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## Human Trafficking: a Conceptual Framework

**Gurnam Singh and Harbilas Singh\***

*Department of Political Science*

*Guru Nanak Dev University*

*Amritsar-143005-Punjab India*

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*Human trafficking, an illicit form of migration which involves transnational crime syndicates, is resulting into human rights abuses at global level. The present article is an attempt to analyze theoretical postulations of human trafficking in a broader way. While defining the problem of human trafficking, distinction has been made of it from human smuggling along with discussion on its 'push and pull' factors, nature, pattern, routes and political economy.*

*Keywords: Migration, Borders, Human Smuggling, Human Trafficking, Exploitation.*

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### Introduction

Migration is not a new concept for human civilization. Ever since the existence of human civilization on the earth, in search of food, jobs and security, human beings have had migrated from one place to another while crossing the local, national and international borders. This concept of migration is not only applicable to human beings rather it also applies to animals, birds and other creatures living on the earth. Snakes migrate away from their mother to keep themselves surviving. Siberian cranes migrate to far flung places during winter in order to keep themselves alive and fulfill their needs and the case is applicable to other living creatures. But they are lucky as their migration process is guided/controlled by nature and not by human beings or travel agents. Otherwise their migration process would have also lead

to their exploitation and resulted into their trafficking.

Earlier, borders of states were soft and there were no requirements of passports and visas to get entry into other states for earning livelihood. With the passage of time, soft borders were replaced by the hard borders. Visa regimes started to regulate the cross border movement of the people (Kumar, 2009: 90). Thus, prohibition of free cross-border movement of the people by the visa regimes of modern nation-states, gave the rise to illegal migration of human beings across the borders (Kumar, 2009: 90-91). Since illegal migration is a difficult and risky process, a new class/group emerged to facilitate the same. This class, which is also known as 'travel agents', 'consultants', or 'traffickers' started to facilitate the trans-border migration by using legal and illegal modus operandi (Kumar, 2009: 90-91).

This, ultimately, led to the criminalization of the process of migration and creating a scope for the emergence of trans-national organized crime (TOC) such as human smuggling and trafficking. Although, aforesaid form of trans-national organized crime is a global phenomenon yet it can be seen at large in and from underdeveloped/developing countries to developing/developed countries.

People of underdeveloped/developing countries, in search of better opportunities, are looking towards developing/developed countries where they can earn more and raise their standard of living. The destination countries have some conditions or criteria to give visa to the interested people/prospective migrants of poor countries but normally they don't fulfill those conditions like bank balance required, qualifications required and communication skills. Besides, they lack the ability to deal with the technicalities of the embassy. This provides an opportunity to travel agents, consultancies or traffickers to come forward with the slogan to help them to achieve their dreams and normally give illegal turn to their migration process leading to trafficking of human beings. These consultancies or travel agents either prepare fake travel documents or bribe airport officials to get them out of country or adopt labyrinth routes to take them to their destinations and charge huge amounts of money in return for their services. In majority of the cases, the candidates don't know that facilitators/traffickers are using any sort of illegal modus operandi. Ignorance and illegal status of the migrants lead to human trafficking and subsequently, victimization for forced prostitution, bonded labour and even slavery.

The United Nations' Convention on Transnational Organized Crime (UNTOC) and its supplementary protocol – Protocol to Prevent, Suppress and Punish Trafficking in Persons,

especially Women and Children also known as 'Palermo Protocol' – considers human trafficking as 'transnational organized crime'. The said Convention explains that it is that crime which is either committed in more than one state or which is committed in one state but a substantial part of its preparation, planning, direction or control takes place in another state. Sometimes, it is committed in one state but involve an organized criminal group that engages in criminal activities in more than one state. It is also committed in one state but has substantial effects in another state (United Nations Office on Drugs and Crime, 2010: 25-37). The characters of transnational organized crime can be noticed in human trafficking as well. The present article attempts to analyze what meaning the term 'human trafficking' espouses and how it is different from 'human smuggling'? What is nature and structural pattern of human trafficking and what types of actors and factors or push and pull factors are either encouraging or forcing the people directly or indirectly at globe to be the victim of aforesaid menace? Furthermore that what are the outcomes of trafficking in human beings?

### **Defining the Term:**

In trans-border context, the term 'human trafficking', is closely related with the concept of 'human smuggling' and, thus, are often confused with each other. To remove the confusion and also for setting a legal framework to cope up with the problem, it was necessary for the states to define the menace appropriately. Thus, in this direction, states have tried to define the term individually as well as collectively through international organizations so that an internationally recognized definition can be developed.

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000), has defined trafficking in persons as:

...the recruitment, transportation, transfer, harboring or receipt of persons, 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 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 others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (UNODC, 2004: 42).

The EU Council in its framework decision on combating trafficking in human beings describes trafficking as:

...the recruitment, transportation, transfer, harbouring, subsequent reception of a person including exchange or transfer of control over that person, where; a) Use of mode of coercion, force or threat, including abduction, or b) Use is made of deceit or fraud, or c) There is an abuse of authority or of a position of vulnerability, which is such that the person has no real and alternative but to submit to abuse involved, or payments or benefits are given or received to achieve the consent of a person having control over another person for the purpose of exploitation of that person's labour or services including at least forced or compulsory labour or practices similarly to slavery or servitudes or for the purpose of the exploitation of the prostitution of other or other forms of sexual exploitation, including pornography (Council of European Union, 2010: NP and; Council of Europe, 2010: NP).

International Organization for Migration (IOM) defines trafficking in migrants as an act when the following conditions are met:

.... An international border is crossed, departure, transit, entry or stay of a migrant is illegal; an intermediary – the trafficker – is involved in the movement of the migrant providing services, such as supplying counterfeit identity documents, official or unofficial transportation and introduction into the illegal labour market in the destination country, the trafficker profits from such activities and that the transaction is voluntary, other than in cases of trafficking women for the purpose of sexual exploitation, on the basis that the migrant may be willing to be trafficked to secure their long term well being (Yussouf, 2008: 173).

The US Department of State in its documents 'Trafficking in Persons Report 2010' uses term, "trafficking in persons" for "...activities involved when one person obtains or holds another person in compelled service (US Department of State, 2010: NP)," using a number of different terms such as involuntary servitude, slavery, debt bondage, and forced labour. The US State Department, further, says that:

...a person may be a trafficking victim regardless of whether they once consented, participated in a crime as a direct result of being trafficked, were transported into the exploitative situation, or were simply born into a state of servitude. At the heart of this phenomenon are the myriad forms of enslavement – not the activities involved in international transportation (2010: NP).

The United Nations Office of Drug and Crime (UNODC) explains that the crime of trafficking be defined through a combination of three constituent elements and not through the

individual components. Reason being, in some cases these individual elements will constitute criminal offences independently. These constituent components are given as below:

- a) Process: recruitment, transportation, transfer, harbouring or receipt of person
- b) Means: threat, force, coercion, abduction, fraud, deception, abuse of power, giving and receiving of payments.
- c) Purpose: Exploitation which includes:
  - (i) prostitution and other forms of sexual exploitation;
  - (ii) forced labour and services;
  - (iii) slavery and similar practices;
  - (iv) involuntary servitude and;
  - (v) removal of organs (Perera, 2011: 3).

After analyzing the above given definitions of trafficking in human beings, it appears that definition set forth in the Palermo Protocol has international recognition. It is a process of people being recruited in the country of origin and transported to the transit and destination countries. Over all it covers recruitment, transportation, transfer, harbouring or receipt of person through means of threat, force, coercion, abduction, fraud, deception, abuse of power abuse of vulnerability, giving and receiving of payments for the purpose of exploitation. The exploitation may include sexual exploitation, forced labour, removal of organs, involuntary servitude, slavery and practices similar to slavery. Trafficking in human beings contains three elements – actions (consisting of recruitment, transportation, harbouring or receipt of persons), means (containing threat or use of force or other forms of coercion like abuse of authority), and exploitation (including prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal or organs) (Perera, 2007: 3). Thus, in brief, the Palermo Protocol represents a broad international consensus on the definition of the said menace.

### **Distinction Between Human Trafficking and Human Smuggling**

In the context of trans-border crime, both, human trafficking and human smuggling are the two distinct forms, but inter-related outcomes of illegal migrations. But generally people do not make a difference between these two concepts. Sometimes, human trafficking is confused with human smuggling that involves facilitation, transportation, attempted transportation or procurement of an illegal entry of a person into another country of which he/she is neither a citizen nor a permanent resident, for the purpose of financial or material benefits. Person who has been smuggled pays large amount of wealth and enter a country clandestinely, or through deception, such as the use of fraudulent documents. Unlike trafficking victims, the smuggled person usually consents to be smuggled. The relationship between the smuggler and the smuggled person is a voluntary business transaction. This relationship usually ends after crossing the border. Apart from this, in smuggling person being smuggled is not victim of fraud and coercion. He/she, generally, cooperates with the smugglers. The smuggled person is free to leave or change the job in the destination country. It is always crossing of an international border. In nutshell, human trafficking is a much bigger level of exploitation than that of human smuggling. Trafficking in human beings is crime against individuals as well as states whereas human smuggling is crime against state in which exploitation of person does not exist (US State Department, 2010a: NP).

According to Union Council Framework Decision on Combating Human Trafficking, there are three basic differences between human smuggling and human trafficking as summarized below:

- Source of Benefit: The primary source of profit and thus also the primary purpose

of human trafficking is exploitation. In contrast, smugglers generate their profit through facilitating illegal entry or stay. After reaching destination country the relationship between migrant and smuggler usually ends.

- Trans-nationality: Migrant smuggling always has a trans-national dimension involving at least two countries. But in case of trafficking it can be within the borders of a particular state.
- Victimization: Smuggling does not necessarily involve the victimization of the migrant. Migrant smuggled generally consent to the smuggled. In contrast, victims of trafficking have either never consented or if they have given initial consent it became meaningless by the means by which the trafficker had gained control over the victim such as deception or violence. Smuggled person is part of crime and trafficked person is victim of crime (United Nations Office on Drugs and Crime, 2010: 7).

These differences show that trafficking in human beings is higher level of exploitation than human smuggling, in which the victim is exploited for mutual profits. Usually trafficked person is controlled by traffickers from every aspect. Traffickers earn from the services of trafficked persons. The victim of trafficking had no role or very little role in crossing of international borders illegally. Sometimes it had been observed that person starts his journey to green pastures as smuggling but on the way he becomes victim of trafficking, when he is exploited to give more money to smuggler and his movements are checked and his consent was achieved through fraud and on false promises of safe and legal journey to desired destination (US State Department, 2010a: NP).

To sum up, one can draw following major distinctions between human trafficking and human smuggling:

- a) Human trafficking is higher level of exploitation than human smuggling.
- b) Human trafficking can be inter-state or intra-state where as smuggling is always of crossing of international border.
- c) Human trafficking is crime against humanity and State in which trafficked person himself/herself is victim whereas smuggling is crime against State and smuggler and smuggled both are culprit.
- d) Trafficking contains an element of force, coercion, fraud etc. but the person being smuggled is generally cooperating.
- e) In trafficking, trafficked person is enslaved, subject to limited movement or isolation, or had documents confiscated but in case of smuggling the smuggled person is free to leave, change jobs etc.

These points make distinction between human smuggling and human trafficking. It has been observed that when caught or arrested by law enforcing agencies or police, the victim of trafficking is also treated as culprit and faces tenable punishment and exploitation as it should be in case of human smuggling only where both the smuggler and smuggled are culprit in equal proportions. Main reason of these that irrespective of these distinctions between human trafficking and human smuggling, sometimes as it has been observed that creating a workable distinction between smuggling and trafficking becomes impossible for the researchers, policy-makers and law enforcement agencies. Reason being, smuggled migrants also become victims of trafficking and this makes it difficult to distinguish between a situation of trafficking and a situation of smuggling. Many times traffickers get the consent of victims through deceptive or fraudulent means while promising and ensuring

them a safe travel and transport and even a certain and high standard job at the destination. Such smuggled migrants are exposed to abuse and exploitation either while being transported or on arrival. Hence, they are recruited as smuggled migrants, but turned into the victims of trafficking.

### **Nature and Structure**

There are numerous complexities and hurdles in analyzing the nature and structure of human trafficking. To understand the same, one needs to be aware of the fact that the menace understudy is, generally, an under-reported crime (Perera, 2011: 4). Magnitude of this problem is much higher than listed in print and electronic media and the law enforcing agencies. Under-developed/developing countries are also not serious about the said problem. Besides, usually victims don't have any evidence to prove the payment given to trafficker and exploitation met by him. Furthermore, convictions are often based on witness and testimony of victim which is hard to obtain as victim is scared of social stigma and knows well the links of traffickers with high profile people and attitude of law enforcing agencies. Thus, under-reportedness of the crime creates hurdles in the analysis of said menace.

Apart from this, trafficking in human beings needs to be seen as a 'process' which begins with the recruitment and ends with the exploitation of the victim (Perera, 2011: 5). Traffickers offer services such transportation, assistance in crossing borders, fraudulent documents, accommodations, jobs or job brokering that are required by the prospective migrants to reach their provisional or final destination. The needs of the prospective migrants vary vis-à-vis the factors such as their nationality, linguistic and cultural background, immigration restrictions and geographical distance of destination country from

the country of origin (International Organization for Migration, 1994: 3).

Prospective migrants are recruited by the traffickers through advertisement in newspapers and magazines. People are also recruited through personal contacts. The travel agents or recruiters give attractive advertisements, which promises to send people to foreign countries without IELTS, without showing bank balance, qualification or the advertisement for audition for getting role in television dramas or films, helps them in recruitment. Apart from it, the travel agents have sub-agents scattered even in remote areas of the country having their offices without any registration with government and enjoy no control of any governmental department on themselves. After recruitment, the victims are either transported or transferred to different areas with or without their initial consent. This consent is achieved through fraud and deceit such as false promises of job with high salary, safe and legal journey to destination etc. When the victim leaves his country and is displaced from his native land and community, then full control over that person is achieved by traffickers either himself or through his representative in foreign state. Their passports and other travel documents are taken away from them and they are not familiar with that demography of that state and language. This leads to the exploitation of the trafficked persons. Usually they are not taken to the promised destination and their contact is broken with outside world. Trafficking is done to earn more and is usually done through forced labour, sexual exploitation, forced marriages, illicit adoptions, removal of organs etc. Even if the victim is not victimized to this extent then also he/she is forced to pay more and more during the journey to destination states. After reaching at destination and trafficked person finds himself/herself helpless due to the lack of knowledge of local language, rules and regulations, various

routes to reach back home. Thus, trafficked person is left with only one option to surrender before the wishes of trafficker.

Sometimes illegal migration of individual may turn from smuggling to trafficking and sometimes it may change from trafficking into smuggling depending upon the communication skills, education and knowledge of language of the individual. Generally, the people, victim of trafficking are low or medium profile people having poor communication skill with low level of intellect. Their innocence and lack of knowledge of language is usually exploited by the traffickers. The traffickers use variety of methods to create vulnerable conditions for the exploitation of victims. The use of methods like physical abuse, verbal abuse, taking away identification documents like passports, threat and keeping them on secluded or isolated places. This situation is usually faced by the victims from the Indian Punjab who are stationed in Russia, Mauritania, and Gianni Bissau. They are given very less to eat and are kept in very unhygienic conditions for long time unless they pay more money than promised, which they have already paid, they are not transported further. Sometimes human traffickers with the help of their connections in embassies and airports arrange the fake or forged documents such as passport and visa and then, transport people to other states. Hence, this makes the people more vulnerable to exploitation or subjugates more control over them. In case trafficked persons are caught on airport by authorities, then also they are punished by the governmental authorities. However, the traffickers are usually escaped from punishment. The victims remain silent because of the fear of being caught because of their illegal status and serious punishments given to illegal entrants. The girls are usually exploited in brothels of foreign destinations. Males are given unhygienic and risky jobs and their earning is exploited by their

handler. Tired of this exploitation, some victims prefer to surrender to local authorities and run away when they get the chance or secretly make the calls to their parents and inform them about their situation and then their parents either catch sender or help them by sending money or moving to anti-human trafficking activists, who further take up such issues with governmental authorities of origin, transit and destination states. During this process, lucky victims are saved and sent back to the homeland states.

Nevertheless, untraced trafficked persons are further taken to other states by the traffickers. Many of them die while facing grave risks in open seas, crossing dangerous mountainous regions and die because of cold or get buried in glaciers. Their bodies remain untraceable and their death remains a mystery for their families behind. Many cases are there, when traffickers kill trafficked people themselves, in case police or security agencies chasing them, in order to eliminate evidences against them (Baath, 2007: 14-20). This cycle of trafficking does not end with death of victims and rescue of victims as new sub-agents recruit new victims with above said methods and prepare new consignment of victims. This cycle goes on because of the reason that it is third largest business after arms trade and drug trade, with very little investment and high returns and no threat of punishment because of loopholes in legal system in the source countries.

### **“Push” and “Pull” Factors**

The composition of mutually reinforcing “push” and “pull” factors contributes to trafficking in persons. “Push” factors are those hostile social, economic, political conditions in the countries of origin which encourage or force the people to migrate for the greener pastures. These conditions include extreme poverty, unemployment, lack of education, political corruption and political instability and civil war or conflict situations in

countries of origin. Poverty and unemployment put a person to enter into situation of exploitation without fully knowing about it as they don't have many alternatives. Powerlessness and marginal position of poor and unemployed people in society provide traffickers an opportunity to exploit them. The visible gaps in the standards of living of people also lead to their victimization as they start regarding migration as only way to become rich. Difference between wages in home country and abroad is quite huge and aggravate the menace (Wheaton, Schauer and Galli, 2010: 123). These poor people are illiterate don't have any skilled knowledge and thus, lack of options makes them to consider migration as only best options (The Levin Institute, 2011: 13-14). Adding to this, the failure of agriculture in the third world countries has forced its citizens to search new horizons in foreign countries. Political instability and civil war(s) strives are responsible for the flourishing of the crime of human trafficking. During the civil war, the people's vulnerability to trafficking increases. Reason being it becomes the low priority of government to check the trafficking. The people of such disturbed states themselves want to leave such states and get settled in some peaceful locations. Breakdowns in the governance facilitate corruption among official, provide opening for organized crime. The children too are used for fighting war by militia and their parents wish to take them to safe places and often end up with their exploitation in the process of human trafficking (Scarpa, 2008: 32).

Catastrophic events also promote trafficking in human beings. Sometimes natural calamities like earthquake, Tsunami, floods etc. aggravate this problem reason being law enforcing agencies and other state agencies become busy in tackling that calamity, leaving enough space for traffickers to exploit the people, who became homeless because of that natural disaster (Nair, 2010: 51).

Apart from push factors discussed above, "pull" factors are also responsible for flourishing the trafficking in human beings. These "pull" factors refer to such elements that exist in the destination countries and attract the people to migrate there. This category includes a globalized free-market economy that has increased the demand for cheap labour, goods and services. The labour from the third world countries is quite cheap, less demanding and harder working. Thus, as a result of hyper-capitalism, human beings have also become the commodities. This mutual beneficiary pattern of demand and supply has also given birth to transnational criminal networks who are earning from the migration of people and making them victims of trafficking (The Levin Institute, 2011: 13-14).

Alongwith the "push" and "pull" factors, the other major reason for spreading this epidemic globally is its huge return of money without any investment. It is one of the most profitable business with very less investment and very high gains. International Police (INTERPOL) estimates that trafficking in human beings is a USD 28 billion enterprise without the fear of capital punishment if caught in such cases (INTERPOL, 2011: NP) The International Labor Organization in its report 'A Global Alliance Against Forced Labour' estimates USD 31.6 billion global annual profits generated by the human traffickers (International Labor Organization, 2005: NP). These figures represent an average of approximately USD 13,000 annual or USD 1,100 per month per trafficking victim. Half of the profit, i.e., USD 15.5 billion, is made in the industrialized/developed countries. The Asia and Pacific region generates the highest profits, USD 9.7 billion which represent one-third of the global profit. This is followed by transition countries (USD 3.4 billion) and Middle East and North Africa (USD 1.5 billion) (International Labor Organization, 2005: NP). The ILO (2009: 13-14) has estimated the following recruiting



Table 1. Recruiting Fees Collected By Human Traffickers

Sr. No.	Region	Recruiting Fees (USD)
1.	Industrialized Economies	400,270,777
2.	Transition Economies	42,675,823
3.	Asia & The Pacific	142,855,489
4.	Latin America & Caribbean	212,396,124
5.	Sub-Saharan Africa	16,994,438
6.	Middle East & North Africa	551,719,286
Total		1,366,911,936

fee which is collected by the traffickers from trafficked people in the different parts of the world:

Thus, such huge profit without much investment and very little or no capital punishment is boosting this business by making it third biggest trans-boarder illicit business after drug and arms trade, being run by trans-border mafias such as ‘Snakeheads’<sup>1</sup> and ‘Coyotes’.<sup>2</sup> The organized criminal mafias like ‘Snakeheads’ and ‘Coyotes’ facilitate such illegal movements of the people and destinations are Europe and North America.

To sum up, a combination of inter-related “push” and “pull” factors such as extreme poverty, unemployment, lack of education, political instability, civil war or conflict situations in countries of origin and opportunities offered by the destinations countries are responsible for the aggrandizement of the menace of trafficking in persons. Being a less risky and more profitable, this business in itself encourages the crime syndicates to indulge in the menace.

### **Global Portrait and Political Economy**

The combination of push and pull factors that prevail in countries of origin as well as destinations force/encourage the people of underdeveloped and developing countries of Asia, Africa, South

America and Eastern Europe to migrate them to developed countries of Western Europe, Australia and North America even through illegal modus operandi. Such circumstances have provided an opportunity for transnational crime syndicates those involved in human smuggling and trafficking to recruit such people by deceptive means and false promises and exploit them. Although trafficking/smuggling in human beings is an illegal business, but even then like any legal business, it requires organization and planning. These gangs have established highly organized and planned formal as well as informal networks to reach out the candidates for recruitment and transportation. Hence, individual actors within such transnational criminal networks include recruiters, document forgers, brokers, brothel owners, and employment agencies. Beside these things, networks also encompass transporters, guides and crew members along with enforcers who are hired to work on ships to maintain order and distribute food and water. Recruitment of the people is made through the acquaintance or family members, or through the newspapers advertisements, fake employment agencies, front business and through agents active in the areas of recruitment. The crime syndicates recruit the people and arrange everything for them by charging heavy amount. They put the people into inhumane and hazardous voyage. They are

overloaded in trucks or boats and fatal accidents occur frequently and become headlines of print and electronic media from time to time. After their arrival at destination their illegal status forces them to be at the mercy of these criminal syndicates who often force the candidates to work in illegal labour market. People involved in such illicit business benefit from weak legislation, huge profits and relatively low risk of detention, prosecution and arrest as compared to the other forms of transnational organized crime. Responding to the activities of legislative and law enforcement activities of source, transit and destination countries, crime syndicates innovate the modus operandi of recruitment, methods of transportation and routes of human smuggling as well as trafficking. These steps are essential for their survival. Therefore, flexibility is the main characteristic of transportation and the choice of routes. It means the routes and methods used by people smugglers and traffickers can sometimes be simple and direct, at other times circuitous. The time between departure and arrival can also vary from some days to several months or years. This is carried out by land, air and sea. The INTERPOL has identified some examples of routes frequently used by the human traffickers. These syndicates, as it has been observed, while smuggling and trafficking the people from Asia continent mainly use the route via Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan and Turkmenistan to Russia and from there, via Ukraine, Slovakia and the Czech Republic, to western European countries or even further to the United States and Canada (INTERPOL, 2010: NP). At the same time, the Balkan route from Asian countries via Iran and Turkey and from there, via Balkan states, to Western Europe is used for the smuggling and trafficking of people. Especially during summer months, Spain has to face the arrival of thousands of illegal immigrants from Sub-Saharan Africa. These

willing immigrants undertake the hazardous trip to travel from Morocco to Southern Spain through the narrow Strait of Gibraltar, where only twenty one kilometers separate Europe and Africa (INTERPOL, 2010: NP). Many people travelling in small, overcrowded boats have drowned while attempting to reach Europe. Australia is also facing a growing number of illegal immigrants, mostly from the Middle East, South East Asia and Southern Asia, landing at its Western coasts and especially on Christmas Island, which is located relatively close to the Indonesian archipelago. Most of the refugees from Asia first enter Malaysia, where they are taken to the South before making a short ferry crossing to the Indonesian Island of Bantam. From there, it is not difficult to reach Jakarta and on to the Southern Indonesian islands of Bali, Flores or Lombok, where they embark for Australia (INTERPOL, 2010: NP). Trafficking to the United States is mostly achieved by putting them on planes. Ships with trafficked people on board are mainly bound for the West Coast. Trafficking/Smuggling networks seem to focus more and more on Central and South America, where they maintain the necessary links to Mexican people smugglers/traffickers in order to move the illegal migrants via Mexico to North America. Approximately, 31,000 illegal trafficked people had flocked in 2006 to the Canary Islands of Spain. The Canary Islands are targeted due to their proximity to Western Africa and perceived as an open door to Europe (INTERPOL, 2010: NP). The smuggled/trafficked people tend to travel in crowded open boats not at all intended for travel in open seas at such great distances. As a result, many perish enroute. The routes towards the Canary Islands from Western Africa are flexible and organic, depending on controls (INTERPOL, 2010: NP). The trafficked people and facilitators are generally amateurs of same ethnic origin of those they are trafficking or smuggling. This form of

Table 2. Cost of Human Trafficking

Sr. No.	Route	Cost(USD)
1.	Asia-Americas	26,041
2.	Europe-Asia	16,462
3.	Asia-Australia	14,011
4.	Asia-Asia	12,240
5.	Asia-Europe	9,374
6.	Europe- Australia	7,400
7.	Africa-Europe	6,533
8.	Europe-Americas	6,389
9.	Americas-Europe	4,528
10.	Americas-Americas	2,984
11.	Europe-Europe	2,708
12.	Africa-Americas	2,200
13.	Africa-Australia	1,951
14.	Africa-Africa	203

illegal immigration poses great challenges to the international law enforcement community. The exact data of the victims is difficult to collect because of the clandestine nature of the crime. The US is a major receiver of trafficked persons. It is estimated that between 15000 and 50000 internationally trafficked victims arrive each year in the US. It has also been estimated that the annual revenue from trafficking in persons is between USD 5 billion to 9 billion. The Council of Europe estimates USD 4.25 billion global annual market of this venture. The United Nations estimated nearly 2.5 million people from 127 different countries are being trafficked around the world (Perera, 2011: 1). Melanie Petros (2005: 4-5) of Global Commission on International Migration, Geneva has calculated the cost of human trafficking as per the following table:

The most expensive trafficking routes are between Asia and Americas. The least expensive routes are between African countries. The major movements are from China to the United States, China to Canada, India to the United States, Pakistan to the United States, Sri Lanka to the

United States, Thailand to the United States, and Sri Lanka to Canada (Petros, 2005: 4; Chin and Messey, 2000 and; Kyle and Liang, 2001).

The economy of the trafficking is determined by the distance travelled, mode of the transport, number and characteristics of the trafficked persons and a set of other circumstantial conditions (Petros, 2005: 12 and; International Organization For Migration, 1994: 4). Normally, the farther the distance to be travelled, the more expensive the trafficking fee. Similarly, air travel cost more than sea travel (Petros, 2005: 14). Cost increases when the services offered by the traffickers exceed simply transportation. For example where travel documents, food and other material is provided to the trafficked persons. Besides, with the passage of time, trafficking fees have also been increased.

Prospective migrants/trafficked persons arrange the fee to be given to the traffickers by different methods. Some of them sell some or all of their assets in order to finance their trip. Family members also make contributions towards the cost of a voyage. With highly organized trafficking

networks, prospective migrants may make only a small down-payment, travel and pay the rest of the fee upon arrival (International Organization For Migration, 1994: 4).

Therefore, global portrait reflects the magnitude of the said menace. Irrespective of the clandestine nature of crime, above given discussion reflect the global pattern and intensity of the trafficking in human beings.

### **Types of Exploitation of Trafficking Persons**

Human trafficking brings hazardous consequences for the trafficked people during journey in transit countries as well as after reaching at the destination. The traffickers take advantage of poverty, lack of education, political instability and civil war and natural calamities for the recruitment of the people for trafficking. After recruiting the people, or achieving their consent for movement, no doubt, through fraud, deceit, abuse of authority, force, coercion etc, the journey of individual's exploitation and journey of traffickers' earning starts. Traffickers use diverse methods for the exploitation of the trafficked persons. Forced labour is also a form of exploitation. Since demand for cheap labour and more and more labour is increasing due to the industrialization and globalization, traffickers in developing/developed countries show greener pastures like very high salaries there and free accommodation for the prospective migrants. After achieving their consent, the traffickers or criminal groups subjugate large number of workers to involuntary servitude in factories, household, construction, agriculture, and mining. They succeed in doing the same due to the illegal status of the trafficked persons. The International Labour Organization (ILO) estimates that there are at least 12.3 million people who are the victim of forced labor worldwide (Scarpa, 2008: 11). In addition to forced labour, sexual exploitation is

another popular form of exploitation in human trafficking. The young girls on the pretext of giving jobs in hotels as waitresses or cooks are thrown in brothels and compelled to work as prostitutes. Their identity and travel documents are taken away or destroyed by the traffickers and, thus, making their status illegal in that state and then psychological and physical threats make them enter into this cold flesh trade (Perera, 2011: 30). Huge income from this trade is exploited by the traffickers. It is estimated that USD 81,280 monthly income from a single brothel in Thailand (Scarpa, 2008:16). The victim just get very less from this huge profit as money is deducted from his or her salary as return of debt or money spent on the movement and food of victim and charged with heavy interest rate.

Many states of the world are facing downfall in female population. China is having single child policy and in 2005 there were 100 females as against 118 males. Thus, Korean girls are trafficked to China for marriage (Scarpa, 2008: 26). Similarly in India the ratio of males and females is 93:100 and in order to meet the marital needs of the remaining, the girls are trafficked from Bangladesh to India (Scarpa, 2008: 26). Apart from it, the poor girls are forced to marry with the males from rich countries like the United States, Canada as after marriage these girls will also become citizen of that state and can be helpful in the migration of their family and thus taking them out of vicious cycle of poverty, which they otherwise will not be able to break in their native state.

Camel race is most popular sport in Arab world. They use kids as camel jockeys. The main reason for using them is that they are very light in weight and their crying sounds provoke camels to run fast. Such camel jockeys are purchased on the pretext of good upbringing, from poor families from India, Bangladesh, Pakistan, Nepal etc. and then transported to Arab countries where they

are sexually exploited by camel farm managers and under fed in order to keep them light weight. After they get elder in age, they are disposed off by farm owners as of no use in races and left to survive in cruel world without education and physical fitness. Although many Arab states banned camel races or use of camel jockeys but still this practice is going on behind doors (Scarpa, 2008: 30).

People of underdeveloped/developing countries are trafficked by trans-national organized crime syndicates with fraud, deceit and coercion for removal of their organs. After displacing them from their native sate and land, organs of the trafficked are either taken out without their consent or with their consent. In the US, more than 97000 people are waiting for organ transplant and out of it 74000 are waiting for kidney transplant. Approximately, 64 percent of all renal transplants are done from living unrelated donors. The donor usually receives an average of USD 1070 where as middleman gets USD 125000. Traffickers usually promise them more money but after transplant they deceive them and these operations are conducted without taking necessary precautions because all such operations are illegal and done clandestinely. The donor dies before the receiver because of lack of follow up and necessary care and medicines (Scarpa, 2008: 36-37).

Thus, in brief, people are trafficked by the traffickers for various objectives including forced labour, prostitution, removal of organs, forced marriages and camel race. To achieve such objectives, traffickers exploit the trafficked persons to extreme levels due to which they hardly manage to return.

### **Human Trafficking and Human Rights Abuses**

Human rights abuses are the direct outcome of human trafficking. The victims are put

under grave risks to earn more. In the United Kingdom such trafficked persons are deployed in construction sector where they are forced to do most risky works in construction without proper safety measures. They are called as ‘Faujis’ and in case of any accident they don’t get any compensation and insurance because of their illegal status, leaving them permanently crippled for remaining life. In case of sexual exploitation, they are always at risk of sexual diseases and no medical treatment is given to them (Cheema, 2010: 39).

Adding to this, victims are not treated equally and with dignity. They are paid very less and forced to work under very risky and inhuman conditions. They are fully exploited and many times not given wages for their work and poor victims can’t even demand it because of their illegal status. The handler enjoys complete control over the movements of trafficked persons. They are taken directly to their poor and unhygienic accommodations under the supervision from work place. They are so much threatened that they don’t dare to talk and establish contacts with any outsider. Their movement and liberty is checked by handler by taking away their passports and identity proofs. They are beaten, abused and tortured by various other methods like giving no food and water unless they surrender to the wishes of trafficker. At work place also, they are forced to work more than the shift and their capacity and usually compelled to such works which a legal labourer either will not do or if agrees to do so, then he will charge huge amount for that job but in case trafficking victims they are not given any incentive .

The handler of victims creates such an environment and washes their brain in such a way that they don’t move to any authority for justice and redress of their grievances. In case they try to move, then also they don’t get it because they don’t have any document to prove their exploitation and

if any victim tries to create trouble for trafficker by trying again and again then he is eliminated also.

Since trafficking is clandestine in nature and the whole operation is supposed to be carried out secretly and without the notice of any state agency. Human trafficker usually adopts secluded routes and work places for transporting them and exploiting their labour. If any individual falls sick, which they usually because of hostile environment of transit countries and no proper precautions, then sick individuals are not taken to doctor or any hospital in order to keep such individuals under cover. They are treated with medicines available and in case their problem gets out of control and needs doctor, then they are eliminated personally by the traffickers in order to save his own skin (Cheema, 2010: 53). It has been noticed that many of them die while crossing borders and sometimes traffickers kill them in order to save themselves.

In nutshell, one may argue that human trafficking is a global menace. It is a process that includes recruitment, harbouring and transportation of persons by using illegal and immoral modus operandi for the purpose of exploitation. Due to its less risky and more profitable nature, this business is being run by the transnational organized crime organizations. It begins with recruitment of the persons and ends with the exploitation. Though, it exists within developed countries as well but it is more vigorous from underdeveloped/developing countries towards developing/developed countries. Hostile social, economic and political conditions of third world countries and opportunities offered by the rich/developed western countries are not only encouraging the people to migrate to these

countries, by hook or crook, but also putting their lives in danger. Thus they have had been exploited by the transnational organized crime organizations for their own objectives leading to the human rights abuses at large scale.

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### **Notes**

1. The term “snakehead” refers to those underground Chinese mafias who recruit and transport the Chinese migrants illegally into countries like the United States and other Western countries. The term originated as the lines of emigrants sneaking under borders is said to look like a snake. Operating in an extensive transnational black market, snakeheads reap huge profits from their smuggling and trafficking operations. Interestingly, they do not consider themselves as criminals but as ‘resourceful guides’. Snakehead operations have expanded enormously into other countries. Nevertheless, majority of the customers originate from the Fujian province of China.
2. The term “coyotes” refers to those Mexican smugglers who facilitate the migration of people across the US border. Well-organized syndicates of Coyotes have established the smuggling and trafficking as a major industry in Mexico and over a period of time with the advancement of technology they have become more sophisticated in their operations.

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## **Торговля людьми: концептуальная основа**

**Г. Сингх, Х. Сингх**  
Гуру Нанак Дев университет  
Амритсар-143005 – Пенджаб, Индия

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*Торговля людьми как незаконная форма миграции, вовлекающая деятельность транснациональных преступных синдикатов, имеет своим результатом нарушение прав человека на глобальном уровне. Настоящая статья представляет собой попытку проанализировать теоретические постулаты торговли людьми в более широком аспекте. При рассмотрении проблемы торговли людьми были выявлены отличия данного явления от незаконного ввоза и вывоза людей, а также его факторы «push and pull», природа, модель, маршруты и политическая экономика.*

*Ключевые слова: миграция, границы, незаконный ввоз и вывоз людей, торговля людьми, эксплуатация.*

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