Pehchan Training Curriculum
MSM, Transgender and Hijra Community Systems Strengthening

Facilitator Guide

Human and Legal Rights
Pehchan Consortium Partners

**India HIV/AIDS Alliance (www.allianceindia.org)**

*Pehchan Focus: National coordination and grant oversight*

Based in New Delhi, India HIV/AIDS Alliance (Alliance India) was founded in 1999 as a non-governmental organisation working in partnership with civil society and communities to support sustained responses to HIV in India. Complementing the Indian national program, Alliance India works through capacity building, technical support and advocacy to strengthen the delivery of effective, innovative, community-based interventions to key populations most vulnerable to HIV, including men who have sex with men (MSM), transgender communities, hijras, people who use drugs (PWUD), sex workers, youth, and people living with HIV (PLHIV).

**Alliance India Andhra Pradesh**

*Pehchan Focus: Andhra Pradesh*

Alliance India supports a regional office in Hyderabad that leads implementation of Pehchan in Andhra Pradesh and serves as a State Lead Partner of the Bill & Melinda Gates Foundation.

**The Humsafar Trust (www.humsafar.org)**

*Pehchan Focus: Maharashtra, Madhya Pradesh, Goa, Gujarat and Rajasthan*

For nearly two decades, Humsafar Trust has worked with MSM and transgender communities in Mumbai, Maharashtra. It has successfully linked community advocacy and support activities to the development of effective HIV prevention and health services. It is one of the pioneers among MSM and transgender organisations in India and serves as the national secretariat of the Indian Network for Sexual Minorities (INFOSEM).

**Pehchan North Region Office**

*Pehchan Focus: Punjab, Delhi, Uttar Pradesh and Bihar*

Alliance India supports a regional implementing office based in Delhi that leads implementation of Pehchan in four states of North India.

**Solidarity and Action Against The HIV Infection in India (SAATHII) (www.saathii.org)**

*Pehchan Focus: West Bengal, Manipur, Orissa and Jharkhand*

With offices in five states and over 10 years of experience, SAATHII works with sexual minorities for HIV prevention. SAATHII works closely with the West Bengal’s State AIDS Control Society (SACS) and the State Technical Support Unit and is the SACS-designated State Training and Resource Centre for MSM, transgender and hijra.

**South India AIDS Action Programme (SIAAP) (www.siaapindia.org)**

*Pehchan Focus: Tamil Nadu*

SIAAP brings more than 22 years of experience with community-driven and community development focussed programmes, counselling, advocacy for progressive policies, and training to address HIV and wider vulnerability issues for MSM, transgender and hijra community.

**Sangama (www.sangama.org)**

*Pehchan Focus: Karnataka and Kerala*

For more than 20 years, Sangama has been assisting MSM, transgender and hijra communities to live their lives with self-acceptance, self-respect and dignity. Sangama lobbies for changes in existing laws that discriminate against sexual minorities and for changing public opinion in their favour.
## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>About this Module</td>
<td>2</td>
</tr>
<tr>
<td>About Pehchan</td>
<td>2</td>
</tr>
<tr>
<td>Training Curriculum Overview</td>
<td>2</td>
</tr>
<tr>
<td>Preface</td>
<td>3</td>
</tr>
<tr>
<td>General Acknowledgements</td>
<td>5</td>
</tr>
<tr>
<td>Module Acknowledgments: Human and Legal Rights</td>
<td>7</td>
</tr>
<tr>
<td>About the Human and Legal Rights Module</td>
<td>9</td>
</tr>
<tr>
<td>Module Reference Materials</td>
<td>9</td>
</tr>
<tr>
<td>Activity Index</td>
<td>10</td>
</tr>
<tr>
<td><strong>Activity 1: Understanding Rights and the Difference between Legal Rights and Human Rights</strong></td>
<td>11</td>
</tr>
<tr>
<td><strong>Activity 2: Understanding the Universal Declaration of Human Rights</strong></td>
<td>13</td>
</tr>
<tr>
<td><strong>Activity 3: Dealing with Rights Violations</strong></td>
<td>15</td>
</tr>
<tr>
<td><strong>Activity 4: The Right to Confidentiality</strong></td>
<td>17</td>
</tr>
<tr>
<td><strong>Activity 5: Institutions of Recourse and Legal Processes in India</strong></td>
<td>19</td>
</tr>
<tr>
<td><strong>Activity 6: Wrap-up</strong></td>
<td>20</td>
</tr>
<tr>
<td>Annexure 1: Timeline of Human Rights</td>
<td>21</td>
</tr>
<tr>
<td>Annexure 2: Universal Declaration of Human Rights (UDHR)</td>
<td>22</td>
</tr>
<tr>
<td>Annexure 3: FIR Format</td>
<td>27</td>
</tr>
<tr>
<td>Annexure 4: PowerPoint Presentation – Human and Legal Rights</td>
<td>28</td>
</tr>
</tbody>
</table>
About this Module

This module is designed to help training participants: 1) understand basic human rights and their importance in working with sexual minorities; 2) learn how to apply the principles of International Human Rights to local settings; 3) understand human and legal rights from the perspective of men who have sex with men (MSM), transgenders and hijras; and 4) build skills to recognise rights violations and mitigate them. In the Pehchan programme, this module is used to introduce basic principles of human and legal rights to CBO Programme Managers and Outreach Workers.

About Pehchan

With financial support from the Global Fund, Pehchan is building the capacity of 200 community-based organisations (CBOs) for men who have sex with men (MSM), transgenders and hijras in 17 states in India to be more effective partners in the government’s HIV prevention programme. By supporting the development of strong CBOs, Pehchan addresses some of the capacity gaps that have often prevented CBOs from receiving government funding for much-needed HIV programming. Named Pehchan, which in Hindi means ‘identity’, ‘recognition’ or ‘acknowledgement,’ this programme will reach 453,750 MSM, transgenders and hijras by 2015. It is the Global Fund’s largest single-country grant to date, focused on the HIV response for vulnerable sexual minorities.

Training Curriculum Overview

In order to stimulate the development of strong and effective CBOs for MSM, transgender and hijra communities and to increase their impact in HIV prevention efforts, responsive and comprehensive capacity building is required. To build CBO capacity, Pehchan developed a robust training programme through a process of engagement with community leaders, trainers, technical experts, and academicians in a series of consultations that identified training priorities. Based on these priorities, smaller subgroups then developed specific thematic components for each curricular module.

Inputs from community consultations helped increase relevance and value of training modules. By engaging MSM, transgender and hijra (MTH) communities in the development process, there has been greater ownership of training and of the overall programme among supported CBOs. Technical experts worked on the development of thematic components for priority areas identified by community representatives. The process also helped fine-tune the overall training model and scale-up strategy. Thus, through a consultative, community-based process, Pehchan developed a training model responsive to the specific needs of the programme and reflecting key priorities and capacity gaps of MSM, transgender and hijra CBOs in India.
Preface

As I put pen to paper, a shiver goes down my spine. It is hard to believe that this day has come after almost five long years! For many of us, Pehchan is not merely a programme; it is a way of life. Facing a growing HIV epidemic among men who have sex with men (MSM), transgender, and hijra communities in India, a group of development and health activists began to push for a large-scale project for these populations that would be responsive to their specific needs and would show this country and the world that these interventions are not only urgently needed but feasible.

Pehchan was finally launched in 2010 after more than two years of planning and negotiation. As the programme has evolved, it has never stepped back from its core principle: Pehchan is by, for and of India’s MSM, transgender and hijra communities. Leveraging rich community expertise, the Global Fund’s generous support and our government’s unwavering collaboration, Pehchan has been meticulously planned and passionately executed. More than just the sum of good intentions, it has thrived due to hard work, excellent stakeholder support, and creative execution.

At the heart of Pehchan are community systems strengthening. Our approach to capacity building has been engineered to maximise community leadership and expertise. The community drives and energises Pehchan. Our task was to develop 200 strong community-based organisations (CBOs) in a vast and complex country to partner with state governments and provide services to MSM, transgender and hijra communities to increase the effectiveness of the HIV response for these populations and improve their health and wellbeing. To achieve necessary scale and sustain social change, strong CBOs would require responsive development of human capital.

Over and above consistent services throughout Pehchan, we wanted to ensure quality. To achieve this, we proposed a standard training package for all CBO staff. When we looked around, we found there really wasn’t an existing curriculum that we could use. Consequently, we decided to develop one not only for Pehchan but also for future efforts to build the capacity of community systems for sexual minorities. So began our journey to create this curriculum.

Building on the experience of Sashakt, a pilot programme supported by UNDP that tested the model that we’re scaling up in Pehchan, an involved process of consultations and workshops was undertaken. Ideas for each module came from discussions with a range of stakeholders from across India, including community leaders, activists, academics and institutional representatives from government and donors. The list of modules grew with each consultation. For example in Sashakt, we had a single training module on family support and mental health; in Pehchan, we decided that it would be valuable to split these and have one on each.

Eventually, we agreed on the framework for the modules and the thematic components, finding a balance between individual and organisational capacity. Overall, there are two main areas of capacity building: one that is directly related to the services and the other that is focused on building capable service providers. Then we began the actual writing of the curriculum, a process of drafting, commenting, correcting, tweaking and finalising that took over eight months.
Once the curriculum was ready to use, trainings-of-trainers were organised to develop a cadre of master trainers who would work directly with CBO staff. Working through Pehchan’s four Regional Training Centers, these trainers, mostly members of MSM, transgender and hijra communities, provided further in-service revisions and suggestions to the modules to make them succinct, clear and user-friendly. Our consortium partner SAATHII contributed particularly to these efforts, and the current training curriculum reflects their hard work.

In fact, the contributors to this work are many, and in the Acknowledgements section following this Preface, we have done our best to name them. They include staff from all our consortium partners, technical experts, advocates, donor representatives and government colleagues. The staff at India HIV/AIDS Alliance, notably the Pehchan team, worked beautifully to develop both process and content. That we have come so far is also a tribute to vision and support of our leaders, at Alliance India and in our consortium partners, Humsafar Trust, SAATHII, Sangama, and SIAAP, as well as in India’s National AIDS Control Organisation and at the Global Fund to Fight AIDS, Tuberculosis and Malaria in Geneva.

We would like to think of the Pehchan Training Curriculum as a game changer. While the modules reflect the specific context of India, we are confident that they will be useful to governments, civil society organisations and individuals around the world interested in developing community systems to support improved HIV and other health programming for sexual minorities and other vulnerable communities as well.

After two years of trial and testing, we now share this curriculum with the world. Our team members and master trainers have helped us refine them, and seeing the growth of the staff in the CBOs we have trained has increased our confidence in the value of this curriculum. The impact of these efforts is becoming apparent. As CBOs have been strengthened through Pehchan, we are already seeing MSM, transgender and hijra communities more empowered to take charge, not only to improve HIV prevention but also to lead more productive and healthy lives.

_Sonal Mehta_
Director: Policy & Programmes
India HIV/AIDS Alliance
New Delhi
March 2013
General Acknowledgements

The Pehchan Training Curriculum is the work of many people, including community members, technical experts and programme implementers. When we were not able to find training materials necessary to establish, support and monitor strong community-based organisations for MSM, transgenders and hijras in India, the Pehchan consortium collectively developed a curriculum designed to address these challenges through a series of community consultations and development workshops. This process drew on the best ideas of the communities and helped develop a responsive curriculum that will help sustain strong CBOs as key element of Pehchan.

We would like to take this opportunity to acknowledge the contributions of those who helped in taking this process forward, including (in alphabetical order): Ajai, Praxis; Usha Andewar, The Humsafar Trust; Sarita Barapanda, IWW-UK; Jhuma Basak, Consultant; Dr. V. Chakrapani, C-Sharp; Umesh Chawla, UNDP; Alpana Dange, Consultant; Brinelle D’Sourza, TISS; Firoz, Love Life Society; Prashanth G, Maan AIDS Foundation; Urmi Jadav, The Humsafar Trust; Jeeva, TRA; Harleen Kaur, Manas Foundation; Krishna, Suraksha; Monica Kumar, Manas Foundation; Muthu Kumar, Lotus Sangama; Sameer Kunta, Avahan; Agniva Lahiri, PLUS; Meera Limaya, Consultant; Veronica Magar, REACH; Magdalene, Center for Counselling; Sylvester Merchant, Lakshya; Amrita Nanda, Lawyers’ Collective; Nilanjana, SAFRG; Prabhakar, SIAAP; Priti Prabhughate, ICWR; Nagendra Prasad, Ashodaya Samithi; Revathi, Consultant; Rex, KHPT; Amitava Sarkar, SAAHII; Dr. Maninder Setia, Consultant; Chetan Sharma, SAFRG; Suneta Singh, Amaltas; Prabhakar Sinha, Heroes Project; Sreeram, Ashodaya Samithi; Suresh, KHPT; Sanjanthi Veul, JHU; and Roy Wadia, Heroes Project.

Once curricular framework was finalised, a group of technical and community experts was formed to develop manuscripts and solicit additional inputs from community leaders. The curriculum was then standardised with support from Dr. E.M. Sreejit and streamlined with support from a team at SAAHII, led by Pawan Dhall. This process included inputs from Sudha Jha, Anupam Hazra, Somen Achrya, Shantanu Pyne, Moyazzam Hossain, Amitava Sarkar, and Debijoti Ghosh Dhall from SAAHII; Cairo Araijo, Vaibhav Saria, Dr. E.M. Sreejit, Jhuma Basak, and Vahista Dastoor, Consultants; Olga Aaron from SIAAP; and Harjyot Khosa and Chaitanya Bhatt from India HIV/AIDS Alliance.

From the start, the Government of India’s National AIDS Control Organisation has been a key partner of Pehchan. In particular, Madam Aradhana Johri, Additional Secretary, NACO, has provided strong leadership and steady guidance to our work. The team from NACO’s Targeted Intervention (TI) Division has been a constant friend and resource to Pehchan, notably Dr. Neeraj Dhingra, Deputy Director General (TI); Manilal N. Raghvan, Programme Officer (TI); and Mridu, Technical Officer (TI). As the programme has moved from concept to scale-up, Pehchan has repeatedly benefitted from the encouragement and wisdom of NACO Directors General, past and present, including Madam Sujata Rao, Shri K. Chandramouli, Shri Sayan Chatterjee, and Shri Lov Verma.

Pehchan is implemented by a consortium of committed organisations that bring passion, experience, and vision to this work. The programme’s partners have been actively engaged in developing the training curriculum. We are grateful for the many contributions of Anupam Hazra and Pawan Dhall from SAAHII; Hemangi, Pallav Patnaik, Vivek Anand and Ashok Row Kavi from the Humsafar Trust; Olga Aaron and Indumati from SIAAP; Vijay Nair from Alliance India Andhra Pradesh; and Manohar from Sangama. Each contributed above and beyond the call of duty, helping to create a vibrant training programme while scaling up the programme across 17 states.
India HIV/AIDS Alliance’s Pehchan team has been untiring in its contributions to this curriculum, including Abhina Aher, Jonathan Ripley, Yadvendra (Rahul) Singh, Simran Shaikh, Yashwinder Singh, Rohit Sarkar, Chaitanya Bhatt, Nunthuk Vunghoolkim, Ramesh Tiwari, Sarbeshwar Patnaik, Ankita Bhalla, Dr. Ravi Kanth, Sophia Lonappan, Rajan Mani, Shaleen Rakesh, and James Robertson. A special thank-you to Sonal Mehta and Harjyot Khosa for their hard work, patience and persistence in bringing this curriculum to life.

Through it all, the Global Fund to Fight AIDS, Tuberculosis and Malaria has provided us both funding and guidance, setting clear standards and giving us enough flexibility to ensure the programme’s successful evolution and growth. We are deeply grateful for this support.

Pehchan’s Training Curriculum is the result of more than two years of work by many stakeholders. If any names have been omitted, please accept our apologies. We are grateful to all who have helped us reach this milestone.

The Pehchan Training Curriculum is dedicated to MSM, transgender and hijra communities in India who for years, have been true examples of strength and leadership by affirming their pehčan.
Module Acknowledgments: Human and Legal Rights

Each component of the Pehchan Training Curriculum has a number of contributors who have provided specific inputs. For this component, the following are acknowledged:

**Original Author**
Aditya Bandopadhyay, Adhikaar

**Compilation**
Dr. E. M. Sreejit, Consultant

**Technical Input**
Debjyoti Ghosh, SAATHII

**Coordination and Development**
Vahista Dastoor, C4D Consultant
Pawan Dhall, SAATHII

**References**
About the Human and Legal Rights Module

<table>
<thead>
<tr>
<th>No.</th>
<th>D1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Human and Legal Rights</td>
</tr>
</tbody>
</table>
| Pehchan Trainees | • Project Managers  
                   • Counsellors  
                   • Outreach Workers (ORW) |
| Pehchan CBO Type | TI Plus |
| Training Objectives | By the end of this module, the participants will:  
                      • Understand the concept of human rights;  
                      • Be able to relate how these rights can be applied in the context of MTH community; and  
                      • Have a basic understanding about Indian laws that have relevance to the MTH community. |
| Total Duration | One day. A day’s training typically covers 8 hours. |

Module Reference Materials

All the reference material required to facilitate this module has been provided in this document and in relevant digital files provided with the Pehchan Training Curriculum. Please familiarise yourself with the content before the training session.

Attention: Please do not change the names of file or folders, or move files from one folder to another, as some of the files are linked to each other. If you rename files or change their location on your computer, the hyperlinks to these documents in the Facilitator Guide will not work correctly.

If you are reading this module on a computer screen, you can click the hyperlinks to open files. If you are reading a printed copy of this module, the following list will help you locate the files you need.

<table>
<thead>
<tr>
<th>Audio-visual Support</th>
<th>PowerPoint Presentation on ‘Human and Legal Rights’.</th>
</tr>
</thead>
</table>
                      Annexure 2: ‘Universal Declaration of Human Rights’.  
                      Annexure 3: ‘FIR Format’.  
## Activity Index

<table>
<thead>
<tr>
<th>No.</th>
<th>Activity Name</th>
<th>Time</th>
<th>Material¹</th>
<th>Audio-visual Resources</th>
<th>Take-home material</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Understanding Rights and the Difference between Legal Rights and Human Rights</td>
<td>2 hours</td>
<td>Chart paper and markers, post-it notes, whiteboard</td>
<td>Refer to the slides titled 'Your Country’s Rights' to 'Types of Rights' from the PowerPoint Presentation ‘Human and Legal Rights’</td>
<td>Annexure 1: ‘Timeline of Human Rights’</td>
</tr>
<tr>
<td>2</td>
<td>Understanding the Universal Declaration of Human Rights</td>
<td>2 hours</td>
<td>N/A</td>
<td>N/A</td>
<td>Annexure 2: ‘Universal Declaration of Human Rights’</td>
</tr>
</tbody>
</table>
| 3   | Dealing with Rights Violations                    | 1 hour 30 minutes | Chart paper and markers | Refer to the slides titled ‘Dealing with Rights Violations’ to ‘Types of Offences’ from the PowerPoint Presentation ‘Human and Legal Rights’ | Annexure 3: ‘FIR Format’  
Annexure 5: ‘FIR and You’ |
| 4   | The Right to Confidentiality                       | 1 hour          | Sugar candy for prizes       | N/A                                                                            | N/A                                                      |
| 5   | Institutions of Recourse and Legal Processes in India | 40 minutes      | N/A        | Refer to the slides titled ‘Indian Legal Hierarchy’ to ‘Alternate Redressal Mechanism’ from the PowerPoint Presentation ‘Human and Legal Rights’ | N/A                                                      |
| 6   | Wrap-up Quiz                                      | 40 minutes      | N/A        | N/A                                                                            | N/A                                                      |

¹ Overhead projector, laptop, sound system and whiteboard should be provided at every training.
Activity 1: Understanding Rights and the Difference between Legal Rights and Human Rights

<table>
<thead>
<tr>
<th>Time</th>
<th>2 hours</th>
</tr>
</thead>
</table>
| Learning Outcomes | By the end of this activity, the participants will:  
- Understand the concepts of ‘Rights’, ‘Legal Rights’ and ‘Human Rights’. |
| Materials | Chart paper, sheets of paper and markers. |
| Audio-visual Support | Refer to the slides titled ‘Your Country’s Rights’ to ‘Types of Rights’ from the PowerPoint Presentation ‘Human and Legal Rights’. |
| Take-home Material | Annexure 1: ‘Timeline of Human Rights’ |

Methodology

Part I

Start with an informal discussion by asking the following questions to gauge participants’ existing knowledge on this subject:
- What do you understand when the term ‘Rights’ is used?
- How do you see ‘Rights’ as being relevant in your daily life?

Divide the participants into groups of four and read aloud the following scenario from the PowerPoint slide titled ‘Your Country’s Rights’:

Imagine that you are in a newly discovered land, where no one has lived before and where no laws or rules exist. You and the other members of your group will be the first inhabitants of this new land. What are the important rights you will suggest for everyone, including yourself, in your new country?

Instruct the participants to individually list rights which she/he thinks should be guaranteed for everyone in this new country. After they have worked individually, they should discuss their lists within their group and agree unanimously upon a set of rights for their country. Each selected right should be written down on a separate sheet of paper.

Part II

On the whiteboard, draw a tree with two main branches and a thick trunk. Label the trunk as ‘Indian Constitution’.

Then label one branch as ‘Fundamental Rights’. These are defined as the basic human rights of all citizens. These rights apply irrespective of race, place of birth, religion, caste, creed, or sex. They are enforceable by the courts, subject to specific restrictions.

Now label the other branch as ‘Directive Principles of State Policy’. These are guidelines for framing laws by the government. These provisions are not enforceable by the courts, but the principles on which they are based are fundamental guidelines for governance that the State is expected to apply in framing and passing laws.

Explain to the participants how the tree represents the Constitution of India and how the branches represent the two parts that deal with the rights for the citizens. If needed, elaborate further on both Fundamental Rights and Directive Principles of State Policy to the participants. Ask each group to read out their country’s rights and list their responses either under ‘Fundamental Rights’ or the ‘Directive Principles of State Policy’.

Note to Facilitator

Fundamental Rights are basic rights that every human is entitled to being a citizen of India. These include right to equality, right to freedom, and right to education.

Directive Principles of State Policy are the guidelines that provide the basis to form any law and policies in India.

It may be helpful to keep the Preamble, the Fundamental Rights (Part III) and the Directive Principles of State Policy (Part IV) of the Indian Constitution at hand and refer to them and other reference materials whenever needed.
Part III

Using the PowerPoint slide titled ‘Buying a house in this country’, present another scenario wherein a citizen wants to buy a house from another citizen of the new country. Ask the participants:

- Whether a citizen of the country has the right to buy a house that belongs to another citizen. If yes, then does the owner of the house reserve the right to turn down the offer if he is not getting a lucrative proposal?
- What if the person wanting to buy the house forces the house owner to sell the house? Do you think the house-owners’ rights have been infringed upon?
- Does the house-owner have the right to refuse to sell his property?
- Does the person wanting to buy the house have an absolute right to buy the property, or is it conditional on whether the house owner wants to sell it? Point out that the owner has the absolute right to enjoy their property and not sell, and that the prospective buyer has the conditional right to buy the property, the condition being that the current owner wants to sell it.

Part IV

Using the PowerPoint slides, discuss the following points:

- What are rights? Refer to the slide titled ‘What are Rights?’
- What are Absolute and Conditional Rights?

Ask the participants to work in their groups to create a law, or a set of laws, for their country that will protect the rights of the buyer as well as the rights of the seller/owner. List their responses on a flip-chart and discuss the following:

- Do these laws offer absolute protection to either side (buyer and seller) or do they conditionally protect them?
- Are all the laws about what people should do, or are some of them based on what people should not do?
- Rights bring about duties (e.g. right not to be disturbed by your neighbour, and the neighbour’s corresponding duty not to disturb you).

Draw a fence around the tree (drawn earlier on the whiteboard). Explain that the fence represents the legal institutions of India that uphold the rights protected by the Constitution of India. On the tree, draw leaves around each of the rights and explain that the leaves represent the different laws that help citizens claim their rights or help bind citizens to their duties. Refer to the branch of the tree labeled ‘Fundamental Rights’, and ask the participants where they think this list of ‘Fundamental Rights’ came from. Also ask them if they think there are other countries in the world which have given their citizens the same rights. Draw a vertical line on a flip-chart, and mark the Indian Constitution’s commencement in 1950 and ask the audience if they can plot the timeline of Human Rights evolution, if they are unable to do it, then guide the participants through the same by referring to the slides in PowerPoint Presentation titled ‘Human and Legal Rights’.

Display the PowerPoint slide with the tree and tell the participants that India is one of the countries that is a signatory to various conventions (for example, the International Convention on Civil and Political Rights, and the International Convention on Economic, Social and Cultural Rights).

Note: The stars in the slide represent the international conventions which affirm and help protecting our rights at national and international levels.

Wrap-up the session by discussing the importance of rights for every individual in any country.
Activity 2: Understanding the Universal Declaration of Human Rights

<table>
<thead>
<tr>
<th>Time</th>
<th>2 hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Learning Outcomes</td>
<td>By the end of this activity, participants will:</td>
</tr>
<tr>
<td></td>
<td>• Learn about Universal Declaration of Human Rights (UDHR).</td>
</tr>
<tr>
<td></td>
<td>• Understand the scope and limitations of UDHR.</td>
</tr>
<tr>
<td>Materials</td>
<td>N/A</td>
</tr>
<tr>
<td>Audio-visual Support</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Methodology

Facilitator should start the session by explaining UDHR to participants (Part I). Also elaborate that after clarifying fundamental concepts of UDHR, participants are expected to perform role plays (Part II) based on articles from UDHR.

Part I: Lecture and Discussion

Start the session by giving a brief overview on the concept of and the articles enlisted in the Universal Declaration of Human Rights (UDHR) (Refer to Annexure 2). Elaborate to the participants that the United Nations General Assembly adopted the UDHR on 10 December 1948. This Declaration gave international recognition for the first time to the rights and freedoms of individual across the world, irrespective of borders or citizenship.

Background Information

(UN General Assembly, 1948)

Forty eight countries out of the fifty eight countries that were members of the UN at the time originally ratified the document. Essentially, all the countries in the world have ratified it since then. Its core provisions are binding international laws, regardless of the existence of treaty ratification or state of war, including the prohibitions against slavery, genocide, torture, and cruel inhuman treatment of war prisoners.

Today, UDHR continues to impact people’s lives and inspire human rights activism and legislation all over the world. It emphasises that irrespective of nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status all individuals are equally entitled to human rights without discrimination.

The international community embraced UDHR as a document having universal value – ‘a common standard of achievement for all peoples and all nations’. It lists numerous rights – civil, political, economic, social and cultural – to which people everywhere are entitled. The Declaration contains, in addition to its preamble, thirty articles that outline people’s universal rights. Some of the rights championed by the Declaration are:

• The right to life, liberty and security of person;
• The right to education;
• Right to participate fully in cultural life;
• Freedom from torture or cruel, inhumane treatment or punishment; and
• Freedom of thought, conscience and religion.

Annexure 2 provides the full text of the UDHR.
**Part II: Role Plays**

Ask two participants to volunteer for a role play. One of the participants has to perform the role of a ‘powerful’ person called Ashok who is ‘influential and authoritative’. The other participant has to enact Ramesh who is less powerful than Ashok but holds high principles and commands respect from the community.

Ask Ashok to enact a situation where he desperately wants to buy Ramesh’s house for 50 lakh rupees (US$100,000), as per the market rate. However, Ramesh is not interested in selling the house at any cost. Ask Ramesh to play the role of a person who despite the intimidation and inducements from Ashok does not fall under the pressure exerted and refuses to sell it for that price.

Role play ends with Ashok not being able to force his will on Ramesh, who is unwilling to sell at that price.

Ask two more participants to volunteer for the second role play. Then assign the role of the powerful person called Ranjit and a less powerful person as Arjun.

Ask them to enact the following situation: Ranjit has 2 lakh rupees (US$4,000) in his account and he wants to buy a car from Arjun for that amount although the car is valued at 5 lakh (US$10,000). While the power dynamics remain the same as in the first role play, what differs here is that Arjun is willing to negotiate/bargain with Ranjit for a fair price.

This time the role play ends on a different note, with Arjun selling for a price he wanted and there is a settlement.

**Notes:** Facilitator should ask rest of the participants about their views and opinions on the two role plays. Conclude by explaining that in the first situation, settlement was not achieved due to unilateral demand of one party. However, in the second instance mutual agreement achieved desired settlement.

Facilitator should relate the discussion to UDHR and stress on the point that these role plays highlight some of the articles of UDHR, such as:

**Article 12**

- No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

**Article 17**

- Everyone has the right to own property alone as well as in association with others.
- No one shall be arbitrarily deprived of his property.

While summing up the session explain to participants that UDHR is a milestone document in the history of human rights and it sets out, for the first time, fundamental human rights to be universally protected.
Activity 3: Dealing with Rights Violations

<table>
<thead>
<tr>
<th>Time</th>
<th>1 hour 30 minutes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Learning Outcomes</strong></td>
<td>By the end of this activity, participants will:</td>
</tr>
<tr>
<td></td>
<td>• Know the typical violations faced by the MTH community and recourse available;</td>
</tr>
<tr>
<td></td>
<td>• Understand the processes required to file a First Information Report (FIR) and a General Diary;</td>
</tr>
<tr>
<td></td>
<td>• Know the steps to be taken in case of inaction by law enforcement authorities;</td>
</tr>
<tr>
<td></td>
<td>• Identify some of the Indian laws which are used against the MTH community;</td>
</tr>
<tr>
<td></td>
<td>• Identify some of the Indian laws under which protection can be sought; and</td>
</tr>
<tr>
<td></td>
<td>• Articulate the rights of an Indian Citizen who has been arrested.</td>
</tr>
</tbody>
</table>

**Materials**

Chart paper and markers.

**Audio-visual Support**

Refer to the slides titled ‘Dealing with Rights Violations’ to ‘Types of Offences’ from the PowerPoint Presentation ‘Human and Legal Rights’.

**Take-home Material**

Annexure 3: ‘FIR Format’.

**Methodology**

Divide the participants into two groups and ask them to work on the case study provided in the PowerPoint slide titled ‘Dealing with Rights Violations’.

*Ramesh, a kothi, known as Rukmini by his close kothi friends, was beaten up by some local boys because of his feminine characteristics. He comes to you in a bruised and a battered condition.*

Ask the groups to identify which of Ramesh/Rukmini’s rights have been infringed upon and suggest steps to redress the complaints of Ramesh/Rukmini. When the participants share their responses, ensure they also consider the value of:

• Filing an FIR;
• Conducting a thorough medical examination;
• Sensitising the community about the infringement of rights; and
• Following-up to ensure a police investigation.

Using the slide titled ‘Differences between a General Diary (GD) and a First Information Report (FIR)’, define a General Diary and then explain the difference between them. Lead the participants through the process of filing an FIR (refer to PowerPoint slide titled ‘How to file an FIR?’). Give each participant a printout of Annexure 3 on ‘FIR and You’ and Annexure 5 on ‘FIR Format’ and elaborate on the content.

Using the PowerPoint slide titled ‘What can you do if your FIR is not registered?’ and then discuss what steps are to be taken if the police refuse to file an FIR. Ask the participants if they would like to speak about their own experiences.

Discuss how sexual reassignment surgery (SRS) in India is often looked upon as illegal, as it ‘causes bodily harm’; this issue is likely to be important to a number of participants.

**Note to Facilitator**

Violence diminishes human rights and can be found in various forms, including:

• Torture
• Cruelty
• Inhuman or degrading treatment
• Punishment
• Discrimination
Ask participants to give examples of violations against the MTH community. Once an extensive list has been prepared, specify the laws with which a person can find recourse to her/his rights violations. Facilitator can refer to the PowerPoint slides titled ‘Some laws which are being used specifically against MTH community members’ and ‘Impact of regressive laws and their misuse on HIV efforts’.

Explain to the participants the following rights of an Indian national who is arrested under the law:

• The right to be told the grounds for arrest;
• The right to make one phone call;
• The right to be represented by a lawyer;
• The right to not be forced to make any statement incriminating oneself; and
• The right to apply for and obtain bail.

In this context, explain the difference between cognisable and non-cognisable offences, as well as bailable and non-bailable offences (see PowerPoint slide titled ‘Types of Offences’).

Using the PowerPoint slide titled ‘Section 377, Indian Penal Code’, discuss the section briefly with the participants. Ask them what they think about the provisions under this section and what their views are about the Delhi High Court judgment of 2009. Ask the participants to list the rights, as given in the Constitution of India, that would be infringed if an individual (MTH) were prosecuted under Section 377.

Before moving on to the next session, summarise the key learnings from this session.
Activity 4: The Right to Confidentiality

<table>
<thead>
<tr>
<th>Time</th>
<th>1 hour</th>
</tr>
</thead>
</table>

**Learning Outcomes**

- Know that the right to confidentiality is a conditional right and know its importance in the life of a person living with HIV; and
- Be able to understand issues related to the right to confidentiality and its implications for the MTH community and people living with HIV.

**Materials**

- Prizes (sugar candy)
- Audio-visual Support: N/A
- Take-home Material: N/A

**Methodology**

Ask the participants the following questions:

- What is meant by confidentiality?
- Is it necessary for people who are closely related to a person living with HIV to know his/her HIV status?
- Who has the right to disclose a person’s HIV status to others, particularly to his/her spouse or other sexual partners? Is it the person living with HIV or the counsellor/doctor treating the person? In this scenario, which right has precedence – the Right to Privacy of the person living with HIV or the Right to Health of another person?
- What might happen if someone were to disclose the HIV status of a person in the neighborhood or in his/her family? Do you think the individual might face discrimination because of this? Will the individual be stigmatised?

Tell the participants about the legal recourses available when there have been instances of illegal disclosure. Describe laws being used against the MTH community and note that currently India does not have any specific laws to protect privacy. An effort has been made in this direction with the ‘Right to Privacy Bill’ that has been tabled in Indian Parliament. Considering the current situation and impact that breaches of confidentiality can have on the quality of a person’s life, tell the participants that these rights can be defended under the Fundamental Right to Life. Also, in case the breach is conducted by a medical professional, there are laws, such as the Consumers Protection Act, 1986, that apply, as well as the Consumers’ Forum, where such malpractices can be heard. Note that it can be difficult to prove such misconduct, and the process may further undermine privacy.

Ask the participants if they think clients in Pehchan programme have a Right to Confidentiality. If yes, how is it maintained? Here, discuss with the participants that among the project staff the Counsellor should be the only person to know a client’s HIV status, unless the individual decides to disclose his/her status to other staff members.

Consider the following scenario:

Raman, who is HIV-positive and aware of his status, is practicing unsafe sex with many members in his community.

- Do you think Raman has a right to do what he is doing? If yes/no, why?
- Is Raman endangering others’ lives by doing so?

Note to Facilitator

It is important that participants understand that while there are no foolproof methods to ensure confidentiality, whether it be related to HIV status, sexual orientation or other sensitive issues, they need to consider the importance of confidentiality in the life of members of the MTH community, especially if they are infected with HIV.

Allow participants to reflect on their own experiences of breached confidentiality, either that they might have faced themselves or those that they might have been witness to.
Do his sexual partners have the right to know about Raman’s HIV status?
If Raman thinks that he does not have to disclose his status and that his partners’ protection is not his concern, is it his fault if his partner does not insist upon protection?
What would you do if you found out that one of your organisation’s clients was behaving in this manner?

After allowing participants to discuss the above questions, tell them that when it comes to the Right to Confidentiality, it is a conditional right. Explain carefully how Raman and his sexual partners should be practicing safe sex. Irrespective of his partners’ knowledge of his HIV status, he should ensure safe sex, and the partners should take precautions while having sex with him.

Consider another scenario:

Again, Raman is HIV-positive and knows about his status. He meets with a counsellor in a CBO. During the counselling session, Raman explains that he practices unsafe sex with his partners. After the session, the counsellor is in a dilemma.

- Should the HIV status of Raman be shared? If yes, how and who should do this? If no, then why not?
- Can the counselor breach the right to confidentiality of Raman in this case?
- Should the counselor support Raman to be open about his positive status?

At this stage, the facilitator should remind the participants that, in all events, a person getting tested for HIV should be the first one to know about his/her HIV status. Any breach of confidentiality about his/her HIV status would be unethical and illegal.

Consider a final scenario:

Mahesh is a kothi who comes to a CBO regularly. He has a nickname, Manisha, and prefers being called that when he is around like-minded people. He has a boyfriend who is very fond of him. However, Mahesh’s parents are trying to get him married, and he is not interested. He is feeling depressed and has suicidal tendencies because of this; the only thing which keeps him going is the hope that one day he and his boyfriend can live together. Ask the participants what they can do to help Mahesh out in this kind of a situation, while protecting his Right to Confidentiality.

Note: Give away sugar candies for the best responses. These should ideally include the basic steps for a comprehensive approach through advocacy, sensitisation programmes and mobilising the community.
Activity 5: Institutions of Recourse and Legal Processes in India

<table>
<thead>
<tr>
<th>Time</th>
<th>40 minutes</th>
</tr>
</thead>
</table>
| Learning Outcomes | By the end of this activity, participants will:  
  • Be able to identify the hierarchies in the legal system and the alternatives available to MTH members through which they can get recourse. |
| Materials  | N/A |
| Audio-visual Support | Refer to the slides titled ‘Indian Legal Hierarchy’ to ‘Alternate Redressal Mechanism’ from the PowerPoint Presentation ‘Human and Legal Rights’. |
| Take-home Material | N/A |

Methodology

Using the PowerPoint slides titled ‘Indian Legal Hierarchy’, map out the course of a typical criminal case (e.g. where it starts and the routes it takes). Do the same for a civil case. Briefly describe the alternative dispute redressal mechanism in India involving Nyaya Panchayats and Lok Adalats. Using Rukmini’s case (refer Activity 2), help the participants trace the different paths of recourse available for her, including higher institutions of resort if local institutions fail to provide her relief.
Activity 6: Wrap-up

Time 40 minutes

Learning Outcomes
At the end of this activity, the participants will:
- Summarise the various concepts they have learnt throughout the training session.

Materials N/A
Audio-visual Support N/A
Take-home Material N/A

Methodology

Conduct a quiz to check participants’ understanding of the subject. Divide the participants into groups. Ask questions to one group, and allow other groups to judge whether the answer is correct or not. Some questions that could be asked are as follows:

- What are Rights?
- What is the difference between Human Rights and Legal Rights?
- Are all Human Rights also Legal Rights?
- Are all Legal Rights also Human Rights?
- Why is it necessary to understand the implications of HIV on Human Rights?
- What are the services that you can provide to a client to protect his/her rights?
- When did the Constitution of India come into power?
- Are there any Human Rights in the Constitution of India?
- Are the Fundamental Rights in the Constitution the same as Human Rights as given in Universal Declaration of Human Rights?
- What is the difference between Fundamental Rights and Directive Principles of State Policy?
- Who protects the Fundamental Rights?
- What is the current status of Section 377 of the Indian Penal Code?
- What is the difference between an FIR and a GD?
- What are your rights when you get arrested?
- What are bailable and non-bailable offences?
- What are cognisable and non-cognisable offences?
- What is meant by the Right to Confidentiality?
- Where can you go if your Right to Confidentiality is breached?
Annexure 1: Timeline of Human Rights

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>27 BC – AD 476</td>
<td>Roman Empire's Natural Law: Rights of Citizens</td>
</tr>
<tr>
<td>1689</td>
<td>British Bill of Rights: Notion of Natural Rights of Life</td>
</tr>
<tr>
<td>1776</td>
<td>American Declaration of Independence</td>
</tr>
<tr>
<td>1789</td>
<td>French Revolution and Declaration of the Rights of Man</td>
</tr>
<tr>
<td>1833 onwards</td>
<td>Abolition of Slavery in Europe and the Colonies</td>
</tr>
<tr>
<td>1914 – 1919</td>
<td>World War I</td>
</tr>
<tr>
<td>1919</td>
<td>The League of Nations</td>
</tr>
<tr>
<td>1939 – 1945</td>
<td>World War II</td>
</tr>
<tr>
<td>1945</td>
<td>United Nations</td>
</tr>
<tr>
<td>1947</td>
<td>India’s Independence</td>
</tr>
<tr>
<td>1948</td>
<td>Universal Declaration of Human Rights</td>
</tr>
<tr>
<td>1950</td>
<td>Constitution of India</td>
</tr>
</tbody>
</table>

**Note to Facilitator**

Ask the participants how India got involved in the United Nations at such an early stage, considering it was still a part of the British Empire, and not a sovereign state. Once the participants give their answers, mention that all British colonies at that point of time, such as India, Canada and Australia, were given independent seats despite still being colonies, as a goodwill gesture.
Annexure 2: Universal Declaration of Human Rights (UDHR)

Source: UN General Assembly, UDHR, 1948.

The Universal Declaration of Human Rights is the basic international pronouncement of the inalienable and inviolable rights of all members of the human family. The Declaration was proclaimed in a resolution of the General Assembly on 10 December 1948 as the “common standard of achievement for all peoples and all nations” in respect for human rights. It lists numerous rights - civil, political, economic, social and cultural - to which people everywhere are entitled.

The Universal Declaration of Human Rights:

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realisation of this pledge,

Now, therefore,

The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.
Article 1
All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2
Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3
Everyone has the right to life, liberty and security of person.

Article 4
No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5
No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6
Everyone has the right to recognition everywhere as a person before the law.

Article 7
All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8
Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9
No one shall be subjected to arbitrary arrest, detention or exile.

Article 10
Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11
1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.
2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.
Article 12
No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13
1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14
1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15
1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16
1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17
1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

Article 18
Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19
Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20
1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.
Article 21
1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right to equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22
Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international cooperation and in accordance with the organisation and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23
1. Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24
Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25
1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26
1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.
Article 27
1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28
Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised.

Article 29
1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30
Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Fifty years have passed since the Declaration was adopted. Despite a continuing struggle in many regions of the world, significant progress has been made in developing legal, moral and institutional regimes consistent with the principles proclaimed in the UDHR. For instance, many human rights non-governmental organisations (NGOs) refer to the Declaration to hold governments accountable for their policies and actions.
Annexure 3: FIR Format

Book No. __________
FORM NO. 24.5 (1)
First Information Report (FIR)

First Information of a Cognisable Crime Reported under Section 154,
Criminal Penal Code

Police Station ....................................District .............................. No. ..................

Date and hour of Occurrence ......................................................

1. Date and hour when reported
2. Name and residence of informer and complainant
3. Brief description of offence (with section) and of property carried off, if any
4. Place of occurrence and distance and direction from the Police Station
5. Name and address of the criminal
6. Steps taken regarding investigation/ explanation of delay in regarding information
7. Date and time of despatch from Police Station

Signature ..................................................................

Designation ..............................................................

(First information to be recorded below)

NOTE: The signature of seal or thumb impression of the informer should be at the end of
the information and the signature of the writer of (FIR) should be existed as usual.

The above is the format and below is the law on the basis of which the cognisable crime
is recorded.

FIR on Authentic Information

The information given to the Police Officer for registration of a case must be authentic. It
should not be gossip but should be traced to an individual who should be responsible for
imparting information. It may be hearsay but the person in possession of hearsay should
mention the source of information and take responsibility for it. An irresponsible rumour
should not result in registration of FIR.
Annexure 4: PowerPoint Presentation – Human and Legal Rights
Your Country Rights

Imagine that you are in a newly discovered land, where no one has lived before and where no laws or rules exist. You and the other members of your group will be the first inhabitants of this new land. What are the important rights you will suggest for everyone, including yourself, in your new country?

Buying a House

Can I buy your house?  
Can I refuse to sell?

Rights can be Positive or Negative. Rights can be Absolute or Conditional.

What are Rights?

Rights are legal, social or ethical principles of freedom or entitlement.
Human and Legal Rights

Dealing with Rights Violations

Case Study

Ramesh, a kothi, known as Rukmini by his close kothi friends, was beaten up by some local boys because of his feminine characteristics. He comes to you in a bruised and a battered condition.

- Identify Ramesh/Rukmini’s rights that have been infringed.
- List a step-by-step process on how they would get him recourse.
Difference between General Diary (GD) and First Information Report (FIR)

What is General Diary?
A General Diary is the written recording of an event at a police station of a monetary loss or loss of property or an event involving other people not amounting to a criminal offence.

What is FIR?
A FIR is also recorded in the General Diary, but it involves making a complaint to the police to set the criminal law in motion. Its secondary though equally important aspect, is to obtain early information of an alleged criminal activity.

How to File a FIR

The procedure of filing an FIR is prescribed in Section 154 of the Criminal Procedure Code, 1973

- When information about a cognizable offense is given orally, the police must write it down.
- It is your right as a person giving information or making a complaint to demand that the information recorded by the police is read over to you.
- Once the information has been recorded by the police, it must be signed by the person giving it.
- You should sign the report only after verifying that the information recorded by the police is as per the details given by you.
- People who cannot read or write must put their left thumb impression on the document after being satisfied that it is a correct record.
- Always ask for a copy of the FIR, if the police does not give it to you. It is your right to get it free of cost.

What Can You Do if Your FIR is Not Registered?

- You can meet the superintendent of police or other higher officers like deputy inspector general of police and inspector general of police and bring your complaint to their notice.
- You can send your complaint in writing by post to the superintendent of police concerned. If the superintendent of police is satisfied with your complaint, she/he shall either investigate the case personally or order an investigation.
- You can file a private complaint before the court having jurisdiction.
- You can also make a complaint to the State Human Rights Commission or the National Human Rights Commission if the police does nothing to enforce the law or does it in a biased and corrupt manner.
Some Laws Which are Used to Harass MTH Community Members

- **Section 377 of the IPC.** which criminalised same-sex sexual relations. However, in June 2009, it was declared unconstitutional by the Delhi High Court. In a historic judgment Justice A.P. Shah proclaimed, “it cannot be forgotten that discrimination is the antithesis of equality and that it is the recognition of equality which will foster the dignity of every individual.”

- **Laws on public nuisance, obscenity and local-level police acts,** such as Section 268 IPC on nuisance, Sections 292, 294 on obscenity and the Bombay Police Act, 1951.

- **Bombay Prevention of Begging Act (1952):** Any person can be arrested on the spot. Transgender people involved in大陆 (seeking alms) on streets are particularly vulnerable to this and are rounded up on a regular basis.

Impact of Regressive Laws and Their Misuse on HIV Efforts

- MTH community is driven underground and kept away from health and HIV testing, prevention, care, support and treatment services.
- Lack of resources for research and policy development.
- Reinforcement of stigma and discriminatory behaviour by healthcare providers.
- Poor education and job opportunities.
- Stigma-related to sexual and gender variance causes people to feel ostracised and excluded from society. This low self-esteem contributes to a lack of will to protect themselves or their partners from HIV or access to services related to HIV or their health generally.
- Police have used various provisions to disrupt the work of NGOs working in the field of HIV and to wrongfully arrest outreach workers.

Section 377, Indian Penal Code

“...Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for term which may extend to ten years, and shall also be liable to fine...”
Reading Down of Section 377

On July 2, 2009, the Delhi High Court pronounced that Section 377 should be read down to exclude consensual sex between adults;

“We declare that Section 377 IPC, insolar it criminalizes consensual sexual acts of adults in private, is violative of Articles 21, 14 and 15 of the Constitution”.

Article 14 and 15: Right to Equality
Article 21: Right to Freedom

Types of Offences

Cognisable
Police can register a complaint/FIR, arrest and investigate without a warrant.

Non-cognisable
Police cannot do anything without an order from relevant court.

Bailable
Police or court may allow the person to be released on a bail.

Non-bailable
Only a court can pass an order to release a person on bail.

Indian Legal Hierarchy

SUPREME COURT

HIGH COURT

DISTRICT LEVEL

CIVIL

THE HIGH COURT

GENERAL

DISTRICT COURT

MAGISTRATE COURT

COMMERCIAL

REVENUE COURT

Tribunals

National

Central Administrative

State Administrative

Income Tax

Motor Accident Claims

Cooperative

Consumer

FAMILY COURT

METROPOLITAN CITY LEVEL

CIVIL

DISTRICT COURT

HIGH COURT

COMMERCIAL

REVENUE COURT

Tribunals

National

Central Administrative

State Administrative

Income Tax

Motor Accident Claims

Cooperative

Consumer

FAMILY COURT

INDUSTRIAL COURT

CIVIL/PRIVATE LAW

LABOUR COURT

COMPANY LAW

BOARD

CIVIL

DISTRICT COURT

HIGH COURT

COMMERCIAL

REVENUE COURT

Tribunals

National

Central Administrative

State Administrative

Income Tax

Motor Accident Claims

Cooperative

Consumer

FAMILY COURT
Alternative Social Methods of Redressal

Nyaya Panchayat

Lok Adalat

References


Notes
Notes
# Pehchan Training Curriculum

**MSM, Transgender and Hijra Community Systems Strengthening**

<table>
<thead>
<tr>
<th>CG</th>
<th>Curriculum Guide</th>
</tr>
</thead>
</table>
| module A | A1 Organisational Development  
A2 Leadership and Governance  
A3 Resource Mobilisation and Financial Management |
| module B | B Basics of HIV Prevention and Outreach Planning (Pre-TI) |
| module C | C1 Identity, Gender and Sexuality  
C2 Family Support  
C3 Mental Health  
C4 MSM with Female Partners  
C5 Transgender and Hijra Communities |
| module D | D1 Human and Legal Rights  
D2 Trauma and Violence  
D3 Positive Living  
D4 Community Friendly Services  
D5 Community Preparedness for Sustainability  
D6 Life Skills Education |