



Trafficking in Persons Report

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Why in News

According to the **Trafficking in Persons report 2021**, released by the US State Department, the **Covid-19 pandemic** has resulted in an **increase in vulnerability to human trafficking and interrupted existing anti-traffic efforts.**

Human trafficking, also called trafficking in persons, **form of modern-day slavery** involving the illegal transport of individuals by force or deception for the **purpose of labour, sexual exploitation, or activities in which others benefit financially.**

Key Points

- **Findings of the Report:**

- While India did not meet the minimum standards to eliminate trafficking, the government was **making significant efforts**, although these were inadequate, especially when it came to **bonded labour.**
- Chinese government engaged in **widespread forced labour**, including through the continued mass arbitrary detention of more than one million **Uyghurs, ethnic Kazakhs, ethnic Kyrgyz, and other Muslims.**

- **Reasons for Increased Trafficking:**

The concurrence of the **increased number of individuals at risk, traffickers' ability to capitalise on competing crises**, and the **diversion of resources to pandemic response efforts** has resulted in an ideal environment for human trafficking to flourish and evolve.

- **Categorisation of Countries:**

- The categorisation is based not on the magnitude of a country's trafficking problem but **on efforts to meet minimum standards** for the elimination of human trafficking.
- The countries are designated on the **three-tier system**:
 - **Tier 1 countries** are those countries whose governments **fully comply with the Trafficking Victims Protection Act** (TVPA - US's law on human trafficking) minimum standards.

USA, UK, Australia, Bahrain and South Korea are some of the countries in tier 1.
 - **Tier 2 countries** are those countries whose governments **do not fully comply with TVPA's minimum standards** but are making significant efforts to bring themselves into compliance with those standards.
 - **Tier 2 watchlist countries** are those where the absolute number of victims of severe forms of trafficking is significant or is significantly increasing.
 - **India** is placed in **Tier 2 category**.
 - **Tier 3 countries** whose governments **do not fully comply** with the minimum standards and are not making significant efforts to do so.

Afghanistan, Burma, China, Cuba, Eritrea, North Korea, Iran, Russia, South Sudan, Syria and Turkmenistan are under this tier.
 - There are also a few "**Special Cases**" such as **Yemen**, where the civil conflict and humanitarian crisis make gaining information difficult.

- **Relevant Laws in India:**
 - **Article 23 and 24** of the Constitution of India.
 - Article 23 **prohibits human trafficking and begar** (forced labour without payment).
 - Article 24 **forbids employment of children** below the age of 14 years in dangerous jobs like factories and mines.
 - **Indian Penal Code (IPC) Section:**
 - **Section 370 and 370A** of IPC provide for comprehensive measures to **counter the menace of human trafficking including trafficking of children** for exploitation in any form including physical exploitation or any form of sexual exploitation, slavery, servitude, or the forced removal of organs.
 - **Sections 372 and 373** dealing with selling and buying of girls for the purpose of prostitution.
 - **Other Legislations:**
 - **The Immoral Traffic (Prevention) Act, 1956 (ITPA)** is the premier legislation for prevention of trafficking for commercial sexual exploitation.
 - There are other specific legislations enacted relating to trafficking in women and children - Prohibition of **Child Marriage Act, 2006**, **Bonded Labour System (Abolition) Act, 1976**, **Child Labour (Prohibition and Regulation) Act, 1986**, **Transplantation of Human Organs Act, 1994**,
 - **Protection of Children from Sexual offences (POCSO) Act, 2012**, is a special law to protect children from sexual abuse and exploitation.
 - **State Governments** have also enacted specific legislations to deal with the issue (e.g. **The Punjab Prevention of Human Smuggling Act, 2012**).

Other Steps Taken by India

- **Anti-Trafficking Nodal Cell** was set up in the **Ministry of Home Affairs (MHA)** in 2006 to act as a focal point for communicating various decisions and follow up on action taken by the State Governments to combat the crime of Human Trafficking.
- **Anti Human Trafficking Unit (AHTU):** The **Ministry of Home Affairs** under a Comprehensive **Scheme ‘Strengthening Law Enforcement Response in India against Trafficking in Persons’ (2010)** has released fund for establishment of AHTU for many districts of the country.
 - The primary role of an **Anti Human Trafficking Unit (AHTU)** is law enforcement and liaising with other concerned agencies for care & rehabilitation of victims.
- **UN Convention:** India has ratified (in 2011) **United Nations Convention on Transnational Organised Crime (UNTOC)** which among others has a Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.
- **SAARC Convention:** India has ratified the **SAARC Convention on Preventing and Combating Trafficking** in Women and Children for Prostitution.

- **Bilateral Mechanism: A Memorandum of Understanding (MoU) between India and Bangladesh** for Prevention of Human Trafficking in Women and Children, Rescue, Recovery, Repatriation and Re-integration of Victims of Trafficking was signed in June, 2015.
- **Judicial Colloquium:** These are held at the High court level.
The aim is to sensitize the judicial officers about the various issues concerning human trafficking and to ensure speedy court process.
- **Capacity Building:** Various **Training of Trainers (TOT) workshops on 'Combating Trafficking in Human Beings'** for Police officers and for Prosecutors at Regional level, State level and District level have been organized by the government throughout the country.

Way Forward

- There is a need to step up **technical assistance and strengthen cooperation**, to support all countries to protect victims and bring criminals to justice.
- The **capacity building of the Police along with that of the NGOs** is necessary to tackle the menace of human trafficking.
- There is a need to **ensure proper data sharing**, internally in an administration or between agencies like the police or the NGOs, or between the different countries as well.

The **Justice Verma Committee, 2012** had recommended a **census of the missing children**.

- Government needs to take some **preventive steps**, such as
 - **Educating children** on the crime of trafficking by including the same in their school curriculum.
 - **Making people aware as a society** i.e. if an individual comes across any suspicious activity, s/he should report the same to the concerned authorities.

Source:TH