



*Constitution incorporating changes approved at the 2016 ILGA World Conference in Bangkok*

## **CONSTITUTION of ILGA**

### **C1 PREAMBLE**

C1.1 Recognising the fundamental pride that lesbians, gay men, bisexuals, trans people, and intersex (LGBTI) people have in their gender identity and expression, sexual orientation, and bodily diversity;

C1.2 Conscious that social and legal discrimination on the basis of sexual orientation, gender identity and expression, and intersex, is pervasive and that effective work against oppression calls for international solidarity;

C1.3 Seeking in ILGA an international organisation within which lesbian, gay, bisexual, trans and intersex people from different perspectives can work together;

C1.4 Concerned with the vulnerability of youth in a world that continues to practice so many forms of discrimination, the need for their protection from abuse and the goal of ensuring that young people experience both freedom and support as they develop their own sexualities and identities;

C1.5 Mindful of the impact of discrimination on the basis of sex, sexual orientation, gender identity, gender expression, bodily diversity, race, age, disability, economic status, national origin and ethnicity on lesbians, gay men, bisexuals, trans people and intersex people, and the way in which such discrimination can end in violence and violation of human rights.

C1.6 Building on the work of previous generations who have struggled for equality and liberation;

C1.7 We approve this document as the Constitution of the International Lesbian, Gay, Bisexual, Trans and Intersex Association.

### **C2 CONSTITUTION**

C2.1 The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) is an international nonprofit organisation in conformity with art. 60 in accordance with Swiss Civil Code and with this Constitution and covers the activities of ILGA. The association is incorporated for an unspecified period.

C2.2 The registered office is in Geneva. ILGA is registered with the *registre du commerce* of Geneva. The Executive Board of ILGA, can decide by the majority of its members, to move the registered office elsewhere, even abroad, if special circumstances require so, especially if this has the effect to safeguard its freedom of action. Such a decision must nevertheless be ratified within 180 days by the World

Conference by a simple majority of votes cast for and against.

C2.3 The working languages of ILGA are English and Spanish.

### **C3 AIMS AND OBJECTIVES**

C3.1 The Aims and Objectives of ILGA are:

C3.1.1 To work for the equality of lesbian, gay, bisexual, trans and intersex people and for liberation from all forms of discrimination;

C3.1.2 To work for equality of all people who live and face discrimination because of their perceived or actual sexual orientation, gender identity, gender expression or bodily diversity.

C3.1.3 To promote the universal respect for and observance of human rights and fundamental freedoms, including the elimination of all forms of discrimination and also including the realisation of the specific provisions of the following international human rights instruments:

- The International Covenant on Civil and Political Rights;
- The International Covenant on Economic, Social and Cultural Rights;
- The International Convention on the Elimination of all forms of Racial Discrimination;
- The Convention on the Elimination of all forms of Discrimination against Women;
- The Convention on the Rights of the Child;
- The Convention on the Rights of Persons with Disabilities;
- The United Nations Declaration on the Rights of Indigenous Peoples;
- The International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment;
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- The International Convention on Enforced Disappearance

C3.2 To work towards these goals, ILGA shall:

- Create a platform for lesbians, gay men, bisexuals, trans people and intersex people internationally, in their quest for recognition, equality and liberation, in particular through the world and regional conferences;
- Work towards equal representation in all regions for lesbians, gay men, bisexuals, trans people and intersex people in our quest for recognition, equality and liberation;
- Give support for ILGA members in coordination with its regions;
- Collect information, conduct research, publish material and organise seminars, training, briefings and specialised conferences;
- Offer facilities for co-ordination of activities and actions.

### **C4 MEMBERSHIP**

C4.1 All members have to support the aims of ILGA.

C4.2 Membership in ILGA is divided into two categories: Full members and Associate members.

Full members are:

- non-profit organisations representing lesbians, gays, bisexuals, trans people or intersex people, their culture or providing exclusive service to or support for them;
- branches of the above mentioned organisations;

- non-profit groups representing lesbians, gays, bisexuals, trans people or intersex people within other organisations such as trade unions and political parties.

Associated members are: other organisations of public law, such as cities, regions, political parties or trade unions, etc., or of private law.

Individuals wishing to associate to ILGA may become a 'Friend of ILGA'.

#### *C4.3 Application:*

An applicant for any category of membership of ILGA or for friends of ILGA must submit an application to the registered office of ILGA and affirm agreement with the aims and objectives of ILGA.

An organisation applying for full or associate membership must provide a description of itself, its aims, the composition of its membership, target group and structure.

#### *C4.4 Admission:*

Applications for full or associate members which are in conformity with the aims and objectives in this constitution shall be accepted by the Executive Board, subject to final decision by the World Conference. The Executive Board can delegate the acceptance of new members in a region to a regional structure set up in accordance with C5.2.

#### *C4.5 Suspension and expulsion:*

A member may be suspended from membership by the Executive Board for failure to comply with this constitution by at least a 50% plus 1 majority of its members voting for the suspension. The suspension, unless revoked by the 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 this constitution. Members facing the possibility of expulsion have the right to present their defence.

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 Executive Board meeting for review.

C4.6 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

C 4.7 Members shall at all times have the same membership status in a region as in ILGA itself.

## **C5 REGIONAL STRUCTURES**

C5.1 The regions of ILGA are Africa, Oceania (Aotearoa/New Zealand, Australia and Pacific Islands), Asia, Europe, Latin America and the Caribbean (LAC) and North America.

C5.2 Within each region members may form a regional organisation. All members of ILGA in a region are members of the same category in the regional organisation.

C5.3 The highest authority for each regional organisation is the regional conference. In accordance with the provisions in C8.3 the regional caucus at the World Conference will take on the duties of the regional conference in case such a conference has not taken place between two World Conferences.

C5.4 The aims of regional organisations shall at all times be consistent with the aims expressed in this constitution, and their work shall reflect the diversity of members in the region.

C5.5 Regional organisations may make decisions on regional structures and regional matters, and regional

conferences have the power to determine the policy of the regional organisation, according to their rules, subject to the provisions of this constitution.

C5.6 Where no such rules have been determined, then the arrangements for regional conferences must follow ILGA's Standing Orders as closely as possible in order to be recognised as official events of ILGA.

C5.7 Where no such rules have been determined, and in case a Regional Conference has not decided the place and time of the next conference, then the Office of ILGA in Geneva or regional office if there is one, shall communicate to all full members in the region that they can propose to organise the next regional conference. Members that wish to do so need to present and defend their proposal. The proposals are public. The decision will be made by the regional board if there is one. If there isn't one, a committee composed of the Secretaries-General, the region's representatives on the Executive Board and 5 full members from the region will consider the various proposals and decide which group will organise the next conference on the grounds of the criteria in the invitation for proposals.

C5.8 A regional organisation shall mention in its own constitution that it is a regional organisation of ILGA. A regional organisation may list, in its official name, the specific groups covered by ILGA, and for this purpose use wording and formulations appropriate to the cultural and linguistic context of that region. However, a regional organisation may not alter the name "ILGA" in the official name of the regional organisation.

## **C6 STEERING COMMITTEES**

### **C6.1 WOMEN'S COMMITTEE**

C6.1.1 The World Conference shall elect a person identifying as a woman to chair the Women's Committee and also be a member of the World Board.

C6.1.2 Each regional board shall appoint a person identifying as a woman to sit on the Women's Committee.

C6.1.3 It is the responsibility of the Chair of the Women's Committee to coordinate the work of the Committee which is to:

- a) Collect and co-ordinate information/visibility worldwide on lesbian, bisexual, trans and intersex women, in close co-operation with the Executive Board;
- b) Initiate articles on women's issues for ILGA publications;
- c) Attend relevant conferences within and outside ILGA and make policy inputs to international organisations and agencies;
- d) Co-operate with other international women's organisations;
- e) Co-ordinate and arrange women's caucuses and workshops in co-operation with the group planning for a World Conference;
- f) Carry out tasks allocated to it by ILGA World Conferences.

### **C6.2 TRANS COMMITTEE**

C6.2.1 The World Conference shall elect a person identifying as trans to chair the Trans Committee and also be a member of the World Board.

C6.2.2 Each regional board shall appoint a person identifying as trans to sit on the Trans Committee

C6.2.3 It is the responsibility of the Chair of the Trans Committee to coordinate the work of the Committee

which is to:

- a) Collect and co-ordinate information/visibility worldwide on trans issues, in close co-operation with the Executive Board;
- b) Initiate articles on trans issues for ILGA publications;
- c) Attend relevant conferences within and outside ILGA and make policy inputs to international organisations and agencies;
- d) Co-operate with other international trans organisations;
- e) Co-ordinate and arrange trans caucuses and workshops in co-operation with the group planning for a World Conference;
- f) Carry out tasks allocated to it by ILGA World Conferences.

### **C6.3 INTERSEX COMMITTEE**

C6.3.1 The World Conference shall elect an intersex person to chair the Intersex Committee and also be a member of the World Board.

C6.3.2 Each regional board shall appoint a person identifying as Intersex to sit on the Intersex Committee

C6.3.3 It is the responsibility of the Chair of the Intersex Committee to coordinate the work of the Committee which is to:

- a) Collect and co-ordinate information/visibility worldwide on intersex issues, in close co-operation with the Executive Board;
- b) Initiate articles on intersex issues for ILGA publications;
- c) Attend relevant conferences within and outside ILGA and make policy inputs to international organisations and agencies;
- d) Co-operate with other international intersex organisations;
- e) Co-ordinate and arrange intersex caucuses and workshops in co-operation with the group planning for a World Conference;
- f) Carry out tasks allocated to it by ILGA World Conferences.

### **C6.4 BISEXUAL COMMITTEE**

C6.4.1 The World Conference will elect a person who identifies as bisexual to chair the Bisexual Committee and also be a member of the World Board.

C6.4.2 Each regional board shall appoint a person identifying as bisexual to sit on the Bisexual Committee

C6.4.3 It is the responsibility of the Chair of the Bisexual Committee to coordinate the work of the Committee which is to:

- a) Collect and co-ordinate information/visibility worldwide on bisexual issues, in close co-operation with the Executive Board;
- b) Initiate articles on bisexual issues for ILGA publications;
- c) Attend relevant conferences within and outside ILGA and make policy inputs to international organisations and agencies;
- d) Co-operate with other international bisexual organisations;
- e) Co-ordinate and arrange bisexual caucuses and workshops in co-operation with the group planning for a World Conference;
- f) Carry out tasks allocated to it by ILGA World Conferences.

## **C6.5 Youth COMMITTEE**

C6.5.1 The World Conference shall elect an LGBTIQ person below the age of thirty (30) to chair the Youth Committee and also be a member of the World Board.

C6.5.2 Each regional board shall appoint an LGBTIQ person who is below the age of 30 to sit on the Youth Committee.

C6.5.3 It is the responsibility of the Chair of the Youth Committee to coordinate the work of the Committee which is to:

- a) Collect and co-ordinate information/visibility worldwide on youth issues, in close co-operation with the Executive Board;
- b) Initiate articles on youth issues for ILGA publications;
- c) Attend relevant conferences within and outside ILGA and make policy inputs to international organisations and agencies;
- d) Co-operate with other international youth organisations;
- e) Co-ordinate and arrange youth caucuses and workshops in co-operation with the group planning for a World Conference;
- f) Carry out tasks allocated to it by ILGA World Conferences.

## **C7 THE WORLD CONFERENCE**

C7.1 The highest authority of ILGA is the World Conference.

C7.2 The time and place of the World Conference shall normally be determined by a prior World Conference. However, if such a decision is not taken or if it subsequently becomes unviable for any reason, the Executive Board shall take steps to ensure that a conference is called, including determining the conference venue and host organisation.

C7.3 The procedures for the World Conference shall be those set out in this Constitution and the Standing Orders.

C7.4 Full members, the Executive Board, the Steering Committees and Regional Executive Boards can submit proposals and amendments to proposals in accordance with the provisions in the Standing Orders. They may also nominate candidates for Secretaries General and chairs of the Steering Committees. Candidates can be nominated by other member organisation(s) than they are members of.

C7.5 In advance of the World Conference the Executive Board shall send to all members, in accordance with the provisions in the Standing Orders a preliminary agenda with proposals and nominations, and the audited accounts for the previous financial year or years and invite full members to submit amendments to proposals. The Board shall also send to all members, in accordance with the provisions in the Standing Orders, the final agenda with the reports from the Board and each of the Steering Committees and the financial report for the current year.

C7.6 The agenda of the World Conference shall include:

- a) Approval of the report from the Executive Board
- b) Approval of the report from the Women's Committee
- c) Approval of the report from the Trans Committee
- d) Approval of the report from the Bisexual Committee
- e) Approval of the report from the Intersex Committee

- f) Approval of the report from the Youth Committee
- g) Approval of the audited accounts
- h) Approval of the financial report for the current year
- i) Approval of the budget
- j) Appointment of an auditor
- k) Proposals and amendments from full members, the Executive Board, the Steering Committees and Regional Executive Boards
- l) Any change in the membership fee
- m) Election of the Secretaries General and alternates
- n) Election of the Chairs of the Steering Committees.

C7.7 The conference is chaired by a Chairing Pool, which shall have the functions set out in the Standing Orders

C7.8 Only full members are entitled to vote at a World Conference. Each full member shall have two votes and may nominate a proxy in accordance with the provisions in the Standing Orders.

C7.9 Associate and individual members are entitled to attend World Conferences and speak in all workshops and plenary sessions. The Executive Board can permit others to attend and participate in any World Conference or a part of it.

C7.10 Decisions of a World Conference are taken only by the conference in plenary session. They shall be recorded in a special register in accordance with the Standing Orders.

A plenary session can decide on questions of membership, resolutions, constitutional amendments, policy statements, budgetary decisions, elections and other business, in accordance with the procedures in the Standing Orders.

C7.11 Wherever possible, decisions are taken by consensus. In the event of a vote, decisions shall be taken on the basis of a simple majority of the votes cast for and against, with the exception of amendments to this Constitution, as stated in C11.2.

C7.12 An extraordinary World Conference shall be convened by the Executive Board in accordance with the Standing Orders if:

- A World Conference decides that an extraordinary conference should be held, or
- 20% of the full members including members from at least twelve countries and two regions request such a conference in order to discuss and take decision on particular issues, or
- The Board considers that it is in the interests of ILGA for such a conference to be held and make decisions on particular issues.

C7.13 The notice for such a conference shall specify the issues that are to be discussed, and the agenda for the conference shall be restricted to these issues. At extraordinary conferences decisions can be taken only if at least 15% of the full members including members from at least fifteen countries and three regions 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.

## **C8 THE EXECUTIVE BOARD**

C8.1 The Executive Board shall act on behalf of ILGA between World Conferences, within the framework and goals of this Constitution and the resolutions of the World Conference. The Executive Board appoints among its Members a Treasurer.

C8.2 The Executive Board shall include two representatives, at least one of whom identifies as a woman, from each region, the two Secretaries-General, and the Chairs of the Steering Committees. All full and reserve members of the board have to be from full member organisations.

C8.3 Regional representatives and alternates shall be elected by the appropriate regional structures, according to their procedures. At least one of the two regional alternates must identify as a woman. If this is not possible, a regional caucus at a World Conference shall elect representatives until the region elects representatives according to their procedures or until the next World Conference.

C8.4 In case of a vacancy, a replacement may be elected by the region according to their procedures. If the region does not or cannot fill a vacancy, the Executive Board may appoint an interim member until the region or a regional caucus elects a new member.

C8.5 The World Conference shall elect two Secretaries General, at least one of whom identifies as a woman, to join the Executive Board:

- a) The Secretaries General represent the organisation
- b) The Secretaries General can delegate the representational functions to other board members
- c) The Secretaries General act as joint line manager to the Executive Director. They can decide to designate one of them as the lead person on this matter.

C8.6 The Executive Board has the following functions:

- a) to represent ILGA internationally and implement ILGA policies,
- b) to ensure the organisation of world conferences
- c) to appoint the Executive Director
- d) to oversee the management of the Executive Director, who manages the administrative office and ILGA staff.
- e) to report regularly on their activities to the membership and to each World Conference,
- f) to select signing officers for the organisation.
- g) to undertake fundraising for the organisation.
- h) The board has the mandate to establish committees
- i) To choose among the members a treasurer who chairs the finance committee and holds joint responsibility with the executive director for the finances of the organisation to set up working parties to assist them in specific areas and to mandate such working parties to act on its behalf where appropriate and within the aims and objectives of ILGA;
- j) to work closely together with the Steering Committees;
- k) to promote equality of women, trans, bisexual and intersex persons within and outside ILGA, bearing in mind the concerns of young as well as elder LGBTI people 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.

C8.7 The Executive Board shall set up its own order of business and determine its own timetable for meetings in order to carry out its functions.

C8.8 Meetings of the Executive Board will be open to observers representing full members of ILGA, with the exception of discussions involving confidential personal information regarding individual board members or employees.

C8.9 Executive Board will have a meeting shortly after the World Conference and at least twice a year after that.

C8.10 The quorum for a meeting of the Executive Board shall be at least 50% of the regions represented, and one Secretary-General present. Meetings can also be conducted by telephone or electronically.



C8.11 The term of office of the Secretaries-General and the Chairs of the Steering Committees shall be from the end of the World Conference at which they are elected until the end of the next World Conference. They may be re- elected.

The term of office of the regional members shall be specified by the appropriate regional structures.

C8.12 Decisions of the Executive Board are recorded in a special register and signed by two Board members.

C8.13 ILGA can only be legally committed by the two Secretaries General (or in the absence of one of the Secretaries General one other board member) and the Executive Director jointly, acting with the authorisation of the board.

C8.14 Board members act voluntarily and can only claim compensation for their actual costs and their travel expenses incurred in relation with exercising their function. For activities exceeding the usual scope of their function, each Board Member can receive appropriate compensation. Paid employees of ILGA can only sit in on the Board meetings in an advisory capacity (with no deliberative voting rights).

## **C9 FINANCES**

C9.1 The financial year of ILGA is the calendar year, unless otherwise determined by the Executive Board or a World Conference.

C9.2 ILGA is a non-profit, international, non-governmental organisation according to Swiss Law. It may receive income from membership contributions, gifts, grants or other legally acceptable sources according to Swiss Law.

C9.3 The Executive Board is responsible for ensuring that accurate accounts of ILGA are kept according to Swiss Law. The Executive Board determines detailed financial regulations in relation to the control of financial resources and the keeping of accurate financial records, including provisions for the audit of ILGA accounts.

C9.4 The World Conference shall approve a suitably qualified auditor who shall be independent of the Executive Board.

## **C10 USE OF THE ILGA NAME**

C10.1 The names 'International Lesbian, Gay, Bisexual, Trans and Intersex Association' and 'ILGA' as well as the logo of ILGA can only be used with the authorisation of the Executive Board or the World Conference.

## **C11 AMENDMENT OF THE CONSTITUTION**

C11.1 An amendment to the Constitution can only be considered at a World Conference if the proposal has been submitted and circulated according to the rules in C7. The World Conference can consider the amendment proposed and any alterations to the amendment, which are not outside the scope of the proposed amendment.

C11.2 Adoption of changes to the constitution requires a majority of 75% of the votes cast for and against.

## **C12 VARIOUS PROVISIONS**

C12.1 Dissolution of ILGA can be decided by a World Conference under the rules for the amendment of the Constitution. Notice, in this case, shall be mailed to members at least three months in advance of the conference. In the case of the dissolution of ILGA, the World Conference shall appoint one or several liquidators, shall define their powers and indicate how to affect distribution of the net assets. The assets of the organisation shall go to a non- for-profit organisation(s) pursuing public interest and aims similar to those of ILGA and benefiting from tax exemption. In no case can the assets be returned to the individual founders or members of the Association, or to be used by them to receive profit in any possible way. The organisations to be decided by the World Conference or, in default of such decision, by the Executive Board.