

SAMPARK

A Civil Society Coalition to Build the Capacity of Sexual Minorities and People Living with HIV in Odisha to Advance their Health and Rights

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FUNCTIONING POLICY DOCUMENT – AS OF JULY 2009

Preliminary discussions on a functioning policy for Sampark took place during the introductory coalition building strategy dissemination meetings since December 2008 and then the first two coalition general meetings in March and June 2009. This version of the document was finalized at two meetings of the Administration Sub-committee at the SAATHII, Bhubaneswar Office on July 20 and August 7, 2009 (as decided during the June 2009 general meeting), and then further validated at the third coalition general meeting in late August 2009. Several sections of this document are based on the Coalition Building Strategy (CBS) document prepared by SAATHII in the early stages of the Coalition Based Advocacy Project in 2008. Cross references have been made to the CBS document where needed.

A. Background:

- 1. Context:** The legal and social environment in Orissa continues to be discriminatory and violent against sexual minorities and people living with HIV (PLHIV). Many members of these populations in the state live in profound poverty and lack access to basic health and development services because of severe stigma and discrimination related to their HIV status, criminalization of higher risk and socially non-conformant behaviours like injecting drug use or non-heterosexual sex, health workers refusing to treat PLHIV, and law enforcers refusing to prosecute perpetrators of gender, sexuality and HIV related violence.

The concerns of certain sections of PLHIV like children infected or affected by HIV and sexual minorities like Hijras, lesbians, bisexual women and female-to-male transgender (TG) people are yet to find adequate space within the larger health and development discourse in the state. Issues like child sexual abuse, sexual and reproductive health (SRH) concerns of the aged, or HIV concerns of disabled people have also not received necessary attention.

This scenario persists in spite of the fact that sexual minorities and PLHIV in India have had civil rights movements since the early 1990s and mid to late 1990s, respectively. India's association as a signatory to the Universal Declaration of Human Rights; International Covenant on Economic, Social and Cultural Rights; International Covenant on Civil and Political Rights; International Conference on Population and Development Plan of Action; Convention on the Elimination of all Forms of Discrimination against Women; Convention on the Rights of the Child; and the United Nations General Assembly Special Session on AIDS has also failed to prevent stigma and discrimination against sexual minorities and PLHIV.

The government's National AIDS Control Programme – Phase III (NACP-III) recognizes the role of an “enabling environment”¹ in improving the uptake of SRH and HIV services and ensuring the realization of human rights for PLHIV and sexual minorities, particularly males who have sex with males (MSM) and male-to-female TG people. NACP-III lists activities to ensure greater involvement of these groups to reduce stigma and discrimination and to protect human rights, and aims to saturate coverage of MSM and male-to-female TG populations, and provide comprehensive services for all PLHIV. The government has also shown increasing support for decriminalization of male-to-male sex and HIV related legislation. Despite these encouraging initiatives, the on-the-ground situation faced by sexual minorities and PLHIV in various social settings – family, community, education, workplace, legal, health, policy and public spaces – has not changed significantly.

It is pertinent to mention that not just the government, but many civil society initiatives (including community-based ones) in Orissa also lack an appreciation of the SRH and HIV needs of sexual minorities and PLHIV. Most among them are engaged only in provision of limited safer sex education and medical services related to STI/HIV/AIDS prevention and treatment. They are yet to focus on a wider range of sexual and reproductive health and rights (SRHR) services that address gender, sexuality and reproductive health education, general health and hygiene, mental health, legal aid, violence, sexual abuse, education and livelihood needs, male responsibility, adolescent health and development, and even family and relationship counselling.²

Moreover, within the policy framework, government health programmes like the National Rural Health Mission (NRHM), Reproductive and Child Health Programme – Phase II (RCH-II) and Integrated Child Development Scheme (ICDS) and are yet to adequately address the health needs of sexual minorities and PLHIV. The government is developing convergences between vertically run health programmes like NACP-III, RCH-II, ICDS and NRHM. In particular, with their ability to reach every single village and community in India, RCH-II and NRHM can provide a significant platform for NACP-III to scale up its operations.

Coalitions of sexual minorities and PLHIV can mirror the government's convergence strategies, and will benefit greatly if they can advocate their concerns with these health programmes, and tap into their wide reach to build information and resource bases and influence key stakeholders even in the remotest areas of Orissa. The Coalition Based Advocacy Project and the state-level civil society coalition for PLHIV and sexual minorities envisaged therein are in response to this scenario. The rationale and strengths of a coalition approach for advocacy can be seen in the CBS document (page 1).

- 2. Sampark vision statement:** Same as the goal statement of the Coalition Based Advocacy Project to begin with: To contribute to poverty reduction through improved sexual and reproductive health (SRH) equity for sexual minorities and people living with HIV (PLHIV), in line with the Government of India's National AIDS Control Programme – Phase III (2007-2011) and Reproductive and Child Health Programme – Phase II (2004-2009).

¹ Supportive social, economic, legal, policy, cultural and religious environment in which people are able to pursue their daily lives, express their needs, concerns and desires, access health and social welfare services, and realize their potential to the fullest without fear of stigma, discrimination, abuse or violence

² That most individuals belonging to sexual minority groups are or will get married indicates a strong need for them to receive reproductive health education. Many PLHIV also need to have a clearer understanding of their genders and sexualities to improve their self esteem and motivation for positive living.

3. Sampark mission statement: The coalition aims to fight stigma and discrimination to ensure equality and well-being for sexual minorities and PLHIV in Orissa in the spheres of SRH, HIV and associated issues – as promised by the Indian Constitution as well as government and non-government health and development programmes.

4. Sampark activities:

- a) Identification of potential and existing leaders from among sexual minority and PLHIV communities of Orissa, building their capacities towards formation / strengthening of civil society organizations (CSOs), and bringing in these CSOs into the coalition
- b) Ongoing coalition functioning that includes planning meetings, review meetings and comprehensive capacity building of coalition member agencies on SRH, HIV, advocacy and associated issues
- c) Advocacy at the community, policy and programme levels with various stakeholders using documentation for evidence base, policy research and stakeholder analysis – to address issues of equality, well-being and access to SRH, HIV and support services

Note: Advocacy activities will focus on campaigns, lobbying, sensitization and other activities that are based on advocacy strategies, messages and communication material derived from the evidence base, research and analysis

- d) Promoting direct access to SRH and HIV information and support services for sexual minorities and PLHIV through reference and mobile libraries, helpline referrals, a legal aid unit and an electronic resource centre

B. Functioning Policy Issues:

a) Composition of the coalition: Who can be coalition members?

- (i) Primarily community-based initiatives (CBOs, networks, coalitions³) of sexual minorities and / or PLHIV (including sub-sections of these broad social groups)
- (ii) NGOs or coalition of NGOs working with sexual minorities and / or PLHIV (or specific subsections of these social groups)
- (iii) NGOs or coalition of NGOs working on SRH, HIV and a range of associated issues like gender, sexuality, human rights, sexual abuse, migration, trafficking, domestic violence, substance use, child, adolescent and youth health and development, old age, mental health, and physical disabilities

The composition of the coalition must be along the lines of the social appraisal for inclusive representation described in the CBS document (pages 1-2). Gender and sexuality, income, age, HIV status and impact, disability and geography are the broad parameters for ensuring inclusiveness.

Note: Individuals representing themselves can be part of the coalitions only as “Friends”, “Advisors” or “Observers”. They may participate in coalition activities, but will not have voting rights (participation in decision making).

³ “Networks” versus “coalitions”: Both concepts can be said to be the same, but for the purpose of this coalition, “networks” will be defined by individual membership and “coalitions” by group or organizational membership

b) Coalition functioning:

(i) Quarterly general meetings: The functioning of the coalition will primarily be based on quarterly general meetings meant for planning, review, decision making and capacity building activities. More frequent meetings can be called if needed. All member agencies should try and attend the general meetings. Minutes of the meetings must be recorded. Currently, only SAATHII will issue calls for meetings.

(ii) Member agency representation in the coalition: All member agencies must designate regular representatives to the coalition in the coalition membership form or through other written intimation submitted to the Secretariat (currently SAATHII as the agency that initiated the Coalition Based Advocacy Project). More than one representative can be designated to the coalition, but they must coordinate their functioning as their agency will have only a single vote in decision making. An individual can represent only one agency in the coalition, even if they are associated with more than one. All such representative individuals must differentiate between their personal and organizational stand points on matters of discussion and debate. Only their organizational stand points will be taken into account for coalition decision making.

(iii) Coalition sub-committees: The coalition will have separate sub-committees to deal with the following activities:

- Coalition administration, membership, logistics, budgeting, fund raising, grant support, public relations, conflict resolution (Administration Sub-committee)
- Each of the specific advocacy agendas taken up
- Media advocacy (Media Sub-committee)
- Project (coalition) monitoring and evaluation (M&E Sub-committee)

(iv) Sub-committee composition: Each sub-committee will consist of one or more than one representatives from specific member agencies (depending on the interest and skills base of the agencies and coalition needs). Barring SAATHII, other member agencies should ideally be part of no more than two or three sub-committees in order to contribute effectively. Each sub-committee can decide to encourage participation in its activities even by agencies who may not be its members.

(v) Sub-committee activities: Each of the sub-committees will plan its activities based on discussions, suggestions given and decisions taken in the coalition general meetings (that is, by the general body of the coalition membership), and report its activities for review in the next general meeting to the same body.

The sub-committees will have their own planning, implementation and review meetings, at least once every two months subject to time availability and project budget limitations. The Administration Sub-committee should meet monthly. Currently, only SAATHII will issue calls for meetings. They will also have the power to take decisions related to their action plans, subject to the broader principles of the coalition and decisions taken in the general meetings. All sub-committee meetings must have minutes recorded. Each sub-committee will select a spokesperson.

(vi) Decision making procedures: Decision making in both general meetings and sub-committee meetings will be based on majority voting by open show of hands (in exceptional circumstances with secret ballots). In certain circumstances, a general consensus may have

to be reached for decision making. Each agency (including SAATHII) will have only one vote, irrespective of the number of representatives designated to the coalition.

Quorum: At least 50% of the coalition / sub-committee members must be present. A simple majority of votes from the quorum will be sufficient to take a decision. If the number of agencies present is even and if there is a tie in voting, then the agencies not present will be contacted over phone / e-mail or in person for their votes. Agencies will have the option of abstaining from voting.

(vii) Financial resources for coalition activities: All coalition activities will be supported by the budget for the Coalition Based Advocacy Project (as detailed in the final project proposal submitted by SAATHII to DFID-CSCF). Additional financial resources can be raised through coalition membership fee, contributions by member agencies (other than SAATHII) towards specific coalition activities, and donations / sponsorships by coalition well-wishers. In the long run, the coalition may also decide to raise funds through grants submitted to funding bodies. If the coalition is registered, it will be able to raise grant-based funds directly. Otherwise, modalities will have to be worked out for specific member agencies to raise and spend such funds on behalf of the coalition (similar to the current arrangement with SAATHII).

Note: Agencies other than SAATHII contributing to specific activities will be asked to submit a brief report of the activity funded by them, including a summary of the total expenses. Agencies raising grants-based funds in the name of or on behalf of the coalition must take prior permission from the coalition through the Administration Sub-Committee, which will bring up the matter in a general meeting of the coalition for resolution.

(viii) Founding Secretariat: SAATHII, Bhubaneswar Office – as the initiator of the Coalition Based Advocacy Project and holder of the funds granted for the project by DFID-CSCF. As the coalition develops, particularly towards the end of the project period or after it, an independent Secretariat will be set up.

c) Coalition membership management:

(i) The coalition can include new member agencies if it feels the need to strengthen the membership base in terms of specific areas of work, skills base, geographical location or other criteria. Inclusion can be based on a written application being received by the coalition from an agency, or on the coalition extending an invitation to an agency.

(ii) The membership expansion procedure can be seen as a part of **Activity 4 (a)** of the coalition (see page 3 of this document). Identification of the foundational members of Sampark was carried out by SAATHII through identification of leaders from among sexual minority and PLHIV communities in Orissa. This process was based on a review of mapping or locating of relevant communities and civil society initiatives, short listing of CSOs using inclusiveness parameters, and subsequent outreach, networking and one-to-one / group meetings. The same methodology in total or part can be applied also where the coalition decides to invite new agencies as members.

Annexure 1 shows the inclusiveness parameters that can be used for short listing. These parameters have been adapted from the CBS document (page 4). However, the difference is that instead of being graded on the basis of weights being assigned to the parameters, the agencies will have to meet at least five of the parameters listed in the annexure to be short

listed and included in the coalition. After the short listing, outreach, meetings and associated activities can be taken up with the agencies.

(iii) Even if an agency is included in Sampark as a member through application, it must also meet the inclusiveness criteria – at least five of the inclusiveness parameters listed in **Annexure 1**. If an agency meets the necessary criteria, outreach, meetings and associated activities will be taken up with the agency.

(iv) Membership expansion will be part of the responsibilities of the Administration Sub-committee, but it must get the approval for inclusion of all new members from the larger coalition during the coalition general meetings. Approval should be sought before the process of outreach and associated activities is started.

Note: These outreach activities are in effect about identifying potential and existing leaders, who must have community standing and mandate to represent their communities or potential to develop such a status. In the case of potential leaders, if needed, assistance should first be provided for setting up formal or informal community based initiatives or CSOs. These CSOs will be eligible for membership through application or invitation.

(v) On joining, all member agencies must fill up the coalition membership form (in English / Oriya) and submit it to the Secretariat. The Secretariat will undertake project and coalition orientation of all new member agencies.

(vi) Any member agency wanting to leave the coalition should write to the Administration Sub-committee of Sampark with reasons for leaving. If desired and needed, the sub-committee on its own or through the larger coalition will try to resolve the reasons cited and encourage the agency to continue its membership.

(vii) The coalition can remove any member agency on grounds of discipline or ideological differences. The Administration Sub-committee will deal with expulsion related formalities, but the decision for expulsion must be taken in a coalition general meeting. Before a final decision is taken, the agency concerned must be notified in writing and provided time to put forward its point of view or explain its situation in a coalition general meeting.

(viii) If any individual or group of individuals, either member or staff of a member agency of the coalition, discontinue association with their organization and form another agency, the new agency will not be considered for membership till it is at least three years old. But the original agency can continue with the coalition, provided the coalition does not find any reason to reconsider its membership. The coalition on its part will make efforts to prevent splits in its member agencies that can harm them and their beneficiary communities.

Note: In this context, there is an opinion among some HIV/AIDS focussed health and development workers in India that there should be only one community based group per most at-risk community per district. For example: Only one CBO for MSM in each district of a state. This is also a working principle guiding the NACP-III policy document. However, Sampark's functioning policy prefers to follow this principle in spirit rather than in letter. First, it seems impractical to expect one CBO to cover an entire area as large as a district (most CBOs in Orissa at this stage will take a long time to build resources needed for such a scale of operation). Besides, Sampark has several member agencies that have similar agendas and work in the same district, albeit in different sub-divisions or blocks. For example: Santi Seva and Saraswati in Bhadrak district. Both should be important and welcome to the coalition.

What can be emphasized, however, is that both should work in coordination to avoid duplication of work and unhealthy rivalry for acquiring financial and other resources. Any splits of these agencies should also be avoided, definitely if it leads to small rival factions working in the same village, block, sub-division or town / city ward.

(ix) The coalition will also have in place mechanism for dispute settlement between member agencies. Any grievance about other member agencies or even the functioning of the coalition must be first submitted to the Administration Sub-committee in writing. The sub-committee will then bring up the matter in a coalition general meeting for resolution. Bringing up such matters directly in coalition general meetings should be avoided.

(x) If a member agency is absent from two consecutive coalition general meetings without prior intimation, the Administration Sub-committee shall first talk to its representatives to ascertain the reasons and provide assistance to solve any problem concerned. If there is no change in the situation, the sub-committee will bring up the matter in a coalition general meeting to plan subsequent action (which may or may not include expulsion). The same principle will apply to all the sub-committees.

d) Coalition capacity building support to member agencies:

(i) Activity 4 (b) of the coalition (see page 3 of this document) speaks about comprehensive capacity building support for the member agencies. Broadly this support will be provided in two forms:

1. Training and other technical assistance based on a project baseline study and training needs assessment of member agencies. SAATHII has undertaken both the studies and worked out a detailed training plan for the member agencies. SAATHII, as the Secretariat, will be in charge of implementing the training plan in consultation with Interact Worldwide.
2. Small reimbursement-based grant support to facilitate more effective participation of the member agencies in the coalition activities. This support will be provided according to the growth and development stage of the member agencies. All member agencies will be categorized into three development status groups: "Most Disadvantaged Groups" (MDGs), "Developing Groups / Networks" (DGNs) and "Established Groups / Networks" (EGNs). The MDGs will receive community mobilization focused grants, the DGNs seed money grants⁴ with an organizational development focus, and EGNs advocacy activity focused grants. Details in this regard can be seen in the CBS document (pages 5-6).

The CBS document also details development status parameters used for the categorization mentioned above and selection of grant recipients, as well as methodology for calculating grant support values and disbursement (pages 6-8). But the parameters mentioned in the CBS document were used at the foundational stage of the coalition and have since been updated **(see Annexure 2)**.

However, the grant structure (CBS document, Appendix 7, page 23) and processes for grant disbursement and implementation (submission of a grant application form, guidance in preparing the application, signing of a subsequent MoU and handholding support in implementation of grant activities, accounting and reporting⁵) remain broadly the same. The only difference being that the grant application forms must now be submitted to the coalition instead of

⁴ "Seed money grants" here does not necessarily imply rotation funds for income generation programmes.

⁵ Handholding support will include supportive activity and financial monitoring.

SAATHII, and the MoU will be signed between the grant recipient agency and SAATHII **on behalf of the coalition.**

The Administration Sub-committee of the coalition will handle the granting process along with the Secretariat, but the selection of grant recipients will have to be approved by the larger coalition at its general meetings.

(e) Coalition representation in public forums:

The spokespersons from each of the coalition sub-committees will have the responsibility of representing the coalition in various public forums, including the media. The coalition can also designate other individuals as representatives from time to time. Coalition profiles will be prepared, which can be used for the purpose of representation. Representing the coalition will not bar the individuals concerned from representing their respective agencies at the same time. But when such a situation arises, the interest of the coalition should be given equal importance.

ANNEXURE 1

Inclusiveness Parameters for Coalition Membership

No.	Inclusiveness Parameters
01	Agency works with lower income groups
02	Agency works in urban / suburban areas
03	Agency works with female sex workers
04	Agency works with women infected or affected by HIV
05	Agency works with children (0-9 years)
06	Agency works with adolescents (10-19 years)
07	Agency works with older youth (20 years and above)
08	Agency works in rural areas
09	Agency works with migrant populations
10	Agency works in tribal areas
11	Agency works in high HIV prevalence districts
12	Agency works in districts with poor HIV care, support and treatment coverage
13	Agency works with male-to-female TG populations
14	Agency works with male and / or TG sex workers
15	Agency works with old age groups (50 years and above)
16	Agency works with physically disabled people
17	Agency works on mental health issues
18	Agency works on sexual abuse issues
19	Agency works on domestic violence issues
20	Agency works on trafficking issues
21	Agency works with lesbians and bisexual women
22	Agency works with female-to-male TG populations

ANNEXURE 2

Grading for Development Status

Development Status Parameters for 2009-10

(Adapted from minutes of the Administration Sub-Committee meeting on July 20, 2009)

No.	Development Status Parameters	Weights
A	Years of Operation	
01	Operational since more than five years	0
02	Operational since at least a year, but less than five years	1
03	Starting from scratch / new initiative	2
B	Registration Status	
01	Registered as a society or trust	0
02	Non-registered organization (formal in structure)	1
03	Non-registered organization (only an informal network of individuals)	2
C	Annual Turnover	
01	More than Rs.1,00,000	0
02	Rs.50,000 to Rs.1,00,000	1
03	Less than Rs.50,000	2
D	Funding Access (Grants)	
01	Running one or more projects funded through grants	0
02	Running only one project funded through a grant	1
03	No project funded through a grant	2
E	Human Resources Strength	
01	Three or more full time paid staff	0
02	Two full time paid staff	1
03	One full time paid staff	2
04	Only part time paid staff	3
05	Only volunteers	4
F	Geographical Hindrances in Health Service Access	
01	One hour required to reach a District Hospital	0
02	More than one hour, but less than two hours required to reach a District Hospital	1
03	More than two hours required to reach a District Hospital	2

Notes:

1. The Development Status Parameters should preferably be consistent over the long term. Unless there is a strong reason for a change, the same parameters will also be applicable for the year 2010-11.

2. Total possible score against the Development Status Parameters can be 14. In order to categorize agencies as MDG, DGN or EGN, the following score break-up can be used:
 - a) Score 0: EGN
 - b) Score 1-7: DGN
 - c) Score 8-14: MDG
3. No. of agencies likely to receive a grant: A total of 10-12 agencies in Orissa will be a number that the project staff and the Administration Sub-Committee of the coalition is likely to be able to support and monitor successfully over a period of four to six months. Currently, the priority remains supporting DGNs and MDGs.
4. The top four and seven scoring agencies will be provided grant support in the DGN and MDG categories, respectively. If any DGNs or MDGs are left out of the top list, they will be assured of receiving grant support in the next financial / project year (2010-11).
5. Total grant amount budgets available for Orissa⁶ and average grant unit sizes:
 - a) Rs.60,000/- approximately (50% of the total budget against line item 2.3.3 for the year 2009-10) – for DGNs (for Seed Money Grants)
 - Grant amount unit size: Rs.60,000/- divided by 4 = Rs.15,000/- (this is an amount that is of practical value – not so small that it cannot meet expenses meaningfully and not so large that the DGNs find it difficult to spend in a timely and effective manner over a period of four to six months)
 - b) Rs.2,70,000/- approximately (40% of the total budget against line item 2.3.9 for the year 2009-10) – for MDGs (for Community Mobilization Grants)
 - Grant amount unit size: Rs.1,74,000/- divided by 7 = Rs.25,000/- (this is an amount that is of practical value – not so small that it cannot meet expenses meaningfully and not so large that the MDGs find it difficult to spend in a timely and effective manner over a period of four to six months)
6. Grant period: Four to six months (September 2009 to February 2010). All grant activities and supporting activity and financial reports (including billing) should be completed by early March 2010 to facilitate timely reporting to the funding body (DFID-CSCF), SAATHII Auditors and relevant government authorities.

⁶ The remaining amount has been allocated for similar project activities in West Bengal.