

First Anniversary of India's Gay Sex Ban: LGBT community gathers to protest human rights violations

India HIV/AIDS Alliance held a public hearing on increase in violence and discrimination cases against sexual minorities since the Section 377 verdict in 2013

New Delhi: The Supreme Court of India recriminalised same-sex sexual behaviour on 11 December 2013. The consequences of this judgment have been multiple and far-reaching. Over the past year, this ruling has increased the vulnerability of gender and sexual minorities to violence, stigma and discrimination and has adversely affected the uptake of HIV services.

To mark the anniversary of Section 377 judgment, India HIV/AIDS Alliance (Alliance India) organised a public hearing to discuss the consequences of the ruling and review cases of violence and discrimination that have taken place since the Supreme Court verdict. The national event was attended by more than 500 activists and people from the lesbian, gay, bisexual and transgender (LGBT) community, stakeholders from government, and representatives from media, international agencies, and civil society. The hearing discussed the consequences of the ruling and reviewed cases of violence and discrimination that have taken place across India since the judgment in 2013.

During the hearing, members from the LGBT community spoke about the brutality they have faced. One said, "The December 11th verdict has made our already vulnerable community even more vulnerable to violence at the hands of police. I was threatened and assaulted so badly for being gay that I have lost the ability to hear from my right ear."

Another incident detailed was the arrest of 13 gay men on Diwali night in Hassan district, Karnataka on the grounds of violating Section 377. "Our identity was made public and as a consequence we were socially ostracised, ridiculed by family, bullied by neighbours and even lost our jobs," said one of the accused.

Speaking at the event, K G Balakrishnan, chairperson of the National Human Rights Commission of India and former Chief Justice of India said, "Human rights of the LGBT community need protection, and they should not be categorised as criminals."

Held at FICCI Auditorium, the event included experience sharing, community performance, and speeches by community leaders and other stakeholders to discuss strategies to address this crisis. The event served to advocate for:

- Access to health care services and stigma reduction among service providers
- Increased efforts for safeguarding human rights
- Reduction in cases of violence by providing immediate crisis response

Swami Agnivesh, a politician and social activist, said, "Sexual minorities too are human. It is surprising that independent India has not been able to overcome the colonial era Section 377 law, and people still live under its fear."

Laxmi Narayan Tripathi, transgender activist said, "In India, far too many LGBT people live lives of secrecy and shame. Those who reveal their sexual identities or deviate from gender norms face social rejection, economic marginalization, and physical violence."

Adding to that, Sushant Divgikar, Mr. Gay International and a recent Big Boss celebrity, said, "I am deeply troubled by the everyday injustice faced by my LGBT brothers and sisters. We need to fight the internalised homophobia and transphobia in our communities and transform our fear into courage to celebrate who we are."

The public hearing was part of Alliance India's campaign against Section 377 under the Pehchan programme. The event affirmed the principle that MSM, transgenders and hijras are lawful citizens and their fundamental human rights — including civil, political, social, economic and cultural — need to be protected and guaranteed.

James Robertson, Executive Director, Alliance India said, "Even though sexual minorities are full citizens of this country, they are denied opportunities to earn a living, study, and access health services. Many families reject them and push them further to society's margins, increasing their vulnerability to a range of harms including HIV. We must join together to fight the insidious impact of homophobia and transphobia. India's LGBT community deserves freedom too!"

About India HIV/AIDS Alliance

India HIV/AIDS Alliance (Alliance India) is a diverse partnership that brings together committed organisations and communities to support a sustained response to HIV in India. Complementing the national programme in India, it works through capacity building, knowledge sharing, technical support and advocacy. Through our network of partners, Alliance India supports the delivery of effective, innovative, community-based HIV programmes to key groups affected by the epidemic.

About Pehchan

Pehchan is a five-year programme that strengthens and builds the capacity of 200 community-based organizations in 18 states to advance HIV prevention. Pehchan collaborates with India's National AIDS Control Programme and will reach more than 450,000 MSM, transgenders and hijras by 2015. The programme is Global Fund's largest single-country grant to date focused on the HIV response for vulnerable sexual minorities.

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