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Globalization, Human Trafficking, and Human Rights

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ABSTRACT

Human Trafficking is a pertinent issue across the world, there are a variety of ways of exploitation such as prostitution, forced labour, child labour, etc... Unfortunately, globalization eased and facilitated businessmen by opening the borders for transactions. There are certain countries that consider prostitution lawful while certain countries do not. Firstly, this paper discusses the concepts of Globalization, Human Trafficking, and Market system and co-relates these concepts with each other. As a result of co-relation, it is shown that the countries benefit economically by allowing prostitution. The aid of these illegal practices in the growth of the economy of the nations (that allow prostitution) leads to the conclusion that these countries prioritize their Economy over Human Rights. Therefore, the practice of legal prostitution has to be stopped as they are bound to abide by various international conventions. The limitation of this paper is that it does not discuss the positive effects or the rights that are entitled to the people involved or forced to be involved in prostitution, in other words, sex workers.

Keywords: Human Trafficking, Market systems, Human Rights.

I. INTRODUCTION

“The term ‘globalization’ is widely used to describe a variety of economic, cultural, social, and political changes that have shaped the world over the past 50-odd years. Because it is a complex and multifaceted phenomenon, globalization has been credited with a wide range of powers and effects”.² This paper discusses how ‘human trafficking’ across an international border is connected with the economy of the nations and what should the nations’ role be in prioritizing its interests. The exploitation of individuals post-human trafficking could be for many purposes, “statistics of UNODC 79% of detected trafficking victims across 52 countries were victims of sexual exploitation, 18% of forced labour, and 3% of other forms (UNODC, 2009). Here the most exploited section of society is women and then children. As per a 2012’s report, it is 58% of trafficked victims are used for sexual exploitation.”³ The conjoint understanding of

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² Guttal, Shalmali, ‘Globalisation’, Development in Practice, [2007] 17 JSTOR 523

³ Alexis, ‘Understanding Human Trafficking As A Market System: Addressing The Demand Side Of Trafficking For Sexual Exploitation’, Vol. 85, 2014/3, Cairn

globalization and human trafficking takes us through ‘how’ the concept has changed post the evolution of globalization, in modern days. It is followed by the interconnection between human trafficking, the economy, and the global market. Further, the existing human rights across borders followed by the remedies lead to the paper’s main conclusion. The main conclusion is that the countries that permit prostitution, and do not take heavy measures must stop prostitution so that they could realize the significance of the consequence followed by it.

II. INTRODUCING GLOBALIZATION, HUMAN TRAFFICKING, AND MARKET SYSTEM

Due to globalization, every business has grown rapidly as ever before, the possibility has expanded its bounds. For example, people in the Southern part of Tamil Nadu, India could eat authentic Italian food such as Pasta, Lasagne, etc... People from South Africa could access Apple products founded in the United States. The growth of technology, coupled with the growth in communication through technology and transportation has facilitated the outreach of cultures and political changes which finely affects the economy and social changes across the world. Globalization has changed the perspective of businessmen as that, the entire world is one huge market.

The action of human trafficking is defined by the United Nations as “it is the recruitment, transportation, transfer, harbouring or receipt of people through force, fraud or deception, with the aim of exploiting organized them for profit”.⁴ While this is understood which is relevant for further discussion in our paper, it is also important to understand what a market system is. As per several international and domestic sovereign frameworks and conventions, human trafficking is a serious crime performed all across borders and has to be restricted to the maximum extent possible. United Nations Convention on Transnational Organised Crime (UNTOC) defines what is organized criminal group is under Article 2(a).⁵ The definition gives the elements that are necessary to include an action as an organized crime, they are, a.) a group of three or more formed intentionally and b.) that existed for a brief time and c.) that which committed at least one heinous crime which was aimed to obtain financial or some form of benefit. Human Trafficking fits all the said criteria and is considered an organized crime across transnational borders.⁶ The answer to how Human Trafficking fit under the head of organized crime is discussed below. Statistics provide that in the year 2005, there were about 2.4 million

⁴ ‘Human Trafficking,’ (*United Nations Office on Drugs and Crime*)

<<https://www.unodc.org/unodc/en/human-Trafficking/Human-Trafficking.html>> accessed on 1 November

⁵ ‘Transnational Organized Crime,’ (*United Nations Office on Drugs and Crime*)

<<https://www.unodc.org/ropan/en/organized-crime.html>> accessed on 1 November

⁶ ‘United Nations Convention on Transnational Organised Crime and the Protocols thereto,’ (*United Nations Office on Drugs and Crime*)

<<https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>> accessed on 1 November

people who were identified as victims of human trafficking according to the International Labour Organization.⁷ Experts say that the profit earned by the criminal groups would be about \$3 billion per year and that this is one of the most lucrative crimes.⁸ The various categories of human exploitation are prostitution (which is a major concern in this paper), forced labour (here it includes only adults), child labour, etc...

Market in itself a system that has to be understood with the help of a few economic terms such as supply, demand, cost, and other terms like a unique selling point and quality of the commodity, etc... The market system works in two ways when a commodity has to be used to earn profits. The first approach is, when there is a demand that exists in society, the supply follows, and hence the supply of commodities in an appropriate manner in the expected selling points at affordable prices helps the businessmen earn profits. The other approach in the market system is that a commodity has been supplied among the society and advertised so much that the people who feel the need become customers which in other words is creating demand to sell and earn. This successful play of supply and demand with the exchange of commodities and benefits constitutes a market system.⁹ For example, Coca-Cola is globally standardized and ran successfully across borders and also ingrained the taste, and flavor to the locals in different countries.¹⁰

III. UNDESIRABLE USE OF THE OPPORTUNITY AND ITS IMPACT ON THE ECONOMY OF THE NATIONS

As we have a fair understanding of the concepts of Globalization, human trafficking, and Globalization, let us proceed to understand the linkage between each of these terms and the potential it has in society and individual human lives. Human Trafficking is a crime as per international law and many domestic laws. As the world has opened itself for opportunities, these opportunities were misused by criminal minds as well. There are fundamentally three levels in human trafficking they are 1. Recruiters, people who facilitate recruitment, agents, etc., 2. Employers, owners, managers, etc., 3. Clients and customers of prostitutes. The opening of markets and borders with fewer restrictions has provided them the opportunity to connect more than before such as the local exploitation of humans had developed to a transborder stage. As provided above this is an organized crime, where the ‘demand’ in the market is created by

⁷ ‘Human Trafficking – People for Sale’, (*United Nations Office on Drugs and Crime*) <<https://www.unodc.org/toc/en/crimes/human-trafficking.html>> accessed on 1 November

⁸ Supra (n 5)

⁹ Supra (n 2)

¹⁰ Theodore Levitt, ‘The Globalization of Markets,’ (*Harvard Business Review*) <<https://hbr.org/1983/05/the-globalization-of-markets>> accessed on 1 November

the clients or customers in the third level, the ‘supply’ is bifurcated into two different stages which are primary and intermittent where the first level is comprised of recruiters, agents, etc..., and the intermittent players are the ones who help in transportation, managing, etc... These are the people who were formed intentionally to commit the organized crime as mentioned above, and hence the first criteria is satisfied. As this practice exists for decades together and is focused on monetary or other benefits, it completely satisfies all the three criteria in the definition of an organized crime given in Article 2(a) of UNTOC.

In a market system, the other important factor that determines the success of the commodity is ‘quality’. Regardless of age, the female population is affected by Human Trafficking, and the supply of them as a commodity in scarce parts of the world creates demand. The second gender or female is mostly exploited in prostitution and the criteria such as age and virginity are taken into consideration to evaluate the quality of the commodity when it is coupled with low price it helps in stimulating further demand.¹¹ With the above-said co-relation, it could be said that Human Trafficking is functioning as a market system because essentially it functions on the supply and demand principle.

The government in certain countries allows prostitution as their culture has allowed it in society, which creates a unique selling point for the people involved in this organized crime of human trafficking. It is found that the victims of human trafficking are in high demand in countries that have not prohibited prostitution and are more open to globalization as well.¹² Such a legal way of doing business does not just allow the recruiters, agents, and transporters to make it easy in doing such a crime, it also that the clients or customers from are attracted to countries where prostitution is legal and cheap. This is a benefit to the government of that nation, in an indirect way where sex tourism benefits the government is generating large capital through this practice in form of tax.¹³ For example, “thriving sex tourism has seen Finnish and to a lesser extent Swedish men travel to cities in Northwest Russia and Germans travel to various Czech border towns”.¹⁴

In turn, this will boost the economy of that nation. This is a different perspective of countries that have not legalized prostitution and that lose so much of monetary resources that legitimately belong to the usefulness of the commons in the society. “Most of the money produced from human trafficking goes untaxed, which means it is not benefiting the community. Fair

¹¹ Supra (n 2)

¹² Supra (n 2), *The Trafficking Business Chain*

¹³ Supra (n 2), footnote 10

¹⁴ Supra (n 8)

competition can also be affected by traffickers investing in legitimate businesses to launder money and disguise their crime”.¹⁵ It affects the GDP of the entire nation. From an economic perspective, when countries that socially encourage prostitution or just merely allow is sufficient to boost the economy of that nation.

There is a flip side to the economy of a nation, where the government has the responsibility to ensure the rights and welfare of every citizen. The welfare after a crime committed upon the victim can only be ensured through compensation with money for the suffering that the victim has gone through. Though this applies to all nations, it would pertinently affect the countries that do not allow prostitution and the countries which have a growing economy and have prohibited prostitution. This is significant damage that is caused by the countries that allow prostitution not just to the human rights of the victims but also to the economy of the entire other nations from which the victims have been trafficked. From an economic perspective, if such a practice has been curbed and the victimization has been prevented, then that capital of money could have been used for the development of the public in a variety of ways such as education, hospitals, etc... The situation has revealed itself glaringly post-pandemic, in 2020, the global data shows that the countries that were worst hit economically, saw a spike in trafficking victims.¹⁶

IV. HUMAN RIGHTS ACROSS BORDERS AND JUSTICE FOR VICTIMS

This is a modern form of slavery and governments permitting prostitution is problematic and totally against human rights. From the Human Rights perspective, the government in those countries forget the fact that it is a crime and the commodification of a mass human populace is as bad as genocide because this is torture to the individuals. The victims face physical violence along with starving for days together making them vulnerable and desperate for their basic needs such as food, and water, depriving them of sleep, isolation, intimidating mentally, and posing threat to their family members which would make them physically weak hence the agents/perpetrators could demand the victims to do as per their desires and expectations.¹⁷ Humans exploiting the other gender is a gross violation of human rights, it is similar to treating them as a sub-species and equal to treating them as a commodity. It is nothing but slavery. Given the evolution of human rights across the world for a long time now and yet certain

¹⁵ ‘How does Human Trafficking help the Economy?’, (*The Dunken Law Firm, 11 March 2020*) <<https://www.thedunkenlawfirm.com/the-economic-impact-of-human-trafficking/>> accessed on 1 November

¹⁶ ‘Global Report on Trafficking in Persons 2020,’ (*United Nations Office on Drugs and Crimes*) <https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf> accessed on 1 November

¹⁷ Supra (n 8), Page 11

countries choosing to allow prostitution legally is very ignorant of them and it is tantamount to choosing the Economy of a nation over the innate Human rights each individual deserves.

The slavery Convention (1926), and International Covenant on Civil and Political Rights (ICCPR) are other international law statutes that could be used to act in the rescue of the victims of Human Trafficking and Crimes against women. United Nations High Commissioner of Refugees (UNHCR) is a law that could be specifically applied to rescue victims from foreign countries. Though these and many other conventions may fail in preventing the countries from proceeding with the legalized practice of prostitution, many powerful countries are signatories to Article 5 of “The UN Convention against Transnational Organized Crime (2000) requires States to criminalize trafficking, attempted trafficking, and any other intentional participation or organization in a trafficking scheme”¹⁸, the Universal Declaration of Human Rights (UDHR), Article 4 outrightly prohibits slavery, “any form of slavery and slave trade in all forms is prohibited”.¹⁹ The countries that are signatories to these conventions are the United States, the United Kingdom of Great Britain and Northern Island, New Zealand, China, etc..²⁰

There are certain measures taken by different countries to prevent the same, for example arresting or awareness raising campaigns in shaming the clients or customers in prostitution in public at a massive scale and emphasizing the sufferings and human rights of the victims in EU, Indonesia.²¹

V. CONCLUSION

The paper has certain limitations such as there were some movements in different portions of the world voicing the concern of sex workers to acknowledge them as a worker/labourers. The demand was raised by the sex workers so that they could approach the legal authorities through their organization or the body that governs them because, for people involved in this work, their individual rights are ensured by neither international law nor Domestic law, these were not discussed in this paper. In this paper, we have discussed the concepts of Globalization, Human Trafficking, and the Market system and the inter-relation between all of these to show that Human Trafficking is a market system. Followed by, how the countries allowing prostitution have benefitted economically and how globalization had eased the opportunity to exploit them.

¹⁸ ‘International Instruments Concerning Trafficking in Person’, (*United Nations Human Rights Office of the High Commissioner*)

<https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/OnePagers/IntInstrumentsconcerningTraffickingpersons_Aug2014.pdf> accessed on 1 November

¹⁹ Universal Declaration of Human Rights (UDHR)

²⁰ ‘Signatories to the Universal Declaration of Human Rights,’ (*The Danish Institute for Human Rights*)

<<https://sdg.humanrights.dk/en/instrument/signees/24>> accessed on 1 November

²¹ Supra (n 8)

Further, it is shown that the countries that did not allow prostitution also suffered economic damage and an enormous amount of gross violations of Human Rights and few remedies and measures that would curb human trafficking. It is claimed that these countries which allow prostitution must not allow prostitution in their countries regardless of cultural or whatever reasons.
