

Open Letter from the International AIDS Society (IAS) to the President of India

Honourable President Shri Pranab Mukherjee,

We are writing this letter as the leaders of the International AIDS Society (IAS), the world's leading independent association of HIV professionals with more than 16,000 members in 176 countries across the world.

We would like to express our deep dismay and disappointment at the Indian Supreme Court's unfortunate move to overturn the historic Delhi High Court decision of 2009 (which had effectively decriminalized consensual same-sex relations), upholding the constitutional validity of the infamous Section 377 of the Indian Penal Code. We believe that this retrograde step is a major setback for India's HIV response.

This decision makes lesbian, gay, bisexual and transgender (LGBT) people even more vulnerable to HIV and to violations of their dignity and human rights. There is irrefutable scientific evidence that punitive and discriminatory laws targeting LGBT people can push them to the margins of society, sacrificing their dignity and rights and that this fuels the HIV epidemic. The scientific evidence and experience also clearly show that by addressing and overcoming political, legal and social barriers to the epidemic, the progress in controlling HIV is swifter and more sustainable.

Reinstating Section 377 of the Indian Penal Code and the criminalization of same sex relationships will impact the day-to-day lives of LGBT people. Even when the provisions are not enforced, LGBT people will be at risk of being subjected to discrimination, harassment, blackmail and extortion. This will also radically reduce their access to comprehensive HIV prevention, care and treatment.

Criminalizing consensual sexual acts between adults in private violates India's commitment to the United Nations Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social And Cultural Rights to protect the rights of everyone, everywhere. Furthermore, reinstating Section 377 also violates the right to equality, liberty, privacy, dignity and health, guaranteed by Articles 14, 15, and 21 of the Constitution of India.

In addition to this, we are also concerned about the negative impact this decision will have on the wider Commonwealth community, where vestiges of the same British colonial sodomy law that criminalizes homosexuality persist in 38 of the 54 member countries.

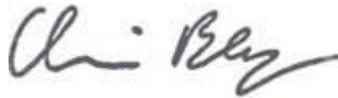
In the 30 year history of the HIV epidemic, India has shown strong leadership to reduce HIV transmission, made fruitful efforts to uproot stigma and discrimination of people living with HIV and has made provisions for universal access to treatment and care to those living with HIV. India has also given the world some of its finest leaders in the field of HIV. It is with frankness, compassion and ingenuity that Indians have dealt with the vulnerabilities of individuals and communities, and hence been successful in stemming the spread of HIV. However, this ill-advised decision by the Supreme Court has the potential to undermine the advances made so far.

As the custodian of the Constitution of the Nation we appeal to your office to guide remedial action in reforming discriminatory laws that continue to undermine the response to HIV, and to guarantee the dignity and human rights of all citizens of India, regardless of their sexual orientation.

Yours sincerely,



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About the IAS

The International AIDS Society (IAS) is the world's leading independent association of HIV professionals, with over 16,000 members from more than 176 countries working at all levels of the global response to AIDS. The IAS members include researchers from all disciplines, clinicians, public health and community practitioners on the frontlines of the epidemic, as well as policy and programme planners.

The IAS is custodian of the biennial International AIDS Conference, which will be held in Melbourne, Australia, 20-25 July 2014 and lead organizer of the IAS Conference on HIV Pathogenesis, Treatment and Prevention, which will be held in Vancouver, British Columbia, Canada, 19-22 July 2015.

www.iasociety.org | www.aids2014.org | www.ias2015.org

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