

PRESS STATEMENT

UNAIDS calls on India and all countries to repeal laws that criminalize adult consensual same sex sexual conduct

GENEVA/NEW DELHI, 12 December 2013—UNAIDS expresses its deep concern that, through its recent decision on the constitutionality of Section 377 of the Indian Penal Code, the Supreme Court of India has re-criminalized adult consensual same sex sexual conduct. In 2009, the Delhi High Court had found unconstitutional the application of the 150-year-old law criminalizing “carnal intercourse against the order of nature” between consenting adults. Now, again in India, gay and other men who have sex with men, lesbian, bisexual and transgender people face the possibility of criminal prosecution.

“The Delhi High Court decision in 2009 had restored dignity for millions of people in India, and was an example of the type of reform we need for supportive legal environments that are necessary for effective national AIDS responses,” said the Executive Director of UNAIDS Michel Sidibé. “We want government and civil society to be able to provide HIV information and services to all people, including gay and other men who have sex with men, lesbian, bisexual and transgender people, and for them to be able to access the services without fear of criminalization.”

The 2009 decision by the Delhi High Court to annul the law was widely considered a milestone against homophobia and towards zero HIV-related discrimination. In the past four years since the law was annulled, there has been a more than 50% increase in the number of sites providing HIV services for gay and other men who have sex with men, as well as transgender people in India.

For the protection of public health and human rights, UNAIDS calls on India and all countries to repeal laws that criminalize adult consensual same sex sexual conduct. Such criminalization hampers HIV responses across the world. These laws not only violate human rights but also make it more difficult to deliver HIV prevention and treatment services to a population which is particularly affected by HIV. On average globally, gay and other men who have sex with men are 13 times more likely than the rest of the population to be living with HIV.

UNAIDS urges all governments to protect the human rights of gay and other men who have sex with men, lesbian, bisexual and transgender people, through repealing criminal laws against adult consensual same sex sexual conduct; implementing laws to protect them from violence and discrimination; promoting campaigns that address homophobia and transphobia; and ensuring that adequate health services are provided to address their needs.

In the 2011 United Nations Political Declaration on HIV/AIDS, all UN Member States committed to removing legal barriers and passing laws to protect vulnerable populations.

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UNAIDS

The Joint United Nations Programme on HIV/AIDS (UNAIDS) leads and inspires the world to achieve its shared vision of zero new HIV infections, zero discrimination and zero AIDS-related deaths. UNAIDS unites the efforts of 11 UN organizations—UNHCR, UNICEF, WFP, UNDP, UNFPA, UNODC, UN Women, ILO, UNESCO, WHO and the World Bank—and works closely with global and national partners to maximize results for the AIDS response. Learn more at unaids.org and connect with us on Facebook and Twitter.