

Halla Bol!

Release Human Rights Workers!  
Stop harassing NGOs!

ON 7 July 2001, the Uttar Pradesh police raided the offices and arrested members of Bharosa Trust and Naz Foundation International (NFI) in Lucknow, both NGOs working on HIV/AIDS intervention with the men who have sex with men (MSM) community. NFI specifically provides technical support to HIV/AIDS intervention work. All the staffers were subsequently beaten at the police station.

The police seized literature and materials used for educating MSM on safer sex practices, on the basis of which they charged the staff members with sale, etc. of obscene materials. Even more dangerous are charges of violations of the Copyright and Indecent Representation of Women Acts. These last two expose the mindset of the UP police, which has been harassing and intimidating NGO workers across the state. It may be recalled that an NGO was recently charged under the National Security Act, and other NGO workers have also been branded naxalites. In this case too, the workers have been interrogated by the Intelligence Bureau to investigate possibly links with Pakistan's ISI!

The staff were also charged under the antiquated Section 377 of the Indian Penal Code which criminalises consensual sex. That too when no case of sodomy exists, according to the police's own report. Yet the Chief Judicial Magistrate and the Sessions Court have denied them bail on the grounds that they are a 'curse on society'. These grounds are not acceptable under law.

This police action has dangerous implications for all sexual health projects in India and on the work being done by HIV/AIDS intervention NGOs with vulnerable populations like sex workers, drug users and MSM, who become open to such kind of abuse and victimisation by organs of the state, including the police.

Bharosa was working within the guidelines set by the Government of India pertaining to HIV/AIDS intervention work. The injustice is compounded by the fact that the government has stated unequivocally in international fora like the United Nations General Assembly Special Session on HIV/AIDS that LGBT people are a vulnerable section that must be included in HIV/AIDS outreach work.

The charges against the staff and their continued incarceration in jail is a perversion of justice and a direct assault not only on the arrested but also on the rights of MSM to access health information around HIV/AIDS.

Right to health is covered under the Fundamental Right to life under Article 21 of the Constitution, and health information cannot be denied to MSM just because of social perceptions. No one can be criminalised for providing health information.

We demand that the arrested staff are released immediately and that all the charges against them be dropped.