

## **CHAPTER III**

### **HUMAN TRAFFICKING IN INDIA**

India is a country of origin, transit, and destination for human trafficking. Women and children are trafficked from neighboring countries such as Bangladesh and Nepal with India as the destination country. In many cases, they are traded to countries in the Persian Gulf region, the Middle East, and also Europe (United Nations Office On Drugs And Crime, 2007). 90% of human trafficking in India is internal trade ie trade that occurs in India's Domestic region and the rest is intra-regional trade from neighboring countries that are still in one region with India.

The phenomenon that occurs in India with a high number of cases and the position of India as a country of origin, transit, and destination, led India to the issue of human trafficking is quite complicated and difficult to overcome, so that human trafficking becomes one of the threats to India. As in Chapter II, it will explain about level of human trafficking and also factors of human trafficking in India.

#### **A. Level of Human Trafficking in India**

In 2000, the United States Congress established a special law for human trafficking victims. This law is intended for the protection of victims that trapped in human trafficking circles. This law is called Trafficking Victims Protection Act (TVPA) and signed by the President who served at that time, Geoge W Bush. TVPA shares each country with levels in human trafficking. The levels of human trafficking or called Tier is divided into four (Tier Placement by US Departement State, 2000), which are:

1. Tier 1 is the level of a State according to TVPA where it has a government that adheres fully to the minimum standards set by TVPA and uses the standards made by TVPA in preventing human trafficking.
2. Tier 2 is the level of the country where the government is not fully obedient to the minimum standards set by

TVPA but has other ways of dealing with human trafficking cases in the country.

3. Tier 2 Watch List is the level of State where the government is not fully adhered to the minimum standards set by TVPA but has significant ways to cope with human trafficking cases, but the few that distinguish with Tier 2 are:
  - a. The number of human trafficking victims is very high or has increased significantly.
  - b. Failure to reduce the level of human trafficking in the country through the efforts that have been done.
  - c. The State made significant efforts when viewed from the efforts made in achieving the minimum standards of TVPA and State planning in taking steps to reduce the level of human trafficking in the country
4. Tier 3 is a state level whose government disobeys your standard set at TVPA and does not make significant efforts in that regard. TVPA Minimum Standards in determining Tier Levels in the world's countries are:
  - a. The government bans and punishes human trafficking
  - b. Make legislation equal to human trafficking actors
  - c. Make sanctions in accordance with crimes committed by human trafficking actors
  - d. Make serious and sustained efforts in combating human trafficking cases

The division of Tier Tier is based on the efforts made by the government in tackling human trafficking cases in the country. TVPA has three principles in categorizing the level of a State in tier, among others:

1. Prosecution is a way and effort done by government for human trafficking actors. in order to avoid more human trafficking and not more and more perpetrators of these crimes.
2. Protection is an effort by the government in protecting every victim of every human trafficking case. Victims of human trafficking should be sought to recover

through government-made services through rehabilitation, facilitating every hobby and skill the victims are interested in.

3. Prevention is an effort by the government to prevent the increase of human trafficking. This effort is done through voicing to the public how danger from human trafficking so that people do not plunge into human trafficking circle.

Based on TVPA report 2017, India is included in Tier 2 in the level of human trafficking. In 2002-2011 which is the range of India ratified the Palermo Protocol, India has fluctuated in the level of human trafficking.

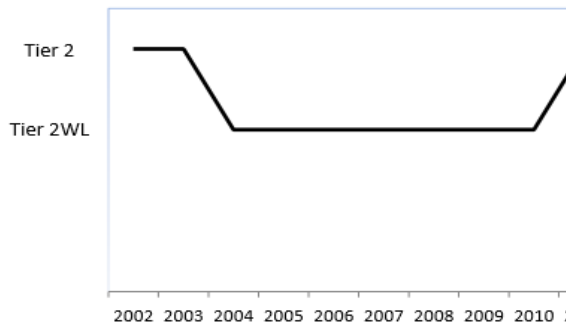


Figure 3.1 Tier India Ranking Chart 2002-2011. Source: Annual TIP Report by US Department States  
<https://www.state.gov/j/tip/rls/tiprpt/in dex.html>

## B. Factors of Human Trafficking in India

There are several causes of human trafficking. The root causes are political, economic, socio-cultural and technological in nature. Although the causes of human trafficking are many and may vary from region to region and from country to country, there are factors that have been observed to be present in many regions and countries where human trafficking is widespread. The root causes of human trafficking have been discussed in the context of

“push” and “pull” factors (The Migration-Trafficking Nexus, 2003).

Push factors are internal problems such as poor socio-economic conditions of a large number of families, poverty coupled with frequent, almost annual natural disasters like floods leading to virtual destitution of some people, lack of education, skill and income opportunities for women (and for their family members) in rural areas, absence of awareness about the activities of traffickers, domestic violence against women, low status of girl children, etc. It appears from the case studies that extreme poverty and other causes of deprivation not only push people to fall in the tripod the traffickers, they also create for some an incentive for trafficking. Often the prostitutes, who have no option to come out of the exploitative environment, gradually develop intimate connections with the traffickers and follow in their footsteps.

While the pull factors are comes from external factors such as lucrative employment propositions in big cities, easy money, promise of better pay and a comfortable life by the trafficking touts and agents, demand of young girls for marriage in other regions, demand for low-paid and underage sweat shop labour, growing demand of young kids for adoption, rise in demand for women in the rapidly expanding sex industry, demand for young girls in places of military concentration like Kashmir in India in recent times, demand for young girls for sexual exploitation as a result of the misconception that physical intimacy with young girls reduces men's chances of contacting HIV/AIDS, or of the myth that sex with a virgin can cure HIV/AIDS and impotence. The rampant practice of female feticide in the northern states of Haryana and Punjab has also fuelled internal trafficking. Since there is a shortage of women in these states having a low female to male ratio, they have become fertile ground for the operation of traffickers. Traffickers procure girls from faraway states like Assam and Orissa; trick their families into believing

they are to be married, only to later push them into prostitution.

Push factors intensify vulnerability to trafficking, pull factors facilitate the demand for trafficked victims in destination countries (The Migration-Trafficking Nexus, 2003). There are three factors that become the main factors that cause human trafficking in India:

### **1. Geography**

India is a country in South Asia region. India is also a country bordering with many countries. The countries directly bordering India are Nepal, Bhutan, China, Bangladesh, Myanmar, Pakistan and Sri Lanka. India's geographical position is also one of the factors of high level of human trafficking in India. This is due to the weak guarding on every Indian border that makes it easy to get in and out of the mafia involved in human trafficking cases. This is evidenced by the high sales of children who are exploited as unskilled laborers between India-Bangladesh and India-Nepal. As a Transit Country, India often gets shipments of women or children from Bangladesh and Nepal who will be sold to the Middle East region. The geographical presence of India, which is affected by the weakness of the government and security officers in guarding the border, has led to an increasing number of human trafficking victims.

### **2. Economy**

India is one of the highest per capita income countries. But at the same time, India is designated as a country with a fairly high poverty of people or people who have opinions far below normal, defeating msikarakat msikin in the Sahara Desert Africa. In 2002 - 2006 India was categorized as a Low-Income country, and in 2007-2011 increased to a country with low middle income. But this is slightly contrary to the increasingly poor condition of the poor. This is due to the unevenly distributed economy of people in India.

many Indians are below the poverty line, but many Indians have high economic levels. The economic inequality that occurred in India was the trigger for the increasing number of trafficking in India. People who are below the poverty line can not afford to support their families because of little or no employment. This causes the public to prefer to enter the human trafficking in India and prefer to trade in order to meet the economic needs and provide for their families.

### **3. Culture**

India is a country that has not recognized the emancipation of women, so the position of women is still lower than men. This also causes an imbalance for women and men in terms of rights and obligations. In Indian culture and customs, men are more predominant and women are always the last priority. The effect of this is how women end up experiencing discrimination in health. The existence of the State of India which is one of the countries that embrace the caste system to make the women should not fight or rebel against orders from family or her husband. This causes anything commanded by the family, so women should not refuse or rebel. The discrimination adopted through this caste system also led to an increase in human trafficking in India.

One culture that until now can not be released in Indian society and that bring a negative impact so that the increasing number of trafficking in India is devadation. Devadation is a culture where the lowest-caste daughters (dalits), who are past puberty, will be married to Hindu priests and will be sexually exploited at the Temple by men with the highest caste. The devadation system is created for certain purposes. The purpose is one of them on the basis of religion. Devadasi performed on women with the lowest caste with the intention that God bless the woman's life as well as her family, so given the abundance of

sustenance. Devadation is also considered as a way to raise family level by marrying Gods and Priests at the Temples. There is another purpose for the devaluation system, namely to eliminate the caste system in India by eliminating the lowest caste system so that it is no longer suppressed and exploited. This devadation system was actively supported by the Pastor with the assumption that marrying God is one of the investments to enter heaven.

In addition to devadation, in India there is also a culture that increasingly discriminates against women. This culture is called "Dowry". Dowry is a culture where women's parties give dowries to men's parties. This maha is either in the form of money, valuables or electronic equipment and furniture. This cultural practice is still practiced in several cities in India. Dowry is called a culture that discriminates women, because the process of giving dowry is not only done before or at the time of marriage, but also after marriage. The men will continue to ask for everything that is needed for the women's parties. The women party must comply with every request of the men, so in this case the woman will experience financial loss due to the request until the end of the marriage bond. Dowry causes, women have to work hard with the goal of sufficient financial life to pay for each request from the men. This system can even cause women to work illegally by selling themselves to meet the needs of the dowry demanded by the men. Dowry culture is still prevalent in several cities in India, and very threatening the position of women in the State of India. Cultural practices that undertaken in India such as Dowry and Devadation are practices that lead to tremendous human trafficking in India and further eroding human rights in India that cause women to be increasingly perceived as weak and unable to rebel against men.