

Annual Newsletter Digest

2012

Partners for Law in Development



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- ❖ Army cannot invoke AFSPA in cases of rape and murder: Supreme Court
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- ❖ NCPCR makes public the guidelines on corporal punishment in schools
- ❖ Sex workers organise a Pride March in Sangli
- ❖ On his official visit to India, the UN Special Rapporteur on extrajudicial, summary and arbitrary executions expresses concern over high impunity enjoyed by army and police
- ❖ East Region, North-East and, North and West Region Consultation on Violations Relating to Women Targeted as Witches: PLD

- ❖ No straitjacket formula to determine consent in rape: SC
- ❖ Legal vacuum on sexual assault and impunity for moral policing make India unsafe for all women
- ❖ Activists compel NCW to reopen Soni Sori's case
- ❖ Highlights of PLD's workshop on VAW and the law' The Good, Bad and the Ugly: Introspecting Violence Against Women & the Law': October 27-31, 2012
- ❖ Homicidal gang rape case in Delhi leads to nation-wide outrage

Programmes/Policy/Institution

- ❖ Justice Dalveer Bhandari becomes first Indian as ICJ Judge in 20 years
- ❖ TN Govt. announced pension for impoverished transgender
- ❖ Maharashtra government proposes to make abortion a crime

RESOURCES

Tools of Justice: Non Discrimination and the Indian Constitution	Kalpana Kannabiran
Staying Alive: Fifth Monitoring and Evaluation Report of the PWDVA	LC and ICRW
Section 498 A: A Report Based Upon Analyzing Data from NCRB: 2005-09	Swayam
Our Pictures, Our Words: A Visual Journey through the Women's Movement	Laxmi Murthy and Rajashri Dasgupta
New website on Optional Protocol to CEDAW	http://opcedaw.wordpress.com
Global Report on the Situation of Women Human Rights Defenders	WHRD International Coalition
Web archives and new report	ICRHP
Sexual Rights and the Universal Periodic Review: A Toolkit for Advocate	SRI and IPPF
Whose Right to Life? Women's Rights and Prenatal Protections under Human Rights and Comparative Law	Center for Reproductive Rights
'Honour' and Women's Rights: South Asian Perspectives'	MASUM and IDRC
Nation building, Gender and War Crimes in South Asia	Bina D'Costa
Annual Human Rights Report of 2011 call attention to increasing cases of honour killings	Human Rights Commission of Pakistan
The Convention on the Elimination of All Forms of Discrimination http://www.awid.org/News-Analysis/New-Resources2/A-New-Resource-The-	A Commentary

Convention-on-the-Elimination-of-All-Forms-of-Discrimination-A-Commentary	
Count Me IN! Research Report on Violence Against Disabled, Lesbian, and Sex-working Women in Bangladesh, India, and Nepal	CREA
New website on sexuality and disability	CREA and Point of View
'Gujarat's Internally Displaced: Ten Years Later'	Janvikas
Gender Report Card 2011	International Criminal Court
Catalogue on Human Rights and Gender Identity	ILGA-Europe and TGEU
Thematic report on Discrimination against trans and intersex people on the grounds of sex, gender, identity and gender expression	European Commission
'Strengthening the United Nations Human Rights Treaty Body system'	Report by the OHCHR
'Injustice at Every Turn: A Look at Asian American, South Asian, Southeast Asian, and Pacific Islander Respondents in the National Transgender Discrimination Survey'	NCTE and NQAPIA
'Sexual Orientation, Gender Identity, and Justice: A Comparative Law Casebook'	ICJ
'Born Free and Equal'	United Nations Human Rights Office
'Developing Capacities for Strengthening the Application of CEDAW: A Trainer's Guide'	PLD
'The Crisis of Maternity: Healthcare and Maternity Protection for Women Wage Workers in the Informal Sector in India'	Sahayog
'Building Inclusive Cities Women's Safety and the Right to the City'	Routledge
'Women and Justice Collection': online library	Cornell Law School
CEDAW in Action' a blog	PLD
Khulti Parten: Yaunikta Aur Hum Vol 1 & 2 (Hindi)'	Nirantar
'Building the Evidence Base for Protecting and Promoting the Rights of Lesbian, Gay, Bisexual, Transgender, Intersex (LGBTI) children in Nepal: An assessment'	Save the Children, Nepal and Blue Diamond Society
'Targeting Women as Witches: Trends, Prevalence and the Law in Northern, Western, Eastern and Northeastern Regions of India'	Partners for Law in Development
'Cartographies of Empowerment: The Story of Mahila Samakhya'	Vimala Ramachandran & Kameshwari Jandhyala
'Changing Their World: Concepts and Practices of Women's Movements 2nd Edition'	AWID
'Advocate for sexual diversity education: A Guide to Advocate for Enhanced Quality of Education Dealing with Sexual Diversity'	GALE
'Human Rights in India - Status Report 2012'	WGHR

UPDATES FROM THE UN

UN Secretary General releases report highlighting conflict related sexual violence

The Secretary General released his report to the General Assembly pursuant to paragraph 18 of Security Council resolution 1960 (2010) asking him to submit a report on the implementation of that resolution, as well as resolutions 1820 (2008) and 1888 (2009). The report updates progress made in the implementation of the monitoring, analysis and reporting arrangements and the placement of women's protection advisers; provides information on parties to conflict credibly suspected of committing or being responsible for acts of rape or other forms of sexual violence; highlights major outcomes of missions and political engagements undertaken by the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Team of Experts on the Rule of Law and Sexual Violence in Conflict; describes key initiatives taken by the United Nations to address conflict-related sexual violence; and outlines recommendations.

Source: http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/33

ICC delivers its first judgment against use of child soldiers in conflict in Eastern DRC

In a historic judgement, the International Criminal Court (ICC) convicted Thomas Lubanga for conscripting, enlisting and using children under the age of 15 and using them to participate in an armed conflict from September 2002 to August 2003 in Eastern Democratic Republic of Congo. He now faces a maximum sentence of life imprisonment. Human rights activists have hailed the judgement as being monumental in the struggle against impunity, however they were concerned that Lubanga was not explicitly charged with sexual and gender based crimes. During the trial, the appeals chamber rejected an attempt by the victims participating in the case to amend the charges to include gender crimes. However, in the course of presenting evidence, witnesses raised the use of girls as soldiers and the abuse of girls and women as sex slaves.

Thomas Lubanga as the leader of the group President of the Union des patriots Congolais (UPC) during the conflict of 2002-03, a rebel militia to dominate Eastern DRC's Ituri region, home to one of the world's most lucrative gold reserves. Children as young as 11 were recruited from their homes and schools, were taken to military training camps and beaten and drugged and used as sex slaves.

Source: <http://www.iccwomen.org/WI-WomVoices4-12-FULL/WomVoices4-12.html>
<http://www.guardian.co.uk/law/2012/mar/14/lubanga-icc-milestone-accountability>

UNHCR guidelines for determination of refugee status of SOGI

The United Nations High Commission for Refugees (UNHCR) has come out with guidelines that are intended to provide legal interpretative guidance for governments, legal practitioners, decision makers and the judiciary, as well as UNHCR staff carrying out refugee status determination under its mandate. The guidelines provide substantive and procedural guidance on the determination of refugee status of individuals on the basis of their sexual orientation and/or gender identity, with a view to ensuring a proper

and harmonized interpretation of the definition of refugee in the 1951 Convention relating to the Status of Refugees.

The guidelines can be accessed [here](#).

Source: <http://www.unhcr.org/refworld/docid/50348afc2.html>

UN GA adopts resolution banning FGM

The United Nations General Assembly's Human Rights Committee has adopted a resolution that calls for a global ban on female genital mutilation (FGM). It has called upon the 193 member states to condemn the practice and launch educational campaign for girls, boys, men and women, to eliminate it. It also urges all countries to enact and enforce legislation to prohibit FGM, to protect women and girls "from this form of violence" and to end impunity for violators.

Source: <http://www.guardian.co.uk/society/2012/nov/27/un-ban-female-genital-mutilation>

INDEPENDENT MECHANISMS AND REPORTS

SR VAW releases report on the expert group meeting on gender-motivated killings of women

Special Rapporteur on violence against women, its causes and consequences released a thematic report in the twentieth session of the HRC on gender-related killings of women. The report holds gender related killings of women an 'extreme manifestation of violence against women.' The report lays down that "(such) killings are not isolated incidents that arise suddenly and unexpectedly, but represent the ultimate act of violence which is experienced in a continuum of violence." The SR raises these killings as a concern because of the impunity furnished to them due to a perceived cultural and social rootedness. She calls on states to act with due diligence for 'promotion and protection of human rights which is largely lacking as regards the killing of women.

The report is available here:

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/136/00/PDF/G1213600.pdf?OpenElement>

Summary report on the expert group meeting on gender-motivated killings of women: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-16-Add4_en.pdf

UN SR on VAW submits her third thematic report to HRC

The UN Special Rapporteur on violence against women, its cause and consequences submitted her third thematic report to the Human Rights Council. The report focuses on the comprehensive approach which should be adopted by governments in addressing the gender related killings of women, and key recommendations to that end. In her report she notes that 'rather than a new form of violence, gender-

related killings are the extreme manifestation of existing forms of violence against women. Such killings are not isolated incidents that arise suddenly and unexpectedly, but represent the ultimate act of violence which is experienced in a continuum of violence.’

The report also notes that religious, cultural, and social norms and beliefs are largely the causal factors for harmful practices resulting in violence against women. Therefore countries’ efforts to comply must also address these structural causes.

The report can be accessed [here](#).

Source: <http://www.ohchr.org/EN/NewsEvents/Pages/ImpunityForVAWGGlobalConcern.aspx>

UN SR on trafficking submits her annual report to HR Commission

The UN Special Rapporteur on trafficking in persons, especially women and children submitted her annual report and recommendations on measures required to uphold and protect the human rights of the victims to the Commission of Human Rights. The report outlines the activities of the SR from 1 July 2011 to 29 February 2012, and contains a thematic analysis of the integration of a human rights-based approach in the administration of criminal justice in cases of trafficking in persons.

It further outlines the international legal framework and reviews key components, including the criminalization of trafficking offences and the non-criminalization of trafficked persons drawing on State responses to her questionnaire; the SR provides an overview of trends in State practice, highlighting emerging good practices and common challenges.

The report can be accessed [here](#).

Source: <http://www.ohchr.org/EN/Issues/Trafficking/Pages/TraffickingIndex.aspx>

UN SR on contemporary forms of slavery submits report on servile marriage

The UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences submitted her thematic report on the issue of servile marriage, in which a spouse is reduced to a commodity over whom any or all the powers of ownership is attached. The report discusses the root causes of servile marriage, which include gender inequality, ideas of family honour, poverty, conflict and cultural and religious practices. It also outlines the various forms of servile marriage, as defined in the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, and highlights the need to view such marriages as forms of slavery so as to better inform and shape actions to prevent servile marriage and support victims.

The report can be accessed [here](#).

Source: http://www.wunrn.com/news/2012/08_12/08_20/082012_servile.htm

UN SR on poverty submits final draft of guiding principles to HRC

The UN Special Rapporteur on extreme poverty and human rights submitted her final draft of the guiding principles on extreme poverty and human rights to the Human Rights Council. The guiding principles were prepared on the basis of consultations with States and other stakeholders since the initiation of the original drafting process in 2001.

The guiding principles are premised on the understanding that eradicating extreme poverty is not only a moral duty but also a legal obligation under existing international human rights law.

The Final draft can be accessed [here](#).

Source: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12598&LangID=E>

UN SR on human rights defenders submits her 5th report to GA

The UN SR on human rights defenders submitted her fifth report to the General Assembly on the situation of human rights defenders. The report focuses on the use of legislation to regulate the activities of human rights defenders, in the light of considerable concern about legislation being adopted and/or enforced in ways that restrict the activities of human rights defenders in various countries, across continents and in diverse political and social contexts. It takes note of recent legislative developments in a number of countries that are not in compliance with international human rights standards, notably the Declaration on Human Rights Defenders, and that do not contribute to a conducive working environment for defenders.

The report takes into account principles developed by other special rapporteurs on issues relevant to the report and provides recommendations and guidance and lays down the manner in which to ensure that various types of national legislation contribute to a more conducive working environment for human rights defenders.

The report can be accessed [here](#).

SR on Cultural Rights submits report to GA underlining rights of women to cultural life

Special Rapporteur in the field of Cultural Rights submitted her report to the General Assembly. The report proposes to shift the paradigm from one that views culture as an obstacle to women's rights to one that seeks to ensure equal enjoyment of cultural rights; such an approach also constitutes an important tool for the realization of all their human rights. The report underlines the right of women to have access to, participate in and contribute to all aspects of cultural life. This encompasses their right to actively engage in identifying and interpreting cultural heritage and to decide which cultural traditions, values or practices are to be kept, reoriented, modified or discarded.

The report can be accessed [here](#).

SR on extreme poverty analyses obstacles to access to justice in her report to GA

The Special Rapporteur on extreme poverty and human rights submitted her report to the General Assembly. The report analyses the obstacles to access to justice for persons living in poverty. Access to justice is a fundamental right in itself and essential for the protection and promotion of all other civil,

cultural, economic, political and social rights. Without effective and affordable access to justice, persons living in poverty are denied the opportunity to claim their rights or challenge crimes, abuses or human rights violations committed against them.

The Special Rapporteur emphasizes that improving access to justice for persons living in poverty requires tackling a range of legal and extralegal obstacles present both within and outside of the formal justice system, including social, economic and structural obstacles.

The report can be accessed [here](#).

Source: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12750&LangID=E>

SR on VAW submits report on violence against women with disabilities

The Special Rapporteur on violence against women, its causes and consequences has submitted her report on advancement of women to the General Assembly. The report provides an overview of the activities of the Special Rapporteur and discusses the issue of violence against women with disabilities.

The report takes notes of the lack of a specific and comprehensive law, policy or programme on persons with disabilities in general or on women with disabilities in particular. It further notes that states that have a disability law do not specifically address the rights of women with disabilities in general, or violence specifically. States may also have a specific law on violence against women that generally provides remedies for all women, within a non-discriminatory framework. Unfortunately, such laws are not effectively implemented in respect of women with disabilities.

The report can be accessed [here](#).

CEDAW RELATED NEWS

CEDAW Committee raises concern over non- addressal of gender stereotyping by States

The CEDAW Committee through its mechanism of the Optional Protocol has held that States failure to address gender stereotypes leads to a failure to protect survivors of violence and prevent them to undergo further discrimination. The case was of a Bulgarian woman who moved to Poland with her husband and children. Following continued domestic abuse and pending divorce proceedings she returned to Bulgaria seeking protection. However, the Bulgarian authorities failed to respond to her and refused to grant a protection order as there had been no abuse for a month thereby concluding that “there was no imminent danger or threat to life”. The Committee found that the refusal to grant a permanent protection order was based on gender stereotypes related to domestic violence. It also found that the divorce proceedings had been influenced by gender stereotypes related to the roles and behaviour expected of men and women within marriage and family relations. According to the Committee, reliance on these gender stereotypes amounted to discrimination and also resulted in the re-victimization of woman, in violation of articles 2(d) and 2(f) of CEDAW as well as article 5 (a), read in conjunction with article 16(1) and the Committee’s General Recommendation No. 19 on violence against women.

Decision of the CEDAW Committee in Bulgarian case:
<http://www2.ohchr.org/english/law/docs/CEDAW-C-49-D-20-2008.pdf>

REGIONAL HUMAN RIGHTS SYSTEMS

ECHR creates history by condemning homophobic behaviour in prison

The European Court of Human Rights (ECHR), for the first time since its existence, found that a complaint related to sexual orientation discrimination yielded a violation of Article 3 of European Convention on Human Rights. The judgment of *X. v. Turkey* concerns a young homosexual inmate, convicted for credit card fraud and forgery, who was intimidated and bullied by his fellow prisoners. After he complained to the prison authorities, he was placed in solitary confinement. As a result of this treatment the complainant started to suffer from depression.

ECHR noted that in this case, an adequate risk assessment had not been made at all. The person deciding on whether the detention circumstances had to be changed, after the complainant had complained about them, stated that his solitary confinement was preventive, since no risk could be taken that a transvestite would be lynched. The Court concluded that the complainant's sexual orientation rather than mere preventive concerns about his safety had been the main reason for keeping him in solitary confinement. Thus, he had suffered discrimination on the basis of sexual orientation for which no justification had been put forward.

The Judgment can be accessed [here](#).

Source: <http://echrblog.blogspot.in/2012/10/court-condemns-homophobic-treatment-in.html>

INTERNATIONAL LEGAL DEVELOPMENT

Asia

Pakistan Senate unanimously passes Domestic Violence (Prevention and Protection) Bill

Pakistan's Senate has passed the Domestic Violence (Prevention and Protection) Bill making violence against women and children an offence carrying jail terms and fines. The Act was passed unanimously in the National Assembly, the lower house of parliament, in August 2009. It will come into effect after the President's assent. The law classifies as acts of physical, sexual or mental assault, force, criminal intimidation, harassment, hurt, confinement and deprivation of economic or financial resources under 'domestic violence'. Besides children and women, the act also provides protection to the adopted, employed and domestic associates in a household.

Source: <http://tribune.com.pk/story/339308/senate-unanimously-passes-domestic-violence-bill/>

Pakistan women's commission gains autonomous status

The Pakistan Senate unanimously approved the “National Commission on the Status of Women Bill 2012” to protect women’s rights against every kind of discrimination. The new bill replaces the National Commission on the Status of Women Ordinance from 2000 and strengthens the Commission by giving it financial and administrative autonomy through an independent Secretariat.

The Commission will investigate and gather information on issues regarding women’s rights, as well as have increased responsibilities to oversee the international commitments made by the government on all women’s issues. The newly adopted bill also changes the status of the Commission’s Chairperson who will now have the seniority of a State Minister, making recommendations directly to the national cabinet. Women’s groups have lobbied for the strengthening of the Commission for years, and the bill underwent many revisions in the National Assembly, before amendments were introduced. While previous governments had consolidated temporary Commissions into one permanent body in 2000, the main drawback was that the Secretariat of the Commission was placed in the Ministry of Women’s Development, leading to lengthy bureaucratic procedures and red-tape.

Source:

<http://www.unwomen.org/2012/02/historic-gain-for-women-in-pakistan-as-womens-commission-gains-autonomous-status/>

Israel amends Sexual Harassment Law extending the timeframe to file sexual harassment suit

In a positive development, Israel’s parliament, the Knesset, passed an amendment to the Prevention of Sexual Harassment Law, which extended the statute of limitations for filing a sexual harassment suit from three years from the date of the act to seven years. The extension is based on the view that there are special characteristics of these types of offenses, taking into account the ‘long process required for victims to recognize that they have suffered from harassment, loss of employment, and the time necessary to deal with feelings of guilt and fear of exposure’.

According to the original 1998 law, sexual harassment includes, “threats, indecent acts, repeated sexual offers, or comments focusing on a person's sexuality when the person has expressed a lack of interest in such offers or comments, as well as demeaning behaviour towards a person regarding his or her gender, sexuality, or sexual orientation”.

Source: http://www.stopvaw.org/israel_prevention_of_sexual_harassment_law_amended.html
http://www.loc.gov/lawweb/servlet/lloc_news?disp3_1205402983_text

Maldives appoints new Ministry of Gender, Family and Human Rights

President Dr Mohamed Waheed has established a new Ministry of Gender, Family and Human Rights, and appointed Dhiyana Saeed of Goaranvila, S. Hulhudhoo as the Minister. Dhiyana Saeed served as Attorney General and SAARC Secretary General in the previous administration led by Nasheed. However, she expressed her displeasure with the fact that the mandate of the Ministry had been put forward to the Parliament without any discussion with her. She revealed that the government had requested her to take up the office after the notion to establish the new ministry had been submitted to the Parliament.

Source: <http://www.haveeru.com.mv/news/41861>,<http://sun.mv/english/3024>

Pak SC rules that eunuchs entitled to all constitutional rights

Transsexuals and eunuchs in Pakistan finally won recognition following three years of interest shown by the Pakistan Supreme Court (SC). The SC, while disposing a case ruled that eunuchs were entitled to all the rights guaranteed in the Constitution of Pakistan to all citizens including the right of inheritance and the right to adopt any profession.

The issue of violations of the constitutional rights of transsexuals and eunuchs first surfaced in Pakistan in 2009 after police arrested some eunuchs by raiding a party in Taxila. Dr Mohammad Aslam Khaki, an Islamic jurist and human rights activist, stood up for their rights upon discovery that not a single human rights group or non-governmental organisation (NGO) was working for the rights of this community in the country and filed a petition seeking the establishment of a commission to safeguard the rights of the transgender community. While concluding the proceedings, the bench appreciated the appointment of focal persons among the eunuch community in all the provinces to represent the community and help address issues being faced by them. In addition, the court directed all federal and provincial health and education secretaries and the chief commissioner of Islamabad to coordinate with the representatives of the transgender community in order to provide free healthcare and education to them.

Even though the judgment itself is welcomed, however, now it has to be seen whether this decision would be successful in changing the mind-sets of people towards eunuchs.

Source: <http://tribune.com.pk/story/442516/ensuring-equality-transgenders-equal-citizens-of-pakistan-rules-sc/>

Nepal successfully held its first LGBTI sports festival

Nepal held its first South Asian Lesbian, Gay, Bisexual and Transgender Sports Festival at Katmandu. The three-day event showed how attitudes are changing, albeit slowly, in the conservative, Hindu-majority nation. The athletes were accompanied by masked dancers and Panchebaja -- musicians playing Nepal's traditional instruments including pipes and drums.

Homosexuality is still taboo in Nepal, which does not have clear laws about the rights of the increasingly assertive gay community. Though same sex marriages have taken place in public but wedding certificates are not given by authorities as there are no laws that recognise such unions. Gays still face numerous difficulties. Schools and colleges won't accept them, and they have trouble getting national identity cards in the gender they prefer. However, with the success of the sports festival, the situation of the LGBTI community in Nepal is looking up.

Source: [http://in.reuters.com/article/2012/10/15/nepal-gay-games-idINDEE89E03U20121015?feedType=RSS&feedName=topNews&utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+reuters%2FINtopNews+\(News+%2F+IN+%2F+Top+News\)](http://in.reuters.com/article/2012/10/15/nepal-gay-games-idINDEE89E03U20121015?feedType=RSS&feedName=topNews&utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+reuters%2FINtopNews+(News+%2F+IN+%2F+Top+News))

Beyond Asia

Nicaragua: Parliament Approves Violence against Women Act

In a landmark decision, the Nicaraguan Parliament approved a Comprehensive Violence against Women Act. The Act recognizes different forms of violence against women, including femicide and those related to physical, psychological, property, economic, and sexual and workplace, as criminal acts punishable by law. The Act calls for an inter-institutional commission to address violence against women, and makes any acts of violence perpetrated by government officials punishable.

Additionally, the Nicaraguan Parliament agreed to reform the penal code, increasing maximum prison sentences for femicide and other forms of violence against women. The Act comes after a long struggle by women's rights activists; the bill was proposed in October 2011 as the culmination of an extensive process in which 2,500 female victims of violence gave their testimonies and expressed the need for a special law that would put an end to violence against women in Nicaragua.

Source: <http://awid.org/Library/Women-s-Advocates-in-Nicaragua-Celebrate-Law-on-Violence-Against-Women>

Ontario Court of Appeal upholds rights of sex workers

In a promising decision, the Ontario Court of Appeal while upholding the rights of sex workers ruled that two elements of Canada's prostitution laws violate the fundamental rights of women and thus were unconstitutional. The two provisions are the 'bawdy-house provisions' and the 'living-off-the-avails provisions.' The ruling allows them to hire a driver or a bodyguard, for example, as a way to ensure their safety – practices that were previously criminalized under the living-off-the-avails provision. It enables women to work together out of the same apartment; as previously criminalized under the bawdy-house provisions. The ruling meant that women could now work together and more safely.

The ruling has been welcomed by feminists as an 'explicit and welcome statement that the question at hand is not one of morality, but rather, of constitutionality.' However they have also raised concern over the harm caused by the "communicating" provision of the Criminal Code, which still stands. The communication provision according to them undermines women's autonomy in relation to work and sexuality which is enhanced when women can communicate. For instance, sex workers' ability to protect themselves from violence would be facilitated if they could communicate clearly with potential clients about all work-related matters.

Source: <http://www.montrealgazette.com/news/Feminists+celebrate+prostitution+ruling+step+forward/6380643/story.html#ixzz1uTDMJz2J>

German Regional court criminalizes circumcision of young boys in the name of religion

In a controversial move, the Cologne regional court (Landgericht Köln) of Germany ruled that circumcision of young boys is a criminal act, prohibited by law, even if parents have consented to the procedure. The decision is grounded on the reasoning that such circumcisions cause "illegal bodily harm" to the children, and that the child's right to physical integrity supersedes parents' rights and the freedom of religion.

The case involved the circumcision of a four-year-old Muslim boy that was performed by a doctor at the parents' request. However, complications occurred with the operation that resulted in the Cologne public prosecutor bringing suit against the doctor. The district court, hearing the

case in the first instance, acquitted the doctor, on the grounds that there was parental consent and that he had performed the procedure as a ritual act based on Islam. The Cologne regional court upheld the lower court's ruling, but on different grounds; that the doctor had believed he would be acting lawfully, in the context of an unclear legal situation surrounding the practice. While the court held that religious circumcisions in fact are to be deemed illegal because they violate the child's right to physical integrity and self-determination, it differentiated such acts from instances when a circumcision is medically necessary.

The move has typically sparked angry responses from Jewish and Islamic groups who have criticized the judgment as 'infringing upon the right to freedom of religion', defended by others who view this as a step towards regulating religiously motivated violence against children. Women's groups have condemned the decision as it seeks to project male and female circumcision on the same footing when it is actually not so.

Source: http://www.loc.gov/lawweb/servlet/lloc_news?disp3_l205403226_text
<http://www.dailymail.co.uk/news/article-2165431/Religious-groups-outraged-German-court-rules-circumcision-amounts-bodily-harm.html>
www.guardian.co.uk/world/2012/jun/27/circumcision-ruling-germany-muslim-jewish

Argentina becomes the first country in the world to pass a gender identity law

In a promising development, Argentina became the first country to pass the gender identity law which enables people to change their gender on official documents without getting approval from a medical or judicial authority. The law, which was unanimously passed, came into force on 5th June 2012. According to this law, if individuals wish to change their sex, it shall be the duty of the insurance company to provide such individuals with the surgery or hormone therapy at no additional cost. Argentina was also the first Latin-American country to legalise same-sex marriage

In an emotional ceremony, the Argentina's president Cristina Fernandez de Kirchner handed out new identity cards, to several transgender leaders. Co-parenting certificates were also handed out to lesbian couples who started raising children before the Argentinean marriage equality law was passed in 2010. A legal loophole prevented such parents from registering their children. A new presidential decree, which was signed in the beginning of the month, gives such parents a year to register those children as their own.

Source: http://www.huffingtonpost.com/2012/06/05/argentina-gender-identity-law-takes-effect_n_1570830.html
http://www.washingtonpost.com/world/the_americas/argentine-leader-proudly-delivers-new-identity-cards-to-transsexuals-saying-equality-matters/2012/07/02/gJQAAQ7BJW_story.html
<http://www.nytimes.com/2012/05/25/world/americas/transgender-advocates-hail-argentina-law.html>
Op-ed: <http://feministing.com/2012/05/11/friday-feminist-fuck-yeah-argentina-makes-history-with-new-gender-identity-law/>
Video: <http://www.youtube.com/watch?v=lcJR4EHmQvg&feature=youtu.be>

New Zealand allows for separate gender code for trans people in passports without supporting documentation

Following Argentina's example, in a groundbreaking move, New Zealand Passport Office has proposed to change the gender code on the passports for trans people without submission of medical declarations or court papers. Currently trans people can get an X code on Kiwi passports, however that can only be after a Family Court declaration that allows you to change the birth certificate. In turn, that declaration is possible, only if the person has medical evidence showing that they are in transition from one gender to another, such as undergoing hormone replacement therapy, or have had gender reassignment surgery. Some other countries to have included gender codes for the 'third sex' or separate category for indeterminate sex in their administrative documents are Nepal, India, Australia, Bangladesh, and the UK

Source: <http://transgriot.blogspot.in/2012/07/new-zealand-considering-trans-passport.html>
<http://www.worldpolicy.org/blog/2012/02/01/dividing-three-nepal-recognizes-third-gender>

Tunisian draft constitution refers to women as 'complementary to women'

In what is seen as a push by the Tunisian government for constitutional changes that would degrade women's status, the government has unveiled a draft constitution which refers to women as 'complementary to men'. Women's rights advocates are concerned that the proposed Constitutional changes erode the pioneering 1956 law that granted women full equality with men, and demand retention of sex equality.

Activists fear the terminology changes will gradually roll back women's rights. Tunisia, alone among Arab countries, permits abortion. Women of all classes play a prominent role in public life and the economy, including as bus drivers and police officers. Married women frequently make their own career and lifestyle decisions. As thousands of people took to the streets to protest the draft constitution, activists were concerned that once approved, the new rules would lead to future setbacks.

Source: <http://www.guardian.co.uk/world/2012/aug/14/tunisians-demand-protection-womens-rights>

Transgender no longer labelled as a mental health disorder in USA

In a welcome move, the Diagnostic and Statistical Manual of Mental Disorders (DSM), published by the American Psychiatric Association will be replacing the term 'Gender Identity Disorder' with 'Gender Dysphoria'. This change is a result of years of lobbying the American Psychiatric Association to change or remove the 'mentally ill' characterization given to all who are transgender. Individuals may now be diagnosed with Gender Dysphoria, 'a marked incongruence between one's experienced/expressed gender and assigned gender.'

Source: <http://dot429.com/articles/1119>

Mobilization of autonomous feminist movement the most important force impacting VAW reveals study

A study conducted over four decades in 70 countries by the American Political Science Review and published by Cambridge University Press on violence against women revealed the mobilization of feminist movements is more important for change than the wealth of nations, left-wing political parties, or the number of women politicians.

The study found that in feminist movements that were autonomous from political parties and the state, women were able to articulate and organize around their top priorities as women, without having to answer to broader organizational concerns or men's needs. Mobilizing across countries, feminist movements urged governments to approve global and regional norms and agreements on violence.

Source: http://www.cambridge.org/home/press_releases/display/item7122236/?site_locale=it_IT

DOMA declared unconstitutional by a US Court of Appeals

The 2nd U.S. Circuit Court of Appeals in New York has ruled that a law defining marriage as a union between a man and a woman is unconstitutional. It opined that discrimination against gays should be scrutinized by the courts in the same heightened way as discrimination faced by women was in the 1970s. The heightened scrutiny, as it is referred to in legal circles, would mean government discrimination against gays would be assumed to be unconstitutional. The ruling came after a woman filed a petition against the government because she was asked to pay \$ 363,053 in federal estate tax after her partner of 44 years died in 2009 and left her estate to the petitioner. The petition was on the ground that the Defense of Marriage Act, 1996 (DOMA) discriminates against gay and lesbian couples, violating equal protection provisions of the US constitution.

Since 1996, six states have legalised same-sex marriage but, because of DOMA, the federal government does not recognise same-sex marriages performed in those states.

Source: http://www.huffingtonpost.com/2012/10/18/doma-defense-of-marriage-act_n_1980197.html
<http://www.guardian.co.uk/society/2012/oct/18/defense-of-marriage-act-unconstitutional>

Ireland to revise abortion laws after Indian dentist dies following denial of abortion during miscarriage

Following the death of an Indian dentist Savita Hallapanvar, who was denied termination of miscarriage pregnancy and subsequently succumbed to septicaemia in Ireland, the Irish government has declared to revise abortion laws that will allow limited access to abortion when the life of the mother is at risk.

The present draconian constitutional ban on abortion in Ireland prioritizes the interest of the State dominated by religion above the life of women, divesting women of the right to opt for abortion even when their life is at risk. The law fails to recognize women as autonomous beings whose reproductive health is integral to their whole well being. The Irish government had maintained silence on clarifying the terms under which abortion is legal as recommended by the European Court of Human Rights in 2010.

Halappanavar's case is indicative of the possible danger of vague anti-abortion laws and the very real, dreadful outcomes of denying women access to abortion procedures.

Source: <http://www.dailymail.co.uk/news/article-2232676/Savita-Halappanavar-dies-Irish-doctors-refuse-abortion-saying-This-Catholic-country.html>

<http://www.guardian.co.uk/world/2012/nov/14/ireland-abortion-ban-history>

<http://in.reuters.com/article/2012/12/18/ireland-abortion-india-idINDEE8BH0EH20121218>

Anti-homosexuality bill is up again for debate in Uganda

The anti-homosexuality bill also famous as ‘kill the gay bill’ has been reintroduced in the parliament after 2009; earlier it was shelved following international condemnation. The current bill endorses capital punishment for individuals found guilty of ‘aggravated homosexuality’, broadly defined to include, among other acts, same-sex relations with an individual who is under 18 years old or who has a disability, where the accused is a person living with HIV (regardless of whether or not the accused is aware of his or her status), or where the accused has been previously convicted of the ‘offense of homosexuality.’ It would also criminalise the public promotion of homosexuality including discussions by rights groups with a sentence of up to seven years in prison for anyone convicted. With parliament adjourning until 2013, the bill will now not be discussed until next February

The proposed anti-homosexuality law, if enacted, will be a major blow to Uganda’s obligations to provide everyone equal protection of the law under the constitution and international human rights treaties.

Source: <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/uganda/9069297/Ugandan-parliament-reintroduces-gay-rights-bill.html>

Op-ed: <http://thinkafricapress.com/uganda/experts-weekly-ugandas-anti-homosexuality-bill>

National

New Law/Amendments

Cabinet approves the Marriage Laws (Amendment) Bill 2010

The cabinet has approved the Marriage Laws (Amendment) Bill 2010. The Bill provides women the right to their husband’s property and also aims at giving rights to adopted children on par with biological off-springs. The Marriage Laws (Amendment) Bill, 2010, was introduced in the Rajya Sabha two years ago and then referred to the Parliamentary Standing Committee on Law and Justice and Personnel. Supporting the Bill which sought to make “irretrievable breakdown of marriage” a new ground for grant of divorce, the Standing Committee had in March last year opposed doing away with the prevailing waiting period before moving a joint motion for annulling marriage. The Bill will ensure that either of the parties who come to court for divorce by consent do not willfully keep the divorce proceedings inconclusive by avoiding the court.

Source: <http://www.ndtv.com/article/india/cabinet-clears-major-changes-in-marriage-adoption-laws-189371>

Rajya Sabha passes the Protection of Children against Sexual Offences Bill, 2011

The Rajya Sabha has passed Protection of Children against Sexual Offences Bill, 2011. The Bill provides for special courts and stringent punishment including life imprisonment for sexual assault against a minor. However activists have expressed grave concern over the regressive provision that seeks to penalise young persons who are exploring their sexuality by making sexual intercourse below the age 18 an offence. Such a provision would allow the enforcement authorities to harass young couples between the ages of 16 to 18 years. During the debates around the Bill the age of consent was contested with the civil society largely of the opinion that the age of consent should be 16 years.

Source: <http://timesofindia.indiatimes.com/india/Rajya-Sabha-passes-bill-to-protect-children-against-sexual-abuse/articleshow/13089517.cms>, <http://www.indianexpress.com/news/bill-to-protect-children-from-sexual-abuse-passed-in-rs/947851/2>

Parliament passes the Protection of Children from Sexual Offences Bill, 2012

The Parliament has passed the controversial Protection of Children from Sexual Offences Bill, 2012. The Bill, though highly welcomed, has created a lot of stir among child rights, women's rights and human rights groups for increasing the statutory age of consent to 18 years, thereby making it an offence for anyone below the age of 18 indulging in any form of consensual sexual activity. Such a provision disregards sexuality of young persons, besides facilitating harassment and moral policing of young couples between the ages of 16 to 18 years. In a context where families are known to misuse the law to punish and obstruct adult offspring the exercise of choice in marriages and intimate relationships, the dangers of the new law are all too evident to be ignored. The law creates a new offence of 'culpable intention' that potentially strikes agencies and persons, including NGO's and family members who hesitate to report a child sexual abuse case to the police .

Despite its severity, the law remains silent on the issue of marital rape in marriages of minors. By implication therefore, the Indian Penal Code (IPC) shall continue to apply to marital rape, which views marital rape of minor wife as an offence only when the wife is below 15 years. The bill is widely critiqued as being moralistic rather than helpful and enabling redress for children and young persons from sexual abuse.

'What is required is to address behaviour among young people in various appropriate ways and break the silence around intimacy and sexuality. Otherwise the law would only be misused to criminalise a natural process of growing up.'

The draft bill can be accessed [here](#).

Sources: http://www.telegraphindia.com/1120523/jsp/nation/story_15521691.jsp#.T-fvTxcS0hE
<http://www.thehindu.com/news/national/article3447054.ece>

Op-ed: <http://www.thehindu.com/opinion/editorial/article3456804.ece>

Lok Sabha passes Sexual Harassment at Workplace Bill, without much discussion

The Lok Sabha, has passed the controversial Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill, 2010. The move itself, though welcomed, the bill was passed without much discussion on the objectionable provisions.

The bill that has been passed still contains the much critiqued chilling provision that seeks to penalise women for false complaints, defeating the very purpose sought to be achieved by the law. Further the purview of the bill has also been limited to certain sectors, excluding from its purview agricultural labourers and women in the armed forces.

The bill that was passed by the Lok Sabha can be accessed at:

<http://xa.yimg.com/kq/groups/25274660/334149171/name/Sexual%20Harassment%20at%20Workplace%20Bill%202012.pdf>

Source: <http://www.thehindu.com/todays-paper/tp-national/article3856442.ece>

<http://www.thehindu.com/todays-paper/article3856629.ece>

Op-ed: <http://www.thehindu.com/opinion/lead/article3796010.ece?homepage=true#>

Union Cabinet clears controversial Criminal Law (Amendment) Bill 2012

The Union Cabinet cleared the proposal for the introduction of the Criminal Law (Amendment) Bill, 2012 in the Parliament. The bill however is flawed, inadequate and fails to introduce the much needed holistic reforms. There were neither any consultation with women's groups who have been pressing for law reform, submitting petitions and recommendations to the Criminal Law Amendment Bill 2010. Further the bill is laden with infirmities. While the bill expands the definition of rape, it has introduced a highly problematic gender neutral definition. It seeks to make the perpetrator of sexual assault gender neutral in non-custodial situations, despite no empirical data for this. The women's groups and concerned citizens from across the country have rejected the bill and petitioned the government to initiate consultations towards developing comprehensive amendments that address all forms of sexual assault, graded to cover the spectrum of grave to the lesser offences.

Rajasthan Cabinet approves VAW bill

The Rajasthan cabinet approved the Rajasthan Women (Prevention and Protection from Atrocities) Bill, 2011 that proposes stringent punishment against women being branded as witches and subjected to other atrocities in the state. The bill had been prepared by the state's women and child welfare department keeping in view the increasing cases of women being branded as witches in the state. The bill also proposes the constitution of special courts for trial of such offences and for relief and rehabilitation of the victims. As per the bill, a crime would be considered to have been committed when any person or community intentionally or inadvertently abets, conspires, aids and instigates the identification of a woman as a witch leading to her mental and physical torture and humiliation.

However, the problem with such omnibus laws on violence against women is that it creates protection towards women rather than protection of rights of women.

Source: <http://ibnlive.in.com/news/rajasthan-clears-bill-on-violence-against-women/297610-3-239.html>

Social Justice Ministry introduces 'draconian' disability bill

The Ministry of Social Justice and Empowerment, Department of Disability Affairs, Government of India made public the latest version of the Rights of Persons with Disabilities Bill 2012. Disability groups however have termed the bill as 'draconian' and against the interest of people suffering from mental disorders.

The Bill takes away judicial safeguards which were present in the previous Mental Health Act of 1987. Further, the Bill provides that reservation for persons with disabilities shall be only for the specific posts that are expressly identified by the concerned authority. Thus, even if a person is able to do the work required for a particular post, he will be ineligible unless it is specifically reserved. This is highly controversial and violates UNCRPD principles since it presumes, wrongly, that persons with disabilities can only perform some jobs or tasks. The draft bill can be accessed [here](#).

Source: <http://www.deccanherald.com/content/284295/rights-groups-question-disability-bill.html>

Op-ed: <http://www.thehindu.com/news/national/the-disabilities-bill-is-a-mixed-bag/article3927212.ece>

Judgments/Orders

Army cannot invoke AFSPA in cases of rape and murder: Supreme Court

In a welcome and overdue development the Supreme Court questioned the extent to which the Army can claim blanket immunity under the Armed Forces Special Powers Act (AFSPA). The Supreme Court said that rape and murder committed by its personnel should be considered a "normal crime", and that there is "no question of sanction" from the government before prosecution of offenders in such cases. The court was hearing the CBI challenge against the Army invocation of AFSPA, allegedly to stall prosecution of eight officers chargesheeted in the Pathribal fake encounter in March 2000. While the five men were identified as Lashkar-e-Toiba mercenaries by the Army, they had turned out to be locals from nearby villages of Brariangan, Halan and Anantnag.

Under AFSPA, prior approval is required before prosecution or any other legal action can be initiated against armed forces personnel operating in areas declared "disturbed" by the government.

Supreme Court: PWDVA applicable in cases where marriage and separation took place before the commencement of the Act

In a positive development, the Supreme Court of India on 7th February 2012, comprising bench of Justice Altamas Kabir and J. Chelameswar while hearing a complaint under section 12 of Protection of Women from Domestic Violence Act 2005 (PWDVA) said that, "a wife, who lived with her husband before the law came into force but got separated after the law was enforced, will be entitled to the right to share her husband's house under the law." The initial petition under the PWDVA Act was filed by the wife before the Magistrate. The marriage was solemnized between the parties on 2nd August 1980 and till 4th July 2005, they lived together and then separated.

The judgment can be accessed at <http://judis.nic.in/supremecourt/helddis3.aspx>

Source: <http://www.indianexpress.com/news/cannot-invoke-afspa-in-rape-murder-sc-to-army/907776/>

High Court of Punjab and Haryana rules that husband cannot force wife to conceive

In a significant development, the Punjab and Haryana High Court has ruled that a husband cannot compel his wife to conceive and give birth to his child. The high court has asserted that intimacy is one thing, giving birth to a child another, “mere consent to conjugal rights does not mean consent to give birth to a child for her husband.”

The ruling came on revision petitions filed by Chandigarh-based gynecologist and others petitioners. The controversy in the case hovered around the decision of a wife to go in for medical termination of pregnancy without her husband’s consent. Married in April 1994, the couple and their son were initially staying in Panipat. Due to “hostilities and strained relations”, the wife started staying with her parents, along with her son, at Chandigarh. The wife conceived after she agreed to accompany her husband to Panipat during the pendency of her application for maintenance. She then terminated her pregnancy.

Source: <http://www.tribuneindia.com/2012/20120212/main7.htm>

Soni Sori’s hearings get postponed by the Supreme Court despite evidence of sexual torture

The Supreme Court has been hearing of Soni Sori’s case and has continued to postpone it for nearly two months. Soni Sori, a teacher, tribal woman accused by the [Chhattisgarh](#) police of being a supporter of the naxalites. Fearing for her life after an attack on her in her village by the local police, Soni had arrived in Delhi to seek anticipatory bail. Soni pleaded for bail, failing which she asked to be held in custody in Delhi to face all investigations as she feared for her life in Chhattisgarh. Her plea was rejected and she was handed over to Chhattisgarh Police with instructions to ensure her safety and to produce her at the local court. The Delhi High Court also directed them to inform it of measures taken to keep her safe. As per Sori’s letter, when she was brought to the Dantewada Court she could not get down from the police van to go to courtroom and the Magistrate passed an order without even seeing her.

Soni Sori’s representatives then brought a writ petition in the [Supreme Court](#), seeking adequate medical examination and treatment. She alleged that she has been subjected to sexual torture, electric shocks, and beatings while in custody and denied necessary medical treatment. The Supreme Court ordered an independent medical review that was conducted in NRS Medical College Hospital in Kolkata. The report, presented in court states that two stones had been found inserted in her vagina and one in her rectum. The MRI scan showed that she had annular tears on her spine.

Human rights activists and organisations like Amnesty International and Human Rights Watch (who has also written a letter to PMO) have repeatedly been demanding that the Indian government release Soni Sori. Ironically, the Indian government announced gallantry award for Ankit Garg, policeman Sori has accused for torturing her in custody.

Source: <http://news.outlookindia.com/items.aspx?artid=737918>,
<http://www.thehindu.com/news/national/article2798877.ece>,
<http://www.thehindu.com/news/states/article2971330.ece>

Supreme Courts has directed the Chhattisgarh government to bring Soni Sori to AIIMS for treatment

After a long delay, the Supreme Court judges on May 2, 2012, directed the Chhattisgarh state to bring Soni Sori for treatment to the All India Institute of Medical Sciences (AIIMS) within one week. Reacting to descriptions of her continuing severe medical health problems in letters received from Soni Sori in Raipur jail and from her advocate who had met with her, the Supreme Court expressed concern about Soni Sori's medical condition and recommended that she be brought to AIIMS at the earliest for a thorough medical examination and full treatment.

The Director of AIIMS has also been directed to constitute a Medical Board comprising of Heads of Gynecology, Endocrinology and other departments who would examine Soni Sori and treat her, and give their opinion on her condition to the Supreme Court by July 10th.

Source: http://www.tehelka.com/story_main52.asp?filename=Ws020512Chhattisgarh.asp

Supreme Court has upholds constitutional validity of the Right to Education Act

The Supreme Court Bench comprising of Chief Justice Mr S.H. Kapadia and Justices Mr K.S. Radhakrishnan and Mr Swatanter Kumar ruled, by a 2:1 majority, that the provisions of the RTE Act are applicable to the Government and unaided private schools, but not unaided private minority schools. This means all Government and unaided private schools, barring unaided private minority schools, will have to reserve a minimum of 25 per cent of seats for economically backward students in their neighbourhood.

The court interpreted the RTE Act in a “child specific” manner. According to the Act, right to education is a fundamental right of all children between 6 and 14 years of age.

Source: <http://www.indianexpress.com/news/sc-upholds-constitutional-validity-of-rte-ac/935869/>

Orissa HC directs the state government to take prompt action against increasing cases of witch hunting

In response to a PIL seeking directions to check the practice of targeting women as witches, the Orissa High Court, , has directed the State government to introduce a bill to ‘tackle the menace of witch hunting’ in the state of Orissa. A petition was filed by social activist, Sashiprava Bindhani inter alia praying for direction to the State Government for ‘framing guidelines to deal with the cases of witch-hunting and to protect women from such hunting till legislation is framed in this regard’. While taking note of the allegations, the Court also directed the state government to build awareness at the gram panchayat level, organize health camps to detect psychological disorder which may lead to a person being branded as a witch and record statements of witnesses in accordance with law in order to avoid them turning hostile.

While the protection gaps on violence against women targeted as witches need urgent attention, there is a need for legal interventions to be grounded in a multi state evidence based understanding of the practice. The trend of seeking instant remedies based on news reports alone, without developing a full understanding of the specific gender based violations that are reported in at least 17 states in India leads to tokenistic and partial remedies. Recourse to ‘strong’ laws and hasty judicial interventions may in fact be counterproductive to holistic responses to women targeted as witches.

Source: http://www.telegraphindia.com/1120518/jsp/odisha/story_15499452.jsp#.T-BgCBdzUZo

Op-ed: <http://kraactivist.wordpress.com/2012/05/18/orissa-high-court-for-law-to-check-witch-hunting-cases/>

BJP politician amongst others convicted for massacre, rape and molestation in Gujarat carnage, 2002

In a landmark judgment passed Justice Jyotsna Yagnik of the Special Court, 32 persons were convicted and sentenced in the Naroda-Patiya massacre case for crimes including rape and molestation. This is also the first judgment convicting and sentencing Babu Bajrangi (leader of the Gujarat Bajrang Dal, a Hindu right organisation), to life imprisonment, and a BJP woman member of the state legislative assembly and also a gynaecologist, Dr. Kodnani, to 28 years imprisonment. Suresh Langdo, was sentenced to 31 years imprisonment for rape and murder. This is only the second case, after the famous Bilkis Bano case were the conviction, inter alia includes charges of rape and molestation.

Although reports and testimonies indicate that sexual brutality is integral to all communal violence in India and was well documented in the Gujarat carnage, this was the second conviction for rape thus far. This case is symbolic of the tenacity of the survivors and the perseverance of human rights defenders in their pursuit of justice for 10 years. The judgment is also outstanding for its reasoned rejection of the death penalty for heinous crimes, opting instead of consecutive sentencing of the convicted.

Source: <http://www.thehindu.com/news/states/other-states/article3835078.ece?homepage=true>

Op-ed: <http://www.thehindu.com/opinion/editorial/article3836698.ece>

SC issues notice to Centre and State on petition to include transgender as a third category

The Supreme Court issued a notice to the Centre and Chief Secretaries of all States on a petition from the National Legal Services Authority (NALSA), asking for a direction to include the category of transgender people as a third category in providing various opportunities and facilities such as the voter ID card, passport, driving licence, ration card and admission to educational institutions.

The NALSA petition stated that Article 21 of the Constitution of India provided fundamental right to life and personal liberty that could not be denied to transgender people. It further stated that various manifestations of deprivation are the consequence of the practice of recognising only two sexes-or-genders for various facilities, amenities and privileges; that is male and female. There was an urgent need for recognising the third gender that is transgender. Treating a transgender as a legal nonentity was a violation of Articles 14, 15 and 16 of the Constitution and it was arbitrary and discriminatory, NALSA noted and sought a direction to the Centre and States to recognise them as a third category for the purpose of conferring various benefits.

Source: <http://www.thehindu.com/news/national/court-notice-to-centre-states-on-transgender-issue/article3956185.ece>

<http://news.outlookindia.com/items.aspx?artid=776956>

Gujarat HC directs reinstatement of employment for victim of sexual harassment

The Gujarat High Court, in a judgment creating precedence, reinstated the petitioner to her job in a pharmaceutical company and upheld the decision of the Industrial Tribunal to compensate her with Rs. 50,000/- for illegal termination for her job. The petitioner had filed a number of complaints with the management of her company for sexual harassment, however, the company, choosing to ignore the complaint, illegally terminated her employment. The petitioner had then filed a case before the Industrial Tribunal which directed the management to compensate her and pay back wages, however it did not grant

her reinstatement for the reason that it felt that on account of loss of confidence, the reinstatement would not be proper.

It was against the last part of the direction that the petitioner had filed an appeal before the Gujarat High Court. The High Court opined that since the plea of loss of confidence was not raised by the Petitioner, the Tribunal could not merely assume the same.

The judgment can be accessed [here](#).

SC expresses concern over attitude of courts in rape trials

The Supreme Court, keeping in mind the ‘devastating increase’ in cases of rape and crime against women not only in India but internationally, held that the courts must make sure that offenders do not escape punishment on frivolous grounds. The Court was adjudicating upon a rape case wherein the accused, though sentenced to death by the Trial Court, was acquitted by the Allahabad High Court on the ground that the crime could not be established beyond reasonable doubts.

While sentencing the accused to life in prison, the SC underlined the concerns across the globe regarding spurt in such crimes. It noted that the primary concern both at national and international level was about the devastating increase in rape cases and cases relating to crime against women in the world. It added that courts should be more cautious in appreciating the evidence and the accused should not be left scot-free merely on flimsy grounds.

Source: <http://www.indianexpress.com/news/rape-accused-should-not-be-let-off-on-flimsy-grounds-sc/1016090/0>

SC directs States, UTs and regulatory bodies to implement Vishaka guidelines

While deciding on a public interest litigation, Medha Kotwal Lele and Others vs. Union of India and Others, filed because of the non implementation of the Vishaka guidelines ([Vishaka v. State of Rajasthan](#)), the Supreme Court has made it mandatory for all the States, Union territories and the regulatory bodies to put in place a legal mechanism to implement the guidelines which require the employers at workplace to ensure prevention of sexual harassment of women.

The Court observed that, if necessary, existing laws should be revised or new laws should be enacted to protect women from any form of indecency, indignity and disrespect at all places (in their homes as well as outside), prevent all forms of violence – domestic violence, sexual assault, sexual harassment at the workplace, etc; and provide new initiatives for education and advancement of women and girls in all spheres of life.

The judgement can be accessed [here](#).

Madras High Court holds that the mother could be the legal guardian of the child

The Madras High Court held that mother could be the legal guardian of a child even if the father was alive. The court was hearing the case of a couple who were based in the US where their daughter was born. The couple divorced a few years later, and the mother returned to Chennai with her daughter. The father argued before the High Court that his right to be the natural guardian to his daughter, under the

Guardians and Wards Act must be restored and that the mother could only be a custodian. Rejecting the father's argument, Justice Chandru of the Madras High Court held that since the child, who is now nine years old, has been with the mother for eight years, including during the time when the case was going on, it is in the interest of the child that she should remain with the mother. The young girl also expressed her wish to stay with the mother.

Source: <http://m.timesofindia.com/india/Not-only-kids-custodian-mother-can-be-guardian-too-HC/articleshow/17272732.cms>

Allahabad HC recognizes the non-economic contribution of the homemaker

While deciding the insurance claims of dependants of a woman who died in a road accident, the Allahabad High Court observed that women who are not engaged in wage employment also make substantial contribution to the household, which must be recognized. The insurance company was directed to pay compensation to the legal representatives and dependents of the deceased woman. The insurance company contested this award before the High Court on the ground that since the deceased woman had been a homemaker and did not have any 'income', her family members could not be said to be dependent on her contributions. The court rejected this argument and held that as a homemaker or as a mother, the work of a woman is more time and labour intensive than that of a regular wage earner, and hence economic value must be assigned to it while computing insurance claims.

Several such judgments have been coming from various High Courts in recent times that call for recognizing the non-economic contribution made by the homemaker. The central government and the Maharashtra government are currently considering legislations to provide for matrimonial property rights of women. While it is true that several aspects of these legislative initiative lack clarity and are contested, judgments such as these validate the feminist demand for recognizing the value of housework.

Source: http://articles.timesofindia.indiatimes.com/2012-11-27/india/35386983_1_allahabad-hc-allahabad-high-court-present-value

Supreme Court issues directions to State governments and Union Territories to address sexual harassment in public places

The Supreme Court while hearing an appeal against the order of the Madras High Court acquitting an errant policeman of sexual harassment against a woman issued the following directions to the state governments and the union territories:

- Deployment of plain clothed female police officers at all public places
- Installing CCTV cameras at all strategic locations
- Those in charge of educational institutions, places of worship, cinema halls to take steps to prevent sexual harassment of women
- If an incident takes place in a public vehicle and the woman complains to the crew of the vehicle, then the crew must take the vehicle to the nearest police station
- Establishing Women's Helplines
- Boards cautioning against sexual harassment at all public places
- Responsibility of the passers-by to report such incidents to the nearest police station
- District Collectors and District Supdt. of Police to take effective steps to curb incidents of sexual harassment at public places

The judgment can be accessed [here](#)

Delhi court holds that forcible sex with wife does not amount to rape

A Delhi court has held that if a woman is the lawfully wedded wife of a man, then any act of sexual intercourse even if it is without the consent of the woman does not amount to rape. This is owing to the fact that the Indian Penal Code does not recognise the concept of marital rape. Forcible sexual intercourse with wife is an offence under the IPC only if the wife is below the age of 15 or if the husband and wife are living in judicial separation. The court in this matter was hearing the complaint made by a woman that after her husband's death a few years back, the accused asked her to marry him. After the marriage she found out that the man wanted to grab her property and had already sold some of it without her knowledge. In addition to the charges of criminal intimidation, causing hurt and theft, the police had also charged the accused with rape, which was being heard by the court in this case.

Despite demands made by the women's movement to drop the marital rape exception from the Indian Penal Code, the clause continues to be there in the law, including the Criminal Law (Amendment) Bill 2012 which is currently before the Indian Parliament.

Source: http://zeenews.india.com/news/nation/forcible-sex-with-wife-doesnt-amount-to-marital-rape-court_814445.html

Bombay HC holds that maintenance depends on domestic relationship, not on legality of marriage

The Bombay High Court has held that a woman need not prove a legally valid marriage in order to claim maintenance from her husband. Under the Domestic Violence Act 2005, she could ask for maintenance just by showing that she had been in a domestic relationship with the respondent. The complainant in this case was a woman who was the second wife of the respondent. When she failed to have a child even after several years of marriage, the man and his first wife threw her out of the house and demanded money as a precondition to her being allowed to stay in the house.

When she filed a case of domestic violence against the husband, the magistrate directed him to pay maintenance, but on appeal, the Sessions Court struck down that order. The High Court reinstated the magistrate's order, which was indeed in line with the Domestic Violence Act. Recognizing that many women are in intimate relationships that are not legally valid marriages – such as women in bigamous, fraudulent or live-in relationships – the Act uses the term 'relationships in the nature of marriage' to denote those who can claim protection from domestic violence.

Source: http://articles.timesofindia.indiatimes.com/2012-11-14/mumbai/35111623_1_neeta-dva-high-court

News and Events

The Supreme Court begins final hearing of Naz Foundation v Union of India

The Delhi High Court passed a historic judgement that decriminalized private adult and consensual sexual acts in 2009. The case is now up before the Supreme Court. There are 15 Special Leave Petitions (SLP)

opposing this land mark victory of human rights in the country. Almost all of them are from different religious groups and other such affiliations. The MHA and the Ministry of Health and Family Welfare have taken the stand in support of the Delhi High Court Judgement of reading down Section 377. The Union Home Ministry has filed a formal affidavit in the Supreme Court, coming in support of decriminalisation of gay sex among consenting adults saying the decision was taken as early as July 2009 by a GoM comprising Union ministers of Home, Law and Family Welfare. The Delhi High held that read down section 377 to decriminalize private consensual sexual activity between adults.

NCPCR makes public the guidelines on corporal punishment in schools

In significant move NCPCR has passed guidelines of corporal punishment in schools. The guidelines provide detailed definition of what constitutes corporal punishment which includes physical punishment and mental harassment. Discrimination been very well defined as prejudiced views and behaviour towards any child because of her/his caste/gender, occupation or region and non-payment of fees or for being a student admitted under the 25% reservation to disadvantaged groups or weaker sections of society under the RTE, 2009. It can be latent; manifest; open or subtle. The guidelines also provide international standards on corporal punishment and also the different Indian legal provisions that are and can be applied in cases of corporal punishment.

The guidelines can be accessed [here](#)

Sex Workers organise a Pride March in Sangli

Sex Workers' Pride March is held in Sangli on the eve of the International Sex Workers' Rights Day, the 3rd of March. Every year for the past five years march has been conducted together to declare to the world the rights of sex workers with pride claiming their right to self worth, dignity and livelihood, a right that no agency can confer or deny.

On his official visit to India, the UN Special Rapporteur on extrajudicial, summary and arbitrary executions expresses concern over high impunity enjoyed by army and police

UN Special Rapporteur on extrajudicial, summary and arbitrary executions Christof Heyns, during his visit to India from March 19 to March 30 held meetings in different regions of the country and also interacted with government officials, to investigate the circumstances and causes of killings signifying state repression. After his visit he called on the Government of India to continue to take measures to fight impunity in cases of extrajudicial executions, and communal and traditional killings. He expressed concern over the high level of impunity that the police and army enjoy requirement that any prosecutions require sanction from the central government and discussed the "fake encounters" happening in certain parts of the country and the powers of the armed forces in the North Eastern States and Jammu and Kashmir. The other areas of concern relate to the prevalence of communal violence, and, in some areas, the killing of 'witches', as well as dowry and so-called 'honour' killings, and the plight of Dalits and Adivasis.

Source:

[http://www.unog.ch/unog/website/news_media.nsf/\(httpNewsByYear_en\)/B04ACD8B61CBCB8EC1257](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/B04ACD8B61CBCB8EC1257)

[9D1004E13D7?OpenDocument](http://www.un.org/apps/news/story.asp?NewsID=41676&Cr=india&Cr1=9D1004E13D7?OpenDocument)
<http://www.un.org/apps/news/story.asp?NewsID=41676&Cr=india&Cr1=>

East Region, North-East, and North and West Region Consultation on Violations Relating to Women Targeted as Witches: PLD

PLD in collaboration with state level groups, with financial support from the National Commission for Women, organised three regional consultations in Raipur (28th April 2012), Guwahati (2nd June 2012) and Ajmer (29th June 2012). A total of 165 participants, comprising of survivors, grassroots organisations, lawyers, academics, police and state commissions of women took part in the three consultations. PLD has published a consolidated report based on the outcome of all the three consultations ‘**Targeting of Women as Witches, Trends, Prevalence and the Law in Northern, Western, Eastern and Northeastern Regions of India**’.

The report highlights that across the regions, the practice of witch hunting primarily targets women, for which reason it must be recognised as a form of gender based violence rather than superstition. Indeed, in most cases superstition masks the motivated targeting of women who are punished for transgressing social, economic, caste and community boundaries. In many cases, such targeting serves to re-inforce status quo within families or indeed, within the community. The consultations highlighted contemporary trends in the practice. Although the traditionally witch hunting has been associated with land grabbing from widows, single and elderly women within tribal communities, the consultations highlighted sickness, women’s leadership, economic success of a family, or children’s education, property disputes as situations that disturb caste and social equations across communities, fueling allegations of witch craft.

The consultations point to the continuum of the non-physical and physical violations such as stigma, social boycott, censoring use of common water resources, eviction, and displacement, public striping and parading, beating, tonsuring the hair, forced consumption of excreta and even murder. The outcome of the consultations highlights the following concerns for consideration of the NCW as well as other stakeholders at the state and national levels, for necessary action:

- The need for robust implementation of the law to deter and punish violations related to witch hunting.
- The need for availability of and access to quality public healthcare.
- The need to develop rehabilitation, compensation and counseling for restoring the dignity of the survivors.
- The need for further investigation into the practice on witch hunting for creating an evidence base that throws light on the continuum of violations from lesser to grave, and correspondingly, the needs of survivors for framing appropriate policy and justice sector responses.

No straitjacket formula to determine consent in rape: SC

While adjudicating upon a case of alleged rape, where the question of consent was the issue, the Supreme Court observed that sex with the consent of the girl on a promise to marry her will not constitute rape unless it was shown that such consent was obtained by the man under coercion or threat. In the case in hand, both the trial court and the Patna High Court had dismissed the plea of the appellant/accused for discharge from the case. The discharge was sought on the ground that the girl had given consent for sexual relationship and hence no offence was made out.

The respondent/victim in the case had filed a complaint for rape and breach of trust at the trial court on the ground that the appellant/accused had given her a promise of marriage pursuant to which she had agreed to have a sexual relationship with him; however he did not marry her.

On the question of consent, the Supreme Court opined that consent requires voluntary participation in the sexual act after exercise of intelligence based on the knowledge of the significance and moral quality of the act. The Bench said that there was no straitjacket formula for determining whether consent given by the girl was voluntary or given under a misconception of fact, viz ‘promise to marry.’ The Court expressed difficulty in validating all consent in such cases, distinguishing between promises that are patently false, intended purely for purposes of securing sexual consent, from those that are not. Remitting the case back to the trial court for reconsideration of evidence, the Court observed that ‘*the court has to see whether the person giving the consent has given it under fear or misconception of fact and the court should also be satisfied that the person doing the act, i.e. the alleged offender is conscious of the fact or should have reason to think that but for the fear or misconception, the consent would not have been given.*’

The proposition that a reneged promise of marriage can transform consensual sex into rape in some situations has implications for the evolving legal discourse on sexuality. The discussion needs to consider ways in which this position reinforces notions of chastity and honour in which the law remains embedded; and how this might impact the struggle for recognition for women’s sexual autonomy and agency. Penal regulation of sexuality still dominates the discourse, through the use of previous sexual history, adultery, and kidnapping/ abduction charges that punish women for positive expressions of sexuality. It must also consider the demand for criminalisation of marital rape that refutes the assumption of blanket consent in marriage (or indeed, the promise of marriage).

Source: <http://www.hindu.com/2007/08/29/stories/2007082961551600.htm>

Op-ed: <http://lawandotherthings.blogspot.de/2007/08/does-consensual-sex-based-on-false.html>

Legal vacuum on sexual assault and impunity for moral policing make India unsafe for all women

In a span of a month, two cases of sexual assault from different parts of India demonstrated that the default institutional responses favour impunity for sexual offences. The sexual assault of a young woman in Guwahati by a mob of more than 40 men in the middle of a busy street and the molestation of young women at a birthday party by right wing ‘moral police’ gang highlighted the shortcomings in our law, the role of the media, and ironically, the incompetence of the women’s machineries mandated to protect women’s rights and dignity.

When a young woman was being sexually assaulted by a mob on a busy Guwahati street, a media person present at the site filmed 40 minutes of the crime, trying hard to capture the victim’s identity, without once alerting the police. The police upon arrival rescued the young woman without arresting a single perpetrator. Two days later, with a public outcry against the film of the molestation going viral on internet, the police charged and arrested the culprits. The National Women’s Commission in its fact finding team, appointed a member with no background in women’s rights, who revealed details and the identity of the victim to the press even before the fact finding was concluded.

In Mangalore, activists of a right wing group barged into a birthday party at private premises and physically assaulted a group of young boys and girls under the pretext of moral policing. The activists were caught on camera slapping and groping the women. Yet again, a TV cameraman managed to film the incident without alerting the police. The Karnataka State Women's Commission blamed the guest house, sought a probe into the 'motive' of the boys at the birthday party, but said nothing of the right wing vigilante group that committed the crime.

The cases brought to light the legal vacuum in the law to appropriately redress cases of gang molestation, groping and public stripping of women. The penal provisions of unlawful restraint and/or outraging the modesty of a woman are responses that barely capture the gravity of the crime. As bailable offences they attract small sentences. These cases highlight yet again, the impunity for sexual assault in the law and through misplaced institutional responses.

Source: <http://www.indianexpress.com/news/women-should-dress-carefully-ncw-chief/975888/>

<http://indiatoday.intoday.in/story/mangalore-attack-state-women-panel-questions-party-organisers-motive/1/211526.html>

http://www.huffingtonpost.ca/2012/06/13/best-and-worst-g20-countries-for-women_n_1593942.html

Op-ed: <http://www.thehindu.com/opinion/editorial/article3636327.ece>

<http://www.deccanherald.com/content/270657/wanted-ncw-teeth.html>

Activists compel NCW to reopen Soni Sori's case

Pursuant to a protest by various human rights activists, the National Commission for Women (NCW) has been forced to reopen the closed case of Soni Sori. During the protest, on a perusal of the NCW case file, it came to the notice of the delegation that met NCW officials that NCW had recently closed the case of Soni Sori without informing her or those in-charge of the case. According to chairperson of NCW, Ms. Mamta Sharma, the Commission had followed its mandate and there was no question about any shortcoming in the investigation. Explaining its decision to close the case, NCW member secretary Charu Wali Khanna said that since this matter was sub judice in the Supreme Court, it was not proper for NCW to intervene. However, after the activists pointed out the provisions of the [NCW Act](#), which empowers the commission to intervene and/or assist in any pending case, the commission agreed to reopen and pursue the Soni Sori case.

Source: <http://www.thehindu.com/todays-paper/tp-national/ncw-reopens-soni-sori-case/article3989714.ece>

Highlights of PLD's workshop on VAW and the law

'The Good, Bad and the Ugly: Introspecting Violence against Women & the Law', a five-day residential workshop organised by PLD was conducted from the 27th – 31st October 2012. The workshop was designed as a space for conversations between activists across different regions, to energize and contribute to ongoing debates on law reform. Some areas that emerged as needing greater attention within the community are flagged below. Although not comprehensive, these concerns speak to contemporary engagement of the women's movement with the law.

- Revisiting Criminal Justice
- The Persistence of Morality, Chastity and Indecency
- Silence around Sex Work
- Reparations, including Compensation for Criminal Injuries
- Grounded research for evidence based Advocacy
- Campaigns and Cross-Sectoral Conversations
- Institutional Mechanisms

For more details, please go to <http://cedawsouthasia.org/2121/the-good-the-bad-and-the-ugly-introspecting-violence-against-women-and-the-law-2>

Homicidal gang rape in Delhi leads to nationwide outrage

The brutal gang rape of the paramedic student on the evening of 16th December 2012, in a bus she boarded with a male companion in Delhi became a tipping point for the city and the nation. The case illustrated the impunity with which sexual crimes are perpetrated in the city on account of, amongst other things, failure of everyday policing and implementation of transport and traffic rules that make it possible for such savagery to go undetected. Tens and thousands of protesters, both female and male, many of them students, took to the streets to demand accountability and law reform. Delhi has earned notoriety for sexual crimes against women, including gang rapes. Despite successive cases, the police attitudes towards women and policing have not changed. The findings of the [Tehelka study in 2012](#) showed that a large section of the Delhi police view rape complaints as extortionary tactics by women engaged in soliciting. That apart, the State has failed to introduce legislative reform on sexual assault despite demands by the women's movement over two decades; and more recently, the recommendations of CEDAW Committee (2007) and the UPR (2012) to India.

The anger and outrage on the Delhi streets and in metros across the country was as much against this case and as it was against the pandemic proportions of sexual crimes and state failure to respond to it. The protesters continue to demand systemic change – in laws, mind-sets, policing. In contrast, the parliamentary debates have been focused on death penalty and castration. This narrow focus is reflected in the terms of reference and tenure of the three member committee headed by a retired Supreme Court Judge, Justice J.S. Verma, tasked with recommending reforms related to speedy trial and sentencing for aggravated sexual offences within a period of one month. With thousands of submissions made to the Committee within an unrealistic time frame, on a subject of considerable complexity, many are questioning whether these attempts are diversionary or whether they intend to protect women from routine as well as grave forms of sexual crimes. In a confidence enhancing gesture, the committee has widened its own terms of reference, signaling willingness for making comprehensive recommendations to ensuring safety and security of women.

Detailed submissions to the Verma Committee by various groups can be accessed [here](#).

Source: <http://www.bbc.co.uk/news/world-asia-india-20860569>

<http://www.indianexpress.com/news/tihar-inmates-assault-chartered-bus-driver/1048307/>

Programmes/Policy/Institution

Justice Dalveer Bhandari becomes first Indian as ICJ Judge in 20 years

In recognition of his contribution to the Indian legal system, Justice Dalveer Bhandari of Supreme Court of India has been appointed as a Judge at the International Court of Justice. He became the first Indian to be appointed to the ICJ panel in more than 20 years.

The press release by the General Assembly can be accessed [here](#)

The by the ICJ can be accessed [here](#).

Source: <http://www.thehindu.com/news/national/article3361739.ece>

TN Govt. announced pension for impoverished transgender

According to the proposed 'Pension Scheme for Destitute Transgender', an effort is being made, by the Tamil Nadu government, to integrate the neglected community of transgender into the mainstream by introducing a monthly pension of Rs. 1000 to those transgender who are above 40 years of age and living below the poverty line.

The transgender community has been a sidelined community where the people see them with hated view, and deprive them of all the facilities which a human being and a citizen of India are entitled to. This move, however, is being welcomed as recognition of their plight and daily struggles.

Source: <http://www.legalindia.in/transgenders-to-get-monthly-pension>

<http://www.thehindu.com/news/states/tamil-nadu/article3713461.ece>

Maharashtra government proposes to make abortion a crime

The Maharashtra government has recommended to the Centre that the Pre-conception and Pre-natal Diagnostic Techniques (PCPNDT) Act be amended so that sex-selective abortion or 'female foeticide' is treated as 'murder' punishable under section 302 (punishment for murder) of the Indian Penal Code. Under Section 23 (3) of the PCPNDT Act, any act of determination of sex of the foetus attracts a jail term of up to three years and a fine of Rs 10,000. Repeat offenders may be jailed up to five years and fined up to Rs 50,000.

This recommendation encroaches upon a woman's safe and legal right to abortion. Women have a right to decide when and whether they should bear and give birth to children. Making sex-selective abortions a murder charge, would only increase illegal abortions and also make access to safe abortion difficult. To undergo a sex-selective abortion, the woman would have to first determine the sex of the child, which is a crime under the PCPNDT Act. The government should ensure proper implication of the Act instead of criminalising the freedom of choice of a woman.

Women's rights activists have always demanded the continuous and strict monitoring of sonography centres, hospitals and nursing homes and strict action against all unlicensed centres. The government, instead of concentrating on the issue illegal sex determination tests is focusing on abortions. This step is in part an outcome of the short-sighted populist and highly problematic labeling of sex selection as female foeticide.

Source: <http://www.indianexpress.com/news/make-law-tougher-treat-female-foeticide-as-murder-state-to-centre/997557/>

Op-ed: <http://kractivist.wordpress.com/2012/09/09/petition-to-union-health-minister-abortion-is-not-murder-vaw-womenrights-reproductiverights/>

PLD is a legal resource group working in the fields of social justice and women's rights in India and South Asia. We view law as an essential resource in the struggle for social justice and consider gender equality as central to the attainment of social justice. Our belief is that social justice goals are best shaped by human rights laws which establish a framework for the realization of the rights of the disadvantaged and the marginalised. Our understanding of rights and dignity of all persons is drawn from human rights law as well as the contextual realities of disadvantaged groups.

Please visit us at www.pldindia.org and www.cedawsouthasia.org
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