



The Global State of LGBTIQ Organising

The Right to Register

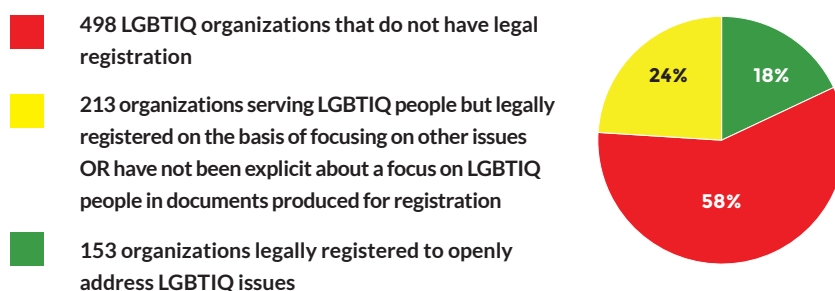
It has become increasingly difficult for community-based organizations to operate, a phenomena frequently referred to as shrinking space for civil society. Yet, to fully understand the impact of new laws restricting organizations' access to funding, laws equating human rights with the corruption of youth, and laws written to equate activism with threats to national security, it is important to analyze exactly how LGBTIQ organizations are specifically impacted. LGBTIQ movements globally are relatively young, and so many LGBTIQ organizations have had little time to institutionalize. Are LGBTIQ organizations at heightened risk in the current environment, and what can be done to safeguard these young movements?

OutRight Action International's report, *The Global State of LGBTIQ Organizing: The Right to Register*, seeks to answer these questions and determine the possibility of legal registration for LGBTIQ organizations globally. OutRight's research finds that legal registration for LGBTIQ organizations is severely restricted globally and the result is that LGBTIQ human rights defenders work with fewer resources and face more danger.

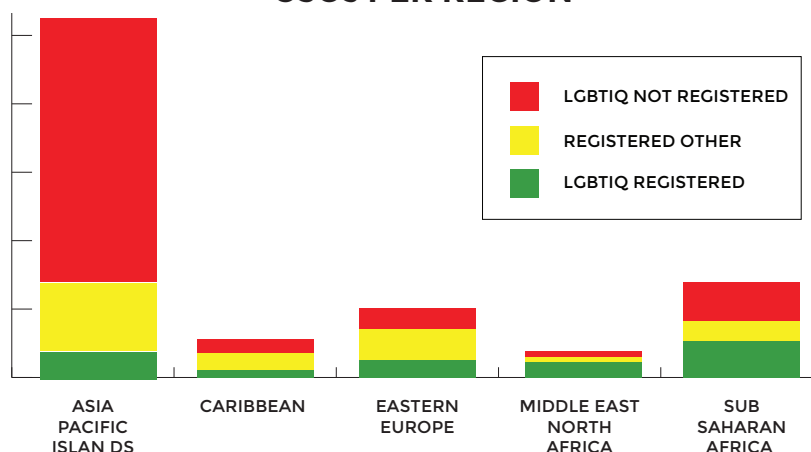
In a survey of 194 countries, OutRight found that only 56%, 109 countries, permit LGBTIQ organizations to legally register as LGBTIQ organizations. In just 28%, 55 countries, LGBTIQ organizations exist but they cannot legally register as LGBTIQ organizations. In these countries disclosing an intention to serve LGBTIQ people sets up a barrier to legal registration.

REGISTRATION

Registration status for 864 organizations was determined.



CSOs PER REGION



Thus, many organizations pursue registration using more neutral language about their aims and objectives that do not identify that they work with LGBTIQ people. In 15% of the countries studied, OutRight could not identify any organizations working on LGBTIQ issues, whether registered or unregistered. In these countries, LGBTIQ people don't have an organization operated by and for the community that can advocate for their rights. OutRight is concerned that LGBTIQ people in these countries may be at higher risk of discrimination and violence.

The study collected data on thousands of organizations across 5 global regions and determined the registration status of a set of 864 organizations in Asia and the

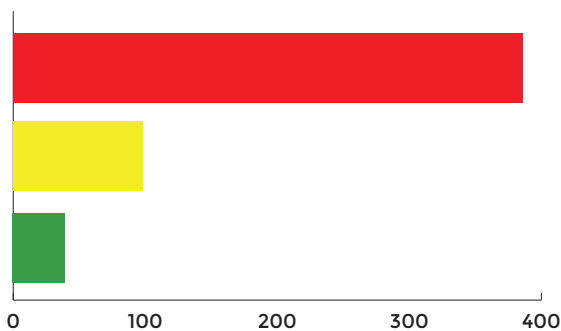
Pacific, the Caribbean, Eastern Europe, the Middle East and North Africa and sub-Saharan Africa. This report includes a summary of legal analysis undertaken in 41 countries to determine the laws allowing Non-Governmental Organizations (NGOs) to register. In certain countries, the law does not explicitly deny the existence of LGBTIQ organizations but authorities still find ways to reject registration applications and deny equal rights of recognition. Thus, the homophobic and/or transphobic biases of authorities can impede organizations from registering. Finally, the report provides in-depth case studies from Belize, China, Lebanon, Germany, Nigeria, Russia, St Lucia, Singapore, Tanzania and Tunisia on the experiences of 22 LGBTIQ

organizations who have sought or obtained legal status in those countries.

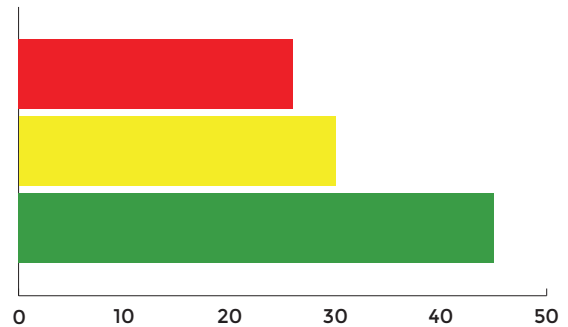
The case studies reveal that registration enhances organizations' abilities to further the rights and well-being of LGBTIQ populations. Registration improves their standing with other organizations and the general public. Registered organizations feel they benefit from greater legitimacy in the eyes of the donor community, inclusive of private philanthropy and government donors. Funding permits them to provide social services as well as create and provide local employment. Depending on the context, registration can also allow organizations' leaders to have more

CSOs (BY REGION)

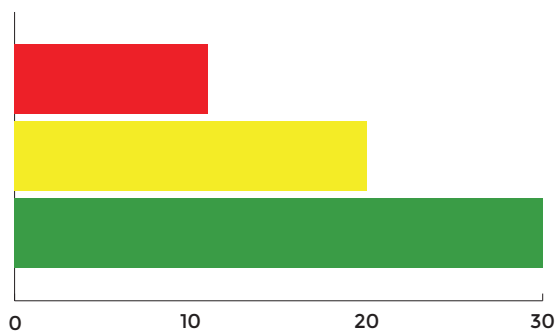
ASIA/PACIFIC



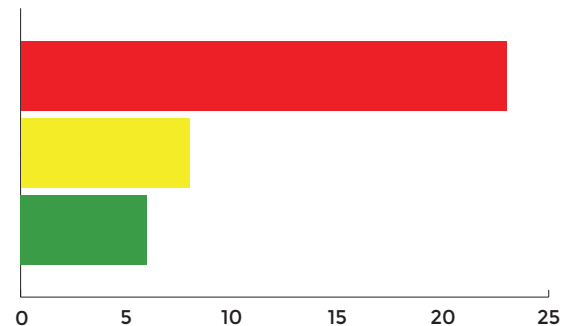
EASTERN EUROPE



CARIBBEAN



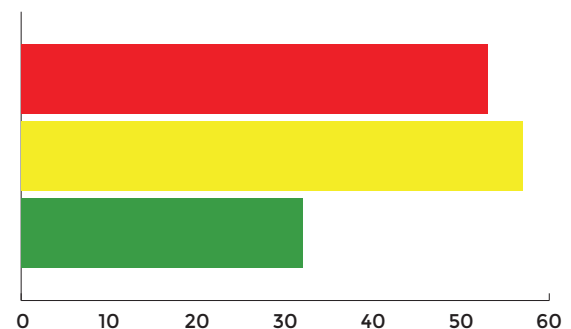
MIDDLE EAST/NORTH AFRICA



LEGEND

- LGBTIQ organisations that do not have legal registration
- Organisations legally registered on the basis of focusing on other issues or have not been explicit about a focus on LGBTIQ people in documents produced for registration
- Organisations legally registered to openly address LGBTIQ issues

SUB-SAHARAN AFRICA



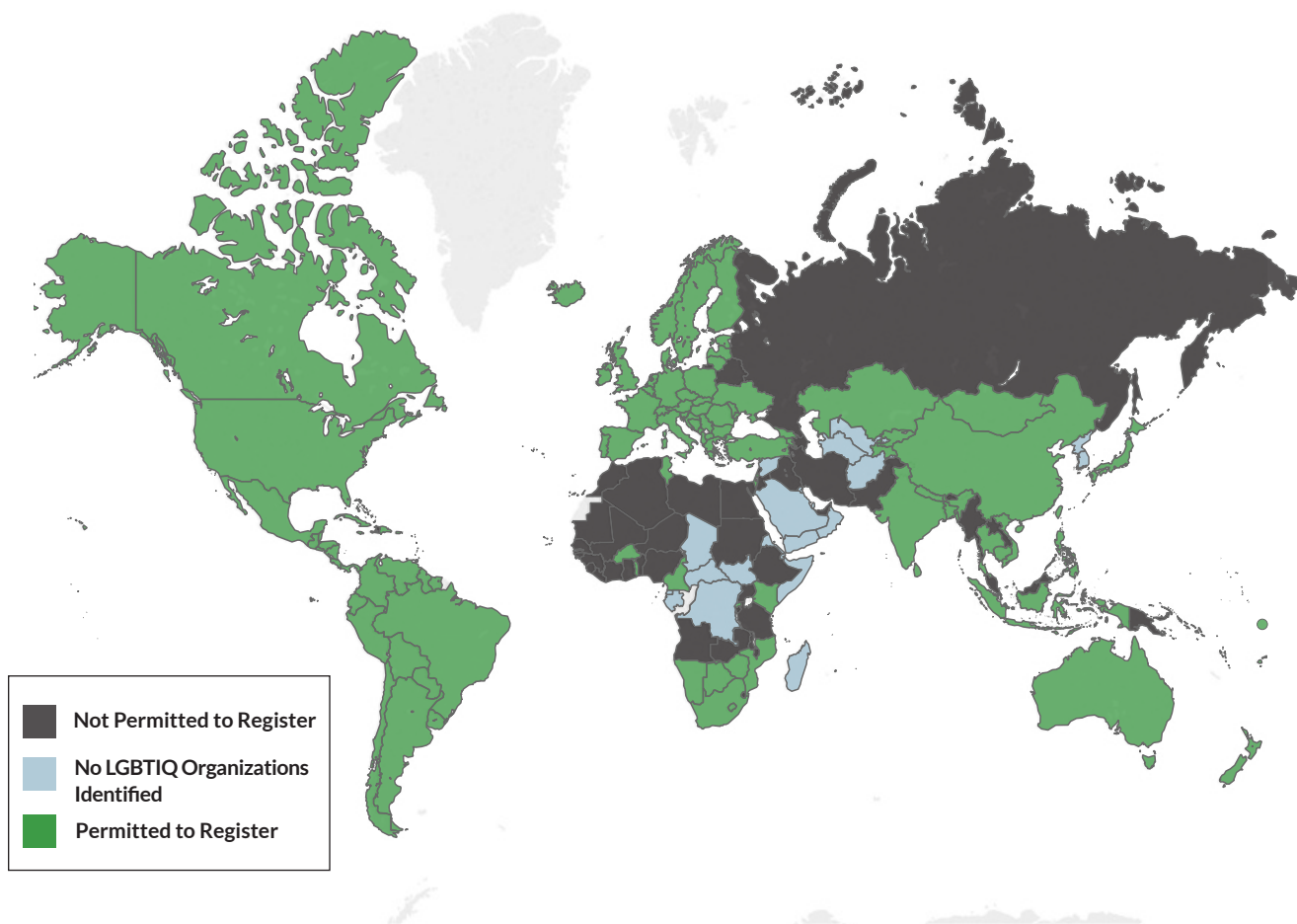
opportunities to meet with officials and other political stakeholders and thus advance policy engagement and advocacy on behalf of LGBTIQ people. In addition, registration is a legal identity which permits practical functions like leasing an office and opening a bank account.

From the organizations OutRight interviewed around the world, both registered and unregistered, the lack of registration is perceived as a barrier to reaching maximum capacity for effecting change and serving more LGBTIQ people. Many LGBTIQ organizations that cannot legally register may face serious consequences. They may be less credible within broader civil society coalitions, have limited sources of funding, and be forced to work at a slower pace because of lack of resources.

Importantly, in contexts where there is a violent backlash against civil society activism, LGBTIQ organizations, both registered and unregistered, have experienced state surveillance, indiscriminate arrests and threats of deregistration.

LGBTIQ communities and LGBTIQ civil society leaders are strong and resilient. Yet, this data represents entrenched restrictions on LGBTIQ civil society's rights. While legal registration is not right for every community-based organization, when it is desired, it should be available without discrimination on the basis of sexual orientation, gender identity, or sex characteristics. Any restrictions based on these factors amounts to discrimination in the fundamental human rights to expression, association, and assembly.

LEGAL CONTEXT OF LGBTIQ REGISTRATION



30 COUNTRIES WHERE LGBTIQ ORGANIZATIONS COULD NOT BE IDENTIFIED

Afghanistan • Bahrain • Central African Republic • Chad • Comoros • Congo • Democratic People's Republic of Korea • Djibouti • Equatorial Guinea • Eritrea • Gabon • Gambia • Kuwait • Madagascar • Marshall Islands • Micronesia • Monaco • Nauru • Oman • Palau • Qatar • San Marino • Saudi Arabia • Solomon Islands • Somalia • South Sudan • Syrian Arab Republic • Turkmenistan • Uzbekistan • Yemen

ASIA

China

REGISTRATION PERMISSIBLE

"our focus area is LGBT concerns, so until now [the government] can't decide whether to approve the registration...we should continue to be open in our attempts to try the push the boundaries...if you tell them you are doing LGBT they'll feel that since there's no precedent they don't want to be the first to do it. This is the obstacle we face."

Singapore

REGISTRATION NOT PERMISSIBLE

"we have to be careful because we are actually not a registered entity... all our activities (are) illegal essentially...if the government wants to do anything to us they could... there are a lot of personal costs to people involved...the biggest issues are self-censorship and fear...about when the police will come after us."

CARIBBEAN

Belize

REGISTRATION PERMISSIBLE

"the government realizes that there is an LGBT community and because (it's) a heavily-religious country...it's easier for the government to say 'it's the non- governmental organisations pushing...for LGBT equality' as opposed the government doing it itself"

Saint Lucia

REGISTRATION PERMISSIBLE

"to be registered as an NGO internationally, in the Caribbean for that matter, is a good thing in order for you to carry out your mandate...and our funders tend to want to know...your organisation is legally registered and recognized."

EUROPE

Germany

REGISTRATION PERMISSIBLE

"working for equality of intersex people...of course do not appear (in German Tax Code on Charitable Status) ...now it says 'equality of men and women, especially intersex people'... (staff in the Tax Authority) basically came up with that, by tweaking one paragraph in the law on associations... they really helped us to find a way."

EUROPE *(continued)*

Russia

REGISTRATION NOT PERMISSIBLE

"from the very beginning it was quite hard to register...when the legislation became more fierce towards LGBT after 2013...it became even harder to register any organization with the abbreviation of LGBT. To be honest, it's a mystery for us - how could we operate in this context. This is a shaky situation...we don't know what tomorrow brings."

MIDDLE EAST AND NORTH AFRICA

Lebanon

REGISTRATION NOT PERMISSIBLE

"we don't want to remove the words LGBT because when we do get registered we want that to be the victory. We don't want to go behind the system and try to outsmart it...we're fighting to make a point."

Tunisia

REGISTRATION PERMISSIBLE

"I would not say we are safe 100%...the Ministry of Interior... will be in a way intimidating us. They are all the time after us: what we think, what we are saying, what kind of people we are receiving in our office and even in our places or houses. There's a range of arrests and it's really serious."

SUB-SAHARAN AFRICA

Nigeria

REGISTRATION NOT PERMISSIBLE

"The worst has happened. We have the Same Sex Marriage (Prohibition) Act and now we have the NGO bill which is almost becoming an act. That puts all NGOs at risk and it's like a double bind for LGBTI organizations. You are constantly hiding your work under the radar and if you decide to go beyond hiding you are putting yourself at a certain level of risk."

Tanzania

REGISTRATION NOT PERMISSIBLE

"there is a lot of pressure...you must have...two constitutions: the constitution that you show the donors and the constitution that you show that you show to the government. Then you must have two reports, the reports that you take to the registrar's office and the reports that you have to report to the donor...Everything has double standards...everything that you actually work on...the LGBT work, you have to hide."