



# BI-MONTHLY LEGAL NEWS

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## UN UPDATES

### Human Rights Council condemns gross violation of human rights and atrocities by Boko Haram

At its special session on atrocities and human rights abuses by the Boko Haram, the Human Rights Council passed a resolution by consensus condemning the gross abuses of international human rights law and violations of international humanitarian law perpetrated by Boko Haram. The council called upon the international community to provide more active and multifaceted support for the States affected by the actions of this terrorist group. It also asked the States to support the Multinational Joint Task Force adopted by the African Union as appropriate and to provide it with technical assistance.

Zeid Ra'ad Al Hussein, the United Nations High Commissioner for Human Rights expressed deep concerns for the appalling atrocities and critical human rights situation perpetrated by the Boko Haram insurgencies in northern Nigeria and the Lake Chad region. Since 2009, at least 15,000 individuals had been killed, women and girls had been subjected to horrific abuse, including sexual enslavement and abduction of hundreds of schoolgirls. More than a million people had been displaced in Nigeria, and at least 168,000 had fled to neighbouring countries in the face of the advancing government troops and retreating Boko Haram fighters.

The Council also noted that the perpetration of human rights violations was not limited only to Boko Haram, and that serious violations by the security forces of Nigeria and other countries in their response to Boko Haram activities have also been reported. The Council also called for a thorough and transparent investigation into such violations. It also noted the threat of escalating ethnic and religious violence in the region, which could only be prevented by principled leadership and accountable military activity.

**Source:**

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=15786&LangID=E>

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15790&LangID=E>

### Special Rapporteur on the situation of human rights in the Islamic Republic of Iran submits fourth report

The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran recently released its fourth report. The report examines ongoing concerns and emerging developments in the State's human rights situation.

In the section exploring women's rights and gender equality in Iran, the report focused on proposed legislation which severely restricts women's economic participation and their right to work. The Bill restricts working hours for women, provides for gender segregation at the workplace, and regulates women's dress codes. Women are also banned from certain kinds of employments, such as at coffee shops and music concerts. A controversial provision of the Bill prohibits hiring unmarried women as university faculty members, stating that such measures would not encourage marriage in society.

The Special Rapporteur also focused on the Iranian law and practice of requiring transgenders to undergo gender confirmation surgery. This surgery is necessary for transgenders to gain legal recognition of their gender, which may create undue pressure on them to undergo surgery.

Although, the Special Rapporteur recognizes a number of the government's efforts to implement the UPR commitments, but regrets that a majority of them still remain unattended. It therefore recommends that the government amend laws that violate the rights of women, or that undermine their full enjoyment of civil political, social, and economic rights, including the right work and to freedom from discrimination, especially in education and the workplace.

**Source:** [http://shaheedoniran.org/wp-content/uploads/2015/03/A\\_HRC\\_28\\_70\\_en-PDF.pdf](http://shaheedoniran.org/wp-content/uploads/2015/03/A_HRC_28_70_en-PDF.pdf)

### Ministers and Representatives issue a Political Declaration on the Beijing +20 agenda at the fifty-ninth session of the Commission on the Status of Women

Ministers and representatives of governments released a political declaration at the conclusion of the fifty-ninth session of the Commission on the Status of Women. The declaration reaffirms the Beijing Declaration and Platform for Action and recognizes that the Beijing Declaration and CEDAW are mutually reinforcing to achieve gender equality. It recognizes that there continue to be challenges and implementation gaps that need to be addressed, with persisting structural barriers in 12 core areas of concern, including women and poverty, violence against women, women and armed conflict etc. The abiding states pledged and emphasized for the full and effective implementation of the Beijing Declaration and Platform for Action through strengthened implementation of laws, policies, programme activities; transformation of discriminatory norms and gender stereotypes; increased investment to close gender gaps; strengthened accountability for the implementation of existing commitments and enhanced capacity building, data collection, monitoring and evaluation and access to and use of information and communications technology.

**Source:** [http://www.un.org/ga/search/view\\_doc.asp?symbol=E/CN.6/2015/L.1](http://www.un.org/ga/search/view_doc.asp?symbol=E/CN.6/2015/L.1)

### Report of inquiry by the Committee on the Elimination of Discrimination against Women condemns Canada's failure to address violence against aboriginal women

The report of the inquiry concerning Canada by the Committee of the Elimination of Discrimination against Women condemns the state for failing to effectively address the murder and disappearance of aboriginal women. The report calls Canada's inaction as a 'grave rights violation' under the CEDAW. The Committee inquired about the conditions of aboriginal women and girls in Canada after receiving letters from NGOs. It was found during the inquiry that aboriginal women and girls experience extremely high levels of violence in Canada. The numbers of murders and disappearances of aboriginal women are very high. The reported rates of violence, including domestic violence and sexual assault, is 3.5 times higher than non-aboriginal women. They are also five times more likely than other Canadian women of the same age to die of violence. Thus, their right to life, personal security, right to physical and mental integrity and health are badly affected.

The report said that the state is on default with regard to thoroughly investigating the high levels of violence these women suffer, as the police and judicial systems have failed to protect them, prosecute the offenders and provide the victims of violence redress. The Report has also made some recommendations for action, including making independent national level inquiry and development of a national plan for action to address all forms of violence against aboriginal women.

**Source:**

[http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/CAN/CEDAW\\_C\\_OP-8\\_CAN\\_1\\_7643\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/CAN/CEDAW_C_OP-8_CAN_1_7643_E.pdf)

## INTERNATIONAL DEVELOPMENTS

### ASIA

#### Women rights activist detained in China for demanding end to sexual harassment in public transport

Five feminist activists were detained in March for trying to start a campaign against sexual harassment on public transportation on International Women's Day. They were under formal detention on suspicion of 'picking quarrels and provoking trouble', a charge used increasingly in recent years by the authorities to detain and imprison protesters for holding small-scale demonstrations. Their detention attracted worldwide condemnation and sparked an international campaign for their release.

The activists were held for five weeks before being released in April. However, the investigation of their case has not been withdrawn yet. A number of restrictions have been imposed on them, which includes procuring prior permission of the police to travel abroad, while also having been placed under surveillance.

**Source:** [http://www.nytimes.com/2015/04/15/world/asia/out-of-beijing-jail-chinese-women-activists-still-under-eye-of-the-police.html?\\_r=0](http://www.nytimes.com/2015/04/15/world/asia/out-of-beijing-jail-chinese-women-activists-still-under-eye-of-the-police.html?_r=0)

#### Pakistan new Cybercrime Prevention Bill threatens free speech and privacy

National Assembly's Standing Committee on Information Technology in Pakistan has passed The Prevention of Electronic Crimes Act, 2015, which permits government authorities to access data and information of internet users without any form of judicial review process. The Bill's other key elements include provisions that allow the government to censor online content and to criminalize Internet user activity under extremely broad criteria, which are susceptible to abuse and harassment. Concerns have also been raised over a provision that allows the government to share intelligence with foreign spy agencies, such as the United States' National Security Agency, and the mandating of service providers to retain telephone and email records for up to a year.

**Source:** <http://tribune.com.pk/story/872609/cybercrime-bill-give-it-a-read-before-sharing-pictures-even/>

#### Iran eases restrictions on women watching certain male sports

In a major shift, Iran has permitted women to attend big sporting events, reversing a rule that was passed in the Iran Islamic Revolution in 1979, which barred women from entering stadiums to watch matches attended by men. Under the new rule, women and families will be permitted to enter stadiums whilst restrictions will be lifted for indoor sporting events. However, "masculine" sports where athletes wear little gear, such as swimming and wrestling, will continue to be off-limits for females.

Iran was one of the few countries that barred women from sporting events, including soccer, an immensely popular sport in Iran. Last year, it also barred them from attending volleyball matches, prompting an angry reaction among women activists.

**Source:** [http://www.nytimes.com/2015/04/05/world/middleeast/iran-will-allow-women-in-sports-stadiums-reversing-a-much-criticized-rule.html?\\_r=0](http://www.nytimes.com/2015/04/05/world/middleeast/iran-will-allow-women-in-sports-stadiums-reversing-a-much-criticized-rule.html?_r=0)

## Cambodia draft election laws violates human rights

Cambodia's Parliament unanimously approved two new election laws, the Law on the Election of Members of the National Assembly and the Law on the National Election Committee, which have been severely criticised by human right groups as posing a threat to freedom of speech. The draft laws establish fines and bans on non-governmental organizations (NGOs) that criticize political parties in the 21-day period set for campaigning. In addition, there are provisions that permit security forces to take part in campaigns and also those that punish any opposition party that boycotts Parliament or breaks other rules by taking away their parliamentary seats. The draft laws limit the number of public processions during the campaign period to four per political party. This requirement constitutes an unreasonable limitation on the right to freedom of peaceful assembly. They also fail to establish a genuinely independent NEC capable of preventing election fraud and otherwise ensuring free and fair elections. In addition to the content of laws, they were also drafted without public consultation undermining fundamental freedoms guaranteed by the Constitution.

**Source:** <http://america.aljazeera.com/articles/2015/3/19/cambodia-approves-controversial-election-laws.html>

## ***BEYOND ASIA***

## Slovenia allows same-sex marriage, amends law on marriage and family relations

Three years after a similar law was rejected in a national referendum, the Slovenian Parliament passed an amendment to Law on Marriage and Family Relations allowing same-sex couples to marry and receive the same rights and benefits as their heterosexual counterparts. The amendment now redefines marriage as 'between two people' instead of 'between a man and a woman'. This amendment eliminates unconstitutional and systemic discrimination in Slovenia and establishes equality among heterosexual and same-sex couples and will grant all couples the same economic and social rights.

Slovenia has now joined a number of other European Union members which have already recognised same-sex marriage.

Though there has been backlash to the law and centre-right opposition parties along with several civil society groups have expressed that they would be pushing for a referendum, however, it seems unlikely that the same would go through.

**Source:** <http://www.reuters.com/article/2015/03/04/us-slovenia-gaymarriage-idUSKBN0M00ZP20150304>

<http://www.advocate.com/world/2015/03/05/despite-protests-slovenia-passes-marriage-equality>

## Algeria criminalises all forms of violence against women

In a progressive move, the Algerian Parliament passed a law criminalising violence against women. Under the new law, inter alia, any husband injuring his wife can be punished with a sentence of up to 20 years imprisonment. The law further provides for imprisonment of up to 2 years for any husband acting to 'dispose of the assets or financial resources' of his wife.

The law, however, is facing criticism by various extremist groups as being a threat to family unity and against the institution of marriage. In Algeria, around 100 to 200 women become victims of domestic violence every year. One of the provisions of the law though is that if the victims of domestic violence so choose, the law shall give clemency to the perpetrator. This

provision might lead to the victims being forced or even being threatened into requesting the court for clemency for the perpetrator.

**Source:** <http://news.yahoo.com/algeria-passes-law-banning-violence-against-women-150731535.html>

<http://www.ibtimes.com/algeria-domestic-violence-law-violence-against-women-illegal-human-rights-group-1837942>

## ECtHR holds permanent infertility required for gender reassignment as unlawful

The European Court of Human Rights, in its judgment, declared the requirement of permanent infertility in order to undergo gender reassignment surgery as incompatible with human rights.

In the case before it, *Y.Y. vs. Turkey*, the applicant was a trans man from Turkey who was denied permission to undergo sex reassignment surgery because he was not permanently infertile. He approached the European Court of Human Rights claiming that his right to respect for private and family life under Article 8 of the European Convention for Human Rights was violated. In a unanimous decision, the Court upheld the claim and awarded him €7,500 in damages.

Apart from Turkey, 20 of the 47 ECHR member nations still require permanent sterilization as part of the sex reassignment process. This ruling could have a significant impact on these 20 nations as this decision is technically binding on all member states.

The Court's press release can be found [here](#).

**Source:** <http://dot429.com/articles/5788-highest-court-in-europe-overrules-turkish-law-requiring-sterilization-before-gender-confirmation>

## Indiana Court sentences woman to 41 years for 'abortion'

In a distressing judgment, an Indiana court, for the first time in U.S., sentenced a woman to 41 years (serving 20 of that in jail) on the charges of 'feticide' and neglect of a child. The woman was arrested after she went to the emergency room, bleeding heavily because of a miscarriage. She was convicted of using abortion drugs that she bought online to terminate her pregnancy and of child neglect once the child was born. The verdict, in itself, could be said to be mutually contradictory. Child neglect would require the baby to have been alive and viable, while the 'feticide' charge would require the 'foetus' to have died in utero.

The law under which the woman was sentenced was in fact enacted to prosecute acts by violent third parties such as abusive boyfriends. It was never intended to criminalise and stigmatise abortion or pregnancy. Abortion stigma is multi-faceted, and although stemming from right wing religious ideology, is maintained through popular and medical discourses, government and political structures, institutions such as health facilities, communities and personal interactions.

**Source:** <http://www.thehindu.com/news/international/foeticide-sentencing-sparks-debate-over-laws/article7061556.ece>

<http://www.wncn.com/story/28664509/first-woman-in-us-sentenced-for-killing-a-fetus>

**Op-ed:** <http://www.theguardian.com/us-news/2015/feb/04/purvi-patel-found-guilty-feticide-unborn-childs-death>

[http://www.slate.com/articles/news\\_and\\_politics/crime/2015/02/purvi\\_patel\\_feticide\\_why\\_did\\_the\\_pathologist\\_use\\_the\\_discredited\\_lung\\_float.html](http://www.slate.com/articles/news_and_politics/crime/2015/02/purvi_patel_feticide_why_did_the_pathologist_use_the_discredited_lung_float.html)

[http://www.huffingtonpost.com/anu-kumar/abortion-stigma-and-the-case-of-purvi-patel\\_b\\_7110214.html?ir=India&adsSiteOverride=in](http://www.huffingtonpost.com/anu-kumar/abortion-stigma-and-the-case-of-purvi-patel_b_7110214.html?ir=India&adsSiteOverride=in)

## Malta adopts Gender Identity, Gender Expression and Sex Characteristics Act

In a welcome move the Malta Government adopted the Gender Identity, Gender Expression and Sex Characteristics Act (GIGESC Act). According to the Act, a person ‘shall not be required to provide proof’ of sex-reassignment surgery, or having undergone hormone therapy or ‘any other psychiatric, psychological or medical treatment to make use of the right to gender identity’ in order to legally change their name or gender. The Act is being termed as ‘ground breaking’ and a ‘milestone’ in addressing the issue of gender identity.

The GIGESC Act depathologises trans identities and intersex bodies and ensures that the fundamental right to self determination of trans, gender queer and intersex persons can be effectively exercised. It was an intended aim of this law to simplify the process of gender recognition from a court procedure to an administrative one. The law, however, makes it clear that a change in legal gender does not result in one losing any rights they were entitled to prior to the change nor does one become exempt from any legal obligations that pertain to them.

**Source:** <http://www.timesofmalta.com/articles/view/20150413/letters/the-gender-identity-act.563735>

<http://www.washingtonblade.com/2015/04/01/maltese-lawmakers-approve-cutting-edge-gender-identity-bill/>

**Op-ed:** <http://www.timesofmalta.com/articles/view/20150414/opinion/Law-permits-life-change.563910>

## Indiana introduced the discriminatory Religious Freedom Restoration Act

Indiana signed into legislation the Religious Freedom Restoration Act which effectively could legalize discrimination against lesbian, gay, bisexual and transgender individuals. The Act would allow any individual or corporation to cite its religious beliefs as defence when sued by a private party meaning that business owners could refuse to serve a person based on their sexual orientation.

The law is being defended on the ground that it is similar to an already existing federal Religious Freedom Restoration Act. The federal Act is intended to protect individual's religious freedom from government intervention, however in the Act enacted by Indiana the government cannot interfere with a person's religious practices unless there is a compelling government interest to do so.

**Source:** [http://www.huffingtonpost.com/2015/03/26/indiana-governor-mike-pence-anti-gay-bill\\_n\\_6947472.html?ir=India&adsSiteOverride=in](http://www.huffingtonpost.com/2015/03/26/indiana-governor-mike-pence-anti-gay-bill_n_6947472.html?ir=India&adsSiteOverride=in)

<http://edition.cnn.com/2015/04/01/politics/indiana-religion-law-text/>

[http://www.huffingtonpost.com/2015/04/01/indiana-religious-freedom\\_n\\_6984156.html?ir=India](http://www.huffingtonpost.com/2015/04/01/indiana-religious-freedom_n_6984156.html?ir=India)

## Chile & Ecuador sign into law bill recognising civil unions

Chile's President signed into law a bill recognising common law marriages, including for people of the same sex. The bill had been challenged on grounds of constitutional validity after the Congress has given it its final approval earlier this year. Within a week of the court upholding the validity of the bill, it was signed into law. Apart from recognising same sex common law

marriages, the law also gives persons living together improved health services, the right to look after an offspring if one guardian dies, and access to pensions or inheritances for a surviving partner. It also recognizes same sex marriages carried out in other nations.

Ecuador Parliament also overwhelmingly (89-1 vote margin) approved a bill that would allow for the legal recognition of civil unions. The bill would allow LGBT couples to receive the same rights and obligations of a marriage in terms of pensions, purchasing a home together and other benefits. It would also eliminate the requirement that couples must wait two years before entering into a civil union and demonstrate that they had lived together during this period.

**Source:** <http://www.washingtonblade.com/2015/04/06/chilean-court-upholds-constitutionality-of-civil-unions-bill/>

<http://www.bbc.co.uk/news/world-latin-america-32296246>

<http://www.washingtonblade.com/2015/04/23/ecuadorian-lawmakers-approve-civil-unions-bill/>

## Malawi introduces law banning child marriage but restricting rights of LGBTI persons

Malawi has introduced into law a bill effecting banning child marriage by increasing the age of marriage from 16 years to 18 years for girls. The Marriage, Divorce and Family Relations Bill has been hailed as a step forward for Malawi, where 50% of girls are married off before 18. The new law carries a 10-year prison sentence for anyone who marries under the age of 18.

However, like in most countries, while laws are important, implementation and awareness measures need to be addressed. Enforcement measures and civic education need to complement legislation to have an impact on the lives of girls at risk of child marriage. In Malawi, more often than not, there is a lack of civic education in the villages and no measures addressing awareness. If communities are not aware that child marriage is illegal and the government starts prosecuting people, it will not change people's views. It is one thing for Parliament to pass the law; it's another thing to make sure it reaches everyone.

Another troubling aspect of the law is that it continues to maintain that a marriage is one between a man and a woman. Further it stipulates that 'sex is determined at birth'. Hence, effectively, sex, for purposes of marriage, will continue to be regarded as one's sex at birth. The statute also states committing rape or other 'unnatural offences' under Section 153 of the Malawian Penal Code is grounds for a divorce and shall be liable to imprisonment for fourteen years, with or without corporal punishment.

**Source:** <http://gbcghana.com/1.2902591>

[http://www.girlsnotbrides.org/malawis-law-what-next-end-child-marriage/?utm\\_source=Child+marriage+in+the+News+-+Girls+Not+Brides&utm\\_campaign=42e0dff1b-](http://www.girlsnotbrides.org/malawis-law-what-next-end-child-marriage/?utm_source=Child+marriage+in+the+News+-+Girls+Not+Brides&utm_campaign=42e0dff1b-CM_in_the_News_14_03_20153_13_2015&utm_medium=email&utm_term=0_c21d02558c-42e0dff1b-382382477)

[CM\\_in\\_the\\_News\\_14\\_03\\_20153\\_13\\_2015&utm\\_medium=email&utm\\_term=0\\_c21d02558c-](http://www.girlsnotbrides.org/malawis-law-what-next-end-child-marriage/?utm_source=Child+marriage+in+the+News+-+Girls+Not+Brides&utm_campaign=42e0dff1b-CM_in_the_News_14_03_20153_13_2015&utm_medium=email&utm_term=0_c21d02558c-42e0dff1b-382382477)

[42e0dff1b-382382477](http://www.girlsnotbrides.org/malawis-law-what-next-end-child-marriage/?utm_source=Child+marriage+in+the+News+-+Girls+Not+Brides&utm_campaign=42e0dff1b-CM_in_the_News_14_03_20153_13_2015&utm_medium=email&utm_term=0_c21d02558c-42e0dff1b-382382477)

<http://www.washingtonblade.com/2015/04/20/advocates-criticize-new-malawi-marriage-law/>

## Sudan amends rape law, rape victim no longer an accomplice

Sudan has finally amended its rape laws which previously punished rape victims for adultery, offending public morality and committing indecency. The amendment, one which was long overdue, came after a 19 year old girl was gang raped and then arrested with along with the perpetrators and charged for indecency and offending public morality. The amended Article 149

of the Criminal Code introduces a precise definition of rape as a penetrative sexual act involving physical or psychological force. However, the evidentiary requirement of four competent male witnesses to testify to the offence remains unchanged, rendering convictions even under the amended law impossible.

Article 151 of the Criminal Code was also amended to criminalize sexual harassment. This has been vaguely defined to include acts, words or behaviour that tempt or invite others to perform illegitimate sex. It leaves uncertain whether men are criminalized for harassing, or women for ‘tempting’, by relying on victim-blaming rhetoric. It is thus also seen as an attempt to obscure women from public spaces.

**Source:** <http://www.dailymail.co.uk/wires/reuters/article-3053860/Sudan-changes-law-left-rape-victims-punished-adultery--TRFN.html>

[http://www.equalitynow.org/member\\_news\\_april\\_2015](http://www.equalitynow.org/member_news_april_2015)

<https://kashkouli.wordpress.com/2015/04/11/the-new-amendments-to-the-sudanese-criminal-law-not-even-for-you-sudanese-people/>

## Kenyan HC allows LGBT organisation to register an NGO

The Kenyan High Court, while overturning the decision of the Non-Governmental Organisation Co-ordination Board, directed the agency to register a human rights group representing the country's gay people. The Court observed that the Kenyan Constitution recognises and protects the rights of minorities and thus the refusal to register the rights group on religious and moral grounds was illegal.

While the organisation has been permitted to register itself, in Kenya, same-sex sex is a crime and the law forbids sodomy but no provision forbids people to be lesbian, gay or transgender or to associate in pursuit of common interests.

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

**Source:** <http://news.yahoo.com/kenya-court-orders-government-register-gay-rights-group-152727755.html>

<http://www.hrw.org/news/2015/04/28/kenya-high-court-orders-lgbt-group-registration>

## NATIONAL

### JUDGMENTS/ORDERS

## Supreme Court strikes down Section 66A of IT Act as ‘unconstitutional’

In a landmark judgment in the case of *Shreya Singhal vs Union of India* Supreme Court struck down section 66A of Information Technology Act as “unconstitutional” for being in conflict with fundamental right of freedom of expression guaranteed by the Constitution. Section 66 gave wide police powers to arrest anyone for sending offensive messages from mobiles and computers with up to 3 years in jail. A bench of justices J Chelameswar and R F Nariman found that the provision did not fall within the reasonable restrictions of the freedom of speech as enshrined in the Constitution. The court considered each of the grounds listed under Article 19(2) to test for the nature and reasonableness of the restriction and drew a distinction between ‘advocacy’ and ‘incitement’, finding that only the latter, which speaks of a certain imminence, could fall within the ambit of Article 19(2).

The court, however, upheld validity of Section 69A and the 2011 guidelines for the implementation of the IT Act that allowed the government to block websites if their content had the potential to create communal disturbance, social disorder or affect India's relationship with other countries. The verdict came as a relief to the growing social media users, who felt the statutory provision obstructed free speech, discussion, dissent, exchange of ideas and satire on social platforms

You can access the judgement [here](#)

**Source:** <http://ibnlive.in.com/news/sc-strikes-down-section-66a-of-it-act-calls-it-unconstitutional-and-untenable/535858-3.html>

### Supreme Court rules that couple living together will be presumed married

In another laudable judgment in the case of *Dhannulal and Ors vs Ganeshram and Anr*, the Supreme Court ruled that couple living-in together will be presumed as legally married and consequently the woman would be eligible to inherit the property of her partner after his death. The ruling was passed by the bench of Justice MY Eqbal and Justice Amitava Roy in a property dispute where family members contested that their grandfather, who was living with a woman for 20 years after his wife's death, was not legally wedded to the woman and she was not entitled to inherit the property after his death.

The bench stated that continuous cohabitation of a couple would raise the presumption of a valid marriage and that it would be for the opposite party to prove that they were not legally married. The Supreme Court has since 2010 consistently ruled in favour of couples living together as husband and wife.

You can access the judgement [here](#)

**Source:** [http://timesofindia.indiatimes.com/india/Couple-living-together-will-be-presumed-married-Supreme-Court-rules/articleshow/46901198.cms?utm\\_source=facebook.com&utm\\_medium=referral&utm\\_campaign=TOI](http://timesofindia.indiatimes.com/india/Couple-living-together-will-be-presumed-married-Supreme-Court-rules/articleshow/46901198.cms?utm_source=facebook.com&utm_medium=referral&utm_campaign=TOI)

### Supreme Court orders free treatment to acid attack victims

The Supreme Court issued directions all private hospitals to provide free treatment, including specialized surgeries, follow up treatment and after care to acid attack victims. It also directed states and Union territories to take action under Section 357C of CrPC against private hospitals and clinics for refusal to treat such victims and to notify acid as a scheduled substance to stop its unregulated sale.

Disposing of a 2006 PIL filed by acid attack survivor Laxmi, the court made it mandatory for all private hospitals to issue certificates to such people endorsing them as acid attack victims. The court further observed that governments should provide Rs 3 lakh financial relief to acid attack victims. It also asked the State Legal Services Authorities (SLSAs) and District Legal Services Authorities (DLSAs) to examine each acid-attack claim and file appropriate criminal cases against the offenders.

You can access the order [here](#)

## Delhi High Court observes that foreign airlines need to comply with sexual harassment law

The Delhi High Court observed that any foreign airline having even one office in the country is bound by the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. A bench of Chief Justice G Rohini and Justice R S Endlaw made the observation while dismissing a PIL seeking directions to the Centre and the Delhi government to implement the Vishakha guidelines on sexual harassment against women at workplace in the aviation industry. While quashing the PIL, the bench opined that once the sexual harassment law has come into force, all including foreign airlines having a place of work in India and to whom such law may be applicable, are expected and required to comply therewith and there is no need for the court to issue any direction for the law to be complied with.

The court also took note of Delhi Government's submissions about the communications which was been sent Civil Aviation Ministry's Joint Secretary to circulate a direction to each and every airlines operating from Delhi and NCR to constitute Internal complaints committees and should take further steps to create awareness about the same.

**Source:** <http://www.thehindu.com/todays-paper/tp-national/foreign-airlines-come-under-sexual-harassment-act/article7050657.ece>

### NEWS

## Government bans "India's Daughter", a documentary on the December 16, 2012 gang rape

The BBC documentary "India's Daughter", directed by filmmaker Leslee Udwin on the December 16 gang rape of a student which sparked nationwide outrage, was banned by the Central Government, for showing India in an unfavourable light, and sought to justify it on the ground that there were irregularities in procuring permissions to access the accused in jail. The documentary included an interview with Mukesh Singh, one of the death row convicts in the case, and his lawyer, ML Sharma. The decision to ban was taken on the basis of snippets aired in advance of the broadcast, in which Mukesh Singh was shown blaming the victim for being out at night with another man as one of the reasons behind the rape.

While a few women's rights activists also called for restraint and censorship of the film for openly giving space to views endorsing violence against women, other women's rights activists opposed the restraint and censorship, arguing that these views are already deeply embedded in society and state machineries. The restraint was also sought to be defended on the grounds that the appeal of the accused was *sub judice*, and the movie would be prejudicial to his fair trial rights. Some activists critiqued this stance, on the basis that *sub judice* is a concept linked only to the controversial notion of contempt of court with penal consequences, and the documentary is only one of the many kinds of speech that influences the 'judicial mind'.

The documentary was to be broadcast on International Women's Day on NDTV in India, and in six other countries. Apart from prohibiting its broadcast, the Government ordered YouTube to take down the documentary from the website, and also asked other countries to refrain from its screening.

**Source:** <http://www.deccanchronicle.com/150305/nation-current-affairs/article/despite-ban-delhi-gangrape-controversial-documentary-%E2%80%98india%E2%80%99s>

<http://www.theguardian.com/world/2015/mar/03/india-outraged-interview-man-convicted-gang-rape-student>

## Inquiry Commission confirms fake encounter of MeenaKhalkho

The Anita Jha judicial inquiry commission on the MeenaKhalkho killing, a 16 year old tribal girl from Chhatisgarh, was finally placed before the state cabinet close to four years after the incident.

On 6 July 2011, Meena was killed by police personnel near Navadih in in Sarguja. The police claimed that she was a Maoist, in possession of a rifle, and was later killed in an encounter. An inquiry was ordered into the incident after people in Navadih challenged the story, and medical records were produced which showed that Meena was raped before being murdered.

The commission report concluded that the encounter was ‘fake’, and that MeenaKhalkho died of a bullet fired from a police weapon, while also challenging the claim that she was in fact a Maoist.

**Source:** <http://www.thehindu.com/news/national/other-states/police-killed-girl-on-fake-claims-panel/article7078337.ece>

## Cabinet clears amendment to Juvenile Justice Act on the age of culpability

The Union Cabinet approved the amendment to the Juvenile Justice Act, which seeks to try juveniles in the age bracket of 16-18 at par with adults for ‘heinous crimes’, such as rape and murder. According to the amendment, the Juvenile Justice Board will be required to do an assessment, with the aid of psychologists and social experts, whether the 16-18 year old committed the crime as a ‘juvenile’ or an ‘adult’, with knowledge of the consequences of the crime. This Bill for amendment will now be placed before the Parliament.

The demand for such an amendment was raised by the public in the aftermath of the 16 December 2012 gangrape, in which one of the accused was a juvenile, and was tried separately from the other adult accused. The Parliamentary Standing Committee in February had rejected proposals to amend the age of culpability under the Juvenile Justice Act, based on the internationally recognized principle of best interests of the child, need for rehabilitation of juveniles and crime statistics that reveal that a very small percentage of children commit heinous offences [[PLD Newsletter Vol. 8\(I\), Jan-Feb 2015](#)]. The Ministry of Women and Child Development nevertheless decided to pursue the amendment based on popular opinion.

**Source:** <http://www.thehindu.com/news/national/cabinet-nod-for-juvenile-law-changes/article7131004.ece>

## Rajya Sabha passes the Rights of Transgender Persons Bill, 2014

In a historic move, the Rajya Sabha passed a private members Bill after 45 years, on the rights of transgender persons. The Bill addresses different questions pertaining to transgender persons and social inclusion, rights and entitlements, financial and legal aid, education, skill development, and mechanisms to address abuse, violence and exploitation of transgender persons. It also proposes reservations in education and jobs, establishment of Centre and State-level welfare boards and Transgender Rights Courts.

The government, while supporting the Bill in principle, claimed that the proposals contained therein required synergy between 9 distinct ministries, and therefore required improvement. On this basis, it has assured to bring an updated version of the Bill to the Lok Sabha shortly.

**Source:** <http://www.thehindu.com/news/national/rajya-sabha-passes-private-bill-on-transgenders/article7138056.ece>

## Central Government turns a blind eye to marital rape

In reply to a question by DMK MP Kanimozhi on whether the Government intended to introduce an amendment to the Indian Penal Code to remove the marital rape exception, Minister of State for Home JP Chaudhury claimed that the criminalization of marital rape is inconsistent with Indian cultural values that treat marriage as a sacrament.

The Government justified the marital exception on the basis that the Indian context is distinct from other jurisdictions due to the “*level of education/ illiteracy, poverty, myriad social customs and values, religious beliefs, mindset of the society to treat the marriage as a sacrament*”, and that even the Law Commission Report reviewing rape laws did not recommend the deletion of the exception.

On two occasions, the Committee on the Elimination of all forms of Discrimination Against Women has made recommendations to India to delete the marital rape exception in the IPC, which grants immunity to husbands from perpetrating sexual violence within marriages. The landmark Justice Verma Committee Report, released in 2013 to review rape laws in the aftermath of the 16 December 2013 gang rape, also recommended deleting the exception to preserve the bodily integrity of married women.

While those rejecting the need for change want to preserve status quo in terms of patriarchal control over women's sexuality, those campaigning for removal of the exemption are failing to address the bigger barrier of intersecting civil and criminal laws, of which marital rape exemption is but one, that de-legitimise women's sexuality within marriage. Also, by denying possibilities of prosecuting sexual violence under the criminal provision on cruelty within the matrimonial home, the position tends to create a hierarchy of domestic violence - one of forced penetrative sex that is separate and distinct from all other forms of physical violence.

**Source:** [http://www.telegraphindia.com/1150430/jsp/nation/story\\_17494.jsp#.VUswjI6qqkp](http://www.telegraphindia.com/1150430/jsp/nation/story_17494.jsp#.VUswjI6qqkp)

## RESOURCES

### UN Women releases a report ‘Transforming Economies, Realizing Rights’

UN Women released a report, ‘Progress of the World’s Women 2015-2016: Transforming economies, Realizing Rights’, on transformation of economies to make women’s rights and equality a reality. The report clubs together human rights and economic policy making in order to bring effective changes to the global policy agenda. It suggests that despite significant efforts to advance women’s legal rights, large numbers of women are underpaid (there is 24% average gender pay gap globally), hired in poor quality jobs and lack access to healthcare, clean water and sanitation. The report also states that only half of the women participate in the global labour force, and that women in developing regions are mostly employed in the informal sector.

**Source:** [http://progress.unwomen.org/en/2015/pdf/UNW\\_progressreport.pdf](http://progress.unwomen.org/en/2015/pdf/UNW_progressreport.pdf)

### PLD releases report on witch hunting in Jharkhand, Bihar and Chhatisgarh

Partners for Law in Development (PLD) conducted a socio-legal study on witch hunting, based on action research conducted in collaboration with community organizations in the Indian states of Jharkhand, Bihar and Chhattisgarh. Against the backdrop of sensationalised narratives of witch hunting, and calls for state specific laws, this study reports critical insights that question narratives that mystify and 'other' targeting of women as witches: it questions the relevance of state responses in India that are framed exclusively for witch hunting.

The study, the first of its kind in India, provides evidence of contemporary social trends of witch hunting, and the interface of witch hunting related victimization with law. It draws upon a variety of sources: case studies; police records; and High Court and Supreme Court judgments.

The findings suggest that witch-hunting targets middle aged and older, mostly married women, across social groups. Although significantly fewer, there are male victims too. Data also shows that the most violent acts, including murder, one at the end of the continuum of the violence which accompanies witch-hunting. Social stigma and ostracism, temporary or long term dislocation and resultant impoverishment are more common consequences of witch-hunting in the regions of the study.

In relation to law and policy, the data and finding shows the growing trend of enacting special laws at the state level in India. However, these special laws are rarely, if at all, invoked on their own. Rather, action is likely to be taken under the Indian Penal Code when violence escalates. Preventive action is unlikely. Issues of reparative/ rehabilitation components of justice remain missing in the current legal responses including the special laws. The study thus offers an evidence based critique of current trends in law and policy making in response to incidences of witch-hunting.

### OECD publishes working paper on gender equality and women's right in the post-2015 agenda

OECD is engaged in a Working Paper series on distinct areas and issues that are crucial for the success of post-2015 development agenda. This includes a Working Paper on gender equality and women's right in the post-2015 development agenda. The paper recognizes that gender equality and women's equality are core elements to address the unfinished business of the Millennium Development Goals. It includes gender-specific targets and goals, and emphasises the need to take a holistic view of the gender equality. The paper also recognises that targets and indicators on gender inequality serves as powerful stimulus for action.

**Source:** <http://www.oecd.org/dac/POST-2015%20Gender.pdf>

### Amnesty International publishes a report on the attack on women's sexual and reproductive rights in Iran

Amnesty International released its report, 'You shall procreate – Attack on Women's Sexual and Reproductive Rights in Iran', on two new Bills as part of the government's drive to increase population growth. Bill No. 446 and 315, which curb the use of contraceptives, outlaw voluntary sterilization, ban the provisions on contraceptive methods and dismantle state funded family planning programmes. The Report states that these measures pose a major threat to the human rights and fundamental freedoms of women and girls in Iran, as they already face increased discrimination and violence.

### PLD publishes Hindi resource book on sexual harassment of women at the workplace

The book "Karyasthal par Mahilaon Ka Yaun Utpeedan" is a comprehensive guide on The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The book has been written in simple Hindi language which is accessible to grassroots workers, committee members and lawyers alike.

It helps to enhance the understanding of sexual harassment at the workplace within a gender-just perspective for the implementation of the Act. It also provides information on the provisions of the Act as well as on the administrative and civil procedures that are not spelt out in the Act, but are necessary for compliances of inquiries with the rules of natural justice.

## **OBITUARY**

### **Sabeen Mahmud, Pakistani human rights activist, shot dead**

Sabeen Mahmud, a Pakistani human rights activist, was shot dead in Karachi on 24 April 2015 by unidentified gunmen. Sabeen was the founder and director of The Second Floor, a community space in Karachi which was a centre for activism, dialogue and exchange on politics and art.

Sabeen sought to integrate technology and internet in the struggle for human rights and civil liberties, for which she also founded a small tech company called bitsonline. Sabeen was shot dead after leaving a controversial seminar she organized at The Second Floor on “Unsilencing Balochistan 2” to bring attention to violence and disappearances in the Balochistan province of Pakistan.