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FOR IMMEDIATE RELEASE

LGBT victory over Indian penal code

The Australian Federation of AIDS Organisations has hailed a ground-breaking decision by India's Supreme Court to strike down laws criminalising LGBT people, by annulling key provisions of Section 377 of the Indian Penal Code.

"This is a historic advance for India's LGBT communities," said Darryl O'Donnell, chief executive of AFAO. "We salute the activists and advocates who fought this two-decade battle.

"This is a victory for India. But we hope it may also encourage other countries that were subject to British colonial laws to remove archaic and discriminatory laws from their statute books "

In its ruling, the court described the law as "irrational, indefensible and manifestly arbitrary."

Criminalisation of consensual same-sex sexual relations is not just a violation of human rights but also a huge barrier to achieving global HIV goals.

These include the 2020 goal of having 90 per cent of all people living with HIV aware of their status, 90 per cent of all people diagnosed with HIV on therapy, and 90 per cent of those on antiretroviral therapy achieving viral suppression.

Criminalisation stands in the way of this aim by amplifying stigma and restricting accessing to health care and HIV support and treatment. This increases the risk of HIV transmission. HIV prevalence among key and vulnerable populations is increasing in Asia and the Pacific, with punitive laws being one of the biggest hurdles to address.

The ruling will help protect LGBT people from violence and discrimination and create a more inclusive approach for ensuring quality access to health care services.

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