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Violation of the right to bodily integrity of victims of human trafficking

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Abstract

The right of each human being to autonomy and self-determination over one's own body sums up the principle of bodily integrity. According to Justice Blackmun, the right to bodily integrity is the cornerstone of all liberties while John Stuart Mill wrote "*over himself, over his own body and mind, the individual is sovereign*" and "*each is the proper guardian of his own health, whether bodily or mental and spiritual*" (Neff, 1990).

Human rights approach to deal with human trafficking victims is much needed to ensure equal protection to all victims of trafficking regardless of the kind of work they had been trafficked for. Current state level policies do not approach trafficking as a human rights issue but rather as a problem of gender based violence or transnational organised crime which detrimentally impacts the rights of trafficked persons making them secondary to another policy objective. When trafficking of persons is approached just as a crime the victims get further victimised by becoming instruments of criminal investigations with or without their free will. Human rights approach helps one to go beyond the level of coercion in dealing with the rights held by the victim, regardless of the circumstances in which he or she was trafficked.

This paper explores the connections between body and rights and the complex complementary relationships between right to bodily integrity and victims of human trafficking. Beginning with the definition of human trafficking and bodily integrity, it highlights the abuse of the victims of human trafficking against their right to bodily integrity specifically in the Indian context. The explanation on different types of abuses faced by the victims of trafficking helps understand in detail the violation of the said right. With the help of a few cases and examples the paper tries to explain the subject under study. the study is concluded with a few recommendations to help the citizens realise this right without any discrimination.

Keywords: bodily integrity, victims, human trafficking

1. Introduction

Human rights are meant to be enjoyed by all human beings irrespective of a person's place of residence, sex, nationality, caste and creed. Human rights are said to be independent, interrelated and indivisible. Right to bodily integrity is one of the human rights which is not fairly enjoyed by all. India is one of those countries where the citizens are not guaranteed this right under the Indian constitution. The principle of bodily integrity sums up the right of each human being including children, to autonomy and self-determination over their own body. It considers an unconsented intrusion as a human rights violation^[1]. The principle of bodily integrity applies in a lot of ways and not only in case of adults but also children. In this paper bodily integrity will be understood as a right which is grossly violated in case of human trafficking victims.

Trafficking in human beings is a very complex phenomenon and requires a multidisciplinary approach to understand it. Human trafficking is a form of modern day slavery and widely spread. It is a global threat as a human being is transferred nationally and internationally illegally without any form of consent. The people are engaged for various purposes such as commercial sex, domestic labour or in factories, restaurants or other places to work as desired by their employers or owners. A detailed study of this phenomenon requires to be done with consideration of human rights at the centre.

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¹ <https://www.crin.org/en/home/what-we-do/policy/bodily-integrity> retrieved on 15.5.17 at 16:27hrs
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People from all strata and walks of life are victims of trafficking: men, women and children. None of them enjoys the right to bodily integrity. Everyone is made to suffer at the hands of the traffickers and again when the employers torture them brutally. The moment any person is trafficked his or her bodily integrity is violated since it does not involve consent to move the person from one place to another.

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.

The present study focuses on the violation of the right to bodily integrity of the victims of human trafficking with the help of a few cases published in the newspapers or reported by some Non-Governmental Organisations working in this area.

2. Review of literature

Neff in the article (Neff, 1990), explored how bodily integrity was denied to protect a woman's right to terminate her pregnancy. How the right to privacy failed to at places and therefore bodily integrity law was required to provide a narrower and more powerful protection of women's physical autonomy. The article argued that when a state deliberately forced a woman to endure an unwanted pregnancy; it violated the woman's right to bodily integrity. The writer believed that the way the law of privacy was applied to the issue of a woman's reproductive rights needed to be reviewed. Rights of personal autonomy, self-determination and privacy are rights critical to attain a Constitutional Jurisprudence protecting a broad array of personal liberties.

Mathur (2008) in her article has tried to relate bodily integrity with the struggle for women empowerment in the Indian context. She has pointed out how bodily integrity is not respected in the patriarchal society of India. She talks about the woman denied to make any of her decision be it of her body or her life. A woman is identified by her body and power is mostly played out on it. With the women's identification based on their bodies and physical manifestation; their emotional, mental, psychological and physical spaces are suppressed. Since the mind and body are demarcated into mutually exclusive categories of mind and body; there is a loss of personhood, autonomy and control over their bodies and violation of bodily integrity.

The relationship of bodily integrity with women empowerment is established by Mathur (2008). She has tried to define bodily integrity and also how a woman's body needs this right to protect and empower herself in this patriarchal world. A girl child has no right over the way to speak or even dress or eat. Thus, the writer argues that women empowerment would be guaranteed by the right to bodily integrity when every woman would be able to decide for herself.

The Sex trafficking Factsheet (Equality Now: A just world for women and girls, 2011) reveals that the victims or survivors of sex trafficking often complain about the degradation of their mind and body on a daily basis. The victims of sex trafficking suffer physical and sexual assault by their traffickers. They are intimidated, isolated or sold into debt bondage by the traffickers which lead them to

suffering various kinds of diseases which may be physical or psychological. The victims are many times forced to undergo abortion if they get pregnant in due course of their exploitation. The factsheet gives many such facts along with a few figures. It is not a detailed account and only a brief script talking about many types of violations of human rights of victims of sex trafficking.

From the above literature it can be made out that not much research has been done on right to bodily integrity. The studies done however, does not talk much about the violation of the right of victims of human trafficking. This is a gap in the above literature providing scope to explore about how the victims of human trafficking are deprived of their right to bodily integrity. Bodily integrity as discussed by other researchers is the right denied to women alone and that too in respect of the abortions forced or not granted to them. It is a right generally associated with the Right to Health.

The present study tries to put forward that right to bodily integrity is a right that is denied not only to women or girls but also boys and men in cases of human trafficking. The study tries to bring out with the help of some examples how a male victim of human trafficking is denied this right similar to a woman.

3. Human rights

Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups ^[2].

United Nations adopted the Universal Declaration of Human Rights (hereinafter referred to as UDHR) in 1948. The UDHR recognises the inherent dignity and equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world. The UDHR has made the Member States pledge to them to achieve, in co-operation with the United Nations, the promotion of universal respect for the observance of human rights and fundamental freedoms. Even though UDHR was a non-binding resolution, it has emerged over time as the force of international customary law which may be invoked under appropriate circumstances national and other judiciaries.

Human rights have certain characteristics which provide it the importance it carries along with itself. These rights are universal and inalienable that is the rights are to be enjoyed by everyone regardless of their personal situation and it is the duty of the state to ensure that the citizens are enjoying their rights. Being inalienable means that these rights should not be taken away from any person until the court of Law thinks necessary.

Human rights are interdependent and indivisible because one right is interrelated to another and deprivation of one might affect the other. These rights are to be equal and non-discriminatory to each and every human being. This is also stated in the Article 1 of the Universal Declaration of Human Rights "All human beings are born free and equal in dignity and rights."

² <http://www.ohchr.org/EN/Issues/Pages/WhatAreHumanRights.aspx>

In India human rights are protected in various ways. The Parliament and the Executive creates and implements the law while Judiciary protects it. To enhance and strengthen the existing mechanisms institutions and bodies are established by the Government to keep a check on the realisation of the said rights to every citizen of the country.

India who took an active part in the drafting of the UDHR contributed extensively in highlighting the need for gender equality. India is signatory to the six core human rights covenants, and also the two Optional Protocols to the Convention on the Rights of the Child. The Indian Constitution, since its inception, incorporated most of the rights enumerated in the UDHR into two parts- Fundamental rights and Directive Principles of the State Policy.

The Fundamental Rights- Article 12- 35 include Right to Equality, Right to Freedom 'Right Against Exploitation, Right to Freedom of Religion, Cultural & Educational Rights, Saving of Certain Laws and Right to Constitutional Remedies.'

The Directive Principles of State Policy - Article 36 to 51 of the Constitution include 'right to social security, right to work, to free choice of employment, to just and favourable conditions of work and protection against unemployment, right to equal pay for equal work, right to existence worthy of human dignity, right to rest and leisure, right to freely participate in the cultural life of the community, right to free & compulsory education, promotion of welfare of people, equal justice & free legal aid and the principles of policy to be followed by the State.'

It is also a fact that human rights entail both rights and obligations. It is the obligation of the State to protect the citizens against human rights abuses. It also means that one human should respect the rights of a fellow human and not abuse the rights of other human beings.

4. Right to bodily integrity

To understand the violation of right to bodily integrity it is important to first understand the term bodily integrity.

Bodily integrity relates to physical body being inviolable with emphasis on the importance of personal autonomy and self-determination of human beings over their own body. The violation of the same should be considered not only unethical but also criminal. Martha Nussbaum defines bodily integrity in one of her ten principle capabilities as: "Being able to move freely from place to place; being able to be secure against violent assault, including sexual assault... having opportunities for sexual satisfaction and for choice in matters of reproduction". Any human's intrinsic right over his or her own body is included as bodily integrity. This right is mainly related to the right of a woman as India is a country where gender based difference is practiced widely. But in this paper Right to Bodily integrity would be focused not as gender bias because the masculine gender is a victim of human trafficking equally and his right to bodily integrity is violated similarly as of the females. The same would be checked with children facing the abuse of their right to bodily integrity which in turn forces them to be devoid of their childhood also.

Bodily integrity means right to physical autonomy and self-determination. The doctrine of bodily integrity is supposed to safeguard the physical parameters of a person. Justice Blackmun believed that right to bodily integrity is the cornerstone of all other liberties. John Stuart Mill wrote, "over himself, over his own body and mind, the individual is

sovereign" and "each is the proper guardian of his own health, whether bodily or mental and spiritual." Thomas Jefferson however believed in the fact that the true basis of a democratic government "is the equal right of every citizen, in his person and property, and their management." (Neff, 1990)

The meaning of bodily integrity includes (Mathur, 2008):

- A life free from fear of violence and living in safe environments: This means that a woman has right to be saved from being subjected to physical, sexual or emotional violence at all places be it at her home by intimate partners or by other people outside even if those persons are acting on the part of the state.
- Spatial mobility: This makes a person free to decide the place and time of travel if at all they wish to travel anywhere.
- Make informed choices regarding sexual and reproductive health This ensures that the person is free to choose whether to marry and whom to marry. They are also supposed to be well informed about their sexual and reproductive health and make free choices as per their will.
- Sexual wellbeing This means that any person is supposed to have a violence free pleasurable and satisfying sexual life.
- Education on bodily integrity and awareness about bodily integrity Which would address the dangers and also make the person proud of their body irrespective of the gender, colour, caste or creed the person hails from.
- Expression of self-identity and behaviour

This would include an expression of their emotional, mental, spiritual, psychological and physical spaces and desires.

This would be the working definition of bodily integrity and also the parameters based on which the whole study will depend.

The present study will first understand the ways in which victims of human trafficking are exploited and later based on the above parameters conclude whether their right to bodily integrity is violated or not.

Right to bodily Integrity includes the following rights:

The Right to Bodily Integrity is not included in the Indian constitution. It makes the citizens vulnerable. However, this right is guaranteed under other Conventions which have been ratified by the Indian Government thus holding them liable to a certain extent. Let us take a look at it.

Right to Security of One's Person is guaranteed not under Article 3 of Universal Declaration of Human Rights and Article 9 (1) of the International Covenant on Civil and Political Rights.

Article 3 of Universal Declaration of Human Rights states that "Everyone has the right to life, liberty and security of person"

Article 9 (1) of the International covenant on civil and Political Rights says "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law." ^[3]

Article 12 (1) of Child rights Convention says "States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely

³ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx> retrieved as on 27.07.2017 at 15.20

in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child”

The Indian Constitution under its fundamental rights guarantee Right to Life or Personal Liberty under Articles 21 and 22. While Article 21 guarantees personal life and liberty; article 22 safeguards against arbitrary arrest and detention. Right against exploitation which includes prohibition of traffic in human beings and prohibition of child labour is also guaranteed under the Fundamental Rights of the Indian Constitution in Articles 23 and 24.

Article 21 states that *“no person shall be deprived of his life or personal liberty except according to procedure established by law.”*

Article 23 (1) states *“Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.”*

Article 24 states *“No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.”*

These are the only rights guaranteed under the Indian Constitution regarding a person's personal security. Nowhere the Indian Constitution talks exclusively about the bodily integrity of any human being. As far as trafficking victims are concerned the Government enacted the Suppression of Immoral Traffic in Woman and Girls Act, 1956 in pursuance of its commitment on ratifying the International Convention for the Suppression of the Traffic of Persons and of the Exploitation of the Prostitution of others signed at New York on 9th May, 1950. The Act was later amended to be known as the Immoral Traffic (Prevention) Act, 1986 (hereinafter referred as ITPA).

The ITPA though named trafficking covers legislation related to Commercial Sex Workers or Prostitution. The Act fails to even define trafficking leave alone other important aspects of human trafficking it should have covered. However, after all these years and a lot of debate the Government has drafted a Bill focusing on Trafficking in human beings but that bill again has a lot of shortcomings and so the Non-Governmental Organisations have suggested to make a lot of changes before passing the Bill.

5. Understanding human trafficking

Trafficking is defined as a trade in something that should not be traded in for various social, economic or political reasons. Thus, we have definitions like drug trafficking, arms trafficking and human trafficking. The concept of human trafficking refers to the criminal practice of exploiting human beings by treating them like commodities for profit. Even after being trafficked victims are subjected to long term trafficking (Sen, 2005).

The working definition for human trafficking for this article would be the one given in Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines Trafficking in Persons as the recruitment, transportation, transfer, harbouring 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms

of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs ^[4].

6. Citing a few cases

Case 1: Commercial Sex Work

In this case a 13 year old girl was brought from Nadia district of West Bengal on the pretext of providing a job in an Embroidery factory. She was raped by her trafficker 5 times to break her will to force her into prostitution. She was later sold into a brothel where she was sold every night and forced to serve around 30 men overnight aged 18-80 years who would rape her 5- 6 times. All this was happening to her against her will without any consideration of her health or response. Once during transfer from one client to another she got lost in the metro and was located by the Faridabad Police who produced her to the nearest CWC. This case came to the notice of Shakti vahini who also informed the DCW to initiate the girl's transfer from Faridabad Home to Delhi's Shelter Home.

She was counselled and her plight was learned. The girl was even ready to help locate the trafficking racket as well. The girl was counselled and repatriated to her family. (Statesman News Service, 2015)

Analysis: The girl, who was a victim of sex trafficking to be specific was forced into prostitution. Her body was used by others multiple times for their fantasies mercilessly. She was lucky to be lost in the metro and thus rescued. But in the due course her right to bodily integrity was violated several times.

Case 2: Bride Trafficking

A 12 year old girl; originally trafficked by her uncle from Odisha was sold to a couple in Mathura (Uttar Pradesh). The couple sold her to three other people, one of whom married her forcibly to his mentally challenged son (35 years of age). The girl remained in this marriage for about 12 days. During this time she had been raped several times and also physically abused. She somehow managed to escape after 12 days but was encountered by 2 auto rickshaw drivers who lured her in the name of taking her to place of safety and instead raped her in a jungle. The girl again tried hard and escaped to a police station. She still suffered due to some institutional lapses. However, with the help of NGO Shakti vahini and Child Welfare Committee she was rescued. (shakti vahini, 2016)

Analysis: in this case, the girl was denied the right to bodily integrity in many ways. She was sexually abused and also married without her will. Her consent was not considered anytime. She was not considered a human but a commodity which was sold from one person to another like a non-living thing. A trafficked bride holds no right but only duties towards her owner or the so called husband.

Case 3: Forced Conception and Adoption

Six women were rescued when the Delhi Commission for Women busted a sex racket running under the name of Placement Agency. The women rescued revealed how they had been trafficked from Bihar and Jharkhand and forced into commercial sex work along with baby producing. They were supposed to get pregnant and produce babies like baby making machines and surrender their babies to these

⁴ <https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>

traffickers who would traffic these babies further into adoption business. This is a new development and not many organisations working in this field are aware about it.

Analysis: In this case the trafficking victim's body is further used to produce babies without their consent. The women are denied their choice of motherhood and not even allowed to care about their children thereby further victimises them. The bodily integrity of a woman is violated grossly in this case.

Case 4: Child labour

C a 13 year old male kid from Bengal presently taking shelter at Okhla Shelter Home was a bewildered kid at the time of interview. With tear filled eyes he is waiting to be reunited to his parents as soon as possible. About 3 months ago his paternal uncle had convinced his mother to send C with him to Delhi where he would live and earn better for himself and the whole family which included 3 younger sisters and mother as C's father had passed away a year ago. C was handed over to a dhaba owner in Delhi and all except the promises made to him and his mother happened with him. He was forced to work day in and out and not paid a penny. The smallest of mistakes invited verbal abuse and even boxing under the ears at times. C is happy to have been rescued from his place of work. He is happy to stay at home as he is getting to learn new things but wishes to be reunited with his family at the earliest.

Analysis: Verbal, physical abuse and making the boy do menial jobs is a regular thing he suffered at the hands of his employer. His bodily integrity was violated at all instances. Denied food, boxing under the ears and being forced to work and not allowed to sleep or rest properly all are proof to the violation of bodily integrity of the poor boy.

Case 5: Bonded Labour

AA1, a 12 year old boy from Sitamarhi in Bihar was brought to Delhi as a bonded labour against his will and sent by none other than his parents in lieu of some financial assistance provided to the family by the employer or trafficker. AA1 was forced to work for as long as 10 to 12 hours under hazardous conditions without any payment as he was supposed to work and pay off the debt his father had taken. AA1 had been kept in confinement and was not allowed to move anywhere or meet anyone. He was hardly given any break during his long working hours. His so called bedroom was occupied by 10 to 12 other kids from different cities but working in the same factory where ladies wallets and purses were made. They were not given hygienic conditions to stay and stomach filling food was only in their dreams. Once on the tip of an unknown caller to childline after proper investigations and planning a raid was conducted to rescue such kids from the torture of their employers. The raid was successful and AA1 alongwith 21 other kids were rescued and produced in front of the Child Welfare Committee who sent them to Aasra, a shelter home for boys run by Salaam Baalak Trust. AA1 is in the process of repatriation and in the meantime being benefitted by SBT's non formal education.

Analysis: the violation of bodily integrity of this child happened since the day his father used him as an object in exchange of some debt. The worst part in this case is that the person to violate the child's bodily integrity is no one but his own father who was supposed to safeguard the child's rights.

Camel Jockeying

The children from India, Pakistan and Bangladesh were trafficked to the Middle East countries to be used as jockeys in camel racing events. These events use boys between the ages 2- 12 years old. The boys are underfed while the camels are heavily fed. The boys are supposed to be tied to the camel's back while they are racing therefore they need to remain light to help the camel run as fast as he could. While running the children many times fall and get seriously or fatally injured due to the stampede. At other times the rope loosens causing the child to be dragged with the camel held on to its feet. The children are not only physically abused over here but also by the traffickers if they refuse to listen. The younger boys are many times sexually abused by the older boys who themselves were victims of trafficking. (Priya, 2015)

This type of racing has been reported in the parts of Rajasthan in India, specially in the Pushkar fest. But, the irony is that the FIR lodged showed that girls were rescued from such racings and they all were adults. This is a total lie and against the nature of the game.

Analysis: camel jockeying is another method where bodily integrity of the boys is violated.

Child sex tourism

It is a destination for children in tourist havens. It can be also called as organised prostitution. Children are made available to paedophiles who ask the related people for children of different age and gender. The same is made available in their hotels at tourist destinations. These children are not asked but forced into sex work by traffickers who lured them into this trade on the pretext of earning huge sums of money for their family. Many children forced into this profession are kidnapped from different places in India. Earlier child sex tourism was found mainly in Goa and other tourist havens but for the past few years this has been seen in places of pilgrimage like Puri and Tamil Nadu.

Begging

Begging on the streets is what is most infamous for in the whole world. Anywhere in the country this one profession is unanimously found. But this is not always a profession chosen out of his personal choice but because they are forced into it. According to a report (Nagaraj, 2016), about 300,000 children are forced into begging by drugging or beating. It is a multi-million rupee industry at present according to experts. The money they earn goes to the traffickers or for buying alcohol or drugs. The children are forced into this industry by either burning or by making them permanently disabled. The girls young or adult are sexually abused and threatened for their own or family's life to force them to beg. The infants used by the women beggars are always drugged and mostly kidnapped from other parents.

Analysis: The right to bodily integrity is violated by not only forcing them to beg against their will but also by causing them permanent physical disability to create more alms on sympathetic grounds.

7. Impact of trafficking on victims

Physical Effects

The victims of trafficking both males and females are made to suffer physically under any circumstances. Physical abuse

is the most common or rather the minimum abuse suffered by victim. Trafficking according to International Labour organisation Convention no.182 is a type of forced labour. It emphasises on eradication of trafficking with special focus to trafficking of children.

The victims are tortured and battered whenever the victim refuses to follow the orders of their perpetrators. The victims are beaten till they give in to the demands of their traffickers. The bonded labours are supposed to work entire day irrespective of their age or gender without any remuneration or break for food or water. The children in many cases complained of being forced to pee in their clothes as they were not supposed to take break for visiting the washroom as well.

In a few cases the women are forced to conceive a child and then give away their infants to these traffickers who would use these infants to be sold for adoption. Baby making machines are what these women are turned into against their will. These women are forced to give birth one after the other till their body stops conceiving and become extremely weak to be able to deliver a child. these women are then left and sent back to their homes or forced to take up prostitution.

The victims suffer harsh physical impacts due to excessive work or the use of force by traffickers. Health risks like HIV/AIDS, loss of some body part or internal injuries resulting into permanent ailment are common in the rescued victims of human trafficking. Sexual abuse of all the victims of trafficking happens irrespective of age or gender. This impacts in the growth of a child physically as well as mentally.

Psychological Effects

Anxiety, insecurity, fear and trauma are gifts of trafficking to its victims. High levels of Post-Traumatic stress Disorder has been detected in many of the victims. Memory loss, depression, cognitive impairment and suicidal tendencies are other products of trafficking. This all results are mainly due to violation of the Right to Bodily integrity to the victims of human trafficking.

Sociological Effects

Social ostracism is one thing experienced by the victims of human trafficking very often. The victims because of being trafficked from their home towns to other places face a lot of problems engaging into social circles. Language issues and geographically different areas force them to face a lot of problems during their trafficking phase. Post rescue they face social stigma from friends and family members making life for them difficult.

8. Violation of the right to bodily integrity

The definition of bodily integrity and the sufferings of the victims of human trafficking complicate each other. The victims of human trafficking can be said to be the perfect example of violation of human rights. Though almost all the rights guaranteed under the sky are denied to thee people; bodily integrity is a right which is denied to them since the time of they are trafficked. Their journey is full of exploitation, abuses and injuries to the body, mind and soul. Let us try to understand the violation based on the parameters talked about earlier in the article.

A life free from fear of violence and living in safe environments:

Victims of human trafficking are guaranteed a life full of violence in all types and modes. Physical violence and verbal abuse is the most common but they can never be said to be free from the threat of facing sexual abuse at any point in life. Be it a girl or a boy; young or old; if trafficked they can never be said to living in a safe environment. Perpetrators are surrounding them all the time and their life is under threat every time.

Spatial mobility

Humans once trafficked are at the mercy of their traffickers. They are not allowed to move anywhere without their permission. The trafficked victims are mostly kept in custody except for those who end up working in Dhabas or streets where they are allowed to go here and there but someone or the other from their group of perpetrators are monitoring their moves closely. Thus, in short this right to have spatial mobility is denied to the victims of human trafficking.

Make informed choices regarding sexual and reproductive health

This statement would be a dream of every victim which never comes true. The humans who are trafficked for sexual purposes are denied this right always but those trafficked for domestic work or working as bonded labour in factories or other places are also sexually abused against their will. This happens regardless of age and gender. Both the sexes are exploited though not equally but boys are also exploited for sex. Paedophiles in tourist places demand more for males than females.

The victims of bride trafficking are sold off to different people for marriage and reproductive purposes and not only once but many times one after the other. There is no need to mention here that all the marriages are against the girl's will. Once the groom had used the bride sexually sells her off to another man for some money. The girl in this process gets exploited not only sexually but also physically as she is supposed to do all the chores of the house and farms if any. They are also supposed to deliver a child to take the family name further.

Therefore it can be seen the victims are not allowed to make any choices but only listen and follow the traffickers like non-living objects.

Sexual wellbeing

In the due course of different types of sexual abuses hurled on the victims the sexual or physical health of the victim is definitely not taken care of. They are only objects supposed to give them pleasure and satisfaction to the wildest of the fantasies they possess. The victims of sex trafficking after rescue have revealed that their customers had even used red chillies on their private parts and burnt them with cigarette butts or bitten them on different parts of their body just for the sake of their pleasure.

The victims who end up in pornographic rackets have also been used to do weird acts just to get more audience for their videos. The victims are supposed to do all kinds of unnatural things to their customers against their will.

Therefore there is no need to again mention that the characteristic of sexual well-being guaranteed under the

right to bodily integrity is definitely denied to the victims of trafficking.

Expression of self-identity and behaviour

The victims of trafficking lose their identity since the day of being trafficked. They are not allowed to contact their family for days, months and years at times. They are not allowed to reveal their identity to anyone. The victims are not allowed to according to their choice leave alone their expression of behaviour. Their free behaviour may invite beating or verbal abuses and nothing else. They are supposed to listen and obey their owners and employers blindly without questioning or doubting.

Thus, the denial of the right to bodily integrity is very clear and understood in detail. The victims of human trafficking have been denied all the necessary inclusions of the right to bodily integrity in one way or the other.

9. Recommendations

Now when it is clear that right to bodily integrity of victims of human trafficking is violated grossly; let us recommend a few ways to prevent the victims from being denied this right.

Human rights based approach

It is the need of the hour to have human rights based approach while dealing with victims of human trafficking. The victims are denied the right to bodily integrity, should be taken up as a problem and worked upon by the people working for these victims. The right to bodily integrity should be incorporated in the system and guaranteed to the citizens under all circumstances. It is time that the human rights activists take up bodily integrity as the most basic requirement similar to the Right to Life and Liberty.

Better and improved legislation

The Government needs to understand that for a better growth of the whole society it is required that everyone is ensured justice, social, economic and political; providing fair and equal opportunities for growth and development to every individual and group of people. The victims of human trafficking are denied many of these rights also because of the failure of the Legislature or Judiciary. The ITPA is an incompetent Act as it does not cover trafficking but only Commercial Sex Work. Moreover instead of helping the Sex Workers it criminalises them and as a result they end up in Jails being more victimised. This fact is used by the traffickers to threaten the victims trying to escape, that the Police is of no help but only trouble makers. Therefore, the need of the hour is a dedicated legislature dealing purely with the victims of trafficking and criminalising the traffickers not the victims. This way the violators of their rights might also be punished causing deterrence among other perpetrators.

Sensitisation of the common man

It is necessary for respect and realisation of human rights that the society or the citizens are more sensitive to the basic needs of every human being. The common man or the mango people who are the real sufferers deserve to be made aware about such people who are no less than the devil personified. There should be awareness campaigns to keep a check on the workforce at different places to know if they are trafficked. The domestic helps coming to any house

should be verified by the Police. The awareness is also required because not only the poor people who are trafficked but children are kidnapped from big cities and trafficked to other cities or countries within hours or days. Therefore people need to be aware and help tracking down people who according them cause even the tiniest bit of suspicion. The traffickers generally take to public transport so if anyone spots any person with children then one should be vigilant and inform the authorities if required. People should also discourage giving alms to beggars as it does not support the victims but the traffickers. Whenever they spot a child beggar the helpline 1098 should be informed so that they can rescue children if necessary. A vigilant man can save the victims from being denied the right to bodily integrity.

10. Summary and conclusion

Disregard and contempt of human rights have resulted in barbarous acts which have outraged the conscience of mankind. This is what the whole study is about. The present study can thus, be summarised with the major fact in one statement that yes, the victims of human trafficking are denied their right to bodily integrity. This happens every now and then and they do not realise it since they have no knowledge about it. Indian citizens have no knowledge about any right which is a must and should be guaranteed to them like the right to Life. Right to Life becomes useless without the Right over one's own body.

Bodily integrity guarantees a person right over his or her body and how should it be treated. This includes not only sexual desires but also mental desires to be with some person or not, to be at some place or not or to do something or not.

Human trafficking victims are not allowed to do anything on their own. They are not even allowed to think without the permission of their traffickers. The place where they will be, the person with whom they will be and the work they will do, everything is decided for them and they are just supposed to follow without questioning. The victims are no more than an object or a machine which can be treated in any manner as desired by its owner.

It can thus be concluded that victims of human trafficking are denied almost all the human rights or better said that they are denied being a human, but the one of the most important right is the Right to Bodily integrity. The Right to Bodily integrity in a true sense is denied to all the citizens of our country as there is no provision for this right anywhere. Though India has a lot of provisions for Right to existence with human dignity and many other such rights in the Chapter on Directive Principles of state Policy, bodily integrity is a wholesome right that includes a lot more than provided and should be guaranteed to the citizens.

Bodily integrity is a right which should not be related to the outer body alone and Right to health but also on a bigger front and special attention should be given to the victims of human trafficking.

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