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INTERNATIONAL BAR ASSOCIATION COUNCIL RESOLUTION ON CRIMINAL LAWS – REPEAL OF CRIMINAL LAWS THAT IMPOSE PENALTIES RELATING TO CERTAIN SEXUAL CONDUCT

Adopted 24 May 2014

The Council of the International Bar Association,

Recalling the resolution of the Council of the IBAHRI adopted on 27 May 2010 on sexual orientation and human rights, which calls for the repeal of discriminatory criminal laws imposing penalties against people in respect of consensual, adult, private sexual conduct,

Noting the report of the Eminent Persons Group of the Commonwealth of Nations of October 2011 calling for the repeal of such discriminatory laws, *inter alia* because of their adverse impact on the successful resistance to the spread of HIV and AIDS,

Noting also the report of the UNDP Global Commission on HIV and the Law of July 2012 entitled “Risks, Rights and Health” which makes a similar recommendation to the entire global community,

Noting further the resolution of the Commonwealth Lawyers’ Association calling for the repeal of all such laws throughout the Commonwealth of Nations in those countries in which they remain in force,

Noting additionally the resolutions to like effect adopted by national Bar Associations, such as the policy adopted by the American Bar Association House of Delegates as long ago as August 1973,

Recalling that the International Bar Association is the “global voice of the legal profession”,

Believing that this voice should be raised on this topic at the highest level of the International Bar Association without further delay,

Remembering that many important advances have been made in recent years in the expression of the requirements of international human rights law regarding consensual, adult, private sexual conduct, when those requirements conflict with national laws that criminalise such conduct in a discriminatory manner,

Recognising that other issues arise concerning criminal law reform and concerning sexual orientation and the law remain to be addressed,

1. Resolves as the policy and commitment of the IBA that all criminal laws in respect of consensual, adult, private sexual conduct addressed to persons because of their sexual orientation or gender identity be repealed,
2. Draws this policy and commitment to the attention of all IBA member bar associations, with a request for follow-up action and report from them, through the appropriate IBA entities, such as the IBA’s Human Rights Institute and the Bar Issues Commission.