

Memorandum

Organizations in Uttar Pradesh are very distressed with the treatment meted out to staff of 'Naz Foundation International' and 'Bharosa Trust' and maintain that they are being subjected to a well thought out, planned attack.

Continuous attacks such as these, on organizations and activists working in the field of civil liberties and development are only succeeding in creating an atmosphere of distrust within the voluntary sector.

In its National Aids Policy, being implemented by the National Aids Control Organization, the Government of India has stated that safe sex is the only effective preventive measure against the virus. The policy also stresses on the fact that safe sex practices need to be widely communicated to the public at large, in order to spread awareness. The policy also states that men who have sex with men are a 'high risk' group and need to be targeted as such, in any HIV/AIDS awareness activity. These men are not only at risk themselves, but since a large number of these men are married, they also carry the risk of spreading infection to their families.

Bharosa Trust has been working in the field of HIV/AIDS awareness and prevention for the past three years, and "Naz Foundation International" has been doing so for the past one year. Both organizations work on the basis of guidelines issued by NACO, and have participated in various state-level, national and international programs on HIV/AIDS prevention. It is very distressing that those working within the parameters outlined within Government policies are victims of Government prosecution and harassment.

It began when the police received a tip off from two arrested men. On raiding a particular park the police apprehended a staff member of the 'Bharosa Trust', who, as part of his outreach work was involved in discrimination of material on safe sex practices amongst men. He admitted to working for the Trust, and on the basis of this the police proceeded to arrest one another worker of 'Bharosa Trust' as well as two staff members of an organization offering technical support to the Trust, the Naz Foundation. The arrests were made from the official premises of these two organizations. The police also manhandled the four persons apprehended.

The office of both the organizations was subsequently sealed. At 9 p.m. in the night of 9th of July the police subsequently visited the sealed premises of both organizations without the presence of a witness and spent a considerable amount of time there. This practice is contrary to stated rules and renders the visit suspicious. All the material that had been seized from the office of the two organization (at the time of arrest) was material prescribed by National and International organizations working on HIV/ AIDS or being used by the organizations themselves as resource material for ongoing research.

All the while, the police, ably assisted by the media, was presenting evidence in a manner which contrived to created an atmosphere of distrust against the two organizations.

important because it makes them take into account issues that they were

This incident has brought to the fore the development vs tradition debate, and puts a question mark on the work being carried out by voluntary organisation working in the field of HIV/AIDS.

Given the democratic nature of the Indian State, we condemn this repression of individuals working in the field of health and civil liberties and demand that:

- The charges framed under Article 377IPC against the apprehended activists be dropped since none of evidence presented in court by the police corroborated the story of any sexual activity between/amongst them.
- An independent inquiry be carried out with regard to the process and procedures carried out by the police, since their actions were highly irregular.
- Experts in the field of HIV/AIDS prevention should be brought in to review the 'objectionable' EEC material seized by the police, and determine whether it indeed has a pornographic content.
- Keeping in mind the ill treatment meted out to the activists of Naz Foundation International and Bharosa Trust, we demand provisions be made for their protection and security after their release.
- The National, State and District-level Aids Control Organisations make their position clear on their stand with regard to the activists working in the field of HIV/AIDS prevention.
- As recommended by Law Commission of India, section 377 of IPC should be repealed immediately.

WAMA, AALI, Vanangana, Kirti Resource Center, Health Watch, Asha Trust, Vigyan, U.P. Vigyan Manch, SAARC (Varanasi).