

**Constitution of the  
European Forum for Restorative Justice v.z.w.,  
adopted on 8 December 2000 and amended on 28 October 2005  
and on 13 June 2018.**

**PREAMBLE**

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**PREAMBLE:**

The vision of the European Forum for Restorative Justice is that: EVERY PERSON IN EUROPE SHALL HAVE THE RIGHT OF ACCESS TO RESTORATIVE JUSTICE.

**Rationale for addition:** We think this is a vision that should drive our future work both in practice and policy.

**TITLE 1: NAME, LEGAL STATUS AND REGISTERED OFFICE**

Art. 1. The association is called "European Forum for Restorative Justice v.z.w.", hereafter referred to as "the Forum".

Art. 2. The Forum has the legal status of a not-for-profit organisation in accordance with the Belgian law of June 27, 1921, **as modified by the law of 24 June 2013.**

**Rationale for change:** Technical.

Art. 3. The Forum has its registered office in Hooverplein 10, 3000 Leuven, Belgium, located in the judicial district of Leuven. The registered office can be moved within Leuven by decision of the Board. Each change in registered office must be published in the "Belgisch Staatsblad/Moniteur belge" within one month.

## TITLE 2: AIMS AND OBJECTIVES

Art. 4. The general aim of the **European Forum for Restorative Justice** is to advance restorative justice ~~help establish and develop victim-offender mediation and other restorative justice practices~~ throughout Europe by connecting those working on restorative justice and by advocating for inclusion of restorative justice in all the policies addressing criminal and social justice questions.

**Rationale for change:** Today in EU and international policies victim offender mediation and other practices are all subsumed together under the umbrella of restorative justice, therefore we make the scope broader rather than narrower. At the same time we include the importance of policies. The reference to social justice policies means we are open to engage in all the work that goes beyond the criminal justice field, such as schools, communities, migration, etc.

Art. 5. To further the general aim, the Forum will pursue the following objectives:

- Raise public awareness of restorative justice and its benefits
- Influence public policy so that restorative justice is available, is well resourced and accessible to all who need it
- Promote excellence in research and practice including quality and best practices
- ~~Promote international exchange of information and mutual help;~~
- ~~Explore and develop the theoretical basis of restorative justice;~~
- ~~Stimulate research;~~(see below)

and other objectives that can be determined at the General Meeting.

~~and, such other objectives as the General Meeting shall from time to time determine.~~

**Rationale for change:** The changes in this article and the next one are related to improvement in language, distillation of the core aims, and reflect more generally the work we do and we would like to do. Some might seem like important things that have been dropped but a careful reading of the two articles together shows that they are only improved, and nothing substantial has been changed.

## TITLE 3: ACTIVITIES AND PRINCIPLES OF FUNCTIONING

Art. 6. The Forum will undertake all reasonable actions to further the general aim and the objectives of the Forum, for example,

- Promote dialogue between practitioners, policymakers and researchers;
- Promote the development of effective restorative justice policies, services and legislation

- ~~Promote Support~~ public education aimed at increasing awareness about issues for victims, offenders and the community;
- ~~Promote Assist~~ the development of principles, ethics, training and good practice; (from above)
- To make representation to and/or liaise with European and international institutions or organisations, including the Council of Europe, the European Union and relevant nongovernmental organisations;
- ~~Raise, hold and administer funds and disburse such funds in furtherance of its work.~~

**Rationale for change:** See rationale Art 5.

Art. 7. The Forum engages itself not to discriminate against any individual or group on grounds of age, sex, ethnicity, disability or religion.

Art. 8. The Forum actively seeks to provide opportunities for expressing contradictory points of view by everyone who is working for a humane system of justice for the benefit of victim, offender and the community.

Art. 9. The Forum will stay independent in action and thinking.

Art. 10. The activities of the Forum will be based on an attitude of openness and respect, and on the willingness to learn from all members.

#### **TITLE 4: DURATION**

Art. 11. The Forum is created for an unlimited period of time. It can be dissolved at any moment as provided in articles 44 and 45.

#### **TITLE 5: MEMBERSHIP**

Art. 12. The minimum number of full members is nine. There is no maximum number of members.

Art. 13. The following are eligible to be members of the Forum: individuals, governmental or other statutory organisations and non-governmental organisations, who support the general aim of the Forum.

Art. 14. There are two categories of membership: full members (with voting rights) and associate members (without voting rights).

Art. 15. Applicants for membership must indicate which category they wish to belong to.

Art. 16. Candidates for membership should apply in writing to the secretary or the chair of the Forum. The Board will decide whether the candidate is to be admitted to membership. This decision is subject to confirmation at the next General Meeting. If

the Board decided not to admit a candidate for membership, he or she may appeal to the General Meeting. The criteria for application for membership will be decided by the General Meeting.

Art. 17. Members who resign have to inform the secretary in writing. The resignation is coming into effect no more than one month after this writing.

Art. 18. Membership may be suspended by the Board until the next General Meeting. Membership may be terminated only on a motion supported by two thirds majority of the General Meeting. In any case of suspension or expulsion, the member concerned must receive a letter specifying the reasons for the action taken.

Art. 19. The General Meeting determines an annual membership fee of no more than 1.000 Euro. **This figure can be altered by a simple majority at a General Meeting.**

**Rationale for change:** To make it possible to amend this without amending the constitution.

## **TITLE 6: GENERAL MEETING**

Art. 20. Every year a General Meeting will be held. The Board sends out notice of the General Meeting to the full and associate members at least three months before the date of the meeting. The notice must mention the draft agenda of the meeting.

Art. 21. The business to be conducted at the general meetings will include:

- approval of the report of the previous General Meeting;
- determining the general policy of the Forum;
- the election and, as appropriate, the dismissal of members of the Board;
- the approval of the annual accounts and budget;
- approval of the annual report of the Forum;
- the appointment of an auditor;
- the approval of internal regulations;
- membership matters;
- consideration of any matter relevant to the functioning of the Forum and the furtherance of its general aim and its objectives.

Art. 22. The General Meeting consists of the full members of the Forum. Associate members and staff members are entitled to attend and speak. The General Meeting is presided over by the chair. In his/her absence, the vice-chair, or, in his/her absence, another board member present will preside. In the absence of any member of the Board, the General Meeting shall appoint a chair from among the full members present.

Art. 23. Decisions will be taken by consensus. If not possible, the decisions will be taken by majority vote. A full member who cannot attend the General Meeting may appoint another full member to act as proxy on any matter to be decided by the

General Meeting. Any full member can only act as a proxy for a maximum of 5 other full members. Changes to the constitution can only be made by a majority of two thirds of the full members present or represented by proxy at the General Meeting, provided that two thirds of the full members are present or represented by proxy at the General Meeting. Changes to the aims and objectives laid down in the constitution require a majority of four fifth of the full members present or represented by proxy.

If presence of two thirds of the membership have not been reached in a General Meeting, the same proposal can be made subject to a second voting in the subsequent General Meeting. In this second General Meeting, a minimum presence is not anymore required. In this case the proposal is approved when two thirds of the full members present or represented by proxy give a positive vote, no matter how many members are in fact present.

**Rationale for change:** The additional text here stipulates the applicable law in Belgium and provides more clarity on the applicable procedure in these cases.

Art. 24. The decisions of the General Meeting are written down in a report, provisionally approved by the chair and made available to all members of the Forum. General Meeting reports will be sent to interested parties on receipt of a written request sent to the Secretary.

Art. 25. The General Meeting **or the Board** can appoint committees or other working groups and can co-opt individuals to serve on such organs. Committees and working groups report to the Board.

**Rationale for change:** To make the creation of committees more simple and possible between two General Meetings.

Art. 26. Special general meetings may be convened upon the initiative of the Board and shall be convened at the request in writing of one fifth of the full membership, stating the reason for the request and any special resolution to be put to the General Meeting. The Board sends out notice of the special General Meeting at least two months before the date of the meeting. The notice must mention the agenda of the meeting.

Art. 27. Any two or more members from at least two different countries can put forward a resolution to the General Meeting, which can then take a decision. **The Board shall notify full members of the possibility and deadline for submitting resolutions at least four months before the General Meeting.** These proposed resolutions must reach the chair or the secretariat at the latest two months before the date of the General Meeting at which they should be considered.

**Rationale for change:** To stipulate the obligation of the Board in relation to the resolutions and to achieve a better communication towards members on this issue.

## TITLE 7: BOARD

Art. 28. The Board shall consist of minimum seven and maximum fifteen members coming from at least 6 different countries. The number of board members is to be decided by the General Meeting. The board members are elected from and by the full members. Election of the board members shall be by simple majority vote. The board members perform their mandate without remuneration. Board members can be dismissed from their function when their conduct, action or statements are found, on the basis of good evidence, to be inconsistent with the aim and objectives of the Forum, or are considered to be likely to bring the Forum into disrepute. A motion to dismiss a Board member can be brought to the General Meeting on the initiative of 10 full members or of a two thirds majority of the Board members. A written request to deal with this motion must be sent to any two members of the Board, and this at the latest two months before the date of the General Meeting at which the motion should be considered. The motion must mention the reasons for dismissal of the Board member and will need to be supported by a two thirds majority of the General Meeting.

Art. 29. The General Meeting will appoint a selection committee to make nominations for the next election of the Board. Any two full members can nominate candidates for election to the Board.

Art. 30. Immediately after the General Meeting, the Board elects among its members a chair, a vice-chair, a treasurer and a secretary.

Art. 31. Board members are appointed for a period ~~of 6~~ four years. Re-election of a board member is possible ~~once~~. If a board member resigns between two General Meetings, a new member of the Board may be co-opted from among the full members. His/her appointment must be confirmed at the next General Meeting.

~~In the first six years of the existence of the Forum, a transitional arrangement will be applied to the mandate of the board members. After the first two years, one third of the board members will retire and will be replaced by newly-elected members. After four years, a further third of the original group of board members will retire and will be replaced by newly-elected members. After six years, the longest-serving third of the Board will retire and will be replaced by newly-elected members.~~

Rationale for change: The reason for changing this is based on the experience within the board until now. We think that 6 years is a long period for such an engagement, and in case when two terms are preferred then 12 years of commitment becomes extremely long. This way is a great balance between members that would like to stay shorter and members that would like to stay longer.

Art. 32. The Board meets at least twice a year. Board meetings can be conducted via electronic or other technical means of communication, provided that an effective deliberation is being ensured.

Art. 33. Board decisions are taken by consensus. If consensus cannot be reached, decisions will be taken by a majority vote. The chair has a casting vote. Only board members participating in the meeting of the Board can vote. A quorum will consist of five members of the Board.

Art. 34. The Board will exercise all the competencies not reserved to the General Meeting by the constitution or the law. The Board may delegate tasks and functions to any one or more full members or to a mandated third party. In the latter case the tasks and functions are described accurately and are limited in time. The association is bound in a valid way with respect to third parties through the joint signature of the chair and the secretary or through the joint signature of **two members of the Executive Committee** ~~two other board members~~ appointed for this purpose by the Board.

**Rationale for change:** The changes here are based on finding a balance between guaranteeing safeguards and pragmatism. For operational reasons the Executive Director should be able to sign certain documents, such as employment and purchase contracts. The Executive Director is always part of the Executive Committee together with 4 Board Members.

Art. 35. The Board will make such regulations as may be required for the implementation of an article of the constitution. Such regulations are subject to confirmation at the next General Meeting.

Art. 36. The decisions of the Board are written down in a report, provisionally approved by the chair and sent out to all the members of the Board, and, upon request, to other members of the Forum.

Art. 37. Between general meetings, the Board can appoint committees or other working groups and can co-opt individuals to serve on such organs. The committees and working groups report to the Board.

## **TITLE 8: EXECUTIVE COMMITTEE, EXECUTIVE DIRECTOR AND SECRETARIAT**

Art. 38. The executive committee consists of the chair, the vice-chair, the secretary, the treasurer **and the executive director**. They are responsible for the day-to-day running of the Forum, including the appointment of staff and the conditions of service. **These responsibilities can be devolved to the executive director to the extent and conditions provided in the working contract of the executive director. Any such devolvement keeps the Board's accountability towards the General Meeting untouched.**

Art. 39. The secretariat is headed by the executive director who shall have managerial authority over contracted staff and any further persons working in the secretariat as provided by Belgian law.

**Rationale for change:** These articles were changed to reflect the experience and the best practice since the establishment of the Forum and to reflect the growth of the secretariat and the new function of the executive director.

Art. 40. The secretariat, or part of it, can be moved with the agreement of the General Meeting.

## **TITLE 9: FUNDING**

Art. 41. The Forum will not accept funding by organisations whose aims are not consistent with the general aim of the Forum.

## **TITLE 10: BUDGET AND ACCOUNTS**

Art. 42. A statement of the budget and accounts must be made available and presented for approval at every annual General Meeting.

Art. 43. The financial year of the Forum runs from January 1st to December 31st.

## **TITLE 11: DISSOLUTION**

Art. 44. The association can be wound up according to the current legislation, or by a court decision. In case of voluntary dissolution, the decision to dissolve the organisation will be made by a four fifth majority of the General Meeting. The General Meeting will appoint one or more liquidators and determines their competence.

Art. 45. In case of winding up the association, the association's property has to be donated to an organisation with related objectives. The General Meeting will decide, upon advice of the Board.

## **TITLE 12: APPLICABILITY OF THE LAW**

Art. 46. For all cases that are not provided for by the constitution, the provisions of the Belgian law of June 27, 1921 are applicable.

## **TITLE 13: COMMENCEMENT**

Art. 47. This constitution comes into effect as soon as approved by the inaugural General Meeting.