

## **STATUTE OF THE CONFEDERATION OF EUROPEAN PROBATION (CEP)**

### Article I

#### Interpretation

1. Any word in these articles of association that refers to the masculine gender may also be interpreted as referring to the feminine gender and a word referring to the feminine gender may also be interpreted as referring to the masculine gender.
2. "Duties" contain powers and obligations and if the performance of duties is referred to, then the exercising and performing of the powers and obligations is also referred to.

### Article II

#### Status, objective and registered office of the CEP

1. The Confederation of European Probation, abbreviated to CEP, is a private association known by such name, subject to the national legislation of the country where it has its registered office, that includes as members public and private institutions and organisations and natural persons, whose objectives are to offer, support in the ethical and effective development of probation services, which may involve working with European institutions, national and local governments, parliaments, judiciaries and those concerned in the delivery of probation services, as well as research centres, education institutes and other (legal) persons supporting the CEP's objectives.
2. The CEP's objective is to promote and facilitate international cooperation concerning the proper use of sanctions and measures in the community especially through:
  - a. exchanging experiences and information;
  - b. compiling and disseminating information concerning legislation, case law and the practice of social work and other work practices in the European countries in the field of sanctions and measures;
  - c. identifying solutions for common problems;
  - d. providing information to the general public;
  - e. supporting and contributing to scientific research in the field of sanctions and measures;
  - f. organising conferences, seminars and other activities;
  - g. providing expert assistance in developing sanctions and measures;
  - h. supporting professionalisation of the role of probation officers and probation work.
3. The CEP has its (registered) office in the municipality of Utrecht, The Netherlands, and Dutch law shall apply.

### Article III

#### Membership

1. The CEP has four (4) types of members: full members, associate members, affiliate members and honorary members. Associate members have the same rights and obligations as full members, with the exception of voting rights at the General Assembly (GA). The CEP Secretary-General shall assess the applications of prospective members to check whether they fulfil the qualifications as outlined in these articles of association and will make a recommendation to the Board that shall decide on the provisional admission or refusal of prospective members. At the next GA, the GA shall make the final decision on whether or not to admit the prospective members referred to above that were admitted provisionally. Prospective members who have been refused by the Board can lodge an appeal against this decision to the GA.
2. Prospective members that have obtained a provisional admission from the Board have the same rights and obligations as full members, subject to the final decision on their definitive admission at the next GA.

## Article IV

### Members

1. Full CEP membership is available to:
  - a. organisations and bodies providing probation services based on any legal or statutory basis and that are established in or domiciled in a jurisdiction that is in jurisdictions of Member States of the Council of Europe. These may include all jurisdictions present in and Crown Dependencies of that Member State;
  - b. the authorities responsible for the development and/or implementation of the services referred to under paragraph a in the relevant jurisdictions of Member States;
  - c. not-for-profit or government agencies that provide probation services by agreement with the responsible authorities if the relevant jurisdictions of Member States do not provide similar services.
2. Associate CEP membership is available for:
  - a. private organisations and not-for-profit institutions or charitable bodies, established in or domiciled in a jurisdiction that is in jurisdictions of Member States of the Council of Europe, providing probation. These may include all jurisdictions present in that Member State. These services are provided based on an agreement with the responsible authorities in addition to or in support of primary service providers;
  - b. private organisations and not-for-profit institutions or charitable institutions, established in or domiciled in a jurisdiction that is in jurisdictions of Member States of the Council of Europe, not providing probation, but that do provide support, or facilitate or lobby. These may include all jurisdictions present in that Member State;
  - c. universities, higher education institutions and other research institutes;
  - d. natural persons who support the CEP objectives;
  - e. for-profit organisations that provide probation services in a jurisdiction by agreement with the responsible authorities
3. Affiliate CEP membership is available for natural persons or institutions ineligible under any other membership category. This will be assessed by the CEP Board per application subject to approval of affiliate membership at the next GA. Affiliate membership does not impose obligations on either party, unless specifically agreed. Affiliate members may be invited to attend the GA however they do not have the right to be heard or to vote.
4. Honorary CEP membership can be awarded to persons because of their services rendered to the social rehabilitation or to probation bodies where serious exceptional circumstances, such as war or disaster, justify such action for a period decided by the CEP Board'.
  - a. Honorary membership will be awarded by the Board subject to the definitive assignment of the honorary membership at the next GA. Honorary membership does not impose any obligations, duties, powers and responsibilities.
  - b. Honorary members may be invited to participate in the GA and they have the right to be heard. However, they do not have any voting rights.
5. All full and associate CEP members are obliged to pay an annual subscription payment in order to support the running costs of the organisation in accordance with the terms of the established budget.
6. The subscription rate is determined by the CEP Board consistent with the general principles outlined in the CEP Internal Regulations.

## Article V

### Bodies and officials

CEP's bodies and officials are:

- the General Assembly (GA);
- the Board;
- the President and Vice-Presidents;
- the Secretary-General and the Secretarial Staff;
- the Treasurer;
- the Voting Committee.

## Article VI

### The General Assembly (GA)

1. The General Assembly (GA) determines the general policy of the CEP. It reviews the work of the Board and the staff for the period following the last GA and it determines the strategic and policy priorities for the coming term, according to the CEP Budget, Workplan and Risk Management drafted by the CEP Board as stated in article XIII.
2. The GA includes all CEP members, Members who are not natural persons shall be represented at the GA by one natural person, who will participate in the discussions on behalf of the relevant member and will cast votes on behalf of the relevant member.
3. The GA will be chaired by the President, or, in the absence, by a Vice-President, or, failing that, another board member will assume the chairmanship.
4. The President or the Board may invite observers, consultants, experts and or advisors as well as former officials to attend the GA. Such invitees have no voting rights.
5. The date and agenda of the General Assembly will be established by the President and Secretary-General taking into account any proposal put forward by the CEP Board. The agenda, working documents and notices of candidacy and any other relevant papers shall be sent to members at least four (4) weeks before that date.
6. Issues and items for consideration for inclusion on the agenda of the General Assembly should be sent to the Secretary-General at least eight (8) weeks before the date of the meeting of the General Assembly.
7. Producing and publishing the minutes of the proceedings of the General Assembly and implementation of decisions of the General Assembly are the responsibility of the CEP Board and Secretary-General.
8. The minutes of the meeting of the General Assembly will be reviewed and approved by the CEP Board at their meeting following the meeting of the General Assembly and circulated to all members within one (1) month of that CEP Board meeting.

## Article VII

### The powers of the General Assembly

1. The following powers are exclusively vested in the GA:
  - a. final decisions on the admission of new members and the suspension, removal and disqualification of existing members in accordance with these articles of association and the internal regulations;
  - b. assessing the appeal of a refused prospective-member as referred to in Article III paragraph 1;
  - c. determining the items on its agenda and the order thereof within the period as laid down in the internal regulations;
  - d. adopting resolutions about amending the CEP's articles of association;
  - e. determining the items belonging to its power in respect of the financial chapter, including the approval of the budget, adopting of the financial statements and the annual subscription fees ;

- f. appointing the President, the Vice-Presidents, and the other board members, with the exception of the provisions in Article X paragraph 3;
- g. Suspending and removing the President, the Vice-Presidents and other members of the Board;
- h. dissolving the CEP and the subsequent allocation of a credit balance;
2. The GA meets every three years, at a place and time that has been determined in the course of the previous GA, or, failing that by the Board.
3. Extraordinary meetings of the GA can be convened by the Board in order to deal with specific items.
4. The Board must convene an extraordinary meeting upon written request of at least one fifth (1/5) of the full members at the moment of the request.
5. If the President or three or more of the full members make a proposal at a GA to adjourn the meeting, postpone the dealing with one or more of the items, change the agenda, or by way of exception deal with an item that is not laid down on the agenda, the GA shall cast an immediate vote thereon.
6. A proposal as referred to in paragraph 5 that is rejected, cannot be dealt with again at the same meeting.
7. The GA can only make decisions when one third (1/3) of all full members are present or represented.

#### Article VIII

##### Casting votes at the General Assembly/Voting Committee

1. The CEP has a voting committee. The GA shall appoint upon binding nomination of the Board two or more CEP members, who are not candidates for any position or appointment, to act as the voting committee at the GA. Appointment of these members is made by the GA at the beginning of the meeting.
2. The voting committee controls and determines all matters with respect to voting at the GA.
3. Decisions at the GA are taken by an absolute majority of the votes validly cast, unless these articles of association provide otherwise.
4. The following decisions shall only be taken by a majority of at least two-thirds (2/3) of the votes validly cast at the GA:
  - a. decisions on admission, suspension, removal or disqualification of members, in accordance with the provisions of these articles of association and the internal regulations;
  - b. the handling of an appeal of a prospective member, refused by the Board;
  - c. amending these articles of association
  - d. dissolution of the CEP;
  - e. in the event of a dissolution, the subsequent allocation of a credit balance.
5. In the event of a tie, the proposal is deemed to have been defeated.
6. Each full member has one vote.
7. If a full member does not attend the GA, the relevant full member may grant another member a written power of attorney to cast a vote on behalf of the relevant member. All proxy votes must be notified in writing to the Secretary-General at least ten (10) days prior to the meeting of the GA.  
'In writing' also includes notifications through electronic means of communication, such as email.
8. A full member, being suspended, cannot cast a vote at the GA.
9. Full members have no voting rights at the GA, if they are in arrears with full payment of their membership for more than twelve months prior to the opening of the GA.

## Article IX

### Dissolution of the CEP by the General Assembly

1. Dissolution of the CEP is subject to a decision of the GA unless this is required by a valid Act or financial regulations.
2. If the CEP is dissolved, the GA shall determine the allocation of the credit balances.

## Article X

### Board and officials

1. a. The Board is charged with the CEP management.  
b. The board members shall act in the best interests of probation in Europe and they do not represent the interests of any parent company or organisation.  
c. In case of a (potential) conflict of interest, the board member shall immediately inform the President. If there is a conflict of interest, the board member will not participate in the consultations and decision-making on the subject where the (potential) conflict of interest exists.  
d. All powers are vested in the Board, with the exception of the powers that are vested in the GA pursuant to these articles of association or mandatory law.
2. The CEP has internal regulations. The internal regulations must contain in any case the amount of the contribution and how it is determined. The Board is authorised to amend the internal regulations on the condition that these amendments do not affect the powers of the GA and are not contrary to the key objectives of the CEP and these articles of association. The GA can give instructions to the Board with respect to amendments to be included.
3. The Board has a President, two Vice-Presidents, a treasurer and a maximum of eight other members. The GA will appoint (and remove) the President, two Vice-Presidents and a minimum of three and a maximum of five other board members from among its members. Three members may be appointed by the Board from among the full or associated members to ensure that the specific expertise and interests are represented.  
The Board will appoint a treasurer, who can be a board member or an ex-officio board member of which an explanation is given in the internal regulations.
4. The composition of the Board shall, in so far as possible, be a reflection of the distribution within the CEP membership, the European regions and the public-law and private-law members, and be a balance between the genders and other interests.
5. The appointment of a board member will be for a period of three (3) years. The board members are not permitted to serve more than a maximum of two consecutive terms, with the exception of the provisions in paragraph 7.
6. The board members elected by the Board have the same rights and obligations as the board members elected by the GA.
7. a. A board member exercising the position of President/Vice-President in the second term, may be reappointed as President/Vice-President.  
b. A board member is not allowed to serve as President/Vice-President for more than two terms.  
c. A board member who served two consecutive terms can be elected to serve one consecutive term as Vice-President/President.
8. Board members who have been appointed as (interim) board member by way of co-optation after the first 18 months of their board membership term qualify to be again appointed as board member by the GA or the Board for another two consecutive terms.
9. If a vacancy arises on the Board, the Board is authorised to appoint an interim board member. The vacancy shall be filled permanently at the next GA. The power to appoint an interim board member does not alter the power of the Board to appoint board members pursuant to paragraph 3.
10. Interim board members will be co-opted from among the CEP members without any

- further conditions.
11. If a vacancy for President arises, this will be filled temporarily by a Vice-President, or, if not available, by one of the board members, or, if not available, by one of the full CEP members. The vacancy shall be filled permanently at the next GA.
  12. If a vacancy for a vice-president arises, the Board will elect an (interim) vice-president from their number. The vacancy shall be filled permanently at the next GA.
  13. The President or the Board may invite observers, consultants, experts and or advisors as well as former officials to attend the relevant parts of the board meetings or other meetings. These invitees shall have no voting rights.
  14. The Board will be chaired by the President, or, if he is absent, by one of the Vice-Presidents, or, if not available, by another board member.
  15. Besides removal by the GA, the board membership will be terminated:
    - a. by termination of the person's CEP membership;
    - b. by resignation.
  16. A board member can be suspended by a majority of at least two-thirds (2/3) of board members holding office because of serious misconduct and acting contrary to these articles of association or the CEP objectives. At the next GA, the GA shall determine whether the suspension will be cancelled or the relevant board member will be removed. A suspended board member is not allowed to participate in meetings of the Board and cannot cast a vote.
  17. In the event of absence of one or more board members, the other board member(s) are charged with the management. The GA should temporarily appoint a designated former board member (designated survivor) at the recommendation of the Board to act as the management of CEP where the board members cease the function until the GA will appoint new board members.

#### Article XI

##### President/representation

1. The President has the authority to represent the CEP;
2. The President and the Secretary-General are officially members of all committees, subcommittees and bodies established by the CEP, and they are allowed, but not obliged, to act as members of these bodies.

#### Article XII

##### The Secretary-General and Secretarial Staff/representation

1. The Secretary-General will be appointed by the Board.
2. The Secretary-General has the following duties and powers:
  - a. to manage the daily matters, the financial administration and the secretarial office, and to exercise all necessary powers in accordance therewith in consultation with the President;
  - b. to sign all documents in relation to managing the CEP administration;
  - c. to ensure that all CEP activities are carried out in accordance with the articles of association and the indications of the GA, the President and the Board;
  - d. to manage the preparation of the draft budgets and work plans for the Board and to manage the implementation of the budget and work plans approved by the Board;
  - e. to attend the GA, the Board and other CEP meetings in an advisory role;
  - f. to manage the reporting of the minutes of the ordinary and extraordinary meetings of the GA, the Board and other CEP meetings and the distribution thereof to the members;
  - g. to represent the CEP by proxy from the President.
3. The Secretary-General is allowed to delegate duties in order to fulfil these obligations, with the agreement of the President.

### Article XIII

#### CEP Budget, Work Plan and Risk Management

1. The CEP Board will present at the meeting of the General Assembly a draft 3-year budget and work plan aligned with the goals of CEP. The draft budget will include projected general details concerning the expected income and expenses for approval by the General Assembly.
2. A contingency fund will be established, managed and maintained by the CEP Board.
3. The CEP Board is responsible for the prudent and appropriate management of the CEP budget, ensuring the financial sustainability of CEP, sourcing of additional funding opportunities and management of the contingency fund.
4. The draft budget and work plan approved by the General Assembly will be managed by the CEP Board subject to circumstances prevailing during the period and may be revised or amended by the CEP Board as it deems necessary, subject to review and approval at the next meeting of the General Assembly.
5. CEP will seek to ensure, as far as practicable, that the events and activities organised or hosted by CEP shall reflect the true economic costs including the overheads of the CEP.
6. CEP has a risk management system in place to control (manage) the risks that might threaten the continuity and/or the wellbeing/success of an organization. This entails that the possible risks CEP is exposed to are analysed and classified according to the probability of occurrence and impact on the organization. Measures to be taken are determined in order to mitigate the defined risks. The measures implemented and risk analysis itself are assessed annually.

### Article XIV

#### Suspension and termination of membership

1. The membership shall terminate if:
  - a. the individual member is deceased
  - b. the member cancels the membership;
  - c. the membership is cancelled by order of CEP.

This may occur if a member has ceased to fulfil the requirements attached to the membership by the articles of association, if one does not comply with the obligations towards CEP, and if it cannot reasonably be expected by CEP to have the membership continued;
  - d. the member is disqualified.

This disqualification can only be pronounced if a member acts contrary to the articles of association, regulations or CEP's decisions, or if he prejudices the CEP.
2. If a member is temporarily suspended by the Board, this suspension shall be assessed at the next GA. The GA shall consider exclusion of the membership if the cause of the suspension is not remedied.
3. Notice of termination of the membership must be in writing before the end of the year and providing a notice period of two months. If this notice period is not taken into account, the membership will be continued for the following year and the annual contribution for that year will be due.

### Article XV

#### Other committees

Besides the voting committee, the GA as well as the Board can bring committees and subcommittees into being at their own discretion.