

## UNAIDS welcomes historic decision by Delhi High Court to annul the law that criminalizes adult homosexual relations

**New Delhi, 2 July 2009**—The Delhi High Court in India today annulled a 150-year-old law criminalizing “carnal intercourse against the order of nature,” commonly known as Section 377 of the Indian Penal Code. The court declared that section 377 of Indian Penal Code violated Articles 14, 15, 19 and 21 of the Indian Constitution and said consensual sexual acts of adults in private should not be criminalized. A division bench of Chief Justice A.P Shah and Justice S. Murlidhar said, “The inclusiveness that Indian society traditionally displayed, literally in every aspect of life, is manifest in recognizing a role in society for everyone.”

“The Delhi High Court has restored the dignity and human rights of millions of men who have sex with men and transgendered people in India,” said UNAIDS Executive Director Mr Michel Sidibé. “Oppressive laws such as Section 377, drive people underground making it much harder to reach them with HIV prevention, treatment and care services.”

UNAIDS urges all governments to ensure full respect for the human rights of men who have sex with men, lesbians and transgendered people through repealing laws that prohibit sexual acts between consenting adults in private; enforcing laws to protect these groups from violence and discrimination; promoting campaigns that address homophobia and transphobia, and ensuring that crucial health needs are met.

“UNAIDS strongly welcomes the decision to repeal the law and looks forward to working with the Indian government on moving the AIDS response forward for men who have sex with men and transgendered people,” said Mr Sidibé. “It sends a positive message to countries, where such laws still exist.”

The criminalization of adult sexual behaviour is hampering HIV responses across the world. Such measures have a negative impact on delivery of HIV prevention programmes and access to treatment by people living with HIV. Not only do they violate human rights of individuals, but further stigmatize these populations. Currently, more than 80 countries in the world have legislation that prohibits same sex behaviour.

In the 2006 United Nations *Political Declaration on HIV/AIDS*, governments committed to removing legal barriers and passing laws to protect vulnerable populations. Countries that have non-discrimination laws against men who have sex with men, injecting drug users and sex workers have provided better access to HIV prevention, treatment, care and support services.

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UNAIDS is an innovative joint venture of the United Nations, bringing together the efforts and resources of the UNAIDS Secretariat and ten UN system organizations in the AIDS

response. The Secretariat headquarters is in Geneva, Switzerland—with staff on the ground in more than 80 countries. The Cosponsors include UNHCR, UNICEF, WFP, UNDP, UNFPA, UNODC, ILO, UNESCO, WHO and the World Bank. Contributing to achieving global commitments to universal access to comprehensive interventions for HIV prevention, treatment, care and support is the number one priority for UNAIDS. Visit the UNAIDS Web site at [www.unaids.org](http://www.unaids.org)