

# Trafficking in Persons report, 2021

July 5, 2021

## In news

The U.S. State Department has released an annual study called Trafficking in Persons report, 2021 recently.

## About the report

- The annual Trafficking in Persons report (TIP), published since 2001
- It **uses the Trafficking Victims Protection Act of 2000 (TVPA) to define “severe” human trafficking** as “sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act” is not 18.
- The definition also includes “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude”.
- **It ranks countries in tiers based on their compliance with the minimum standard** for eliminating human trafficking according to the TVPA

## There are three tiers in the report.

- **Tier 1 includes governments that wholly meet the minimum standards.**
- **Tier 2 includes governments that do not meet the requirements “but are making significant efforts to bring themselves into compliance.** It also includes a Tier 2 watchlist.
- **The worst rank, Tier 3,** is for countries **whose governments do not fully meet minimum standards** and are

not making significant efforts to do so.

- Being ranked in this tier means countries **may be subject to certain restrictions on foreign assistance** should the president decide to withhold hold.

### **Key Highlights of the report**

- According to the report, **Covid 19 pandemic resulted in an increase in vulnerability to human trafficking** and interrupted existing anti-traffic efforts.
  - It cites a report from the Office of Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights and UN Women which highlights that **almost 70 percent of trafficking survivors from 35 countries reported that their financial well-being was heavily affected by COVID-19.**
  - It has determined that governments of twelve countries, including China, had a policy of trafficking in the reporting period (year ending March 31).
  - 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.
- **Tier 3' rating:**
  - Twelve governments were determined, by the State Department, to have a "policy or pattern" of human trafficking resulting in their countries being assigned a 'Tier 3' rating in the report.
  - **Afghanistan, Burma, China, Cuba, Eritrea,** North Korea, Iran, Russia, South Sudan, Syria and Turkmenistan were on this list.

- The State Department downgraded Malaysia and Guinea-Bissau to Tier 3 this year.
- The report said that the 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” in Xinjiang.
- It also added Turkey, a NATO ally, to the list of countries whose “armed forces, police, or other security forces” recruit or use child soldiers.
- The report says that although the government met the minimum standards for the elimination of trafficking, it had policies in place that limited immigration options for trafficking victims, before repealing those policies.
- There is also a reference to unaccompanied minors being expelled from the U.S.
- The report also shone a spotlight on people made more vulnerable by global crises like the COVID-19 pandemic, climate change and “systemic racism, sexism, and other forms of discrimination” that create inequitable societies.

### **What does the report say about India?**

- The report says that while it 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**.
- For India, the report said the government is not meeting the minimum standards to eliminate trafficking but is making significant efforts to do so.
- The government, in the US administration’s view, had increased efforts in the latest reporting period relative to the previous one, taking into account the impact of the pandemic on anti-trafficking efforts, resulting in **India retaining a Tier 2 classification**.

- The report said the efforts included identifying more victims of trafficking and prosecuting more cases.
- Overall anti-trafficking efforts, especially against bonded labor, remained inadequate.

## **Laws in India**

- Trafficking in Human Beings or Persons is prohibited under the Constitution of India under Article 23 (1).
- The Immoral Traffic (Prevention) Act, 1956 (ITPA) is the premier legislation for prevention of trafficking for commercial sexual exploitation.
- Criminal Law (amendment) Act 2013
  - It has come into force wherein Section 370 of the Indian Penal Code has been substituted with Section 370 and 370A IPC which 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.
- Protection of Children from Sexual offences (POCSO) Act, 2012, which has come into effect from 14th November, 2012 is a special law to protect children from sexual abuse and exploitation.