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Trafficking and its increased Adversities during Pandemic

Sakshi Priya^a

^aSai Nath University, Ranchi, India

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Human Rights are mostly talked with a perception of change, same goes with human trafficking which itself is the worst social abuse for humanity. Trafficking is not just a social evil but also a reason for many to ensure darkness in the lights of glittering streets of cities which serves as a road to livelihood for many low-wage workers. These, often get trapped in this vicious cycle of slavery and prostitution and seem never coming back. Also, with this pandemic when most people are enjoying time with their families, many are in search of some work migrating from one place to another fall in this cycle of distress. This article reflects the condition of these people especially in the times of COVID, and the road ahead with the provisions we have now to what we can expect from law-making and implementing authorities.

Keywords: *covid, human trafficking, slavery, social evil.*

INTRODUCTION

“The rights of every man are diminished when the rights of one man are threatened.”

– John F. Kennedy

Human Rights are entitled to every human being be it a slave or a king. With the onset of the Pandemic, our society did see a lot of complications and economic recession but it couldn't

help enough to secure its vulnerable sections from the cruel hands of human trafficking where the most vulnerable sections are women and children. At this time of recession, when migration is at a peak and workers are compelled to work for their survival, the labor sector can be seen to have a large set of connections with the world of traffickers taking advantage of an obscure border between legal and illegal migration.

The most used definition of trafficking in persons can be found in United Nations' Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, according to this Protocol "child trafficking is the act of recruitment, transportation, transfer, harboring, or receipt of a child for exploitation, regardless of the use of illicit means, either within or outside a country. This includes prostitution and other sexual exploitation within or outside the country. This also includes slaves, domestic servants, circus entertainers, forced laborers, child servitude or the removal of organs, and factory workers." Also, child trafficking is distinguished from adult trafficking as children cannot give consent as per International law.

Trafficking has its national and international economic implications attached to countries with international borders causing grievous hurt to humanity and awaited profits for criminals mostly triggering child marriages, child labor, prostitution, kidnapping, and abduction. According to the experts, this business will surpass drug, arms, and other crime businesses soon. We see trafficking being used as a weapon by terrorists and other anti-social personalities unknowingly taking our youth into the dark world of slavery and prostitution, who otherwise be called the building blocks of the nation.

CONDITION IN INDIA

Going through the condition within the territory of India, Assam and West Bengal have the highest number of trafficking cases¹ majorly due to its border with Bangladesh. Nepal and India despite having domestic laws on human trafficking have a significant rise in this scourge incidents. Trafficking and prostituting of girls and women are the most common reasons. Low-

¹ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (New York, 15 November 2000)

skilled domestic workers, beggars, and undocumented migrant laborers are targeted in no time and lockdown has just intensified the exploitation of victims and heightened the amount of violence due to mental distress and enforced quarantine. Most of the cases are not reported, but even then according to the NCRB (National Crime Records Bureau), Assam, Haryana, Bihar, West Bengal account for 85% of child trafficking. It relates to its complications related during the times of pandemic and also what can be expected from us as social members in eradicating this evil from the society. Poverty should be considered along with unemployment as an important factor in accelerating the cases in India.

Known vulnerable factors for these practices could be as follows:

1. Various situations such as armed conflict and humanitarian crisis, violence, abuse, and exploitation.
2. Individual characteristics including sexual and mental health status, access to unauthorized money, goods, and support.
3. History of unsafe migration, unsafe livelihood, and gender inequality in family and society.

KNOWN RISKS WITH TRAFFICKING

An enormous trafficking trade worldwide occurs in India which soon is going to be the world's most populous country with most of its population under the younger age groups. Social isolation, exposure to violence, and lack of economic security dump a person to go for these unethical means of livelihood. Here, children's rights are often ignored especially in the case of child trafficking. Children indulging in hazardous jobs often lead to spoilage of their childhood which could have been spent on delightful games and unprecedented questions in classrooms. The physical, psychological, and socio-emotional health of children gets hampered in this trauma that inspires for a better future. Women and adolescent girls in red light areas often start suffering from life-long STDs and mental trauma often making them never believe in their self-esteem and that mostly results in gloomy expectations from their lives.

LEGAL ASSISTANCE AVAILABLE

Almost 180 countries have made anti-trafficking policies taking into account the heinous situation. UN Convention-United Nations Convention on Transnational Organized Crime (UNCTOC)² has one such protocol to deal with trafficking in persons especially women and children. Worldwide declarations and legislations are made to ensure proper executions which are as follows:

- The Universal Declaration of Human Rights³ in 1948 was adopted by the UN General Assembly.
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted in 1979.
- The Convention on the Rights of the Child (CRC), adopted in 1989.
- The Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography, adopted in 2002.
- The 2002 Optional Protocol on the Involvement of Children in Armed Conflict.
- The Convention on the Rights of Persons with Disabilities, adopted in 2013.
- The Worst Forms of Child Labor Convention was adopted by the International Labor Organization (ILO) in 1999.

LEGAL ASSISTANCE IN INDIA

- The Immoral Traffic (Prevention) Act, 1956 (ITPA) is the most important legislation for the prevention of trafficking for commercial sexual exploitation.

² United Nations Convention-United Nations Convention on Transnational Organized Crime and the Protocols Thereto [15 November 2000] 55/25

³ Universal Declaration of Human Rights 1948

- Criminal Law (Amendment) Act 2013 Section 370 of the IPC⁴, substituted with Section 370 and 370A provides comprehensive measures to counter human trafficking including child trafficking for any kind of exploitation.
- Protection of Children from Sexual offenses (POCSO) Act, 2012, which came into effect from 14th November 2012 protects children from sexual abuse and exploitation.
- Other provisions such as the Child Marriage Act 2006, Bonded Labor System (Abolition) Act, 1976, Child Labor (Prohibition and Regulation) Act, 1986, Transplantation of Human Organs Act, 1994, also, Sections 372 and 373 of IPC dealing with selling and buying of girls for prostitution.
- Some state governments have too enacted certain provisions like The Punjab Prevention of Human Smuggling Act, 2012 to combat human trafficking.

OTHER ASSISTANCES

- Judicial Colloquiums - 11 judicial colloquia have been held at Chandigarh, Himachal Pradesh, Bihar, U.P, Jharkhand, Maharashtra, Chhattisgarh, Orissa, Tamil Nadu, Delhi, and Andhra Pradesh.
- Ministry schemes - Under the MEA, proper law enforcement against trafficking in persons through capacity building has been released.
- Advisory committee - To improve the effectiveness of law enforcement, MHA has issued comprehensives advisories to states and UTs.
- Under the MHA anti-trafficking Cell has been set up in the CS division in 2016 to focus on the communication of various decisions and actions taken by states.

⁴ Indian Penal Code 1860

We may expect authorities to take actions and implement whatever legal and ethical sources we have to implement laws and legislations relevant to the current discussions and other international guidelines and mechanisms which are as follows:

- The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the Convention against Transnational Organized Crime⁵.
- The UN Office of the High Commissioner for Human Rights.
- UNICEF Guidelines on the Protection of Child Victims of Trafficking.

CALL OF ACTION

It's often a difficult task to identify victims of human trafficking. It's not just about criminalizing trafficking but also, protecting and assisting victims are important. It's important to address the root causes and to ensure that proper implementation is brought at border areas. Thus, border forces like SSB (Sashastra Seema Bal) must be equipped with sufficient arms and must be given the training to transfer cases of traffickers directly to the police forces in Bihar and U.P especially in the Indo-Nepal Border for early inquiry and prosecution. Listening to the stories that compelled them to cross the border will provide an insight into working areas for the government. Essential services and mental health care are a must for these victims. Proper legal aid should be provided to let them know their rights and to assist them with the legal proceedings without any discrimination. Judicial corporation and support can be expected least from the legal fraternity. A coordinated response from both the social workers and law-making authorities is needed in this urgent situation.

Nurses mostly have to deal with patients who have worked with red light areas that are mostly connected to this trade. We may expect them to see these patients with more

⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime [15 November 2000] 55/25

conceptual details and let authorities study with the conditions. Psychiatric and mental support is needed at the stage when these people are already backlashed with memories of cruel experiences. Child survivors mostly have a tough time in psychological services as they couldn't afford treatment because of being poor. These people should be given priority by the health administration. Not just individuals but also a focus on community-based approach can help in molding policies to the need which creates an insight of change with the prism of prevention and cure.

Some suggestions that could aid the work of authorities are as follows:

- Timeline of support system and urgent delivery of services should be ensured to prosecute and address the cases related to trafficking.
- Community education about trafficking and health care rights about workers is an urgent need.
- Collaborative efforts and communication on effective partnership with social workers and government is needed.
- Influential policies and legislations especially with an approach to human rights should be considered.
- Organizational practices including code of conduct for different industries including the tourism industry should be ensured.
- Creating developmental and employment opportunities for youth is a must to ensure that they do not fall for these unethical practices.
- Educating and providing training to teachers for addressing discriminatory and prevailing inadequate socio-cultural norms.

Training should be provided at regional, district as well as state levels police officers for prosecution. Employment opportunities, corruption among government officials, gender inequality at the workplace, paucity of resources, and lack of available jobs must be addressed

first. Reducing supplies and strengthening human values in communities and effectively implementing strategies and policies will ultimately reduce the cases we notice.

CONCLUSION

COVID and child trafficking share a much similar line of proportionality with health. Despite having some amount of research on this topic, we ought to lack a proper investigation and experimentation related to the evacuation of these victims. With destructive influence across the globe, COVID has created an urgency to prevent and implement different innovative strategies to defeat the pandemic and also this social evil by identifying victims and ensuring successful recovery, so that human rights keep upholding the motto it carries. Also, this is the least we can do to these victims whom we own in our society without any biases.