



Children of Prisoners Europe Statutes

Preamble

Children of Prisoners Europe is a network of stakeholders in Europe who work for the rights and the well-being of children with an imprisoned parent. It works to implement the principles enshrined in children's rights and human rights instruments¹, and bases its activities on research and studies concerning the needs of children affected by parental incarceration.

The well-being of the child is paramount in all activities concerning children of prisoners. The child's right to maintain contact with the imprisoned parent must be respected as part of their well-being and action should be taken to facilitate appropriate quality contact between children and their imprisoned parents.

¹ UNCRC articles relevant to children of prisoners include Article 3 (1): In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. Article 9 (3) States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests. Article 12 (1) States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Article 16 (1): No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation. (2). The child has the right to the protection of the law against such interference or attacks. Article 18 (1): States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern. Other general human rights instruments which protect family life include Universal Declaration of Human Rights, Art 10 and 23; European Convention on Human Rights, Art. 8; International Covenant on Civil and Political Rights, Art. 23; International Covenant on Economic, Social and Cultural Rights, Art. 10; EU Charter on Fundamental Rights, Art. 24.

Article I

Remit of Children of Prisoners Europe²

Children of Prisoners Europe is a network of stakeholders in Europe (organisations, institutions, civic associations and individual experts) active within prison-related, child rights and child-welfare fields. Children of Prisoners Europe is a registered association in France with headquarters in Paris and falls under civil law in France. The member organisations are subject to the national laws of the country in which they are registered.

On a European and international level Children of Prisoners Europe promotes cooperation to safeguard the rights and well-being of children with imprisoned parents throughout the criminal justice process, from the time of arrest until release. It aims to achieve new ways of thinking, acting and interacting on issues concerning children with a parent/s in prison based on research and experience. Children of Prisoners Europe seeks to increase awareness through advocacy and policy-orientated work as well as consultations with political, policy and civil society bodies.

The network is a forum for the exchange and circulation of experience, knowledge and good practice which are anchored in the activities of each member organisation. The member organisations operate within national contexts, taking up issues relevant at national levels and feeding back knowledge and expertise generated at European and international levels. They are sites of good practice and innovation of practice and policy.

To safeguard the well-being of children, Children of Prisoners Europe and its member organisations encourage all agencies (criminal justice, social services, child welfare and other relevant agencies and stakeholders within the field) to minimise disruption suffered by children when a parent is imprisoned and to help safeguard the child's rights. Children of Prisoners Europe lobbies to give priority to disciplinary measures and custodial alternatives outside prisons for parents whenever possible with the aim of maintaining family contact. It seeks to ensure that all prison security measures are made compatible with the child's need to maintain contact with an imprisoned parent. The need for heightened security in many cases is recognised, but these measures must be reconciled with a child's right to family life. It lobbies for mandatory training for all prison staff with frontline contact with children visiting a parent in prison. It promotes research to

² Children of Prisoners Europe was founded under the name European Action Research Committee on Children of Imprisoned Parents in France and changed its name to the European Network for Children of Imprisoned Parents (EUROCHIPS) in the year 2007.

gain more informed data and information on the situation of children with imprisoned parents.

The organisation

Article II

Members

Children of Prisoners Europe is composed of organisations, institutions, civic associations and individual experts who work for the welfare of children with imprisoned parents. The General Assembly decides on the admission of new full members.

Types of membership:

1. Member organisations: Full members
2. Individual members: Full members

Other associated categories:

1. Applicant organisations
2. Affiliates: Organisations and Individuals

Criteria for admission and exclusion of members are defined in the Children of Prisoners Europe Bylaws (Rules and Regulations), which are drafted and modified by the Board, and approved by the General Assembly, as per Articles IV and X.

Members pay a yearly membership fee, the amount being determined by the Board for the three upcoming years and stipulated in the Bylaws.

Under certain conditions and upon the proposal of the Board, the General Assembly may grant certain members an exemption from paying part or all of their membership fee.

Article III

Decision-making bodies and office bearers

The decision-making bodies and office bearers of Children of Prisoners Europe include:

1. The General Assembly
2. The Board

3. The President
4. The Vice-President
5. The Secretary General
6. The Treasurer

General Assembly

Article IV

Remit of the General Assembly

The General Assembly is the organisation's highest governing body. It makes decisions on:

1. Any changes to these statutes.
2. Approval of annual budget and accounts; adoption of President's Report (Rapport Moral) and of Bylaws.
3. The election of the President and of other members of the Board. (After election, the Board constitutes itself and allocates functions.)
4. The admission of members.
5. Appeals on Board decisions concerning exclusion of members.
6. Other issues presented by the Board, or by one quarter of Children of Prisoners Europe members.
7. Urgent proposals presented by the President.

Article V

Composition

The General Assembly is composed of representatives mandated by its member organisations as well as by individual members.

Article VI

Meetings

The General Assembly must be held during the first six months of the year (January to June), in a location chosen during the previous session or if necessary, by the Board. The invitation for the General Assembly, as well as a draft agenda, must reach Children of Prisoners Europe members four weeks prior to the General Assembly.

Meetings can be held, and decisions taken face to face or using electronic or remote information and communication technology (email, video-conferencing, webcam, telephone systems, internet, etc.). General Assembly decisions may also be ratified by email.

If the Board considers it necessary, or upon written request by one quarter of Children of Prisoners Europe members, an additional General Assembly may be called for.

If the President or more than one quarter of the members proposes to adjourn or to delay discussion of one or several issues, to modify the agenda, or to exceptionally examine an issue not scheduled on the agenda, the General Assembly decides immediately on this proposal.

Article VII

Votes

At the General Assembly, each member organisation has two votes (which should be cast in agreement with each other to represent the views of their organisation considering the best interests of Children of Prisoners Europe), and each individual member has one vote.

A member who is not present at the General Assembly may delegate his or her vote to another member or to the President. No member apart from the President can carry more than two other members' votes.

The modification of Statutes or the dissolving of Children of Prisoners Europe requires a two-third majority of votes expressed by member representatives present (or by proxy).

Other decisions are made following a simple majority of votes. Abstentions are not recorded. If votes are evenly cast, then the proposal is considered to be rejected by the General Assembly.

Article VIII

Minutes

Minutes of proceedings and decisions taken by the General Assembly must be drafted and signed by the Secretary General. Minutes should be sent to Children of Prisoners Europe members within six weeks following the General Assembly. They are subject to approval by the Assembly during the next annual meeting.

The Board

Article IX

Composition

The Board is composed of an uneven number of members, up to a maximum of 9 members. The office bearers are the President, the Vice-President, the Secretary General and the Treasurer.

Children of Prisoners Europe members as specified in the Bylaws are eligible for Board membership. Board members are all elected from among representatives of member organisations and individual members for a period not exceeding three years. They are eligible for one consecutive re-election. After at least one gap year, they are again eligible to join the Board. The Board can invite one or several experts to assist them for a specified period.

The Board should be selected to represent the diversity of Children of Prisoners Europe members to the greatest possible extent.

The President is elected for three years, and his or her term can be renewed once. No individual can be President and/or Board member for longer than 9 years consecutively. In exceptional circumstances (such as when the future of the organisation is in question), on the Board's recommendation and as approved by the General Assembly, the President may be elected for an additional period.

Article X

Responsibilities

The Board assists the President in preparing the General Assembly and ensures that all decisions made by the General Assembly are implemented. The Board defines and steers all objectives and goals of Children of Prisoners Europe, as well as all strategies and measures necessary to achieve them. The implementation of these objectives is carried out by the Director of the association in collaboration with the President.

1. The Board prepares the budget, as well as the annual accounts for the previous fiscal year, and submits them to the General Assembly for approval. The Treasurer can be assisted by an auditor. The Board should make the annual accounts available to members at least two weeks prior to the General Assembly meeting.

2. The Board drafts and amends the Bylaws of the network (Rules and Regulations).
3. The Board may make any decision that is vital to the network's survival. If these decisions fall under the remit of the General Assembly, the Board's decision is valid until the next meeting of the General Assembly, which may ratify or annul the Board's decision.
4. The President presides over all Board meetings unless he or she assigns another Board member to do so.
5. The President, together with the Secretary General, ensures the accuracy of the minutes of all meetings of the Board and the General Assembly.
6. The Vice-President represents the President and in his/her absence can represent the association at all meetings. Upon the President's instruction, the Vice-President convenes the General Assembly and the Board.
7. The Treasurer manages the accounts of Children of Prisoners Europe and prepares and presents the annual accounts to the Board and the General Assembly. In addition, the Treasurer performs duties related to financial matters as assigned by the Board and/or the General Assembly. Each year, at least two weeks prior to the General Assembly, the Treasurer shall send budget proposals to Board members for the following year, the year beginning on January 1 and ending on December 31.

Article XI

Meetings and decisions

The Board is to meet at least twice a year, and whenever circumstances require it. The meetings can be held and decisions taken face-to-face or using electronic or remote information and communication technology (email, video-conferencing, webcam, telephone systems, internet, etc.). Board decisions may also be ratified by email.

Board decisions are made upon a simple majority of votes. Each member of the Board has one vote to be cast in the best interests Children of Prisoners Europe. If the vote is split, the President has a casting vote. Four members are required for meetings to be quorate.

President

Article XII

Responsibilities

The President fulfils the following duties:

1. Represents Children of Prisoners Europe in its dealings with third parties.
2. Presides the General Assembly and the Board.
3. Submits an annual President's Statement (Rapport Moral) to the General Assembly.
4. Has and exercises general charge and supervision of the affairs of Children of Prisoners Europe and performs other duties as the Board may assign to the President.
5. Guarantees that all Children of Prisoners Europe activities are in compliance with all defined objectives and are within the remit of Children of Prisoners Europe.
6. In consultation with the Board, delegates the operational activities to the Director and staff.
7. All official agreements and contracts involving Children of Prisoners Europe must bear the signature of the President.
8. Should the President be unable to do so for whatever reason, the Vice-President, or an individual delegated by the President, will perform the President's functions.

Article XIII

Suspension of the President's duties

Should the President be suspended from his/her duties, he or she is replaced by the Vice-President until the General Assembly has elected a new President.

Grounds for suspension of the President include drawing personal profit from or taking personal advantage of his/her function; or drawing profit from his/her function on behalf of another organisation. The President shall also be suspended if his/her behaviour is incompatible with his/her function. The decision to suspend lies with the Board; this decision may be appealed to the General Assembly.

Languages

Article XIV

Languages

The two working languages of Children of Prisoners Europe are English and French.

Dissolution

Article XV

Dissolution

If the General Assembly decides to dissolve the association, it determines how the property and affairs are to be distributed; property and affairs can only be transferred to non-profit organisations.

Location: Brussels

Date: 04 July 2023



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Margaret Tuite, President

Location: Zagreb

Date: 04 July 2023



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Maja Gabelica Subljika, Secretary General