

**CONSTITUTION OF THE ASSOCIATION “JURA HOMINIS”**  
**Association among jurists for the study, dissemination and protection of human rights and fundamental freedoms**

**Article 1**  
**Establishment, denomination and siege**

The Association named “Jura Hominis” is hereby established in Milan among jurists for the study, dissemination and protection of human rights and fundamental freedoms.

The Association is not profitable, has no party connotation, and has exclusively humanitarian and study purposes. It is established by jurists freely associated who wish to translate in concrete commitments their moral and civic sense.

The Association is based in Milan, via Daverio 7, at the Società Umanitaria. It may establish branch offices.

The transfer of the siege shall be possible upon deliberation of the Executive Committee.

The duration of the Association is indefinite.

**Article 2**  
**Goal and objectives**

The Association, guided by the principle of human solidarity as stipulated in the Universal Declaration on Human Rights of 10 December 1948 and in the European Convention for the Safeguard of Human Rights and Fundamental Freedoms of 4 November 1950 and in the other international human rights instruments, aims at:

- promoting the respect and protection of human rights, both civil and political rights and economic, social and cultural rights;
- promoting the understanding and respect of the principles of justice which constitute the basis of the rule of law and of a democratic society;
- promoting the good governance of the justice system in respect of the primacy of the rule of law;
- promoting and strengthening the independence of the judiciary and the legal profession and promoting the principles of a fair trial;
- promoting the abolition of the death penalty.

In particular, in order to pursue these objectives, the Association shall:

- offer training, including continuous training on human rights and the principles of the rule of law by organising seminars, courses, conferences targeted to operators of the judiciary and the legal profession, civil servants, voluntary organisations and other interested agencies and extending its activities at the international level as well;
- monitor the compliance by the Italian government with its international and internal obligations in the area of human rights and the principles of the rule of law;
- disseminate information concerning human rights and the principles of the rule of law;
- publish material useful to support the activities of those who are active in the promotion of human rights and the principles of the rule of law;
- influence legislation and governmental policies in the area of human rights and the principles of the rule of law so that these comply with international and European standards;

- undertake research projects related to human rights and the principles of the rule of law;
- play an active role for the implementation of the International Criminal Court and for the recognition of the universal jurisdiction in the domestic legal system vis à vis the most serious international crimes.

The Association shall be able to undertake any operation which will be deemed relevant for pursuing the objectives as stated in this Constitution, including purchasing and exchanging (bartering) of immovable assets and movable assets subject to registration; contracting mortgages and granting securities and mortgages in relation to social assets.

The activities above mentioned shall be carried out by the Association mainly through the ... provided by its members.

Members' activities and holding of offices shall be free of charge, except where there are different indications from the Assembly. The Association may only refund members of the expenses occurred for the activities carried out on request by the Association, subject to documentation and within the limits previously agreed by the Members' Assembly.

### **Article 3 International Organisations**

For the development and dissemination of its objectives as stated in this Constitution, the Association may link up with international institutions and organisations.

By accepting the principles stipulated by the "International Commission of Jurists (ICJ)", based in Geneva, the Association shall request the ICJ to be recognised as the Italian section of the ICJ. After receiving this recognition, the Association shall inform the ICJ of its activities and shall co-operate with both its Headquarter and national sections.

The Association shall cease the relationship of affiliation with the ICJ through deliberation of the extraordinary Assembly adopted with the favourable vote of at least 3/4 of the members eligible to vote and in those cases provided for by the Constitution of the ICJ.

### **Article 4 Financial Resources**

The Association shall draw its financial resources for its functioning and its activities from:

- contributions from the members;
- contributions from private individuals and corporations;
- contributions from the government, the European Union as well as public agencies and institutions also with an international character, aimed exclusively at supporting specific and documented activities or projects;
- donations and legacies;
- profits coming from commercial and productive activities which are marginal as well as services provided by the Association.

The financial year of the Association shall start and end respectively on 1<sup>st</sup> January and 31<sup>st</sup> December every year. At the end of every financial year, the Executive Committee shall draft the budget and submit it for adoption to the Members' Association by April.

The fund shall be constituted by the contributions that founding members make at the moment of the establishment of the Association.

The ordinary members shall contribute to the fund with a membership fee established annually by the Executive Committee.

## **Article 5 Membership**

The number of members is indefinite

Members of the Association are: founding members, ordinary members and honorary members.

Founding members are those who promoted the establishment of the Association by participating to the Constitution or adhering to the Association within 60 days following its establishment.

Ordinary members are all jurists, law graduates or students who wish to commit themselves to the realisation of the objectives of the Association and who, after requesting it, are admitted to the Association.

Honorary members are appointed by the Executive Committee upon presentation of at least two members on the basis of specific merit. These members shall have no financial obligations.

## **Article 6 Criteria for admission and exclusion of members**

The admission of members, decided by the Executive Committee, shall be subordinated to the presentation from at least two members.

The Executive Committee shall deal with the annotation (?) of new members in the members' book after given the membership fee determined annually by the Assembly in ordinary session, if appropriate.

The Assembly shall decide on the exclusion, which must always be motivated, upon written request by the individual in question.

Membership shall be lost:

- withdrawal;
- for non paying, for at least two years, the membership fee or the additional amounts as determined by the Assembly after two months from its reminder;
- for behaviour in contrast with the objectives of the Association;
- for serious and systematic violations of the constitutional obligations;
- for the establishment of any form of employment relationship between the member and the Association.

The loss or exclusion of members shall be decided by the Executive Committee with the majority of 2/3 and with secret vote.

In any event, before proceeding to the exclusion, the complaint must be lodged in writing to the member in question allowing for the possibility of reply. The excluded member may appeal to the ordinary assembly during the first session available.

The recesso may occur in any moment through written communication to the Association.

Those members who withdrew, have been excluded or lost shall not be eligible for the restitution of the membership fees paid to the Association nor for claiming the social capital.

## **Article 7**

### **Rights and Reponsibilities of the Members**

Members shall:

- observe this constitution, the internal rules and deliberations legally adopted by the bodies of the Association;
- behave properly towards the Association and respect the deontological principles of the various orders to which members belong;
- contribute with the membership fee and eventually those additional amounts which will be determined by the Assembly, except honorary members;
- provide their services to the Association personally, spontaneously and free of charge;

Members shall have the following rights:

- to participate to all activities undertaken by the Association;
- to participate to the Assembly with the right to vote; honorary members shall participate with the right to speak;
- to run for any office in the Association;
- to see all the deliberations and documentation related to the management of the Association, including the possibility of obtaining a copy of it.

## **Article 8**

### **Bodies of the Association**

Bodies of the Association are:

- the Members' Assembly;
- the Executive Committee;
- the Chairperson;
- the Deputy Chairperson;
- the Secretary General;
- the Auditors of Account Council;
- the Honorary Chairperson, where appointed.

## **Article 9**

### **The Assembly**

The Assembly shall be composed of all members with the right to vote and may be ordinary and extraordinary. Every member, purch, who has regularly paid its fees for the previous years, shall have the right to one vote and may be represented during the Assembly by another member with written proxy. Each member shall not receive more than five proxies. Honorary members shall not have the right to vote.

The ordinary assembly shall determine all activities of the Association and in addition:

- approve the budget for every financial year;
- appoint the members of the Executive Committee and the Auditors of Account Council;
- adopt eventually the internal rules and its amendments;
- determine the amount of the annual membership fee;
- determine, upon proposal of the Executive Committee, any additional fees which will be considered necessary in order to tackle specific needs;
- decide on the exclusion of members from the Association if they request it according to Article 6.

The ordinary assembly shall be convened by the Chairperson of the Executive Committee at least once a year in order to approve the budget and any other time the Chairperson or at least three members of the Executive Committee or 1/10 of the members deem it appropriate.

The extraordinary assembly shall decide upon the amendments of the Constitution and founding deed, the termination of the relationship of affiliation with the ICJ, the advance dissolution of the Association.

The ordinary and extraordinary Assembly are presided by the Chair of the Executive Committee or, in his absence, by the Deputy-Chair and in the absence of both by another member of the Executive Committee elected by those present. The convocations shall be made through written notification which must indicate precisely the agenda, the date, the time and the venue of the Assembly; the notice must be delivered at least 15 days before the date of the meeting via mail, fax or E-mail. The convocation may also be made through posting of the notice on the website of the Association. For the extraordinary Assembly, the convocation shall be sent via recorded mail to the last address known of the member.

Although notifications fail, the meetings attended personally or through proxy by all members and all Executive Committee shall be considered valid.

The ordinary and extraordinary Assembly shall be validly constituted at the first meeting when at least half plus one of all members are present. At the second meeting, which cannot take place on the same day as the first one, the Assembly shall be validly constituted regardless of the number of those members attending or represented.

The deliberations of the Assembly shall be valid when they have been adopted by the majority of those present at the moment of the vote, except for those deliberations concerning the termination of the relationship of affiliation with the ICJ, dissolution of the Association and related devolution of its residual capital, which shall be adopted with the favourable vote of at least    of the members and the related minutes shall be drafted by the Notary.

Those Assembly convened in order to elect the bodies of the Association shall be in any case valid if the absolute majority of the members is present.

The deliberations of the Assembly shall be normally taken by raising hands; upon decision by the Chair and for particularly important topics or upon request of at least 1/5 of the voters, the vote may be casted in secrecy.

The Secretary General shall draft minutes of every Assembly which shall be copied on to the Assembly book.

In those deliberations concerning the adoption of the budget and the responsibility of the members of the Executive Committee, members of the Executive Committee shall have no right to vote.

## **Article 10**

### **The Executive Committee**

The Executive Committee shall be composed of an uneven number of members from a minimum of five to a maximum of nine who shall be elected by the Assembly. The first Executive Committee shall be appointed with the founding deed. The members of the Executive Committee shall be elected for three years and may be re-elected. Exclusively members may take part to the Executive Committee.

When, for resignation or other reasons, one of the members of the Committee declines its office, the Executive Committee may replace him/her by appointing the first among those non elected who will hold office up until the expiry of the whole

Committee. When more than half of the members declines, the Assembly shall appoint a new Committee.

The Committee appoint its Chair, Deputy Chair and the Secretary General.

The Executive Committee shall:

- implement the deliberations of the Assembly;
- draw the budget;
- appoint the Chair, Deputy Chair, Secretary General and Deputy Secretary/ies General;
- manage the daily activities which do not fall into the mandate of the Assembly;
- constitute one or more Scientific Committees;
- appoint one or more Honorary President drawn from members particularly qualified for their scientific and legal work;
- appoint the regional representatives;
- decide upon the exclusion or loss of members from the Association;
- decide upon requests of admission of new members.

The Executive Committee shall be presided by the Chair or, in his absence, by the Deputy Chair and in the absence of both, by the Secretary General.

The Executive Committee shall be convened usually once every three months and any time the Chair or in his absence the Deputy Chair deems it appropriate or when at least 2/3 of the members so request. The Committee shall decide with the presence of the majority of its members and the favourable vote of the majority of those attending it.

The Minutes of every meeting of the Committee, drafted and signed off by the Secretary General and by the person who presided the meeting, shall be registered in the archives and journals.

The Executive Committee may appoint regional representatives in order to co-ordinate the initiatives of the Association at regional level. Those regional representatives, who are not members of the Executive Committee, may participate to its meetings but only with advisory functions.

The Secretary General shall be responsible for the co-ordinating activities necessary in order to pursue the objectives identified by the Executive Committee.

In order to carry out its tasks, the Secretary General may be assisted by other members appointed by the Executive Committee on the basis of its indications.

On the basis of written delega from the Chair, the Secretary General may manage the daily activities in the name of the Association.

## **Article 11** **The Chair**

The Chair, appointed by the Executive Committee, shall preside the Committee as well as the Assembly.

The Chair shall represent the Association before third parties and in trials. In his/her absence or impediment, his/her functions shall be exercised by the Deputy Chair who is also nominated by the Executive Committee.

The Chair shall ensure the implementation of the deliberations of the Executive Committee and, for urgent matters, he/she may take over its power and then request the ratification of the adopted decisions in the following meeting.

## **Article 12** **The Auditors of Account**

The College of the Auditors of Account, appointed by the Assembly, shall be composed of three members even if they are not members of the Association. The College of the Auditors of Account shall be mandated to audit the regularity of the budget and accountant books. It shall also be mandated to call the Executive Committee to its duty, when accounting irregularities are identified. The College of the Auditors of Account shall be composed of three members who shall be elected for three years and may be re-elected.

**Article 13**  
**Free of charge of the association offices**

Each association office shall be held free of charge except for the reimbursement of expenses provided for those members as mentioned above in Article 2.

**Article 14**  
**Final Provision**

In the case of dissolution of the Association, its capital shall be devolved to other non-profit organisations or agencies active in the same or similar field according to legislation.

**Article 15**  
**Deferment**

For all what is not explicitly mentioned in this Constitution reference shall be made to the Italian Civil Code and further legislation currently in force in Italy.

**Provision and Final Provisions**

The College of the Auditors of Account, appointed in the founding deed, shall hold office for three years; the Chair, Deputy Chair, Secretary General and members of the Executive Committee, appointed in the founding deed, shall hold office for three years.

Except for the above powers, founding members shall have the same rights and responsibilities as ordinary members according to this Constitution.