

# Cyber Sex Trafficking- A New Way Of Exploitation

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## Introduction

The trafficking and prostitution are not a new concept but of course the one of the most controversial and toughest question which the society has ever answered due to its partial and religious structure from ages. The journey of the prostitution in has downgraded from very agreeable to the discarded population in the society. The definition of trafficking is speaks about procuring, taking and even inducing a person for the sake of prostitution even attempt to procure and attempt to take or cause a person to carry on prostitution amounts to trafficking. Further we can also say trafficking” means “the procurement, recruitment, transportation, transfer, harboring or receipt of persons, legally or illegally, within or across borders, by means of 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 giving or receiving payments or benefits to achieve the consent of a person having control over another person, for monetary gain or otherwise”. The Trafficking Protocol, which had 117 signatories and as of November, 2018 there are 173 parties, defines human trafficking as:

The recruitment, transportation, transfer, harboring or receipt of persons, by means of 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. 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, manipulation or implantation of organs;<sup>3</sup>

## I. The traditional concept of Human Trafficking

Human Trafficking is vast issue and it is generally done for sexual or bonded/forced labor exploitation. Human trafficking is a vicious circle, like the men or women of Bangladesh and Nepal exploited are bring to India and the Indians go to the Arab countries and Arab Nationals into European countries. In most of the Asian countries humans are trafficked for the purpose of sexual slavery, commercial sexual exploitation, extraction of organs or tissues, forced marriage, forced labour or domestic servitude.<sup>4</sup> Human trafficking after drugs and the arms trade is the third largest organized crime across the world. Human trafficking across the world is mainly done for sexual exploitation where women and children turn as victims to it.<sup>5</sup>

There are international conventions for preventing human trafficking, which many countries have ratified including many Asian countries. Human trafficking leads to violation of human rights of the individuals and also, they are

subjected to victimization.<sup>6</sup> The laws for human trafficking must be strengthened that it meets all the requirements for preventing human trafficking. The girls especially in their adolescent age must understand about the consequences in order to prevent them from victimization and the role of the government and the NGO's has been increased up to great extent in this regard.

Human trafficking is one of the most serious problems in today's modern globe. Men, women and specially children are trafficked for various reasons in India and especially for the prostitution. Many boys and girls are trafficked in Asian countries for commercial sexual exploitations and forced marriage especially in south Asian countries like India, Pakistan and Bangladesh.<sup>7</sup> The trafficking is also for the purpose of household work especially in Delhi and Mumbai.<sup>8</sup> A significant portion of children are subjected to forced labour as factory workers, domestic servants, beggars, and agriculture workers, and have been used as armed combatants by some terrorist and insurgent groups also.<sup>9</sup> India is also a destination for women and girls from Nepal and Bangladesh trafficked for the purpose of commercial sexual exploitation. Nepali children are also trafficked to India for forced labour in circus shows. Indian women are trafficked to the Middle East for commercial sexual exploitation. Indian migrants who migrate willingly every year to the Middle East and Europe for work as domestic servants and low-skilled labourers may also end up their life as part of the human trafficking industry. Basically, the persons who want to go to the middle-east and different European countries in search of good jobs and good life's end with the fraudulent recruitment process by the agencies. These people generally struck down by the debt-bondage of recruitment fees, unlawful withholding of passports which generally leads into physical and sexual abuse.<sup>10</sup>

Mental issues include disorders such as PTSD<sup>11</sup>, depression and anxieties are common in these cases. Women who have forced into trafficking are at a higher risk for HIV, TB and other STDs. Condoms are rarely used and therefore there is a higher risk for victims to suffer from STD diseases. Trafficking in India means a trade which is illegal and punishable. Human trafficking is carrying out as a trade on humans with the motive of abnormal, unethical exploitation. Humans are trafficked for the purpose of sexual slavery, commercial sexual exploitation, extraction of organs or tissues, forced marriage, forced labour or domestic servitude. Human trafficking after drugs and the arms trade is the third largest organized crime across the world.<sup>12</sup>

Human trafficking across the world is mainly done for sexual exploitation where women and children turn as victims to it. Human trafficking is done for a number of purposes but sadly in our country the act which exists against human trafficking is Immoral Trafficking Prevention Act (ITPA) and it only combats against the human trafficking, if it is done for the purpose of sexual exploitation. So, the legal provisions relating to human trafficking as whole must be strengthened in order to prevent human trafficking in India. There are international conventions for preventing human trafficking and India is signatory to this convention. Human trafficking leads to violation of human rights of the individuals and also, they are subjected to victimization. The laws for human trafficking must be strengthened that it meets all the requirements for preventing human trafficking. People who are in poverty line across the country must be made aware about human trafficking and its consequences in order to prevent them from becoming victim of human trafficking.

The Government of India penalises trafficking for commercial sexual exploitation through the Immoral Trafficking Prevention Act (ITPA), with prescribed penalty of seven years to life

imprisonment. India also prohibits bonded and forced labour through the Bonded Labour Abolition Act, the Child Labour Act, and the Juvenile Justice Act. Indian authorities also use Sections 366(A) and 372 of the Indian Penal Code, prohibiting kidnapping and selling minors into prostitution respectively, to arrest traffickers. Penalties under these provisions are of a maximum of ten years of imprisonment and a fine or both. Bonded labour and the movement of sex trafficking victims may generally facilitate by corrupt officials which is the basic issue in this regard.<sup>13</sup> The one of the significant drawbacks of the ITPA Act is that it is only punished the sex workers or the pimps but it doesn't have the provisions to punish the customers involved in the prostitution.

## **2. Role of International Conventions to prevent Human Trafficking**

Article- 4 of the Universal Declaration of Human Rights- This article provides that a person should not be detained under slavery or servitude. Slavery or servitude trade must be prohibited in all its forms.

International Covenant on Civil and Political Rights Articles 8(1) and 8(2) of ICCPR respectively states that the person should not be apprehended under bondage and servitude. The trade which is done for domestic slavery and servitude must be prohibited.

International Covenant on Economic, Social, and Cultural Rights Article 10(3) of the Covenant on Economic, Social, and Cultural Rights (ICESCR) provides that every children and young people should be given a protection and assistance without any discrimination or biasness on the basis of caste, for reason of parentage and any other condition. They should be protected from economic and social exploitation.<sup>14</sup>

ILO Convention concerning forced Labour, this Convention basically calls for the suppression of forced or compulsory labour in all its forms. Forced labour is defined as "all work or service

which is exacted from any person under the menace of any penalty and for which they said person has not offered him voluntarily". This convention is the most ratified convention among all the ILO conventions.<sup>15</sup>

Convention for the suppression of the traffic in persons and of the exploitation of the prostitution of others, The Convention specifically declares that the main reason behind the commercial sexual exploitation of women and children is their dependency, mostly in Asian, African and Arab countries women are basically depended on their men and the men are the bread earner in the society.<sup>16</sup> The Convention provides a number of activities aiming at preventing commercial sexual exploitation and at restriction on pornography through criminalization and punishment of all forms of acquirement. Member States commit themselves to eliminating all forms of discriminations that ostracize victims of commercial sexual exploitation. Member States should cooperate in the identification of international networks of procurers and, if they are members of the International Criminal Police Organization in order to cooperate with that Organization then suppression of the human trafficking should be their one of priorities.<sup>17</sup>

International convention for suppression of white slave traffic, 1910, This convention criminalized procurement, enticement or leading away of a woman or girl under the age of 21, even with her consent for immoral purposes irrespective of the fact that the various acts constituting the offence may have been committed in different countries.

United Nations convention against torture and other cruel, inhuman or degrading treatment or Punishment, 1984, This Convention specifically provides that, if any person returns to his or her state under substantial ground of being in danger of torture then compensation is also predetermined under this convention.

United Nations Convention against transnational organized crime, the United Nations Convention against Transnational Organized Crime

(UNTOC) was adopted by the Assembly resolution of 15 November 2000, is the first International instrument against transnational organized crime. A high-level conference was convened in Palermo, Italy on 12-15 December 2000 for signature of the Member states and entered into force on 29 September 2003. Three protocols were further supplemented which target specific areas and manifestations of organized crime. One among them is the protocol to prevent, suppress and punish trafficking in persons, especially women and children. This Convention consists of forty-one articles that require States Parties to criminalize, inter alia, participation in an organized group<sup>18</sup> the laundering of the proceeds of crime<sup>19</sup> and corruption<sup>20</sup> States Parties are additionally obligated to adopt measures for the prosecution of offenders<sup>21</sup> and for the confiscation and seizure of, inter alia, the proceeds of such crimes (articles 12 to 14).<sup>22</sup> Each protocol sets out a number of obligations for each of the three specific sub-areas of transnational organized crime that are focused upon. The convention represents a major step in the fight against transnational organized crime and emphasizes the seriousness of the problem posed by it to be recognized by the Member States.

It also signifies the need to nurture and enhance close international cooperation for the purpose to tackle the problem posed by it. The States who have ratified the convention commit themselves to take action against these crimes. Their action includes creating domestic criminal offences, the adoption of new frameworks for extradition, mutual legal assistance and law enforcement, for building or upgrading the necessary capacity of national authorities. The International Journal of Pure and Applied Mathematics Special Issue 50 protocol to prevent, suppress and punish Trafficking in persons, especially women and children is the first globally legally binding instrument with an agreed definition of trafficking in persons.

The intention of this definition is to facilitate National approaches for the purpose of establishment of domestic criminal offences. This would help to support for international cooperation in investigating and prosecuting trafficking in person cases. One more additional objective of the Protocol is to protect and assist the victims of trafficking in persons with full respect for their human rights.

### **3. Cyber Sex Trafficking**

Cyber Sex trafficking is different from the normal trafficking, as the children or the teenagers have been trafficked and bring to the cybersex den. In this type of trafficking, the women bring to the place where the all establishments like web-cam, audio player and all the items used to foreplay has been kept in advance. The most common and famous or we can say the higher demand is of the teenager's video and the rape videos. The websites like hamster.com is promoting the webcam sex in which the girls are showing their private parts on the webcam to arouse the man who is sitting next to the webcam and for every minute they have to pay the agency for which the girl is working and basically these payments are through virtual mode except in few trusted or regular customers.

It is different from the traditional or the old trafficking, in this type of trafficking the girls don't have do sex with the customers like in brothel homes except in few cases like if the customer is trusted or paying very high amount but they have to perform the act of sexual arousing on the webcam with the customers and help them in satisfying their clients. This is basically done through the webcam facility with internet facility and with video sharing software in a very secret place.

The invention of the video call has changed the life in many ways. The urge of meeting with friends and family has been decreased to at many extents. The exploitation of women has got a new space in the society with the invention of Audio-Video technology. However, in this type of exploitation the victim doesn't have to sleep with the random customers but they have to perform

the sexual act on themselves or on the actors with them in the agency. The Victims has to follow the commands of the customers and it is most of the time commercialized on that network or some other network. This is nothing but the cyber form of forced prostitution.

Only the modes of the prostitution have been changed in these days but the reason for the prostitution has been not changed yet. The major source of the internet prostitution is still the Poverty. The Children and women from the village area has been trafficked for the purpose of cyber prostitution because they are vulnerable and below the poverty line. There is no data available about the sex crime every year and there has no software developed till now that indicate about the live streaming of sexual activity on the internet. It is a billion-dollar industrial which is working freely and very high magnitude because of the lack of proper laws in many developed, developing as well as underdeveloped countries and India is not an exception to this. It is a business which is brought by the technology to the globalization.

Basically, in the developing countries it is run on a changing network, using of encrypted networks and private software's and above all to hide the transactions crypto currency has been used. The transnational nature of the crime has been proved that it has a wider dimension and need to be combat together, all the nations including the NGO's and enforcement agency need to tackle this problem together and in the urgency.<sup>23</sup>

The planning of the work needs to be done at very base level. The seminars, the informative schemes and the mock drills should be taken care of very carefully and minutely and specially among the villages or small cities among the population who are below the poverty line and above all every country now in a globe either need an effective law against this crime or need to change their laws with the present scenario otherwise the situation would be worse for the female child in the entire globe and the civil society of every country would be responsible for the same.

The most interesting thing about the online sex is that the partial exploitation happens in the virtual world and the partial exploitation is real. The

exploitation is without the permission of victim most of the time but like the real brothel trafficking, they don't have to face the unknown and enormous strange people. They have to do sex only with the actors of the agency in order to arouse the person sitting over on the video conferencing call and who is paying for this act. In India, basically the people from the Arabian countries or the people from the European countries make these types of international call.<sup>24</sup> Basically, the Women and children are the victim of this trend; they are threatened, deceived, abducted or drugged. They have locked in a room with no window, doors and curtains all around and with a webcam and no permission to get out from a room. They face physical and emotional trauma in the captive and sometime the nature of the world will ashamed of the act like Gang rape in a video camera. Victims were denied food, not allowed to sleep properly and they have to work also in extreme sickens or in the infectious disease also. They have been assaulted and tortured till last breath.

Victims can be exploited in any place with the software of video capture and internet facility. Commonly, these places have been called as the cyber-sex den, these dens can be any were like homes, hotels, cyber cafes, offices, shops etc. basically the agents tries to take this out from the eyes of enforcement mechanism. The major issue for the enforcement agencies is to identify these places because without identifying these places, it is very difficult to mark a figure about the women or girl who has been trafficked in this business.

Most of the girls has been trafficked and transferred to the brothel or to the other location or cybersex den. So, it became very difficult for the enforcement agencies to break this chain. It is interesting to know that some children or girls are not trafficked but they are bullied or webcam blackmailed and online torched to make of a film of them and send it through the internet. Victims are also forced to self-penetrate themselves and to what they called is the rape at a distance.

These videos are filmed and uploaded on a website and can also be used for the private sell. There also many videos which are made by the agencies through the boy who are actually

working for the agencies and pretending to love the girl and make sex MMS or they coerced the victim girl to send the nude videos to the boy and the boy upload those videos or pictures on porn websites in lieu of money and also sell to some private persons or to some adult magazines.

Basically, in these types of crimes the marginalized sections of the society like below the poverty, conflict, discrimination, conflict, social exclusion etc. are the real target or they have the chance to doing these types of work because of the ignorance of internet power and the need of money.

It is interesting to know that the agents change their places very frequently with webcams and according to the need and location they established themselves. It is also interesting to know that in few cases the person sitting behind the screen is the real master and not the person who is directing the movie. The person who is paying the amount will decide the moves of sex, cloths of the character and also the background view.

Internet platforms used in this process is very much famous among the teenagers in India as well as rest of the world the platforms like Facebook used to chat with the victims or to get the details of the victims. The video calling system like Skype or Zoom videos are used for recording or filming the sex work. They used telegram and cloud or other instant messaging app for the quick communication. Moreover, they used virtual private software and Tor network to continue the work with anonymity.

This is the latest and most emerging crime in the cybersex world and the most dangerous part is that it is popularizing at a very high rate and every person wants to see this once in his life time. It generally shares the similar characteristics with other sex crime in real world or it overlaps also sometime.

According to attorney Joshua T. Carback, it is 'a unique development in the history of sexual violence and 'distinct in several respects from traditional conceptions of online child pornography and human trafficking. The United Nations Office on Drugs and Crime has also identified the cybercrime involving trafficked victims on webcam sex shows as an emerging problem. The online webcam shows are sometimes also referred as the webcam rape.

This is the most emerging and worst emerging social issues against the younger generations in today's world.

Despite the number of investigating agencies in India and the globe, this problem has arisen very fast and tremendously, the major reason behind the rise of this issue is the unprofessional approach of the investigating agencies. Mostly in India the police officers see the victim as the offender and of loose character and they start their investigation with examining the girls. This is the reason that most of the women or girls do not register this type of crime. The second basic problem is with the knowledge of the investigating agencies; they are not well trained with the computer technology. So, they investigate on the old method which is not applicable in these types of crime.

Further, it is also to note that the role of the victim's family is also very important; they have to concentrate on every minute crime happening on the internet against their daughter. The approach of the family members especially in India against the small cybercrimes like Cyber bullying, Cyber defamation is very negative. The Guardians and parents basically thought that they are the trafficking acts among the friends of their daughters. So, this approach should be controlled in order to archive the harassment free society in India.

Every single body of the society like Guardians including family, Society, NGO's, Enforcement agencies, Government should play their part very neatly, honestly and in dependably, so that the most vulnerable section of the society that is women should gain faith in the society and this is the only way to become a fully developed society in every prospect.

### **5. Cyber Prostitution- a new way of Exploitation**

Today world is facing new challenges in the form of internet, the real world is all similar to the virtual world, the ratio of crime is almost similar and the treacherous people are in both worlds. There is no doubt that the initiation of internet has created more opportunity to develop then what was in past but it is also not deniable that the use of internet has also created threat to human being and especially to children's and adolescents. The 21<sup>st</sup> c. is the digital century everyone is sharing

his idea, thoughts and messages on via internet or electronic gazettes. The use of technology to deal with various daily matters is inexorable. In such a scenario, the sensible use of techno-products is highly demanded in order for it to be more effective. Ignorance of its potential threats and traps has been resulted the terrible consequences, especially in the lives of children and teenagers.<sup>25</sup>

As every nation believes that the children's and young generations are the assets and future of any state. So, in order to make the future strong the government should ensure that their younger generation will know the pros and cons of the internet use. The younger generations and specially children are actively indulged in e-shopping, education, social interaction, entertainment on the internet but the concern is when they get trapped in unsocial work like cyber stalking and bullying, child pornography, sexual exploitation, online harassment, identity theft, morphing etc. they also didn't know. This is generally because of the less awareness and proper knowledge in the younger generation and proper care of the parents. The fault lies on citizens as well as government. The government is equally responsible for not educating their citizens in cyber-crimes and doesn't make aware about it. The virtual world is as full of crimes as the real world. Everything that we see, listen and read in Digital World are not true, sometimes it is misleading. The criminals in cyber world driven by the same motives as they driven in real world but here in digital world provides great anonymity to the criminals.<sup>26</sup>

Educating the children about practicing safe online behavior in order to enjoy the gifts of web world and safeguard from the potential danger of online criminals is of pivotal importance. At the same time, it is important that the government, together with the law enforcement agencies, epistemic community, school teachers, parents and children should actively work to, build safe environment for the innocent minors as well as mitigate and combat the cyber pedophiles. It is a need of the hour for a multi-layer approach to

address, the online risks, which carries different challenges and require broader international collaboration to find innovative solutions.<sup>27</sup> With the rapid spread of computers and internet, cyber-crimes have emerged as a major challenge for law enforcement agencies and civil society. In India, almost 440 billion children are below 18 years and it serves home to 19% of the world children's.<sup>28</sup> As per one of the reports released by Ericsson reveals 30 Million urban Indian kids and teens own mobile phones and 3 Million use broadband on phones and parents using mobile broadband are more likely to introduce their children to the technology<sup>29</sup>

The younger generation which use the internet and online technologies extensively for staying connected for all his day to day works and entertainments, including information, e-mails, social networking, e-banking, e-shopping, web-TV, news, education, home-work research, online gaming, downloading music, videos, movies and other contents etc., are more vulnerable to targeted cybercrimes.<sup>30</sup> This often happen in the form of cyber stalking, cyber bullying, child pornography, online harassment, hacking of email or social networking account, identity theft, unwanted exposure to sexually explicit material, in appropriate contents, etc. These risks are not confined to their local area but occur from people all around the world. Parents and teachers do not have direct experience with the risks posed by new media technologies. Addressing the risks online therefore carries different challenges and requires broader collaboration to find innovative solutions. The need for a multilayered approach to internet governance in India is highlighted by a comparative study of the various measures available internationally to make communications over the information and communication technologies safe.<sup>31</sup>

The most alarming and destructive phase of the internet has been started in recent years, when the internet has become a new method of prostitution as it has very less chance of arrest and assault. It is the best mode of connection between clients

and sex workers as it is cheap and not easily anyone can locate. Before the rise of the internet the newspapers, magazines, pamphlets in telephone booths, train toilets, posters in subways were the primary sources of the advertisement for the prostitution services. By the end of year 2000, the internet has become the primary source of advertisement because of its vulnerability for less arrest and assault. The prostitution was a part of civilization but then thanks to internet that it is now like a blood to the society almost from 15 year to 50-year men everyone knows it and has tried even once. The use of the internet for advertisement has become a necessary evil and it is used through the advertising agency also. There are commercial websites which are open for advertising the sex workers and their services only. However, most of the times these sex workers advertised through their personal domain name.

The Social media has become the top most advertising agencies for the sex workers especially face book and Instagram and the best part is the online payment mode, everything is on the internet, enabled the sex workers and escorts to take online payment. When PayPal had been launched in 2001, the escorts were the first customers. Subsequently with the changing time the PayPal has change their policies in order to restrict the unauthorized online transactions. In 2013, the Escort agency VIP of England has become first agency to accept the Virtual Currency, Bitcoin.<sup>32</sup>

The modernization has made the resource available and the teenagers are using the internet more to access the bodies of the women and girls then on other valuable resources. This is not only a fun game but it eventually became a habit and destroyed the creative minds of the teenagers. It is not hard to realize that the teenagers who use more porn websites in their daily life are more violent than other teenagers and their way of thinking about girls and women has also changed. The behavior of these teenagers is much more aggressive than the other non-user teenager.

The world of crime is associated with each other, the major role of trafficking is Prostitution and the prostitution ultimately lead to other crimes

specially crime against women. Advertising is the most important part of any organized crime and the prostitution is one of the best organized crime run by mafias. Escort agencies, brothels, and strip clubs are advertised on websites and chat rooms, enabling pimps and traffickers to sell women for sex. The organized crimes not only sell the sex but also other related services with sex like massage parlors and other online services.

The organization or mafia understood that in order to have more business, the advertisement should be more and the only advertisement which is very easily available and reach to the masses is the online advertisement. For example, a sex buyer may first look at free pornography downloads, then be offered hardcore pornography for sale, and then he might see a pop-up advertisement for prostitution in his zip code.<sup>33</sup> Web-based advertising happens daily in all areas of business enterprise on the World Wide Web. While traffickers use the same online sales model as other businesses, they also use Internet technologies usually not accessed by other businesses such as online forums, Skype, and gaming technology such as Xbox Live, Sony Online Entertainment, or real-time games such as World of War craft.<sup>34</sup> The organized crimes are not only depends on each other but it is also have each other's influence like the money of prostitution are used for drugs and illegal weapons smuggling.

The access of internet has proved accurate to use the body of the young women's and girls' then it has access to employment, education and other meaningful things. Every man wealthy enough to own a computer and pay an ISP can enjoy an infinite virtual arouses in the silence of their home.<sup>35</sup> Advertisement is the most significant part of the prostitution business. The thing which looks good have the chance of sell easily, this is the simple rule of any industry and the sex industry is not an exception to this.

The advertisement has gone on next level with the services like strip clubs shows, scot services, personal chat rooms etc., every were the photos and videos have been used with girl's description of personal and professional substance and specially the body structure and with a promise



that the information of customer have been kept secretly.

Furthermore, with the coming of mafia's in this business it has got an un-official status and it is more planned and structured now. The mafias are very well understood that the advertisement not only promote sex industry but it has become a habit for the young and especially teenage people, which can eventually be in cashed by pop up messages in the private email. The mafia is using the same old model of advertisement, they first make a feeling of special one for the customers by giving lots of offers and discounts and once the man get trapped and addicted then they charged high rates from them or provide less services. The next level thing which is used by the mafias now days is the sexual attraction through gaming.<sup>36</sup>

## 6. Conclusion

The present research work basically dealt with the emerging dimensions of the trafficking, how trafficking leads to the prostitution and how prostitution affects our life's in the society and of course the modern-day prostitution which is the online prostitution. So, basic attraction to the research work is the introduction of the online prostitution. The Internet platforms used in this process is very much famous among the teenagers in globe and especially in the Asian region. The platforms like Facebook used to chat with the victims or to get the details of the victims. The video calling system like Skype or Zoom videos are used for recording or filming the sex work. They used telegram and cloud or other instant messaging app for the quick communication. Moreover, they used virtual private software and Tor network to continue the work with anonymity. This is the latest and most emerging crime in the cybersex world and the most dangerous part is that it is popularizing at a very high rate and every person wants to see this once in his life time. It generally shares the similar characteristics with other sex crime in real world or it overlaps also sometime.

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