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The Permanent Mission of India to the Office of the United Nations and Other International Organizations in Geneva presents its compliments to the Special Procedures Branch of the Human Rights Council and has the honour to refer to Joint Communication from Special Procedures No. OL/IND/20/2021 dated 16th December, 2021, received from Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on violence against women, its causes and consequences and the Working Group on discrimination against women and girls and requests that the enclosed information received from the concerned Ministry in the Government of India at **Annexure I** may be brought to the attention of the concerned Special Rapporteurs and the Working Group.

The Permanent Mission of India to the Office of the United Nations and other International Organizations in Geneva avails itself of this opportunity to renew to the Special Procedures Branch of the Human Rights Council the assurances of its highest consideration.

**The Secretariat of the Human Rights Council,
(Kind Attn: Officer in charge, Special Procedures Branch)
8-14 Avenue de la Paix, Palais des Nations,
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Annexure-I

Trafficking in persons (TiP) or human trafficking is one of the most serious crimes. It can be hugely profitable and often runs as an organized crime. It thrives on exploitation of victims, and it violates their basic human rights in myriad ways, including through violation of their personal autonomy and bodily integrity. Human trafficking can be linked to socio-economic reasons like poverty, illiteracy and lack of knowledge and inadequate livelihood options on the side of victims. It gets fueled by sheer avarice and blatant disregard and disrespect for human rights, dignity and needs on the side of perpetrators, and needs adequately supportive cultural, social and legal ecosystems for being prevented and countered.

The Trafficking of Persons (Prevention, protection and Rehabilitation) Bill, 2018 drafted by Ministry of Women and Child Development was discussed and passed by the Lok Sabha during the Monsoon Session of Parliament of 2018. The Bill was then placed before Rajya Sabha for consideration but could not be considered, as both the Houses of the Parliament were prorogued. Upon dissolution of the 16th Lok Sabha the Bill got lapsed.

In light of the discussions in the Lok Sabha during the passing of the Bill in July 2018 the Bill has been re-visited to make it more effective, comprehensive and self-contained and better organized and duly responsive to the needs of the matter. While bringing in greater victim centricity, there is a sharpened focus on issues and outcomes. The new draft legislation has been developed to address human trafficking as a human as well as an economic and organized crime. The present proposal for a new law on human trafficking is with an intention and aim to comprehensively capture all aspects, manifestations and dimensions, as far as possible, of this grievous human and economic crime, into one self-contained legal space.

Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021 as drafted by MWCD was uploaded on the website of MWCD on 30.06.2021 soliciting comments/suggestions from general public and stakeholders. The Bill was also sent to all State/UT Governments for providing comments/suggestions in the matter. The draft Bill has been further revised based on comments/suggestions received through inter-ministerial consultation and also from State/UT Governments and with reference to public/stakeholder comments. The title of the Bill has been revised to "Trafficking of Persons (Protection care and Rehabilitation) Bill.

The Bill covers the gamut of all Indian citizens (within & outside the country), residents, persons committing offence against Indian citizens and offences with cross border implications. The Bill has taken care of the need representation in AHTCs by taking cue from existing laws. Care, protection and rehabilitation of victims are not contingent on

criminal proceedings. Protection of identity of victims and minimum facilities or services to be available in protection and rehabilitation homes. All assistance to be provided to victims on consensual and informed basis. The Bill has been modified as such that gender neutral terms are used. The Bill has been modified by taking into account suitable provisions of JJ Act and POCSO Act to ensure safeguards are provided against possible abuse. The Bill is also appropriately acclaimed to collocate and coordinate with India's existing legal framework and international obligations. All institutionalization mechanism proposed in the Bill have been simplified further.

Draft Trafficking of Persons (Protection, Care and Rehabilitation) bill is presently under active consideration of the Government for ensuring that it is duly responsive to ground level realities and requirements of the nation from all perspectives, and is also approximately complimentary to and juxtaposed and coordinated with India's existing legal framework and international obligations.
