

Federation of Sexual and Gender Minorities Nepal

Constitution 2063 (2006 AD)

Preamble

Although the people's movement of 2063 B.S. (2006 AD) succeeded and democracy was established in Nepal, various minority groups are still unable to fully enjoy their rights to live freely, obtain citizenship, and be free from social discrimination. National and international organizations working on human rights, including global rights groups, have started to stand against such discrimination.

In this context, the International Human Rights Commission on Lesbian and Gay Rights (LGLHRC) and the International Lesbian and Gay Association (ILGA) have included these issues of discrimination and violence in their agendas. They have begun preparations and mobilized their affiliated local NGOs to combat such discrimination and violence, to protect human rights, ensure access to citizenship, and promote empowerment.

Due to sexual exploitation, discrimination, and poor economic conditions, a large number of individuals belonging to sexual and gender minority groups—especially those identifying as homosexual—are compelled to live away from their homes, villages, and families. This has led to increased vulnerability and risky behaviors, including exposure to sexually transmitted infections and HIV/AIDS.

To address these challenges, provide care and support to affected individuals, advocate for citizenship rights of third-gender people, and create an environment of cooperation, coordination, and mutual support among all community-based organizations working in this field, the **Federation of Sexual and Gender Minorities Nepal** has been established as an umbrella organization.

Chapter 1

1. Short Title and Proposal

a) The name of this organization shall be **Federation of Sexual and Gender Minorities Nepal**, established in the year 2063 B.S. (2006 A.D.). In English, it shall be referred to as **Federation of Sexual Minorities (FSM)**.

b) This constitution shall come into effect from the date it is approved by the General Assembly of the Federation of Sexual and Gender Minorities Nepal.



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2. Definitions

Unless the context indicates otherwise:

- a) **"Constitution"** refers to the constitution of the Federation of Sexual and Gender Minorities Nepal.
- b) **"Bylaws"** refers to the set of rules and regulations formulated by the Federation of Sexual and Gender Minorities Nepal.
- c) **"Prescribed"** shall refer to provisions as specified in the constitution.
- d) **"As per the rules"** shall refer to actions taken in accordance with the constitution and bylaws of the Federation of Sexual and Gender Minorities Nepal.
- e) **"General Assembly"** shall refer to the General Assembly constituted in accordance with the constitution of the Federation of Sexual and Gender Minorities Nepal.
- f) **"Executive Committee"** shall refer to the committee formed to operate and manage the Federation of Sexual and Gender Minorities Nepal.
- g) **"Federation or Organization"** shall refer to the Federation of Sexual and Gender Minorities Nepal.
- h) **"Network Group"** shall denote the Federation of Sexual and Gender Minorities Nepal.
- i) m) **"District Office"** shall refer to the office established at the district level by a member organization of the Federation of Sexual and Gender Minorities Nepal.

3. Official Seal of the Organization

The official seal of the Federation of Sexual and Gender Minorities Nepal shall be as specified in Schedule 1 of this constitution.

4. Office of the Organization

The central office of the Federation of Sexual and Gender Minorities Nepal shall be located in Kathmandu. As needed, and with approval from the relevant local authorities, regional or district coordination offices may be established.



Chapter 2

5. Objectives and Programs of the Organization

- a) To promote mutual unity, goodwill, and coordination among profit-free governmental and non-governmental organizations working in areas related to sexual and gender minorities and their interests.
- b) To facilitate the exchange of information regarding the activities, operations, and initiatives of third-gender groups involved in areas such as sexual health, HIV/AIDS, and family planning, including both national and international organizations operating within Nepal.
- c) To advocate for the citizenship-related issues faced by third-gender individuals.
- d) To provide advocacy, consultation, and support on human rights issues and against discrimination faced by sexual and gender minorities, who are often marginalized.
- e) To work in the field of rights protection for highly vulnerable and at-risk groups affected by HIV/AIDS and sexually transmitted infections.

Chapter 3

6. Membership Eligibility

- a) Community-based organizations (CBOs), both national and international, that agree with the objectives and programs outlined in this constitution are eligible for membership.
- b) Groups affiliated with the Federation of Sexual and Gender Minorities Nepal that are registered with the local district administration and associated with the Social Welfare Council may become members.

7. Types of Membership

a) General Member

General members refer to community-based organizations affiliated with the Federation of Sexual and Gender Minorities Nepal.

b) Supporting Organization

Supporting organizations refer to entities actively working within the Federation's network.



c) **Honorary Member**

Honorary membership may be granted, based on the decision of the Executive Committee, to distinguished individuals who have made significant contributions to the welfare of marginalized third-gender groups. However, honorary members shall not have voting rights or be eligible to stand as candidates.

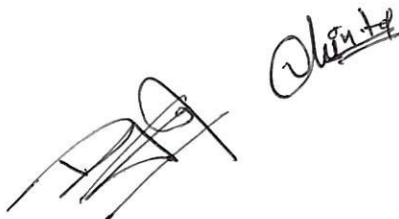
8. Membership Fees and Application Process

- a) To become a general member of the Federation, an organization must submit an application to the Chairperson along with the required documents as per the prescribed format, an entry fee of NPR 1,000 (One Thousand), and an annual membership fee of NPR 500 (Five Hundred), either in cash or bank draft.
- b) Membership renewal requires an annual fee of NPR 500 (Five Hundred), payable by the organization.
- c) The authority to grant membership shall rest with the Executive Committee.
- d) To be eligible for membership, the organization must be affiliated with a Community-Based Organization (CBO).

9. Disqualification for Membership

The following organizations shall be considered ineligible for membership:

- a) Organizations that do not operate in accordance with the objectives and provisions of this constitution.
- b) Organizations that have been expelled for violating their own constitution, bylaws, or code of conduct.
- c) Organizations that have been dissolved.
- d) Organizations proven to have misused government or non-government funds and resources.
- e) Organizations that fail to pay the entry fee of NPR 1,000, the general membership fee of NPR 500, or the annual renewal fee of NPR 500.



Chapter 4

General Assembly and Executive Committee

10. General Assembly (Formation Method)

The General Assembly shall be the supreme body of the Federation of Sexual and Gender Minorities Nepal. General, Supporting, and Honorary members shall be eligible to participate in the Assembly.

11. General Assembly

The General Assembly shall convene once a year at a time, date, and venue determined by the Executive Committee. If deemed necessary by the Executive Committee, or upon written request by 25% of the General Assembly members, the Committee may reschedule the time and venue of the Assembly.

The General Assembly meeting must be held within five months after the end of the fiscal year. During this meeting, the following documents must be presented: The progress report of the previous year, The audit report, The programs and estimated budget for the current year. These documents must be approved by the General Assembly.

12. Formation of the Executive Committee

The Executive Committee of the Federation of Sexual and Gender Minorities Nepal shall be formed through an election conducted by the General Assembly. The committee shall consist of 19 members as outlined below. While forming the Executive Committee, it is mandatory to ensure representation from community-based organizations (CBOs) across various districts, with special attention to sexual and gender minorities.

The positions within the Executive Committee shall include:

- President – 1
- Vice Presidents – 2
- General Secretary – 1
- Treasurer – 1
- Immediate Past President – 1
- Members – 13



13. Roles, Responsibilities, and Authority of the Executive Committee

- a) To manage, organize, and oversee all operations of the Federation.
- b) To implement the decisions passed by the General Assembly.
- c) To foster mutual understanding and coordination among community-based organizations, international NGOs, and government offices in Nepal.
- d) To fill any vacant positions of office bearers or members for the remaining term.
- e) To form sub-committees as needed to achieve the objectives of the Federation.

14. Roles, Responsibilities, and Authority of the General Assembly

- a) To elect the office bearers of the Executive Committee.
- b) To appoint an auditor.
- c) To approve the annual budget.
- d) To determine the annual income and expenditure.
- e) To authorize the Executive Committee to carry out any activities in line with the objectives of the organization.
- f) To form networks of sexual and gender minorities at the district level as needed.

15. Executive Committee Meetings

- a) The Executive Committee of the Federation of Sexual and Gender Minorities Nepal shall hold regular meetings at least once a month.
- b) Notice of the Executive Committee meeting must be sent by the General Secretary at least seven days in advance, as per the directive of the Chairperson.

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Chapter 5

16. Duties and Rights of Office Bearers

1. Duties and Rights of the President

- a) To lead the organizations affiliated with the federation.
- b) To preside over meetings or programs of the federation.
- c) To coordinate and collaborate with supporting organizations for the development of creative plans aimed at sustainable development.
- d) To give necessary instructions to the General Secretary.

2. Duties and Rights of the Vice President

- a) In the absence of the President, to carry out and ensure the execution of the responsibilities handled by the President.
- b) To formulate a creative and qualitative plan for the development of the federation of sexual and gender minorities, and to enhance the capacity of other CBO (Community-Based Organization) members.

3. Duties and Rights of the General Secretary

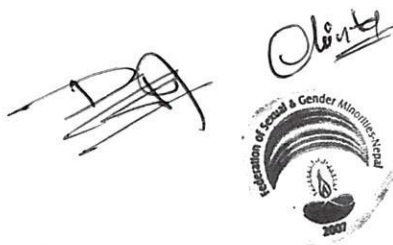
- a) To assist the President in conducting activities as per the decisions of the General Assembly or Executive Committee.
- b) To prepare agendas for meetings of the federation group, facilitate decision-making, and maintain proper records.
- c) To call meetings as per the President's decision.

4. Duties and Rights of the Treasurer

- a) To prepare the annual budget and set plans.
- b) To prepare financial reports.
- c) To evaluate and monitor whether the bills and reimbursements related to office or program projects are accurate.
- d) To conduct audits.
- e) To maintain proper records of cash, goods, and their inventory.

5. Duties and Rights of the Members

- a) To assist in planning programs for the institutional and sustainable development of the Federation Nepal.
- b) To monitor programs.
- c) To increase the number of members.



Chapter 6

Financial Management

18. Financial Sources

The Federation of Sexual and Gender Minorities Nepal shall have a fund, which will accumulate income from the following sources:

- a. Personal donations, grants, gifts, awards, etc., received from domestic and international organizations, institutions, and committees.
- b. Movable and immovable property.
- c. Entry fees received from members.
- d. Membership renewal fees.

18. Budget Approval

- a. In the first month of every fiscal year, the Executive Committee, under the leadership of the Treasurer, shall prepare the budget and present it to the General Assembly for approval.

19. Details of Movable and Immovable Property

- a. If there is immovable property such as land, it must be registered at the Land Revenue Office.
- b. Cash must be deposited in a bank.
- c. Details of movable property must be maintained.
- d. All movable and immovable property of the federation shall be in the name of the Federation of Sexual and Gender Minorities Nepal.

20. Fund

- a. All movable and immovable property shall be considered part of the Federation's fund.
- b. The fund shall be deposited in a nearby bank.
- c. The fund shall be operated through a designated account.
- d. Under the supervision of the President, the Treasurer shall be responsible for managing the fund.
- e. Any cash fund received by the community shall be deposited in the bank. A joint account shall be opened in the name of the committee with the President, General Secretary, and Treasurer. The account shall be operated with the joint signature of any two of the three, with the Treasurer's signature being mandatory.



21. Accounting Management and Audit

- a. The responsibility for maintaining the income and expenditure records of the Federation of Sexual and Gender Minorities Nepal shall lie with the Treasurer or Accountant. The accounts maintained by the Accountant shall be verified by the Treasurer, and those maintained by the Treasurer shall be reviewed by the President.
- b. Every year, the General Assembly shall appoint an auditor to audit the accounts, and the audit report must be approved by the General Assembly.
- c. The financial records, details, and audit report must be submitted annually to the local authorities.



Chapter 7

22) Provisions Related to Elections

- a) The term of the executive committee shall be two years from the date of assuming office. The executive committee shall appoint an election officer at least three months before the end of the term.
- b) Until the next general assembly election is held, the committee formed from the previous general assembly election shall be considered the executive committee.
- c) The location, date, and time of the election shall be as determined by the election officer.
- d) In the general assembly, the rule of one institution, one representative shall apply.
- e) Any representative from a member organization (CBO) within this network who follows the proper procedure may file candidacy.
- f) No individual may file candidacy or be nominated for the same position more than twice consecutively.

23) Disqualification for Candidacy

- a) If it is determined that the individual has not worked according to the objectives set by the federation.
- b) If proven to have acted against the constitution.
- c) If the concerned body or office has not been renewed.
- d) If the organization itself is deemed dissolved.

Motion of No Confidence

A motion of no confidence must be submitted in writing in the general assembly with the clear name, surname, and address of at least one-fourth of the members, along with their signatures. A proposal for amendment may be brought by majority vote, but the person against whom the no-confidence motion is filed shall not be deprived of membership opportunity.

24) Amendment of the Constitution

If it becomes necessary to amend the constitution of this organization, the executive committee shall present the matter in the general assembly. The amendment shall be passed by a two-thirds majority of all members present. As this organization is a non-profit



and transparent entity, the amended constitution must be submitted to the local authority, the District Administration Office, and the Social Welfare Council.

25) Formulation of Regulations

The executive committee may formulate regulations to fulfill the objectives of the Federation of Sexual and Gender Minorities Nepal, provided they do not conflict with the prevailing laws of Nepal.

26) Dissolution of the Organization

If the organization cannot operate according to its constitution or is dissolved for any other reason, its assets shall be owned by the Government of Nepal.

27) Provision for Establishing District Coordination Offices

In each district where member organizations of the Federation of Sexual and Gender Minorities Nepal exist, efforts shall be made to establish community-based organizations (CBOs). A coordination office shall be established in the district, consisting of a committee of 7 to 11 members.

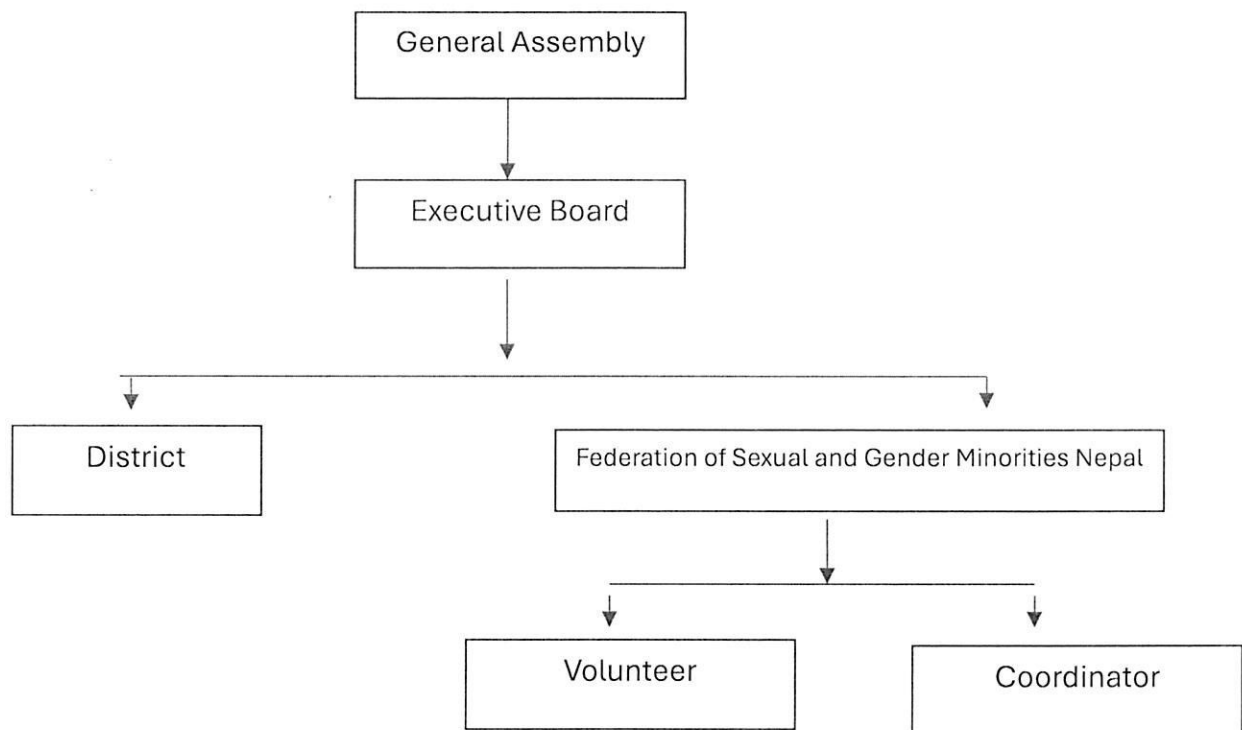
This committee must register the organization at the local District Administration Office. Only members who have worked for the welfare of sexual and gender minorities and against discrimination may represent the organization.

Schedule 1: Seal of the Organization

The seal of the Federation of Sexual and Gender Minorities Nepal shall reflect unity, featuring a rainbow and a traditional Nepali lamp (panas), with the name of the federation and the year 2063 (B.S.) inscribed.

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Schedule 2: Institutional Structure of the Federation of Nepal



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"Organizations affiliated with the federation"

S.N.	Name of Organization	Address	Representative	Social Welfare Affiliation No.	District Administration Registration No.	Signature	Seal
1	Sunaulo Bihani Samaj	Janakpur	Pradeep Kumar Yadav	21848	1154		
2	Mono Supporting Maple Group	Bhairahwa	Gam Bahadur Sampasi	21849	1133		
3	Manav Kalyan Samaj	Itahari	Sanjay Sharma	21368	1261		
4	CrusAIDS Nepal	Kathmandu	Sanjeev Gurung	21523	713		
5	Paschim Tara Nepal	Nepalgunj	Raju Lama	21367	786		
6	Naulo Bihani	Pokhara	Raju Thakali	21399	1735		
7	Parichaya Samaj	Lalitpur	Manoranjana Kumar Baidhya	20929	162		
8	Nil Hira Samaj	Lazimpat, Kathmandu	Sunil Babu Pant				
9	Mitini Nepal	Lazimpat, Kathmandu	Mira Baracharya				

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"Three-tiered constitutional amendments of the Federation of Sexual and Gender Minorities"

Serial No.	Previous Provision	Revised Provision	Reason for Amendment
1	Addition to Clause 11 of Paragraph 4	After Clause 11, add: (c) A quorum of 51% is required to convene a general assembly meeting.	Added due to omission in the original constitution.
2	New Clause after Clause 15	After Clause 15, add: (c) A quorum of 51% is required for the executive committee.	Added due to omission in the original constitution.
3	Clause 18 of Paragraph 6: Personal assistance, grants, gifts, awards from domestic and foreign organizations and committees	Replace with: Personal assistance, grants, gifts, awards from domestic and foreign organizations and committees must be approved by the Social Welfare Council.	Clarified requirement for approval of foreign assistance by the Social Welfare Council.
4	Clause 21(c): Financial records and audit reports must be submitted annually to the local authority.	Replace with: Financial records, audit reports, and annual progress reports must be submitted annually to both the local authority and the Social Welfare Council.	Amended to include submission to the Social Welfare Council.
5	New addition after Clause 28 of Paragraph 7	Clause 29: Motion of No Confidence – Must be passed by two-thirds of all voting members of the organization.	Added due to omission in the original constitution.
6	New Clause	Clause 30: Inactivity – If any clause or sub-clause conflicts with prevailing law, it shall automatically become inactive.	Added due to omission in the original constitution.



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