coercion, or by abduction, or by practicing fraud, or deception, or by abuse of power, or by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harbored, transferred or received, commits the offence of trafficking. The expression “exploitation” shall include any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude. The consent of the victim is immaterial in determination of the offence of trafficking”*

This definition in Section 370 not only perpetuates the conflation of human trafficking and sex work, but it also introduces new complications: the broad definition encompasses many people displaced by forced migration, denies targeted people's agency, and gives the state and bureaucratic regime and its institutions, including the police, unrestricted power. It also advocates for a criminalization strategy to combating human trafficking.

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<sup>8</sup> Wikipedia,  
[https://en.wikipedia.org/wiki/Human\\_trafficking\\_in\\_India#:~:text=Indian%20authorities%20also%20use%20Sections,years'%20imprisonment%20and%20a%20fine](https://en.wikipedia.org/wiki/Human_trafficking_in_India#:~:text=Indian%20authorities%20also%20use%20Sections,years'%20imprisonment%20and%20a%20fine). (last visited Feb. 21, 2022)

The National Crime Record Bureau (NCRB) of the Indian government gathers statistics on the current number of trafficking cases using this definition of 370. 95 percent of trafficked people in India are pushed into prostitution, according to statistics. According to the NCRB, a total of 6,616 human trafficking instances have been documented in India, with sex trafficking being the most common.

The credibility of these figures is questioned since they are based on the concept of trafficking in Section 370, which conflates sex employment with trafficking. Because both the ITPA and Section 370 allow it, these figures potentially include examples of adult sex workers who consented but were refused consent during anti-trafficking operations. However, these data and laws place sex workers in a scenario where they are targeted selectively by anti-trafficking agents and actions.

As a result, total reliance on AHTUs has the potential to recreate harmful situations, resulting in limited alleviation for the targeted individual. Furthermore, giving AHTUs authority and relying on them may encourage further corruption, police surveillance and control, the replication of problematic raid-rescue models, and the targeting of suspected migrants, particularly sex workers, undocumented/informal workers, and so on. Because the legislation conflates human trafficking with sex work and forced migration, and places disproportionate emphasis on law enforcement techniques, this situation is conceivable.<sup>9</sup>

### **CONCLUSION:**

Prostitution leads to sex trafficking. Prostitution and sex trafficking are closely connected activities that are frequently not recognized as separate by legal doctrine. The author backs up this claim by first looking at prostitution as a kind of gender-based dominance. Prostitution is a type of violence perpetrated towards women that has major physical, psychological, and emotional consequences for the victims. The author examines the claim that legalizing prostitution will reduce related violence while also benefiting governments and women financially. Women engage prostitution for a variety of reasons, including a history of sexual and physical abuse as well as financial hardship. The need to separate prostitution from trafficking arose in the 1980s as a strategy for limiting the scope of local and international legislation addressing the sex business, as well as campaigning against them. Furthermore, the development of boundaries between prostitution and human trafficking protects the sex industry's normal operations. Legalizing prostitution allows governments to continue benefiting from the sexual exploitation of women and children while also cooperating with international efforts to combat human trafficking. The final study indicates that "globalized prostitution" appropriately describes trafficking, while "domestic trafficking" accurately describes the more common kind of prostitution.<sup>10</sup>

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<sup>9</sup> LSE Human rights, AVAILABLE AT: <https://blogs.lse.ac.uk/humanrights/2021/02/11/human-trafficking-in-india-how-the-colonial-legacy-of-the-anti-human-trafficking-regime-undermines-migrant-and-worker-agency/> (last visited Feb. 21, 2022)

<sup>10</sup> Office of justice programs, AVAILABLE AT: <https://www.ojp.gov/ncjrs/virtual-library/abstracts/prostitution-and-trafficking-women-intimate-relationship> (last visited Feb. 21, 2022)