

Human Trafficking: A Human Rights Issue

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Modern slavery- be it bonded labor, involuntary servitude, or sexual slavery is a crime and cannot be tolerated in any culture, community or country. It is an affront to our values and our commitment to human right.

Hillary Rodham Clinton

Abstract: Human Trafficking is acquiring grave dimensions worldwide in the context of globalization. It has been identified as the third largest source of profit for organized crime, following arms and drug trafficking, generating billions of dollars annually at the global level. Trafficking is a cause of human rights violations because it violates fundamental human rights, such as the right to life, the right to dignity and security, the right to just and favourable conditions of work, the right to health, the right to equality. Insufficient laws, poor enforcement, ineffective penalties, minimal chances of prosecution, the failure of governments to implement policies and provide adequate services for victims, all play a role in perpetuating trafficking. Everywhere in the world, the consequences of the trafficking are devastating for its victims and the larger community.

Key words: Human trafficking, forced labour, Commercial Sexual Exploitation, globalization, liberalization, human rights.

I. Human Trafficking: acquiring grave dimensions

Human Trafficking is acquiring grave dimensions worldwide in the context of globalization. Human Trafficking refers to the illicit and clandestine movement of persons across national and international borders for the purpose of forced labour and Commercial Sexual Exploitation. IN 2020, the general deterioration of economic conditions resulting from the COVID-19 has increased the number of people mainly women and children at risk of being targeted by traffickers (UNODC:2020). Human trafficking has been identified as the third largest source of profit for organized crime, following arms and drug trafficking, generating billions of dollars annually at the global level (MWCD:2008). Every year across the globe, the trafficking and exploitation of more than 25 million victims by sexual exploitation or forced labour, generates more than \$150 billion in criminal revenue. It represents a comprehensive security issue, fuelling corruption, irregular migration and terrorism (UNODC: 2020).

II. Denial of human dignity and freedom

Traffickers consider their victims as commodities that can be used and sold for financial gain, without regard for human dignity and rights (UNODC: 2020). Trafficking in women and children is a fundamental violation of the rights and shows a blatant disregard for the right to life, liberty and dignity of a person. It includes violation of rights security of person, the right to freedom from torture or cruelty, inhuman or degrading treatment, the right to a home and family, the right to education and proper employment, the right to health care and everything that makes for a life with dignity. Kofi Annan, former Secretary General of United Nations expressed his views in this regard:

Trafficking and related practices such as debt bondage, forced prostitution and forced labour are violations of the most basic human rights, including the right to life, the right to dignity and security, the right to just and favorable conditions of work, the right to health and the right to equality.

Organized crime of trafficking has evolved into major threat to principles of a democratic society, the rule of law, good governance, and respect for human rights. The degradation of the women deals a direct blow to the rights of women and to gender equality. *World Day Against Trafficking* is observed annually on 30th July to make people aware of who is being trafficked, and to educate people that trafficking in persons is a crime.

III. Human Trafficking: As a Women's Issue

Trafficking in human beings can be seen as both a violation of human rights and a form of gender based discrimination and violence against women and girls. General Recommendation No. 19 of the Committee on the Elimination of All Forms of Discrimination against Women makes a specific reference to trafficking, identifying it as a form of gender based violence "*incompatible with the equal enjoyment of rights by women and with respect for their rights and dignity.*" Barack Obama the former President of United States expressed his views:

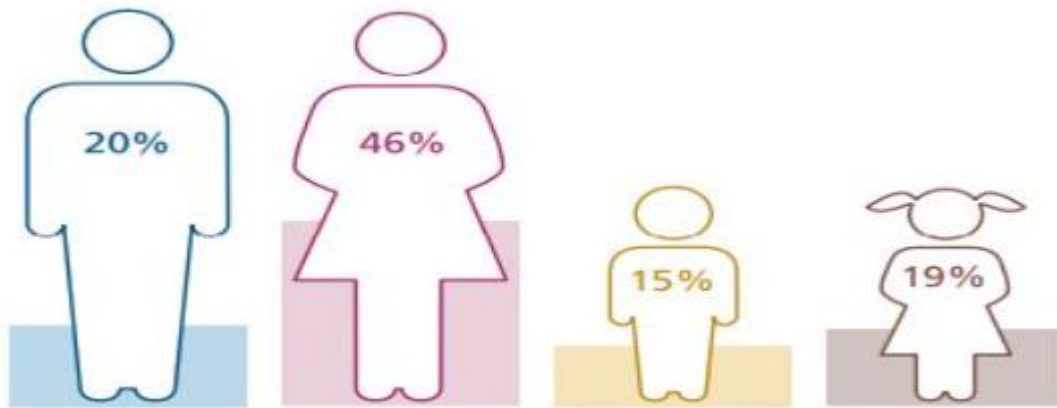
The victims of modern slavery have many faces. They are men and women, adults and children. Yet, all are denied basic human dignity and freedom...All too often suffering from horrible physical and sexual abuse. It is hard for them to imagine that there might be a place of refuge (Obama: Archives).

Women and girls comprise 65 percent of the world's trafficking victims. Based on data gathered by UNODC in 139 countries in 2018, where the gender and age of the victim were specified, it was found that 46% of the identified victims were women and 19% were girls. The selling of young women into

sexual bondage, a serious violation of their rights and threat to their health, has grown considerably over the past decade.

Several millions of underage girls, young women and innocent children have been victimized across continents and millions are being victimized every year, all over.

The Department of States (US) in its report 'Trafficking in Person', 2010 estimated that 50,000 women and children alone are trafficked to that country every year. They continue to be enslaved in commercial sex around the world, toil in sweatshop factories without food or break, sewing garments, peeling shrimp, and weaving carpets under threat of violence.



Source: UNODC (2020), elaboration of national data.

Discrimination against women is a major causal factor of trafficking not only in Asia, but also in Latin America, Africa and Middle East. Research suggest that women and children have been among the largest losers of globalization. The victims are not only stigmatized as outcasts but they are facing moral and legal isolation. Trafficked people are vulnerable to HIV/AIDS infection, drug addiction, and high-risk abortions and teenage pregnancies, which may affect their reproductive health for life. There is an integral connection between HIV/AIDS, gender and trafficking (UNDP/2002). Some studies have revealed that the longer the confinement in brothels, the greater is the probability of the victims contracting HIV/AIDS due to poor negotiation for safe sex methods. The country has to incur huge costs for health and rehabilitation as well as for law enforcement (MWCD: 2008).

Social stigma, and non-acceptability are said to be the greatest obstacles to reintegration and the rescued girls often lapse back into commercial sex work. Mary Crawford in her study 'Sex Trafficking in South Asia' found that the stigma extends to those who tried to help trafficking victims. When the girls were brought back to Nepal there was big criticism about NGOs, ...that they were bringing HIV/AIDS from India. Others said Nepal would be the dumping site for HIV/AIDS (Crawford/2010/83).

IV. Technology: Part of the Trafficking

Increased use of technologies have made trafficking activities easier to perform (UN.GIFT/2008). People seeking to buy women and children for purposes of sexual exploitation are now able 'shop' online with an ease. Web pages have advertised women for sexual exploitation who may be trafficked victims. The web is increasingly featuring pornographic websites or websites advertising sexual services. Some photos contained therein may never have been intended by their subjects for such purposes. Some of the women may not even know their photographs are on Web sites (UN.GIFT:2008).

V. Fighting Modern Slavery: Palermo Protocol

In 2000, United Nations adopted the '*Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children*', also known as the *Palermo Protocol*, a milestone in the fight against modern slavery. Since then, the world has made great strides in combating human trafficking. Article 3(a) of the Protocol defines "trafficking in persons":

... the recruitment, transportation, transfer, 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 position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

The Protocol further specifies that "exploitation" includes, among other things: "forced labour or services, slavery or practices similar to slavery [or] servitude"

The definition in trafficking in persons in the UN Trafficking Protocol has three constituent elements:

Act	Means	Purpose
Recruitment	Threat or use of Force	Exploitation including
Transport	Coercion	Prostitution of others
Transfer	Abduction	Sexual exploitation
Harbouring	Fraud	Forced labour
Receipt of Persons	Deception	Slavery or similar Practices
	Abuse of Power or Vulnerability	Removal of Organs
	Giving payments or Benefits	Other types of exploitation

Source: UNHCR:2011.

The Palermo Protocol focused the attention of the global community on combating human trafficking. For the first time, an international instrument has incorporated the “3P” paradigm: **prevention**, criminal **prosecution**, and victim **protection**.

VI. Regional Conventions

i). Apart from UN Convention, national and regional Conventions have been adopted. Council of Europe adopted Convention against Trafficking in Human Beings, 2005 and in 2000, the United States enacted the *Trafficking Victims Protection Act (TVPA)*. The European Court of Human Rights (ECHR) in the case *Rantsev v. Cyprus and Russia, 2010* ruled that trafficking in human beings is prohibited by Article 4 of the European Convention for the Protection of Human Rights and Fundamental Freedoms without the need to determine whether it should be qualified as slavery, servitude or forced labour:

Like slavery, trafficking in human beings... treats human beings as commodities to be bought and sold and put to forced labour, often for little or no payment, usually in the sex industry but also elsewhere.... It involves the use of violence and threats against victims, who live and work under poor conditions.

ii). The SAARC Convention, a Regional, *Convention on Combating the Crime of Trafficking in Women and Children for Prostitution, 2002*, was adopted unanimously by Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka during the Eleventh Summit in Kathmandu. The Convention called for

cooperation amongst Member States in dealing with various aspects of prevention, interdiction and suppression of trafficking in women and children.

VII. Trafficking: A Gendered Phenomena in South Asia

Across South Asia, women and children are trafficked within the country and across borders. India is considered as one of the countries which is a source, a transit point as well as a destination for trafficking in women and young children. Women and young children from India, Bangladesh and Nepal are mostly sent to the Middle East and other locations for forced prostitution via Mumbai, Kolkata, and other South Indian ports. According to the United Nations Office on Drugs and Crime (UNODC), between two or three million people are trafficked annually in and out of India. Porous borders with economically poorer Bangladesh and Nepal (from where none need visa to visit India) aggravate the problem of cross-border trafficking.

VIII. India: a source, destination, and transit country for human trafficking

India is a source, destination, and transit country for both in-country and cross border trafficking (MWCD/2007). It is reported that India is the main recipient of an estimated 150,000 women and girls trafficked into India from South Asia to feed the commercial sex industry (Sharma: 2016). 90 % of trafficking, however, takes place within the national borders. A large majority of the victims of human trafficking in India are women and children among whom the Girl child is at a higher risk of being trafficked. It is estimated that up to one million women and children are affected by sex trade in India. This number rises by around 200 new victims every day (HDRN & UNDP/2009).

i) Crimes Registered under ITPA during the Period 2017-2018

The All India reporting of crimes under Immoral Traffic (Prevention) Act, 1956 (ITPA) revealed reduction of cases in the year 2017 and 2018 from the previous years. In India, on an average, 8927 crimes were reported every year under ITPA. The following table indicates the data collected by National Crime Record Bureau during the year 2017 and 2018-

Number of cases of trafficking in persons reported, 2017 – 2018



Source: UNODP Global Report, 2020

The forced labor within the country constitutes India's largest trafficking problem; men, women, and children in debt bondage are forced to work in industries such as brick kilns, rice mills, agriculture, and embroidery factories. Ninety percent of trafficking in India is internal, and those from India's most disadvantaged social economic strata are particularly vulnerable to forced or bonded labor and sex trafficking. Within the country, agriculturally advanced states like Uttar Pradesh (UP), Haryana and metropolitan cities like Delhi, Mumbai and Kolkata are the destinations (Pandey, 2003).

ii) From the lenses of TIP Report:

India has remained on Tier 2 list in the *Trafficking in Persons Report USA*. The Government of India does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period. The government demonstrated increasing efforts by nearly tripling the number of victims identified and increasing its budget for shelter programs for female and child trafficking victims (DOS: 2018).

iii) Legislative Measure in India

India has the necessary legislation to tackle human trafficking. The Constitution of India, under Art. 23 (1) prohibits trafficking in human beings and forced labour. It prohibits all forms of trafficking. This right is enforceable against the State and private citizens.

The Immoral Traffic (Prevention) Act, 1956 (ITPA):

Initially, The Suppression of Immoral Traffic in Women and Girls Act, 1956 (SITA) was enacted with the object of inhibiting or abolishing the immoral traffic in women and girls. It was in pursuance of the International Convention on Suppression of Immoral Traffic and Exploitation, of Prostitution and Others, 1950. The Act aimed to rescue exploited women and girls, to prevent deterioration of public morals and to stamp out the evil of prostitution, which was rampant in various parts of the country. In 1978, SITA was amended. This was owing to the realisation that the social evil needed to be curbed and that existing provisions failed to do so. In 1986, SITA was drastically amended and renamed as the Immoral Traffic (Prevention) Act, 1956. Other Acts for the protection of victims are Protection of Children from Sexual Offences Act, 2012, Juvenile Justice (Care and Protection of Children) Act, 2015, the draft Trafficking of Persons (Prevention, Protection, and Rehabilitation) Draft Bill, 2016.

The Immoral Traffic (Prevention) Act, 1956 is a special legislation that deals exclusively with trafficking. The purpose of the enactment is to inhibit or to abolish the trafficking in women and girls for the purpose of prostitution. The ITP Act covers sexual exploitation of both girls and boys for commercial purposes and provides enhanced penalties for offences involving children and minors. It prescribes stringent punishment against perpetrators inducing children (below 16 years) and minors (16 to 18 years) in the offences of procuring, inducing or taking such a person for the sake of prostitution. The following acts are made punishable under the Act :

- ☒ punishment for keeping a brothel or allowing premises to be used as a brothel (S.3)
- ☒ punishment for living on the earnings of prostitution (S. 4)
- ☒ procuring, inducing or taking persons for the sake of prostitution (S. 5)
- ☒ detaining a person in premises where prostitution is carried on (S. 6)
- ☒ prostitution in or the vicinity of public places (S. 7)
- ☒ seducing or soliciting for the purpose of prostitution (S. 8)
- ☒ seduction of a person in custody (S. 9).

The law confers wide powers on the concerned authorities in matters of rescue and rehabilitation of victims and survivors and provides for stringent action against exploiters including the eviction of brothels, surveillance, externment, as well as aggravated punishment when the offences are committed on children.

Section	Provision relating to trafficking
3	Brothel Keeping
4	living on the earnings of the prostitution of others
5	procuring, inducing or taking a person for prostitution.
6(1)	detaining a person in premises where prostitution is carried on.
7	Prostitution in the vicinity of public places.
8	Seducing or soliciting.
9	Seduction of a person in custody.
15	two women police officers be present during the search procedures
16	Rescue on Magistrate's direction.
17	intermediate custody in a safe place and refrain from placing her with those who might have a harmful influence on her

The main features of the Immoral Traffic Prevention Act, 1956

If trafficking has been done by the members of the family, or there is suspicion that they may be involved, the trafficked persons may not be released to their families The ITPA does not define trafficking, but defines prostitution to mean sexual exploitation or abuse of persons for commercial purposes, which has elements of trafficking. Provisions under Indian Penal Code are as follows:

Section	Details of the provision
366	Kidnapping, abducting or inducing a woman to compel marriage
366A	Procuring a minor girl
366B	Importation of a girl below 21 for sexual exploitation
367	Kidnapping/abducting to subject person to grievous hurt, slavery.
370	Buying or disposing of person as slave
371	Habitual dealing in slaves
372	Selling minor for prostitution
373	Buying minor for prostitution
374	Compelling a person to labour

International Conventions Signed/ratified by India:

Name of the Convention/Protocol	Signed/ratified by India	Comments
Convention on the suppression of Immoral Traffic and of the Prostitution of Others,1950	May, 1950	This was the basis of the ITPA,which is the core statue on trafficking for commercial sexual exploitation in India.
Convention for the Elimination of All forms of Discrimination against Women (CEDAW),1979	July,1993/with reservation	
UN Convention against Transnational Organized Crime	December, 2002	
Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.	December, 2002	
SAARC Convention of Preventing and Combating Trafficking in Women and Children for Prostitution, 2002	5,January, 2002	

iv) Government Interventions

The Government of India has adopted a multi-faceted strategy of laws, policies, and schemes for combating trafficking and sexual exploitation and to enable rescue, rehabilitation and re-integration of the trafficked victims and most importantly enabling a protective environment within the community to help them safeguard their children from evils of trafficking.

Welfare scheme: Swadhar

Swadhar scheme was launched during the year 2001-2002 to benefit women in difficult circumstances including rescued victims of trafficking. The MWCD runs Shelter based homes Short Stay Homes, Swadhar Homes for women in difficult circumstances. These cater to trafficked women/girls rescued or runaway from brothels or other places, for women/girls victims of sexual crimes who are disowned by family or who do not want to go back to respective family for various reasons. The Schemes provides for shelter, food, clothing for women and children below the age of 18 years, counseling, clinical, medical, legal and other support, training and economic rehabilitation and helpline facilities. At present, over 240 Swadhar Homes and more than 380 Short Stay Homes are being run in different parts of the country (DWCD:2004-2005).

Ujjawala

'Ujjawala', a new "Comprehensive Scheme for Prevention of Trafficking and Rescue, Rehabilitation and Re-Integration of Victims of trafficking and Commercial Sexual Exploitation" was launched on 2007 by the Ministry of Women and Child Development. Funds are released to NGOs as the scheme is being implemented mainly through NGOs (NLRD: 2013).

Salient features of Ujjawala scheme

The scheme comprises 5 components:

- ☞ Prevention, which consists of formation of community vigilance groups/adolescents' groups, awareness and sensitization of key functionaries.
- ☞ Rescue, safe withdrawal of the victim from the place of exploitation.
- ☞ Rehabilitation, which includes providing safe shelter for victims with basic inputs of food, clothing, counseling, medical care, legal aid, vocational training and income generation activities etc.
- ☞ Reintegration, which includes restoring the victim into the family/community (if she so desires).
- ☞ Repatriation, to cross-border victims for their safe repatriation to their country of origin.

v) Ministry of Home Affairs

The Ministry of Home Affairs is responsible for ensuring the enforcement of the various legislations and conventions related to the criminal activity of trafficking.

Anti-Trafficking Cell – The Ministry of Home Affairs has established an Anti-Trafficking Cell to deal with matters relating to law enforcement response on Trafficking in human beings. The Cell provides suitable guidelines to the States/UTs from time to time for strengthening law enforcement response in tackling human trafficking. The Anti Trafficking Cell also provides guidance and assistance to the State and UTs for holding State level conferences and Judicial Colloquiums with a view to sensitizing the concerned officers, including Police officers, Judicial officers and other stakeholders in the States and UTs about Human Trafficking. The Anti Trafficking cell is also responsible for signing bilateral /multilateral MoUs with various countries to address the issue of Human Trafficking and participation in national /international meetings/conferences.

vi). Judiciary: Paradigm Shift in the Delivery of Justice

The Judiciary has been instrumental in bringing about a paradigm shift in the delivery of justice for prevention of trafficking. This has led not only to protection of victims and vulnerable persons, but also

to the prosecution of exploiters. Two widely mentioned Supreme Court judgements *Vishal Jeet v. Union of India, 1990* and *Gaurav Jain v. Union of India, 1997* are considered milestones judgements in initiating government action against the menace of commercial sexual exploitation.

Vishal Jeet v. Union of India, 1997

Supreme Court in *Vishal Jeet v. Union of India, 1990* directed the government to ensure care, protection, development, treatment and rehabilitation of the victims of commercial sexual exploitation and the setting up of a central advisory committee. It was constituted in the same year and a national seminar was also held. Pursuant to the recommendations given by the Supreme Court, a national action plan was formulated by DWCD in 1998 to combat trafficking and the commercial sexual exploitation of women.

State of Maharashtra v. Mohd. Sajid Husain, 2008

In leading case of *State of Maharashtra v. Mohd. Sajid Husain, 2008*, the Supreme Court dismissed the anticipatory bail granted in favour of the eight respondents. Out of the eight respondents, five are police officers, two are politicians and one is owner of a hotel. The Court rejected the allegation that the likely object of the accusation was to humiliate or malign the reputation of the respondents. The Court expressed its views as under:

Immoral trafficking is now widespread. Victims, who are lured, coerced or threatened for the purpose of bringing them to the trade should be given all protection.Immoral conduct on the part of police officers should not be encouraged. We fail to understand as to how the police officers could go underground. They had been changing their residence very frequently. Although most of them were police officers, their whereabouts were not known.

Technical/vocational training to sex workers

Budhadev Karmaskar v. State of W.B. (2011)

In *Budhadev Karmaskar v. State of W.B. (2011)*, The Court directed the Central and the State Governments to prepare schemes for giving technical/vocational training to sex workers and sexually abused women in all cities in India. For instance, if a technical training is for some craft like sewing garments, etc. then some arrangements should also be made for providing a market for such garments. In this case the Supreme Court while dismissing a appeal by the accused in a case of murder of a Sex Worker observed that the Ujwala Scheme was only for rescued trafficked women but no scheme was

there for those sex workers who voluntarily want to leave the sex trade.

The Court observed that under the said Scheme a condition has been placed that the rescued sex workers must stay in a corrective home to get technical training. The Court said that no such condition should be imposed, as many sex workers consider corrective homes as virtual prison. The Court also appointed a Panel of NGOs, Activists and Lawyers to study, research and suggest a scheme in this regard. The Court made an appeal to the public and particularly young people of India as under:

What we have done in this case is to present the situation of sex workers in the country in the correct light, so as to educate the public. It is ultimately the people of the country, particularly the young people, who by their idealism and patriotism can solve the massive problems of sex workers. We, therefore, particularly appeal to the youth of the country to contact the members of the Panel and to offer their services in a manner which the Panel may require so that the sex workers can be uplifted from their present degraded condition.

Rescue and rehabilitation of trafficked women

In *Prajwala v. Union of India (2015)*, the Supreme Court in its landmark judgment dealt extensively on the issue of rescue and rehabilitation of trafficked women. The Court observed that the need for information, counseling, medical treatment and rehabilitation of victims was completely overlooked. The Court questioned the existing system, the failure of enforcement agency, as well as the inadequate guidelines for rescue, relief, rehabilitation and implementation of various Acts.

vii). Anti - Trafficking Activism

The globalization of human trafficking has also led to a rise in anti-trafficking activism. The Government of India has built strong linkages and partnerships with various stakeholders including civil society, NGOs, corporate sector, international organizations etc, in all its endeavours to build an integrated response to prevent and combat trafficking in persons, especially of women and girl children (MWCD:2008). Section 13(3)(b) ITPA provides for an advisory body of NGOs in the enforcement of this social legislation. The Central Government provides advice and financial assistance to the States for setting up Anti-Human Trafficking Units at District level. A proposal for setting up and strengthening Anti Human Trafficking Units in all districts of States and UTs under 'Nirbhaya Fund' has been approved. The functioning of certain NGO's may be cited who are dedicated to the cause of survivors of trafficking.

NGOs Role in rescue and Rehabilitation of trafficked women

The Rapid Action for Human Advancement Tradition (RAHAT)

In the north Indian states of Jharkhand (Ranchi) and Bihar (Kishanganj), trafficking of women poses a serious problem.. In Kishanganj, Bihar, the scenario is unique and challenging. Women are trafficked to Kishanganj from all over India, like Lucknow (Uttar Pradesh), Gorakhpur (Uttar Pradesh), Patna (Bihar), as well as from and to Bangladesh and Nepal, having borders near Kishanganj. RAHAT with support from UNODC has been broadly used to strengthen community networks and using the community as a warning call in preventing trafficking of women. The RAHAT Counseling Centres are established at key nodal points such as the main bus stops. The staff at the counseling centers is trained to keep vigilant “lookout” for anything suspicious and for unlikely couples, for women with men who do not seem to be familiar with each other. They inform about them to the Police Station and the victims are rescued.

Action Et Aide

Action Et Aide, an NGO is running the vocational training programmes at the vigilance home Mylapore, Chennai. They have had to study rescued commercial sex workers and her destination area where such workers were likely to go and they are trained accordingly. The trainers take active interest in learning all that is being offered and training modules are flexible and tailor made to the needs of the women.

IX. Legalization of prostitution v. Zones of Toleration

The legalization of prostitution has been suggested as a way to tackle the alarming rise in the sex-trafficking of women and girls in India. On the contrary, it was argued that legalization of prostitution will only increase sex trafficking. The debate is going on in the European countries in the hope of reducing this figure of trafficking that whether the government should opt for “zones of toleration” or introduce legalized brothels. The problem with toleration zones is that they are only likely to be acceptable in rundown commercial zones, where there are no residents. They argue that by legalizing the trade as in Germany, the Netherlands and Sweden, sex workers/victims/survivors had much better protection from the three most common threats: pimps, violent clients and disease.

Those who support the eradication of prostitution argue that legalization has not solved the typical problems. They claim that legalization has increased the level of demand for prostitution, exacerbating the phenomenon of trafficking in women. The supporters of legalization completely reject these claims.

They urge a reduction in the restrictions imposed on prostitution and argue that women should be permitted to work in the industry without permits or restrictive frameworks. However, they too are unable to explain the general impression that despite the diverse models of legalization introduced in Australia, the process has not met any of its declared goals (Levenkram:2007). There has been an increase in trafficking to the two places-Australia and the Netherlands -where prostitution is legalized.

The Swedish model: Purchasing sexual services is illegal

On 1 January 1999, Sweden became the first country in the world to introduce legislation criminalising the purchase, and not the selling, of sexual services. According to Sex Purchase Act, 1999, it is a criminal offence to attempt to pay for sex and to pay for sex on behalf of another person. Initially, the maximum sentence for paying for sex was six months imprisonment. In 2011 this was increased to one year.

In Sweden prostitution is regarded as a form of violence against women. It is both a cause and a consequence of inequality between women and men. The Sex Purchase Act is designed to tackle this form of violence by discouraging men from paying for sex, while supporting those exploited through prostitution to exit and rebuild their lives.

In 1998, the Swedish Government appointed the Swedish Police Authority as National Rapporteur on Trafficking in Human Beings. the National Rapporteur's most important task is to monitor, analyze, and present comparative data about the state of trafficking in human beings within and to Sweden, and to evaluate the effectiveness of law enforcement actions as well as legal, policy and practical measures and initiatives. The National Rapporteur also ensures that the Swedish police forces are given continuing training in how to investigate these crimes.

In a survey, it was found that 80 percent of the general public in Sweden support this law, and children are being educated in schools about the realities of prostitution. There is evidence that this has been successful. The Swedish approach is best suited to the 21st century (Bindal /26). Kajsa Wahlberg, Swedish, National Rapporteur on Trafficking in Human Beings, observed that laws are not created for the purpose of sending people to jail or to fine them. Laws are created because we want people refrain from certain acts. This specific law is a protection of women (and men) against acts of violence....the purpose of law is to create norms based on gender equality and international human rights; that no

woman, man or boy or girl is for sale, and that no one has a right to purchase someone else and sexually exploit her or him (Wahlberg: 2009).

To conclude, it is the responsibility of the state to address the fundamental structural causes of trafficking and to protect the human rights of the victims. There is a need for a legislation which sets out trafficking as a criminal offence and that covers trafficking for all purposes and the purpose should be to penalize traffickers and not the victim. The persons should be held accountable who abuse trafficked women. We can follow the step taken by Sweden, Norway and Iceland who changed their laws to make the purchase of sex illegal and not the selling of sex. They have shifted the blame from the victim to the perpetrator and they have managed to reduce trafficking in their country.

Though several significant efforts have been taken by the Government on the issue of human trafficking including the setting up of local anti-trafficking units, the rescue and rehabilitation of victims have remained unfriendly. The need for information, counseling, medical treatment and rehabilitation of victims is completely overlooked. Due to social and economic inequality, victims often find themselves back into the hands of the same or other traffickers. The protection homes should be established to rehabilitate the victims of trafficking to save them from the traffickers. They should be provided education, health care and vocational training.

Special courts to deal with cases of trafficking should be established and judges who deal with the victims of assault need to have special and adequate training. Training should be given to police officers for their sensitization

There is strong need for a human rights framework to combat trafficking, support and empower those who have been trafficked. A monitoring cell should be established by the government to monitor the effective rehabilitation of the victims. Supreme Court can take the help of National Human Rights Commission to monitor the progress and for the effective implementation of its judgments in such cases.

The problem of trafficking cannot be solved in isolation. All stakeholders must cooperate each other and public must become vigilant to check this menace. Presently, several NGOs are taking care of victims and they are providing them vocational training. Efforts are made by them to identify and repatriate them to their villages. After repatriation, NGO are monitoring the rehabilitation of the victims. NGOs can accordingly act as watch dog keeping vigil on rescue and rehabilitation programmes quite

significantly. They may cooperate in police raids to save the victims from the clutches of traffickers.

They may help in the rehabilitation of the victims.

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