

UN experts urge India to align new anti-trafficking bill with human rights law

India must revise its planned new legislation to tackle trafficking in persons so that the measures proposed are in line with international human rights law, said two independent UN human rights experts on Monday.

Maria Grazia Giammarinaro, Special Rapporteur on [trafficking in persons](#), and Urmila Boola, Special Rapporteur on [contemporary forms of slavery](#), said in a [statement](#) that they were “gravely concerned” about the bill as presented by the Government to the Indian Parliament last week.

“Its focus on addressing trafficking from a criminal law perspective is not sufficiently complemented by a human rights-based and victim-centred approach” they added, flagging that this risks further harming already vulnerable individuals.

The experts explained that the bill over-emphasises the criminal response, including the promotion of “rescue raids” by the police and the institutionalisation of victims in the name of rehabilitation, not giving due consideration to their rights and needs, especially in terms of protection.

According to the experts, other problematic aspects include the “over-broad and vague nature” of some of the bill’s provisions, which could lead to blanket criminalisation of activities that do not necessarily relate to trafficking.

“The development of an appropriate legal framework that is consistent with relevant human rights standards is key not only to ensure that victims are identified, assisted and referred to appropriate protection services, but also to guarantee more effective investigation and prosecution of perpetrators,” the statement read.

The experts advocate for the application of “appropriate screening methods and standard operating procedures for the identification and referral of victims or potential victims of trafficking and social integration programs which are respectful of their rights.”

They also expressed concerns as the proposed law seems to conflate trafficking with the smuggling of migrants.

“This may lead to the criminalisation of all irregular migrants, including victims or potential victims of trafficking, who, because of a lack of safe, orderly and regular migration channels, are forced into the hands of smugglers or traffickers,” the Special Rapporteurs stressed, pointing out that such treatment was in contrast with current international efforts, including the [Global Compact on Migration](#), which aims at addressing

protection gaps for vulnerable migrants.

“We urge the Indian Parliament to revise the Bill in accordance with human rights law, including the [OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking](#), in consultation with civil society organisations, UN agencies and other relevant partners,” the experts emphasised.