Combating Human Trafficking: A Critical Look At Modern-Day Slavery And The Fight For Human Rights

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ABSTRACT

Human trafficking, which takes many different forms and exploits countless people, is a terrible stain on the fabric of international society. This research paper explores the complexities of contemporary slavery, analyzing its underlying roots, systemic continuation, and the ongoing fight for human rights. Fundamentally, human trafficking is fueled by vulnerability, which is frequently caused by structural injustices. This essay examines the interconnectedness of issues that make people more vulnerable to exploitation, including poverty,
gender discrimination, and a lack of educational possibilities. Examined as enablers are globalization and migration trends, which show how displaced populations and permeable borders foster conditions that support traffickers' illegal activity. Although law enforcement and legal frameworks are vital in the fight against human trafficking, there are still gaps in their efficacy. The study underlines the necessity of a more globalized and unified legal strategy that recognizes the international scope of this crime. This study emphasizes the continued need for research, education, and innovation as the battle against human trafficking develops. It demands an all-encompassing comprehension of the problem, recognizing its dynamic character and the advent of fresh difficulties. Through the promotion of an international culture that opposes the exploitation of marginalized groups, societies can create the conditions for a time when human rights are respected by all and the bonds of modern-day slavery are firmly severed.

KEYWORDS – Human trafficking, Human rights, Gender discrimination, Vulnerability, Globalization.

INTRODUCTION

The issue of human trafficking surfaces as a flagrant violation of human rights in the melting pot of our globalized society, creating a shadow that cuts across national boundaries and cultural boundaries. With a focus on historical underpinnings, socioeconomic drivers, and the ongoing global struggle for human rights, this essay critically examines the complex aspects of contemporary slavery. In order to fully appreciate the magnitude of the current issue, it is imperative to take a backward look and consider the historical factors that have influenced the subtle forms of exploitation. The transatlantic slave trade left lasting effects that eventually led to the commodification of human life. The evolution of exploitation in the modern era has taken on subtler forms, adapting to the complexities of our interconnected society, while the abolitionist movements of the 19th century indicated progress.

There are many ways that modern slavery appears, but two prominent ways are forced labour and sex trafficking. People, frequently drawn in by structural weaknesses, are forced into abusive situations where their autonomy is gradually taken away from them. The purpose of this essay is to disentangle the complex network of causes that uphold and extend this crime against humanity in the modern world. Human trafficking is primarily caused by a confluence of socioeconomic variables that increase susceptibility. People who are impoverished and in need of work are vulnerable to being taken advantage of because poverty can both contribute to and result from human trafficking. Traffickers thrive when there are no social services or sustainable jobs available, since they take advantage of people who are desperate to find a way out of poverty. By analyzing the socio-economic drivers, we can see how a complex web of societal injustices pushes people into the hands of human traffickers.

The story of human trafficking heavily emphasizes gender issues, with women and children being disproportionately impacted. The combination of cultural norms, economic inequality, and gender-based discrimination makes women and girls more susceptible to forced labour and sex trafficking. Deconstructing the gender-based power structures that support exploitation and creating focused treatments that address the
particular difficulties experienced by various demographic groups require a thorough investigation of gender characteristics. Human trafficking takes advantage of the instability of borders and the displacement of populations in a time of globalization and widespread migration. Traffickers take advantage of victims' freedom of mobility to shift them across borders, forming a multinational network that evades traditional law enforcement. Relocation brought on by armed conflict, natural disasters, or unstable economies increases susceptibility and makes displaced people more readily exploited. Globalization, migration, and human trafficking are intertwined problems that require complex tactics to manage. A critical analysis of this junction shows this.

Systemic injustices play a role in the continuation of human trafficking on a local and global scale. Traffickers might operate with impunity in a certain environment because to weaknesses in legal frameworks, international cooperation issues, and corruption within law enforcement organizations. It will need a comprehensive and cooperative effort to address these systemic problems, involving social, economic, and political reforms in addition to legislative actions. Although there are legal structures in place to prevent human trafficking, a number of obstacles frequently make them less effective. The prosecution of traffickers is hampered by complicated jurisdictional issues, corruption, and a lack of international collaboration. Due to the extraterritorial nature of trafficking, a coordinated strategy across national boundaries is required. Addressing the complexities of this transnational crime requires international cooperation, highlighting the necessity of diplomatic cooperation and the construction of strong procedures for information-sharing and extradition.

A human rights-centered strategy is essential to any successful anti-human trafficking campaign. For a response to be holistic, victims' agency and dignity must be respected. In addition to going after traffickers, this entails giving survivors' safety and rehabilitation top priority. The main goals should be to break the power structure that allows human trafficking and provide survivors the ability to take back control of their own life. A careful examination of the human rights imperative emphasizes how crucial it is to view victims of human trafficking as both advocates for justice and holders of their rights. Survivor-centered approaches place a strong emphasis on the value of recovery and social reintegration. After being physically saved, survivors need all-encompassing care, such as mental health counseling, educational possibilities, and career preparation. Giving survivors the skills to rebuild their life and enable them to become champions against human trafficking not only helps them recover but also breaks the cycle of exploitation.

The grassroots level of the battle against human trafficking is just as important as the institutional and legal ones. An all-encompassing strategy must include community involvement, education, and awareness-raising. Building resilient communities that reject exploitation requires debunking misconceptions, questioning social conventions that support human trafficking, and cultivating an empathetic and watchful culture. Communities may take the initiative to stop human trafficking and support survivors by organizing and creating a sense of shared responsibility. In the era of digitalization, technology is essential to the fight against human trafficking. Digital platforms, artificial intelligence, and data analytics can be used to track illegal networks, find patterns, and improve preventive measures. Technology helps communities identify and report suspicious activity in addition to supporting law enforcement.
Collaboration between governments, law enforcement agencies, non-governmental organizations (NGOs), and the commercial sector is vital to present a unified front against human trafficking. Public-private partnerships use a variety of resources, networks, and experience to increase the impact of anti-trafficking activities. To create a strong, well-coordinated response, more money, resources, and information exchange are needed. Societies can effectively resist human trafficking by using their collective strength through the promotion of collaboration among diverse stakeholders. It is critical that we continue to innovate, educate the public, and do research as we negotiate the challenges of fighting human trafficking. Strategies must be flexible and dynamic since human trafficking is an ever-changing phenomenon. In addition to being essential for upholding human rights, a worldwide commitment to end this form of modern slavery also demonstrates our shared humanity. We can create a world in which the links of human trafficking are firmly severed by tearing down the systems that permit exploitation and preserving the values of justice and dignity. This article will explore every aspect of the critical analysis presented in the introduction in the pages that follow, offering a thorough and sophisticated analysis of the obstacles and possibilities in the battle against human trafficking.

**Research Question**

1. What are the natures of Human Trafficking?
2. What are the existing legal and regulatory frameworks at the international and national levels for combating human trafficking?
3. How are victims of human trafficking identified within different contexts (such as sex trafficking, labor trafficking, and organ trafficking), and what are the best practices for providing them with support and reintegration into society?

**Research Objectives**

1. To analyze the nature of human trafficking, including its forms, causes, and consequences.
2. To critically examine the international conventions, national laws, and regulations aimed at combating human trafficking, evaluating their effectiveness in terms of prevention, enforcement, and providing justice to victims.
3. To explore the mechanisms of victim identification, the challenges victims face in accessing help, and the support services available for their recovery and reintegration.
SCOPE OF THE RESEARCH

1. The research may draw upon international human rights law, criminology, and social justice theories to understand and analyze the phenomenon of human trafficking.

2. The study might focus on specific regions, countries, or localities where human trafficking is particularly prevalent, or it could provide a global overview with case studies from various regions.

3. The research could encompass various forms of trafficking, such as sex trafficking, forced labor, child trafficking, and organ trafficking, or it may specialize in one particular form.

4. The paper could explore the roles of different stakeholders in combating trafficking, including governmental bodies, international organizations, non-profits, local communities, and survivors themselves.

METHODOLOGY

The methodology of this research paper on combating human trafficking will employ a mixed-methods approach, integrating both qualitative and quantitative data. Quantitative data will be sourced from global and national databases, reports from international organizations, and official statistics to map the prevalence and patterns of human trafficking. Qualitative data will be collected through a review of legal documents, policy analysis, and semi-structured interviews with experts, NGOs, law enforcement, and, where possible, survivors. This dual approach aims to provide a comprehensive overview of the issue, giving insight into both the scale of the problem and the human experiences behind the numbers. The analysis will be thematic, focusing on identified patterns, legal frameworks, and efficacy of current interventions.

A HISTORICAL PERSPECTIVE ON HUMAN TRAFFICKING

Human trafficking is a grave violation of human rights that has persisted throughout history, taking various forms such as the transatlantic slave trade, the "white slave trade" for sexual exploitation, and modern-day forced labor and sex trafficking. Its deep-rooted causes include poverty, lack of economic opportunities, gender-based discrimination, conflict, and the demand for cheap labor and commercial sex.¹ Despite increased awareness and legal frameworks, significant barriers remain in eradicating this crime and addressing its underlying causes. A sustained, comprehensive approach is needed to provide viable alternatives for vulnerable populations, disrupt trafficking networks, and tackle the economic, social, and political factors that enable this exploitation.²

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1. HUMAN TRAFFICKING: MODERN DAY SLAVERY

Human trafficking, or modern slavery, is a grave human rights violation affecting millions globally. It involves exploiting people through force, fraud or coercion for various purposes like forced labor, sex trafficking and domestic servitude. Common victims include migrants, refugees and those in poverty.

According to the International Labor Organization (ILO), around 40.3 million people were trafficking victims in 2016. It's a $150 billion criminal industry annually.  Sex trafficking disproportionately impacts women and children, with over 70% of victims being female according to the UN Office on Drugs and Crime (UNODC). Root causes include poverty, lack of opportunity, gender inequality, conflict and crises. Addressing it requires a comprehensive approach focused on legal frameworks, victim support, tackling root causes and awareness by governments, international organizations like UNODC, NGOs and the private sector.

Despite efforts, combating human trafficking remains hugely challenging, requiring cooperation to eradicate this modern form of slavery.

2. SLAVERY AND PROSTITUTION IN INDIA

Slavery and prostitution remain major human rights issues in India, despite being illegal. Modern forms of slavery like debt bondage, forced labor, and human trafficking affect millions, especially in sectors like agriculture. Poverty, lack of opportunities, and gender inequalities fuel these practices.

Prostitutes are legal in India, but related activities like brothel-keeping are illegal. An estimated 3 million sex workers exist, with many being trafficking victims lured by false promises. The COVID-19 pandemic worsened vulnerabilities.

The Indian government has laws prohibiting forced labor, trafficking, and child labor but implementation remains a challenge due to corruption, limited resources, and societal attitudes. NGOs work to rescue and rehabilitate victims.

Tackling these deep-rooted issues requires a multi-pronged approach - addressing root causes like poverty, empowering marginalized groups through economic opportunities and social support, strengthening legal frameworks, and effective enforcement of anti-trafficking laws.

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5 Global Slavery Index 2018, Walk Free Foundation. Available at: https://www.walkfree.org/global-slavery-index/
6 COVID-19 leaves India’s sex workers stranded and struggling, United Nations News.
3. THE DEVADASI SYSTEM IN INDIA: A HISTORICAL EXAMINATION

The Devadasi system in India involved dedicating young girls to Hindu temple service, with origins dating back to ancient religious and cultural traditions. While initially intended for rituals and preservation of sacred arts like dance and music, the system became exploited over time, leading to sexual abuse and subjugation of the Devadasis by powerful figures. During the British colonial era, the practice was widely criticized as religious prostitution, leading to its formal abolition through legislation in the late 19th and 20th centuries.\(^7\)

However, the system's legacy persists, with many former Devadasis and their descendants facing social stigma, poverty and marginalization. Despite laws prohibiting the practice, vestiges remain, including human trafficking and sexual exploitation tied to the dysfunctional system's descendants. Efforts by NGOs and others have sought to rehabilitate those affected, but deep-rooted cultural norms hinder complete eradication of this controversial practice's impacts. Ongoing work is needed to address lingering issues and empower communities impacted by the historical Devadasi system.\(^8\)

HUMAN TRAFFICKING: CAUSES AND SANCTIONS

Human trafficking is a global criminal industry that profits from exploiting millions of vulnerable men, women and children each year through forced labor, sexual exploitation, domestic servitude, organ harvesting and other abuses. The root causes that enable traffickers include:

- Poverty and lack of economic opportunities in developing nations\(^9\)
- Unstable social/political conditions, armed conflicts, and humanitarian crises
- High global demand for cheap labor and commercial sex services
- Gender discrimination, violence against women, and cultural norms that dehumanize females
- Psychological coercion and mind control tactics by traffickers to trap victims

Trafficking operations are often run by organized criminal networks that operate across borders and use corruption to avoid law enforcement. Children are particularly vulnerable targets. Major challenges in combating trafficking include:

- Lack of comprehensive data and low public awareness\(^10\)
- Legislative gaps and jurisdictional issues for cross-border crimes

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\(^9\) United Nations Office on Drugs and Crime (Global report on trafficking in persons)

Overcoming systemic poverty, gender inequality, conflict, and raising awareness are seen as vital for disrupting the infrastructure that allows human trafficking to flourish globally.

THE NATIONAL FRAMEWORK FOR CONCERNING HUMAN TRAFFICKING

The Constitution of India, inspired by the ideas of Rousseau and Locke, enshrines a set of Fundamental Rights in Part III under the "Fundamental Rights" section. These rights, including equality, freedom of speech and expression, life and personal liberty, protection against exploitation, religious freedom, cultural and educational rights, among others, are guaranteed to citizens as valuable entitlements, shielding them from state oppression and contributing to the creation of a civilized society. The concept of rights and duties is interdependent, as recognized by legal theorists like Austin, where one's right implies a corresponding duty or responsibility on others. The recognition of these rights by states through statutes has been a gradual process, particularly after the Industrial Revolution, as societies evolved towards greater social and democratic freedoms for their citizens.

1. CONSTITUTIONAL PROVISION

The Indian Constitution enshrines provisions to protect the rights and welfare of children. This was a vision of the Constitution's framers like Dr. Ambedkar, K.M. Munshi, and K.T. Shah, who recognized that educating and providing for children was crucial for India's future.\(^\text{11}\)

Some specific constitutional provisions related to children's rights include:

- Article 24 prohibits employment of children below 14 years in hazardous occupations like factories and mines.
- A proposed Article 24A would guarantee every child the right to basic needs, care, and protection from neglect and exploitation.
- Article 39 requires the state to ensure conditions for children's healthy development and protection from abuse and moral/material neglect.

The Constitution aims to safeguard children, a highly vulnerable section, from social injustices like child labor, trafficking, discrimination against girls, and other forms of exploitation. Providing for children's rights was seen as vital for upholding democracy, rule of law, and human dignity in India.

\(^{11}\) The Framing of Indian Constitution- A Study, Vol. p. 243
2. LEGISLATIVE PROVISION

The document discusses various laws in India related to human trafficking, particularly focused on trafficking of women and children for commercial sexual exploitation and prostitution.

- The Immoral Traffic (Prevention) Act, 1956 (ITPA) is the main law dealing with prostitution and commercial sexual exploitation. It penalizes acts like running brothels, living off earnings of prostitution, procuring or inducing someone into prostitution etc.\(^\text{12}\)
- The Indian Penal Code has provisions penalizing kidnapping, buying/selling minors for prostitution, forced labor etc.\(^\text{13}\)
- The Juvenile Justice Act has provisions for care, protection and rehabilitation of neglected/trafficked children.
- The Information Technology Act penalizes publishing/transmitting obscene material involving children.\(^\text{14}\)
- The Child Labor Act prohibits employment of children below 14 years in certain hazardous occupations.\(^\text{15}\)
- Certain provisions of CrPC and Indian Evidence Act aim to provide protection to victims during investigation/trial.\(^\text{16}\)
- The Goa Children's Act 2003 is the only state law that specifically defines and prohibits child trafficking.\(^\text{15}\)
- Some state laws like Karnataka and Andhra Pradesh Acts prohibit the devadasi system of dedicating girls to temples/religious institutions leading to prostitution.

It covers the key federal and state laws in India aimed at preventing trafficking of women and children for commercial sexual exploitation and prostitution.

JUDICIAL APPROACH

(i) *In re Ratnamala*\(^\text{16}\)

The reason for ITPA/SITA is to prevent or prevent bad habits among young women due to prostitution among popular guests. The idea is not to offer prostitution while looking at a convicted felon, or reject a woman simply because she is a prostitute.

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12 Immoral Traffic (Prevention Act, 1956).
13 Indian Penal Code, 1860(45 of 1860).
(ii) Kamalabai Jethamal Vs. State of Maharashtra17

Along with the appellant and was utilized for prostitution, the defendant may be found guilty under Section 3(2) and Section 4(1) of SITA.

(iii) Bai Shanta Vs. State of Gujarat18

“It is not necessary that the client should be found having sexual intercourse with a woman and it is sufficient that the circumstances suggest that he offered his body for immoral purposes after having obtained according to section 7. However, in order to determine liability under Section 7 (1) , it must be shown that the crime was committed in prohibited premises

(iv) T. Jacob vs. State of Kerala19

“Prostitution is not an offense except within the meaning of Sections 7 and 8 of the SITA Act. The crime punishable under Section 7(1) is voluntary sexuality and must be proven by the prosecutor. But this plural and indiscriminate sexuality arises from the facts and there is no need to call for evidence from more than one client of the prostitute.”

(v) State of Kerala v Pathumma20

“Mere observation of the accused engaging in sexual intercourse in a public place, it is not enough to convict the accused under Section 7 and Act 8. It is also necessary to prove that the accused engaged in unauthorized sexual intercourse, and this is also paid.

STUDY THE BILL OF TRAFFICKING IN PERSON (PREVENTION, PROHIBITION AND REHABILITATION), 2018 AND THE BILL OF (PREVENTION, CARE AND REHABILITATION), 2021

In May 2016, the Ministry of Women and Child Development announced the draft of the Human Trafficking (Prevention, Protection and Rehabilitation) Bill introduced as the country’s first anti-trafficking law, the main objective of which was to harmonize the existing law legislation and add definition covers areas other than sex work, even when rehabilitation becomes a survivor’s right. On February 28, 2018, a new version of this bill was sent to the cabinet, and after its approval, it had to be presented to the parliament during the winter session. This bill will now be tabled in the Monsoon Session of Parliament from July 18 to August 10, 2018.21

19 T. Jacob vs. State of Kerala AIR 1971 Ker 166.
20 State of Kerala v Pathumma AIR Cr LJ 679.
The bill is said to go a step further in addressing human trafficking from a prevention perspective, rescue and rehabilitation. In addition, the “murderous” forms of human trafficking were further defined, including human trafficking for forced labor, begging, human trafficking with the administration of chemical substances or hormones to achieve early puberty, trafficking of women or children for marriage or under the pretext of marriage or after marriage, etc. In the name of protection and prevention, adult victims are sent to rehabilitation homes or returned to their homeland within the country. The rule is not established if the “victims” do not want to undergo rehabilitation and do not agree to repatriation. This is contrary to Article 19(1)(g) of the Constitution. Addressing the transnational nature of the crimes for the first time, the new law is expected to make India a leader among South Asian countries in the fight against cross-border human trafficking.

The Bill seeks to supplement the existing provisions of the Penal Code dealing with human trafficking, which appear to be mainly Section 370 of the IPC and the Immoral Traffic (Prevention) Act, 1956. The definition of human trafficking comes mainly from Section 370 of the IPC, which includes “any action”. “Physical abuse, sexual abuse, slavery or slavery-like practices.” According to this bill, human trafficking also includes begging, domestic work, farm or factory work.

In this way, the anti-personnel bill to oppose human surveillance was amended in the Lok Sabha in May 2016 and obviously intended to be passed, although clear strategies cannot deceive the fundamental cause of a peaceful society in a different way than it should be done ask The ultimate goal of the exhibition is to resist human surveillance coming from the United States and create a peaceful and lawless society.

But like any revolutionary law, the 2018 Bill was scrutinized and criticized by a range of parties, including human rights activists, legal professionals, and civil society groups. The bill’s definition of trafficking, the extent to which it applies, and the suitability of its measures for victim protection and rehabilitation have all drawn criticism.

The Indian government conducted a thorough review and revision process in response to these worries and the growing awareness of the complexity surrounding human trafficking. The result was the introduction of the Trafficking in Persons (Prevention, Care and Rehabilitation) Bill in 2021. This updated law aimed to correct the flaws found in the 2018 version while introducing fresh perspectives and industry best practices from across the world.

In contrast to its preceding, the 2021 Bill takes a more sophisticated and victim-centered approach to preventing human trafficking. The concept of trafficking itself is one of the main points of contention. The 2018 Bill mainly addressed the exploitation of people for different reasons; however, the 2021 Bill expands its purview to include the facilitation of trafficking, including a larger variety of actions and participants in the trafficking chain.

Additionally, the 2021 Bill recognizes the severe trauma and complex needs of trafficking survivors and places more focus on victim protection and rehabilitation. It requires the creation of Protection Homes and Rehabilitation Homes, which are specialized facilities meant to offer victims all-encompassing care, guidance, and assistance with their reintegration. The measure also acknowledges the difficulties and dangers encountered
by people who bravely come out to testify against their traffickers by introducing provisions for witness protection and victim recompense.

The 2021 Bill’s emphasis on preventive and awareness-raising initiatives is another noteworthy feature. It asks for the creation of an Anti-Trafficking Fund, which would provide funding for projects that support rehabilitation programs, undertake research, and educate the public.

CRITICISM OF THE BOTH BILLS

The 2018 draft bill was criticized on several grounds:

1. It was neither comprehensive nor complete in its approach.
2. It lacked a clear rationale or justification behind its provisions.
3. It failed to address issues related to rehabilitation and compensation for victims.
4. It had a potential chilling effect on social welfare initiatives and sex workers.

The 2021 draft bill included measures to protect victims and witnesses, and proposed the creation of Anti-Trafficking Units at the district level. However, it was criticized for:

1. Failing to address the root causes of human trafficking, such as gender inequality, poverty, and lack of education.
2. Potential inconsistencies and overlaps with existing laws like the Child Labor Act and the Immoral Traffic (Prevention) Act, which could lead to jurisdictional conflicts.

Both draft bills were seen as lacking in their approach and comprehensiveness, and faced criticisms for not addressing the underlying issues or aligning with existing laws effectively.

CONCLUSION

Human trafficking is a grave human rights violation that persists globally, adapting to changing landscapes and exploiting vulnerable populations. Despite international efforts, including the Palermo Protocol, it remains a complex challenge rooted in systemic issues like poverty, marginalization, and gender-based violence. Combating human trafficking requires a comprehensive approach that strengthens legal frameworks, enhances victim identification and support, promotes international cooperation, and addresses root causes through inclusive and equitable policies. Collaborative efforts from governments, civil society, the private sector, and individuals are crucial in disrupting trafficking networks, protecting victims, and promoting human rights and dignity. Continuous research and analysis are needed to understand local and global contexts, vulnerability factors, and the roles of various stakeholders in prevention, protection, and prosecution. The fight against human trafficking is a battle for the realization of fundamental human rights and human dignity, calling for unwavering commitment and a holistic approach to eradicate this modern-day slavery.