

CHAPTER 2

REVIEW OF LITERATURE

This chapter presents the literature which informs this study. The chapter is divided into nine sections to discuss the literature review methodology. The first section introduces Human Trafficking, and the second section provides the conceptual dimensions of human trafficking. The third section discusses the trafficking process (*modus operandi*). The fourth section outlines the phenomenon of human trafficking, including its history, prevalence, factors supporting its existence, and economic context. The fifth section discusses the principle and guidelines of human rights and human trafficking. The sixth section talks about the implications for the victims of trafficking. The seventh section discusses the media and human trafficking that the role of media in the prevalence of human trafficking. The eighth section provides an overview of existing research on human trafficking. The last section talks about the gaps in research on human trafficking.

This chapter tries to demystify concepts about present-day modern slavery, i.e. trafficking in human beings, which have often been distorted and misunderstood. The fundamental clarity of these concepts is essential for correctly understanding the trafficking situations and taking appropriate measures.

Exploring the literature included an in-depth review of the following databases and search engines: Web of Science, Psych Info, Social Sciences Abstracts, Social Work Abstracts, PAIS International, Google Scholar, and Academic Search Premier. The keywords included: Human trafficking, domestic trafficking, trafficking in persons, sex trafficking, slavery, modern-day slavery, forced labour, domestic servitude, child trafficking, domestic minor sex trafficking, child labour, child exploitation, child prostitution, child welfare and child trafficking/abuse/sexual abuse, empirical studies and human trafficking, anti-human trafficking law/policy/legislation, Wilberforce Act, Trafficking Victims Protection Act, and treat human trafficking. These keywords were used in various combinations and within multiple database searches. The methodology incorporated advanced searches and reference sourcing from extracted research and journal articles. In this study, the researcher has analysed the publications and reports from the United Nations, the U.S. State Department, the U.S. Department of Justice, the

U.S. Department of Health and Human Services, and anti-human trafficking non-governmental organisations (NGOs) and non-profit organisations.

2.1 Human Trafficking: Introduction

There are varying perceptions about the definition and concept of trafficking. Three discernible schools of thought have been associated with its definitions. The first school of thought defines trafficking as that which has to do with the forcible procurement of women and children and mainly focuses on sexual exploitation. Initially, the only specific United Nations instrument addressing this issue was “*the convention on the suppression of traffic of persons and the exploitation for prostitution of others, 1949*,” (General Assembly resolution 317(IV), 1949). This convention was ratified by only 60 countries and remains unused mainly and moribund. Other countries that have legalised or regulated prostitution are not supportive of the convention, which is perceived to be abolitionist in orientation. Moreover, the convention does not have a monitoring body that can mandate countries to report on development and progress in combating prostitution and trafficking, (Debabrata, 2002, p.1).

The second school of thought broadened the definition of human trafficking and tried to include the impact of economic liberalisation and globalisation within it. This definition was given by the “*United Nations General Assembly in 1994*”, thus, defining Human Trafficking as:

“The illicit and clandestine movement of persons across national and international borders, largely from developing countries and some countries with economies in transition, with the end goal of forcing women and girl children into sexually or economically oppressive and exploitative situations for the traffickers, such as forced domestic labour, false marriages, clandestine employment and false adoption” (United Nations General Assembly, 1994).

This definition has some limitations. Firstly, it is econometric-mainly emphasising the role of the market and its relationship with the push and pull factor of trafficking. Secondly, it associates trafficking in human beings with only the visible part of the problem, i.e., forced prostitution, coerced labour etc. Trafficking has a whole sphere of activity that is mainly invisible and thriving unmitigated. The relationship between undocumented migration and trafficking, the influence of the patriarchal order of society,

the subtle forms of domestic trafficking, and the power inequalities in societies are not explicitly explained in this definition, (Debabrata, 2002). The third school of thought defines trafficking in human beings which is the most recent and concise of all descriptions. This definition has dubbed trafficking as modern day slavery, thus defining human trafficking as:

“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 a 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. Exploitation shall include at a minimum the exploitation of the prostitution of other or other forms of sexual exploitation, forced labour or services, slavery or practices, similar to slavery, servitude or the removal of organs” (U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000), Article 3(a)).

Article 3(b) of the “Trafficking Protocol 2000” further specifies that if one of the means mentioned in Article 3(a) of the Protocol is used, it is irrelevant whether the person trafficked expressed their consent or not. On the contrary, the definition of trafficking in minors contained in Article 3(c) of the Protocol does not consider the issue of consent, so the recruitment, transportation, transfer, harbouring, and receipt of a child followed by their exploitation has to be regarded as child trafficking. Finally, Article 3(d) of the Protocol defines a child as a person under eighteen (Debabrata, 2002).

The “United Nations Trafficking Protocol 2000” refers to some specific forms of exploitation. However, the list is not exhaustive, and it may include other forms as well. The choice made was to extend as much as possible to the definition of trafficking in persons to include any possible known or still unknown - a form of exploitation. Thus, the definition under “United Nations Trafficking Protocol” is well-equipped to fight against any new form of exploitation that may arise in future, (Scarpa, 2008, p. 5).

The “South Asian Association for Regional Cooperation (SAARC)” has also framed a definition of trafficking in the “*SAARC convention on preventing and combating trafficking in women and children for prostitution (2002)*.” Human trafficking under this convention reads as:

“Trafficking means the moving, selling or buying of women and children for prostitution within and outside a country for monetary or other considerations with or without the consent of the person subjected to trafficking,” (SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002), Article 1(3)).

Few countries have their counter-trafficking laws with definitions differing in content. According to the USA law called the “*Trafficking Victims Protection Act (TVPA, enacted in 2000)*,” trafficking in persons is defined as follows:

“All acts involved in the transport, harbouring, or sale of persons within national or across international borders through coercion, force, kidnapping, deception or fraud, for the purpose of placing persons in situations of forced labour or services, such as forced prostitution, domestic servitude, debt bondage or other slavery-like practice,” (Trafficking Victims Protection Act (TVPA, enacted in 2000), Section 103(8)(A&B)).

A unique aspect of the TVPA is that it provides tools for the U.S. government to combat trafficking in persons domestically and internationally. It also creates a global monitoring mechanism through the Trafficking in Persons (TIP) Report. The Department of State (USA) produces this annual report assessing the situation and response in each country with a significant number of victims of severe forms of trafficking in persons. Based on the level of government efforts to combat trafficking, countries in the annual report are rated in three tiers.

Tier I (Countries that fully comply with the Act’s minimum standards for the elimination of trafficking), Tier II (Countries that do not fully comply with the minimum standards but are making significant efforts to bring themselves into compliance). Tier II Watch List (Countries on Tier II requiring special scrutiny because of a high or significantly increasing number of victims, failure to provide evidence of increasing efforts to combat trafficking in persons; or an assessment as Tier II based on a commitment to take action over the next year) and Tier III (Countries that neither satisfy the minimum standards nor demonstrate a significant effort to come into compliance. Countries in this tier are subjected to potential non-humanitarian and non-trade sanctions), (International Organization for Migration, (2008), p. 15).

The Indian position regarding the definition of human trafficking can be found in the various sections of the Immoral Trafficking (Prevention) Act 1956. Section 5 of the Act

speaks about the procuring, taking and even inducing of a person for the sake of prostitution. According to this section, even an attempt to procure and an attempt to take or cause a person to carry on prostitution amounts to trafficking. Therefore, human trafficking in this Act has been given a broad scope without any precise definition, (Nayar, 2007, p. 2).

Another comprehensive definition of human trafficking is given in the Goa Children's Act, 2003. This Act focuses explicitly on child trafficking. It defines "Child Trafficking" as:

"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," (Goa Children's Act 2003, Section 2(z)).

Thus, it can be said that the definition laid down under the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, is comprehensive and covers various emerging forms of human trafficking.

2.2 Human Trafficking: The Conceptual Dimensions

According to Lee (2011), the concept of human trafficking and modern slavery should depend on the theoretical framework, or lens one applies while "approaching" the subject. One method may be more prevalent or appropriate depending on your line of work or point of view. Similarly, techniques may be merged and employed as part of the expanding multidisciplinary lens to analyse human trafficking and contemporary slavery. This could imply that various interventions and approaches to treating trafficked individuals will be devised following the distinct conceptual frameworks that each individual subscribes to. According to Lee (2011), the six primary topics or strategies that have received the most significant attention in the current discussion are as follows:

Modern Form of Slavery

One of the most frequent assertions about human trafficking is that it is a contemporary version of slavery. Modern slavery has evolved from "old" types of slavery, such as kidnapping, auction blocks, chattel slavery, etc. Modern-day

slavery is a component of an illegal, unregulated economic world and does not include legal ownership as it did with earlier types of slavery (Bales, 1999). This conceptual strategy is predicated on a framework of complete dominance, financial exploitation, and violence (Bales, 2000).

Exemplar of Globalisation of Crime

Although the effects of globalisation on the economy and how this has aided in trafficking have been discussed, this conceptual approach adopts a different viewpoint. According to this strategy, globalisation has produced new conditions that have increased crime (Findlay, 2008). This strategy also suggests that because globalisation widened the gap between the rich and the poor and resulted in increasing cuts to essential social welfare programmes, a sizable portion of the population has realised that they must be willing to engage in illegal activity if they are to achieve their goals or live the lifestyle they desire, (Passas, 2000). Another claim in this approach is that organised, international crime syndicates and gangs have benefited from globalisation's use of technology and connectivity. These groups have adopted the same patterns and opportunities for migrant flow and money and goods, (Shelley, Picarelli, & Corpora, 2003).

The problem of Transnational Organized Crime

Contrary to the preceding conceptual approach, this one suggests that trafficking is carried out by transnational organised criminal groups that are smart and complicated enough to switch from prior economic activities (such as the drug trade) into more lucrative and long-lasting (human trafficking). According to this perspective, this happens without any direct impacts or repercussions of globalisation's economic policies. This strategy inevitably results in the resolution of trafficking from the standpoint of law enforcement, which would involve counter-trafficking interventions and maybe a stricter application of the protocols employed by law enforcement to address/deal with the issue.

Synonymous with Prostitution

The most popular strategy is to consider how frequently prostitution and trafficking are treated interchangeably. Based on the "White Slave Trade

experiences” and propaganda, as well as 19th century xenophobia, which was based on the notion that foreigners would abduct and force women into prostitution (Enloe, 2000). This conceptual approach focuses on a topic with the most contentious discussions, typically along moral and ideological lines (Outshoorn, 2012). The concepts of “sex workers” and “sex slaves,” as well as “voluntary” prostitution and “forced” trafficking, have divided debates on sex trafficking and brought up the topic of women’s agency. This has made this approach dominant in the conversation about sexual exploitation, even though prostitution makes up a tiny fraction of it.

Migration Issue

Simply put, this strategy is predicated on the idea that trafficking is really a subset of illegal immigration. As a result, the strategy looks at irregularities and omissions in immigration and migration laws and interventions such border checks, interceptions, agreements for the verification of documents and repatriation of migrants, detention centres for migrants, and other exclusionary measures (Grewcock, 2007). On the other hand, this strategy has been crucial in the viewpoint that looks at the factors that lead to transnational migration in the first place. This viewpoint further claims that trafficking results from tight immigration laws that make it challenging for displaced immigrants or asylum seekers to follow a trajectory (Lee, 2011).

Human Rights

The definitions of numerous U.N. Protocols, beginning with the 1948 U.N. Declaration of Human Rights, which explicitly affirm the right to be free from slavery, form the basis of the final conceptual framework (Assembly, 1948). Later agreements including the International Covenant on Civil and Political Rights, the U.N. Convention on the Elimination of All Forms of Discrimination Against Women (UNEGEEW, 1979), and the U.N. Convention on the Rights of the Child (1989) (1966). Those who have been trafficked may also get assistance and protection from the UNHCR if their home countries are unable to do so. The human rights perspective shifts the conversation around trafficking away from only moral and financial considerations and toward the idea that all people have

inherent freedoms. These rights include the right to unhindered travel and the ability to immigrate. This conceptual approach has depended on empowerment techniques, redressing social injustices, and population mobilisation to combat trafficking in terms of interventions. Despite the fact that this conceptual approach represents the most widespread, grassroots response, there hasn't been much evidence of actual empowerment in practise (Munro, 2008).

These conceptual perspectives were included because they provide the most thorough deconstruction of many and occasionally conflicting theoretical explanations of the nature, causes, and countermeasures to trafficking. To ensure that the intersectional and multi-layered nature of how trafficking is understood and discussed in the literature is well represented, we have included them here.

2.2.1 Trafficking and Prostitution

Prostitution is not a part of human trafficking. The two words are not interchangeable. One must separate trafficking from prostitution to comprehend it. The "Immoral Traffic Prevention Act, 1956 (ITPA)," states that prostitution becomes a crime when a person is exploited for profit. Commercial sexual exploitation (CSE), a criminal offence with responsibility against all perpetrators, occurs when a woman or child is sexually exploited, and anyone benefits from it. The Act of hiring, contracting, obtaining, or trafficking a person for commercial sexual exploitation. Therefore, trafficking is a procedure, and the end consequence is commercial sexual exploitation (Nayer, 2007).

The issue frequently arises in discussions about the subject because the public, government, and law enforcement agencies mostly disregard the link between prostitution and human trafficking. Large-scale migrations have occurred as a result of widespread development throughout the world. Due to many people moving about, there are now opportunities for traffickers to entice women and girls who need well-paying work. They turn into easy pickings for sex traffickers, who promise them great jobs that only exist for sexual exploitation (Min Liu, 2011, p.12). As a result, one of the significant factors contributing to human trafficking globally is prostitution.

The prevalence of the adult sex business raises the incidences of both human trafficking and child sexual exploitation. It's possible that some women who engage in commercial sex made some educated decisions, had other entry options, and do not have histories of

sexual abuse, neglect, or trauma in their families. Most women, girls, boys, and transgender adolescents, for whom the sex industry is not about choice but lack of choice, are not represented by these minority women, who also do not represent most women. In nations that have fully legalised prostitution, the claim that doing so makes it safer for women has not held up. Legalisation has encouraged traffickers to seek out marginalised women and children to fill the demand (Britannica, 2021).

2.2.2 Trafficking and Illegal Migration (Human Smuggling)

Simply put, this strategy is predicated on the idea that trafficking is a subset of illegal immigration. As a result, the strategy looks at irregularities and omissions in immigration and migration laws and interventions such as border checks, interceptions, agreements for the verification of documents and repatriation of migrants, detention centres for migrants, and other exclusionary measures (Grewcock, 2007). On the other hand, this strategy has been crucial in looking at the factors that lead to transnational migration in the first place. This viewpoint claims that trafficking results from tight immigration laws that challenge displaced immigrants or asylum seekers to follow a trajectory (Lee, 2011). The dynamics of population movement have fundamentally changed in the twenty-first century, taking on new, complicated dimensions and difficulties. The creation of nation-states, extreme poverty, economic disparities, environmental deterioration, and security concerns have all significantly changed the long-standing human migratory nature that helped conquer the earth.

Today, migration refers to more than only the movement of people across political or geographical boundaries. Migration is influenced by several interrelated historical, geographical, economic, social, and political reasons rather than the basic human desire to move. These forces, processes, and variables create a complex picture of migration. Person trafficking was not included in the migratory picture established in the middle of the 1990s.

That does not imply that there was no human trafficking back then. It was instead the absence of acknowledgement of trafficking as a case of population movement that was caused by the lack of understanding and knowledge of the complexities of trafficking and migration. The States and international communities face a significant problem in properly managing diverse types of migration due to these awareness gaps or restrictions.

Therefore, the negative aspect of population migration is human trafficking (Beeks, 2006, p. 4).

Two basic categories of population mobility exist. First, there is forced or involuntary migration, in which vast numbers of people are driven to leave their homes due to military or unarmed conflicts. Out of fear of persecution or situations threatening their lives or safety, people escape or are forced to leave their homes or other residences. Forced migration occurs for various reasons, including persecution, violations of human rights, repression, conflict, military aggression, and natural and manufactured calamities. People occasionally leave their houses voluntarily to get away from these dangerous conditions. Armed groups frequently forcibly evict vast populations of people to achieve goals like ethnic cleansing or depopulating a region. People compelled to flee their homes can seek sanctuary across international boundaries or relocate within the state borders. While the second category is referred to as internally displaced individuals, the first group is often regarded as refugees. Refugees are forced to move; they do not do it voluntarily or in search of a better life. Under the “United Nations Convention and Protocol pertaining to the Status of Refugees,” which is overseen by UNHCR, refugees have a special status in international law.

Second, there is voluntary migration, where individuals leave their homes for a better quality of life or for other causes. Voluntary migration is a tactic people use to improve and diversify their sources of income. The greater and more promising chances abroad frequently influence people’s migration decisions. Migrants, labour migrants, and economic migrants are all used to describe people who migrate. The migrants are intelligent people who can assess prospects abroad. The term “migrant” refers to any situation in which the decision to move is made voluntarily, out of personal convenience, and without the involvement of an outside, forcing power. However, poverty, a lack of opportunities, and natural disasters are also factors that promote migration. Internal and international migration is influenced by globalisation, trade liberalisation that is expanding and deepening, economic inequities at home, and demographic ageing and decline overseas (Beeks, 2006, p. 5).

Prostitution and human trafficking are both somehow connected to migration. Most people feel that most prostitutes are not residents of the locations where they engage in prostitution, although migration is not a prerequisite when categorising cases of human

trafficking. For economic, social, or political reasons, women who are poor or seeking a better life frequently migrate in quest of more favourable circumstances (Min Liu, 2011, p. 39).

The movement of people is essential to human trafficking. The movement to a location where one can be exploited is a key idea in the international discourse on human trafficking. The practice of bonded labour and customary movement patterns used by Indian tribal communities present a problem in the discourse on human trafficking in India. The place of exploitation and the place of origin may be the same in the case of bonded labour. Despite the lack of movement, it might still be categorised as trafficking (Sen, 2005, p. 140). Due to the commonality of mobility, terms like illegal immigration, smuggling, and trafficking are also not often understood. Contrary to popular belief, these ideas are not mutually exclusive. The criterion of compulsion was used in the “United Nations Convention Against Transnational Organized Crime’s second section (2000)” to distinguish between smuggled migrants and trafficked individuals (Sen, 2005).

Another Protocol addresses the smuggling of migrants by land, sea, and air supplements the “United Nations Convention Against Transnational Organized Crime (2000)” (United Nations Convention, 2000). This international agreement declares:

“Smuggling of migrants shall mean the procurement, in order to obtain, directly or indirectly, a financial or another material benefit, of the illegal entry of a person into a State party of which the person is not a national or a permanent resident” (Scarpa, 2008, p. 68).

The decision to add optional protocols to the “Convention Against Transnational Organized Crime” emphasises how difficult it is to stop organised crime organisations’ illicit activities. While trafficking of individuals is a crime against the individual and implies exploitation, smuggling of migrants is a crime against the State. The “United Nations Smuggling Protocol” views smuggled people as migrants who purchase an unlawful transportation service from a smuggler, in contrast to the “United Nations Trafficking Protocol,” which refers to victims of trafficking. Once they reach their goal, their desire is over. As a result, they are viewed as nothing more than clients. On the other side, trafficked people have little control over what happens to them and are kept in abusive circumstances after being transported (Scarpa, 2008).

The relationship between migration and trafficking may first be described as opportunistic and advantageous to traffickers. The ability to manipulate the migration process gives traffickers the perfect opportunity to accomplish their schemes and objectives. The employment of agencies during relocation and the requirement for a down payment while migrating present opportunities for manipulation. India sees a lot of trafficking through illegal immigration. Under the guise of employment, individuals, primarily women, girls, and young boys, are trafficked from Nepal and Bangladesh to India. They are either used as prostitutes or for other exploitative purposes (Sen, 2005).

The predicament of the illegal immigrant trafficking victims can be witnessed via the examples of two Bangladeshi girls, 22 and 26 years old. Two female agents enticed these girls to India in October 2008 with the promise of domestic work, but they regrettably ended up in the flesh trade. These girls were transported to Bangalore by two young ladies, who then sold them to another agency, who forced them into engaging in commercial sexual exploitation. During a raid at night, police detained them. They were found not guilty under the “Immoral Traffic (Prevention) Act of 1956.” Still, they were given a two-year sentence under the “Foreigners Act by Salem, Principal Sessions Judge” (for not possessing appropriate documents). They were transported to the “*Government Protection Home*” in Salem after completing their sentence at “*Vellore Central Prison*” since they could not promptly repatriate. The cops apprehended the two girls after they broke out of the Protection Home. They were charged with a new offence and found guilty by the “*Judicial Magistrate Court-III, Salem*” of violating Indian Penal Code Section 224 (resistance or obstruction by a person to lawful capture).

On October 11th, 2012, they were placed in the quarantine facility at the “*Mandapam Refugee*” after completing their sentence. A Public Interest Litigation was filed at the Madurai bench of the Madras High Court because there were no indications that they would be returned. The Centre’s standing counsel informed the court that a communication dated November 23rd, 2012, ordering the State government to repatriate the girls, had been sent when the case came up for hearing in December 2012. A division bench made up of Justices K.N. Basha, and P. Devadass took the plea under consideration and issued an order on January 9th directing the “*State Home Secretary and Ramanathapuram District Collector*” to return the girls to their country within seven

days of receiving a copy of the order. According to S.J. Sheik Ibrahim, District legal intervention coordinator for People's Watch, it was just bureaucratic red tape.

These poor girls have been the victims of severe injustice. The girls ought to have returned home in 2008. But according to district collector K. Nanthakumar, the girls could not have been discharged in that manner. They were safely released home after receiving approval from the Inspector General of the Border Security Force (BSF) and the Union Home Ministry, the area's Collector told the Hindu. The Inspector of Police, Thangachimadam, reportedly arranged the release of two girls and led them to the border shortly after receiving the travel authorisation, according to Superintendent of Police NM. Mylvahanan (Special Correspondence, 2013).

People are trafficked not just for commercial sexual exploitation (CSE) but also for labour exploitation, most commonly during migration. A significant concern worldwide is human trafficking for labour exploitation. It mainly concerns West Asia and the Gulf Cooperation Council region because of the volume of labour migration and the prevalence of exploitative and opaque regulatory structures. Based on research funded by the International Labour Organization (ILO), a new "report on forced labour and human trafficking in the Middle East" (Sub-regional Conference, 2015), tries to estimate the scope of the issue. It makes for some disturbing reading, as might be expected.

According to the research, there are around 6,000 victims of forced labour in the area. Given that a sizeable portion of the labour force in that country comes from India, these statistics profoundly impact that country. What becomes clear is the intimate connection between labour migration and human trafficking, as well as how weaknesses in the administration of labour migration systems enable trafficking to continue. The rapid development of infrastructure has relied on the employment of temporary labour immigrants in the region's capital-rich countries. Between 1975 and 2010, there were an estimated "14 million migrant workers in the Gulf Cooperation Council (GCC) States, with the majority coming from Asia and Africa" (Atalay, 2018). Many nations in the region rely on the kafala, or sponsorship system, to control immigration. This system establishes an unequal power dynamic between the employer and the worker by dictating the latter's living and employment conditions. Today, this system controls most migrant workers' lives because they cannot change jobs. As a result, coverage gaps and loopholes in labour legislation accentuate existing weaknesses (The Hindu, 2013).

There have been few prosecutions, even in cases where national law offers legal recourse and human trafficking is declared illegal and punishable. In such a situation, there is, first and foremost, a strong argument for regulating and controlling the function of recruiting firms, which frequently disregard the interests of migrants in favour of furthering their objectives. The Gulf States must take labour protection policies more seriously and improve the conditions for all foreign workers in terms of pay, housing, and health care.

The 2008 Abu Dhabi Declaration was a recognition of the mounting problems. It provided a collective action plan for treating employees fairly. However, the recommendations, such as the need for effective measures to combat illicit recruiting and the promotion of more transparent hiring procedures and practices, remain largely unrealised. When India strengthens the provisions of its new emigration bill and signs any new bilateral agreements with nations in the region, it should consider these concerns (The Hindu, 2013).

Trafficking and Missing Persons

Missing people are typically identified as those who leave their respective homes voluntarily. They may decide to leave their homes for various reasons, such as family conflicts, domestic violence, their jobs, their fear of being apprehended in cases when people are committing crimes, etc. In the case of children, the causes may include parental neglect, marital violence, academic failure, early exposure to adult life, or criminal activity, such as kidnapping/abduction for ransom, etc. Whatever the cause, society and law enforcement organisations typically place the blame and responsibility on the individuals who have gone missing. Due to the prevailing mentality in associations and within law enforcement organisations, it is not given the attention or consideration necessary to examine missing person instances thoroughly (Sen and Ahuja, 2009, p. 76).

There is a connection between missing people and trafficking because it has frequently been seen that women and children who were saved during raids on brothels, sweatshops, or other facilities of a similar nature have been reported missing elsewhere in the nation. Although it is possible that women and children left the house of their own free will in search of promising professions, a bright future, etc., they were also trafficked. Parents unaware of this fact frequently report their children missing to the

police. While missing persons are not considered a crime in and of themselves, trafficking is a serious crime. The case is filed under the missing person's category lessens the severity of the problem (ibid.).

U. Sarathchandra, Member Secretary of National Legal Service Authority, stated at a colloquium on human trafficking held on August 2nd, 2012, in Chandigarh that “there are over a lakh missing child in India who may have been trafficked and approximately 80% of the trafficked population in India are minors” (Sinha, 2012). Even the 2013 Justice Verma Committee Report makes the connection between missing people and human trafficking (Verma, 2012). Numerous NGOs and social forums have developed websites that provide a database of missing persons to identify and locate them nowadays. This is because they recognise the necessity for discovering the missing persons—primarily children—and ensuring they are not being exploited.

Trafficking and Human Rights

The definitions of several U.N. Protocols, beginning with the 1948 U.N. Declaration of Human Rights, which explicitly state the Right to be free from slavery, form the basis of the final conceptual framework. Later agreements, including “the International Covenant on Civil and Political Rights (1989),” the “U.N. Convention on the Rights of the Child (1989),” (Nair, 2015, p. 30) and the “U.N. Convention on the Elimination of All Forms of Discrimination Against Women (UNEGEEW,1979) (1966)” (MENA Report, 2018). Those trafficked may also get assistance and protection from the UNHCR if their home countries cannot do so. The human rights perspective shifts the conversation around trafficking away from only moral and financial considerations and toward the idea that all people have inherent freedoms. These rights include the Right to unhindered travel and the ability to immigrate. This conceptual approach has depended on empowerment techniques, redressing social injustices, and population mobilisation to combat trafficking in terms of interventions. Even though this conceptual approach represents the most widespread grassroots response, there hasn't been much evidence of actual empowerment in practice (Munro, 2008).

In the past, prostitution and commercial sexual exploitation of women and girls were viewed as the principal forms of human trafficking. Some groups firmly uphold this connection in modern times. The advent of more aggressive lobbying for women's

human rights is one contemporary aspect that has contributed to this. The U.N.'s protection of women's rights has been a priority since its founding in 1945. This is seen from the passage of more than 20 pieces of legislation addressing women's status and treatment. Women and girls have historically been the main targets of prostitution and commercial sexual exploitation in cases of human trafficking. This has been viewed as violence against women and a problem harming their human rights.

People trafficked for various types of exploitation cannot be undermined, even though prostitution and commercial sexual exploitation are still widespread forms of trafficking. According to reports, around 25 percent of all people who are trafficked are sexually exploited. This implies that the bulk of people is trafficked for other reasons. The United Nations Special Rapporteurs on Violence Against Women and Sales of Children, Child Prostitution, and Child Pornography acknowledge the importance of focusing on different types of exploitation. The issue is that discussions on human trafficking from a gender viewpoint frequently centre on prostitution rather than the actual trafficking process. The Trafficking Protocol's definition is gender-neutral in this regard. It was questioned if it should address women and children, even during the writing phase. Argentina had some concerns that it should apply to women and children, but at the Ad Hoc Committee's second meeting, nearly all States agreed that it should apply to everyone. As a result, a revised draft of the Protocol was presented before the Fourth Session of the Ad Hoc Committee, and the phrase "all persons," particularly women and children, was substituted for "women and children" (Sen, 2005; The Hindu, 2013).

Most debates and discussions focus on the trafficking of women and children; the trafficking of men is rarely discussed. There are probably cases of men being trafficked as well. However, the scope of trafficking in men is in no way comparable to that of trafficking in women and children. Men are typically trafficked illegally or smuggled, whereas women and children are the main targets of human trafficking (Sanghera, 1999, p.7).

2.3 The Trafficking Process (Modus Operandi)

Traffickers and exploiters do not use a uniform model of the recruitment process of trafficking victims; rather, it depends upon many factors. Before going into the process

involved in human trafficking, it becomes crucial to define and elaborate on the term “Modus Operandi.”

One of the earliest records mentioning modus operandi was in 1654 in a piece called *Zootomia*: “Because their causes or their modus operandi (which is but the Application of Cause and Effect) doth not fall under Demonstration.” Modus operandi became popular in the 1800s, with citations in the “*Edinburgh Review* in 1835, Mill’s logic III in 1843, and Kenneth Grahame’s short story “Justifiable Homicide” in the Pagan papers in 1898” (Robert D. Keppel & William J. Birnes, 2009).

By the late 1930s, MO identification techniques and procedures had become a standard part of criminal investigation literature (Soderman & O’ Connel, 1936). Edwin Sutherland (1947) defined modus operandi as the

“Principle that a criminal is likely to use the same technique repeatedly, and that any analysis and record of the techniques used in every serious crime will provide a means of identification in a particular crime” (GradesFixer, 2021).

In modern-day usage, Hazelwood and Warren (2004) emphasised that “modus operandi is used to encapsulate all of the behaviours that are requisite to a particular offender successfully perpetrating a crime” (ibid.). It encompasses all behaviours initiated by the offender to procure a victim and complete the criminal acts without being identified or apprehended. According to the literature,

“Modus Operandi” means “the method of operating trafficking in human beings. The modus operandi employed by the traffickers is divided into four stages: Recruitment, Transportation, Use of force, and Exploitation” (122nd International Training Course Reports of the Course).

2.4 History of Human Trafficking

Human trafficking is not a recent problem. It has a long history of being associated with slavery, which involves “treating people as commodities to be bought and sold and selling them as chattel. The slaves were regarded as his own property, and the owner had complete control over them.” In 1888, Brazil became the final country to end its involvement in the transatlantic slave trade. The “200th anniversary of the end of the slave trade was in 2007.”

However, recent reports from the U.N. and NGOs indicate that the slave trade is still very much in existence, with the trafficking of both adults and children being one of its deadliest expressions. Modern slavery is now recognised to take many different forms, including child marriage, forced prostitution of women, child labour in agricultural supply chains, and whole “families working for little or no pay to pay off generational debts” (Awamleh, 2019). All these practises affect the most vulnerable people in the world.

The International Labour Organization (ILO) estimates that there are 21 million slaves worldwide, with more than half of them being in Asia, according to *The Guardian*, which explains that contemporary slavery occurs in every nation in some form. In terms of population proportion, forced labour is most common in “Central and Southeast Europe, followed by Africa, the Middle East, Asia Pacific, Latin America, and the Caribbean” (Kelly, 2013).

According to ILO estimates, there are 5.5 million children who are either slaves or subject to slavery-like conditions. The 1956 U.N. Supplementary Slavery Convention’s definition of child slavery refers to situations in which children are in danger and their exploitation is intended to benefit someone else.

“Children who are used by others - who profit from them, frequently through violence, abuse, and threats, in prostitution or pornography, illicit activities (such as forced begging, petty theft, and the drug trade), and forced child labour are all included in this category, according to the Convention (for example, in agriculture, factories, construction, brick kilns, mines, bars, restaurants or tourists’ environment)” (Child Trafficking in India, 2016).

Children who are compelled to participate in armed conflict include child soldiers as well as porters and females who are abducted to serve as “wife” for militia members and troops (Ganguly, 2016). Over 30 combat zones throughout the world are home to nearly 300,000 child soldiers, “some of them are as young as 10 years old,” according to UNICEF. Children who witness conflict are profoundly impacted by their events and may have long-term trauma. Many children domestic workers are compelled to work long hours, in dangerous and sometimes violent conditions, for little to no remuneration, and frequently distant from their homes. While marriage may appear to be the final goal,

trafficking for adoption and marriage also uses legal adoption and marriage as a method of sending young girls into other types of slavery, such as prostitution.

2.4.1 Human Trafficking in India

In an effort to analyse child trafficking in India in its entirety for the first time, the Centre for Child Rights conducted countrywide research on the subject in 2000. Up until that point, prostitution and the phrase “trafficking” were nearly interchangeable.

According to this report:

“What makes the issue of trafficking complex is that very often it is difficult to distinguish between the cause and purpose of trafficking. For example, while children are trafficked for religious prostitution, the cultural and religious sanction is the cause of trafficking. Similarly, marriage may be the means to traffic young girls for labour or prostitution, but trafficking may be for the purpose of marriage. A similar situation applies to adoption” (Centre for Child Rights, 2000).

In 2001, a countrywide Campaign Against Child Trafficking (CACT) was started as a result of this research. On December 12th, 2001, in Delhi, the Campaign Against Child Trafficking (CACT) was initially introduced. The first campaign in the nation to specifically call attention to child trafficking, CACT thinks that it is one of the most serious abuses of children’s human rights.

Piper, Segrave, and Napier Moore’s in their article “*Anti Trafficking Review,*” (2015), have simply outlined the reality of trafficking in many forms outside of sexual exploitation around the world.

“Evidence of the shift away from the emphasis on sex work is the International Labour Organization’s (ILO) Protocol of 2014 to the Forced Labour Convention, 1930 (Forced Labour Protocol) which, in part, recognises debt bondage, human trafficking and other forms of modern slavery as all forms of forced labour. Arguably such an approach recognises the interconnection between exploitative practices –namely the overlap of issues around citizenship, migration status, poor working conditions and/or absence of workplace protections. This may enable a more united global effort to address the broad contributing factors that lead to the occurrence of such exploitation” (Pieper, Segrave & Moore, 2015, p. 1-9).

However, up until 2013, the legal system could only define trafficking in terms of trafficking for prostitution. There was no extensive legal structure to address child labour trafficking, begging, pornography, etc. It is crucial to realise that child trafficking involves more than just “moving” children from one location to another; it also involves a violation of trust as well as the suffering of the victim both during and after the trafficking. Therefore, a legislation that covers all these issues is very necessary.

India has ratified several significant international agreements. India has accepted two crucial international agreements since the last report on trafficking in 2000: a) In August 2005, “the Sale of Children, Child Prostitution, and Child Pornography Optional Protocol to the Convention on the Rights of the Child was adopted. b). The Palermo Protocol, also known as the Protocol, to Prevent, Suppress and Punish Persons Trafficking, Especially Women and Children, Supplementing the Convention against Transnational Organized Crime, was signed in 2002 and updated in May 2011” (United States Department of State, 2019).

India’s definition of trafficking was significantly broadened after the Palermo Protocol was ratified. Following the 2013 Criminal Law Amendment, it was added to “Indian law as Section 370 of the Indian Penal Code.” This was a significant advancement in the development of a broad, thorough understanding as well as of a structure to confront the problem of trafficking in the nation. In India, according to the amendment the trafficking was defined as:

“Buying or disposing of any person as a slave, which includes importing, exporting, removing, buying, selling or disposing of any person as a slave, or accepting, receiving or detaining against his will any person as a slave. Following on the definition in the Palermo Protocol it includes the acts of recruiting, harbouring, transferring or receiving persons for the purpose of exploitation using a range of methods such as threats, force, coercion, fraud, abuse of power and inducement” (Ganguly, 2016, p. 6).

According to the “U.S. Department of State’s global reports on trafficking in persons (TIP)” (Temsah, Gheda, et al. 2018, p. 36), which also provide a performance rating to each nation. It has routinely given India a Tier 2 ranking, indicating that it has recognised the trafficking problem in India as being concerning and offered suggestions. Regarding this, the first TIP report (July 2001) placed India on the tier 2 Watch List and stated that it is still cause for concern that every TIP report on India contains the phrase “the

Government of India does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so” (U.S Department of States, 2015, p. 184).

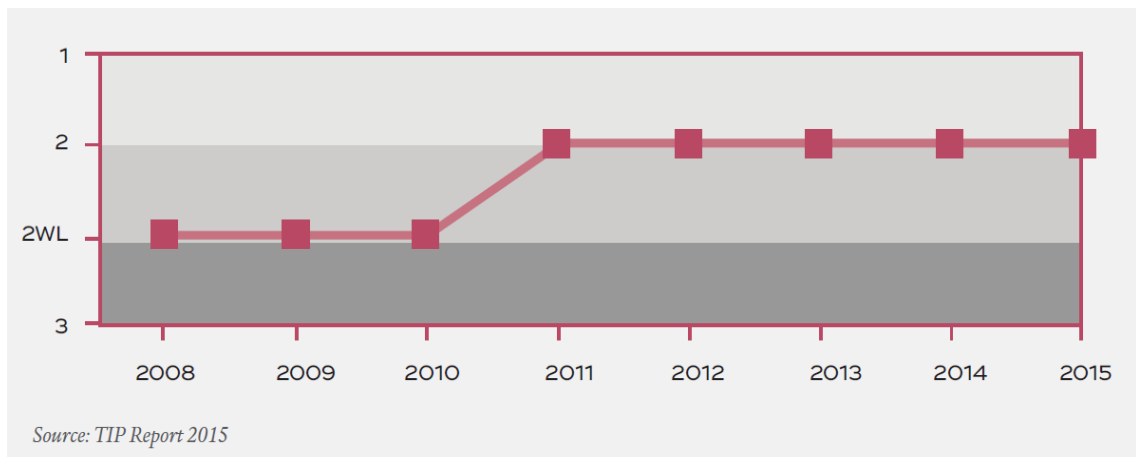


Fig: 2.1: India Trafficking in Person (TIP) Tier Ranking from 2008 to 2015

The U.S. Department of State’s 2015 report on human trafficking acknowledged government efforts to support shelter and rehabilitation facilities for women and children, training for prosecutors and judges, as well as attempts to find missing children in accordance with a Supreme Court ruling (Ibid., p. 185).

India has traditionally been regarded as the origin, “destination, and transit country for women and children” involved in sex trafficking and forced labour. 90% of trafficking in India occurs internally, and individuals from the social and economic strata with the greatest disadvantages are most vulnerable.

However, as this research shows, there is a rise in interstate trafficking in the nation as a result of increasing mobility, fast urbanisation, and a rise in a variety of businesses that employ forced labour, including the construction, textile, cable, and biscuit industries. A growing number of job placement organisations use fraudulent promises of work to entice individuals and children into forced labour, including domestic servitude or sex trafficking. In addition, women and children are now being trafficked to around 18 other nations for a variety of reasons.

“The government of India acknowledges the gravity of the issue. In 2008, in the foreword to the India Country Report, the Minister for Women and Child Development” (Child Trafficking in India Report, 2016) underscored the fact that:

“There has been a significant shift in the perception of the problem of sexual exploitation of children and adolescents, especially through devious means of trafficking, by seeing it not just as a law enforcement issue, but as a heinous crime which violates basic human rights, including their right to live with dignity and self-respect” (India Country Report, 2008).

In 2013, the “United Nations Office on Drugs and Crime (UNODC) in its India Country Assessment Report on Human Trafficking” (India Country Assessment Report, 2016) expressed concerns like those in the TIP report:

“Despite strong steps taken by the Government of India, the trafficking rackets and gangs have become more organised and expanded into newer forms of trafficking. The crime has expanded in such a way that today almost every state is affected with this social and criminal menace. Though trafficking for commercial sexual exploitation continues to be an area of concern, lately, there has been an increase in trafficking of women and children for forced labour, bondage and slavery” (Ibid., p. 9)

The timing is right to examine the global bazaar where children are exchanged like commodities as attention on the issue of missing children intensifies. These markets are now larger, and the shipping procedure is simpler because to globalisation. Looking through the TIP reports over the years reveals that India is not only a destination or transit country for 18 other nations, but also a source nation for those nations. These nations are located in 18 different continents, including “Africa (Uganda, Kenya, and South Africa), South Asia (Nepal, Pakistan, and Bhutan),” Southeast Asia (Singapore and Malaysia), the Middle East (UAE and Kuwait), the Pacific Islands (Fiji), and Europe (Cyprus, Belgium, Italy, Greece, Norway, Austria and Finland).

Despite this understanding, South Asian nations have not been able to implement a unified tracking system. Children are still dependent on several organisations and frequently get misplaced in the “system” as a result. Despite this grim situation, there is some good news. Some significant international and domestic anti-human trafficking programmes have been started and executed during the past 15 years, particularly between 2000 and 2010. Numerous ground-breaking initiatives have been made, and an

“International Campaign Against Child Trafficking (ICACT)” was launched. These initiatives were spearheaded by bilateral agencies/aid departments of nations, “U.N. agencies, as well as by international organisations like the Terre des hommes” (Child Trafficking in India Report, 2016)

The “South Asia Regional Initiative/Equity Support (SARI/Equity Program),” a coordinated regional initiative against human trafficking, was financed by USAID between 2003 and 2006. (me). Support was given for a variety of anti-trafficking initiatives through its 32 India-specific projects, which were added to the SARI/Equity Program(me) within its first year of operation through funding from USAID. They were either piloted as a collection of care activities or came before “region-focused” grant activities (to act as a “learning experience”) (to “become a model for future replication elsewhere in the region”) (United States Agency for International Development, 2006). The Regional Action Forum procedures and two regional protocols—one on care and assistance for survivors and the other on victims’ rights and protection—were established in addition to the actions that partner organisations carried out (United States Agency for International Development, 2016).

The Global Initiative to Combat Human Trafficking was started by (OSCE) (UN. GIFT) (United Nations Office on Drugs and Crime, 2016). Using agreements made at the U.N. as a springboard, this programme sought to increase global attention and actions on human trafficking. In a Memorandum of Understanding, the UNODC Regional Office for South Asia (UNODC ROSA) and U.N. Women, South Asia made a commitment to improve the already-existing collaboration in combating the organised crime of people trafficking in “Bangladesh, Bhutan, India, Nepal, Maldives and Sri Lanka” and other South Asian nations. Numerous initiatives in “India were supported through UN-GIFT” (Thomas & Esther, 2016).

2.5 Principles and Guidelines on Human Rights and Human Trafficking

(United Nations High Commissioner for Human Rights)

The “United Nations High Commissioner for Human Rights’ Recommended Principles and Guidelines on Human Rights and Human Trafficking” (2002) provide crucial direction for initiatives to combat trafficking.

The fundamental directive for victim support and protection is stated here.

Guideline 6: “Protection and support for trafficked persons”

Without considering the needs and rights of persons who have been trafficked, the cycle of trafficking cannot be halted. All people who have been trafficked should receive the proper protection and assistance, without exception. States, as well as appropriate intergovernmental and non-governmental organisations, should consider:

- Ensuring that safe and suitable shelter that satisfies the requirements of trafficked persons is made available in collaboration with non-governmental organisations. The victims’ willingness to testify in court should not be a requirement for providing them with such sanctuary. In immigration detention camps, other detention facilities, or homeless shelters, trafficked people should not be kept.
- Ensuring that those who have been trafficked have access to primary healthcare and counselling in collaboration with non-governmental organisations. People who have been trafficked shouldn’t have to accept this kind of help, and they shouldn’t have to get tested for diseases like HIV/AIDS.
- Making sure those who have been trafficked are aware of their Right to contact diplomatic and consular officials from the country of their nationality. The right training should be given to employees of embassies and consulates on how to deal with inquiries for information and aid from trafficked people. Asylum seekers who have been trafficked are exempt from these restrictions.
- Ensuring that the rights, dignity, and physical or psychological well-being of those who have been trafficked are not violated throughout legal processes.
- Providing legal and other aid to trafficked individuals in connection with any criminal, civil, or other actions against traffickers or other exploiters. Information should be given to victims in a language that they can understand.
- Making sure those who have been trafficked are adequately safeguarded from harm, threats, or intimidation from traffickers and related parties. In order to do this, the identities of trafficking victims shouldn’t be made public, and their privacy should be maintained and protected as much as possible while also considering the Right of any

accused person to a fair trial. The challenges of preserving identities should be fully disclosed to trafficked individuals in advance, and they shouldn't have unreasonable expectations about the abilities of law enforcement organisations in this area.

- Ensuring the safe and, whenever possible, willing return of trafficked individuals and, in certain circumstances (such as to avoid retaliation or when re-trafficking is thought to be likely), looking into the possibility of residence in the country of destination or resettlement in a third country.
- Working with non-governmental groups to make sure that those trafficked individuals who do return to their place of origin receive the help and support required to secure their welfare, promote their social integration, and stop future trafficking. The provision of suitable housing, housing services, and educational and employment programmes for victims of trafficking who have returned should be ensured.

The key directive for safeguarding the human rights of child trafficking victims is stated below.

Guideline 8: “Special measures for the protection and support of child victims of trafficking”

In terms of legislation, regulations, programmes, and interventions, children who have been trafficked must be treated differently from adult trafficked individuals due to the unique physical, psychological, and psychosocial suffering they experience as well as their higher vulnerability to exploitation. All acts involving trafficked children, whether taken by “public or private social welfare organisations, courts of law, administrative authorities, or legislative bodies” (John, 1996) must put the child's best interests first. Children who have been the victims of human trafficking should receive the proper support and protection, and their unique rights and requirements should be fully considered.

In addition to the actions mentioned in Guideline 6, States and, where applicable, intergovernmental and non-governmental organisations should think about

- Ensuring that definitions of child trafficking in the law and policy consider the fact that children require extra protection and care, including the right kind of legal protection. Particularly, and in accordance with the Palermo Protocol, where a child is involved, proof of trickery, force, coercion, etc. should not be included in the definition of trafficking.
- Making sure that systems are in place for quickly identifying child trafficking victims.
- Making sure that children who are trafficking victims are not subjected to legal action or punishment for crimes connected to their status as trafficking victims.
- Identifying and locating family members when youngsters are not accompanied by guardians or relatives. Measures should be done to support the reunification of “trafficked children with their families” (ibid.) where this is assessed to be in their best interest after a risk assessment and consultation with the kid.
- Making suitable “care arrangements that respect the rights and dignity of the trafficked child when the safe return of the child to his or her family is not possible” (ibid.) or would not be in the child’s best interests.
- In both situations mentioned in the “previous two paragraphs, ensuring that a child who is capable of forming his or her own” (HCHR Principles and Guidelines on Human Rights and Trafficking, 2002) opinions have the freedom to express those opinions in all decisions that affect him or her, particularly those regarding decisions about a potential return to the family, and giving the child’s opinions due consideration in accordance with their age and maturity.
- Adopting specialised policies and initiatives to safeguard and assist kids who have fallen victim to human trafficking. The proper physical, emotional, legal, educational, housing, and health care help should be given to children.
- Taking the appropriate steps to safeguard the rights and interests of children who have been trafficked at all levels of criminal proceedings against alleged criminals and during compensation claims procedures.

- Taking steps to prevent the spread of material that could help identify child victims and protecting their privacy and identity as necessary.
- Taking steps to ensure that those working with juvenile victims of trafficking receive enough and suitable training, particularly in the legal and psychiatric fields.

United Nations Children's Fund guidelines for the protection of children who have been the victims of trafficking

The following general concepts must be considered by all actors associated with the child at all phases of the process of supporting child victims of trafficking, from identification to reintegration:

Rights of children Actions to aid child victims must be guided by human rights principles, in particular the protection and observance of children's rights as outlined in the convention on the Rights of the Child. No of their country, immigration status, or state of statelessness, all children are entitled to the rights outlined in the convention.

The participation of young victims in criminal activity does not diminish their rights to protection or their status as children and victims. States must respect children's rights without violating them and take proactive steps to ensure that they are exercised without hindrance.

In the child's best interests: The best interests of the kid must come first in all decisions involving child victims.

Non-Discrimination legal right: Whether they are inhabitants of the country they are in, citizens of that country, or non-nationals, all children who have been victims have the Right to protection. They must first and foremost be regarded as children. Every child has the Right to the protective measures required by their position as a minor, without any type of discrimination based on their colour, sex, language, religion, ethnic or social origin, date of birth, or other status, including immigration status.

Sensitivity to children's perspectives: A child victim who is competent of forming opinions has the Right to openly voice such opinions in any issues that concern them. Regarding the legal procedure, temporary care and protection, finding and implementing

a long-term solution, and notably in decisions involving the child's potential return to the family, nation, or region of origin, respect for the views of the child shall be preserved.

It is important to consider the victim's perspective, considering the child's age and maturity. In accordance with the procedural requirements of national law, the child must be given the chance to participate in any judicial or administrative processes that directly or indirectly impact him or her. This can be done either personally or through a representative or other competent authority.

Freedom of Information: The processes for family reunification and/or repatriation, as well as information on protective measures and other assistance that may be available, must all be made readily available to children who have been victims. Information must be given to children in a language they can grasp. Every time a child is questioned or interviewed, or anytime he or she demands it, appropriate interpreters must be available.

Confidentiality rights: To safeguard the protection and security of the victim and his or her family, all essential steps must be taken to protect the privacy and identification of child victims.

The Right to protection: In accordance with their rights and requirements, children who are victims have a right to extra protection measures. The State is required to look out for, aid, and protect children who have been victims.

Defined roles and actions: To stop child trafficking and to protect and help trafficked children, states should take proactive measures.

Coordination/cooperation: Cooperation between nations on an international, multilateral, and bilateral level is crucial. For the care and protection of child victims, coordination and complementarity among all organisations and entities involved are essential. Collaboration between governmental and non-governmental sectors should be based on transparent accountability, clearly defined roles, and clear delineation of responsibilities.

Policies and procedures that encourage information sharing and networking between organisations and people working with child victims must be adopted by all relevant ministries and government authorities involved in the protection of child victims.

2.6 The Implications on the Victims of Trafficking

Human Rights in Practice

A number of South-East Asian anti-trafficking campaigners came together to create this 2001 guide. Within a human rights context, it aims to promote the provision of immediate aid to victims of trafficking. The guidebook is also accessible in Burmese, Chinese, Khmer, Lao, Thai, and Vietnamese in addition to Bahasa Indonesia.

Human Rights Guidelines for the Care of People Who Have Been Trafficked

This 1999 compilation of important international human rights documents for safeguarding victims of trafficking is available in English, French, German, Russian, Spanish, and Thai.

Collateral Damage: How Anti-Trafficking Initiatives Affect Global Human Rights

Collateral Damage: The impact of anti-trafficking measures on human rights around the world was a report released by GAATW in September 2007. The report examines the experiences of “Australia, Bosnia and Herzegovina, Brazil, India, Nigeria, Thailand, the United Kingdom, and the United States” and analyses the effects of each country’s anti-trafficking laws and regulations on those who reside there, work there, and immigrate within those countries and across international borders. The research highlights the gaps that undermine and thwart attempts to stop migrant women, children, and men from ending up in circumstances of exploitation and trafficking in order to contribute to policies and practises of anti-trafficking around the world.

2.7 Media and Human Trafficking

It is vital that journalism on the subject is done correctly since the media has the power to influence how the general public perceives and comprehends human trafficking. Sadly, a lot of media sources choose dramatic stories over in-depth reporting on trafficking (Human Trafficking Research, 2017).

According to UNODC research, sex stories about the victimisation of women and girls predominate disproportionately, frequently to the exclusion of stories about the victimisation of men and boys and labour trafficking. The UNODC advises against using

stylised images of women and girls in bondage as visuals for stories, despite the importance of discussing sex trafficking. The idea that human trafficking always involves the use of force or restriction is one that is perpetuated by these photographs.

Comprehending the intersecting factors that can cause human trafficking is essential to understanding this crime. Political unrest, natural calamities, poverty, and domestic unrest all make people more susceptible to trafficking. The 40 million individuals who live in various types of slavery, the 150 million children who are forced into labour, the approximately 150 million migratory labourers, and other vulnerable people are among those who become victims of trafficking. However, research reveals that journalists frequently boil down the causes of contemporary slavery to a single, fundamental factor, failing to account for the realities of human trafficking and the public's involvement in the issue.

As with all reporting, the wellbeing and security of interviewees must come first. Even after being released from overt persecution, trafficking victims continue to be vulnerable. When disclosing personal information about victims, journalists should exercise discretion and keep their identities secret to prevent re-victimisation or make re-socialisation more challenging. Journalists should also think about how articles about human trafficking relate to the "Society of Professional Journalists' Code of Ethics."

The media frequently focuses on what you would call the sensational aspect of the subject, which is commercial sexual exploitation of women and children in particular as part of human trafficking for sex. However, that is not the most important story; that frequently involves migrant and slave labour.

Human trafficking is an organised, illegal network of persons and organisations that manipulates people's lives, including where and how they live. It occurs when people are moved from one country to another to perform work under strict supervision. A violation of a person's human rights is committed by anyone involved in human trafficking. The purpose of migrant smuggling, on the other hand, is to assist individuals in evading immigration restrictions.

The majority of people will only be exposed to human trafficking through news headlines, but because it is a covert crime, investigative journalists need a tremendous amount of funding and help to properly report on it (White, Aidan).

Lack of corroborating data is another problem that journalists frequently run against while covering trafficking-related issues. Every year, numerous cases go unreported, underscoring the value of investigative journalism in this area. Despite this issue, persistent attempts are being undertaken to raise awareness of trafficking. The Thomson Reuters Foundation and CNN and Al Jazeera, with their anti-trafficking efforts, CNN Freedom Project and Slavery: A 21st Century Evil, respectively, have both shown an exemplary commitment to breaking underreported news concerning this topic. Similarly, UNC's Irina Project fights false media depictions of sex trafficking.

Investigative reporting on the topic of modern slavery is at its best in "Seafood from Slaves," a report from The Associated Press. Through its excellent journalism, "Seafood from Slaves," which took over a year to pursue to completion and earned a 2016 Pulitzer for public service, improved the lives of individuals victimised by trafficking. The tale resulted in legislation to uphold the U.S. ban on the importation of commodities made by slave labour and the release of 2,000 enslaved fishermen in Southeast Asia. The narrative highlighted the complicity of governments and consumers in the atrocities as well as the clear connections between consumer decisions and contemporary slavery, holding criminals accountable.

When journalism is done correctly, it may foster transparency, inform the public, and generate political pressure. When reporting the topic of human trafficking, it is important to strive for these goals. Modern slavery can only be given the attention it needs in the media and in public discourse.

2.8 Research on Human Trafficking

In the process of research, it has been seen that in majority of the cases, traffickers lure victims by making specific fake promises. In other cases, consent of the trafficking victim is either obtained from parents or force/deception is used. Research conducted all over the world about process of trafficking in human beings shows that traffickers can be relatives of the victim, friends, well known persons or professional recruiters who make

promises of well-off jobs, modelling, etc. Further there are also cases in which families are known to have sold their children.

Most of the women trafficked for their commercial sexual exploitation declare that they did not know the real activity they had been coerced to perform because traffickers had assured them that they would find employment as waitresses, or domestic helpers. There are reports that victims knew the activity they were going to perform, even if they could not imagine the slavery like situation they would be subjected to. However, it is worth noting that, according to the definition of United Nations Trafficking Protocol, the consent of the adult victim is irrelevant if the trafficker used at least one of the improper means listed within it and it is always irrelevant in the case of children (Scarpa, 2008).

When the victims are very young and they must be transnationally trafficked, their documents are falsified and sometimes such children are falsely presented at the border as belonging to the traffickers/exploiters. In the case of adolescents, the falsified documents necessary to pass through an international border may hide their nationality and age. There is evidence that in some cases these documents are obtained by paying bribes to corrupt police or diplomatic officials. In other cases, there is no need to falsify the documents: the victims may be taken from one country to another by crossing an unchecked border in the mountains or travelling by sea.

There are also cases in which trafficking victims are not illegal immigrants and they obtain visas to work legally in the country of destination. The two most common examples are the cases of visas granted by some States to artists and dancers or to domestic helpers, including those accompanying diplomatic officials abroad. Notwithstanding their legal status in the country of destination, these people may also find themselves in situations of vulnerability and exploitation because their visas depend on their continuation of an employment contract with their employer. Other similar cases of unlawfully resident trafficked victims may be those persons entitled to stay in the country of destination as tourists or as wives/ husbands of a citizen (Min Liu, 2011).

It may be noted that apart from international trafficking there is internal trafficking (trafficking within the country) on a large scale. People are easily transported from one State to another State or from one place to another place in the same state with no need to falsify documents and the fear of checking at borders.

2.9 Research Gaps

In the previous studies, one of the most common limitations I have identified is to not being able to develop individual profiles of the traffic victims and other socio-economic parameters in Jharkhand. The major limitation of the previous study which we feel is the inability to visit the victims and their families. To fill these gaps this study has provided the documentation developed by the researcher. I did try to visit the victims and their family members. In this study, I have interviewed the victims, which was open-ended interview.

Another main issue is that victims must be identifiable for law enforcement investigators to be able to estimate human trafficking accurately from the data that has been gathered. According to the study, victim identification issues affect victim service providers as well as law enforcement. Another global issue of human trafficking has serious, long-lasting effects on survivors' mental health. Through victim interviews, this study aims to better understand the challenges and opportunities for providing mental health services to human trafficking survivors. Key issues were highlighted by the analysis of interview data, including the substantial and complicated mental health requirements of human trafficking survivors, the capacity of care providers, and the disjointed multisector response.