

CEDAW Secretariat  
Office of the High Commissioner for Human Rights (OHCHR)  
Palais Wilson  
52 rue des Pâquis  
CH-1201 Geneva 10  
Switzerland  
By Post and E-mail: [cedaw@ohchr.org](mailto:cedaw@ohchr.org)

10 June 2014

**Re: Information on India for Consideration by the Committee on the Elimination of Discrimination Against Women at its 58th Session (30 June – 18 July 2014)**

Dear Distinguished Committee Members,

We respectfully submit this letter to supplement the fourth and fifth periodic reports submitted by India, scheduled for review by the Committee on the Elimination of Discrimination Against Women (the Committee) during its 58<sup>th</sup> session taking place 30 June – 18 July 2014. Equality Now, an international human rights organization with ECOSOC status, and our partners, Shaheen Women's Resource and Welfare Association and Apne Aap in India, are writing to express our concern about human rights violations faced by women and girls in India. This letter focuses on India's obligations to address sex trafficking, sexual exploitation, and child marriage under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Sex trafficking and exploitation in prostitution are expressly prohibited by Article 6 of CEDAW, and also violate Article 2 (right to elimination of discrimination). Child marriage is prohibited by Article 16 of CEDAW, and also violates Articles 2, 5 (right to elimination of customs based on gender stereotypes), and 15 (right to equality before the law). In its List of Issues in relation to the fourth and fifth periodic reports of India, the Committee identified trafficking and exploitation of prostitution as well as child marriage as key issues for review.<sup>1</sup>

#### **A. Sex Trafficking and Sexual Exploitation in India**

In January 2013, an Indian government committee expressed serious concern regarding the high prevalence of sex trafficking of women and girls in India.<sup>2</sup> While actual numbers are difficult to obtain, government and NGO reports suggest that hundreds of thousands to millions of women and girls are engaged in prostitution in India, many of whom are victims of sex trafficking.<sup>3</sup> A study sponsored by the Ministry of Women and Child Development estimated that about 3 million people are engaged in prostitution in India.<sup>4</sup> The same study estimated that over one third of the women and girls in prostitution entered before the age of 18, and in some parts of India, up to 72 percent of girls

in prostitution entered before the age of 18.<sup>5</sup> NGOs have estimated that up to 50,000 women and children are trafficked annually from neighboring countries into the commercial sex industry.<sup>6</sup> The UN Office of Drugs and Crime has reported that the vast majority of trafficking victims are women and girls.<sup>7</sup>

According to Apne Aap and the UN Special Rapporteur on Violence Against Women, women from minority or marginalized groups, low-income families, denotified tribes,<sup>8</sup> and other scheduled castes and tribes,<sup>9</sup> as well as those who lack education and other livelihood options are most vulnerable to being trafficked into prostitution.<sup>10</sup> Many women are tricked into prostitution by false offers of employment, for instance at massage parlors.<sup>11</sup> According to Apne Aap, in some communities, girls used to be forced into prostitution by their families as part of religious traditions, and the practice continues so that families can earn money from the sale of their daughters for sex. In areas near Maharashtra and Karnataka, young women and girls continue to be dedicated to temples and goddesses as part of religious traditions, even though this is illegal.

In some parts of India child marriage is being used as a cover for the trafficking of young girls. According to the Shaheen Women's Resource and Welfare Association, girls from poor families are married to rich sheikhs from the Middle East in "temporary marriages" on the pretext of a better life. The men involved have no intention to enter into long term marriages and use it as a way to legitimize sexual relations. Girls are kept in sexual servitude for a short period of time, in some cases just a matter of days, before being left by their husbands to be resold into marriage again to someone else. In 2011 Shaheen Women's Resource and Welfare Association undertook research on temporary marriages taking place in Baba Nagar in Hyderabad, 33 out of 100 girls married in this way ended up back home having been divorced from their husbands only to be remarried numerous times.<sup>12</sup> They recall an incident during a visit to a woman in the old town in Hyderabad. The woman had just received a phone call from her daughter and was crying uncontrollably. When they asked her what had happened, she replied that her daughter had called to congratulate her on her 17<sup>th</sup> son-in-law.

### ***India's Domestic and International Obligations to Address Trafficking and Sexual Exploitation***

Article 23 of the Indian Constitution and several laws prohibit human trafficking and commercial sexual exploitation in India.<sup>13</sup> These laws include the Indian Penal Code (IPC) 1860, the Immoral Traffic (Prevention) Act 1956, the Karnataka Devadasis (Prohibition of Dedication) Act 1982, Andhra Pradesh Devadasis (Prohibition of Dedicated) Act 1988, Indecent Representation of Women (Prohibition) Act, 1986, and the Goa Children's Act 2003.<sup>14</sup> The government recently adopted anti-trafficking provisions in the IPC through the Criminal Law (Amendment) Act of 2013,<sup>15</sup> to conform to the internationally-recognized definition of human trafficking contained in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol).

In addition, India has ratified several international and regional treaties, including CEDAW and the Convention on the Rights of the Child (CRC), under which India must take measures to prevent and address trafficking and sexual exploitation, and protect the human rights of women and girls.<sup>16</sup> Under General Recommendation No. 19, this Committee recommended that India proactively work to prevent trafficking and sexual exploitation by taking "specific preventative and punitive measures... necessary to overcome trafficking and sexual exploitation."<sup>17</sup>

The Committee on the Rights of the Child has also expressed concern regarding the trafficking and sexual exploitation of women and children in India.<sup>18</sup> In its 2004 Concluding Observations to India, the Committee on the Rights of the Child recommended that India should “[e]xtend the scope of the Immoral Traffic Prevention Act to all forms of trafficking of children and ensure that all trafficked children are always treated as victims[;] . . . adopt multidisciplinary and multisectoral approaches and take measures to prevent and combat sexual exploitation and trafficking of children . . . [and] [e]nsure that perpetrators are brought to justice.”<sup>19</sup> In as early as 2000, the Committee on the Rights of the Child called on India to “ensure that legislation criminalizes the sexual exploitation of children and penalizes all the offenders involved, whether local or foreign, while ensuring that the child victims of this practice are not penalized,” among many other steps to protect children from trafficking and sexual exploitation.<sup>20</sup>

The Human Rights Committee, as far back as 1997, has also expressed deep concern for the “high incidence of child prostitution and trafficking of women and girls into forced prostitution, and . . . the lack of effective measures to prevent such practices and to protect and rehabilitate the victims” in India.<sup>21</sup> In addition, it noted with concern that “women who have been forced into prostitution are criminalized by the Immoral Trafficking Prevention Act,” urging that India should instead take measures to “protect and rehabilitate women and children whose rights have been violated . . .”<sup>22</sup>

In order to effectively prevent sex trafficking and address the gender-based discrimination at the heart of the commercial sex industry, India must address the demand for prostitution that fuels trafficking by criminalizing the buyers of sex, traffickers, pimps, and brothel keepers while decriminalizing the women and children in prostitution. This Committee, in its Concluding Observations to numerous States Parties, has recognized that to effectively suppress trafficking and the exploitation of the prostitution of women, States Parties must discourage the demand for prostitution.<sup>23</sup> Likewise, the Palermo Protocol, to which India is a party, explicitly calls on States to “adopt or strengthen legislative or other measures . . . to discourage the demand that fosters all forms of exploitation of persons, especially women and girls.”<sup>24</sup>

### ***India’s Need for Legal Reform to Combat Trafficking and Sexual Exploitation***

The Indian government reports that it has taken steps to address sex trafficking, including by implementing the Ministry of Women and Child Development’s National Plan of Action to combat trafficking and commercial sexual exploitation of women and children, and the Planning Commission of India’s Twelfth Five Year Plan in which India committed to “intensify its efforts to prevent trafficking for commercial sexual exploitation and efforts at rehabilitation of the trafficked victims including those in prostitution who wish to leave the exploitative situation.”<sup>25</sup>

However, serious gaps remain with regard to legal reform, law enforcement and victim assistance. First, while the Criminal Law (Amendment) Act of 2013 is a positive step toward addressing trafficking, India’s other anti-trafficking legislation falls short. Other legislation, particularly the Immoral Traffic (Prevention) Act (ITPA) of 1956, must be amended to comply with international law, as sections thereof criminalize victims of trafficking and exploitation and fail to address the demand that fuels trafficking. The ITPA specifically criminalizes “prostitution in or in the vicinity of public place” including “any person who carries on prostitution . . .” and includes other provisions that may be used to target women and children in prostitution and possibly victims of trafficking.<sup>26</sup> Victims of sexual exploitation must not be treated as criminals, while traffickers, brothel keepers, pimps and buyers are allowed to escape punishment. Instead, women and children in prostitution should be decriminalized, while buyers of sex, traffickers, pimps and brothel keepers

should be criminalized. In addition, victims of trafficking and sexual exploitation should be able to access services including safe and decent housing and rehabilitation, as well as support to exit prostitution if they choose to do so. Second, in its Report to this Committee, the government does not include information regarding the number of traffickers and pimps who have been prosecuted and convicted. According to Apne Aap, there are challenges in implementation of these laws, and it is unclear how many convictions under the ITPA have taken place, particularly in relation to the number of trafficking cases reported.<sup>27</sup> Finally, the State reports contain no plans to discourage the demand for prostitution that fuels trafficking. For over five years, survivors of trafficking and exploitation have called on the Indian government to decriminalize and provide support for women and children exploited in prostitution, and to tackle the demand that fuels trafficking by criminalizing buyers, pimps and brothel keepers.<sup>28</sup> The government of India must act to establish a clear framework for holding traffickers and those who exploit women and children accountable.

The government must also proactively address police corruption, which exacerbates the issue of trafficking of women and children for commercial sexual exploitation. According to Apne Aap, law enforcement officials aid the movement of sex trafficking victims and protect traffickers and brothel keepers from arrest and prosecution in exchange for bribes or sexual services from victims. Some police are alleged to tip-off traffickers to obstruct rescue efforts. The Special Rapporteur on Violence against Women has observed that State officials have been complicit in human trafficking.<sup>29</sup>

Therefore, Equality Now and Apne Aap respectfully request the Committee to consider recommending that India amend the ITPA to improve anti-trafficking efforts, protect women and children, and ensure traffickers and exploiters are held accountable. Amending this Act will put India in line with its international legal obligations under CEDAW, the CRC and the Palermo Protocol.

## ***B. Child Marriage in India***

According to the United Nations Population Fund (UNFPA) 47 percent of girls in India are married before the legal minimum age of 18.<sup>30</sup> Gender inequality, poverty, lack of education, violence against women and girls and high rates of sex-selective abortion leading to fewer girls in some parts of India, are all contributory factors in child marriage. As mentioned above, temporary marriages are used to legitimize sexual relations young girls, and sexually exploit them.

India has ratified several international treaties that require it to take measures to prevent, and protect girls from, child marriage, including CEDAW and the CRC. This Committee in its Concluding Observations in 2007 expressed concern about the practice of child marriage in India, and recommended that the government of India “take proactive measures to effectively implement the Child Marriage Restraint Act with a view to eradicating child marriages. It recommend[ed] that the State Party take comprehensive, effective and stringent measures aimed at deterrence of those engaged in child marriages, the elimination of such practices and the protection of the human rights of the girl child.”<sup>31</sup> The Committee further recommended that the government of India “take proactive measures to speedily enact legislation to require compulsory registration of all marriages, work with states and union territories to effectively implement such legislation and to consider withdrawing its reservation to article 16(2).”<sup>32</sup> Legislation to ensure the registration of all marriages in India still has not been enacted despite a Supreme Court of India ruling in 2006 which stated that “we are of the view that marriages of all persons who are citizens of India belonging to various religions should be made compulsorily registrable in their respective States, where the marriage is solemnized.”<sup>33</sup>

In January 2014, Equality Now published a report on Child Marriage entitled “Protecting the Girl Child: Using the law to end child, early and forced marriage and related human rights violations,”<sup>34</sup> highlighting the harmful consequences of child marriage for girls around the world and analyzing the challenges in the implementation of the law against child marriage in India in particular. Under the Prohibition of Child Marriage Act 2006, child marriage is illegal, but is not automatically void except in limited circumstances.<sup>35</sup> Male adults who marry a child; persons who perform, conduct, direct or abet child marriages; as well as parents or guardians who promote, permit, or negligently fail to prevent child marriages are all subject to criminal penalties.<sup>36</sup> Where it is discovered that a child marriage is planned to be solemnized, magistrates may also issue injunctions to prohibit the marriage from taking place.<sup>37</sup> But in reality, the law against child marriage is seldom implemented. Furthermore, except in limited circumstances, child marriages are not automatically void and victims of child marriage must file a petition with a district court to void the marriage within a time period of up to two years after reaching the age of majority.<sup>38</sup> This recognizes many child marriages as valid, and leaves children in vulnerable situations until they attain adulthood.

The Prohibition of Child Marriage Act 2006 is applicable to all regardless of religion and personal status laws. Despite this partners report that judges are allowing marriages of under-age girls through the use of Muslim Personal Laws. Since Muslim Personal Laws are based on Sharia which is largely uncodified, interpretation of the law is based on judicial precedent. This has become particularly complicated because of the disparate interpretations being given by courts which have been known to interpret the age of marriage for Muslim girls as the age at which puberty starts. In addition, the Protection of Children from Sexual Offences Act 2012 (POCSO), which aims to protect children (individuals below the age of 18) from sexual violence, should be implemented in all States irrespective of Personal Status Laws.

Therefore, Equality Now and Shaheen Women’s Resource and Welfare Association respectfully request the Committee to consider recommending that India effectively implement and enforce all provisions of the Prohibition of Child Marriage Act 2006, including through prosecutions and imposing appropriate criminal penalties and injunctions where possible, and the Protection of Children from Sexual Offences Act 2012. Doing so will put India in line with its international legal obligations under CEDAW and the CRC.

### **C. Suggested Questions to the State Party**

We would respectfully urge the Committee to raise with the government of India during its review the following questions:

- 1) What steps is the government taking to address the demand for sex trafficking and prostitution, and to punish those who exploit women and children in prostitution, including sex buyers, traffickers, brothel keepers and pimps?
- 2) What steps is the government taking to ensure that women and children in prostitution are not criminalized and further victimized, but instead are able to access justice, services, livelihoods programs, rehabilitation, and support to exit prostitution if they so choose?
- 3) What steps is the government taking to ensure the registration of births and marriages?

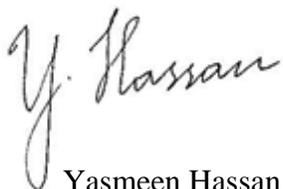
**D. Proposed Recommendations to the State Party**

We also urge the Committee to consider the following recommendations to the government of India:

- 1) The government should pursue a comprehensive approach in addressing trafficking for sexual exploitation, including amending legislation, ensuring prompt investigations and prosecutions of traffickers, pimps, brothel keepers and sex buyers, coupled with laws, policies and programs to empower women and girls, particularly those from marginalized communities, with educational, vocational and economic alternatives to prostitution.<sup>39</sup>
- 2) The government should amend the ITPA to decriminalize women in prostitution, and take steps to ensure that victims of trafficking and exploitation have access to justice, services, livelihood programs, rehabilitation and support to exit prostitution if they so choose<sup>40</sup> through a fully government-funded Trafficking Victims Rehabilitation and Welfare Fund.
- 3) The government should address the demand for trafficking by passing and enforcing laws that criminalize buyers of commercial sex, traffickers, brothel keepers, pimps and other people who exploit women and children in prostitution. These measures should also include strict liability for traffickers and buyers of a minor regardless of whether the perpetrators knew the victim's age.
- 4) The government should remove all declarations and reservations made to CEDAW.
- 5) The government should ensure the law against child marriage is applied without exception in all cases and that it is properly implemented and enforced.
- 6) The government should adopt a child protection approach to addressing child marriage by taking the onus off the child from getting a marriage annulled and ensure the Protection of Children from Sexual Offences Act 2012 applies to child brides also.
- 7) The government should amend all Personal Status laws which discriminate against women and girls.

Thank you very much for your kind attention, and please do not hesitate to contact us if we can provide further information.

Sincerely,



Yasmeen Hassan  
Global Director  
Equality Now



Jameela Nishat  
Chief Functionary  
Shaheen Women's Resource  
& Welfare Association



Ruchira Gupta  
President and Founder  
Apne Aap Women  
Worldwide

## **Sponsoring Organizations**

**Equality Now** is an international human rights organization with ECOSOC status working to protect and promote the rights of women and girls worldwide since 1992, including through our membership network comprised of individuals and organizations in over 190 countries.

Yasmeen Hassan, Global Director

*Equality Now*

PO Box 20646

Columbus Circle Station

New York, NY 10023 USA

info@equalitynow.org

Phone: +1 212 586 0906

www.equalitynow.org

**Shaheen Women's Resource and Welfare Association** was set up in the year 2002 to work among rioting communities in the Old City area of Hyderabad. The primary focus of the work was on ground interventions for the women and girls of the isolated communities of Muslims, Dalits and Other Backward Castes (OBC). Shaheen is keen to enable women gain control over their resources, livelihoods, and community-level decision-making processes.

Jameela Nishat, Chief Functionary

*Shaheen Women's Resource and Welfare Association*

#23-3-540, Sultan Shahi

Hyderabad-265, India

Phone: + 91 40 2438 6994

shaheencollective.org

**Apne Aap Women Worldwide** is a grassroots Indian organization, working since 2002 to empower girls and women to resist and end sex trafficking by organizing marginalized women and girls into small self-empowerment groups, where they work collectively to access their legal, social, economic, and political rights.

Ruchira Gupta, President and Founder

*Apne Aap Women Worldwide*

40, Max Mueller Road, Gate 4

India International Centre Campus

Lodhi Estate, New Delhi – 110 003, India

contact@apneaap.org

Phone: +91 11 2461 9968

apneaap.org

<sup>1</sup> Committee on the Elimination of Discrimination Against Women, List of Issues and Questions in Relation to the Combined Fourth and Fifth Periodic Reports of India, ¶ 11, U.N. Doc. CEDAW/C/IND/Q/4-5, 28 Oct. 2013.

<sup>2</sup> Justice J.S. Verma, Report of the Committee on Amendments to Criminal Law, Ch. 6, 23 Jan. 2013, available at [http://www.thehindu.com/multimedia/archive/01340/Justice\\_Verma\\_Comm\\_1340438a.pdf](http://www.thehindu.com/multimedia/archive/01340/Justice_Verma_Comm_1340438a.pdf).

<sup>3</sup> According to one study, nearly three fourths of the women and children in prostitution entered by way of trafficking. Gram Niyojan Kendra, *Girls/Women in Prostitution in India: A National Study*, sponsored by the Ministry of Women and Child Development, Nov. 2004, p. 276, available at [http://wcd.nic.in/research/prostitution\\_national\\_study.doc](http://wcd.nic.in/research/prostitution_national_study.doc).

<sup>4</sup> Gram Niyojan Kendra, *supra* note 3, at p. 77.

<sup>5</sup> *Id.*

<sup>6</sup> Planning Commission, Government of India, *Twelfth Five Year Plan (2012-2017)*, Vol. III, ¶ 23.67, available at [http://planningcommission.gov.in/plans/planrel/12thplan/pdf/12fyp\\_vol3.pdf](http://planningcommission.gov.in/plans/planrel/12thplan/pdf/12fyp_vol3.pdf).

<sup>7</sup> United Nations Office on Drugs and Crime (UNODC), *Global Report on Trafficking in Persons*, p. 39 (2012), available at [http://www.unodc.org/documents/data-and-analysis/glotip/Trafficking\\_in\\_Persons\\_2012\\_web.pdf](http://www.unodc.org/documents/data-and-analysis/glotip/Trafficking_in_Persons_2012_web.pdf).

<sup>8</sup> Denotified tribes are communities in India that have historically been particularly marginalized, and “were notified by the British Government as ‘Criminal Tribes’ through a notorious piece of legislation called the Criminal Tribes Act, 1871,” which was eventually repealed by the Criminal Tribes Laws (Repeal) Act, 1952. National Advisory Council, Working Group on Denotified and Nomadic Tribes, *Recommendations regarding Denotified, Nomadic and Semi-Nomadic Tribes*, ¶¶ 1.1, 1.2, available at [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=10&cad=rja&uact=8&ved=0CGQQFjAJ&url=http%3A%2F%2Fnic.nic.in%2Fpdf%2Ffinal\\_dnt\\_recommendations.pdf&ei=SRiXU5z6HILgsASb9YCoBw&usg=AFQjCNEM-E4EpVtF2pa0K9YfOvsyp6k7dA](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=10&cad=rja&uact=8&ved=0CGQQFjAJ&url=http%3A%2F%2Fnic.nic.in%2Fpdf%2Ffinal_dnt_recommendations.pdf&ei=SRiXU5z6HILgsASb9YCoBw&usg=AFQjCNEM-E4EpVtF2pa0K9YfOvsyp6k7dA).

<sup>9</sup> Scheduled Castes and Tribes means such castes, races, tribes or tribal communities or parts of or groups within such castes, races, tribes or tribal communities as specified by the President and/or Parliament in accordance with Articles 341 and 342 of the Constitution of India to be Scheduled Castes and Tribes. Constitution of India, Article 341, 342, and 366(24), (25), available at <http://lawmin.nic.in/olwing/coi/coi-english/coi-indexenglish.htm>.

<sup>10</sup> Rashida Manjoo, Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences, ¶ 28, U.N. Doc. A/HRC/26/38/Add.1, 1 Apr. 2014.

<sup>11</sup> *Id.*

<sup>12</sup> Equality Now, *Protecting the Girl Child: Using the Law to End Child, Early and Forced Marriage and Related Human Rights Violations 20-21* (Jan. 2014), available at

[http://www.equalitynow.org/sites/default/files/Protecting\\_the\\_Girl\\_Child.pdf](http://www.equalitynow.org/sites/default/files/Protecting_the_Girl_Child.pdf).

<sup>13</sup> Constitution of India, available at <http://lawmin.nic.in/olwing/coi/coi-english/coi-indexenglish.htm>.

<sup>14</sup> Indian Penal Code (IPC) 1860, available at <http://indiacode.nic.in/>, amended by The Criminal Law (Amendment) Act 2013, available at <http://indiacode.nic.in/acts-in-pdf/132013.pdf>; The Immoral Traffic (Prevention) Act 1956, available at [http://tcw.nic.in/Acts/Immoral\\_Traffic\\_Prevention\\_Act\\_\(ITPA\)\\_1956.pdf](http://tcw.nic.in/Acts/Immoral_Traffic_Prevention_Act_(ITPA)_1956.pdf); the Karnataka Devadasis (Prohibition of Dedication) Act, 1982, available at [http://dpal.kar.nic.in/1%20of%201984%20\(E\).pdf](http://dpal.kar.nic.in/1%20of%201984%20(E).pdf); The Andhra Pradesh Devadasis (Prohibition of Dedicated) Act, 1988, available at

<http://www.lawsofindia.org/statelaw/2693/TheAndhraPradeshDevadasisProhibitionofDedicatedAct1988.html>; The Indecent Representation of Women (Prohibition) Act, 1986, available at

<http://ncw.nic.in/acts/TheIndecentRepresentationofWomenProhibitionAct1986.pdf>; and The Goa Children’s Act 2003, available at <http://www.childlineindia.org.in/CP-CR-Downloads/Goa%20children's%20act%20and%20rules.pdf>.

<sup>15</sup> Criminal Law (Amendment Act), 2013, available at <http://indiacode.nic.in/acts-in-pdf/132013.pdf>.

<sup>16</sup> These instruments include the United Nations Convention against Transnational Organized Crime and its two protocols, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol); the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Convention on the Rights of the Child (CRC); and the International Covenant on Civil and Political Rights (ICCPR).

<sup>17</sup> Committee on the Elimination of Discrimination Against Women, *General Recommendation No. 19: Violence against Women*, ¶ 13, U.N. Doc. A/47/38 (1992).

<sup>18</sup> Committee on the Rights of the Child, *Concluding Observations: India*, ¶ 74, U.N. Doc. CRC/C/15/Add.228, 26 Feb. 2004.

<sup>19</sup> *Id.* at ¶ 75(a), (d), (e).

<sup>20</sup> Committee on the Rights of the Child, *Concluding Observations: India*, ¶ 75, U.N. Doc. CRC/C/15/Add.115, 23 Feb. 2000.

<sup>21</sup> Human Rights Committee, *Concluding Observations: India*, 1997, ¶ 31, U.N. Doc. CCPR/C/79/Add.81, 4 Aug. 1997.

<sup>22</sup> *Id.*

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<sup>23</sup> See e.g., Committee on the Elimination of Discrimination Against Women, *Concluding Observations: Republic of Korea*, ¶ 23(f), U.N. Doc. CEDAW/C/KOR/CO/7, 29 July 2011 (calling on the Republic of Korea to “[t]ake appropriate measures to suppress the exploitation of prostitution of women, including by discouraging the demand for prostitution”); Committee on the Elimination of Discrimination Against Women, *Concluding Observations: Botswana*, ¶ 28, U.N. Doc. CEDAW/C/BOT/CO/3, 26 Mar. 2010 (calling on Botswana to “take appropriate measures to suppress the exploitation of prostitution of women, including through the discouragement of the demand for prostitution”); Committee on the Elimination of Discrimination Against Women, *Concluding Observations: Denmark*, ¶ 35, U.N. Doc. CEDAW/C/DEN/CO/7, 7 Aug. 2009 (calling on Denmark to “strengthen measures aimed at addressing the exploitation of prostitution in the country and, in particular, the demand for prostitution”); Committee on the Elimination of Discrimination Against Women, *Concluding Observations: Japan*, U.N. Doc. CEDAW/C/JPN/CO/6 (2009), ¶ 40 (calling on Japan to “to take appropriate measures to suppress the exploitation of prostitution of women, including by discouraging the demand for prostitution”).

<sup>24</sup> United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, Art. 9(5), U.N. Doc. A/53/383, 15 Nov. 2000.

<sup>25</sup> Combined Fourth and Fifth Periodic Reports of India to the Committee on the Elimination of Discrimination Against Women, U.N. Doc. CEDAW/C/IND/4-5, ¶¶ 28-32, 11 Sept. 2012; see also Replies of India to List of Issues and Questions in Relation to the Combined Fourth and Fifth Periodic Reports of India, ¶ 11, U.N. Doc. CEDAW/C/IND/Q/4-5/Add. 1, 23 Jan. 2014; Planning Commission, *supra* note 6, at ¶ 23.69.

<sup>26</sup> The Immoral Traffic (Prevention) Act 1956, Section 7(1), available at [http://tcw.nic.in/Acts/Immoral\\_Traffic\\_Prevention\\_Act\\_\(ITPA\)\\_1956.pdf](http://tcw.nic.in/Acts/Immoral_Traffic_Prevention_Act_(ITPA)_1956.pdf).

<sup>27</sup> See India National Crime Records Bureau, Report on Crime in India: 2012, Ch. 12, p.148, available at <http://ncrb.nic.in/CD-CII2012/cii-2012/Chapter%2012.pdf>.

<sup>28</sup> Apne Aap Women Worldwide, Summary Report of Survivors of Human Trafficking Conferences, pp. 9, 18-19 (2009), on file with Apne Aap.

<sup>29</sup> Manjoo, *supra* note 8, at ¶ 28.

<sup>30</sup> United Nations Population Fund (UNFPA), *Child Marriage Country Profile: India*, available at [http://www.devinfo.info/mdg5b/profiles/files/profiles/4/Child\\_Marriage\\_Country\\_Profile\\_ASIIND\\_India.pdf](http://www.devinfo.info/mdg5b/profiles/files/profiles/4/Child_Marriage_Country_Profile_ASIIND_India.pdf).

<sup>31</sup> Committee on the Elimination of Discrimination against Women, *Concluding Observations: India*, ¶¶ 56-57, U.N. Doc. CEDAW/C/IND/CO/3, 2 Feb. 2007. We note that India has made declarations and reservations to the Convention on the Elimination of All Forms of Discrimination against Women, specifically to Articles 5(1) and 16(1) regarding non-interference in communities without their initiative and consent, as well as Article 16(2) regarding the registration of marriages.

<sup>32</sup> *Id.* at ¶ 59.

<sup>33</sup> *Smt. Seema v. Ashwani Kumar*, Case No. 291 of 2005, Supreme Court of India (14 February 2006), available at <http://indiankanoon.org/doc/1037437/>.

<sup>34</sup> Equality Now, *supra* note 11.

<sup>35</sup> The Prohibition of Child Marriage Act, 2006, Sections 3, 9-12, available at <http://wcd.nic.in/cma2006.pdf>.

<sup>36</sup> *Id.* at Sections 9-11.

<sup>37</sup> *Id.* at Section 13.

<sup>38</sup> *Id.* at Sections 3, 12.

<sup>39</sup> Under the Committee’s General Recommendation 24, States have a particular obligation to address the needs of women belonging to vulnerable and disadvantaged groups, including women in prostitution and indigenous women. Committee on the Elimination of Discrimination Against Women, *General Recommendation No. 24: Women and Health*, ¶ 6, U.N. Doc. A/54/38 (1999). This suggested language is based on the CEDAW Committee’s *Concluding Comments: Mauritius*, ¶ 21, U.N. Doc. CEDAW/C/MAR/CO/5, 25 Aug. 2006.

<sup>40</sup> See, e.g., Committee on the Elimination of Discrimination Against Women, *Concluding Observations: China*, U.N. Doc. CEDAW/C/CHN/CO/6 (2006), ¶ 20; Committee on the Elimination of Discrimination Against Women, *Concluding Observations: Republic of Korea*, 31 July 2007, U.N. Doc. CEDAW/C/KOR/CO/6 (2007), ¶ 20.