



## GLOBALIZATION, PROSTITUTION AND HUMAN TRAFFICKING: AN INDIAN PERSPECTIVE\*

### INTRODUCTION

In recent years, human trafficking has been identified as a form of modern slavery, as a threat to human security and as one of the greatest human rights challenges of our time. The exploitation and trafficking of men, women and children is a humanitarian problem of global scale. Each year, at least four million people are trafficked worldwide. All available evidence indicates that human trafficking is an exceptionally lucrative business for criminal groups. Human trafficking is said to be the fastest growing source of income for organized crime and its third most important, exceeded only by drugs and arms trade<sup>1</sup>. In a recent study, the ILO (2005) estimates that sexual and labor exploitation yields US\$ 32 billion of profits a year to the actors involved. This corresponds to an estimated US\$ 13,000 of yearly profits for each forced laborer. Another estimated figure is the profit of criminal gangs from sex trafficking alone, which is conservatively estimated at US\$ 5–7 billion a year, with Interpol giving a higher estimate of US\$ 19 billion annually<sup>2</sup>. In India approx 200,000 Nepali women and girls are working in the sex industry (Human Rights Watch 1995:6), the actual magnitude of women and girls who are sex trafficked from Nepal is unknown<sup>3</sup>. Even these figures are speculative and based on observations and anecdotal information rather than scientific evidence; partly a reflection of the clandestine and illegal nature of sex trafficking.

United Nations convention against Transnational Organized Crime (2000), Article 3 (a) of this UN Protocol states:

*“Trafficking in persons shall mean the recruitment, transportation, transfer, harboring 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 shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs”.*

The anti-trafficking protocol is used in combating trafficking through judicial and law enforcement means. It has been signed by 117 countries and the definition in the protocol is

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<sup>1</sup>Obuah, E. ‘Combating Global Trafficking in Persóna: The Role of the United Stera Post-September 2001’, *International Politics*, Vol. 43, 2006

<sup>2</sup> U.S. Department of State (2008) “Trafficking in Persons Report 2008”. Retrieved 12 March 2013 from <http://www.state.gov/g/tip/rls/tiprpt/2008/105377.htm>

<sup>3</sup>O’Dea, P., *Gender Exploitation & Violence: The market in women, girls and sex in Nepal: An overview on the situation and a review of the literature*, Kathmandu, UNICEF. 1993

used by governmental and non-governmental organizations<sup>4</sup>, making it the most widespread trafficking definition<sup>5</sup>.

But as the world “shrinks” and evolves toward a sort of global community, the transfer of people both voluntary and coerced is becoming more prevalent. The condensing of the world can be attributed to the process of globalization. It is in large part due to globalization that human trafficking has become such a lucrative and thus, fast-growing criminal activity. Why we say voluntary because Trafficking victims often believe they are accepting jobs in the labor, domestic service, restaurant, and factory sectors<sup>6</sup>, and are taken across borders – sometimes through coercive methods – where they often end up in exploitative situations.<sup>7</sup>

### **What are the purposes of trafficking?**

Millions of human beings expect to improve their life circumstances through illegal migration and most migrants require the assistance of intermediaries to do so. Human traffickers prey upon these people upon their most fundamental human desire that is to find a better life. Traffickers exploit the dreams and fears of the poor. They also exploit the vanity, social pressures and the cultural and religious beliefs of their victims. Trafficking occur whenever traffickers take advantage of the vulnerability of their victims, and that exploitation involves not only the exploitation of prostitution, but also other practices involving conditions of servitude or slavery. Prostitution attributes 80 percent of the total women trafficked around the world and forced labor makes up the remainder.<sup>8</sup>

If we talk of forced labor like what is meant by this term “forced labor” then ILO Convention No. 29 (1930) defines forced or compulsory labor as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” (Art.2.1). A subsequent ILO Convention No. 105, adopted in 1957, specifies that forced labor can never be used for the purpose of economic development or as a means of political education, discrimination, labor discipline or punishment for having participated in strikes.

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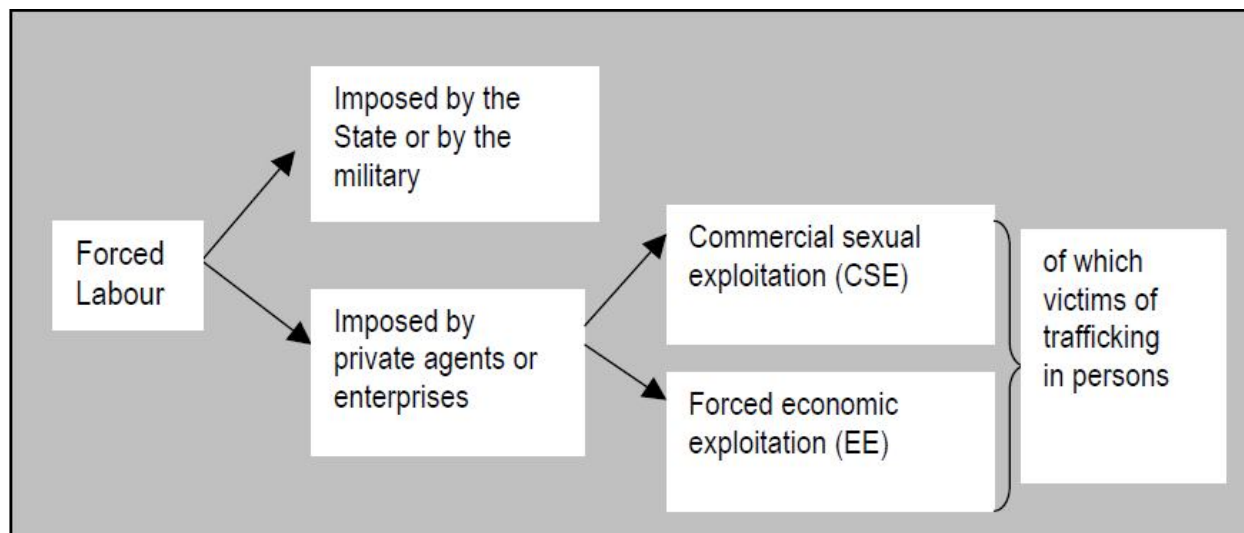
<sup>4</sup> De SasKropownicki, Z., *Children Speak Out Trafficking risk and resilience in Southeast Europe*, Save the Children, Albania

<sup>5</sup> Anne Gallagher, Recent Legal Developments in the Field of Human Trafficking: A Critical Review of the 2005 European Convention and Related Instruments, *European Journal of Migration and Law* 8: 163–189, 2006

<sup>6</sup> Francis T. Miko, *Trafficking in Women and Children: the U.S. and International Response*, C.R.S. Report 98-649C, at 2 (2000); Janie Chuang, *Redirecting the Debate Over Trafficking in Women: Definitions, Paradigms, and Contexts*, 11 HARV. HUM. RTS. J. 65, 69 (1998).

<sup>7</sup>Becki Young, *Trafficking of Humans Across United States Borders: How United States Laws Can be Used to Punish Traffickers and Protect Victims*, 13 GEO. IMMIGR.L.J. 73 (1998).

<sup>8</sup> See Chuck Neubauer, *Human Trafficking related to Prostitution*, The Washington Times, April 28, 2011, <http://www.washingtontimes.com/news/2011/apr/28/most-human-trafficking-related-to-prostitution/> (last visited November 17, 2012); Sex trade, forced labor top U.N. human trafficking list, Report by CNN World at [http://articles.cnn.com/2009-02-16/world/un.trafficking\\_1\\_human-trafficking-women-and-girls-camel-jockeys?\\_s=PM:WORLD](http://articles.cnn.com/2009-02-16/world/un.trafficking_1_human-trafficking-women-and-girls-camel-jockeys?_s=PM:WORLD) (last visited November 17,2012)



Source : Global Report, ILO, 2005

**Figure 1: A typology of forced labor**

A recent study estimates that at least 12 million people worldwide are trapped in conditions of forced labor. Around a fifth of these are being exploited as a result of human trafficking (ILO, 2005). The International Labor Organization (ILO) estimates that there are 2.4 billion people in the world at any given time involved in forced labor and subjected to exploitation as a result of trafficking (ILO 2008).

	Forced commercial sexual exploitation	Forced economic exploitation	Mixed or undetermined	Total
Industrialized Economies	63%	17%	20%	270,000
Transition Economies	45%	4%	50%	200,000
Asia and the Pacific	54%	14%	32%	1,360,000
Latin America & Caribbean	12%	87%	1%	250,000
Sub-Saharan Africa	6%	84%	7%	130,000
MENA	10%	89%	1%	230,000
World	1,060,000	780,000	600,000	2,440,000

**Table 1: Total Trafficking-related Forced Labor**

The sex trade has occupied a strategic and central position in the development of international capitalism and for this reason it is increasingly taking on the guise of an ordinary sector of economy. The industrialization of the sex trade has involved the mass production of sexual goods and services. These “goods” are human beings who sell sexual services. The international market in these “goods” simultaneously encompasses local and regional levels, making its economic imperatives impossible to avoid. Prostitution and related sexual industries – bars, dancing clubs, massage parlors, pornography producers etc. – depend on a massive subterranean economy controlled by pimps connected to this organized crime of human trafficking. From an economic point of view, these “goods” are doubly valuable because bodies are both a good and a service. More precisely, we have seen a commoditization not only of the body, but also of women and children as human beings. This has led many to see this trafficking in women and children as a form of slavery. At the same time businesses such as international hotel chains, airline companies and the tourist industry benefit greatly from the sex industry and this high demand of workers is one of the main reasons why that this sex trade has become too large to be called an industry. The growth of sexual tourism over the last 30 years has entailed the “prostitutionalization” of the societies involved. In Thailand, with 5.1

million sexual tourists a year, 450,000 local customers buy sex every day<sup>9</sup>. And to meet this demand only women are forced into this sex trade by the means of trafficking. As found in one of the research done in the countries where prostitution has been legalized 80 percent of the sex workers were working without their free consent.

This industrialization of the sex trade and its globalization are the fundamental factors that make contemporary prostitution qualitatively different from the prostitution of yesterday.

Prostitution has been defined as “the act of rendering, from the client’s point of view, non-reproductive sex against payment”<sup>10</sup>.

A woman trafficked and forced into prostitution is in forced labor because of the menace under which she is working, not because of the sexual duties that her job demands or the legality or illegality of that particular occupation. Now if we talk about prostitution then it is a result of social inequality and continued economic disparity among the women who are trafficked and much of which is due to debt bondage system. Kidnapping, rape, and violence continue to act as midwives of this industry. They are fundamental not only for the development of markets, but also for the "manufacturing" of these "goods," as they contribute to making them "functional" for an industry that requires a constant supply of bodies. Research has shown that between 75 and 80 per cent of prostitutes were sexually abused in their childhood<sup>11</sup>. More than 90 per cent of prostitutes are controlled by a pimp<sup>12</sup>.

In industrial countries, the victims are overwhelmingly foreign women who have been trafficked. While some are sold by their parents or kidnapped, the data shows that most victims are recruited by traffickers under false pretences. Traffickers often approach women in their countries of origin promising jobs as waitresses, cleaners or maids. Other women know that they are recruited to work in the sex industry but only find out upon arrival that they are forced to work off fraudulent debts. Some women even find out that they have several “debts” - fees of travel agents, smugglers, labor contractors and so on.

Forced child prostitution is more frequently reported in developing countries than in industrial countries. This problem is often linked to child sex tourism, which involves persons who travel to a foreign country to engage in commercial sex with children - especially in some Southeast Asian countries. Forced sexual exploitation can also be linked to religious beliefs. This is, for example, the case of the “Devadasi” in India, forced into prostitution in the name of a goddess, or the “Trokosi” in Ghana who are enslaved to fetish priests.

UNICEF estimates that a million children are brought into the sex industry every year. The industry of child prostitution exploits 400,000 children in India (UNICEF 2003), 100,000 children in the Philippines (CATW), between 200,000 and 300,000 in Thailand<sup>13</sup>, 100,000 in Taiwan (UNICEF 2001) and in Nepal<sup>14</sup>, 500,000 children in Latin America, and from 244,000 to 325,000 children in the United States. The women and children of South and Southeast Asia constitute the most important group: 400,000 persons a year are objects of the aforementioned traffic.

Child prostitution, as well as the numbers of children that are trafficked for the purposes of commercial sexual exploitation, is increasing. The age of girls trafficked into prostitution in

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<sup>9</sup> Barry Kathleen, *The Prostitution of Sexuality*, NYU Press (1996)

<sup>10</sup> Edlund & Korn, “A Theory of Prostitution”, *Journal of Political Economy*, 2002, vol. 110, no. 1

<sup>11</sup> Satterfield, S. B. "Clinical Aspects of Juvenile Prostitution", *Medical Aspects of Human Sexuality*, Vol. 15 No. 9 (1981)

<sup>12</sup> Silbert & Pines, *Entrance Into Prostitution, Youth and Society* Volume:13 Issue:4 (1982)

<sup>13</sup> Oppermann M., *Introduction to Sex Tourism and Prostitution: Aspect of Leisure, Recreation and Work*, New York, Cognizant Communication Corporation, 1998

<sup>14</sup> Ilona Bhattacharya., *Sharing Good Practices: Working in Partnership with Child Survivors of Commercial Sexual Exploitation in South Asia*. ECPAT International. *Upholding the Right of Children to Live Free from Commercial Sexual Exploitation: Interventions and Recommendations*. Bangkok. 2007.



India, for example, has fallen from between 14 and 16 years in the 1980s to between 10 and 14 years in the 1990s (UNICEF, UNOHCHR, OSCE-ODIHR, 2002).

Another industry in which children are exploited to meet high global demand while keeping production costs low is the hand woven rug industry. An estimated three hundred thousand children in India, Pakistan and Nepal work as *de facto* slaves, euphemistically called “apprentices” in exchange for one meal a day and a place to sleep.<sup>15</sup> These three countries account for half of the \$1.2 billion in sales of handmade rugs in the United States.<sup>16</sup>

### **Globalization as a Facilitator of Human Trafficking**

The term “globalization” resists and eludes any easy or simple definition. It is also often stated that one cannot talk of globalization in singular, but instead, globalization should be assessed in plural as it takes many forms and thus “globalizations” is a more appropriate term<sup>17</sup> as people, goods, capital, information and technology move and spread across borders with a scale and speed that have never been experienced and have exposed citizens to “unfamiliar and unpredictable” forces.<sup>18</sup>

Globalization is the development of an increasingly integrated global economy marked especially by free trade, free flow of capital, and the tapping of cheaper foreign labor markets that transcend nation-state boundaries. In part, globalization disseminates practices, values, technology, and other human products throughout the globe<sup>19</sup>. The rapidly advancing information, communication and transportation technologies that are driving economic globalization are also propelling international migration and fostering transnational crime.

Human trafficking is not a new occurrence, but today it is more pervasive and wide ranging than in past constituting one of the most heinous, unintended consequences of globalization. Human trafficking benefits from one of the crucial engines of globalization that is the supply and demand of transportable commodities,<sup>20</sup> as well as from the transfer of capital, the opening borders, and trade deregulation. Just like the slavery of old, modern day trafficking of humans is a lucrative business that has only become more rewarding for traffickers with the advent of globalization. In fact, the trans-Atlantic slave trade of centuries ago epitomized economic globalization. Just as it was back then, human trafficking, as abhorrent as it is, remains a matter of supply and demand.

As the rush to globalization encourages obsession with market goals and profit while overlooking the social and human goals.<sup>21</sup> Many governments seem either blind or apathetic in recognizing that globalization entails “more than creating bigger markets.” Obsessing over access to global markets drives leaders to ignore the human costs of globalization. Because profits are recognized by policymakers and business people as the main aim of globalization, nations struggling to position themselves in regional and global markets are failing to impose severe penalties on unscrupulous employers hiring migrants illegally and failing to prosecute predatory consumers of sex, or fine and imprison “visa contractors” or “connection men”, as traffickers are euphemistically known.<sup>22</sup> As a business that generates great profits for everyone who becomes involved, human trafficking seems to be just right.

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<sup>15</sup> See Louis Freedberg, *Child Labor Beneath Our Feet*, SAN FRANCISCO CHRONICLE, Mar. 13, 2006, at B4.

<sup>16</sup> Ibid

<sup>17</sup> Therborn, G., *Globalizations: dimensions, historical waves, regional effects, normative governance*; International Sociology, Vol.15: 151-79, 2000

<sup>18</sup> See, The Secretary General, *Report of the Secretary General, “We the People:” The Role of the United Nations in the 21<sup>st</sup> Century*, delivered to the Millennium Assembly.

<sup>19</sup> Kevin Bales, *Understanding Global Slavery: A Reader*, University of California Press, 2005

<sup>20</sup> See Martin Forst’s Former Website, *Globalization*, <http://www.martinfrost.ws/html/files/globalization> (last visited September 4, 2007)

<sup>21</sup> See The Secretary General, *supra* note 19

<sup>22</sup> See U.N. Dept. of Soc. And Econ. Affairs [DESA], Division for the Advancement of Women, *Trafficking in Women and Girls: Report of the Expert Group Meeting*, EGM/TRAF/2002/Rep.1.

In 2002, the Bulgarian based Centre for the Study of Democracy reported that the amount of money changing hands in human trafficking conspiracies from source countries was between US\$ 12 billion and US\$ 30 billion annually.<sup>23</sup> Therefore, the human trafficking business is indeed a multi-billion dollar venture<sup>24</sup>, and the only way to attack the trafficking network is through deprivation of profits.

### **The Indian Context**

Various adverse effects of Globalization can be seen especially on people from rural India and on people who live below the poverty line. Women and children are more adversely affected. Rural economy is mainly based on agriculture and small scale industries. In the globalization process small-scale Industries are disappearing. Due to this the rural population is migrating towards the urban area in search of jobs and exploring better opportunities. And that's how they are falling prey to the evil of human trafficking. Girls and young women living below poverty line or belonging to Schedule Castes or Scheduled Tribes or Backward Classes are comparatively more vulnerable to this evil. Globalization has also made inter-state and international trafficking easier.

The NHRC Committee on Missing Children has the following statistics to offer:

- a. 12.6 million (Governmental sources) to 100 million (unofficial sources) stated to be child labor.
- b. 44,000 children are reported missing annually, of which 11,000 get traced.
- c. About 200 girls and women enter prostitution daily, of which 20% are below 15 years of age.

One of the main causes of exploitation of women and their abuse in the flesh trade is the age old ignorance and illiteracy prevailing among them. They don't even know that they have legal rights which protect them. Most of these distressed women think that it is their fate and they have to accept to live in this world of darkness. These young girls are tortured so much that they hardly believe that there is hope in life.

A survey by the Ministry of Human Resource and Development reveal that only 4.9 % of the prostitutes in Calcutta are born within the city. More than 70 districts supply prostitutes to Delhi. The survey also revealed that two third of the original families of prostitutes lived below the poverty line and 60 % of the prostitutes covered in the survey belonged to Scheduled Castes or Scheduled Tribes or Backward Classes. A study of 12 states and 2 union territories reveals that the majority of rural girls are forced to take up prostitution. One can conceptually see that these prostitutes are mainly from two groups. Either they have no education and belong to the lower income group or they belong to castes, which are lowly placed or they come from a backward community with little education.

It is important to point out that many of the women that are trafficked simply do not know what awaits them when they accept a recruiter's offer<sup>25</sup>. Even in the cases where girls and women know that they are being recruited for work in the sex industry, they do not realize the extent to which they will be required to surrender their documents and become the property of their traffickers (United Nations Economic and Social Council/Economic Commission for Europe, 2002). Part of the reason is that, in some regions, traffickers have been delving deeper into rural areas where often families are illiterate or have little access to information.

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<sup>23</sup> See Marko Hajdinjak. Centre for the Study of Democracy, Smuggling in Southeast Europe, at p. 48 (2002)

<sup>24</sup> See GUIDO FRIEBEL & SERGEI GURIEV, HUMAN TRAFFICKING AND ILLEGAL MIGRATION, (2002)

<sup>25</sup> Banerjee, Upala Devi. 2002. "Globalisation, crisis in livelihoods, Migration and Trafficking of Women and Girls: The crisis in India, Nepal and Bangladesh 2002". The paper presented at the III International Congress of Women, Work and Health in Sweden.

Two million women prostitute themselves in Thailand<sup>26</sup>, 400,000 to 500,000 in the Philippines (CATW- Coalition Against Trafficking of Women), 650,000 in Indonesia (CATW), about ten million in India (of whom 200,000 are Nepalese) (CATW), 142,000 in Malaysia (CATW), between 60,000 and 70,000 in Vietnam (CATW), one million in the United States, between 50,000 and 70,000 in Italy (of whom half are foreigners, most notably from Nigeria), 30,000 in the Netherlands (CATW), 200,000 in Poland<sup>27</sup>, and between 60,000<sup>28</sup> and, more credibly, 200,000 in Germany. German prostitutes sell sexual services to 1.2 million "customers" per day<sup>29</sup>.

Despite published figures suggesting that between 5,000 to 7,000 Nepali women and girls are trafficked for sex work each year, and that 200,000 Nepali women and girls are working in the sex industry in India<sup>30</sup>, the actual magnitude of women and girls who are sex trafficked from Nepal is unknown<sup>31</sup>.

The figures of human trafficking in India were also stand on the verge of above estimated figures. The statistics of the crimes under human trafficking in India during the year of 2002 to 2011, this includes the crime Head-wise incidence. These are Procurement of Minor girls (I) [sec 366 A of IPC], Importation of girls (II) [Sec 366 B of IPC], selling of girls for prostitution (III) [sec 372 of IPC], buying of girls for prostitution (IV) [sec 373 of IPC], Immoral Trafficking (Prevention) Act 1956 (V), and Child Marriage Restraint Act 1929 (VI). Here is the comparative study between the year of 2002 and 2011. In I category the incidence increase from 124 to 862, II category it increases from 76 to 80, III category shows the vast difference i.e. from 5 to 113, IV category shows the difference of 9 to 27 but last two categories results were positive because there was decreases in cases .i.e. V category shows the difference of 6598 to 2435 but there was no case of VI category during the year of 2010 and 2011.

2011 Report which Estimated State-Wise Number of Cases Registered under Human Trafficking in India, it includes States/Union Territories both. Andaman and Nicobar Islands 3, Andhra Pradesh 605, Arunachal Pradesh 0, Assam 165, Bihar 218, Chandigarh 1, Chhattisgarh 33, Dadra and Nagar Haveli 1, Daman and Diu 6, Delhi 38, Goa 18, Gujarat 50, Haryana 61, Himachal Pradesh 5, Jammu and Kashmir 1, Jharkhand 43, Karnataka 372, Kerala 206, Lakshadweep 0, Madhya Pradesh 94, Maharashtra 432, Manipur 0, Meghalaya 5, Mizoram 8, Nagaland 2, Odisha 35, Pondicherry 3, Punjab 50, Sikkim 1, Rajasthan 102, Tamil Nadu 420, Uttar Pradesh 48, Uttarakhand 3, West Bengal 481, and Tripura 7. But the rate of crimes under human trafficking decreases, according to the report which shows the difference from 2002 to 2011.

**Table 2:**

***Rate of Crime under Human Trafficking out of total crimes being committed under IPC***

2002	0.39%
2003	0.34%
2004	0.34%
2005	0.35%
2006	0.27%

<sup>26</sup> Supra note 9

<sup>27</sup> Supra note 13

<sup>28</sup> Guiricolas, Pascale., "Giographie de l'inacceptable" , *Gazette des femmes* 22 (1) (mai-juin 2000): 27-31.

<sup>29</sup> Ackerman L. and C. Filter, *Die Frau nach Katalog*, Freiburg: Herder Verlag, 1994

<sup>30</sup> The Human Rights Watch Global Report on Women's Human Rights, Human Rights Watch 1995

<sup>31</sup> Supra note 2

2007	0.40%
2008	0.30%
2009	0.20%
2010	0.30%
2011	0.30%

### **Government's Policy against Human Trafficking**

In 1995 during the United Nation's Fourth World Women's Congress in Beijing the principle of "forced" prostitution appeared (UN). This was the first time the term "forced prostitution" was used in a UN document. This created a special (presumed minority) category of prostitution that could be opposed without opposing the sex industry as such. Constraint force was identified as the problem rather than the sex trade itself.

Through the efforts of NGOs and humanists the amendment in the Immoral Traffic Law of 1956 took place in the year 1986 whereby the legislation of 1956 was amended and re-titled as 'The Immoral Traffic (Prevention) Act, 1986'. Under the amended laws prohibition of prostitution in its commercialized form continues to be an offence. It has defined 'child' as a person who has not completed 16 years of age. In the preventive law there are provisions of stringent punishments in cases of child prostitution. Hotel licenses are liable to be cancelled if hotels are allowed to be used for prostitution. Though families of such victims have no qualms about accepting money from their sold girls, but they don't accept them back in their family as a member due to fear of social censure. The act includes directives to states to establish corrective institutions or rescue homes, so that when such victims are rescued they can be put in these homes, so that their rehabilitation is easier. Women homes run by the government are in pathetic condition due to lack of funds.

The Government of India through its Ministry of Women & Children Development has initiated a scheme named UJWALA for Prevention of Trafficking and Rescue, Rehabilitation and Re-Integration of Victims of Trafficking for Commercial Sexual Exploitation. The components and pattern of assistance provided under this scheme are:

1. Prevention
2. Rescue
3. Rehabilitation
4. Re-Integration
5. Reparation

All of these components help in battling this evil by way of various rescue missions, medical care, legal aid, by providing education, by providing vocational training and income generating activities and restoration of families. Sufficient funds are also being allocated for the smooth commencement of this scheme. If the sex workers do not wish to go back home, then another program called STEP is available for them which has been implemented by the Central Government effectively.<sup>32</sup>

### **Reforms that should be brought**

Holding community meetings for local government officials, medical personnel, law enforcers, teachers and social workers will contribute to increasing community awareness and empowerment. Utilizing the local and national media will not only raise awareness of sex trafficking amongst the community, but can play an important advocacy role in sensitizing policymakers to the issues of sex trafficking.

<sup>32</sup>BudhadevKarmaskar v State Of West Bengal, 2012 CriLJ 316 (SC)



The forces of poverty which drive urban migration are likely to continue; therefore there is a compelling need for interventions that empower women in migration rather than seeking to protect women or discourage such movement. More sustainable community initiatives need to focus on strategies for safe migration by increasing women's awareness about the risks of urban migration, including increased vulnerability to sex trafficking<sup>33</sup>.

In one of the judicial pronouncement by Karnataka High Court it was said that:

*States indicate that lack of value based education is one of the causes for global problems like international terrorism, deteriorating global environment, trafficking of women and children, threat of wars etc. Therefore, the content of education shall motivate and encourage the children to think about solutions to global problems. Further the content of education shall promote values like unity, truthfulness, social responsibility, dutifulness, justice, courtesy, discipline, peace and social transformation. The content of education should be free from prejudices and incitement. In the prevailing system of education there is disparity in terms of content taught in different schools affiliated to different syllabus. Neither the Government nor any independent body evaluated the content of education taught in these schools in the context of global problems, national problems and the regional problems. It is the obligation of the State to promote the content of education which addresses the issues confronting it. The content of education cannot be left to the individual schools or group of schools or class of schools. It is the State and State alone shall discharge this constitutional obligation of promoting the content of education to achieve the basic features of our Constitution Therefore it is necessary to regulate the content of education in the schools by the State.*<sup>34</sup>

From a perusal of the UJWALA Scheme it appears that the Central Government has scheme only for rescued trafficked women but no scheme for those sex workers who voluntarily want to leave the sex trade. In my opinion, proper effective scheme should be prepared for such women also.

Furthermore, since the criminal and penal codes deal specifically with the identification of crimes and their punishments, acts outside the criminal code are needed to specifically address the protection of women and children from trafficking by targeting the sources of their vulnerability<sup>35</sup>. The anti-trafficking legislation should also address various aspects of the trafficking infrastructure that contribute to its continued prevalence (such as by enhancing money laundering laws to include profits derived from trafficking in persons), and to provide for the availability of rehabilitation services to prevent re-victimization. Finally, the recognition of trafficking as a transnational offense, one that requires transnational policies, is required for an effective legal approach, including the recognition of trafficking as an extraditable offense and the application of the principle of extra territoriality to the crime of trafficking. Anti-trafficking legislation must also include a definition of what constitutes a form of trafficking before adopting it into legislation.

## **Conclusion**

The plight of women throughout the process of globalization has been a manifestation of the fact that society has not yet completely fulfilled its obligations to create an equitable environment for all women. The feminization of poverty and survival is intimately tied to the continued inequality of women across the globe. Furthermore, certain actions that have been taken with the intent of furthering women's rights, such as the legalization of prostitution, may

<sup>33</sup>Global Alliance Against Traffic in Women, *Human Rights Standards for the Treatment of Trafficked Persons*, Bangkok, 1999

<sup>34</sup>2011 (2) KarLJ 363

<sup>35</sup>Mattar, M., *Trafficking in Persons, Especially Women and Children, in Countries of the Middle East: The Scope of the Problem and the Appropriate Legislative Responses*. Fordham International Law Journal, March 2003

have had opposite effects, including the rise in the numbers of women trafficked for prostitution. Theoretical distinctions between prostitution and trafficking simply do not exist in the real world. Men's demand for trafficked women cannot be distinguished from the demand for prostitution. The same qualities in women that are sought by men who buy sex are also risk factors for trafficking, for example, young age, low price, foreigner or “exotic,” and inability to speak the local language. A study of men who buy sex and that most men who buy sex are aware of and have witnessed exploitation, coercion, and trafficking but this does not affect their decision to buy women for sexual use. The rationalization and denial used by men who buy sex “All of them are exploited”. The factor which confers a qualitatively different character on the current sex trade is the fact that prostitution has become a development strategy for some countries. So this strategy should be change.

Women who are being trafficked for the sex industry can only be freed from violations of their human rights if they are first freed of their mythical constraints. They must no longer be used as the canvas upon which societies’ fears and anxieties are projected. And the government should take strong preventive actions as the agents are endowed with the ability to think, to act and to resist.

