



Statutes

Rainbow Afghanistan Association

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Statutes of the Rainbow Afghanistan Association
Full Title of the Statutes
Full Name of the Association: Rainbow Afghanistan

§ 1 – Preamble

The Rainbow Afghanistan Association was established to promote the rights and raise awareness of the LGBTQ+ community in Afghanistan. The Association aims to create a safe and supportive environment for individuals facing challenges related to sexual orientation and gender identity.

This includes:

- Commitment to protecting and supporting the rights of all LGBTQI migrants at the international level, including those who have entered Germany and Europe irregularly.
 - Promoting awareness and public education on issues related to sexual orientation and gender identity in Afghanistan.
 - Supporting the rights and interests of the LGBTQI+ community in Afghanistan, with a particular focus on achieving equality in legal and social rights for all individuals of diverse orientations and identities, including gay, bisexual, transgender, and lesbian persons.
- Furthermore, the Association seeks to take effective action against all forms of violence, discrimination, and hatred directed towards this community through education, legal assistance, and both national and international advocacy efforts.

§ 2 Name, Registered Office, Financial Year

1. The Association bears the name “Rainbow Afghanistan.” Upon registration, it shall carry the suffix “e.V.”(registered association).
2. The Association is based in Berlin and shall be entered into the Register of Associations.
3. The financial year of the Association shall be the calendar year.

§ 3 Purpose of the Association

1. The purposes of the Association are:
 - the promotion of assistance for people who are discriminated against on the basis of their gender identity or sexual orientation;
 - charitable purposes.
2. The Association shall pursue these purposes in particular through the following measures:

(1) Promotion of awareness and public education

Promotion of awareness and public education on issues related to sexual orientation and gender identity in Afghanistan.

Measures: The Association contributes to increasing public awareness of the rights of the LGBTQI+ community in Afghanistan by conducting awareness campaigns, workshops,

educational programs, and distributing informational materials in various languages. All advisory services provided by the Association are offered free of charge.

(2) Support of rights and interests of the LGBTQI+ community

Support for the rights and interests of the LGBTQI+ community in Afghanistan, with a focus on achieving equality in legal and social rights for all individuals of diverse orientations and identities, including gay, bisexual, transgender, and lesbian persons. Furthermore, the Association seeks to take effective action against all forms of violence, discrimination, and hatred directed at this community through education, legal support, and both national and international advocacy efforts.

Measures: The Association contributes to supporting the LGBTQI+ community in Afghanistan and combating violence and discrimination against this community by providing free legal advice, distributing informational materials, and organizing workshops and support activities.

(3) Documentation and reporting of human rights violations

Documentation and preparation of reports on human rights violations, freedoms, and the situation of the LGBTQI community in Afghanistan.

The Association carefully monitors and documents human rights violations against LGBTQI persons in Afghanistan and uses this information for advocacy, accountability, and support. Additionally, the documentation produced by the Association will be made publicly accessible to ensure transparency and accountability.

(4) Provision of essential resources and financial support

Provision of essential resources and financial assistance to vulnerable LGBTQI persons in Afghanistan, Iran, Pakistan, and Turkey who are in urgent need of basic necessities such as food, clothing, and medicine.

It is noted that the supported individuals must meet the legal requirements of § 53 of the German Fiscal Code (Abgabenordnung) for charitable purposes (mildtätige Zwecke).

(5) Free counselling and support services

Provision of free counselling and support services for individuals who are under pressure or in danger due to their sexual identity.

This includes initial psychological counselling, legal information about safety and asylum options, and the direct implementation of such counselling through the Association.

(6) Protection and support for LGBTQI migrants

Our commitment to the protection and support of the rights of all LGBTQI migrants at the international level, including those who have entered Germany and Europe irregularly.

Measures: The Association provides free counselling services for LGBTQI+ migrants who have entered Germany and Europe irregularly. These services include asylum-related legal advice, legal assistance, and support in the integration process.

(7) Organization of Information Events and Conferences

Organization of information events and conferences to assess the status of the LGBTQI community, to address existing challenges, and to conduct advocacy, educational, and public awareness activities on behalf of the Association.

(8) International Support Measures for the Protection of LGBTQI Persons and LGBTQI Migrants

The Association undertakes international support initiatives aimed at defending the rights of LGBTQI persons and LGBTQI migrants.

These measures include advocacy and lobbying efforts with international organizations, political institutions, and governments — including the United Nations and states committed to human rights — in order to promote concrete actions for improving the situation of LGBTQI persons in Afghanistan and other crisis regions.

This work is carried out through official statements, parliamentary inquiries, petitions, and direct engagement with decision-makers at the international level.

In addition, free legal counselling is provided to LGBTQI individuals involved in asylum procedures, in cooperation with specialized lawyers, NGOs, and human rights organizations. This ensures professional support in international asylum applications, the provision of documentation on human rights violations, and accompaniment of affected persons throughout their legal process.

The Association also conducts awareness campaigns in various countries to highlight the precarious situation of LGBTQI persons from Afghanistan. These activities include public events, online campaigns, media outreach, and collaboration with journalists.

In the same context, the Association engages in networking with global human rights organizations and LGBTQI activists to develop joint strategies aimed at promoting the rights and safety of LGBTQI persons in crisis areas. This includes international conferences, strategic partnerships, and cooperation in emergency assistance programs.

Furthermore, the Association supports the promotion of protection programs for at-risk LGBTQI individuals through cooperation with humanitarian organizations, with the goal of ensuring safe housing, resettlement programs, and support in exile.

(9) Establishment and Active Maintenance of Support Networks

The Association develops and actively maintains support networks through direct collaboration with similar organizations.

Such cooperation shall only take place when the partnership directly serves the Association's own objectives (principle of directness – Prinzip der Unmittelbarkeit).

Participating institutions shall not receive any financial resources from the Association unless they are tax-exempt entities or public law corporations.

This cooperation includes providing platforms for the exchange of resources and information and organizing joint projects aimed at improving the living conditions of LGBTQI persons.

§ 4 Non-Profit Status

1. The Association shall pursue exclusively and directly charitable and benevolent purposes within the meaning of the section “Tax-Privileged Purposes” of the German Fiscal Code (Abgabenordnung) in its currently applicable version.
2. The Association shall act selflessly; it does not primarily pursue its own economic interests.
3. The funds of the Association shall be used solely for purposes in accordance with these Statutes. Members shall not receive any payments or benefits from the Association’s funds.
No person shall be favored by expenditures unrelated to the purposes of the Association or by disproportionately high remuneration.

§ 5 Membership

1. Any person who agrees with the objectives and principles of the Association may become a member.
2. Membership in, or support for, political parties or organizations that pursue or express racist, discriminatory, antisemitic, or xenophobic goals, that incite hatred against disadvantaged persons or minorities, and/or that tolerate or promote sexual, physical, or psychological violence is incompatible with membership in the Association.

§ 6 Commencement and Termination of Membership

1. Applications for membership must be submitted to the Board of Directors in written form (either digitally or by post).
Admission of new members shall be decided by the Board with an absolute majority.
2. Membership shall terminate upon withdrawal or expulsion.
A refund of donations, membership fees, or other contributions is excluded.
3. A member may withdraw from the Association at any time without notice by submitting a written declaration to the Board.
4. A member may be expelled by resolution of the General Assembly if they act contrary to the objectives of the Association, damage its reputation in public, or repeatedly and seriously fail to meet their obligations to the Association.
If expulsion is based on violations of the Association’s objectives, the resolution shall require a two-thirds majority of the ordinary members present.
The member concerned must be invited to the General Assembly and given the opportunity to be heard before the decision is made.

§ 7 Membership Fees

1. All members are required to pay membership fees.
Details shall be governed by the Membership Fee Regulations, which are adopted by the General Assembly.
Upon a justified written request submitted to the Board, the payment of the membership fee may be deferred or waived.

§ 8 Governing Bodies

1. The governing bodies of the Association are:
 - General Assembly
 - Board of Directors
2. For the management of day-to-day operations, a Managing Director may be appointed as a “special representative” in accordance with § 30 of the German Civil Code (BGB).
The Managing Director participates in Board meetings with advisory voting rights. Further details shall be regulated by the Board through rules of procedure or internal directives.

§ 9 General Assembly

1. The General Assembly is the highest decision-making body of the Association. Its responsibilities include:
 - a. Election of the meeting chairperson
 - b. Receipt of the activity and financial reports of the Board and the reports of the auditors
 - c. Discharge and (re-)election of the Board of Directors
 - d. Election of the auditors
 - e. Resolutions on amendments to the Statutes
 - f. Resolutions on rules and regulations, including the Election Rules, Membership Fee Regulations, Admission Rules, or other regulations
 - g. Resolutions on applications for the expulsion of a member
 - h. Resolutions on the dissolution of the Association
2. Resolutions shall be passed by a simple majority of the voting members present.
3. In elections, candidates are elected if they receive an absolute majority of votes in the first ballot. If no candidate achieves an absolute majority, a relative majority in the second ballot is sufficient.
4. The General Assembly shall be convened by the Board with four weeks’ notice sent to the last known email or postal address of the members.
5. An extraordinary General Assembly may be convened by the Board with two weeks’ notice.
25% of the members may submit a written request stating the reasons to the Board. In such cases, the Board is obliged to convene the meeting.
Should the Board fail to fulfill this obligation, members may only proceed through the courts in accordance with § 37 BGB.

6. A protocol (minutes) of the resolutions adopted at the meeting shall be prepared and signed by the chairperson of the meeting.
7. The ordinary General Assembly shall be convened at least once per year. Resolutions are valid only if at least 25% of voting members are present. If the required quorum is not reached at the first meeting, a second meeting with the same agenda may be held regardless of the number of members present. This procedure is in accordance with § 58 No. 4 BGB.

§ 10 Board of Directors

1. The Board of Directors in accordance with §26 of the German Civil Code (BGB) consists of:
 - a Chairperson,
 - a Treasurer,
 - a Secretary,
 - up to three additional members (associates).

The Board is appointed for an indefinite term.

2. The Board shall predominantly consist of members of the queer community.
3. Legal and extrajudicial representation of the Association shall be carried out either by the Chairperson alone or jointly by two other Board members.
4. The Board is responsible for the strategic management of the Association and the supervision of day-to-day operations. Further responsibilities of the Board include:
 - a. Preparation of the activity and financial reports,
 - b. Preparation and conduct of the General Assembly,
 - c. Proper administration of the Association's assets,
 - d. Hiring and dismissal of full-time staff,
 - e. Implementation of resolutions adopted by the General Assembly.
5. Resolutions of the Board are passed by a simple majority. In the event of a tie, the Chairperson's vote shall decide. Board meetings may be convened in-person or digitally, with a minimum notice of two weeks. Resolutions may also be adopted in writing or by telephone.
6. The Board shall establish its rules of procedure.
7. The Board shall be liable to the Association and its members only for intent and gross negligence.
8. Board members may receive reasonable remuneration for their activities.
9. A Board member shall not participate, either in an advisory or decision-making capacity, in resolutions that may result in direct advantages or disadvantages for themselves, their relatives, or a person they represent.
10. The Board shall meet as needed, but at least twice per year.

§ 11 Auditors (Kassenprüfer:innen)

1. The Treasurer shall manage the day-to-day financial operations.
2. Up to two auditors shall be elected by the General Assembly for a term of two years. These individuals need not be members of the Association.

3. After the end of each financial year, the auditors shall review the proper and statutory management of the books once per year. The audit report shall be submitted in writing to the General Assembly.

§ 12 Amendments to the Statutes

4. Proposals for amendments to the Statutes must be submitted to the Board at least six weeks prior to the General Assembly.
All proposals for amendments must be sent to the members in both the old and the new version together with the invitation to the meeting.
5. Amendments to the Statutes require a two-thirds majority of the ordinary members present at the General Assembly.
This also applies to amendments to the purpose of the Association.
6. Statutory amendments required by supervisory or financial authorities, or by courts for formal reasons, may be made by the Board.

§ 13 Dissolution of the Association

7. The dissolution of the Association may only be resolved at a General Assembly with a three-quarters majority of the valid votes cast.
8. In the event of dissolution of the Association, or if the tax-privileged purposes cease to apply, its assets shall pass to a public-law entity or another tax-privileged organization for the purpose of supporting people who are discriminated against on the basis of their sexual orientation or gender identity.

“Approved by the General Assembly at the founding meeting of Rainbow Afghanistan on 22 March 2025.”