

THE ROLE OF INTERNATIONAL HUMAN RIGHTS LAW IN COMBATING HUMAN TRAFFICKING

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ABSTRACT

The trafficking of people is one of the most challenging issues that the global civilization is confronted with in the twenty-first century at this point. In addition to being directly in violation of the rights that are inherently held by males, it is linked to some of the most heinous crimes that have been done against humans, such as the prostitution of children and slavery, to name just a few examples. As a result, the primary objective of this research is to address the issue of monitoring the possibilities on a local as well as a worldwide scale, with a specific focus on the reality of Brazilian society. The rules that are now in place to prevent human trafficking are then examined, with a particular emphasis placed on the obligations that these laws impose on other nations and the manner in which Brazil is putting these international directives into effect. As an additional point of interest, this article provides an explanation of the relationship between human trafficking and human rights as a fundamental technique to grasp why the fight against it is today deemed to be of such critical importance. Last but not least, it detailed the physical prerequisites that must be met in order to properly put an end to it. In addition, an expository strategy was used, which included the investigation of Brazilian and international legislation in addition to the body of literature that is now available.

KEYWORDS: Human Trafficking, Law, International, Rights.

Introduction

The issue of human trafficking has emerged as a significant and worrisome subject on the international human rights scene. A gloomy kind of modern-day slavery is being practiced here. It has no boundaries and affects millions of people all over the globe, including children, women, and men. This is done in order to achieve power and fortune, and it does so by mercilessly taking advantage of their shortcomings. As a result of this major breach of human rights, victims endure intolerable suffering, lose their freedom, and feel a full loss of identity. Kidnapping, coercion, and deceit are all characteristics of this violation.

The trafficking of persons is a widespread problem that transcends national lines and has an impact on individuals all around the world. Poverty, inequality, and political settings that are unstable all contribute to making it that much worse. A web of criminal networks is the driving force behind it, and financial incentives are the driving force behind it. Forced labour, sexual exploitation, domestic slavery, and organ harvesting are all examples of the types of victims who may be victims of human trafficking. They come from a wide range of different backgrounds. Not only does this pervasive crime result in the loss of life, but it also poses a danger to the basic principles of social justice and human rights all around the globe.

Due to the fact that the issue is so complex and occurs across borders, international human rights law plays an essential part in the battle against human trafficking. A robust legal framework is

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established by this body of laws, which serves to protect the rights and dignity of those who have been victims of human trafficking. It is composed of international treaties, accords, and conventions that have been established. Governments, organisations, and the international community are the ones who are tasked with the obligation of coordinating efforts, putting preventative measures into effect, and apprehending those who commit crimes. For the purpose of holding governments accountable for the manner in which they deal with human trafficking and for the purpose of encouraging collaboration among states in order to put an end to this transnational crime, international human rights law is a powerful tool.

In the fight against human trafficking, it is our collective responsibility to safeguard the rights of those who are the most vulnerable among us. This obligation is further strengthened when we take into consideration the role that international human rights law plays in this fight. This article examines the nature of human trafficking, the challenges associated with its elimination, and the ways in which international human rights law may contribute to the development of a global response to this issue. Human trafficking is a significant violation of human rights. It is impossible to rescue victims or bring down the terrible networks that permit human trafficking on a worldwide scale, regardless of how much study is conducted, how strictly current international legal frameworks are adhered to, or how the frameworks themselves are improved. None of these undertakings have even a remote possibility of becoming successful.

Studies on international human rights law have shed light on the significance of rules such as the United Nations Convention against Transnational Organized Crime and the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons both of which are examples of such regulations. These regulations have been brought to light as a result of the research that has been carried out. These legal groups provide valuable information that may assist in defining human trafficking, protecting the rights of victims, and bringing those responsible to justice. As another point of emphasis, the literature emphasizes the need of governments cooperating with one another to combat human trafficking by exchanging information, knowledge, and resources.

Review of Literature

Segrave, M. (2009). Throughout the course of anti-trafficking initiatives, the promotion of human rights has been an integral component. The tactics that have been implemented, on the other hand, have been overtly gendered in their emphasis and, as Kapur points out, rather restricted in their reach. This is because the overwhelming majority of these efforts have focused on the sex industry, sex workers, and the trafficking of women into the industry. The argument that is presented in this article is that there is a great deal to be gained by investigating the possibility of advancing anti-trafficking initiatives that make use of international human rights instruments outside of the current framework that is designed specifically to combat trafficking.

The foundation for this framework is a protocol that ensures the prevention, suppression, and punishment of human trafficking, with a special emphasis on the trafficking of children and women. Keeping law and order is a significant component of the current global strategy to fight human trafficking, and measures pertaining to criminal justice serve as the foundation of any effort to battle and eliminate this crime. This is the fundamental point that has to be made. The guiding principles of the consensus make it abundantly apparent that they support the idea of human trafficking being recognised as a criminal offence on a global scale. This article makes reference to both the author's study on Australia's reaction to the problem of people trafficking as well as the report that was produced by a significant non-governmental organisation about Australia's implementation of the International Covenant on Economic, Social, and Cultural Rights. The core argument is based on the fact that this model offers a fresh perspective from which to argue for a more in-depth understanding of human trafficking as well as a broader variety of solutions.

Gallagher, A. T. (2016). Within the scope of this chapter, the legal framework that surrounds human trafficking is investigated, with a particular emphasis placed on the concept of shared responsibility for the suffering that is brought about by trafficking. In particular, the essay dives into the violations of human rights that are directly associated with trafficking as well as the repercussions of these violations. Two different scenarios are used to investigate this matter. The first scenario, known as the Seafarer scenario, takes place on fishing vessels flying foreign flags in New Zealand's exclusive economic zone. The second scenario, known as the Ratsev scenario, takes place between two European states and involves the trafficking and related exploitation of third-country nationals. Both of these

scenarios are very different from one another. Despite the fact that it is one thing to accept that shared commitments and collaborative activity give birth to shared responsibility, the study reveals that it is an entirely other thing to come up with meaningful solutions to this. In the last 10 years, there has been a convergence of norms about human trafficking; nevertheless, this convergence has not yet resulted in the establishment of institutions, processes, or, most crucially, modes of thinking that reflect the reality of shared responsibility for the suffering that is inflicted by trafficking. The cases that were selected for this chapter serve as examples of how the responses that follow are still far too frequently scattered and ineffective. These responses fall short of the wider global purpose of securing justice for persons who have been abused and ending the impunity of traffickers.

Praditama, I. B. M., & Ranawijaya, I. B. E. (2023). The laws and principles pertaining to human rights, as well as the role that international law plays in the battle against human trafficking, will be investigated in this research. The right to privacy is an essential component of the International Covenant on Civil and Political Rights, and it is imperative that this right be protected with utmost care. Additionally, the study proposes to investigate the influence of international law on the eradication of human trafficking by using the International Covenant on Civil and Political Rights (ICCPR) as a lens through which to view the topic. It is a serious violation of a number of international human rights norms when people are trafficked for the sake of commerce. Article 17 of the International Covenant on Civil and Political Rights (ICCPR), which is a treaty, guarantees users the right to privacy. In accordance with the provisions presented in Article 17, there are some circumstances in which the right to privacy may be restricted in order to safeguard the rights of other individuals or the general interest of the public. There are a number of reasons why standards are not as clear as they might be. One of these reasons is the difficulty of placing appropriate constraints on the right to privacy in individual circumstances. Through the use of statutory processes, pertinent conceptual and analytical frameworks, and other instruments derived from the topic of law that is being investigated, this study adopts a normative approach to legal research. This method is used in the field of legal studies. Taking into consideration the findings, it is clear that there is a significant need for international collaboration in the fight against human trafficking. When it comes to the fight against human trafficking, nations have a responsibility to make certain that their legal frameworks are in accordance with international standards for the prevention and intervention of the problem. The establishment and enforcement of appropriate international treaties is of the utmost importance for this reason.

Human Rights Laws and their Efficacy on a Global Scale

There is a significant amount of effect that the different international human rights laws has on the legislative solutions that both countries have taken to the issue of human trafficking. The criminalization of human trafficking, the prioritisation of victim protection, and the promotion of international cooperation are all things that this organisation has advocated for. Nevertheless, there are still challenges that need to be overcome, such as addressing the intricate dynamics of human trafficking in a variety of contexts and ensuring that the implementation is consistent.

The aim of this comparative research is to demonstrate the significance of international human rights law in the battle against human trafficking on a global scale. Although every country or region has its own set of benefits and drawbacks, they are all striving towards the same goal, which is to put an end to the use of human beings for commercial purposes. It is possible for policymakers to enhance victim protection, increase international cooperation, and customise their methods to individual conditions if they take into consideration what other nations have done well and learn from their experiences via observation. It would be much simpler for them to deal with this complex issue pertaining to human rights if they choose this course of action. There is an urgent need to put an end to human trafficking since it is a major violation of human dignity. It is necessary for there to be a global coordinated effort that is driven by human rights law in order for this to become a reality.

The Most Frequent Pattern

Both the United States of America and Germany have made it a priority to prosecute those who engage in human trafficking and to enforce restrictions that are in line with international human rights law.

In light of the difficulties associated with locating and assisting victims in both countries, particularly those who come from disadvantaged populations, there is a continual need to enhance efforts to provide assistance to victims.

The two countries were able to more readily investigate and punish incidents of trafficking that occurred across international borders as a result of their participation in international cooperation measures. This demonstrates how vital it is for nations to collaborate among themselves in order to address the issue of human trafficking.

The Future of Personal Traffickings

Due to the inherent frailty of the human species, human trafficking and slavery have always been inextricably linked to one another. Human traffickers often take advantage of the fact that their victims do not have "social access" in order to achieve their objectives. If victims' lives are disrupted by problems relating to transportation, hiring, or even employment, they may be subjected to psychological or physical abuse or coercion for a variety of reasons.

One of the many things that are included in the umbrella term "human trafficking" is the illegal exploitation of human beings as "manpower" in the production, distribution, or smuggling of illegal goods. Other things that fall under this umbrella term include more severe forms of forced labour in remote areas, on construction sites, or in domestic settings. Finally, the most shocking form of slavery is prostitution.

Since the beginning of the 1900s, several organisations and people from all over the world have been working towards the goal of eliminating human trafficking for the purpose of sexual exploitation. The trafficking of girls and women into this industry continues to grow on a worldwide scale, despite the fact that there are several local and international laws that prohibit forced prostitution and that there is a universal agreement that it is repugnant. Sexual assault and exploitation in the modern day is distinguished by the fact that it mostly targets female victims and takes place between the ages of children and teens.

According to the International Slavery Organisation (ILO), out of the 2.4 million people who have been victims of human trafficking across the globe, more than one million people have been compelled to do sexual slavery against their will. This accounts for 98% of the total. Consequently, this demonstrates that women are a particularly defenceless "class," and it highlights the need of gender equality as a key societal challenge in the fight for human rights for all individuals.

Women made up the vast majority of victims of human trafficking in Brazil, accounting for 79% of the total. A nationwide investigation conducted in 2002 discovered that victims were often "sent" to countries such as the United States of America, Switzerland, the Netherlands, Spain, and Italy. There were a significant number of instances of human trafficking in Brazil that included prostitution.

The fact that Brazil's social and economic progress is slow is one of the primary reasons why human traffickers target young women in the country, namely those between the ages of 15 and 17. This makes it simpler for them to entice young women into participating in this worldwide crime that violates the most fundamental components of human rights. It is common for con artists operating in this sector to entice victims by making bogus promises of a better future in other nations.

Analysis of Various Methods

Legislative Frameworks and Enforcement: A number of countries have initiated the development of comprehensive legislative frameworks that specifically address the issue of human trafficking. In addition to providing victim support services, these frameworks also involve imposing high punishments on traffickers and providing explicit definitions of the word. When it comes to both the protection of victims and the prosecution of criminals, these techniques are very important. On the other side, the effective application of laws may be made more difficult in some regions due to the presence of situations such as corruption, inconsistent enforcement, and legal loopholes.

Identification of victims and assistance: There is a correlation between countries that have comprehensive victim identification and relief systems and higher achievement rates among survivors. When victims participate in these initiatives, they may have the opportunity to get access to essential resources such as housing, healthcare, treatment, and legal counsel. Inadequate identification efforts, on the other hand, might lead to victims becoming criminals or returning to the practice of trafficking.

Preventative Measures and Options: It has been shown that investing in preventive methods, such as educating vulnerable populations, creating awareness, and addressing the fundamental causes of poverty and opportunity inequalities, leads to more favourable results in terms of reducing the

occurrence of human trafficking. The exploitative cycle may be prolonged, on the other hand, if there are inadequate prophylactic efforts taken.

International collaboration: Countries that actively engage in information sharing, coordinated law enforcement activities, and international collaboration obtain better success when it comes to combating networks that are involved in the trafficking of goods over international borders. However, there are potential roadblocks that might prevent a seamless cooperation from occurring. These include difficulties about sovereignty, complex political institutions, and differences in legal frameworks.

Partnerships between the public sector and the private sector: Governments, civil society, and the private sector have collaborated on programmes that have shown encouraging results in detecting and putting an end to human trafficking. The combination of resources, expertise, and information that is made possible by these alliances enables a more comprehensive response. The maintenance of excellent collaboration and openness across all of these domains, on the other hand, may prove to be challenging.

Research and Data Collection: Countries that have robust research and data collection systems are better equipped to identify the scope of the problem of human trafficking and change their measures accordingly. On the other side, with inadequate data, policy choices might be made that are erroneous, and projects that are targeted could be hampered.

A great number of studies that have been conducted on the topic have shown that human trafficking is a worldwide problem that puts people's rights in jeopardy. In light of this, it is clear that international human rights legislation plays a significant part in providing the legal foundation and mandating efforts to put an end to this illegal practice. Through the examination of a variety of tactics, we are able to get an understanding of the advantages and disadvantages of combatting human trafficking, as well as the significance of using specialised strategies that are supported by data and are designed to encourage collaboration. A better understanding of the insights that may be drawn from the existing body of data might be of assistance to governments and global organisations in strengthening their efforts and presenting a united front in the fight against human trafficking.

The Nature and Extension of Human Trafficking as a Hurting Practice

In order to effectively combat human trafficking, it is necessary to adopt a more holistic approach than only that of combating organised crime. This is intrinsically wrong since it violates the rights of people, which is a fundamental principle. Therefore, human trafficking has an impact on both the enforcement of laws and the protection of human rights. If you want to address both of these problems in an appropriate manner, you will need to work on them simultaneously.

The most fundamental rights of individuals, which will be referred to as the "minimum core of indispensable rights for proper life of any human being," are violated when individuals are subjected to human trafficking. Particularly in the decades after World War II, when the worth of human life was nearly meaningless, the cornerstone of communal living was provided by fundamental human rights such as autonomy, liberty, independence, domain of one's own body, uniqueness, and numerous others. These rights were especially important in the context of the community.

The right to freedom is the first set of rights that should never be separated from humanity, and human trafficking is a violation of this fundamental right because it strikes at the heart of the first set of rights that should never be separated from humanity.

Because human traffickers see their victims as a means to a goal rather than as ends in and of themselves, they interfere with their victims' ability to make their own decisions and exercise their autonomy. Without a shadow of a doubt, human traffickers rob (wo)men of their freedom, which is both unfathomable and unethical. This is because it taints respect for an individual's moral and physical integrity in their own life and prevents them from being considered as a whole.

In a similar vein, freedom may be defined as the absence of resistance, or more specifically, the absence of external constraints that impede movement. Respect for one another and dignity are the pillars of basic rights; none of these should ever be exploited as a way of eroding the other. The first generation of human rights recognises freedom as an essential component since it allows women to realise their full potential and attain dignity. Human traffickers place a higher priority on preventing victims from fully realising their potential than they do on protecting their right to freedom.

Displaying extreme contempt for a particular social group, such as women, is directly opposed to the protection of human rights and the dignity of such individuals. This is due to the fact that it completely disregards their right to freedom. The relationship between abuses of human rights and trafficking in people has been acknowledged by a variety of treaties, as was previously indicated.

Inherent rights include the right to exist, the right to be free from physical and mental oppression, the right to be free from slavery and other types of forced work, and the right to be free from all forms of oppression. Immediate action is required to put an end to slavery in whatever form, as well as activities related to its trade. Furthermore, it is not permissible to subject someone to any kind of harsh, cruel, or humiliating punishment, including torturing them or subjecting them to any form of torture. It is reaffirmed in Article 6 of the International Covenant on Civil and Political Rights that the basic human rights to life, liberty, and personal security are guaranteed to all individuals.

In the absence of a universal instrument, victims and persons who are at risk would not be adequately safeguarded from the targeting of their freedom. This is the reason why the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children was established. This was the impetus for the creation of the Protocol. In the 1979 Convention on the Elimination of All Kinds of Discrimination Against Women, phrases such as "exploitation of prostitution of women" and "all forms of trafficking of women" were expressly prohibited from being used in any context. This was the moment that marked the beginning of the path that led to women achieving complete equality with men.

Conclusion

The cross-national research and case studies show that international human rights legislation shapes human trafficking laws. Despite US and other nations' success against this crime, challenges remain, emphasising the necessity for international collaboration and growth. The effectiveness of international human rights law in fighting human trafficking depends on customised techniques, comprehensive victim care, and a commitment to protecting and maintaining human dignity. The international community can eliminate human trafficking and develop a society that respects universal human rights by sharing knowledge and improving methods. Human trafficking must be recognised as a significant international human rights violation. It violated one of everyone's basic rights, which are interconnected. These crimes have altered, making them harder to stop. The UN estimates 100,000 forced removals from Brazil each year; the Ministry of Justice estimates 60,000. There are 241 routes across the country, making fighting this kind of crime harder. Clearly, the problem must be addressed internationally to be properly addressed locally. Despite 2000 international conventions, it is impossible to address the matter fairly in Brazil or for Brazilians who have faced human rights breaches. Due to its horrible nature, we think victims should be able to report human trafficking locally and globally to stop it. This may even enable traffickers to be prosecuted in their own country or the victim's home country, using international law's universal jurisdiction to these crimes. The basis for universal jurisdiction is the belief that a crime serious enough to require widespread investigation and repression does not violate the sovereign equality of States or interfere in the domestic affairs of the State in which the crime was committed.

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