

Transnational Human Trafficking

An Unsolved Issue

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ABSTRACT

Human trafficking is a pernicious new variation on the ancient theme of slavery and trading in human flesh. It is considered a serious organised crime against humanity, reduces their sense of worth and punctures their ego and sense of dignity. Human trafficking is a transnational crime, a global problem that targets vulnerable individuals and affects every country. Its expansion depends on there being source countries with people demanding better economic living conditions, and destination countries with people or industries demanding cheap labour or cheap prostitution to enlarge their profits. The Protocol to Prevent Suppress and Punish Trafficking in Persons, especially Women and Children by United Nations marks the international community's cumulative efforts to deal with this transnational organised crime. The Trafficking Protocol was entered into force on 2003. It has been signed by 117 countries and ratified by 159 parties. This article focuses on the ambiguity of definition of human trafficking given by UNO protocol.

KEYWORDS

Criminal Centric And Human Right Based Approach, Economic Approach, Human Trafficking, Trafficking Protocol, Transnational Organised Crime

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INTRODUCTION

The trade in human beings, a modern form of slavery ... violates the God-given dignity of so many of our brothers and sisters and constitutes a true crime against humanity.

Pope Francis

Human trafficking is “the trade in humans, most commonly for the purpose of sexual slavery, forced labour, or for the extraction of organs and tissues, including surrogacy and ova removal. Transnational Human trafficking is an issue where trade of human flesh crosses international boundaries for the purpose of sexual slavery. Transnational human trafficking is the third largest organized crime after drugs and the arms trade across the world. Around 80% of the human trafficking across the world is done for sexual exploitation and the rest is for bonded labour. Trafficking in persons is a serious crime and a grave violation of human rights, which threatens national security and undermines sustainable development and the rule of law, as recognised in the Declaration of the High-level Meeting on the Rule of Law. The UN system offers practical help to States, to draft laws and create comprehensive national anti-trafficking strategies and assist with resources to implement them. States receive specialized assistance including the development of local capacity and expertise, as well as practical tools to encourage cross-border cooperation in investigations and prosecutions. The adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children in 2000 by the United Nations General Assembly marked a significant milestone in international efforts to stop the trade in people. A vast majority of States have now signed and ratified the Protocol.

UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, (2000) defines human trafficking as “trafficking in persons.” Trafficking in persons means 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.” Exploitation include for the purpose of this protocol “exploitation of the prostitution, other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.” Protocol requires that consent of the victim of trafficking in person to the intended exploitation is to be considered irrelevant where any of the means of force, coercion, fraud, etc. have been used”. Protocol further states that even if one of such means, mentioned above, is not used in the ‘recruitment, transportation, transfer, harbouring or receipts of a child is trafficking in person’.

Protocol has given a broad definition of human trafficking to covers all forms of exploitation –slavery, prostitution, forced labour, human rights and rights of children. But for the purpose of research the definition given by the above Protocol is ambiguous. A wider definition and Conceptual clarity is required to identify trafficked victims among irregular migrants because the mechanism used for smuggling is often similar

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