

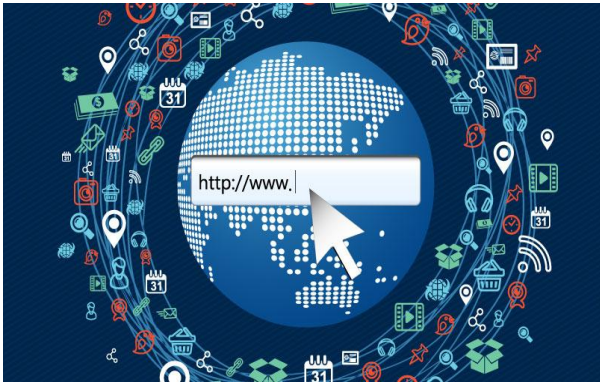
# THE HUMAN RIGHTS COMMUNIQUÉ

YOUR MONTHLY DOSE ON HUMAN RIGHTS

(NEWSLETTER FOR CENTRE FOR ADVANCED STUDIES IN HUMAN RIGHTS, RGNUL, PUNJAB)

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## *THE RIGHT TO PRAY*

### **INTRODUCTION:**

Human rights, these days are the most commonly debated topic, be it nationally or internationally, over tea or in conferences, it has certainly become the most debated topics. Human Rights are the fundamental rights that an individual possesses by virtue of being a human and when the term human is used, it should include men as well as women, because it has become immensely important to understand that women also have these human rights because gender equality is there in the very core concepts of Human Rights. It is an obligation upon states to ensure protection and promotion of women rights in furtherance of the UN Charter, but at the same time women have experienced discrimination in various walks of life, socially as well as economically.

After the UN Charter, there have been movements in support of Women rights which made the world conscious of debating and discussing this issue of discrimination against women in various aspects of life. This started with the International Women's Year in 1975, which marked a beginning of an era wherein the issues of discrimination against women and the need to protect the Human Rights of Women were discussed. In the year 1980, another international conference was held in Copenhagen and the Convention on the Elimination of All Forms of Discrimination against Women was opened for signature. One such human right is the right to profess religion, which is universal as every human is entitled to a choice, an opportunity and a right to pray, and practice a religion.

### **THE INDIAN SCENARIO**

In the light of the same it becomes important to understand the present state of affairs in India where there has been a constant debate about the right of a women to enter temples, mosques and other religious places, because sometimes there are restrictions imposed on women to enter such places. The incident that brought into light this practice is the ShaniShingnapur Temple where women from the BhumataRanragini Brigade proceeded towards the temple to break a 400 year tradition of the temple that women will not enter its inner sanctum, but the police authorities and the temple administration barred the protesting women from entering the temple situated in Ahmednagar, Maharashtra. Tripti Desai, the leader of the organization says that there is no such custom prevailing and that this rule has been implemented by the villagers as in other Shani temples across India. Through this movement, the group has aimed at challenging age old practices in many such religious places by saying that there is no logic in barring the women to enter temples as the Vedas and the Upanishads do not mention of the same. Similarly another case came forth wherein temple administration has banned women aged between 10 and 50 to enter the Sabarimala Temple in Kerala because a menstruating women is thought to be impure.

Similar is the case of some Muslim Dargah's where women are only permitted to enter upto a certain point, even the Haji Ali Dargah in Mumbai and the Nizamuddin Shrine in Delhi prohibit women from entering.

The authorities of these temples and mosques have their own reasons to support the practice, but at the same time one cannot neglect the rights provided to the women various constitutional remedies, the international covenants or the basic human rights, all provide for equality and the right to profess and practice religion, that is why the question still remains as to why are there such barriers which prevent women from exercising their right to pray.

### **PROVISIONS UNDER THE CONSTITUTION**

The Constitution of India provides through various articles equality of all citizens of the country irrespective of the religion practiced etc. Article 14 provides that the state shall not deny to any person equality before law and equal protection of laws, where as Article 15 provides that the state shall not discriminate against any citizen on grounds only of religion, race, caste, sex, etc. in general or in matters of access to or use of general and public places and conveniences. Above all, Article 25(1) provides for the very basis of an individual's right to freedom of religion, persons are equally entitled to freedom of conscience and right to freely profess, practice and propagate religion. The scheme of these provisions clearly puts forth the intent to have equality in all spheres, and to promote equal rights of women in matters of religion.

It also promotes the idea that everyone is equal before God and no one has the right to bar people from a practicing religion in a manner that they choose to.

Taking the case of the Shani Temple, there is nothing mentioned that women cannot or should not pray or worship Shani, it is also known that Shani respects all women and does not inflict its ill effects upon women, but still there exists a general consensus that women should not enter such temples. So the question still remains as whether it is discrimination or lack of knowledge about the gods. At the same time these temple entry movements have been effectively used by the marginalized section to protest against the exclusion and as a challenge to the ancient hierarchical structure that determines who is banned from entering a particular religious place. Such restrictions and their opposition is not new to the Indian social order as Mahatma Gandhi has also used the same tool many times to improve the living conditions of the Harijans, as he also based his social reform movements on the temple entry to Dalits.



### THE JUDICIAL APPROACH

Indian Judiciary has also played its role in determining the rights of an individual to practice and promote a religion of his or her choice, as in the case of *RatilalPanachand v. State of Bombay* (AIR 1954 SC 388), the Supreme Court held that the “freedom of conscience connotes a person's right to entertain beliefs and doctrines concerning matters which are regarded by him to be conducive to his spiritual well-being”. The right to religion includes the right to go to religious places without any restriction.

The Supreme Court in the case of *Punjab Rao v. DP Mesbram* AIR 1965 SC 1179 pointed out the importance of freely professing one's religion and held that “To profess a religion means the right to declare freely and openly one's faith.” Recently the Supreme Court of India came down heavily on the Travancore Devaswom Board which is the managing board of the Sabarimala Temple in Kerala asking reasons and logic behind prohibiting women from entering the temple. Justice Deepak Misra observed while hearing the petition that the Constitution rejects any kind of discrimination on the basis of age, gender and caste and unless there is a right to prohibit entry of a woman into a temple one cannot prevent them from worshipping at the temple, as the Kerala High Court had upheld the ban on entry of Women in the year 1991.

### CONCLUSION

The right of an individual to practice a religion of his or her choice has been recognized across most of the legal systems, which includes the right to go to religious places without any hindrance, but at the same time, there have been instances where gender bias has crept up into the exercise of this right, as such in a patriarchal society like India it has shown its effect every now and then, similar is the case with the recent protests on ban on the entry of women in religious places like temples and shrines. What is astonishing is that the discrimination does not have any logical backing to support the exclusion of one section and various groups have every now and then contended that such discrimination in entry of women into temples was neither a ritual nor a tradition associated with Hindu religion and that such discrimination was totally anti-Hindu.



Going a step further, the Sabarimala Administration has made a distinction on the basis of age as well as sex, as it bars entry of menstruating women. In a country like India which has come a long way by ending practices like Sati, these incidents remind us that we still have a long way to go to accept women as an equal part of our society. One needs to understand why do we need to give equal status to women; this thought that we “give” equal status to women needs to be checked as it is very important to understand that women are inherently equal to men. These age old practices made up solely on the basis of patriarchal bias do not have any theological backing and must end, because in a democratic, secular nation like India, one cannot take away right of a woman to practice her religion just like other men.



Contributions are invited for the further issues of the CASIHR newsletter. The last date of submission would be 15<sup>th</sup> of every month and it can be mailed on [casihhr@rgnul.ac.in](mailto:casihhr@rgnul.ac.in).

TRIVIA

- 855,000,000 people in the world are illiterate. 70% of them are women.
- Around 15 million girls around the world are forced into child marriage every year.
- The majority of the world's women cannot own, inherit, or control property, land, and wealth on an equal basis with men.
- Approximately 13 million children are enslaved around the world today, accounting for nearly half of the trafficking victims in the world.

DAYS OF MONTH

- World Wetlands Day- 2<sup>nd</sup> February
- World Cancer Day- 4<sup>th</sup> February
- International Day of Zero Tolerance to Female Genital Mutilation- 6<sup>th</sup> February
- World Day of Social Justice- 20<sup>th</sup> February
- National Science Day (India)- 28<sup>th</sup> February

DID YOU KNOW?

The Napoleonic Code' gave women the right to divorce, freedom of religion, forbade privileges based on birth, and instituted much more. It is regarded as one of the few documents that have influenced the world.



*If net neutrality goes away, it will fundamentally change everything about the internet.*

*-James Hilton  
English Novelist*

**HUMAN RIGHST IN CYBER SPACE**

**INTRODUCTION**

The Right to Internet access, is the view that all people must be able to access the Internet in order to exercise and enjoy their rights to Freedom of expression and opinion and other fundamental human rights, that states have a responsibility to ensure that cyber sovereignty is maintained and no one gets an upper hand over the other, and that states may not unreasonably restrict an individual's access to the Internet. While there appears to be no express right of general application to 'access cyberspace/the Internet' specifically laid down in any of the major International Human Rights instruments, it has been constantly argued at the international level that such an access is critical, particularly in terms of the right to freedom of expression, and in the redressing of issues like net neutrality.

**WHAT IS NET NEUTRALITY?**

The concept of net neutrality was first put forward by Tim Wu, then an Associate Professor at the University of Virginia Law School in 2002. Originally "network neutrality" was understood in the sense that there should be no discriminatory access, mainly to services like IP number assignment, directory services, outgoing and incoming packet routing and connectivity. There are four principles of internet neutrality– that consumers are entitled to access the lawful Internet content of their choice; that customers are entitled to run applications and user services of their choice; that consumers are entitled to connect their choice of legal devices that do not harm the network and that consumers are entitled to competition among network providers, application and service providers, and content providers.

**WHY NET NEUTRALITY?**

Network neutrality proponents argue that permitting network providers to institute anti neutrality practices would harm consumers by preventing them from freely accessing whatever content and applications they may choose, or attaching to the network whatever equipment they may wish. Also, such practices would harm innovation in content, applications, and equipment. Another argument backing the concept of internet neutrality was that it would protect the rights of the consumers on two levels – first, that they had entered into a contract with the ISP for the internet service, and were entitled to equal access to all content hosted on the internet; and second, that the consumer had created property rights in the, packets, transferred by him/her across the Internet.

**TRAI'S TAKE ON THE ISSUE**

TRAI India's telecom regulator recently decided upon this issue and declared that no service provider can offer or charge discriminatory tariffs for data services on the basis of content; no service provider shall enter into any arrangement, agreement or contract, by whatever name called, with any person, natural or legal, that the effect of discriminatory tariffs for data services being offered or charged by the service provider for the purpose of evading the prohibition in this regulation. Further, reduced tariff for accessing or providing emergency services, or at times of public emergency has been permitted. Also, financial disincentives for contravention of the regulation have also been specified. TRAI may review these regulations after a period of two years

**CONCLUSION**

Though there is no law governing net neutrality in India, which would require that all Internet users be treated equally, violations of certain net neutrality principles by some Indian service provider inspires a need to issue guidelines to control any further violation of right to internet of individuals.

## ***HUMAN RIGHTS NEWS...***

### **SECTION 377 TO BE VIEWED UNDER NEW LIGHT**

Hope is still left at the end of the tunnel for the LGBT community. The Supreme Court agreed to hear a curative petition on February 2<sup>nd</sup>- the last redressal for those seeking redressal of grievances, filed by Naz Foundation. This happened after the Apex Court verdict in 2013 upheld that Section 377 of the Indian Penal Code, 1860 is still valid which was followed by an order in January 2014 dismissing the petitions seeking a review of the same. The bench would be headed by honourable CJI TS Thakur to hear the petition. In 2009, the Delhi High Court had repealed Section 377. However, the Supreme Court, in 2013, declared that the Delhi High Court does not have a say in striking down the Section, it is up to the Parliament to amend it or strike it down.

### **PACHAURI GOES ON LEAVE, EX-FINANCE SECRETARY IS THE NEW CHAIRMAN OF TERI**

RK Pachauri has been promoted regardless of the fact that there is an ongoing sexual harassment case against him. Similar allegations have also been levied against him by another woman. Around 25 women launched a protest against his heading the institution and several students of the TERI University said that they will not accept their degrees from him on their convocation. The TERI panel, after an emergency meeting, released a statement that stating that Dr RK Pachauri, who had been the Head of the Institute since 1982 would now be on leave from TERI.

### **A NEW FIGHT AGAINST FEMALE GENITAL MUTILATION**

After years of silent suffering, the women from the DawoodiBohra community of India have taken upon them to end the age old practice of Female Genital Mutilation. They started a month long campaign named "Each One, Reach One" on February 6<sup>th</sup>, which was International Day of Zero Tolerance for Female Genital Mutilation and this campaign will go on until March 8, which is International Women's Day. The practice is usually performed on girls as young as 6-7 years by religious women, midwives and doctors. It can cause lifelong medical problems. Some countries have outlawed the practice but there is no law against it in India.

### **JNU ISSUE: STOP CHARGING KANHAIYA KUMAR WITH SEDITION, SAYS HUMAN RIGHTS WATCH**

A top American human rights body asked Indian authorities to stop charging peaceful activists, including JNU students' union leader Kanhaiya Kumar, with sedition. The Human Rights Watch said that the Indian authorities should immediately drop all charges that violate the right to free expression, and fully investigate the attack inside the court and fairly prosecute those responsible, including any ruling party supporters.

According to MeenakshiGanguly, South Asia director at Human Rights Watch, the BJP government seemed eager to punish peaceful speeches but less willing to investigate supporters who

commit violence in the name of nationalism. She further stated that the authorities not only need to find out why BJP supporters were apparently involved in an assault inside a court, but also why the police did nothing. HRW said the case has highlighted the urgent need for India's Parliament to repeal the country's sedition law.

### **HARASSMENT OF HUMAN RIGHTS DEFENDER MALINI SUBRAMANIAM**

Amnesty International, India has asked the authorities in Chhattisgarh to address the continuing threats to the journalists. Malini is a journalist who is actively reporting about the human rights violations taking place in the Bastar district of the state. On 7<sup>th</sup> February, around 20 protestors gathered outside Malini's house and urged the neighbours to throw stones at her house, and shouted slogans claiming that she was an agent of the Maoist groups. On 8<sup>th</sup> February, she managed to file a complaint after spending several hours in the police station but the Chief Police Officer refused to register an FIR for the same.

## ***AROUND THE GLOBE...***

### **ETHIOPIA OROMIA PROTESTS: HUNDREDS KILLED, THOUSANDS ARRESTED IN BRUTAL CRACKDOWN**

Ethiopian authorities are allegedly violently quashing protests in its restive Oromia region, with near-daily accounts of killings and arbitrary arrests. Researchers at Human Rights Watch claim more than 200 people have been killed, while thousands remain in detention without charges since November. Security forces have shown no sign of letting up.

Since late November, massive anti-government demonstrations have erupted in towns across Oromia, home to Ethiopia's largest ethnic group, the Oromo. The protesters and opposition members were initially fighting against an urban plan that would integrate infrastructure development and expand the municipal boundaries of the capital of Addis Ababa into surrounding towns in Oromia. There were fears the expansion would displace ethnic Oromo farmers from their land.

### **HUMAN RIGHTS VIOLATIONS WORSEN AHEAD OF UGANDAN GENERAL ELECTIONS**

The African Freedom of Expression Exchange (AFEX) is alarmed at the deteriorating human rights situation in Uganda ahead of the country's 2016 polls. AFEX has noted with dismay the increased hostility of state officials and security agents in Uganda towards the media and opposition elements in the run-up to the February 18, 2016 general elections. From October 2015 to date, more than 15 journalists have been attacked while covering opposition campaigns or carrying out their duties.

### **ZIKA VIRUS AND RIGHT TO ABORTION**

In early January 2016, WHO declared Zika virus as international health emergency. This led to a new debate of making the 'Right

to Abortion' a human right. UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, said in a statement "Laws and policies that restrict her access to these services must be urgently reviewed in line with human rights obligations in order to ensure the right to health for all in practice." The virus is transmitted through the bite of an infected female Aedes mosquito. It has been the cause of severe birth defects in thousands of babies in Brazil.

### CHINA'S CONSTANT BATTLE WITH THE HUMAN RIGHTS

The massive crackdown on the Human Rights activists in China began in July, 2015 and has started showing its ugliest side. Till now, approximately 300 lawyers have been arrested who were trying to safeguard their clients' interests. The lawyers are brutally prosecuted and detained. On January 8<sup>th</sup>, Zhao Wei was formally arrested which ended her criminal detention. A Swedish Human Rights activist, Peter Jesper Dahlin, was arrested and has been declared guilty without trial. According to the Chinese Officials, his activities endangered China's national security.

### HENRY TIPHAGNE AWARDED AMNESTY INTERNATIONAL HUMAN RIGHTS AWARD 2016

An Indian lawyer and Human Rights activist, Henry Tiphagne, would be awarded the coveted Human Rights award by Amnesty International Germany. This 8<sup>th</sup> Human Rights Award would be presented on 25<sup>th</sup> April at the Maxim Gorki Theatre in Berlin. Henry is the founder of the organization named 'People's Watch', a notable Human Rights organization of India, which has vigorously campaigned against discrimination and use of torture in India. The organization has also set up an institution for the human rights education. The award is presented every two years to individuals and organizations who have contributed to the field of Human Rights through the campaigns.

### ANTI-RACISM FOCUS ON HUMAN RIGHTS DAY TO BE CELEBRATED THIS YEAR

The announcement by Post and Telecommunications Minister Siyabonga Cwele came in the wake of a spate of racism on social media and university campuses. The day would also be used to look at the "Human Rights Empowerment to Women". Human Rights Day customarily marks the 21 March 1960 apartheid-era shootings in Sharpeville. Sixty-nine people were killed and 180 wounded when police shot at people protesting against passing of laws. On the same day in 1985, at least 21 people were killed in Uitenhage's Langatownship, in the Eastern Cape. Police opened fire on a group of mourners in their way to the funerals of four of six youth the police had killed.

### SYRIAN CEASEFIRE: AN AMBITIOUS LONG SHOT

On February 12<sup>th</sup>, 2016, the world powers gathered in Munich for Syrian peace talks. After hours of discussion, the parties announced "immediate humanitarian access to besieged areas and, starting in about a week, a ceasefire". A ceasefire would mean a lot at the moment, but certain initial challenges will be posed given the current situation. The violence in the country has already taken the lives of 470,000 people, accounting for roughly 2% of the population. Such a cessation of hostilities, which is merely a baby step, is a welcoming move towards ending the world's worst ongoing war.

### WORLD DAY OF SOCIAL JUSTICE

Social justice is an underlying principle for peaceful and prosperous coexistence within and among nations. The General Assembly proclaimed 20 February as World Day of Social Justice in 2007, inviting Member States to devote the day to promoting national activities in accordance with the objectives and goals of the World Summit for Social Development and the twenty-fourth session of the General Assembly. Observance of World Day of Social Justice should support efforts of the international community in poverty eradication, the promotion of full employment and decent work, gender equity and access to social well-being and justice for all. Further, the creation of the day was in accordance with the objectives and goals of the World Summit for Social Development (1995) and the 24th session of the General Assembly (1973). The 2016 Theme: A Just Transition - environmentally sustainable economies and societies.

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**DILIP K. BASU VS. STATE OF WEST BENGAL****Facts:**

A petition was filed and it was brought to the notice of the court that several states had not set up State Human Rights Commission in their jurisdiction and various posts including that of the Chairperson had been vacant for a considerable period. This stood in violation of section 21 of the Protection of Human Rights Act, 1993. Several other factors like death custody, need for female constables, living conditions were also brought to light.

**Issue Raised:**

Several issues regarding the applicability of section 21 and 30 of the Protection of Human Rights Act, 1993 were raised which are as follows:

- a) Issues regarding the causes for delay in filling of vacancies in the already existing commissions were raised.
- b) Whether a state could be compelled under section 21 of the Protection of Human Rights Act, 1993 to set up a state commission within their boundaries since the provision employs the term “may instead of “shall”, thus challenging the mandatory nature prescribed to the provision.

**Judgment:**

Realizing the gravity of the situation the court passed a judgment which made the setting up of commissions a mandatory duty upon the state. The court further adjudged that whether or not the word 'may' should be construed as mandatory and equivalent to the word 'shall' would depend upon the object and the purpose of the enactment under which the said power is conferred as also related provisions made in the enactment. The functions of receiving cases from the National Human Rights Commission, spreading human rights literacy and the protection of human rights are critical for the promotion and protection of human rights at the State level. A contention that State Human Rights Commissions were not to be mandatory to be set up would be destructive of the scheme of the Act, 1993. Consequently, the States of Delhi, Himachal Pradesh, Mizoram, Arunachal Pradesh, Meghalaya, Tripura and Nagaland were ordered to set up State Human Rights Commissions for their respective territories within a period of six months.

The state government was further instructed by the court to fill the vacant positions of the Chairperson and other members of the committee within a period of three months. The court also urged the state government to make appropriate arrangements for installation of CCTV cameras in all the prisons in their respective States, within a period of one year and to take appropriate action in terms of Section 30 of the Act, 1993, in regard to setting up/specifying Human Rights Courts. Further the court ordered to launch in all cases where an enquiry establishes culpability of the persons in whose custody the victim has suffered death or injury, an appropriate prosecution for the commission of offences disclosed by such enquiry report and/or investigation in accordance with law, to consider deployment of at least two women constables in each police station wherever such deployment is considered necessary having regard to the number of women taken for custodial interrogation among other things.

**Analysis:**

India is a party to the Covenant on Civil and Political Rights and Covenant on Social and Economic Rights. In view of the same Protection of Human Rights Act, 1993 was enacted, to provide for the constitution of a National Human Rights Commission, State Human Rights Commissions in the States and Human Rights Courts for better protection of human rights and for matters connected therewith. The significance of the human rights and the need for their protection and enforcement is thus beyond any debate. The movement for the protection of such rights is not confined only to India alone. It is a global phenomenon. Section 21 of the act, therefore, should be analysed in this light rather than adopting a literal interpretation of the same.

It is clear from the rules of interpretation that if it appears to be the settled intention of the legislature to convey the sense of compulsion, the use of the word 'may' will not prevent the court from giving it the effect of Compulsion or obligation. Therefore the State Governments cannot frustrate the objects underlying the legislation by pleading that notwithstanding the legislative measures, they can in their discretion keep the setting-up of the Commissions at bay. Any such contention will be destructive of the scheme of the Act and the promise the law contains for the protection of the rights of the people.

The fact that most, if not all the States are affected by ethnic and other violent and extremist activities calling for curbs affecting the people living in those areas resulting, at times, in the violation of their rights cannot be disputed. Such occurrence of violence and the state of affairs prevailing in most of the States cannot support the contention that no such commissions are required in those States as there are no human rights violations of any kind whatsoever. Therefore the judgment rightly puts an obligation on the state to tend to the human rights violation taking place within their jurisdiction, thus making them accountable.

\*Dilip K. Basu Vs. State of West Bengal and Ors AIR 2015 SC 2887”

## EXPECTATIONS FROM 2016...

### INTRODUCTION:

At the outset of a new year, our hopes for developments in various human rights jurisprudence remain high. There are various human rights issues in which reforms are expected this year and issues that are in dire need of reforms. This article highlights some of these issues which have been the subject of ongoing debates and discussions, whereas the others are relatively new.

### DEBATE ON THE ISSUE OF DEATH PENALTY: DEATH PENALTY ABOLITION BILL 2015:

The law commission in its 262<sup>nd</sup> report recommended the abolition of death penalty for all crimes other than terrorism-related offences and waging war against the country. The 20th Law Commission of India headed by the former Chief Justice of the Delhi High Court Ajit Prakash Shah, had also said in its report that the "rarest of rare" doctrine adopted by the Supreme Court in awarding the death penalty is constitutionally unsustainable. In 1980, the Supreme Court in *Bachan Singh v. State of Punjab* had abolished the mandatory death penalty in case of murder unless in the 'rarest of rare' cases. DMK Rajya Sabha MP Kanimozhi moved a Private Members Bill in Parliament for abolition of capital punishment on 18<sup>th</sup> December 2015. The introduction of this bill in the Rajya Sabha is going to ensure that the debate on the issue of death penalty continues.

### WHISTLEBLOWERS PROTECTION (AMENDMENT) BILL, 2015:

A Bill to amend the Whistleblowers Protection Act, 2011 to keep issues of national security out of its purview was passed in the Lok Sabha on 13 May 2015. The bill aims to include provisions that strengthen safeguards against disclosures which may prejudicially affect the sovereignty and integrity of the country and security of the state, among other things.

"This would strengthen the safeguards against disclosures which may prejudicially affect the sovereignty and integrity of the state, security, strategic, scientific or economic interest of the state, relations with a foreign state or leads to incitement of an offence. Safeguard has also been provided in respect of such disclosures which have been exempted under section 8(1) of the Right to Information Act, 2005," the government said.

The Whistleblowers' Protection Act aims to provide a mechanism for protecting the identity of those who expose corruption. But with the introduction of the proposed amendments, many are of the opinion that the bill is being utilised to dilute the Act.

### HOPE FOR THE LGBT COMMUNITY:

In December 2013, The Supreme Court of India had decriminalized homosexuality by quashing the 2009 judgement of the Delhi High Court which had held the current law against homosexuality to be unconstitutional. A glimmer of hope has been revived regarding gay-rights with the Supreme Court agreeing to refer a "curative petition" contesting the 2013 judgment to a five-man bench of judges.

### REFORMS TO REDUCE LABOUR EXPLOITATION IN QATAR:

Labour exploitation is on the rise in Qatar as the country prepares for the 2022 FIFA world cup. There have been serious concerns regarding the treatment of migrant workers building the arenas and infrastructure for the upcoming world cup. The fundamental concerns of labour exploitation is the common practice in the Middle East, the kafala system. According to the International Labour Organisation, migrant workers' employed under the system are unable to leave the country or change jobs without "explicit permission" from their employer or sponsor. 2016 hopes to see reforms being implemented to protect the rights of these migrant workers.

### PRE-TRIAL DETENTION:

Pre-trial detainees include men and women presumed to be innocent in the eyes of the law but who spend months and even years in prison waiting for the law to take its course. India has one of the highest pre-trial detainee populations in the world. Nearly two-thirds of the country's prisoners are 'undertrials'. In 2014, there were 4,18,536 prisoners in various jails in India, of which over 2.8 lakh – more than 67% - were undertrials, according to the National Crime Records Bureau (NCRB) Prison Statistics – India 2014. Excessive under trial detention causes overcrowding of prisons which in turn drastically affects the living conditions of the detainees and is a violation of human rights. We hope to see some steps taken in this direction in the year 2016.





