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Statement by Action Canada Population Development (ACPD), Federation for Women and Family Planning, Latin American and Caribbean Committee for the Defense of Women's Rights on 10.06.08, during the Universal Periodic Review, Adoption of the Report of India

Mr. President,

I make this statement on behalf of a number of organizations including those based in India.<sup>1</sup>

I would like to place on record my appreciation for the statement of the Indian Government as it finds reflection in the Working Group Outcome Report.

In Para 67, Sweden raised the question as to the measures taken by the Indian Government to ensure full equality before the law regardless of sexual orientation.

In para 84 , the Indian Government made the very important point, 'under Sec 377 of the Indian Penal Code, the concept of sexual offences , 'against the order of nature was introduced. This was essentially a Western concept, which has remained over the years. The concept of homosexuality itself does not find a mention in the Indian Penal Code and it can be a matter of debate whether it is 'against the order of nature.'

Mr. President, we welcome this civilizational understanding, which if succinctly put, states that it is not homosexuality, but homophobia which is a western import.

We urge the Indian government to take forward this valuable historical understanding and repeal what Prof. Amartya Sen has called 'a colonial era monstrosity'. We also urge the Indian Government to do more , by enacting civil rights legislation banning discrimination on grounds of sexual orientation and gender identity.

The repeal of Sec 377 and the enactment of non discrimination legislation would do justice to India being the world's largest democracy with a unique multi cultural character. It would be a significant step in fulfilling the promise of universal human rights embedded in international law and the Indian constitution.

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<sup>1</sup> Including the Alternative Law Forum, Good as You (based in Bangalore, India), and Creating Resources for Empowerment in Action (CREA).