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2022 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, on its anti-trafficking capacity; therefore India remained on Tier 2. These efforts included identifying more trafficking victims, primarily victims of bonded and forced labor. States such as Maharashtra and Odisha provided funding to existing Anti-Human Trafficking Units (AHTUs), and Andhra Pradesh issued orders to establish additional AHTUs. Indian law enforcement collaborated with foreign government officials from Bangladesh, the Gulf states, and Nigeria on trafficking investigations. In response to the trafficking risks associated with the pandemic, the government provided support and guidance to state governments to combat trafficking, and states including Karnataka, Kerala, and Tamil Nadu held virtual trainings on human trafficking for officials. However, the government did not meet the minimum standards in several key areas. Although law enforcement investigated more bonded labor crimes, anti-trafficking efforts against bonded labor remained inadequate. Twenty-two of India's 36 states and union territories did not report identifying any bonded labor victims or filing a case under the Bonded Labor System (Abolition) Act. The government conducted fewer investigations and prosecutions and achieved fewer convictions. The acquittal rate for traffickers remained at 89 percent. The government did not report investigating, prosecuting, or convicting government officials for alleged involvement in trafficking crimes. Efforts to audit government-run or -funded shelters remained inadequate, and shortcomings in protection services for victims, especially children, remained unaddressed. The government detained some foreign trafficking victims in state-run shelters for extended periods due to lengthy or non-existent repatriation processes. Many victims waited years to receive central-government mandated compensation, and often state and district legal offices did not proactively request the compensation or assist victims in filing applications. The government did not update its national action plan (NAP) to combat trafficking in persons nor amend Section 370 of the Penal Code to remove the requirement of force, fraud, or coercion to prove a child sex trafficking crime.

PRIORITIZED RECOMMENDATIONS:

- Increase investigations, prosecutions, and convictions of all forms of trafficking, including bonded labor.
- Investigate allegations of official complicity in human trafficking and sentence perpetrators to significant prison terms.
- Significantly increase efforts to identify and refer trafficking victims, including disseminating standard operating procedures (SOPs) and training officials on their use.
- 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.
- Harmonize central and state government mandates for and implementation of protection programs and compensation programs for trafficking victims, especially children, and ensure immediate access to care.
- Train prosecutors and judges to increase the number of restitution orders for trafficking victims and urge legal aid offices to routinely inform trafficking victims of available compensation mechanisms.
- Eliminate the condition of a trafficking conviction as a prerequisite for bonded labor victim compensation.
- Cease penalization of trafficking victims.
- Cease detention of adult trafficking victims in government-run and government-funded shelters.

- Strengthen existing AHTUs through increased funding and trainings of staff and ensure newly created AHTUs are fully operational.
- Establish fast-track courts to address human trafficking cases.
- 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.
- 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.
- 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.
- Update and implement a NAP to combat trafficking.
- Provide anti-trafficking training for diplomatic personnel.

PROSECUTION

The government decreased 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. 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; the legislation was not presented to Parliament by the close of the reporting period. The government solicited input from civil society, legal experts, and trafficking survivors on the draft legislation. Government officials acknowledged 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. 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.

During the reporting period, the National Crime and Records Bureau (NCRB) issued its 2020 Crime in India Report. In 2020, the government reported investigation of 1,714 trafficking cases under the IPC, compared with 2,088 trafficking cases in 2019 and 1,830 trafficking cases reported in 2018. The government did not report what sections of the IPC were included in the data. In 2020, the government completed prosecution in 463 trafficking cases, convicted 101 traffickers in 49 cases, and acquitted 715 suspects in 414 cases. The acquittal rate for trafficking cases was 89 percent in 2020. These statistics were compared with the government completing prosecution in 600 cases, convicting 306 traffickers in 160 cases, and acquitting 1,329 suspects in 440 cases in 2019, with 73 percent of cases resulting in acquittal. The convictions included a Hyderabad judge sentencing two traffickers to 42 months' imprisonment for a 2016 case, and an Uttar Pradesh court sentencing 15 traffickers to 14 years' imprisonment and 26 traffickers to 10 years' imprisonment following a police operation in May 2016. Three of India's 36 states and territories reported a third of all trafficking cases, most likely due to more sophisticated reporting in those states and territories rather than larger trafficking problems. State and local officials continued to focus resources to contain the spread of COVID-19, which subsequently reduced some trafficking enforcement operations. The government ordered a nationwide lockdown due to the pandemic from March to May 2020;

subsequently, regular court proceedings and law enforcement efforts were suspended. Courts resumed trials using video conferencing and online applications after some of the lockdown restrictions were removed in the summer of 2020. India's Supreme Court encouraged courts across the country to utilize online technologies to continue to hear trafficking cases virtually during the pandemic. Some district courts operated virtually until September 2021 and focused on urgent criminal matters or bail petitions. Bonded labor hearings did not resume until October 2021. Although sex trafficking cases proceeded virtually, officials did not record victim testimonies during the pandemic, resulting in challenges for prosecutors and further acquittals.

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 a First Information Report (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, file FIRs to officially register a complaint, or file FIRs under trafficking crimes; officials often settled cases at the complaint stage. The National Investigation Agency (NIA) continued to investigate and file charges in cross-border trafficking cases, including those involving Bangladeshi and Sri Lankan nationals; civil society credited the NIA's actions as deterrents to potential traffickers. In recent years, Assam, Jharkhand, and West Bengal state authorities allegedly ordered police to register trafficking cases as kidnapping or missing persons to reduce the number of trafficking cases in official statistics. During the pandemic-related lockdown, district courts granted bail to some alleged traffickers without serving notification of bail hearings to prosecutors or victims, including child victims, in contravention of the POCSO Act. In addition, law enforcement agencies were regularly re-assigned to public health operations and unable to conduct routine operations and investigations of trafficking crimes. Karnataka and Tamil Nadu state officials reported efforts to sustain progress against bonded labor were hindered as government resources were diverted to address the pandemic and heightened economic pressures increased the risk of re-trafficking for survivors. In southern India, some vigilance committee inspections to identify bonded labor victims at the district level reportedly ceased during the pandemic, reducing the overall number of people freed from bonded labor. The National Human Rights Commission (NHRC) released two advisories on prevention, identification, and reintegration measures for bonded laborers and prosecution of traffickers. The bonded labor advisory, developed in consultation with civil society organizations, issued specific recommendations to district magistrates, including instructions to form teams for twice monthly inspections in certain industries, expeditiously complete bonded labor investigations within 24 hours of receiving a complaint, and provide immediate assistance of 20,000 Indian rupees (INR) (\$269) to each identified bonded laborer. In response to increased use of social media platforms to lure victims during the pandemic, state and local law enforcement emphasized cybercrime investigation training, and some police departments published manuals on cyber security to raise awareness.

The lack of sufficient political will across many states to address bonded labor stymied efforts nationwide. NGOs previously estimated police did not file FIRs in at least half of bonded labor cases nationally, especially in Bihar and Rajasthan. Some police allegedly did not file cases to shield traffickers or to avoid paying compensation to victims. In 2020, law enforcement reported 1,231 cases of bonded labor under the BLSA, an increase from 1,155 cases in 2019. In 2020, officials convicted 17 persons in 16 cases under the BLSA and acquitted 69 persons in 40 cases, an approximately 80 percent acquittal rate. These statistics represented a decrease, compared with 2019, when officials convicted 52 persons in 33 cases under the BLSA and acquitted 90 persons in 38 cases, an approximately 63 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 2020, compared with 21 states and territories in 2019, despite ongoing reports of bonded labor victims in many of those states. Similar to 2019, Uttar Pradesh accounted for more than 80 percent of all cases under the BLSA, but the evidence did not suggest it had a disproportionately large problem. Some district magistrates dissuaded bonded labor victims from pursuing cases against their traffickers and mediated cases in lieu of criminal prosecution. State government labor ministries enforced labor laws while state police agencies enforced criminal law; labor ministries and law enforcement agencies often coordinated on operations to free child laborers who may have been victims of trafficking.

AHTUs, legally established by state governments and partially funded by the ministry of home affairs (MHA), served as the primary investigative force for human trafficking crimes. In 2019, the government announced it would expand the number of AHTUs from 332 districts to all of India's 732 districts; in February 2022, the MHA stated that 696 AHTUs had been created across India as of 2020. The MHA allocated \$13.3 million to state and union territories to support district-level AHTUs. Uttar Pradesh, India's most populous state, had AHTUs in all 75 districts. Maharashtra increased the number of anti-human trafficking cells (AHTCs)—similar to AHTUs—from 36 to 45 AHTCs. In January 2022, the Maharashtra government approved the disbursement of approximately 50 million INR (\$672,560) provided by the central government to establish and strengthen AHTCs and appointed a special inspector general of police as the nodal officer to streamline intelligence gathering. The government of Odisha allocated \$544,795 to procure computers and vehicles for the state's 37 integrated AHTUs, one in each of the 36 police districts and one in the headquarters of the state

crime investigation department. In May 2021, the government of Andhra Pradesh also issued an order establishing 10 new AHTUs, staffed by inspectors and constables, with legal jurisdiction to register and investigate all trafficking cases, including bonded labor.

Although the government created new AHTUs, some officials expressed concern that state governments had not given AHTUs the authority to register human trafficking cases independently. State governments and civil society nationwide agreed the majority of active AHTUs were not sufficiently funded or trained, nor solely dedicated to trafficking. Additionally, AHTUs were frequently regarded as less favorable assignments for police officers and officials at times assigned positions within them to officers as a reprisal for poor performance. Some NGOs reported good working relationships and effective coordination with local AHTUs.

In August 2021, the government allocated an additional 1 billion INR (\$13.45 million) to support state and union territory law enforcement agencies to establish and resource “women help desks” in local police stations across the country to address issues related to human trafficking. Although “women help desks” cannot initiate TIP 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 human trafficking. Criminal Investigation Divisions (CID) within state-level police also investigated human trafficking cases. States were empowered to dedicate courts to hearing cases under the POCSO Act, including child sex trafficking; as of February 2022, the country had 712 POCSO courts. In some states, however, authorities reported the judges and prosecutors at POCSO courts had no training or expertise in POCSO crimes. Pandemic disruptions further exacerbated already significant case delays at POCSO courts, which in some states amounted to several years. Law enforcement prioritized other crimes, such as murder and drug crimes, which increased the length of trials for trafficking cases and in some cases led to acquittals. State and local governments were responsible for training personnel, including law enforcement officials, on anti-trafficking laws and policies, and the governments of Andhra Pradesh, Assam, Odisha, Tamil Nadu, Telangana, and West Bengal reported conducting trainings for officials. In response to the pandemic, states including Karnataka, Kerala, and Tamil Nadu held virtual trainings on human trafficking and other issues. NGOs reported all police and judicial academies had human trafficking in their course curriculum. The MHA conducted trafficking-related trainings for police officers, investigators, and prosecutors during the reporting period. The central government sponsored online trainings for deputy superintendents of police focused on human trafficking and crimes against women and children. Indian law enforcement cooperated with foreign counterparts on several cases during the reporting period. Law enforcement and AHTU personnel in Uttar Pradesh worked with foreign officials to repatriate 12 Indian women exploited in Oman, Qatar, Kuwait, and Saudi Arabia. In May and June 2021, Karnataka state police arrested 12 Bangladeshi nationals following the sexual assault of a human trafficking victim on social media. In January 2022, Indian police collaborated with Nigerian officials to arrest an alleged trafficker in New Delhi and assist three Nigerian sex trafficking victims.

The government did not report any prosecutions or convictions of government employees complicit in human trafficking crimes; however, corruption and official complicity remained significant concerns, inhibiting law enforcement action during the year. According to media reports, two police officers allegedly exploited a child sex trafficking victim in Maharashtra. In previous reporting periods, police arrested a Chhattisgarh party official for involvement in a sex trafficking case, and police arrested a government engineer in Uttar Pradesh for sexually abusing more than 50 children and selling the images of the abuse online. The government did not report further action on any of these allegations of official complicity by the end of the reporting period. In November 2021, West Bengal police arrested 11 individuals and investigated a state civil servant in connection with a child trafficking ring allegedly operated from an NGO-run shelter home. 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 state-owned tea estates in Assam continued to hold workers in bonded labor by creating recurring debt by underpaying wages and overcharging for daily living expenses. Some law enforcement officials reportedly received bribes from sex trafficking establishments and sexual services from victims in exchange for alerting traffickers of forthcoming enforcement operations. A lack of accountability for misconduct and corruption persisted at various levels of government, contributing to the perception of widespread impunity for trafficking crimes. Local law enforcement and public prosecutors sometimes accepted bribes to influence investigations and arrests in criminal cases, including in human trafficking. Caste discrimination by some police and administration officials impeded identification and investigation of cases. NGOs across multiple states reported politically connected individuals, including local and state politicians who held workers in bonded labor in agriculture and at brick kilns, successfully avoided prosecution. Civil society reported instances in which police refused to register FIRs against officials who were alleged perpetrators. Some 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.

PROTECTION

The government maintained overall victim identification and protection efforts. In 2020, the government reported identifying 6,622 trafficking victims and 694 potential trafficking victims compared with 5,145 trafficking victims and 2,505 potential victims identified in 2019. In 2020, authorities identified 5,156 victims in labor trafficking, 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. Nearly 99 percent of trafficking victims identified were Indian; approximately 53 percent were adults, and 47 percent were children; and 59 percent were female and 41 percent were male. Despite some estimates of eight million Indians in bonded labor, the Ministry of Labor and Employment's annual report stated that the government had identified and released 313,962 since 1976. Karnataka, Tamil Nadu, and Uttar Pradesh states accounted for the majority of bonded labor victims identified in 2020, with 1,291, 289, and 1,026 victims identified respectively, overall accounting for 92 percent of the country's total identification of bonded labor victims.

Although the MHA created standard procedures for trafficking victim identification in 2009, the government did not report how many states had adopted them. The government previously developed protocols for victims of sexual assault, including trafficking survivors, to prevent re-traumatization in their referral to care. Delhi, Karnataka, and Tamil Nadu had SOPs to address bonded labor cases and other forms of human trafficking. The government did not report whether any other states had bonded labor SOPs. Law enforcement and railway authorities worked with NGOs, child protection committees, and the private sector to identify potential victims of trafficking. The national Railway Protection Force and Bihar state police collaborated with an international organization and an NGO to identify and refer 178 abandoned children and child trafficking victims to care. In August 2021, Assam police and a border guard unit freed 22 people and arrested one person on trafficking charges in a Rangia railway station. The Railway Protection Force of the Northeast Frontier Railway intervened to free 83 potential trafficking victims and detained more than 24 potential traffickers between April 2021 and March 2022, according to media reports.

The government did not report how many trafficking victims it assisted or referred to care. In May 2021, the NHRC issued guidelines to the states and union territories advising authorities to increase protections for trafficking victims through use of recorded video testimony, virtual training for law enforcement, and virtual counseling services for victims. In addition, the government's Victims of Trafficking and Commercial Sexual Exploitation program provided legal services and economic opportunities for victims of trafficking and marginalized groups. The government had shelter and services for child and adult female trafficking victims, although the quality and availability varied. The government did not operate or fund shelters that could accommodate adult males. 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. CWCs could refer minors to state welfare departments for care in shelter homes or return children to family members. 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, 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. 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 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 or victim could not leave shelters without a magistrate's order.

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. 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 by the end of the reporting period. The Ministry of Women and Child Development (MWCD) continued to provide state governments with funding for NGO- and government-run shelter and support through the Ujjawala program for female sex trafficking victims in 107 homes and the Swadhar Greh program for vulnerable women in approximately 361 homes. The central government allocated 250 million INR (\$3.36 million) to the Swadhar Greh and Ujjawala programs in the 2020-2021 budget but did not include separate allocations for the 2021-2022 budget. The MWCD ran One-Stop Centers (OSCs) for female victims of all crimes, including sex trafficking. There were 704 OSCs operating across India in 2021, compared with 700 in 2020. 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.

Media, NGOs, and authorities continued to document a 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. CWCs were designed to routinely monitor victim shelters and provide updates on victims' cases, although their efficacy varied across states. CWCs promoted interagency collaboration to prevent trafficking during the pandemic. Ujjawala and Swadhar Greh program homes also lacked oversight. 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 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. In the states that allowed audits of Ujjawala and Swadhar Greh homes, previous audits documented that 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. The 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.

Four states had child-friendly courtrooms or procedures, including some that allowed victims to testify via video conference. In February 2022, the Indian Supreme Court directed the government to implement national video conferencing facilities for child witnesses, including trafficking victims, in response to victims traveling long distances to participate in court hearings. Victims are not required to cooperate with law enforcement to access protection services. In some cases, inadequate implementation of victim protection measures and legal assistance provisions, including witness protection, led victims to decline 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 programs, usually funded by the central government and administered at the state level, but rarely did so. NGO analysis of historical 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) although there have been some minor improvements in compensation in more recent years. In addition, state and district legal offices did not regularly inform trafficking victims that they were eligible to receive compensation; when victims did pursue this benefit, payments were often delayed due to lack of state funds. The pandemic hindered the operations of district administrators and labor departments, resulting in delays releasing documents required for survivor compensation. In January 2022, the Bihar state government reportedly paid 300,000 to 900,000 INR (approximately \$4,000 to 12,100) per victim as compensation to the 49 victims of sexual abuse and child trafficking in a Muzaffarpur shelter home.

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 (\$13,450) 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 funds 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 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 immediate monetary assistance—up to 20,000 INR (\$269)—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 and 300,000 INR (\$1,350-

\$4,040) 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, controlled how victims could use their compensation. The Kolkata High Court ruled against West Bengal's policy of limiting victims to small, monthly withdrawals over 10 years. The Ministry of Labor and Employment distributed 10 million INR (approximately \$134,500) among seven states for services for freed bonded laborers from April 2020 to March 31, 2021. 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.

Observers reported that compensation schemes were too slow in providing victims with funding—survivors waited years to testify in court to determine how much they would be awarded, and state authorities at times delayed payment due to limited funds. During the pandemic, these delays were exacerbated. 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 enslavement, denying government compensation to child victims. In Tamil Nadu, by contrast, some NGOs reported success collaborating with the government and securing release certificates. 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 20,000 INR (\$269) 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. 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 continued to finalize a 2015 memorandum of understanding (MOU) with the Government of Bangladesh on identification and repatriation of Bangladeshi trafficking victims. The lengthy and complex repatriation process forced some Bangladeshi victims to languish in Indian shelters for years before repatriation. 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 facilitated repatriation of Indian women located in the Middle East, including trafficking victims, through the Indian Community Welfare Fund. Six Indian embassies abroad, primarily in the Gulf, had shelters that could temporarily house female migrant workers with indicators of forced labor. However, suspected trafficking victims previously reported some shelters did not provide adequate food, basic amenities, or allow the victims to contact family.

Government officials and NGOs often worked together to screen victims of trafficking, and SOPs mandated that NGOs or social service officials accompany police during operations. State-level human rights commissions and the NHRC provided templates to guide law enforcement efforts in a fair and non-discriminatory manner. However, due to insufficient use of identification procedures, authorities may have detained, arrested, and deported some unidentified trafficking victims. State and local police conducted screenings for trafficking and penalization of trafficking victims was not systematic, but 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, 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, 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, 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.

PREVENTION

The government increased efforts to prevent human trafficking. The MHA and MWCD continued to lead government anti-trafficking efforts; the MHA directed the national response to public safety issues while the MWCD managed prevention and reintegration aspects. In May 2021, the MHA issued an advisory instructing all states and union territories to provide support and assistance to groups considered vulnerable to human trafficking—including women, children, older persons, and members of marginalized groups—in response to the pandemic. The advisory highlighted the 1.07 billion INR (\$14.39 million) released to states and union territories to set up or strengthen “women help desks” in local police stations. The advisory also recommended utilizing the Crime Multi Agency Center, a national-level communication platform, to share information on missing persons and trafficking cases. The government maintained an inter-ministerial committee, chaired by the MWCD, to meet to discuss trafficking-related issues. 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 action. Since 2016, the central government has offered reimbursement of 450,000 INR (\$6,050) to any district that conducted a census of bonded labor, available once every three years, and additional funding for evaluation studies. The Tamil Nadu Labor and Employment Department accepted funding in 2019 and began development of a bonded labor database to identify the number of bonded laborers and the industries in which they are exploited in 11 districts; NGOs contributed data, which the state government committed to use data contributed by civil society organizations to conduct operations against trafficking. Government agencies regularly issued advisories and SOPs designed to combat trafficking, including in response to pandemic conditions, as well as awareness campaigns to prevent 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. In April 2021, the government of Andhra Pradesh distributed handbooks on human trafficking and training manuals to state government officials, members of the judiciary, civil society, and other stakeholders in Andhra Pradesh, Odisha, and Telangana. State legal services in Bihar and Delhi collaborated with an NGO to develop public awareness programs on human trafficking. AHTUs collaborated with civil society to commemorate “Children’s Day” with a child trafficking awareness campaign along the India-Nepal border. In addition, officials in Himachal Pradesh conducted awareness campaigns on trafficking of women and children in multiple districts while Telangana police operated an informational website on human trafficking. The Ministry of Labor and Employment civil service training institute conducted trainings for AHTUs, labor administrators, child welfare committee members, and other officials on topics such as bonded labor and child labor. Government officials noted child trafficking and child labor increased during the pandemic. The Minister of State for Labor and Employment reported that the government removed 58,289 children from child labor situations in 2020-2021, an increase from approximately 54,894 children in 2019-2020. Several state governments maintained suspensions or modifications to labor laws to boost economic activity after the initial pandemic-related lockdown. The changes included higher limits of maximum work hours for certain industries, reduced social security payments, suspension of industrial dispute resolutions, and the suspension of the right to strike. Trade unions and labor advocates have criticized the changes, noting the potential negative effect on vulnerable groups. State governments emphasized the economic recovery measures did not circumvent bonded labor, POSCO, or any other anti-trafficking law. 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. In addition, the state of Tamil Nadu established a toll-free hotline for cases related to trafficking, migrant labor, and bonded labor, while the state of Bihar operated a helpline to support female trafficking victims.

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. Observers reported any ban on migration increased the likelihood of unauthorized migration and heightened vulnerability to traffickers. The Ministry of External Affairs’ (MEA) Division of Overseas Indian Affairs oversaw registered recruiting agents and 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 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 permitted licensed foreign employment recruiters to charge migrant workers up to 30,000 INR (\$404) for recruitment fees and costs. However, observers stated employers frequently charged migrant workers more than the maximum. Unregistered sub-agents often operated online and operated widely 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 the latest 2019 data, the central government referred 769 cases against unregistered agents to respective states. 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. In May 2021, the Governments of India and the United Kingdom signed an MOU on migration with provisions to prevent trafficking in persons. In June 2021, the Governments of India and Kuwait signed an MOU concerning the recruitment and protection of domestic workers.

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; however, the document remained in draft form for the third consecutive year by the end of the reporting period. State government labor inspectors planned and conducted labor inspections, including child labor inspections. Civil society

organizations reported the state governments of Rajasthan, Tamil Nadu, and Telangana conducted proactive inspections. Some states had action plans to combat bonded labor, although the government did not report if they successfully implemented the plans. The government did not report efforts to reduce the demand for 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. Indian nationals could be charged for child sex tourism committed outside of India, although the government did not report any prosecutions. The government did not provide information about 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. 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. 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.

The increase in economic insecurity and unemployment due to the pandemic placed substantial burdens on economically vulnerable communities in meeting daily food and shelter requirements, thereby increasing their vulnerability to trafficking. 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 that the children of economically distressed families faced increased risk of labor or sex trafficking largely due to pandemic-related loss of parental employment and school closures. Economic hardship also resulted in more child marriages; Telangana reported a 27 percent increase in cases from April 2020 to March 2021 compared to the previous year.

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 manipulated 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 politically influential. 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. Child bonded laborers also work in the brick kilns of Punjab, Uttar Pradesh, and elsewhere. State officials observed that human trafficking increased significantly in Assam due to heightened economic vulnerability, and cases of missing children in the tea garden areas nearly doubled. A study found that 37 percent of workers across 50 tea 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, often 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 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). 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 years old 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 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. An international organization reported allegations that Indian security forces unlawfully used three children for unknown purposes for less than 24 hours in 2020.

Traffickers exploit millions of people in commercial sex within India. The pandemic reportedly disrupted sex trafficking associated with massage parlors and the tourism industry, resulting in more online recruitment with traffickers using social media platforms to lure victims, including children. Media reported that the pandemic and its subsequent economic insecurity led some individuals in commercial sex, including sex trafficking victims, to turn to brothel owners, and others for loans, increasing their risk of debt bondage. A study by one organization reported more than 95 percent of those in commercial sex in India were willing to leave commercial sex but felt unable to do so due to debt bondage. NGOs observed that some trafficking survivors returned to the red light district in Maharashtra due to economic necessity, and there was an increase in sex trafficking. Police officials observed a corresponding rise in cases of sex trafficking in Maharashtra. NGOs reported that internal trafficking victims in western India came from almost every 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. 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. 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 used as sex slaves for higher caste villagers. Traffickers exploit women and children in sex trafficking in religious pilgrimage centers and in tourist destinations. 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. 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 posing as entertainment industry agents in Mumbai reportedly lured Eastern European and Colombian women with false promises of acting or modeling careers. Media outlets report the recruitment of women and children for commercial sex increasingly took place through social media platforms, including mobile dating applications and websites. 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. Traffickers exploit Rohingya and Sri Lankan Tamil refugee populations in sex and labor trafficking. 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. 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 in sex trafficking. Some law enforcement officers allegedly 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. There have been isolated reports of physical and sexual abuse in some government-, NGO-, and privately run shelter homes, including of trafficking victims, and compelling shelter residents into forced labor and sex trafficking in previous reporting periods. The National Commission for Protection of Child Rights reported that 88 percent of the 7,163 childcare institutions in India are managed by non-governmental entities. The report noted 40 percent of all shelters did not have adequate measures in place to prevent physical or sexual abuse of children. In addition, staff members were not properly trained to recognize the signs of abuse or raise alarm to proper authorities.

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 exposed to 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, 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.

ecoi.net summary:
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