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THE LIAISON BETWEEN DARK WEB AND HUMAN TRAFFICKING

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ABSTRACT

The world is sunk into the sea called advancement in technology. Unknown things are easy to understand but known things are difficult to understand. The dark web is a website that is unknown but which is easy to access and understand. It is considered to be the starting point where the person without expressing the true identity commits the crime by using technology. It is nothing but some illegal activity which is punishable under law and against the public. Human trafficking is one among the crimes. It came to the knowledge of the people in recent times. The reason is the advancement in accessing the information and relating it to the real or present conditions. There is a big chain of linkage between the dark web and human trafficking.

Our paper establishes the relationship between dark web and human trafficking. The crime rate can be decreased to some extent and we will suggest some solutions not to prevent but to reduce it.

INTRODUCTION:

Crimes are committed not only by physical means. It can be done through virtual media which is nothing but dark web and deep web. This kind of easiness is made available because of the advancement in technology and its usage which results in an increase in the crime rate day by day. It helps the person to commit crimes easily without showing their identity to others. It is considered to be one of the major

platforms to commit crimes which are illegal. Human trafficking is one of such crimes which has been made easier through this dark web. There are many unknown sites which displays the pictures of the victims which are being posted and auction sale has been conducted simultaneously. There exists a good relationship between dark web and human trafficking.

DARK WEB:

There are different layers of web in the internet we are using in the present world. In that first layer is clear web or surface web whereas last layer is dark web.

Dark web is an anonymous website which is a collection of many known search engines and whose IP address of servers is kept anonymous. It is not a restricted website. This website can be visited by anyone but the identity of the host or the person who is using it is kept confidential and is not known to anyone. It does not occupy the whole internet; it is just a website which is a collection of websites.

- **What is clear, deep and dark web?**

The clear web is the very first and very visible layer of the Internet. Basically, it is what we see when we do a Google or Bing search for things like cat videos or popular YouTube songs²¹⁴⁵. This is also known as surface web. Dark web is a part of deep web. As the name itself reveals it is a deep one which is underneath the normal surface and is not completely dark. Clear web shows only that information for which it is programmed and permitted to show you and so it constitutes only 4% of the internet. But in dark web and deep web as included in the definition above is a collection of thousands of websites with different IP addresses. This is also known as "**invisible web**". The two major anonymous tools used for this dark web is "**tor**" and "**I2P**" which hides the identity of the host. Thus, this deep and dark web occupies 90% of the internet. Dark web relies on bitcoins i.e. different type of crypto currency used in its online transactions.

²¹⁴⁵ <https://heimdalsecurity.com/blog/how-to-get-on-the-dark-web/>

• **Difference between deep and dark web**

This is the major part where many people get confused. Dark web is not same as deep web. In deep web, search engines like Google, Bing, and Yahoo can search and index websites because of links. They use links to rank search results according to things like relevancy, inbound links, and keywords. Regular browsers search the so-called "surface web," but that's where the search stops.²¹⁴⁶

1. Deep web gives the information which cannot be obtained in clear web. Usually, clear web obstructs some confidential information from showing to everyone like personal information of users, credit card details, financial details, medical and legal records of any person etc. Dark web is only a portion of deep web. But it contains all the illegal information. Even though dark web is accessible by less people it requires an expert knowledge to access the anonymous browser and know the information required.
2. Any normal persons can use deep web

to keep their information confidential. Dark web is mostly accessed by criminals for illegal activities.

3. Deep web shows all the related content you need if you have the address of the information.

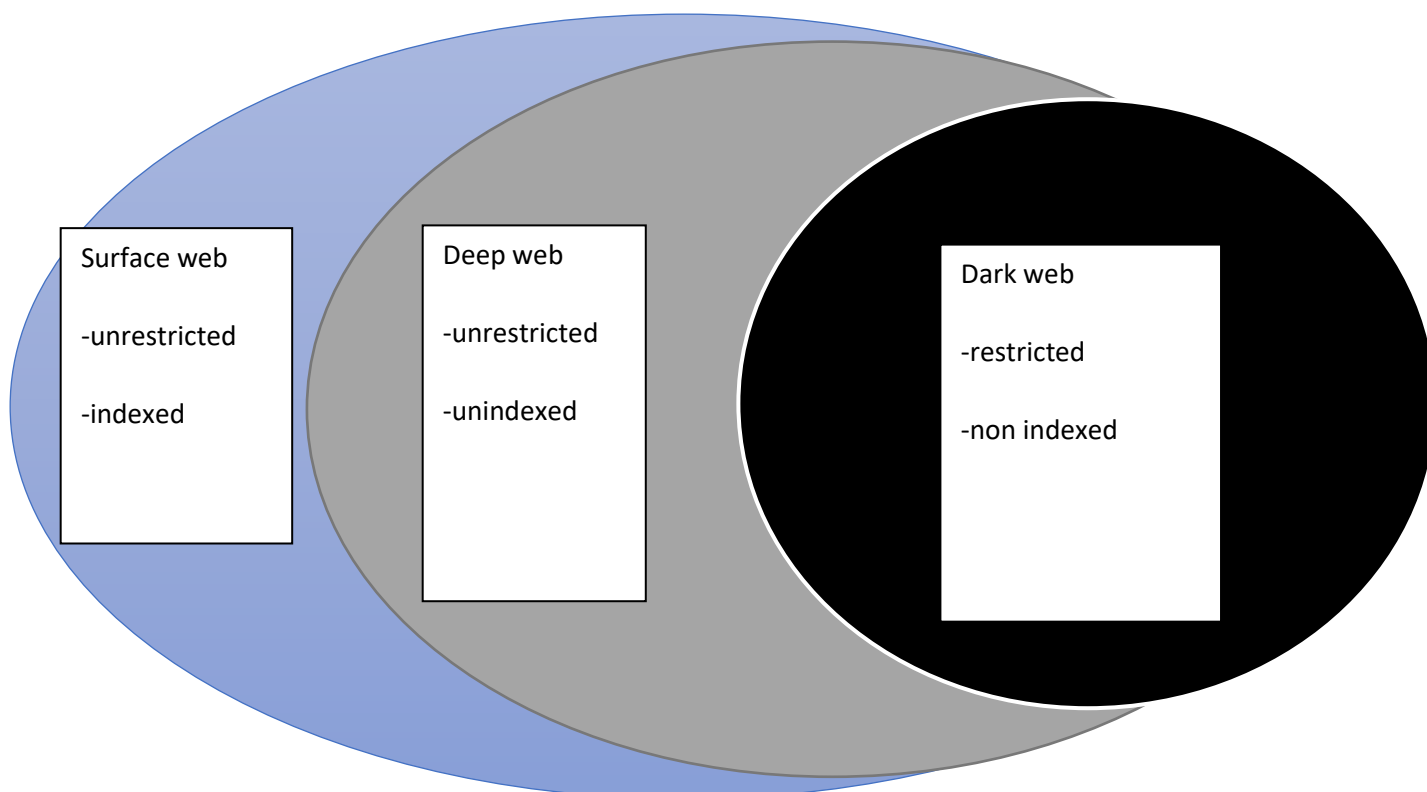
Dark web needs a specific software and authorization to access it.

4. Deep web contains both legal and illegal information.

Dark web contains all illegal information.

NEED FOR DEEP AND DARK WEB:

With increase in technology and increase in different types of works, many people are opting anonymity in their work. People prefer to maintain privacy in the work they do because many websites collect the personal information of the users. This brought the concept of deep web and dark web in light. You can do whatever business you want, however, some precautions needed to be followed not to get trapped.



²¹⁴⁶ <https://us.norton.com/internetsecurity-how-to-how-can-i-access-the-deep-web.htm>

There is also an exception in using this. If you access your bank account in this dark web, bank knows that you have accessed your account.

Article 21²¹⁴⁷ of our Indian constitution has provided **“Right to privacy”** to every citizen. However, utilizing this right also requires some source for people. In today’s advanced technology, deep web is one such place which provides privacy to users. Certain precautions need to be taken by the users because there might be the risk of:

1. There are some websites which flashes on the screen of the users while using dark web. If the users click such websites there might be the chances of their computers getting attacked by different viruses.
2. There are hackers who continuously work on their computers. If proper precaution is not taken, then there are chances for your system getting hacked by unknown sources.

USES OF DARK WEB:

Dark web is very helpful for people to freely access internet without any risk or restrictions.

- The biggest availability of dark web is accessibility of all search engines at one time with secure browsers. So, this is a great advantage for the users where they will get the exact product they want and at a low cost than usual.
- Provides protection for whistle blowers
- People can free express their opinion on any topic which does not lead to any social conflict due to privacy.
- It is a biggest platform for law enforcement. Many law agencies can operate their secret missions by using dark web in finding criminals.

DARK WEB CRIMES:

²¹⁴⁷ No person shall be deprived of his life or personal liberty except according to procedure established by law

Dark web is a hub of criminal attacks²¹⁴⁸. It is a very good base for all the criminal activities as it conceals the information of the host.

Cybercrimes can be categorized into 3 levels. They are²¹⁴⁹:

Individual level: This involves cyberstalking, distributing pornography, trafficking etc.

Property level: This level involves stealing of bank details, misusing credit details, uses our details to perform malicious and illegal activities.

Government level: This is a cyberterrorism like hacking government and military websites. This creates a threat to national security.

Dark web is a name which remembers cybercrimes to everyone. Even though people know that there are many crimes which are done through dark web, people may not know the different types of existing crimes that are done through dark web. According to the Chainalysis 2022 Crypto Crime Report²¹⁵⁰, dark web markets have set a new record of revenue with \$1.7 billion in transactions relating to cryptocurrency in 2020 which was increased to \$2.1 billion in 2021 and around \$300 million in 2022. According to the report all the transactions were related to the issuance of fake identities and stolen credit card details and so on.

There are some prominent crimes which occur through dark web²¹⁵¹:

- **Drug trafficking:** Dark web is the safest place for drug trafficking. The dark web is an illegal dispensary of illicit and dangerous substances that are sold in exchange of crypto currencies.²¹⁵² There are many online drug markets which

²¹⁴⁸ Naseem, I., Kashyap, A. K., & Mandloi, D. (2016). Exploring anonymous depths of invisible web and the Digi-underworld. *International Journal of Computer Applications* (3), 21–25.

²¹⁴⁹ Erdal ozkaya, Rafiqul Islam. CRC press (2019). Inside the dark web.

²¹⁵⁰ Available at: <https://go.chainalysis.com/2022-crypto-crime-report.html>

²¹⁵¹ Kaur, S., Randhawa, S. Dark Web: A Web of Crimes. *Wireless Pers Commun* (2020). <https://doi.org/10.1007/s11277-020-07143-2>

²¹⁵² Van Hout, M. C., & Bingham, T. (2013). ‘Silk Road’, the virtual drug marketplace: A single case study of user experiences. *International Journal of Drug Policy*, 24(5), 385–391.

involves transactions of drugs. **“Silk road”** is one of the famous, well known marketplaces for selling drugs which can be accessed through dark web. Thus, dark web provides a risk-free purchase of drugs.

- **Human trafficking:** Human trafficking is one of the major crimes that is happening in our country. It includes trafficking of human skin, women and minor girls for prostitution, children for forced labour etc. Dark web acts as a ground that supports this illegal human trafficking which includes torturing them. **“Black death”** is one such website.
- **Child pornography:** Child pornography is the heinous crime that carries out the acts of exploiting children for sexual acts. This involves taking abusive and sexual photos of children and posting them, online. **“PLAYPEN”** is a famous child pornography site which has been identified and shut down by FBI.
- **Proxying- scam sites:** Dark web is as unsafe as it is safe. Dark web provides anonymity to user. At the same time user should use it with caution. Any slight carelessness can make him caught. User should bookmark the page while accessing in dark web. Otherwise, in website proxying scammer may do scam and make the host open the unknown page which makes him pay the cryptocurrency to wrong person and wrong website.
- **Frauds:** Dark web is well known for frauds. As the Dark web provides all the information, there may be the stealing of credit cards and misuse of the user’s personal information.
- **Arms trafficking:** Since dark web has become a place of criminals and terrorists there is an increasing availability of firearms in it. Usually, people should show valid identity proof to get a licensed gun, which is not necessary in dark web.

- **Contract killers:** Dark web is a place where killers are easily available. There are murder-for-hire groups where professional killers are hired.
- **Revenge porn:** Many photos and videos of persons is posted in dark web without their consent. **“Pinkmeth”** is one of such websites which is seized now.
- **Torture:** There are some sites which posts the sexual harassment or torture of the children. The users of such sites must pay a large sum of money to see those videos.

The above said are some of the crimes that are committed with the help of dark web. One of the major sources to earn profit among them is “human trafficking” which will be discussed below.

EVOLUTION OF HUMAN TRAFFICKING:

In ancient times there was a prevalent practice called “bonded labours” or “slavery”. It has existed during king period where some people agreed to it and some opposed it. But during British period where “slavery” is opposed by all the people in the Indian context. In modern times it is considered as “human trafficking”. In the 20th century this kind of process happens through online because of the advancement in technology both in usage and in education. In earlier times it happened through humans for money or may be under fear. Along with that the people consented to be a bonded labour or slaves under the higher heads. In our present generation it happens without the consent of the people who is considered to be victims.

HUMAN TRAFFICKING MEANING:

It involves transferring or transporting people from one country to another either with their consent or without their consent. It may be done by the use of force, coercion or undue influence or threatening them. It is for the purpose of sexual exploitation or bonded labour. The person doing this process are known as “traffickers”.

TYPES OF HUMAN TRAFFICKING²¹⁵³:

To our basic knowledge trafficking involves sexual trafficking and bonded labours or slavery. Due to the advancement in technology it may be further classified as follows,

- **Sexual exploitation:** The victims are mainly women. In this process women are forced to involve in sexual activities. It may occur in prostitution sites and brothel centers.
- **Labour exploitation:** It involves the persons to work as bonded labours or slaves by the way of forcing them or awarding punishments for not working and force them to work for little remuneration or payment in order to reduce their debts. For that purpose, they may enter into the contracts with their consent. The person will work within the employer home for long periods with certain restrictions for limited pay. The people may force to do a sexual favor through force or by the way of threatening by the employers of the home.
- **Forced marriage:** This kind of marriage has occurred during king periods to gain some country in order to expand his kingdom. It can be viewed in recent times to enter into some person country. It may happen by sexual and psychological stress along with the physical violence.
- **criminal activities:** The coercion is considered to be a main thing to cause these kinds of activities. Making the person to involve in cultivation of illegal products like cocaine and some other related drugs.
- The personal information of any person is available to anybody other than the original users which help them to do credit card theft or ATM theft. It results in hacking of one's personal data without

their knowledge from the internet. It forced them to be the victims and make them to commit crimes.

- **Children as victims:** Here it includes both gender male and female. They are forced to works as bonded slaves under military camps in kitchen work and in some other violent or illegal activity. The female children are forced to have sexual exploitation without considering their age. The children are between the age group of 10 to 18 years who are considered to be minors.
- **Organ trafficking:** The persons will transport the organs of the victims to another place for money. The victim here involves both gender and without any difference in their ages. It includes person ranging from small child to old person and even dead persons too. It may happen with or without their consent. If it happens with consent and the victim is doing this for the purpose of money he may be cheated and is known as "organ trading". If the person is kidnapped or taken away from his own place without their knowledge it is called as "extortion". In some hospitals they will make the person to falsely believe that they have some disease and will assure that they will cure for the purpose of "exporting" or to earn more. Sometimes the organs of dead person too will be transported without their family consent.
- **Skin trafficking:** This process is similar to organ trafficking but with the slight difference it is for the skin. The victim skin is peeled and sold for higher amount when there is huge demand. It also includes victims from all age groups and genders.
- **Online trafficking:** It is the advanced form of sex trafficking or exploitation in the 21st century. The main victims are women. The advertisements are made on the websites used by the people and it will automatically provoke the users.

²¹⁵³ Available at: <https://www.stopthetraffik.org/about-human-trafficking/types-of-exploitation/>

These kinds of advertisements are made normally in all websites but it has its origin in the “dark web” or “deep web”. With curiosity without their knowledge, they will share all their personal information. The traffickers with the help of them will threaten the persons to do work or force them to have sexual intercourse. Some people without any other option in order to lead their life will they themselves become as victims for smaller amount.

RELATION BETWEEN DARK WEB AND HUMAN TRAFFICKING:

The “dark web” has been first used for child pornography and then slowly it evolved for the usage of “human trafficking” which involves all kind of trafficking. It is considered to be the deeper and last layer. The online trafficking of human beings is done through this website. It is considered to be the base to commit crimes. It helps the traffickers to attract the victims without exposing their identity and their IP address towards others. It helps the traffickers to earn more money. Sex trafficking victims are mainly women. Apart from them both men and children at all age group are victims for general trafficking which happens at present through technological world.

The crime rate has been considerably increasing in larger number compared to the previous years. The reason is due to the great rise in the knowledge and awareness among the people for the usage of technology. In early periods crimes are committed by the people who are mostly illiterate. In our generation the well learned people with great knowledge in technology along with some creativity make them to be “techno criminals”. The main motive of these criminals is to earn more money through this website which helps them to lead a well settled and sophisticated life. Some others will work under the bigger heads due to coercion or force or fear in order to save their family or their life.

“Benjamin Faulkner”²¹⁵⁴ a Canadian is the owner for “child’s play” a dark net child pornography website and has over 1 million profiles which showcased over 100 producers of pornography who raped and brutalized children and shot videos of their sadism and they started to get delighted for themselves. It continued for the period of six months and at the time of his arrest he had nearly 47000 child porn collection in the year 2016. It was shut down on November 2016. He along with his partner who is the owner of “The Gift Box Exchange”. Both of them were penalized for life imprisonment. This incident talks about the “child pornography”. It is considered to be an offence after the amendment has been passed recently the people who are watching online videos of child under 18 years of age is held to be punishable.

“Dark net” is considered to be the sea of websites which have many sub sites and some of them includes hard candy, jailbait, Lolita city, kindergarten porn, the family album, etc. It has over nearly one lakh registered users.

Another incident involves transport of women or girls under the age of 15 years for sex slaves to Saudi Arabia from eastern Europe countries and it also involves “virgin auction”. This was carried out by a group called “Black death group”²¹⁵⁵. It is known as human trafficking.

It is considered to be a large source like ocean where you can easily advertise, buy, sell and to communicate to others easily in a worldwide extent. It is considered to be lucrative crime and has huge demand than drug trafficking. The people nearly spent large amount for the purpose of advertising. The traffickers mainly use this site because it is easy to access and detection and prosecution takes comparatively huge time than trafficking occurs in a normal way. It has many customers from India. Under IT Act 2000 the person who are using “Tor” websites are held to be punishable.

²¹⁵⁴ Available at: <https://www.deccanchronicle.com/nation/in-other-news/020919/human-trafficking-on-the-dark-web.html>

²¹⁵⁵ Available at: <https://www.deccanchronicle.com/nation/in-other-news/020919/human-trafficking-on-the-dark-web.html>

CRIME RATE REDUCTION:

The crimes committed through this website can be reduced by taking some measures which involves,

- Awareness to all people from rural to urban areas about the ill effects occurs when these websites are used without their knowledge.
- Some government level protection while using internet which involves blocking of some unwanted websites and increasing confidentiality of personal information by increasing the steps involved during verification.
- It can be treated as a part of curriculum in schools along with other subjects.
- Proper usage of internet and technology for children, parents and elderly people.

CONCLUSION

Every coin has two sides likewise every incident has two views. Life is not only filled with positivity it includes some amount of negativity. Otherwise, we will be fed up with our routine life. In the similar manner dark web has both pros and cons. The ratio of cons is comparatively higher than pros. Like a swan which separates the milk from the water which is considered to be the food for it. In the similar manner it depends on the person to use the dark web and should be able to achieve what they needed. But with the recent advancement of nation towards technology driven activities, and due to the pandemic with the recent raise in dependency of people with the internet and online platforms almost every work can be done and acquired online right from paying money to purchasing a candle. But the same cannot be used for illegal activities as it not only affects our economy but costs poor lives of helpless people. Effective regulatory measures and institutions must be established to act as watch dog of all the dark web activities and severely condemn such illicit happenings. We would like to conclude by saying that awareness must be created and precautions should be taken regarding the deep and dark web and about its

ill effects to the teenagers and young children who are the main victims.

References

1. <https://heimdalsecurity.com/blog/how-to-get-on-the-dark-web/>
2. <https://us.norton.com/internetsecurity-how-to-how-can-i-access-the-deep-web.htm>
3. Naseem, I., Kashyap, A. K., & Mandloi, D. (2016). Exploring anonymous depths of invisible web and the Digi-underworld. *International Journal of Computer Applications* (3), 21–25.
4. Erdal ozkaya, Rafiqul Islam. CRC press (2019). *Inside the dark web*.
5. Kaur, S., Randhawa, S. *Dark Web: A Web of Crimes*. *Wireless Pers Commun* (2020). <https://doi.org/10.1007/s11277-020-07143-2>
6. Van Hout, M. C., & Bingham, T. (2013). 'Silk Road', the virtual drug marketplace: A single case study of user experiences. *International Journal of Drug Policy*, 24(5), 385–391.
7. <https://go.chainalysis.com/2022-crypto-crime-report.html>
8. <https://go.chainalysis.com/geography-of-crypto-2022-report.html>
9. <https://www.stopthetraffik.org/about-human-trafficking/types-of-exploitation/>
10. <https://www.deccanchronicle.com/nation/in-other-news/020919/human-trafficking-on-the-dark-web.html>