
**WOMEN EMPOWERMENT: A STUDY OF INTERNATIONAL CONVENTIONS
ON HUMAN TRAFFICKING.**

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Abstract: Millions of Women's are trafficked for the prostitution in India despite India's commitment to combat trafficking under various international human rights treaties. Looking the Indian Penal Code it is not sufficient to combat trafficking and a comprehensive legal reform is required to synergize different legislations and institutional support mechanism. In India thousands of young adults and minor females are trafficked for commercial sexual exploitation in the guise of employment, marriage, and friendship among others. Trafficking Protocol calls upon the state to have a comprehensive policy against trafficking including for the prevention as well as to address vulnerability. United Nations Trafficking Principles and guidelines recommends for reducing the vulnerability including the provisions of genuine livelihood options to traditionally disadvantage groups. The expression human trafficking is used in many legal instruments, until December 2000 it has not been defined. Trafficking is one of the worst forms of Crime in the modern era. Globally more than 20.9 million people are its victims and the majority of girls and women are susceptible to sexual exploitation. The world has moved closer to gender equality and narrowed the gaps in education, health and economic and political opportunity. Woman empowerment can be studied in wide range of economic social and political indicators.

Keywords: Indian Penal Code, United Nations, Legal reforms, Gender indicators.

Introduction : The Paper explores the impact on Women trafficking and the support of international Conventions to take out the women's from all types of vulnerability and to combat trafficking. The Global Slavery Index has ranked India Fourth in the countries having highest numbers of trafficking victims according to the studies of Central Social Welfare board (CSWB) The United Nations Rapporteur on Sale of Children, Child Prostitution and Child Pornography stated all reports indicates a dramatic escalation of the number of sexually exploited children all over the world.¹

Human Trafficking: Trafficking in persons shall mean the recruitment, transportations, 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 person 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 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.²

The definition is divided into three components namely a) Act , b) Means, c) Purpose. The explanatory report of European Convention provides the explanation of the definition which explains abuse of the position of vulnerability the vulnerability depends upon any kind whether physical, psychological, emotional, family related , social and economic.³

Legislative Framework : A number of international instruments are published by the UN conventions in general and International Labour Organizations, As per the Immoral Traffic (Prevention) Act 1956(ITPA), Section 5 of Immoral Traffic (Prevention) Act 1956, makes procuring, inducing or taking a person for the sake of prostitution as a punishable offence, whereas **Section 8 : The women and children are subjected to the offence are firstly arrested as prostitutes.**

The Indian Parliament enacted the The Criminal Law (Amendment) Act 2013 which deals with mainly trafficking . Under the Indian Penal Code 1860, Section 370 criminalises anyone who recruits, transports, harbours , transfers or receives a person of exploitation. The Punishment ranges from 7 to 10 years of rigorous imprisonment with Fine. Further Section 370 A is for engaging with trafficked minor or adult for sexual exploitation.⁴

The United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 2000, is the main international instrument in the fight against transnational organized crime. It opened for signature by Member States at a High-level Political Conference convened for that purpose in Palermo, Italy, on 12-15 December 2000 and entered into force on 29 September 2003. The Convention is further supplemented by three Protocols, which target specific areas and manifestations of organized crime: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. Countries must become parties to the Convention itself before they can become parties to any of the Protocols.

The Convention represents a major step forward in the fight against transnational organized crime and signifies the recognition by Member States of the seriousness of the problems posed by it, as well as the need to foster and enhance close international

cooperation in order to tackle those problems. States that ratify this instrument commit themselves to taking a series of measures against transnational organized crime, including the creation of domestic criminal offences (participation in an organized criminal group, money laundering, corruption and obstruction of justice); the adoption of new and sweeping frameworks for extradition, mutual legal assistance and law enforcement cooperation; and the promotion of training and technical assistance for building or upgrading the necessary capacity of national authorities.

The **Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children**, was adopted by General Assembly resolution 55/25. It entered into force on 25 December 2003. It is the first global legally binding instrument with an agreed definition on trafficking in persons. The intention behind this definition is to facilitate convergence in national approaches with regard to the establishment of domestic criminal offences that would support efficient international cooperation in investigating and prosecuting trafficking in persons cases. An additional objective of the Protocol is to protect and assist the victims of trafficking in persons with full respect for their human rights.

The **Protocol against the Smuggling of Migrants by Land, Sea and Air**, adopted by General Assembly resolution 55/25, entered into force on 28 January 2004. It deals with the growing problem of organized criminal groups who smuggle migrants, often at high risk to the migrants and at great profit for the offenders. A major achievement of the Protocol was that, for the first time in a global international instrument, a definition of smuggling of migrants was developed and agreed upon. The Protocol aims at preventing and combating the smuggling of migrants, as well as promoting cooperation among States parties, while protecting the rights of smuggled migrants and preventing the worst forms of their exploitation which often characterize the smuggling process.

The **Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition** was adopted by General Assembly resolution 55/255 of 31 May 2001. It entered into force on 3 July 2005. The objective of the Protocol, which is the first legally binding instrument on small arms that has been adopted at the global level, is to promote, facilitate and strengthen cooperation among States Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. By ratifying the Protocol, States make a commitment to adopt a series of crime-control measures and implement in their domestic legal order three sets of normative provisions: the first one relates to the establishment of criminal offenses related to illegal manufacturing of, and trafficking in, firearms on the basis

of the Protocol requirements and definitions; the second to a system of government authorizations or licensing intending to ensure legitimate manufacturing of, and trafficking in, firearms; and the third one to the marking and tracing of firearms.

Two International Labour Organization (ILO) conventions focus on forced labour or services: The ILO Forced Labour Convention (Convention No. 29 of 1930) and its newly adopted Protocol, which defines forced or compulsory labour, and the ILO Abolition of Forced Labour Convention (Convention No. 105 of 1957). The Slavery Convention (1926) defines slavery, and its Supplementary Convention describes “practices similar to slavery,” including debt bondage, and institutions and practices that discriminate against women in the context of marriage. The UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949) requires States to punish any person who exploits the prostitution of another. The International Covenant on Civil and Political Rights (ICCPR) prohibits a number of practices directly related to trafficking, including slavery, the slave trade, servitude and forced labour. Instruments Concerning the Trafficking of Women The Convention on the Elimination of All Forms of Discrimination against Women requires States to take all appropriate measures to suppress all forms of trafficking in women and exploitation of prostitution of women. General recommendation No. 19 identifies trafficking as a form of violence against women because it puts women at special risk of violence and abuse. Trafficking is incompatible with the equal enjoyment of rights by women and with the respect for their rights and dignity

Instruments Concerning the Trafficking of Children Some international instruments have specific provisions concerning the trafficking of children. The Convention on the Rights of the Child (1989), and the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography (2000), prohibit trafficking in children for any purpose, including for exploitive and forced labour. Article 39 of the CRC requires States to “take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse.” The CRC also requires States to recognize the right of every child to education (Article 28) and “to facilities for the treatment of illness and rehabilitation of health” (Article 24). The Optional Protocol to the Convention on the Sale of Children specifies particular forms of protection and assistance to be made available to child victims. Additionally, the ILO’s Worst Forms of Child Labour Convention (Convention No. 182 of 1999) prohibits perpetrators from using children under 18 years of age for all forms of slavery or practices similar to slavery, trafficking, debt bondage, serfdom, forced or compulsory labour, and prostitution. Article 7(2)(b) and (c) requires States to take

effective and timely measures to provide for the rehabilitation and social integration of former victims of the worst forms of child labour, including trafficking, as well as to ensure their access to free basic education, and, wherever possible and appropriate, vocational training.

Some instruments contain specific provisions for addressing the needs of foreign victims. Article 7 of the Palermo Protocol says States should consider potential measures for allowing foreign trafficking victims to remain, temporarily or permanently, in the state in which they were trafficked. The UN High Commissioner for Refugees (UNHCR) has noted that some people who have been trafficked or who are at risk of being trafficked may be entitled to international refugee protection under the Convention relating to the Status of Refugees (1951) and its 1967 Protocol if they have a well founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion. Article 8 of the Palermo Protocol deals with the possible repatriation of trafficking victims. It notes that when a State returns a victim it should do so with due regard for the safety of that person. Repatriation “shall preferably be voluntary.” A person’s right to return to his or her country of origin is affirmed by the International Covenant on Civil and Political Rights. Additionally, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990) expands the rights of migrant workers and calls upon States to effectively protect their rights as reflected in article 68.

PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME : 2000.

Article 9 Prevention of trafficking in persons 1.

States Parties shall establish comprehensive policies, programmes and other measures:

(a) To prevent and combat trafficking in persons; and

1. To protect victims of trafficking in persons, especially women and children, from re-victimization.
2. States Parties shall endeavour to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons.
3. Policies, programmes and other measures established in accordance with this article shall, as appropriate, include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.

4. States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.

5. States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.⁵

Suggestions :

1. In *Horilal v. Commissioner of Police Delhi* Supreme Court issued detailed guidelines addressing the issues of missing children including registration of FIR creating institutional support mechanism for tracing of children, this must be implemented very strictly.
2. The Legal provisions are scattered in different legislations namely Immoral Traffic (Prevention) Act 1956(ITPA), Juvenile Justice Act, Indian Penal Code there is complete lack of synergy among them.
3. Sexual orientation of each person should be understood. The mental pain and Psychological conditions of womans shall be understood at broader level.
4. Women empowerment shall start from own house as it a societal change hence society begins from the home itself.

Conclusions:

The supreme Court of India held in *Bachpan Bacaho Andolan* case the honourable court rightly observed that women and children do not usually come to brothel on their own will, but are brought through highly systematic, organised and illegal trafficking networks run by experienced networks run by experienced individuals who buy transport and sell children into prostitution. Secondly there is no serious efforts to bring synergy between different legislations. Overall there is a need to take efforts to change the mindset as well as bring awareness to combat trafficking in any form practised anywhere in the world.

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