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Cell : 9595 359 435, Ph No: 02172372010 Email: ayisrj@yahoo.in Website: www.aygrt.isrj.net**



A STUDY OF HUMAN TRAFFICKING AND PREVENTION IN INDIA

Chandrakala Halemani

Research scholar , DOS Criminology & Forensic Science , Karnataka University Dharwad.

Abstract:-India is a country where the trafficking of women and children occurs frequently and the incidents are seemed to be correlated with the economic social demographic and natural factor among other. Trafficking is one kind of migration meaning to recruitment of children and women within and across the national boundaries for work, marriage or services by means of violence, threat of violence.

The widespread contemporary exploitation of men, women and children is unacceptable to people of conscience the world over. Traditional approaches to preventing trafficking in human beings, to protect and assist trafficked persons and bring criminals to justice have had some small impact on the global phenomenon, but not enough. That even one young person is denied the benefits of childhood, that one young woman are subjected to the brutal humiliation of sexual exploitation and that one man becomes the slave of a cruel taskmaster in another country are clear signals that we must renew both our resolve as well as our initiatives to protect those who are vulnerable.

Trafficking is a complex and multidimensional phenomenon and requires a multidisciplinary approach. Any analysis of the root causes of human trafficking must take into account factors that are specific to India, its socio-economic conditions and its poverty levels human trafficking is a violation of human rights and any strategy to eliminate trafficking should be framed within a human-rights perspective by placing the victim at the centre. A focus that is primarily directed to the prosecution of traffickers has the potential to ignore or minimise the human rights of those who have been trafficked by failing to adequately protect the trafficked women.

Keywords:Social exclusive, Vulnerability, Human trafficking,Community, Commercialization, Organised crime, Law Enforcement agencies, Prevention, Paradigm.

INTRODUCTION:

Human trafficking is a modern day form of slavery. Victims are subjected to force, fraud and coercion for the purpose of sexual exploitation or forced labour. Several factors exacerbate the conditions that lead to victimization, including lax law enforcement, weak or nonexistent United Nations legislation, migration and proximity to international borders. In addition, where violence in the community or the family is endemic, the flight of women and girls opens them up to possible exploitation. The experiences of those who are trafficked are best viewed not as an event but as a process of physical, emotional and psychological abuses. The sexualisation of female children and global messaging that debases and devalues women and girls contributes to the culture of impunity that tolerates sexual exploitation. For men and boys too, vulnerabilities stem from poor education, conflict and ethnic targeting.

Irrefutable is the fact that trafficking of women and children is a grave violation of Human Rights and one of the most serious organized crimes of the day, transcending cultures, geography and time. The response by the agencies concerned in addressing the issues has been far from satisfactory, which has exacerbated the violations and harm to the trafficked persons. No wonder, the vulnerable sections have become more prone to trafficking. The spate of incidents reported from different parts of the country, where thousands of children remain untraced, is a symptom of the serious dimension of trafficking. In order to address this issue, there is a need for empowering the Law Enforcement agencies, i.e., police, prosecutors, judiciary, correctional administrators, development administrators as well as the social activists and the media so that they are fully empowered with knowledge, skills and appropriate attitude.

METHODOLOGY

In this paper, the research was based on secondary data taken from different research reports, journals and research papers. The research was based on the study of components of value base of six countries: United States, United Kingdom, Australia, China, South-Africa and India.

Objective of the Research:

To understand the human trafficking issue in India and its impact on trafficked victim.
To understand the preventive measures.

Definitions

Trafficking'

"Trafficking in persons' shall mean the recruitment, transportation, harbouring 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 for another person, for the purpose of exploitation."

The definition of trafficking can be found in the various sections of ITPA. Section 5 speaks about procuring, taking and even inducing a person for the sake of prostitution. According to this section, even attempt to procure and attempt to take or cause a person to carry on prostitution amounts to trafficking. Therefore 'trafficking' has been given a broad scope.

A detailed definition of trafficking is available in the Goa Children's Act2003. Though it is focused on child trafficking, the definition is comprehensive. Under section 2 (z), "child trafficking" means "the procurement, recruitment, transportation, transfer, harbouring or receipt of persons, legally or illegally, within or across borders, by means of 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 giving or receiving payments or benefits to achieve the consent of a person having control over another person, for monetary gain or otherwise".

The offence of trafficking, essentially, has the following ingredients:

Displacement of a person from one community to another: The displacement could be from one house to another, one village to another, one district to another, one state to another or from one country to another. Displacement is also possible within the same building. An example will clarify the point. Presume that the brothel keeper controls several young women who are inmates and that one of the women has a teenage daughter staying with her. If the brothel keeper, by duress or bribe, manages to get the mother to agree to allow the teenager to be used for CSE, the teenager has been moved out of the 'mother's community' and into the 'brothel community'. This displacement is to constitute trafficking.

Exploitation of the trafficked person: The ITPA and related laws envisage sexual exploitation of the trafficked person. The process of exploitation may be manifest, as in a brothel, or latent, as in certain massage parlours, dance bars, etc, where it takes place under the facade of a legitimate commercial activity.

Commercialization of the exploitation and commodity of the victim: The trafficked victim is exploited as if she is a commodity. The exploiters generate revenue out of the exploitation. They may share a part of the revenue with the victim too. The victim who is getting a share of the money generated is often 'branded' as an accomplice and arrested/charge-sheeted and even convicted. The trafficked victim, whose freedom even to think, let alone move out, is dictated by the exploiters, should never be treated as an accomplice. Even if she gets a share of the 'earnings', the fact that she has been trafficked to CSE does not alter her status as a victim.

The organized crime of trafficking:

Human trafficking is a crime of crimes. It is a basket of crimes. In this basket one can dig out the elements of abduction, kidnapping, illegal detainment, illegal confinement, criminal intimidation, hurt, grievous hurt, sexual assault, outraging modesty, rape, unnatural offences, selling and buying of human beings, servitude, criminal conspiracy, abetment etc. Therefore, multiple abuse and abusers located at different points of time and place together constitute the organized crime of trafficking. A host of human rights violations like denial of privacy, denial of justice, denial of access to justice, deprivation of basic rights and dignity etc constitute other part of the exploitation. Therefore, there is no doubt that trafficking is an organized crime.

The trafficked person:

In the context of ITPA (especially S.5 ITPA) and related laws, a trafficked person could be a male or a female of any age who has been trafficked for CSE in a brothel or any place where CSE takes place. ITPA provides punishment even for attempt to traffic a person. Therefore, even before the person is physically trafficked, the law comes into operation.

Child:

Child is a person who has not attained the age of 18 years. Any child who is vulnerable to trafficking is considered a "person in need of care and protection" under the Juvenile Justice (Care and Protection of Children) Act, 2000(JJ Act). Law enforcement agencies are duty bound to rescue such children, produce them before the Child Welfare Committee and extend all care and attention.

Trafficked adult:

Regarding adults, the mere consent of the person does not exclude the possibility of trafficking. If the consent was obtained under duress, coercion, fear or any pressure, then the consent has no meaning and, therefore, all such instances amount to trafficking. Thus, even when an adult woman is 'picked up' from a brothel on the charge of 'soliciting', it cannot be presumed that she is guilty of soliciting unless and until the 'mens rea' (i.e., the intention) is investigated. A woman trafficked for CSE is a victim of CSE and not an accused.

Traffickers and other exploiters:

Trafficking is an organized crime. There are several persons involved at several places, starting with (a) place of recruitment, (b) places of transit and (c) places of exploitation

The "customer" or "clientele", who is the abuser of the trafficked woman, is undoubtedly, an exploiter. He is the one who perpetuates 'demand' and CSE and is, therefore liable under ITPA and other laws

The financiers: All those who finance the various processes involved in trafficking are part of the nexus. This may include those who finance recruitment, transportation, stay, accommodation, and even those who indulge in money lending and borrowing at the brothels.

The abettors: All those who abet or support the exploitation or any process involved in trafficking are treble under ITPA (sections 3, 4, 5, 6, 7, 9 ITPA, read with Chapter V of IPC dealing with abetment of offences).

Those who are living on the earnings of CSE: Any person who knowingly lives, wholly or partly, on the earnings of prostitution is liable (S.4 ITPA).

This includes all those who have a share in the illegal benefits derived from the exploitation. The financiers who lend or collect money from the brothels (or hotels) and do business out of such transaction are also liable under this section. The hotelier who profits from the exploitation of girls is undoubtedly an accused u/s 4 ITPA.

The spotter, the recruiter, the seller, the purchaser, the contractor, the agent or anybody acting on their behalf. The transporters, the harbourers and those who provide shelter are also part of the racket.

All conspirators: In nearly all trafficking situations, several persons conspire at the various stages involved in the process of exploitation, thereby constituting a case of conspiracy. If there is a meeting of minds, followed by an overt act in pursuance thereof, the law of conspiracy (S120 B IPC) is attracted. According to the ITPA, those who conspire to allow any premises to be used as a brothel (S. 3) or those who live on the earnings of exploitation, even partly (S.4), or those who procure or induce or take the person for prostitution (S.5) are all considered conspirators.

Therefore, the list of exploiters and abusers is inevitably long, undulated and not always apparent at first glance. Only professional investigation can expose the linkages involved and bring all such persons to book.

In the existing scenario, trafficking is usually confused with prostitution and therefore, there is no proper understanding of the seriousness of trafficking. It would be appropriate here to list out the wrongs, violations, harms and crimes that are committed by various persons on a trafficked victim. These violations can be realized only during a careful interview of a trafficked person. Once the victim is allowed, facilitated and promoted to speak, the unheard story will reveal a long list of violating acts perpetrated on her. As a typical example, under the Indian Penal Code, a trafficked girl child has been subjected to a multitude of violations. She has been:

Displaced from her community, which tantamount to kidnapping/ abduction (Sections 361, 362, 365, 366 IPC may apply). Procured illegally (S.366A IPC).

Sold by somebody (S.372 IPC).
Bought by somebody (S.373 IPC).
Imported from a foreign country (if she hails from a foreign country, or even from J & K State, and is under 21 years of age – S.366 B IPC).
Wrongfully restrained (S.339 IPC).
Wrongfully confined (S 340 IPC).
Physically tortured/injured (S.327, 329 IPC).
Subjected to criminal force (S. 350 IPC).
Mentally tortured/harassed/assaulted (S. 351 IPC).
Criminally intimidated (S.506 IPC).
Outraged of her modesty (S 354 IPC).
Raped/gang raped/repeatedly raped (S 375 IPC).
Subjected to perverse sexual exploitation ('unnatural offences') (S.377 IPC).

CRIMINAL ACTS AND RIGHTS VIOLATIONS ON THE TRAFFICKED PERSONS

Defamed (S 499 IPC).
Subjected to unlawful compulsory labour (S.374 IPC).
Victim of criminal conspiracy (S 120 B IPC).

This list is only illustrative and not exhaustive. Undoubtedly, in every case, the trafficked person is a victim of at least one or more of the violations listed above. Oftentimes victims become pregnant as they are subjected to non-protective sex. If the victim has been subjected to miscarriage then the liability of the offender falls under the Sections 312 to 318 IPC. In some cases, the process of exploitation has proven fatal wherein the victim succumbs to the direct effects of the harm or to the consequential problems arising thereof. This means that the offence of homicide/murder is also attracted.

The offences envisaged under the ITPA are specific to the context of CSE.

They are briefly listed out below:

Keeping or managing (or assisting in keeping or managing) a brothel or allowing premises to be used as a brothel (including vehicles) – S. 3 ITPA.
Living on earnings of prostitution (even partly) – S.4 ITPA.
Procuring, inducing, trafficking or taking persons for the sake of prostitution (S. 5 ITPA). Even attempt to procure or take would constitute the offence.
Detaining a person in any premises (brothel or any other) where prostitution is carried out - S. 6 ITPA.
Anybody who carries on prostitution, or anybody with whom such prostitution is carried on, in the vicinity of public places (which includes hotel, vehicles, etc) S. 7 ITPA.
Seducing or soliciting for the purpose of prostitution in any public place or within sight of a public place - S. 8 ITPA.
Seduction of a person in custody (which includes causing or assisting seduction for prostitution of a person in custody) – S. 9 ITPA.

The Juvenile Justice (Care and Protection of Children) Act, 2000 (JJ Act 2000) also has penal provisions. Anybody in control of a child who assaults, abandons, exposes or wilfully neglects the child or procures him to be assaulted, abandoned or exposed causing the child unnecessary mental or physical suffering, is liable under S. 23 JJ Act.

There are so many Human Rights violations that take place on trafficked person. The list includes the following:

Deprivation of the right to life (slave-like conditions).
Deprivation of the right to security.
Deprivation of dignity.
Deprivation of the right to access to justice and redressal of grievances.
Denial of access to health services.
Denial of right to self determination (e.g. when the victim is re trafficked).
Denial of right to return to own community.
Double jeopardy (e.g., a person trafficked across a border is sometimes convicted for non-possession of passport/visa, etc. and is simultaneously punished for 'soliciting').
Denial of right to representation.
Denial of right to be heard before decision making.

The list of rights violations is long and several such violations can be listed out depending on the provisions of the Constitution/Protocols/Conventions etc.

Which law to use and when:

ITPA, being a special legislation, has comprehensive, stringent and effective provisions to address the issues in trafficking and consequent exploitation. However, there is no bar in utilizing the provisions of ITPA along with IPC etc. In any given context, the investigating police officer should file charge-sheet against the accused under the graver sections of all laws which are applicable. Do not hesitate to involve the provisions of ITPA along with IPC, JJ Act, and other legislations which would apply to the facts and circumstances of the case under investigation. One has to be careful in applying proper sections of law. Never victimize a trafficked woman u/s 8 ITPA or any other section of any law. When investigation brings home the point that she has been sexually exploited against her informed consent, charge sheet be filed against all her exploiters not only under ITPA, but also under the relevant sections of IPC, dealing with sexual assault (376, 377 etc.). Consent obtained under lure, deceit, duress, coercion, compulsion, force etc is not 'consent' in the legal sense.

Furthermore, if the victim is a girl child, the offence is complete even if there was consent.

ITPA is a comprehensive legislation which gives power and strength to the law enforcement/justice delivery agencies to combat and prevent trafficking. Since its enactment in 1956, the legislation was amended by the Indian Parliament twice, in 1978 and 1986. The latter amendment focused on prevention, a provision which is not so common in the legal regime across the world. However, for various reasons, the different provisions of this special law are not being used and, furthermore are often misused and abused. One of the main reasons, as research has shown, is ignorance and lack of understanding of these provisions. Therefore this checklist is a reference guide to the law enforcement agencies and other stake-holders, providing answers to several frequently asked (or not yet asked) questions and frequently overlooked aspects.

The legal regime relevant in the context of trafficking:

Immoral Traffic (Prevention) Act, 1956 (ITPA).

The Juvenile Justice (Care and Protection of Children) Act, 2000 (JJ Act 2000).

The Indian Penal Code, 1860 (applicable sections of IPC have been discussed earlier).

Procedural laws (Criminal Procedure Code i.e. CrPC, The Indian Evidence Act, etc).

Preventive Sections of CrPC.

Other special laws relevant to the context (e.g. if the trafficked victim is exploited to develop pornographic materials and the porn is circulated through electronic media or internet, then the Provisions of Information Technology Act, 2000 [Say, Section 67 IT Act] will also be attracted).

Why does human trafficking happen?

Human traffickers prey on people who are poor, isolated and weak. Issues such as disempowerment, social exclusion and economic vulnerability are the result of policies and practices that marginalize entire groups of people and make them particularly vulnerable to being trafficked. Natural disasters, conflict and political turmoil weaken already tenuous social protection measures. Individuals are vulnerable to being trafficked not only because of conditions in their countries of origin, however. The allure of opportunity, the relentless demand for inexpensive goods and services and the expectation of reliable income drive people into potentially dangerous situations where they are at risk of being exploited. The Vienna Forum will examine existing definitions of and practices related to the prevention of trafficking and, by focusing on decreasing vulnerability, will broaden the strategic impact of existing prevention efforts.

2. Impact: the human and social consequences of human trafficking

The human and social consequences of trafficking are compelling. From the physical abuse and torture of victims to the psychological and emotional trauma, to the economic and political implications of unabated crime, the impact on individuals and society is clearly destructive and unacceptable.

The Vienna Forum will explore the impact of human trafficking on the lives of individuals and their communities. Participants will share experiences and focus on the consequences of human trafficking to victims, including the violence they experience, the adverse health effects, the social stigmatization and the risk of re victimization.

3. Action: innovative approaches to solving complex problems

The Trafficking Protocol provides a comprehensive strategic approach to combating trafficking in human beings. Implementation of the measures described in the Protocol, remains uneven however. A lack of clarity related to even basic terms and definitions, national political concerns and uncertainty regarding what measures work and what do not have contributed to a lack of systematic and consistent implementation, and sustainable action. Participants will be able to review

major global anti-trafficking strategies and national responses, sharing from their own experiences and identifying elements that constitute best practices.

Prevention and human trafficking: the need for a new paradigm

Current practices in the prevention of trafficking in human beings are analysed in this paper in order to understand why human trafficking continues to be identified as a growing phenomenon. Numerous prevention initiatives and considerable funding notwithstanding, a preliminary conclusion is that existing prevention practices do not reflect the comprehensive approach embodied in definitions of the term “crime prevention” in general or in the illustrative definition of “prevention” in article 9 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. “Prevention” as it has been conceptualized in normative frameworks is examined, as also how those frameworks have been narrowly implemented. Vulnerability, in particular the vulnerability of an individual in his or her social context, emerges as the missing link in formulating well-developed policies and practices. Focus is placed on what constitutes vulnerability to trafficking as a prerequisite for the development of valid prevention programmes. New considerations are introduced as regards the development of strategic policies to prevent trafficking that are capable of addressing the real problems of vulnerable populations according to their own needs, in their own contexts.

Both crime prevention and reduction of vulnerability are valid approaches to combating human trafficking. Each calls for different dynamics in policy and programme planning. A focus on vulnerability will enhance the human rights component of trafficking prevention policies. Traditional definitions of crime prevention can contribute to the enhancement of anti-trafficking policies by focusing on reducing elements of risk in the environment. Theoretically, prevention should therefore aim to eliminate trafficking before it occurs by reducing the factors that make individuals vulnerable to being trafficked.

Basic principles of crime prevention, such as the inclusion of a broad community of stakeholders, the empowerment of vulnerable persons and the reduction of risk factors, are intrinsic to the elaboration of what is meant by “prevention” given in article 9 of the Trafficking Protocol. Unfortunately, the implementation of those principles has been limited, with the predominant focus having been on the development of both large and small public awareness campaigns directed towards potential victims of trafficking. Such programmes are developed on the premise that increased awareness of possible harm will help an individual to choose a different path. However, such programmes fall short because they fail to provide potential victims with an alternative course of action. If the emphasis of prevention programmes is placed exclusively on increasing the awareness of potential victims, prevention is limited. By failing to provide alternatives, such interventions place the onus for prevention of exploitation on the individual him- or herself. Potential victims remain equally vulnerable before and after viewing posters, films and television advertisements.

Although used frequently in anti-trafficking discussions, the terms “vulnerable” and “vulnerability” have not been conclusively defined other than in a legal context. This paper includes an analysis of several considerations in understanding vulnerability and provides a definition in which “vulnerability” refers to “a condition resulting from how individuals negatively experience the complex interaction of social, cultural, economic, political and environmental factors that create the context for their communities”.

Based on such considerations, indicators for conditions of vulnerability will need to be developed in the following areas: children; gender; poverty; social and cultural exclusion; limited education; political instability; war and conflict; social, cultural and legal frameworks; movement under duress; and demand.

Because most conditions causing vulnerability are systemic and the result of government tenanted policies, it is the responsibility of States to ensure the protection of vulnerable individuals in their midst

The impact of trafficking in persons

The impact and cost of human trafficking on individuals as well as on political, economic and social systems is described in the paper. Human trafficking is a crime against individuals and its consequences are most directly felt by those who are its victims. While human trafficking is a global phenomenon that knows no international borders, it is within individual countries and societies that its far-reaching and pervasive consequences are felt. More than 130 countries are affected by human trafficking. Some of the most notable social, political and economic impacts of human trafficking are identified, as also important policy considerations in each of those areas.

The consequences of trafficking on individuals

Human trafficking has an impact on the individuals it victimizes in all areas of their lives. Every stage of the trafficking process can involve physical, sexual and psychological abuse and violence, deprivation and torture, the forced use of substances, manipulation, economic exploitation and abusive working and living conditions. Unlike most other violent crime, trafficking usually involves prolonged and repeated trauma. Documentation and research describe how men, women and children are abused in specific exploitative conditions and the short- and long-term physical injuries, disabilities and

deaths that may result. For a number of specified reasons, trafficked persons are at great risk of HIV infection. The trauma experienced by victims of trafficking includes post-traumatic stress disorder, anxiety, depression, alienation, disorientation, aggression and difficulty concentrating. Studies indicate that trauma worsens during the trafficking process and may persist far beyond the end of any exploitation. While subject to the same harmful treatment as adults, child victims are especially vulnerable to trafficking because of their age, immaturity and lack of experience, to abusive practices that may, for example, stunt their further physical development and to continued victimization as a result of attachment, developmental and social difficulties. The behaviour of trafficking victims can be difficult for third parties to understand, while victims can find it difficult to comprehend what has happened to them, or to discuss it with or explain it to others. Victims may appear to those around them, even support persons, to be uncooperative, irritable, hostile, aggressive or ungrateful. The stigma attached to them as victims has been shown to have a significant and ongoing impact on their lives, including in the trauma experienced by the individual victim as well as the possibility of physical rejection by family and/or community. The long-term consequences of human trafficking for the individual are complex and depend on many factors, with no guarantee of recovery. Re-victimization is often a further consequence of the experience.

The political implications of trafficking in persons

Human trafficking is an issue of major international discussion and concern. Because it involves transnational movement of people, one important related area of debate is migration policy. Another concerns human rights aspects. The author describes the complex interrelationship between policy and action as regards trafficking in persons, smuggling of migrants and migration flows. The relevance of increased border control is noted, as is the status attributed to those who do not enter a State legally. An unintended consequence of efforts directed principally at illegal migration can be the non-identification and victimization of trafficked persons. The specific migration issues faced by countries of origin and destination that can have a direct impact on trafficking in persons are outlined, as also the systemic challenges to be met in the case of the identification in one State of a trafficked person from another State.

The economic impact of trafficking in persons

The difficulties in assessing the impact of human trafficking are most apparent when attempting to quantify its economic costs. However, key economic consequences of trafficking are described. The costs of the crime of trafficking in persons incorporates many elements, including the value of all resources devoted to its prevention, the treatment and support of victims and the apprehension and prosecution of offenders. These costs may be offset in part by the recovery of criminal proceeds and assets of the traffickers. Trafficking in persons also results in loss of human resources and reductions in tax revenue. Further, trafficking in persons redirects the financial benefits of migration from migrants, their families, community and government or other potential legitimate employers to traffickers and their associates. All indications are that the income generated by related organized crime is significant and global. Given the ongoing nature of exploitation, human trafficking generates a stable and regular source of income for criminal networks, with a consequent impact on other forms of criminal activity as well as legitimate business.

Impact on the rule of law

As a criminal act, trafficking violates the rule of law, threatening national jurisdictions and international law. Organized crime is one of the most important mechanisms for unlawful redistribution of national wealth, unduly influencing markets, political power and societal relations. These effects may be acute in countries responding to civil unrest, natural disasters or post-conflict situations. The corresponding challenges faced by Governments are in stark contrast to the opportunities created for human traffickers. The underlying threat posed by trafficking in persons is why the issue is increasingly recognized as one of global security.

As a complex manifestation of the global economy, organized crime and violations of human rights, human trafficking causes extreme hardship to the suspected millions of people worldwide who have become victims of it and also has an impact on the financial markets, the economies and the social structures of countries where it is allowed to exist. As a major component of organized crime, with all its financial power, trafficking in persons has a complex and interlocking negative impact across human, social, political and economic spheres.

The destabilizing and dangerous consequences of human trafficking range from readily recognized violence, direct economic loss and major migration concerns to the less easily quantified, equally serious, but more complex effects of risks and harms to environmental, social, health and safety, and violations of human rights. Trafficking in persons directly challenges the development of stable, more prosperous societies and legitimate economies, and works strongly against the reconciliation of political interests with humanitarian and human rights obligations. The range of trafficking-related crimes and their broad and interrelated impacts have created a cumulative threat to global peace, security and stability and have shaped political, social and economic responses at both national and global level.

Prosecution and law enforcement activities

Notwithstanding significant efforts to identify and care for victims and to detect and prosecute traffickers, trafficking in persons is still reported to be one of the most lucrative sectors of transnational organized crime. Confusion between, on the one hand, human trafficking and, on the other, smuggling or other immigration-related offences has impeded progress in law enforcement efforts. The challenges faced in properly identifying a victim of trafficking have highlighted the need for minimum standards concerning the response of criminal justice systems.

A major challenge for immigration and law enforcement officials is how to distinguish trafficking victims from others they may come into contact with. Significant tensions exist between initiatives designed primarily to enforce the law against traffickers and those designed to uphold the human rights of trafficked persons. The two approaches are not mutually exclusive, however, and evidence suggests that the prompt identification and appropriate treatment of victims is crucial to an effective law enforcement response. Some States have begun to adopt "reflection periods" for trafficked persons identified within their borders in order to give them time to recover and reflect on whether they are able and wish to cooperate with law enforcement. A particularly contentious area of debate is whether the granting of temporary residence permits (separate from reflection period entitlements) to victims of trafficking should be conditional upon a trafficked person's cooperation with the criminal justice system. Little priority has so far been given to awarding compensation or damages to victims of trafficking.

Prevention

Prevention is inadequately addressed in anti-trafficking strategies, perhaps because of uncertainty as to the effectiveness of different preventive techniques. A lack of monitoring and evaluation of prevention programmes has made it difficult to identify those initiatives which have been successful. Numerous complex factors contribute to trafficking in human beings, including a variety of underlying and root causal factors that influence the decisions made by individuals that lead to trafficking and that contribute to a social and economic environment in which trafficking and exploitation can flourish. These factors include economic crisis, social exclusion, gender discrimination and a weak legal or social protection system. The remedies for these shortcomings require a broader set of actions than those designed specifically to stop trafficking.

Prevention initiatives in areas of origin have primarily taken the form of information/awareness-raising campaigns alerting people of the dangers involved in seeking work abroad, the promotion of income-generating activities, formal and non-formal educational initiatives and initiatives targeted at groups that are known to be at high risk of being trafficked. Some prevention programmes have taken the form of measures to strengthen social protection.

Although the industrialized States to which people are trafficked have invested money principally in prevention in the countries of origin, they have also begun to make efforts within their own countries, primarily in the form of revision and comprehensive implementation of immigration and employment policies. Monitoring working conditions, notably in the informal economic sectors, regulating recruitment agencies in sectors where trafficking occurs, providing facilities to protect migrants from abusive practices and using legislation to address the demand for the labour or services of a trafficked person are some of the tools States have used to address demand. Countries of destination have also implemented large-scale information campaigns to inform the public about the potential for abusive practices in their countries.

Anti Human Trafficking Unit (AHTU): An in-depth understanding of the dimension of trafficking will clearly bring to focus the essentiality of multi stake holder partnership in preventing and combating trafficking. The law enforcement agencies need to have close association with other departments like health, social welfare, labour, department of women and child, department of correctional administration, development department, panchayati raj institutions etc. These government agencies need to have symbiotic partnership with the NGOs working in this field. The police managers especially the SP/DCP should take initiative in setting up an AHTU by developing close partnership of the police with all these responders. Such an AHTU will be the best mechanism in the given situation to prevent and combat trafficking. The officials and NGOs who are put in the AHTU should be specially trained and oriented. Protocols should be drawn up to demarcate the role of each stake holder. The scope of AHTU can be widened to include Corporate so that they could lend the services of their corporate social responsibility (CSR) for not only funding the programmes but also giving appropriate back up support in empowering the survivors, utilizing the services for productive activities, marketing their produces etc.

Trafficking is an organized crime. Therefore, prevention and combating trafficking is possible only if the law enforcement agencies deal with the issues from the perspective of organized crimes. An essential aspect of organized crime is that there are multiple crimes and multiple criminals having direct or indirect linkages. Therefore, investigation of one crime should lead to other crimes and other criminals. Similarly investigating one suspect /criminal should lead to other crime/criminals. This is possible only when the intelligence emanating from each instance is collated, consolidated and disseminated. Since the investigations of crimes are mostly done at the junior level in the police hierarchy, who may not have much networking and liaison, especially outside their limited jurisdiction, the police managers/leaders have to take initiative in consolidation and dissemination of criminal intelligence. Given the dimensions of trafficking, intelligence should be all pervading and cannot be segregated into distinct pockets of source, transit and destination areas. Moreover intelligence includes both strategic and tactical components.

Strategic intelligence is essential to assess the trends and dimensions of trafficking, for policy planning, for allocation of resources (human, financial and technical), to generate media and public awareness, to identify strategic resources (i.e. interstate and, international cooperation) and to formulate training modules and programmes for various stake holders. Strategic intelligence encompasses the socio economic profile of vulnerable areas and persons, including cultural, historical and social factors that play a role in trafficking, as well as the geographical factors that facilitate trafficking.

Tactical intelligence helps in rescue and rehabilitation, provides insights for investigation, facilitates synergic activities to prevent trafficking, improves the care and attention of victims, contributes inputs for training law enforcement agencies and gives value addition to all activities in addressing trafficking.

CONCLUSION

At the same time as summarizing major responses to trafficking in persons initiated over the past decade, this paper also points to numerous ways in which these anti-trafficking policies and initiatives could be made more effective. In particular, it emphasizes the vital role of collecting evidence about the numbers of people being trafficked and the forms of exploitation to which they are being subjected, so that prevention initiatives and virtually all other anti-trafficking efforts are tailored to meet the task before them. The corollary is that anti-trafficking initiatives should not be inspired by well-publicized but unsubstantiated estimates that have sometimes vastly exaggerated the number of people being trafficked or seriously underestimated them.

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