

ILGA Asia

Constitution

*Adopted at the 9th ILGA Asia Conference, December 2, 2022,
Ho Chi Minh City, Vietnam*

A. General

- A.1 Hereby a non-profit, non-governmental, international organisation called The Asian Region of The International Lesbian, Gay, Bisexual, Trans, Intersex, Non-binary & Queer Association (ILGA), hereafter called ILGA-ASIA, is established.
- A.2 ILGA-ASIA is the regional organisation for the Asian region of ILGA.
- A.3 ILGA-ASIA is registered under the Thai Ministry of Home Affairs as ILGA Foundation. This law governs areas not covered in this Constitution.
- A.4 The legal residence of ILGA-ASIA is Alma Link Building, Bangkok, Thailand.
- A.5 ILGA-ASIA has the sovereignty to make decisions on regional matters according to the rules set up in this Constitution.
- A.6 The work of ILGA-ASIA shall reflect the diversity of its members.

B. Vision, Mission and Strategies

- B.1 ILGA-ASIA's **vision** is a world where Asia is a safe place for all, where all can live in freedom and equality, be properly informed about the nature of sexual orientation and gender identity & expression and sex characteristic (SOGIESC) rights, have access to justice, and diversity is respected.
- B.2 The **mission** of ILGA-ASIA is:
- B.2.1 To promote universal respect for and observance of human rights and fundamental freedoms, including the elimination of all forms of discrimination and stigmatization based on SOGIESC in Asia and including the specific provisions of the UN conventions and covenants specified in the Constitution of ILGA;
 - B.2.2 To work for the equality of all people regardless of sexual orientation or gender identity / expression and sex characteristic, as well as liberation from all forms of discrimination and stigmatization;
 - B.2.3 Empower and support LGBTIQ communities, organizations and individuals in Asia, while encouraging community building and networking.
- B.3 **Strategies** to be implemented will include:
- B.3.1 Advocacy at international level;
 - B.3.2 Advocacy at regional and sub-regional levels;
 - B.3.3 Empowerment of LGBTIQ / SOGIESC CSOs (civil society organizations), community-based organizations (CBOs) and activists;
 - B.3.4 Promote social awareness and educate on SOGIESC rights and issues relevant to various Asian contexts.
- B.4 In this context, the **activities** of ILGA-ASIA will include, inter alia:
- B.4.1 Representing members to bodies and organisations active at the Asian level;
 - B.4.2 Coordinating projects, programmes, actions and initiatives by members to which an Asian perspective needs to be brought;
 - B.4.3 Developing projects and undertaking studies or research in various fields that are of particular concern to LGBTIQ people;
 - B.4.4 Developing necessary networks for a permanent exchange of information and actions with members on issues addressed in Asia;

- B.4.5 Participating in activities and projects at the global level, as appropriate;
 - B.4.6 Agreeing and implementing Asian action programmes, possibly jointly with other organisations. For this purpose, ILGA-ASIA can use any information and promotional means, organise courses, conferences, seminars, study days, workshops and retreats.
 - B.4.7 This list is descriptive and not comprehensive.
- B.5 The aims of ILGA-ASIA shall at all times be consistent with the aims expressed in the Foundation Document and Aims and Objectives parts of the constitution of ILGA.

C. Membership

- C.1 All full and associate members of ILGA in the Asian region, as defined by the ILGA World Conference, are full and associate members of ILGA-ASIA. They have legal personality.
- C.2 Members shall at all times have the same membership status in ILGA-ASIA as in ILGA itself.
- C.3 All members have to support the aims of ILGA.
- C.4 Membership in ILGA is divided into two categories: Full members and Associate members.
 - C.4.1 **Full members** are:
 - C.4.1.a Non-profit organisations representing lesbians, gays, bisexuals, trans, intersex, queer and non-binary people, their culture or providing support services for them;
 - C.4.1.b Branches of the above mentioned organisations;
 - C.4.1.c Non-profit groups representing lesbians, gays, bisexuals, trans, intersex, queer and non-binary people within other organisations such as trade unions and political parties.
 - C.4.2 **Associate members** are: other organisations of public law, such as cities, regions, political parties or trade unions, etc., or of private law.
 - C.4.3 **Individuals** wishing to associate to ILGA may become a 'Friend of ILGA'.

C.5 Application:

C.5.1 An applicant for any category of membership of ILGA must submit an application to the Administrative Office and affirm agreement with the aims and objectives of ILGA. An organization applying for full or associate membership must provide a description of itself, its aims, the composition of its membership, target group and structure.

C.6 Admission:

C.6.1 Applications, which are in conformity with the aims and objectives in this constitution, shall be accepted by the ILGA World Executive Board, subject to final decision by the World Conference. The ILGA World Executive Board can delegate the acceptance of new members in a region to a regional structure set up in accordance with ILGA World Constitution.

C.7 Suspension and expulsion:

C.7.1 A member may be suspended from membership by the ILGA World Executive Board for failure to comply with this constitution. The suspension, unless revoked by the ILGA World Executive Board, shall remain in force until the next World Conference. A member may be expelled from membership by motion at a World Conference for failure to comply with the ILGA-ASIA and ILGA World constitution.

C.7.2 Members facing the possibility of expulsion have the right to present their defense to both ILGA-ASIA and ILGA World.

C.7.3 An individual may no longer be recognised as a 'Friend of ILGA' by the Secretaries General. Where such an action occurs, the Secretaries-General will submit their decision to the next World Executive Board meeting for review.

C.7.4 If a member does not pay the annual membership fee within 3 months after being given notice that the fee is due, the member will not be able to exercise the rights of a member as set out in this constitution until such time as any outstanding fees have been paid

D. The Asian Regional Conference

- D.1 The highest body of ILGA-ASIA is the Asian Regional Conference, also known as the ILGA-ASIA Conference. It determines the policy of ILGA-ASIA within the framework of this constitution.
- D.2 The Asian Regional Conference shall meet at least every other year, a biennial rhythm at a time and a place normally decided by a former conference. The ILGA-ASIA Board shall, however, take steps to ensure that a conference is called, including determining the time and place as necessary if such a decision is not taken or it subsequently becomes unviable for any reason. The procedures for the Conference shall be those set out in this constitution and the Standing Orders for ILGA-ASIA.
- D.3 Full members and the ILGA-ASIA Board can submit proposals to be dealt with at the Regional Conference in accordance with the provisions in the Standing Orders. They may also nominate candidates for the ILGA-ASIA Board and submit amendments to proposals in accordance with the Standing Orders.
- D.4 The ILGA-ASIA Board shall send, in accordance with the provisions in the Standing Orders, to all members a preliminary agenda including proposals and the audited accounts and inviting full members to send amendments to proposals. Before the conference the ILGA-ASIA Board shall send, in accordance with the provisions in the Standing Orders, the final agenda, the report from the Board, the budget and a list of candidates for the Board to the members.
- D.5 The **agenda** of the Regional Conference shall include:
- D.5.1 Election of the Chairing Pool;
 - D.5.2 Report from the ILGA-ASIA Board;
 - D.5.3 Approval of the accounts;
 - D.5.4 Proposals and amendments from the ILGA-ASIA Board or full member organisations;
 - D.5.5 Approval of budget and a financial report;
 - D.5.6 Election of the ILGA-ASIA Board and two representatives – one of whom identifies as a woman – to the ILGA Executive Board;
 - D.5.7 Appointment of an auditor;
 - D.5.8 Any other business.
- D.6 The conference is composed of delegations from full member organisations each carrying up to two votes according to the rules in the Standing Orders and members of the ILGA-ASIA Board. Other representatives of full member organisations, representatives of

associate member groups and associate individual members within the region may attend the conference. The host organisation and the ILGA-ASIA Board can invite others to take part in the conference. Only delegates from full member organisations may vote at the conference.

- D.7 The conference is chaired by a **Chairing Pool**, which shall have the functions set out in the Standing Orders.
- D.8 Decisions of the conference are taken only by the conference plenary. The following proposals can be put forward to the plenary:
 - D.8.1 Proposals and amendments from full members or from the ILGA-ASIA Board that have been submitted and circulated in accordance with the Standing Orders;
 - D.8.2 Proposals from the ILGA-ASIA Board;
 - D.8.3 Proposals from the conference, in accordance with the procedures in the Standing Orders.
- D.9 Whenever possible decisions should be taken by consensus. In the event of a vote, decisions will be made on the basis of a simple majority of votes cast for and against, with the exception of proposals for changes to the constitution as stated in article G.2. The decisions of the conference are recorded in a registry.
- D.10 Elections and voting shall be conducted in accordance with the rules in the Standing Orders.
- D.11 An **extraordinary Regional Conference** shall be convened by the ILGA-ASIA Board if:
 - D.11.1 A Regional Conference decides that an extraordinary conference should be held, or
 - D.11.2 60 % of the full members including members from at least 4 countries request such a conference in order to discuss and take decision on particular issues, or
 - D.11.3 The Board considers that it is in the interest of ILGA-ASIA for such a conference to be held to discuss and make decisions on particular issues.
- D.12 The notice for such an extraordinary conference shall specify the issues, which are to be discussed, and the agenda for the conference shall be restricted to these issues.
- D.13 At extraordinary conferences decisions can only be taken if at least 50% of the full members including members from at least 5 countries are represented at the conference by delegates or by proxy. In all other respects, the provisions of this constitution and the Standing

Orders shall apply.

- D.14 The Asia Regional Conference will be accessible to those with disabilities to the best of ILGA Asia's ability, whether the disabilities are physical or intellectual.

E. The ILGA-ASIA Executive Board

- E.1 The ILGA-ASIA Executive Board, also known as the ILGA-ASIA Board, shall act and can make decisions on behalf of ILGA-ASIA between the conferences within the framework of this constitution and policies laid down by Regional Conferences.
- E.2 The ILGA-ASIA Board shall consist of a maximum of fifteen (15) individuals from full member organisations consisting of two (2) representatives from each of the four (4) sub-regions in Asia (West, South, Southeast and East). At least one of the two subrepresentatives from each of the sub regions should identify as a woman and one disabled/person with disabilities.
- E.3 In the composition of the ILGA-ASIA Board, the diversity of the membership should be reflected. Therefore, in addition to the eight sub-regional representatives, there shall be one representative for the following, elected in accordance with the provisions in section D:
- E.3.1 Bisexual
 - E.3.2 Disabled/Person with Disabilities
 - E.3.3 Intersex
 - E.3.4 Non-Binary
 - E.3.5 Trans
 - E.3.6 Women
 - E.3.7 Youth
- E.4 To further diversify the ILGA-ASIA Board, one youth representative, one disabled/person with disabilities representative and one bisexual representativeshall also be elected by the Conference. Youth is defined as people between fifteen and thirty-two years old.
- E.5 Two representatives, one of whom identifies as a woman, from the ILGA-ASIA Board are to be elected at the conference as Co-Chairs of the ILGA-ASIA Executive Board. These two will also serve as the ILGA-ASIA co-representatives to the ILGA Executive Board. The functions of the two Co-Chairs will be referred to governance manual.
- E.6 The ILGA-ASIA Board has the following **functions**:
- E.6.1 To implement ILGA-ASIA policies;
 - E.6.2 To represent ILGA-ASIA with international organisations such as the United Nations and set up lobbies where needed;

- E.6.3 To appoint and supervise an Executive Director or a General Coordinator to manage an administrative office;
 - E.6.4 To ensure the organisation of regional conferences;
 - E.6.5 To undertake fund raising for ILGA-ASIA;
 - E.6.6 To provide guidance and support services to the members as and when necessary;
 - E.6.7 To submit a report of its activities to the Regional Conference and of the regional activities to the world conference;
 - E.6.8 To submit a financial report to the Regional Conference including the audited accounts and the budget;
 - E.6.9 To assign specific areas of responsibilities to its members;
 - E.6.10 To set up working parties to assist it in specific areas and to mandate such working parties to act on its behalf where appropriate;
 - E.6.11 To initiate a written decision making procedure in major and urgent cases in areas falling outside or conflicting with policies decided by the Regional Conference, in accordance with article E.10;
 - E.6.12 To act on behalf of the organisation where necessary and undertake such other functions for every purpose falling within the aims and objectives of ILGA-ASIA.
 - E.6.13 To ensure the conference is accessible to all, especially those who are disabled or for people living with disabilities.
- E.7 The ILGA-ASIA Board shall set up its own order of business and determine its own timetable for meetings in order to carry out its functions. The quorum shall be 60 % of Board members. The decisions of the board shall be recorded in a registry.
- E.8 The meetings of the ILGA-ASIA Board shall be open to one representative from every full member organisation and all full members are upon request entitled to all information about ILGA-ASIA and the work of the ILGA-ASIA Board except for confidential personal information regarding individual board members or employees.
- E.9 The **term of office** of the ILGA-ASIA Board shall be from the end of the Regional Conference at which it is elected until the end of the next ordinary Regional Conference. The ILGA-ASIA Board will have

its first meeting shortly after the Regional Conference, Members of the ILGA-ASIA Board can be re-elected.

- E.10 ILGA-ASIA can only be legally committed by two members of the ILGA-ASIA Board jointly, acting with the proper authorisation of the board.
- E.11 In the case of a written decision procedure, initiated under the provisions of article E.5.k, a decision can be taken by a simple majority of the votes cast for or against and only if at least 30% of the full members including members from at least 10 countries have responded. All relevant material concerning the matter on which a decision shall be taken will be sent to all members.
- E.12 ILGA ASIA executive board should sign ILGA ASIA's policies directly after the election and the Staff manual.
- E.13 Any official accusation against an executive board member or a co-chair for breaching ILGA ASIA policies make the person under suspension for investigation process. The executive board member(s) should be dismissed either by a decision from the executive board members by consensus or by voting (70% at least of the elected board members) or after an official investigation that the executive board members agreed on by majority (70% at least of the elected board).
- E.14 The executive board members are responsible to appoint an executive director or to dismiss an Executive director for ILGA ASIA by Majority of voting from the elected executive board (70% at least of the elected board).
- E.15 Executive board members are not allowed to reach out to any staff without Copying at least 2 other board members and the executive director.
- E.16 An executive board member can reach out to the executive director for work related purposes.

F. Finances

- F.1 The financial year is the 12 months beginning 1 January.
- F.2 ILGA-ASIA may receive income from the following sources:
 - F.2.1 membership contributions;
 - F.2.2 grants;
 - F.2.3 donations;
 - F.2.4 sponsorships;
 - F.2.5 other legally acceptable sources.
- F.3 The ILGA-ASIA Board is responsible for ensuring that accurate accounts are kept of the capital, income and expenditures of ILGA-ASIA, and shall present the audited accounts and balance sheet for the previous financial year to the Regional Conference for approval and adoption, together with a financial report outlining the situation of the current financial year.
- F.4 The ILGA-ASIA Board shall determine detailed financial regulations for the proper control of the financial resources of the organisation and the keeping of accurate financial records, which shall include provisions for the audit of ILGA-ASIA's accounts.
- F.5 Only members of the ILGA-ASIA Board and personnel mandated by the board can withdraw from ILGA-ASIA bank- and giro-accounts.
- F.6 The Regional Conference shall appoint a suitably qualified auditor who shall be independent of the ILGA-ASIA Board.

G. Changes of the Constitution

- G.1 Proposals for changing this constitution can only be dealt with at a Regional Conference if the proposal has been submitted and circulated according to the rules in section D.
- G.2 Adoption of amendments to the constitution requires a majority of 75 % of the votes cast for or against.
- G.3 Any change to this constitution shall be published in Thailand, where ILGA-ASIA is registered.

H. Closing Down

- H.1 Closing down of ILGA-ASIA can be decided by the Regional Conference in accordance to the rules in section D.
- H.2 In case of closing down of ILGA-ASIA the assets of the organisation shall go to an organisation having similar aims as ILGA-ASIA, decided by the Regional Conference.