



Statement on the Decision of the High Court of Delhi in *Naz Foundation (India) Trust v. Government of NCT Delhi and Others*

The Commonwealth Lawyers Association (CLA) is a pan-Commonwealth professional association of lawyers that exists to maintain and promote an independent legal profession and the rule of law throughout the Commonwealth.

The CLA welcomes the decision by the High Court of Delhi in the case of *Naz Foundation (India) Trust v. Government of NCT Delhi and Others* issued on July 2, 2009. The verdict struck down Section 377 of the Indian Penal Code, a provision which criminalised consensual adult, private sexual conduct by persons of the same sex.

The CLA notes the reference at paragraph 85 of the judgement to the keynote speech made by the Honourable Michael Kirby AC CMG at the CLA's recent Commonwealth Law Conference that was held in Hong Kong in April 2009. In this speech, he noted that 41 of the 53 Commonwealth jurisdictions retained laws providing for criminal punishment of adult, private, consensual sexual conduct by persons of the same sex more than 40 years after the repeal of such provisions in the United Kingdom from which they were originally introduced into the laws of the Commonwealth.

The CLA reiterates its earlier appeal to the Secretary-General of the Commonwealth to establish a working group of appropriately diverse membership and background to consider the issues and report back to the CLA before the next Commonwealth Law Conference in India in 2011. It is the CLA's firm belief that broad and consistent dialogue on the issues is essential to realise the Commonwealth's commitment to universal human rights for all Commonwealth citizens.

6 July 2009

Commonwealth Lawyers Association