

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

ALLIANCE FOR OPEN SOCIETY
INTERNATIONAL, INC. *et al.*,

Plaintiffs,

-against-

UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT *et al.*,

Defendants.

05-CV-8209 (VM) (DF)

DECLARATION OF
DANIEL E. PELLEGRAM

I, DANIEL E. PELLEGRAM, hereby declare as follows:

1. I am, and have been since 1984, the President of Pathfinder International (“Pathfinder”).
2. I submit this declaration in support of the Plaintiffs’ motion for leave to amend the Complaint and the motion of InterAction and Global Health Council for a preliminary injunction.

I. Pathfinder International

3. Pathfinder is a non-profit corporation incorporated under District of Columbia law. It enjoys tax-exempt status under section 501(c)(3) of the Internal Revenue Code. Its primary office is located at 9 Galen Street, Suite 217, Watertown, Massachusetts 02472-4501.
4. Pathfinder was founded in 1957 by Dr. Clarence J. Gamble, a private philanthropist, and it was one of the first U.S.-based organizations to address international population issues. Pathfinder’s mission is to provide access to quality family planning and reproductive health services to women, men, and adolescents throughout the developing world.

In addition to its family planning work, Pathfinder also works to halt the spread of HIV/AIDS, improve maternal and child health, and prevent unsafe abortions. It accomplishes these goals by developing partnerships with local non-governmental organizations, host country governments, the private sector, and health care providers. Pathfinder's governing philosophy is to provide this assistance with concern for human rights, for the status and role of women, and from the perspective of the clients it serves.

5. Pathfinder operates in the following 27 countries: Angola, Bangladesh, Bolivia, Botswana, Brazil, Burundi, Colombia, Ecuador, Egypt, Ethiopia, Ghana, Guatemala, Guinea, India, Kenya, Moldova, Mozambique, Nepal, Nigeria, Papua New Guinea, Peru, South Africa, Southern Sudan, Tanzania, Uganda, Vietnam, and Yemen.

6. Pathfinder's Watertown, Massachusetts office plays a significant role in conceiving of, funding, supervising, evaluating, and otherwise overseeing Pathfinder's international work.

7. Pathfinder's annual budget, which for fiscal year 2008 totals \$89 million, is funded by grants and donations from multiple sources, including Defendants United States Agency for International Development ("USAID") and the United States Centers for Disease Control and Prevention ("CDC"), an operating agency of Defendant Department of Health and Human Services ("HHS"). Pathfinder also receives funds from several agencies of the United Nations, the Swedish, Canadian, and Dutch governments, the World Bank, and numerous foundations, corporations and individual donors.

8. In the following 18 countries, Pathfinder receives funding from sources other than the US government to operate projects that do not receive any Global AIDS Act funding: Angola, Bangladesh, Bolivia, Brazil, Colombia, Ecuador, Ghana, India, Kenya, Mozambique,

Nigeria, Papua New Guinea, Peru, South Africa, Southern Sudan, Tanzania, Uganda and Vietnam.

II. The Global AIDS Act Restrictions

9. Pathfinder carries out a number of programs funded by Defendants USAID and CDC that are encumbered by restrictions contained in the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (“Global AIDS Act”).

10. The Global AIDS Act contains a “government funds restriction” prohibiting funds made available under the Act from being spent on activities that “promote or advocate the legalization or practice of prostitution and sex trafficking,” although it allows for the provision of health care and related services to prostitutes. 22 U.S.C. § 7631(e).

11. Pathfinder rigorously complies with the government funds restriction and does not challenge it herein.

12. The Global AIDS Act also contains a “policy requirement” providing, in pertinent part, that “no funds made available to carry out this Act . . . may be used to provide assistance to any group or organization that does not have a policy explicitly opposing prostitution and sex trafficking.” 22 U.S.C. § 7631(f).

13. In June 2005, USAID applied the policy requirement to Pathfinder and other U.S. non-governmental organizations (“US NGOs”) by issuing USAID Acquisition & Assistance Policy Directive 05-04 dated June 9, 2005. Similarly, beginning on or about May 2005, HHS and CDC began applying the policy requirement to Pathfinder and other US NGOs.

14. USAID, HHS, and CDC have not defined the term “a policy explicitly opposing prostitution,” nor have they issued guidance to the public explaining which activities are permissible and impermissible under the policy requirement.

15. HHS and CDC have required all recipients of Global AIDS Act funding to “agree that HHS may, at any reasonable time, inspect the documents and materials maintained or prepared by the recipient in the usual course of its operations that relate to the organization’s compliance [with the policy requirement].”

16. In July 2007, Defendants USAID and HHS issued new guidelines permitting recipients of Global AIDS Act funding to transfer private funds to a legally, financially, and physically separate entity over which they exercise no control, which can then engage in activities that would otherwise run afoul of the policy requirement. USAID’s guidelines are contained in Acquisition and Assistance Policy Directive 05-04, Amendment 1 (July 23, 2007). HHS’ guidelines are contained in a document entitled, Guidance Regarding Section 301(f) of the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003, 72 Fed. Reg. 41,076 (July 26, 2007).

17. Although the guidelines purport to allow recipients such as Pathfinder to spend their private funds to engage in speech free of the policy requirement’s restrictions, in fact they reserve the right to penalize recipients for speech of third party organizations over which they exercise no control. The guidelines require recipients to “have objective integrity and independence from any affiliated organization that engages in activities inconsistent with a policy opposing prostitution and sex-trafficking (‘restricted activities’).” According to the guidelines, a recipient will satisfy this test only if: “(1) The affiliated organization is a legally separate entity; (2) The affiliated organization receives no transfer of Leadership Act funds, and Leadership Act funds do not subsidize restricted activities; and (3) The Recipient is physically and financially separate from the affiliated organization.” As I describe below in further detail, whether a recipient is sufficiently “physically and financially separate” depends on a five-factor

test which assesses, among other things, whether the recipient exercises control over the other organization.

18. The July 2007 USAID and HHS guidelines were issued without either notice or an opportunity for the public to provide comments. On December 14, 2007, counsel for the Defendants sent a letter to this Court stating that HHS will provide a notice of proposed rulemaking regarding the policy requirement guidelines “within four months, which will be followed by a public comment period.”

19. Pathfinder must comply with the policy requirement, as modified by the guidelines, as a condition of continuing its USAID-funded programs that include HIV/AIDS components. Among these programs are one project to increase the use of child survival and reproductive health services in Mozambique and another to extend service delivery for reproductive health services globally.

20. Pathfinder must also comply with the policy requirement as a condition of subcontracts it holds with other development organizations to carry out USAID-funded work, for example a program to improve HIV/AIDS policies in Nigeria.

21. Pathfinder also must comply with the policy requirement as a condition of continuing its CDC-funded work to implement a program to prevent mother-to-child HIV transmission in Kenya, to expand home-based care programs for HIV-positive persons in Tanzania, and to expand psychosocial and peer counseling services in Botswana.

III. Pathfinder’s Policy

22. Solely in order to comply with the policy requirement, and to remain eligible to receive U.S. government funding to provide desperately needed HIV/AIDS prevention and care work around the world, in July 2005, Pathfinder adopted the following policy:

In order to be eligible for federal funding for HIV/AIDS, Pathfinder opposes prostitution and sex trafficking because of the harm they cause primarily to women. Pathfinder's HIV/AIDS programs seek to promote effective ways to prevent the transmission of HIV/AIDS and to reduce the suffering caused by HIV/AIDS. In order to achieve these goals, Pathfinder works with, and provides assistance and support to and for, many vulnerable groups, including women who are commercial sex workers, who, if not effectively reached by HIV/AIDS programs, will suffer and can become drivers of the HIV/AIDS epidemic.

IV. How the Policy Requirement Harms Pathfinder

23. The pledge requirement hurts Pathfinder and the clients it serves, both by compelling Pathfinder to espouse the government's point of view and by limiting Pathfinder's speech and activities.

A. Compelling Speech and Mandating Viewpoint

24. Pathfinder has been forced to stake out a policy position on an issue on which it wished to remain neutral at this time. As an international development organization operating in multiple countries, each with its own set of laws and cultures, Pathfinder is mindful of the need to refrain from taking policy positions without careful study and deliberation. With the exception of the anti-prostitution policy it adopted to comply with the policy requirement, Pathfinder's policy positions have been formed only after deeply studying an issue, primarily by examining its own experience promoting access to health care in the developing world. Were it not for the mandate in the Global AIDS Act, Pathfinder would not have adopted its anti-prostitution policy.

25. Moreover, because the policy requirement is vague and confusing, Pathfinder has no way of knowing whether the policy it has adopted complies with the requirement. To my knowledge, neither the Global AIDS Act nor any of the Defendants has defined what it means to

have a policy “explicitly opposing prostitution.” I do not know what Defendants mean by this phrase.

26. Pathfinder believes its policy does comply with the policy requirement. However, given the lack of guidance from USAID, HHS, and CDC as to the requirement’s meaning, Pathfinder fears that if the preliminary injunction is lifted Defendants USAID, HHS, and CDC will apply an overly broad interpretation of the policy requirement to Pathfinder’s policy and find Pathfinder out of compliance with the policy requirement.

27. The guidance adopted by Defendants USAID and HHS in July 2007 does not absolve Pathfinder of the requirement that it adopt a policy “explicitly opposing prostitution.” Although it permits Pathfinder to transfer private funds to a legally, financially, and physically separate entity over which Pathfinder exercises no control, which can then engage in activities that would otherwise run afoul of the policy requirement, Pathfinder itself continues to remain obligated to maintain a policy “explicitly opposing prostitution” so long as it accepts any Global AIDS Act funds from Defendants.

28. That policy necessarily governs not only Pathfinder’s use of federal funds, but also the entire Pathfinder entity. Pathfinder must get funds from sources other than Defendants, because Defendants require it to do so to be eligible even to apply for funding. For example, a USAID regulation requires U.S.-based NGOs such as Pathfinder to “solicit[] and receive[] cash contributions from the U.S. general public” in order to be eligible to receive certain USAID funding. *See* 22 C.F.R. § 203.3(b) (organization may register as a U.S. private and voluntary organization, a requirement for many cooperative agreement grants, only if it raises funds from the U.S. public). USAID requires that fully 20 percent of the support for Pathfinder’s international work come from non-US government sources. *See* USAID, Frequently Asked

Questions, *available at* <http://www.usaid.gov/pubs/sourcebook/usgov/faqs.html> (accessed Jan. 4, 2008), attached hereto as Exhibit A. The policy requirement dictates how these private funds can and cannot be used.

B. Limiting Pathfinder's Speech and Activities

29. Pathfinder engages in a significant amount of activity not funded by the U.S. government that could be affected by an overly broad construction of the policy requirement. Currently, this Court's preliminary injunction allows Pathfinder to conduct this work. Pathfinder believes that even if the preliminary injunction is lifted, a proper interpretation of the policy requirement would permit it to continue engaging in this work. However, because the policy requirement itself uses vague and confusing language, and because Defendants have refused to clarify what it means, Pathfinder does not know whether Defendants USAID, HHS, and CDC agree that all of Pathfinder's work is permissible under the policy requirement. Consequently, if the preliminary injunction is lifted, I will need to ensure that Pathfinder refrains from engaging in any activities that could possibly be construed as insufficiently opposed to prostitution, even if Pathfinder itself does not view the activities that way.

1) Work with vulnerable populations

30. One category of activities Pathfinder engages in that might be barred by an overly broad construction of the policy requirement concerns Pathfinder's HIV/AIDS prevention work aimed at vulnerable populations, including sex workers. In Brazil, India, and Mozambique, Pathfinder currently uses funding solely from sources other than the U.S. government to prevent the spread of HIV among vulnerable groups including sex workers. In the past, it has run similar programs in Nigeria. One strategy that Pathfinder has found to be highly effective is to organize sex workers and to work cooperatively with existing sex worker organizations to promote their

health and human rights. Pathfinder engages in this work because, like most international development organizations, it works with local groups, including organizations composed of sex workers, to identify their needs and priorities and then to achieve the goals they have identified within the international framework of their right to health.

a) India

31. For example, Pathfinder's privately funded Mukta program in India seeks to organize sex workers so that they will collectively agree to engage in HIV prevention methods, such as using condoms. While Pathfinder believes that its organizing of sex workers in India complies with the policy requirement, it fears that Defendants USAID, HHS, and CDC may construe the policy requirement in an overly broad manner and subject Pathfinder to penalties should sex worker organizations it has fostered or cooperated with then pursue goals that Defendants view as inconsistent with opposition to prostitution.

32. In March 2007, Mukta held a convening that brought together more than 1,800 sex workers from Maharashtra to discuss rights, empowerment, and HIV/AIDS prevention. Among the topics the attendees discussed were the human rights of sex workers and their interactions with the police and other government officials. If the preliminary injunction were not in place, Pathfinder could have faced possible charges that it was violating the policy requirement for hosting a convening at which the participants spoke so freely.

33. Pathfinder's Mukta program also conducts outreach to brothel owners and pimps in an attempt to foster safer sex practices. While Pathfinder conducts this work for the purpose of promoting HIV prevention and assisting the women in the brothels, it also must at times gain the trust of brothel owners in order to gain access to the women it is trying to help. Although Pathfinder believes that this outreach does not violate the policy requirement as set forth in the

Global AIDS Act, it fears that Defendants USAID, HHS and CDC might view this outreach as being insufficiently “opposed to prostitution.”

b) Brazil

34. A second project affected by the policy requirement is work performed by Pathfinder employee Dr. Carlos Laudari in Brazil. In Brazil, Dr. Laudari provides technical assistance in capacity building. As part of this work, he serves as a facilitator in strategic planning to various associations including some sex worker associations. For example, in late February 2008, Dr. Laudari plans to serve as a facilitator at Brazil’s National Consultation on Prostitution, HIV/AIDS and Human Rights. It is likely that participants in the meeting will discuss the vulnerability of prostitutes to rights violations by the police, pimps and others. Participants may well recommend that prostitution be de-penalized in order to decrease this vulnerability. Were Pathfinder not under the protection of the preliminary injunction, Dr. Laudari would need to censor his speech at the convening to ensure that his involvement did not bring Pathfinder into violation of the policy requirement.

2) Pathfinder’s speech and advocacy in the U.S.

35. In addition to inhibiting Pathfinder’s work with vulnerable populations, including sex workers, the policy requirement would limit Pathfinder’s speech and advocacy within the U.S. if the preliminary injunction were lifted. Pathfinder engages in a variety of types of speech within the U.S.

36. For example, part of Pathfinder’s mission is to improve the U.S. policy environment for international family planning, reproductive health programs, and HIV/AIDS service delivery. Pathfinder accomplishes this by educating U.S. policy-makers and the general

public about conditions facing women and their families in developing countries and the impact U.S. policies have on the effectiveness of family planning and HIV/AIDS service delivery.

37. As part of this work, Pathfinder has attended two conferences sponsored by plaintiff the Alliance for Open Society International and the Open Society Institute in the past few years to discuss the policy requirement, and its effect on the ability of Pathfinder and other organizations to engage in HIV/AIDS prevention abroad.

38. Also as part of this work, Pathfinder is a member of the Global Health Council and InterAction. At meetings, and through other Global Health Council and InterAction activities, Pathfinder is able to educate other NGOs about its work, and to join with them in order to further its advocacy goals.

39. Were the preliminary injunction lifted, Pathfinder would have to ensure that any advocacy it undertakes conforms to the policy requirement. For example, while Pathfinder may wish to discuss its experience doing HIV/AIDS prevention work in Brazil and India, because this program included work with local organizations that advocated to change the legal treatment of sex work, Pathfinder could be barred from freely discussing the lessons of this work.

40. There are two upcoming occasions at which Pathfinder anticipates having to engage in such discussions. The first involves activity on Capitol Hill regarding the reauthorization of PEPFAR, which is due to occur in 2008. Pathfinder staff anticipate participating in meetings or briefings with other advocates and members of Congress and their staff, and possibly testifying before Congress. The second occasion will come this spring, when defendant HHS solicits public comment regarding the affiliate guidelines at issue in this case. Pathfinder anticipates submitting comments during that process. In both instances, Pathfinder expects to discuss its experience working with sex workers, and the importance of allowing

NGOs to work with sex workers who advocate for changes in the legal regime regarding sex work. Were the preliminary injunction not in place, the policy requirement would chill Pathfinder's ability to engage in this work.

41. The policy requirement also affects Pathfinder's ability to publish in the U.S. – on its website and elsewhere – the results of the HIV/AIDS research it conducts and the HIV/AIDS training materials it creates. For example, in 2004 Pathfinder produced a handbook funded by the Canadian International Development Agency, called “The Nigeria HIV/AIDS Responsive Fund (NARF) Handbook on Incorporating Gender and Human Rights in HIV/AIDS Training,” the relevant pages of which are attached as Exhibit B. Pathfinder continues to make the handbook available to interested people in Nigeria, the U.S., and elsewhere through its website. Were the preliminary injunction lifted, it is possible that the Defendants would construe the policy requirement broadly to bar Pathfinder from distributing this handbook, because it discusses “laws proscribing sex work” as a human rights factor making women particularly vulnerable to HIV, and lists “legislation” and “government policies” as “possible contents of HIV/AIDS mitigation training.” See Exhibit B, pp. 34, 39.

42. Likewise, Pathfinder staff regularly attend conferences in the U.S., sponsored by Global Health Council, the American Public Health Association (“APHA”), InterAction and other groups, at which they discuss their ongoing work, including their HIV/AIDS prevention work and research among sex workers and their clients. For example, Pathfinder plans to present 14 papers at the upcoming 35th Annual International Conference on Global Health, sponsored by the Global Health Council, which will be held in May, 2008. One of those papers, titled “Condoms and Health Care: Sex Workers Need More,” will be based on the work of Pathfinder's Mukta project with sex workers in India. Pathfinder staff presented another paper

based on the work of the Mukta project at the November 2007 meeting of the APHA. An abstract of that paper, entitled, “Men Behind the Menace: An Ethnographic Study of Male Clients of Female Sex Workers in the Wake of the HIV/AIDS Epidemic in India,” is attached as Exhibit C. Were the preliminary injunction lifted, Pathfinder would have to censor its speech at these conferences to ensure that none of its presentations could be construed, even inadvertently, as being insufficiently opposed to sex work.

43. Finally, were the preliminary injunction not in place, the policy requirement would affect Pathfinder’s ability to describe its current and past work overseas to potential donors and others in the United States. For example, Pathfinder maintains an extensive website – run out of its U.S. headquarters – describing the work of its many overseas projects. This website plays a key role in educating donors in the U.S. and elsewhere about our ongoing and past work. Among other items on that website is a detailed description of the organizing work Pathfinder’s Mukta project does with sex workers, including the March 2007 conference I describe above and a January 2007 meeting at which Mukta brought together policemen and sex workers to reduce the historically “tense relations” between sex workers and police “[d]ue to the air of illegality surrounding the sex worker profession.” These web pages are attached to this declaration as Exhibit D.

44. The website also posts Mukta’s newsletter, which describes those meetings and Mukta’s other ongoing work with, and outreach to, sex workers, the police, brothel owners, and others. The most recent version of Mukta’s newsletter is attached as Exhibit E. Were the preliminary injunction not in place, Pathfinder could be required to censor all descriptions of Mukta’s work on its website.

V. The Burdens Imposed by the Guidelines

45. The guidelines issued by Defendants USAID and HHS in July 2007 only exacerbate the problems associated with the policy requirement. They do not answer any of the most basic questions about what Pathfinder can and cannot say with our private funds and they make the creation of an affiliate prohibitively burdensome.

A. Vagueness

46. The guidelines have only increased Pathfinder's uncertainty about the speech and activities in which it is permitted to engage under the policy requirement. Significantly, the guidelines offer no guidance about which activities Pathfinder must conduct through a separate entity.

47. Moreover, although the guidelines require that Pathfinder be "physically and financially separate from the affiliated organizations," they do not provide clear guidance regarding how Pathfinder can ensure that it is physically and financially separate enough. Rather, they list five factors, warning that the agencies "will determine, on a case-by-case basis and based on the totality of the facts, whether sufficient physical and financial separation exists. The presence or absence of any one or more factors will not be determinative." As President of Pathfinder, I recognize that, given the enormous financial and even criminal penalties that may flow from a violation of the policy requirement and its guidelines, the only prudent course would be for Pathfinder to maintain very great separation between its activities and the activities of any affiliate that engages in activities barred by the policy requirement. Although Defendants might conceivably permit a lesser level of separation, I have no way of knowing that without risking grave consequences for the entire organization.

48. The guidelines' vagueness is exacerbated by the vagueness of the individual factors the Defendants will consider in deciding whether Pathfinder and any other entity are "physically and financially separate," many of which use terms such as "the extent to which" and "the degree of." For example, among the five factors are: a) "[t]he degree of separation from facilities, equipment and supplies used by the affiliated organization to conduct restricted activities," b) "the extent of such restricted activities by the affiliate," c) "[t]he extent to which signs and other forms of identification which distinguish the Recipient from the affiliated organization are present, and signs and materials that could be associated with the affiliated organization are absent," and d) "[t]he extent to which [Defendants], the U.S. Government and the project name are protected from public association with the affiliated organization and its restricted activities in materials such as publications, conferences and press or public statements." I do not know how much of any of these factors is too much. As a result, if the preliminary injunction is lifted I will need to ensure that Pathfinder complies with each factor to the maximum extent.

B. Legally separate entity

49. In addition to being vague, the guidelines place an extremely heavy burden on Pathfinder's ability to set up an affiliate to use private funds to engage in activities otherwise barred by the policy requirement.

50. For example, the guidelines require that the affiliate be "a legally separate entity." Setting up an affiliate in each of the 27 countries in which Pathfinder operates – or even in each of the 18 countries in which Pathfinder operates programs that receive no PEPFAR funds – would be extraordinarily difficult, expensive, and time-consuming.

51. In some of the countries where Pathfinder operates, it would be virtually impossible to obtain permission to set up a new affiliate, particularly one dedicated to policy advocacy or to the always controversial activity of working with sex workers, or one funded primarily with money coming from the United States.

52. Even when Pathfinder is able to obtain legal permission to operate a new affiliate, it will be difficult or impossible to obtain funding for such an affiliate. Whether Pathfinder seeks government or private funds for its initiatives, it must compete against other organizations also wishing to obtain the funding. Government and private funders alike favor organizations with a proven track record – one that has experience both doing the types of work we seek funding to do, and operating in the countries in which we propose to operate.

53. Pathfinder tends to be highly competitive in this regard because we have been operating worldwide for over half a century. We have vast experience, and are able to describe our significant successes, in providing family planning and reproductive health services, halting the spread of HIV/AIDS, improving maternal and child health, and preventing unsafe abortions. We also have a long tenure, and extensive and close relationships, in most of the 27 countries in which we currently operate. Whether Pathfinder continues receiving Global AIDS Act funds and shifts its private funds to an affiliate, or whether Pathfinder continues using its private funds itself and shifts its Global AIDS Act funds to a new affiliate, the affiliate will lack Pathfinder's proven substantive expertise and deep ties in the 27 countries where Pathfinder operates.

54. Indeed, if Pathfinder tries to shift its Global AIDS Act funds to an affiliate so that Pathfinder can continue engaging in activities otherwise permitted by the policy requirement, that affiliate will be statutorily barred from receiving Global AIDS Act funds for at least 18 months. The Foreign Assistance Act provides that the United States' foreign assistance

programs should be carried out “by such private and voluntary organizations and cooperatives as have demonstrated a capacity to undertake effective development activities.” 22 U.S.C. § 2151u(a). In accordance with this statutory obligation, USAID bars non-profits from registering as private voluntary organizations (as they must do to get funded) until they have been incorporated for at least 18 months. 22 C.F.R. § 203.3(f)(4).

55. Even after the 18-month bar is over, the affiliate will continue to be at a severe competitive disadvantage in obtaining Global AIDS Act funding, because Defendants evaluate funding proposals from Pathfinder and other entities based in part on the experience possessed by the potential recipient. USAID’s own internal guidelines for grant distribution require USAID to take “past performance” into account in evaluating a funding proposal. USAID, ADS 303.3.6.3. Accordingly, every USAID application requires us to describe our past performance on other, similar projects. *See, e.g.*, USAID, Request for Applications Number USAID-Tanzania-08-001-RFA, pp. 5, 18. CDC also examines our past work.

56. So long as we are able to operate as Pathfinder, our past performance will continue to make us highly competitive. For example, in reviewing a proposal that the CDC awarded to Pathfinder in 2004 to expand home-based care for people living with HIV/AIDS in Tanzania, CDC lists as strengths Pathfinder’s experience working in the country since 1995, engaging in similar work in other parts of the country, and relationships with US government partners and NGOs. CDC, Summary Statement, Program Announcement # 04208, pp. 2-5, attached as Exhibit F. CDC relied on a similar evaluation of Pathfinder’s track record in awarding us a cooperative agreement to work in Botswana. CDC, Summary Statement, Program Announcement 04256, pp. 1-3 (Aug. 24, 2004), attached as Exhibit G. A new affiliate, unable to rely on this track record, will be unable to compete successfully for Defendants’ funding.

57. If Pathfinder keeps its Global AIDS Act funding, its new affiliate will still be at a competitive disadvantage, this time in seeking non-U.S. government funding. Like Defendants, the private funders who underwrite Pathfinder's work do so in large part because of our proven track record. For example, in announcing a \$690,000 grant to Pathfinder for a new leadership training program for individuals to help reduce maternal mortality and morbidity and improve young people's sexual and reproductive health in Nigeria, the John D. and Catherine T. MacArthur Foundation wrote, "Pathfinder International, with its long track record in running successful training programs in the field, is well-positioned to help Nigeria build leadership to ensure this happens." See Exhibit H.

C. The Five-Factor Physical and Financial Separation Test

58. As mentioned above, because it is impossible for me to know how much weight Defendants will place on each of the five factors to be weighed in determining whether Pathfinder maintains sufficient physical and financial separation from an affiliate engaging in work otherwise barred by the policy requirement, I would need to ensure that Pathfinder maintains as much separation as possible from any such affiliate. This would impose severe burdens on Pathfinder's exercise of its First Amendment rights.

1) Separate personnel, management and governance

59. The first factor considered in assessing physical and financial separation is "the existence of separate personnel, management, and governance."

a) Separate personnel

60. The separate personnel requirement will, in some instances, make it impossible for Pathfinder to do its work and, in all instances, will make it prohibitively more expensive for Pathfinder to operate.

i. Duplicate headquarters staff

61. To understand the severe burdens the separate personnel requirement would impose on Pathfinder it is necessary to understand how Pathfinder operates. In order to coordinate its worldwide operations, reduce its worldwide overhead, and ensure that even its smallest and most remote projects are as technically proficient as possible, Pathfinder maintains personnel at its headquarters in Massachusetts who carry out the following functions for, and in coordination with, our field offices: human resources, resource development (including fundraising), accounting and other financial administration, information technology services, and substantive technical expertise. For example, our headquarters human resources staff hire senior staff for the field offices, and also any employees who are not residents of the country in which the field office is located. For small field offices, the human resources staff sometimes does all or part of local hires as well, including by reviewing resumes of local job applicants, checking references, conducting interviews, and making job offers. The human resources staff also does the following for the field offices: a) drafts job descriptions, b) conducts country-specific compensation surveys, c) puts together country-specific salary and benefits packages for senior staff and often for other staff too, d) reviews the local employment laws, e) creates country-specific employment handbooks, and f) administers benefits. When necessary, headquarters human resources staff travel to the field offices to do such tasks as recruiting, conducting job interviews, and counseling local employees.

62. Similarly, our headquarters information technology staff run a worldwide computer network in which the field offices participate. They protect the network against spam and viruses, and do other necessary work to ensure that it runs smoothly. They also arrange for wiring in the field offices, set up computer equipment in those offices, arrange for software

licenses, and do whatever trouble-shooting is necessary on an ongoing basis. When necessary, they travel to the field offices to perform these tasks.

63. Our headquarters technical services staff, which consists of highly trained professionals with expertise in the substantive work carried out by our field offices, provide substantive assistance to our field offices. For example, we employ: a) a nurse midwife who trains health care providers in our field offices about how to conduct trainings, b) monitoring and evaluations experts who help field office staff design and implement monitoring and evaluation programs to assess the success of their own projects, c) HIV/AIDS experts, and d) an adolescent reproductive health specialist.

64. Other headquarters staff review and approve all office leases, help open and monitor bank accounts, raise funds from government and private sources, and administer our contract and grant relationships with our funders, subgrantees, and suppliers.

65. By providing such extensive support to our field offices, we are able to operate high quality programs with very little overhead. This is essential to our ability to carry out our mission, because if we had to spend more of our funding on overhead we would have less available for our programmatic goals.

66. Moreover, keeping our overhead low is essential to our ongoing fundraising efforts. Fundraising is a competitive business. Given a choice between an organization with high overhead and one with lower overhead, both government and private donors will choose the latter. For this reason, many potential donors ask us how we calculate our overhead, and why it is as high as it is. We hear particular concerns about high overhead from our smaller funders, who want their funding to go to achieving program goals, not to overhead.

67. Indeed, in my experience raising funds for Pathfinder, I have seen that non-profit ratings published by websites such as Charity Navigator and Charity Watch play an increasing role in our donors' funding decisions. On those websites, the percentage of budget going to overhead plays a large role in determining how a nonprofit will be rated.

68. Accordingly, we have worked hard to bring our overhead down as low as possible. Approximately seven years ago, our overhead was almost 23 percent. At the time, we heard from many funders that our overhead was too high. Today, in large part because of the process efficiencies implemented at our headquarters and increased program support funds, our overhead is 13 percent. This has made it far easier for us to compete for funding.

69. One measure of this is the ratings we have received. We have received four stars – the highest possible score – from Charity Navigator, whose rating of Pathfinder is attached as Exhibit I. We have received an A+ -- the top rating – from the Charity Watch program run by the American Institute of Philanthropy, whose rating of Pathfinder is attached as Exhibit J. The Better Business Bureau, whose rating of Pathfinder is attached as Exhibit K, has certified that we meet all 20 of its Standards for Charity Accountability. The low percent of budget we spend on overhead plays a large role in each of those designations.

70. If we had to establish a separate affiliate program, we would be faced with a terrible choice, either of which would impose enormous burdens on the organization. One option would be for us to replicate all of the functions of our headquarters in a second headquarters, leaving us with two duplicative headquarters, each of which would serve fewer (or smaller) programs. Salary costs alone would make it prohibitively expensive to operate two separate sets of headquarters staff, but there would be other costs too. For example, our headquarters staff frequently travel to the field offices to attend regional meetings of senior staff, to establish

computer networks and bank accounts, to help with computer problems, employee hiring or other personnel issues, or to provide substantive technical assistance. If we had two sets of headquarters staff, each serving a separate but parallel set of field offices, we would have to pay for twice as many trips abroad by our headquarters staff, which would be extremely expensive. In these ways, the overhead costs of each organization would be significantly increased.

71. The other option would be to reduce the size of the headquarters staff for each organization, and require the field offices to take on the tasks that headquarters currently does. This, too, would increase our overhead, because we would lose the efficiencies we currently gain by centralizing so many functions. Moreover, we simply could not afford to replicate each headquarters function in each field office, and so we would have to function without much of the expertise our field offices currently benefit from.

ii. Duplicate field offices staff

72. In addition to duplicating our headquarters staff, we would have to duplicate our field office staff. Duplicating the head of each field office (called the “country representative”) would be difficult or impossible in most instances. For each country, we try to hire as our representative and senior management the people with the best experience both working in that particular country or region, and carrying out the particular types of programs that field office runs. This is the only way to make our funding applications competitive, because we must state on our funding applications who our country representative and other key people will be, and funders place great weight on their qualifications. If another organization has a country representative and other key personnel who are more experienced than ours, they are likely to be funded instead of us.

73. For example, in its funding application guidelines, Defendant USAID asks applicants to designate the “Project Director/Chief of Party” for that project, as well as several other positions that it deems “key positions.” It designates the specific expertise needed for those positions, and warns that USAID reserves the right to approve those personnel. According to USAID, the skills, expertise and experience of the key personnel are one factor in evaluating applications. Attached to this declaration, as Exhibit L, are the relevant pages from an example of one such set of funding guidelines, for a USAID project in Tanzania.

74. Likewise, in evaluating an application we submitted in 2004 for a program in Tanzania that we were eventually awarded, and that is still underway, Defendant CDC designated the qualifications of our key personnel as strengths, writing, “Proposed staff members are local with a wide range of skills and a wealth of experience working with other United States Government partners and NGOs. Professional personnel involved with this project have 5-18 plus years of experience in the HIV/AIDS universe of OI/HIV/STD.” The relevant pages of this CDC document are attached as Exhibit M.

75. Moreover, our country representatives and other senior staff must be able to implement a program the moment it is funded, because our funders will not pay for training or start-up time. As a result, if either Pathfinder or a new affiliate were unable to use our current country representatives and senior staff, and had to hire new ones, it would be at a severe fundraising disadvantage.

76. In some of the countries in which Pathfinder operates, maintaining two sets of personnel is impossible. As a general matter, Pathfinders’ field offices try to employ residents of the country in which they operate (“local residents”), because they have greater knowledge about and contacts within their country, no visa or work permit restrictions, and are more likely to be

acceptable to the local government. However, in many of the countries where we operate there is no professional level workforce from which we can hire senior managers. Consequently, many of our country representatives are either United States expatriate or third party nationals (collectively, “expatriates”). Sometimes we also have to hire expatriates to fill other senior staff or technical positions.

77. It can be extremely difficult, and is sometimes impossible, to get both a visa and a work permit for non-citizens in the countries in which we operate. In many countries, the process requires us to hire a local attorney, advertise the position locally to see if any local residents apply, and then demonstrate that none of the local applicants are qualified. This can take several months, at best. Often, we are unsuccessful. For example, last year we were unable to obtain an Indian work permit for a Bangladeshi employee with extensive expertise in working to prevent HIV/AIDS transmission among men who have sex with men – expertise we needed for that particular position. To take another example, for the past five months we have been trying, without success, to get a Tanzanian visa for one of our employees. If we had to try to get two sets of non-citizens into each country where we work, we would have to do twice the work to get visas and work permits (including paying double the attorneys’ fees), and – because it would be difficult to explain why we need to bring in so many non-citizens – would have even more difficulty getting the permissions we need.

78. Even when we are able to get permission to bring expatriates into a country, bringing them in is an expensive proposition. In order to be attractive to qualified potential applicants, we match the salary (generally in the six-figure range for our top managers) provided by the State Department in the countries in which we work. On top of the base salary, we provide a “post differential,” to compensate employees serving in areas where the U.S.

Department of State considers living conditions to be particularly difficult, demanding, or unhealthful. In Ethiopia, the current post differential is 30 percent of the base salary. We also provide a “danger pay allowance,” to compensate employees in foreign areas where civil insurrection, civil war, terrorism or wartime conditions threaten physical harm or imminent danger to the health or well-being of our employees. In Khartoum, Sudan, for example, the danger pay rate is currently 25 percent of base salary.

79. We also match the benefits packages provided by the State Department. This is an expensive package, and takes a good deal of work by headquarters staff to implement. For example, we provide non-citizens with housing. If we do not have enough information about the cost of comparable housing in that country, the employee must obtain multiple bids before entering into a lease, which can be time-consuming. Suitable housing stock is extremely limited in most of the countries in which we work, so we are forced to pay the exorbitant rents generally charged to non-nationals, which can run between \$30,000 and \$50,000 annually. Additionally, the shortage of suitable housing allows landlords in many countries to require us to pay not only a security deposit, but also the first and last months rent up front. In some countries we must even pay rent in full a year or two in advance. This vastly increases the up-front cost of hiring new employees, and also increases our financial risks, because if the employee stops working for us before the end of the lease term we generally cannot recover the rent we have pre-paid.

80. We also pay for and ensure that our employees have access to electricity and other utility services in their residences. In many countries where we work, the electrical grid is unreliable, so we have to pay as much as \$20,000 to purchase a generator for each residential unit.

81. Where necessary, we provide security for our staff living overseas. For example, because of the ongoing turmoil in Kenya we are currently providing 24-hour security for each employee in that country.

82. We also pay for education for the children of our expatriate employees. For older children in countries where the local educational system is insufficient, we pay to send the child to a boarding school abroad. This can be extremely expensive: \$48,300 per child annually for education abroad for employees based in India, and \$54,950 per child annually for education abroad for employees based in Mozambique.

83. We pay for one trip home each year for all expatriate employees and their immediate family. For a family of four this can be as much as \$8,000 annually. We also cover the cost of round-trip airfare for expatriates and their families in the event of serious illness or death in their immediate family.

84. Finally, we pay for our expatriate employees to move to the countries where they will be working, and then to move home again at the end of their employment. The amount varies depending on the size of the family, but can cost as much as \$15,000 for each move, in addition to airfare.

85. If we had to maintain two field offices in each country instead of one, we would need a separate expatriate country representative for each, instead of the one we currently have. We also might need duplicate expatriate senior management and technical staff. For each of these duplicate employees, we would incur all of the costs outlined above.

86. In addition to duplicating expatriates, we would also have to duplicate staff who are citizens of the country in which the field office operates. In many cases, this would be difficult or impossible, because in many of the countries in which we operate there are few

people with the education and experience we require. For example, we often need senior staff with experience in how to prevent the spread of HIV/AIDS among particular populations, or in non-profit or governmental capacity-building. Finding one local person with such expertise is difficult. In many instances, finding two would be next to impossible.

87. In many countries in which we operate, cultural norms require us to hire large staffs of local residents. This is in part because local employees expect that we will provide various basic services for them, and in part because the local community expects foreign non-profits to provide employment for as many people as possible. Consequently, in our offices we normally hire administrative assistants, security guards, drivers, cooks, and janitors. Were we required to employ two separate sets of staff, we would have to duplicate each of these employee positions, costing us twice as much in salary and benefits.

88. A requirement that we maintain two sets of our local and third-party national staff would also increase the time and expense of getting them into the U.S. We frequently bring field office staff to the U.S. for trainings, strategy meetings, board meetings, or other events at our headquarters or elsewhere in the country. Since September 11, 2001,, we have been increasingly encountering great difficulty in bringing non-U.S. citizens into the U.S. For example, we held a week-long training in the U.S. for our international financial staff in May 2007. However, one of our junior finance employees from India was simply unable to get a visa to attend. Again, in November 2007, a Bangladeshi employee was unable to get a visa to attend an international staff meeting at our headquarters. In both instances, our headquarters staff engaged in vigorous, time-consuming efforts to get the necessary permissions. If we had to hold duplicate meetings in the U.S., and fly two sets of employees here, we would have to pay not only for duplicate air fare

and lodging, but also for the extra expense of working to try to get visas for all of these employees.

b) Separate management and governance

89. The requirement of separate management and governance would make it impossible for Pathfinder to exercise its First Amendment rights through any affiliate. Pathfinder's By-Laws, which are attached as Exhibit N, vest the corporation's governance in a Board of Directors. If Pathfinder's board were unable to control the board or senior staff of an affiliate, it could not use Pathfinder's non-U.S. government funds to speak through that affiliate.

2) Separate accounts, accounting records, and timekeeping records

90. The second factor Defendants' guidelines consider in assessing physical and financial separation is "the existence of separate accounts, accounting records, and timekeeping records." In some instances, it would be simply impossible for Pathfinder to satisfy the dual accounts requirement. India, for example, exercises close controls over the bank accounts of foreign NGO's in order to control terrorism and the movement of funds across its borders. As a foreign NGO, the Foreign Contribution (Regulation) Act limits us to maintaining only one bank account that receives funds from abroad or receives U.S. currency. Foreign Contribution (Regulation) Act, § 6 (India). In order to open that account, and to add or remove signatories, we must get government permission, which can be extremely slow. It recently took us almost an entire year – and a pile of paperwork almost an inch thick – to get permission to have a local Indian employee added as a signatory to an existing account. On some occasions, we have been unable to get former employees removed as signatories for months after we requested that they be removed. It would be extremely difficult and time-consuming for us to seek permission to

open a second bank account for a new affiliate and there is no guarantee that we would ultimately obtain approval.

91. Even where we are able to obtain permission to open two separate accounts, doing so would be quite expensive. Pathfinder's policy is that a member of the headquarters staff should be a signatory on every bank account, in case there is a revolution or other reason for headquarters to need direct access to the account. In many countries, each potential signatory must appear in person at the bank in order to obtain permission to act as a signatory. As a result, if we had to maintain two bank accounts in each country, and if we had to have two separate headquarters employees as signatories, we would have to send each of those headquarters employees to each country, instead of sending just one.

3) Separate facilities, equipment and supplies, and extent of affiliates' restricted activities

92. The third factor Defendants' guidelines consider in assessing physical and financial separation is "the degree of separation from facilities, equipment and supplies used by the affiliated organization to conduct restricted activities, and the extent of such restricted activities by the affiliate." Opening a physically separate office in each country, and every part of each country, in which Pathfinder operates will be extremely difficult in some places, and impossible in others, because some of the countries in which we operate require us to obtain permission before we open a new office.

93. Additionally, opening and maintaining an office abroad is an extremely expensive proposition for Pathfinder. Having to duplicate those costs would be exorbitant. For example, our office rents are often quite expensive. Moreover, just as often we must prepay a year or two of rent on our residential leases, often we must prepay rent on our office leases. That increases

our financial risks, because if we have to close an office before the end of the lease term we lose the remainder of the rent we have prepaid.

94. In many of the countries in which we work, we must install and maintain our own telephone and internet data lines, and satellite dishes, which we would need to duplicate in a second office. We also install and maintain a computer server for each of our offices with at least six employees. For offices with more than one employee, we purchase at least two printers, and use one only for confidential financial and personnel information. We would have to duplicate all of these resources for a second country office.

95. Maintaining two offices would also require us to maintain two separate insurance policies. We operate in countries where war, civil unrest, crime, car accidents, and disease are all serious threats. We try to minimize our exposure to risk by buying extensive insurance coverage – as many as 8 to 10 different policies in some countries. Buying a second set would be extremely expensive.

96. We maintain a fleet of cars for most of our offices, because a car and a driver is a security necessity. Also for security reasons, and because of the generally poor conditions of the roads, we tend to buy four-wheel drive, all-terrain SUV's. Buying two separate fleets of cars would, consequently, be extremely expensive.

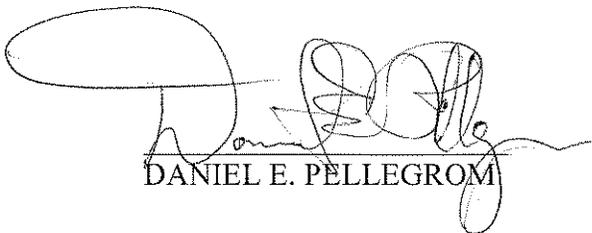
97. We must purchase generators for many of our offices, because the electrical grid is unreliable. Because our offices rely heavily on computers for communication, our power needs are extensive. Generators large enough to meet our power needs can cost as much as \$50,000.

98. The guidelines' third factor also takes into account "the extent of such restricted activities by the affiliate." I have no way of knowing how many restricted activities would be

too many. But this factor seems to require that I ensure that each affiliate engage in a substantial amount of activities that are permissible under the policy requirement. Those activities could not, of course, be funded by the Global AIDS Act, because the affiliate could not receive any Global AIDS Act funding. So I would need to ensure that we have some other source of funding for those activities. In effect, this factor permits Pathfinder to use an affiliate to carry out privately funded activities otherwise barred by the policy requirement only if we have funds for those activities, *and* for a substantial number of activities that would be permissible under the policy requirement, *and* to establish and maintain a separate affiliate. This amounts to an extra, unnecessary tax on our ability to engage in constitutionally protected speech and activities with purely private funds.

99. I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 7, 2008
Washington, District of Columbia



DANIEL E. PELLEGRUM

Exhibit A

Frequently Asked Questions (FAQs)

Skip Sourcebook Navigation

USAID Sourcebook FAQ

sourcebook

Results
 Core Values
 Sources
 FAQ
 Glossary
 USAID ADS

Updated 10/10/02

1. *What is a results-oriented (performance-based) assistance instrument: what are its necessary characteristics and features?* A results-oriented assistance instrument is a grant or cooperative agreement awarded to a Development Partner to achieve results that contribute to USAID's performance goals. See [Defining Results-Oriented Assistance](#).

2. *How is results-oriented assistance related to a performance-based grant?* The term "performance-based grants" has not been defined with legal precision. However, the term as commonly used seems basically the same as results-oriented assistance.

3. *How is results-oriented assistance related to performance-based contracting?* The three key elements of results-oriented assistance are broadly similar to performance-based service contracting:

- ▶ results-oriented program descriptions;
- ▶ performance measures; and
- ▶ responsibility for performance.

For performance-based service contracts the three main elements are:

- ▶ performance-based work statements;
- ▶ quality assurance and surveillance plans; and
- ▶ performance incentives and disincentives.

From a technical viewpoint, the third element of results-oriented assistance, i.e., responsibility for performance differs from the comparable element of performance-based service contracts, i.e., performance incentives and disincentives, in that responsibility for performance is a broader and more general concept. Performance responsibility is comprehensive. Incentives and disincentives are monetary in nature and relate only to the fees paid to for-profit organizations under some contract types. The fundamental difference between the two is the classic distinction between procurement and assistance relationships Link to "choose" section of Sourcebook.

4. *What are the steps in designing a good results-oriented assistance instrument?* Results-oriented assistance is based on participatory Strategic Planning. Those who are most likely to be affected by or benefit from the assistance must participate in planning results-oriented assistance. Their input must be reflected in the following three steps:

Step 1: Development of a results-oriented program description.

Step 2: Establishment of a performance measurement system.

Step 3: Determination of responsibility for performance. See [Planning Results-Oriented Assistance](#).

5. *What are the U. S. Government's requirements related to the use of assistance instruments in managing for results?* There is nothing in federal law or statute that indicates that the federal government can manage for results only by using a certain type of instrument. Government-wide, the focus on results is mandated by the Government Performance and Results Act (GPRA) of 1993. This Act permits use of

- ▶ projects; and
- ▶ authority to immediately halt a construction project.

8. Are there cost issues in results-oriented assistance that have not been a factor in traditional grants and cooperative agreements? Most cost-issues are the same. However, under results-oriented assistance, as under performance-based service contracts, performance measurement takes on added importance. Therefore, there may be increased costs of monitoring and evaluation on the part of the Recipient to measure the results achieved and report them back to the Agency.

9. What are the risk factors and accountability issues to be considered in the design and use of results-oriented assistance instruments? The fundamental risk and accountability issue affecting all types of instruments awarded by USAID is the potential for micro-management. When substantial involvement is anticipated in an assistance relationship between the USAID Technical Office or Strategic Objective Team and the Recipient, a cooperative agreement must be used. Substantial involvement is not a device to provide undue administrative oversight or detailed operational control. USAID has effective ways of enforcing accountability for performance. However, it must not confuse performance with an unconditional guarantee. USAID shall, among other things,

- ▶ Ensure up front that it shares mutual interests with the Recipient.
- ▶ Structure the award in such a way as to monitor the Recipient's performance continuously throughout the project. This entails designing a performance monitoring plan which evaluates the Recipient on an on-going basis. Continuous reporting and periodic reporting are fundamental characteristics of assistance instruments that allow both the Agency and its Development Partner to know as early as possible when things are not going as planned and what actions will be necessary by either or both parties to correct them.
- ▶ Consider structuring the award with tranche funding to permit periodic reviews and evaluations before additional funding is committed. (This practice is controversial and can be counterproductive if funding periods are too short or it is too rigidly applied).

10. Who decides which assistance applications are funded? The responsibility of the Strategic Objective Team with regard to competitive award procedures is divided among the Agreement Officer, the Activity Manager, and the Cognizant Technical Officer (often the Activity Manager and the Cognizant Technical Officer are the same individual) in the following manner. The Activity Manager is responsible for convening a competitive technical review panel to review and evaluate all proposals for technical selection in accordance with USAID policies and procedures. Once the panel has concluded its technical review and evaluation, to the Activity Manager prepares a written evaluation report indicating which application or applications should be funded, and submits the report to the Agreement Officer. The Agreement Officer, in turn, asserts that the review and evaluation of all proposals were done in accordance with USAID policies and practices. Once the Activity Manager determines which applications will be recommended for funding, the Agreement Officer initiates the pre-award process ([ADS 303.5.9](#) (PDF 542KB)), which culminates in the signing of an award with the recipient.

11. Is there a standard application form or format that is to be used? Current USAID policy requires Applicants to use the Government-wide Standard Form 424 "[Application for Federal Assistance](#)" (PDF 200KB) for submitting cost proposals in response to an RFA. Standard guidelines for the technical part of applications are published in each RFA, but applicants may use their own formats for their technical applications.

12. What are the requirements for private contributions for registration of Private Voluntary Organizations (PVOs)? In keeping with the "privateness requirement" legislated by Congress, USAID requires that in order to be eligible for grants and cooperative agreements from development assistance funds, PVOs must register with USAID and show that at least 20 percent of their annual financial resources for their international programs come from non-U.S. Government sources. Requirements and applications for registration may be found on the **Office of Private and Voluntary Cooperation's** [website](#).

Exhibit B



Agence canadienne de
développement international

Canadian International
Development Agency

Canada

The NARF Handbook

On Incorporating

Gender and Human Rights

in HIV/AIDS Training



4.5. SUMMARY OF GENDER AND HUMAN RIGHTS VULNERABILITY FACTORS *cont'd*

Issues	Gender (Women and Men) Factors	Human Rights Factors
Cultural	<ul style="list-style-type: none"> * Female subordination/Male dominance. * Women are not expected to make decisions about sex. * Women must sexually satisfy her husband * Underage marriage and assumptions of maturity/adulthood. * Circumcision and purification. * Wife inheritance. * Female underage marriage. * Assumptions about female and male sexuality. * Gender bias towards sexual violence and rape. * Women cannot negotiate condom use or else be visited by sexual violence and rape. * Gender bias sexual offences laws. * Polygamy/Multiple divorces. * Cultural practice expects men to marry and procreate even those secretly having sex with fellow men. This means it is difficult to reach these categories with safe sex messages. 	
Economic	<ul style="list-style-type: none"> * Girls/Women are more vulnerable to sexual intimidation in job/career opportunities. * Limited access to media and communication material. * Lack of education for girls results in poverty and economic dependence on men. * Women economic dependence on men. * Women engage in commercial sex work. 	<ul style="list-style-type: none"> * Poverty is a human rights issue that requires attention to the rights that promote economic activity and economic empowerment, as well as the broad spectrum of social and economic rights that require states to address developmental issues and that empower women and men to move out of poverty. * Poverty increases the experience of the denial of fundamental human rights as a result of HIV status. * Anecdotal evidence suggests that women with HIV are more likely to suffer human rights violations than men with HIV because many women are in more insecure forms of employment (for example domestic work) and face violations based on their economic dependency on men). * Poor Access to financial services increases the economic problems associated with being HIV Positive
Political/ Legal	<ul style="list-style-type: none"> * Low representation of women in decision-making at all levels. * Gender-biased health service delivery systems, e.g., availability and affordability of male condoms as opposed to female condoms. 	<ul style="list-style-type: none"> * Reduced access to legal protection from violence for example sexual and domestic violence. * Gender-bias sexual offences laws Lack of rights to liberty and security * Poor laws to protect the right to health laws proscribing sex work, and men who have sex with men. * Unfair pre-employment HIV testing. * Unfair employment HIV testing

- (b) Secondly, the burden of caring for the sick and tending for orphans saps human and other resources which would have been used for other productive endeavours. AIDS is wiping out decades of investment in education and in human development.
- * That AIDS attacks not only the human body, but the body politic as well. For instance, in Nigeria, it already has an unprecedented institutional impact, not only on the organisations most needed for development, but also on those most needed to prevent the spread of the epidemic itself.
- * The high rate of the virus among teachers, health workers and other trained professionals will make replacement increasingly hard to find and there will be fewer to educate and care for them. It will erode access to education, and interfere with the capacity of key institutions to function. Governance itself may be threatened by decimation.

5.4.1 Training Objectives of HIV/AIDS Impact Mitigation under the NARF

To train on:

- * Gender and human rights sensitive policies, legislation and programmes that address considerations in order to reduce societal vulnerability to HIV/AIDS and mitigates its socioeconomic impact.

- * Developing extraordinary responses to the epidemic including the full engagement of top-level leaders to achieve measurable targets.
- * Affirming and strengthening the capacity of communities and institutions to respond to the epidemic.
- * Advocacy skills.
- * Helping communities care for women/men and girls/boys living with AIDS.
- * Care and support mechanisms for families affected by HIV/AIDS.
- * Capacity building of groups and organisations working to address any of the above.
- * Research related to any of the above.

5.4.2 Possible Contents of HIV/AIDS Impact Mitigation Training

- * Legislations
- * Government policies
- * Advocacy
- * Workplace programs and policies
- * Sectoral/Institutional reforms
- * Religious and Customary Norms and Practices

Exhibit C

[Back to Annual Meeting](#)[Back to Annual Meeting](#)APHA 135TH ANNUAL MEETING AND EXPO
NOVEMBER 3-7, 2007 WASHINGTON, DC

APHA Scientific Session and Event Listing

5175.0: Wednesday, November 07, 2007 - 3:30 PM

Abstract #160168

Men behind the menace: An ethnographic study of male clients of female sex workers in the wake of the HIV/AIDS epidemic in India[Audio \(mp3\) recording](#)[Slides \(pdf\) or Handout](#)

Sudipta Mondal, MPhil, Manager, Monitoring and Evaluation, Mukta Project, Pathfinder International, CASP Bhavan, Pashan-Baner Link Road, Pune, Maharashtra, 411 021, India, 91 9372138458, Sudipta_iips@yahoo.co.in

Sex work, by definition, involves transactions between vendors and purchasers. The latter "clients", often called "grahaks" or "babus" in India, vastly outnumber the women who provide sex for sale. High mobility, invisibility and reluctance to divulge information, keep most clients outside the purview of research and intervention, not only in India but elsewhere as well. The study objectives included estimating the knowledge level of STIs and HIV of clients, their attitude towards sex work, and their risk perception and behaviors. The hypothesis tested was that recent changes in sex trade are primarily driven by changing patterns of client demand and preferences. The present study is based on ongoing research in which a total of 300 ACTUAL male clients of female sex workers were interviewed from over 50 sex access points in Mumbai, India. The research design primarily utilized ethnographic methodology with quantitative measures using Time Location Cluster Sampling Method. Logistic regression and content analysis will be used for hypothesis testing. Preliminary data analysis suggests that the changes in recent years are far more rapid and obscure than expected. A large part of this can be attributed to a coping strategy, on the part of clients, related to stigma and discrimination attached to HIV/AIDS, as well as their changing risk perceptions. This highlights that policies for preventive strategies bereft of clients' perspectives and realities, will not be successful in curbing the growth of the epidemic in India where an estimated number of 5.9 million people are living with the infection.

Learning Objectives:

- At the end of the presentation, the participants will identify STI/HIV preventive strategies for urban young males in India
- At the end of the presentation, the participants will have increased knowledge about scale construction for measuring STI/HIV vulnerability

Keywords: HIV/AIDS, Sex Workers**Presenting author's disclosure statement:**

Any relevant financial relationships? No

[Audio \(mp3\) recording](#)[Slides \(pdf\) or Handout](#)Risk Behaviors and Prevention Strategies Targeting Commercial Sex Workers and Their ClientsThe 135th APHA Annual Meeting & Exposition (November 3-7, 2007) of APHA

Exhibit D


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Mukta Project Holds Workshop with Local Police

January 12, 2007

Officers and sex workers pledge commitment to HIV/AIDS prevention

Pune, India: Sex workers and police officers may not be the most likely of partners, but after a groundbreaking workshop held yesterday by Pathfinder International, the two groups have pledged to work together in support of a noble cause: the fight against Sexually Transmitted Infections (STIs) and HIV/AIDS.

The workshop was organized by Pathfinder's [Mukta Project](#), which empowers sex workers to make informed choices and to adopt behaviors that will reduce their vulnerability to STI/HIV/AIDS. It brought together more than 20 sex workers and nearly 80 high ranking police officers, including all top level police officials and inspectors from 20 stations in Pune District. Objectives of the event were threefold: to enhance participants' knowledge of STI/HIV/AIDS prevention; to orient police to the work of the Mukta project and the role of Mukta Peer Educators among the sex worker community; and to work toward a partnership for STI/HIV/AIDS prevention in Pune District.



Local police gather with Mukta peer educators and staff at the opening ceremony of this groundbreaking event.

"The attempt to get policemen and the sex workers on a common platform is key to creating an enabling environment for our project," said Dr. Michele Andina, Director of Mukta. "With support of the police, peer educators can deliver important health messages, condoms, and clinic referrals to sex workers on the streets and in brothels. This will have an enormous impact on our efforts to decrease STIs and new HIV infections."

Due to the air of illegality surrounding the sex worker profession, sex workers and police officers have historically harbored tense relations, both in Pune and in India as a whole. Before the workshop, members of Pune's sex worker community faced the daily possibility of arrest or harassment, and a number of Mukta peer educators (who are sex workers themselves) had been arrested late at night while delivering condoms and important health messages to their peers on the streets of Pune.

Much has now changed after this event, which had such an effect on the officers in attendance that some even expressed a desire to volunteer with the Mukta project.

"This workshop," said one female officer, has helped me to get an insight into the needs of sex workers and to understand their daytoday struggles with clients, regular partners, brothel owners, pimps and the society at large." Said another officer: "I am surprised at the level of confidence the peer educators have to reach out to their peers with such important messages on STI/HIV, condom usage and health services. I am inspired by

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RELATED LINKS

[Mukta: Overview](#)[Mukta Newsletter: November 2006 \(PDF\)](#)[Mukta Newsletter: July, 2006 \(PDF\)](#)[Pathfinder/India Hosts Peer Educator Idol: Winner attends 2006 International AIDS Conference in Toronto.](#)[A Silent Heroine: Celebrating the life of Pathfinder/India's Shubhangi Barawkar.](#)

SIGN UP FOR OUR E-NEWSLETTER

their work.”

Active since 2004, the Mukta Project operates in 10 districts of Maharashtra state, and is part of the Bill and Melinda Gates Foundation's Avahan Initiative, which supports HIV/AIDS prevention work in six states of India. Mukta (meaning "freedom" in the local language) is spread across 65 cities, towns and villages and has established a network of 104 health service points providing regular comprehensive health services to approximately 10 percent of Maharashtra's estimated 20,500 sex workers, both female and male.

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Exhibit E

MUKTA Newsletter

Progress on Mukta Monitoring & Evaluation

The past year has been quite hectic and intense for Mukta's Monitoring and Evaluation (M&E) unit.

Here at M&E we track people, and not merely numbers. Tracking people requires strong data collection systems. So the past several months have seen the streamlining of Mukta's basic Monitoring and Evaluation systems. District site details containing the estimates of Female Sex Workers (FSWs) and Men who have Sex with Men (MSM) have been revised; and the entire data collection system has been revamped in consultation with the Peer Educators (PEs) and other NGO field staff. These changes have enhanced the data quality and data flow from the grassroots level to the upper tier of the system. Meanwhile, the Gates Foundation (donor agency) revised their monthly indicators, resulting in some revisions to the existing M&E system.

Now, Mukta M&E has established an individualized Management Information System (MIS) for an estimated 14,121 FSWs and 6,334 MSM, reached by 14 NGO implementing partners across the state of Maharashtra. Naturally, monitoring and evaluation of this large-scale program is a bit of a challenge.

Managing the process using a paper-based MIS would be an enormous task. Therefore our efforts were focused on computerizing the whole system. After a struggle of almost a year and half, the Computerized Management Information System (CMIS) software, specially designed to serve the purpose the Mukta M&E has seen the light of day. The software has finally been installed in all intervention districts. A first round of training on CMIS was conducted for the NGO Project Coordinators (PCs) and Data Entry Operators (DEOs) in January 2007, followed by a two-day refresher training in October 2007. Hopefully by December 2007 we will have the first system-generated data for preparing the Monthly Technical Report.

Although strengthening the CMIS has been our priority in the past few months, M&E has also spent time conducting field-based research. We have worked closely with our outreach unit on a research study documenting Female Tamasha Artists. As part of our 'Healthy Budhwarpeth Initiative,' we have also completed a mapping and enumeration survey of the brothel-based sex workers in the largest red-light area of Pune. In the coming days, we plan to conduct a number of small-scale studies and prepare research reports for our learning and for wider dissemination.

Routine M&E activities include analyzing the monitoring data for monthly feedbacks to the NGOs, and analyzing evaluation data from various occasions such as the PE Mela and Tamasha Festival.

We have come a long way but still have miles to go!

- *Sudipta Mondal*

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MUKTA COMMITTEES

Forming Community Committees
- Increasing Community Ownership

In keeping with the vision of the Mukta project to empower the sex worker community to make informed choices and to help reduce their vulnerability to STIs and HIV/AIDS, the project has worked in the last three months to form community groups and committees that would gradually take over the governance of this project and thus create ownership, not only of the program, but also of the vision and mission of Mukta.

The committees include:

- Mukta Management Committee: Overseeing the implementation and governance of the Mukta project at the local level (i.e. in each town).
- Advocacy Committee: Quickly and effectively responding to local emergencies and crisis situations.
- District Program Committee: Creating a district-level platform for governance by the community.
- Advisory Committee: Creating a strong 'support base' for the project at the district level by involving influential and powerful persons.

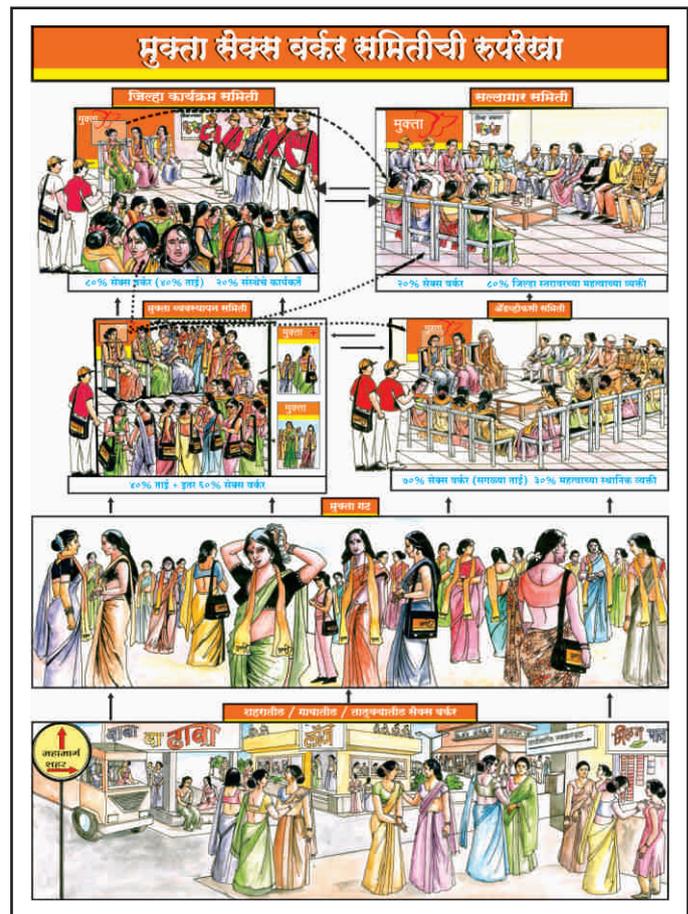
As of September 2007, the Mukta project has 38 Mukta Management Committees, 31 Advocacy Committees and 4 District Program Committees.

Mukta Committee at work: An inspiring story from Yavatmal

In the small town of Wani in Yavatmal district, sex workers from 31 brothels regularly attend the Mukta clinic. But women from one brothel were not allowed by the brothel owner to visit the clinic. Efforts made by the NGO staff had failed. The issue was brought up to the Wani Mukta Management Committee (MMC).

Lakshmi, the MMC Chairperson, and her team confronted the brothel owner. The brothel owner refused to discuss the issue and stated that 'her girls' had undergone check-up and testing in their native state of Andhra Pradesh. Not satisfied, the MMC members demanded to see the clinic reports. When they did not receive any response to this, they passed an ultimatum: any woman intending to practice in Wani must visit the Mukta clinic every month. Their reasoning being the clients that visit any one girl in the brothel area also visit other girls in the same area and infections could spread across the brothels. The Mukta committee members told the brothel owner, in no uncertain terms, that if 'her girls' did not go to the clinic regularly, they would no longer be allowed to practice in Wani. They could go back to Andhra Pradesh and practice sex work there.

This dialogue proved to be very effective, and soon the brothel owner allowed 'her girls' to attend the clinic.



The organogram of community committees is depicted pictorially so as to help community members to easily understand.

- Trivenee Khisty & Kendra Rosa

PEER EDUCATOR MELA II

The first PE Mela was held in November 2006. For 135 Peer Educators from 10 districts it proved to be a wonderful platform for sharing experiences and learning. Keeping up the tradition, the second PE Mela was held from 9–11 May 2007 in Panvel.

The most unique feature of PE Mela II was that it was planned and implemented by a Peer Educator Steering Committee. This committee included 35 sex worker representatives from Mukta districts. The Steering Committee worked for three months to decide on the issues to be covered in PE Mela II. Members also assumed responsibilities for facilitating most of the sessions.

Day one of the Mela included district-wise group work on the Hotspot Mobilization Calendar. This tool, introduced in March 2007, is widely used by PEs to identify and track the vulnerabilities of individual sex workers and to plan and prioritize their work. The PE Team from Beed won the quiz competition on various topics including STIs/HIV/AIDS and the role of PEs. The day ended with a session on legal issues where the resource person answered questions posed by the PEs based on their field experiences. Questions included how to handle harassment cases, how to get bail, and what processes need to be followed at police stations.

Day two of the Mela began with parallel discussions on the formation of Mukta Committees and the side

effects of medicines. These discussions revolved around examples from the field and proved to be very useful. Inter-Personal Communication (IPC) methods were also practiced by the PEs. Sakharam, a PE from Beed said, “In the last PE Mela we were introduced to the subject of IPC, but in this PE Mela we were actually involved in practicing it.”

Under the Mukta Project, PEs are encouraged to take ownership of the project by assuming wider roles. This is the basis for peer progression. Day 3 began with a participatory discussion where the Field Officers clarified their role of helping PEs to prepare themselves well for assuming wider responsibilities. This was followed by discussions on barriers to clinic utilization and efforts to overcome the barriers.

During the three-day Mela, a health camp was conducted. PE Mela I revealed that 62 percent of FSW PEs and 56 percent of MSM PEs had STIs. But in PE Mela II, this drastically changed and only 38 percent FSW PEs and 7 percent MSM PEs had STI symptoms. This decrease in STI prevalence shows the behaviour change that has been occurring amongst the PEs. Hopefully, similar behaviour changes will become evident in the larger sex worker community.

PE Mela III is scheduled to be held in November 2007.

- Sonia Singh

Group Discussion: Actions to be taken to overcome barriers to clinic utilization



WORLD AIDS DAY 2007

"Stop AIDS: Keep the Promise" – Leadership.

The 2007 theme, “leadership,” highlights the need for innovation, vision, and perseverance in the face of the AIDS challenge.

Let's get talking and plan how we intend to commemorate this day.

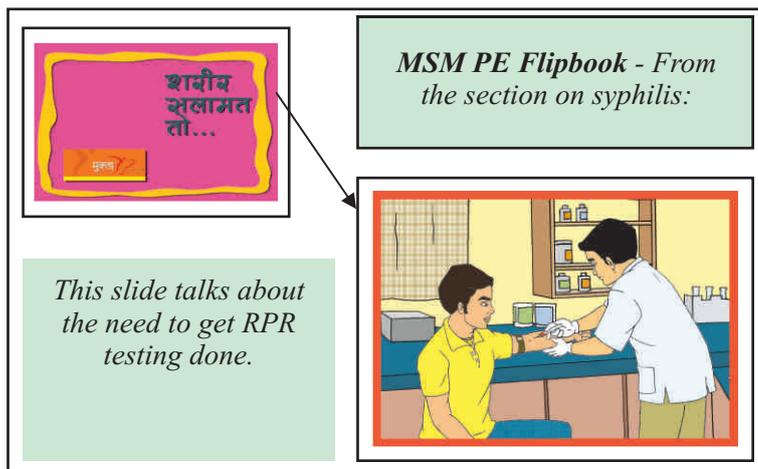
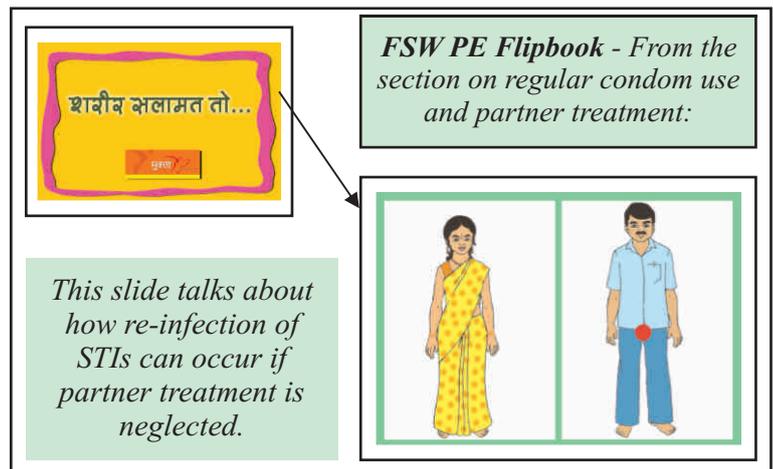
Apart from community participation, let's be sure to involve all stakeholders in this program on 1st December.

NEW! – TOOLS FOR PEER EDUCATORS

Flipbooks for FSW and MSM PEs on issues of monthly health check-ups, syphilis testing, condom usage, and regular partner treatment

Given the high prevalence of syphilis in many Mukta districts, Peer Educators requested communication tools that would help them bring down the incidence of syphilis and promote early and complete treatment. In May 2007, the Mukta project partnered with TRAMP (Training Resources and Media Production), an agency from Mumbai, to develop two separate flipbooks for FSW and MSM PEs to address the issues of monthly health check-ups, syphilis testing, regular condom use, and partner treatment. The flipbooks, divided into three sections as per the topics, were pre-tested in two districts (Nasik and Pune) with both FSW and MSM groups and are now ready to be used at the field level.

The Resource Group (consisting of sex workers from all Mukta districts who have demonstrated their skills in inter-personal communication and training) will be trained in October 2007 as trainers of these flipbooks. The training will



include understanding the use of this flipbook, developing the skills to engage the community in discussions on the issues represented in the flipbook, and preparing answers to probable questions that would be posed by community members. The Resource Group members would then train PEs on using this flipbook.

- Sonia Singh

Avahan Launches E-Avahan Forum

The E-Avahan Forum (www.e-avahan.org) was launched by the Bill and Melinda Gates Foundation Avahan initiative as a dynamic platform for cross-learning and sharing. It includes space for all Avahan State Lead Partners (SLPs), Capacity Building Partners, and Implementing Partners (IPs) to learn from each other, discuss key issues for successful program implementation, and make contacts for collaborations.

Initiated in August 2007, the forum is slowly picking up speed as various partners share their best practices in the form of reports, guidelines or stories through the “Knowledge Management Station.” It has a separate film gallery where one can catch a glimpse of the various short clips developed for training as well as documentation purposes. An Avahan directory (where one can access contact information for all Avahan partners), a discussion site called “Communities of Interest,” and an announcement section with upcoming activities are also included on the site.

- Sonia Singh

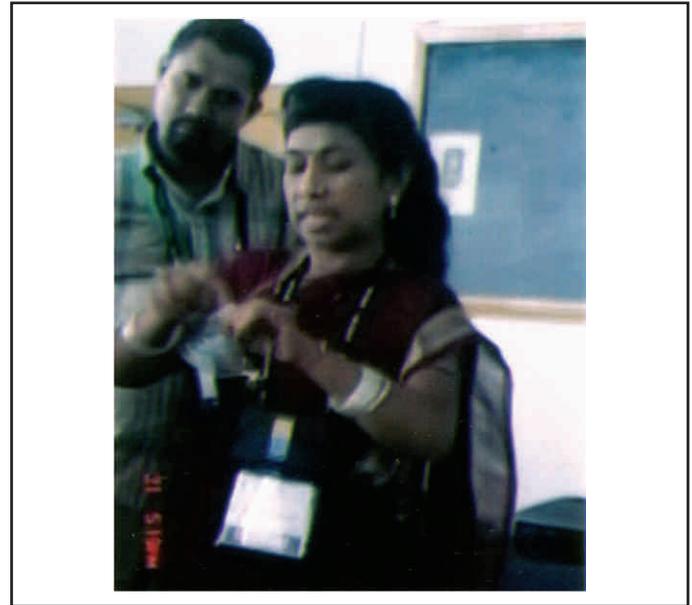
Mukta's Participation at the 8th International Congress on AIDS in Asia and the Pacific, Colombo Sri Lanka

The 8th International Congress on AIDS in Asia and the Pacific (ICAAP) was held from 19 – 23rd of August 2007 in Colombo, Sri Lanka. The theme of the congress was 'Waves of Change, Waves of Hope'

The Mukta Project submitted six abstracts to the conference, all of which were accepted for poster presentations. The abstracts included discussions on a sex workers convention, a micro-planning tool (the Hotspot Mobilization Calendar), the extensive use of double condoms by community members, a local health care model, the importance of a regular feedback system, and learning from a peer educator gathering.

Eight project staff traveled to Colombo to present the posters and participate in the conference.

The project believes in empowering community members, and has made every attempt to send them to participate in conferences and attend exposure visits. Interacting with other community members from around the world is a great opportunity to gain new perspectives on sex work, health care, and human rights.



Ms. Shivleela Morekar, a community member from Yavatmal, participating in a session at the conference.

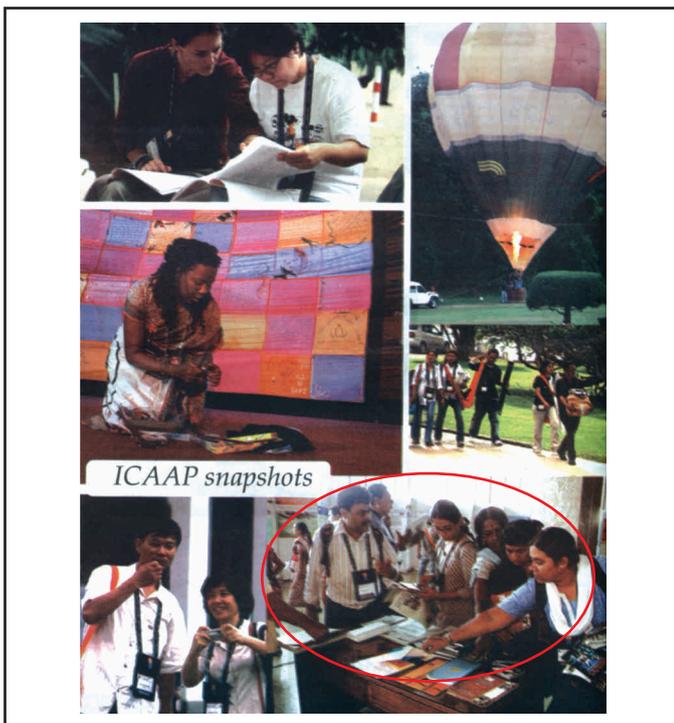
In this spirit, four community members were democratically selected to attend the 8th ICAAP in Colombo. They were:

1. Ms. Shivleela Morekar, Yavatmal
2. Ms. Anju Sadare, Pune
3. Ms. Asha Gaikwad, Pune
4. Mr. Kalyan Jadhav, Parbhani

The five-day conference gave participants an opportunity to acquaint themselves with the latest developments in HIV/AIDS interventions and research in the Asia Pacific region. Nearly 2,000 delegates from 70 countries attended the conference to discuss and debate some of the most important HIV/AIDS issues in the region.

In keeping with the theme of the conference, it was observed that there are changes taking place in the fight against HIV/AIDS. 'Care and Support' programs are increasingly emphasized, even while the scaling up of preventative interventions continues.

Further information on 8th ICAAP is available at the official website <http://www.icaap8.lk/>.



ICAAP snapshots

Captured at ICAAP!

- Sonia Singh

Police Sensitization Workshops: Partnership with Constella Futures

A Training of Trainers (TOT), titled 'Agents of Change,' was held for select police personnel from Maharashtra in three locations – at Thane, Nasik and Nagpur. The TOT reached out to almost 80 police personnel from all districts of the state.

The workshops were jointly organized by MSACS and the Essential Advocacy Project of Constella Futures, in collaboration with Pathfinder International Mukta Project. They aimed to:

1. Strengthen the partnership with Maharashtra police to address HIV/AIDS within the cadres, and to create an enabling environment for vulnerable populations like sex workers and PLHIV.
2. Create a pool of trainers on HIV/AIDS and related issues.

Each workshop took place over a three-day period. The workshops featured educational sessions on HIV/AIDS, experience sharing by PLHIV, discussions on working with highly vulnerable populations like sex workers, presentations of efforts (both governmental and non-governmental) being undertaken within the state, and mock sessions to improve the training skills of the police trainers.

The Mukta Project provided community resource persons during the sessions to discuss working with highly vulnerable populations, and to present Mukta's work in 10 districts of Maharashtra.

In the first workshop at Thane, the community members presented a role-play on the atrocities they face on the streets. At the workshops in Nasik and Nagpur, community members shared their experiences in small groups. The police and community members worked together to come up with solutions to 'their problems.' Both groups then collaborated to present the discussions in the form of role-plays.

One topic discussed was the common practice of sex workers being arrested by the police without being informed about the section under which they are being

arrested. The solution arrived at was that sex workers need to be made aware about laws related to sex work, and should demand that the police officer state the section during the arrest.

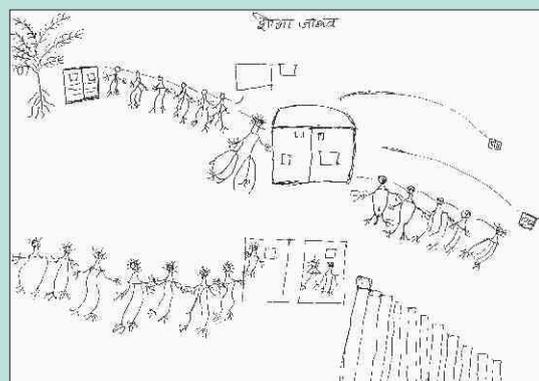
Community members provided insight into the daily struggles they face as sex workers and the positive impact the police could bring about in their lives. The involvement of Mukta community members proved to be very beneficial to them, as well as the police.

Said Hiratai, a Peer Educator with the Mukta Project said, *“It was a new experience for me to be part of such a workshop (Thane TOT). I am stronger now. Now I can stand up and talk to the police.”*

Pooja, another PE, chipped in: *“I was so nervous when I was first asked to act in a role-play. I had never been face-to-face with so many police officers at the same time. We (Mukta PEs) put forth our problems through a role-play without accusing the police. The police were so happy that they even shook our hands.”*

The workshop provided both community members and police with a platform to discuss field level situations, and an opportunity to come up with viable solutions that would build an enabling environment.

- Sonia Singh & Kendra Rosa



A community member from Latur expresses her dream for the Mukta Project – privately operating sex workers accessing services without fear of stigma or discrimination!

Stories from the Field

JALGAON: 'Even We Are Citizens of This Country'

- Sex Workers Demand Their Rights from Government Institutions

Located 75 km from Jalgaon city, Raver is a small town known for banana plantations. In this quiet town one cannot miss the 'infamous' brothel area where around 50 sex workers earn their bread and butter.

In the brothel area, one cannot also miss seeing Vimaltai busily talking to the sex workers. A peer educator for the Mukta project, she has been working on sex workers' issues for the last two years. Vimaltai meets the women, distributes condoms, talks to them about STIs/HIV/AIDS, tells them about the importance of monthly check-ups, and brings them to the clinic. Vimaltai does all this and more.

The latest story making the rounds is how 8 sex workers, including Vimaltai, struggled to obtain ration cards for themselves.

It all started in the beginning of 2007. The sex workers had been trying to obtain ration cards for quite some time, with no guidance on the process. Although Mukta had been in town for two years, it had focused primarily on providing quality health services to the sex worker community. It was not ready to take up other issues affecting the community.

The community knew, however, that a ration card was an important document with a two-fold advantage: it provides both an official proof of residence, as well as a subsidized ration, through the Public Distribution System (PDS), to anyone in the low-income range.

"We had visited the Tehsildar's office, but he questioned the basis of our demand (for a ration card). We showed him the GR (Government Resolution) copy that the project has provided us with," says Vimaltai.

The Project Coordinator, Yogesh Mahajan, explained further: "This GR is specifically applicable to sex workers, and orders all Tehsil offices to take action for providing ration cards (to sex workers) as per government rules. Once we got to know about the GR, we immediately started the process of informing the community about it - and soon the community members took the action in their hands."

The Tehsildar asked all 8 applicants to obtain a domicile certificate before applying for a ration card. Yet the women were not perturbed by this new development. They were persistent, and in a short period of time had obtained domicile certificates. Within 1½ months of applying to the ration card office, all 8 of them had received ration cards.

The women's persistence in obtaining these documents has proven that they can work within the system for assistance. It also helped the Mukta project, which quietly supported the women during this whole process, to gain the trust of community members.

Soon the Mukta Advocacy Committee, consisting of community members and peer educators, took it upon themselves to guide others through the ration card application process. Currently, 16 more women from Raver have applied for ration cards with support from the Mukta Advocacy Committee.

The story has spread far and wide to other towns in the district.

Upon hearing the Raver story, the PEs from Chopda and Bhusawal also began the process of obtaining ration cards for community members in their towns. They brought the idea to the Mukta Advocacy Committees in their respective towns, and now approximately 30 women from Chopda and 25 from Bhusawal have received ration cards, and this time it was the yellow ration card that gives this marginalized community greater access to subsidized rations!

- Yogesh Mahajan & Sonia Singh

KOLHAPUR: 'Our Salute to the President, Pratibhatai'

– Sex Workers Celebrate Womanhood!

Everyday from noon to two the staff and peer educators of Mukta Project Kolhapur, meet to plan out work for the day. Most meetings center around reviewing the work done the previous day and planning for the present day. Planning includes discussions on follow-ups to be done, assistance to be extended to any staff member, and setting targets for the day.

However, for a few days in early July, the staff noticed the peer educators deeply involved in animated discussions. It was very unlike the peer educators and other community members to discuss political issues, but those days were different. The focus of discussion was on the upcoming presidential elections. This was a pleasant surprise and the staff decided to generate more discussion. The peer educators were extremely excited at the possibility of a woman becoming the president. A few days later, the peer educators and staff at Mukta got their wish granted, Pratibha Patil was elected president of the country, the first in India's history. There was pride and contentment—a feeling of joy amongst the peer educators.

To celebrate this victory, the team decided to conduct a ceremony honouring the newly elected President.

On 23 July, 2007 at Bindu Chowk (the town square) in Kolhapur City, 33 community members, 6 peer educators, and 13 project staff assembled to pay tribute to Honorable President Pratibha Patil. The



Celebrating the First Woman President of India!

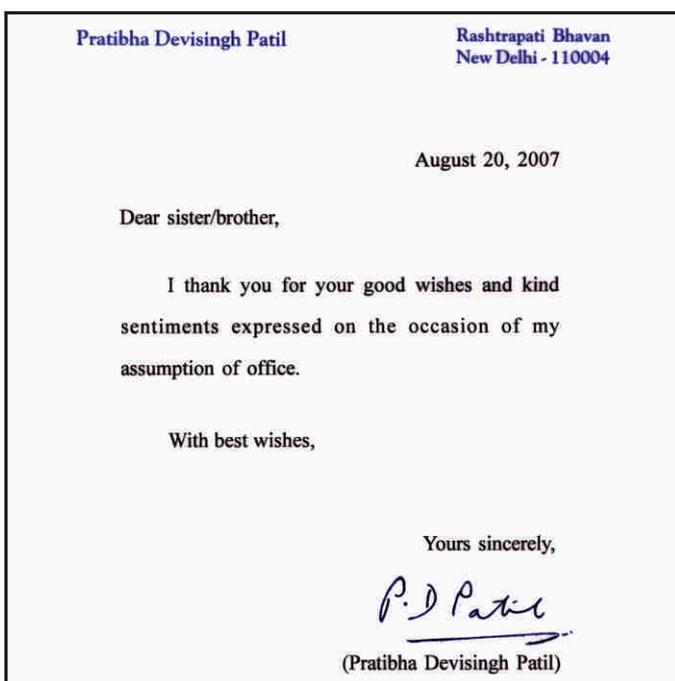
peer educators shared the pride and joy that a woman had reached the highest office of the country—in particular a woman from Maharashtra! Everyone also paid homage to the magnanimous Savitribai Phule who was one of the first to advocate for the cause of woman's education in India. Two peer educators, Manda and Mumtaz, spoke about the life of Pratibhatai ('tai' being the local term for elder sister), emphasizing the qualities that make her a great leader. Sweets were distributed at the end of the program.

The following day, newspapers in Kolhapur widely covered the event and highlighted the fact that 'no other women's organization, but sex workers in the city came together to celebrate womanhood.'

In the subsequent team meeting, a decision to send a letter to the President was taken. The letter commended the new President of India on her achievement, rejoicing in her victory, and reiterating that all of them at Mukta were indeed proud to be citizens of India. A set of all newspaper clippings was also attached to the letter.

In August 2007, the President sent a thank you note to the sex workers' group. In her note, the president thanked all for their good wishes on the occasion of her assumption of office. Upon receipt of the note, the daily meeting of the peer educators and staff was once again abuzz with excited voices, proud that their work had been recognized.

- Suhel Jamadar & Renuka Joglekar



NASIK: 'Ashecha Kiran'

- Looking at Two Years of Working with the Community

The Mukta project began its work in Nasik in August 2005. This August, on the occasion of its second anniversary, the sex worker community in Nasik decided to do something unique – organize a district-wide convention highlighting the strength and unity of sex workers and MSM under the Mukta project. They named it *Ashecha Kiran* or Rays of Hope.

A committee of peer educators, community members and NGO staff from Pravara Medical Trust Mukta Project got down to work. Planning began months in advance. The group decided on the program, the panel of guests, and the agenda, and assumed various responsibilities.

The planning committee was determined to involve participants from all corners of Nasik. Reaching out to all of the towns, however, proved to be a challenge. Malegaon, a town under the MSACS project where Mukta has had no reach, was especially difficult to engage. The committee sent an official invitation to the NGO in Malegaon, but when they did not receive a warm response, the committee decided to go directly to the community. A group of peer educators visited Malegaon, introducing themselves and the Mukta project to the community there. They invited a group of sex workers to the convention, and as a result, 15 FSWs from Malegaon came to the event.

The convention brought together sex workers and MSM with a panel of dignified guests. All Mukta district project teams were invited. The MSM community was also strongly represented. Guests in attendance included Additional District Collector Mr. Shekher Gaikwad, Editor of Sakal News Network Mr. Uttam Kamble, Nashik City Food-Supply Officer Mr. Anil Gaikwad, Police Inspector Mr. Mandleshwar Kale, and Dr. Michele Andina and Mr. Pramod Nigudkar from Pathfinder International.

The program showcased the work that has occurred over the past two years in Nasik. A documentary film on the work of Mukta in Nasik was screened. Mr. Anil Gaikwad presented BPL ration cards to over 40 community members. Brothel owners were also acknowledged for the support they extended to the Mukta project. The finale was an entertaining cultural program presented by various community members.

The highlight of the event, however, was Mr. Kamble's inspiring speech to the community. He emphasized the practical need for sex workers to take care of their health. "Just as other professionals take care of the tools and machines from which they make a living," he said, "sex workers should take extreme care of their bodies. A sex worker simply cannot afford to get sick and infected." He insisted on the need for regular clinic visits and internal examinations, to ensure the absence of STIs and other infections.

In the end, this celebration belonged to the community. From dawn to dusk the brothels and streets of Bhadrakali and Ganjmal areas of Nasik city, Sinnar and Manmad towns were locked up and empty – all the sex workers were at the event, celebrating the beginning of their empowerment and the rays of hope that Mukta brought to them in the past two years.

- *Purvi Trivedi & Kendra Rosa*



The logo of the event was designed by a community member.

Accept yourself as you are....come together....fight injustice....
take charge of your life....be healthy...
And only then can you fly high!

- Prakash, Peer Educator, Parbhani

AHMEDNAGAR: A Space of Our Own – 'Centre for Transformation' Initiated at Shirampur

In Shirampur, a small town in the district of Ahmednagar, 15 August 2007 was more than just Independence Day. As the whole country was celebrating the 60th anniversary of India's independence, the sex worker community here was celebrating the inauguration of their beautiful new Drop-In-Center (DIC). They named the DIC "Parivartan Kendra" or "Centre for Transformation." Finances for the new building came from local donors.

Snehalaya, a local NGO, has been implementing the Snehjyot Mukta Project for the past three years. The project worked in collaboration with the FSWs in Shirampur, helping them establish a Mukta Committee and build their capacity, confidence, and self-esteem. Through community engagement and collectivization, the FSWs began to recognize themselves as more than just sex workers. At Mukta they were managers, educators, health workers, leaders, mothers and, above all, women.

Now with the centre, the Mukta Committee has taken on greater responsibility for the Mukta project in Shirampur. The inauguration of the centre marked a happy Independence Day for the FSW community here. When Dr. Michele Andina of Pathfinder

International handed over the keys of the centre to the Mukta Committee members, their faces glowed with pride.

Many honorable guests were present for the inaugural program. In addition to Pathfinder International's Dr. Michele Andina and Mr. Pramod Nigudkar, Mr. Bhaukaka Agashe, a veteran social worker, and Mr. Pathak, the Superintendent of Police were also present. Mr. Pathak's presence at this event reinforced the belief that police and sex workers can work together if provided the right platform.

- *Purvi Trivedi & Kendra Rosa*

We welcome your feedback on the Mukta Newsletter. We also encourage each of our NGO partners to submit stories that would enrich the newsletter.

For any suggestions or queries please contact:
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Plot No. 3, Pashan-Baner Link Road, Pune - 21.
Tel: 91-20-2586 2296 / 97 / 98
Fax: 91-20 2586 2274
Email: sonias@pathfind.org

Coming Up...

Naad Ninaad – Tamasha Workshop and Festival October 2007

The festival aims to bring together more than 500 tamasha artists from sangeet baris, diwankhanas, and traveling troupes from the Pune district. Along with academicians, the artists will discuss the future of Tamasha as a tradition and an art form, brainstorm on the challenges faced by tamasha artists, and discuss the importance of health and issues of social entitlements.

Mokale Akaash – MSM State-Wide Convention October 2007

The convention will bring together around 500 MSM from across the Mukta districts. It will include discussions as well as community entertainment. There will be informative lectures by legal experts, experience sharing by community members, street plays, cultural programmes and film screenings.

PE Mela III – November 2007

This event aims to unite 200 Mukta Peer Educators as a 'family' to share their experiences, discuss issues close to their heart and learn new skills that will help them to fulfill their roles.

REST (Review Experience Sharing and Training) – November 2007

Held every 6 months, the QRM/REST is scheduled to bring together representatives from all district partners to share their wide ranging field experiences.

Exhibit F

**SUMMARY STATEMENT
PROGRAM ANNOUNCEMENT #04208
Scale-Up of Home- Based Care Activities for People Living with HIV/AIDS in the United
Republic of Tanzania**

Date of Review: August 9, 2004
Applicant Name: Pathfinder International, 04208-02
Amount Requested: \$ 6,000,000
Recommendation: Approved
Score: 83.75

BRIEF SUMMARY OF THE APPLICATION:

Pathfinder International requests over 5 years to scale-up its existing Tutuzane ("Let's take care of one another") community home-based care (CHBC) project to an additional 10 districts in Tanzania. Pathfinder will be collaborating with Interchurch Medical Assistance (IMA), the Christian Social Services Commission (CSSC), and the Tanzanian government. The applicant aims to contribute to the CDC's Global AIDS Program (GAP) and the President's Emergency Plan for AIDS Relief (PEPFAR) goals of providing care and support services for up to 5,000 people living with and affected by HIV/AIDS. Pathfinder expects to rapidly scale up the provision of CHBC to include 10 additional regions in Tanzania. The applicant initiated CHBC as of 2001.

The purpose of this project is to support the public health infrastructure in Tanzania and to strengthen the capacity of Ministries of Health (MOH) and partner institutions to coordinate, plan, monitor, and evaluate an integrated TB/HIV program. This will be accomplished by cooperation and collaboration in implementing activities between CDC, the Tanzania MOH-NACP, and the funded organization. These collaborative activities will improve national capacity to ensure the availability of a continuum of care for the chronically ill HIV/AIDS patients in Tanzania. These services will be used as entry points for antiretroviral therapy (ART) programs.

Awardee activities for this program are as follows:

- Obtain the necessary staff, equipment, and supplies to enhance HBC services in Tanzania.
- Recruit and train staff in counseling, testing, and HBC services according to national guidelines.
- Collaborate with the MOH-NACP to review and update HBC guidelines to include palliative care and other intervention for care and treatment of chronically ill HIV/AIDS patients.
- Plan, develop, conduct, and evaluate HBC training programs for home care providers and community-based providers in collaboration with CDC and the MOH-NACP.

- Conduct a mapping exercise to identify the extent to which HBC is being implemented in Tanzania.
- Participate in district HIV Prevention Task Force and support communities to form/establish educational and support groups including AIDS committees.
- Procure, distribute, and replenish drugs and supplies in the HBC kits.
- Develop and disseminate Information, Education and Communication (IEC) materials and messages for HBC and community mobilization events.
- Conduct "Train-the-Trainer" sessions on management of HIV including use of antiretrovirals in HBC settings.
- Develop a peer support mechanism for care providers.
- Provide Voluntary Counseling and Testing (VCT) services and referrals for testing of low-income earners.
- Collaborate with private health providers to develop and introduce a model of low-cost wards, in private health facilities, for low-income people living with HIV/AIDS (PLWHA).
- Provide treatment and prophylaxis for opportunistic infections, under continuum of care and support, to communities in target districts.
- Provide nutritional support and HBC services to TB/AIDS patients.

The applicant has a strong history of experience in Tanzania working with CHBC. Their existing infrastructure already supports existing programs in other parts of the country. The proposal was sound and realistic in the goals that Pathfinder International has set out to accomplish. The budget that has been proposed is very concise and focuses on strengthening capacity within the other districts of Tanzania. The applicant also shows that they have established agreement or memorandum of understanding with the 10 municipal councils and MOH in Tanzania and Zanzibar. Pathfinder International also has regional branches in the Dar es Salaam and Arusha regions of Tanzania.

CRITERIA 1: Technical Approach

Summary of Strengths:

- Pathfinder International has demonstrated strong expertise in HIV/AIDS activities with programs already in place in Tanzania.
- The applicant is already participating in CBHC activities within certain districts, so they understand the scope of work and potential problems.
- Pathfinder International has illustrated the need for linkages to services for AIDS patients and communities.
- The existing CBHC curriculum is strong. (However, the MOH has not finalized CBHC guidelines—they are still in the field-testing phase.)
- Pathfinder International provides the overall design strategy and a measurable timeline in the proposal.

Summary of Weaknesses:

- Monitoring and evaluation plans need strengthening. These plans are essential for ensuring shared understanding of the roles and charges for the collection of data and reporting.

CRITERIA 2: Understanding of the Problem

Summary of Strengths:

- Pathfinder International demonstrates the overall need of HIV/AIDS patients for CBHC and demonstrates a clear and concise understanding of the nature of the problem.
- The applicant understands the need to work in collaboration with other partners within the government and the communities.
- The applicant is already doing community-based health care in the field and includes a description of the public health importance of the planned activities, objectives, and projects.

Summary of Weaknesses:

- No weaknesses were reported.

CRITERIA 3: Ability to Carry Out the Project

Summary of Strengths:

- The applicant has been in Tanzania since 1995 and operates out of two offices in the country--Dar es Salaam and Arusha. Pathfinder International already has an existing infrastructure to carry out the project.
- The applicant demonstrates superior capability to achieve the proposed objectives and goals in the proposal. A thorough description of Pathfinder's Tanzania CHBC Project Tutuzane has been included in the proposal.
- The goals that the applicant set out are attainable.

Summary of Weaknesses:

- Pathfinder International will be spending a great deal of money on subgrants to partners, community-based organizations (CBOs), and faith-based organizations (FBOs).

CRITERIA 4: Personnel

Summary of Strengths:

- Proposed staff members are local with a wide range of skills and a wealth of experience working with other United States Government (USG) partners and NGOs. Professional personnel involved with this project have 5-18 plus years of experience in the HIV/AIDS universe of OI/HIV/STD.

- Pathfinder International's provided extensive CVs of the involved personnel. Staff will be mostly local to the districts in Tanzania where the program is going to be implemented.
- The applicant will use outside consultants to help with certain aspects of the project, which include a full-time financial coordinator to handle the funds.

Summary of Weaknesses:

- Although the proposal staff will use Field Managers, the applicant does not address in the proposal exactly who will be in the field with the managers.

CRITERIA 5: Plans for Administration and Management of Projects

Summary of Strengths:

- Pathfinder International has been working in Tanzania since 1995.
- The proposed work plan is detailed with time lines provided. Project goals provided by the applicant are attainable within the proposed time frame.
- The applicant has assembled a project management team comprised of senior members from Pathfinder International, Interchurch Medical Assistance (IMA) and the Christian Social Services Commission (CSSC) for coordination of project activities at the national level.

Summary of Weaknesses:

- The portion of the proposal concerning the monitoring and evaluation of the project is vague.

CRITERIA 6: Budget (not scored)

Summary of Strengths:

- The budget is very detailed and concise for the next 5 years and is consistent with the overall goals and objectives of the project.

Summary of Weaknesses:

- The applicant does not provide a budget break down for the 1st year. Pathfinder International does not provide justifications on the itemized 5- year budget for conducting the project.

RECOMMENDATIONS:

- The applicant needs to stress collaboration and engaging other partners to make certain that support exists for partners in the field.

- Pathfinder International seems to focus more on using faith-based organizations as their partners and should try to expand their approach to include other organizations, such as Non-Governmental Organizations (NGOs) as well as Community-Based Organizations (CBOs).
- Monitoring and evaluation plans are essential for ensuring shared understanding of roles and charges for collection of data and reporting.

OTHER RELEVANT COMMENTS:

- Close coordination with the CDC GAP office is desired.
- May need to double-check that the full-time financial coordinator is part of outside consultants.
- The professional personnel involved in this project are few in comparison to the scope of work, and some are considered "short term" staff members.

Exhibit G

**SUMMARY STATEMENT
PROGRAM ANNOUNCEMENT #04256
Expansion of Psychosocial Support and Peer Counseling Services to HIV-Infected
Women and their Families in Botswana**

Date of Review: August 24, 2004

Applicant Name: Pathfinder International, 04256-01

Amount Requested: \$600,000

Score: 74.5

BRIEF SUMMARY OF THE APPLICATION:

Pathfinder International is a US-based non-profit organization with 50 years of experience in increasing access to quality, client-centered family planning and reproductive health services on several continents, including Africa. Pathfinder has been a leader in reproductive health activities, including training of HIV counselors, training of trainers, and VCT and PMTCT. The applicant has been working in Botswana since 2001 as part of the African Youth Alliance (AYA). This application proposes to strengthen PMTCT counseling at health facility and community levels in four underserved districts, establish peer counseling programs at 15 government health facilities for HIV-positive pregnant women and 15 ARV sites.

CRITERIA 1: Technical Approach and Methodology

Summary of Strengths:

- The applicant has a history of providing training to a variety of HIV/AIDS service providers drawing from their experience of serving people living with HIV/AIDS.
- The proposal shows that the applicant has implemented similar large scale programs successfully in the past.
- The applicant will conduct a pre-award analysis to validate the sub-grantees' capacity to manage their awards.
- The applicant documents a history of conducting needs assessment using an organizational capacity assessment tool. The assessment will focus on seven major components: governance, management practices, human resources, financial resources, service delivery, external relations, and sustainability.
- The proposal shows strong expertise in specifically HIV/AIDS counseling and counselor training.
- The proposal contains letters of support and MOU's from partnering agencies.
- The proposal demonstrates intentions to establish relationships with other stakeholders.
- The proposal demonstrates an understanding of needs assessment activities evaluation and monitoring activities.

Summary of Weaknesses:

- It is unclear how the Ministry of Health and other stakeholders will be utilized to review training needs and curricula development.
- The proposal lacks a discussion of quality assurance in PMTCT counseling.
- The proposal does not demonstrate any understanding of the Botswana context and the difficulties of implementing such programs as proposed.
- The applicant did not discuss the recruitment and retention strategies of peers involved with program activities.
- The proposal shows only weak connections to partner organizations and the MOH.

CRITERIA 2: Personnel and Management Plan

Summary of Strengths:

- The work plan clearly describes a reasonable scope of activities that can be accomplished with the proposed time.
- The methods and activities outlined in the work plan are realistic and follow a logical sequence.
- The applicant demonstrates a history of providing capacity building in the following areas: organizational development and management, resource mobilization, human resources management, MIS and organizational sustainability.
- The applicant identifies key project staff and collaborative partners needed to implement program activities.
- The application includes extensive CV's of the involved personnel.
- The proposal demonstrates that the staff has some relevant experience.

Summary of Weaknesses:

- The applicant did not discuss organization capacity to handle any issues that arise during the implementation of program activities through a plan to address contingencies for anticipated problems.
- The partnerships proposed are not very strong, as there is no evidence of formal acceptance by the main partners; the organizations that have provided letters of support are not mentioned as partners.
- The applicant did not clearly describe the specific activities that will be coordinated with the partnering agencies.
- The applicant did not discuss how external partners such as MOH, CDC and other stakeholders will assist with the recruitment of peers and trainers for the project.
- The proposal does not describe a management system that would monitor the implementation of proposed activities. A strong system is needed to ensure quality control because of subcontracting.

CRITERIA 3: Understanding of the Problem and Statement of Work

Summary of Strengths:

- The applicant provided a thorough description of the problem of HIV/AIDS and the impact on various sub-populations in Botswana.
- The proposal shows that the applicant has read the RFA carefully and understood what needed to be addressed, and thus has touched upon all the issues contained in the RFA.
- The proposal demonstrates strong organizational capacity building, even at the pre-services level.
- The proposal is well written, with promising attention to detail.
- The proposal demonstrates strong contextual analysis.
- The proposal outlines reasonable approaches.

Summary of Weaknesses:

- No significant weaknesses were noted..

RECOMMENDATIONS:

- The reviewers approve the application in total.
- It is recommended that the applicant strengthen local partnerships with key organizations, such as those mentioned in the RFA, and the Ministry of Health.
- It is recommended that the applicant replace the training component which focuses on government health workers with activities to expand counseling and other psychosocial care services provided by NGOs/CBOs/FBOs.
- The applicant would need to ensure the appropriate funding level needed for collaborating partners who will be involved with conducting program activities.

OTHER RELEVANT COMMENTS:

- The applicant submitted a technically sound and well –written proposal that attempted to respond to all major activities outlined in the RFA. The applicant has implemented a number of projects in Botswana’s health sector and has good working knowledge of government and non-government organizations.
- The proposal demonstrates a good understanding RFA and underscores the importance of working collaboratively with various partners.
- A detailed work plan and budget was included in the proposal.
- The budget is detailed and well itemized, however the amount of funds allocated to the subcontractors is small, relative to the amount of work expected from the subcontracted organizations.
- The technical review points out; the percentage of the budget devoted to the implementation of subprojects and contracts appears to be low. Less than one-third of the budget. Request review of this line and the line titled: “Expendable Equipment” listed for the first year only for \$15,000.

Exhibit H

FOR IMMEDIATE RELEASE

MARCH 31, 2005

MACARTHUR FOUNDATION AWARDS \$690,000 TO PATHFINDER INTERNATIONAL TO RUN LEADERSHIP TRAINING PROGRAM IN NIGERIA

Program Designed to Help Expand Pool of Expert Practitioners in the Field of Population and Reproductive Health

CHICAGO, IL The John D. and Catherine T. MacArthur Foundation has announced a grant of \$690,000 over three years to Pathfinder International for a new leadership training program for individuals to help reduce maternal mortality and morbidity and improve young peoples sexual and reproductive health in Nigeria.

The new program, which is the successor to the Fund for Leadership Development a program started in 1994 by the MacArthur Foundation to help expand the pool of expert practitioners in the field of population and reproductive health will train between 12-15 individuals, aged 25-35, each year.

In helping to build a cadre of skilled practitioners, Pathfinders new leadership training program will be an important contribution to the Nigerias efforts to reduce maternal mortality and morbidity and provide sexuality education to all young people, said Jonathan Fanton, President of the MacArthur Foundation. An indicator of the quality of health services, and in effect, the level of development in a country is a low rate of maternal mortality and morbidity. To achieve this, it is important to equip people with the knowledge, skills, and resources necessary to make wise choices related to their sexual and reproductive health. Pathfinder International, with its long track record in running successful training programs in the field, is well-positioned to help Nigeria build leadership to ensure this happens.

With grant funds, Pathfinder International will hold quarterly training activities to expand participants knowledge on issues related to maternal mortality and morbidity and young peoples sexual and reproductive health. Trainings will also include sessions on advocacy strategies, leadership development, strategic planning, communications, and conflict and change management. Mentors will be appointed to each participant to provide advice for career development and support for carrying out projects. Taking advantage of Pathfinders resources, participants will have the opportunity to network with colleagues who have received fellowships through the Ford Foundations International Fellows Program and the Bill and Melinda Gates Foundation International Family Planning Leadership Program, both of which are administered by Pathfinder. Pathfinders new program will also work to strengthen connections between new participants and individuals who had received funding through MacArthurs Fund for Leadership Development. Since 1994, 136 individuals working on issues related to population and reproductive health in Nigeria including activists, health practitioners, academics, legal practitioners and journalists received grants through the Fund for Leadership Development. The Pathfinder leadership training program begins in 2005.

Support for Pathfinder International is made through the MacArthur Foundations Population and Reproductive Health grantmaking program, which makes grants related to population and reproductive health issues in India, Mexico, and Nigeria, as well as to international organizations working to establish global norms and policies regarding population and reproductive health. The objectives of the Foundations population and reproductive health grantmaking in its three focus countries are to decrease maternal mortality and morbidity and to advance young peoples reproductive and sexual health and rights. In Nigeria, the Foundation is supporting efforts that contribute to the federal governments goal of reducing maternal mortality by 50 percent by 2006. The Foundation also makes grants to help implement the federal governments national sexuality education curriculum.

About Pathfinder International:

Pathfinder International provides women, men, and adolescents throughout the developing world with access to quality family planning and reproductive health information and services. Pathfinder works to halt the spread of HIV/AIDS, to provide care to women suffering from the complications of unsafe abortion, and to advocate for sound reproductive

health policies in the U.S. and abroad. On the Net: www.pathfind.org

About the Foundation

The John D. and Catherine T. MacArthur Foundation is a private, independent grant making institution dedicated to helping groups and individuals foster lasting improvement in the human condition. The Foundation makes grants through four programs and by making program-related investments. The Program on Human and Community Development operates primarily within the United States. Issues of interest to the program include community development; regional policy; affordable housing, with a particular emphasis on the preservation of rental housing; and system reform in education, juvenile justice, and mental health. The Program on Global Security and Sustainability focuses on international issues including peace and security, conservation and sustainable development, population and reproductive health, and human rights. The program also supports initiatives in Russia and Nigeria, particularly concerning the improvement of high education. The General Program supports public interest media, including public radio and the production of independent documentary film; and makes grants to arts and cultural institutions in the Chicago area. The MacArthur Fellows Program awards five-year, unrestricted fellowships to individuals across all ages and fields who show exceptional merit and promise of continued creative work. Program-Related Investments are loans and equity investments provided at below-market rates for projects that advance the philanthropic objectives of the Foundation, primarily those of the Program on Human and Community Development. With assets, as of January 1, 2005, of approximately \$5 billion, the Foundation makes grants of approximately \$180 million each year.

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Contact Information:

Jennifer Humke
Communications Officer
The MacArthur Foundation
Tel: 312/726-8000
Email: [jhumke at macfound dot org](mailto:jhumke@macfound.org)

Exhibit I



International : Development and Relief Services

Pathfinder International

Changing lives, saving lives

Rating (FYE 06/2006)

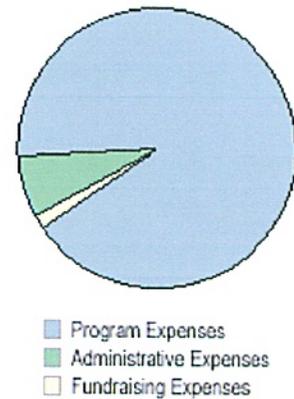
Overall Rating	★★★★★ (64.12)
Organizational Efficiency	
Program Expenses	91.2%
Administrative Expenses	7.4%
Fundraising Expenses	1.2%
Fundraising Efficiency	\$0.01
Efficiency Rating	★★★★ (39.12)
Organizational Capacity	
Primary Revenue Growth	26.1%
Program Expenses Growth	25.0%
Working Capital Ratio (years)	0.11
Capacity Rating	★★★★ (25.00)

Income Statement (FYE 06/2006)

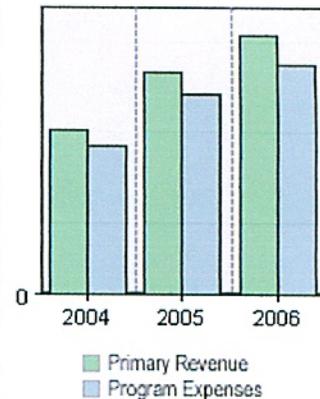
Revenue	
Primary Revenue	\$90,582,705
Other Revenue	\$412,900
Total Revenue	\$90,995,605
Expenses	
Program Expenses	\$80,158,748
Administrative Expenses	\$6,533,232
Fundraising Expenses	\$1,110,249
Total Functional Expenses	\$87,802,229
Payments to Affiliates	\$0
Excess (or Deficit) for the year	\$3,193,376
Net Assets	\$18,279,147

Charts

Expenses Breakdown



Revenue/Expenses Trend



Contact Information

Pathfinder International
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 Suite 217
 Watertown, MA 02472
 tel: (617) 924-7200
 fax: (617) 924-3833

information@pathfind.org
http://www.pathfind.org

Leadership (FYE 06/2006)

Name	Title	Compensation	% of Expenses
Daniel E. Pellegrom	President	\$298,710	0.34%

Donor Privacy Policy

YES, this charity has a written donor privacy policy.

Mission

Founded in 1957, Pathfinder International believes that reproductive health is a basic human right. When parents can choose the timing of pregnancies and the size of their families, women's lives are improved and children grow up healthier. Pathfinder International provides women, men, and adolescents throughout the developing world with access to quality family planning and reproductive health information and services. Pathfinder works to halt the spread of HIV/AIDS, to provide care to women suffering from the complications of unsafe abortion, and to advocate for sound reproductive health policies in the U.S. and abroad.

Charities Performing Similar Work

Charity Name	Overall Score	Overall Rating
Pathfinder International - MA	64.12	★★★★
Aga Khan Foundation, USA - DC	57.97	★★★
World Education - MA	56.34	★★★
Church World Service - IN	62.74	★★★★
CARE - GA	68.87	★★★★

Compare These Charities (Highly Rated)

Exhibit J

AMERICAN INSTITUTE OF PHILANTHROPY

Helping you give wisely to charity.

[HOT TOPICS](#) | [TOP-RATED](#) | [A-Z LISTING](#) | [CRITERIA](#) | [TIPS](#) | [FAQ](#) | [ARTICLES](#)

[ABOUT AIP](#) | [RATING GUIDE](#) | [LINKS](#) | [PRAISE](#) | [MEMBERSHIP](#) | [CONTACT](#) | [HOME](#)



The mission categories below list charities which get **high grades** from AIP for putting 75% or more towards program cost while generally spending \$25 or less to raise \$100. These groups also receive an "open book" credit from AIP for willingly sending the financial documents we request.

*AIP also issues "C", "D", and "F" grades to charities in its **Charity Rating Guide**.*

This list is subject to change depending on the information AIP receives concerning charitable organizations. As long as the charities maintain an "open book" status and score highly on AIP's financial criteria, their names will appear on this list.

AIP encourages each donor to consider these factors and others, which you may feel are more significant, when making charitable giving decisions. AIP provides this information to help you make your own decision concerning which charity to support. The letter grades represent the *opinion* of AIP. Some organizations legitimately may account differently for their activities. Such organizations generally would receive higher grades based on their own criteria than on the **criteria** used by AIP.

When information is given only on the national headquarters and the charity does not include its affiliates in its financial statements, "N.O." (National Office) appears after the group's name.

Because many factors determine a worthy charity, we at the AIP suggest that you use the ratings on this page not as the sole determining factor in your decision, but rather as an aid. The **Charity Rating Guide** provides much more information that will aid you in your giving decisions. Also, contact the charity in which you're interested to determine if their mission and philosophy match yours.

INDEX OF TOP-RATED CHARITIES

ABORTION & FAMILY PLANNING	HISPANIC
AFRICAN-AMERICAN	HOMELESSNESS & HOUSING
AIDS	HUMAN RIGHTS
AMERICAN INDIAN	HUMAN SERVICES
ANIMAL PROTECTION	HUNGER
ASIA & ASIAN-AMERICAN	INTERNATIONAL RELIEF & DEVELOPMENT
BLIND & VISUALLY-IMPAIRED	JEWISH & ISRAEL
CANCER	LITERACY
CHILD PROTECTION	MENTAL HEALTH & RETARDATION
CHILD SPONSORSHIP	PEACE & INTERNATIONAL RELATIONS
CIVIL RIGHTS & ADVOCACY	POPULATION PLANNING
CONSUMER PROTECTION AND LEGAL AID	PUBLIC POLICY
CRIME PREVENTION	SENIOR CITIZENS
DISABLED	TERMINALLY OR CHRONICALLY ILL
DRUG & ALCOHOL ABUSE	VETERANS & MILITARY
ENVIRONMENT	WOMEN'S RIGHTS
GUN CONTROL (PRO/CON)	YOUTH DEVELOPMENT
HEALTH - GENERAL	YOUTH - RESIDENTIAL CARE

Note: Links will open in a new window

ABORTION & FAMILY PLANNING	PHONE	AIP GRADE
EngenderHealth	800-564-2872	A
Guttmacher Institute	212-248-1111	A-
International Planned Parenthood Federation - Western Hemisphere	212-248-6400	A
National Right to Life Educational Trust Fund	202-626-8800	A-
Pathfinder International	617-924-7200	A+

Religious Coalition for Reproductive Choice Educational Fund	202-628-7700	A-
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	PHONE	AIP GRADE
AFRICAN-AMERICAN		
Africa-America Institute	212-949-5666	A-
NAACP Legal Defense & Educational Fund	212-965-2200	A-
UNCF/The College Fund	800-331-2244	A

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AIDS	PHONE	AIP GRADE
AIDS Research Alliance	310-358-2423	A
American Social Health Association	919-361-8400	A-
Bailey House (formerly AIDS Resource Center)	212-633-2500	B+
Elizabeth Glaser Pediatric AIDS Foundation	888-499-4673	B+
Foundation for AIDS Research (formerly AMFAR)	800-392-6327	B+
Gay Men's Health Crisis	212-367-1000	A-
San Francisco AIDS Foundation	800-367-2437	B+

AMERICAN INDIAN	PHONE	AIP GRADE
American Indian College Fund	303-426-8900	A-

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ANIMAL PROTECTION	PHONE	AIP GRADE
American Humane Association	866-242-1877	A-
Bat Conservation International	800-538-2287	B+
DELTA Rescue	661-269-5054	A
Dian Fossey Gorilla Fund International	404-624-5881	A-
Elephant Sanctuary of Tennessee	931-796-6500	A
Farm Sanctuary	607-583-2225	B+
Friends of Animals	203-656-1522	B+
Humane Farming Association	415-771-2253	B+
Wildlife Conservation Society	718-220-5100	A

ASIA & ASIAN-AMERICAN	PHONE	AIP GRADE
Asia Foundation	415-982-4640	A
Asia Society	212-288-6400	B+
Asian-American Legal Defense and Education Fund	212-966-5932	A

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BLIND & VISUALLY IMPAIRED	PHONE	AIP GRADE
Guide Dog Foundation for the Blind	800-548-4337	A
Helen Keller International/Childsight	877-535-5374	A
Helen Keller Services for the Blind	718-522-2122	A-
National Federation of the Blind	410-659-9314	A-
Prevent Blindness America/National Society to Prevent Blindness	800-331-2020	A-

CANCER	PHONE	AIP GRADE
Breast Cancer Fund	415-346-8223	A-
Breast Cancer Research Foundation	646-497-2600	A+
Cancer Care	800-813-4673	A-
Cancer Research and Prevention Foundation of America/Cancer Research Foundation of America	800-227-2732	A-
Cancer Research Institute	800-992-2623	A
Memorial Sloan-Kettering Cancer Center	212-639-2000	A
Multiple Myeloma Research Foundation	203-972-1250	A+
National Breast Cancer Coalition Fund	202-296-7477	A

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CHILD PROTECTION	PHONE	AIP GRADE
American Humane Association	866-242-1877	A-
Child Find of America	800-426-5678	A+
Children's Defense Fund	202-628-8787	A
Marine Toys for Tots Foundation	703-640-9433	A-

CHILD SPONSORSHIP	PHONE	AIP GRADE
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Children Incorporated	800-538-5381	A-
Christian Children's Fund	800-776-6767	A-
Christian Foundation for Children and Aging	800-875-6564	A+
Compassion International	800-336-7676	A
Pearl S. Buck International	800-220-2825	A-
Plan USA (formerly Childreach)	800-556-7918	A-
Save the Children	800-728-3843	A
World Vision	888-511-6598	A-

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	PHONE	AIP GRADE
CIVIL RIGHTS & ADVOCACY		
Center for Constitutional Rights	212-614-6473	A-
Interfaith Alliance Foundation	202-639-6370	B+
National Right to Work Legal Defense & Education Foundation	800-336-3600	B+

	PHONE	AIP GRADE
CONSUMER PROTECTION & LEGAL AID		
Action on Smoking and Health	202-659-4310	A
Public Citizen Foundation	202-588-1000	A

	PHONE	AIP GRADE
CRIME PREVENTION		
Prison Fellowship Ministries	703-478-0100	B

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	PHONE	AIP GRADE
DISABLED		
Christopher and Dana Reeve Foundation	800-225-0292	A-
Salvation Army – Central Territory	847-294-2000	A
Salvation Army – Eastern Territory	845-620-7200	A
Salvation Army – Southern Territory	404-728-1300	A-
Salvation Army – Western Territory	562-436-7000	A

	PHONE	AIP GRADE
DRUG & ALCOHOL ABUSE		
Phoenix House Foundation	212-595-5810	B

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ENVIRONMENT	PHONE	AIP GRADE
Alaska Conservation Foundation	907-276-1917	A
American Farmland Trust	202-331-7300	A-
American Forests	202-737-1944	A-
Conservation Fund	703-525-6300	A+
Conservation International Foundation	800-406-2306	A
Earth Island Institute	415-788-3666	A-
Greenpeace Fund, Inc.	202-462-1177	A
Izaak Walton League of America	301-548-0150	A-
Nature Conservancy	703-841-5300	A-
Rainforest Alliance	888-693-2784	A-
Rocky Mountain Elk Foundation	800-225-5355	A-
Sierra Club Foundation	415-995-1780	A
Trout Unlimited	703-522-0200	A-
Trust for Public Land	415-495-4014	A
World Resources Institute	202-729-7600	A

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GUN CONTROL (PRO/CON)	PHONE	AIP GRADE
National Rifle Association Foundation	703-267-1000	A

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HEALTH – GENERAL	PHONE	AIP GRADE
American Brain Tumor Association	800-886-2282	A
American Kidney Fund	800-638-8299	A+
City of Hope/Beckman Research Institute	800-544-3541	A-
Crohn's & Colitis Foundation of America	800-932-2423	A
Cystic Fibrosis Foundation	800-344-4823	A
Epilepsy Foundation	800-332-1000	A-
First Candle/SIDS Alliance - N.O.	410-653-8226	A-
Huntington's Disease Society of America	800-345-4372	A-
Juvenile Diabetes Research Foundation International	800-533-2873	A
Lupus Foundation of America – N.O.	202-349-1155	A
Lupus Research Institute	212-812-9881	A

Michael J. Fox Foundation for Parkinson's Research	212-509-0995	A
Muscular Dystrophy Association	800-344-4863	A-
National Hemophilia Foundation – N.O.	212-328-3700	A-
National Jewish Medical & Research Center	800-222-5864	A-
National Kidney Foundation	800-622-9010	A-
National Organization for Rare Disorders	203-744-0100	A+
Parkinson's Disease Foundation	800-457-6676	A-
Salk Institute for Biological Studies	858-453-4100	A-

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HISPANIC	PHONE	AIP GRADE
Hispanic Scholarship Fund	877-473-4636	A

HOMELESSNESS & HOUSING	PHONE	AIP GRADE
Bowery Residents' Committee	212-533-5700	A
Center for Community Change	202-342-0567	A
Coalition for the Homeless	212-964-5900	B+
Habitat for Humanity International - N.O.	229-924-6935	A-
National Alliance to End Homelessness	202-638-1526	A

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HUMAN RIGHTS	PHONE	AIP GRADE
Center for Victims of Torture	612-436-4800	A-
Human Rights First (formerly Lawyers Committee for Human Rights)	212-845-5200	A-

HUMAN SERVICES	PHONE	AIP GRADE
American Red Cross	800-435-7669	A+
Farm Aid	617-354-2922	A-
Gifts in Kind International	703-836-2121	A-
YMCA of the United States – N.O.	800-872-9622	A

HUNGER	PHONE	AIP GRADE
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Action Against Hunger - USA	877-777-1420	A+
America's Second Harvest/Second Harvest	800-771-2303	A
Bread for the World Institute	800-822-7323	A-
Food Bank for New York City (formerly Food for Survival)	718-991-4300	A-
Freedom from Hunger	800-708-2555	A-
Global Hunger Project	212-251-9100	A-

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INTERNATIONAL RELIEF & DEVELOPMENT	PHONE	AIP GRADE
Accion International	617-625-7080	A-
Africare	202-462-3614	A
American Friends Service Committee	215-241-7000	A-
American Near East Refugee Aid	202-347-2558	A
American Refugee Committee	612-872-7060	A+
AmeriCares	800-486-4357	A
Brother's Brother Foundation	412-321-3160	A
CARE	800-422-7385	A
Catholic Relief Services	410-625-2220	A+
Church World Service	800-297-1516	A
Direct Relief International	805-964-4767	A
Doctors of the World - USA	212-226-9890	A
Doctors Without Borders USA	212-679-6800	A
FINCA International	202-682-1510	A-
Grameen Foundation USA	202-628-3560	A-
International Medical Corps	310-826-7800	A+
International Rescue Committee	212-551-3000	A
Interplast	650-962-0123	A-
Lutheran World Relief	410-230-2700	A
Mennonite Central Committee	888-563-4676	A
Mercy Corps	800-292-3355	A
Northwest Medical Teams International	800-959-4325	A-
Operation USA	310-835-3455	A
Oxfam-America	800-776-9326	A-
Project Concern International	858-279-9690	A
Save the Children	800-728-3843	A
Seva Foundation	510-845-7382	A-

TechnoServe	203-852-0377	A
United States Fund for UNICEF	800-367-5437	A
World Concern (Program of Crista Ministries)	800-755-5022	A-
World Neighbors	800-242-6387	A-

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JEWISH & ISRAEL	PHONE	AIP GRADE
American Jewish Committee	212-751-4000	A
American Jewish World Service	800-889-7146	A
Jewish National Fund	800-542-8733	A
Mazon: A Jewish Response to Hunger	310-442-0020	A
New Israel Fund & Signing Anew	888-988-3863	A

LITERACY	PHONE	AIP GRADE
Proliteracy Worldwide	888-528-2224	A-
Reading is Fundamental	877-743-7323	A

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MENTAL HEALTH & RETARDATION	PHONE	AIP GRADE
Mental Health America (formerly National Mental Health Association)	800-969-6642	A
National Alliance for Research on Schizophrenia and Depression (NARSAD)	800-829-8289	A+

PEACE & INTERNATIONAL RELATIONS	PHONE	AIP GRADE
Africa Action	202-546-7961	B+
International Peace Academy	212-687-4300	A
Union of Concerned Scientists	617-547-5552	B+
William J. Clinton Foundation	501-371-9544	A

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POPULATION PLANNING	PHONE	AIP GRADE
Americans for UNFPA (formerly U.S. Committee for U.N. Population Fund)	646-649-9100	A

PCI - Media Impact (formerly Population Communications International)	212-687-3366	B+
Population Action International	202-659-1833	A-
Population Council	212-339-0500	A

PUBLIC POLICY	PHONE	AIP GRADE
American Enterprise Institute for Public Policy Research	202-862-5800	A
Common Cause Education Fund	202-833-1200	A
Heritage Foundation	202-546-4400	B+
National Trust for Historic Preservation	202-588-6000	A-

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SENIOR CITIZENS

AARP Foundation	800-775-6776	B
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TERMINALLY OR CHRONICALLY ILL	PHONE	AIP GRADE
Compassion & Choices (formerly Hemlock Foundation for End of Life Choices)	303-639-1202	A-
Sunshine Foundation	800-457-1976	A-

VETERANS & MILITARY

Armed Services YMCA of the USA	703-313-9600	A-
Fisher House Foundation	888-294-8560	A+
Intrepid Fallen Heroes Fund	800-340-4376	A+
National Military Family Association	703-931-6632	A

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WOMEN'S RIGHTS	PHONE	AIP GRADE
Catalyst	212-514-7600	A
Global Fund for Women	415-202-7640	A
Women for Women International	202-737-7705	A

YOUTH DEVELOPMENT	PHONE	AIP GRADE
Big Brothers/Big Sisters of America – N.O.	215-567-7000	A+
Boys & Girls Clubs of America – N.O.	404-487-5700	A-
Girl Scouts of the USA – N.O.	800-478-7248	A-
Girls, Inc. - N.O.	800-347-4475	A-
J.A. Worldwide - N.O. (formerly Junior Achievement)	719-540-8000	A-
Scholarship America	800-537-4180	A+

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YOUTH – RESIDENTIAL CARE	PHONE	AIP GRADE
Cedars Home for Children Foundation	402-434-5437	A
SOS Children's Villages - USA	800-886-5767	B+



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Last Update: February 4, 2008

Exhibit K

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BBB Wise Giving Report for Pathfinder International

BBB Wise Giving report *issued* May 2007.

BBB Wise Giving report *expires* May 2009.

This BBB Accredited charity meets all 20 Standards for Charity Accountability. [Find out more...](#)

Find out more about this charity:

- [Charity Contact Information](#)
- [BBB Wise Giving Alliance Comments](#)
- [Programs](#)
- [Notes](#)

- [Tax Status](#)
- [Governance](#)
- [Fund Raising](#)
- [Financial](#)

Charity Contact Information

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Name:

Address:

Phone:

Web Address:

Pathfinder International

9 Galen Street, Suite 217

Watertown, MA 02472

617-924-7200

www.pathfind.org

BBB Wise Giving Alliance Comments

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formerly known as: Pathfinder Fund

Year, State Incorporated: 1957, District of Columbia

Affiliates: Pathfinder Fund International (UK), and 16 field offices throughout Asia and Near East,

Africa, and Latin America.

Stated Purpose: "to provide women, men, and adolescents throughout the developing world with access to quality family planning information and services...to halt the spread of HIV/AIDS, provide care to women suffering from the complications of unsafe abortion, and advocate for sound reproductive health policies in the U.S. and around the world."

Evaluation Conclusions

Pathfinder International (PI) meets the 20 Standards for Charity Accountability.

Programs

PI provides technical support to locally-based reproductive health and family planning organizations in 28 countries throughout Africa, Asia, and Latin America. HIV/AIDS and sexually transmitted disease (STD) prevention education and counseling is integrated into PI's family planning projects in Africa. In Asia and the Near East, community elders are taught the risks of early pregnancy and the benefits of family planning. According to PI, these initiatives have led to community support for young couples choosing family planning. In Latin America, PI focuses on contraception education and postabortion care to prevent maternal deaths. By training local residents to become community-based distributors of health supplies, including contraceptives, PI increases people's access to health services. PI reproductive health services for adolescents include sexuality education, counseling, and contraceptive distribution. PI publishes a biannual newsletter, "Pathways," to update donors on its current projects and makes available technical papers, documents, and studies on international reproductive health issues.

For the fiscal year ended June 30, 2006, PI's program expenses were:

U.S. Government supported programs	62,154,514
Non-government supported programs	8,562,380
Foreign government and multilateral supported programs	4,950,541
In-kind	4,218,383
Public information	272,930
Total Program Expenses:	\$80,158,748

Governance

Chief Executive : Daniel E. Pellegrum, President

Compensation*: \$341,074

Chair of the Board: Henry W. Foster, Jr., MD

Chair's Profession / Business Affiliation: Physician

Board Size: 25

Paid Staff Size: 600

*July 1, 2005 - June 30, 2006 compensation includes annual salary and, if applicable, benefit plans, expense accounts, and other allowances.

Fund Raising

Method(s) Used:

Direct mail, grant proposals, Internet appeals, and planned giving.

Fund raising costs were 1% of related contributions. (Related contributions, which totaled \$90,646,409, are donations received as a result of fund raising activities.)

Tax Status

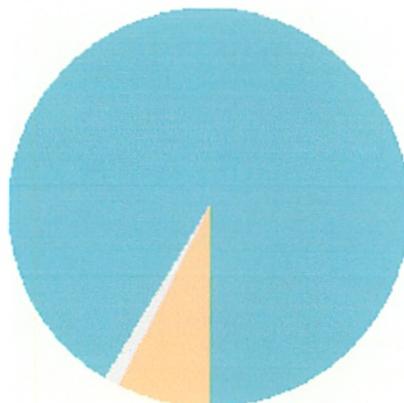
This organization is tax-exempt under section 501(c)(3) of the Internal Revenue Code. It is eligible to receive contributions deductible as charitable donations for federal income tax purposes.

Financial

The following information is based on PI's consolidated audited financial statements for the fiscal year ended June 30, 2006.

Source of Funds

Grants and contracts	81,693,817
Contribution in-kind	7,265,450
Contributions	1,675,273
Other investment income	557,592
Bequests	11,869
Translation adjustment	1,249
Loss on split interest agreements	-50,468
Total Income	\$91,154,782



Uses of Funds as a % of Total Expenses

Use your mouse to place the cursor over the the Pie Chart to see each value

Programs: 92% Fund Raising: 1% Administrative: 7%

Total income	\$91,154,782
Program expenses	\$80,158,748
Fund raising expenses	1,082,752
Administrative expenses	6,560,729

Total expenses \$87,802,229

Income in Excess of Expenses 3,352,553

Beginning net assets 14,926,594

Ending net assets 18,279,147

Total liabilities 9,851,504

Total assets \$28,130,651

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Exhibit L



USAID | TANZANIA

FROM THE AMERICAN PEOPLE

Issuance Date: **12-19-2007**

Closing Date: **02-11-2008**

Closing Time: 16:00 local time (GMT +3)

Subject: Request for Applications (RFA) Number **USAID-TANZANIA-08-001-RFA**

Mobilizing Innovative Strategies to Rapidly Increase Access and Use of HIV/AIDS Counseling and Testing Services in Tanzania

The United States Agency for International Development (USAID) is seeking applications for an Assistance Agreement for funding a program for **Mobilizing Innovative Strategies to Rapidly Increase Access and Use of HIV/AIDS Counseling and Testing Services in Tanzania**. The authority for the RFA is found in the Foreign Assistance Act of 1961, as amended.

The Recipient will be responsible for ensuring achievement of the program objective as described in **Mobilizing Innovative Strategies to Rapidly Increase Access and Use of HIV/AIDS Counseling and Testing Services in Tanzania** program description. Please refer to the Program Description for a complete statement of goals and expected results.

Pursuant to 22 CFR 226.81, it is USAID policy not to award profit under assistance instruments. However, all reasonable, allocable, and allowable expenses, both direct and indirect, which are related to the grant program and are in accordance with applicable cost standards (22 CFR 226, OMB Circular A-122 for non-profit organization, OMB Circular A-21 for universities, and the Federal Acquisition Regulation (FAR) Part 31 for-profit organizations), may be paid under the grant.

Subject to the availability of funds, USAID intends to provide approximately **\$30,000,000.00** in total USAID funding to be allocated over the **five years** period. USAID reserves the right to fund any or none of the applications submitted.

For the purposes of this program, this RFA is being issued and consists of this cover letter and the following:

1. Section A - Grant Application Format;
2. Section B - Selection Criteria;
3. Section C – Program Description;
4. Section D - Certifications, Assurances, and Other Statements of Applicant/Grantee;

For the purposes of this RFA, the term "Grant" is synonymous with "Cooperative Agreement"; "Grantee" is synonymous with "Recipient"; and "Grant Officer" is synonymous with "Agreement Officer".

Beginning November 1, 2005, the preferred method of distribution of USAID RFA's and submission/receipt of applications is electronically via Grants.gov which provides a single source for Federal government-wide competitive grant opportunities. USAID bears no responsibility for data errors resulting from transmission or conversion processes associated with electronic submissions. The application should be submitted electronically by closing date and time. The applicants should be aware of the current PEPFAR 8% limitation on the combined annual maximum financial assistance a single Recipient may receive from all USG agencies for their in-country projects/programs.

USAID/Tanzania
686 Old Bagamoyo Road, Msasani
P.O. BOX 9130
DAR ES SALAAM

Tel: 255-22-
2668503/07/08/12/13/19/20;2668490
Fax: 255-22-2668421
www.usaid.gov/Tanzania

Copies of application should **also** be sent as an email attachment to Kenneth P. LuePhang, Agreement Officer (kbluephang@usaid.gov) with a copy to Samuel S. Kiranga, Acquisition Specialist. (skiranga@usaid.gov) by closing date and time.

Hard copy applications will be accepted. Applicants are requested to submit both technical and cost portions of their applications in separate volumes in envelopes with the name and address of the applicant and RFA # (referenced above) inscribed thereon, to:

(By U.S. Mail)

Agreement Officer
USAID/Tanzania
2140 Dar es Salaam Place
Washington D.C. 20521-2140

(Other)

Agreement Officer
USAID/Tanzania
686 Old Bagamoyo Road, Msasani.
Dar es Salaam, Tanzania

Award will be made to that responsible applicant(s) whose application(s) offers the greatest value.

Issuance of this RFA does not constitute an award commitment on the part of the Government, nor does it commit the Government to pay for costs incurred in the preparation and submission of an application. In addition, final award of any resultant grant(s) cannot be made until funds have been fully appropriated, allocated, and committed through internal USAID procedures. While it is anticipated that these procedures will be successfully completed, potential applicants are hereby notified of these requirements and conditions for award. Applications are submitted at the risk of the applicant; should circumstances prevent award of a cooperative agreement, all preparation and submission costs are at the applicant's expense.

This RFA and any future amendments can be downloaded from the Agency Web Site. The World Wide Web Address is <http://www.grants.gov>. In order to use this method, an applicant must first register on-line with Grants.gov. If you have difficulty registering or accessing the RFA, please contact the Grants.gov Helpdesk at 1-800-518-472 or via e-mail at support@grants.gov for technical assistance.. It is the responsibility of the recipient of the application document to ensure that it has been received from Fedgrants.gov in its entirety and USAID bears no responsibility for data errors resulting from transmission or conversion processes.

In the event of an inconsistency between the documents comprising this RFA, it shall be resolved by the following descending order of precedence:

- (a) Section II - Selection Criteria;
- (b) Section I - Grant Application Format;
- (c) the Program Description;
- (d) This Cover Letter.

Any questions concerning this RFA should be submitted in writing to Kenneth P. LuePhang, Agreement Officer, (kbluephang@usaid.gov) with a copy to Samuel S. Kiranga (skiranga@usaid.gov) The latest date for receiving questions is COB **January 15, 2008**. Applicants should retain for their records one copy of all enclosures which accompany their application.

Sincerely,



Tad Findeisen
Agreement Officer
USAID/Tanzania

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SECTION A - GRANT APPLICATION FORMAT

PREPARATION GUIDELINES

Application must be submitted in a format as stated below (see A, B and C, below) and it must include the completed form SF-424 which Applicant can download together with the RFA.

All applications received by the deadline will be reviewed for responsiveness to the specifications outlined in these guidelines and the application format. Section II addresses the technical evaluation procedures for the applications. Applications which are submitted late or are incomplete run the risk of not being considered in the review process. "Late applications will not be considered for award" or "Late applications will be considered for award if the Agreement Officer determines it is in the Government's interest."

Applications shall be submitted in two separate parts: (a) technical and (b) cost or business application. Technical and cost applications should be submitted in an original and two copies.

The application should be prepared according to the structural format set forth below. Applications must be submitted no later than the date and time indicated on the cover page of this RFA, to the location indicated on page 3 of the cover letter accompanying this RFA.

Technical applications should be specific, complete and presented concisely. The applications should demonstrate the applicant's capabilities and expertise with respect to achieving the goals of this program. The applications should take into account the technical evaluation criteria found in Section II.

Applicants should retain for their records one copy of the application and all enclosures which accompany their application. Erasures or other changes must be initialed by the person signing the application. To facilitate the competitive review of the applications, USAID will consider only applications conforming to the format prescribed below.

PROPOSAL SUBMISSION

A Application instructions

All proposals received by the deadline will be reviewed for their responsiveness to the specifications set out in B and C below. Late or incomplete submissions may not be considered in the review process, at the discretion of the USG.

Proposals should be prepared according to the format set out below. Proposals should be submitted in the manner described in the cover letter to the individual identified in the cover letter accompanying this RFA by the date and time specified. Proposals will be evaluated and scored using the process and criteria outlined in Section IX.

B Technical proposal format

Technical proposals should be concise, specific, complete, and demonstrate the applicant's capabilities and expertise with respect to achieving the objectives and expected results of the proposed activity.

Technical proposals should be in English and no longer than 30 pages (excluding cover pages, table of contents, dividers, and annexes). Proposals should be on pages 8½ by 11 inch or A4 (please specify which in cover page with submission), single-spaced, 12-point type in a single column with 1-inch margins on all sides. The technical proposal should include the following:

- A description of the overall vision and proposed technical approach to the proposed activity (as outlined in Section IV), including the proposed approach to scale up, provision of a package of quality services, commodity management,

establishment of networks, referral systems and linkages, grants management, capacity building, technical support and quality assurance, and coordination.

- A description of proposed arrangements for working with technical partners.
- A description of the proposed approach to selection of and working with local sub-grantees.
- A description of specific plans to monitor and evaluate activity performance, especially the results orientation (as outlined in Section V).
- An organizational chart, skills matrix, and brief descriptions of key positions (as outlined in Section VI).

Annexes should include the following:

- Resumes of the Chief of Party and all proposed key personnel (5 pages maximum per position), and other proposed staff (3 pages maximum per position) where appropriate.
- Letters of commitment for the Chief of Party and all key personnel.
- Capability statements and letters of intent to sub-grant from proposed bid partners. (Exclusivity agreements are not required at proposal stage.)
- Past performance references and a list of all contracts, grants or CAs involving similar or related programs over the past 3 years. Reference information should include name and address of awarding organization, name, telephone number and e-mail address of contact person, award amount and number, if appropriate, and a brief description of work performed.

Under the contemplated award, USAID will remain substantially involved during the implementation.

Key Personnel

The applicant should propose an overall staffing pattern that demonstrates the technical expertise and experience required to design and implement the project and to support the proposed technical approach. The staffing plan should demonstrate a solid understanding of key technical and organizational requirements and an appropriate mix of skills, while avoiding excessive staffing. This section should include: 1) a detailed organizational chart, 2) a brief description of relevant experience of key personnel and 3) a skills matrix for proposed project staff.

Given the various structures that could be put in place for management and implementation of the project, the applicants are asked to identify specific individuals for the positions of Project Director/Chief of Party and at least three (3) and up to 4 senior programmatic and financial positions, at the very least that of Chief of Party, Program Director, Finance Director, and Grants Coordinator. These individuals should have relevant international and national experience, expertise and knowledge, including in program management, provision of counselling and testing services, capacity-building and institutional development, health structures and systems, networking and referral mechanisms, sub-granting mechanisms. These positions will be deemed “key” positions requiring USAID/Tanzania approval.

Substantial Involvement Understanding

USAID is seeking applications from registered indigenous organizations, US and non-US non-governmental organizations, non-profit and for-profit willing to forego profit, especially Tanzanian indigenous organizations, that have experience in: (1) sub-granting for community level counselling and testing or similar services; (2) managing and supporting, including capacity building, training, financial management, logistics to local organizations; (3) demonstrated ties, either directly or through members of the applying consortium, to CSOs, FBOs, and community based organizations as well as a track record in community-based programming for HIV/AIDS in Tanzania. It is expected that partner organizations and consortium members will have a shared role in proposal design. The most successful applicant(s) will already have structures in place and therefore possess the ability to rapidly scale up programs.

Eligible organizations could include, for example, foundations, non-governmental organizations, faith based organizations, community based organizations, private organizations affiliated with public academic institutions and international non-governmental organizations, private companies, professional associations and consortiums of the above.

Applicants are encouraged to undertake joint applications or other group arrangements to accommodate participation of new partners, improve geographic coverage, and improve potential for success through capacity building partnerships.

Applicants are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a cooperative agreement from the US Federal government. The DUNS number is a nine-digit identification number, which uniquely identifies business entities. If an indigenous organization does not hold a DUNS registration number at the time of application, a non-indigenous partner with a DUNS number can be the primary recipient. An indigenous organization that does not have a DUNS number can contact the mission for the appropriate form.

USAID will be substantially involved in the program and management performance of this cooperative agreement. Specifically USAID will:

- 1) Approve the Recipient's 5-year and annual workplans plans
- 2) Approve specified key personnel
- 3) Approve sub-granting selection criteria proposed by Recipient
- 4) Approve the Performance Management Plan
- 5) Provide technical collaboration for specific program interventions

Based on the consultations made with the GoT and the challenge of rapid and significant scale up of counselling and testing services, USAID/Tanzania believes the time frame of a five-year activity is necessary and appropriate to meet the goals of the Mission and PEPFAR. However, it should be noted that, while the current Strategic Agreement with the GoT runs through 2011, it is possible that the length of this agreement will be shortened due to new policies in Washington. In addition, the current life of the PEPFAR Initiative is through 2009. Despite these uncertainties, USAID/Tanzania plans on funding this activity for the full five years, dependent on the availability of funds and presence of applicable Strategic Agreements.

C. Cost Application Format

The Cost or Business Application is to be submitted under separate cover from the technical application. Certain documents are required to be submitted by an applicant in order for an Grant Officer to make a determination of responsibility. However, it is USAID policy not to burden applicants with undue reporting requirements if that information is readily available through other sources.

The following sections describe the documentation that applicants for Assistance award must submit to USAID prior to award. While there is no page limit for this portion, applicants are encouraged to be as concise as possible, but still provide the necessary detail to address the following:

A. A copy of the program description that was detailed in the applicant's program description, on a CD, formatted in MS WORD, and a budget in MS EXCEL.

B. Include a budget with an accompanying budget narrative which provides in detail the total costs for implementation of the program your organization is proposing. The budget must be submitted using Standard Form 424 and 424A which can be downloaded from the USAID web site, http://www.usaid.gov/procurement_bus_opp/procurement/forms/sf424/;

- the breakdown of all costs associated with the program according to costs of, if applicable, headquarters, regional and/or country offices;
- the breakdown of all costs according to each partner organization involved in the program;
- the costs associated with external, expatriate technical assistance and those associated with local in-country technical assistance;

SECTION B - SELECTION CRITERIA

The criteria presented below have been tailored to the requirements of this particular RFA. Applicants should note that these criteria serve to: (a) identify the significant matters which applicants should address in their applications and (b) set the standard against which all applications will be evaluated. To facilitate the review of applications, applicants should organize the narrative sections of their applications in the same order as the selection criteria.

The technical applications will be evaluated in accordance with the Technical Evaluation Criteria set forth below. Thereafter, the cost application of all applicants submitting a technically acceptable application will be opened and costs will be evaluated for general reasonableness, allowability, and allocability. To the extent that they are necessary (if award is made based on initial applications), negotiations will then be conducted with all applicants whose application, after discussion and negotiation, has a reasonable chance of being selected for award. Awards will be made to responsible applicants whose applications offer the greatest value, cost and other factors considered.

Awards will be made based on the ranking of proposals according to the technical selection criteria identified below. Proposals will be evaluated and scored out of a total of 100 points using the criteria below. These criteria identify significant areas applicants should address in their proposals and serve as the standard against which all proposals will be evaluated.

Technical Application Evaluation criteria

	CRITERIA	POINTS
A.	Technical approach	60
1	Overall technical merit, innovation and creativity, contextual understanding, technical knowledge and analysis, feasibility, flexibility and responsiveness to the key design considerations	
2	Proposed approaches, strategies and activities with particular emphasis on those designed to reach the special populations described in the RFA and to address the shortcomings of previous programs.	
3	Demonstration of evidence-based programming and deep understanding of counseling and testing and behaviour change theory and the state of the art, and factors related to behaviour change in Tanzania including age and gender considerations.	
4	Proposed Performance Implementation Plan	
5	Monitoring and evaluation plan which suggests both quantitative and qualitative indicators, and proxy indicators to measure effectiveness of preventive counseling	
B.	Management Capacity	40
1.	Management plan: describe how overall management of the activities will take place including: <ul style="list-style-type: none"> a. proposed organizational structure, b. proposed partners and arrangements for working with partner organizations, including maximizing the role of Tanzanian organizations and building their capacity to carry out programs in the longer term, as well as proportion of funding set aside for service delivery c. proposed sub-grant making arrangements and d. proposed financial management arrangements. e. proposed partnerships, the applicant's plan to collaborate with other contractors/grantees and plans for coordination and collaboration with the USG PEPFAR partners, GOT, other donors. 	
2.	Key personnel Proposed skills matrix, and the expertise and experience of the Project Director/COP and other senior personnel. All key personnel must be identified and supported with CVs.	
3.	Institutional capacity and past performance Demonstrate the institutional capacities and record of accomplishment required to fulfill project requirements, including expertise in implementing counseling and testing programs. Applicants must show the ability to provide a range of appropriate, state of the art technical assistance and administrative support to the project. Applicants must also submit up to five past performance references relevant to this scope of work, which will also be evaluated.	
4	Gender Applicants will be evaluated on how gender has been incorporated into the program description. Intention to reach both men and women with program activities should be explicitly stated, with a clear understanding of gender dynamics in the fight against HIV/AIDS in Tanzania.	

Exhibit M

**SUMMARY STATEMENT
PROGRAM ANNOUNCEMENT #04208
Scale-Up of Home- Based Care Activities for People Living with HIV/AIDS in the United
Republic of Tanzania**

Date of Review: August 9, 2004
Applicant Name: Pathfinder International, 04208-02
Amount Requested: \$ 6,000,000
Recommendation: Approved
Score: 83.75

BRIEF SUMMARY OF THE APPLICATION:

Pathfinder International requests over 5 years to scale-up its existing Tutuzane ("Let's take care of one another") community home-based care (CHBC) project to an additional 10 districts in Tanzania. Pathfinder will be collaborating with Interchurch Medical Assistance (IMA), the Christian Social Services Commission (CSSC), and the Tanzanian government. The applicant aims to contribute to the CDC's Global AIDS Program (GAP) and the President's Emergency Plan for AIDS Relief (PEPFAR) goals of providing care and support services for up to 5,000 people living with and affected by HIV/AIDS. Pathfinder expects to rapidly scale up the provision of CHBC to include 10 additional regions in Tanzania. The applicant initiated CHBC as of 2001.

The purpose of this project is to support the public health infrastructure in Tanzania and to strengthen the capacity of Ministries of Health (MOH) and partner institutions to coordinate, plan, monitor, and evaluate an integrated TB/HIV program. This will be accomplished by cooperation and collaboration in implementing activities between CDC, the Tanzania MOH-NACP, and the funded organization. These collaborative activities will improve national capacity to ensure the availability of a continuum of care for the chronically ill HIV/AIDS patients in Tanzania. These services will be used as entry points for antiretroviral therapy (ART) programs.

Awardee activities for this program are as follows:

- Obtain the necessary staff, equipment, and supplies to enhance HBC services in Tanzania.
- Recruit and train staff in counseling, testing, and HBC services according to national guidelines.
- Collaborate with the MOH-NACP to review and update HBC guidelines to include palliative care and other intervention for care and treatment of chronically ill HIV/AIDS patients.
- Plan, develop, conduct, and evaluate HBC training programs for home care providers and community-based providers in collaboration with CDC and the MOH-NACP.

- Monitoring and evaluation plans need strengthening. These plans are essential for ensuring shared understanding of the roles and charges for the collection of data and reporting.

CRITERIA 2: Understanding of the Problem

Summary of Strengths:

- Pathfinder International demonstrates the overall need of HIV/AIDS patients for CBHC and demonstrates a clear and concise understanding of the nature of the problem.
- The applicant understands the need to work in collaboration with other partners within the government and the communities.
- The applicant is already doing community-based health care in the field and includes a description of the public health importance of the planned activities, objectives, and projects.

Summary of Weaknesses:

- No weaknesses were reported.

CRITERIA 3: Ability to Carry Out the Project

Summary of Strengths:

- The applicant has been in Tanzania since 1995 and operates out of two offices in the country--Dar es Salaam and Arusha. Pathfinder International already has an existing infrastructure to carry out the project.
- The applicant demonstrates superior capability to achieve the proposed objectives and goals in the proposal. A thorough description of Pathfinder's Tanzania CHBC Project Tutuzane has been included in the proposal.
- The goals that the applicant set out are attainable.

Summary of Weaknesses:

- Pathfinder International will be spending a great deal of money on subgrants to partners, community-based organizations (CBOs), and faith-based organizations (FBOs).

CRITERIA 4: Personnel

Summary of Strengths:

- Proposed staff members are local with a wide range of skills and a wealth of experience working with other United States Government (USG) partners and NGOs. Professional personnel involved with this project have 5-18 plus years of experience in the HIV/AIDS universe of OI/HIV/STD.

Exhibit N

BY-LAWS OF PATHFINDER INTERNATIONAL

ARTICLE I NAME AND ORGANIZATION

Section 1. Name. The name of this corporation (the "corporation") is PATHFINDER INTERNATIONAL, as set forth in its Articles of Incorporation, as amended.

Section 2. Organization. Pathfinder International shall be organized as a tax-exempt, nonprofit District of Columbia corporation.

ARTICLE II OFFICES

The principal office of the corporation shall be in the Commonwealth of Massachusetts.

The corporation shall have and maintain a registered office in the District of Columbia.

In addition, the corporation may have offices at such places both within and without the United States as may from time to time be determined by the Board of Directors.

ARTICLE III SEAL

The seal of the corporation shall consist of a flat-faced circular die with the name of the corporation, the year of incorporation, and the words "District of Columbia" cut or engraved thereon.

ARTICLE IV PURPOSE

The corporation's purpose is to ensure that women and couples have the fundamental human right to manage their fertility, and to select the circumstances and optimize the conditions within which they choose to have or not to have children so that the health of both women and children is protected; and to support the principle that the widespread availability and optimal quality of voluntary family planning services will increase the well-being of the individuals served and benefit the regions of the world in which they live.

ARTICLE V
MEMBERS

The governance of the corporation is the responsibility of its Board of Directors. The Board of Directors serve as the only voting members of the corporation. The Board of Directors may create such classes of non-voting membership as it may consider appropriate.

ARTICLE VI
BOARD OF DIRECTORS

Section 1. Powers. The management of the corporation and its programs shall be vested in the elected officers and Directors as herein provided. This includes, but shall not be limited to:

- . formation and development of policy;
- . initiation, development, and evaluation of programs to accomplish the purposes of the corporation;
- . the raising and managing of necessary funds to support these programs;
- . final responsibility and jurisdiction over the actions of any officer, committee, or employee of the corporation;
- . creation of categories of non-voting members;
- . approval of selection of an independent auditor to conduct an annual audit of the corporation's accounts;
- . review and approval of an annual audit;
- . the making of contracts, borrowing of money, and securing of any corporate obligations;
- . the final responsibility for insuring the corporation does not engage in any activity which jeopardizes the corporation's federal tax-status;
- . the requirement of periodic reports from and action on the recommendations of the various committees;
- . employment of a President who shall serve under the direction of the Board of Directors, be responsible to the Board of Directors, and act as the chief executive officer of the corporation;
- . evaluation of the President on a regular basis, no less than annually.

Section 2. Number. There shall not be fewer than sixteen (16) nor more than thirty (30) elected Directors, as determined by the Board of Directors at its annual meeting.

Section 3. Election and Terms. Elected Directors shall serve up to three (3) years, with terms arranged so that in each year the terms of approximately one-third (1/3) of the elected Directors expire. A Director may serve up to three (3) successive three- (3-) year terms, in the event that he or she is renominated by the Nominating Committee at the end of a term. While rotation shall apply to all Directors, including officers, exceptions shall be made, for example, when officer terms would otherwise not be coincident to Director terms. Directors shall be members of the corporation. No employee of the corporation may serve as a member of the Board of Directors. Directors shall be elected at the annual meeting or other regular meeting from a slate or recommendation presented by the Nominating Committee.