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- Discussion - ‘Cultures, Traditions and Violence Against Women’: March 7 2011, Geneva
- Negotiating Spaces: Gender Concerns in Conflict Zones: 5-6 February, 2011
- Book launch—‘Law Like Love: Queer Perspectives on Law’: Arvind Narain and Alok Gupta (ed)

Forthcoming Events
- South Asia Training of Trainers on CEDAW “Strengthening Application of CEDAW in South Asia”: (New Delhi) 15-21 July 2011
Updates from the UN

UN SR on Human Rights Defenders calls attention to situation of women human rights defenders working on gender issues and issues of sexual orientation

The UN Special Rapporteur on Human Rights Defenders, Margaret Sekaggya, presented her third annual report to the Human Rights Council during a clustered interactive dialogue together with the Special Rapporteur on Freedom of Religion or Belief. The report focuses on the situation of women human rights defenders and those working on women’s rights or gender issues, since they are more at risk of suffering certain forms of violence, prejudice and repudiation. Her analysis, based on a survey and communications sent to governments during the 2004-2009 period, shows that women defenders are indeed those that are most exposed to rights violations. The SR pointed out in her introductory statement: ‘While defenders in general are too often branded as terrorists, extremists, and separatists, this study shows how women defenders and those working on women’s rights and gender issues are in addition stigmatised by virtue of their sex, or indeed the gender or sexuality-based rights that they advocate.’ This is often due to the fact that they challenge ‘accepted socio-cultural norms, traditions, perceptions and stereotypes about femininity, sexual orientation, and the role and status of women in society.’

The majority of States welcomed the focus of her report. However, some States held back support or threatened to withdraw support from the mandate if the focus was not changed from defenders working on issues of sexual orientation and gender identity as mentioned in the report.


Countries issue statement to end violence, criminal sanctions and related human rights violations based on sexual orientation and gender identity at the HRC

In a welcome move, at the 16th session of the Human Rights Council, Colombia delivered a Joint Statement during General Debate that called on States to end violence, criminal sanctions and related human rights violations based on sexual orientation and gender identity, and urged the Human Rights Council to address these important human rights issues. The statement was delivered on behalf of a broad grouping of 85 States from all regions of the world. The support received by the statement has been the by the largest group of countries, on the topic of sexual orientation, gender identity and human rights. Welcoming the statement, human rights groups also encouraged future dialogue within the Council, with the support of those States which were not party to the statement, but which share the concern of the international community at these systemic human rights abuses.

HRC selects members to the Working Group on Discrimination against Women in Law and Practice

At the Sixteenth Session of the Human Rights approved candidates for the Working Group on Discrimination against Women in Law and Practice calling upon States to fulfill their obligations and commitments to revoke any remaining laws that discriminate on the basis of sex and remove gender bias in the administration of justice, taking into account that those laws violate their human right to be protected against discrimination. The experts part of the group are Emma Aouij, Mercedes Barquet, Kamala Chandrakirana, Frances Raday and Eleonora Zielinska


International Developments

Asia

Pakistan SC acquits 3 out of 4 accused in Mukhtara Mai gang rape case

In a shocking judgment, the Supreme Court of Pakistan convicted only one out of the four accused in the Mukhtara Mai gang rape case. The case had been going on for nine years. The case caught attention in the region when in 2002, 14 men from the dominant Mastoi tribe in Meeranwalla, Pakistan gang raped Mukhtar Mai as a way to settle a score after her 12-year-old brother was seen walking with a Mastoi girl. The decision on retribution had been taken by a village jirga court to preserve tribal honour, pursuant to which Mai was subjected to gang rape and was paraded naked. Although it was clearly established that Mukhtara was raped, the Supreme Court acquitted one accused on the ground of mistaken identity, and two other accused on the ground that there was insufficient light in the room and therefore the prosecution could not satisfactorily prove its case.

While applauding the courage of Mukhtara Mai who stood against the harassment and threats, women’s right groups in Pakistan have strongly condemned the judgment and held emergency meetings to discuss further action.


Nepal Supreme Court upholds right to abortion and access to safe and affordable abortions

In a landmark decision reaffirming a woman’s right to abortion, the Supreme Court of Nepal in the case of Lakshmi Dikita vs. Nepal ruled that the government must guarantee access to safe and affordable abortion services. The case was filed by FWLD and a group of human rights lawyers when Lakshmi, was forced to carry forward an unintended pregnancy despite the right to abortion, only because she couldn’t afford the abortion fees. The SC while stressing on the need for a new abortion law, laid down that it was the state’s responsibility to ensure that no woman is denied a legal abortion owing to inability to pay for the same.
Upholding the right to abortion as being central to the right to equality and non-discrimination of women, the court stated that there could be no infringement of a woman's fundamental right to physical and mental health and well-being in the name of a foetus; the foetus could not supersede the protection of a woman’s physical and mental health and well-being.


**SC Iran denies divorce to a woman for disobedience to her husband and non-fulfilment of wifely duties**

Setting a regressive precedent, the Supreme Court of Iran ruled that women cannot access divorce even if the husband remarries. The applicant in this case, a poor woman from a rural area in the west of Iran sought a divorce alleging that her husband was violent and abusive, and had taken a second wife without her permission. Under Iranian law, women can only seek divorce from their husbands under conditions specified by law. In the case at hand, the Court was asked to interpret the 1984 legislation which specifies that if a husband takes a second wife without the permission of the first wife, the first wife can apply for a divorce. The Supreme Court by a majority held that a wife will lose her right to a divorce based on this condition if she has been disobedient. It analysed case law of lower courts which had come to differing conclusions but held that since article 1108 of the Civil Law makes obedience to the husband a legal responsibility of the wife – therefore, if she refuses to carry out these wifely duties without legal justification then she cannot divorce on the grounds that he has taken another wife.

Moreover, the Supreme Court held that this is now a precedent which must be followed in similar cases.

Source: [http://www.wluml.org/node/7022](http://www.wluml.org/node/7022)

**Hearing of Professor Muhammad Yunus before Supreme Court**

Following his dismissal as Managing Director of Grameen Bank, Nobel laureate and the founder of Grameen Bank, Muhammad Yunus has approached the Supreme Court, and the hearing of the petition has been taken up by the Supreme Court. The High Court upheld the dismissal stating that Dr. Yunus had exceeded Grameen Bank’s mandatory retirement age of 60. Supporters of Dr. Yunus observe that his dismissal and the controversy are a result of his fallout with Sheikh Hasina in 2007 over his attempt to found a political party.

Source: [http://www.thedailystar.net/newDesign/latest_news.php?nid=29615](http://www.thedailystar.net/newDesign/latest_news.php?nid=29615) [http://www.google.com/hostednews/afp/article/ALeqM5iVI4KsYhqu6TBESq1JPGfztos5Ag?docId=CNG.566d80b1e85ec3f4dbdf9df60aee90c4.441](http://www.google.com/hostednews/afp/article/ALeqM5iVI4KsYhqu6TBESq1JPGfztos5Ag?docId=CNG.566d80b1e85ec3f4dbdf9df60aee90c4.441)
Prof. Dr Shanta Thapalia, eminent lawyer, academician and women’s right activist from Nepal passes away

Prof. Dr Shanta Thapalia, eminent lawyer, academician and women’s right activist from Nepal passed away on 2 February 2011. She was also the chairperson of Legal Aid and Advocacy Centre (LAAC).

Beyond Asia

ECHR directs Czech Republic to address unlawful sterilization of Roma women

Following the Czech government’s expression of regret in November 2009 for the unlawful sterilisations of women, mainly Roma, and calls for further action to provide adequate reparation to the victims of these gross human rights violations. On 3 March 2011, the Commissioner for Human Rights at the Council of Europe in Strasbourg issued a report on the state of human rights in the Czech Republic. The Commission called the state policy with respect to sterilizations until 1991 a gross systemic violation of human rights and called on the Czech Government to thoroughly investigate and redress it. As a guideline for their compensation the Commission proposed the Government refer to a 2005 UN document on Basic Principles and Recommendations for Victims of Gross Violations of Human Rights as well as to compensation mechanisms for the victims of forced sterilization in other countries.


France bans the full face veil in public

The French President formally announced the ban on the full face veil (niqab) in public places making France the first country in Europe to do so. Under the law, any Muslim woman wearing a face concealing veil is banned from all public places in France, including when walking down the street, commuting in public transport, etc. The law further imposed a fine of €150 fine and a citizenship course for women defying the ban. Moreover, people forcing women to wear the niqab would be charged with a larger fine and a prison sentence of up to two years. Though the Police cannot forcibly remove face coverings in the street, they can order women to a police station to check their identity.

Interestingly, the government introduced a new controversial law to implement this ban, rather than use the existing laws on public security that allow for curtailing the full face veil. Critiques including sections of French Muslims who support the full face veil ban, have critiqued the introduction of a new law as it is intended to appeal to the right wing sections within politics and their electoral base, when the same results could have been achieved by the existing legislation without targeting any single community.

Source: http://www.bbc.co.uk/news/world-europe-13031397
http://www.wluml.org/node/7079
http://www.nytimes.com/2011/04/12/world/europe/12france.html?_r=1
Women protestors in pro-democracy movements in the Middle East face violence

While women are playing an invaluable role in pro democracy movements in the Middle East, they face violence both from male non state actors and state representatives. On International Women’s day in Cairo, a mob of angry men beat and sexually assaulted women marchers calling for political and social equality. Further, Amnesty International has called on the Egyptian authorities to investigate serious allegations of torture, including forced ‘virginity tests’ inflicted by the army on women protesters arrested in Tahrir Square, Egypt during the pro-democracy protests. According to Amnesty’s statement, after army officers violently cleared the square of protesters on 9 March, at least 18 women were held in military detention. In Libya, a woman reported to foreign journalists that Libyan troops had raped her. She claimed that government troops had detained her at check point, tied her up and then she was gang raped by fifteen men, including the son of a high ranking police officer.


Hearings on Canada’s ban on polygamy conclude

A special judicial inquiry to examine whether the Canadian anti-polygamy law violates protections of religious freedom or is still needed to protect women’s rights has wrapped up with hearing testimonies and legal arguments. The constitutional case was prompted by the failed prosecution of two men from Bountiful who were charged in 2009 with practicing polygamy. Residents follow the Fundamentalist Church of Jesus Christ of Latter-Day Saints, or FLDS, which, unlike the mainstream Mormon church, holds polygamy as a tenet of the faith. The hearings focused heavily on life in Bountiful, where government records reveal high rates of teen pregnancy and marriage, and low enrolment at two publicly funded schools.

Interestingly, a group called the BC Civil Liberties Association has filed an argument against the law banning polygamy on the ground that individuals should be free to make choices, and the state cannot interfere in the private lives of consenting adults. The Association has stated that while harm can occur in plural relationships, there is no evidence the harms are specific to polygamy. Further, suspected criminal activity including child abuse should be investigated and prosecuted by using applicable criminal laws.

National

Judgements/Orders

Supreme Court declares Khap Panchayats which decree or encourage honour killings to be ‘wholly illegal’

In the case of Arumugam Servai vs. State of Tamil Nadu with Ajit Kumar and Others vs State of Tamil Nadu, the Supreme Court decried the caste system and observed it was a ‘curse’ on the nation. According to the Court, inter-caste marriages are in the national interest as such marriages will result in destroying the caste system. The Court declared Khap Panchayats ‘which often decree or encourage honour killings or other atrocities in an institutionalized way on boys and girls of different castes and religion, who wish to get married or have been married, or interfere with the personal lives of people’ as wholly illegal. In this case, the Bench upheld the sentence under the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989, awarded by a trial court to Arumugam Servai, who called a member of a Scheduled Caste community by his caste name, ‘Pallan’ and then attacked him with sticks in a dispute regarding the method of tying bullocks in a Temple festival. Khap leaders are seeking to file a review of this order.

Source: http://www.thehindu.com/news/national/article1710337.ece

High Court directs Chandigarh, Punjab and Haryana to publicise protection homes for runaway couples

The Punjab and Haryana High Court has directed Chandigarh and the states of Punjab and Haryana to publicise centres opened for the protection of runaway couples with the help of media including radio. The UT/state governments have been directed to furnish details of number of marriages registered, counselling given to parents of runaway couples and protection offered after registration of marriage. Further, the two advocates assisting the H.C in this case have been asked to pay a surprise visit to the protection homes in Punjab and Haryana.


Binayak Sen released on bail

In a progressive move, the Supreme Court has granted bail to civil rights activist, Dr. Binayak Sen, who had been accused of colluding with Naxalites and sentenced to life imprisonment on charges of sedition. The Supreme Court observed in its order that Sen was only a ‘sympathiser’ of the Naxalite movement and this does not lead to the offence of sedition.

Chhattisgarh High Court allows young woman to live with her friend

In an important decision which can significantly benefit many young women, the Chhattisgarh High Court has allowed a young woman to live with another woman against her parent’s wishes. The Division Bench observed that the woman could live anywhere she wants to, being a major. The court also ordered authorities to provide security to Khusbu and her childhood friend Neha after they informed the court of their intention to live together and stated that they were not interested in living with their parents anymore.


Supreme Court rejects mercy killing plea

The Supreme Court in *Aruna Ramchandra Shanbaug vs. Union of India* laid down certain rules with regard to euthanasia. The Court has directed that active mercy killing of a patient with poisonous injection or other means is illegal; however, the Court allowed passive mercy killing of a patient in a permanent vegetative state (PVS) by withdrawing the life support system with the approval of a medical board and on the directions of the High Court concerned. In this case, the Court did not accept the plea of Pinky Virani seeking permission to withdraw life support to her friend, Aruna Ramachandra Shanbaug, who has been lying in a PVS in the KEM hospital Mumbai for 37 years, following a brutal rape assault. The Court dismissed the petition filed by Pinky Virani of Bombay on the ground that she did not have the locus standi and that only the hospital could make such a request.


2 Judge bench of the SC recommends that illegitimate children be entitled to parent’s property

A 2 Judge Bench of the Supreme Court in the case of *Revanasiddappa and Anr. vs Mallikarjun and Ors* has passed an opinion in favour of extending all rights in parental property to illegitimate children. The Court citing Constitutional provisions, specifically Article 39 (f) of the Directive Principles regarding children, and Article 300A on right to property – and thereby interpreted section 16(3) of the Hindu Marriage Act to observe that “A child born in such relationship is innocent and is entitled to all the rights which are given to other children born in valid marriage. However, “..such children are only entitled to the property of their parents and not of any other relation.” The matter has been referred to a larger Bench.

Judge recommends castration of serial rapists

An Additional Sessions Judge in Delhi has recommended castration as an alternative punishment for rapists while hearing a case involving a man who raped his step daughter for over four years. The judge called for a public debate with regard to the imposition of chemical and surgical castration as punishment for serial rapists. Chemical castration is the administration of medication designed to reduce libido and sexual activity, and certain states in the U.S have passed laws with chemical castration as a punishment for rapists. This
judgement has received a mixed reaction from women’s rights activists, and a copy of the judgement has been sent to the Ministry of Law and the NCW for their comments.

Source:  http://www.ndtv.com/article/india/judge-for-castrating-serial-rapists-102714

**PLD and partners file intervention in the case of *Chanmuniya vs. V.K Singh***

PLD along with seven partner organisations has filed an intervention application in the Supreme Court in the case of *Chanmuniya vs. V.K Singh*. In this case, while dealing with the issue of maintenance for a woman who is not the legal wife of the man but had married according to a customary practice, the SC referred three substantial questions of law to a larger Bench pertaining to the question ‘who is a wife?’ PLD filed the intervention in the context of its work on rights in intimate relationships to argue for an inclusive definition that takes care of protection gaps for women in relationships akin to marriage.

**News**

**Sex ratio in India drops to lowest since independence: Census 2011**

The child sex ratio in India has dropped to 914 females per 1,000 males – the lowest since independence. The states of Punjab and Haryana have seen an increase in the child sex ratio of females, but still remain the states with the lowest child sex ratio at 846 and 830 respectively. An increasing trend has been seen in the child sex ratio in the states of Punjab, Haryana, Himachal Pradesh, Gujarat, Tamil Nadu, Mizoram and Andaman and Nicobar islands. All other states and UT’s have seen a declining trend. However, the overall sex ratio at the national level has seen an increase and has reached 940 females per 1,000 males.


**Government notifies a joint panel to re-draft the Lokpal Bill**

The government issued a gazette notification setting up a joint committee of ministers and civil society activists to re-draft the Lokpal Bill following a fast unto death launched by an activist, Anna Hazare. The deadline of August 15 has been fixed for enactment of the law and consultations are being held over the Bill. Defects in the government drafted Bill are that it leaves out government officers and judges entirely, the appointment of the Lokpal (ombudsman) is a political appointment, that can only be held by former judges of the High Courts or Supreme Court, and public servants are not allowed to make complaints to the Lokpal.

Resources

News website on CEDAW South Asia: PLD and UN Women

On 100th Anniversary of the International Women’s Day, 8 March, PLD launched the first CEDAW South Asia website—www.cedawsouthasia.org This site has been developed as a comprehensive resource for the South Asia region to facilitate regional sharing and to strengthen implementation of CEDAW. The web resources have been produced by PLD with support from UN Women to enable easy access to CEDAW related material. The website seeks to facilitate the advancement of the implementation of CEDAW in South Asia by making resources dedicated to the region available more widely. It facilitates the regional sharing of information, knowledge resources, country updates, announcements of capacity building and learning opportunities, and updates on developments relating to CEDAW within the UN aimed at strengthening the implementation of CEDAW. It provides a brief but comprehensive overview of all dimensions of CEDAW, along with links to additional information and details on CEDAW.

Constructing Conceptions: The Mapping of Assisted Reproductive Technologies in India: SAMA

Sama resource centre released its new publication Constructing Conceptions: The Mapping of Assisted Reproductive Technologies in India. The publication documents a nuanced analysis and the findings from Sama’s research on ‘Assisted Reproductive Technologies: Implications for Women’s Reproductive Rights and Social Citizenship’ conducted in the three states of Orissa, Uttar Pradesh and Tamil Nadu.

Copies can be ordered from sama.womenshealth@gmail.com

Samaanta Ki Neev Par: CREA

CREA released its new publication in Hindi - Samaanta ki Neev Par. The book deals with the landmark judgement delivered by the Delhi High Court on July 2, 2009 on Section 377 of the Indian Penal Code and is a Hindi translation of the book, The Right that Dares to Speak its Name, published by Alternative Law Forum (ALF). The report was written to promote a better understanding of the Delhi High Court decision. It includes an explanation of the rationale of this court ruling along with commentary pieces by queer rights activists on the enormity and the impact of the hallmark judgement.


Minority Rights: International Standards for Implementation- Minority Women: OHCHR

The United Nations Office of the High Commissioner for Human Rights (OHCHR) in February 2011 released the report “Minority Rights: International Standards and Guidance for Implementation.” The report highlights that the rights of minorities, although defined in international human rights law, are far from being realized, particularly the rights of minorities that are victims of armed conflict or internal strife. In general, minorities, whether ethnic, religious or linguistic, continue to experience discrimination and may lack access to services, land and property, or even nationality.


The books brings together leading practitioners and researchers from the disciplines of criminology, sociology and law and provides an international, multi-disciplinary perspective that offers a compelling alternative to prevailing conceptualisations of the problem of forced marriage. The volume examines advances in theoretical debates, analyses existing research and presents new evidence that challenges the cultural essentialism that often characterises efforts to explain, and even justify, this violation of women’s rights and locates forced marriage within the broader debates on violence against women, social justice and human rights.


International Approaches to Rape: Gectanjali Gangoli and Nicole Westmaland

The book provides an overview of rape law and policy in 10 countries, including England, Australia, Canada, India and China. It introduces readers to national perspectives of issues relating to rape, and presents a comparative approach that highlights the similarities and differences between countries, contexts, laws, key issues, policies and interventions.

Adjudication in Religious Family Laws: Cultural Accommodation, Legal Pluralism, and Gender Equality in India: Gopika Solanki

Based on a rich ethnography of legal adjudication of marriage and divorce across formal and informal arenas in Mumbai, the book engages with the question of how do multi religious and multiethnic societies construct accommodative arrangements that can both facilitate cultural diversity and ensure women’s rights. The book argues that the shared adjudication model in which the state splits its adjudicative authority with religious groups and other societal sources in the regulation of marriage can potentially balance cultural rights and gender equality.

First Pan-India survey of sex workers: Rohini Sahni and V Kalyan Shankar

The findings of the report ‘First Pan-India survey of sex workers’ show that nearly 70% of female sex workers in the country have joined the profession voluntarily, and were not forced or sold. Also, sex work is just one among several labour options available to women from poor backgrounds — a majority of them join the trade at a much older age compared to other informal labour markets such as domestic work or hawking.

A soft copy of the preliminary findings is available at:

Events

Discussion - ‘Cultures, Traditions and Violence Against Women’: March 7 2011, Geneva

A discussion with Farida Shaheed, Madhu Mehra, Mirian Masaquiza, Fahima Abdel Hafiz Hashim on ‘Cultures, Traditions and Violence Against Women’ was organised by Violence in Not Our Culture in partnership with IWRAW AP, PLD and AWID on March 7, 2011 in Palais Des Nations, Geneva.

Reports and proceedings of the panel are available at:
http://www.stopstoning.org/HRC_Sessions

Negotiating Spaces: Gender Concerns in Conflict Zones: 5-6 February, 2011

The two day conference was organised by MAJLIS to gain an understanding about women’s gendered roles in such situations not only as victims but also as leaders and peace negotiators of their community. It was primarily addressed by women who have been a part of these political struggles in areas such as Kashmir, Northeast India, Gujarat, Orissa, etc. providing incisive insights into their lives trapped in these conflict zones.


A panel discussion with Nivedita Menon, Gautam Bhan and Arvind Narrain was organised to announce the launch of the book Law Like Love: Queer Perspectives on Law: edited by Arvind Narrain and Alok Gupta on 21 April in New Delhi. At the event Mayur Suresh, Nivedita Menon, Arvind Narain, Shrimoyee Nandini Ghosh and Siddharth Narrain read excerpts from the book.
Forthcoming Events

South Asia Training of Trainers on CEDAW “Strengthening Application of CEDAW in South Asia”: 15-21 July 2011

Partners for Law in Development (PLD) supported by UN Women are organising two residential South Asia Training of Trainers (ToT) on CEDAW “Strengthening Application of CEDAW in South Asia”. The first training was conducted from 8-12 April 2011 in Nepal.

The second seven day ToT, is being organised from 15-21 July 2011, in New Delhi. The ToT is open to all practitioners of the Convention for Elimination of All Forms of Discrimination against Women (CEDAW) from South Asia, and aims to strengthen the capacities of stakeholders in advancing application of CEDAW in local and national contexts. It seeks to refresh and deepen understanding of concepts, facilitate implementation in key contexts of gender inequality in South Asia, and familiarise with diverse applications of CEDAW, including the review processes.

The application forms are available at: www.cedawsouthasia.org