



# BI-MONTHLY LEGAL NEWS

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*Partners for Law in Development*

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## Updates from the UN

### Human Rights Council passes resolutions on accelerating efforts to eliminate domestic violence, and on eliminating discrimination against women

The Human Rights Council discussed and passed resolutions on accelerating efforts to eliminate domestic violence (A/HRC/29/L.16), and on elimination of discrimination against women (A/HRC/29/L.7).

The resolution on accelerating efforts to eliminate domestic violence was adopted without a vote, and notably recognises spousal and non-spousal violence, for the first time acknowledging that domestic violence is linked to relationships of power within intimate relationships irrespective of the marital status. It also recognises that victims of domestic violence are vulnerable to stigma and financial insecurities, which makes them less likely to report or be a witness in domestic violence proceedings. It reiterates that elimination of domestic violence is a public, and not private issue, and the primary responsibility of states, who must discharge this obligation with the aid of civil society, the media etc., with positive representation of women devoid of stereotyping, and without invoking religious or customary justifications for such violence. It underlines that the participation of men and boys is vital to eliminating violence, and that girls must also be offered education from a young age on sexual and reproductive health. Additionally, states have the obligation of providing accessible remedies for redress.

This resolution comes close on the heels of a review of Millenium Development Goals, emphasising that development goals must be framed in an inclusive manner for women and girls. It addresses social, cultural and religious barriers to the equality of women, and calls upon states to address such forms of discrimination as well. It reiterates the right to education for girls , and calls upon states to ensure equality within families .

The resolution on accelerating efforts to eliminate domestic violence can be accessed [here](#). The resolution on elimination of discrimination against women can be accessed [here](#).

### UN Human Rights Council passes resolution towards better investment in the rights of the child

The Human Rights Council passed a resolution towards better investment in the rights of the child, pursuant to the report of the UN OHCHR with the same title, that was placed before the Human Rights Council at its last session (A/HRC/28/33). It emphasises that it is the primary responsibility of the state to respect, protect and fulfil the human rights of the child, and this includes all branches of the state. It also recognizes that the duties and responsibilities to respect the rights of the child in practice also extend beyond state and state-institutions to private actors and business enterprises.

This resolution encourages fiscal and budgetary allocation of resources in a manner that protects and respects the rights of the child, even as states have the right to choose the framework that is most suited to their context. It emphasizes participatory and transparent approaches, with the constructive role of the parliament, national human rights bodies, judiciary and civil society groups. It places emphasis on mandatory birth registration, without discrimination, and irrespective of the status of the parents of the child; on vulnerable children, such as indigenous children, members of minorities, refugees, migrants, undocumented and stateless children, adolescent mothers, children living in poverty etc. The guiding force of policies must be to ensure the rights of the child to life, survival and

development, and the highest attainable standard of physical and mental health, including access to sexual and reproductive health services and comprehensive sexuality education.

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

## Human Rights Council passes controversial resolution on the protection of the family, in neglect of individual rights-bearers and diversity in family forms

The Human Rights Council passed a controversial resolution on the protection of the family, with an eye on the post-2015 development agenda. Initially titled ‘protection of family’, it was later hastily re-named in the core group discussions to the ‘role of the family in sustainable development and poverty eradication’, in order to garner support from developing countries in the run-up to the negotiations on the post-2015 development agenda. The resolution recognizes ‘family’ as the fundamental unit in society, and as an institution in need of protection, for its role in the preservation of cultural identity, traditions, morals, heritage and value system of the society. It also calls upon governments to direct resources to the family to counter the impacts of social and economic crises through rising job insecurity and unemployment and reduction in social sector expenditure. The resolution has been strongly critiqued for its neglect of the individuals within families as rights-bearers, and turning a blind eye to the perpetuation of violence and discrimination, and harmful traditional practices (such as early and forced marriages, child abuse, dowry violence, ‘honour’ killings) within patriarchal family sets ups. The resolution also excludes recognition to the diversity of family forms that exist culturally and socially, despite calls by numerous member states during the negotiations. This was sought to be reflected not only in the content of the resolution, but also the title, calling for protection of ‘the families’ instead of families.

The Resolution was passed with 29 votes in favour, including India, 14 against, and 4 abstentions.

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

## Human Rights Council passes resolution on right to education; UN Special Rapporteur on the Right to Education submits report on protecting the right to education against commercialization

The Human Rights Council also passed a resolution without a vote, recognizing the right to education as an inalienable human right, and calling upon states to make education accessible to all, without discrimination. It also calls upon states to institute regulatory frameworks, guided by international human rights obligations, to delineate minimum norms and standards for education providers, and to monitor private providers of education.

The UN Special Rapporteur on the Right to Education, Kishore Singh, presented a report on protecting the right to education against commercialization before the Human Rights Council. Identifying the right to education as the obligation of the state [PLD Newsletter Vol. 8(I) Jan.-Feb. 2015], the report expresses concern over the rapid increase in the commercialization of education, through the rapid increase in the number of private education providers. The report views this as an abrogation of the norms and principles underlying the legal framework of the right to education as established by international human rights treaties.

The report states that the commercialization of education violates the principles of social justice and equity, and leads to education being accessible as a privilege only to the rich and well-to-do. The market-driven education services limit access to education, and are also not subject to control, by the public authorities. To address this, the report recommends the

establishment of a regulatory framework that views education as a public good, controls abusive practices, revitalizes education as an essential public service, engages the community in expanding education opportunities, and emphasises constant monitoring.

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

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

## Report of the Working Group on the issue of discrimination against women in law and practice on the theme of discrimination against women in cultural and family life discussed at the Human Rights Council

The 3<sup>rd</sup> thematic report of the Working Group on the issue of discrimination against women in law and practice was discussed at the 29<sup>th</sup> session of the United Nations Human Rights Council. This Report focuses on the discrimination faced by women and girls in cultural and family life. It studies the manner in which the cultural constructions of gender shape the role of women in families, especially in marriages, and the influence cultural and religious norms have on the ability of women and girls to enjoy equal rights within the family. It finds that gender-based violence and discrimination is inherent to the patriarchal construction of the family, which also restricts the human potential of women and children. Most notably, however, the report emphasises a recognition of diverse forms of family that exist in distinct social, cultural and political contexts. It also asserts the need to apply the women's right to equality within the family, whether they are governed by secular family law systems, State-enforced religious family law systems, and plural systems.

The Report reaffirms the primary obligation of the State to eliminate discrimination between the sexes, including in family and cultural life. It recommends, inter alia, that the right to equality between the sexes should have primacy over all religious, customary and indigenous laws, norms, codes and rules. It also emphasises the obligation of States to exercise due diligence in eliminating discrimination in family and cultural life by non-state actors as well.

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

The mandate of the Working Group on the issue of discrimination against women in law and practice can be accessed [here](#).

## Office of the High Commissioner for Human Rights presents report on good practices and major challenges in preventing and eliminating female genital mutilation

The United Nations Office of the High Commissioner for Human Rights presented its report on good practices and major challenges in preventing and eliminating female genital mutilation before the 29<sup>th</sup> session of the Human Rights Council. This was in pursuance of Human Rights Council resolution 27/22, which called upon the OHCHR to share good practices to intensify global and domestic efforts to eliminate female genital mutilation, as a form of violence against women and a violation of human rights.

The report takes stock of the present contours of the practice and the measures taken by states; reiterating that the elimination and prevention of female genital mutilation are the primary responsibility of the state; , It recommends comprehensive policies, inclusive of all ministries and other stakeholders, such as religious and community leaders, teachers, health professionals and the media, through action plans, and the adoption of a comprehensive legislation outlawing FGM. It also recommends driving change in cultural and societal norms that legitimise the practice, and to make attempts to delink it from religious justifications. The

report emphasises access comprehensive sexuality and reproductive health education, and to helplines, health care and other institutions.

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

## UN Office of the High Commissioner for Human Rights submits report on discrimination and violence against individuals based on their sexual orientation and gender identity

The OHCHR also submitted its second report on the discrimination and violence against individuals based on their sexual orientation and gender identity, pursuant to the resolution of the Human Rights Council at its 27<sup>th</sup> session to update its report on the issue [PLD Newsletter Vol. 7(V) Sep.-Oct. 2014]. The Report finds that there has been only marginal improvement in the status of LGBT and intersex persons, while the overall environment is one of continuing, pervasive, violent abuse, harassment and discrimination, which constitute serious human rights violations. It identifies the absence of a dedicated human rights mechanism at the international level to address this.

The report also lists good practices that can be adopted by states and national human rights institutions to address violence and discrimination against people based on their sexual orientation and gender identity. States should enact hate crime laws that consider homophobia and transphobia as aggravating factors for sentencing, conducting prompt and thorough investigation of incidents, training judges and police personnel on gender-sensitive treatment of LGBTI persons and crimes against them. It also advocates a ban on medical 'conversion' therapies and unnecessary procedures on intersex children. States should also address non-discrimination by eliminating legislation that criminalizes consensual same-sex intercourse, identifying sexual orientation and gender identity as a ground of discrimination, sensitizing health-care workers, addressing discriminatory housing policies, and granting legal recognition to children of same-sex couples. National Human Rights Institutions should also be involved in addressing violence and discrimination against persons on the basis of their sexual orientation and gender identity, within their mandates.

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

The first report on the OHCHR on this issue can be accessed [here](#).

The landmark Resolution of the Human Rights Council at its 27<sup>th</sup> session can be accessed [here](#).

## UN Special Rapporteur on the rights to freedom of peaceful assembly and of association releases fact sheet on CSO's ability to access to funding from foreign donors

After presenting a report to the Human Rights Council in 2013 on the issue of funding of associations and holding of peaceful meetings, the Special Rapporteur on the rights to freedom of peaceful assembly and of association came up with a project on factsheet series in 2014. This series of factsheet summarizes the Rapporteur's reports and key points in various fields of international law and best practices relating to them. The factsheet is helpful for the CSOs to understand their rights and abilities to access funding under the international law.

The rapporteur recently released a new fact sheet on CSO's ability to access funding from foreign donors. The fact sheet summarizes the rights of CSOs on various issues. It says that the CSOs have right to access resources from the domestic, foreign and international sources under the right to freedom of association. The international law recognizes the importance of resources under Article 22 of the ICCPR and Art 13 of the Declaration of Human Rights

Defenders where it says that every individual and association has a right to solicit, receive and utilize resources for the purpose of promoting and protecting human rights and fundamental freedoms through peaceful means. Therefore, the CSOs have a right to receive funds from foreign and international organization is protected in ICCPR. Moreover it is also not necessary that only registered association can receive funds or resources. The fact sheet also says that only in those conditions the funding will be restricted where the interests of national security or public safety, public order, protection of public health or morals get compromised. But before setting the restrictions the government will have to apply the strict tests of necessity and proportionality. Moreover, the factsheet also highlighted some problematic constraints with regard to access of funding.

Source:

[http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.39\\_EN.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.39_EN.pdf)

<http://freeassembly.net/factsheets/>

<http://freeassembly.net/wp-content/uploads/2015/05/Funding-report-factsheet-final.pdf>

## **International Developments**

### **Asia**

#### **UN Special Rapporteur on trafficking in persons, especially women and children, submits report on mission to Malaysia**

The Special Rapporteur on trafficking in persons, especially women and children, Maria Grazia Giammarinaro, presented the report based on her mission to Malaysia to the Human Rights Council. The report appreciates the enactment of the Anti-Trafficking Act, which undertakes a multi-disciplinary approach in combating trafficking, through the participation of government agencies and civil society organizations, and also encouraged regional co-operation on the issue. However, the report finds that state efforts are focused on trafficking for sexual exploitation of women and children, while neglecting labour exploitation. The Rapid deportation policy also throws challenges in identification of victims, and extending assistance to them. Corruption in state agencies, and the low rate of prosecution of such offences, encourages impunity in trafficking. The Report also identifies that the stay of trafficking victims in shelter homes may amount to detention, which infringes their freedom of movement and imperils their well-being.

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

#### **UN Special Rapporteur on Violence against Women submits report on the causes and consequences of violence based on its mission to Afghanistan**

The Special Rapporteur on Violence against Women, Rashida Manjoo, submitted the mission report after her visit to Afghanistan from 4-12 November 2014. The Report identifies the policy and legislative changes in Afghanistan to address violence against women, which continue to be monitored internationally. The drawback lies in implementation, since in practice women continue to be marginalized, discriminated against, and highly vulnerable to violence.

To address this, the report recommends that the government strengthen participative democracy, especially through increased consultation in the law-making process. It also recommends reforms in laws governing the family, criminal laws to recognise offences against women and remove honour-based immunities, and eliminate degrading cultural

practices such as virginity testing. The report also recommends a review of women in detention, specially for ‘moral crimes’, to ensure due process, and deliberate on alternatives to detention. The report also addressed concerns for participation and security for women working in the public sphere.

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

### Bangladesh Supreme Court declares mandatory death penalty under special law on violence against women and children ‘unconstitutional’

The Appellate Division of the Supreme Court of Bangladesh declared section 6 (2) (3) (4) the Violence against Women and Children (Special Provisions) Act, 1995 and section 34 (2) of the Violence against Women and Children (Special Provisions) Act, 2000 to be unconstitutional in so far as it prescribes a mandatory death penalty for the offence of causing death after rape. The provision runs counter to global trends of eliminating felony murder, whereby a person is punished for murder in the absence of an intention to kill, but with the intention of committing a distinct offence, which accidentally or otherwise leads to death. The sections were challenged on various grounds, including the violation of the right to equality before law and to be treated in accordance with law, the right to life, and the right against cruel and degrading treatment or punishment. It was also challenged on the ground that the provision takes away judicial discretion in awarding the death sentence. Reference was also made to Universal Declaration of Human Rights (UDHR), 1948 and the International Covenant on Civil and Political Rights (ICCPR), 1966 which Bangladesh ratified in 2000.

The judgment concluded a fourteen-year legal struggle and was pronounced in an appeal arising out of a writ petition filed jointly by the Bangladesh Legal Aid and Services Trust (BLAST) and Shukkur Ali, a convict who was sentenced to death under the Special Act of 1995.

You can access the judgement [here](#)

### Philippines airlines ordered to pay compensation for gender discrimination

A Makati Regional Trial Court in Phillipines has ordered the Philippine Airlines (PAL) to pay its 1000 retired female flight attendants P1,00,000 each over gender-based discrimination. A provision in the Collective Bargaining Agreement of the PAL-Flight Attendants and Stewards Association of the Philippines which forced them to retire at the age of 55 while their male counterparts were given an additional 5 years in service was held discriminatory. The court held that the retired flight attendants were entitled to moral damages because they were ‘wrongfully retired causing injury to their persons.’

Source: <http://www.gmanetwork.com/news/story/502410/news/nation/pal-loses-ordered-to-pay-p100m-to-fas-in-gender-discrimination-suit>

### Myanmar passes the Population Control Health Care Bill

The President of Myanmar has signed the Population Control Health Care Bill, which curbs women’s reproductive rights by introducing the practice of birth spacing, requiring women to wait three years between pregnancies. Local authorities now have the power to implement these provisions but the statute does not penalize the couples who do not comply. Under the newly formed law, divisional and state governments are granted the ability to request a presidential order limiting reproductive rates if it is determined that population growth, accelerating birth rates, or rising infant or maternal mortality rates are negatively impacting



regional development. An “imbalance between population and resources, low socio-economic indicators and regional food insufficiency because of internal migration” can also be cited in invoking the law. The law is particularly discriminatory against women and minorities, since human rights advocates point out that the law was passed with the motive to control the increase in population of Muslim minorities. Three similar bills relevant to monogamy, religious conversion and interfaith marriage are presently being debated by Parliament which can worsen the ethnic and religious tensions.

Source: <http://www.dw.com/en/controversial-population-control-bill-becomes-law-in-myanmar/a-18472590>

### Sharia court in Malaysia convicts nine transgender women and Malaysian High Court dismisses a transgender’s application to be recognised as a female due to lack of paperwork

A *sharia* court in Malaysia sentenced nine transgender women to fines and jail term for violating laws that prohibited a male person from posing as a woman, violation of which attracted penal consequences. In a landmark decision in November 2014, a Malaysian Appeals Court struck down a law prohibiting cross dressing law in the state of Negeri Sembilan, calling it “degrading, oppressive and inhumane.” Enforcement of the law has since been suspended in the state, but the state government has appealed the decision to a federal court. The law against cross-dressing remains in place across the rest of Malaysia’s 13 states and its federal territories and is being used against transgender people.

Meanwhile, trans\* citizens in Malaysia remain largely unable to update their legal gender markers or access transition-related medical care. This was also highlighted when Malaysian High Court dismissed a male transgender’s application to get her legal status changed to female due to lack of sufficient evidence to prove that she had changed gender, based on UK judicial precedent, holding that ‘individuals cannot choose for themselves whether they wish to be known or treated as male or female. Self-definition is not acceptable’. The judge also noted gender was a multi-faceted question not dependant on the applicant's desire alone, but also had chromosomal, gonadal, genital, and psychological factors. This has been criticised for denying persons their right of self determination and the tests conducted by the state for being highly intrusive processes.

Source: <http://www.thestar.com.my/News/Nation/2015/06/19/Transgender-bid-recognised-as-female-fails/>  
<https://www.hrw.org/news/2015/06/22/malaysia-court-convicts-9-transgender-women>

### ***Beyond Asia***

### European Court of Human Rights holds trans\* individuals are protected against discrimination

The European Court of Human Rights (ECtHR) in the case of *Identoba and Others v. Georgia* held that all trans\* persons are protected against discrimination on grounds of gender identity under Article 14 of the European Convention of Human Rights. The case related to the brutal attack and assault on Georgian activists, who were holding a peaceful march on 17<sup>th</sup> May, 2012 on the occasion of the International Day against Homo and Transphobia (IDAHOT), by the counter-demonstrators.

ECtHR condemned Georgia and the police for having failed to protect the right of activists against degrading and inhuman treatment and to equality (Art.14 read with Art. 3 of the

Convention, ECHR). The court also said that the state has a compelling positive obligation to protect the LGBT community against such (foreseeable) discriminatory inhuman and degrading behaviour, and to conduct an inquiry into the discriminatory motive of such violent acts.

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

Source: <http://tgeu.org/european-court-of-human-rights-gender-identity-protected-against-discrimination/>

## Zambia High Court confirms acquittal of a human rights activist

The Zambian High Court confirmed the lower court's acquittal of Paul Kasonkomana, an HIV/AIDS and human rights activist, charged under Section 178(g) of the Penal Code with the offence of soliciting in a public place for immoral purposes. This charge was made against him after he made an appearance on a television programme on the need to recognize the rights of the vulnerable groups such as LGBT individuals and the need to seriously address the AIDS pandemic.

The lower court Magistrate had ruled that the prosecution did not make a *prima facie* case against the accused. The State had appealed this decision arguing that the state was justified in limiting the right to freedom of expression in cases where persons expressed their views on the rights of the LGBT persons. The court had dismissed the case saying that the State did not present sufficient evidence as against all the alleged offences.

Source: <http://www.southernafricalitigationcentre.org/2015/05/15/news-release-zambia-high-court-confirms-acquittal-of-hiv-activist-paul-kasonkomona/#>

## Special Rapporteur Maina Kiai files amicus curiae brief in Constitutional Court of Bolivia challenging NGO Regulations and Russia signs new laws against 'Undesirable NGOs'

UN Special Rapporteur on the rights to freedom of peaceful assembly and association, Maina Kiai, filed an *amicus curie* brief in the Constitutional Court of Bolivia, submitting that laws adopted by Bolivia, and an executive Supreme decree regulating operations of non-governmental organizations, breached the international right to freedom of association. The regulation in question is part of the law in which associations looking to be recognized as legal personalities must declare their contribution to economic and social development. Besides the law, the second challenge is against the Supreme Decree which says that the legal personality of the associations can be revoked if they fail to meet the above mentioned requirement. The argument against it in the amicus curie was that it would severely impact the functioning of various NGOs and organizations which work for human rights and minority rights or oppose a government policy.

This amicus curie brief is a part of a UN expert's project which began in 2014 which aims to advance and encourage the application of international law at domestic levels via litigation in national and regional regions.

NGOs in Russia are also facing a governmental onslaught, with new law banning foreign non-governmental organizations from operating within the country. Any organization which is seen as 'undesirable' on national security grounds could be prosecuted by the state authorities. Furthermore, individuals working for such 'undesirable' organization could face fine or up to 6 years in prison.

The definition of ‘undesirable’ is open-ended and could be interpreted as any organization which is deemed to pose a threat to “foundations of Russia's constitutional order, defensive capacity and security”. Supporters of the law say that it is essentially to minimize outside interference in the light of ongoing tensions of Russian in Ukraine. Several international organizations and civil society members fear severe threat to the functioning of international human rights groups in the country.

Source: <http://www.bbc.com/news/world-europe-32860526>  
<http://freeassembly.net/rapporteurpressnews/bolivia-amicus/>  
<http://freeassembly.net/litigation/>

## Same sex marriages legalized in Ireland, United States, Puerto Rico and Greenland

Ireland voted ‘yes’ in a referendum which approves changing the Constitution to extend the civil marriage rights to same-sex couples. This makes Ireland the first country in the world to make changes in its marriage laws in favour of same-sex couples through a popular majority vote (1,201,607 votes to 734,300). Ireland had earlier introduced civil partnership for same-sex couples in 2010, but it lacked the same fundamental right protections as heterosexual marriages. It was not protected by way of an amendment in the Constitution, and could be abolished by a simple legislation. Ireland’s Parliament has also proposed a draft legislation to amend a previous Gender Recognition Bill which allowed transgenders access to gender recognition legally, but mandated that persons in pre-existing marriages would be required to first obtain a divorce.

In the case of *Obergefell v. Hodges*, the United States Supreme Court has granted same-sex couples the right to marry. Justice Anthony Kennedy, writing for the 5 to 4 majority, said that marriage is a fundamental right that all couples are entitled to under the Fourteenth Amendment of the constitution, which provides for equal protection to all citizens under the law. Prior to this ruling, 36 U.S. states and the District of Columbia recognized the legal right to same-sex marriage. In addition to the four state bans (Ohio, Michigan, Kentucky, and Tennessee) that were found unconstitutional in this ruling.

The Supreme Court decision had an impact on the constitutionality of bans on same-sex marriages in Puerto Rico as well, with the government declaring its intention to no longer defend the ban in court. Earlier, the government of Puerto Rico had asked the First Circuit Court of Appeals to hold off oral arguments in a challenge to the limitation of marriage to heterosexual couples until the U.S. Supreme Court resolves the question. Puerto Rico had in October 2014 upheld the ban on same-sex marriage in *Ada Conde-Videa ET AL. v. Alejandro Garcia-Padilla, ET AL.* as constitutional. Article 68 of the Puerto Rico Civil Code defines marriage as “originating in a civil contract whereby a man and a woman mutually agree to become husband and wife” and that “no recognition will be given to marriages between persons of the same sex contracted in other jurisdictions.” The interpretation of constitutional law in opposition to equality across genders in marriage laws fell quite short of other circuit court’s interpretations.

Greenland, too, passed a law legalizing same-sex marriage, which was originally proposed in 2010. Denmark became the first country in the world in 1989 to allow civil partnerships between same gender couples but this new law is expected to grant all the registered civil partnerships the status of marriage.

The U.S. Supreme Court judgment can be accessed [here](#).

The judgment of *Ada Conde-Videa ET AL. v. Alejandro Garcia-Padilla, ET AL.* can be accessed [here](#).

Source: <http://www.nytimes.com/aponline/2015/06/26/us/politics/ap-us-supreme-court-gay-marriage.html>

<http://www.theguardian.com/global/live/2015/may/23/counting-underway-for-irelands-referendum-on-marriage-equality>

<http://www.pinknews.co.uk/2015/06/29/puerto-rico-adopts-same-sex-marriage-too/>

[http://www.thenewcivilrightsmovement.com/davidbadash/breaking\\_puerto\\_rico\\_drops\\_defense\\_of\\_anti\\_gay\\_marriage\\_ban](http://www.thenewcivilrightsmovement.com/davidbadash/breaking_puerto_rico_drops_defense_of_anti_gay_marriage_ban)

<http://cphpost.dk/news/greenland-approves-gay-marriage.html>

<http://www.irishtimes.com/news/politics/marriage-referendum>

Opinion to Ireland referendum: <https://bullybloggers.wordpress.com/2015/06/20/the-republic-of-love/>

## Dutch cabinet approves proposal on partial *niqab* ban, while US Muslim Woman wins Hijab case against Abercrombie & Fitch in Supreme Court

The cabinet in Netherlands has approved the proposal of a Bill to ban the face-covering veil used by Muslim women, *niqab*, in public spaces, over the concern that public areas require the faces of people to be visible. The penalty for wearing a *niqab* in public is a fine. These areas include schools, hospitals, government buildings and public transport. The Prime Minister clarified that this decision was without religious motivations; their only aim is to ‘find a balance between people’s freedom to wear the clothes they want and the importance of mutual and recognizable communication’.

The US Supreme Court ruled in favour of a Muslim woman, Samantha Elauf who was denied a job in Abercrombie & Fitch clothing chain because she wore a headscarf to work for religious reasons. The court considered whether Elauf was required to ask for a religious accommodation in order for the company to be sued under the 1964 Civil Rights Act, which, among other things, bans employment discrimination based on religious beliefs and practices. Justice Scalia writing for seven justices said that no employer could factor in an individual’s religious practices in employment decisions. The ‘look policy’ of the company required its employees to not sport headwear at work, and to not wear black, to promote the brand’s East Coast collegiate image. Wearing a headscarf to work violated the policy, for which the company terminated her services.

Source: [http://www.nytimes.com/2015/06/02/us/supreme-court-rules-in-samantha-elauf-abcrombie-fitch-case.html?\\_r=0](http://www.nytimes.com/2015/06/02/us/supreme-court-rules-in-samantha-elauf-abcrombie-fitch-case.html?_r=0)

<http://www.aljazeera.com/news/2015/06/rules-clothing-label-discrimination-case-150601141831931.html>

<http://www.aljazeera.com/news/2015/05/netherlands-niqab-ban-partial-150522144420609.html>

<http://www.theguardian.com/world/2015/may/22/netherlands-islamic-veil-niqab-ban-proposal-dutch-cabinet>

## Nigeria outlaws female circumcision and forceful eviction of widows

The Nigerian President has signed into law the Violence against Persons (Prohibition) Act, 2015 prohibiting female genital mutilation prohibiting abandonment of spouse, children and other dependants without sustenance. The Immigration Act also prohibits battery and other harmful traditional practices against spouse and children

The laws aim towards ending gender-based violence both in private and public spheres. They also prohibits economic abuse, forced isolation and separation from family and friends, substance attack, depriving persons of their liberty, incest, indecent exposure, among others.

Source: <http://allafrica.com/stories/201505260353.html>

<http://www.premiumtimesng.com/news/more-news/182483-senate-passes-bill-criminalizing-female-genital-mutilation-violence.html>

## Sudan government restricts media publication of report by UN Special Rapporteur on Violence against Women

Newspapers covering the report of the UN Special Rapporteur on Violence Against Women, Mission to Sudan, faced a severe crackdown by the National Intelligence and Security Officers. The Report highlighted harassment faced by school children on school buses, and sexual violence faced by Sudanese women. It also recommended that the Sudanese government should investigate into the alleged mass rapes that happened in the aftermath of the Darfur military campaign.

Newspaper employees allege that security officers entered several media houses/newspaper premises and confiscated entire print runs. After seizing the daily circulation of ten media outlets, National Intelligence and Security Service (NISS) officers called the editors of four additional papers to tell them that their licenses had been suspended.

Source: <http://www.dw.com/en/sudan-government-cracks-down-on-newspapers-over-rape-story/a-18475458>

Opinion: <http://www.aawsat.net/2015/05/article55343682/opinion-the-losing-equation-for-sudan>

## Kazakhstan finds anti-gay laws unconstitutional and Mozambique decriminalizes homosexuality

Kazakhstan's Constitutional Council announced that a pending legislation on "propaganda of non-traditional sexual orientation" is discriminatory because of its vague wordings. This draft law which was passed in February 2015 in the lower house was never in fact made public but had provisions related to ban on publication or sharing of material involving same-sex setting where children might be involved. It also contained a provision which prohibited "propagandizing non-traditional sexual orientation" among children.

Mozambique decriminalized homosexuality by introducing revised penal laws, supplanting the colonial Portuguese law, which viewed homosexual acts as 'vices against nature'. Even though the number of prosecutions under the earlier law were few, and called for punishment of up to 3 years of hard labour, homosexuality now stands completely decriminalized.

Source: <http://www.hrw.org/news/2015/05/28/kazakhstan-anti-gay-laws-found-unconstitutional>

<http://www.clubofmozambique.com/solutions1/sectionnews.php?secao=mozambique&id=2147489488&tipo=one>

## Turkey's Constitutional Court announces that civil marriage no longer a requirement for religiously married citizens

The Constitutional Court in Turkey announced that civil marriage is no longer a requirement for religiously married citizens. Prior to this decision, Paragraph 5 of Article 230 of the Turkish Criminal Code prohibited cohabitation between religious couples without a civil

marriage, and carried a sentence of 2 to 6 months imprisonment. Paragraph 6 also carried a sentence of 2 to 6 months' imprisonment to any person (typically an imam) who carried out a religious wedding ceremony without verifying a civil marriage with official documents.

Although the judgment is seen as progressive in terms of enhancing people's freedom to choose the way they want to live, several academicians, NGOs and female political leaders opposed the judgment, claiming that this would increase the risks of polygamy and child marriage, and create issues in inheritance for children and alimony for spouses upon divorce.

Source: [http://www.al-monitor.com/pulse/originals/2015/06/turkey-top-court-stirs-debate-on-religious-marriage.html?utm\\_source=Al-Monitor+Newsletter+%5BEnglish%5D&utm\\_campaign=e2509b0a11-June\\_02\\_2015&utm\\_medium=email&utm\\_term=0\\_28264b27a0-e2509b0a11-102417357#](http://www.al-monitor.com/pulse/originals/2015/06/turkey-top-court-stirs-debate-on-religious-marriage.html?utm_source=Al-Monitor+Newsletter+%5BEnglish%5D&utm_campaign=e2509b0a11-June_02_2015&utm_medium=email&utm_term=0_28264b27a0-e2509b0a11-102417357#)

### Israel's National Labour Court recognizes gender identity based discrimination

The National Labour Court in Israel for the first time recognized that gender and sexual orientation-based discrimination, which is prohibited under section 2 of the Equality of Opportunities in Labour Law, also includes discrimination based on gender identity. The case arose from a claim made by a trans\* person who identified as a lesbian, and whose services at a center for educational technology were terminated for having refused to disclose her gender identity to students at the Center.

The Court approved an agreement between the parties in which the Center would pay the trans\* person a sum of money in final settlement for any claims arising from the contractual relationship between the parties.

Source: [http://www.loc.gov/lawweb/servlet/lloc\\_news?disp3\\_l205404449\\_text](http://www.loc.gov/lawweb/servlet/lloc_news?disp3_l205404449_text)

### African science and social science academics release report challenging laws against homosexuality

In order to oppose several laws criminalizing homosexuality across countries in Africa, some academics have released a scientific report urging African countries to abandon them. The Report claims that laws criminalizing homosexuality have no basis in science and hamper efforts to prevent and treat HIV and other sexually transmitted infections.

The Report does an in-depth analysis of evidence of biological factors that contribute to sexual and gender diversity. It also looks at several factors which one needs to look at explaining the diversity of human sexuality, such as, environmental factors like upbringing and socialization and critically analyzes the conversion therapies.

You can access the report [here](#).

Source: <http://www.nature.com/news/african-academics-challenge-homophobic-laws-1.17720>

### Bosnian Court awards compensation to Bosnian war rape victim

The Court of Bosnia and Herzegovina sentenced Bosiljko and Ostoja Markovic, former members of the Kotor-Varos Brigade of the Bosnian Serb Army, to 10 years in prison for raping a minor girl of Croatian nationality during the Bosnian war. They were also ordered to pay 26,500 marks (\$15,200) to her as compensation for non-material damages for violation of her rights and freedom as well as damages for mental trauma.

During the Bosnian War, estimated 100,000 people died and several human rights organizations and groups estimate the number of women raped by Bosnian Serb soldiers to 60,000. The judgment is pathbreaking, since prior to this court order, no war crime rape victim in Bosnia and Herzegovina had been able to legally access compensation through a criminal proceeding, despite being entitled to it under law. The accused parties have the right to appeal the verdict.

An overview of the judgment is available [here](#).

Source: <http://www.ibtimes.com/bosnian-war-court-orders-compensation-rape-victim-landmark-ruling-1983083#.VY19Z2H6Lf8.facebook>

## National Developments

### Judgments/ Orders

#### Bombay High court allows divorce petition before two year separation for Christians

Bombay High Court passed a judgement allowing divorce petition before the expiry of mandated two year separation period for Christian couples. For all other communities the minimum mandatory period for living separately is one year. The court set aside the order passed by a family court not allowing the divorce petition under section 10A(1) of the Indian Divorce Act, 1869 as being unconstitutional as it violates fundamental right to equality. Similar judgements have been passed by the Kerala and Karnataka High Court where the period has been read as one year keeping it in consonance with the matrimonial laws governing other communities.

You can access the judgement [here](#).

Source: <http://indianexpress.com/article/cities/mumbai/christian-couple-case-hc-allows-divorce-petition-before-two-year-separation/>

#### Madras High Court allows settlement of rape case by mediation, later revoked

Granting interim bail to the accused, the Madras High Court in *V. Mohan v. The Inspector of Police*, ordered mediation between the accused and the victim, in a case of rape of a minor girl. The court directed District Legal Services Authority in Tiruvallur and Tamil Nadu State Legal Services Authority to mediate in the matter and asked advocates appearing from both sides to assist the mediators. The court recorded that since a child was born due to the rape, it was a 'fit case' for attempting compromise between the parties, neglecting that rape is a non-compoundable offence under law. The judgment has evoked strong criticism from the legal fraternity and women's rights activist. Subsequently, the victim refused to undergo mediation with the accused, which is inherently a process founded on the consent of the parties. The Supreme Court of India, in another decision in appeal from the Madhya Pradesh High Court, before a bench headed by Justice Dipak Misra, held that mediation in rape cases is unlawful and should not be encouraged. Later, the judge in the Madras High Court also recalled the order mandating mediation and revoked the bail to the accused.

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

The Supreme Court decision can be accessed [here](#).

## Allahabad High Court directs UP government to constitute Victims Compensation fund under POCSO

The Allahabad High Court in *Guriya Swayam Sevi Sansthan v. Union Of India & Others* directed the Uttar Pradesh state government to constitute a Victims Compensation Fund under Section 357A of Criminal Procedure Code (CrPC) for the enforcement of Rule 7(4) of Protection of Children from Sexual Offences (POCSO) Rules, 2012, to cover offences under the Sections 7, 9 and 11 dealing the offences of sexual assault and sexual harassment. At present, only Sections 4, 6, and 14 are covered under the victim compensation scheme. The Public Interest Litigation, which received appreciation from the Bench, was filed by an organization which is active in the fight against human trafficking, especially forced labour and commercial sexual exploitation of minor girls and children in the State of Uttar Pradesh. The division bench observed that, “There is absolutely no reason or justification to exclude offences under Sections 7, 9 and 11 from the purview of the fund in addition to the provisions of Sections 4, 6 and 14. All the victims of these offences would be in need of beneficial rehabilitation. The setting up of the fund is an important instrument of ensuring rehabilitative relief to the victims of these offences.”

You can access the judgment [here](#).

## Himachal Pradesh High Court directs state government to provide basic amenities to inmates of state home for destitute women and fulfil shortcomings towards the implementation of Persons with Disabilities Act, 1995

Taking *suo motu* cognizance of two letters, the Himachal Pradesh High Court issued directions to the state government emphasizing their duty towards its citizens.

The first letter so addressed highlighted the plight of inmates of State Home for Destitute Women at Mashobra. Stating that the prevailing conditions in state home for destitute women as inhabitable and criticising the fact that the inmates are not provided with disability pension or old age pension, the court directed the state to issue disability certificates and old age pension to the required inmates and the State to provide vocational training to the inmates. The court also directed the District Welfare Officer to supervise and ensure that all the basic facilities and amenities are provided to the inmates.

The other letter enumerated the difficulties faced by three blind and deaf students on the basis of which the court issued directions to the educational institutions either run by the State of Himachal Pradesh or by the H.P. Council of Child Welfare to fully implement the provisions of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. The Court observed that the children with special needs fall in separate class altogether and it is the duty of the State to provide free and compulsory education to such children up to University level and all the professional courses in all the educational institutions under Articles 21, 21 A of the Constitution and suggested the State to enact such a law for the children with special needs up to University level and professional courses in all the educational institutions including Universities.

You can access the directions [here](#) and [here](#).

## Bombay High Court quashes rape charges after the accused promises to marry the victim

In the case of *Jaya D. Ovhal v. State of Maharashtra*, the Bombay High Court quashed a rape charge after the victim stated that the accused had agreed to marry her and that they had



settled the dispute amicably. In the present case, the victim admitted in court that she had a consensual physical relationship with the accused and had filed the rape charges only because he had refused to marry her. She further confirmed in Court that she has no objection for quashing the criminal proceedings initiated by her against the accused.

The Court observed that if this case was continued, it would hamper the healthy relationship between the petitioner and the respondent, and they would be put to unnecessary hardship of attending to the police and courts.

Source: <http://blog.sconline.com/post/2015/06/26/rape-charges-quashed-after-man-promises-to-marry-victim.aspx>

## Delhi High Court issues directions on introducing sensitive and personal information in child custody and visitation rights cases

In the case of *X v. Z* before the Delhi High Court in appeal on the question of custody and visitation rights of parents, the bench comprising Justice S. Muralidhar and Justice I.S. Mehta condemned the practice of producing the personal diaries of children and other documents carrying sensitive and personal information in evidence as violative of the child's fundamental rights to privacy. The court issued directions to Family Courts on the production of documents containing sensitive and personal information concerning the parties. These may be produced in evidence only by first applying to the court seeking leave to produce such documents, and should only be presented in a sealed cover. Until such leave is granted, the contents of these documents should not be used or copied in the pleadings and copy of the petition. The court also issued direction to the Family Courts to exercise confidentiality and if required conduct court proceedings *in camera*.

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

## News

## UN Special Rapporteur on extrajudicial, summary or arbitrary executions submits report on follow-up recommendations on India

The UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heynes, submitted a report with follow-up recommendations to India. The country report was originally submitted at the 23<sup>rd</sup> session of the Human Rights Council (A/HRC/23/47/Add.1) in 2013. In the current report, the Special Rapporteur takes stock of the steps taken by India since the submission of the last report, to address extrajudicial killings by security officers, the state police and Armed Forces and armed groups. The Report takes notice of guidelines issued by the judiciary and the National Human Rights Commission. However, it identifies impunity and a lack of accountability of State actors as major factors that undercut positive legislative measures to address such violations. It also identifies the Armed Forces (Special Powers) Act as serious impediments to accountability of State actors. It further states that marginalized groups remain most vulnerable to lethal violence, as well as persons in the context of communal violence, without State institutions or measures to monitor, investigate or prosecute such violence.

The follow-up Report can be accessed [here](#).

The 2013 Report on the mission of the Special Rapporteur to India can be accessed [here](#).

## Central Government asserts that there is no need to set up a centralized compensation mechanism for acid attack victims

The central government in response to the PIL filed by acid attack victim Laxmi said that the affidavit filed in the Supreme Court on the issue of setting up of a mechanism to deal with compensation claims of acid attack victim across the country pleaded that there is no requirement for a centralized compensation mechanism as the systems already exists in the states in the form of State Legal Services Authorities (SLSA) and District Legal Services Authorities (DLSA). Through the PIL the court was asked to regulate the sale of acid as well as to form a separate scheme for the acid attack victims. Although it said that it Central Government will issue circulars to all states and Union territories to make it mandatory for hospitals and private clinics to treat acid victims and that the refusal of treatment of an acid attack victim will lead to legal consequences. The health ministry also informed that under the 12<sup>th</sup> Plan there was a plan to provide aid to hospitals across the country to upgrade and enhance the facilities to treat acid attack victims.

This affidavit was filed in response to the PIL filed by an acid attack victim asking for setting up of a Criminal Injuries Compensation Board, also recommended by the Law Commission of India's 226<sup>th</sup> report for dealing with the compensation claims at the central level.

Source: <http://www.dnaindia.com/india/report-no-centralised-compensation-for-acid-attack-victims-2076187>

## Law Commission of India recommends shared custody of child between parents

The Law Commission of India in its 257<sup>th</sup> report recommended changes in various legislations to introduce a codified mechanism for shared parenting and joint custody of a child between parents. This recommendation proposes natural guardianship to both the parent unlike the present scenario where the father is considered as the natural guardian. It also proposes that the parents should evolve a parenting plan on their own, under the supervision of family courts. Courts are also to be guided by the principle of the 'best interest of the child' while determining the question of custody. For issuing a custody order of a child of 14 years and above, the court must take into consideration the wishes of the child since the child can be considered old enough to form an intelligent preference.

The Law Commission recommended the inclusion of these changes in all religious and secular personal laws, including Indian Divorce Act, the Parsi Marriage and Divorce Act, the Hindu Marriage Act, Hindu Minority and Guardianship Act and the Guardians and Wards Act. Shared parenting already exists in US, the UK, Australia, South Africa and the Netherlands.

Source: <http://indianexpress.com/article/india/india-others/allow-child-to-spend-equal-time-with-divorced-parents-law-panel/>  
<http://lawcommissionofindia.nic.in/reports/Report%20No.257%20Custody%20Laws.pdf>

## Maharashtra set to introduce Bill to prevent social boycotts by caste panchayats

The Maharashtra Government is set to table the Prevention of Social Boycott and Protection from Jaat Panchayat Bill in the state assembly in this monsoon session. The call for introducing a new legislation against social boycotting by caste Panchayats came after the verdict of Bombay High Court in a PIL named *Jagannath M Waghare vs. State of Maharashtra* ordered the state government to draft a legislation in order to deter the social boycotts imposed by the caste panchayats on individuals who transgress caste norms. The court had directed the police stations to treat cases of social boycott by caste panchayats as criminal offences. In the state, ostracizing people for transgressing social norms is very

prevalent. There are broadly three kinds of boycotts: one is a self-appointed panchayat of one's own caste calls for a boycott of an individual or family, second is a village across caste lines chooses to shun someone living among them, third is a one caste targets another caste. There have been instances of several individuals and families being boycotted for various reasons, most often for marrying a person from the same gotra or cases of upper caste boycotting dalits due to some dispute. Ironically, the state had passed Bombay Prevention of Excommunication Act, 1949 to protect the civil, social and religious rights of those excommunicated by their own communities, but way back this law was declared as unconstitutional by the Hon'ble Supreme Court of India.

Source: <http://www.dnaindia.com/mumbai/report-coming-soon-a-law-against-social-boycott-by-caste-panchayats-in-maharashtra-2095364>  
<http://scroll.in/article/734977/fifty-years-after-court-struck-down-law-to-ban-social-boycotts-maharashtra-may-get-a-second-chance>

### Opening of Supreme Court Child Care Center (*crèche*) postponed

The Supreme Court recently introduced a facility of child care center (*crèche*) for workers in the Supreme Court with children up to two years of age. Set to be launched in June 2015, the service was available on payment of Rs.5000 per month. The court also invited applications for the post of in-charge as well as helper of the *crèche*, with a salary of Rs.6000 per month only for the helper, whereas the minimum wage in Delhi for unskilled workers in Rs.9,048 and more for skilled and semi-skilled workers.

This was challenged in a writ petition titled *Anindita Pujari v. Supreme Court of India and others*, filed on 26<sup>th</sup> June, 2015 in the Supreme Court, on the grounds that the Supreme Court itself is not abiding by minimum wage laws, does not prescribe any specialized knowledge or experience for managing the *crèche*, which will not further boost the purpose of having such a facility. Further, the petition also says that the age of the children should be fixed up to 6 years. Thereafter, the Hon'ble Supreme Court through a circular postponed the date of inauguration till the Court arrives to a conclusion on the Writ petition.

Source: <http://indianexpress.com/article/india/india-others/day-care-centre-in-sc-as-plea-points-out-flaws-apex-court-puts-off-creche-opening/>

### Socio-Economic and Caste Census 2011 released

The government recently released the Socio-Economic and Caste Census 2011, which was undertaken to study the socio-economic status of rural and urban households. The census in rural areas was conducted by the Department of Rural Development, census in urban area was conducted by Ministry of Housing and Urban Poverty Alleviation, and caste census by the Ministry of Home Affairs under the coordination of Department of Rural Development.

The census reveals that approximately 48% of India's rural population is female and that 0.1% of the rural population is transgender. It says that Andaman & Nicobar islands, West Bengal, Gujarat, Odisha and Mizoram have the highest proportions of transgenders. Also it reveals that 41.6% of the rural population was unmarried and 40% was married while only 3.5% were divorced. The average household in rural India has close to five members. Only 12.8% of the total rural households are headed by women and only 12.09% women own a house. Lakshadweep bucks this trend, with over 40 per cent of its rural households headed by women. The data suggests that women still do not have a financial independence and backing in the rural areas. Moreover, the caste census says that only 18.46% of the total rural households are SCs, while 10.97% of the household are STs and the rest 68.52% household belong to other castes.

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

Source: <http://www.thehindu.com/news/national/govt-releases-socio-economic-and-caste-census/article7382457.ece>

## Resources

### New handbook on SOGI case law published

The Council of Europe has released a handbook on ‘*The case law of the European Court of Human Rights relating to discrimination on grounds of sexual orientation or gender identity*’ written by Dr. Frédéric Edel. It provides a structured insight into the Court’s extensive case law, first “article by article” and then “issue by issue”. It is a handbook for human rights professionals, researchers and students. It covers case law until March 2015.

The study gives an analytical presentation of the key aspects of the case laws relating to sexual orientation and gender identity. It is aimed to combat discrimination on grounds of sexual orientation or gender identity and is in line with the other previous European Council documents on this issue. It also specifically says that the term “discrimination” should be understood in a broad sense that covers all the human rights violations those are suffered by the LGBT community. The report is divided into two major parts: part one discussed the grounds for relying on the European Convention on Human Rights in matters relating to sexual orientation and gender identity and part two discussed the standard of protection under the ECHR in matters relating to sexual orientation and gender identity.

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

### Information series on Sexual and Reproductive Health and Rights

The Office of the UN High Commissioner for Human Rights (OHCHR) launched a new information series on sexual and reproductive health and rights. The series includes topics such as Abortion, Adolescents, HIV and AIDS, Violence against Women, LGBT people, among others. For each topic, it provides the latest data, the human rights standards and the international agreements. It is a useful resource for education, advocacy etc. The purpose of the information series is to provide detailed guidance for lawmakers, policymakers, judiciaries, health services providers, civil society and other stakeholders, to help them plan for the effective implementation of laws, policies and programmes those are meant to protect the women’s reproductive health and rights (SHRH).

Source: <http://www.ohchr.org/EN/Issues/Women/WRGS/Pages/HealthRights.aspx>

### WHO releases report on sexual health, human rights and the law

The World Health Organization released a report on sexual health, human rights and the law. Notably, the report recognizes that sexual health is a state of physical, emotional, mental and social wellbeing in relation to sexuality. It is not limited solely to dimensions of reproductive health, through access to contraception and abortion, and freedom from sexually transmitted infections, but widely includes the possibility of having safe and pleasurable sexual experiences, free from violence, coercion and discrimination. In this respect, the report underlines that access to health services for a wide range of sexual problems is essential, and that states should remove legal and regulatory barriers to such services. In fact, access to these services should be facilitated through guarantees of confidentiality and informed decision-making through law. It is also vital to provide comprehensive sexual health education and information to persons, reiterating several United Nations resolutions on the

point. Furthermore, states should refrain from employing criminal law to punish consensual sexual conduct between competent persons, including same-sex behaviour, sexual activity before and outside of marriage, for such criminalization has the impact of alienating access to essential health services and hinders HIV/AIDS prevention efforts. The report also encompasses the freedom of gender identity and expression as a component of sexual health, and vital to the overall well-being of individuals. It further brings focus on sexual and sexuality-related violence, which hinders the capacity of individuals to exercise autonomy in decision-making related to their wellness and sexual health.

## Obituary

### Peace activist, writer, journalist Praful Bidwai passes away

Praful Bidwai, a veteran journalist, author, commentator, anti-nuclear activist, passed away in Amsterdam on 23<sup>rd</sup> June, 2015. He was in the Dutch capital for the annual Transnational Institute Fellows' Meeting.

A former journalist with The Times of India, Praful's first notable work as a journalist was as a columnist for the Economic and Political Weekly in 1972. In a career spanning four decades, he worked for several magazines and newspapers where he wrote with authority and erudition on human rights, environment, global justice and peace. He was a founder-member of the Coalition for Nuclear Disarmament and Peace. He was a co-recipient of the prestigious Sean MacBride International Peace Prize. He had also worked as a Professorial Fellow at the Centre for Social Development, New Delhi, and as a Fellow at the Nehru Memorial Museum and Library

Praful Bidwai was also an active supporter of the various people's struggles against uranium mining and nuclear power plants, and visited both Jaitapur and Koodankulam to express his solidarity with the anti-nuclear struggles there. His demise is a loss to journalism and political activism.