



Human Rights Council – 36th Session

Center for Reproductive Rights

Speaker: Ms. Paola Daher

Thank you, Mr. President,

During its recent UPR, India received ten recommendations to take effective measures to end child marriage, as well as over twenty recommendations to address harms that are closely linked to child marriage, including recommendations pertaining to a child's rights to education and health. These recommendations are crucial to address widespread violations of women's and girls' rights from child marriage in India, which accounts for the highest number of child marriages in the world and where 1 in 3 girls marries under the age of 18 years. In some states, more than 40% of girls are affected by the practice, which disproportionately occurs amongst the poorest, least educated, and geographically remote populations.

Acceptance of these recommendations is only the first step in ending this grave human rights crisis. We urge India take immediate steps to strengthen accountability for child marriage, including by appointing and training prohibition officers as mandated in the Prohibition of Child Marriage Act (PCMA) and harmonizing the PCMA and related laws and policies—including personal laws, laws on domestic and sexual violence including marital rape, reproductive health, marriage and birth registration, education, and dowry—with human rights and constitutional law to ensure a minimum legal age of marriage of 18 and to address gaps and inconsistencies that leave girls vulnerable to child marriage and limit married girls' access to legal remedies. These measures should include clarifying that the PCMA has primacy over personal status laws, criminalize marital rape, remove burdensome time limitations in the PCMA that limit girls' ability to leave child marriages, and introduce effective systems of birth and marriage registration. Further, currently the Supreme Court of India is considering the constitutionality of an exception in the rape law that states that for girls 15 years of age to 18 years of age, marriage legitimizes what would otherwise be considered rape. This exception must be eliminated.

During this UPR cycle, India also received important recommendations from Sweden and Iceland that echo the call by Special Rapporteurs on torture, violence against women, and the right to health to prevent coercive, unsafe, and abusive sterilization and ensure greater accountability for these practices, including ensuring free and full consent prior to conducting the procedure and compliance with international standards. Such measures are crucial to end the targeting and coercion of poor, vulnerable subgroups of women to undergo sterilization in make-shift and unhygienic settings to meet informal and formal targets, resulting in death and suffering. We urge India to end the violence and suffering caused by this practice by implementing recent Supreme Court of India orders calling for the discontinuation of sterilization camps, ensuring free and full consent prior to conducting sterilization, prohibiting



informal and formal targets for all contraceptives, and conducting audits for all sterilization-related deaths and harm. Further, we urge India to immediately ensure that all women have access to counseling on and access to the full range of contraceptive methods in a voluntary, safe, and quality manner.

Thank you.