

# BI-MONTHLY LEGAL NEWS

## Vol. 4 (VI) Nov-Dec 2011



PLD

*Partners for Law in Development*

### Updates from the UN

- OHCHR released its report on sexual orientation and gender identity
- UNGA adopts Optional Protocol for a CRC complaints procedure
- UN SR on the independence of judges and lawyers calls for integration of gender perspective into criminal justice systems

### International Developments

#### *Asia*

- Women parliamentarians in Pakistan succeed in passing two landmark bills providing punishment against anti women practices and acid attack
- UNDP-CHTFDF undermines indigenous peoples' rights in Bangladesh in organizing cultural diversity festival
- Myanmar passes a law allowing for peaceful protest

#### *Beyond Asia*

- CEDAW Committee rules that Peru relax its restrictions on abortions
- Papua New Guinea passes bill reserving seats for women parliamentarians
- Government of Mexico apologizes for negligence in investigation of sexual crimes against women
- Female protesters systematically targeted in Egypt
- Mali adopts conservative Family Code
- Canada British Columbia Supreme Court upholds Canada's ban on polygamy
- Bosnian War Crimes Court convicts ex-soldier for sexual crimes during Balkan conflicts of 1990's
- Lower House of Argentina passes the progressive Gender Identity Bill

### National

#### *Judgements/Orders*

- Woman fined Rs 5 lakh for sexual harassment case filed 15 years ago by Delhi High Court
- Supreme Courts comments that adultery laws are biased
- Supreme Courts puts to rest the controversy on women using her husband's name after divorce
- Bombay High Court reduces life sentence after confession to the police

#### *News*

- Government of Karnataka to withdraw social benefits from those conducting child marriages
- Ghaziabad SHO suspended after the public outcry over "Operation Majnu"
- Maharashtra drafts Rules for the establishment of Holiday Courts to increase access to courts for women
- NHRC and WGHR send stakeholders reports to UN for India's second Universal Periodic Review
- Ministry of Women and Child Development holds National Consultation with Civil Society on Fourth and the Fifth Combined Report to CEDAW
- Supreme Court lawyer and women's rights activist Rani Jethmalani passes away

### Resources

- Understanding and Measuring Women's Economic Empowerment: ICRW
- What the Women Say - The Arab Spring and Implications for Women: ICAN
- Enforcing Rights and Correcting Wrongs -Overcoming Gender Barriers in Legal Systems: UNDP
- Gender and Torture Conference Report 2011: Amnesty International
- Torture in India 2011: Asian Centre for Human Rights

### Events

- PLD holds training on gender based violence and law: 15-18 December 2011
- Queer Parades organised: Delhi and Mumbai
- Consultation with UN Experts on Women's Economic, Social and Cultural Rights: ESCR net

## Updates from the UN

### OHCHR released its report on sexual orientation and gender identity

The Office of the High Commissioner for Human Rights (OHCHR) submitted its first report to the Human Rights Council on the human rights of lesbian, gay, bisexual and transgender (LGBT). The report details how around the world people are killed or endure hate-motivated violence, torture, detention, criminalization and discrimination in jobs, health care and education because of their real or perceived sexual orientation or gender identity. In the report, Navi Pillay, the UN High Commissioner for Human Rights, calls on countries to repeal laws that criminalize homosexuality, abolish the death penalty for offences involving consensual sexual relations, harmonize the age of consent for heterosexual and homosexual conduct, and enact comprehensive anti-discrimination laws.

The report was prepared in response to a request from the HRC to OHCHR to commission a study documenting discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, and how international human rights law can be used to end violence and related human rights violations based on sexual orientation and gender identity. It draws from information included in past UN reporting, official statistics on hate crimes where there are available, and reporting by regional organizations and some non-governmental organizations (NGOs). The report has been welcomed by human rights activists all over the world.

Text of the report:

[http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.41\\_English.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.41_English.pdf)

### UNGA adopts Optional Protocol for a CRC complaints procedure

In a historic step, the United Nations General Assembly officially adopted on 19 December the third Optional Protocol to the Convention on the Rights of the Child (CRC) on a communications procedure. The new treaty will allow for inter-state communications and an inquiry procedure, which would allow the Committee overseeing the Convention's implementation to receive and examine individual complaints from children and to organize country visits to investigate cases of grave and systematic violations of children's rights. An official signing ceremony will take place in 2012, and needs to be ratified by ten States before it can enter into force and be used.

Source: <http://www.crin.org/NGOGroup/childrightsissues/ComplaintsMechanism/>

### UN SR on the independence of judges and lawyers calls for integration of gender perspective into criminal justice systems

UN SR on the independence of judges and lawyers Gabriela Knaul presenting her interim report to the General Assembly on *Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms* called for a gender perspective to be integrated into countries' criminal justice systems as a fundamental step towards allowing equal access to justice for men and women and in respect of the role to be played by judges and lawyers.

The report focused on the interlinkages of the independence and impartiality of judges, prosecutors and lawyers and the criminal justice system when dealing with women as victims, witnesses and offenders.

Text of the report: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/449/71/PDF/N1144971.pdf?OpenElement>

## **International developments**

### **Asia**

#### **Women parliamentarians in Pakistan succeed in passing two landmark bills providing punishment against anti women practices and acid attack**

Pakistan Senate unanimously passed two historic bills upholding the rights of women - The Acid Control and Acid Crime Prevention Bill 2010 and The Prevention of Anti-Women Practices (Criminal Law Amendment) Bill 2011. Enactment of both Bills would require amendment in the Pakistan Penal Code 1860 and the Code of Criminal Procedure 1898 and have already been passed by the National Assembly.

The Bill on Acid Control and Acid Crime recommends 14-year to lifetime imprisonment sentences and levies fines up to Rs.1 million for the perpetrators of the crime. The purpose of the bill is to control the import, production, transportation, hoarding, sale and use of acid to prevent misuse and provide legal support to acid and burn victims. The Prevention of Anti-Women Practices Bill seeks to eliminate several practices and customs which restrict and violate women's rights. The Bill further states that customary norms, which are contrary to Islamic injunctions, should be done away forthwith and the persons continuing such practices be dealt with severely by providing penal and financial liabilities. Though the Acid Prevention Act is a positive development, the impact of invalidating some customary practices which are against Islamic injunctions may on the contrary defeat the purpose of the Prevention of Anti Women Practices Act.

Source: <http://www.dawn.com/2011/12/12/senate-passes-two-pro-women-bills-unanimously.html>

#### **UNDP-CHTDF undermines indigenous peoples' rights in Bangladesh in organizing cultural diversity festival**

Complying with the Bangladesh government stand against using the term indigenous peoples' (and thereby not recognizing the groups) Chittagong Hill Tracts Development Facility (CHTDF) and UNDP-Bangladesh replaced the term indigenous people's with 'ethnic minorities', 'small ethnic group' and 'tribal' in organizing the Cultural Diversity Festival 2011. Such a move undermines Bangladesh's Policy of Engagement with Indigenous Peoples and UN Declaration on the Rights of Indigenous Peoples (UNDRIP). Indigenous leaders have held that UNDP's stance in compliance with government position suppresses the rights of self-identification of indigenous peoples. They have demanded that every event relating to indigenous peoples including cultural diversity festival should be managed in accordance with indigenous peoples' perspectives, customs and traditions.

According to UNDRIP, indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge, cultural expressions and manifestations of their sciences and technologies as well as the right to intellectual property over those assets.

UNDP-CHTDF documents on cultural diversity festival:

[http://www.chtdf.org/chtdf\\_files/chtdf\\_documents/announcement/Advertisements/CulturalFestival/NewspaperAdvertisementforPerformers2011.pdf](http://www.chtdf.org/chtdf_files/chtdf_documents/announcement/Advertisements/CulturalFestival/NewspaperAdvertisementforPerformers2011.pdf)

[http://www.chtdf.org/chtdf\\_files/chtdf\\_documents/announcement/Advertisements/CulturalFestival/ApplicationFormPhotographers%26paiters2011.pdf](http://www.chtdf.org/chtdf_files/chtdf_documents/announcement/Advertisements/CulturalFestival/ApplicationFormPhotographers%26paiters2011.pdf)

## Myanmar passes a law allowing for peaceful protest

In a significant move in the achievement of civil liberties, Myanmar's president has pushed through a new law "Myanmar Protest Bill" which allows citizens to peacefully protest if they obtain a permit first. Previously in the traditionally repressive nation, demonstrations were banned and authorities have cracked down hard on anti government protest. Now if the citizens want to stage a demonstration they have to apply for permission five days in advance from the police and provide details about the slogans and speakers. The police have the right to deny the permit but they "must explain the reason why". Protests are prohibited at factories, hospitals and government offices. Staging a protest without permission carries a penalty of one year in prison.

Source: <http://www.thedailyactivist.com/civil-rights-peaceful-protests-approved/>

## ***Beyond Asia***

### CEDAW Committee rules that Peru relax its restrictions of abortions

In a groundbreaking decision Committee on the Elimination of Discrimination against Women (CEDAW) ruled that Peru must amend its law to allow women to obtain an abortion in cases of rape and sexual assault; establish a mechanism to ensure the availability of those abortion services; and guarantee access to abortion services when a woman's life or health is in danger-circumstances under which abortion is currently legal in the country. The case was filed by Center for Reproductive Rights and its partner organization in Peru PROMSEX for a girl who was became pregnant at 13 after being raped for years by different men in her neighbourhood. She could not abort as the Peruvian laws did not allow for abortion in case of rape and incest, ashamed she attempted suicide which left her with a spinal injury. However the doctors refused to operate as it would risk the child. The result being she miscarried and because of not being operated upon, became quadriplegic.

Terming the denial of legal abortion as discrimination, the Committee asked Peru to change its laws and said that it was the responsibility of a state to guarantee access to abortion services.

Source:

<http://reproductiverights.org/en/changetheworld>

<http://reproductiverights.org/en/press-room/un-rules-that-peru-must-relax-restrictions-on-abortion>

## Papua New Guinea passes bill reserving seats for women parliamentarians

In a landmark step, Papua New Guinea passed The Equality and Participation Bill, which guarantees 22 seats to women Parliamentarians from the coming national elections. At present there is one woman in the 109 member parliament of Papua New Guinea. The step has been welcomed by leaders and activists as ‘a momentous achievement’.

Source: <http://www.awid.org/News-Analysis/Announcements2/Papua-New-Guinea-Bill-Passes-to-Increase-Number-of-Women-Parliamentarians>

## Government of Mexico apologizes for negligence in investigation of sexual crimes against women

Accepting its responsibility to protect and provide security to women, Mexico’s government publicly apologized for failing to prevent the killings of three women in the border city of Ciudad Juarez and for the negligence of officials in investigating the crimes. After failing to receive justice in Mexico, the families of three of the dead women asked the international court to take up their cases. The court only ruled on those three cases. The apology is a response to a 2009 ruling by the Inter American Court of Human Rights that besides seeking an apology, also asked Mexico to reopen investigations into the cases and to erect a memorial site in the empty lot where the bodies of eight women were found in 2001.

The state of Chihuahua, where Ciudad Juarez is located, has been plagued by the unsolved slayings of hundreds of women since 1993. Most of the victims were raped, killed and dumped in the desert outside of Ciudad Juarez.

Source: [http://www.wunrn.com/news/2011/11\\_11/11\\_07/110711\\_mexico.htm](http://www.wunrn.com/news/2011/11_11/11_07/110711_mexico.htm)

## Female protesters systematically targeted in Egypt

In one of the largest female demonstrations in present times, several thousand women marched in 23 December 2011 Cairo to protest against the violence on female demonstrators demanding end of military rule in Tahrir Square. The spark for the march on came over the 20-21 December 2011, when hundreds of military police officers in riot gear repeatedly stormed Tahrir Square, indiscriminately beating anyone they could catch. Videos showed more than one instance in which officers grabbed and stripped female demonstrators.

However, this is not the first instance of army brutality, in March 2011, the army arrested female protesters who were later subjected to humiliating ‘virginity tests’, following this the military promised to investigate the case but no information had been released. Local human rights activists accused the Egyptian military of systematically targeting female political activists, and have demanded that Egypt’s military rulers admit to continued violations committed against demonstrators.

Source: <http://www.almasryalyoum.com/en/node/557016>

## Mali adopts conservative Family Code

In a disappointing development, Mali has adopted a new Family Code which far from increasing protection eliminates rights of women and perpetuates discrimination. According to the new Code, “a woman must obey her husband” and men are considered “head of the family”. The legal age for marriage is 18 years for males and 16 for females. In certain cases, marriage can be authorised from 15 years. Religious marriages are legally recognised. Human rights activists in Mali had made repeated calls for adoption of a Family Code guaranteeing women’s human rights. They further criticized the government including recommendations by the High Islamic Council and ignoring those of the civil society.

A first draft of the Family Code was adopted by the National Assembly of Mali in August 2009. Although the text did not enshrine equal rights between the sexes, it did contain significant advances. However, following protests by conservative forces, President Amadou Toumani Touré decided not to enact the law and to send it back to Parliament for a second reading. During the revision process, the central provisions - concerning the legal age for marriage, custody of children and inheritance underwent substantial changes; the modified text was finally adopted.

Source: <http://www.fidh.org/Mali-s-new-Family-Law-women-s>  
<http://www.wluml.org/news/mali-malis-new-family-law-womens-rights-denied-discrimination-upheld>

## Canada British Columbia Supreme Court upholds Canada’s ban on polygamy

British Columbia (BC) Supreme Court Chief Justice Robert Bauman has upheld Canada’s ban on polygamy, calling it constitutional and infringing on religious freedom only a little. Supporting his view, the judge held that in his view Section 293 Criminal Code (banning polygamy) minimally impaired religious freedoms, however saying there is evidence that women and children in polygamous relationships are more vulnerable to physical and psychological harm. However, he suggested that the children between 12 and 17 years old who are forced to marry more than one person at the same time, essentially child brides should not be penalized.

Bauman’s decision comes after the BC Government asked the court to review the constitutionality of the polygamy ban after another judge threw out polygamy charges against Winston Blackmore and James Oler in 2009. Though the decision is a constitutional opinion and not binding, yet has been held by legal experts as sending strong message against polygamy and the exploitation of children.

Source: <http://www.news1130.com/news/local/article/302548--bc-supreme-court-upholds-canada-s-ban-on-polygamy>

## Bosnian War Crimes Court convicts ex-soldier for sexual crimes during Balkan conflicts of 1990’s

The War Crimes Court in Sarajevo in Bosnia and Herzegovina found guilty and sentenced to 18 years a Bosnian Serb ex-soldier for acts of murder, rape and enslavement during the Balkan conflicts of the 1990s. Margot Wallström, the Secretary-General’s Special Representative on Sexual Violence in Conflict, welcomed the conviction as signalling that justice must ultimately prevail for victims of sexual violence. In addition while lamenting at the slow rate of convictions



(30 convictions in response to an estimated 50,000 rapes during the years of war crime) she called for full legal protection and safety of the witness.

Source: <http://www.un.org/apps/news/story.asp?NewsID=40348>

## Lower House of Argentina passes the progressive Gender Identity Bill

In a significant development, the Lower House in Argentina has given preliminary approval to the Gender Identity Bill that will enable transgender persons to officially change their name and gender identity no matter what their biological sex. This bill would make it easier for transgender people to obtain accurate government documentation and services. The Bill is now with the Upper House, which will continue to debate the legislation.

Stating that gender identity is ‘an internal and individual experience that may or may not correspond with that assigned at birth’, the law would allow name and gender corrections on all documentation through a simple procedure at the National Registry of Persons. Additionally, the text does not set specific requirements for the change of gender, except for the applicant’s request, thus bypassing the need for costly and medical, psychiatric or surgical treatments. Currently, transgender people who wish to correct their documentation must go through a lengthy legal process that includes medical and psychological examinations, with no guarantee of a favorable ruling.

Source: <http://sdgln.com/news/2011/12/01/gender-identity-law-makes-progress-argentina>

The text of the law is available at: <http://www.awid.org/Library/A-New-Resource-Argentina-Gender-Identity-Law>

## National

### Judgement/Orders

#### Woman fined Rs 5 lakh for sexual harassment case filed 15 years ago by the Delhi High Court

In a regressive decision, the Delhi High Court directed a woman to pay compensation of Rs 5 lakh on a sexual harassment case filed 15 years ago by her against her boss. The woman had alleged that she was sexually harassed in 1996, while working as secretary to the then chief personnel officer in Northern Railways. The Central Administrative Tribunal (CAT) had ruled in her favour, but the Delhi High court in 2008 set aside the order, terming it "invalid".

The man had filed a defamation suit against the woman seeking damages of Rs 10 lakh for the "emotional trauma" he underwent. Holding that the woman had defamed the 74-year-old man, who has now retired, additional district judge Rajender Kumar Shastri directed the woman to pay compensation, saying "every man has his own status, however humble, and he has a right to guard his reputation".

Source: <http://m.timesofindia.com/city/delhi/Woman-fined-Rs-5-lakh-for-false-sexual-harassment-case-filed-15-years-ago/articleshow/10952533.cms>

## Supreme Courts comments that adultery laws are biased

The Supreme Court concurred with criticism of Section 497 of the Indian Penal Code which punishes a man alone for adultery for having consensual sex with a married woman. The criticism of the bench of Justices Aftab Alam and R M Lodha was on two grounds - that the provision reduces a married woman to a property of the husband, and that punishment is meted out to the man though the woman with whom he had consensual sex was an equal partner in the alleged crime.

The adultery provision has been criticized by women's groups for treating the wife as the property of the husband.

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

Source: <http://timesofindia.indiatimes.com/india/Adultery-law-biased-against-men-says-Supreme-Court/articleshow/10964790.cms>

## Supreme Courts puts to rest the controversy on women using her husband's name after divorce

The Supreme Court has held that woman cannot use her husband's surname after divorce if the husband objects to the use of the same. In the present case, the man married a second time in 1995 after his first wife died. According to the wife, within eight months of the marriage, he abandoned her. He filed for divorce in 1997 and a family court dissolved the marriage in 2006. When the wife sought more maintenance; he moved an application seeking to bar her from continuing to use his surname. He claimed that she was misusing his name.

The family court in 2009 passed an injunction to stop her using her former husband's name. She then filed a special leave petition before the Supreme Court seeking to challenge the HC order. Her petition contended that the family court did not have jurisdiction to give an order in the matter of surname. The apex court dismissed her petition. PLD in its last newsletter carried a piece which discussed the same issue with Bombay with Additional Solicitor General Khambata giving his legal opinion. The Supreme Court pronouncement puts to rest any controversy in this regard.

Source: <http://timesofindia.indiatimes.com/city/mumbai/Woman-cant-use-husbands-name-after-divorce-Supreme-Court/articleshow/10760882.cms>

## Bombay High Court reduces life sentence after confession to the police

Nine years after a man strangled his wife to death, his confession has been the main factor for the reduction of his sentence by the Bombay High Court. Interpreting Section 25 of the Evidence Act (according to which any statement made to the police by an accused cannot be used against him as evidence in a criminal trial), the Bombay High Court has ruled that there is an exception to this rule - such confessional statements can be used if they benefit the accused.

The court relied on his confession to the police that he had hit and strangled his wife to death when she refused to reveal the reason why she was speaking to three unknown men in the middle of the night near their house. "In the background of the discomfort, which he was already feeling because of the doubt which he entertained about the character of his wife, and her aggressive behaviour in (landing) a fist blow on the face of the accused in the quarrel, were sufficient for the temporary loss of self control on the part of the husband," said the judges.



## News

### Government of Karnataka to withdraw social benefits from those conducting child marriages

In a positive development, the government of Karnataka has issued a circular whereby a person seeking benefits of a welfare scheme in Karnataka will have to give an undertaking that he or she will not abet a child marriage and that government benefits could be withdrawn if they renege on their promise.

The circular on this was recently issued by the Additional Chief Secretary, Department of Women and Child to all departmental secretaries. This was one of the many recommendations of the four-member Core Committee on Prevention of child marriage headed by former Justice of Supreme Court Shivaraj V. Patil. As per the committee's recommendation, the Revenue Department has also issued an elaborate set of guidelines on mass marriages as many child marriages take place in these events. The guidelines also include those, on registration of organization conducting the marriage, thorough verification of age proof documents and mandatory presence of Child Development Project Officer in the events and so on.

Source: <http://www.thehindu.com/news/cities/Bangalore/article2608521.ece>

### Ghaziabad SHO suspended after the public outcry over “Operation Majnu”

After camera footages of couples in a park being roughed up, and men being asked to do sit ups by the police, were aired by television channels, the Ghaziabad police suspended SHO, the officer in charge. According to the police, operation, called “Operation Majnu” was started, in an attempt to check ‘eve teasing’ in the area. During the implementation of the drive cops had been picking up young couples at parks and malls. The “offenders” were being asked to “explain their conduct” and then handed on-the-spot “punishment”, without a care for their dignity and rights.

Source:<http://www.indianexpress.com/news/Operation-Majnu--SHO-suspended-in-wake-of-outcry-over-public-harassment/882650/>

### Maharashtra drafts Rules for the establishment of Holiday Courts to increase access to courts for women

In a bid to provide greater access to courts to the litigants, the Bombay High Court has drafted Rules introducing morning, evening and Holiday working in Family Courts in Maharashtra. According to the plan, the Holiday Courts would function on public holidays (including Saturday and Sunday), the Morning Courts from 8:30 am to 10:30 am and Evening Courts from 6 pm to 8 pm. The courts would consider matters of mutual consent, maintenance and child custody cases. The Rules would come into effect on the date of publication of the Rules in the Official Gazette.

However, some women’s rights activists and groups have opposed this move as being tokenistic and both impractical and inconvenient for women. The timings of the evening court would make it difficult for women to commute back home as this will cause more of a problem in smaller towns not only for women working outside their homes but also for women working within.

Further, holiday courts would be a deterrent for women as in custody cases, access is granted to children on weekends. Moreover such a move would make family courts a hardship post for judges and make it harder for women litigants, court staff, and lawyers. The often cited structural obstacle to justice for women has been periodic adjournments and ineffective hearings, a problem that remains unaddressed by this proposal. Indeed, this move effectively expands the hours available for court hearings, making more hearings possible, without the promise of effectiveness or gender justice.

The draft rules can be accessed at

<http://bombayhighcourt.nic.in/notifications/PDF/noticebom20111018041454.pdf>

## Ministry of Women and Child Development holds National Consultation with Civil Society Fourth and the Fifth Combined Report to CEDAW

The Ministry of Women and Child Development organized a National Consultation with civil society organizations for obtaining their comments on the India's Draft Fourth and the Fifth Combined Reports to CEDAW. The meeting was held on 25<sup>th</sup> November 2011 at Vigyan Bhawan, New Delhi where a small group of organizations were invited to discuss the report. Government of India had ratified the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) in 1993. The Convention obligates the State Parties to undertake appropriate legislative and other measures to eliminate all forms of discrimination against women.

The draft report is available at <http://www.wcd.nic.in/>. Please send in your comments/observations on the report to the Ministry

## NHRC and WGHR send stakeholders reports' to UN for India's second Universal Periodic Review

National Human rights Commission has submitted their a separate report to UN assessing India's human rights situation for India's second Universal Periodic Review (UPR). The report is available at <http://nhrc.nic.in/Reports/UPR-Final%20Report.pdf>. This is the first time NHRC is not submitting an independent stakeholders report.

In our last newsletter we carried news about Working Group on Human Rights (WGHR) submitting "Joint Stakeholders Report" to UN on India's second Universal Periodic Review process to be conducted in May 2012. The same report titled "Human Rights in India: An Overview" was released by WGHR at a press conference organized on 7 December 2011. The report is an appraisal of the current human rights situation in India and submitted an assessment of the same. Among other things, the report enlists alleged violations like arbitrary arrests and extra judicial killings by security forces in the disturbed areas of India. In addition to WGHR's joint stakeholders report, separate networks and groups have sent specific thematic reports to the UN as well.

WGHR's report and press release are available at: <http://www.wghr.org/>

## Supreme Court lawyer and women's rights activist Rani Jethmalani passes away

Rani Jethmalani, women's rights activist and Supreme Court lawyer passed away in Mumbai on 31<sup>st</sup> December 2011 due to terminal illness. Ms. Jethmalani, worked relentlessly for women's rights and was associated with the Mahila Dakshata Samiti to campaign against the social injustices and violence against women. She was also one of the founding members of Asia Pacific Forum for Women, Law and Development, the region's leading network on women's rights. Commit-2-Change, a non-profit organization, where she served as a Board Member, described her as a lawyer who made "most significant advances in the area of dowry and dowry-death related cases. Her innovative use of public interest litigation in criminal trials challenged societal and cultural trends."

She also co-founded the WARLAW (Women's Action Research and Legal Action for Women) to research and challenge the out-dated laws, and to make the implementation and practice of law more gender-neutral. Her death is great loss to the women's movement.

Source: <http://www.thehindu.com/news/states/other-states/article2764191.ece>  
<http://www.hindustantimes.com/India-news/Mumbai/SC-lawyer-Rani-Jethmalani-passes-away/Article1-789417.aspx>

## Resources

### Understanding and Measuring Women's Economic Empowerment: International Centre for Research on Women

This report published by the International Centre for Research on Women lays out fundamental concepts on women's empowerment including definition of women's economic empowerment; a measurement framework that can guide the design, implementation and evaluation of programs to economically empower women; and a set of illustrative indicators that can serve as concrete examples for developing meaningful metrics for success.

The report is available at: <http://www.icrw.org/publications/understanding-and-measuring-womens-economic-empowerment>

### What the Women Say: The Arab Spring and Implications for Women

ICAN (International Civil Society Action Network) has released its MENA (Middle East and North Africa) regional issue brief on how Middle Eastern women are marginalized from politics and decision-making throughout recent decades. This brief highlights the common regional trends that threaten basic norms of democracy, equality and affect women's abilities to participate in and influence the decision-making processes both nationally and internationally which determines the course of these countries' futures and lives of women. It provides recommendations to national and international policymakers and the media on the importance of and the strategies for ensuring the participation of women in the formation of just, open, equal and democratic societies.

The detailed version of the brief is available at: <http://www.icanpeacework.org/wp-content/uploads/2011/12/ICAN17.pdf>

## Enforcing Rights and Correcting Wrongs -Overcoming Gender Barriers in Legal Systems: UNDP

This paper is based on research coordinated by the Human Development Report Unit, UNDP Asia-Pacific Regional Centre to uncover barriers to equality in legal systems that restrict human rights along gender lines and to propose possible ways to redress legal discrimination for accelerating human development.

The report is available at

<http://www.snapundp.org/eLibrary/Publications/EnforcingRightsCorrectingWrongs.pdf>

### Gender and Torture Conference Report 2011: Amnesty International

Amnesty International released its new report on Gender and Torture on the gender dimensions of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment. This report discusses and reflects on the role the legal framework on torture can play in achieving justice for women and those from marginalized groups who are the victims of deliberately inflicted harm, often at the hands of non-state actors. In doing so it looked at different gender dimensions to torture: considering how gender impacts not only the circumstances of the commission and its consequences, but also on its remedy.

### Torture in India 2011: Asian Centre for Human Rights

The Asian Centre for Human Rights (ACHR) has released its report, "Torture in India 2011" covering the incidents of torture in India from 2001 to 2010. In the report, ACHR has called upon the Government of India to enact the Prevention of Torture Bill, 2010 as drafted by the Parliamentary Select Committee without any dilution into a law. ACHR also recommended the NHRC to recommend prosecution of the guilty public officials in all the cases in which compensation is recommended.

The report is available at: <http://www.achrweb.org/reports/india/torture2011.pdf>

## Events

### PLD holds workshop on Gender Based Violence and the Law: 15- 18 Dec 2011

Partners for Law in Development (PLD) and Friends for Rural Reconstruction (FARR) conducted a 3 day workshop on Gender Based Violence and Law in Puri. The residential workshop was on gender based violence, as it pertains to women. It discussed violence against women in the framework social practice, international standards and national laws. The workshop covered the meaning and scope of gender based violence and the atrocities committed on women from marginalized sections, focusing on the caste atrocities, witch hunting, and domestic violence. It was attended by activists and lawyers based in Orissa.

### Queer Parade organised in Delhi and Mumbai

Delhi organised its fourth annual Queer Pride on 27 November 2011 from Barakhamba Road to Tolstoy Marg. Despite the judgment of the Delhi High Court in June 2009 reading down section 377 of the IPC, queer people in India face violence and discrimination from many different quarters. The cases of forced marriages continue, as do suicides and depression amongst queer

persons. In addition, protest was also against the humiliation and discrimination suffered by Prof. Siras at the hands of Aligarh University management leading to his eventual death.

Mumbai will host its fourth annual Queer Parade on Saturday, January 28, 2011 at August Kranti Maidan, 3 pm onwards. The parade called, Queer Azaadi March, is ‘an expression, a voice, a celebration and a platform to ask for equal rights of these individuals conducted in form of an annual parade in Mumbai’.

### Consultation with UN Experts on Women’s Economic, Social and Cultural Rights: ESCR net

The Office of the High Commissioner for Human Rights hosted a consultation with UN experts on Women’s Economic, Social and Cultural Rights on 27-28 October, 2011 in Geneva. The Women and ESCR Working Group of ESCR-Net served as the primary facilitators and experts at the Consultation This meeting was organized to bring together key actors working on women's ESCR from (i) the UN treaty bodies and (ii) the UN special procedures, (iii) civil society, (iv) UN agencies, and (v) from within OHCHR.

The aim of the consultation was to identify the key economic and social challenges facing women today; map the substantive issues where there is a need for conceptual clarity, better coherence between international bodies and provide practical guidance and develop a strategy to advance such issues at the international level and identify opportunities for collaboration.

Source: [http://www.escr-net.org/actions/actions\\_show.htm?doc\\_id=1622921](http://www.escr-net.org/actions/actions_show.htm?doc_id=1622921)