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CONFLATION OF SEXUAL EXPLOITATION AND TRAFFICKING: A GLOBAL CONCERN

AUTHORED BY - LALITA SHARMA

ABSTRACT

Over the past several years, human trafficking has elevated to a major humanitarian issue, although its compulsion and violence have plagued victims for generations. Human trafficking is a grave offence that violates the basic rights and dignity of victims. Over 40 million people are victims of human trafficking globally, comprising of men, women, and children who are ensnared in various forms of contemporary slavery, ranging from forced labour to sexual exploitation. This is a global crime that affects people of all ages and socioeconomic backgrounds, including men, women, and children. Traffickers often use violence, dishonest employment agencies, and exaggerated claims of opportunities for education and work to manipulate and threaten their victims.

This paper aims to highlight on the offence of sexual exploitation which is one of the components of human trafficking. This research paper delves into the conflation of sexual exploitation and trafficking, addressing its global implications. This paper also examines the socio-economic, cultural, and legal factors contribution to this conflation and proposes strategies for enhancing awareness, prevention and intervention efforts to combat these intertwined but distinct phenomena.

Keywords: Human Trafficking, Sexual Exploitation, Conflation, Gender

INTRODUCTION

The trafficking of people for the purpose of sexual exploitation is a problem that is spreading and more across the globe. The largest and fastest-growing criminal sector in the world is trafficking, which is a massive industry. The definition of human trafficking (HT) more that is most frequently cited is found in the 2003-enacted UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons (WHO in Human trafficking 2012)

The definition of human trafficking, as stated in Article 3 of the UN Protocol reads as follows: "... 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." At the very least, exploitation must include forced labour or services; prostitution or other sexual exploitation; slavery or activities similar to it; and organ harvesting. (UNDOC 2014a).

Trafficking in persons for "physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude and the forced removal of organs" is forbidden by the Indian Penal Code section 370. India has outright forbidden the trafficking of people for the purpose of sexual exploitation ever since it ratified the Palermo Protocol and changed its Penal Code. It is also illegal to obtain, coerce, or take someone for the purpose of prostitution, according to the Immoral Traffic in Persons Act of 1956. A number of sexual offences against minors under the age of 18 are forbidden by the Protection of Children from Sexual Offences Act of 2012.

Sex trafficking, labour trafficking, and organ trafficking are some of the different kinds of human trafficking that exist. Prostitution by human trafficking is known as "sex trafficking". Notwithstanding the fact that it is illegal in every nation, sex trafficking nevertheless occurs everywhere. Sex trafficking victims are essentially helpless because the traffickers have complete control over them. Every aspect of the victim's life is still under the traffickers' authority and control. Additionally, traffickers own all of the money made from any sold sex, and they frequently traffic many victims at once.

Labour and sex trafficking are both considered forms of human trafficking, and they are frequently combined. Commercial sex is defined as exchanging something of value for a sexual act; when this is coupled with coercion, fraud, or force, it is referred to as sex trafficking. Additionally, in many nations, a commercial sex act still qualifies as sex trafficking when the victim is under the age of 18, even if they deny ever being forced, tricked, or coerced. This is because, at that age, they are still considered children and cannot decide whether or not to sell sex acts.

The steps in the recruitment process for sex trafficking are as follows: -
(1) recruiting and gaining the victim's trust,

- (2) influencing or weakening the victim's will,
- (3) disclosing to the victim that they are a victim of human trafficking, and
- (4) keeping control.

It may take a victim's lifetime to heal from the trauma they have experienced, even after they have recovered and sought treatment (Belles, *Defining sex trafficking* 1970).

Sex trafficking is not something that is apparent to everyone in a crowded room. It is not a crime that a bystander can witness and report; unlike kidnapping, it does not happen instantly. Since they have been manipulated by a trafficker to believe they have made the decision to engage in commercial sex, many people in situations where there is active sex trafficking do not even realise, they are victims.

OBJECTIVES OF THE PRESENT STUDY

The following are the primary goals of this research paper: -

1. To examine the sex trafficking in various countries
2. To analyse the statistics of human trafficking in various countries.
3. To provide suggestions regarding human trafficking in India.

RESEARCH METHODOLOGY

The research methodology adopted for the present paper is doctrinal method using and analysing primary and secondary resources.

CURRENT TRENDS OF SEX TRAFFICKING

One of the international criminal enterprises with the quickest rate of growth is sex trafficking, with 115 countries reporting cases. It is estimated that one million children and almost four million adults were coerced into sexual labour in 2016.

The phrase "sex trafficking" refers to the "recruitment, harbouring, transportation, provision, or obtaining of a person for the purpose of any commercial sex act where such act is induced by force, fraud, or coercion, or when the person induced to perform sex acts is under the age of 18," although specific definitions may differ amongst countries."

There are significant consequences for both the victim and society from sex trafficking. It has

been demonstrated that being a victim of sex trafficking raises the incidence of both physical and mental health disorders and can result in the criminalization and/or social stigmatisation of those who are trafficked. Females are disproportionately affected by sex trafficking, accounting for 77% and 72% of those who are sexually exploited, respectively, according to the UNDOC. Others reported even higher rates; according to some sources, women and girls make up to 99 percent of those who are sexually trafficked. The majority of trafficked people start trafficking before the age of 18, with 12 to 15 years old being the average age of first experience. Human trafficking is thought to be a \$150 billion global industry annually and has long been acknowledged as one of the fastest growing criminal enterprises in the world. A 2021 report by the US State Department on trafficking in persons estimates that 25 million people globally fall prey to sexual and labour exploitation.

Approximately one-third of the trafficking victims that have been identified are children. Regionally, especially in low-income nations, children may be trafficked for forced labour; however, the majority of child victims worldwide are trafficked for sexual exploitation. From an international perspective, the majority of victims of human trafficking are discovered in their home countries; however, from a regional standpoint, wealthy nations are more likely to be the final destination for victims discovered from farther away. For instance, significant percentages of victims of human trafficking from other regions are reported in Western and Southern Europe and the Middle East, while these detections are comparatively uncommon in the majority of other parts of the world.

Mostly adult women, but there are also a growing number of teenage girls among the victims of human trafficking worldwide, are female. Overall, women make up 46% of the trafficking victims that have been identified, followed by girls (19%), men (20%), and boys (15%). Therefore, children make up over 30% of all victims of trafficking that have been identified. However, there are regional variations. For example, in Sub-Saharan Africa, children made up the majority (55%) of the victims that were found. 94% of victims of trafficking for sexual exploitation who have been identified worldwide are women, and 72% of child victims of sexual exploitation have been identified as girls.

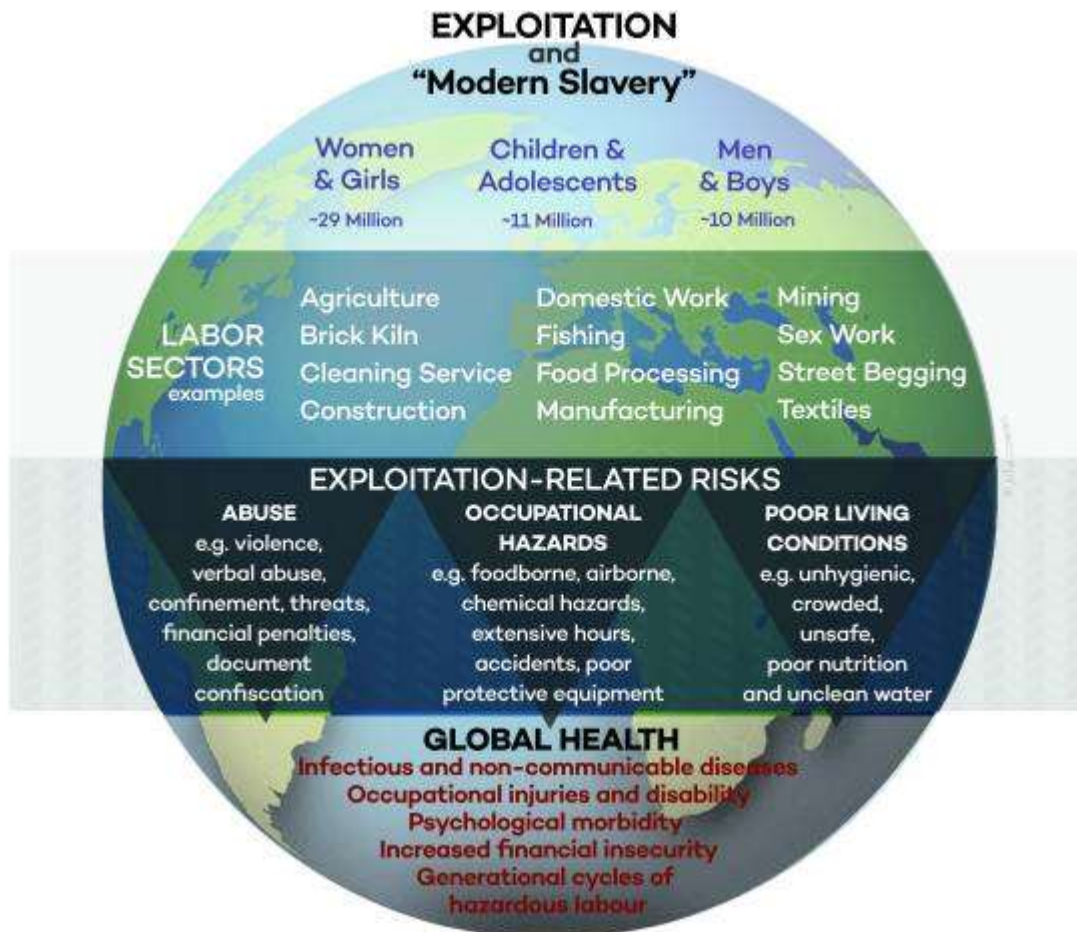


There are three main issues with claims concerning worldwide trends:

- (1) the covert nature of trafficking, which makes data collection challenging;
- (2) the absence of a reliable baseline from which changes over time can be assessed; and
- (3) the possibility of market saturation, particularly in the case of sexual commerce: the idea that the demand for sex trafficking is rising steadily presupposes that (a) it is growing as well as (b) there are not enough sex workers in the area to meet the demand.

HUMAN TRAFFICKING IS A GLOBAL HEALTH CONCERN

A multifaceted violation of human rights, human trafficking revolves around the act of exploitation. The core of human trafficking is exploitation, which includes various forms of abuse like long hours, low pay, extortionate debt, physical confinement, dangerous work environments, violence, and threats. These abuses take many different forms and range in intensity. Crucially, the effects of exploitation on the health and general welfare of a victim of human trafficking are contingent upon the assortment and intensity of the acts inflicted upon them.



Source: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5699819/>

Growing research has shown that human trafficking has numerous negative effects on health. Many abuses, sector-specific occupational hazards, hazardous living conditions, and a host of negative health outcomes were reported by survivors of human trafficking, according to a systematic review on health and human trafficking. Within the Southeast Asian population of trafficking survivors, 22% suffered severe injuries, including amputations, and nearly half (48%) reported experiencing physical or sexual abuse. Additionally, 22% reported symptoms suggestive of anxiety and depression. However, there hasn't been much research on the legal, financial, and social harm that victims of human trafficking have to endure—all of which can have a negative impact on their health. Additionally, highly gendered manifestations of human trafficking are common. Men appear to be more vulnerable to trafficking into various armed conflicts, and men in Southeast Asia are more likely than women to be recruited for commercial fishing, sometimes known as "sea slavery." For instance, women and girls are frequently trafficked for sexual exploitation, forced marriage, and domestic work.

THREATICAL PERSPECTIVE OF HUMAN TRAFFICKING- SEXUAL EXPLOITATION DYNAMICS AT PAR

People are impacted by human trafficking, which is a flagrant violation of their rights that crosses national, ethnic, and religious boundaries. The UN estimates that approximately 25,000 people were victims of human trafficking in 2016 alone, however this number likely includes many cases that went unreported. Out of them, women and girls made up 72%. An estimated 40.3 million people were trapped in modern slavery worldwide in 2016; they were forced into exploitative situations they were unable to escape or refuse because of coercion, fraud, threats, or violence.

However, human trafficking is a criminal and security issue in addition to being a violation of human rights and dignity. Although it happens in almost every nation on earth, human trafficking assumes especially heinous forms during and after times of conflict. In the context of armed conflict, certain types of trafficking are especially common. These include forced marriage, sexual exploitation, and enslavement; forced labour to support military operations; the recruitment and exploitation of child soldiers; and the removal of organs to treat injured fighters or fund operations.

By giving armed and extremist groups the means to increase their income, power, and military prowess, human trafficking can exacerbate conflict. Organisations like Boko Haram in Nigeria and the self-declared Islamic State in Iraq and Syria have both enslaved women and girls and profited from sex trafficking. Governments stand to gain as well; state-sponsored trafficking can give despotic governments a way to make money and strengthen their armed forces. In addition to causing displacement and community instability, human trafficking can exacerbate conflict and impede progress. Human trafficking undermines the capacity of international organisations to carry out their missions of promoting peace and stability when it is committed by security forces and peacekeepers.

Human Trafficking for sexual exploitation from a threat-based perspective involves identifying and analysing the various threats that facilitate and sustain this criminal activity. These threats fall under the following major categories:

1. **Economic Threats:** Economic instability and poverty are significant threats that drive individuals into situations where they are vulnerable to trafficking. Lack of economic

opportunities, high unemployment rates, and economic crises force people to seek better prospects, often making them targets for traffickers who promise jobs or a better life.

2. **Political and Legal Threats:** Weak legal frameworks, corruption, and inadequate law enforcement create an environment where traffickers can operate with impunity.
3. **Social and Cultural Threats:** Social and cultural norms can also contribute to the threat of trafficking. In some cultures, gender inequality and patriarchal attitudes devalue women and girls, making them more susceptible to exploitation. Social acceptance of sex work or the stigmatization of victims can also prevent effective intervention and support
3. **Technological Threats:** Advances in technology have facilitated human trafficking by providing traffickers with tools to recruit, advertise, and exploit victims online. Social media, encrypted communications, and the dark web allow traffickers to operate anonymously and reach a global market, making detection and prosecution more challenging.
4. **Geopolitical Threats:** Conflict zones and regions experiencing political instability are hotbeds for human trafficking. War and displacement create chaotic environments where traffickers can easily exploit vulnerable populations.
5. **Health Threats:** Public health crises, such as pandemics, exacerbate vulnerabilities to trafficking. Health emergencies can disrupt social services, limit mobility, and increase economic hardship, all of which traffickers can exploit. Additionally, trafficked individuals often lack access to healthcare, worsening their exploitation.
6. **Integrated Threat Analysis:** By analyzing these threats, policymakers and stakeholders can develop targeted strategies to combat human trafficking for sexual exploitation.

Effective interventions might include:

Economic Empowerment: Creating economic opportunities and social safety nets to reduce vulnerability.

Legal Reforms: Strengthening legal frameworks and ensuring robust enforcement against traffickers.

Cultural Change: Promoting gender equality and challenging harmful social norms.

Technological Measures: Enhancing cybercrime capabilities to monitor and shut down online trafficking networks.

Geopolitical Stability: Addressing root causes of conflict and supporting displaced populations.

Health Interventions: Ensuring access to healthcare and social services for vulnerable groups.

Conclusion: A threat-based perspective on human trafficking for sexual exploitation highlights the multifaceted nature of the problem and the need for multi-sectoral approaches to address it. By understanding and mitigating these threats, we can better protect vulnerable populations and disrupt the networks that sustain human trafficking.

ABOUT TRAFFICKING OF PERSON OF HUMAN TRAFFICKING

A significant development that gave rise to the first globally recognised definition of "trafficking in persons" was the adoption in 2000 of the Protocol to Prevent, Suppress and Punish the Trafficking in Persons, especially Women and Children, as an addendum to the United Nations Convention against Transnational Organised Crime.

UNODC 'S GLOBAL REPORT

The International Human Trafficking Report of this year offers a thorough summary of the global situation regarding human trafficking. Numerous people and organisations from all over the world, some of which are fighting against human trafficking at great personal risk, have put a great deal of effort and dedication into producing this report.

According to UNODC's Global Report (2020), trafficking in persons continues to disproportionately affect women and girls: In 2018, there were roughly five adult women and two girls for every ten victims that were found worldwide. Additionally, the report reveals that:

- Of the total number of victims detected, about one-third were children, both boys and girls; 20% were adult men.
- Of the victims, 38% were trafficked for forced labour, and the majority (50%) were trafficked for sexual exploitation.
- About the distribution of exploitation types:
 - Girls: 21% were trafficked for forced labour, 7% for other purposes, and 72% were trafficked for sexual exploitation.
 - Boys: 66% were trafficked for forced labour, 23% for sexual exploitation, and 11% for other purposes.

Women: 77% are trafficked for sexual exploitation, 14% are forced to work, and 9% are trafficked for other purposes.

-Men: 15% are trafficked for other purposes, 67% for forced labour, 1% for organ

removal, and 17% for sexual exploitation.

UNODC'S GLOBAL REPORT 2022

The latest Global Report on Trafficking in Persons, published by the United Nations Office on Drugs and Crime (UNODC), reveals that fewer victims of human trafficking are being identified, despite the fact that the COVID-19 pandemic and other crises are increasing vulnerabilities to exploitation.

Due to a decrease in detections in countries with low or middle incomes, the total number of victims identified worldwide decreased by 11% in 2020 compared to the year before. Apart from minimising opportunities for traffickers to function, the pandemic might have questioned law enforcement's ability to identify victims.

Based on cases of trafficking saw between 2017 and 2021, the seventh UNODC Global Report on Trafficking in Persons addresses 141 countries and offers an overview of patterns and flows of human trafficking at the international, regional, and national levels.

Globally, there was a 27% decrease in trafficking convictions in 2020 compared to the previous year, with South Asia recording the largest drops (56%), followed by Central America and the Caribbean (54%), and South America (46%). These decreases accelerated a longer-term trend that the UNODC had been tracking since 2017.

The report's court case analysis also demonstrates that, once identified, victims of human trafficking escape from traffickers on their own and are essentially "self-rescued"; victims report to authorities in 41% of cases after escaping on their own, compared to 28% in cases where victims were found by law enforcement, 11% by community members, and 5% by civil society. This is particularly concerning because a large number of trafficking victims might not recognise themselves as victims or might be too terrified of their exploiters to try to flee.

The report also describes how traffickers can take advantage of opportunities that result from war and conflict. It demonstrates how the conflict in Ukraine is increasing the likelihood of human trafficking among the displaced people. The majority of conflict-related victims are trafficked to and originate from countries in Africa and the Middle East.

When statistics on human trafficking are divided down by region, the report reveals that South Asia and Sub-Saharan Africa have greater rates of impunity. Compared to the rest of the world, these countries convict fewer traffickers and find fewer victims. In addition, compared to victims from other regions, victims from these regions are identified in a larger range of destination countries.

The 2022 Global Report on Trafficking in Persons also looks at court cases that demonstrate how children are nearly twice as likely as adults to be victims of traffickers' physical or extreme violence, and how female victims are subjected to it at a rate three times higher than male victims.

In addition, women are far more likely than men to be found guilty in cases involving human trafficking. This implies that women's participation in trafficking networks may raise the possibility that they will be found guilty of the crime, or that the legal system may discriminate against them.

SEX TRAFFICKING AS A FORM OF GENDER BASED VIOLENCE AGAINST WOMEN

The term "gender" refers to the socially constructed roles that are attributed to men and women. It also describes the opportunities, limitations, and duties that are pertinent to each gender in the given context. When it comes to rights, responsibilities, and opportunities, gender equality refers to the equal enjoyment of these things by men, women, girls, and boys, whereas gender discrimination refers to any exclusion, discrimination, or distinction based on a person's sex or gender identity rather than their ability or merit. Gender roles are taught, malleable over time, and culturally specific, so disparities between men and women can also be addressed (UNHCR, 2018; Bill & Melinda Gates Foundation 2019).

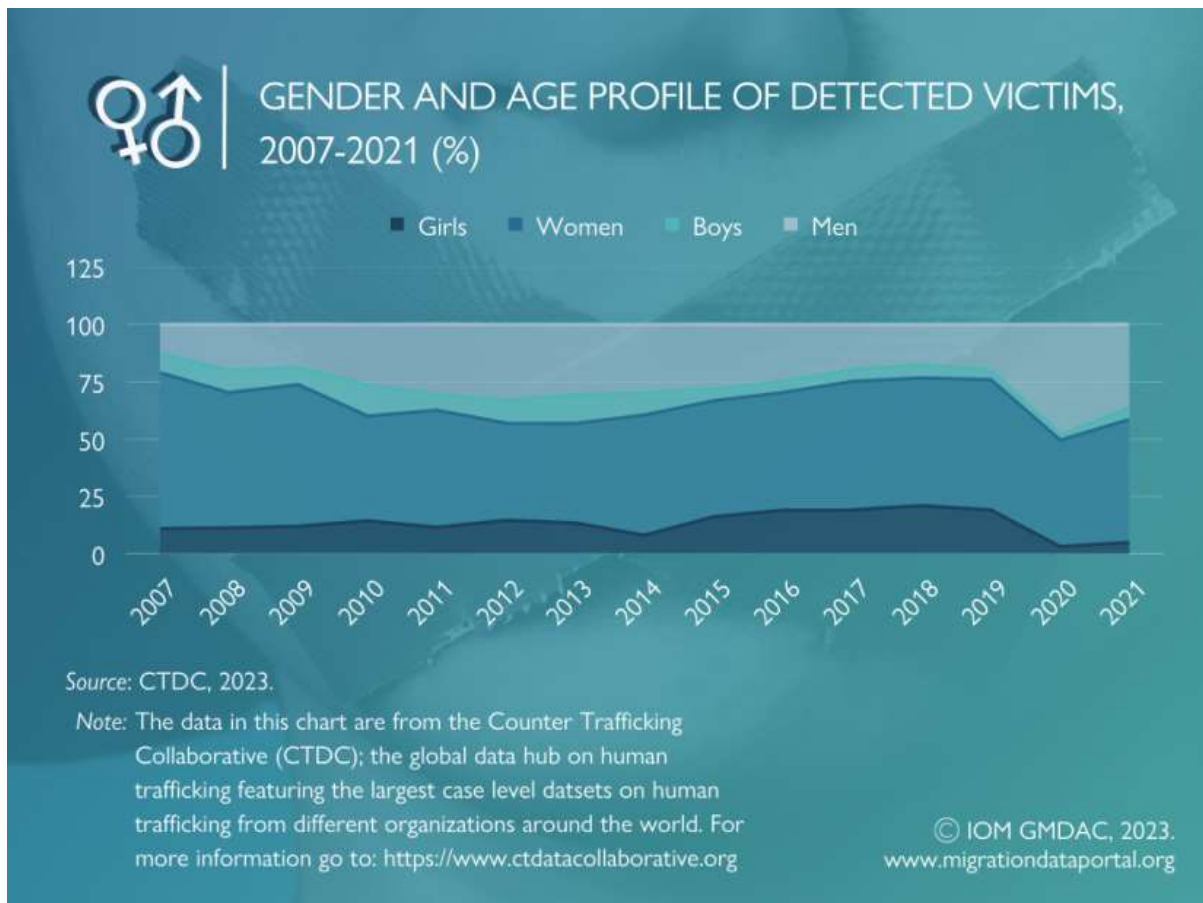
Gender analysis is the study of how gender relations in society affect people's access to resources, opportunities, and rights as well as their power and influence over others. Men are assigned more social value, privilege, and power than women in society, the economy, and political structures, according to gender analysis. However, men who do not conform to gender norms that are deemed masculine may also face disadvantages (Bill & Melinda Gates Foundation 2019).

An analysis of human trafficking from a gendered perspective recognises that both men and women are victims of trafficking, identifies gendered stereotypes in stories and experiences of trafficking, notes the distinctions between men and women regarding the causes, effects, and experiences of trafficking, and discusses the needs and implications of policies related to trafficking that differ for men and women (UNIFEM, 2005). The Palermo Protocol, whose main goal is to prevent and combat trafficking in persons, with special attention to women and children (Article 2), is based on the gendered nature of human trafficking.

This focus is justified by the fact that the risk of being trafficked and the sectors into which people are trafficked are closely correlated with gender, with women and girls being more likely than men to become victims of trafficking. According to data from the United Nations Office on Drugs and Crime (2018), of all people identified as victims of human trafficking worldwide in 2016 (or years later, depending on data availability), 49% were women, 21% were men, 23% were girls, and 7% were boys. In 54 countries, a total of 83% of women and 72% of girls who were found to be victims of human trafficking had been brought for the purpose of sexual exploitation; 82% of men and 50% of boys had been brought for the purpose of forced labour.

In order to address trafficking through the implementation of the Palermo Protocol and the Sustainable Development Goal commitments to end forced labour, modern slavery, and human trafficking, as well as to eradicate all forms of violence against women and girls, including trafficking, it is imperative that localised gender analysis be used in order to comprehend power dynamics and differential experiences.

According to the 2009 UNODC global report on trafficking, the most common and well-documented form of trafficking worldwide is the sexual exploitation of women, while other forms—such as those that may disproportionately affect men and boys—may go unreported (United Nations Office on Drugs and Crime, 2009: 6).



Source: <https://www.migrationdataportal.org/themes/human-trafficking>

The majority of victims that have been identified are female, and in the past, human trafficking has been perceived as a crime that primarily affects females who are trafficked for sexual exploitation. As it has become more widely recognised that men can also be victims of various forms of human trafficking, including sexual exploitation, the identification of cases involving men and boys has increased over time.

According to the most recent UNODC global data, 17% of men and 23% of boys who were identified as victims of human trafficking had been trafficked for the purpose of sexual exploitation. According to national reports from the UK, nearly half of the 671 potential child victims of sexual exploitation that the UK Human Trafficking Centre identified in 2014 were boys.

Sometimes, in addition to other forms of trafficking, sexual exploitation and violence against men and boys are used as a means of control or punishment, or as an additional means of maximising the money traffickers can extract from their victims. Moreover, official data from

2018 indicates that 18% of victims of forced marriage in the United Kingdom were men, despite the fact that forced marriage primarily affects women and girls (75%).

It emphasised that "traffickers will prey on any gender where they see an opportunity to exploit, since they are looking for somebody who is vulnerable." Boys and girls who are homeless are prime targets. Targets also include adult men and women who have long-term mental health problems.

Conclusion

Raising awareness and educating the public are essential to preventive anti-trafficking initiatives. Organization should have started a campaign focused on gender awareness related to prosecution. In addition to identifying women and girls in fields where they are highly vulnerable to exploitation, more focused awareness-raising campaigns and targeted programmes are required to identify men and boys as potential victims.

Government should strengthen laws that criminalize all forms of human trafficking and ensure severe penalties for traffickers. Engage community leaders and organizations in prevention efforts. Grassroots initiatives can be very effective in raising awareness and providing support to vulnerable populations.

By integrating such strategies, societies can create a comprehensive response to combat sexual human trafficking.

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