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# Sex Trafficking As A Rising Human Rights Issue In Developing Countries; A Comparative Study Considering India, Bangladesh And China

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## Abstract

Human rights are the standards guaranteeing and protecting the dignity of humans. However, there are numerous violations against Human Rights in different forms. Sex trafficking is one of such concerns that is raising questions against the effectiveness of international law and national regulations guaranteeing Human Rights to women. The world, while talking about women's rights and equality to make the world a better place for women with equal opportunities, is also witnessing women being traded like commodities since ages. Sex trafficking is not limited only within a country in most cases; rather, it also happens across borders where women are traded like commodities being exported internationally. The report discusses the status of sex trafficking in the developing countries by considering India, Bangladesh and China for a comparative study. It also aims at identifying the role of the UN in the elimination of sex trafficking as a threat against Human Rights.

**Key words:** *Sex trafficking, human rights, trafficking, human rights issues, women's rights*

## **Introduction**

Today's world makes sure that human principles and practices are not threatened in any way by any kind of inhuman practices and to guarantee the elimination of inhuman practices, the world has drawn lines with laws and regulations. However, diving deeper into the issues that the world is facing at present, one can find a pile of unthinkable scenarios unacceptable by the human world in terms of rule of law and human rights as well as democracy. Sex trafficking is one of such concerns that is raising questions against the effectiveness of international law and national security for the protection of women in the present world. On one hand, the world is talking about women's rights and equality to make the world a better place for women with equal opportunities; on the other hand, women are being traded like commodities since ages. Despite the efforts of the United Nations and national governments, the developing countries remain to lead in the race of human trafficking, specifically for the trafficking in women.

## **Trafficking In Women In Context**

Defining the term human trafficking in the context of sex trafficking is understood as the procedure through which women are maintained and placed in an exploitative situation in concern with economic gain. Trafficking is not limited only within a country in most cases; rather, it also happens across borders where women are traded like commodities being exported internationally. Women are trafficked for a variety of reasons that include forced labour in factories and private households, forced marriage and sexual exploitation or prostitution (Stöckl et al., 2017). However, trafficking of women for the purpose of sex services, is not an isolated concern. The reasons behind sex trafficking are often intrinsically related to other social and economic as well as political and cultural scenarios.

Research has shown that it is difficult to gather reliable information to identify the numbers and patterns as well as a general understanding about the reasons for trafficking and its increasing rate (Naik, 2018). However, economic gain has been identified as the primary reason behind human trafficking. Focusing specifically on the end result of the trafficking of women, it is seen that women are mostly forcefully sent to brothels or sold in other countries at a higher rate for sexual exploitation. To be noted, trafficking of women is mostly witnessed in developing countries based on their economic backwardness and poverty as well as illiteracy rate.

In the era, where the world is talking about securing Human Rights irrespective of gender, sextrafficking poses questions against the effectiveness of the international and national Human Rights regulations. There are multiple rights guaranteed by the UN in different conventions that are

violated due to the practice of trafficking. It is high time for the UN to consider trafficking of women to be an international concern putting the future of the society in a dilemma.

## **The Situation In Different Developing Countries And Their Comparative Study**

Developing countries have long been participating in sex trafficking through different ways. These methods include the origin countries, the transit countries and the destination countries. The origin countries are those from where the victims of sex trafficking are supplied. The transit countries are those who help in the creation of specific routes for trafficking. Lastly, the destination countries are those where the victims are finally brought. Among all the developing countries including India, there are two more countries who have long been participating in this practice and these countries include Bangladesh and China. Surprisingly, it is also witnessed that all these three countries equally participate in the roles of origin country, transit country and destination country. A comparative study of the roles of India, Bangladesh and China in sex trafficking will help to understand their respective stands and methods for this practice.

### **India**

Reports have stated that the Indian government is not yet fully capable of meeting the minimum standards for eliminating trafficking, but is putting notable efforts to do the same. There are two sides of the story of sex trafficking in India. First is related to the poverty of a large number of people in the country, lack of awareness regarding the activities of traffickers coupled with illiteracy rate and lack of income opportunities for women in the rural areas. The second side concerns lucrative employment opportunities in big cities, promise for better payment coupled with comfortable lifestyle and easy money by the trafficking agents and touts. Traffickers do not generally target the girls in urban areas. Rather, they target the girls from rural areas and faraway states like Orissa, Assam, Myanmar Nagaland and so on. Furthermore, it is common to witness girls from Nepal and Bangladesh in the Indian brothers. Reports also state that these women are further sent to the Middle East at a higher price. It is less to say that women are treated like commodities in these trades, the price of women is set and differentiated based on their age and virginity status. In many cases, the hymen of a girl's vagina is stitched again in order to sell her at a higher price as a virgin girl.

Surprisingly, these practices are far from being eliminated in India. Rather, more and more cases are coming to light day by day. The Indian government penalises human trafficking for the purpose of commercial sexual exploitation under the governance of "*Immoral Trafficking Prevention Act*



(ITPA)” with the penalty that could be of seven years to life imprisonment. Article 23 of the Indian Constitution also prohibits human trafficking.

In May of 2011, the Indian government ratified the “*United Nations Convention against Transnational Organized Crime (UNTOC)*” along with its three protocols. There are five nations in South Asia, that include Afghanistan, India, Pakistan, Sri Lanka and Nepal, that ratified the UNTOC. With the virtue of this convention, India is responsible for preventing, suppressing and punishing trafficking of people, especially of women and children. However, given the present situation and increasing cases in India concerning sex trafficking, the effectiveness of this convention as well as of the Indian legislations is at question.

## **Bangladesh**

Similar to the Indian government, the Bangladesh government also failed in the case of successfully meeting the minimum standards for eliminating human trafficking. However, the government is focusing on an increasing effort in comparison with previous reporting periods focusing on the coronavirus pandemic considering its anti-trafficking capacity. Furthermore, similar to India, Bangladesh also focuses on Rohit beating the trafficking of children and women for commercial sexual exploitation purposes the “*The Prevention and Suppression of Human Trafficking Act, 2012*”. This particular act under section 11 of the same penalises for importing as well as transferring of women for the purpose of prostitution as well as any other form of sexual exploitation. Punishment for such an act will be between 5 years to 7 years followed by a fine not less than taka 50 thousand (Zimmerman et al., 2021). However, it is also to be mentioned that unlike India, Bangladesh failed to sign the “*United Nations Convention against Transnational Organized Crime (UNTOC)*” (Crawford, 2017). As rightly pointed out by Professor Md. Zakir Hossain, staff from the regional office for South Asia for UNDOC, Bangladesh is in the need of ratifying the convention on organised crime followed by its protocols to prevent and suppress as well as punish human trafficking, especially for women and children. By ratifying this particular convention Bangladesh will be capable of participating in this global fight against human trafficking. He further identified forced prostitution and trafficking for sexual exploitation to be two of the most common types of human trafficking (Bose, 2018). As identified in the discussion of sex trafficking in India, similar to India, Bangladesh also actively participates in cross border trafficking of women for sexual exploitation and forced prostitution.

## **China**

Unlike Bangladesh and India, China is facing a unique form of sex trafficking, also known as bride trafficking. Based on the long-standing one child policy of China followed by the preference of the citizens for boys have created a significant gender imbalance. Due to this issue of gender imbalance, many Chinese men have been facing difficulty in finding wives. Hence, as a result of this high demand of brides followed by the lack of protection in the country, a brutal business is in operation in China of selling girls and women from neighbouring countries like Myanmar, North Korea, Vietnam, Cambodia, Pakistan and so on (Banarjee, 2020). However, despite the alarming rate of this particular issue, the Chinese government has long been ignorant towards the growing allegations concerning the complicity of the authorities in these crimes. But this crime is becoming too big to be ignored and the ignorant attitude of the Chinese government is being replaced by a combination of criminal justice as well as propaganda responses.

Research has shown that many girls and women from the northern part of Myanmar belong to ethnic minorities, considered to be vulnerable based on the long-running conflicts as well as displacement in the given region. These women are tricked by the brokers for decent employment in China. However, once they reach China, the victims find themselves being sold to the other parties for production of babies.

However, in 2008, the Chinese government launched its “*National Plan of Action on Combating Trafficking in Women and Children*” (Roy and Chaman, 2017). After the execution of this particular plan, the Chinese marriage market was thoroughly scrutinised focusing on its connection to trafficking of women. However, on a darker note, no improvement as such could be witnessed in China as against bride trafficking practises.

## **The Potential Reasons Behind These Situations**

Sex trafficking is a common problem for every country around the world, which is present in different forms. However, the reasons behind sex trafficking are essentially similar in every nation. The problem of sex trafficking is deeply rooted to multifaceted reasons. These reasons include poverty, natural disasters, war, lack of protection from the country, lack of employment and education, lack of effectiveness of the relevant regulations, discrimination against a particular minority or cultural group and many other similar factors that make women and girls vulnerable to being tricked and exploited. Among all these factors and reasons behind sex trafficking, poverty and lack of education have been recognised as two of the primary reasons. Poverty essentially pushes people to take risks in life in order to earn more money and make a living. On the other

hand, women with lack of education fail to understand the darkness present in the world of employment and tricks made by the brokers of sex trafficking. Hence, elimination of sex trafficking in every country, is directly linked to more opportunities to education and elimination of poverty.

## **Expected Response Of The UN Towards The Concern**

In 2000 the UN launched a protocol with the intention of preventing, suppressing as well as punishing trafficking in persons. This particular protocol rightly established an approach that is victim-centred and it has been signed by 177 countries since then. The “*UN Office on Drugs and Crime (UNODC)*” has been listed as one of several United Nations agencies trying to combat human trafficking with the help of comprehensive assistance to countries and individuals specifically including protecting victims, preventing trafficking, and prosecuting trafficking offenders involved in the commission of grave human rights violations. It is expected from the United Nations to develop direct communication instruments for the individual victims and informers so that they can directly lodge their complaint concerning sex trafficking. Furthermore, the UN stricter actions for the member states in order to obligate the same to develop legal instruments for combating human trafficking. Yearly reporting procedure for the member states should be made compulsory and all the member states should be required to include in the report their respective actions that they have taken for combating gracious crime.

## **Conclusion**

As per the UN reports, one of the most common forms concerning human trafficking is sexual exploitation, that could be around 79% of total human trafficking crimes. The sexual exploitation victims are predominantly girls and women irrespective of their age or place of birth. It was also estimated that approximately 30% of the countries provided information concerning the gender of traffickers, and here, women make up the biggest proportion of traffickers. Women trafficking women has been recognised to be a norm in some countries. Hence, the story could be identified to be degrading of the society. However, given the increasing number of sex traffic in the countries under consideration, the effectiveness and role of the United Nations comes into question. Hence, it is high-time for the national and international authorities to take appropriate action for the elimination of these particular concerns as it is a direct threat against the development of the society and the world at large.

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