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INTERNATIONAL

UPDATES FROM THE UN

▪ **Durban Review Conference- April 20-24, 2009**

The Durban Review Conference took place from the 20th to the 24th of April 2009 in Geneva, Switzerland. It evaluated progress towards the goals set by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, South Africa, in 2001. The aim of the conference and of the document produced was to identify ‘concrete measures and initiatives at all levels’ to weed out racial discrimination and intolerance. The outcome document includes specific measures to address multiple forms of discrimination against vulnerable groups, such as migrant workers, refugees, asylum seekers and internally displaced persons, children, women and girls, persons with disabilities, victims of slavery and exploitation, trafficking and people living with HIV/AIDS. The document while focusing on countries in Asia and Africa urges the governments to promote greater participation and opportunities for indigenous peoples, and ethnic, linguistic or religious minority groups. While the document represents pledges by governments across the globe to tackle all forms of racial discrimination, it also underlines the important role of international and regional organizations, national human rights institutions, civil society and their cooperation in fighting the battle against racism.

<http://www.un.org/durbanreview2009/ddpa.shtml>

▪ **Special Rapporteur on VAW submits report on Political Economy of Women’s Human Rights to UN Assembly**

Prof. Yakin Ertürk, the SRVAW submitted her third report to the UN Assembly on Political Economy of Women’s Human Rights. The report draws attention to the linkages between violations of women’s human rights and neo liberal globalization. It brings out the material basis underlying socio cultural inequality of women, and expresses concern at the disproportionate impact of the current political and economic crisis on women – emphasizing the importance of ensuring women’s access to resources as part of the responses for elimination of violence.

http://www.wunrn.com/news/2009/05_09/05_25_09/052509_sr_files/SR%20VAW%20Report%20to%20UN%202009.pdf



INTERNATIONAL NEWS

▪ **Aung San Suu Kyi arrested**

A month before her house arrest period was about to get over, Aung San Suu Kyi has been arrested again and charged for breach of detention because of an uninvited US national who broke into her compound. It is interesting to note that the government is not considering the break-in by the man as a security lapse. Instead, it is being blamed on Ms. Suu Kyi, clearly as a ploy to forbid Ms. Suu Kyi from participating in elections which are scheduled to take place in 2010.

<http://news.bbc.co.uk/1/hi/world/asia-pacific/1950505.stm>

▪ **Four women are elected to the Parliament in Kuwait for the first time**

First time in the history of Kuwait, four women were elected to the Parliament. Kuwaiti women were first given the right to vote and run for office in 2005 but failed to win any seats in the 2006 and 2008 elections. There were 16 women among the 210 candidates for the 50-seat assembly in the 2009 election. Many hailed it as a victory for women and for Kuwaiti democracy.

http://www.gulfinthemedia.com/index.php?id=470177&news_type=Top=en

▪ **Swedish Marriage Code becomes gender neutral**

In a landmark decision, the Swedish Parliament passed a bill amending the Swedish Marriage Code, making it gender neutral. The amended legislation was passed by an overwhelming majority, 261 votes in favour, 22 against, 16 abstentions and 50 MPs absent. The new gender neutral Marriage Code entered into force on 1st May, 2009.

<http://www.sweden.se/eng/Home/Work-live/Equality/Facts/Gender-neutral-marriage-and-marriage-ceremonies/>

▪ **Uneven progress in human rights in relation to sex work and trafficking**

In a move to control trafficking and illegal migration into Netherlands, its Cabinet has passed a draft legislation that prosecutes both illegal prostitutes and their customers. In a similar case, Iceland imposed a ban on prostitution and stripping to prevent trafficking. These developments seek to penalize the already affected victim of trafficking and are inconsistent with the OHCHR's Recommended Principles and Guidelines



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on “Human Rights and Human Trafficking”. Human rights standards assert that responses to trafficking must protect human rights of the victim and not further penalize her by using law-and-order approach to trafficking. The OHCHR Recommended Principles and Guidelines on ‘Human Rights and Human Trafficking’ appeals to the governments “*to re-think restrictions on legal migration, legal protection under national and international labour law regardless of legality of status, and removal of gender bias in law that makes the immigration status of women contingent on their being ‘dependent spouses’.*”

http://www.nisnews.nl/public/280409_2.htm

http://icelandreview.com/icelandreview/daily_news/?cat_id=16539&ew_0_a_id=321477

▪ **California outlaws Same Sex Marriages**

The state Supreme Court in California upheld the Proposition 8 which was passed by 52 percent majority by the voters in California in November 2008. The Proposition outlawed same sex marriages by recognizing a marriage valid only when it is between a man and a woman. The voters who are said to be affiliated with Christian conservative groups raised nearly \$40 million for the campaign which has been recorded as the highest ever for a ballot measure on a social issue. The ruling, the court's third major decision on same-sex marriage in five years, may be the last word from the state's legal system on the issue. But the matter is far from settled in the political arena. Gay-rights advocates, anticipating the decision, have discussed putting another constitutional amendment on the ballot in 2010 or 2012 to try to repeal Proposition 8.

<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/05/26/BAE017PTAD.DTL&tsp=1>

http://www.mercurynews.com/ci_12451435?source=most_viewed

▪ **The US Senate rejects plans to close Guantanamo Bay Prison Camp**

The Senate rejected the plan of shutting down the Guantanamo Bay prison camp with a 90-6 voting when the White House could not satisfactorily present a plan as to the transfer of the 240 detainees. One of the first decisions taken by President Obama was to shut down the detention camp by January 2010. However, the officials have said the plan will ultimately rely on some combination of sending some prisoners overseas for release, transferring others to the custody of foreign governments, and moving the rest to facilities in the United States, either



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for military or civilian trials, or in some cases, perhaps, to be held without charges. But the prospect that detainees might be moved to American soil has run into strong opposition in Congress.

Guantanamo Bay Prison has been the subject of much international discussion because of the human rights violations in the prison camp. Throughout the world, human rights institutions have been demanding closing down of the prison camp. The prison which has many cases pending against it for human rights violations, received orders from the Bush administration to indefinitely detain any non-citizen who was believed to have been suspected to be involved in international terrorism.

<http://news.bbc.co.uk/2/hi/americas/8060350.stm>

NATIONAL NEWS

▪ Consent of parties to a marriage and not consent of their parents vital under the law

The Delhi High Court smoothened out the marriage plans of young couples under Special Marriage Act of 1954 by directing the marriage officers to not send prior notice of the wedding to their residences. While delivering the verdict, the Judge stated that the procedure did not have any authority of law and neither the Act nor the website of the Delhi Government required officers to send notices to the couple's residences or to local police stations. The court held that the unwarranted disclosure of marriage plans of two adults may jeopardize their marriage or endanger life and limb of either or both parties. The decision was taken in a petition filed by an engineer who wished to marry a 'manglik' woman; however the district marriage officer informed the couple that the notice of intended marriage would be sent to both parents. This urged the boy to file a petition against this provision in the high court.

Express Newsline (The Indian Express), May 21

▪ Legislative gap contributes to impunity for Child Sexual Abuse

Despite the recommendations of the Law Commission and the Women's Commission for drafting of a law on Child Sexual Abuse (CSA), successive governments have failed to do so. As a result, the existing penal provisions relating to adults on 'outraging of modesty', 'rape' and 'unnatural sex' continues to be used to partially prosecute cases of CSA. Given the range of acts falling under CSA, these legal provisions have failed to respond to the crime with seriousness or the severity it deserves, resulting in trivializing the offence, as reflected in a recent case. A recent



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case of digital rape of a 5 year old by a relative convicted the offender only for 2 years, despite a successful prosecution. Decrying this as travesty of justice, the Delhi High Court urged the Centre to implement the Law Commissions Report on the subject. For many years women's groups have been lobbying for a sexual assault law that covers a range of sexual violence including CSA, and have even submitted a draft Sexual Assault Bill on which no action has been taken by the Law Ministry.

The Hindu, May 2

- **Fast track courts set up to try the Godhra case and the post Godhra carnage**

The Gujarat High Court, following a directive of the Supreme Court, set up nine special fast track courts for the trial of nine cases of communal violence in Gujarat in 2002 being reinvestigated by the Special Investigation Team. Of the nine courts, four will function in Ahmedabad, including the one at Sabarmati Central Jail; two each in Mehsana and Anand and one in Himmatnagar, district headquarters of Sabarkantha, in North Gujarat.

The Hindu, May 9

- **Gujarat riot compensation order**

The Gujarat High Court has ordered authorities to speed up the distribution of compensation to the victims of the communal carnage of 2002. The ruling came in response to a complaint filed by some of the riot victims against the State Government. They said they were yet to receive the compensation, even though the Centre allocated a sum of more than \$52m last year.

http://news.bbc.co.uk/2/hi/south_asia/8050793.stm

- **'Illegitimate' children can inherit property**

In a recent landmark judgment, the Kerala High Court held that 'illegitimate' children are also entitled to inherit the property of parents along with the children born in valid marriage. The court also suggested to the Central government to enact the law to confer right of succession to all illegitimate children, irrespective of their religion, in tune with Section 125 of the CrPC which provides maintenance to be given to wife and children.

Rashtra Mahila. February 2009. p.1

<http://d2.dgroups.org/oneworld/cwds-bol>



▪ **Lok Adalat accepts maintenance rights of second wife and child**

A Lok Adalat held in Delhi ruled that a second wife along with her child also has the right to maintenance. The Lok Adalat was organized by Delhi Legal Services Authority (DLSA) in which 60 cases relating to maintenance and domestic violence were listed in four courts in the capital.

Rashtra Mahila. April 2009.p.3

<http://dgroups.org/ViewDiscussion.aspx?c=88241b94-6078-4f5d-8712-a3b0b8eda0c8&i=bf917c3d-256a-4ec9-a7bb-541f93d1f33e>

▪ **No one-day marriage for rape victim**

A lower court in Chandigarh has denied a rape victim's request to let the accused marry her for a day so that she can give her daughter a father's name. The victim had urged the court to direct the 21-year-old accused to marry her. The sole aim was to legitimize the relationship in order to give her child a father's name and divorce the husband the very next day.

Rashtra Mahila. April 2009.p.3

<http://dgroups.org/ViewDiscussion.aspx?c=88241b94-6078-4f5d-8712-a3b0b8eda0c8&i=f7044529-4c20-4b00-b4cc-dbd257c2b8ac>

▪ **Appeal Against the Parliamentary Committee Report on Sex Education**

Groups working on Violence Against Women, health, sexuality, education and human rights have appealed against the stand taken by Parliamentary Committee on sex education. The appeal asserts the need for sexuality and not sex education, besides de-mystifying the fears relating to sex education. The Committee led by Venkaiah Naidu was directed to probe the petition filed in the Rajya Sabha in August 2007 against imparting of sex education to the students of Class VI onwards in CBSE affiliated schools. The petitioners called for the withdrawal of sex education on the grounds that the curriculum was culturally inappropriate and would corrupt Indian youth; it would sexualize student teacher relationship; promote condom usage; create an immoral society and encourage single parent families. The Committee endorsed these views and strongly recommended an end to sex education on grounds that it 'pollutes the young and impressionable minds of students by exposing them to indecent material'. The Committee compared sex to basic instincts like food, fear, greed, coitus etc., and recommended that the focus of education should be on 'instinct control'.



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It is ironic that the Committee's report comes at the time of the 15th anniversary of International Conference on Population and Development (ICPD) when civil society groups have been lobbying with the Indian Government to introduce age appropriate, non-moralistic and fact based Sexuality Education for adolescents and youth at school level. This is also a necessary part of the governmental obligation under ICESCR, CRC and CEDAW to eliminate socio cultural discrimination and gender based violence against girls and women.

Report of the Parliamentary Committee on Sex Education:

<http://164.100.47.5:8080/newcommittee/reports/EnglishCommittees/Committee%20on%20Petitions/135%20Report.htm>

To endorse the appeal: icpd15sect@gmail.com

▪ **Kolkata Sex Workers march for labour rights on May day**

Around 500 sex workers in Sonagachi, Kolkata paraded down the streets of Kolkata at midnight to press for legalization of their profession. Organized by Durbar Mahila Samanway Committee, a self help group, they appealed for the Immoral Traffic Prevention Act (ITPA) to be discarded since it restricts them from earning their livelihood. In addition to demanding registration for their work, they demanded a voice in the Parliament and State Assemblies like all other professions. In the month of July last year, the sex workers of Kolkata had gone on an indefinite hunger strike, protesting against the ITPA. Sonagachi, a bustling red light district is home to around 15,000 sex workers. It is estimated that in West Bengal alone there are 70,000 sex workers. Although prostitution is illegal in India, it is a thriving underground industry and voluntary groups estimate that there are about two million women sex workers in India.

(ANI) May 2

<http://monthlyreview.org/mrzine/barden020509.html>

EVENTS/ANNOUNCEMENTS

▪ **CEDAW Capacity Building training in Jharkhand 15th-17th May 2009**

PLD organized a 3 day training workshop in Khunti district of Jharkhand, from May 15th-17th 2009. This workshop was organized with the support of ASHA, an organization based in Ranchi. This district level workshop was part of PLD's project on CEDAW Capacity Building, whereby there is an effort to popularize CEDAW principles at the grassroots level, and creation of state networks and resource pools on CEDAW.



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▪ Delhi Queer Pride March 2009

The Queer Pride March in Delhi for the year 2009 will be held on Sunday, the 28th of June. In Delhi, the March will commence at 5.30 pm at the corner of Barakhamba Road and Tolstoy Marg and end at Jantar Mantar. Chennai and Bangalore will also be holding their pride events simultaneously. The Pride March in Mumbai will take place on 16 August 2009.

▪ Working Group on Human Rights in India and at the UN

The Working Group on Human Rights in India and the UN (WGHR) was formed in New Delhi in January 2009. It was created in response to the deteriorating human rights situation, emerging new challenges including threats to those defending human rights of the vulnerable sections of the population. The group comprises of NGOs and independent experts from the field of human rights who have come together to use the UN system more effectively for the promotion and protection of human rights in India and to hold the Indian government accountable to its national and international human rights obligations. The WGHR is functioning as a platform based on six operating principles: (i) inclusiveness; (ii) agreeing on a common minimum agenda; (iii) non-domination; (iv) respecting the identity of each constituent; (v) observing mutual respect and; (vi) sustainability.

▪ Workshop on Communalism and Violence

JAGORI will be organizing a workshop on Communalism and Violence against Women from the 7th-9th July, 2009. The last date to send in the applications is 10th June, 2009.

▪ Seventh Annual Winter Course on Forced Migration

Calcutta Research Group (CRG) is organizing its Seventh Annual Winter Course on Forced Migration from 1st -15th December 2009. The winter course is aimed at scholars and educationists working on issues of rights and justice, functionaries of humanitarian organizations, national human rights institutions, peace studies scholars and activists, and minority groups, refugee communities, and women's rights activists. The course will be preceded by a two and a half month long programme of distance education. The full description of the course and the application procedure is available online at <http://www.mcrg.ac.in/wc.htm>.



RESOURCES

▪ **UNODC Launches Witness Protection Manual**

The United Nations Office on Drugs and Crime (UNODC) launched a manual on *Good Practices in the Protection of Witnesses in Criminal Proceedings Involving Organized Crime*. The publication aims at assisting UN Member States develop comprehensive programs for the protection of victims and witnesses of crime especially human trafficking. This manual through its witness protection programs aims to shield victims from intimidation by criminal groups who try to prevent justice from being done.

http://www.nisnews.nl/public/280409_2.htm

▪ **Report of PUCL-K on Cultural Policing**

Report by the PUCL-K on 'Cultural Policing in Dakshina Kannada: Vigilant Attacks on Women and Minorities, 2008-2009. This Report documents how sixty years after independence, the vision of the framers of the Constitution is sought to be so completely repudiated by organizations who indulge in cultural policing that aims to produce monolithic self-enclosed communities with no form of social interaction between them.

<http://youngfeminists.wordpress.com/2009/04/20/pucl-report-cultural-policing-in-dakshin-kannada/>