

HUMAN TRAFFICKING

1. INTRODUCTION:

In recent years the smuggling of human beings across international borders has grown rapidly from a small scale cross border activity affecting a handful of countries into a global multi-million dollar enterprise. Although information about human smuggling is patchy and often unreliable, current estimates suggest that some 8,00,000 people are smuggled across borders every year.

The spread of smuggling needs to be understood in the context of the globalization and greatly increased migration. Prospects of a better life abroad, poverty, economic marginalization, political and social unrest and conflict are all incentives to move. Global media and transportation networks make movement easier. As push and pull factors encourage increasing numbers of people to migrate, they in turn collide with the many legal obstacles to entry that industrialized countries have put in place. Two trends are a direct consequence of this. First, as avenues for legal migration have become increasingly restricted, the asylum system has come under pressure as one of the few options that migrants can use. Second, migrants have increasingly resorted to the use of smugglers to facilitate their travel. This compounds their vulnerability to ill treatment and exploitation.

Human trafficking involves forced or coerced movements. Sometimes people are kidnapped outright and taken forcibly to another location. In other cases, traffickers use deception to entice victims to move with false promises of well paying jobs such as models, dancers or domestic workers. In some instances, traffickers approach victims or their families directly with offers of lucrative jobs elsewhere. After providing transportation to get victims to their destinations, they subsequently charge exorbitant fees for those services, creating debt bondage. What begins as voluntary movement ends up coerced.

2. INTERNAL TRAFFICKING:

The trafficking of people for sexual exploitation and forced labour is one of the fastest growing areas of international criminal activity and one that is increasing concern to the international community. Generally, the flow of trafficking is from less developed to more developed regions and countries. While much of the attention on trafficking has focused on those who cross international borders, trafficking within countries also very common. Victims of forced prostitution usually end up in large cities, sex tourism areas or near military bases, where the demand is highest. Victims of forced labour may be found throughout a country, in agriculture, fishing industries, mines, carpets and sweatshops.

Internal trafficking shares many common elements with internal displacement and one could argue that internal trafficking victims are internally displaced persons (IDPs). The Handbook for Applying the Guiding Principles in Internal Displacement makes clear that "the distinctive feature of internal displacement is coerced or involuntary movement that takes place within national borders. The reasons for flight may vary and include arm conflict, situations of generalized violence, violations of human rights, and natural or human made disasters."

3. THE TRAFFICKING CHILD:

Human trafficking for sexual exploitation and forced labour is believed to be one of the fastest growing areas of criminal activity. Child victims are particularly vulnerable but there is little systematic knowledge about their characteristics and experiences. They are often subsumed under the women and children heading without allowing for analysis of their special needs.

Extreme poverty drove many of the girls to migrate. In some situations, parental illness compounded already dire economic circumstances and placed even more pressure on the children to contribute to the family's income. In other cases, family breakdowns resulting from death or divorce left the children vulnerable. In some cases, the idea to migrate came from the girls, while in other situations a family member, friend or trafficker posed as a trustworthy individual and planted the idea. In most cases, the girls' decision to migrate resulted from their desire to help their family financially or escape a difficult family situation.

4. HUMAN TRAFFICKING IN SOUTH ASIA: by Faisal Yousaf, UNHCR
"Amidst the hype of globalization-driven South Asian prosperity, the plight of the landless, illiterate and chronically poor remains forgotten. Among the most vulnerable losers are those who migrate in search of better livelihoods."

Trafficking in South Asia is complex and multifaceted, both a development and a criminal justice problem. The main destination of people from SA is the Middle East but many stay within India and Pakistan. There is extensive trafficking of women and girls from Bangladesh to India, Pakistan, Bahrain, Kuwait and the UAE. UNICEF estimates that up to half a million Bangladeshis have been trafficked in the recent years and that up to 200,000 Nepali women and girls are working in India's sex industry. A small number of women and girls are trafficked through Bangladesh from Burma to India. Young boys from SA are trafficked to the UAE, Oman and Qatar and forced to work as camel jockeys.

South Asian governments have been slow to acknowledge global concerns about human trafficking. The countries in the region have repeatedly been rebuked by the US State Department for failure to tackle human trafficking.

The problem of human trafficking in the region is not new. Millions of South Asian indentured labourers moved to European colonies – some as far flung as Fiji – in a way, which would today be labeled as trafficking. In the colonial era, trafficking referred exclusively to the movement of white women to the colonies to provide sexual services. In 1949, the earlier UN Convention on trafficking didn't define it but instead relied on this previous understanding as it sought to eliminate immoral trafficking in women. None of the South Asian countries signed or ratified this convention but their laws have maintained this moral fervour. Persistent failure to clarify the law has often served to legitimize police brutality against women working in the sex trade.

In the 1970s, initial concern about trafficking was linked exclusively with prostitution and sexual exploitation. Feminists spearheaded the anti-trafficking movement, driven by concerns about sex tourism in South East Asia, the stationing of large numbers of US military personnel, mail order brides and women crossing borders for prostitution and for work in the entertainment industry. When the South Asian activists started to analyse the situation in their region it was cross-border prostitution – particularly of Nepali and Bangladeshi women and girls lured to Indian brothels – and child sexual exploitation by tourists in Sri Lanka, which were cited. Women's rights and child rights groups in the region started networking, providing assistance to trafficked women and girls and pressing for action to address the problem.

In the 1990s, as more women migrated for work and found themselves trapped in debt bondage or slavery-like conditions, the need to unambiguously define trafficking as a prerequisite to ending it became clear. Some feminists still wanted to focus only on prostitution – arguing that its abolition would stop trafficking – but most analysts and activists began to conceptualize trafficking as a broader phenomenon linked to globalization, unequal terms of trade, migration and labour.

Researchers have drawn attention to three main confusions in the literature on trafficking in South Asia – the conflation of trafficking with prostitution, trafficking with migration and women with children – and consequent implications for programmes.

In 2002, after years of discussion, the South Asian Association for Regional cooperation (SAARC) – a regional body bringing together the governments of the member states – agreed a convention on trafficking. Ignoring civil society representations, it defined trafficking solely as the enforced movement of women and children for the purposes of commercial sexual exploitation. The SAARC Convention is thus far more limited in scope than the UN's Palermo Protocol. No South Asian countries have ratified the Palermo Protocol.

Every major anti-trafficking initiative in the region has been civil society led. NGOs have carried the main burden in reaching out to trafficking persons, providing health and legal assistance, raising public awareness, steering the national legislative initiatives and providing training and technical assistance to law enforcement and border control authorities. However, civil society involvement is quite recent and they can only provide limited services.

5. KEY CHALLENGES ARE:

- I. Absence of a joint regional strategy by civil society organizations to combat trafficking.
- II. Duplication in civil society programmes and activities; more agencies focus on awareness raising than on provision of assistance or repatriation of trafficking victims.
- III. Only a few organizations provide repatriation assistance to the victims of trafficking.
- IV. Lack of a coherent regional donor/funding approach and existence of several parallel anti-trafficking programmes.
- V. Major donor supported anti-trafficking programmes in the region often only target specific countries, ignoring others in which traffickers also operate.

6. THERE IS AN URGENT NEED TO:

- I. Develop new legal and institutional framework to promote regional cooperation, especially through the SAARC.
- II. Advocate for the establishment of an office of Rapporteur on Trafficking in Women and Children in SAARC and at the national level, like the one already working in Nepal.
- III. Encourage private sector involvement in regional initiatives.
- IV. Promote cooperation b/w civil society organizations and national law enforcement agencies.
- V. Develop policies and institutional mechanisms especially to repatriate victims of trafficking in a dignified and safe manner.
- VI. Encourage inter-regional exchanges visits and trainings, particularly with eastern European states.
- VII. Train civil servants to make government schemes more gender sensitive.

7. HUMAN TRAFFICKING & PAKISTAN:

THE trafficking of men, women and children is a bane Pakistan must firmly curb. This modern form of slavery, which entails the trading of people for sexual exploitation and forced servitude, has brought the country a bad name. The latest to raise a finger at Pakistan for being the source as well as the transit area of this deplorable crime is the US department of state, which has just issued its 2006 report on human trafficking. There are other countries in the region, which have also been identified as major traffickers and share with Pakistan the blame for this horrendous crime.

The fact that this problem exists in the whole of South Asia underlines the common socio-cultural and economic characteristics and the weakness of governance in all these countries. Women and children, who are the worst sufferers, constitute the weakest section of our society. Poverty also makes them vulnerable to exploitation by vested interests. When the structures of government are weak and the implementation of laws ineffective, it is not unusual that crime and social evils such as human trafficking become rampant. This has been the case in Pakistan. Small wonder then that the state department report condemns the smuggling of men and women from here to neighbouring countries to be used as slave labour and for prostitution and little children being taken to the Gulf states for camel races. The pity is that despite its best efforts, Islamabad has failed to stem the flood of trafficking. There are additionally other factors, such as unjust laws — the Hudood Ordinances being one — corruption and a general contempt for women and children, which make it easier for evil elements to carry on the slave trade with impunity. The report is appreciative of the Pakistan government for formulating a national plan of action to combat human trafficking and setting up a cell in the interior ministry to coordinate its efforts. One can only hope that the government will ensure the implementation of its national plan and that its good intentions will not vanish in thin air before the cupidity and unscrupulousness of those indulging in this immoral and inhumane trade. Many of the laws that facilitate this evil practice will have to be changed. The law enforcement machinery must also be spruced up to crack down on the gangs operating in this field.

8. THE UN ROLE:

The UN Convention against Transitional Organized Crime and its two protocols on Trafficking and Smuggling adopted in 2000, seek to distinguish between trafficking and smuggling. In reality, these distinctions are often blurred. A more nuanced approach is needed to ensure protection for all those at risk.

The Protocols distinguished b/w those who are smuggled and those who are trafficked. Trafficking is defined 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 the exploitation.” By contrast, smuggling refers to consensual transactions where the smuggler and the migrant agree to circumvent immigration control for mutually advantageous reasons. The smuggling relationship technically ends with the crossing of the border. The two critical ingredients are illegal border crossing by the smuggled person and receipt of a material benefit by the smuggler.

9. SUZZANNE MUBARAK WOMEN’S INTERNATIONAL PEACE MOVEMENT (SMWIPM):

On January 23, 2006, in Athens, corporate leaders signed up to seven Ethical Principles against Human Trafficking:

- 1) Zero tolerance towards human trafficking.
- 2) Awareness raising campaigns and educational activities.
- 3) Mainstreaming anti-trafficking in all corporate strategies.
- 4) Ensuring the compliance of personnel.
- 5) Encouraging business partners to apply the same ethical principles.
- 6) Advocacy to urge governments to strengthen anti-trafficking policies.
- 7) Wider sharing of good practices.

10. CONCLUSION:

- While the prime responsibility in eliminating human trafficking rests with governments, a successful global vis-à-vis regional strategy requires engagement of a wide range of stakeholders, including NGOs, the security sector, the public – and the business community.

- Richard Danziger:

“There needs to be a common understanding of WHO the victims of trafficking are. Only then can the international community hope to improve its record in identification and protection of such individuals.”

- Human trafficking is about the plight and suffering of people and not about criminal transactions in soulless goods. As traffickers ruthlessly exploit the lack of social and legal protection for the victims of trafficking, the legalization of the status of the victims of trafficking is a must. For victims to be able to free themselves from actual or threatened violence they need comprehensive social, economic and legal assistance. This is crucial to effective victim and witness protection strategies.

- More than half of trafficking victims worldwide are children, forced into pornography, prostitution and labour servitude. Human trafficking is an unscrupulous market that generates around \$ 10 billion annually.

- “In order to combat one of the cruelest problems in the world today, we must create alliances,” says Ricky Martin, UNICEF Goodwill Ambassador and twice Grammy Winner.

- According to UNHCHR’s Recommended Principles and Guidelines for human Rights and Human Trafficking, human rights must be at the heart of counter-trafficking measures. Destination countries must need to reassess strategies to ensure that they conform to international standards and provide better protection to the victims of trafficking.