



Réseau de recherche et d'action en contentieux pénitentiaire (RCP)

Association régie par la loi du 1^{er} juillet 1901

21 ter rue Voltaire 75011, Paris

(Unofficial translation into English ; original version in French below)

Statute

As amended by the General Assembly of 12 December 2019

Objet - name and seat - means of action

Article 1 - An association is established with the purpose of:

- to act to strengthen the judicial protection of the rights and liberty of detained persons, at the level of the bodies of the Council of Europe as well as that of its member-states;
- to foster cooperation between prisoner defendants in Europe;
- to analyze in a scientifically-ordered manner the processes of elaboration of the penitentiary law and the effects of the introduction of rights in detention;
- to give account on the effectiveness of the defense by the judge of the fundamental rights in prison in each country where it is present.

The action of the association encompasses professions and organisations advocating for the respect of rights of prisoners, as well as all scientific disciplines that are involved in the study of the use of rights in prison.

Despite having a European scope, it nevertheless looks to establish partnerships with organisations with a similar purpose elsewhere in the world.

Article 2 - This association is called *European Prison Litigation Network*, its acronym is EPLN.

Created *ex nihilo*, it is independent from any other structure of institution. It is declared in accordance with the French law of 1st July 1901.

The term of the association is unlimited.

The registered seat is established at 21 ter rue Voltaire 75011 in Paris, France. The seat can be transferred to another location by the decision of the Board, and upon ratification during the next General assembly.

In the three years following the declaration of the association, a General assembly will be convened with the purpose of modifying the present statute, in order to guarantee a balanced representation of organisations involved in its action and of countries concerned by it.

Article 3 - The association operates by the following means of action:

- To create and animate a network of researchers, organisations and practitioners, likely to get involved in issues of judicial protection of the rights of prisoners and the use of law in prison;
- To make accessible in different languages, by the means of an Internet website, a description of the measures of protection of the rights of prisoners in Europe and to keep an updated database on this matter;
- To spread the results of legal actions, led in different countries, including by sharing the argumentation;
- To elaborate legal strategies likely to spark the evolution of the law applicable to detained persons;
- To act in court for the safeguard and the strengthening of the rights of prisoners;
- To organise conferences and seminars;
- To publish material, contributing to its goals;
- To contribute and support research, publications, meetings, organisation and participation in courses, or any other activity related to its goal

Structure

Article 4 - The association is made up of members adherents, and in accordance to conditions provided in article 19, of members by law.

Members can be legal bodies or individuals.

Article 5 - Requests for membership are addressed to the association by postal mail or e-mail. The Board gives its opinion on the request for membership during its next meeting.

Article 6 - The capacity of member is lost:

- by withdrawing, addressed in writing in a letter or any other written means, that can be registered upon reception by the Board.
- by exclusion, declared by the Board, because of a serious cause, on which the member has been previously invited to explain himself.
- by the non-renewal of the annual contribution within the deadline.

General assembly

Article 7 - The General assembly consists of all the members of the association. The General assembly is held at least once a year, and upon the request of the Board or of one third of the members. The General assembly defines the main lines of action of the association. Each year, it approves the annual report and financial report.

Article 8 - The Agenda of the General assembly is established by the Board. The Agenda will be sent to the Members not later than two weeks prior to the meeting. However the Agenda can be modified, in case of an emergency, upon the suggestion of the Board. A question can be added to the Agenda with the vote of at least one third of the members.

Article 9 - Each participant of the General assembly can represent himself and two more members, by means of a written proxy.

The participation to the General assembly can be conducted using audio and video communication.

To the exception of terms contrary to the present statute, the General assembly is held if at least one third of the members are present or represented. If the quorum is not reached, the legal representative can convene, at least two weeks later, a new General assembly, that can deliberate without the condition of the quorum.

Article 10 - The deliberations and elections are held during the General assembly through secret ballot.

Are eligible to the Board individuals or legal members of the association. Elections and deliberations are acquired with the absolute majority of valid votes and blank ballots.

The Board

Article 11 - The association is held by the Board of seventeen members or more. It consists of a legal representative, a secretary general and a treasurer.

Members of the board are elected by secret ballot with the majority of the votes, for a three-year mandate. They can be re-elected once.

In the case of a vacancy for one or several positions, the Board can proceed to one or more temporary nominations. The nominations will be ratified during the next General assembly.

Article 12 - The Board is appointed the widest powers, with the only exception of the powers that are granted to the General assembly.

The Board nominates the members of the orientation council. These decisions must be adopted during the next General Assembly.

The Board can, without compromising the independence of the association, put in common with another structure material, human or financial means, with the aim of leading successful legal actions, trainings, studies or research projects.

Article 13 - The Board convenes, at regular intervals and at least three times a year, in a location it chooses. The Board is called by the legal representative or by at least one third of the members. The agenda is set by the bureau, unless a member of the Board asks to add a subject to the agenda.

The agenda is sent out by the secretary, including preparatory documents for the matters to discuss.

Exceptionally, and in case of an emergency, the secretary can, with the approval of other members of the bureau, call on short notice the Board on a specific topic of the agenda.

Article 14 - A member of the Board can represent another one. Each member of the Board can represent no more than 2 members, by means of a written proxy.

The participation to the Board's meetings can be conducted using audio and video communication.

The presence or representation of at least one third of the members of the Board is required for valid deliberations. Vote being equal, the vote of the representative prevails.

The minutes of the sessions of the Board are transcribed.

Executive bureau

Article 15 - The executive bureau implements decisions adopted by the Board and insures the daily management of the association. It consists of a legal representative, a secretary and a treasurer, elected by the Board for a mandate of a year and can be re-elected. It convenes as often as is required in the interest of the association and at least once every two meetings of the Board.

The participation to the executive bureau's can be conducted using audio and video communication.

Article 16 - The legal representative convenes the bureau, the Board and the General assembly. He represents the associations in all the civil matters. In case of absence, the legal representative can be substituted by another member of the bureau . He can, having discussed it with the bureau, appoint a person to sign in his name requests and memoirs to be presented in Court in the name of the association.

Article 17 - The bureau can decide to consult the members in written, between two meetings, on specifics topics requiring a prompt response. In this case, he provides the administrators with a suggestion of a decision and determines the means to consult them.

Article 18 - The treasurer is in charge of accounts and the financial management of the association. As the legal representative, the treasurer oversees the expenses and represents the association before financial or bank institutions.

Scientific Council

Article 19 - The scientific council adds to the Board. It consists of researchers and professionals of law and justice, showing interest in penitentiary matters. The council oversees the coherence of the scientific action of the association. It gives its opinion on research projects and discusses suggestions for publications. It can also assist the Board in establishing litigation lines and elaborating the development strategy of the association. The council is a purely consultative body.

Article 20 - Members of the council are designated by the bureau and validated by the Board for a period of three years. Scientific coordination is held by a member appointed by the Board. Members of the council are not able to take decisions in the name of the association. The scientific board reports to the General assembly.

Coordination body of structures contributing to the network.

Article 20-1 - The Coordination insures the representation in the association of structures - associations, research centres or universities, contributing to the activity of the association. Admission to the coordination body can be obtained, if addressed by written means to the Board, who will study the reality of the contribution of its author to the works or actions of the network.

The Board nominates one or more members to oversee the coordination body.

Article 20-2 - The Coordination Body can decide to add a question to the agenda of the Board or the General assembly.

Finances

Article 21 - Resources of the association consist of grants from public authorities, business, association subventions, private and public funds, international organisations or institutions, donations and other exceptional sources, form sales, payment for services and membership fees.

The association insures not to interfere, by its actions to collect funds, with the actions and strategies of financing of its members or partnership organisations.

Article 23 - Annual books are kept in order to demonstrate the balance sheets, financial statements and annexes of the association. The General assembly designates an auditor, who exercises his mission in the conditions proscribed by the profession.

The association commits to presenting registries and documentation of accounting upon the request of the administration, concerning the liberties it is allowed to receive and to addressing to the Paris prefecture its annual, and to allowing visits to its location by delegates of competent ministers and testifying of the functioning of the association.

Internal rules

Article 24 - The Board can establish internal rules in order to fix the rules of functioning of the association and to fix the modalities of application of the present statute. These internal rules are submitted to the vote of the General assembly, as well as any other modifications.

Extraordinary general assembly- dissolution

Article 25 - The Extraordinary general assembly can modify the statute, declare the dissolution, rule the devolution of the assets of the EPLN or decide on a merger with other associations. It is convened by the legal representative, upon the initiative of the Board or one third of the members of the association.

Convocations to the Extraordinary general assembly are addressed to all the members of the associations, not later than a month prior to the meeting of the Extraordinary general assembly.

The assembly must consist of a least one third of the members when it is called to modify the statute, and half plus one members at least to declare the dissolution of the association. In both cases, if the required proportions are not met, the assembly is called again, at least two weeks later, and can now deliberate regardless of the number of members present or represented.

The Assembly can only deliberate on the set agenda, sent with the convocation. Decisions are approved with the majority of two third of members present or represented.

Article 26 - In case of dissolution, the General assembly nominates one or more auditors, in charge of the liquidation of the assets of the association. The net asset will be attributed to a similar association.

Done in Brussels, 15 December 2019

Done in Florence, 15 December 2019

Marc Nève

Sofia Ciuffoletti

President

Secretary general

(signature)

(signature)