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Illegal Organ and Human Trafficking during Covid 19

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ABSTRACT

Human and illegal organ trafficking are very serious crimes. And in this recent time of Covid 19, they have increased a lot. According to recent reports there has been an increase in cases of human and organ trafficking. But unfortunately, these problems are hidden from the eyes of the world government. Not many National or International forums are discussing or talking about this issue. There is an urgent need to discuss this matter as it hampers the basic human rights that each and every each citizen is entitled to. On this note, this article deals with the various issues which are revolving around Human and organ trafficking. It talks about the current situation where people are facing the covid 19 virus and at the same time a section of the population is becoming the victim of human and illegal organ trafficking. We even look at some of the real life scenario. Then we look into how these crimes affect the basic human rights provided to the citizen. Further we take a look on how our country is dealing with this issue and what all legislations and policies they have come up with to protect the citizens from trafficking. This article ends with the important treaties and conventions of the world that deal with trafficking.

Keywords: *Exploitation, Trafficking, Palermo Protocol, Red Market, Bonded Labor, Human Rights*

I. INTRODUCTION

It is unacceptable to the people of the whole world on the widespread exploitation of men, women and children. The traditional laws which were used to stop this are no more effective. The government of the world has come up with new laws, regulations and treaties to stop human and illegal organ trafficking. Various national and international organizations are formed to deal with these issues. But let's first look what basically is human and illegal organ trafficking.

It is often misunderstood that human trafficking only refers to the sexual exploitation of women and children. But this is not so. For the aim of 'forced labor', 'sexual slavery', or 'commercial

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sexual exploitation', humans are traded for the traffickers or others; it's termed as Human Trafficking². This may even include providing a spouse for forced marriage, extraction of organ and tissue, including surrogacy or oval removal. This happens within the nation or between many nations. Human trafficking is a very serious crime as it is a violation of the essential human rights. It also violates the victim's right to movement as they are confined or forced to move in a particular way through coercion. Human trafficking is a crime face to face, especially women and youngsters.

United Nations has termed Human Trafficking as,

*"The recruitment, transportation, transfer, harboring 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."*³

The U.S Department of State states that the biggest sector of human trafficking is forced labor (involuntary servitude). Women and youngsters are disproportionately suffering from Sex Trafficking which involves forceful participation in sex acts which are commercial.

Trafficking is of varied forms like sexual exploitation, forced labor or services, slavery, debt bondage, servitude or the removal of organ. Organ trafficking or removal of organ for commercial purpose is one of the many forms of organ trafficking. This is often a lesser discussed form of human trafficking. There is a worldwide shortage of organs. More than 112,000 are waiting for organ transplantation as on January 2020. But just 3% people are legal donors. This has led to high demand and low supplies, further increasing the prices. This is what is encouraging the 'Red market' or organ trade. Even after this shortage, commercial trade of organs is illegal in all the countries of the world except for Iran. Despite this the commercial buying and selling of organs has not stopped. According to a study, around 5% - 42% of the organs which are transplanted are obtained through purchase. It is tough to spot the organ traffickers. They engage in kidnapping or abducting people, especially children and women. Then they operate them to remove their organs or tissues and do some raw stitches and either leave or kill them. And by the time the police get to know about this, these traffickers are already out of reach. Few cases have been registered against them. They have even been tried

² Human Trafficking, WIKIPEDIA (Mar 18, 2021, 8:19 PM), https://en.wikipedia.org/wiki/Human_trafficking

³ Human Trafficking, UNITED NATIONS (Apr 4, 2020, 7:07 AM) <https://www.unodc.org/undoc/en/human-trafficking/what-is-human-trafficking.html>

and prosecuted. But they are very less in number.

II. COVID 19 AND HUMAN AND ILLEGAL ORGAN TRAFFICKING

The Coronavirus disease 2019, started now almost 10 months back, has been one of the worst pandemics in human history. The inequalities that already prevailed have now increased in all sectors whether be it educational, economic or health. The vulnerability of already vulnerable people has proliferated. This amplified impact of covid 19 has some very deep impacts on individuals at the risk of human and organ trafficking. We are in middle of such a pandemic that has increased poverty and further increased inequality- both root causes of human and organ trafficking.

Individuals exploited, be it physically, emotionally or sexually, constitutes human trafficking. The kind of crime it is has already made it difficult to identify the criminals as well as the victims. And now given this pandemic, it has increased the difficulty. Not forgetting lockdowns, quarantine and travel restrictions. It has increased the risk of trafficking, made it difficult to identify the victims and to provide services to those who have survived. The global talks are revolving around Covid 19, but the consequences this pandemic is having on the victims of human and organ trafficking are rarely discussed and often hidden. To begin with, Covid 19's risk has a lot of impact on the implications of the risk factors of Human and Organ Trafficking. Having no shelter or homelessness and child maltreatment since a long time are two of the most significant factors for the trafficking of young persons. The effect on the economic sector has left many people jobless. They aren't able to pay their bills, can't give their house rents and pay the education bills of their children. These factors are highlighting the vulnerability of the already suffering families and ends up into children and adults being homeless. Due to this, particularly the youth, are at a height of various forms of exploitation for survival such as sexual exploitation, forced labor, and even selling of organs illegal for money.⁴

The Child Advocates agree upon the fact that, with Covid 19, the cases of child harassment has seen an increase. Although the number of cases reported is less (mainly because mandatory reporters, including teachers and pediatricians are not seeing them these days), but according to hospital data, the number of children being admitted due to severe injuries has increased. Their time spent on streets has also increased. This homelessness and maltreatment, coupled together, is leaving them at a greater risk of being trafficked. There is yet another problem.

⁴ Tammy J. Toney-Butler, *Human Trafficking*, NCBI (Jan 25, 2021, 3:56 PM), <https://www.ncbi.nlm.nih.gov/books/NBK430910/>

With schools and colleges being conducted online, the time spent by children on web has drastically reached a height. This has greatly increased the risk of online trafficking among youths. The National Center for Missing and Exploited Children has reported that online exploitation has increased from 2 million in March 2020 to 4.2 million in April.⁵

Those who are already in a trafficking situation, Covid 19 has made the circumstances much difficult for them. To stay protected from virus in such a situation is more challenging. The victims of forced labor and commercial sex have a very little choice and access on whether to wear mask or ask those nearby to wear the same. And maintaining a social distance with other may be difficult, if not impossible, in this setting. Because of the inequitable distribution of resources, these victims may be living in neighborhoods with a much greater risk of infection.

Covid 19 has made the identification of trafficked individual and survivors tougher. The closure of schools and colleges has foreclosed the opportunities of the teachers and staffs to identify the youths who are in a trafficking situation physically, mentally or emotionally. Also, due to lack of beds and to avoid crowding, hospitals and certain health departments are not admitting certain patients who are suffering minor symptoms and are not at a very serious risk of Covid. They are suggested to stay at home. These guidelines can have very negative consequences on the victims of human and organ trafficking as they, being uninsured, rely on health departments for their primary healthcare and share the problems they are facing. Delay in receiving care has bad consequences to both, the survivors of trafficking and identification of those who are being trafficked.

Even if the trafficked individuals are present in the hospitals, some of the latest protocols and guidelines can prove to be a barrier for healthcare professions who aim to build a care relationship with patients. For example, there may be many youth who may have been in such a bad situation that for them trusting authority people must be soo difficult, and they may be reluctant to trust new adults. Added to this, when masks are worn, the relationship of understanding and care can't be established between the patient and doctor. The healthcare professionals can't connect to the youths and in turn the trust and connection between that two can't be made that is needed to understand the traumatized person. Even if these individuals are identified, due to Covid 19, the services and care such as physical and mental health care, job and education training, legal services, etc, can't be provided efficiently. Due to lockdowns

⁵ Thomas Brewster, *Online Child Abuse Complaints Surpass 4 Million In April. This Is How Cops Are Coping Despite COVID-19.*, FORBES (May 9, 2020, 9:10 AM) <https://www.forbes.com/sites/thomasbrewster/2020/05/09/online-child-abuse-complaints-surpass-4-million-in-april-this-is-how-cops-are-coping-despite-covid-19/?sh=73cdebd48db4>

and quarantine guidelines, these individuals will be forced to stay at home or shelter place. Lack of socialization will negatively affect their mental and emotional state and delay recovery. With rising unemployment particularly during covid, desperate people are resorting to many new ways and illegal ways to make money via social media. And evidence clearly states that the market of illegal organ trade has greatly increased. Many people have lost their jobs and haven't any source of income. In such case the human organs become a priced currency in the “**Red Market**”⁶. Red Market is employed to ask trade of human organs, tissues or other body parts, usually for transplantation. It is done through commercial transaction. According to hospital data, there has been a decrease within the number of transplantations performed within the past six months. This has created a huge backlog of patients in the waiting list. Drop in supplies has added more burden to an increasing demand of organs. In turn, prices have shot up drastically and so is the demand. People who are uneducated, uninsured and unemployed are forced to take up offers which they must have not taken otherwise. Even social networking sites like Facebook have become places for the organ 'brokers' to sell organs. At the international level, the “Red Market” may be a very serious business. But here the smuggling of organs has declined in the recent times, thanks to the sealing of international borders. Egyptian, Sudanese and some Syrian nations were among the hotspots for organ smuggling. Experts are of the opinion that the refugees of these nations have suffered a lot due to the pandemic. The rationale being that there's a shortage of labor which they received from these organ 'brokers'. Also, the smugglers' prices have got high due to shortage of supply and rising demand because of the strict border guidelines. The vulnerable are forced to deal in high prices and if one has already paid to these smugglers you are not getting your money back because it is illegal. The human and organ trafficking is the most ignored issue by the world's government. Nobody knows what is happening at the ground level. The government should check out this matter because it is greatly infringing the essential human rights. Human and organ trafficking by its very nature is a serious crime harming the basic human rights of the citizens. And with this pandemic and negligence of the world authorities, its impacts have increased.

III. AN INSIGHT INTO REAL LIFE STORIES

There was a time in lockdown, when in just 11 days around 92,000 cases of child abuse in families were reported to government helpline.

Among the reported cases, we come across a father, also a daily wage worker in construction

⁶Red Market, WIKIPEDIA (Dec 21, 2020, 6: 47 PM) https://en.wikipedia.org/wiki/Red_market

a site, who lost his job and was without any money to manage his family. Out of depression, he made a deal with a wealth couple to sell his four-month old baby for money. When this couple came to take the child, the mother managed to stop him and the baby was saved.⁷

The cases of child and women marriage have risen quite suddenly. Families marry off their girl child forcefully and also in a tender age, with the thought of having one less mouth to be fed. This is often due to the economic impact of the pandemic. Various cases have come up where girls as less as 12 years are trafficked into forced marriage. In villages where the internet facilities are not good, children are unable to join the online classes. This is increasing the risk of forced labor after the schools reopen as these children will be left behind.

Recently a story has been reported by the TIME of a single mother of three from Abuja, Nigeria.⁸ Her name is Toluwalase. She moved to Oman with the aim of becoming a domestic helper to earn a monthly salary of \$200. But this didn't happen. In reality she was being exploited by her boss for nearly 2 years. He would sexually assault her, make her work overtime, and also delay her salary. He even took her passport so that she could not leave his place. This lady then contacted some local authorities in June for help. But again, due to Covid travel restriction, she could not leave Oman to reach her home in Nigeria. This situation is not unique to Toluwalase. There are soo many women who are experiencing this kind of trafficking every day. And that they aren't ready to do anything!!!

IV. TRAFFICKING AND HUMAN RIGHTS

It's a history that humans have been exploited for profits and many efforts of the world governments were made to prevent trafficking even before the approaching of the modern day Human Rights. But it's only within the recent times that difficulty of trafficking possesses the eye. During an equivalent timeline, a correct legal framework has been developed around this issue. This change shows how the perspective of the community has changed for human exploitation. The government's victim centric approach towards trafficking can be seen through these changes. In this new change the human rights play a very crucial part and the widespread acceptance towards this approach can be seen among the people.

There's a well-established¹ connection between basic rights provided to humans and trafficking. Human rights prohibit sexual and racial discrimination; it asks for rights for non-

⁷Leeza, *Human Trafficking and Exploitation In India during the Coronavirus Pandemic Hitting Children Hard*, RELIEFWEB (July 28, 2020, 4:30 PM) <https://reliefweb.int/report/india/human-trafficking-and-exploitation-india-during-coronavirus-pandemic-hitting-children>

⁸ Susuan Sawyer O'Keefer, *A Hidden Consequence of Covid-19: Human Trafficking*, US GLOBAL LEADERSHIP COALITION (July 30, 2020, 10:55 AM) <https://www.usglc.org/blog/a-hidden-consequence-of-covid-19-human-trafficking/>

citizens; it prohibits debt bondage, forced marriage, slavery, arbitrary detention and utilization of females and youngsters sexually. These are also the factors which encourage human and organ trafficking.

Human rights most useful to modern-day practices of trafficking are as follows⁹:

- “The prohibition of discrimination on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.”
- “The right to life.”
- “The right to liberty and security.”
- “The right not to be submitted to slavery, servitude, forced labor or bonded labor.”
- “The right not to be subjected to torture and/or cruel, inhuman, degrading treatment or punishment.”
- The right to be free from gendered violence.”
- “The right to freedom of association.”
- “The right to freedom of movement.”
- “The right to the highest attainable standard of physical and mental health.”
- “The right to just and favorable conditions of work.”
- “The right to an adequate standard of living.”
- “The right to social security.”
- “The right of children to special protection.”

It is not such that all the rights will be applicable in a single go. These rights are going to be relevant and useful in several scenarios within the trafficking cycle¹⁰.

Some rights will be made in use when dealing with the reasons why trafficking is caused, like that which deals with providing proper livelihood i.e. “**Right to Adequate standard of Livelihood**”. If such a standard is provided to every individual they won’t resort to illegal means such as selling their own or other’s organ for money and livelihood. Some may be useful especially when trafficking is in process such as “**Right to be free from slavery and servitude**”. Yet others can be used as the response to trafficking or during the recovery

⁹ *Human Trafficking: A Human Rights Violation*, LCHT (Dec 10, 2018, 7:20 PM) <https://combathumantrafficking.org/2018/12/human-trafficking-human-rights-violation>

¹⁰ *Human Rights and Human Trafficking*, UNITED NATION HUMAN RIGHTS (Mar 30, 2020, 12:00 AM) https://www.ohchr.org/documents/publications/fs36_en.pdf

situation like the “Right of suspect to fair trial” and the “Right to be heard”. Certain groups such as women and children are especially recognized by the International human rights as they are vulnerable and require some special assistance.

In the international human rights, the practices in the modern times related to trafficking are clearly prohibited. For instance, human rights forbid debt bondage, i.e. keeping your personal estate as a security so as to pay debts and their length and nature isn't fixed. Individuals enter in debts with people, who are in turn traffickers and find them in a situation from where they can't come out. The traffickers use their debt in a way to control and exploit these helpless people. International human rights also prohibit sexually harassment of youngsters, marriage without consent, marriage with the only aim of slavery, child marriage, white slavery and their exploitation. Usually a question arises on whether these international human rights actually stop “Human Trafficking” or just prohibits the practices associated with human trafficking. It was a very important question as it will decide the state's responsibilities and obligations. In the recent times, a general conscience has been reached by the international community

Now in the situation of pandemic, the health as well as the human rights of the citizens is greatly compromised. Firstly, the government of the world is not discussing the consequences the pandemic is having on the lives of people due to increased human and illegal trafficking. It is greatly ignored at the international talks. Next, due to lockdowns and quarantine, those who are facing domestic exploitation can't come up to register complains against their exploiters. These traffickers forcefully confine the victims through coercion hampering their Right to movement and thus stopping them from taking help. Even if some cases are registered, it has become very difficult to identify the culprit. The courts are also not taking cases. This is seriously hampering the human right of Right to be heard. There is a serious need to look into this matter because the basic human rights of the citizens can't be compromised in any situation. Any trafficked person has the complete range of human rights available for their safeguard. Whether the victim is of nation or an outsider, with a bit of exceptions, these rights are entitled to all equally.

V. AN INDIAN APPROACH: HUMAN AND ILLEGAL ORGAN TRAFFICKING

Human trafficking in India is illegal. But still it is practiced and remains a significant problem. It happens a lot of time when Indian citizens are illegally trafficked for sexual exploitation for money and bonded labor. There are various reasons why men, women and youngsters are trafficked. Usually the rationale behind the trafficking of girls and young girls is commercial sexually exploitation and made marriage. They are used as sex slaves. Girls of less than 18

years are forcefully made to marry men and bear children. They even face violence and exploitation at home. Men and boys are trafficked for bondage. They are also sexually exploited to serve as toy boys, escorts, etc. A large portion of children are trafficked as forced and bonded labors in factories, household servants, beggars, and even as arm combats in terrorist organizations. These children are usually of a very tender age.

There's a high demand of organs for transplantation but were less legal donors. There is a high demand of organs for transplantation but were less legal donors. This has led to the growth of illegal organ markets. Individuals are forcefully transported to remove organs. Even there are various cases when people, with their own consent sell their organs to these organ brokers for money. Even after so many legal provisions this practice is going on.

All this trafficking features a very adverse impact on the physical, mental and emotional health of people. Females are prone to many diseases such as HIV, TB, and other STDs due to sexually trafficking them. There is high risk for STD as very rarely condoms are used. To stop this, our Government has come up with various acts and policies. The Indian Penal Code and Criminal Procedure Code consists various rights to protect the individual from being trafficked. The trafficking of persons for commercial sexual exploitation, forced labor, forced marriage and domestic servitude is claimed to be organized crimes in India.

VI. LAWS AND ACTS

Article 23¹¹, **Article 39(e)**¹² and **Article 39(f)**¹³ mentioned in the Indian Constitution deal with trafficking and state special provisions for the vulnerable group of the society. Also, **Chapter III and Chapter IV** i.e., **Fundamental Rights (FRs)** and **Directive Principles of State policy (DPSPs)** respectively closely deal and acknowledge the matter of trafficking. Under **Article 23(1)**, trafficking of human or person is strictly prohibited.

The only legislation dealing specifically with trafficking is that the “**Immoral Traffic (Prevention) Act 1956**”. Some of the foremost specific elements of trafficking which incorporates procuring, inducing or taking an individual for prostitution, confining an individual during a place where prostitution is happening and soliciting, are well covered in this act. It also covers provisions when the person is rescued. Special provisions are provided regarding the safety of women and children after they are rescued to avoid harassment.

The Criminal Law (Amendment) Act, 2013 which is additionally called **Nirbhaya Act**,

¹¹ INDIAN CONST. art23

¹² INDIAN CONST. art. 39, cl. e

¹³ INDIAN CONST. art. 39, cl. f

brought amendments to laws associated with sexual crimes in Indian penal Code, **Indian Evidence Act and Criminal Code of Procedures, 1973**. The **Section 370** of Indian Evidence Act was substituted with **Section 370** and **Section 370 A**. These sections deal with exploitation done to trafficked persons. A punishment of at least 7 years which may even extend to lifetime depending on the number or category of person, is provided to a person who is found recruiting (1), transporting (2), harboring (3), transferring (4), or receiving (5), a person with the use of threat, or coercion, or fraud, or deception, or abuse of power, or by inducement for exploitation which includes prostitution, servitude, forced organ removal, etc. A person will face penal charges if found employing a person who was previously trafficked.

In order to protect children from sexual abuse and exploitation, the **Protection of Children from Sexual Offences (POCSO) Act, 2012** came into action on 14th September 2012. Offences included under this act are sexual assault and harassment, penetrative and aggravated sexual assault, and child pornography. It makes the process of trial less tiring and time consuming. Any child who has suffered any kind of abuse is considered to be requiring mental health clinic. For this the police are required to inform a Child Welfare Committee about every case within 24 hours. Mandatory reporting of each and every case of child abuse is needed. Anyone having any information is needed to inform about it. If he/she fails to do so, they may face imprisonment up to six months or fine or both.

To prohibit kidnapping and selling of minors into prostitution, **Section 366(A)**¹⁴ and **Section 372**¹⁵ of IPC respectively are often used by the Government of India to catch traffickers. A maximum of 10 years of jail and fine is the punishment for the same. Some other specific legislations are enacted to protect women and children from trafficking. Some of these legislations are **Protection of Child Marriage Act, 2006**, **Bonded Labor System (Abolition) Act, 1976**, **Child Labor (Prohibition and Regulation) Act, 1986**, and Transplantation of Human Organ, 1994. Governments of specific states have made up their own acts to deal with this issue, like The Punjab Prevention of Human Smuggling Act, 2012. One of the first written cases of the organ trade was uncovered in 1993 by the Bombay police. They found a black market kidney ring. Since then legislations are tried to be made to eliminate organ trafficking. One such is Transplantation of Human Organ Act (THO). It had been passed in India in 1994 to control organ donation and transplantation activities. Mainly, the act considers cerebral death as a sort of death and punishes organ sale. It becomes possible not only to transport but also transplant organs like liver, heart, lungs and pancreas. But even after this act, illegal organ scandals are

¹⁴ Prostitution of minor girls.

¹⁵ Selling minors for the purpose of prostitution, etc.

regularly reported. Many a times, the implementation of this act is flawed or its provisions abused.

VII. GOVERNMENT SCHEMES AND MEASURES

Apart from these laws, various schemes and measures are launched by the government against trafficking. Anti-Human Trafficking units have been set up in many districts under a comprehensive scheme for strengthening law enforcement through Training and Capacity Building. Throughout the country, training workshops were conducted for policemen and prosecutors at regional, state and district level under the title Training for Trainers (TOT) to raise awareness and combat human trafficking.

Judicial Colloquium on Human Trafficking is conducted in High Courts of states to sensitize judicial officers about Human Trafficking, issues involved in it and how serious this crime is. This is done to ensure a speedy trial so that the victims get early justice. Indian Ministry of Home Affairs has launched a web portal, the **Anti Human Trafficking Portal** on 20 February 2014. The target behind introducing online resource is for the "sharing of knowledge across all stakeholders, States/UTs and civil society organizations for effective implementation of Anti Human Trafficking measures." On the same day the government announced to implement a Comprehensive scheme which includes the establishment of Anti Human Trafficking Units (AHTUs) in around 355 police districts throughout the country.

VIII. INTERNATIONAL CONVENTIONS

The "**United Nations Convention on Transnational Organized Crime (UNTOC)**" has been ratified by the Government of India. Various protocols are given in this Convention, one of them being the Prevention, Suppression and Punishment of Trafficking in Persons, particularly women and children. Efforts are made by the government to implement this Convention at its best. One such effort is the Criminal Law Amendment Act, 2013 in which Human Trafficking has been specifically defined. A SAARC "Convention on Preventing and Combating Trafficking in Women and Children for Prostitution" was ratified by India. To implement this, a "Regional Task Force" was constituted.

Bilateral mechanism are conducted between India and Bangladesh in the form of Task Force to deal with the problem of cross border trafficking and discuss the underlining problems. More than 8 meeting have been conducted between the two nations to deal with this problem. Also a MOU (Memorandum of Understanding) has been signed between the two on "Bi-lateral Cooperation for Prevention of Human Trafficking in Women and Children, Rescue, Recovery, Repatriation and Re-integration of Victims of Trafficking" in June 2015.

IX. JUDICIAL CASES

Although there have been a large number of cases decided by the courts, but a very less number of them have showed a desirable conviction.

In “**Bodhisattwa Gautam v. Subhra Chakraborty**”¹⁶ case, a woman was given a word that she would be married to a person. She even went to the wedding but it came to be a false one. Compensation was made to be paid to the victim by all those involved in the crime. In the case of “**PUCL v. Union of India**”, children were trafficked and bonded for labor. Compensation was made to be paid by the traffickers.

A landmark case of the Honourable Supreme Court was of “**Vishal Jeet v. Union of India**”¹⁷ and others. In this cases, families or communities, dedicated some people as *davadasi* and were used in prostitution business. The court ordered for their protection and rehabilitation.

There have been various cases dealing with the child protection from trafficking. In the case of “**Gaurav Jain v. Union of India**”¹⁸, a PIL was filed to protect the children of sex workers and keep them faraway from such harmful and vulnerable environment. The court agreed upon this. Children were trafficked in the adoption racket due to lack of facilities to protect them. This often happened in the inter-country adoption. In order to fill these gaps, while giving the ruling of “**Lakshmikant Pandey v. Union of India**”¹⁹, the court created an appropriate mechanism especially in the cross country adoption.

X. THE WORLD AGAINST TRAFFICKING

It is very recent that the International agreement on what constitutes trafficking came up. Till the late 1990s, trafficking was seen as some kind of irregular migration. It had been then the States began to differentiate between the two and began to treat trafficking separate crime. In the 2000 that the first ever definition of trafficking was agreed upon. It was incorporated into the “2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children”. It supplemented the “**United Nations Convention against Transnational Organized Crime (Trafficking Protocol)**”. Many legal and policy instruments and national laws have used this definition thereafter.

Here’s a list of some of the very relevant treaties and other instruments to trafficking.

- “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women

¹⁶ *Bodhisattwa Gautam v. Subhra Chakraborty*, (1996) 1 S.S.C 490 (India)

¹⁷ *Vishal Jeet V. Union of India*, (1990), 2 S.S.C 861 (India)

¹⁸ *Gaurav Jain V. Union of India*, (1997), 8 S.S.C 114 (India)

¹⁹ *Lakshmikant Pandey V. Union of India*, (1984), 2 S.C.R 795 (India)

and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000 (Trafficking Protocol)”

- “Convention on the Elimination of All Forms of Discrimination against Women, 1979”
- “Convention on the Rights of the Child, 1989” “Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000”
- “United Nations Convention against Transnational Organized Crime, 2000”
- “International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990”
- “International Covenant on Civil and Political Rights, 1966”
- “International Covenant on Economic, Social and Cultural Rights, 1966”
- “Council of Europe, Convention on Action against Trafficking in Human Beings, 2005 (European Trafficking Convention)” “Charter of Fundamental Rights in the European Union, 2000, article 5, and Directive 2011/36/EU of the European Parliament and Council on preventing and combating trafficking in human beings and protecting its victims, 2011”
- “South Asian Association for Regional Cooperation, Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002”
- The most important instrument used against human trafficking is “Palermo Protocol”. It's a supplement to the “UN Convention against Transnational Organized Crimes”. Consistent with **Article 5** of the protocol, “States are required to criminalize trafficking, plan to trafficking and the other intentional or organized participation during a trafficking scheme.”

XI. CONCLUSION

The pandemic has many hidden impacts. Those which are visible like the economic, judicial, and educational and health are very well discussed and worked upon. But the hidden ones like human and illegal organ trafficking, which even in the normal circumstance is such a great issue, are not well discussed. They are greatly ignored. It is the need of the hour that the world governments and bodies discuss this issue and make arrangements to protect people from this heinous crime. The economic condition of the people must improve soon because it is one of the major driving forces behind selling of organs and trade of body for money. Mostly the

victims are not identified. And even if identified, they are mistaken as illegal or smuggled migrants. It is important to identify them and once identified they should be properly rehabilitated in order to recover from the trauma. It is important to understand that this crime is a serious infringement to Human Rights provided to citizens.

On July 30th, the planet recognizes the International Day against Trafficking in Persons. And as we continue to fight COVID-19, we must consider the risks that face the foremost vulnerable people across the planet, including victims of trafficking. COVID-19 has provided a big challenge to our society and highlighted deeply rooted problems of systemic inequality that cause gender violence, marginalization, exploitation, and human trafficking. UNODC recommendations for action at this point include safeguarding access to justice, continuing support of anti-trafficking work, enforcement remaining vigilant, service providers remaining flexible, refusing to compromise human rights, and most important, gather the complete data on the Covid 19 is impacting the people who are trafficked.

Ghada Fathi Waly, UNODC's executive, has the subsequent advice for the longer term fight against human trafficking: "As we work together to beat the worldwide pandemic, countries got to keep shelters and hotlines open, safeguard access to justice and stop more vulnerable people from falling into the hands of gangland."²⁰ It should be kept in mind that Covid 19 should not be the excuse to ignore the essential Human Rights of the citizens.

²⁰ Law and Crime Prevention, *Covid-19 Crisis Putting Human Trafficking Victims at a Risk of Further exploitation, Experts Warn*, UN NEWS (May 6, 2020, 11:45 PM) <https://news.un.org/en/story/2020/05/1063342>