



NHRC issues Advisory 2.0 to Ministries and the Chief Secretaries of all the states and UTs to ensure the welfare of transgender persons

Recommendations issued following field interactions and stakeholder consultations, in continuation of the Commission's 2023 Advisory

The Commission urges gender-inclusive reforms, recommends inclusive census and workplace reforms for transgender persons

The Advisory highlights concerns over education, healthcare, property and legal rights of transgender persons

Seeks action taken reports within two months

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The National Human Rights Commission (NHRC), India has issued an Advisory 2.0 to ensure the welfare of transgender persons to the Secretaries of 11 Ministries, the Office of the Registrar General & Census Commissioner and the Chief Secretaries/ Administrators of all the states and union territories as part of its continuing efforts to protect and promote their human rights. The Advisory has been issued to the Ministries of Social Justice and Empowerment, Home Affairs, Law and Justice, Statistics and Programme Implementation, Education, Health and Family Welfare, Women and Child Development, Corporate Affairs, Labour and Employment, Housing and Urban Affairs and Rural Development.

Issuing the Advisory, the Commission has noted the encouraging responses from all concerned authorities to its earlier Advisory of 15th September 2023 and the constructive engagement reflecting a shared commitment to this cause. It has also acknowledged the initiatives undertaken by the Government, including the enactment of the Transgender Persons (Protection of Rights) Act 2019, along with allied schemes and policy measures aimed at improving their socio-economic conditions.

Based on the NHRC's continued engagements, including field interactions, stakeholder consultations and reviews of implementation, the Commission has identified a range of persistent and emerging challenges affecting transgender persons. Therefore, the Commission found it necessary and opportune to issue another set of recommendations to further enhance their welfare. Accordingly, all concerned authorities have been requested to implement the recommendations contained in the Advisory and furnish an Action Taken Report (ATR) within a period of two months to appraise the Commission of the progress made in implementing the Advisory.

The Advisory focuses on ten key areas for action to ensure the welfare of transgender persons. These include integrating gender diversity in national data systems, reviewing laws/ rules/ policies to ensure gender inclusivity, building an inclusive legal framework, right to property, right to education, healthcare, inclusivity at the workplace, safeguarding the rights of children with diverse sex characteristics and gender identities/ expressions, safeguarding the rights of elderly transgender persons and strengthening Garima Greh shelters.

The key recommendations are as follows:

- i) Inclusion of distinct categories such as 'Intersex', 'Transmen' and 'Transwomen' in the upcoming Census of India and other national surveys to ensure accurate and inclusive gender-disaggregated data collection;
- ii) Review of laws, including the Registration of Births and Deaths Act, Juvenile Justice Act and succession laws, to ensure recognition of self-identified gender and protection of the rights of transgender and intersex persons;
- iii) Ensuring equal inheritance, succession, housing and property rights for transgender and intersex persons without discrimination;
- iv) Developing comprehensive SOPs for police and correctional institutions regarding arrest, detention, searches, interrogations, imprisonment, confidentiality and access to gender-affirming healthcare for transgender persons;
- v) Establishing dedicated legal aid cells, helplines and independent grievance-redressal mechanisms for transgender and gender-diverse persons facing discrimination, violence or custodial abuse;
- vi) Admission of transgender students in educational institutions based on self-identified gender without requiring medical proof, along with the creation of gender-neutral facilities and grievance-redressal mechanisms;
- vii) Mandatory gender-sensitisation training for teachers, counsellors, police, prison personnel, judicial officers and healthcare professionals to promote inclusion and reduce discrimination;
- viii) Developing standardised and ethical medical protocols for gender-affirming healthcare, regulation of Sex Reassignment Surgery costs and equal insurance coverage for transgender healthcare needs;
- ix) Prohibition of coercive or non-consensual medical procedures on intersex children, except in life-saving situations, while ensuring counselling and psychosocial support for parents;
- x) Promoting inclusive workplaces through gender-neutral facilities, inclusive Human Resource policies, workplace grievance mechanisms and mandatory diversity disclosures, alongside welfare measures for elderly transgender persons; and
- xi) Simplifying the documentation process and enabling self-identification-based enrolment for elderly transgender persons in welfare schemes and establishing transgender-inclusive old-age homes and community shelters, ensuring privacy, healthcare access, social interaction and emotional well-being.

The link to the detailed advisory is: https://nhrc.nic.in/assets/uploads/other_advisories/1779115826_649e8e4ffb525458ca0a.pdf

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