

Narendra Modi
Prime Minister of India
Prime Minister's Office
South Block, Raisina Hill
New Delhi-110011
India

Love is Not a Crime! Protect Our Right to Equality – #Repeal377

Dear Prime Minister Narendra Modi,

LGBTI in India and Diaspora say NO to Section 377

This petition is to request to repeal Section 377 of the Indian Penal Code and decriminalize homosexuality in India. Imposed on India by the British, Section 377 is a Draconian law dated from 1860 and puts 50 million LGBTI Indians in harm's way. It has been used as an excuse for harassment, blackmail, extortion and physical and sexual abuse, multiplying existing inequalities based on caste, class and gender.

The UN states that “decriminalizing homosexuality is an essential first step towards establishing genuine equality before the law.”

In the latest Universal Periodic Review Review, the report from the Human Rights Council Working Group on the UPR (Twenty-seventh session) states:

“Section 377, Indian Penal Code, criminalizes homosexuality. In 2009, the Delhi High Court declared this section to be unconstitutional. This decision was reversed by the Supreme Court of India in 2013. However, the Supreme Court in February 2016 agreed to another hearing on the matter, which is now subjudice. In a related judicial development, in 2014, the Supreme Court recognized that sexual orientation and gender identity are integral to a person's personality and are “basic aspects of self-determination, dignity and freedom.” The Court stated that discrimination on the basis of sexual orientation violates India's constitutional guarantee of equality”

This petition therefore asks the Indian government to:

- * Repeal Section 377 legislation which criminalizes same-sex sexual activity in India
- * Put in place an immediate moratorium on the enforcement of any existing laws criminalizing homosexuality
- * Commit to engage in meaningful dialogue with their LGBTI communities to facilitate an informed debate about the means to remove all legal and other impediments to the enjoyment of their human rights
- * Commit to open and free debate across the Commonwealth on the decriminalization of homosexuality
- * Support public education initiatives to inform the people of the Commonwealth about the case for LGBTI equality
- * Support the right of an LGBTI Association to register with the Commonwealth alongside

all civil society organizations and be free to express its views and engage in public debate.

* Fully include LGBTI people in development and other programmes on an equal basis with the rest of society.

Section 377 only serves a political purpose to criminalize love between consensual adults and encourages homophobia and multiple discrimination in India.

Kind Regards