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2023 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, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; 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 investigating more human trafficking cases, collaborating with foreign governments on several trafficking cases, and convicting more traffickers for bonded labor. The National Commission for Women (NCW) launched a new anti-trafficking unit to build the capacity of Anti-Human Trafficking Units (AHTUs). The government approved a new program to support state and territory expansion of protection services for child victims of crime, including trafficking. However, the government did not meet the minimum standards in several key areas. The government prosecuted and convicted significantly fewer trafficking cases. The government identified fewer trafficking victims, with an over 75 percent decrease in the identification of bonded labor victims, and reported significantly fewer bonded labor cases, with 22 of India's 36 states and union territories not reporting identification of any bonded labor victims or filing a case under the Bonded Labor System (Abolition) Act. Shortcomings in protection services for victims, especially children, remained unaddressed; efforts to audit government-run or -funded shelters were inadequate. Many victims waited years to receive central-government mandated compensation. The government did not amend Section 370 of the Penal Code to criminalize all forms of trafficking.

PRIORITIZED RECOMMENDATIONS:

- Increase efforts to investigate and prosecute alleged traffickers, including for bonded labor and complicit officials, and seek adequate penalties for convicted traffickers, which should involve significant prison terms.
- Strengthen existing AHTUs through increased funding and staff training, and ensure newly created AHTUs are fully resourced and operational.
- Systematically and proactively identify trafficking victims by screening for trafficking indicators among vulnerable populations, including disseminating SOPs on victim identification, harmonizing central and state government processes for victim protection, and referring all victims to appropriate services.
- Substantially increase efforts to identify bonded labor victims and refer victims to services through training of provincial police, labor inspectors, and social services, and de-link provision of the 2016 bonded labor scheme's overall compensation from conviction of the trafficker.
- Train prosecutors and judges on the importance of restitution for trafficking victims to increase the number of restitution orders for trafficking victims and urge legal aid offices to routinely inform trafficking victims of available victim compensation mechanisms.
- Increase oversight of, and protections for, workers in the informal sector, including home-based workers, and train labor inspectors on human trafficking.
- Establish and implement bilateral agreements with destination countries to enhance protections for Indian workers and formalize repatriation procedures for trafficking victims.
- Implement and consistently enforce regulations and oversight of labor recruitment companies, including by eliminating recruitment fees charged to migrant workers and holding fraudulent labor recruiters criminally accountable.

- Develop and implement regular monitoring and auditing mechanisms of government-run and -funded shelters to ensure adequate care, and promptly disburse funding to shelters that meet official standards for care.
- 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 crime.

PROSECUTION

The government maintained 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 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 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. 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 age 18 by non-state armed groups was criminally prohibited by Section 83 (1) of the Juvenile Justice Act. The government continued to draft an anti-trafficking bill with input from civil society and trafficking survivors; the draft remained pending by the end of the reporting period.

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. During the reporting period, the National Crime and Records Bureau (NCRB) issued its 2021 Crime in India Report. In 2021, the government reported investigation of 2,189 trafficking cases under the IPC, compared with 1,714 trafficking cases in 2020. The government did not report what sections of the IPC were included in these statistics. In 2021, the government completed prosecution in 201 trafficking cases, convicted 64 traffickers in 32 cases, and acquitted 520 suspects in 169 cases. The acquittal rate for trafficking cases was 84 percent. This compared with the government completing prosecution in 463 cases, convicting 101 traffickers in 49 cases, and acquitting 715 suspects in 414 cases in 2020, with 89 percent of cases resulting in acquittal. Four of India's 36 states and territories reported nearly half of all trafficking cases in 2021, most likely due to more sophisticated reporting in those states and territories rather than larger trafficking problems.

The lack of political will across the government to address bonded labor stymied efforts nationwide. In 2021, law enforcement registered 592 cases of bonded labor under the BLSA, a decrease from 1,231 cases in 2020. In 2021, officials convicted 40 persons in 38 cases under the BLSA and acquitted 64 persons in 49 cases, an approximately 62 percent acquittal rate. This was a slight increase compared with 17 persons convicted in 16 cases under the BLSA and 69 persons acquitted in 40 cases in 2020, an approximately 80 percent acquittal rate. Twenty-two of India's 36 states and union territories did not report identifying any bonded labor victims or filing any cases under the BLSA in 2021, despite ongoing reports of bonded labor victims in many of those states. Similar to 2020, Uttar Pradesh accounted for approximately 74 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.

States, with primary responsibility for anti-trafficking efforts, did not consistently use all relevant legal provisions in human trafficking cases, law enforcement and legal service providers possessed a limited understanding of the human trafficking legal framework, and police and judicial officials had inadequate training, all of which hindered trafficking prosecutions and convictions. States and police led law and order efforts with support from the National Investigation Agency. 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. Observers alleged Assam, Jharkhand, West Bengal, and other state authorities continued to order police to register trafficking cases as kidnapping or missing persons to reduce the number of trafficking cases in official statistics. In addition, the absence of effective coordination among government ministries hindered law enforcement efforts. Poor inter-state coordination between state government agencies, especially given the absence of standardized anti-trafficking procedures and various state approaches, impeded trafficking investigations and victims' ability to obtain services, including participation in civil and criminal cases in their home states.

AHTUs, legally established by state governments and partially funded by the MHA, served as the primary investigative force for human trafficking crimes. In February 2022, the MHA reported 696 of India's 732 districts had AHTUs, although there were likely fewer functional AHTUs with allocated budgets. In December 2022, MHA reported providing 988.6 million Indian rupees (INR) (\$11.97 million) during both FY 2019-20 and 2020-21 through the Nirbhaya Fund to all states and union territories for strengthening existing AHTUs and establishing new AHTUs. In April 2022, the National Commission for Women (NCW) launched a unit to improve anti-trafficking responses, including by law enforcement agencies, and build the capacity of AHTUs. In addition, the government of Puducherry announced establishment of an AHTU, and Chhattisgarh provided 24 vehicles for its AHTUs. State governments and civil society nationwide agreed the majority of active AHTUs were not sufficiently funded or trained, nor solely dedicated to trafficking crimes. Some officials expressed concern state governments had not given AHTUs official authority and resources to register human trafficking cases independently from other law enforcement units. AHTUs transferred inter-state cases to local police who often lacked sufficient training and skills to handle trafficking investigations. Additionally, AHTUs were frequently regarded as less favorable assignments for police officers. The National Investigation Agency (NIA) continued to investigate and file charges in cross-border trafficking cases, including those involving Bangladeshi and Sri Lankan nationals. Criminal Investigation Divisions (CID) within state-level police also investigated trafficking cases with resources and funding from state governments. Indian government officials cooperated with foreign counterparts on several cases in 2022, including the release of 11 Indian labor trafficking victims in Laos and 38 Indian trafficking victims in Burma.

Officials' propensity to conflate human trafficking with other crimes likely contributed to some cases misclassified or including references to illegal adoptions, immigration violations, and other crimes not involving labor or sex trafficking. Law enforcement prioritized other crimes, such as murder and drug crimes, which increased the length of trafficking trials and subsequent delays often led to acquittals. Limited resources continued to hinder anti-trafficking efforts. State and union territory law enforcement agencies operated "women help desks" in local police stations

across the country to address issues related to human trafficking. Although “women help desks” 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 for victims of crime, including trafficking. Some states allegedly did not take adequate action to address child trafficking crimes facilitated by employment agencies despite MHA directives to monitor such agencies. The government mandated special juvenile police officers to investigate crimes, including child trafficking, under the Juvenile Justice Act.

There were no specialized courts to hear trafficking cases, and prosecutors were often inadequately trained on trafficking, resulting in drawn out trials. In a note to police officials across states, the MHA observed court prosecution efforts were hindered by state failures to use relevant legal provisions to register human trafficking crimes. Karnataka established a special task force to combat trafficking under the state legal services authority to improve coordination among agencies and legal service provision. States were empowered to dedicate a special court in each district to hear cases under the POCSO Act, including child sex trafficking; however, judges and prosecutors at POCSO courts reportedly had no training or expertise in POCSO crimes in some states.

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 police officers, investigators, and prosecutors. The MHA urged states to organize human trafficking conferences to sensitize law enforcement and local officials, and partnered with judicial academies and provided financial support to hold periodic anti-trafficking colloquiums; Jharkhand judicial academy organized a trafficking colloquium in January 2023. According to NGOs, all police and judicial academies included trafficking in their curricula, and Tamil Nadu institutionalized bonded labor in the training curriculum for the Indian Administrative Services. 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.

The government investigated but did not report any prosecutions or convictions of government employees complicit in human trafficking crimes. Corruption and official complicity remained significant concerns, inhibiting law enforcement action. Despite some arrests during the reporting period, a lack of accountability for misconduct and corruption persisted at various levels of government, contributing to the perception of widespread impunity for trafficking crimes. Police officials in Meghalaya arrested a district council member on trafficking charges, West Bengal police arrested a central government school principal and teacher for alleged child trafficking, and Rajasthan police arrested a Karnataka police inspector and Bangalore *tehsildar*, a revenue official, on trafficking charges. Local law enforcement and public prosecutors sometimes accepted bribes to influence trafficking investigations and arrests. 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. Land and business owners reportedly attempted to exert influence on elected officials and law enforcement in criminal matters. In addition, some officials reportedly alerted recruitment agents to labor inspections. Caste discrimination by police and administration officials impeded case identifications and investigations. A continued lack of investigations into suspected trafficking crimes and broader physical and sexual abuse of trafficking victims at some government-run and government-funded shelters, due to widespread negligence, created an atmosphere of impunity for shelter employees to engage in trafficking. Some law enforcement officers allegedly protected suspected traffickers and brothel owners from forthcoming enforcement operations, and took bribes from sex trafficking establishments and sexual services from victims.

PROTECTION

The government maintained overall protection efforts, although victim identifications decreased and services for survivors remained inadequate. In 2021, the government reported identifying 5,934 trafficking victims and 753 potential trafficking victims, compared with 6,622 victims and 694 potential victims identified in 2020, and 5,145 victims and 2,505 potential victims identified in 2019. Of the 5,934 identified victims in 2021, traffickers exploited 3,885 in labor trafficking, including 667 in bonded labor, and 2,049 in sex trafficking. In 2020, authorities identified 5,156 labor trafficking victims, including 2,837 in bonded labor, and 1,466 in sex trafficking; authorities did not report the type of trafficking for the 694 potential victims. More than 98 percent of trafficking victims identified were Indian; of the total, approximately 56 percent were adults and 44 percent were children, and 62 percent were female and 38 percent were male. Uttar Pradesh, Tamil Nadu, Jharkhand, and Gujarat states accounted for the majority of bonded labor victims identified in 2021, overall accounting for 86 percent of the country's total identification of bonded labor victims. Officials noted many trafficking cases may go unreported and subsequently unidentified.

Although the MHA created SOPs for trafficking victim identification in 2009, the government did not report if many states widely implemented or adopted them. The National Human Rights Commission (NHRC) and state-level human rights commissions provided templates to improve law enforcement interaction with trafficking victims. Some states also had SOPs for sexual assault victims, including trafficking survivors, to prevent re-traumatization in their referral to care. The National Commission for Women began development of a new SOP on victim identification and referral to care for AHTUs, women welfare agencies, and NGOs to address trafficking of women and girls. Some states such as Andhra Pradesh, Delhi, Karnataka, Odisha, Tamil Nadu, and Telangana 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. Madhya Pradesh began using a trafficking indicators checklist, developed with civil society assistance, to identify potential trafficking victims. Women and child welfare committee representatives from Andhra Pradesh, Karnataka, Kerala, Odisha, Tamil Nadu, and Telangana signed a declaration of intent to collaborate on anti-trafficking efforts between them by increasing data sharing and legal cooperation, establishing ministry focal points, and extending services to victims. West Bengal and Maharashtra signed an MOU to address the trafficking of women between their states. 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; the government did not report how many trafficking victims states assisted or referred to care. The central and state governments offered shelter and services for child and adult female trafficking victims; the quality and availability varied by state. Prior to accessing any government services, including shelter, the government required trafficking victims to appear before court, 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 Child Welfare Committees (CWCs) to determine appropriate care. Access to government services for trafficking victims often required support from civil society organizations. Women and child development departments in some states provided counseling services, shelter, and health care to trafficking survivors. In April 2022, the central government approved the Mission Vatsalya program to support state- and union territory efforts to expand access to protection services for child victims of crime, including trafficking. The MWCD ran 704 One-Stop Centers (OSCs) across India for female victims of all crime, including sex trafficking. The MWCD did not report if the centers assisted any trafficking victims, and some NGOs previously reported the centers were ineffective and difficult to access. The government's Victims of Trafficking and Commercial Sexual Exploitation program offered legal services and economic opportunities for trafficking victims and marginalized groups. The Assam government signed an MOU with a university to provide legal assistance and counseling to women trafficking survivors. In May 2022, the state of Maharashtra began development of a data platform to enhance coordination among government and civil society members. In July 2022, the National Commission for the Protection of Child Rights (NCPCR) launched a tracking portal for POCSO Act-related offenses; the portal tracks cases for child sexual

abuse survivors and facilitates survivors' access to services such as victim compensation and care. NCPCR also released a protocol to support repatriation of Indian and foreign national children languishing in childcare institutions and launched a platform to monitor protection needs and improve information-sharing among agencies. In Tamil Nadu, a district official established a special income-generating brick kiln for survivors of bonded labor.

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 all adult trafficking victims identified under the ITPA to 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 could not leave without a magistrate's order. 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 allowed routine abuse in previous reporting periods. Some child protection committees noted childcare institutions experienced long delays waiting to receive government funding for the restoration and reintegration of human trafficking victims. MWCD increased funding by approximately 24 percent to state governments for NGO- and government-run shelter and support through 441 *Shakti Sadans* homes, previously operated under the *Ujjawala* program for female sex trafficking victims and the *Swadhar Greh* program for vulnerable women. NGOs relied primarily on donor contributions, although some received government funds. The disbursement of government funding to NGOs was sometimes delayed for multiple years. In 2020, an amendment to the Foreign Contribution Regulation Act prevented the sub-granting of foreign contributions from the original Indian NGO recipient to other NGOs, preventing collaboration and coordination and severely affecting their activities, including anti-trafficking NGOs; this remained in effect at the end of the reporting period.

Observers noted isolated reports of physical and sexual abuse in some government-run, government-funded, and privately run shelters, including of trafficking victims, and reports of shelter residents compelled into forced labor and sex trafficking due to a lack of oversight or negligence. In several cases, such shelters continued to operate despite significant gaps in mandatory reporting and allegations of abuse, at times due to alleged political connections. *Ujjawala* and *Swadhar Greh* program homes also lacked oversight. In states that allowed audits of *Ujjawala* and *Swadhar Greh* 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. Moreover, in some instances the shelters functioned as hostels and charged non-victim residents for accommodation. Due to unsafe conditions and abuse by caretakers, authorities reported multiple cases in which residents, including children, ran away from these shelters during previous reporting periods. CWCs were designed to routinely monitor victim shelters and provide updates on victims' cases, although their efficacy varied across states. MWCD did not report an update on its drafting of a child protection policy to prevent abuse in government-run and -funded shelter homes that the Supreme Court had ordered it to create in September 2018. 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. 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.

The government did not require victims to cooperate with law enforcement to access protection services. Victims could give video testimony and the government had some video conferencing facilities for child witnesses, including trafficking victims, to participate in court hearings; it did not report how many victims provided testimony via video testimony. Four states had child-

friendly courtrooms or procedures, including some that allowed victims to testify via video conference. However, 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 were often insufficient. In some cases, inadequate availability or implementation of victim-witness protection services and assistance, including legal services led victims to decline to participate in trials. Moreover, NGOs reported that cases were unable to be successfully prosecuted because the government did not cover the travel and related costs to enable victims to participate in trials. While victims could obtain restitution from traffickers in criminal cases, courts rarely awarded it. Most states had victim compensation programs and judges could order compensation to trafficking victims through a variety of government programs, usually funded by the central government and administered at the state level, but rarely did so. In September 2022, a special court in West Bengal awarded 170,000 INR (\$2,060) to sex trafficking victims in compensation. West Bengal reportedly provided 100 million INR (\$1.21 million) to state legal services to disburse as compensation to victims of trafficking and other crimes in July and August 2022. State and district legal offices 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.

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 1 million INR (\$12,110) 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 identified bonded labor victims and issued release certificates that provided 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 (\$363) 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 (\$1,210-\$3,630) based on the victim's demographics) remained contingent upon conviction of the trafficker or conclusion of magisterial 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, as allowed in the central government's 2016 bonded labor scheme, deposited compensation in annuity accounts. State revenue officers had the responsibility for identifying bonded labor victims, yet NGOs identified most cases. The government did not report how many release certificates it provided during the reporting period, compared with approximately 2,300 provided between March 2018 and March 2019. The issuance of mandatory release certificates varied greatly between states, but in many states, officials did not issue release certificates without significant advocacy from NGOs, which could take 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 (\$363) upon identification. The NHRC ordered law enforcement and district officials to provide release certificates to bonded labor victims. The NHRC was often effective in securing release certificates when NGOs or bonded labor victims requested its assistance, although it sometimes required persistent engagement from NGOs to complete necessary action. The NHRC could issue orders to state and local officials to provide release certificates to individuals, but 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, victims infrequently received full compensation. While the 2016 scheme 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. Government policy on foreign victims dictated 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 to remain in shelters for extended periods. Some officials refused to repatriate foreign victims until they had provided testimony in prosecutions against traffickers, although the Kolkata High Court noted in May 2022 that the completion of a trial was an insufficient reason to delay repatriation of a Bangladeshi trafficking survivor. Additionally, a lack of repatriation procedures with foreign governments further exacerbated already lengthy shelter stays; repatriation of foreign victims seeking to return home could take years due to bureaucratic constraints. The lengthy and complex repatriation process resulted in some Bangladeshi victims languishing in Indian shelters for years before repatriation. The government continued to finalize a 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. 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. Six Indian embassies abroad, primarily in the Gulf, had shelters that could temporarily house female migrant workers reporting indicators of forced labor. However, suspected trafficking victims previously reported some shelters did not provide adequate food, basic amenities, or allow victims to contact family.

Government officials and NGOs often worked together to screen trafficking victims, and SOPs on victim identification mandated NGOs or social service officials accompany police during operations. 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. While the stamp requested authorities to permit the visa holder to travel without hindrance, 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.

PREVENTION

The government maintained efforts to prevent human trafficking. The MHA and MWCD continued to lead government anti-trafficking efforts. The government maintained an inter-ministerial committee, chaired by the MWCD, to coordinate efforts. The central government, which regularly issues anti-trafficking advisories to the states, provided policy guidance to combat trafficking. 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 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. 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 minimum wage and access to the justice system; however, the document remained in draft form for the fourth

consecutive year. Since 2016, the central government has offered reimbursement of 450,000 INR (\$5,450) to any district that conducted a census of bonded labor, available once every three years, and additional funding for evaluation studies.

While the government reported it continued to rely on a 2012 NAP to combat sex trafficking of women and children, it did not report its implementation efforts or convening any meetings to coordinate actions. Law enforcement and railway authorities worked with NGOs, child protection committees, and the private sector to identify potential trafficking victims. The national Railway Protection Force conducted a month-long anti-trafficking campaign with state and local authorities to identify potential victims across India. In July 2022, the Bokaro Railway Station created its first child help desk, operated by a civil society organization, in response to a recent increase in child trafficking cases. Some states established human trafficking hotlines; 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 NGOs 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. Some states had action plans to combat bonded labor, although the government did not report if they successfully implemented the plans. State government labor inspectors planned and conducted labor inspections, including child labor inspections. According to observers, these inspections were often perfunctory, failed to include private farms and homes without a specific complaint against them, and weak penalties for violations offered little deterrence.

The NCPCR and a district in Jharkhand assisted 4,000 vulnerable children and their families to access government welfare programs designed to prevent trafficking. The NCW continued a national project to build online digital skills of women and girls to avoid online exploitation, including through human trafficking schemes. Police training on child labor laws was limited and varied from state to state. The government did not maintain a central repository on child labor and each state had responsibility for its own labor inspections. The Minister of State for Labor and Employment reported the government removed 13,271 children from child labor situations in 2021-2022, a significant decrease from approximately 58,289 children in 2020-2021 and 54,894 children in 2019-2020, likely partly due to the merger of the National Child Labor Project Scheme with another government program. The MWCD continued to support some broad national child protection mechanisms, including a hotline for children, and protocols to identify missing children and remove them from exploitative situations. The NCPCR organized workshops for government stakeholders to identify and prevent child trafficking in 75 border districts in Assam, Manipur, Nagaland, and West Tripura.

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 and older than 50 from working in 17 countries, mostly Gulf states. However, observers reported any ban on migration increased the likelihood of unauthorized 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, accessible to all Indian missions abroad and funded primarily via overseas consular fees, offered shelter, legal assistance, and repatriation for vulnerable migrant workers and operated hotlines for migrant workers overseas. The MEA has not reported on the level of utilization of this fund in several years. The government prohibited worker-paid recruitment fees while permitting licensed foreign employment recruiters to charge migrant workers up to 30,000 INR (\$363) for documentation fees and related costs. However, observers stated employers frequently charged migrant workers more than the maximum. Unregistered sub-agents often operated online and without oversight. 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 2023 data, the central government listed 2,331 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. 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. In May 2022, the Supreme Court of India legally recognized commercial sex “as a profession” and ordered police to avoid unduly harassing adults involved in commercial sex. Despite India being a destination for child sex tourism, the government did not report measures specifically to reduce demand for child sex tourism. Under Indian law, Indian nationals could legally be charged for child sex tourism 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. 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. One study estimated the presence of 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. The scheduled castes and scheduled tribes as well as the children of migrant laborers are particularly vulnerable to trafficking and bonded labor. Bonded labor and forced domestic work remain widespread in rural Indian society, and there is limited accountability for injustices against the historically marginalized castes. Climate change, including sudden-onset disasters such as floods and slow-onset events like drought increased large-scale displacement and migration, further exacerbating vulnerabilities to human trafficking.

The COVID-19 pandemic exacerbated existing trafficking risks and the corresponding increase in economic insecurity and unemployment placed substantial burdens on economically vulnerable communities in meeting daily food and shelter requirements. The absence of work opportunities in rural areas forced some laborers to work for less than 50 percent of the minimum wage. Women and children reportedly experienced re-trafficking in some jurisdictions with increased frequency due to economic hardship. Traffickers offered cash advances to attract workers who were unemployed, thus increasing the likelihood of debt bondage among economically vulnerable groups. Civil society reported children of economically distressed families faced increased risk of labor or sex trafficking. Traffickers exploit families’ economic hardships with promises of providing education to their children.

Traffickers force entire families to work in brick kilns, including children. A 2017 study of brick kiln workers in Rajasthan state found more than 40 percent of seasonal workers from Uttar Pradesh, Chhattisgarh, Bihar, and Rajasthan states owed manipulated debts to kiln owners that were greater than the amount workers earned over the entire season. 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, into bonded labor in carpet production and textiles in Jharkhand and Uttar Pradesh states, sometimes requiring adults to leave children behind as collateral when they leave the premises for any reason. Children become trapped in debt bondage while working alongside their families in agriculture, cotton farms, home-based embroidery businesses, mica mining, and roadside restaurants. Traffickers also exploit children as young as eight in forced labor in agriculture (coconut, eucalyptus, ginger, and sugarcane); construction; domestic service; garment, steel, and textile industries (tanneries, bangle, and sari factories); begging; criminality; food-processing factories (biscuits, bread-making, meat-packing, and pickling); floriculture; cotton; ship breaking; and manufacturing (wire and glass). Some observers report there are tea estates in northeast India that exploit workers in poor working conditions, which may include forced labor; there are also reports that 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 subject these women to sex trafficking.

Traffickers exploit millions of people in commercial sex within India. Media reported that 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. One study found many people involved in commercial sex in India were willing to leave but felt unable to do so due to debt bondage. Officials acknowledged some registered and unregistered spas exploited females in sex trafficking, and officials lacked sufficient oversight of all such establishments. Law enforcement sometimes shut down unregistered spas and initiated criminal investigations, while in other cases law enforcement shut down spas without further action. 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. Civil society organizations report female victims as young as 14 years old, mostly from the scheduled castes and tribes, are transported from Chhattisgarh and Jharkhand to other states for sex trafficking. Scheduled caste females were sometimes exploited 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. Traffickers also exploit women and children in sex trafficking in religious pilgrimage centers and in tourist destinations. Traffickers arrange sham marriages within India and Gulf states to subject females to sex trafficking. In addition to Indian women and girls, traffickers fraudulently recruit significant numbers of Nepali and Bangladeshi women and girls to India for sex trafficking, often on the false pretense of employment opportunities. Traffickers also exploit women and girls from Central Asian, European, and African countries in sex trafficking. Traffickers posing as entertainment industry agents in Mumbai reportedly lured Eastern European and Colombian women with false promises of acting or modeling careers. Traffickers exploit Rohingya refugees in sex and labor trafficking. 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 child sex tourism. Some traffickers kidnap children from public places, including railway stations, entice girls with drugs, and force girls as young as 5 years old to take hormone injections to appear older. Traffickers increasingly use social media platforms, including mobile dating applications and websites, to lure victims. Traffickers use encrypted digital communication applications to conduct transactions, enabling them to evade law enforcement. In addition, traffickers increasingly utilize digital payment applications in place of cash to evade suspicion.

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. Bihar, Chhattisgarh, Jharkhand, Odisha, and Uttar Pradesh were major source states for economically vulnerable workers potentially exploited in labor 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 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 identified Indian forced labor victims in Armenia, Portugal, Gabon, the United States, and Zambia, and Indian female sex trafficking victims in Kenya. Traffickers subject some boys from Assam, Bihar, and Uttar Pradesh states to forced labor in Nepal. Traffickers also commit labor trafficking crimes by forcing Indian migrants to engage in illegal activities abroad, including scams and fraudulent businesses.

Non-state armed groups continued to recruit and use children in direct hostilities against the government. Maoist groups, particularly in Chhattisgarh and Jharkhand, forcibly recruited 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 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.