

# Role of Forensic Science in the Perspective of Human Trafficking

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**How to cite this article:** Salma Begam. Role of Forensic Science in the Perspective of Human Trafficking. Medico Legal Update, Vol 23 Special Issue 2023.

## Abstract

In this article, the status of human trafficking in India will be presented. Human trafficking is one of the speediest expanding and profitable types of offence not only in India but Internationally too. This form of modern-day slavery contains miscellaneous exercises of human exploitation such as sex trafficking, forced labour, marriage, begging, and illegal organ transplantation. On the other hand, central reasons or vulnerability components of trafficking such as structural inequality, culturally sanctioned traditions, deprivation or financial insecurity, bonded labour, and gender violence, which are outlying and aggravated by disintegration, have stuck around unrecognised in intellectual and policy provinces. The significance of Human trafficking impacts all nations and destroys sufferers and society while affecting social, economic, and health costs. This paper argues that the focus is required to be conveyed to such underlying sources and manners by which this corruption is expanding. There is high need to look out for the laws made for crimes related to human trafficking, to protect the human of the trafficked persons in India. Hence, it furnishes some preventive actions to restrain and deal with the nuisance.

**Keywords:** Human Trafficking, Victim, Clinical Forensic Examination, Age estimation, Preventive measures.

## Introduction

Trafficking in human beings (THB) is identified as an international public health problem as well as a violation of human rights. The main goal of Trafficking is sexual exploitation and it's evolving into an increasingly predominant subject around the world. The international and Indian lawful explanations of bonded labour, child labour and sex trafficking taken up throughout the report are underlined in this section. Under section 370 IPC, trafficking of individuals for "physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude and the forced removal of organs" is forbidden. Heretofore, India signed the Palermo Protocol and amended its Penal Code, and trafficking of individuals for the intention of sexual exploitation has been exhaustively restricted. The

Immoral Traffic in Persons Act 1956 also restricts the procuring, inducing or taking of an individual for the intention of prostitution. The Protection of Children from Sexual Offences Act 2012 restricts the capacity of sexual offences against juveniles under the age of 18<sup>1</sup>. Trafficking can incorporate numerous diverse ingredients which can contain sex trafficking, labour trafficking, and organ trafficking. Sex trafficking is human trafficking into prostitution. Labour trafficking is when an individual is trafficked into employment that is non-sexual. Lastly, organ trafficking is when the public is trafficked so their organs can be traded to be utilised for transplants<sup>2</sup>. Illustrations of commitments may incorporate false job possibilities or marriages in foreign nations. To ascertain that human trafficking is still going on around the world. As per the Walk Free Foundation

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Global Slavery Index 2014, India is home to an estimated 14 million victims of human trafficking, incorporating victims of sex trafficking, bonded labour, child labour, domestic servitude and forced marriage. According to India's 2008 Integrated Plan of Action to Prevent and Combat Human Trafficking, the scale of the situation is tremendous "both in [the] number of trafficked persons and an increasing number of zones". To tackle human trafficking, prosecution and punishment of offenders must be tracked down as well as lawful measures to snatch the acquisitions and earnings of traffickers. Trafficking has been distinguished to be associated with various health threats comprising psychological trauma, damages from violence, and substance misuse. People and media reports indicate that the morbidity and mortality associated with trafficking are tangible. The essential for medico-legal healthcare for THB sufferers is being overlooked. Trafficking is one of the extensively dynamically prospering structures of crime because of its remarkable regional and international market, increased earnings (approximately \$180 billion/year), minimum risk, and frequently downward starting costs. Human trafficking is one of the most promising multinational crimes situated only after the drug and arms trade. In contrast, an individual can be sold without advanced activities, e.g., by simply operating the internet. Victims are usually compelled by a person who they probably believe is a friend, boyfriend/girlfriend, or even by family. In multiple circumstances, women can be lead recruiters for sex trafficking since they can more likely inspire faith in girls and other women<sup>3</sup>.

### **What is Human Trafficking?**

Trafficking denotes an unlawful business. Human trafficking is conducting marketing on humans. Human trafficking across the globe is primarily done for sexual exploitation where women and children turn into victims to it. Human Trafficking is defined as "the recruitment, harbouring, transportation, provision, or obtaining of an individual for labour or services, through the use of force, fraud, or coercion for subjection to involuntary servitude, peonage, debt bondage, or slavery". Additionally, more than half of the sufferers are in forced or bonded labour they are performing 12 or more hours a day in brick kilns, textile factories, agriculture, or stone quarries.

Their lives, and oftentimes the lives of their entire families, are marked by inhumane working and residency situations, handled by leaders who consider them commodities.

COVID-19 expanded the cases of bonded labour, as traffickers attracted the jobless with money betterment, simply to catch up with them in the cycle of debt bondage.

Indian expatriates pursuing employment in low-skilled sectors, such as household work and construction, also become tangled in labour trafficking in diverse nations, mostly in the Gulf countries, such as the U.A.E., and Malaysia<sup>4</sup>.

### **For what purpose do humans get trafficked?**

Human trafficking in India concerns those extensively vulnerable in the community. The most at-risk are those from lower social categories, living in deprivation, without a substantial lineage facility, and with nominal education.

Women and girls from the downward "Dalit" caste in India are sometimes "married" in a ritual to a regional temple deity. However, they become, in essence, sex slaves of the higher caste villagers.

Women and girls from Nepal and Bangladesh are constantly cheated into obtaining deceitful jobs in India, only to become-caught up in sex trafficking. Traffickers also manipulate women and girls from Central Asia, Europe, and Africa for commercial sex in Goa State<sup>5</sup>.

There are several contributing characteristics for marketing in human beings particularly in women and children. The characteristics of trafficking in women and children can be divided into two categories: push and pull factors. The push factors include poor socio-economic conditions of a large number of families, deprivation associated with frequent, practically annual natural disasters like overflows leading to virtual deprivation of some public, scarcity of education, skill and earnings possibilities for women (and for their family members) in rural regions, lack of awareness about the exercises of traffickers, coercion to gather money for dowries which directs to transmitting daughters to outlying areas for employment, dysfunctional family life, domestic violence against women, low quality of girl children,

etc. Usually, the prostitutes, who have no choice but to come out of the exploitative environment, slowly evolve inseparable relations with the traffickers and follow in their footsteps.

The pull factors are lucrative occupation offers in large cities, manageable money, the assurance of better wages and satisfied life by the trafficking touts and dealers, the market of young girls for weddings in other areas, demand for low-paid and underage sweatshop labour, prospering demand of young kids for adoption, rise in the market for women in the rapidly boosting sex industry, the market for young girls in places of military engagement like Kashmir in India in current periods, the market for young girls for sexual exploitation as a consequence of the deception that physical intimacy with young girls diminishes men's probability of contracting HIV/AIDS, or of the myth that sex with a virgin can cure HIV/AIDS and impotence. The uncontrolled tradition of female foeticide in the northern states of Haryana and Punjab has also fuelled interior trafficking. Since there is a deficiency of women in these States having a low female-to-male ratio, they have evolved as fertile ground for the process of traffickers.

Traffickers procure girls from faraway states like Assam and Orissa; and trick their families into believing they are to be married, only to drive them into prostitution.

These cause direct improved migration but a situation of provincial migration due to multiple guidelines of the State. People use smuggling channels for human trafficking disclosing themselves to exploitation, cunning, brutality and misuse<sup>6</sup>.

### **Impact of Human Trafficking on the Indian Economy**

Despite human improvement in civil rights, slavery goes on to be an approvingly promising crime because:

- The perpetrators are infrequently seized and assembled to encounter criminal prosecution (because most of the public is woefully unknowing of the indications)
- The existing sentences are excessively indulgent to fit the criminality, failing to prevent prospective ones

- The unlawful market for forced labour and sexual exploitation around the globe is greedy
- unlike drugs and numerous other unlawful entities, human beings can be resold multiple times, making them an "attractive investment" for black market customers<sup>7</sup>.

All of these aspects make human trafficking a "low risk / high reward" venture for organised crime and other underground factions, with a net profit margin of over 70 per cent of the 150 billion, a third of the profits are made from forced labour, while the other two-thirds are gained from commercial sexual exploitation (typically of women and children).

### **❖ The Financial Impact of Human Trafficking**

Similarly engaging in performs that are unspeakably evil and illegal, human traffickers are stealing from their homelands as well as the transnational economy by utilising outside of ancestral regulations.

### **❖ Black Market Profits Are Not Taxed**

Payoffs earned from trafficking human beings cannot boost economising as they are preserved disseminating between unlawful associations and terrorist groups, financing illegal drugs, arms deals, and corrupt, abusive regimes. Undercover markets of this nature vandalise the economy and syphon money away from legitimate corporation exchanges.

### **❖ Human Trafficking Victims Need Government Funding Help**

Child labour and sexual exploitation cause irreparable, unbearable trauma for life, taking away victims of normalcy and putting some on the path to perpetuate the process of misuse onto others. Adults pushed or misled into captivity are psychologically (and often physically) harmed for life as well<sup>8</sup>.

As such, trauma, suffering, and illness can generate whole generations incompetent to perform and function on their own, retaining to evolve reliant on administration welfare systems to make ends meet. The ones who are competent to work frequently have a difficult time acquiring employment due to criminal records associated with their backgrounds (such as past prostitution charges).

In other words, we can say trafficking survivors struggle with re-integrating into the community and require taxpayer funds to survive floating. And they earn that subsidy for what they have been through! But the truth stays: these individuals could have been fully operating fellows of the community contributing to its economy, had their psyches and bodies not been eradicated by having been ensured assistance<sup>9</sup>.

#### Crimes related to Human Trafficking in India:

- Heads of crime which are related to human trafficking.
- Importation of girls from foreign countries (Sec. 366B IPC)
- Procurement of minor girls (section 366-A IPC)
- Buying of minors for prostitution (section 373 IPC)<sup>[SEP]</sup> (previously known as buying of girls for prostitution)
- Selling of minors for prostitution (Section 372 IPC (in previous editions, data was collected under buying of girls for prostitution)
- Immoral Traffic (Prevention) Act 1956
- Human trafficking (section 370 & 370A IPC), after enactment of the Criminal Law (Amendment) Act 2013.
- The Indian Constitution of India prohibits trafficking in individuals and guarantees many of the internationally recognised diverse human rights criteria such as the right to life and personal liberty, the right to equality, the right to freedom, and the right to constitutional remedies. The right to be free from exploitation is also assured as one of the fundamental rights of any individual living in India.
- Around 3.13 lakh girls and women went missing in the country in the three years between 2019 and 2021, with Madhya Pradesh accounting for the highest at nearly two lakhs, closely followed by West Bengal, the Ministry of Home Affairs has informed the Rajya Sabha. Minister of State for Home Affairs, Ajay Kumar Mishra told the Rajya Sabha on July 26 that 10,61,648 women above 18 years and 2,51,430 girls below 18 years went missing between 2019 and 2021 across the country. "In 2019, the number of girls and women who went missing was 82,084 and

3,42,168 respectively, while in 2020, 79, 233 girls and 3,44,422 women went missing," he said<sup>10</sup>.

#### Role of Forensic Science regarding Human Trafficking

In Human Trafficking Forensic Science plays a vital role. Forensic medical examination should cover a "Head-to-toe" assessment, necessarily systematic and detailed, that strives to uncover all injuries and marks. If deemed necessary, the assessment should expand to the use of imaging procedures, laboratory examinations, and other additional diagnostics. The discoveries of such assessment must be accurately written down and recorded.

Although damages are primarily non-specific, the so-called routine of injury has a tell-tale identification for the tool that imposed it. The index of tools is indefinite. Naturally used ones are hands, belts, baseball bats, kitchen utensils and curling irons.

Each of these tools takes off a skin footprint that recollects its outline and is, therefore, striking to it. Pattern injuries are invariably reproducible. They can be categorised into three major classifications, according to their origin: blunt force, sharp force and thermal. Understanding pattern injuries and the detailed documentation as to the anatomic spot of each injury will aid the PS and law enforcement authority in specifying what implement, tool or weapon was accountable for assembling a respective wound. Comprehending which tool or weapon was used will enable the experimenter to specify if the injury is persistent or inconsistent with the chronology given. The offending weapon, periodically of extraordinary shape or composition, when adequate coercion is pertained to, will forge a mirror image of itself onto the skin. Examples contain slap marks from the hand digits traced, looped or flat contusions from belts or cords, contusions from fingertip force, scratches from fingernails, parallel contusions from communication with a linear entity, and contusions from the heels and soles of shoes.

The courting or ageing of a contusion or bruise has been the preoccupation of much controversy within the forensic community. Examples of practice bruises include fingernail scratches, bite marks, imprints of carpet fabric, and ligature marks around

the wrist or neck. A thermal pattern injury is an injury whose humiliating force is hectic and whose physical formation misrepresents the warmth source, such as flat iron burns, curling iron burns, splash burns, and immersion burns.

Forensic assessment of sexually maltreat and/or played with victims of trafficking may give further evidence such as with a contemporary cessation of pregnancy (abortion), as well as genital and/or anal injuries. Similarly documenting injuries, a medical assessment may demonstrate disorders such as malnutrition, vitamin shortcomings or other alterations due to, for example, inhuman therapy. Such evidence may be used to verify a victim or witness statement. Occasionally it will be essential to compile more evidence, such as inconclusive, by on-site examination that may deliver further details on the confinement in slave-like situations.

Reasonable and convenient collection of forensic specimens (orifice swabs, hair, blood, urine, etc.) is an essential element of victim assessment. Specimens should be svS-automatically accumulated, marked and stored for future investigations if required. Forensic age diagnosis for criminal research should consist of a clinical assessment, containing the recording of body proportion and an evaluation of indications of sexual maturity, an X-ray examination of the left hand, and a dental examination that records the dentition situation and assesses the dental radiography (ortho-pantomogram). A lot of investigation has already been done in the domain and the consequences furnished by the overseeing Study Group for Forensic Age Estimation which has 50 members from Germany, Austria, Norway, and Switzerland are available. Ultimately, clinical assessment of a victim of trafficking in human beings is a good screening prospect for sexually transmitted diseases (syphilis, gonorrhoea, chlamydia), as well as for other diseases that may be sexually transmitted (HIV/AIDS, hepatitis B and hepatitis C). The significance of such testing is numerous - for the victims themselves, but also public health and epidemiological connotations<sup>11</sup>.

#### **Preventive action we can take to control human trafficking such as:**

##### ➤ Border measures

Rigorous punishment should enforce cross-border trafficking, invulnerable Vigilance in Trafficking highways and reasonable colonial accountability are required.

##### ➤ Economic and social approaches

- Enduring actions to increase levels of social preservation and to develop occupation possibilities.
- Putting up rightful measures to eradicate intolerance against women in the field of employment to ensure, based on gender equality, the right to equal pay for equal work and the right to equality in employment opportunities.
- Developing programmes that offer livelihood opportunities and incorporate basic education, literacy, communication and other skills, and decrease obstacles to entrepreneurship.
- Facilitating gender sensitisation and education on equal and respectful connections between the sexes, thus averting violence against women.
- Assuring that approaches are in place that allow women equal access to and control over economic and financial resources.

##### ➤ Awareness-raising measures

With the assistance of NGOs and Police officials there can be some kinds of advertisements through the widespread media in respective locations and by performing some awareness programs in villages, local schools, among kids of the poor society and public to be alert of being oppressed.

##### ➤ Legislative measures

Embracing or maintaining legislative, proper law enforcement, uncorrupt officials, educational, social, cultural or other measures and, where appropriate, penal legislation, comprising through bilateral and multilateral cooperation, to prevent the ultimatum that fosters all forms of exploitation of individuals, especially women and children, and that oversees to trafficking.

##### ➤ Project Swayangsiddha

- A similar movement, undertaken by West Bengal police in 2018, project swayangsiddha which in English

means self-reliant, intended to decrease the preponderance of child marriage and human trafficking. Through awareness-raising activities in schools and education dissemination to lower vulnerability to trafficking, the West Bengal police's purpose is to make a difference. "Strengthening credentials to schemes and entitlements on education, training, livelihood and food protection for vulnerable parties is also a significant portion of Swayangsiddha," an article by All India Trinamool Congress says.

- The prosperous Bengal model of Swayangsiddha has been enlightened by NGO Shakti Vahini and the U.S. Consulate Kolkata to enforce the program in 2022 in the states of Bihar, Jharkhand and Assam.
- Though eliminating human trafficking is not an easy feat, actions such as spreading awareness among people, reinforcing law and order, investing in education and employment and working together with civil societies can enormously decrease the prevalence of human trafficking in India.

The National Commission for Women (NCW) established a new anti-trafficking department to construct the accommodation of Anti-Human Trafficking Units (AHTUs). The government endorsed a new program to subsidise state and territory development of protection assistance for child victims of crime, including trafficking<sup>12</sup>.

### Conclusion

Human trafficking is a multidimensional offence, and because of its tremendous hierarchy likely will not be eradicated. Human trafficking endangers the dignity and protection of trafficked people and harshly infringes their human rights. Indian Constitution guarantees the equal rights of men and women, but they are constantly merely rhetoric when it comes to the question of realistic enactment. To fight trafficking and thus defend the human rights of helpless people, the powerful political will of the administration is important in executing their anti-trafficking proclamations. Thus, we can say any offence that can be utilised as a business one day

evolves into a major sociable evil as in the case of human trafficking.

The issue is still in our hands to be decoded if substantial actions are carried out gradually and policies are made and executed strictly. If timely efforts are not taken, then in a very short time it will be too late.

Regardless, every probable action should be carried out to support victims in attaining a better quality of life; diminish the number of issues; boost detection, prosecution, and convictions of traffickers; and increase awareness of the public about the human trafficking problem.

**Conflict Of Interest:** Authors do not have any conflict of interest.

**Source Of Funding:** No funding provided.

**Ethical Clearance:** No ethical required for the work.

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