

PRESS RELEASE

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A Protest against human rights violations based on sexual orientation
At Jantar Mantar, New Delhi

Stop attacking NGOs!! Lets build a healthy India!! Lets fight AIDS together!! NACO will have to come forward!! NACO will have to give answers!! Section 377 has to go!!

More than 160 people from nearly 40 organisations including lesbian and gay, women's and human rights groups, civil liberties groups, NGOs working in the field of HIV/AIDS, and concerned individuals held a **dharna on Monday, 13th August, at Jantar Mantar at 12 noon** to protest against

1. Human rights violations based on sexual orientation,
2. The State's failure to protect NGO workers involved in HIV/AIDS related issues and
3. The misuse of Section 377 of the IPC (which criminalises sexual acts 'against the order of nature') against Lesbian, Gay, Bisexual and Transgender people.

The dharna was held in the context of the arrest of workers of Bharosa Trust and Naz Foundation International in Lucknow on 7 July. Both these NGOs work on issues relating to HIV/AIDS with the MSM (men who have sex with men) community. The workers have been charged under several sections including Section 377, sections relating to obscenity laws, the Copyright Act and the Indecent Representation of Women Act. They have been denied bail by the Chief Judicial Magistrate and the Sessions Court on the grounds that they are a "curse on society".

Several prominent lawyers and activists publicly condemned the arrests of the workers at the dharna. Supreme Court Lawyer and AIDWA member Kirti Singh said, "Section 377 of the IPC has been specifically misused in this case. This section violates human rights and the rights of gay and lesbian people. Even the Law Commission of India has recommended its deletion. Each person has the right to decide her/his sexuality."

Several groups from Lucknow who have been enraged by the police action against their colleagues had come to attend the New Delhi dharna. Tulika Srivastava of AALI, a Lucknow NGO, lambasted the UP government saying, "We are ashamed of our government. This is the same government which talks about human rights and on the other hand, it jails people who are working for human rights and tries to stop their work." Ranjana of Saheli, a Delhi based womens group, added that "Section 377 is a life-threatening section of the IPC. The UP government is silent on crimes like corruption and the hold of the mafia, but jails those who are trying to work."

The crackdown by the police is the most recent in a series of repressive measures used by State agencies against NGOs in Uttar Pradesh. This case has serious implications for any organisation working in a field which might be deemed inappropriate - be it sexual and

reproductive health, safe sex and HIV/AIDS interventions, right to health, right to information or for that matter any human rights issue.

These actions contradict the Government of India's stated policy. Through the National AIDS Control Organisation (NACO), the Government has adopted a 'targeted intervention' approach in the second phase of the National AIDS Control Policy. This includes identifying groups more vulnerable to HIV, and outreach and peer education amongst these groups. One such group is MSM, which has been specifically identified for intervention. Organizations around the country are working on prevention and awareness about HIV-AIDS with MSM, including gay men, in line with this policy. This requires the use of sexually explicit materials for educative purposes. The Government's own goals cannot be met if an uninformed police force cracks down on such groups, for example, by seizing materials as "obscene", arresting workers and exposing gay people to harassment. Despite having worked with these NGOs, NACO and UP State Aids Control Society have not yet intervened in this matter, nor taken any public position, though they have been made aware of the police action.

The Law Commission has even called for the repeal of Section 377. Its use against NGOs working on HIV/AIDS and sexual health including those working with MSM, as has been done by the police against Bharosa and NFI in Lucknow is a setback to HIV/AIDS prevention and control efforts throughout the country.

Jaya Srivastava, director of Ankur, an NGO working on education in New Delhi, "Everyone of us should fight for sexuality minorities rights... it is not necessary to have only one way of life, there are many ways of living." Shaleen Rakesh of the Naz Foundation (India) Trust's Milan Project which works with MSM, said that "in my programme, our outreach workers are constantly harassed by the police on the pretext that we are 'promoting homosexuality'. How are we expected to prevent the spread of AIDS, which is transmitted primarily through sexual relations, without talking about sex? And MSM are also human beings who are affected by this virus. They have a right to health as does everybody else."

Other speakers included **Huma Khan** of Vanangana (Chitrakoot-Karvi), **Vimal** (NAPM), **Anjali Gopalan** of Naz Foundation (India) Trust, **Akshay Khanna** of the Lawyer's Collective, **Arun** of ABVA, **N.B. Sarojini** of Sama, a reproductive health organisation and a lawyer representing the two NGOs, **Mr. Aditya Bondhyopadhyay**.

The contradiction between the recent action and the Government's policy is all the more stark considering that during the United Nations General Assembly on AIDS (UNGASS) in New York last month, the Indian delegation expressly recognized homosexuals as a marginalized community critically affected by the epidemic.

A number of organisations and individuals in Lucknow, Delhi, Bombay, Pune and Bangalore have launched campaigns of protest. In Bangalore, 26 different groups including sexuality minority, lawyers', womens' and civil liberties groups condemned the

police for their actions. At the same time of the dharna in New Delhi, a protest was also held in Pune.

This press released is being issued on behalf of,

As a part of the 'NGO' Law, India has passed the 49th Amendment to the Constitution. The main aim of this law is to give more power to the State and to reduce the power of NGOs. Section 177 of the law is...

More than 100 people have been arrested under this law. The law is being implemented in a very harsh manner. The law is being implemented in a very harsh manner. The law is being implemented in a very harsh manner.

1. Human Rights violations based on the law...
2. The State's failure to protect NGO workers...
3. The misuse of Section 177 of the IPC...

The dharna was held in the context of the arrest of several NGOs and the implementation of the law. The law is being implemented in a very harsh manner. The law is being implemented in a very harsh manner.

Several members of the press and activists were arrested during the dharna. The law is being implemented in a very harsh manner. The law is being implemented in a very harsh manner.

Several NGOs have been arrested who have been engaged in the same work. The law is being implemented in a very harsh manner. The law is being implemented in a very harsh manner.

The attack on the law is the most recent step in the series of repressive measures taken by the State against NGOs. The law is being implemented in a very harsh manner. The law is being implemented in a very harsh manner.