

POVERTY AND ECONOMIC CONDITION AS THE BIGGEST CONTRIBUTORS TO HUMAN TRAFFICKING

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I. INTRODUCTION

The financial condition of a human plays an important role to describe their social behaviour and quality of life. Its related dimensions are pertinent to the causes of human trafficking whereby it has emerged as one of the leading factors for the continuous increase in the number of trafficking cases. The circumstances faced by a person during poverty and economic instability labels ‘push’ and ‘pull’ factor for the victim. Such situations compel individuals to voluntarily participate in the trafficking process and push them into circumstances with a higher risk. Moreover, the condition of trafficked victims who are pushed into sexual exploitation face the worst circumstances. The offence of trafficking majorly depends upon the determination for which victims are being trafficked and yet there are no comprehensively recognized definitions of “vulnerable” or “vulnerability” corresponding to the anticipation of the offence. The authors in this paper have considered and evaluated the basic causes and features of human trafficking, through socio-legal frameworks along with areas identifying protection. The paper fundamentally centres around the poverty and economic condition of a person and how it pushes them into the process of human trafficking.

The offence of human trafficking is evident through numerous instances occurring throughout countries. The most compliant definition of Human trafficking, as defined by the United Nations, is:

Trafficking in persons shall mean 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.

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*Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.*¹

The offence of Human Trafficking has persisted over a considerable time, and it has violated the fundamentals of human rights at every instance. As per the NCRB 2020 data², there are 4709 cases reported across India and approximately one-fourth of these cases were human trafficking resulting into sexual exploitation, child pornography and prostitution. Prostitution is connected with the issue of sexual commercialization which emerged as a multi-billion industry all over the world. This is apparent as an abhorrent countenance of the inadequate circulation of control among the men and the women.

The widespread grounds for trafficking lie with several causes and poverty is one of the leading factors.³ The financial condition often serves as a catalyst for human trafficking, pushing vulnerable individuals into desperate circumstances. Economic deprivation specially in developing and third-world countries increases susceptibility, pushing them to seek financial opportunities in exploitative situations such as trafficking. In India, as per RBI Data 2021, near about 30% of the total population is below poverty line⁴, led by Chhattisgarh at 49.40% (2004-05)⁵, 48.70% (2009-10)⁶ and 39.93% (2011-12)⁷ whereby poverty is computed by using Tendulkar Methodology on the basis of Mixed Reference Period (MRP) from 2004-05 onwards. Apart from the crucial role of poverty, there are other factors such as the complexities of socio-culture standards, insouciance, and practices towards sex, these factors also deserve thoughtful attention too. This multi protracted method starts from ground origin involvement which shall be comprised as a part of value

¹ UN General Assembly, *United Nations Convention against Transnational Organized Crime: Resolution Adopted by the General Assembly, A/RES/55/25* (Jan. 08, 2001).

² National Crime Records Bureau, "Crimes in India 2020" 984-993 (2020), available at: <https://ncrb.gov.in/sites/default/files/CII2020%20Volume%203.pdf>. (last visited on Jan. 23, 2022).

³ Anne Gallagher, *The Role of National Institutions in Advancing the Human Rights of Women: A Case Study on Trafficking in the Asia-Pacific Region*, The Fourth APF Annual Meeting (The Philippines, 1999), available at: <https://www.humanrights.go.kr/site/inc/file/fileDownload?fileid=1056689&filename=1352873415472.pdf> (last visited on Jan. 23, 2022).

⁴ Reserve Bank of India, "Handbook of Statistics on Indian Economy 2021" 249 (2021), available at: <https://rbidocs.rbi.org.in/rdocs/Publications/PDFs/0HBF2021322AC51D15B74324858EEA2C7989B5E2.PDF>. (last visited on Jan. 23, 2022).

⁵ *Id.*, Table 151, 2004-05 (Based on MRP Consumption), 247.

⁶ *Id.*, Table 152, 2009-10 (Based on MRP Consumption), 248.

⁷ *Id.*, Table 153, 2011-12 (Based on MRP Consumption), 249.

and traditions towards sexuality.⁸

There are several initiatives taken at international level such as conventions, protocols, and treaties to combat it but proper execution and strict adherence remains a concern for stakeholders as well as the general public. The execution of those standards has been restricted, with the overwhelming spotlight having been on the advancement of both huge and little open mindfulness crusades coordinated towards expected survivors of trafficked act. In light of Global targets, SAARC Social charter also addressed poverty and development issues as ‘Millennium Development Goals’.⁹ These initiatives are formulated on the postulation that enhanced consciousness of conceivable injury will aid a human being to opt an alternate way. But most often, such initiatives miss the mark as they do not furnish victims with proper recourse. On the off-chances that the accentuation of avoidance initiatives is put only on expanding the familiarity with possible casualties, counteraction is restricted. Potential casualties remain similarly powerless previously, then after the fact seeing banners, movies, and television promotions.

The offence of trafficking depends upon the purpose for which victims are being trafficked and yet there are no comprehensively recognized definitions of “*vulnerable*” and “*vulnerability*” corresponding to anticipation of the offence. The connotation “*vulnerable*” refers to “exposed to the possibility of being attacked or harmed, either physically or emotionally”.¹⁰ In most of the literature focusing on these two variables, the expressions “*vulnerable*” and “*poor*” have been applied interchangeably. The aspect of “*vulnerability*” is not equivalent to pay neediness or destitution considerably more comprehensively characterized. In the recent forms of literature and sources the vulnerability does not allude to need, but instead to openness and being unprotected.¹¹ It alludes to the state of an individual in a particular setting. An answer to vulnerability calls for accordingly to consider the outer situations of a person¹² just as the methods for dealing with stress that empower the person to secure oneself against an antagonistic effect from those outside conditions.

II. HISTORICAL OUTLINE

⁸ *Panchan Padhi v. State of Odisha*, 2020 Cri LJ 2708.

⁹ Buhm-Suk Baek, “The medium foreseeing the future: The role of NHRIs in creating RHRIs in the Asia-Pacific Region” 8(1) *Socio-Legal Review* 36 (2012).

¹⁰ Judy Pearsall and Patrick Hanks, et.al., *New Oxford Dictionary of English* (Oxford University Press, 2001).

¹¹ Robert Chambers, “Poverty and livelihoods: whose reality counts?” 7(1) *Environment and Urbanization* 189 (1995).

¹² *Ibid.*

Numerous fields such as sociology¹³, legal and legitimate reports¹⁴, international affairs¹⁵ identifies the prolongation of trafficking in form of slavery since last two hundred years in various regions and areas worldwide due to financial aspects.¹⁶ Every one of these viewpoints contributes a different piece to the issue. However, trafficking starts from an intersection of components that cut across disciplines and public boundaries.¹⁷ The far-flung, continuous, and contemporary abuse of victim is unsuitable and unwanted to individuals.

In Indian context, the rise in trafficking cases was observed during British Colonial era. From the 16th Century, right after decline of Mughal era, there was a rapid increase in demand of slaves which were trafficked from India to several countries, mostly Europe, South Africa, and Middle East.¹⁸ Within a century, the Indian subcontinent emerged as the best source for providing cheap slave labor. The majority of people trafficked into such employment were from Bengal and Coromandel area. For example, Dutch East India Company trafficked slaves in 1660s, from Bengal State to Batavia (modern Jakarta) for the purpose of plantations in Indonesia and Cape of Good Hope.¹⁹ Similarly, almost 28 million Indians were trafficked during 1846-1932 from Bengal State to the Caribbean islands for plantation purpose.²⁰

The issue of human trafficking has also affected the tribal people who were marginalized due to limited access to resources and economic disparities. Laborers from tribal caste *Paniya*, *Adiya* and *Katunaikan*, who are experts in cultivation of ginger crop, was forcefully recruited as bonded labor from Wayand District to Karnataka, where the crop

¹³ A. Baráth, *The Mental Health Aspects of Trafficking in Human Beings: Training Manual* (International Organization for Migration, 2004). See also J.L. Herman, *Hidden in Plain Sight: Clinical Observations on Prostitution* 1 (Haworth Press, New York, 2003).

¹⁴ J. Todres, "Law, Otherness, And Human Trafficking" 49 *Santa Clara Law Review* 605-672 (2009).

¹⁵ C. Aradau, "The Perverse Politics of Four-Letter Words: Risk and Pity in The Securitization of Human Trafficking" 33 *Journal of International Studies* 255-271 (2004).

¹⁶ E.M. Wheaton, E. J. Schauer and T. Galli, "Economics of Human Trafficking" 48(4) *International Migration* 114- 141 (2010).

¹⁷ J. Bove, *Nobodies: Modern American Slave Labour and the Dark Side of the New Global Economy* (Random House, New York, 2007).

¹⁸ Joseph Miller, "A Theme in Variation: A Historical Schema of Slaving in the Atlantic and Indian Ocean Regions. Slave Trade 1730–1830" 24(2) *Slavery & Abolition: A Journal of Slave and Post-Slave Studies* 169-194 (2003).

¹⁹ Richard B. Allen, "Satisfying the "Want for Labouring People: European Slave Trading in the Indian Ocean, 1500–1850" 21(1) *Journal of World History* 45–75 (2010).

²⁰ D.B. Davis, *Slavery and Human Progress* (Oxford University Press, 1985). See also Elena Samonova, *Modern Slavery and Bonded Labour in South Asia – A Human Rights based approach* (Routledge Publications, 2020).

was sown.²¹ The factors, unemployment and poverty among scheduled tribes forced them to join and seek work in Karnataka. The traffickers took the advantages of rising unemployment and oppressed them to maximum. The exploitation and torture were of such nature whereby it resulted into the deaths of tribal laborers. This raises the interstate migration which disturbed the demographic conditions also.²²

To seek the way out from this illegal trend, the Indian Forest Rights Act, 2006 was enacted by the Government which turned out to be sanction for tribal laborers. Through this enactment, the government took measures to discourage unfair methods of recruiting people and introduced new procedures that include checks and regulations to ensure fairness and legality in providing opportunity. These checks likely involve oversight and monitoring mechanisms such as:

- i. the registration of brokers recruiting the labors among tribals was made compulsory;
- ii. prior to recruiting, it was made necessary to inform the concerned police station;
- iii. the Tribal Extension officers and Tribal Prisoners were also appointed as authority to supervise the whole recruitment and they were directed to inform the police in case of trafficking;
- iv. Mobile Squad is assigned under the leadership of Deputy Superintendent of Police to deal with such cases.

This enforcement brought substantial changes to the ongoing illegal practices and improved the working condition for tribal laborers.²³ However, the customary means to prevent trafficking in individuals, to ensure protection and assist victims and bringing offenders to law and justice has affected the world at large level, yet the legal instruments remains inadequate, such that even a young child or victim be abnegated the advantages of innocent childhood, that a woman be exposed to the cruel abasement of exploitation sexually and that a man become the captive of a ruthless disciplinarian in countries and local regions are clear signals that we shall reload both determinations just as our drives to ensure

²¹ Kiran Kamla Prasad, "Debate: Use of the Term 'Bonded Labour' is a must in the context of India" *Anti Trafficking Review* 142-149 (2015), available at: <https://antitraffickingreview.org/index.php/atrjournal/article/download/142/149> (last visited on Jan. 23, 2022).

²² Scheduled Castes and Scheduled Tribes Research and Training Institute, Research Study on "*Effectiveness Measurement of Development Interventions Among PVTGs in the Nine PVTG in habiting States of India: An Outcome Analysis*", Submitted to Ministry of Tribal Affairs, Government of India, 2015, available at: <https://tribal.nic.in/repository/ViewDoc.aspx?RepositoryNo=TRI28-08-2017110639&file=Docs/TRI28-08-2017110639.pdf> (last visited on Jan. 23, 2022).

²³ *Neethi Vedhi v. State of Kerala* WP(C). No.26240 OF 2020(D).

the individuals who are helpless as being mere victim.²⁴

III. POVERTY AS PUSH AND PULL FACTOR

The term “*Poverty*” is a complex term which alludes to various non-favoring situations such as including scarcity of nutritional food, proper resources, malnutrition and hunger, unhealthiness, limited accessibility to basic education, training and other essential avails resulting into rising mortality and morbid from sickness, homeless status and poor house, dangerous conditions, social detachment, and absence of support in the dynamic cycle. The material poverty is among the worst which does not allow a person to meet his basic needs and that destabilizes the morality to avoid being victim of such trafficking offences. It leads them into state of “*degradation incompatible with human dignity*”.²⁵ Speculations concerning poverty by not recognizing its parts make it hard to distinguish liability and, thus, arrangements. It is made by approaches and safeguarded by structures that support these equivalent strategies.²⁶ Thus, to say that poverty is a reason for trafficking without characterizing the term will hinder the relation between both variables.

Besides, it is not really the least fortunate of the helpless who become survivors of abuse prompting trafficking, even though casualties of work misuse, outstandingly in agricultural countries, are poor. As per Bales:

*The ill, the elderly, the malnourished, the disabled and the infirm are not sought out by traffickers. They are human commodities of insufficient value to bring high profits.*²⁷

A key component of contemporary human trafficking is the recognition of the link between poverty and the increased likelihood of people falling victim to human trafficking. The grounds for trafficking related to poverty as contributor are represented as ‘*push*’ and ‘*pull*’ factors. Financial elements prevailing in the countries such as absence of employment related opportunities can be viewed as ‘*push*’ factor which urges the involvement of individuals through trafficking offenders who ‘*help*’ them to achieve employment.²⁸ These persons are forced into bonded labor, sexual exploitation, prostitution, and slavery and

²⁴ United Nations and the Rule of Law, *An Introduction to Human Trafficking: Vulnerability, Impact and Action, Transnational Organized Crimes and Trafficking*, UNODC (2008).

²⁵ *Jawo v. Federal Republic of Germany*, [2019] 1 WLR 3925.

²⁶ *Supra* note 7.

²⁷ Kevin Bales, *Understanding Global Slavery: A Reader* (University of California Press, Berkeley, California, 2005).

²⁸ Kathryn Farr, *Sex Trafficking: The Global Market in Women and Children* (Worth Publishers, New York, 2005).

moreover, their conditions get worsen in transnational crime scenario. 'Pull' factors generally includes the guarantee of a more prospering way of life, the accessibility of employment related work and the interest for modest work. Considering the pull factor, the demand is often significant for trafficking offence.²⁹ Article 9 of the United Nations Trafficking Protocol compels member-states to lessen the requirement for traded labor. Several elements are agelessly cited as "push and pull factors" which combines to form the victim helpless against human trafficking. The poverty is regularly a shared factor among individuals in danger of various types of current bondage throughout the world. With other socio-cultural pressuring factors, generational ongoing and passed poverty influences guardians to force their child into circumstances of constrained and docile work. It is hard for the persons affected to envision insisting a prosperous life. Likewise, the viewers may estimate a parent as brutal when they make seemingly a clearly unsafe concurrence with a scout for their child to take a dubious job opportunity.

This form of neediness leaves guardians in frantic circumstance. Frequently, it's their concern required for their kid's endurance which drives them to acknowledge a guarantee of wellbeing and security which brings about concept of present-day slavery. It is not difficult to perceive how these variables can lead individuals to acknowledge circumstances of misuse and abuse as their solitary choice.

Furthermore, the rising impact of globalization likewise brought new components in conventional idea of poverty. The economics of poverty is histrionically minimalist by using the World Bank sustenance index of \$1.0 a day. Even with such low amount, there are more than one-fifth of total population who are below this parameter.³⁰ An analysis by World Bank of the socio-economic outcomes of the financial breakdown of nations of erstwhile known Soviet Union uncovers what the analysis distinguishes as "*new poverty*", the consequence of primary changes and political choices that has de-stabilized the economies of arising countries and force whole areas of the populace into circumstances that indeed comprise another type of neediness among individuals who had never considered themselves poor.³¹

This type of emergency determined poverty has added to a sensation of misery

²⁹ *Supra* note 27.

³⁰ Alison Brysk, *Globalization and Human Rights* 75 (University of California Press, Berkeley, 2002). Available at: <https://doi.org/10.1525/9780520936287> (last visited on Jan. 23, 2022).

³¹ Nora Dudwick, Elizabeth Gomart, *et.al.*, *When Things Fall Apart: Qualitative Studies of Poverty in the Former Soviet Union* (World Bank, Washington, D.C., 2003).

among a lot of the people. Their feeling of misery, combined with a feeling of panic at getting themselves out of nowhere with no conventional social assurance components to help their families. It is an inspiration driving numerous young ladies looking for work outside their nations of beginning, prompting outrageous types of misuse and dealing. Attributing dealing to neediness overall terms in such circumstances neglects to perceive the intricacy of cause just as inspiration and prompts deficient counteraction initiatives.

The presence of all such trafficked crimes can be easily enlisted with poverty. As per a survey conducted on sample size of 500 trafficked women in Mumbai, approximately 83% of them were migrants who migrated to a large city for better earnings for themselves and their respective families. Most of them, were compelled to leave their homes because of “*poverty and destitution*”.³² In a recent judgment of the Supreme Court, it was noted that in any scenario, girls trafficked into bar for dancing cannot suffice the “conscious selection of profession”. A human trafficking crime committed cannot be levelled up as a part of fundamental right to trade under Article 19(1)(g) of the Indian Constitution.³³

These trafficked offences have their root deep down in poverty. The poverty somehow enables them to approach a better form of prosperous life by any means possible. Casualties of this boundless type of dealing arrives essentially from non-industrial nations. They are enrolled and dealt utilizing trickiness and intimidation and wind upheld in states of subjugation in an assortment of occupations. Casualties can be seen in farming, mining, fisheries or development work, alongside homegrown subjugation, and other work concentrated areas.

IV. MAJOR ECONOMIC SECTORS OF HUMAN EXPLOITATION

Individuals become the survivors of trafficking essentially because of discriminatory resources allotment and the shortfall or lack of feasible income sources. Most of the time, families of victims facing adversity due to lack of proper resources and livelihoods, results into a simultaneous deficiency. The agriculture activities are less productive source of income than earlier and land has become progressively scant in the rural regions. The other members of family including children are along these lines constrained to offer more towards the family’s means than before.

³² Forum Against the Oppression of Women, “Feminist Contributors from the Margins: Shifting Conceptions of Work and Performance of the Bar Dancers of Mumbai” XLV *Economic & Political Weekly* 48 (2010), available at: <https://www.jstor.org/stable/20787529> (last visited on Jan. 23, 2022).

³³ *Indian Hotel & Restaurant Assn. (AHAR) v. State of Maharashtra* (2019) 3 SCC 429. See also *Khoday Distilleries Ltd. Case* (1995) 1 SCC 574.

The government-initiated schemes and programmes are either missing or do not arrive to the most burdened segments of the community. There is persistent lack of paid work, especially for unskilled labor sector. Moreover, the unemployment is continuously increasing in many areas of country. The labor-based market for young generation is often not easily manageable and also remains constantly more for newly individuals. The customer relies more on services rendered by experienced person.

For other gender, they are not as exceptionally esteemed as far as their work as men in areas and they are in this way limited to household work and small factories in the unorganized sector. The household work and the help area are frequently inadequately directed and laborers are not organized. Several women begin as domestic helpers in households but in subjugation similar conditions in expectations of discovering something more beneficial and prosperous. Needy individuals have extraordinary problem in acquiring credit on sensible conditions and there is also a rising pressing factor of forced migration while many boundaries are turning out to be increasingly retentive.

Financial rebuilding is repelling individuals from the rural areas into the urban areas and from more unfortunate to more extravagant nations. Laborers are likewise moving into new economy developing areas like the travel industry, the development business and farming, where there is a more noteworthy requirement for irregular work. Because of the fast urbanization reinforced by such patterns, individuals from underdeveloped regions are being presented to new pay and utilization trends. Movement to numerous high-income areas is going under progressively severe guideline when a developing extent of visitor laborers and travelers are ladies. The lack of sufficient education is especially hindering to affected minor children.

Trafficking among children shows that most of the trafficked children are not under the guardianship of responsible guardians.³⁴ Numerous youngsters still do not have essential education and are relying upon other people who can read and write for them. It is normal badly adjusted to the children's conditions and occasionally contributes to paid employment. In few regions and states of India, quick and clearing social disturbances or furnished struggles have prompted serious monetary issues and the breakdown of social assurance frameworks.

³⁴ Ashleigh Barnes, "The Trafficking of Children: A counter-narrative to CRC's construction of "care" " 9(2) *Socio-Legal Review* 51 (2013).

Several involved men were misplaced from their conventional work as family breadwinners and went to various forms of exploitation, along these lines it lays a considerably heavy load on females. In underdeveloped nations of Africa, the widespread of sexually transmitted disease HIV/AIDS puts truly expanding liability regarding support on the enduring relatives, themselves, and children. The main financial issue is induced by the interest side of the condition which includes the generous profit to be made in the sexual exploitation and the necessity for cheap labor. The interest for sexual activities as part of trafficking is additionally far and wide and enhanced. The amount of revenue generated in prostitution business is relatively higher and in numerous countries the sex related tourism and media outlets represent a sizeable portion of income.

However, the profit margins which amount to the income of the forced labor is considerably low in unorganized sector. An ordinary model in this case could be a little organization which is unfit to move its product offices somewhere else. In certain areas and enterprises, there is also employment opportunity for children, which are even more inexpensive and vulnerable to exploitation than man forced into unwilling labor. It is particularly not unexpected to see them working in cocoa and cotton manors, in shrimp cultivating, digging for pearls, firework industries, household work, military exercises etc. The exploitation of children can also be observed where they are also victimized to work as beggars and as confederates in crimes. The era of economic globalization joined with new means of communications innovations and quicker, inexpensive transportation has prodded the development of coordinated wrongdoing, which joins neighborhood crooks and packs into more extensive organizations constrained by significant criminal organizations. Simultaneously, the information was assembled by different associations and governments on recognized and helped survivors of constrained work and human trafficking started to raise worries of what was seen as "*a hint of something larger*" of a lot bigger marvel.

V. CONCLUSION

The relation between poverty and human trafficking can be understood in the light of demand. Whether it may be the 16th century or the 21st century, the demand remains a vital factor in all types of trafficking. The circumstances observed by victim during poverty and political instability 'push' the probable victim to move towards trafficking. On the other hand, the demand and interest of cheap and willing labour is considered a 'pull' factor, which creates a market system wherein human traffickers earn benefit through committing

the offence. The 'pull' elements abuse individuals who are in poverty on the grounds than the 'push' elements of meeting essential human necessities of food and shelter. The more 'push' elements that one encounters, the more substantial the impact of the 'pull' element of demand.

The female sect is the most affected group of human trafficking. Amongst the victims, trafficked women constitute approximately 60% of total trafficked persons. Meanwhile, most of them are of young age who are left with no choice even after surviving the crime. But when the adult survivors of sex trafficking are involved, they are easily misidentified as lawbreakers, criminals and gradually, over a period, they develop a criminal tendency.

Recently, a bill titled 'Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021' was drafted for public opinion and yet to be introduced in the Parliament. This proposed enactment will be of special kind whereby it will be dealing with trafficking in more comprehensive manner in comparison to the traditional penal code. Notably, it expanded the area under coverage and even includes the offences taking place outside India. Furthermore, the setting up of Anti-Trafficking committee at district, state and national level could further enhance the battle against the human trafficking.