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## INDIA

	<b>POPULATION</b> 1,339,2 million		<b>GDP PER CAPITA</b> 1,939.6 USD
	<b>POLITICAL SYSTEM</b> Federal Regime		<b>HUMAN DEVELOPMENT INDEX</b> 131 <sup>st</sup> rank among 187 countries
	<b>GENDER INEQUALITY INDEX</b> 125 <sup>th</sup> rank among 147 countries		<b>CORRUPTION PERCEPTIONS INDEX</b> 96 <sup>th</sup> rank among 180 countries

Millions of people, most of them women and children from poor backgrounds, are victims of human trafficking in India. Enticed by promises of jobs and better lives, many victims migrate to urban centers, where they are sold as domestic slaves, sex slaves, or are forced to work in the agricultural and textile industries. According to the 2018 Global Slavery Index, India has an estimated 18.3 million people in slavery, which accounts for nearly half of the world's trafficking victims (*PBS News Hour*, December 29, 2017). Nearly 26% of these victims, 5.5 million, are children living in inhuman conditions in working class neighborhoods of large cities, locked in the back of brothels where they serve several sex buyers per day (*Foreign Policy Blogs*, July 18, 2018). The Indian state of West Bengal, which shares its borders with poor neighboring countries, Bangladesh and Nepal, recorded having more than a third of the world's total number of sexual exploitation victims in 2016. The desert

state of Rajasthan recorded the second highest number of trafficked children in 2016, while the western state of Maharashtra, which is home to India's economic capital, Mumbai, recorded the second highest number of female victims of trafficking (*Foreign Policy Blogs*, July 18, 2018).

With more than 80% of human trafficking in India being for sexual exploitation purposes, India is considered to be the main hub for this type of crime in Asia. Many victims originate from Nepal and Bangladesh (*Foreign Policy Blogs*, July 18, 2018). According to NGOs, the figures provided by the government are drastically underestimated as "only" 20,000 victims of human trafficking were recorded in 2016, an increase of almost 25% compared to the previous year (*Reuters*, March 9, 2017), including more than 7,500 victims of sexual exploitation (*US Department of State*, June 2018). However, police officials are welcoming an increase in the number of victims recorded, due to increased public

awareness and visibility in the media, which is driving more and more victims of sexual exploitation to come forward (*Reuters*, March 9, 2017).

According to Siddharth Kara, Director of the Program on Human Trafficking and Modern Slavery at Harvard's Kennedy School of Government, a sex slave in Mumbai would bring in about 13,000 US dollars (USD) a year to traffickers (*All That's Interesting*, May 15, 2018).

### **An overwhelmed justice system despite an existing legislative framework**

In India, prostitution is legal if the prostituted person is of legal age and if they are not prostituted in a public place. As for trafficking for the purpose of sexual exploitation, the Immoral Traffic Prevention Act, adopted in 1956 and amended and modified in both 1986 and 2006, provides the general legislative framework and penalizes a number of stakeholders. Thus, any individual who owns or manages a brothel faces a sentence of between two to seven years in prison, and any person who recruits, transports, or receives a person for prostitution faces a term of imprisonment ranging from seven years to a life sentence. In addition, those found to be buying the services of a victim of sexual exploitation in a brothel are liable to a penalty of 3 to 5 months of imprisonment and a fine of 20,000 to 50,000 Indian Rupees (INR) (USD 288 to USD 720).

In regard to the prostitution of minors, the Act provides that any individual who procures, incites or exploits children for the purpose of prostitution shall be liable to between seven years of imprisonment to a life sentence. Finally, to ensure that all individuals involved in the trafficking chain are held accountable, the law provides that any individual involved in acts of recruiting,

transporting, transferring, harboring or receiving persons for the purpose of prostitution is guilty of trafficking and, therefore, liable to a term of imprisonment.

In its Penal Code, India has criminalized most forms of modern slavery. Yet with limited resources and its own corruption problems, India's criminal justice system has had a low impact on trafficking for sexual exploitation purposes in recent years, with few arrests and convictions. Despite the existence of specific legislation and programs that are dedicated to preventing sexual slavery, significant gaps have been identified between the government's political commitments and their implementation. For example, a study conducted in 2016 on child victims of trafficking emphasized the practical challenges of the reintegration of victims such as the lack of adequate reintegration services, lack of human and financial resources, lack of organizational accountability, and lack of coordination between NGOs and the government (*Walk Free Foundation*, 2016).

In addition, the most recent data from the *National Crime Records Bureau* (NCRB) indicates that the phenomenon of prostitution is on a constant rising trajectory. For example, in 2010 there were only 3,422 cases of trafficking reported in India, compared to 6,877 in 2015 and 8,132 in 2016. Also in 2016, 15,379 people were identified as victims, including 9,034 who were under the age of 18. Additionally, 23,117 people were rescued from trafficking of which 14,183 were minors. Most of them, 10,509, reported having been trafficked for forced labor, while 7,570 reported having been trafficked for sexual exploitation. However these figures seem very small when considering the millions of victims suffering sexual exploitation in India.

The sex slave trade in India thrives with impunity. Criminal networks are developed in collaboration with corrupt law enforcement officers. In exchange for protection, brothel owners and traffickers bribe police, sometimes with sexual services. As expected, the conviction rate is low. Out of the 11,720 arrests made for trafficking committed in 2015, only 2,139 individuals were convicted (*Asia Times*, January 8, 2017).

In March 2018, The Ministry for the Promotion of Women and Children reported that it would be increasing its efforts to combat the threat of trafficking for the purpose of sexual exploitation (*Press Information Bureau, Government of India*, March 9, 2018). These efforts were demonstrated in July of 2018, when the ministry introduced a draft law on human trafficking dedicated to the prevention, protection, and reintegration of victims, which was subsequently adopted by Parliament. Notably, the new law provided the establishment of a National Anti-Trafficking Bureau, committed to investigating trafficking cases while maintaining effective coordination between law enforcement agencies, NGOs and any stakeholders, as well as international cooperation with foreign authorities. The law also pledges the establishment of Rescue and Reintegration Committees responsible for victims' compensation, repatriation, and reintegration into society. Finally, the law requires the central government, or that of each state, to establish protective shelters in which to provide housing, food, counseling, and medical care for victims (*PRS Legislative Research*, March 9, 2018). Opponents of the law reacted with fury to the new anti-trafficking legislation, as the law also penalizes prostituted people who "voluntarily" engage in the sex trade, since the text makes no distinction between any

prostituted persons (*The Guardian*, August 10, 2018). In addition, recent allegations of sexual abuse in government and NGO-run shelters in Delhi and other parts of the country have also generated concerns about the rescued women's safety and their designated locations for reintegration (*The Guardian*, August 10, 2018).

### **Indian prostitution, a plague that continues to spread**

In India, with prostitution and trafficking for sexual exploitation purposes constantly increasing, new trends are developing, including the development of online prostitution. Sex traffickers usually target the poorest communities, such as lower caste populations and those in rural and vulnerable areas. They attract young girls by offering to pay their family debts or offering a well-paid job in the city.

There is widespread discrimination throughout India, particularly against women, but also against castes. The caste system is still a distinctive feature of modern Indian society, but is more evident in urban areas. About 70% of India's victims of trafficking belong to a lower caste, ethnic minority group, and are among the most deprived socio-economic groups in the country. Social stigmatization and economic marginalization, reinforced by inadequate access to healthcare or social benefits, poor work conditions and low levels of education increase the vulnerability of these groups and inhibit their abilities to escape exploitation. Women, in particular women from economically deprived and marginalized communities, are at the highest risk of sexual exploitation. In addition, India's society is one that is fundamentally patriarchal with egregious gender inequalities, fuelled by practices such as dowry. This society makes women more vulnerable to trafficking and abuse. As a result, traffickers gain a position of domination and entice women into

prostitution so as to support themselves and their family (*Foreign Policy Blogs*, July 18, 2018). Some recruitment practices even exploit families who are desperately seeking to marry off their daughters. Young women become trapped into situations of debt bondage and, consequently, sexual exploitation occurs (*Walk Free Foundation*, 2016). Many social pressures force Indian women to remain within the domestic sphere, restricting their movements and a lack of education deprive them of access to justice and expose them to violations of their most fundamental rights.

In addition, so-called intergenerational prostitution is very present in some communities such as Nat, Beriya or Agrawali, according to the NGO *South Kolkata Hamari Muskan*, which works to protect victims and prevent trafficking for sexual exploitation in Southern Calcutta. As a result, young girls are groomed from the early age of 12, or sometimes younger, for their future “prostitution activity.”

The recruitment process for prostitution has somewhat evolved in recent years. More and more young men between the ages of 20 and 24 are being hired by traffickers to attract and trap young girls. Traffickers obtain the telephone numbers of their next victim by bribing employees of mobile recharging stores, who easily give up information for just a few hundred rupees. The recruited young man then contacts the girl and befriends her, attracting her to urban centers with promise of employment, marriage or even a visit to a tourist attraction. Once in the city, the girl is trapped and sold in a brothel. These young intermediaries receive about INR 50,000 (USD 720) per deceived victim (*Newsdick*, October 21, 2017).

Today in India, 90% of human trafficking takes place within the country, not across its borders. In many cases, traffickers lure children or young adults from rural

villages to the urban centers of Calcutta, Mumbai, Delhi, Gandhinagar and Hyderabad. Far from the public eye, traffickers exploit victims in small hotels, abandoned vehicles, dilapidated cabins, or residential complexes. They have increasingly been using the Internet to connect sex buyers with women, in an attempt to avoid police (*Asia Times*, January 8, 2017).

However, not all victims of sexual exploitation are native to the country. According to the UN, traffickers bring around 15,000 people from Nepal to India each year, selling them for forced labor or prostitution. Nepalese women are commonly exploited to the State of Assam, or in the cities of Nagpur and Pune. Many victims of prostitution also come from Malaysia, Kazakhstan, Uzbekistan, or Bangladesh (*All That's Interesting*, May 15, 2018).

### **Minors, vulnerable in all aspects**

Minors account for more than a quarter of all victims of trafficking in India, or more than 5 million, and this figure is constantly rising (*Foreign Policy Blogs*, July 18, 2018). In 2017, an *International Justice Mission* (IJM) investigation highlighted the extremely violent and cruel methods that traffickers use to force Calcutta's underage girls into prostitution. West Bengal, with Calcutta as its capital, accounted for 44% of reported cases of human trafficking in 2016 and, according to government data, the largest number of missing children (*Independent*, December 6, 2017). The testimonies of these survivors of prostitution provide a sad insight into the types of violence they endure. For example, according to Saji Philip, an IJM member, conditioning periods are widely used by traffickers to break the resilience of children, (*International Justice Mission*, 2017). The majority of the surviving victims report having being beaten and raped daily during this period, burnt with cigarettes, kept in isolation and locked up for days without

food, sometimes even forced to watch the murder of their peers.

In addition, the study found that half of these victims were sold by their families, who come from disadvantage socio-economic backgrounds, who see their daughters as burdens. Young underage girls find themselves trapped, indebted to "their hosts" who feed, clothe and shelter them before being forced into the sex trade (*Independent*, December 6, 2017).

According to *UNICEF*, there are an estimated 11 million children living on the streets in India (*L'Humanité*, December 1, 2015). In situation of extreme vulnerability and precariousness, they are exposed daily to numerous dangers and trapped in trafficking networks that exploit them for professional or sexual purposes. In extremely vulnerable and precarious circumstances, they are exposed daily to numerous dangers and trapped in. For several years, the number of children who disappear into the Indian railway network has been increasing. The latest police statistics indicate that children's abduction within India is an increasingly widespread crime, with figures rising from 15,284 abducted children in 2011 to 41,893 in 2015 (*The Guardian*, July 30, 2017). In Calcutta, hundreds of minors live at the Sealdah railway station. Sometimes alone, sometimes in groups, they are left to their own devices and exposed to all kinds of crimes, beaten up by travelers and the police, raped, racked, victims of organ trafficking. Each year, a certain number of them disappear in the chaos of the immensity of the Indian railway stations and the dense crowd. Their fate is unknown and their trace almost impossible to find. At the Sealdah railway station, nearly 750 trains run each day, with nearly 2 million passengers in transit. Children are easily abducted and sold as sex slaves. The exact number of missing children is unknown. Between June 2016 and May 2017, 1,628 children were

rescued in Calcutta. Of those rescued, 134 were girls and the youngest child was only 4 years old (*The Guardian*, July 30, 2017). Today, abductions are on the rise, threatening the fate of thousands of children who roam alone on trains every year. These children have often fled poverty or family abuse, or have been sent into the city by desperate parents who cannot support themselves. The government faces difficulties in effectively protecting these minors who survive in the extremely dangerous environment of railway stations.

For many years, the city of Hyderabad, capital of the state of Telangana in Southern India, has witnessed sales of young Indian girls to rich Arabs. This phenomenon has become a real transnational trade, involving Indians from many different cities and foreign tourists. The city of Hyderabad has had historical links with the Gulf States since the 19th century when Nizam, the sovereign of Hyderabad, recruited Arab people to become soldiers. Today, some of the soldiers' descendants still live in the city, which welcomes many tourists from the Gulf. Thus, to satisfy these rich tourists, gangs of traffickers turn into marriage agencies, undoubtedly a very lucrative business. These agencies offer two types of services: long-standing marriages, in which the girl enters into marriage in India and thereafter follows her new husband to his country of origin, and short-term marriages, the most common, which only last for the duration of the stay, followed by the man repudiating the young girl. The implementation of this type of trafficking is truly inhuman. Traffickers invite the men to hotels where 20 to 30 young Muslim Indian women, who were recruited by agencies that promised them marriages to rich men who could support them and their families, are lined up. The men, who are often significantly older than the young girls, select a girl and send the others home with a tip of a few dollars in their pocket. The man

and his selected girl then "marry" for the duration of his stay in India. The man also signs post-dated divorce documents that will be given to the girl after the departure of her "husband" (*Reuters*, October 10, 2017).

These marriages are performed by an Imam or *qadi* (Muslim judge performing notary functions) who takes care not to verify the girl's age or even falsifies it. Most young girls have no idea of the consequences and see in such a marriage the solution to escape their difficult lives. They are convinced that "they will see the Burj Khalifa (Dubai's landmark skyscraper) and live in villas, but they do not know that they will be abandoned within 15 or 20 days of the wedding," said V. Satyanarayana, the Deputy Police Commissioner in Hyderabad (*Reuters*, October 10, 2017). A young girl, rescued by the Child Protection Unit of Hyderabad District, testified: "I was 14 and our neighbor told us that a rich Arab was looking for a bride. We went to meet him, he was 62. They convinced me that my life would change if I married him. I was promised gold, money and a house for my parents. I believed him". This man, who contracted his second marriage in 5 days, paid IND 30,000 (USD 432) to her mother and IND 50,000 (USD 720) to the agency and the *qadi* (*Reuters*, October 10, 2017). According to Qadir Ali, a fourth generation *qadi* in Hyderabad, "rich men from the Gulf know people are poor and vulnerable in Hyderabad. Since they cannot touch a woman outside of marriage, they marry the girl and sign a blank paper for divorce at the time of marriage." In addition, according to the Indian police, in those rare cases of young brides following their husbands back to their country of origin, only domestic servitude and sexual slavery await them.

In September 2017, around 30 people of which traffickers, *qadis*, men from Qatar and Oman and hotel owners were arrested and charged for trafficking children for

sexual exploitation purposes. Simultaneously, 14 young girls were rescued, all of whom were minors (*Reuters*, October 10, 2017). Yet government authorities underestimate the problem, while activists and local police forces report that there is a real sex tourism industry that is evolving very rapidly, under the guise of marriage contracts.

### **Health challenges in an extremely stigmatizing Indian society**

While there is extreme discrimination against women throughout India, discrimination against prostituted people is even worse. Prostituted people have very little access to the national health care system, facing stigmatizations from medical staff on a daily basis. According to the NGO *South Kolkata Hamari Muskan*, many people in prostitution hide their identities when they consult health professionals. In an Indian society that is still very patriarchal, prostituted women are reluctant to speak about their health concerns and be examined by male doctors. Moreover, due to ingrained societal stigmas, female doctors also harmfully judge prostituted women, practicing with the same sexist values as their male counterparts. The majority of prostituted persons are forced to go to "charlatans" so that their visit is less embarrassing and less demoralizing. Unfortunately, charlatans are known to sexually abuse patients and, sometimes, their accompanying children. With such poor access to healthcare, prostituted persons find it very difficult to seek treatment and prevent sexually transmitted infections.

### **Prostitution at the heart of many debates: towards a progressive awareness for the Indian population**

According to the NGO *South Kolkata Hamari Muskan*, despite prostitution being on the rise in recent years, there has been a

significant lack of action from the public and media authorities in India. At the same time, some leaders and abolitionist NGOs are taking the floor to denounce and fight against this rising epidemic, which claims more victims each day. Others, who advocate for the decriminalization of prostitution, are putting arguments forwards such as “my body, my rights” in attempt to justify prostitution as a feminist choice. The NGO *South Kolkata Hamari Muskan* explains that this argument often highlights sexual liberation but disregards the common profile of the poor rural young women who is sexually exploited against her will, although it refers to the overwhelming majority of cases. While this current trend of feminist thought has had many positive impacts for other global issues, it poses a threat to the global issue of prostitution as it largely influences attitudes in a society where women are trying to free themselves from the patriarchy. The NGO emphasizes the urgent need to expose the truth about the prostitution phenomenon to the public, especially to young adolescent girls. They aim to remind the public that women can be liberated in more than just through their sexual liberation -especially not through prostitution- and that they have the power to obtain economic autonomy through education.

Ruchira Gupta, founder and president of the NGO *Apne Aap Women Worldwide*, is an Indian activist known for her abolitionist struggle. Focusing on Calcutta, Delhi, and the Indo-Nepalese border, the organization works to end intergenerational prostitution and has supported more than 20,000 women across the country since its creation (*Vogue India*, October 29, 2017). The NGO *Apne Aap Women Worldwide* has provided thousands of victims with identity documents, voter cards, and Below Poverty Line cards<sup>1</sup>, all of which have enabled victims to obtain a political voice. Victims have also been

integrated into government anti-poverty programs, low-cost housing, and health care, with the possibility of gradually gaining independence and escaping from prostitution. In addition, the NGO *Apne Aap Women Worldwide* has integrated women into political and judicial levels; teaching them how to testify in court and how to write letters to the government, the Ministry of Women and Child Development or to the UN. To date, through their common actions, they have succeeded in convicting 74 traffickers (*Vogue India*, October 29, 2017). R. Gupta also focuses on raising public awareness and the impact of words. Indeed, R. Gupta has been attempting to eradicate the use of the term “sex workers” by explaining that the term describes women who are victims of prostitution, which is so intrinsically linked to exploitation that, in no way, can it be defined as a type of “work”.

Finally, the NGO *Apne Aap Women Worldwide* and other similar organizations are working to raise public awareness by implementing educational campaigns that are mainly aimed at men. These campaigns mainly intend to reduce demand for prostitution, and more generally, to change attitudes about gender hierarchies.

In 2017, the *#MeToo movement*, which encouraged thousands of women to speak out about their own experiences of sexual assaults, gained a large platform on social networks. Yet it did not address the abuse that the world’s most vulnerable women endure in India and elsewhere. R. Gupta said the *#MeToo movement* was a campaign that “gives women a voice. (...) but where are the voices of the women in prostitution? They are the most abused and exploited, but since they are referred to as “sex workers”, it signifies that they do so willingly, therefore how could they say “me too”?” (*Reuters*, December 18, 2017). Women in the Bollywood film industry have

denounced sexual crimes, but yet there has been no initiation of a discussion about the lives of other women in the country who are trafficked for sexual exploitation, victims of sex buyers and of the system.

In 2018, *Anyay Rahit Zindagi*, a charity organization dedicated to fighting human trafficking, launched a project featuring survivors (*Reuters*, September 5, 2018). Since survivors of trafficking for sexual exploitation are never given the opportunity to testify due to threats and stigmatizations, this project has allowed them to speak out. Through audio recordings broadcasted on the Internet, survivors were able to describe their experiences, talk about drunk and violent sex buyers, traffickers, police officers who negotiate with brothel owners for a night of free sex in exchange for their silence, and much more. By giving the public a real insight into what these women and girls had to endure, the project's initiators hope to see a reduction in discrimination against prostituted persons, and to advocate for their legitimate status as victims.

The Indian population seems to be becoming increasingly more aware of the trafficking and sexual exploitation that is occurring within their country. For example, in July 2018, a train passenger witnessed the abduction of a group of 26 young teenage girls on board who were likely being brought to the city to be sold as sex slaves (*Global News*, July 8, 2018). He immediately posted a tweet alerting the railway authorities. Police intervened to rescue the girls, who were between the ages of 10 and 14, and arrested the two men who were suspected of being traffickers (*Global News*, July 8, 2018). The incident occurred less than a month after the Indian Council of Railways launched a public information campaign intended to raise awareness about the plight of vulnerable children on the country's rail

network. This encouraged passengers to assist the rail police in their efforts to protect victims of trafficking.

### **Timid government initiatives despite a growing phenomenon of prostitution**

While India has more victims of sexual exploitation each year, the US Department of State classified the country in Tier 2 for an eighth consecutive year in its 2018 report on Trafficking in Persons (*US Department of State*, June 2018). The report highlights India's significant efforts and implementation of appropriate measures devoted to combating trafficking and sexual exploitation, regardless of the fact that the country still does not fully comply with the minimum required standards to eliminate these phenomena. The Indian government has great difficulty in identifying the most vulnerable groups at risk of sexual exploitation since poverty is not the only factor taken into account. Thus, the government is considering a preventive approach with young and rural populations in an effort to combat prostitution (*US Department of State*, June 2018).

However, it is clear that prevention is not enough. The government will have to move *a posteriori* to rescue and assist victims, crack down on traffickers and officials involved in trafficking. Indeed, corruption is still a major problem in India, where many police officers and judicial professionals hide cases and turn a blind eye to the violence committed in their presence (*US Department of State*, June 2018).

Meanwhile, the elite still benefits from human labor and sexual exploitation, and a large majority of human rights violations still go unpunished (*Foreign Policy Blogs*, July 18, 2018).

It is imperative that public authorities finally take control of the issue in its entirety, for example by devising a

National Action Plan with a global strategy, as other Asian countries have done (*US Department of State*, June 2018).

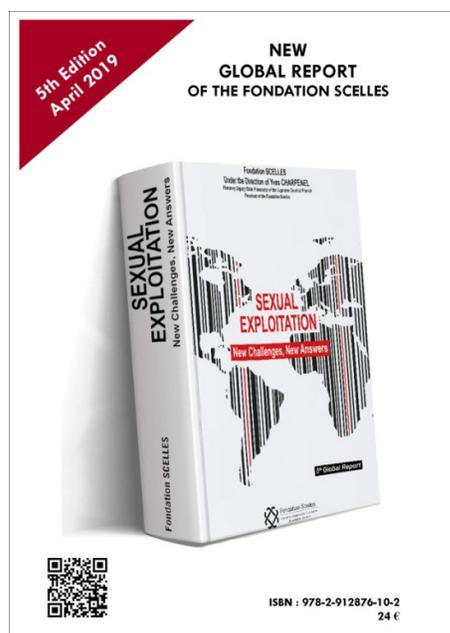
In addition, the new July 2018 law on prevention, protection and reintegration of victims of human trafficking provides hope for victims, who currently receive no help or assistance in exiting prostitution, and for Indian society as a whole, which is gradually becoming more aware of the extent of the phenomenon (*US Department of State*, June 2018).

Significantly increasing each year, human trafficking is the third most lucrative criminal activity in the world, after drug and arms trade. India, which will soon become the most populated country in the world, accounts for a significant share of human trafficking in the world. If India wants to become a global leader and claim the moral distinction of a great democracy, the abolition of the modern slave trade occurring within its borders must become its main priority (*All That's Interesting*, May 15, 2018).

<sup>1</sup> A card system used by the Indian government to indicate the poverty index of the person and the need to obtain government assistance and support.

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The **Fondation Jean et Jeanne Scelles**, recognized as a public utility since 1994 and as a consultative status with ECOSOC, is an independent, non-profit organization based in Paris (France) dedicated to fight the system of prostitution and the exploitation of prostituted persons, through information, analysis, advocacy, trainings, awareness initiatives and legal actions. The **Fondation Jean et Jeanne Scelles** is a co-founding member of the Coalition for the Abolition of Prostitution (CAP International) which was launched in 2013 and today brings together 28 abolitionist NGOs from 22 countries.

The **International Observatory on Sexual Exploitation** (Observatoire international de l'exploitation sexuelle) is a worldwide hub which allows for information exchange on the system of prostitution. The hub is regularly consulted by French and foreign experts including NGOs, institutions, journalists, lawyers, researchers and those involved in the defense of human rights. The goals of the **International Observatory on Sexual Exploitation** are:

- to analyze all the aspects of the phenomenon: prostitution, sex tourism, procurement, child pornography, sex buyers, human trafficking for the purpose of commercial sexual exploitation...
- to encourage reflection and to take a stand
- to inform the public who are interested in these issues

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