



Convention on the Rights of the Child

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Committee on the Rights of the Child

Sixty-sixth session

26 May–13 June 2014

Item 4 of the provisional agenda

Consideration of reports of States parties

List of issues in relation to the report submitted by India under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

The State party is requested to submit in writing additional, updated information (15 pages maximum), if possible before 1 March 2014.

The Committee may take up all aspects of children's rights contained in the Optional Protocol during the dialogue with the State Party.

1. Please provide updated information on all measures taken to establish a comprehensive and systematic mechanism of data collection and evaluation that covers all offences under the Optional Protocol, including the measures taken to create such a system under the Integrated Child Protection Scheme that was set out in the Eleventh Five Year Plan.
2. Please provide statistical data, disaggregated by sex, age, nationality, ethnic origin, state or autonomous region and urban or rural residence, from 2008 to date on:
 - (a) Reports of sales of children (disaggregated by purpose of sale, including for sexual exploitation, transfer of organs for profit or forced labour), child prostitution, child pornography and child sex tourism, and measures taken in response;
 - (b) The number of children offered, delivered, accepted and procured by whatever means for the purpose of prostitution (including the delivery of children to temples or religious leaders for the purpose of providing sexual services or sexual exploitation of child domestic workers), engagement in forced labour, illegal adoptions, organ transfer or pornography, as well as information on the action taken in response, in particular cases investigated and prosecuted, and convictions and penalties imposed;
 - (c) The number of children trafficked from or through India and children trafficked within India for the purpose of the offences defined in article 3 of the Optional Protocol; and
 - (d) The number of child victims of the offences under the Optional Protocol who have been given assistance for recovery and reintegration or have received compensation.

3. Please provide information on the measures taken by the State party to harmonize all its legislation and bring it into full conformity with the Optional Protocol. Please indicate, in this regard, whether the State party intends to amend the Immoral Traffic (Prevention) Act, 1956, in line with the prohibition of trafficking under the new Criminal Law (Amendment) Act, 2013, and clarify whether all offences under the Optional Protocol, including the sale of children, are prohibited under the new Criminal Law of the State party. Please also indicate whether boys and intersex children are adequately protected against acts prohibited under article 3 of the Optional Protocol.
4. With regard to policies and programmes, please provide updated information on:
 - (a) The practical steps taken to implement measures provided for in the National Plan of Action for Children 2005 related to the Optional Protocol, and on the outcome of the evaluation of the projects related to the Optional Protocol under the Plan;
 - (b) The status of adoption and implementation of the Integrated Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women;
 - (c) The new National Policy for Children 2013, and how it will deal with the sale of children, child prostitution and child pornography; and
 - (d) The overall strategy and approach to implement the Optional Protocol, the monitoring of its implementation and progress made.
5. Please provide information on whether the National Commission for Protection of Child Rights and the State Commissions for Protection of Child Rights are mandated to receive complaints from or on behalf of children regarding violations of all rights covered under the Optional Protocol. If so, please provide information on the number of such complaints received and their outcome.
6. Please provide detailed information on the budgetary resources allocated for and spent on combating the sale of children, child prostitution and child pornography for 2008–2012 and on the steps taken to increase budgetary allocations in view of the prevalence of these activities in the country.
7. Please provide further information on the impact and effectiveness of the reported social and other measures, including campaigns, aimed at preventing children from being trafficked, and describe the methods used to identify children who are especially vulnerable to these offences. Please indicate whether boys and intersex children are beneficiaries of each of these programmes. Please also indicate which programmes are aimed at preventing the illegal transfer of organs of children for profit as well as the engagement of children in forced labour, child prostitution or child pornography. Please indicate the measures the State party has taken to address culturally sanctioned practices, such as devadasi or the purchase of brides.
8. Please indicate the legal and other measures taken to prevent illegal adoptions, such as those that occurred in the Lambada community, in Karnataka. Please also indicate the measures taken to prevent the stealing of babies from hospitals and the efforts made to prevent fraudulent birth registration, as well as any applicable sanctions for such violations.
9. Please indicate:
 - (a) The statute of limitations for each of the offences related to the sale of children, child prostitution and child pornography contained in the various national laws reported;
 - (b) Whether legal persons, including corporations, are criminally liable for acts or omissions related to the sale of children, child prostitution and child pornography under each of those laws;

(c) Whether the attempt to commit, and complicity or participation in, these offences are criminalized under all the reported laws; and

(d) Which conditions (such as reciprocity) apply in considering requests for extradition of persons accused of having committed one or more of the offences referred to in article 3 of the Optional Protocol.

10. Please indicate whether the bilateral treaties on mutual legal assistance in criminal matters listed by the State party, and any other extradition treaty entered into since the State became a party to the Optional Protocol, recognize the offences referred to in article 3 of the Optional Protocol as extraditable offences. Please also provide information on the number of requests for extradition for any of the offences referred to in the Optional Protocol that have been granted since the entry into force of the Optional Protocol in the State party, disaggregated by the nature of the offences. Please also indicate whether the State party has requested the extradition of any person accused of any of the offences referred to in the Optional Protocol.

11. Please provide information on the measures taken by the State party to overcome the difficulties identified with regard to the provision of care, shelter and reintegration assistance to victims of offences under the Optional Protocol, in accordance with article 9, paragraph 3. In this regard, please provide details about:

(a) The organizations, public or private, which provide care, shelter and psychosocial services to victims of the offences under the Optional Protocol, the nature of support services provided, their occupancy rate, and any applicable regulations concerning the registration and functioning of these organizations;

(b) The mechanism for monitoring these institutions and how the State party ensures the implementation of minimum standards in all of them.

12. Please provide information on the measures taken by the State party to provide remedies (including compensation) and also to overcome the difficulties identified with regard to the repatriation and reintegration of child victims of trafficking, in particular those from Bangladesh and Nepal.
