



South Asian Human Rights Association for Marginalized Sexualities and Genders (SAHRA)

Constitution

Preamble

Whereas, in order to ensure the inherent right to dignity, security, equal opportunity, and freedom of all people in the South Asian region, regardless of their sexual orientations and gender identities/expressions, and to realize a world where every LGBTI person enjoys the human rights enshrined in the Universal Declaration of Human Rights (UDHR), and as expressed in the Yogyakarta Principles, an association known as the South Asian Human Rights Association for Marginalized Sexualities and Genders (hereafter referred to interchangeably as “SAHRA” or “the Association.”) has been formed.

I: Definitions

This document shall be called “the constitution of the South Asian Human Rights Association for Marginalised Sexualities and Genders, 2010” and/or in short “The Constitution” as amended at and effective from the 9th Task Force/Board meeting held in Bangkok on 6-8 September 2013.

The working language of the association is English, but all documents of SAHRA can be made available in the official languages of the South Asian region.

In this Constitution, unless the subject or context otherwise requires:

- a. "South Asia" is defined as the geopolitical area as described by the South Asian Association for Regional Cooperation (SAARC).
- b. A South Asian person is one who is of South Asian origin or has citizenship of a South Asian country, and/or has his/her primary domicile in South Asia.
- c. Transgender persons are persons who identify themselves with a different gender from the one that was assigned to them at birth.
- d. When the term man/men or woman/women is mentioned in this document in the context of the Task Force/Board and Steering Committee, it shall refer to persons within/amongst the Lesbian, Gay and Bisexual community.

- e. Members mean individuals who have been elected, selected, and/or nominated, as the case may be, to the Task Force/Board and/or to the various Steering Committees, from time to time, in terms of the provisions of this constitution.
- f. "Rules" means existing rules or other regulations and policies of "the Association", which includes amendments thereof, and policies promulgated, from time to time under this Constitution.
- g. "Association" means the " South Asian Human Rights Association for Marginalized Sexualities and Genders ", to be referred to hereafter interchangeably as "SAHRA" and/or "the Association".
- h. "Marginalised genders and sexualities" shall refer to inclusively of all regional variations that exist in South Asia, of sexual orientation, and of gender identities and expression. Some of the examples of such variations (not exhaustively stated, but only by way of exemplification) are hijra, zenana, kothi, nachi, meti, third gender, lesbian, gay, bisexual, transgender, intersex and collectively as LGBTI.
- i. "Task Force/Board " means the Apex Governing Body of the Association.
- j. "Steering Committee" refers to country level decision-making bodies, working in accordance with the policies set by the Task Force/Board.

II: Vision, Mission, Objectives and Guiding Principles

1) Vision

SAHRA believes in the inherent right to dignity, security, equal opportunity and freedom of all people in South Asia, regardless of their sexual orientations and gender identities/expressions. It envisages a world where every LGBTI person enjoys the human rights enshrined in the Universal Declaration of Human Rights (UDHR) and as expressed in the Yogyakarta Principles, and codified in the fundamental rights given in the respective constitutions of the South Asian countries.

2) Mission

SAHRA's mission is to protect, promote and fulfil the human rights of LGBTI persons and their defenders in South Asia by strengthening the impact and influence of organisations, advocates and movements working to advance the rights of LGBTI persons in the region; and by holding the South Asian States accountable for these rights.

3) Objectives

- a. To work towards ensuring that LGBTI issues are integral to human rights and social justice in South Asia at regional, national and local levels
- b. To work towards fostering an enabling environment that is fundamental to the realisation of human rights.
- c. To document human rights violations of LGBTI persons, respond to said violations, and strongly advocate for the recognition, protection and promotion of human rights.

- d. To foster co-operation among regional LGBTI organizations, establish relationships with and develop understanding of other national and international societies, associations, trusts or other institutions having similar objectives.
- e. To fully or partly provide assistance and advice to such other institutions with which relationships are developed, and obtain similar assistance and advice from them.
- f. To offer and to provide membership in the Association to such other institutions and enter into agreements with other societies, associations and trusts in order to achieve the objectives of the Association and undertake any action in consequence thereof.

4) Guiding principles

- a. SAHRA and its activities will be built on principles of substantive equality and human rights for all people irrespective of sexual orientation, gender identity and expression, sex, religion, age, ability, ethnicity, language, nationality, caste, class, HIV status, profession, or other factors of disablement or disempowerment.
- b. SAHRA will be committed to work as part of other social movements in South Asia to build a collective voice, power and influence for LGBT people in the region.
- c. SAHRA will respect the right to confidentiality and anonymity of LGBTI people and their defenders.
- d. SAHRA will work on the principles of transparency, accountability, and integrity.
- e. SAHRA will work independently from any government, political party, corporate interests, or religious institutions.

III: Task Force/Board, Steering Committees and Country Officers

The Task Force/Board, The National Steering Committees, and The Country Offices, shall be the three tiers of governance structure of the Association in terms of the details as given hereafter:

1) Task Force/Board

- a. The Task Force/Board is the highest decision making body of SAHRA. The Task Force/Board shall meet twice a year at a venue decided by the Task Force.
- b. The Task Force/Board shall consist of three members from each participating country. India, because of its size, will be allowed six Task Force/Board members.
- c. On the Task Force/Board there shall be one man, one woman, and a transgender person from each country. Task Force/Board members from India must be two men, two women and two transgenders, and all five regions of India (South, West, North, East, Northeast) in India must be represented.
- d. The Board Members are elected from the national steering committees to the Task Force/Board for a period of three years. In case of India, the members are elected from the five regional steering committees.
- e. The membership of the Task Force/Board shall terminate in the following events
 - When a member submits his written resignation;
 - If a member misses three consecutive board meetings without giving satisfactory notice

of such absence; however, the concerned member shall be entitled to explain the reason for their absences.

- If a member no longer continues to be a member of the Association;
- In case of institutional representation if he/she does not remain a member of such member institution.
- In case of a proven case of fraud, misappropriation, or misdemeanour against the member.
- If the member is unable to attend to the duties of membership due to any medical or psychological disability.

2) Steering Committee

- a. There shall be a Steering Committee in each participating country consisting of six members, except in India where there shall be a steering committee of up to three members from each region.
- b. On the steering committees there shall be two men, two women, and two transgenders. Wherever possible, each country should make efforts to include under the category of transgender one FTM and one MTF person. In India there shall be at least one man, one woman, and one transgender person in each of the five designated regions.
- c. The Steering committee will elect from amongst themselves, a chairperson, who is tasked with responsibility of conducting the meeting of the Steering Committee. In case of any matter put to vote in the Steering Committee, the chairperson shall not vote in the usual process, but shall have the deciding vote in case of a tie.
- d. Steering Committee members must:
 - be committed to the works of SAHRA
 - have the time to do the work of SAHRA
 - belong to the LGBTI community
 - be South Asian
- e. The Steering Committee members will be elected at a national or regional consultation meeting for a period of three years. One national or regional meeting must take place at least every third year.
- f. The Steering Committee of the respective participating countries shall decide appointment or substitution of Steering Committee members in their countries.
- g. The Steering Committee will act as a Board for the project within respective countries (or regions as in the case of India), and shall approve appropriate work plans and budgets.

3 Country Office:

- a. The Steering Committee shall appoint a country office headed a country officer and delegate appropriate tasks to the said officer, including coordinating the work in the country/region.
- b. The country office shall be the effective secretariat and administrative office of the association in the country/region.

- c. The Country officer shall be able to participate at Task Force/Board and Steering committee meetings.
- d. The Steering Committee must keep records of all meetings.

IV: Miscellaneous provisions

1) Membership

1.1 All organizations and individuals based in South Asia, who either identify as LGBTI or work on issues of marginalized genders and sexualities in South Asia, or both; and are in agreement with our vision/mission and goals – can be attain membership at country level.

1.2 Membership can be terminated or suspended if a member's policies and/or activities are inconsistent with SAHRA's vision, mission and goals.

1.3 Coalitions and networks, donor or relief agencies, political parties, government organizations and international organizations cannot be members of SAHRA.

2) Amendment of the constitution

In case it is deemed necessary to amend this constitution the Task Force/Board may present a proposal for amendment at a Task Force/Board meeting. If the proposal is passed by a majority of two thirds of the total members of the Task Force, the amendment shall come into affect immediately.

3) Power to make rules and regulations

The Task Force/Board shall have the authority to promulgate required rules, regulations and policies, as well as to amend these from time to time as required, to achieve the objectives of the Association and for regulating the Association's internal procedures, subject to the provisions of this Constitution. Any rule/regulation/policy that is formulated by the task force must be approved by a vote of the task force with at least 50%+1 of the total members of the Task Force voting in favour of the rule/regulation/policy.

4) Dissolutions of the Association

The decision to dissolve the Association remains with the Task Force, and any such proposals must be passed by a majority of two thirds of the total members of the Task Force.

5) Special Provision

To achieve the Association's objectives, the Task Force/Board may constitute various committees and sub-committees from amongst its members and include outside experts.

6) Code of Conduct

The Association shall promulgate a Code of Conduct/Ethics that includes proceedings and penalties should the Code be violated. Said Code of Conduct/Ethics shall be provided in the rules to be adopted under this Constitution.

7) Interpretation

The Task Force/Board shall interpret this Constitution should a clarification be needed.

Constitution approved at the 9th SAHRA Task Force meeting in Bangkok on September 8, 2013, amended at 10th SAHRA Task Force meeting in Bangkok on March 2, 2014. Last amendment made at 12th SAHRA Task Force meeting in Bangkok on March 18, 2015.