IMPACT OF EXPLOITATION AND TRANSPORTATION OF HUMAN RESOURCES: A STUDY

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Abstract

Human trafficking in persons is a serious crime and a grave violation of human rights. Every year, thousands of men, women and children fall into the hands of traffickers, in their own countries and abroad. Almost every country in the world is affected by trafficking, whether as a country of origin, transit or destination for victims. UNODC, as guardian of the United Nations Convention against Transnational Organized Crime (UNTOC) and the Protocols thereto, assists States in their efforts to implement the Protocol to Prevent, Suppress and Punish Trafficking in Persons (Trafficking in Persons Protocol). The Protocol to Prevent, Suppress and Punish Trafficking in Persons defines Trafficking in Persons 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.

1. OVERVIEW

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

The definition contained in article 3 of the Trafficking in Persons Protocol is meant to provide consistency and consensus around the world on the phenomenon of trafficking in persons. Many Articles therefore requires that the conduct set out in article 3 be criminalized in domestic legislation. Domestic legislation does not need to follow the language of the Trafficking in Persons Protocol precisely, but should be adapted in accordance with domestic legal systems to give effect to the concepts contained in the Protocol. In addition to the criminalization of trafficking, the Trafficking in Persons Protocol requires criminalization also of:

- Attempts to commit a trafficking offence
- Participation as an accomplice in such an offence
- Organizing or directing others to commit trafficking.

National legislation should adopt the broad definition of trafficking prescribed in the Protocol. The legislative definition should be dynamic and flexible so as to empower the legislative framework to respond effectively to trafficking which:
• Occurs both across borders and within a country (not just cross-border)
• Is for a range of exploitative purposes (not just sexual exploitation)
•Victimizes children, women and men (Not just women, or adults, but also men and children)
• Takes place with or without the involvement of organized crime groups.

UNODC offers practical help to States, not only helping to draft laws and create comprehensive national anti-trafficking strategies but also assisting with resources to implement them. States receive specialized assistance including the development of local capacity and expertise, as well as practical tools to encourage cross-border cooperation in investigations and prosecutions. The adoption in 2000 by the United Nations General Assembly of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children marked a significant milestone in international efforts to stop the trade in people. As the guardian of the Protocol, UNODC addresses human trafficking issues through its Global Programme against Trafficking in Persons. A vast majority of States have now signed and ratified the Protocol. Few criminals are convicted and most victims are probably never identified or assisted. For an overview of UNODC’s work in the human trafficking field and the real-life complexities faced by people globally every day, please click on the following links:
- Prevention of trafficking in persons
- Protection of victims of human trafficking
- Prosecution of trafficking offenders

Having worked on these issues since the late 1990s, UNODC has issued a comprehensive strategy setting out the complementary nature of UNODC’s work in preventing and combating both human trafficking and migrant smuggling, and defining the immediate priorities for UNODC’s future action and engagement on these crimes. The new strategy complements UNODC’s Thematic Programme against Transnational Organized Crime and Illicit Trafficking (2011-2013).

As the guardian of the Organized Crime Convention and its Protocols on Trafficking in Persons and Smuggling of Migrants, UNODC plays a leading role in strengthening and coordinating the criminal justice response to both human trafficking and smuggling of migrants. UNODC’s strategic approach to combating trafficking in persons and the smuggling of migrants is founded in the full and effective implementation of the Protocols, and can be best understood as having three interdependent and complementary components:
• Research and awareness rising;
• Promotion of the Protocols and capacity-building; and,
• The strengthening of partnerships and coordination.

With regards to research and awareness-raising, UNODC will publish the next Global Report on Trafficking in Persons in December 2012, and biennially thereafter. UNODC also produces research and issue research on trafficking in persons and migrant smuggling and
engages in both broad and targeted awareness-raising on these issues, notably through the Blue Heart Campaign against Human Trafficking. UNODC’s normative work on promoting the Protocols and capacity-building engages with Member States and working-level practitioners in providing legislative assistance, strategic planning and policy development, technical assistance for strengthened criminal justice responses, and protection and support to victims of trafficking in persons and smuggled migrants. Finally, UNODC initiatives on strengthening partnerships and coordination occur through its participation in inter-agency groups such as ICAT, UN.GIFT and GMG and its management of the UN Voluntary Trust Fund for Victims of Human Trafficking.

2. EXPLOITATION OF HUMAN RESOURCE WITHOUT ANY FREEDOM

The term trafficking itself is not new and was first used during the 16th century; it was then a synonym for trading and ‘going back and forth’. There was no negative connotation attached to the word. Though at first trafficking was understood to mainly concern the sale of drugs and arms across borders for profit, by the 19th century it also included the trade in human beings, treated as a commodity and sold into slavery. It is ‘traditional’ slave trade was to be outlawed in the late 19th century. At the beginning of the 20th century the term trafficking mostly referred to the “white slave trade”, which was the movement of women and children for the purpose of prostitution across international borders. This was only in the late 1990s that trafficking became associated with the prostitution and sexual exploitation of women and children. With the adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime in the year 2000 (hereafter, the Trafficking Protocol) two innovations in the field of trafficking were introduced. First, a basic and the comprehensive international definition of the human trafficking in persons are now available. Secondly, the Trafficking Protocol definition is very broad in its scope of application as it contains forced labor as one purpose of trafficking besides sexual exploitation. While the Trafficking Protocol draws certain distinctions between trafficking for sexual exploitation on the one hand, and trafficking for forced labor and services (and also slavery and slavery like practices and servitude) on the other, this should not be taken to imply that coercive sexual exploitation does not constitute forced labor. Indeed, the international labor organization supervisory bodies have regularly dealt with forced prostitution and sexual exploitation under the Forced Labor Convention, 1930.

Trafficking thus now refers to the movement of people, often illegally, across borders or within a country, treated as a commodity and resulting in labor or sexual exploitation. As a difficult issue regarding to the protection of victims of trafficking is the question of the consent of the trafficked victims. Even if the victim has given his or her consent initially, this does not in any way mean that the right of accused persons to a full defense and to the presumption of innocence
is restricted. Further, the Trafficking Protocol should not be interpreted as placing a burden of the proof on the hunt.

This in turn creates a situation in which victims of trafficking do not face competition of nationals regarding their job, but rather that of other victims of trafficking, thus creating a supply surplus, which leads again to a downgrading of working conditions (“race to the bottom”). Many countries enshrined the prohibition of forced labor in the constitution or in national human rights legislation. Prohibition of forced labor through general or international legal norms is very difficult to enforce and prosecute unless there is a corresponding criminal offence created in the national law. Despite the requirement for the states that ratified relevant ILO Conventions3 to ensure that ‘the illegal exaction of forced or compulsory labor shall be punishable as a penal offence’, not many countries have introduced straightforward criminal legislation against forced labor. Given the hidden nature of the phenomenon there is only limited information available on trafficking for forced labor.

In Jharkhand, the collapse of the USSR was followed by a sharp increase in socio-economic inequality and a rise in unemployment and poverty, which created a socio-economic rationale for the involvement of sizeable socio-demographic groups among the Jharkhand population in trafficking. Trafficking in women and children is a matter of great concern all over the world. In South India, cross-border trafficking and transit to destination is a big problem. Even more prevalent is the movement of persons within the countries of the region for exploitation in various forms. There are no definite figures about the number of victims. Trafficking for commercial sexual exploitation is the most virulent form in South India. The response by the countries of South India in combating the crime of human trafficking has been inadequate. There is limited awareness, and, although knowledge of, and the willingness to speak out against, trafficking have increased significantly in the past half-decade, these are still only at minimal levels. Existing anti-trafficking legislation in most countries is inadequate.

As per the NCRB data for the period 2009-2011, a total of 1,776,60 children were reported missing out of which 1,22,190 children were traced and 55,470 children continue to remain missing. Out of the children who continue to remain missing, 35,615 (64%) of them are minor girls. To the Children in bulk are being trafficker by proper well organized gangs from states to Jharkhand, a safer place for the traffickers. Children from Manipur, especially those belonging to the Kuki tribe are targeted by traffickers misguiding them as missionaries, as people in the insurgency-hit areas are willing to send off their children if they are promised a good education.

3. IMPACT OF EXPLOITATION ON THE BEHAVIOR OF LABORS

This position paper critically examines the contemporary reality of schooling of children belonging to Scheduled Caste and Scheduled Tribe communities who have been historically excluded from formal education – the former due to their oppression under caste feudal society and the latter due to their spatial isolation and cultural difference and subsequent marginalization by dominant society. There are thus sharp differences between these two categories of
population in terms of socio-economic location and the nature of disabilities. However, there is also growing common ground today in terms of conditions of economic exploitation and social discrimination that arise out of the impact of iniquitous development process. Concomitantly, the categories themselves are far from homogenous in terms of class, region, religion and gender and what we face today is an intricately complex reality.

Bearing this in mind this research attempts to provide a contextualized understanding of the field situation of the education of SC/ST children and issues and problems that directly or indirectly have a bearing on their future educational prospects. The Scheduled Castes constitute around 16 per cent of the Indian population today. There are marked state and regional variations in terms of these proportions. Punjab has the highest proportion at 28 per cent. Among the larger states, (barring the North Eastern, where high tribal concentrations exist) Gujarat has the smallest percentage of SCs at 7.41%. From a sociological point of view, apart from their increasing visibility the most significant contemporary fact concerning the Scheduled Castes is their growing political assertion and identity formation as ‘dalit’.

4. EXPORTATION OF HUMAN BEING AS LABOR
Bonded labor, which is characterized by a long-term relationship between employer and employee, is usually solidified through a loan, and is embedded intricately in India’s socio-economic culture—a culture that is a product of class relations, a colonial history, and persistent poverty among many citizens. Also known as debt bondage, bonded labor is a specific form of forced labor in which compulsion into servitude is derived from debt. Categorized and examined in the scholarly literature as a type of forced labor, bonded labor entails constraints on the conditions and duration of work by an individual. Not all bonded labor is forced, but most forced labor practices, whether they involve children or adults, are of a bonded nature.

Bonded labor is most prevalent in rural areas where the agricultural industry relies on contracted, often migrant laborers. However, urban areas also provide fertile ground for long-term bondage. Characterized by a creditor-debtor relationship that a laborer often passes on to his family members, bonded labor is typically of an indefinite duration and involves illegal contractual stipulations. Contracts deny an individual the basic right to choose his or her employer, or to negotiate the terms of his or her contract. Bonded labor contracts are not purely economic; in India, they are reinforced by custom or coercion in many sectors such as the agricultural, silk, mining, match production, and brick kiln industries, among others.

6. THE IMPACT OF THE WORKPLACE CONDITIONS OF LABORS’ BEHAVIORS
The present study examines the impact of emotional labor on role related outcomes viz., organizational role stress in the services sector in India. Review of literature reveals that emotional labor studies in India hardly have a presence and just about 1% of studies have been researched empirically. This study tries to corroborate the emotional labor and its consequential impact on employee related outcomes in the Indian context as confirmed by numerous studies in the western context. Study reveals that there is positive and moderate relationship between
emotional labor and organizational role stress for the overall sample irrespective of the demographic influences. This relationship proved to be higher and positive for the female married segment thus creating latitude for policymakers to examine the nuances. Traditional Organizations operated largely under predictable business environments and were driven towards premeditated consensus[1-8].

Even the ‘best services’ of yesterday have transformed to become the ‘worst practices’ while core competencies turned into core rigidities. The role of employees and their attitudes have been the focal point of many studies as they help craft the smooth transformations for organizations into one that is modern, suitable and performing. The overall implications for creating right employee attitudes and positive perceptions can be studied for an upsurge in employee productivity, organizational growth and effectiveness and as a general boost in the quality of work life and satisfaction amongst employees. Employees’ attitudes are largely influenced by the core of emotions they experience both within and outside their workplace. Emotions are created through the perceptions generated out of cognitive appraisal of the situation at hand which can determine the well-being.

6. CONCLUSION

Several researchers have looked into the concept of Emotional Labor by considering different influencing variables. Particular research has deliberately chosen the dispositional traits to check their levels of influencing capacity on emotional labor. Negative Affectivity is one dispositional trait possessed by individuals that make them to experience more of negative emotions over varied time and situations. Political skill combines social incisiveness while Political behavior is an extra-role behavior adopted by individuals for their personal gains. This study’s results indicated that negative affectivity and political skill were significantly related to employee perceived emotional labor, which further influenced employees’ use of political behaviors and job-induced tension.

Interestingly another prominent study by tried to investigate in the context of high emotional labor jobs, the relationship between balanced thinking and affective organizational commitment (AOC). Their results demonstrate that linear thinking style (preference for reliance on logic and objectivity) was positively associated with the regulation of emotions, nonlinear thinking (preference for feelings, intuition and sensations) was related to utilizing emotions to facilitate thinking, and a reasonable use of linear and nonlinear thinking was a predictor of overall EI. Linear thinking style promotes “strategic EI”, the modern day “Surface Acting” while nonlinear thinking style results in “experiential EI” and is the “Deep Acting” Emotional Labor. After reviewing sufficient literature, the authors were convinced that there is a link between emotional labor and role stress. Thus a study has been undertaken to investigate the presence of emotional labor with its role stress linkages in Indian service organizations. The purpose is to improve the understanding of the employee experiences under intensive emotional labor environments.
REFERENCES


