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2024 Trafficking in Persons Report: India

INDIA (Tier 2)

The Government of India does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared with the previous reporting period; therefore India remained on Tier 2. India's states and union territories had primary responsibility for anti-trafficking efforts, with policy oversight from the central government. These efforts included significantly increasing prosecutions and convictions of traffickers and increasing investigations and convictions in bonded labor cases specifically. The government issued multiple advisories for state governments to address trafficking at domestic and regional levels, including by strengthening cooperation and improving communication among states. The government increased identification of trafficking victims. However, the government did not meet the minimum standards in several key areas. Twenty-one of India's 36 states and union territories did not report identifying any bonded labor victims or filing any cases under the Bonded Labor System (Abolition) Act despite ongoing reports of bonded labor victims in many of those states. The conviction rate for trafficking crimes, including bonded labor, remained very low, which undermined deterrence and undercut efforts to hold traffickers accountable. Protection efforts remained inadequate. The government did not report how many trafficking victims' states assisted or referred to care, and the quality and availability of services varied by state. Courts rarely awarded restitution from traffickers in criminal cases, and many victims waited years to receive central-government mandated compensation. Efforts to audit government-run or -funded shelters were inadequate, and some trafficking victims could not leave shelters without a magistrate's order and remained confined in shelters for extended periods. The government ceased convening its inter-ministerial committee to coordinate anti-trafficking efforts. The government did not amend the

penal code to criminalize all forms of trafficking. A lack of accountability for government employees complicit in human trafficking crimes contributed to the perception of widespread impunity for such crimes.

PRIORITIZED RECOMMENDATIONS:

Increase efforts across all states and union territories to investigate and prosecute trafficking crimes, including for bonded labor and of complicit officials, and seek adequate penalties for convicted traffickers, which should involve significant prison terms. * Strengthen existing Anti-Human Trafficking Units (AHTUs) through increased funding and staff training, ensure newly created AHTUs are fully resourced and operational, and clarify the mandate of AHTUs, including ensuring AHTUs address all forms of trafficking. * Increase efforts across all states and union territories to systematically and proactively identify trafficking victims, including bonded labor victims, by disseminating and implementing SOPs on victim identification and referral, and screening for trafficking indicators among historically underserved and marginalized groups. * Bolster law enforcement cooperation across states and union territories to address jurisdictional issues and increase effective coordination and consistency in the investigation and prosecution of human trafficking crimes. * Formally reestablish and regularly convene an inter-ministerial committee to serve as a national coordinating body and guide state anti-trafficking efforts. * Implement regular monitoring and audits of government-run and -funded shelters to ensure victim-centered and trauma-informed care, cease detention of adult trafficking victims and allow trafficking victims in government-run and -funded shelters freedom of movement, and promptly disburse funding to shelters that meet official standards for care. * Remove requirements for victims to appear before courts to receive access to protection services, including shelter. * Increase the availability of protection services – including shelter – for all trafficking victims, including male trafficking victims. * Improve central and state government implementation of protection programs and compensation schemes to ensure states and union territories issue release certificates, proactively award compensation and benefits, and train prosecutors and judges on the importance of restitution for trafficking victims to increase the number of restitution orders. * Conduct proactive inspections of labor-intensive industries – agriculture, brick making, cotton production, shrimp processing, stone carving, sugar production, and other sectors – for labor violations, including forced labor; refer violations to appropriate authorities, including criminal investigation in cases of potential labor trafficking; and refer potential victims to services. * Increase oversight of, and protections for, workers in the informal sector, including home-based workers, and train labor inspectors on human trafficking. * Consistently enforce strong regulations and oversight of labor recruitment companies, including by eliminating recruitment fees charged to migrant workers and holding fraudulent labor recruiters

criminally accountable. * Establish bilateral agreements with destination countries to protect Indian migrants working abroad and foreign workers in India, lift restrictions on women's migration, and formalize expedient repatriation procedures for trafficking victims. * Improve coordination and information sharing with anti-trafficking counterparts in neighboring countries. * Update and implement a comprehensive national action plan to combat trafficking and dedicate resources toward its implementation. * Amend the definition of trafficking in the penal code to include labor trafficking and ensure that force, fraud, or coercion are not required to prove a child sex trafficking crime.

PROSECUTION

The government increased anti-trafficking law enforcement efforts. Indian law criminalized sex trafficking and some forms of labor trafficking. Section 370 of the Indian Penal Code (IPC) criminalized trafficking offenses that involved exploitation that included any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, and servitude. The law did not explicitly address labor trafficking. Section 370 prescribed penalties ranging from seven to 10 years' imprisonment and a fine for offenses involving an adult victim, and 10 years to life in prison and a fine for those involving a child victim; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other grave crimes, such as kidnapping. Inconsistent with the international law definition, Section 370 required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense and therefore did not criminalize all forms of child sex trafficking. However, Sections 372 and 373 of the IPC criminalized the exploitation of children through "prostitution" without requiring a demonstration of such means, thereby addressing this gap. These sections prescribed penalties of up to 10 years' imprisonment and a fine, which were also sufficiently stringent and commensurate with those prescribed for other grave crimes, such as kidnapping. Bonded labor was specifically criminalized in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and the Bonded Labor System (Abolition) Act (BLSA), which prescribed penalties of up to five years' imprisonment and up to three years' imprisonment, respectively. Experts observed the Prevention of Atrocities Act was useful for prosecution efforts, although alleged victims must belong to one of the affected communities to qualify under the legislation. The penalties prescribed under the BLSA were not sufficiently stringent. Police continued to file trafficking cases under the Juvenile Justice Act and other sections of the IPC, which criminalized many forms of forced labor; however, these provisions were unevenly enforced, and some of their prescribed penalties were not sufficiently stringent, allowing for only fines or short prison sentences. Additionally, the government prosecuted sex trafficking crimes under other laws like the Protection of Children from Sexual Offenses Act (POCSO) and the Immoral Traffic Prevention Act (ITPA), which criminalized various offenses relating

to commercial sexual exploitation. The recruitment of children younger than 18 by non-state armed groups was criminally prohibited by Section 83 (1) of the Juvenile Justice Act. The government's anti-trafficking bill, drafted with input from civil society and trafficking survivors, remained pending for the sixth consecutive year. In December 2023, the government passed the 2023 Bharatiya Nyaya Sanhita (BNS), which will replace the IPC in July 2024. The BNS largely retains the same trafficking criminal provisions and related penalties as those currently under the IPC; however, the new law explicitly lists "beggary" as a form of exploitation within the definition of trafficking.

India's 28 states and eight union territories had primary responsibility to investigate and prosecute trafficking crimes. Overall anti-trafficking law enforcement efforts across the country, especially against bonded labor, remained inadequate compared to the scale of the problem. The National Crime and Records Bureau issued its 2022 Crime in India Report. In 2022, the government reported investigation of 2,250 trafficking cases under the IPC, compared with 2,189 trafficking cases in 2021. The government did not report what sections of the IPC were included in these statistics. The government prosecuted more trafficking cases in 2022 compared with 2021. In 2022, the government completed prosecution in 676 trafficking cases, convicted 204 traffickers in 131 cases, and acquitted 1,134 suspects in 545 cases. The acquittal rate for trafficking cases was 81 percent. This compared with the government completing prosecution in 201 cases, convicting 64 traffickers in 32 cases, and acquitting 520 suspects in 169 cases in 2021, with 84 percent of cases resulting in acquittal. Four of India's 36 states and territories continued to report approximately half of all trafficking cases in 2022, most likely due to more sophisticated reporting in those states and territories rather than larger trafficking problems. While the government relied on states for its annual crime statistics, states did not provide comprehensive, transparent, or reliable data, indicating potential reluctance to record too many trafficking cases.

The lack of political will across the government to address bonded labor stymied efforts nationwide. In 2022, law enforcement registered 1,421 cases of bonded labor under the BLSA, an increase from 592 cases in 2021. In 2022, officials convicted 1,362 persons in 4,503 cases under the BLSA and acquitted 83 persons in 74 cases, an approximately 94 percent acquittal rate. This was a significant increase compared with 40 persons convicted in 38 cases under the BLSA and 64 persons acquitted in 49 cases in 2021, an approximately 62 percent acquittal rate. Twenty-one of India's 36 states and union territories did not report identifying any bonded labor victims or filing any cases under the BLSA in 2022, despite ongoing reports of bonded labor victims in many of those states. Similar to 2021, Uttar Pradesh accounted for nearly 86 percent of all cases under the BLSA, but the evidence did not suggest it had a disproportionately large problem. Some district magistrates dismissed or misclassified

bonded labor cases due to traditional practices and allegedly dissuaded victims from pursuing cases or mediated cases in lieu of criminal prosecution. The government's efforts to eliminate bonded labor did not appear on track to meet its 2030 target for abolition of the practice.

States received support from the National Investigation Agency (NIA) for law enforcement efforts, but officials did not consistently use all relevant legal provisions in human trafficking cases, possessed a limited understanding of the human trafficking legal framework, and lacked adequate training, all of which hindered trafficking prosecutions and convictions. The law required police to file a First Information Report (FIR) upon receipt of information about potential trafficking crimes, which legally bound police to initiate a criminal investigation. However, police did not always file FIRs to officially register a complaint or correctly file FIRs under trafficking crimes; officials often settled cases at the complaint stage and did not always arrest suspected traffickers. Some states allegedly ordered police to register trafficking cases as kidnapping or missing persons to reduce the number of trafficking cases in official statistics. Although police sometimes incorrectly referred bonded labor cases to the labor department, observers noted some improvements in recognizing these violations as human trafficking. A lack of effective coordination among government ministries hindered overall law enforcement efforts. Although some states signed MOUs with other states, poor inter-state coordination between state agencies, including the absence of standardized anti-trafficking procedures and differing state approaches, impeded trafficking investigations and victims' ability to participate in civil and criminal cases in their home states. State-level Anti-Human Trafficking Units (AHTUs) struggled to investigate multi-state trafficking cases or effectively coordinate with units in other states resulting in only low-level traffickers held accountable and traffickers escaping arrest by crossing a state boundary. Some states sought to improve internal coordination and Jharkhand announced plans to designate spaces for collaboration between AHTUs, cybercrime police, and officials from the department of Scheduled Castes and Scheduled Tribes. Indian government officials cooperated with foreign counterparts on several cases and announced new efforts to combat cross-border crimes with the Government of Bangladesh, including human trafficking. The media reported India collaborated with the Government of Cambodia on suspected online scam operations by providing cybercrime and online fraud training to Cambodian officials; officials did not report whether these trainings featured trafficking-specific elements.

The Ministry of Home Affairs (MHA) operated an anti-trafficking unit to provide guidance to the states and union territories to strengthen law enforcement responses to trafficking, and the National Commission for Women (NCW) operated a unit to improve anti-trafficking responses, including by law enforcement agencies, and build the capacity of AHTUs. The NIA continued to investigate and file charges in a small number of

inter-state and cross-border trafficking cases, including those involving Bangladeshi and Sri Lankan nationals; the government did not report how NIA, a nodal agency, coordinated with state-level AHTUs. The Criminal Investigation Division (CID) within the state-level police also investigated trafficking cases with resources and funding from state governments. AHTUs, legally established by state governments and partially funded by the MHA, were specially designated to investigate human trafficking crimes. The government reported operating 788 AHTUs, including 30 AHTUs with border security forces, although there were likely significantly fewer functional AHTUs with allocated budgets in each state and union territory. State governments and observers agreed the majority of active AHTUs were not sufficiently funded, and AHTUs were frequently regarded as less favorable assignments for police officers. Most states demonstrated reluctance to invest the resources and personnel needed to establish effective units, partially due to trafficking receiving less attention and some officials denying its existence. AHTUs lacked a consistent structure, and some state governments did not give AHTUs authority to register human trafficking cases independently from other law enforcement units. AHTUs were not solely dedicated to trafficking crimes and often focused more on other crimes against children. AHTUs transferred inter-state cases to local police who often lacked sufficient training and skills to handle trafficking investigations. Local police investigated most trafficking-related crimes, and most AHTUs could not file a FIR unless embedded in a police unit.

Officials' propensity to conflate human trafficking with other crimes likely contributed to some cases misclassified, including illegal adoptions, immigration violations, and other crimes not involving labor or sex trafficking. Media reported a number of cases in which trafficking laws were incorrectly used against members of minority communities. Law enforcement prioritized other crimes, such as murder and drug crimes, which increased the length of trafficking trials and often led to acquittals. State and union territory law enforcement agencies operated "women help desks" for victims of crime, including trafficking, in local police stations across the country; although these units could not initiate trafficking investigations, police staffed the desks and in coordination with lawyers, psychologists, and NGOs, facilitated legal aid, counseling, shelter, and other services. The government mandated special juvenile police officers to investigate crimes, including child trafficking, under the Juvenile Justice Act. Some states allegedly did not adequately regulate worker placement agencies or take adequate action to address child trafficking crimes facilitated by employment agencies despite MHA directives to monitor such agencies.

There were no specialized courts to hear trafficking cases, and prosecutors were often inadequately trained on trafficking, resulting in drawn out trials. Indian courts tended to operate slowly and a lack of judges contributed to a massive case backlog, which hindered effective

prosecution. MHA previously observed prosecution efforts were hindered by state failures to use relevant legal provisions to register human trafficking crimes. Twenty-nine states and territories operated 412 courts exclusively for Protection of Children from Sexual Offences Act (POCSO) cases; however, judges and prosecutors at POCSO courts sometimes lacked training or expertise in POCSO crimes. The government allocated 1.75 million Indian Rupees (INR) (\$21,040) to state legal service authorities, including establishing child courts for crimes against children, but observers reported this funding was inadequate given the number of pending cases. One study found fast-track courts disposed of only 28 POCSO cases each year with tens of thousands of POCSO cases pending in fast-track courts.

State and local governments were responsible for training personnel, including law enforcement officials, on anti-trafficking laws and policies, and partnered with civil society to strengthen anti-trafficking trainings. The MHA funded annual trafficking-related trainings for judges, prosecutors, police officers, and investigators. The MHA urged states to organize human trafficking conferences to sensitize law enforcement and local officials, and provided financial support to hold periodic anti-trafficking colloquiums in partnership with judicial academies. The government also cooperated with international partners to train officials and combat human trafficking. The Central Academy for Police Training provided human trafficking-related training to instructors at state police institutes, and police and judicial academies included trafficking in their curricula. Some state academies partnered with civil society to strengthen official capacity to combat trafficking. State and local law enforcement training included cybercrime investigations, and some police departments published manuals on cyber security highlighting the use of social media platforms to lure trafficking victims. In March 2024, the MHA advised states to design trainings with the objective of providing relief to survivors and avoiding revictimization; nonetheless, police sometimes failed to use victim-centered and trauma-informed approaches to trafficking cases.

The government reported few investigations, and did not report prosecutions or convictions, of government employees complicit in human trafficking crimes; however, corruption and official complicity remained concerns, inhibiting law enforcement action during the year. Despite some arrests, including a tax official, former police officer, and immigration official, a lack of accountability for misconduct and corruption persisted at various levels of government, contributing to the perception of widespread impunity for trafficking crimes. The government did not report the case status of officials arrested during the previous reporting period, and at least one official allegedly complicit in trafficking crimes had returned to politics. Caste discrimination by police and administration officials impeded case identifications and investigations. Local law enforcement and public prosecutors sometimes accepted bribes to influence trafficking investigations and arrests; some

officials reportedly alerted recruitment agents to labor inspections. Observers across multiple states reported politically connected individuals, including local and state politicians, held workers in bonded labor in agriculture and at brick kilns and successfully avoided prosecution. The continued lack of investigations into physical and sexual abuse of trafficking victims at some government-run and government-funded shelters created an atmosphere of impunity for shelter employees. Some law enforcement officers allegedly protected suspected traffickers and brothel owners from enforcement operations, and accepted bribes or even sexual services from victims.

PROTECTION

The government maintained overall protection efforts, although services for survivors remained inadequate. In 2022, the government reported identifying 7,134 trafficking victims and 900 potential trafficking victims, compared with 5,934 victims and 753 potential victims identified in 2021, and 6,622 victims and 694 potential victims identified in 2020. Of the 7,134 identified victims in 2022, traffickers exploited 5,151 in labor trafficking, including 1,600 in bonded labor; and 1,983 in sex trafficking. In 2021, authorities identified 3,885 labor trafficking victims, including 667 in bonded labor and 2,049 in sex trafficking, while authorities did not report the type of trafficking for the 753 potential victims. More than 98 percent of trafficking victims identified were Indian nationals; of the total, approximately 52 percent were adults and 48 percent were children; 60 percent were female and 40 percent were male. Uttar Pradesh, Karnataka, and Tamil Nadu states accounted for the majority of bonded labor victims identified in 2022, overall accounting for 88 percent of the country's total identification of bonded labor victims. In addition, the national Railway Protection Force (RPF) reportedly identified 604 trafficking victims and referred cases to the Government Railway Police or district police. Officials noted many trafficking cases may go unreported and subsequently unidentified. Law enforcement and railway authorities worked with NGOs, child protection committees, and the private sector to identify potential trafficking victims. The RPF conducted an anti-trafficking campaign with state and local authorities to identify potential victims across India.

Although the MHA and MWCD created SOPs for trafficking victim identification and referral in 2009, the government did not report if states widely implemented or adopted them. Government officials and NGOs worked together to screen trafficking victims, and the SOPs on victim identification mandated NGOs or social service officials accompany police during operations. A 2017 SOP drafted by the National Human Rights Commission (NHRC) included procedures for government agencies to identify victims. The National Commission for Women began development of a new SOP in the previous reporting period on victim identification and referral to care to address trafficking of women and girls; it remained pending. Child Welfare Committees (CWCs) also maintained standard procedures for identifying child trafficking victims, although adoption

remained incomplete. Standard procedures in some states outlined steps for forced labor cases – including providing release certificates, initial compensation, and access to services – and sex trafficking cases, including providing shelter, health care, and other services. Some states had SOPs on victim identification and referral to care to address bonded labor or other forms of human trafficking; however, these SOPs often addressed only certain forms of trafficking, and did not include specific procedures to identify victims among historically underserved communities or marginalized groups. Some states also had SOPs for sexual assault victims, including trafficking survivors, to prevent re-traumatization in their referral to care. Some states coordinated to address inter-state protection issues, including ensuring protection of migrant workers and collaborating on services for cross-border trafficking cases. The government required some officials to receive training on victim-centered approaches prior to interacting with trafficking survivors.

The central government relied on states to provide assistance to trafficking victims, including counseling, legal services, schooling, shelter, and vocational training; the government did not report how many trafficking victims states assisted or referred to care. Trafficking survivors continued to experience hurdles and long delays obtaining access to government benefits. The central and state governments offered shelter and non-specialized services for child and adult female trafficking victims; the quality and availability varied by state. The government did not operate or fund shelters that could accommodate adult males or persons with disabilities. The government required trafficking victims to appear before court prior to accessing government services, including shelter, and police required court permission to place trafficking victims in shelters. While judges could reportedly refer bonded labor victims to care, there were no reports officials did so in practice. Police could refer all adult and child trafficking victims, except bonded labor victims, to state judiciaries and CWCs to determine appropriate care. Access to government services for trafficking victims often required support from civil society organizations. The Mission Vatsalya program, sponsored by the central government, supported state- and union territory efforts to expand access to protection services for child victims of crime, including trafficking. The government's Victims of Trafficking and Commercial Sexual Exploitation program offered legal services and economic opportunities for trafficking victims and marginalized groups. The National Commission for the Protection of Child Rights (NCPCR) maintained a portal to track POCSO Act-related offenses and facilitate survivors' access to services such as victim compensation and care. Additionally, an NCPCR protocol supported repatriation of Indian and foreign national children languishing in childcare institutions. The National Child Labor Project provided children with access to education, vocational training, daily meals, and health care through special training centers.

Although some shelters performed well, many government-run and -funded shelters remained insufficient, facing serious shortages of space, financial resources, and trained personnel, and offered inadequate services to trafficking survivors. The government did not operate or fund shelters that could accommodate adult males, LGBTQI+ individuals, or persons with disabilities. Judges could require adult trafficking victims to stay in government- or NGO-run shelters, and victims could not leave at will without a magistrate's order; victims sometimes remained confined in these shelters for months or even years. Government-run shelters sometimes housed survivors in confined quarters with little personal freedom or access to family members. CWCs could refer minors to state welfare departments for care in shelters or return children to family members; CWCs assessed the safety of placements prior to releasing children, but generally returned child trafficking victims to their parents, some of whom had subjected their children to trafficking. CWCs also placed child trafficking victims in privately-run shelters, government-run juvenile justice homes, or government-run women and children's homes, some of which were implicated in abuse allegations in previous reporting periods. CWCs and childcare institutions sometimes experienced long delays in receiving government funding for victim services, hindering overall protection efforts. NGOs relied primarily on donor contributions, although some received government funds. The disbursal of government funding to NGOs was sometimes delayed for multiple years. The MWCD ran 704 One-Stop Centers (OSCs), the primary resource for female victims of all crimes – including trafficking – to access integrated care and housing for up to five days. The MWCD did not report if the centers assisted any trafficking victims. MWCD slightly increased funding to state governments for 432 "Shakti Sadan" homes – formed by combining "Ujjawala" and "Swadhar Greh" homes and operated by NGOs and state officials – to provide vulnerable women with support and housing for up to three years. The OSCs and Shakti Sadan homes coordinated with AHTUs and "women help desks" in police stations to assist victims of trafficking. In July 2023, the government announced efforts and dedicated funding to assist border states and union territories to establish shelters with survivor services for victims of trafficking, particularly young women and girls.

Observers noted isolated reports of physical and sexual abuse in some government-run, government-funded, and privately-run shelters, including reports of shelter residents compelled into forced labor and sex trafficking due to a lack of oversight or negligence. The NCPDR launched an application to monitor child care institutions and conducted some inspections, although it did not report whether any violations were detected. In states that allowed audits of Ujjawala and Swadhar Greh homes – combined and renamed Shakti Sadan homes – previous audits documented some homes violated minimum hygiene and safety standards, did not provide psycho-social support or educational opportunities, and operated without proper registration. CWCs were designed to routinely monitor victim shelters and provide updates on

victims' cases, although their efficacy varied across states. Officials, including members of the National Commission for Women, regularly inspected shelter homes, but observers reported officials tended to focus on privately-run shelters rather than the more prevalent government-run shelters. Due to a reported loophole in the law, if the government did not act on a shelter's license application in a prescribed timeframe, the organization was automatically licensed. MWCD did not report an update on its drafting of a child protection policy to prevent abuse in government-run and -funded shelter homes the Supreme Court had ordered it create in September 2018.

The weakness of the government's protection efforts, including inadequate victim protection, undermined efforts to hold traffickers accountable. The absence of a systemic victim-witness assistance program, including legal services, deterred some victims from participating in criminal justice proceedings. Some victim-witnesses were unable to participate in trials because the government did not cover travel and related costs. However, victims could provide video testimony and the government had some video conferencing facilities for child witnesses, including trafficking victims, to participate in court hearings. Officials encountered challenges recording victim statements, particularly when translations were required, and lacked sufficient personnel to follow up on cases. The national legal services authority could provide legal services for trafficking victims, although the government did not report how many survivors benefited from these services. State and district legal services were mandated to provide legal assistance to trafficking victims; however, observers reported these services varied in quality. While victims could obtain restitution from traffickers in criminal cases, courts rarely awarded it and some victims instead opted to pursue backpay through civil proceedings. Most states had victim compensation programs and judges could order compensation to trafficking victims through a variety of government programs. However, the government rarely awarded compensation and did not regularly inform trafficking victims they were eligible to receive compensation; when victims did pursue this benefit, payments were often delayed due to lack of state funds. In January 2024, the Delhi high court announced guidelines for the timely release of immediate financial assistance and recovery of minimum wages for survivors of child labor and bonded labor.

The central government reported it had adequate funding to provide initial compensation to all identified bonded laborers, and continued to allot 10 million INR (\$120,250) to services for bonded labor victims; in addition, a 2016 program required each state to have a permanent fund with at least 1 million INR (\$12,020) at all times for district magistrates to use exclusively for bonded labor victims. However, many states did not have an established fund, which delayed compensation to victims. The central government funded a program through which district officials could identify bonded labor victims and issue release certificates

providing access to non-monetary assistance and, upon conviction of traffickers, to compensation. In 2016, the government amended the program to include female sex trafficking and child forced labor victims as recipients and mandated local district authorities provide immediate monetary assistance – increased to up to 30,000 INR (\$360) in 2022 – to a victim within 24 hours of identification, regardless of the status of the related court case. The release of the overall compensation amounts (between 100,000 INR and 300,000 INR (\$1,200-\$3,610) based on the victim's demographics) remained contingent upon conviction of the trafficker or conclusion of magisterial processes, which could take several years. Civil society organizations were often necessary to assist victims to receive compensation. Some states, as allowed in the central government's 2016 bonded labor program, deposited compensation in annuity accounts. State revenue officers had the responsibility for identifying bonded labor victims, although NGOs identified most cases. The government did not report how many release certificates it provided; however, officials issued approximately 2,300 certificates between March 2018 and March 2019, the most recent data available. The issuance of mandatory release certificates varied greatly between states, but many officials failed to issue release certificates without significant advocacy from NGOs, which sometimes took years. State authorities rarely classified children as victims of bonded labor due to what appeared to be inconsistent testimony and a lack of identity documents or proof of trafficking, denying government compensation to child victims. Authorities continued to misidentify bonded labor or treat it as labor exploitation, child labor, or minimum wage violations, and officials did not provide victims the mandatory immediate assistance of 30,000 INR (\$360) upon identification. The NHRC ordered law enforcement and district officials to provide release certificates to bonded labor victims, but there was no penalty for noncompliance. The NHRC was often effective in securing release certificates when NGOs or bonded labor victims requested its assistance. Bonded labor victims infrequently received full compensation due to a lack of proactive victim identification, the widespread tendency to handle cases administratively in lieu of criminal prosecution, and stalled prosecutions. While the 2016 program also required states to provide non-cash benefits, including employable skills training, provision of such services remained limited or nonexistent.

Foreign victims had the same access to shelter and services as Indian nationals and experienced many of the same hurdles in accessing care. Government policy on foreign victims required returning survivors to their country of origin at the earliest possible time and required approval by the Indian government and coordination with foreign governments. However, authorities required some foreign national trafficking victims seeking to return home to remain in shelters for extended periods, potentially several years, and some officials refused to repatriate foreign victims until they had provided testimony in prosecutions against traffickers. Additionally, a lack of repatriation procedures with foreign

governments exacerbated already lengthy shelter stays. The lengthy and complex repatriation process resulted in some Bangladeshi victims spending years in Indian shelters before repatriation. The government did not finalize its draft 2015 MOU with the Government of Bangladesh on identification and repatriation of Bangladeshi trafficking victims. Observers noted the need for a similar mechanism with Nepal to combat trafficking in persons along the country's open border, but a draft agreement introduced in 2018 remained incomplete. The government provided some funding to NGOs to repatriate child trafficking victims but did not offer financial assistance for the repatriation of adults. Indian embassies abroad provided assistance to Indian citizens identified as trafficking victims. The MHA did not report whether it facilitated any repatriations through the Indian Community Welfare Fund, a budget accessible to Indian missions abroad and funded primarily via overseas consular fees. However, officials reported repatriating Indian victims of trafficking from several countries, including countries in the Middle East and victims involved in online scam operations in Southeast Asia. Six Indian embassies abroad, primarily in the Gulf, had shelters that could temporarily house migrant women reporting indicators of forced labor. However, potential trafficking victims previously reported some shelters did not provide adequate food, basic amenities, or allow victims to contact family.

Due to insufficient use of SOPs, authorities may have detained, arrested, and deported some unidentified trafficking victims. Some authorities penalized trafficking victims for immigration offenses and charged victims of sex trafficking with commercial sex offenses committed as a direct result of being trafficked. The government required Indians who received a visa from a foreign government indicating the person was a trafficking victim in the foreign country, or was a family member of a victim, to provide documentation of the trafficking experience to renew their passports or travel. In 2016, the government began to include a stamp in the passports of some recipients of the foreign government's visas, for both trafficking victims and their eligible family members, violating victim confidentiality and identifying them as trafficking victims involved in a particular investigation or civil or criminal case. Observers reported this practice made some victims fearful of reprisal and penalization, and served as a deterrent to victims interacting with authorities.

PREVENTION

The government maintained efforts to prevent human trafficking. The MHA and MWCD continued to lead government anti-trafficking efforts, although the government ceased convening an inter-ministerial committee to coordinate efforts on the issue. The absence of a national coordination mechanism hindered overall efforts, including inter-state cooperation and overall consistency in combating human trafficking. The central government, which regularly issues anti-trafficking advisories to states, provided policy guidance to combat trafficking. The NHRC issued

notices to states to provide information and encourage action on certain publicly reported human trafficking allegations. Although the Crime Multi Agency Center, a national-level communication platform, could share information on missing persons and trafficking cases, the government publicly noted many states did not effectively utilize the system. In December 2023, the government reported providing nearly 70 percent of the 72.1 billion INR (\$866,982,520) allotted to the 2023-2024 Nirbhaya Fund for projects in all states and union territories; the fund supported victim services for women, including trafficking victims, strengthened or established new AHTUs, and to support training for investigation officers. The MHA provided financial assistance to states and union territories to build the capacity of judicial officers, police, and other officials responsible for combating trafficking. The labor ministry drafted a national domestic worker policy in 2019 to regulate placement agencies and allow domestic workers to formally register for worker benefits, including the right to a minimum wage and access to the justice system; however, the document remained in draft form for the fifth consecutive year. Since 2016, the central government has offered reimbursement of 450,000 INR (\$5,410) to any district that conducted a census of bonded labor, available once every three years, and additional funding for evaluation studies, but the government did not report whether any states utilized this fund. The government did not have a comprehensive anti-trafficking NAP, although it continued to rely on a 2012 NAP to combat sex trafficking of women and children; the government did not report any implementation efforts. Some states had action plans to combat bonded labor, although the government did not report if they successfully implemented the plans. Although the government did not operate any national trafficking-specific hotlines, it continued to support some national hotlines for victims of crime, including trafficking. Some states established human trafficking hotlines, but officials did not report any information on calls received.

Anti-trafficking preventative measures varied widely by state. Some state governments conducted anti-trafficking awareness campaigns, although observers reported local officials, migrant workers, and agricultural workers often still lacked awareness of human trafficking and legal rights. The Ministry of Labor and Employment civil service training institute conducted trainings for AHTUs, labor administrators, child welfare committee members, and other officials on bonded labor and child labor. Observers reported government trainings sometimes reinforced misconceptions about human trafficking while neglecting important information about the crime.

State governments conducted labor inspections, including child labor inspections, although these inspections failed to match the scale of the problem. According to observers, these inspections were often perfunctory, failed to include private farms and homes without a specific complaint against them, and resulted in weak penalties for violations which offered little deterrence. Observers reported the government did

not effectively reduce vulnerabilities to debt bondage by failing to require employers to provide basic labor documentation such as contracts, pay slips, or payment of legal wages. The government did not adequately regulate worker placement agencies that facilitated employment of many Indians, including children, in cities across India. The government did not maintain a central repository on child labor. Police training on child labor laws was limited and varied from state to state. The Minister of State for Labor and Employment reported the government removed an unspecified number of children from child labor situations, compared with 13,271 children in 2021-2022. In December 2023, a Parliamentary committee released a report with recommendations to eliminate child labor, including increasing regulations and conducting closer inspections of placement agencies, issuing guidelines for a Supreme Court-mandated fund for child laborers, issuing stricter punishments for violating child labor laws, and penalizing police for failing to register FIRs in children's cases. In March 2024, the MHA issued guidelines to states based on the recommendations of the Parliamentary committee requiring the establishment of an Anti-Human Trafficking Bureau (AHTB) at each state police headquarters to improve coordination with AHTUs at the district level and AHTBs in other states. The MHA's guidelines directed states to give priority to cases of child labor and child trafficking and ensure registration of FIRs for crimes against women and children. The MHA advised training and sensitization of police personnel by the Bureau of Police Research and Development on child labor in addition to tracking placement agencies that lure children on the pretext of jobs. The NCW continued a national project to build the digital skills and awareness of women and girls to avoid online exploitation, including human trafficking. The NCPDR conducted programs to prevent child trafficking, and the National Labor Institute conducted several trainings on child labor, bonded labor, and human trafficking.

The government registered foreign recruitment agencies and Indian migrant workers through the eMigrate system. The government required migrant workers going to 17 specific countries to receive emigration clearance before departure. The government maintained its ban on women younger than age 30 and older than 50 years from working in 17 countries, mostly in the Middle East. However, such bans on migration increased the likelihood of undocumented migration and heightened trafficking risks. The Ministry of External Affairs' (MEA) Division of Overseas Indian Affairs oversaw registered recruiting agents and operated overseas worker resource centers in five cities, as well as a 24/7 helpline to provide counseling and other resources to those considering work abroad. MEA's Indian Community Welfare Fund offered shelter, legal assistance, and repatriation for vulnerable migrant workers and operated hotlines for migrant workers overseas, although some victims struggled to return home due to delays in repatriation. The MEA has not reported on the level of utilization of this fund in several years and frequently regarded potential victims as migrant workers facing deportation. The

government partially prohibited worker-paid recruitment fees while permitting licensed foreign employment recruiters to charge migrant workers up to 30,000 INR (\$360) for documentation fees and related costs. However, observers stated employers and unregistered sub-agents – who often operated online and without oversight – frequently charged migrant workers more than the maximum. Every month, the Ministry of Overseas Indian Affairs released a list of unregistered agents reported to the ministry from the Overseas Indian Help Desk and sent the list to state governments for investigation and prosecution. According to March 2024 data, the central government listed 2,039 unregistered agents on their portal. The MEA conducted awareness campaigns encouraging prospective migrants to use the services of registered recruiting agents. The MEA also offered pre-departure orientations for migrants, including material on trafficking risks, labor laws and regulations in destination countries, and government protection programs. The MEA also issued an advisory cautioning migrant workers against fraudulent overseas job offers. The government maintained some bilateral agreements with Cambodia, European countries, and UAE to prevent trafficking among migrant workers. Indian diplomatic missions and posts reportedly conducted some inspections of work sites with Indian migrant workers abroad and engaged with host country officials to improve employment conditions. However, observers reported Indian embassies in some countries did not actively coordinate with local authorities to assist potential victims or provide consular services.

The government did not report efforts to reduce the demand for commercial sex nor measures to reduce demand for extraterritorial child sexual exploitation and abuse. Under Indian law, Indian nationals could legally be charged for extraterritorial child sexual exploitation and abuse committed outside of India, although the government did not report any prosecutions. The government did not report any anti-trafficking training provided to its diplomatic personnel. The government operated a center to conduct pre-deployment training for peacekeepers on topics including human trafficking, sexual exploitation and abuse, and child protection.

TRAFFICKING PROFILE:

As reported over the past five years, human traffickers exploit domestic and foreign victims in India and traffickers exploit victims from India abroad. Traffickers use debt-based coercion (bonded labor) to compel men, women, and children to work in agriculture, brick kilns, embroidery and textile factories, rice mills, and stone quarries. Bonded labor and forced domestic work remain widespread in rural Indian society, and there is limited accountability for trafficking crimes against the historically marginalized castes. Traffickers often target victims from marginalized backgrounds, including the scheduled castes and scheduled tribes, migrant laborers, people from low-income households, and individuals with limited employment options such as many women and people with disabilities. Law enforcement disproportionately identified fewer victims

compared with the scope of the problem, with some studies estimating millions of trafficking victims in India, most of whom are bonded laborers or other victims of forced labor. Traffickers increasingly use technology and social media platforms, including mobile dating applications and websites, to lure victims into trafficking situations both domestically and internationally. Climate change, including sudden-onset disasters such as floods and slow-onset events like drought, increased large-scale displacement and migration, is exacerbating vulnerabilities to human trafficking.

Bonded labor remains widespread with traffickers promising large advances to manipulate workers into accepting low-paying jobs and then adding exorbitant interest rates; creating new deductions for items such as lodging or health care; or fabricating the amount of debt, which traffickers use to coerce workers into continuing to work for little or no pay. Intergenerational bonded labor continued, whereby traffickers transfer the outstanding debts of deceased workers to their parents, siblings, or children. Some traffickers severely abused bonded laborers, including those who asked for their rightful wages, and some bonded laborers died under traffickers' control. Traffickers exploit adults and children, including entire families, in bonded labor in agriculture, brick kilns, carpet production, cotton farms, home-based embroidery businesses, mica mining, and roadside restaurants. Sugarcane harvesting and production in states such as Maharashtra relies heavily on migrant workers and members of scheduled castes and tribes, many of whom are hired by recruiters who take wage advances to create conditions of debt bondage. Traffickers also exploit children as young as eight in forced labor in agriculture (coconut, eucalyptus, ginger, and sugarcane); bangle making; begging; construction; domestic service; floriculture; food-processing factories (biscuits, bread-making, meat-packing, and pickling); garment and textile industries (tanneries and sari factories); cotton; manufacturing (wire and glass); ship breaking; stone carving; and other largely unorganized labor sectors. Observers report indicators of forced labor – including failure to pay a minimum wage, restricted freedom of movement, and dangerous working conditions – in some shrimp and aquaculture facilities, particularly in Andhra Pradesh. The exploitative conditions in these aquaculture facilities also creates debt bondage, especially among migrant workers and scheduled castes. Observers report some tea estates in northeast India exploit workers in poor working conditions, which may include forced labor, and many children have run away and been reported missing; there are also reports some employers pay low wages and overcharge workers for daily living expenses, sometimes creating recurring debt. Observers reported indicators of forced labor, including restricted movement, abusive conditions, and retention of identity documents at some spinning mills and garment factories. In some cases, the “Provident Funds” or *Sumangali* scheme in which employers pay young women a lump sum for education or a dowry at the end of multi-year labor contracts, often in

Tamil Nadu's spinning mill industry, may amount to bonded labor; some employers also subject these women to sex trafficking. In addition, internal migration from poorer to wealthier states involved millions of people in seasonal or temporary employment as unskilled day laborers, domestic servants, and brick kiln workers. Many women and girls migrate from poorer areas to wealthier cities and states for employment opportunities in domestic work, spas, beauty parlors, and other businesses where they experience labor or sex trafficking. Traffickers also promise work to women and girls fleeing violence in states such as Manipur and then exploit them in trafficking.

Traffickers exploit millions of people in commercial sex within India. Observers report most female victims, some as young as 14, are from scheduled castes and tribes. Child trafficking victims constituted a consistent presence among people involved in commercial sex in some states, and some adults reported they were children when they first became involved in commercial sex, according to reports. One study found many people involved in commercial sex in India were willing to leave yet felt unable to do so due to debt bondage. Although India's low conviction rates provided limited deterrence to sex traffickers, buyer concerns about visiting brothels or massage parlors pushed sex trafficking beyond redlight areas and became more decentralized as traffickers exploited technology to arrange meetings with buyers. In addition to traditional red light districts, dance bars, spas, and massage parlors, traffickers increasingly exploit women and children in sex trafficking in small hotels, vehicles, huts, and private residences. Media reported the pandemic and subsequent economic insecurity led some individuals involved in commercial sex, including sex trafficking victims, to turn to brothel owners and others for loans, increasing their risk of debt bondage. Officials acknowledged some registered and unregistered spas exploited women and girls in sex trafficking, and officials sometimes shut down unregistered spas and initiated criminal investigations. Women, particularly from scheduled castes, were sometimes exploited as "devadasi" or through the traditional "Jogini" system, in which Dalit women and girls are ceremoniously "married" to a local temple deity but in practice are exploited in sex trafficking by higher caste villagers. Despite a legal ban on the Jogini system, the practice remains in some places, such as Karnataka and Telangana. Traffickers also exploit women and children in sex trafficking in religious pilgrimage centers and tourist destinations. Traffickers arrange sham marriages, including child marriages, within India and Gulf states to subject women and girls to sex trafficking. In addition to Indian women and girls, traffickers fraudulently recruit significant numbers of Nepali and Bangladeshi women and girls for sex trafficking, often on the false pretense of employment opportunities in India. Traffickers also exploit women and girls from Central Asian, European, and African countries in sex trafficking. Traffickers exploit Rohingya refugees in sex and labor trafficking, including under the guise of marriages. A study of sex trafficking victims in Goa found a significant

number traveled from Central Asia to New Delhi prior to exploitation in Goa's casinos, massage parlors, private apartments, and clubs. Traffickers exploit children in extraterritorial child sexual exploitation and abuse.

India has one of the largest emigrant populations in the world, and traffickers – many of whom are known and trusted by their victims – exploit the vulnerabilities of male and female migrant workers seeking economic opportunities abroad. Recruitment agencies, particularly unregistered organizations, facilitate undocumented migration and migration fraud that leaves prospective workers vulnerable to exploitation. Traffickers force many Indian migrants who willingly seek employment abroad into construction, domestic work, factories, and other low-skilled sectors in many regions, especially Gulf countries and Malaysia, often following recruitment fraud and exorbitant recruitment fees. Indian women involved in domestic work in Gulf countries consistently report indicators of forced labor, including non-payment of wages, contract violations, and physical abuse. Some Indian women were exploited in sex trafficking while migrating for employment. Labor traffickers frequently bring Indian workers overseas on tourist visas and then withhold their identity documents and wages while forcing them to work, especially in construction. Some Indian migrants reported indicators of fraudulent recruitment while traveling to Russia to enlist as foreign fighters in Russia's full-scale invasion of Ukraine. Traffickers commit labor trafficking crimes by forcing Indian migrants to engage in illegal activities abroad, including scams and fraudulent businesses. Traffickers recruit many victims with fraudulent job offers leading to online scam operations, mostly in Southeast Asia.

Non-state armed groups recruit and use children in direct hostilities against the government. Maoist groups, particularly in Chhattisgarh and Jharkhand, forcibly recruit children as young as 12 to cook, carry materials, collect information on security forces, handle weapons and improvised explosive devices, and in some cases serve as human shields. Several women and girls formerly associated with Maoist groups reported sexual violence, including practices indicative of sexual slavery, was present in some Maoist camps. Non-state Naxalite groups continued to systematically recruit and use child soldiers.

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