

MISSION AZAADI DOCUMENT (MAD)

An Advocacy Reference Manual
for LGBTQH rights in India





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14TH February, 2015

Table of Contents

| | |
|---------------------------------|----|
| Notice | 3 |
| Acknowledgements | 4 |
| Acronyms | 7 |
| Executive Summary | 8 |
| Introduction | 9 |
| Process | 11 |
| Goal and Objectives | 13 |
| Conclusion | 29 |
| Logical Framework Analysis..... | 30 |

Notice

Mission Azaadi Collective is coming together of 55 committed volunteers from LGBTQH community representing individuals, support groups, collectives, organizations and queer initiatives. This collective has joined hands to fight Section 377 of Indian Penal Code and work towards equal rights of the LGBTQH community in India.

The Humsafar Trust has prepared this reference advocacy manual with support from the Mission Azaadi Collective team. This manual makes no claim that it is inclusive of the entire LGBTQH community but only a representation of it.

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This manual received financial support from International HIV AIDS Alliance.

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Support Affiliations



| Acronyms | |
|-----------------|--|
| BCC | Behaviour Change Communication |
| CBO | Community Based Organization |
| CMT | Crisis Management Teams |
| D&I | Diversity and Inclusion |
| DIC | Drop in Centre |
| FAQ | Frequently asked Questions |
| FIR | First Information Report |
| HIV | Human Immunodeficiency Virus |
| HRD | Human Resource Development |
| IAS | Indian Administrative Service |
| IEC | Information Education and Communication |
| IPC | Indian Penal Code |
| IPS | Indian Police Service |
| LGBTQH | Lesbian, Gay, Bisexual, Transgender, Queer, Hijra |
| MAD | Mission Azaadi Document |
| MLA's | Member of Legislative Assembly |
| MP | Members of the Parliament |
| MSM | Men who have Sex with Men |
| NALSA | The National Legal Services Authority |
| NC | Non Cognisable |
| NCC | National Cadet Corps |
| NGO's | Non-Government Organization |
| NSS | National Service Scheme |
| OST | Open Space Technology |
| PFLAG | Parents and Friends of Lesbian and Gay Individuals |
| PIL | Public Interest Litigation |
| PITA | Prevention Of Immoral Trafficking Act |
| STI | Sexually Transmitted Infection |

Executive Summary

The Delhi High court verdict of reading down of section 377 on 2nd July 2009 is a landmark event in the history of the Indian sexual minorities. After a protracted legal battle that crept through the High Courts and Supreme Courts the Delhi High Court Verdict opened new horizons for several Lesbian, Gay, Bisexual, Transgender, Queer and Hijra (LGBTQH) identified individuals. This joy was short-lived with the subsequent verdict of 11th December 2013 of the Indian Supreme Court that did not see a conflict of section 377 with the Constitutional rights of Indian citizens. This served as a huge blow to the local Indian LGBTQH community that aspired to live as equal citizens without the tag of criminality to their foreheads.

The Supreme Court not only disregarded the “so called rights” (sic) of the LGBTQH community but also dismissed it as a “miniscule” (sic) minority. Although the verdict was countered with a review petition, the review petition was rejected. While a curative petition is still in the Supreme Court, there has been no response, inclination or political will to take this process forward. The LGBTQH community has hence started asking if this is the end of the Judicial Process. There is also reflection within the community as to whether relying on the Judicial processes alone is a good strategy. For several months there have been internal community meetings where possible interventions of advocacy ranging from **Politics, Bureaucracy, Education and Police** have been discussed. While these are informal conversations, there remains a wealth of philosophic thinking in terms of a strategic pathway to continue the dialogue within the Indian system.

The Mission Azaadi Document has made an effort to systematically capture these strategies by way of consultation, dialogue, argument and evaluation. This has been organized by way of community consultations, reviews and an opportunity to evaluate, vote and prioritize strategies. The process has involved members of the LGBTQH community and taking their strategic inputs on board. The serial consultations have been organized into a reference manual with clear advocacy strategies as well as clear activities that can be conducted to achieve the ultimate Goal of *Sexual minorities attaining equality, freedom, & right to live with dignity in India.*

This document’s intended purpose is to serve as a reference manual to LGBTQH communities across India to conduct their advocacy activities. It is essential to understand that given the diverse politics, geographies, language and the community structure, dynamics in different parts of the country the manual serves only as a guideline. Individuals, collectives, organizations can evaluate each strategy and activity to choose, customize the same to their lived realities. The Manual also serves as a tool to build community initiatives in new areas and locations.

Last but not the least the manual provides possible methods of raising the resources for conducting advocacy programs and sustaining them.

Introduction

“Acts done by consenting adults in private are not the province of criminal law and that morality cannot be the basis of subjecting individuals to penal hardship.” – Anand Grover, Lawyers Collective (Pioneering lawyer and an ardent supporter)

LGBTQH in India have been struggling with the dominant hetero-normative and moralistic stands that ensured subjugation and marginalization of so-called ‘deviant’ sexual behavior and gender expression. The state for long upheld this majority view and continued to criminalize same-sex behavior as it was perceived to be ‘unnatural’ sex. These further created barriers for HIV-focused initiatives in reaching out to Men- who- have- Sex- with- Men (MSM) and male-to-female transgender persons (also Hijras) which are a high risk group for HIV transmission. In colonial India, Macaulay, who drafted the section in the Penal Code in regard to sodomy mentioned that the act is so ‘abhorrent’ that it cannot be a part of public debate. Even after Independence, Section 377 of Indian Penal Code (IPC) continued to exist despite the fact that the Law Commission (156th and 172nd) discussed Section 377, and recommended its deletion in the year 2000. This section doesn’t criminalize sexual orientation or homosexual identity, but makes the act of sex illegal, thereby making the majority of homosexuals a marginalized and stigmatized criminal population. In 2001 Naz Foundation (India) Trust filed a Public Interest Litigation (PIL) on behalf of the petitioners in the Delhi High Court challenging the constitutional validity of Section 377 [Writ Petition (Civil) No. 7455 of 2001]. The foundation argued that Section 377 not only violates the right to life and liberty (as outlined in the Constitution of India) but also impedes effective control of HIV/AIDS. The Delhi High Court verdict overturned the Section in a historic judgment on July 2, 2009, decriminalizing consensual homosexual sex between adults. But, IPC Section 377 was reinstated on December 11, 2013 by the Supreme Court’s decision in the Koushal V. Naz Foundation case.

The reinstatement of anti-sodomy law Section 377 has made sexuality a focal point of political controversy at both national and international levels. Furthermore, it has raised concerns about the state of sexual freedom, the government’s intrusion in private matters, and new obstacles to health care for sexual minorities. In the advent of these political proceedings advocacy initiatives to better the plight of Indian sexual minorities must be scaled up. To that end, this manual is designed with the express intent of expanding the advocacy activities of the LGBTQH community in order to incorporate a much comprehensive strategy to catalyze the repeal of Section 377. The Humsafar Trust called for a consultation of individuals from the Mumbai queer community who are actively involved in queer politics and represent the diversity of the LGBTQH community. This collective of individuals came together under the umbrella of a common overarching goal for working towards the freedom for the LGBTQH community and referred themselves as ‘Mission Azaadi’. Azaadi stands for freedom in Hindi language, and precisely states the objective of the group. Some of the key questions posed at the consultation were about how Mission Azaadi can strategically and systematically strengthen the advocacy

efforts against Section 377; though we have received immense support from domestic and international allies against the Supreme Court’s verdict, we still lack the systems and strategies to sustain and streamline the efforts against Section 377.

Institutions and individuals provide HIV/AIDS interventions, advocacy measures, and counseling support to LGBTQH communities across the country. Beyond health-focused work the community has supported film festival, pride marches, and other advocacy initiatives. Despite these immense efforts on the part of the LGBTQH community, we have realized that as a collective, our work has not been able to influence the Supreme Court of India, especially in the domain of section 377 and rights. We need a much more comprehensive effort to repeal IPC Section 377, to attain similar citizenship rights and freedom like the mainstream population. Thus, we have drafted this ‘Mission Azaadi Document (MAD) – A Reference Manual’ in order to hone in on the tactics and strategies necessary to transform our aspirations for the future India into the realities of the present.

Process

The process of preparing this document began with a few community members who met up post Mumbai Pride 2014 at the Press Club of Mumbai. These members expressed a desire to come up with an advocacy document that would serve as a reference manual to individuals, collectives, formal and informal groups and organizations keen to work towards reading down of Section 377 of the Indian Penal Code post the 11th December 2013 Supreme Court Judgment and towards equal rights for the LGBTQH communities. Several e-mails were exchanged outlining the thought process and planning the document.

An internal brainstorming meeting of all teams within The Humsafar Trust was called and a multipronged approach to advocacy was expressed. The Humsafar Teams outlined their initial thoughts and strategies that they felt were needed but still not initiated or implemented. Further to the strategies the activities under each strategy head were also defined. This exercise provided the base report.

On completion of the above exercise, an effort to reflect the views of a larger LGBTQH was made to further articulate out the strategy and ensure that all view points and activities were evaluated and brought on board. The First consultation was organized on 20th September 2014, with invitations to LGBTQH individuals who are active in the cities of Mumbai and Pune. These individuals are integral part of the LGBTQH community representing community based organizations, support groups, collectives and independent volunteers.

The consultation followed the technique of Open Space Technology (OST). As per this format, the agenda and main talking points are defined by the participants without any preset agenda. Ideas and strategies generated are further strengthened by inputs from all participants. At the end of the consultation participants are asked to vote on the most important strategies.

Proceeding inputs of OST were documented by the workshop participants and independent documenters which were incorporated in the minutes of the day. A consultation report was prepared by synthesizing with the OST report for further articulating out the strategies and adding activities as deemed fit to the architecture of the strategy plan

The participants jointly coined the term Mission Azaadi (*Mission Freedom*) for this exercise and it went on to represent the voice of the invited LGBTQH community not restricted to any organization. The draft report was hence referred as the "Mission Azaadi Consultation Report".

The above draft document was presented in the 2nd consultation held on 27th December 2014 to the same set of invited individuals. In the first half of the 2nd Consultation all individuals were requested to review the draft document by selecting a specific topic and then discussing in a group about the articulation, nuance and intent of the strategy. These recommendations were displayed for the perusal of all the participants and further dialogue was encouraged by way of presentations made by each group.

The second half of the 2nd consultation was focused OST specifically for resource mobilization and sustainability”. This was another aspect of strategy to action out the Mission Azaadi Strategy. These inputs were further incorporated in the Mission Azaadi draft document.

Although there were Hijra representatives in the first two consultations the group felt that a separate consultation with Hijras was required. Therefore, a larger consultation was held on 9th February 2015, at the Humsafar Trust DIC with representatives of different Hijra organizations in Mumbai. The goal and objectives were discussed in great details and feedback of Hijra community on their specific needs and issues were also incorporated in this document.

The final document has been distributed electronically to all participants of the Mission Azaadi process for any final inputs. The document is titled

**Mission Azaadi Document-
An Advocacy Reference Manual for LGBTQH in India**

The document was finally released to all participants and stakeholders on 14th February 2015.

Goal and Objectives

Drawing from the Indian freedom movement's embrace of term *azaadi*, we are united by an aspiration to freedom for sexual minorities from the tyranny of outdated and unjust laws. Our mission towards such a freedom for Indian sexual minorities will necessitate a concerted effort that can only be produced through organized, strategic, and collaborative efforts. This advocacy reference manual aims to chalk out the kinds of strategies necessary to garner support from the Indian government, Members of Parliament (MPs), international bodies, the judicial system, and a host of other stakeholders at local, national, and international scales. It is framed by the following overarching goal: ***Sexual Minorities attain Equality, Freedom, & Right to live with Dignity in India.*** In the service of this goal, this collective of queer individuals offer the following objectives strategies and activities enumerated below:

Objective 1: To engage the judiciary towards legal protection of LGBTQH community and the repeal of IPC Section 377

Given that the majority of the recent debates over Section 377 have occurred in the judicial arena, there are significant legal precedents established both for its maintenance and its removal. Furthermore, in the decision of 11th December 2013 ruling in the Koushal v. Naz case, the justices suggested that the law only poses a minimal threat to Indian citizens, if at all. Paragraph 43 of the verdict reads:

While reading down Section 377 IPC, the Division Bench of the High Court overlooked that a miniscule fraction of the country's population constitute lesbians, gays, bisexuals or transgender and in last more than 150 years less than 200 persons have been prosecuted (as per the reported orders) for committing offence under Section 377 IPC and this cannot be made sound basis for declaring that section ultra vires the provisions of Articles 14, 15 and 21 of the Constitution¹.

Engagement with the judiciary forms an important cornerstone of future advocacy strategies against Section 377 precisely because the current judiciary denies the law's impact on the community. Thus the strategies listed below focus not only on a broader advocacy with the legal structures that shape the Indian legal system, but also to build awareness of legal issues among LGBTQ community and documenting of cases of discrimination, violence and human rights violation.

¹This comes directly from paragraph 43 of the judgment. Ultra vires is Latin for, beyond the powers. This is a legal term that denotes that the court used to suggest that it had no power in making a ruling on the court case because those powers exceeded the court. <http://judis.nic.in/supremecourt/imgs1.aspx?filename=41070>

Strategy 1.1: Crisis Redressal and documentation for building evidence to carry out legal and political advocacy work.

Activity 1.1.1: Filing Public Interest Litigation (PIL) on issues like same-sex marriage, adoption by same-sex couples, hate-crimes against LGBTQH and anti-discriminatory laws/policies, and also challenging inadequate legal processes on gender/sexual neutrality.

Activity 1.1.2: Encourage documentation of LGBTQH human rights violation in different parts of the country. Human rights violations could manifest in different forms like- hate crimes, violence and abuse, harassment, extortion, stigma and discrimination, or any other form of misuse of law. This documentation can be used for strengthening PILs that have been filed in the courts of law

Activity 1.1.3: Strengthening the existing Crisis Management Teams (CMTs) by providing focused training to manage and document crisis. This will help strengthen the quality of documentation to be used in judicial matters

Activity 1.1.4: Training of activists/ community leaders on legal awareness which will involve understanding laws that adversely or positively affect LGBTQ community, knowing our legal rights, and also to understand legal processes of filing FIR, NC, PIL, etc.

Activity 1.1.5: Building District-level Crisis Cells comprising lawyers, health professionals and health workers that will assist CMTs during any crisis.

Strategy 1.2: Conducting evidence-based research; reviewing existing data and literature on legal barriers and concerns

Activity 1.2.1: Design and conduct research studies to understand nature, extent and manifestation of violence against LGBTQH; and also to determine the effectiveness of existing documentation practices

Activity 1.2.2: Provide evidence based support through documented data and research findings to various court cases and legal battles related to Section 377 or any other law affecting LGBTQH community.

Activity 1.2.3: Organize community dissemination of research, intervention or advocacy measures/findings in which key-stakeholders such as academia, media, government officials, law and judiciary would be invited.

Activity 1.2.4: Disseminate information on crisis (incidents of abuse, assault, violence, harassment, stigma, discrimination, etc.) through social media to ensure social impact and resource mobilization

Activity 1.2.5: Conduct a review of NALSA judgment in the light of reinstating of Section 377 to understand scope of the judgment, continued legal barriers, the population it will affect, and also how to use NALSA judgment to strengthen advocacy efforts to repeal Section 377.

Activity 1.2.6: Study and analyze the impact of reinstating Section 377 by the Supreme Court on LGBTQH community- impact on HIV interventions, mental health of LGBTQH persons, risks and vulnerabilities to those who are open about their gender and sexual identities.

Strategy 1.3: Engaging judiciary, human rights law firms and similar bodies in focused advocacy programs in order to sensitize and advocate for the rights of LGBTQH persons.

Activity 1.3.1: Meeting with supportive and knowledgeable lawyers to discuss specific laws that affect LGBTQH persons, legal rights and redressal mechanism, and determine a way forward.

Activity 1.3.2: Workshops with judges at local, district, state and national level for sensitization on LGBTQH issues, giving evidence of existing laws adversely impacting lives of LGBTQH community.

Activity 1.3.3: Engage lawyers/law students on LGBTQH issues to introduce them on issues of gender and sexuality, unjust and discriminatory laws, and their impact on lives on LGBTQH community.

Activity 1.3.4: Improving referrals to friendly lawyers networks and provide legal recourse to crisis cases and human rights violations against the LGBTQH community.

Activity 1.3.5: Build a repository of pro-bono legal spokespersons to speak to the media on discriminatory laws and LGBTQH communities.

Activity 1.3.6: Facilitate learning exchange between LGBTQH friendly lawyers of different cities, districts and nations, through regular communication and interaction.

Activity 1.3.7: Hold consultations with the lawyers on certain acts like the beggars act, prevention of immoral trafficking act (PITA) and public nuisance act to understand its repercussion and usage on Hijra community. Document and disseminate the recommended course of action.

Activity: 1.3.8: Hold consultations with the lawyers on the issue of TG/Hijra identity and right to property and housing. Document and disseminate the recommended course of action.

Objective 2: To advocate and lobby with legislators for enacting LGBTQH friendly legislations

The recent reinstating of Section 377 of the IPC has positioned the responsibility of repealing Section 377 and ensuring protection for Indian LGBTQH individuals squarely on the heads of the legislature. Given the current Indian political leadership is potentially more vocal against issues of LGBTQH rights, it is essential for outreach and advocacy activities to be much more conscious of the legislative bodies of India. In order to truly ensure that there is an environment provided to enable sexual minorities to thrive in India, it is paramount that the legislative structures of the country are made aware of the issues of LGBTQH citizens as well as the necessity of the legislature to fight the battle against discrimination and stigma. It is also essential to empower LGBTQH individuals to participate more actively in the legislative activities that run this country. These activities need to be strengthened by initiating dialogue with locally elected members and raising the dialogue to state level and national political actors. It will also be necessary to build forums that discuss connect between politics, rights and the LGBTQH identities in the context of constitutional rights. LGBTQH individuals are said to be ~50 million living in India, this is a sizeable and influential bank of voters who must be galvanized and politicized in the interests of serving widespread change.

Strategy 2.1: Engage with political parties (national and regional) to inform and sensitize them regarding the issues of the LGBTQH community in India.

Activity 2.1.1: Plan and schedule meetings with Members of Parliament (MPs) and Member of Legislative Assembly (MLAs) to garner support and request them to lobby with other legislators for pro-LGBTQH legislations.

Activity 2.1.2: Attend local political meetings and rallies to harness support and request to have pro-LGBTQH legislations in their agenda/ manifestos.

Activity 2.1.3: Collaborate with young LGBTQH individuals/ support groups/ collectives to encourage participation in the meetings and activities of the youth wings of various local political organizations.

Activity 2.1.4: Invite representatives/members of political parties and independent leaders to LGBTQH events for sensitization and continued support.

Activity 2.1.5: Promote people from LGBTQH community to join the legislative structures with the aim to further the cause, and bring out pro-LGBTQH legislations and support existing elected representatives as in the case of some Hijra candidates

Activity 2.1.6: Promote LGBTQH as a significant ‘Vote Bank’ to various political parties, and demand issues of LGBTQH and legal concerns to be part of political party’s agenda and manifesto.

Activity 2.1.7: Create a LGBTQH-media and political party’s convergence platform to initiate dialogue with political parties on LGBTQH issues and concerns, legal challenges, marginalization and need for active legislative intervention.

Activity 2.1.8: Encourage LGBTQH volunteers to increase their political participation in political events to build support for LGBTQH cause.

Activity 2.1.9: Hold consultations document and disseminate mechanism to addressing specific needs of TG/Hijras pertaining to gender identity and key documents like the ration card, Aadhar card and election identity card. These documents will help in consolidating numbers and increase visibility as a vote bank.

Strategy 2.2: *To strengthen the ‘Queer and Political Initiative’ to promote political literacy within the LGBTQH community.*

Activity 2.2.1: Conduct Workshops and talks on Queer and Political literacy to enable community members to understand political processes, issues of LGBTQH marginalization in political discourse. It may also develop queer and political questionnaires to assess community understanding on political activism.

Activity 2.2.2: Identify leaders and volunteers from the community to conduct Queer & Political sessions in different part of the country- addressing the need of knowing democratic processes, functioning of legislature and executive bodies, and working with state and political machinery.

Activity 2.2.3: Network with NGOs / CBOs and institutions that have resources to help disseminate information and lobby on behalf of LGBTQH community with political leadership at both regional and national levels.

Strategy 2.3: To network with all stakeholders to speak to their elected representatives on IPC Section 377 and LGBTQH communities

Activity 2.3.1: Initiate dialogue for a direct interaction between the LGBTQH community and elected local representatives, MPs to discuss Section 377 and LGBTQH discrimination.

Activity 2.3.2: Conduct PFLAG meetings and identify parents who are comfortable and confident to be advocates to talk about the LGBTQH community.

Activity 2.3.3: Galvanize parents of LGBTQH children to contact local representatives, MPs, send public letters, hold press conferences, and may also organize peaceful protests outside the offices of MPs.

Activity 2.3.4: Engage individuals from organizations/groups who are in political circles/families to sensitize those who are politically important and have an authority to address the issues of LGBTQH communities and their marginalization.

Activity 2.3.5: Host informal events at local level for general public to discuss queer issues, LGBTQH legal concerns, challenges, and lives at the margins to bring about positive social impact and acceptance.

Objective 3: To build initiatives that will create enabling environments for LGBTQH persons in India

While the law and judiciary are integral aspects of the fight against Section 377 and discrimination against LGBTQH communities in India, we must also look beyond these institutions to understand the roles played by society, communities, religion, families, and culture in the creation of safe spaces for LGBTQH. It is our intention to create environments that enable the LGBTQH in India to be free from fear, discrimination, and violence on the basis of their sexual orientation. Thus, it is essential for us to reach our activities beyond the level of the law and to come to terms with the community structures that facilitate discrimination. It is only through grappling with the ways that discrimination is reproduced in the everyday experiences of LGBTQH persons that we can come to a much more just and fair world for all.

Strategy 3.1: Engage with different stakeholders at the level of society (stakeholders include parents, families, police, healthcare providers, academia middle and high school teachers; professors), employers, media (print, electronic, films), lawyers, religious leaders and other sect of population that affect lives of the LGBTQH individuals)

Activity 3.1.1: Initiate PFLAG chapters with periodic family meets, events, dinners, counseling programs to create an environment where parents of LGBTQ individuals can meet each other.

Activity 3.1.2: To organize workshop, movie screenings, play performances, book readings and sensitizations programs with various stakeholders like, police, health care providers, colleges and schools, lawyers, employers and other NGOs.

Activity 3.1.3: Conduct events for the general public: World AIDS Day, Pride walks, film screenings, flash-mob, Q-Fetes, musical evenings etc. to continue the discourse on LGBTQH issues and reach out a wider audience.

Activity 3.1.4: Conducting counseling program for parents, to address their issues and queries and also provide support if needed.

Activity 3.1.5: Creating and supporting LGBTQH groups on educational campuses to help LGBTQH students raise and address their issues, and towards creating a LGBTQH friendly environment.

Activity 3.1.6: Work with corporations and other organizations (Private and Public) to create an LGBTQH friendly and anti-discriminatory policy.

Activity 3.1.7: Allocation of funds collected through community initiatives to other groups to carry out work against Section 377.

Activity 3.1.8: Recognizing, felicitating and encouraging people (stakeholders and community members) for their active efforts/ canvassing towards repealing of Section 377 and equal rights.

Activity 3.1.9: Advocating the need for holistic sex education that covers sex, sexuality and gender at school education level in order to improve long term health outcomes among young generation. This advocacy may be done through dissemination of relevant research in media, canvass with the education system and hold panel discussions.

Activity 3.1.10: Host international queer film festivals of LGBTQH themed films, build collaborations and network with various government, semi government and private agencies to build a health environment for promotion of queer art and maximum visibility to LGBTQH issues.

Activity 3.1.11: Show case the talent within the TG / Hijra communities through traditional and non-traditional performing arts. Such performances help build a better understanding of the community and provide a visibility opportunity to the community and highlight their concerns in an entertaining manner.

Activity 3.1.12: Lobby for creating TG/Hijra specific facilities within the public health systems. These facilities are appointment of a TG/Hijra health care worker, community counselors; specific toilets and reservation of beds.

Activity 3.1.13: Identifying and create a reckoner of government social schemes applicable to TG/Hijra.

Activity 3.1.14: Set up an online and offline resource center of books, films, academic papers, research reports, media documentation of reporting on LGBTQH issues etc. and make it accessible and available to various stakeholders and communities. This will help create a much larger understanding and garner wide support for the rights of the communities.

Strategy 3.2: To have a strategic media policy and plan for traditional as well as new age media (print and electronic) on LGBTQH issues

Activity 3.2.1: Develop an organizational media policy focused on LGBTQH interests which will detail measures needed to reach out and work with print and electronic media.

Activity 3.2.2: Promoting LGBTQH writers, authors, movie-makers to share their LGBTQH stories with media for a more positive impact on audiences.

Activity 3.2.3: Running strategic and sustained social media campaign on LGBTQH issues, to keep the discourse on LGBTQH alive.

Activity 3.2.4: Organizing concerts and events to mobilize the mainstream community around LGBTQH issues, and active media coverage of these events.

Activity 3.2.5: Organizing and creating media content such as stories, memoirs and personal narratives on radio, television and print media.

Activity 3.2.6: Creating a FAQ to standardize answers to questions on sex, gender and sexuality, this will help people from LGBTQH organizations to have uniform and politically correct and sensitive statements.

Activity 3.2.7: Instituting a media watch team to monitor media publications on LGBTQH issues, for use of language, coverage of stories, political stands, and sensitivity in the language or images used.

Activity 3.2.8: Empanelling celebrity LGBTQH supporters from different fields (films, sports, literature, and politics, corporate, education) as ambassadors to address the issue and generate media interest.

Activity 3.2.9: Organizing Street plays, documentaries and films screenings to present lives and experiences of LGBTQH individuals, stories of acceptance and discrimination, struggles and victories, etc.

Activity 3.2.10: Creating content by developing a recommendation language manual to address media in regional languages- manuals and informing ways to do positive stories about LGBTQH in sensitive manner.

Activity 3.2.11: Creating LGBTQH community specific IEC and BCC material. Each NGO/CBO representing L/G/B/T/Q/H must create need based IEC and BCC material.

Strategy 3.3: To train different stakeholders on sex, gender, sexuality and LGBTQH

Activity 3.3.1: Training on gender, identity, sexuality for educators to inform them about the issues of LGBTQH persons, and also to enable them take these learning to their sectors.

Activity 3.3.2: Addressing anti-ragging cells, NSS, NCC, and women's cell on issues of LGBTQH persons, and the need for anti-discriminatory policies.

Activity 3.3.2: Training on sex, gender, sexuality in relation to LGBTQH issues with the police (Police Training Institutes/ IAS and IPS training institutes), the judiciary (Law schools, Bar Council of India), the media (Media schools), specific trainings to health care providers to doctor and allied medical staff , medical and nursing students (in medical colleges and hospitals, urban and rural health care centers); to sensitize and train them on these issues and create more friendly and supportive stakeholders.

Activity 3.3.3: Developing resource materials and modules on the issue of (i) Gender, Sexuality and Identity; (ii) HIV/STIs and other health issues; (iii) Stigma and Discrimination, Violence and other crises; (iv) Legal and rights awareness; (v) Module for Training of IAS/IPS officers in IAS training institutes.

Activity 3.3.4: Creating educational resources in online and offline formats for youth as well as educators to be used for sensitization and advocacy work.

Objective 4: To engage LGBTQH individuals, their supporters and CBOs for building communities and sense of community ownership

Community Based Organizations (CBOs) alone cannot cover all of the complexities of discrimination against sexual minorities in all of the different corners and regions of the country. Furthermore advocacy work is at its most powerful when there is community ownership and investment in the strategies. Thus, it is our intention to develop the collective efforts of LGBTQH community members and supporters across the country so that local, state, and even other nationwide organizations can flourish, succeed, and support issues that are of direct relevance to local community interests. This fight cannot rest in the hands of few. Rather it must be taken to a myriad of contexts so that people across the various corners of the country are not only influenced by the movement but also influencing it, making it their own, and building bridges between the plight of sexual minorities and a host of other concerns.

Strategy 4.1: Building community forums through youth initiatives to build leadership and encourage ownership among the young LGBTQH persons

Activity 4.1.1: Create/ be part of TG/Hijra caucus in national and state/regional networks. This will help in fostering mutual support, learning and putting up a united front to lobby for legislation.

Activity 4.1.2: Organize various social events and forums that can help mobilize young LGBTQ persons and to reach out to the larger public. Some of these activities could be – activities centered on safe spaces such as DICs, flash-mob, choir or group song performances, youth forums, volunteer programs, LGBTQH-Straight alliance, outreach and creation of safe spaces, online forums, etc.

Strategy 4.2: Instituting capacity building programs of LGBTQH communities

Activity 4.2.1: Institute a LGBTHQ Leadership Lab that will impart leadership training to the young LGBTQH individuals who are committed to work on community issue and need exposure and systematic training to build their capacities as leaders.

Activity 4.2.2: Institute specific courses on media training for community leaders will be necessary to create active leadership among the communities to develop communication skills and knowledge to work with active media.

Activity 4.2.3: Institute a mentorship program for young leaders is important to build the second layer of leadership, where the young LGBTQH individuals are trained under experienced community mentors to learn from their experiences and work.

Activity 4.2.4: Provide exposure and opportunities to (i) new organizations or groups and (ii) organizations and groups in non metro / rural geographies to bring their issues into the limelight and mainstream advocacy initiatives.

Activity 4.2.5: Providing training on politics through Queer and Political forums which will be needed to understand the role of politics and state for strengthened political advocacy initiatives.

Activity 4.2.6: Organize training to LGBTQH CBOs in proposal and grant writing, IEC and BCC creation. This will enable them to work independently.

Strategy 4.3: To build alliances with other social movements in the country for fostering mutual solidarity

Activity 4.3.1: Align with other social movements to bring collectiveness and learn from the struggles and experiences of other movements as learning that could be applied to the efforts against Section 377.

Activity 4.3.2: Identify activities and processes to work in solidarity and in collectiveness with the other movements.

Activity 4.3.3: Align with national and international human rights agencies in order to collate and streamline the efforts against the human rights violation of LGBTQH communities and strengthen the existing efforts to repeal Section 377.

Objective 5: To engage international allies to address human rights issues of LGBTQH

While the December 2013 decision by the Indian Supreme Court was jarring for the community in India, it created a ripple effect across the world. For the first time in a long time, Indian sexual minorities were front and center in heated political debates across the world about the prevalence of discrimination and unjust laws against sexual minorities. Months later, this outrage from the international community is a powerful source of both financial and political support that can be used to leverage our cause. In order to facilitate a much more globally conscious movement, it is paramount to cultivate the deep resources of the international community in the service of making a lasting impact on the movement against Section 377 as well as in the service of producing a much more enabling and safe environment for LGBTQ persons in India and across the world.

Strategy 5.1: To Reach out and seek support from the international community to address human rights issues of LGBTQH persons in India.

Activity 5.1.1: Cultivate coalitions in different countries using specific organizations/individuals to organize discourse on state of LGBTQH community in India- the legal challenges and state's response.

Activity 5.1.2: Strengthening social media campaigns to make their reach more international and also showcasing solidarity to international queer movement to garner support in the international arena.

Activity 5.1.3: Identify and seek support from international partners and supportive countries².

Activity 5.1.4: Cultivate 'Champions for Change' a team of international volunteers who are interested in volunteering or fundraising on our behalf to support our cause.

Activity 5.1.5: Seeking memberships in international forums/collectives which are related to LGBTQH to address the issues of LGBTQH communities in India and raise awareness on the unjust laws that pose challenge in realizing human rights of the community.

Activity 5.1.6: Connecting with consulates and embassies and also creating a database of LGBTQ diplomats to build allies in the efforts against Section 377.

Activity 5.1.7: Seek support from international NGOs, multi nationals companies to raise funds that could be used in carrying out the legal battle and advocacy efforts against Section 377.

Activity 5.1.8: Network with International LGBTQH leaders and engage them for sustainability of the movement through grant writing, fund raising, and building crisis funds to address immediate and urgent concerns.

Activity 5.1.9: Seeking sponsorship program support and funding advocacy with the multi-national companies and informing about the consulates /Tax exemption benefits to be given to for-profit entities for their support.

² Support can be sought in a manner which is non intervening to India's affairs but requires India to respond to the issues of LGBTQH community. The support by no way entails embarrassment or disrespect of Indian government, its officials in International forums.

Strategy 5.2: Use existing student resources of the Community Based Organization to strengthen the advocacy efforts

Activity 5.2.1: Develop LGBTQH organization level short term student and research internship programs in the field of social work, health, management, law and other relevant fields. Under this, promote student placement through an organizational and merit based process to train and build capacities for future leaders who are committed to work.

Objective 6: To draft anti-discriminatory workplace policy for LGBTQH

Strategy 6.1: Sensitize various government and private organizations and companies on issues of LGBTQH persons and the need to draft anti-discriminatory policies

Activity 6.1.1: Sensitization programs for government departments, Indian companies, MNCs with support of Ministry of HRD and government official on LGBTQH issues and clarity on Section 377 discourse

Activity 6.1.2: Support in framing LGBT-friendly, anti-discriminatory/anti-harassment policies and to build diverse and inclusive workplace environment

Activity 6.1.3: Approaching companies to sensitize them on having LGBTQ resource groups, and offer support on the process of formation and activities of such groups.

Activity 6.1.4: Conduct diversity workshops with private sector and invite representative from private sector to LGBTQH events.

Activity 6.1.5: Creating an LGBT friendly work place manual that could be useful in drafting anti-discriminatory and inclusive policies; and also to understand LGBTQH issues and concerns.

Strategy 6.2: Lobby with Government agencies, international organizations and Corporations to institute workplace policies for LGBTQH employees

Activity 6.2.1: Active dialogue with human resource departments of organizations and trade unions to address the issues of LGBTQ persons and need for inclusive policies

Activity 6.2.2: Promote visibility of LGBTQH community in government forums and citizen mobilization meetings which will enable discussion on issues of LGBTQH persons.

Activity 6.2.3: Peaceful demonstrations in case of LGBTQH rights violations happen at the workplace, and demand for anti-discriminatory policies.

Activity 6.2.4: Rate and recognize corporate organization, companies and firms on parameters of diversity and inclusion (D&I). This will require involvement of a rating agency to devise a corporate rating on D&I policies and acknowledging corporate with a high LGBTQH friendly standard to appreciate and recognize their inclusive efforts.

Objective 7: To support the advocacy strategy with a plan for Sustainability & Resource Mobilization Strategy

It should be noted that the sustainability and resource mobilization need not be looked as generation of finances to support activities. Building capacities within the LGBTQH and supporting networks as well as drawing the resources, skills and knowledge of this community also represents an important part of this objective. Finances, resources and skills if not managed properly can be wasted, misused or can have ramifications in the community dynamics. To ensure that these are managed properly as defining of community processes becomes essential. These processes are key in building sustainable communities.-

Strategy 7.1: Employing traditional and non-traditional methods of fundraising

Activity 7.1.1: Identify and contact traditional resources for raising funds to support various initiatives. This will require efforts like (i) writing proposal for funding to government agencies, international NGOs, bilateral agencies, UN organizations; (ii) creating and sale of products from community owned businesses to raise funds; (iii) donations from LGBTQH community and supporters.

Activity 7.1.2: Identifying and contacting non-traditional resources for raising funds to support initiatives. This will require efforts like (i) applying for CSR funded activities adopted by Corporates; (ii) crowd funding through specific websites for specific community activities; (iii) charging membership and subscription fees for activities to individuals; (iv) research studies or grants with International Universities; (v) applying for funding from Counsel Generals of embassies/consulates based in India; (vi) participate in mainstream events like Mumbai Marathon; (vii) monetizing In built capacity; (viii) venture capital funding; (ix) community businesses (x) local area businesses or industries (xi) MLA/MP development fund (xi) monetizing community's capacity to generate funds.

Strategy 7.2: Using online community and social media for resource mobilisation and building sustainable online platforms

Since the advent of the internet the LGBTQH community has used technology effectively in building both national and international platforms and networks. These networks have their own potential in reaching out to the community, its allies and supporters. These platforms can be effectively used for skills transfer, knowledge management, and community visibility and alliance formation. A large part of online visibility is dependent on identifying the appropriate digital media agency, videos, films, social media campaigns that are relevant to these platforms. This content can be further propagated through the social media and targeted emails to membership based platforms. These platforms can also provide links to donation websites and serve as a new age resource for resource mobilisation. Technical maintenance, content generation and community mobilisation serve as sustainability strategies to these platforms.

Activity 7.2.1: Building ‘Networking Platforms’ through websites and applications like (i) networking online with corporate and students; (ii) knowledge management; (iii) skills transfer; (iv) fund raising

Activity 7.2.2: Digitalizing operations by (i) Creating events and fundraising-referrals-invitations to events and activities-mailers to list serves and membership based platforms; (ii) introducing payment gateways for organisations

Strategy 7.3: Institute community level due diligence in resource mobilisation to improve accountability, transparency and community ownership and sustainability efforts.

Activity 7.3.1: Prepare an implementable ‘due diligence’ plan that will contain time bound commitments on process and deliverables, regular monitoring/ Reporting framework; and assign teams for specific task.

Activity 7.3.2: Identifying leaders to take the onus of due diligence. They will build and lead teams that will hold themselves accountable to community processes.

Activity 7.3.3: Periodic auditing of finance and accounts and dissemination of the same.

Strategy 7.4: Collaborations to with corporate trainers, educational institutions and LGBTQH individuals to create resource pool of skills within the LGBTQH community.

Activity 7.4.1: Tie up with educational institutes for specific expertise to bring their learning into the movement and advocacy efforts.

Activity 7.4.2: Identify potential for small enterprises among people from LGBTQH community. This will require identification and monetizing of existing skills as well organizing skill development programs.

Activity 7.4.3: Tie ups with retail chains and brands and creating LGBT specific product lines to promote community business and raise funds.

Activity 7.4.4: Create technology based health applications. This will require identification of people who can build health related applications, which can be used as an innovative practice to reach out and also to help LGBTQH persons to monitor their own health and health seeking behaviour.

Activity 7.4.5: Identify and train people who can be used as a resource in film production and advocacy; as media is recognized as one of the most powerful tool for social impact.

Strategy 7.5: Identify and collaborate with individual and institutional resources for sensitisation, resource mobilisation and advocacy.

Activity 7.5.1: Collaborate with educational institutions which could be used as resource for space and also for fund generation and advocacy platforms.

Activity 7.5.2: NGO-CBO partnerships for optimal utilization of resources. NGO-CBOs can mutually use spaces, skills, and expertise for trainings, grant and proposal writing.

Activity 7.5.3: Utilizing supportive police and health care providers as resources in select programs. This will help in demonstrating partnership and support.

Activity 7.5.4: Private social groups like Rotary club, Lions club and social mandals could be explored as potential resources for sponsorships, health camps as well as to raise funds.

Conclusion

Though there may be many plans of setting up a strategy to fight for our rights, what really is perplexing is that there have been very little community led efforts to collectively put our heads together and chart out a strategy. This effort was to chart out a road map so we can procure our rights and entitlements in a systematic and planned way.

The Mission Azaadi collective efforts here are to work within systems so as to repair them from inside. It does not believe in destructive and adversarial stands which are easy. Burn and slash is the easiest tactic in battle but it's not productive in the long run.

Towards that end, the Mission Azaadi Document is an exhaustive map on how to go about fighting the sodomy statutes in the IPC and equal rights for LGBTQH in India. These issues led us to look at every gateway into society as our ally, using reasonable evidence bases as our starting point and ending with how these gate-keepers could be finally turned around to become our allies. It also sets out strategies to remove laws which ended up not just increasing the stigma and discrimination against us, but removing the punitive laws that humiliate us by denying us citizenships rights and entitlements.

These consultations have been thorough and this report has been revisited and revised several times. We hope this report can be also taken up by others who wish to get together and fight against Section 377 and equal rights for the community.

More power to all of us.



Mission Azaadi collective

Mumbai

14th February 2015

