



SLAVERY, PROSTITUTION, HUMAN & CHILD TRAFFICKING & THE GLOBAL PRACTICES ERADICATING IT

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*“Those who deny freedom to others,
deserve it not for themselves”*

-Abraham Lincoln

Slavery is most commonly understood as the situation wherein one human being is owned by another. Prostitution is one of the oldest professions known to humankind. It can be understood as an occupation wherein one engages into a sexual activity with someone for payment. Trafficking of humans and children refers to the buying and selling of individuals in ‘markets’ across the globe for purposes of slavery, prostitution and what not. These practises have been in existence since time immemorial and were modes of oppressing the weak and downtrodden masses of the society by the rich and wealthy classes. Each of these practises were a proof of how the poor people were treated as property/ commodity/ chattels in the hands of the rich; and how they didn’t even qualify as ‘humans’ in the eyes of the society, to be entitled to basic human rights. These three evils are interconnected and form a vicious circle themselves. Mostly, all the victims of Slavery or Prostitution find their way into this man-made hell by means of trafficking via the Slave and Flesh markets all around the globe.

Tracking the etymological history of the word Slavery, one comes across its roots in French as *sclav*, and in old Latin as *sclavus*. Generally speaking, the term slave entails with it the state and condition of slavery and enslavement. A closer look in the human history tells us that Slavery was once a feature of most civilisations, permitted by law. However, it now stands outlawed in most countries of the world. Upon studying it more closely, one finds that slavery exists in different forms- Chattel Slavery, Bonded labour, Forced labour, etc. Chattel Slavery or traditional slavery is one wherein the slaves are dehumanised to the level of chattels (personal property) owned by the slaver; which gives birth to slaves, by this means the children of slaves are born enslaved. Bonded labour, also known as indenture or debt bondage is one of the most prevalent forms of slavery that exists even today. Prevalent mostly in South Asia, it is a form of bondage in which a man pledges himself against a debt. The time period for repayment is usually not specified, as a result of which, the debt passes on from one generation to the other. Forced or unfree labour is when one is made to work against his/ her will. This term is used to describe chattel slavery or other kinds of forced labour like penal labour, conscription, etc. Human and child trafficking for prostitution is one of the fastest growing forms of forced labour.

The United States Declaration of Independence, the French Declaration of the Rights of Man and of the Citizen, the African Charter of Human Rights and the Constitution of South Africa, all present the idea that human beings should be free from tyranny and oppression. Although slavery continued to persist in some countries after these documents were written – namely, the



United States, in which slavery continued until the adoption of the Thirteenth Amendment in 1865, although this only applies to people not convicted of a crime, which means the United States is currently violating the Universal Declaration of Human Rights by creating a conditional clause in which convicts are treated as slaves to the state – the underlying norm of this right is present. Through customary practice and the abolition of slavery, the international community has adopted the right of each person to be free from slavery.

Protection from slavery is reiterated in the Slavery Convention (1926). This is affected by the Optional Protocol to the Abolition of Slavery and the International Covenant on Civil and Political Rights (ICCPR). The ICCPR, governed by the Human Rights Committee, is responsible for internationally monitoring present conditions of slavery. The Human Rights Committee is governed by the International Covenant on Civil and Political Rights (ICCPR), which entered into force on March 23, 1976. Article 8 of this Covenant states: “No one shall be held in slavery; slavery and the slave trade in all their forms shall be prohibited. No one shall be held in servitude. No one shall be required to perform force or compulsory labour.” The ICCPR outlines, in part IV, the obligations of states to uphold the freedom from slavery. All states are required to submit regular reports to the Committee on how the rights of the Covenant are being implemented.

Prostitution is euphemistically referred to as one of the oldest professions in the world (after Clergy and Teaching) is often described as providing sexual services or commercial sex. It occurs in a variety of forms, its legality varying from country to

country; ranging from an enforced or unenforced crime to a regulated or unregulated profession. It is one of the many branches of the sex industry, like pornography, stripping, etc. Those who are a part of this field are known as prostitutes and the use of this word without specifying the sex may commonly be assumed to be female; with compound terms like male prostitutes or male escorts are used to refer to the opposite sex. The word prostitute is derived from the Latin word *prostituta*; *pro* meaning ‘upfront’ and *situere* meaning ‘to offer for sale’. The literal translation therefore being, ‘to be upfront for sale’.

Broadly speaking, there are two attitudes on Prostitution. Why it should be tolerated? And why it should not be tolerated? Those who advocate the first school of thought, believe in the theories of decriminalisation and regulation. Their argument being, prostitution is much like any labour in itself and hence the sex industry shouldn’t be subjected to special rules and the subsequent criminalisation will affect the sex workers drastically. Simple regulations like regular health check-ups, etc. can be implemented. However, it is seen that these regulations vary in their degrees. For example, these regulations are much stricter in Nevada and not so much in Netherlands. Those advocating the second cause believe it to be a crime against women and violative of their basic human rights. However, the proponents of this view differ amongst themselves on ways to curb it. The first sect doesn’t prohibit prostitution in itself, but prohibits most of the activities associated with it (like running a brothel, forms of pimping, etc.) This is the theory of Abolitionism and is operative to an extent in Great Britain and Italy. The second sect, in favour of Neo-Abolitionism, believes



that prostitution is a form of violence against women and their clients exploit the sex workers. They believe in taking punitive actions against the clients and see the sex workers as victims. In layman's terms, selling of sex is not an offence, but purchase of sex is. This is the current situation in France, Norway and Sweden. Lastly, the third sect, in favour of total prohibition, view both – the prostitute and client as criminals and seek punitive action against them. This is the prevailing attitude in almost the entire USA. The legality of prostitution varies from a legal occupation to a full-fledged crime around the world. and is largely reflective of the difference in opinion of exploitation, inequality, gender roles, moral obligations, freedom of choice, etc.

Prostitution is a significant issue in feminist thought and activism. Many feminists are opposed to prostitution, which they see as a form of exploitation of women and male dominance over women, and as a practice which is the result of the existing patriarchal societal order. They argue that prostitution has a very negative effect, both on the prostitutes themselves and on society as a whole, as it reinforces stereotypical views about women, who are seen as sex objects which can be used and abused by men. Other feminists hold that prostitution can be a valid choice for the women who choose to engage in it; in this view, prostitution must be differentiated from forced prostitution, and feminists should support sex worker activism against abuses by both the sex industry and the legal system.

Many countries have sex worker advocacy groups which lobby against criminalization and discrimination of prostitutes. These groups propose that prostitution should be

treated like other professions. In the United States of America, one such group is COYOTE (Call Off Your Old Tired Ethics") and another is the North American Task Force on Prostitution. In Australia the lead sex worker rights organisation is Scarlet Alliance. International prostitutes' rights organizations include the International Committee for Prostitutes' Rights and the Network of Sex Work Projects. Other groups, often with religious backgrounds, focus on offering women a way out of the world of prostitution while not taking a position on the legal question.

In 1949, the UN General Assembly adopted a convention stating that "prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person", requiring all signing parties to punish pimps (individuals engaging in supplying prostitutes) and brothel owners and operators and to abolish all special treatment or registration of prostitutes. As of January 2009, the convention was ratified by 95 member nations including France, Spain, Italy, Denmark, and not ratified by another 97 member nations including Germany, the Netherlands, the UK, etc.

Human trafficking is the trade of humans for the purpose of forced labour, sexual slavery, or commercial sexual exploitation. Trafficking of children is a form of human trafficking and is the United Nations defines it as the "recruitment, transportation, transfer, harbouring, and/or receipt" kidnapping of a child for the purpose of slavery, forced labour and exploitation. Human trafficking is a crime against the person because of the violation of the victim's rights of movement through coercion and because of their



commercial exploitation. Human trafficking is the trade in people, especially women and children, and does not necessarily involve the movement of the person from one place to another. Human trafficking is the third largest crime industry in the world, behind drug dealing and arms trafficking, and is the fastest-growing activity of trans-national criminal organizations. Trafficked people are held against their will through acts of coercion, and forced to work for or provide services to the trafficker or others. The work or services may include anything from bonded or forced labour to commercial sexual exploitation. Bonded Labour, debt bondage, Child Labour, etc.

The International Organization for Migration (IOM), the single largest global provider of services to victims of trafficking, reports receiving an increasing number of cases in which victims were subjected to forced labour. The UN Office on Drugs and Crime (UNODC) has further assisted many non-governmental organizations in their fight against human trafficking. In its report analysing the global pattern in human trafficking (2006), it identified 115 origin countries, 98 transit and 137 destination countries in human trafficking. UNDOC has supported the Community Vigilance project along the India-Nepal border. It launched the Blue Heart Campaign against Human Trafficking in 2009, which encourages people all around the globe to wear blue hearts to show their solidarity with victims of human trafficking; much similar to wearing the red ribbon to raise awareness on HIV-AIDS. In 2010, the UN (under the leadership of the then General Secretary, Ban Ki-moon) launched the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons to provide humanitarian, legal and financial aid

to victims of human trafficking with the aim of increasing the number of those rescued and supported, and broadening the extent of assistance they receive. In 2013, the United Nations designated July 30 as the World Day against Trafficking in persons.

The '3P Anti-trafficking Policy Index' measured the effectiveness of government policies to fight human trafficking based on an evaluation of policy requirements prescribed by the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000) wherein The policy level was evaluated using a five-point scale, where a score of five indicates the best policy practice and a score of one indicating the worst policy practise. The policy analysed the nations on their ability to prosecute traffickers, protecting victims and preventing any form of trafficking. In the 2019 edition of UNDOC's Global Report on Human Trafficking, it was observed 30% of the reported victims are children. These children then are then compelled into the evil industries of child pornography, forced labour and end up being exposed to assault and exploitation from a young age. There have been various international treaties to curb this ever-growing menace, some of which are- *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; Protocol against the Smuggling of Migrants by Land, Sea and Air; Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; ILO Minimum Age Convention, 1973; ILO Worst Forms of Child Labour Convention, 1999; etc.*

Apart from the fact that Slavery, Prostitution and Trafficking are brutal assaults on any



individual's dignity and identity, they have similarities in causes and effects on victims and society alike. These are the evils that emanate from the darkness of human greed, poverty, illiteracy, ignorance, inequality, helplessness and consume not only the immediate victims but also all those around. The impact- both psychological and physiological is baffling and has the potential to shake one's core. There have been many attempts, both statutory and non-statutory, at various levels, to put a stop to all this since a long time. But the fact these industries and markets are still in existence and in fact thriving, makes us realise that these steps aren't enough. Unless the basic problems of poverty and education are tackled, this resultant domino effect of the social evils cannot be controlled. This saddening reality stares at us right in our face and demands for the necessary steps to be taken, more appropriately in the words of Robert Frost, we have "miles to go before we sleep."

Life is a gift of the Creator, and should never be up for sale.

