International Conference on Human Trafficking: Legal and Technological Perspectives for Solutions within South Asia

Hosted by SAARCLAW - India Chapter and Indian Law Institute

In technical partnership with Justice and Care

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WHITEPAPER

OBJECTIVES

1. Strengthening the understanding of the issue of human trafficking and how the amalgamation of law and technology plays a vital role for effective intervention strategies;
2. Information sharing from representatives of the SAARC nations and other countries on how law and technology around trafficking are currently positioned within their local jurisdictions;
3. Identifying gaps that exist in the current legislative frameworks as well as technological know-how and offering suggestions for change;
4. Devising innovative solutions for effectively combating the issue in both national as well as the international sphere;
5. Building and presenting sound recommendations that would assist in addressing the issue at national as well as the SAARC regional level.
CONFERENCE HIGHLIGHTS

"What happens in human trafficking is loss of constitutional identity and loss of statutory protection. There has to be a coordinated and conjoined attack on human trafficking. Human trafficking is the greatest human tragedy that has fallen on us. It has to be avoided, it has to be crushed and younger generation has to be the torch bearers."

Hon’ble Mr. Justice Dipak Misra,
Chief Justice of India

"Boundaries that exist today do not stand in the way so far as the members of SAARCLAW are concerned. This is the miracle we have created and we are hoping that who knows one day SAARCLAW may be a catalyst in bringing together not merely the members or citizens of these countries but something more even."

Mr. K.K. Venugopal,
Attorney General for India and Patron, SAARCLAW

"It is important to make it clear that cyber space is not exclusively used by the perpetrators but exists as a powerful tool for authorities to use against them. Majority of people at community level have access to technology but the data is in control of the private sector. We need to make private sector accountable in Human rights."

Hon’ble Ms. Justice Sapana Pradhan Malla,
Justice, Supreme Court of Nepal

"It does not matter whether we are addressing the supply or demand or transit, but we are being seriously affected by this problem. Now the time has come for the interface between science and law has to be developed."

Hon’ble Mr. Justice Kalyan Shrestha,
Former Chief Justice, Nepal and Patron SAARCLAW

"There must be coordination and information dissemination between law enforcement agencies among the SAARC countries as well as worldwide through coordinating agencies like Interpol to bust organised crime syndicates. Effective prosecution of the kingpins has to be undertaken to ensure that networks of organised crimes is eradicated. Trafficking is completely demand driven. We must emulate the Nordic model which could be worth looking at from the perspective that it criminalises customers of sex trafficking, thereby driving down the demand. This hits at the very root of the trafficking operations. If we were to hit at the properties and trail of money, which is the backbone of every organised crime operation, much could be achieved. Trafficking exist not because of a few thousand people committing but because millions of people stay silent about it."

Hon’ble Ms. Justice Gita Mittal,
Acting Chief Justice, High Court of Delhi

"Human Trafficking is one of the most dreadful forms of organised crime. Efforts supported by the latest technology and improved laws need to be systematically and consistently scaled up in the SAARC nations to ensure complete eradication of the menace."

Mr. Rakesh Munjal, Senior Advocate and
Executive Chairman, SAARCLAW - India Chapter

"The judiciary by way of judicial activism must go several steps beyond the existing short sightedness of existing legislations in order to give directions to states, law enforcement agencies, and also to ensure that governments formulate effective policies in order to curb this menace."

Mr. Mehmood Mandviwalla,
President, SAARCLAW

"SAARCLAW is the most significant and key Regional Apex body of SAARC. We have been acknowledged globally as a premium consulting institution in the SAARC Region. Today I am happy that we are partnered with Justice and Care, it a baby step, and eventually I am sure it will convert into a giant step where we will have much more meaningful partnership with Justice and Care."

Mr. Hemant Batra,
Vice President, SAARCLAW
“Human trafficking is increasingly becoming a global threat to vulnerable men, women and children. The challenges that exist with respect to policing on the dark web include invisibility to the untrained eye, requires specialist intervention for interpretation, it is highly volatile, it is at the risk of being altered or destroyed through normal use and it may be copied without limits.”

Hon’ble Ms. Justice Shiranee H. Tilakwardane, Former Judge, Supreme Court of Sri Lanka

“Technology can make many aspects of human trafficking more visible and more traceable and will be able to help us provide solutions. The cooperation of technology companies is essential as they often provide data that can help us identify the problem and find solutions.”

Prof. (Dr.) Ranbir Singh, Vice Chancellor, National Law University, Delhi

“The global scale of human trafficking is difficult to quantify, due to the hidden nature of the crime. Reliable data collected on sound principles is therefore essential for making use of artificial intelligence technology to create effective combat strategies.”

Prof. (Dr.) Manoj Kumar Sinha, Director, Indian Law Institute

“Human trafficking is increasingly becoming a global threat to vulnerable men, women and children. In the current technological age, interventions surrounding technology are important for combating this issue in a very efficient manner.”

Ms. Joyita Ambett, CEO, Justice and Care

“Pakistan laws focuses on cross border trafficking, which is primarily for labour. Pakistan anti human trafficking ordinance focuses on trafficking across national border and not within the country.”

Ms. Sheeza Ahmad, Ex-Co Member, SAARCLAW

“Human trafficking is a huge business that launders large amounts of money. Criminal networks engage in several different illicit businesses. Money from one is effectively used to fund another. Hence, tracing money with the help of advanced technological tools is the only way today to take down organised crime syndicates of human trafficking thereby put a dent on the 150 billion dollar industry.”

Mr. Adrian Phillips, Senior Director, Justice and Care

“Human trafficking can be tackled in two ways: effective laws that are not limited to the country boundary but that which furthers the common interest, more such interactions and finally those who are implementing the laws. Sensitising them is crucial.”

Mr. Biswajit Bhattacharya, Senior Advocate and Former Additional Solicitor General of India

“We are living in a time when we have huge amount of data. Once the volume of data has been collected, artificial intelligence has the potential to analyse and process the data in real time. Data needs to be made available to young minds, which can write algorithms and analyse the data. Programs like Traffic Jam are in use, which can help law enforcement agencies.”

Prof. Dr. Rajesh Bhatt, IIT-Delhi

“The Government of India claims on the official website that India will become a leader among South Asian countries to combat trafficking and SAARC countries as well as UNODC are looking forward to India to take lead in enacting this law.”

Prof. Usha Tandon, Professor In-charge, Campus Law Centre, Faculty of Law, University of Delhi
KEY RECOMMENDATIONS

1. There is a need for effective and meaningful convergence of all agencies involved in combating human trafficking across borders.
2. Boundaries do not exist for criminal networks today. Hence, in order to be effective, processes that exist or that are developed for combating human trafficking must be of a nature that transcends national boundaries within the SAARC Region.
3. Authorities recognise the opportunities presented by technology and effectively use technological tools to combat human trafficking.
4. Private sector needs to be made accountable for ensuring human rights.
5. There must be coordination and information dissemination between law enforcement agencies among the SAARC countries and across the world to bust organised crime syndicates.
6. Effective prosecution of the kingpins and not only the delinquents at the low level has to be undertaken so as to ensure that networks of organised crimes are eradicated.
7. Recommended use of the Nordic model that criminalises customers of sex trafficking, thereby driving down the demand.
8. Trafficking needs to be recognised as a form of illegal business so that if assets and the trail of money are targeted, which is the backbone of every organised crime operation, much could be achieved.
9. There must be greater interface between science and law that leads to a much more constructive means of combating human trafficking.
10. The judiciary by way of judicial activism must go several steps beyond existing legislations in giving expression/meaningful solutions to the growing complexity of human trafficking that exist today.
11. The law enforcement agencies policing the dark web need to be trained on highly efficient skills in order to effectively address the human trafficking that is facilitated in the cyber space.
12. Artificial intelligence has the potential and can be used to process and analyse the large amounts of data that exists which can serve to detect and dismantle criminal networks and for creating effective combat strategies.
13. Judiciary and law enforcement agencies need to be made aware of the existing modus operandi of the criminal networks in the technological sphere so that they can initiate appropriate steps for effectively dealing with the various complexities that human trafficking can ensue.
14. The SAARC Convention on Trafficking needs to undergo significant changes with respect to its scope of victims as it currently exists only for women and children, as well as the purposes for which human trafficking is resorted to which in text is at present restricted only to prostitution.
15. The complexities with respect to victims of human trafficking needs redressal both within legislations as well as processes that exist out of the legislative and judicial sphere.