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# 2020 Trafficking in Persons Report: India

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## IN THIS SECTION

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### 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 to the previous reporting period; therefore India remained on Tier 2. These efforts included convicting traffickers and completing a high-profile investigation into a case that involved officials complicit in trafficking at a government-funded shelter home in Bihar, convicting 19 individuals in the case, including three state officials; an influential former legislator was among the 12 that received life sentences. The government also filed "First Information Reports" (FIRs) against other government-funded shelter homes in Bihar that allegedly abused residents, including trafficking victims. For the first time, the Madras High Court reversed an acquittal in a bonded labor case. The central government added investigation of inter-state and transnational trafficking cases to the mandate of the National Investigation Agency (NIA), the country's premier investigative body, which began investigating inter-state trafficking. The government continued to work on its draft anti-trafficking bill and committed to devoting funding

to expand its police anti-human trafficking units (AHTUs) to all 732 districts. However, the government did not meet the minimum standards in several key areas. The government did not make serious or sustained efforts to address its consistently large trafficking problem. Overall anti-trafficking efforts, especially against bonded labor, remained inadequate. The government decreased investigations, prosecutions, and case convictions of traffickers, and the acquittal rate for traffickers increased to 83 percent. Law enforcement decreased victim identification efforts, and the government reported it had only identified approximately 313,000 bonded laborers since 1976—less than four percent of NGOs' estimates of at least eight million trafficking victims in India, the majority of which are bonded laborers. NGOs estimated police did not file FIRs in at least half of reported bonded labor cases, and inconsistent with NGO reports, 17 of 36 states and territories did not identify any bonded labor victims in 2017 or 2018. Authorities did not proactively identify bonded labor victims and, according to three NGOs across 10 states, only provided mandatory release certificates to 43 percent of victims NGOs identified and mandatory compensation to 26 percent. Although several laws gave judges the authority to provide trafficking victims compensation, state and district legal offices did not regularly request it or assist victims in filing applications, and less than one percent of trafficking victims identified from 2010 to 2018 received compensation. The government forcibly detained adult trafficking victims in shelters for multiple years until they had a magistrate's order for release. Authorities penalized some adult and child trafficking victims for crimes their traffickers compelled them to commit. Often, official complicity in trafficking was unaddressed. NGOs nationwide reported officials protected from prosecution local and state politicians who forced workers into bonded labor, and activists reported authorities did not investigate all high-level officials who may have been involved in the Bihar case, including those whom victims had identified as their sex traffickers.

## PRIORITIZED RECOMMENDATIONS:

Increase investigations, prosecutions, and convictions of all forms of trafficking, including bonded labor. • Vigorously investigate allegations of official complicity in human trafficking and sentence perpetrators to significant prison terms. • Criminally investigate all reports of bonded labor. • Develop and immediately implement regular monitoring mechanisms of shelters to ensure adequate care, and promptly

disburse funding to shelters that meet official standards for care. • Improve clarity on central and state government mandates for and implementation of protection programs and compensation schemes for trafficking victims to ensure states provide release certificates, compensation, and non-cash benefits to all victims immediately. • Urge prosecutors to routinely request and judges to award, as appropriate, trafficking victim compensation, and urge legal aid offices to routinely inform trafficking victims of available compensation mechanisms. • Encourage state and territory compliance with the Supreme Court's recommendation to audit all government-run and -funded shelter homes. • Cease inappropriate penalization of trafficking victims. • De-link provision of the 2016 bonded labor scheme's overall victim compensation from conviction of the trafficker. • Cease forcible detention of adult trafficking victims in government-run and -funded shelters. • Provide clear mandates, dedicated funding, and training to existing AHTUs, and establish new AHTUs with these same resources. • Continue to disseminate and implement standard operating procedures (SOPs) for victim identification and referral, and train officials on their use. • Amend the definition of trafficking in Section 370 of the Penal Code to include labor trafficking and ensure that force, fraud, or coercion are not required to prove a child sex trafficking offense. • Eliminate all recruitment fees charged to workers. • Increase oversight of, and protections for, workers in the informal sector, including home-based workers. • Lift bans on female migration through agreements with destination countries that protect Indian workers from human trafficking. • Develop a national action plan to combat trafficking. • Provide rehabilitation services for child soldiers associated with non-state armed groups. • Provide anti-trafficking training for diplomatic personnel.

## PROSECUTION

The government decreased anti-trafficking law enforcement efforts, and efforts remained inadequate compared to the scale of the problem, although it convicted three complicit officials in one high-profile case. 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 imprisonment 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 serious crimes, such as kidnapping. Inconsistent with international law, Section 370 required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore it 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 serious 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. 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 age 18 by non-state armed groups was not criminally prohibited. A draft anti-trafficking bill that passed the lower house of Parliament in 2018 was revised and under ministerial review at the close of the reporting period.

During the reporting period, the National Crime and Records Bureau (NCRB) issued its 2017 and 2018 Crime in India Reports, which used a different methodology than previous years. In 2018, the government reported 1,830 trafficking cases under the IPC, a continued decrease from 2,854 cases trafficking cases reported in 2017 and 5,217 cases in 2016. It was unclear which sections of the IPC this data included. In 2018, the government completed prosecution in 545 trafficking cases, convicted 322 traffickers in 95 cases, and acquitted 1,124 suspects in 450 cases. The acquittal rate for trafficking cases increased to 83 percent in 2018. These statistics were compared

to the government completing prosecution in 670 cases, convicting 249 traffickers in 165 cases, and acquitting 1,155 suspects in 505 cases in 2017, with 76 percent of cases resulting in acquittal. This marks a 29 percent increase in the number of individuals convicted, but a 42 percent decrease in the number of case convictions. Three of India's 36 states and territories reported 43 percent of all trafficking cases, most likely due to more sophisticated reporting rather than larger trafficking problems. Five states and territories –Nagaland, Andaman & Nicobar Islands, Chandigarh, Dadra & Nagar Haveli, and Lakshadweep—did not report any trafficking cases in either 2017 or 2018. Assam and Jharkhand states only submitted data for the 2017 report. On average, trafficking cases under the IPC commenced trial 5.9 years after they were first reported.

Overall law enforcement efforts across the country, especially against bonded labor, remained inadequate compared to the scale of the problem. The law required police to file an FIR upon receipt of information about the commission of a cognizable offense, such as forced labor or sex trafficking, which legally bound police to initiate a criminal investigation. Police did not always arrest suspected traffickers or file FIRs to officially register a complaint, and officials settled many other cases at the complaint stage. In the Delhi capital region, while the Delhi Commission for Women (DCW) identified multiple cases of child sex trafficking in unregistered spas during the reporting period, in some cases police reportedly did not file FIRs following arrests. In one case, the DCW summoned local police to explain its delay to file a FIR against the suspects. West Bengal, Jharkhand, and Assam state authorities allegedly ordered police to register trafficking cases as kidnapping or missing persons to reduce the number of trafficking cases in official statistics. Government data demonstrated that court delays and lack of prioritization of trafficking have left 93 percent of trafficking cases pending trial in West Bengal and Andhra Pradesh, meaning that to date these states have convicted fewer than one percent of suspects (three out of 429) charged with human trafficking between 2008 and 2018. The conviction rate for trials that had taken place in those two states was 54 percent. Telangana state similarly reported a conviction rate of approximately 2 percent for all alleged traffickers, including pending cases. In two notable cases in West Bengal and Rajasthan, judiciaries convicted four traffickers and sentenced them with sufficiently stringent sentences.

The lack of sufficient political will across many states to address bonded labor stymied efforts nationwide. NGOs estimated police did not file FIRs in at least half of bonded labor cases nationally, especially in Bihar and Rajasthan state. NGOs stated police, at times, allegedly did not file cases to shield traffickers. In 2018, law enforcement reported 778 cases of bonded labor under the BLSA, an increase from 463 cases in 2017. However, previous NCRB data only included BLSA cases in which police filed FIRs and commenced criminal investigations, and in 2018, it began including in the BLSA statistics cases that district and labor officials handled administratively, including through summary trials. In 2018, officials convicted 331 persons in 198 cases under the BLSA and acquitted 189 persons in 142 cases. These statistics were compared to 2017, when the data only included criminal cases under the BLSA and officials convicted 16 persons in eight cases and acquitted or discharged 76 people in 52 cases. Because the majority of “convictions” in 2018 were administrative decisions, traffickers received inadequate sentences of fines, and authorities did not criminally investigate human trafficking offenses. On average, cases under the BLSA commenced trial approximately 4.9 years after first reported. Seventeen of India’s 36 states and territories reported not identifying any bonded labor victims or filing any cases under the BLSA in either 2017 or 2018, despite NGO and media reports of bonded labor victims identified in some of those states. Uttar Pradesh accounted for 84 percent of all cases under the BLSA, but the evidence did not suggest it had a disproportionately large problem, which called into question other states’ efforts to address bonded labor. In Uttar Pradesh and Gujarat states, some officials registered bonded labor cases as minimum wage violations and did not file FIRs for criminal investigation. Some district magistrates dissuaded bonded labor victims from pursuing cases against their traffickers and mediated cases in lieu of criminal prosecution. In Rajasthan state in 2019, authorities identified and released 77 child bonded laborers in 59 cases but only filed one FIR. While Telangana authorities identified more than 2,499 bonded labor victims through its annual child labor identification drive and levied fines against 431 offenders totaling 1.87 million Indian rupee (INR) (\$26,340), it only registered criminal cases against seven suspects. Fines were insufficient to deter violations. In Karnataka state, for the first time since the BLSA’s passage in 1976, the Madras High Court convicted a trafficker and imposed the BLSA’s maximum three-year sentence of imprisonment;

he had kept nine workers in slavery for five years. Significantly, this was the first time an acquittal by a lower court was overturned by an appellate court in a BLSA case.

AHTUs, created by the Ministry of Home Affairs (MHA) but maintained by state governments, served as the primary investigative force for human trafficking crimes. At the end of the reporting period, the government announced it would use \$14 million in funding from its Nirbhaya Fund (established in 2013 to protect the dignity and safety of women) to expand AHTUs from 332 districts to all of India's 732 districts and provide additional training and resources to existing AHTUs. State governments and civil society nationwide agreed the majority of the 332 AHTUs currently active were not sufficiently funded or trained, nor solely dedicated to trafficking. Most states failed to adequately resource and prioritize AHTUs. As a result, AHTUs spent their time and resources on other crimes. This included reports of missing persons, which could lead to identification of trafficking victims. Despite these shortcomings, some NGOs reported good working relationships and effective coordination with local AHTU units. State police's Criminal Investigation Divisions also investigated human trafficking. Moreover, the government gave the NIA the mandate for inter-state and transnational trafficking cases and began investigating cases in Hyderabad, West Bengal, Jharkhand, and Bangladesh during the reporting period, disrupting several interstate and cross-border tracking rings and making interceptions and arrests. States were empowered to dedicate courts to hearing cases under the POCSO Act, including child sex trafficking. As of April 2019, the country had 664 POCSO courts. In some states, however, authorities reported the judges and prosecutors at POCSO courts had no training or expertise in POCSO crimes. Law enforcement generally did not prioritize trafficking cases over murder or drug crimes, which increased the length of trials and in some cases led to acquittals. In the past, unofficial village caste councils have reportedly pressured lower caste female sex trafficking victims not to pursue criminal cases, although no incidents were cited during the reporting period. NGOs reported all police and judicial academies had human trafficking in their course curriculum. The Madhya Pradesh police academy signed an MOU with an NGO that allowed the NGO to train 1,900 police, prosecutors, and judicial officers on human trafficking during the reporting period.

The government took action to address official complicity in some cases, including three officials in the high profile Bihar shelter home case. In Maharashtra state, a magistrate re-opened an investigation from 2004 into a senior police inspector who removed child sex trafficking victims from a shelter home and sent them back to the brothel that had exploited them. Police charged with rape and sex trafficking offenses four police officers who allegedly exploited a girl in sex trafficking. In additional cases, police arrested two officers as clients of sex trafficking victims and one police officer who facilitated selling a woman into forced labor. Police in Bangalore arrested two immigration officials and two police constables for facilitating the trafficking of Nepalese women to the Middle East via the city airport. However, government action into allegations of official complicity were lacking in other cases. The Puducherry judiciary acquitted 18 suspected traffickers in April 2019, including eight police officers, accused of running a child sex trafficking ring. Civil society reported the government delayed the investigation and prosecution for several years; did not name all suspected traffickers on the charge sheet to shield higher-level perpetrators; and granted bail, pending trial, to the officers, who successfully intimidated the witnesses to sabotage their testimonies. Tamil Nadu state authorities admitted some local politicians benefitted from child sex trafficking and forced begging rings with impunity. Police filed fraudulent criminal charges against DCW to impede the organization's anti-trafficking efforts. State-owned tea estates in Assam state held workers in bonded labor by creating recurring debt by underpaying wages and overcharging for daily living expenses such that 37 percent of workers had daily expenditures that exceeded their daily income.

A lack of accountability for misconduct and corruption continued at various levels of government, contributing to the perception of widespread impunity for trafficking crimes. Some police and administration officials maintained the view that society had the right to put lower caste individuals in bonded and child labor, which sometimes impeded identification and investigation of such cases. NGOs across multiple states reported politically connected individuals, including local and state politicians who held workers in bonded labor in agriculture and on brick kilns, successfully avoided prosecution. Civil society reported a number of instances in which police refused to register FIRs against officials who were alleged perpetrators. Some law enforcement reportedly received bribes from sex trafficking establishments and sexual services from victims in exchange for alerting the

traffickers of forthcoming raids. Law enforcement did not report updates from the previous reporting period on the investigation of a sex trafficking ring that allegedly involved a Bengaluru official or if it had initiated an investigation into senior police officers in Kerala state who reportedly forced junior officers into labor.

The government took positive action against sex trafficking and abuse in some Bihar state shelters. A 2018 report commissioned by the Bihar state government noted abuse “varying in forms and degrees of intensity” was reported to be prevalent in almost all 110 government-funded women and childcare institutions surveyed, and the report noted “grave concerns” in 17 institutions that required immediate attention. The government conducted one high-profile investigation of abuse at one shelter home in Bihar, resulting in the conviction of 19 individuals, 12 of whom were sentenced to life in prison for sexual assault for the sex trafficking of more than 44 girl residents at a government-funded shelter. Among those convicted were three state officials, including the chairperson of the Child Welfare Committee (CWC), and a former legislator. The Indian Supreme Court ordered the case to be transferred to a POCSO court in Delhi to ensure accountability, and one NGO which monitored this case closely noted the political will from the central and Bihar state government to pursue the case. Despite the notable convictions, some activists and NGOs underscored inconsistencies in the investigation and prosecution and questioned the political will to hold all perpetrators accountable. There were reports the Central Bureau of Investigation (CBI) did not investigate high-level officials allegedly involved, including politicians whom victims had identified as sex traffickers and provided physical descriptions for, and social service officials who victims stated they had repeatedly notified of the ongoing sex trafficking to no avail. The CBI claimed to have recovered and identified all the individuals alleged to be missing in the first days of its investigation, although NGOs claim it disregarded human remains discovered on the shelter premises and victim statements that shelter authorities had murdered 11 child sex trafficking victims. Following the recommendations of the NGO that discovered the abuse, the CBI also recommended the Bihar state government take administrative action against 70 central and Bihar state government officials responsible for management and oversight of the home, although the local government did not report such action. The CBI completed investigations into the other 16 most abusive shelters and filed charges in 12 additional cases. The CEI filed an additional 19 FIRs against some of the 94 other Bihar state-funded shelter homes

in which the audit had noted abuse, including for charges such as “causing death by negligence.”

Despite this action in Bihar, the lack of investigations into suspected trafficking crimes and broader physical and sexual abuse of trafficking victims at government-run and -funded shelters in other states due to widespread negligence created an atmosphere of impunity for shelter employees and government officials to engage in trafficking. In Andhra Pradesh state, district child welfare officials discovered two government-funded Child Care Institutions (CCIs) run by the same organization forced some residents into labor and commercial sex, including adults, children, and persons with mental disabilities. After repeated recommendations to close the home, officials did so but dropped the criminal investigation because police did not file the charge sheet within the required timeframe. The CBI did not report an update on its investigation of a government-funded shelter home in Uttar Pradesh state that allegedly drugged 23 child residents and forced them into sex trafficking or a related administrative investigation of two police superintendents that had sent more than 405 children to the shelter in violation of the district government’s orders. In 2018, the Supreme Court encouraged the National Commission for Women and state-level institutions to audit the status of their state shelter homes, including homes that care for adult and child trafficking victims. Andhra Pradesh, Chhattisgarh, and Telangana states and the Delhi regional government hired independent audits of their shelters, and Jharkhand and Odisha states allowed international donors to fund independent audits. The Delhi audit, finalized in October 2019, reported “grievous sexual and physical abuse” in at least 14 shelters. In response, the Delhi government quickly removed children from one abusive home and filed an FIR against the owners. Delhi authorities reported no other cases of criminal negligence and did not report initiating criminal investigations into any other shelters. Similarly, while the Odisha and Jharkhand audits documented abuse in shelters that cared for trafficking victims, neither state reported initiating criminal investigations. None of the other 29 states reported conducting, funding, or approving independent audits in response to the directive.

## PROTECTION

The government decreased overall victim identification and protection efforts, and identification and protection for bonded laborers remained inadequate. During the reporting period, the NCRB released its 2017 and 2018 Crime in India Reports, which used a different methodology than previous years. In 2018, the government reported identifying 3,946 trafficking victims and 1,625 potential trafficking victims. While Assam and Jharkhand states did not submit data for the 2018 report, this was still a decrease from 2017, when authorities identified 4,137 trafficking victims and 2,137 potential victims. This was a decrease from the 22,955 victims the government reported identifying in 2016, although NGOs surmised methodological differences in data collection could have accounted for part of the decrease. In 2018, authorities identified 2,093 victims in labor trafficking, including 1,014 in bonded labor, and 1,853 in sex trafficking; the government did not report the type of trafficking of the 1,625 potential victims identified. Ninety-five percent of trafficking victims identified were Indian, approximately 55 percent were adults, and 61 percent were female. Despite NGOs' consistent estimates of millions of Indians in bonded labor, the Ministry of Labor and Employment reported to Parliament in 2019 that the government had only identified and released 313,687 since 1976. Moreover, due to a lack of law enforcement efforts against traffickers, one NGO working in 10 states reported employers trapped more than 60 percent of released victims in bonded labor again. Karnataka and Tamil Nadu states, where some authorities may have engaged more actively against bonded labor, identified 42 percent of all bonded labor victims. The MHA created standard procedures for trafficking victim identification in 2009, but it was unclear how many states had adopted them. State revenue officers had the responsibility for identifying bonded labor victims, yet NGOs identified most cases. Poor inter-state coordination between state government agencies impeded trafficking investigations and victims' ability to obtain services, including participation in civil and criminal cases in their home states. The Ministry of Women and Child Development (MWCD) continued to support some broad national child protection mechanisms, including a hotline for children, a system to identify missing children, and rescues of missing children.

The government did not report how many trafficking victims it assisted or referred to care. The government had shelter and services for child and adult female trafficking victims, although the quality, consistency, and availability varied. Police referred all adult and child trafficking victims, except bonded labor victims, to state

judiciaries and CWCs to determine appropriate care. CWCs generally returned child trafficking victims to their parents, some of whom had subjected their children to trafficking. When CWCs did refer child trafficking victims to care, it placed them in privately run shelters, government-run juvenile justice homes (some of which housed child victims with children accused of crimes), or government-run women and children's homes, some of which allowed routine abuse. While judges could reportedly refer bonded labor victims to care, there were no reports officials did so in practice. Judges could require all adult trafficking victims identified under the ITPA stay in government- or NGO-run shelters for up to three weeks, and victims who were part of an ongoing legal case as a witness or victim could not leave shelters without a magistrate's order. The government did not run or fund shelters that could accommodate adult males.

Government-run and -funded shelters remained insufficient, facing serious shortages of space, financial resources, and trained personnel. NGOs relied primarily on donor contributions, although some received government funds. The disbursement of government funding to NGOs was sometimes delayed for multiple years. MWCD continued to provide state governments with funding for NGO- and government-run shelter and rehabilitation through the *Ujjawala* program for female sex trafficking victims (operating 134 shelters, compared with 148 in 2018) and the *Swadhar Greh* program for women in difficult circumstances (operating 413 shelters, compared to 514 in 2018). The central government allocated 144 million INR (\$2.03 million) to the *Swadhar Greh* program in the first five months of 2019-2020, compared to (226 million INR (\$3.18 million) allocated to the program in 2018-2019. States had not utilized any of the funding as of July 2019, compared to 15.9 million INR (\$223,940) utilized in 2018-2019. MWCD ran One-Stop Centers (OSCs) for female victims of all crimes, including sex trafficking. During the reporting period, the government allocated \$44 million to improve access to OSCs and establish an additional 728 centers. It did not report if the 506 centers that were operational during the reporting period assisted any trafficking victims, and some NGOs previously reported the centers were ineffective and difficult to access.

Media, NGOs, and authorities continued to document a persistent lack of oversight and negligence in government-run, government-funded, and privately run shelters, that sometimes resulted in abuse and trafficking of residents. In several cases, such

homes continued to operate despite significant gaps in mandatory reporting and allegations of abuse, at times due to alleged political connections. Nearly 380,000 children resided in more than 9,500 CCIs nationwide, and the government took some steps to document and begin increased oversight of these shelters during the reporting period. The National Commission for the Protection of Child Rights completed its mapping of India's approximately 9,500 CCIs and reported one-third lacked registration and therefore operated with little or no oversight. Moreover, it reported CCIs subjected the majority of child residents, including trafficking victims, to corporal punishment, substandard food, and inadequate medical and legal assistance, and that they did not provide education or skills training. In response to this audit, the government closed 539 CCIs between 2018 and 2019 and registered others but did not report whether it filed any criminal charges against the owners and where it referred the residents. In February 2020 the Minister of Women and Child Development directed senior state officials to inspect all CCIs and implement the required monitoring and evaluation, including regular review of abuse complaints. CWCs were designed to routinely monitor victim shelters and provide updates on victims' cases, although their efficacy varied across states. Ujjwala and *Swadhar Greh* homes had similar levels of non-registration. Due to a reported loophole in the law, if the government did not act on a shelter's application in a prescribed timeframe, the organization automatically gained licensure. Whenever a license application is accepted the home must go through several inspections, but it was unclear whether authorities conducted these inspections in practice. Allegedly, some corrupt officials purposely missed the licensing deadline to allow inadequate but politically connected organizations to gain licensing. In the states that allowed audits of Ujjwala and *Swadhar Greh* homes, the audits documented that many homes violated minimum hygiene and safety standards, did not provide psycho-social support or educational opportunities, and operated without proper registration. Moreover, in some instances the shelters functioned as hostels and charged non-victim residents for accommodation. In Odisha, only three or four of the approximately 73 *Swadhar Greh* and Ujjwala homes actually housed the women the programs targeted, such as trafficking victims. Many Odisha shelters that provided livelihood training for residents used it exclusively to generate revenue for the organization. Ninety-one percent of Ujjwala and *Swadhar Greh* homes in Odisha state and 56 percent of shelter homes in the Delhi capital region did not have

proper registration. Due to unsafe conditions and abuse by caretakers, authorities reported multiple cases in which residents, including children, ran away from these shelters during the reporting period. While some NGOs in Andhra Pradesh, Jharkhand, and Telangana states offered assistance in developing SOPs for shelter monitoring and management, state governments did not prioritize these initiatives; some high-level central government officials, however, supported such SOPs. 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 to create in September 2018. The National Human Rights Commission (NHRC) implemented its SOP for identifying and responding to bonded labor cases.

Four states had child-friendly courtrooms or procedures, including some that allowed victims to testify via video conference, which improved victim participation in cases. In other cases, inadequate implementation of victim protection measures and legal assistance enshrined in law, including witness protection, led victims to refuse to participate in trials. Moreover, NGOs reported that judges closed many cases because the government did not provide adequate financial assistance to enable victims to participate in trials. While victims could obtain restitution from their traffickers in criminal cases, courts rarely awarded it. Judges could order compensation to trafficking victims through a variety of government schemes, usually funded by the central government and administered at the state level, but rarely did so. NGO analysis of government crime data showed that among 38,503 trafficking victims identified between 2010 and 2018, judges only proactively awarded compensation to 102 (less than 1 percent). In addition, state and district legal offices did not regularly inform trafficking victims that they were eligible to receive compensation. As a result, NGO analysis of the same government crime data showed that among 38,503 trafficking victims identified between 2010 and 2018, only 107 victims applied for compensation (less than 1 percent). For example, between West Bengal state's creation of a trafficking victim compensation scheme in 2012 and August 2019, it only awarded compensation to three trafficking survivors, including in one case in September 2019 awarding a victim 603,500 INR (\$8,500). Some states, including as allowed in the central government's 2016 bonded labor scheme, controlled how victims could use this compensation, such as requiring them to put it into annuity schemes. During the reporting period, the Calcutta High

Court ruled against West Bengal's policy that limited victims to small, monthly withdrawals over 10 years.

The central government funded a program through which district officials identified bonded labor victims and provided them with "release certificates" that provided access to non-monetary assistance and, upon conviction of their trafficker, 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 to provide victims immediate monetary assistance up to 20,000 INR (\$280), regardless of the status of the related court case. The release of the overall compensation amounts (between 100,000 INR (\$1,410) and 300,000 INR (\$4,230) based on the victim's demographics) remained contingent upon conviction of the trafficker or conclusion of magistrate processes, which could take several years. The government did not adequately implement any stage of this program, and when states did implement the program, it was often due to sustained NGO advocacy. Some states had SOPs to address bonded labor cases. The Delhi government formulated an SOP to rescue bonded labor victims. Tamil Nadu issued an SOP as a step towards eradicating bonded labor in the state by 2021. The government did not report whether any other states had bonded labor SOPs.

The government did not report how many release certificates it provided during the reporting period, compared to approximately 2,300 provided between March 2018 and March 2019. The disbursement of mandatory release certificates varied greatly between states, but in many states officials did not issue release certificates without significant advocacy from high profile NGOs, which could take multiple years. Several NGOs reported that for the more than 3,000 release certificate applications they filed between them with the Bihar, Delhi, Haryana, Himachal Pradesh, Madhya Pradesh, Maharashtra, Rajasthan, Telangana, and Uttar Pradesh state governments from 2018 to 2019, the governments only provided mandatory release certificates in 43 percent of cases and mandatory interim compensation in 26 percent. In Rajasthan state, human rights lawyers reported that as of July 2019, the child bonded laborers identified and removed from exploitation in 3,600 of 6,000 cases from 2012-2019 had not received release certificates by July 2019. In Bihar, Haryana, and Telangana states, more than 70 bonded labor victims identified during the reporting period did not receive release certificates, despite persistent advocacy. In

Tamil Nadu, by contrast, some NGOs reported great success collaborating with the government and securing release certificates, although some smaller NGOs had less success. In Karnataka, some NGOs only secured certificates from the government in approximately 14 percent of cases. In two notable cases, Telangana state officials provided 67 release certificates to children removed from bonded labor in a bangle factory, and Odisha and Karnataka states provided release certificates to 211 bonded laborers removed from a brick kiln. Some NGOs noted Uttar Pradesh state improved provision of the interim compensation to bonded labor victims.

Authorities continued to misidentify bonded labor or treat it as labor exploitation, child labor, or minimum wage violations and not provide victims the mandatory 20,000 INR (\$280) owed upon identification. Some police were unaware these protections applied to trafficking victims whom traffickers had trapped with force or other forms of coercion. For example, Gujarat state officials denied release certificates and compensation to nearly 100 trafficking victims because the employer had used physical force instead of debt to compel them to work.

Arunachal Pradesh authorities refused to recognize or provide mandatory release certifications and compensation to bonded laborers identified by NGOs because it claimed it had eradicated bonded labor in 1998. The central government reported it had adequate funding to provide initial compensation to all identified bonded laborers, and the 2016 scheme required each state to have a permanent fund with at least one million INR (\$14,080) at all times for district magistrates to use exclusively for bonded labor victims. However, Bihar claims the central government has not reimbursed them for prior bonded labor compensation and many states did not have the established fund, which delayed compensation. NHRC could and did order law enforcement and district officials to provide release certificates to bonded labor victims. While NHRC was often effective in securing release certificates when NGOs or bonded labor victims requested its assistance, it required significant time and persistent follow-up from NGOs. Although the NHRC could issue orders to state and local officials to provide release certificates to individuals, there was no penalty for noncompliance.

Due to a lack of proactive victim identification, the widespread tendency to handle bonded labor cases administratively in lieu of criminal prosecution, and stalled bonded labor prosecutions, authorities recognized full compensation remained extremely difficult. In Telangana state, the government did not provide full

compensation to any of 1,174 bonded labor victims removed from exploitation from 2012-2019 because it did not convict any traffickers under the BLSA. In April 2019, an Indian high court awarded full compensation to one bonded labor victim upon conviction of her trafficker—the only provision of full compensation since the fund's 2016 amendment. While the 2016 scheme also required states to provide non-cash benefits, including employable skills training, provision of such services remained weak or nonexistent.

Foreign victims had the same access to shelter and services as Indian nationals. Government policy on foreign victims dictated their return to their country of origin at the earliest possible time. Authorities detained foreign sex trafficking victims in shelters until deportation, and both repatriation of foreign victims seeking to return home and deportation of victims could take years due to bureaucratic constraints. Some officials refused to repatriate victims until they had provided testimony in prosecutions against their traffickers. The government reviewed its 2015 memorandum of understanding with the Government of Bangladesh on identification and repatriation of Bangladeshi trafficking victims. The lengthy and complex approval system forced some Bangladeshi victims to languish in Indian shelters for six years before repatriation. The government provided some funding to NGOs to repatriate child trafficking victims but did not offer financial assistance for repatriation of adults. Some embassies facilitated repatriation of Indian trafficking victims. Six Indian embassies abroad, primarily in the Gulf, had shelters that could temporarily house female migrant workers with serious indicators of forced labor. Suspected trafficking victims in the two embassy shelters in Oman reported the shelters did not provide adequate food and basic amenities or allow the victims to contact family. Reportedly, Andhra Pradesh, Odisha, and Telangana coordinated with India's foreign missions in South Asian and Middle Eastern countries to repatriate some trafficking victims during the reporting period.

Authorities did not have procedures to screen for trafficking among vulnerable populations and arrested, fined, penalized, and deported some adult and child trafficking victims for crimes their traffickers compelled them to commit. Penalization of trafficking victims was not systematic, but penalization most often occurred against sex trafficking victims for immigration violations and prostitution offenses. 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 in order to renew their passports or travel. In 2016 and 2017, the government stamped the passports of some recipients of the foreign government's visas, for both trafficking victims and their eligible family members, identifying them as trafficking victims involved in a particular investigation or civil or criminal case. While the stamp requested authorities permit the visa holder to travel without hindrance, some NGOs familiar with this practice noted it made some victims fearful of reprisal and penalization and served as a deterrent to victims interacting with authorities. Some victims previously cited lengthy delays, requests from the government for private or otherwise sensitive information, and inconsistent application of the policy when attempting to renew their passports.

## PREVENTION

The government maintained inadequate efforts to prevent human trafficking. The government's inter-ministerial committee, chaired by MWCD, did not report meeting during the reporting period. The government did not have a national action plan to combat trafficking. Anti-trafficking preventative measures varied widely by state. Some state governments conducted anti-trafficking awareness campaigns, although NGOs reported local officials, migrant workers, and agricultural workers often still lacked awareness of human trafficking and their legal rights. While the government released two years' worth of anti-trafficking law enforcement data, two NGOs reported the government blocked them from publishing assessments of human trafficking in India. The Ministry of Railways maintained 84 child help desks at stations to support unaccompanied children who were vulnerable to traffickers.

The government registered foreign recruitment agencies and Indian migrant workers through the eMigrate system. The government required migrant workers going to 16 specific countries to receive emigration clearance before departure; it did not allow emigration to Iraq. The government maintained its ban on females younger than age 30 from working in 17 countries, mostly Gulf states. The UN and civil society argued any ban on migration increased the likelihood of illegal migration and heightened vulnerability to traffickers. Six Indian embassies in Gulf States received more than 15,000 claims of labor violations in 2019 but did not report if

they identified any trafficking victims or civilly or criminally investigated the reports. The Ministry of External Affairs (MEA) operated five national centers and a 24/7 helpline to provide counseling and other resources to those considering migrant work. MEA's Indian Community Welfare Fund, accessible to all Indian missions abroad and funded primarily via overseas consular fees, offered shelter, legal assistance, and repatriation for migrant workers in distress, as well as awareness measures and hotlines. MEA has not reported on the level of utilization of this fund in several years. The government permitted licensed foreign employment recruiters to charge migrant workers up to 20,000 INR (\$280) for recruitment fees and costs; however, observers stated employers frequently charged migrant workers more than the maximum. For example, some of Telangana state's approximately 350 recruitment agents charged 200,000 INR (\$2,820) without repercussions. Other states actively cracked down on illegal recruitment. Odisha state, for example, arrested and filed charges against 91 recruitment agents who fraudulently recruited bonded laborers for inter-state work within India. Unregistered sub-agents often operated online and operated widely without oversight. MEA did not report how many recruitment complaints it referred to state governments for investigation, compared to 231 the previous reporting period.

Officials acknowledged some registered and unregistered spas exploited girls in sex trafficking and that officials' lacked sufficient oversight of all such establishments. In some cases, law enforcement shut down some of the unregistered spas and initiated criminal investigations, while in other cases law enforcement shut down the spas without further action. In June 2019, the labor ministry drafted a national domestic worker policy to regulate placement agencies and allow domestic workers to formally register for worker benefits, including the right to minimum wage and access to the justice system. In April 2019, after reports of exploitative conditions including indicators of trafficking, in some of Tamil Nadu state's 7,000 garment factories and spinning mills, the NHRC ordered the state to inspect all establishments. The state had not conducted any inspections as of March 2020 although it formed a committee that was reportedly reviewing the matter. Since 2016, the central government has offered reimbursement of 450,000 INR (\$6,340) to any district that conducted a census of bonded labor, available once every three years, and additional funding for evaluation studies. In 2020, Tamil Nadu became the first state to report requesting funding to conduct its first survey since 1996,

which will cover the 11 most vulnerable districts and feed into a database on bonded labor efforts. Some states had action plans to combat bonded labor, although the government did not report how many states or if they successfully implemented them. With an international organization, Telangana state began a three-year project to map its cotton farms and spinning mills to monitor ethical labor practices; traffickers use forced labor in these sectors. During the reporting period, the Assam state government excluded nearly two million people from its National Register of Citizens, putting millions at risk for statelessness. Some officials made efforts to reduce the demand for commercial sex generally by prosecuting those who purchased commercial sex from children. Despite India being a destination for child sex tourism, including Andhra Pradesh and Tamil Nadu states, the government did not report measures specifically to reduce demand for child sex tourism. The government did not provide information about training provided to its diplomatic personnel. A civil lawsuit filed in 2018 in a federal court in New York continued, where a domestic worker sought damages from a former Indian consular officer previously posted at the New York consulate, whom the domestic worker alleged subjected her to forced labor in 2013-2014.

## 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. Internal forced labor constitutes India's largest trafficking problem; traffickers use debt-based coercion (bonded labor) to compel men, women, and children to work in agriculture, brick kilns, rice mills, embroidery and textile factories, and stone quarries. Traffickers promise large advances to manipulate workers into accepting low-paying jobs, where traffickers then add exorbitant interest rates; create new deductions for items such as lodging, health care, or wage slips; or fabricate the amount of debt, which they use to coerce workers into continuing to work for little or no pay. NGOs have assessed at least eight million trafficking victims in India, the majority of whom are bonded laborers. Intergenerational bonded labor continued, whereby traffickers transfer the outstanding debts of deceased workers to their parents, siblings, or children. Traffickers often target those from the most disadvantaged social strata. Traffickers force entire families into work in brick kilns, including children younger than 6 years old. In a 2017 study of brick kiln workers in Rajasthan state, researchers

found more than 40 percent of seasonal workers from Uttar Pradesh, Chhattisgarh, Bihar, and Rajasthan states owed debts to kiln owners that were greater than the amount workers earned over the entire season. In some states, the exploitative contractors that trap workers in bonded labor are local government officials or individuals with political influence. Some traffickers severely abused bonded laborers, including those who asked for their rightful wages, and some bonded laborers died under their traffickers' control. Traffickers exploit adults and children, including entire families, into bonded labor in carpet production in Jharkhand and Uttar Pradesh states, and in mica mining and textiles, sometimes requiring adults to leave children behind as collateral when they leave the premises for any reason. State-owned tea estates in Assam state pay workers much less than the state-mandated minimum wage and do not provide workers with pay slips to document their debts and expenditures. Indian law allows estates to pay workers in both cash and in-kind benefits, but researchers noted the quality and quantity of the food rations constituting part of the workers' salaries were inadequate and disproportionate to the amount deducted. Thirty-seven percent of workers across 50 estates in Assam had daily expenditures that exceeded their daily income, making workers extremely vulnerable to debt-based coercion. 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, common in Tamil Nadu's spinning mill industry, may amount to bonded labor, and some employers subject these women to sex trafficking. Traffickers exploit children as young as 8 in forced labor in agriculture (coconut, eucalyptus, ginger, and sugarcane); construction; domestic service; garment, steel, and textile industries (tanneries, bangle, and *zari* factories); begging; criminality; food-processing factories (biscuits, bread-making, meat-packing, and pickling); floriculture; cotton; ship breaking; and manufacturing (wire and glass). Multiple organizations note physical violence against trafficking victims—in both forced labor and sex trafficking—is particularly prevalent in South Asia, including India. Some traffickers force women and girls to conceive and deliver babies for sale. Non-state armed groups continued to recruit and use children as young as 14 in direct hostilities against the government in Jammu and Kashmir. Maoist groups, particularly in Chhattisgarh and Jharkhand forcibly recruited children as young as 12 to handle weapons and improvised explosive devices, and in some cases be human shields. Several women

and girls formerly associated with Maoist groups reported that sexual violence, including practices indicative of sexual slavery, was a practice in some Maoist camps. Non-state Naxalite groups continued to systematically recruit and use child soldiers. Past, unverified reports alleged national security forces use children as informants and spies.

Traffickers exploit millions of people in commercial sex within India. Traffickers target Indian women and girls but also fraudulently recruit significant numbers of Nepali and Bangladeshi women and girls to India for sex trafficking. Additionally, traffickers exploit women and girls from Central Asian, European, and African countries in commercial sex, especially in Goa state. 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. India is a source for child sex tourists and a destination for child sex tourism. Traffickers kidnap and force Indian and Nepali women and girls to work as “orchestra dancers” in India, especially in Bihar state, where girls perform with dance groups until they have repaid fabricated debts. Traffickers exploit women and children in sex trafficking in religious pilgrimage centers and in tourist destinations. Traffickers increasingly use online technology to facilitate sex trafficking and fraudulent recruitment. Some traffickers kidnap children from public places, including railway stations, entice girls with drugs, and force girls as young as 5 years old in sex trafficking to take hormone injections to appear older. Some corrupt law enforcement officers protect suspected traffickers and brothel owners from law enforcement efforts and take bribes from sex trafficking establishments and sexual services from victims. According to one report, police have accepted bribes to release child sex trafficking victims back into traffickers’ custody. Traffickers arrange sham marriages within India and Gulf states to subject females to sex trafficking. Some government-, NGO-, and privately run shelter homes physically and sexually abuse residents, including trafficking victims, and compel shelter residents into forced labor and sex trafficking.

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 female domestic workers in all Gulf

countries, particularly Kuwait and Saudi Arabia, consistently report strong indicators of forced labor, including non-payment of wages, refusal to allow workers to leave upon completion of their contracts, and physical abuse. In the United Arab Emirates, labor traffickers bring Indian workers overseas on tourist visas, withhold their identity documents and wages, and force them to work, especially in construction. Authorities have recently identified Indian forced labor victims in Armenia, Portugal, Gabon, and Zambia, and Indian female sex trafficking victims in Kenya. Traffickers exploit Rohingya, Sri Lankan Tamil, and other refugee populations in sex and labor trafficking. Traffickers subject some boys from Assam, Bihar, and Uttar Pradesh states to forced labor in Nepal.

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