



South Asian Association for Regional  
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## DISCUSSION PROGRAM ON “SEXUAL AND REPRODUCTIVE HEALTH RIGHTS”



SAARCLAW Nepal Chapter organized a Discussion Program on “**Sexual and Reproductive Health Rights**” on 8th June, 2018 at Hotel Yak and Yeti, Kathmandu in the presence of Chief Guest Hon’ble Minister Mr. Sher Bahadur Tamang, Ministry of Law, Justice and Parliamentary Affairs along with other delegates. The objective of the conference was to strengthen the understanding that reproductive rights are recognized by the Constitution and to initiate an open and inclusive



dialogue on the issue of sexual and reproductive rights. Hon’ble Minister Mr. Sher Bahadur Tamang said, “This discussion plays an important role in bringing forward different opinions and issues, which is very important in legislation drafting. While the burden of child bearing and many reproductive health issues weigh more heavily on women, it is important that men are made aware of the importance and impact of the said rights.” Rt. Hon’ble Justice Mr. Kalyan Shrestha, Former Chief Justice, Supreme Court of Nepal as a keynote speaker added, “Reproductive and sexual health rights is a guaranteed as a fundamental right by the Constitution and also has been acknowledged by the Supreme Court as a human right. The way

forward is the implementation of these rights and to promote access to reproductive health services and information. Affordability and accessibility to reproductive health rights and services are the key issues, which also involves assuring privacy and informed consent.” “During closing remarks, Hon’ble Justice Mrs. Sapana Pradhan Malla, Judge, Supreme Court of Nepal said, “Denying sexual and reproductive health rights in any form is denial of individual choice. The war on choices must be addressed and won through better education and social awareness to enable individuals to take their own informed decisions that improve quality of life.” Including senior lawyers, Social Activist, CSOs and INGOs more than 100 participants actively took part in the roundtable discussion.

# SUMMARY ON EXTERNAL VOTING RIGHTS FOR MIGRANT WORKERS IN SOUTH ASIA



Source: <https://notevenpast.org/migration/>

In today's increasingly interconnected world, international migration has become a reality that touches nearly all corners of the globe.

Labor migration feeds the global economy. The number of international migrants worldwide has continued to grow rapidly in recent years, reaching 258 million in 2017, up from 220 million in 2010 and 173 million in 2000. Over 60 per cent of all international migrants live in Asia (80 million) or Europe (78 million). In South Asia there are 13,582 Thousand international Migrants in 2017.<sup>1</sup> And India was the largest country of origin of international migrants (17

million).

Yet, some countries in South Asia is considered to be lagging behind in terms of providing voting rights to its migrant workers.

**Afghanistan** has enabled its citizen to vote outside the country . Nomads, refugees, Hindus and Sikhs, staff of diplomatic missions based abroad, patients in hospitals, military personnel and eligible prisoners have the right to participate in elections, if possible, in separate polling centers established by the Commission.

**Bangladesh** has made a provision to register as a candidate online but only

diplomatic staffs have the right to vote in the centers established by Election Commission in Foreign land for them.

**Bhutan** has been enabling its citizen outside the country to vote. In Bhutan (a) Diplomats and persons working in the Embassies of Bhutan abroad; (b) Any person on special government duty who is for the time being residing outside Bhutan for the performance of the duty; (c) Members of the Armed Forces of Bhutan; (d) Any person on election duty; 117 (e) Civil servants; (f) Students and trainees; (g) The spouse or dependent of a person referred to in sub-sections (a) to (e), if the spouse or dependent is ordinarily residing with him/her; and (h) Any other group of voters as specified by the Election Commission in consultation with the Government can vote by post or online.

**India** have granted the right to get registered with their election commissions but only the below mentioned people residing outside the country can vote (a) any of the following persons to give his vote by postal ballot, and not in any other manner, at an election in a constituency where a poll is taken, namely:- (i) a member of the Armed forces of the Union to whom the provisions of sub-section (3) of section 20 of the Representation of the People Act, 1950 (XLIII of 1950) apply; (ii) a person holding any office in India declared by the President to be an

office to which the provisions of sub-section (4) of that section apply; (iii) a person who is employed under the Government of India in a post outside India; (iv) the wife of any such person as is referred to in sub-clauses (i), (ii), and (iii) to whom the provisions of sub-section (6) of the said section 20 apply; (b) any person subjected to preventive detention under any law for the time being in force to give his vote by postal ballot, and not in any other manner, at an election in a c o n s t i t u e n c y where a poll is taken, subject to the fulfilment of such requirements as may be specified in those rules.

**Maldives** has ensured the voting

rights for migrant workers. In Maldives a person eligible for voting in accordance with Section 12 of Law No” 11/2008 (General Act on Elections), not residing in the Island registered as the permanent address of the person on the day of voting, and residing in another inhabited Island of the Maldives or Resort or industrial Islands or in any other Country designated for polling, if such person(s) desires to vote in the Presidential Election, such person(s) shall register the place the person will be residing in on the day of polling in accordance with sub-section (c) of this Section.

In **Nepal**, the law is completely silent on this matter. The Supreme Court of Nepal has recently issued a directive to this effect on May 22nd, 2018.

**Pakistan** has made a provision to register online but worker have to return to their home country to cast their vote.

In **Sri Lanka**, there are no legislative provisions in this regard.

Source:

1. [http://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/MigrationReport2017\\_Highlights.pdf](http://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/MigrationReport2017_Highlights.pdf)

## LAWS REGULATING VOTING RIGHTS

COUNTRY	LAWS
Afghanistan	Election Law, 2016, Article 5 (5)
Bangladesh	Representation of the People (Amendment) Ordinance 2008
Bhutan	Election Act of the Kingdom of Bhutan, 2008
India	The Representation of The People Act, 1951, Chapter IV , Section 60
Maldives	Presidential Election Regulation, 2013, 17 (a)
Nepal	Electoral Roll Act, 2017
Pakistan	Representation of the People Act 1976
Sri Lanka	The Constitution of the Democratic Socialist Republic of Sri Lanka



Country	2018	2017
Afghanistan	Tier 2	Tier 2
Bangladesh	Tier 2 Watch List	Tier 2 Watch List
Bhutan	Tier 2 Watch List	Tier 2
India	Tier 2	Tier 2
Maldives	Tier 2 Watch List	Tier 2
Nepal	Tier 2	Tier 2
Pakistan	Tier 2	Tier 2 Watch List
Sri Lanka	Tier 2	Tier 2

As per the **Trafficking in Person - 2018** report published by the Government of the United States; Afghanistan, India, Nepal, Pakistan and Sri Lanka have been kept in Tier 2 list whereas , Bangladesh, Bhutan and Maldives have been placed in Tier 2 Watch List.

The Report places each country onto one of four tiers, as mandated by the TVPA. This placement is based not on the size of the country's problem but on the extent of governments' efforts to meet the TVPA's minimum standards for the elimination of human trafficking which are generally consistent with the Palermo Protocol.

**Tier 1:** The highest ranking, it does not mean that a country has no human trafficking problem or that it is doing enough to address the problem. Rather, a Tier 1 ranking indicates that a government has made efforts to address the problem that meet the TVPA's minimum standards. To maintain a Tier 1 ranking, governments need to demonstrate appreciable progress

each year in combating trafficking.

**Tier 2:** The governments of countries that do not fully meet the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards.

**Tier 2 Watch List:** The government of countries that do not fully meet the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards, and for which: a) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity

in severe forms of trafficking by government officials; or c) the determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional steps over the next year.

**Tier 3:** The governments of countries that do not fully meet the TVPA's minimum standards and are not making significant efforts to do so.

In South Asia, Pakistan has made a significant effort and has been upgraded to Tier 2 in 2018 from Tier 2 Watch list in 2017. The government demonstrated increasing efforts compared to the previous reporting period; therefore Pakistan was upgraded to Tier 2. The government's laws did not criminalize all forms of trafficking, and understanding and awareness of trafficking crimes remained low, therefore Bhutan were downgraded to Tier 2 Watch List. In Maldives Trafficking victim protection services were limited, victims lacked regular access to psycho-social support, interpreters, and a dedicated shelter. Therefore Maldives was also downgraded to Tier 2 Watch List. The government demonstrated increasing efforts compared to the previous reporting period and hence Afghanistan, India, Nepal and Sri Lanka remained on Tier 2.

Source: <https://www.state.gov/documents/organization/282798.pdf>

## End of Childhood Report

demonstrates that we are far from realizing the vision where all children survive and thrive. Children continue to be excluded from progress, especially those children living in marginalized, vulnerable populations. In addition, the report highlights how governments need to address further exclusion of children due to three threats conflict, poverty and gender discrimination. This will require governments to make three key guarantees to children:

- Investing in children: To achieve the SDGs and ensure that all children have access to universal quality basic services (especially education and health), including protection and social protection services, governments (including donors) need to raise the necessary resources. Governments must ensure these resources reach excluded children, particularly girls and refugees, in keeping with the focus on public investment in children outlined by the UN Committee on the Rights of the Child.

## RANKING IN SOUTH ASIA

RANK	COUNTRY	OVERALL SCORE	SOUTH ASIA RANKING
160	Afghanistan	592	8
130	Bangladesh	701	5
98	Bhutan	810	3
113	India	768	4
52	Maldives	920	1
138	Nepal	677	6
149	Pakistan	630	7
60	Sri Lanka	908	2

- Ensuring all children are treated equally: End discriminatory policies, norms and behaviors such as preventing girls from accessing health services or denying education to a child because of ethnicity or gender. To facilitate children’s access to quality services, governments must also put in place systems to register every child at birth.

- Counting and including all children, regardless of who they are or where they are from : Governments must ensure that all children, especially excluded children, are counted in data that are used to measure progress on the SDGs. Data should be collected and disaggregated by age, economic group, sex, race, ethnicity, disability and geography or migratory status, and be reported publicly in accessible formats. Data must be collected on disabled, indigenous and other marginalized populations to close equity gaps. In addition, excluded children should

participate in policy-making and budgeting, and be supported to monitor progress and hold governments to account. Governments and donors must also invest in improved data, as there is a significant void in availability of data, especially data for the groups mentioned above. In addition to these cross-cutting global guarantees, specific actions are needed to address poverty, conflict and gender, with a focus on girls and children who are refugees.

In South Asia, 4 of 8 countries improved their scores. Bangladesh made the most progress in the region, raising its score 21 points, from 680 to 701, mostly by getting more children into school. India’s reduced rate of child marriage helped increase its score 14 points, from 754 to 768. Afghanistan’s score fell 10 points, from 602 to 592, because of conflict-related displacement and children out of school.

[https://resourcecentre.savethechildren.net/node/13429/pdf/endofofchildhood\\_report\\_2018\\_english\\_o.pdf](https://resourcecentre.savethechildren.net/node/13429/pdf/endofofchildhood_report_2018_english_o.pdf)

TOP 10		BOTTOM 10	
RANK	COUNTRY	RANK	COUNTRY
1	Singapore	166	DR Congo
1	Slovenia	167	Sierra Leone
3	Norway	168	Guinea
3	Sweden	169	Nigeria
5	Finland	170	Somalia
6	Ireland	171	South Sudan
6	Netherland	172	Chad
8	Iceland	173	Central African Republic
8	Italy	174	Mali
8	South Korea	175	Niger

# UPCOMING INTERNATIONAL CONFERENCES

## LINKS TO IMPORTANT NEWS

### BANGLADESH

#### 1. 47th Annual Conference on South Asia

**Date:** 11-14th October, 2018

**Venue:**

The Madison Concourse Hotel and Governor's Club  
1 West Dayton Street  
Madison, WI 53703

**Link:**

<https://southasiaconference.wisc.edu>

#### 1. Parliament passes 17th amendment to extend reserve seats for women for 25 years

<https://bdnews24.com/bangladesh/2018/07/09/parliament-passes-17th-amendment-to-extend-reserve-seats-for-women-for-25-years>

### INDIA

#### 1. Supreme Court orders special trials for child rape cases

<https://timesofindia.indiatimes.com/india/in-a-first-collegium-selects-woman-advocate-for-sc-judge/articleshow/62465248.cms>

#### 2. India introduces death penalty for child rapists

<http://www.bbc.com/news/world-asia-43850476>

#### 3. Corruption, criminal cases should not be stayed for over 6 months

<https://www.oneindia.com/india/corruption-criminal-cases-should-not-be-stayed-for-over-6-month-sc-2667743.html>

### NEPAL

#### 1. Government sets new rule to protect Nepalese working abroad

<http://kathmandupost.ekantipur.com/news/2018-05-09/govt-sets-new-rule-to-protect-nepalis-working-abroad.html>

### PAKISTAN

#### 1. NA passes Transgender Persons Protection of Rights Bill 2018

<https://nation.com.pk/08-May-2018/na-passes-transgender-persons-protection-of-rights-bill-2018>

### SRI LANKA

#### 1. Sri Lanka, UAE sign MoU on cooperation in labor sector facilitating recruitment of domestic workers

[http://www.colombopage.com/archive\\_18A/Feb18\\_1518970035CH.php](http://www.colombopage.com/archive_18A/Feb18_1518970035CH.php)

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#### 2. Yale Interdisciplinary Conference on Migration and South Asia

**Date:** 26th-27th October, 2018

**Venue:** Yale University in New Haven, Connecticut

**Link:**

[https://southasia.berkeley.edu/sites/default/files/shared/CFP\\_YaleInterdisciplinaryConf\\_MigrationandSAsia.pdf](https://southasia.berkeley.edu/sites/default/files/shared/CFP_YaleInterdisciplinaryConf_MigrationandSAsia.pdf)

#### 3. Framing the Global Conference 2018

**Date:** 27th-30th September, 2018

**Venue:** Indiana University

**Link:**

<https://seap.einaudi.cornell.edu/news/upcoming-conferences>

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