



# Trafficking in Persons Report

## 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**

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