Modern Slavery in India

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Human trafficking has become one of the largest illegal industries worldwide. Considering the grave human rights violations that come from generating huge profits at the expense of human misery, it is of marked concern. This study specifically focuses on human trafficking in India where it is estimated that over half of all trafficking occurs. By examining the anti-trafficking legal framework that exists in India, it becomes possible to identify areas in which improvements could be made. Bonded labor is a particular area of concern as it does not receive the attention it deserves.

The use of people as commodities has been documented extensively in antiquity, with written references to it dating as far back as Mycenaean Greece (around 1200BC). However, only within the last 200 years, as the right of individual freedom developed, has slavery come to be considered an unethical practice. Modern day slavery is often referred to as "human trafficking," a legal term which, in essence, describes the process of enslavement. Despite recent laws that condemn this practice, the enslavement of people worldwide continues. The reality of approximately 27 million enslaved people worldwide is shocking to comprehend.[1] As a result of globalization processes over the last 50 years, slavery has rapidly evolved and adapted into new forms.

The ease of trans-national movement in the 21st century has caused human trafficking to become a highly complex issue. The practice generates an estimated $9 to 31 billion per year for the criminals involved.[2] With human trafficking criminals generating a powerful grasp of the underground economy, overwhelming problems arise, such as rampant bribery and corruption, as well as cultural, race and gender discrimination against those enslaved. However, many people are uniting to fight this global economic phenomenon. Laws have been introduced worldwide to regulate and combat slavery; however, in certain parts of the world they have been difficult to enforce.

To understand how the practice of modern slavery has evolved, this paper will focus on two prevalent forms of slavery in India: sex trafficking and bonded labor. More specifically, I will explore the reasons why human trafficking is such an abundant practice in India, examine the effectiveness of Indian anti-trafficking policies, and seek areas in which improvements could be made. I will begin by inspecting the international legal framework that defines modern slavery and discussing some of the factors involved in the exploitation of people. As a result of the global and borderless nature of the modern slave trade, it is necessary to discuss the primary countries through which slaves are trafficked into India and explore the methods by which people are enslaved. Finally, I will examine Indian policies that directly target sex trafficking and bonded labor. Furthermore, by comparing Indian anti-trafficking policies to UN anti-trafficking policies, I hope to suggest ways to address the rights of human trafficking victims.

Literature Review

Globalization has created a world in which traveling great distances and across borders has become much easier. Although globalization has provided many positive changes, the ease of movement has aided criminals in establishing vast networks that span the globe and facilitate human trafficking. Due to corruption, porous borders, the ease of travel and criminal syndicates running highly organized operations, human trafficking affects a considerable number of nation states worldwide. Although human trafficking is a global phenomenon, the majority of trafficking occurs in India.[3] The complexity of the issue, its relationship to HIV/AIDS (via sex trafficking) and the large number of people currently enslaved worldwide make human trafficking one of the most important issues facing our generation.[4]

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[1] David Batstone, *Not For Sale* (San Francisco: HarperCollins, 2007).
[2] Ibid.
[3] Kevin Bales, *Understanding Global Slavery* (Berkeley: University of California Press, 2005).
[4] Batstone, 2007.

To begin to understand the complex modern slave trade, it is important to define what legally constitutes human trafficking. Defining what constitutes human trafficking has been problematic due to some similarities it shares with smuggling. The UN Convention against Transnational Organized Crime contains the UN Trafficking Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. In this protocol, the following legal definition has been used to establish an international legal framework for defining human trafficking:

> 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. 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.[5]

This legal definition has aided in differentiating human trafficking from human smuggling. It is important to note that people ensnared by human trafficking are often coerced or forced into the situation. This is in contrast to smuggled individuals who generally cooperate to gain illegal entry into a country. Human smuggling always consists of crossing an international border whereas human trafficking does not always necessitate movement across borders.[6]

The environment in which traffickers are able to trap and exploit people is an important aspect to understand when exploring human trafficking. The general consensus is that there are two differing factors that largely determine whether a person will be at risk of being trafficked. Individual/personal factors include poverty, lack of education or illiteracy, disabilities and a variety of problems stemming from dysfunctional family life (physical and sexual abuse).[7] Some of the societal/external factors are gender discrimination, ease of movement and migration, inflation, disasters (environmental, economic or political) and the loss of a long-established livelihood. Individual factors do play roles in determining whether one is more likely to be at risk of being trafficked; however, there is often a cross-over with uncontrollable environmental and societal factors, such as corruption and entrenched cultural gender discrimination.[8]

Traffickers are able to generate tremendous profits and as such they have developed many different types of strategies to ensnare at-risk persons. At times, traffickers will engage in violent methods such as kidnapping, however, coercion and deception are two of the most prevalent forms. Traffickers often entice at-risk persons with jobs in more prosperous countries– thus enticing victims with the prospect of success, economic gain and social mobility. Frequently these job offers will be for modeling, restaurant work, bartending, factory work, domestic work, nannying and the like. Since they are individually or socially vulnerable, the targeted individuals are often unable to discern that they are being duped.[9]

The source of the demand for humans as commodities is one of the most disturbing factors when exploring human trafficking. This is not a new phenomenon. The use of human beings as commodities for absolute financial gain or sexual gratification dates back thousands of years. The mentality of perceiving humans as acceptable, cheap commodities for financial exploitation enables the practice to continue. The U.S. State Department estimates that approximately 800,000 people are trafficked across international borders every year.[10]

A prevalent sub-category of human trafficking is that of sex trafficking. Sex trafficking forces the victims (mostly women and children, but also includes men to a much smaller degree) to perform sexual services. A particular issue with sex trafficking is that often the victims are not aware they will be forced into prostitution. In these cases, rape is often used to indoctrinate victims into the trade. Sex trafficking is fueled by the demand for sex worldwide and especially proliferates in countries where prostitution is legal. Furthermore, it is linked to sex tourism and especially child sex tourism. Sex tourism involves citizens who travel from their country to another specifically to pursue sexual services. This is a practice that particularly attracts sex tourists who wish to engage in sexual acts with children. This horrific practice is enabled by corruption, weak laws and enforcement, the Internet (child pornography rings) and poverty.[11]

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[5] United Nations Office on Drugs and Crime, «UN Convention against Transnational Organized Crime,» United Nations, http://www.unodc.org/pdf/crime/a_res_55/res5525e.pdf.

[6] U.S. Department of State, «Distinctions Between Human Smuggling and Human Trafficking,» http://www.state.gov/g/tip/rls/fs/2005/57345.htm.

[7] P.M. Nair, *Trafficking in Women and Children in India* (New Delhi: Orient Longman, 2005).

[8] Ibid.

[9] Kevin Bales, *Disposable People: New Slavery in the Global Economy* (Berkeley: University of California Press, 1999).

[10] U.S. Department of State, *Trafficking in Persons Report 2007*, "Introduction," http://www.state.gov/g/tip/rls/tiprpt/2007/82799.htm.

[11] U.S. Department of State, *Trafficking in Persons Report 2007*, "The Forms and Impact of Human Trafficking," http://www.state.gov/g/tip/rls/tiprpt/2007/82809.htm.

Another form of trafficking includes debt bondage, also known as bonded labor. This practice flourishes in poor areas where there is abundant illiteracy and lack of education. It involves duping victims into signing contracts, which they often do not understand, and then keeping them in bondage while traffickers charge exorbitant interest rates. The true atrocity of this form of trafficking is that generation after generation can remain enslaved for only initially borrowing a meager sum of money.[12]

Domestic servitude is another form of trafficking. This involves coercion and deception, sometimes with the promise of education. Children are particularly vulnerable to this form of exploitation. Since the victims spend most of their time locked in a house, this is one of the most difficult forms of trafficking for law enforcement agents and citizens to detect. There is a particular demand for trafficked domestic servants in wealthy Asian and Middle Eastern countries.[13]

The use of children as soldiers is yet another particularly troubling form of trafficking. Children are often abducted or coerced to serve in armed conflicts. UNICEF estimates that there are approximately 300,000 children (under 18) involved in armed conflicts worldwide. The children are often psychologically forced to partake in atrocities against their communities so that they cannot return. Female children are often used as sex slaves or married to male combatants and forced to engage in sexual acts.[14]

Similar to horse racing in the United States, camel racing is a popular betting sport in the Middle East. Consequently, a unique form of trafficking has emerged from camel racing. In the quest for faster-performing camels, those in the industry seek the lightest jockeys and as a result children are specifically targeted to become camel jockeys in the Middle East. This demand for child camel jockeys comes from the popularity of betting on camel racing by members of the elite classes. Camel jockeys need to be very light and thus, children (often from Bangladesh and other nearby less developed countries) are trafficked and kept as slaves. Unfortunately, the desire for lightweight jockeys to enable the camel to run faster fuels the trafficking of children as young as three years old.[15]

Traffickers often take advantage of weakly enforced borders. As a result of this, migration patterns are an important dimension to explore. In 2006 there were an estimated 191 million immigrants worldwide.[16] However, reducing this number to those trafficked is problematic due to the secretive nature of the illegal trade and only approximations can be made. Often the migration patterns used by traffickers demonstrate the movement of trafficked persons from poorer countries to wealthier ones. This pattern is a result of economic migration, in which workers migrate to find better wages elsewhere, and one that traffickers exploit to bait potential victims. An example of economic migration can be seen in earnings by Thai construction workers in Japan. The Thai construction workers are paid less than 50 percent of what Japanese workers earn; this amount is the equivalent of up to ten times what they could potentially earn in Thailand. This lure of economic migration, earning money and, traveling, is used as bait by traffickers.[17]

When trafficking constitutes cross-border movement, another important aspect is added: illegal immigration. Traffickers often use high travel costs and the need for fake documents as leverage to cement the debt that must be worked off. Once in the destination, the fear of being imprisoned or deported for illegal immigration is often used as a psychological tool of control by traffickers.[18] Furthermore, being in a foreign environment with a language barrier can solidify a sense of hopelessness.[19]

Considering the many nuances involved, current efforts to combat trafficking as effectively as possible have led to specific migration identification labels. Migration labels are used to determine if a country is a source, destination or transit country. A source country indicates that traffickers specifically target people there to be trafficked either internally or internationally. The Ukraine is an example of a source country. Being a destination country designates that traffickers use the country primarily as a receiving and final destination country. The United States is an example of a destination country. Transit countries are generally thoroughfares to other countries. Sometimes countries can function as destination, source and transit, such as Thailand; however, cases like this are rare. Each of these trafficking patterns requires a different approach in combating the phenomenon; thus, by defining a country as a source, destination or transit country, the most effective tools can be employed.[20]

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[12] Bales, 1999.

[13] U.S. Department of State, *Trafficking in Persons Report 2007*, "The Forms and Impact of Human Trafficking," http://www.state.gov/g/tip/rls/tiprpt/2007/82809.htm.

[14] Ibid.

[15] Ansar Burney Welfare Trust, http://www.ansarburney.com/.

[16] Loring Jones et al, «Globalization and Human Trafficking,» *Journal of Sociology and Social Welfare*, vol. 34, no. 2 (2007): 107-22.

[17] Ibid.

[18] Ibid.

[19] Batstone, 2007.

[20] Jones et al, 2007: 107-22.

The ramifications on the health of trafficked persons are an important aspect of human trafficking. This is of particular concern in a practice that uses violence as a tool of control and severely restricts the movements of individuals. Research has been conducted on females trafficked for prostitution (sex trafficking) who are especially at a heightened risk of sexually transmitted diseases (STDs) through forced unprotected sex. One STD of marked concern is the contraction and spread of HIV/AIDS; in this context, it contributes to a global epidemic and becomes more difficult to track and control. In addition to the health concerns inherent with the trade, there have been documented cases of substance abuse being forced upon trafficked persons as an additional mechanism of control via dependence upon the substance. Substance abuse, in addition to the social isolation, fear of violence and deportation and physical and sexual assaults (such as gang rape, forced oral and anal sex, and forced unprotected sex) has profound health consequences.[21]

In a study conducted by public health officials in the U.S. on trafficked women for the purpose of sex or domestic work the most common symptoms experienced by the interviewed trafficked women were headaches, fatigue, dizzy spells, back pain, memory difficulty, stomach pain, pelvic pain and gynecological infections. Of the 192 women interviewed, over 95 percent stated that they had been physically and sexually assaulted whilst under the control of traffickers.[22] Assuming they are reintegrated, severe societal reintegration and trust issues emerge as a result of physical violence and emotional tolls on a trafficked person.[23] The lack of attention to the health of trafficked persons by the traffickers is most likely a result of the ease of replacing someone (either worked to death or unable to continue work) and also not wanting to risk them speaking with a healthcare provider. This ease in replacing workers demonstrates the large number of vulnerable people worldwide traffickers can exploit.[24]

As a result of differing forms of trafficking, regional nuances, migration patterns, health issues and the widespread nature of the illegal trade, combating trafficking in persons requires a multi-disciplinary approach. The United Nations Office on Drugs and Crime (UNODC), in its work to combat human trafficking, has seen the need for specialized units working in conjunction with NGOs and other agencies to be successful in reducing the number of trafficked persons worldwide. The UNODC has made recommendations on how to begin to combat this trade by providing macro models which can then be tweaked and adjusted as necessary at the individual country level. In order to have the greatest impact, a strong model the UNODC has been advocating is the three "P" model. This model consists of prevention, prosecution and protection. India, for example, has implemented a particular UNODC program called the Integrated Anti-Human Trafficking Unit. As a result of focusing on prevention, prosecution and protection, these specialized units can focus on improving policing and prosecution techniques to establish a decline in the prevalence of human trafficking over time.[25]

Methodology

I will focus on India as my case study because of the vast number of slaves currently in the country. Of the 27 million estimated worldwide slaves, approximately 18 million of them are in India. The population of India is huge (approximately 1.1 billion[26]), so the percentage of the populace enslaved may not seem particularly high. Consider, however, that China, with a comparably large populace, has only approximately 250,000 slaves; therefore, a closer inspection and case study of India are warranted.[27]

The methods I will be using to conduct my case study are examining legal documents (laws and policies), the structure of law enforcement agencies, specifically the Internal Anti-Human Trafficking Units, government and other agencies such as NGOs. I will also look at the Indian response to UN policies such as the 2000 UN Protocol to Suppress and Punish Trafficking in Persons, Especially Women and Children. To obtain figures which attempt to detect the number of people trafficked in India, I will use quantitative statistical reports. In addition to this, I will draw upon qualitative research consisting of interviews conducted by others.

I will focus specifically on the two most prevalent forms of human trafficking in India: sex trafficking and bonded labor. To investigate and understand why India has a particularly high number of slaves, I will conduct sub-case studies on sex trafficking and bonded labor in an attempt to determine how and why they continue to proliferate in the region. Due to the size of the country, I will also concentrate my research on the regional hotspots. Regional hotspots are areas of particularly high trafficking activity and are most likely to be near international borders and large urban centers.

[21] Elizabeth Miller et al, «Migration, Sexual Exploitation and Women's Health,» *Violence Against Women*, vol. 13, no. 5 (2007): 486-97.

[22] Ibid.

[23] Jones et al, 2007: 107-22.

[24] Bales, 1999.

[25] United Nations Office on Drugs and Crime, «Protocol for Integrated Anti Human Trafficking Unit,» United Nations, http://www.unodc.org/pdf/india/iahtu_241207.pdf.

[26] CIA World Factbook, «India,» CIA, https://www.cia.gov/library/publications/the-world-factbook/geos/in.html.

[27] Bales, 2005.

Attaining precise data is a particularly challenging aspect in studying human trafficking, due to its illegal nature. In addition to this, the psychological damage done to trafficking victims can be so immense that simply gaining a small level of trust can be a monumental challenge. However, even though the research conducted in India that I will draw upon to formulate my case study may not be perfect, a starting point is necessary to begin to propose options and take steps to remedy the problem.

The process of forming my case study shall begin by initially attempting to generate an understanding of the underlying vulnerabilities within India that cause people to become vulnerable and at risk of being trafficked. With this information, I will then investigate the methods traffickers employ to enslave people, focusing on sex trafficking and debt-bondage. After examining the conditions that enable trafficking to exist in India and how the traffickers actually enslave people, I will explore what is being done to combat trafficking and then finally attempt to discern why the practice continues to proliferate.

Case Study: India

With approximately one sixth of the world's population (1.1 billion), India is as diverse as it is large. A large majority of the population is Hindu while Muslims, Christians, Sikhs and other religions make up the religious minority.[28] There are over one thousand languages and dialects spoken in India, and simply traveling short distances can mean entering an area with totally different customs and languages.[29] I will focus on two prevalent forms of slavery in India: bondage in the form of labor and bondage in the form of prostitution. Furthermore, I will examine the trafficking migration patterns and the current legal policies the Indian government has in place. By examining the specific trafficking issues related to India, I will suggest ways to enhance the efforts made to help human trafficking victims.

To begin to understand the issue of slavery in India, it is important to note how entrenched it has become in the country. Although historically India has allowed slavery as an institution, its current form and extent is a product of our times. Due to the sheer size of India, the different cultural and linguistic traditions and increasing urbanization, bonded labor has undergone many transformations.

Bondage is a form of slavery that often begins with a loan; as a result of this, bondage is often referred to as "debt bondage." Since there are international, national and local aspects of debt bondage, it can occur in localized situations when villagers become desperate to buy medicines or food. In local villages the lender forces the borrower, his/her child, or sometimes even the family taking out the loan, to work for him/her as collateral until the debt can be repaid.[30] However, since many of the people and/or families are illiterate, borrowers sometimes sign contracts for loans, that in most cases have high interest rates; consequently, the loan is often one of pure extortion and will be very difficult to pay off.[31] Furthermore, the lenders often maintain fraudulent records and/or charge outrageous prices for food, which they force their workers buy from them. The power the lenders hold is so strong and embedded in the society those debts can even be passed through generations.[32]

For the most part, bonded labor in India consists of agricultural maintenance, domestic service and other forms of manual labor such as brick building and carpet weaving. In rural areas one of the oldest forms of bonded labor, in which the loaner provides his laborers with food and shelter in return for working the land is still prevalent. The laborers cannot do any other work or leave without the permission of the loaner; thus, the laborers lose their freedom of movement. The almost feudal aspect of the practice, coupled with repeated threats of violence, enables the perpetuation of debt bondage in rural India.[33]

The feudal aspects of the practice date back some 1,500 years in Indian history. As a result of the vast history associated with bonded labor, it is closely associated with the caste system. An estimated 80 percent of India's current bonded laborers belong to the *Dalit* caste, the lowest caste previously known as "untouchables," and the *adivasi*, who are indigenous tribesmen. It is because of these age-old relationships entrenched by the caste system that recent laws outlawing the practice are not seriously enforced and lenders are rarely prosecuted.[34]

The Indian government outlawed the practice of bonded labor in 1976 with the creation of the Bonded Labour System (Abolition) Act. This act freed bonded laborers by erasing all debts that the laborers owed. It goes even further by mandating that freed laborers receive an economic package from the state, which attempts to enable the laborers to become sustainably independent. Furthermore, the legislation states that anyone using bonded labor is liable to be criminally prosecuted.[35]

[28] CIA World Factbook, «India,» CIA, https://www.cia.gov/library/publications/the-world-factbook/geos/in.html.
[29] Bales, 1999.
[30] Ibid.
[31] Bales, 1999.
[32] Bales, 2005.
[33] Ibid.
[34] Lee Tucker, «Child Slaves in Modern India: The Bonded Labor Problem,» *Human Rights Quarterly*, vol. 19, no. 3 (1997): 572-629.
[35] Ibid.

Bonded labor is clearly a problem that legislators have attempted to address with the Bonded Labour System Act. However, the enforcement of this law has not enabled it to be as successful as it can be. This lack of enforcement is a result of a stratified hierarchy that renders the law extremely ineffective. The law is mandated to be administered by district magistrates (civil servants) who are responsible for prosecuting violators and identifying and freeing bonded laborers in their districts. Furthermore, the district magistrates are responsible for administering economic packages to prevent freed laborers from becoming ensnared again. Considering the size of this task, the law that mandates the district magistrate creates vigilance committees to oversee all parts of the process. In application, the biggest problem with the law has been a lack of total execution; in short, only a small number of vigilance committees have been created and are operational. Likely reasons for this are corruption, lack of political will and an unwillingness among the educated upper castes to prosecute those within their caste who engage in illegal bonded labor practices.[36]

Some forms of bonded slavery in India even exploit situations related to the cultural heritage such as the tradition of the *devadasi*. The ancient Hindu tradition of *devadasi* consists of very poor girls marrying a god to serve him for life. After the marriage the girls move into a temple where they are declared saints and are prohibited from divorcing the god in order to remarry a man. They are barred from leaving the village where the temple is and for centuries the men who run the Hindu temples have used the temples as brothels, turning the women into prostitutes. In order to ensure a steady supply of women and continued income from prostitution, any females born to the women become *devadasi* and are automatically enslaved.[37]

The forms of slavery discussed thus far are some of the types of localized slavery currently occurring in India. However, to understand the greater picture of slavery in India, it is important to explore the migration patterns of persons trafficked to, through, or from India. Not only does this shed light on one of India's most prevalent forms of slavery, but it is critical to finding the trafficking source hotspots and enabling preventative initiatives in these areas. According to the 2007 U.S. State Department Trafficking in Persons Report, India is described as a destination, transit and source country for trafficking. Victims of trafficking not only include women and children, but also men, who are frequently forgotten in the dominant rhetoric of sex trafficking.[38]

Generally, the most economically vulnerable persons are exploited in rural regions and then trafficked across international borders to more economically developed countries. By trafficking persons from poor areas to wealthier countries, and particularly urban areas, traffickers are able to generate huge profits. As posited earlier, it is estimated that trafficking in persons generates an estimated $9 to 31 billion per year.[39] The main two countries that supply India with trafficked persons are Bangladesh and Nepal, due to their close proximity. Since India is also a transit country, many persons trafficked through India find themselves in the Middle East or sometimes even the U.S. and European countries.[40]

Stopping trafficking across international borders is hindered by the difficulties inherent in efficient border control. Porous borders coupled with corruption make preventing illegal border crossings from Bangladesh into the state of West Bengal in India extremely difficult. To put this in perspective, the Bangladeshi border with India is 4,156km. There are only a few legal border crossings scattered across the border and local smugglers are benefiting from the illegal crossings. The smugglers charge around 50 Rupees per person (equal to roughly one dollar and twenty-five cents) and bribe border officials; this is a highly effective system for traffickers to take advantage of and is clearly an issue which both governments need to address.[41]

The situation on the border between India and Nepal is somewhat unorthodox. The border between these countries is also large, but there are only 14 legal entry points. Although the few legal entry points leads to illegal border crossings by citizens who are not Indian or Nepalese, this border is virtually non-existent for people from India and Nepal. This is a result of an agreement made in 1950 between India and Nepal, which enables citizens from these two countries to flow freely across the borders. The free flow of people from India and Nepal ultimately means that there is a lack of immigration control. The lack of records for Nepalese moving across the border into India is problematic for tracking migration patterns and most importantly, trafficked persons. As a result of India being a wealthier country, the trafficking migration pattern appears to be only one-way from Nepal and Bangladesh and not reciprocal.[42]

One of the most alarming facts concerning trafficking in India is that only a very small percentage of trafficked persons are estimated to be from neighboring countries. It

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[36] Ibid.

[37] Bales, 2005.

[38] U.S. Department of State, *Trafficking In Persons Report 2007*, http://www.state.gov/documents/organization/82902.pdf.

[39] Batstone, 2007.

[40] Nair, 2005.

[41] Ibid.

[42] Ibid.

is estimated that only 2.6 percent come from Nepal and 2.17 percent come from Bangladesh. With such a small percentage being trafficked from Bangladesh and Nepal it means that the majority, an estimated 89 percent of trafficked persons in India, are trafficked internally between states. To generate a better understanding of this interstate trafficking and to determine the regional hotspots, I have compiled some statistics gathered from interviews conducted with 1,402 trafficked persons from 11 different Indian states.[43]

Region	Number of People Trafficked To	Number of People Trafficked From	Percentage Difference
Andhra Pradesh	194 (13.8%)	329 (24.5%)	-10.70%
Assam and Meghalaya	41 (2.9%)	43 (3.2%	-0.30%
Bihar	101 (7.2%)	76 (5.6%)	1.60%
Delhi	169 (12%)	5 (0.3%)	11.70%
Goa	89 (6.3%)	7 (0.5%)	5.80%
Karnataka	113 (8%)	190 (14.1%)	-6.10%
Maharashtra	181 (129%)	92 (6.8%)	6.10%
Rajasthan	106 (7.5%)	114 (8.5%)	-1%
Tamil Nadu	181 (12.9%)	156 (11.6%)	1.30%
Uttar Pradesh	133 (9.4%)	98 (7.3%)	2.10%
West Bengal	94 (6.7%)	159 (11.8%)	-5.10%
Bangladesh		15 (1.1%)	
Nepal		55 (4.1%)	
Total	1402	1339	

Table 1. Indian inter-state trafficking patterns

Table 1 shows that only approximately 5 percent of trafficked persons came from Nepal or Bangladesh in this small sample that was compiled in a 2005 study.[44] The low number of trafficked persons from Bangladesh and Nepal could indicate how widespread internal trafficking is within India. Although the statistics indicate that the highest areas where people are trafficked are Andhra Pradesh, Delhi, Maharashtra and Tamil Nadu, the accuracy of these findings may be problematic due to the small sample size. Furthermore, only 11 states of the 28 states in India are represented in this study.

Through this study one can attempt to differentiate which areas are destination hotspots and transit hubs. The state of Delhi, hosting the capital city New Delhi, appears to be a destination-only hub. Maharashtra, host to the largest city in India, Mumbai, also seems to be a destination hub along with Goa. The states that appear to be transit hubs are most obviously Andhra Pradesh, Karnataka and West Bengal. One of the reasons that West Bengal is most likely a transit hub is due to its proximity to Bangladesh in addition to the city of Calcutta. Due to the southern location of Andhra Pradesh and Karnataka, it is likely that many people are trafficked through and from these states to the larger cities

such as Mumbai, New Delhi and Kolkata in the north.

Many of the persons trafficked to the larger cities in India are brought for the purpose of commercial sexual exploitation (prostitution). Sex trafficking, according to the 2000 U.S. Trafficking and Victims Protection Act, is the "recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act."[45] In 1999 there were an estimated 900,000 prostitutes in India. A study conducted in 1996 yielded some important sex trafficking statistical findings. Even though this study is out of date, it demonstrates that the practice of trafficking persons to the larger cities such as Mumbai from states such as Karnataka and Andhra Pradesh has not been adequately addressed. This same study found that 45.6 percent of prostitutes in Mumbai (in the state of Maharashtra) were trafficked from the neighboring state Karnataka. Furthermore, in the city of Bangalore (in the state of Karnataka), a staggering 72.1 percent of prostitutes were from a different state.[46]

The interstate trafficking patterns within India demonstrate that there is a need to focus on curbing trafficking in India itself. According to the U.S. State Department's yearly Trafficking in Persons Report, countries are analyzed and rated by their efforts to combat the scourge of human trafficking. These tiers correspond to criteria based upon government efforts to combat trafficking such as prevention programs and prosecutions. The first-tier country governments are considered to be addressing the issue strongly, while the third-tier countries have not been adequately confronting the issue. India falls into the tier-two watch list. This means that the Indian government is making some progress in confronting trafficking but not adequately fulfilling its potential. Furthermore, the report suggests that India is focusing too much on sex trafficking and not enough on bonded labor. As mentioned earlier, in 1999 there were an estimated 900,000 prostitutes, whereas the U.S. State Department estimates that there are approximately 20 million bonded laborers. Thus, bonded labor clearly affects a considerably larger portion of the populace than sex trafficking.[47]

Perhaps one of the reasons why India is focusing a great deal of resources on sex trafficking is because of the particularly heinous aspects inherent in the practice. The concept of sex slaves constantly being sexually assaulted and violated conjures up strong emotions in the international community and creates more pressure to curb sex trafficking. Furthermore, from an international public relations standpoint, press releases touting brothel

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[43] Ibid.
[44] Ibid.
[45] U.S. Department of State, «Victims Of Trafficking and Violence Protection Act of 2000,» http://www.state.gov/documents/organization/10492.pdf.
[46] Nair, 2005.
[47] U.S. Department of State, *Trafficking In Persons Report 2007*, http://www.state.gov/documents/organization/82902.pdf.

raids are likely to generate more exciting news than raids on agricultural bonded labors which focus attention on India's caste system and entrenched internal issues.

Having examined the two most prevalent forms of trafficking in India and the destination and transport hubs, it is important to explore what India is currently doing and what it can do to further enhance its efforts in combating trafficking. With the help of the United Nations Office on Drugs and Crime (UNODC) India is currently creating and implementing Integrated Anti Human Trafficking Units (IAHTU) at the state level. The creation of IAHTUs in Andhra Pradesh, Bihar, Goa, Maharashtra, and West Bengal is designed to improve policing and prosecution, which should result in a reduction of human trafficking.[48] Although the creation and implementation of IAHTUs targets some important regional hotspots, it fails to address the problem in Delhi. Thus, it is likely that the creation of an IAHTU in Delhi itself would help to seriously curb human trafficking in the area.

Considering the extent of different resources necessary for each level, the IAHTU seeks to bring about cooperation amongst many governmental agencies, NGOs and external parties, such as independent media, which can often be problematic. It is important that the IAHTU (set up within state police departments) maintains the ability to police within a state, but also tracks investigations spilling over state demarcations. This non-state bound jurisdiction is imperative considering the vast majority of trafficking in India occurs within the country between states.[49]

In order for the units to function most efficiently, it is suggested that the IAHTU consist of a broad coalition of police, prosecutors, NGOs, labor representatives, health and welfare workers and others with a vested interest in stopping trafficking. In addition, it is also of the utmost importance that governmental agencies (e.g. health and welfare) and NGOs assist each other by sharing information and intelligence. Local government is essential in locating trafficking hotspots, and the media play an important role by raising awareness and creating a "zero tolerance" approach. Lastly, a key role of the IAHTU is the sharing of database information on not only known traffickers in an attempt to thwart complex organized crime syndicates, but also information on victims and at-risk communities/persons.[50]

Conclusions

Slavery is not legal in India and there are several laws that prohibit the practice. Article 23 of the Indian constitution specifically states that "traffic in human beings and… other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law."[51] However, in regards to international law, India has room to make improvements. India is one of very few countries that has signed but failed to ratify the 2000 UN Protocol to Suppress and Punish Trafficking in Persons, Especially Women and Children.[52] By ratifying this treaty, it would demonstrate to the world a heightened commitment to fight trafficking and hold the country to a higher standard.

Since enforcement of the laws and overcoming corruption are the two largest structural policy issues facing the government, a great deal is riding on the success of the IAHTUs. India has a dismal record for prosecuting and convicting traffickers, and the U.S. State Department Trafficking in Persons Report of 2007 presents staggering findings in this area. Considering the size of the trafficking problem in India, with only 629 prosecutions and 275 convictions throughout the entire South Asian region, clearly not enough is being done.[53]

Tightening the borders shared with Bangladesh and Nepal could possibly yield some small results in reducing trafficking across borders; however, to help the most people affected by slavery, more focus is needed on bonded laborers. As a result of the entrenched nature of the debt bondage system in India, this is one area where enforcement is pivotal in securing the rights and the futures of the poorest people. The Bonded Labour System (Abolition) Act of 1976 needs to be readdressed in order to enhance its ability to protect the poorest people in India. Since the Bonded Labour System Act is coupled with the highly complex cultural construct of the caste system, high levels of pressure and political will are necessary to prompt positive change. Until these issues are seriously addressed by the upper castes, many of the poorest Indians will not have their right to life and liberty as guaranteed to them by the 21st article in the Indian Constitution.[54] This is not an issue that will be quickly and easily overcome, but rather a process which, once fervently begun, has the potential to liberate the most outcast persons in Indian society.

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[48] United Nations Office on Drugs and Crime, «Protocol for Integrated Anti Human Trafficking Unit,» United Nations, http://www.unodc.org/pdf/india/iahtu_241207.pdf.

[49] Ibid.

[50] Ibid.

[51] Ministry of Law, «Articles 1-242,» Government of India, http://lawmin.nic.in/legislative/Art1-242%20(1-88).doc.

[52] United Nations Office on Drugs and Crime, «Signatories to the CTOC Trafficking Protocol,» United Nations, http://www.unodc.org/unodc/en/treaties/CTOC/countrylist-traffickingprotocol.html.

[53] U.S. Department of State, *Trafficking In Persons Report 2007*, http://www.state.gov/documents/organization/82902.pdf.

[54] Ministry of Law, «Articles 1-242,» Government of India, http://lawmin.nic.in/legislative/Art1-242%20(1-88).doc.

The demand for sex is not likely to disappear any time soon. Thus, tackling the issue of sex trafficking carries much more complex dimensions. However, through education, improved women's rights and gender equality, and increased prosecution of sex traffickers coupled with lengthy prison sentences, encouraging results could see the decline of sex trafficking.

Undeniably, the continuation of slavery into the 21st century is not something to be proud of. Thus it is imperative that countries worldwide confront the issue instead of ignoring it or attempting to hide it. With the legal tools already in place to wage this fight and high-profile figures working in conjunction with activists to raise awareness of the issue, there is hope and reason to believe that modern slavery can be eradicated within our lifetime. A passionate activist, Gary Haugen, president of the International Justice Mission, stated, "the greatest and most shameful regrets of history are always about the truth we failed to tell, the evil we failed to name. The greatest enemy in our struggle to stop oppression and injustice is always the insidious etiquette of silence."[55]

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[55] Gary Haugen, *Terrify No More,* (Thomas Nelson, 2005).

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