



राष्ट्रीय मानव अधिकार आयोग
मानव अधिकार भवन, सी-ब्लॉक,
जीपीओ कम्प्लेक्स आईएनए, नई दिल्ली-110 023 भारत
NATIONAL HUMAN RIGHTS COMMISSION
Manav Adhikar Bhawan, C-Block,
GPO Complex, INA, New Delhi-110023 India

R-17/8/2020-PRPP-Part (6)

December 08, 2020

Subject: Human Rights Advisory on Combating Human Trafficking in Context of the Covid-19 Pandemic.

The National Human Rights Commission (NHRC) is mandated by the Protection of Human Rights Act, 1993 to protect and promote the human rights of all in the country. Towards fulfillment of its mandate, the Commission is extremely committed for protection of the rights of the vulnerable and marginalised sections of the society. The COVID-19 Pandemic and the 'resultant lockdown' has disproportionately impacted the vulnerable section of the society, and therefore, the NHRC constituted a 'Committee of Experts' to assess the impact of Covid-19 Pandemic on Human Rights of the people.

2. On the basis of the recommendations made by the Committee comprising all stakeholders, the Commission has issued advisories on various themes, and now hereby issues the 'Human Rights Advisory on Combating Human Trafficking in Context of the Covid-19 Pandemic' (copy enclosed).

3. The 'Action Taken Report' on the recommendations made in the 'Advisory on Human Trafficking' may kindly be intimated for the information of the Commission.

B. Pradhan
(Bimbadhar Pradhan)
Secretary General

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2. **Secretary**
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NATIONAL HUMAN RIGHTS COMMISSION

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National Human Rights Commission

Human Rights Advisory on Combating Human Trafficking in context of the Covid-19 Pandemic

Background

The Covid-19 pandemic has disproportionately impacted the vulnerable sections of the society. Owing to limited access to shelters and support structures for life and livelihood during the pandemic, these vulnerable sections fall prey to the menace of human trafficking.

It has been reported that in India between March and August, 2020, the Ministry of Women and Child Development, received 27 lakh distress calls and could intervene 1.92 lakh distress calls on the ground. These interventions included at least 32,700 cases of trafficking, child marriage, sexual abuse, emotional abuse, forced begging and cyber crimes.¹ Further, as per the 2019 Annual Report of NCRB, 2,260 cases of human trafficking were registered in the year 2018. These cases which include a total of 6,616 victims out of which 2,914 were children and 3,702 were adults.²

Keeping the gravity of the situation in mind, the National Human Rights Commission constituted a Committee of Experts on “Impact of Covid-19 pandemic on human rights and future response” to assess the impact of Covid-19 pandemic on vulnerable sections of the society and suggest a response in the form of an advisory. Accordingly, the Commission issues the following advisory on ‘Combating Human Trafficking in context of the Covid-19 Pandemic’ to help the Central Ministries and State Government(s) in preventing human trafficking and ensuring the promotion and protection of the rights its victims/survivors.

1. Security and Preventive Measures

- A 24*7 toll free helpline number must be in place for real time reporting, tracking and monitoring cases related to human trafficking.
- Installation of special surveillance on railway stations, bus depots, airports, routes to remote villages etc. to trace children without adult supervision, suspicious persons and to identify vulnerable spots in the region concerned with trafficking.
- Ensure that testimonies of rescued victims are collected through video conferencing in courts, especially in cases where the victims are repatriated or released from protective homes.

¹ Press Release, (2020); Childline 1098 Is Not Locked Down

² <https://ncrb.gov.in/sites/default/files/CII%202019%20Volume%201.pdf>



- Ensure that the data related to rescued women, children, missing persons and arrested persons under anti-trafficking laws may be updated so that there can be quick information sharing between districts and states to combat human trafficking.
- Vigilance Committees (VC) to be set up at village level for recording the details of the migrants traveling from, or to the said village, intercept cases of trafficking, and help the community in filing cases of trafficking.
- Necessary arrangements must be made at the village level for identifying the children who are not attending the school or any drop out from the school and region thereof for non-attendance.
- Vacant posts in Child Care Institutes (CCI), District Child Protection Units (DCPUs) etc. need to be filled on priority basis by the State administration.
- Adequate steps should be taken to provide livelihood opportunities in source districts across the country through the existing schemes and programme at village level (like M.G.N.R.E.G.A, PMGKY, DDU-GKY etc.)

(Ministry of Home Affair, Ministry of Women and Child Development, Ministry of Labour and Employment and all the States/UTs)

2. Functioning of Anti-Human Trafficking Units (AHTUs)

- AHTUs to be set up in all districts in all States/UTs of the country. However, priority should be given to those districts in the states which are prone to trafficking.
- AHTUs shall be notified as a nodal agency for coordination among all departments and NGOs at state level.
- Necessary personnel may be deputed to perform the basic roles and responsibilities during the rescue operation of AHTUs. Also, ensure adequate female representation at AHTUs.
- Police/law enforcement agencies must be sensitised with Standard Operating Procedures on prevention, rescue, investigation and rehabilitation processes.
- Ensure training and capacity building of police dealing with cases of human trafficking with relevant laws, procedures, guidelines and related modus operandi during the Covid-19 pandemic.
- Every AHTU at district level must be provided with adequate physical and digital infrastructure with requisite fund and functionaries.
- In view of Covid-19 pandemic as new normal, necessary personal protective equipments should be provided as per Covid-19 SOP & Protocol.

(Ministry of Home Affairs and all the States/UTs)



3. Access to Security and Healthcare Benefits

- Protection and shelter homes for both male and female survivors must be established in every state. Also, the shelter home should be open 24*7 for survivors/victims of trafficking.
- *Ujjwala* and *SwadharGreh* homes need to be adequately funded. Periodic social audits, preferably after every six months, should be conducted with respect to the functioning of these institutions at district level.
- Adequate counselling services need to be provided to the trafficking survivors in their shelter homes/native places and Child Care Institutes (CCIs).
- The shelter home staff should also be sensitised and trained on counselling of victims/survivors.
- SOP of Covid-19 pandemic and necessary protocols must be adhered to in the isolation rooms for vulnerable survivors in the protection homes of each district.

(Ministry of Home Affairs, Ministry of Women and Child Development and to all the States/UTs)

4. Functioning of District Administration

- District Legal Service Authorities (DLSAs) must create awareness among the people about issues related to trafficking with the help of NGOs, Para-legal volunteers and Social Media Platforms.
- DLSAs should appoint an advocate to provide requisite legal aid to the survivors in protection homes.
- DLSA should provide adequate compensation to the survivors of human trafficking in accordance with section 357A of Victim Compensation Scheme in the Criminal Procedure Code (CrPC).
- The Child Welfare Committee (CWC) must proactively take up the cases of rescued children in need of care and protection. The Juvenile Justice Board should conduct its proceedings within the premises of observation homes. Both CWC and JJB should discharge their roles and responsibility in sync with provisions of the Juvenile Justice (Care and Protection) Act, 2015.
- Rehabilitation cum Placement Officer at CWC must monitor the progress of the individual care plan of the child, while DLSA must follow up with the cases of adult men and women survivors.
- A District Nodal Officer must be appointed from the Labour Department to follow up on cases of child labour.

(Ministry of Home Affairs, Ministry of Women and Child Development and Ministry of Labour and Employment, Ministry of Social Justice and Empowerment, District Legal Service Authority and to all the States/UTs)



5. Prevention of Re-trafficking & Rehabilitation of the Survivors

- Financial assistance of Rs. 20,000 under the Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016 must be paid without any delay. Further, compensation up to Rs. 3,00,000 should be provided immediately after the issuance of release certificate by the District Magistrate to the rescued victims/survivors.
- Necessary authorization and power be delegated to district magistrate for withdrawal of money and timely disbursement of said amount to atrocity victims/survivors in accordance with the SC/ST Act [Rule 12(4A)].
- Brick kiln workers may be brought under the purview of “The Building and Other Construction Workers (Regulation of Employment and Condition of Service) Act, 1996” for them to receive the benefits of construction workers.
- Ensure that labourers get minimum wages in accordance with the Code on Wages Act, 2019. The State Labour Departments should set up a monitoring cell with adequate human resources to ensure proper implementation of these laws.
- The State Government and district administration must put in place foolproof measures to closely monitor the functioning of private placement agencies within their geographical area.
- Keeping in view the Covid-19 protocol, online skill development trainings/programmes for vocational training of the survivors should be set up besides, resuming education of child and adolescent victims/survivors.
- As far as possible direct benefits transfer must be put in place and funds to be transferred to the account of the survivors/victims linked with *Aadhaar* card BPL or any other identity/ration card certified by District Magistrate level officer.
- Adequate measures need to be put in place regarding shelter, food, health etc. for the vulnerable sections that are prone to human trafficking.

(Ministry of Home Affairs, Ministry of Labour and Employment, Ministry of Women and Child Development, Ministry of Education, Ministry of Food and Public Distribution, Ministry of Skill Development and Entrepreneurship and all the States/UTs)

