

BI-MONTHLY LEGAL NEWS

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PLD

Partners for Law in Development

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Updates from the UN

CEDAW Committee reviews India on Gujarat in respect of gender based violence and gendered impact of the 2002 carnage, and issues Concluding Comments

The matter of gender based violence in the Gujarat carnage of 2002 was brought to the attention of the CEDAW Committee in 2003 by an Extraordinary Petition. Since then, the Committee has consistently asked questions of the GoI, including requesting the GoI to submit in January 2008 a follow-up report on the impact of the Gujarat riots on women for the consideration by the Committee later in 2008. As part of the follow up procedure, a review on questions relating to Gujarat was held by the Committee in October 2010. The Committee expressed regret that the Exceptional Report ‘was long overdue, provided limited and vague information and did not address adequately all the questions posed by the Committee and that the supplementary material reached the Committee only two days prior to the dialogue.’ Moreover, the Committee noted there was no representative from Gujarat, and other officials, including from the Ministry of Women and Child Development did not participate actively.

The CEDAW Committee’s Concluding Comments stress that decentralisation of powers cannot be used as an excuse for failure to fulfill state obligations, the need for a gender inclusive Communal Violence Bill and its intention to continue dialogue with GoI on Gujarat in the next periodic review.

Source: <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-IND-CO--SP1.pdf>

UN GA removes reference to sexual orientation from the resolution on extrajudicial, summary and arbitrary executions

In a regressive move, the United Nations General Assembly voted to remove ‘sexual orientation’ from the resolution on extrajudicial, summary and arbitrary executions. Sexual orientation was part of the resolution since 1999 based on the repeated concern of the Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions. The SR’s most recent report identified gays, lesbians, bisexuals and transsexuals as being vulnerable to such crimes. But this year, Morocco and Mali introduced an amendment on behalf of African and Islamic nations that called for deleting the term ‘sexual orientation’ and replacing it with ‘discriminatory reasons on any basis.’ This amendment was opposed by many countries (including India) which spoke in favour of retaining reference to sexual orientation as there is enough evidence to prove that world over sexual orientation has been a motive for extrajudicial killings. However, the amendment deleting the term ‘sexual orientation’ was finally adopted by a margin of 70-79, and 17 abstentions. This resolution has evoked discussions at the UN over whether sexual minorities should be offered the same protections as other minorities whose lives are threatened.

The General Assembly passes a resolution condemning extrajudicial, summary and arbitrary executions and other killings every two years. The 2008 resolution included an explicit reference to killings committed because of the victims’ sexual preferences.

Source: <http://af.reuters.com/article/maliNews/idAFN1611322420101117>

<http://www.guardian.co.uk/world/2010/dec/21/gay-rights-row-un-resolution>

Draft Resolution on Extrajudicial, Summary or Arbitrary Executions A/C.3/65/L.29/Rev.1

Proposed Amendment to replace the words “any discriminatory reason, including sexual orientation” with the words “discriminatory reasons on any basis”. A/C.3/65/L.65

UN Department of Public Information (16th November 2010):

<http://www.un.org/News/Press/docs/2010/gashc3997.doc.htm>

Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions (20th May 2010) A/HRC/14/24:

UN Convention for the Protection of All Persons from Enforced Disappearance comes into force

In a significant and historic step, the International Convention for the Protection of All Persons from Enforced Disappearance has come into force with Iraq being the 20th country to ratify the Convention. The Convention makes it binding on all State parties to address and reduce the number of enforced disappearances as well as provide justice and reparation to the victims and their families. The Convention is supported in its role and application by the United Nations Working Group on Enforced or Involuntary Disappearances that was established to assist families in determining the fate and whereabouts of disappeared relatives by channel of communication between the families and the Governments concerned, and to ensure that individual cases are investigated objectively.

Text of the Convention: <http://www2.ohchr.org/english/law/disappearance-convention.htm>
<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10561&LangID=E>

UN SC adopts resolution 1960 on Sexual Violence in Conflict

The UN Security Council has adopted a new Resolution on Sexual Violence in Conflict (1960) to strengthen the normative standards on women and peace and security- in particular with reference to UN SC Resolution 1888. The resolution is significant as it stresses on establishment of comprehensive monitoring and accountability mechanisms to end impunity for sexual violence in conflict. It reaffirms the principle of command responsibility and call on states to end impunity against sexual crimes and institute monitoring and justice mechanisms like national, international and mixed criminal courts and tribunals and truth and reconciliation commissions. The resolution also calls on states to increase access to health care, psychosocial support, legal assistance and socio-economic reintegration services for victims of sexual violence, in particular in rural areas, taking into account the specific needs of persons with disabilities; and recommends that the Secretary-General list parties who have committed acts of sexual violence in his reports for action to be initiated against the perpetrators.

The text of the resolution is available at:

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/698/34/PDF/N1069834.pdf?OpenElement>

International Developments

Asia

Pakistani Christian given death penalty on charges of blasphemy

Asia Bibi, a Pakistani Christian has been convicted for blasphemy under section 295C of the Pakistani Penal Code (death penalty) by a district court in Nankana Sahib near Lahore. The Lahore High Court has granted a stay order restraining the government from amending the blasphemy law as well as restraining the President or anyone from the government from taking any action with regard to pardoning Asia Bibi. Local and national human rights activists have strongly condemned the conviction of Asia Bibi and called for repealing or amendment of the discriminatory blasphemy laws. Pakistan Supreme Court Bar President and women's rights activist Asma Jahangir deprecated the death penalty given to Asia Bibi expressing that laws should be made to protect religious minorities and not to provide a tool for exploitation in the name of religion.

There has been considerable national and international attention on blasphemy laws in Pakistan which are used to curb freedom of speech and expression and discriminate against religious minorities. The blasphemy laws were promulgated during Zia-ul-Haq's dictatorship twenty years ago, despite numerous campaigns against the laws; they however still continue to be used to spread religious intolerance, violence and are politically motivated.

Source: <http://www.indianexpress.com/news/pak-cleric-offers-rs-5-lakhs-for-killing-christian-woman/720088/1>
<http://www.indianexpress.com/story-print/721033/>
<http://www.wlumml.org/node/6788>
<http://www.wlumml.org/node/6830>

Afghanistan SC issues an edict on women and girls running away from home

The General Administration Directorate of Supreme Court of Afghanistan has issued an edict stating that women and girls who run away from their own residence (regardless of the reason) to a stranger's residence, rather than to a relative's house, to security or justice departments, will be condemned to committing the crime of adultery or prostitution. Women who are declared guilty of this crime shall receive discretionary punishment. Pro women organisations such as Medica Mondiale Afghanistan have protested against this edict as it will make women vulnerable to domestic violence and leave them without the option of fleeing their homes. Such an edict does not take into consideration the social reality of the region as women who flee their homes usually do not get any assistance from relatives, who fear ostracisation. For those who are in remote areas the police are of little or no help.

Source:

http://www.wunrn.com/news/2010/12_10/12_06/120610_afghanistan.htm

Bangladesh enacts a law on domestic violence

In a landmark step, the Bangladesh Parliament has passed the Domestic Violence (Prevention and Protection) Bill 2010. Among the salient features of the Bill is that it contains a provision for incremental punishment. The law provides for six months imprisonment or a fine of Taka 10,000 as maximum punishment. A provision has been kept in the Act for maximum two years imprisonment or Taka 100,000 as fine, or both, 'if the violence repeats'. The offence is bailable and compoundable. The Domestic Violence (Prevention and Protection) Act, 2010 will come into effect on a date to be fixed by the government through a gazette notification.

Source:

<http://www.banglanews24.com.bd/English/detailsnews.php?nssl=b8c8c63d4b8856c7872b225e53a6656c&nntl=201010076137>

Bangladesh HC holds extra judicial punishments including those in the name of Fatwa unlawful

In a landmark decision, the Bangladesh High Court has held that imposition of extrajudicial punishments including those in the name of execution of Fatwa are unlawful and has ordered penal action for the abettors. The Court also directed the State to create awareness and spread information about the Constitution as the source of law so as to discourage imposition of extra-judicial punishment in any form including those in the name of execution of Islamic Sharia/Fatwa in all school, college and university syllabus particularly in madrasas. The Court reiterated the failure of the State in taking any systematic action to prevent such incidents of imposition and execution of extra-judicial penalties, and

such failure involves a breach of state obligations under the Constitution and international law to ensure the right to freedom from cruel, inhuman and degrading treatment or punishment.

Source:

<http://www.thedailystar.net/newDesign/news-details.php?nid=146085>

Malaysian HC allows Sisters in Islam to keep name

The Malaysian High Court has passed an order to allow Sisters in Islam (SIS) to continue using the word 'Islam' in its name. The court was responding to an application by a NGO, Dewan Pemuda Masjid Malaysia (Malaysian Assembly of Mosque Youth, MAMY) to prevent SIS from using its Sisters in Islam name on grounds that the word 'Islam' was controlled and limited by the Registrar of Companies. Sisters in Islam (SIS) has welcomed the High Court's decision.

Source: <http://110.74.134.63/malaysia/article/sisters-in-islam-get-to-keep-name/>

Aung Sang Suu Kyi released by the military junta

In a boost to the struggle for democracy, Myanmar pro democracy leader Aung Sang Suu Kyi has been released after fifteen years of house arrest by the military junta. Suu Kyi has been imprisoned by Myanmar's military junta since 1989 when she led the National League for Democracy (NLD) but was not allowed to form the civilian government. Few days before her release, the military government backed Union Solidarity and Development Party won elections and formed the government. The elections were believed to be hugely manipulated and were boycotted by NLD.

Source:

<http://www.bbc.co.uk/news/world-asia-pacific-11749661>

<http://www.thehindu.com/news/international/article883790.ece>

IWRAW Asia Pacific's recommendations for implementation of mandate of UN Women

Responding to the call by Under Secretary General for UN Women for inputs from the civil society on initial implementation of the mandate of UN Women, IWRAW Asia Pacific issued a statement outlining specific recommendations for the same. To begin with, IWRAW Asia Pacific has recommended that UN Women set out its framework for action whose core principles remain human rights, substantive equality and non-discrimination. Among the other significant recommendations to UN Women is to create a concrete mechanism and permanent institutional procedure for engaging with and seeking input from NGOs and civil society. The detailed statement of recommendations can be read at:

http://www.wunrn.com/news/2010/12_10/12_13/121310_iwraw_files/IWRAW%20AP%20Statement%20on%20Human%20Rights%20Day%202010.pdf

The recommendations are timely as the UN Member States have elected countries to serve on Executive Board of UN Women. The 41 board members with two and three year terms were selected on the following basis: 10 from Africa, 10 from Asia, 4 from Eastern Europe, 6 from Latin America and the Caribbean, 5 from Western Europe and 6 from contributing countries.

Source: <http://www.un.org/apps/news/story.asp?NewsID=36718&Cr=un+women&Cr1>

Beyond Asia

Pope states that use of condoms is acceptable 'in certain cases'

In a break with traditional Christian teachings, Pope Benedict XVI has said the use of condoms is acceptable 'in certain cases.' Speaking to a German journalist, the Pope said that in the case of a male prostitute using a condom to reduce the risk of HIV "can be a first step in the direction of moralisation, a first assumption of responsibility, on the way toward recovering an awareness that not everything is allowed and that one cannot do whatever one wants." The Pope's comments follow his controversial assertion in 2009 that the rising tide of HIV in Africa could be made worse, not better, by the distribution of condoms. Catholic HIV/AIDS workers have welcomed the Pope's message on condoms.

Source: <http://www.guardian.co.uk/world/2010/nov/21/pope-benedict-condoms-hiv-infection>
<http://www.medicalnewstoday.com/articles/210324.php>

ECHR holds UK immigration registration laws imposing controls on marriages to persons outside UK as discriminatory

In *O'Donoghue v United Kingdom*, the European Court of Human Rights (ECHR) delivered a noteworthy judgment striking down the Certificate of Approval scheme in the UK, which requires those subject to immigration control to obtain a certificate from the Home Office before they are permitted to get married. The ECHR found the scheme as being discriminatory, and inconsistent with the European Convention on Human Rights.

Summary of *O'Donoghue v United Kingdom* is available at:

http://response.pure360.com/_act/link.php?mId=C81737286981661611633556432813&tId=49687941

National

Judgments/Orders

Supreme Court adds murder charge in dowry death cases

Enforcing stricter punishments for severe crimes against women, the Supreme Court has made it mandatory for courts across the country to add murder charge against the accused persons in all dowry death cases. Presently, dowry death is registered under Section 304B IPC entailing a maximum punishment of life imprisonment (minimum seven years). After this order, a person convicted of dowry death would get either life imprisonment or capital punishment. The Court has also directed that the copy of the order be sent to registrar generals and registrars of all high courts for further circulation to all trial courts.

Source:

<http://www.hindustantimes.com/Charge-murder-in-dowry-death-cases-SC-tells-courts/Article1-629661.aspx>

<http://www.indianexpress.com/news/add-murder-charge-provision-to-dowry-deaths-sc-tells-courts/714522/>

Supreme Court divided on whether failure to marry after cohabiting amounts to breach of promise to marry

The Supreme Court delivered a split verdict on whether a man in a live-in relationship can be considered guilty of deceiving a woman for letting her believe that she was legally married to him and cohabit with him. The case related to a man who was cohabiting with a woman for the past nine years and they had two children, but he disowned her subsequently. During the live-in period, the man executed an agreement with the woman that they will marry later and filed an application to special marriage officer for procuring a marriage certificate. According to one judge, the act could be considered immoral but not illegal, while the other judge citing section 493 of the IPC held it as an act of deception. Since the judges had different opinions the matter has been referred to Chief Justice for having the issue examined by a larger Bench.

Source: <http://www.indianexpress.com/story-print/717895/>

Delhi High Court issues rules to Delhi Government to ensure reproductive rights to destitute women

Acting upon a newspaper report which reported the death of a destitute pregnant woman upon child birth owing to lack of medical care, the Delhi High Court issued instructions to the Delhi Government to set up five shelters exclusively for pregnant and destitute women and lactating mothers; ensure that adequate medical assistance and food are provided in the shelters and professionally trained personnel are deployed; to create a hotline service; to set up a Mobile Medical Unit; to establish awareness camps; to disseminate existing schemes and shelters through radio/TV media and involve genuine NGOs in constructing and implementation of services.

The destitute woman died within four days of childbirth. The order was issued when the High Court initiated a suo motu petition and appointed Colin Gonsalves, Executive Director, Human Rights Law Network as Amicus Curiae. It is the responsibility of the government to ensure health facilities for women especially poor women are provided and maintained.

Source: <http://www.hrln.org/hrln/press%20release/PRESS%20RELEASE.pdf>

Bombay High Court holds that 'Marriage doesn't change daughter's role in supporting family'

In the case of *Medha Parke vs State of Maharashtra* the Bombay High Court held that a labour practice which allowed only unmarried daughters eligible for employment on compassionate ground in the case of her parent's premature retirement was unfair. The Bombay High Court observed that "it is impossible to accept in this day and age that assuming a woman gets married she will cut off her ties with the family she is born in and will leave it to suffer the vagaries of life in penury." The court was hearing an appeal filed by Maharashtra Government against an order of Industrial court which termed as illegal the termination of a woman, who had secured employment in keeping with the Government policy framed under Maharashtra Civil Services (pension) Rules after her father retired prematurely on medical ground.

Source: <http://www.indianexpress.com/news/on-jobs-govt-has-been-unfair-to-married-women-bombay-hc/706023/0>

Two review petitions filed in Supreme Court in a judgement denying maintenance for a woman in a live in relationship

Two review petitions have been filed in the case of *Velusamy vs. Patchaiammal* where the Supreme Court held that a woman in a live-in relationship was not entitled to maintenance. Mahila Dakshta Samiti has moved the Supreme Court to recall the use of the expression 'keep' to describe the woman, on the grounds that the expression is highly derogatory and constitutes discrimination against women on the grounds of marital status. Partners for Law in Development has filed a review petition on six grounds, including derogatory terminology used, but also, that a rigid definition of the term 'relationship in the nature of marriage' excludes women from access to beneficial legal provisions, the Protection of Women from Domestic Violence Act 2005 is unconnected with section 125 Cr.P.C, and the four conditions set out by the SC to define 'relationship in the nature of marriage' defeat the object and purpose of the PWDVA.

Source: <http://www.thehindu.com/news/national/article918011.ece>

News

Draft Protection of Women against Sexual Harassment at Workplace Bill passed by Union Cabinet with narrow provisions

The Union Cabinet has tabled the draft Bill on Protection of Women against Sexual Harassment at Workplace in the Lok Sabha. While welcoming the effort of the government to ultimately introduce the legislation, at the same time women's groups have protested against certain narrow provisions of the draft Bill. Firstly, while the Bill has broadened its scope to include students, research scholars in colleges/universities, patients in hospitals and women in the unorganised sector under its purview, it has excluded domestic workers, leaving them vulnerable to sexual harassment. Secondly, 'false and malicious complaints' of sexual harassment have been made punishable in the proposed law, which goes against the spirit of the *Vishaka* guidelines. The Bill provides for a mandatory redress committees in organizations and for the constitution of local complaints committees by the designated district officer at the district or sub-district level to inquire into the complaints and recommend action to the employer or the district officer; however it does not lay out specific procedural rules for constitution of its committees and selection of members.

Source:

http://www.thestatesman.net/index.php?option=com_content&view=article&id=347425&catid=35

<http://www.hindustantimes.com/StoryPage/Print/630108.aspx>

<http://indialawyers.wordpress.com/2010/12/02/promise-to-women/>

Dr. Binayak Sen convicted on charges of sedition and treason

In an appalling and shameful decision, noted human rights activist Dr. Binayak Sen has been convicted on charges of guilty of sedition and treason by a session court in Raipur. The court held him guilty under provisions of section 124 IPC (sedition), 120 B IPC (conspiracy) and Chhattisgarh Special Public Security Act. Dr. Binayak Sen, a medical doctor has worked to improve the health and nutrition status among the tribal communities of Chattisgarh for the past 30 years. He is also a member of People's Union for Civil Liberties (PUCL) and has raised his voice against human rights violations both by the state and killings of innocent people by the Salwa Judum in the naxal affected areas of Chattisgarh. Dr. Sen was arrested under the Unlawful Activities (Prevention) Act and the Chhattisgarh Special Public Security Act in May 2007 on charges of having links with Maoists, however despite immense national and international appeals he was not released but was given bail owing to his deteriorating health

condition after nearly two years in May 2009. Human rights activists have strongly condemned this verdict.

Source: <http://www.thehindu.com/news/article974280.ece>

Private member's petition to amend 498A: Written comments invited by Rajya Sabha

The Committee on Petitions of the Rajya Sabha is considering a petition praying for amendments in Section 498A IPC. The petition claims that women are misusing section 498A IPC to get rich quickly, to deny child custody to the father, as a bargaining tool for women who 'indulge in adultery', and to 'inflict sufferings on the husband.' The Committee has decided to undertake consultations with a wide cross section of society and has invited written comments on the petition. Concerned feminists and women's organisations will be responding to the Rajya Sabha with regard to its decision to entertain this petition, and seeking amendments to section 498A IPC, and it is hoped that the petition will be dropped by the Rajya Sabha.

The petition is available at the Rajya Sabha website www.rajyasabha.nic.in

Resources

Fragrance of Peace: Irom Sharmila

Zubaan has published a collection of Irom Sharmila's poems called Fragrance of Peace, which has been translated into English from Meiteilon (Manipuri) to mark the 10th anniversary of her hunger fast for the repeal of the AFSPA. All proceeds from the sale of this book will go towards supporting Irom Sharmila's campaign.

For online orders:

http://www.zubaanbooks.com/zubaan_books_details.asp?BookID=163

The Right to Unite: A Handbook on Domestic Worker Rights across Asia

Asia Pacific Forum on Women, Law and Development (APWLD) has launched a new resource book titled "The Right to Unite: A Handbook on Domestic Worker Rights across Asia" that seeks to advance the rights of domestic workers in Asia. The book focuses on the hidden violations of rights of domestic workers, identifies gaps, highlights concerns and gives concrete recommendations for change. In the context of India, the book is timely and an effective advocacy tool in the light of domestic workers not being recognized as workforce and being excluded from protection from sexual harassment in the Draft Protection of Women against Sexual Harassment at Workplace Bill 2010.

To read the press release of the book: <http://www.apwld.org/Rights-at-risk-at-the-Global-Forum-on-Migration-and-Development.html>

To download the book: www.apwld.org

Activist's Guide to the Yogyakarta Principles

ARC International has released the Activist's Guide to the Yogyakarta Principles. The Activist's Guide is a toolkit, which provides an introduction to the Yogyakarta Principles, exploring how they can enhance the work of activists in advancing rights for LGBTI people around the globe. It presents several creative examples of ways in which LGBTI activists have already used the Yogyakarta Principles to make significant gains, and suggests strategies for further engagement with the Principles. The Guide

has been welcomed world over by LGBTI activists as being the first step in bridging the gap between international human rights law and its outreach and applicability at the community and grassroots level.

The Guide is available to download at: http://www.ypinaction.org/content/activists_guide
http://www.ypinaction.org/files/02/85/Activists_Guide_English_nov_14_2010.pdf

List of Materials and resources for Women Human Rights Defenders: AWID

AWID has released a new resource tool for women human rights defenders, compiled by AWID in collaboration with the Women Human Rights Defenders International Coalition. The compilation lists research materials dealing with the security and protection of defenders, resources that women activists can consult concerning their wellbeing and self-care, manuals dealing with how to document and monitor violations of women's rights, as well as manuals on the rights and mechanisms available to women human rights defenders at risk. The list also references materials that address specific themes particularly relevant to women defenders, such as sexual orientation, religious fundamentalisms and conflict.

The resource tool can be downloaded at:

http://www.awid.org/eng/content/download/93269/1044131/file/WHRD_materials_resources.pdf

Control and Sexuality: The Revival of Zina Laws in Muslim Contexts: WLUML

Women Living Under Muslim Laws (WLUML) has released a new resource book titled, Control and Sexuality: The Revival of Zina Laws in Muslim Contexts by Ziba Mir-Hosseini and Vanja Hamzić. The book explored zina laws in some Muslim contexts and communities in order to explore connections between the criminalization of sexuality, gender-based violence and women's rights activism. In the book's Forward, Farida Shaheed (UN Independent Expert on Cultural Rights) has acknowledged the resource book as being most timely as it would add a gendered focus to debates around cultural rights and aid efforts to eliminate cultural practices which are detrimental to women and girls.

The book is available at: <http://www.wluml.org/node/6869>

What Women Say: Participation and UNSCR 1325: Case Study Assessment: MIT Center for International Studies, and the International Civil Society Action Network

MIT Center for International and the International Civil Society Action Network has released a study report conducted in six countries- Aceh (Indonesia), Colombia, Israel and Palestine, Liberia, Sri Lanka, and Uganda highlighting the poor implementation of UNSCR 1325 even after 10 years of its enactment. According to the report, the U.N., major industrial powers, other international organizations, and conflict states have all failed to include women in peace processes and peace building, two key goals of the resolution.

The report is available to download at: http://web.mit.edu/cis/pdf/WomenReport_10_2010.pdf

Modes and Patterns of Social Control: Implications for Human Rights Policy: ICHRP

International Council on Human Rights Policy has released a report on Modes and Patterns of Social Control: Implications for Human Rights Policy. Drawing on research across five policy areas: infectious diseases, urban spaces and the poor, policing, migration, and punishment and incarceration, as well as a case study of the Roma in Europe, the report is relevant to human rights advocates and professionals working in diverse policy areas. It points to human rights challenges and ways forward with respect to ideas of crime and criminality, penal sanctions, non-criminal sanctions and "soft" controls, segregation

and exclusion, protection and victim rights, privatization, surveillance, and policy transfer regimes. This report looks into the human rights implications of contemporary patterns of social control: how laws and policies construct and respond to people, behaviour or status defined as undesirable, dangerous, criminal or socially problematic.

The report and the research papers are available at: <http://www.ichrp.org/en/projects/126?theme=16>

ACJ Report: Human Rights, Sexual Orientation and Gender Identity: Asia Pacific Forum

The Advisory Council of Jurists (ACJ) of Asia Pacific Forum (APF) has released a study report which details the consistencies and inconsistencies of countries in Asia Pacific in implementation international human rights laws regarding gender identity and sexual orientation. The report includes a series of recommendations and highlights the need for all national human rights institutions to consider action in several key areas, including- the enactment or strengthening of anti-discrimination legislation to specifically prohibit discrimination on the basis of sexual orientation and gender identity; the enactment of legislation or policies permitting the recognition of changes to gender; the interpretation and application of religious and customary laws and practices in accordance with international human rights and freedoms; the de-criminalisation of same sex sexual conduct between consenting adults in those countries where criminal provisions either apply or remain on the statute books.

The report can be downloaded from: http://www.asiapacificforum.net/acj/references/sexual-orientation/downloads/Human_Rights_Sexual_Orientation_and_Gender_Identity_Final_Report.doc.pdf

Events

Queer Pride Rally's organized in Delhi and Bangalore

On 28 November, Delhi and Bangalore simultaneously celebrated their Queer Prides. While the pride march was a celebration of the High Court judgment decriminalizing consensual adult same sex activity on 2 July 2009 (the case is now pending with the Supreme Court), at the same time it served to voice protest against violence and discrimination faced by queers. Social discrimination accompanied by lack of access to health services for transgenders or property rights, insurance benefits, and adoption rights for persons in same sex relationships are facets of discrimination that continue against LGBTI persons.

Protest meeting against increasing sexual assault on women in Delhi

On December 1, concerned citizens and groups organized a protest at Jantar Mantar against the increasing sexual assault on women in Delhi and in particular on women from the North East. The protest sent a clear message that women have the right to dress, behave and live in a manner they desire, without their basic right to security being violated. After the protest a small delegation met Chief Minister Sheila Dikshit and presented a memorandum of demands condemning the failure of the Delhi Government and Police to ensure the safety and security of women. In the wake of recent incidents, the Delhi Police has issued guidelines for employers which would involve that women be dropped till their residence at 7pm in winters and 8pm latest in the summer, failing which would invite penal prosecution of the employer. Such measures minimize the responsibility of the state to institute mechanisms to make the city safe for women, and restrict the mobility of women.

Source:

<http://www.thehindu.com/news/cities/Delhi/article931716.ece?service=mobile>
<http://www.hindu.com/2010/12/10/stories/2010121062810300.htm>

Addressing Sex-Selection: Continued Challenges and Emerging Concerns: SAMA

SAMA organized a Seminar on Addressing Sex-Selection: Continued Challenges and Emerging Concerns on 4 December 2010 in Delhi. The Seminar focused on drawing linkages between the diverse socio-cultural attitudes and behaviors, including dowry, honour crimes, repressive state policies that control fertility and sex selection and also the intersections between reproductive technologies, disability and sex selection. Participants from Delhi, Uttar Pradesh, Madhya Pradesh, Punjab, Haryana, Rajasthan and Orissa; from community based organizations as well as from advocacy groups, working broadly on issues of women's health and rights and on addressing sex selection attended the seminar.

Symposium on the Role of Women in Peace-building: IPSCR, WRAG and NAWO

Institute for Peace Studies and Conflict Resolution (IPSCR), in collaboration with Women's Research and Action Group (WRAG) and National Alliance of Women (NAWO) organized a symposium on the Role of Women in Peace-building from 18-19 December 2010 in Delhi. The symposium sought to provide a platform for women engaged in peace-building initiatives to share their experiences with regard to strategies, challenges and learning's in peace-building efforts in different contexts in India.

Source: <http://www2.ohchr.org/english/bodies/cescr/discussion15112010WrittenContr.htm#experts>

Consultations with Prof. Gay McDougall, UN Independent Expert on Minority Issues

In her unofficial visit organized by National Campaign on Dalit Human Rights (NCDHR), Professor Gay McDougall, UN Independent Expert on Minority Affairs delivered a public lecture, held consultations and meetings with human rights groups and academicians. The mandate of the Independent Expert on minority issues complements and enhances the work of other UN bodies and mechanisms that address minority rights and minority issues, including the Forum on Minority Issues and the treaty monitoring bodies. Importantly, the Independent Expert can consult directly with Governments regarding minority issues, and is also mandated to take into account the views of NGOs, offering a unique opportunity for constructive engagement in country situations.

Final Dissemination Meeting and Consultation on the Economic Rights and Entitlements of Separated and Divorced Women: Economic Research Foundation

Economic Research Foundation organized a Final Dissemination Meeting and Consultation on the Economic Rights and Entitlements of Separated and Divorced Women in India on the 20 - 21 December 2010. The Consultation was organized to formulate strategies and discuss reforms in various laws related to spousal and child support and address the different aspects of a law on marital property in India and South Asia based on findings from an in-depth survey of 405 separated/divorced women across the country.

Day of General Discussion on "The Right to Sexual and Reproductive Health": CESCR

The Committee on Economic, Social and Cultural Rights (CESCR) convened a Day of General Discussion on the right to sexual and reproductive health on 15 November 2010. The aim of the discussion was to exchange views and garner insights from practitioners and experts on the right with a view to foster a deeper understanding of the content and implications of articles 12 (right to health) and 10 (2) (the right of family to protection and assistance) of the Covenant that would feed into the formulation of a general comment by CESCR on the right to sexual and reproductive health. PLD presented a paper in the panel discussions.

The Second ‘One Day One Struggle’ Campaign to promote sexual and bodily rights in Muslim societies

The Coalition for Sexual and Bodily Rights in Muslim Societies (CSBR) organized The Second International ‘One Day One Struggle’ Campaign to promote sexual and bodily rights in Muslim societies on 9 November 2010 across 12 countries in the Middle East, North Africa, South and Southeast Asia through video and film screenings, theatre performances, photo exhibitions, press release and hearings. The first campaign was organized last year and was successful in rousing international attention to violation of sexual and bodily rights in Muslim societies. Carrying forward the success of the first campaign and in the light of various forms of violations in the past year (like revocation of the permit for the regional Asia Conference of the International Lesbian, Gay, Bisexual, Transgender and Intersex Association (ILGA) by the police in Indonesia and the harassment of conference participants by radical Islamist groups; political pressure on a women’s group promoting women’s rights in Islam in Malaysia; Sakineh Ashtiani being sentenced to death by stoning in Iran; and killings of hundreds of women and transsexuals in Turkey under the pretext of honor and morality etc), this year’s campaign sought to strengthen the collective voice.

Source: <http://www.wwhr.org/news.php?detay=65>

Fourth Annual Convention of the Bharatiya Muslim Mahila Andolan

Bharatiya Muslim Mahila Andolan organised its fourth Annual Convention in Ahmedabad on 22nd December 2010, with over 600 women from across the country participating in the event.

Forthcoming Events

Second Law and Social Sciences Research Network (LASSnet) Conference

LASSnet is organizing its Second Law and Social Sciences Research Network (LASSnet) Conference in Pune from December 27-30, 2010. The conference will bring together activists, legal practitioners, academics and researchers to focus on the multiple sites of law and seeks to open out ways of thinking about the social life of law and legality and its relation to questions of violence and injustice in South Asia. PLD will be participating in the conference.

More information about the conference is available at: www.lassnet.org