

Memorandum and articles of the non-profit White Ring Association

Constitution

I. Name, aim and assignment of the Association

1. *Name of the Association:*

White Ring Association of public utility, for assistance to the victims and for the prevention of crimes. (Hereunder: White Ring or Association) The Association is a member of the European victim support organization (Victim Support Europe).

2. **Representative:** László Fügedi chairman. (In case of hindrance the vice-chairman and the secretary or one member of the Presidency.)

3. **Headquarter of the association:**

H-1055 Budapest, Szent István krt. 1 fszt 5.
Tel/Fax: (36-1) 312-2287

4. **Area of responsibility:** Republic of Hungary

5. **Objective of the Association:**

„**Crime prevention and protection of the victims of crimes**” within it:

- a.) It assists the indigent victims of crimes who suffer damage or harm by indictable offence.
- b.) It stands up for the defense of affronted persons.
- c.) It co-operates with Hungarian, foreign or international state and social organizations for the prevention of falling a victim and for the defense of victim's rights.

6. **The roles of the association:**

- a.) The White Ring - in reasonable cases – gives a direct support and help to the indigent victims of crimes (and to their adherents) in financial, psychic, legal and other form, in addition it provides for the representation of the victim's interests. Help and assistance are gratis, neither membership nor other obligation are necessary.

It initiates and supports the acceptance of the international recommendations in connection with the victim protection.

b.) For crime prevention the Association:

- carries out theoretical and methodology research to foreshow the circumstances becoming victim and the prevention of the crime's occurrence ,
- draws attention to the forms of appearance of delinquency, their characteristics, it gives informations, it presents suggestions to avoid, hinder or ward off crimes.
- follows with attention the activity of the legislative and juridical bodies, it offers opinions and it initiates new solutions in favour of its own purposes.

- it takes over and adopts in home conditions the international experiences in victim support and crime prevention.
- c.) In order to achieve the objectives of the Association it is in pursuance of the § 34 of Act CLXXV. 2011 the Association is deemed to exercise public tasks by the following rules:
- assistance to victims of crime (§ 2 of Act XXXIV. 1994 – Law about Police)
 - promotes the interests of victims of crime, provides financial aid, legal assistance (on assisting victims of crime § 4 of the Act CXXXV. 2005);
 - provides information to the victims of crime about the rights and obligations during criminal proceedings, gives information about available support types, and conditions of application, other methods of supporting in addition to the grants provided by this Act, gives details about the contacts by other victim supporting organizations (on assisting victims of crime § 9 of the Act CXXXV. 2005)
 - cooperates and maintains relation with the victim protection network of the police (on assisting victims of crime § 43 of the Act CXXXV. 2005)
 - promotes the interests of victims of crime, providing legal assistance for foreign citizens who became victims of crimes committed in Hungary (Directive of EC/2004/80 – 2004. April 29th. – about compensation of victims of crimes)
 - represents the victim’s rights in criminal proceedings (§ 58. of Act XIX 1998. (3) – Law on criminal procedure).
- d.) The services offered by the Association is available not only for its members, but for every victim of crime.

The usage of the services offered by the Association requests personal appearance of the victim in any of the Association’s office, or by written application. The staff of the Association interviews the victim in the office, and give some details about the available official procedures, and initiating of these., and the rights of the victims in the process. If necessary victims can obtain their rights in the criminal proceedings by the lawyer provided byt the Association. In reasoned cases the Association provides smaller amount of financial aid to the victim.

7. *Economic activity of the association:*

- a.) The association – as subsidiary - can ply economic, undertaking (mostly personal safety and security of goods) activities **to fulfill of its public benefit objectives**, to strenghten the possessions necessary to its’ normal operation. The Association may only make any entrepreneur activity to fulfill its public benefit objectives, without endandering them. The Association can not issue a draft, or any credit facilities, and not apply any loan or credit, which endangers the fulfillment of its public benefit objectives.
- b.) The incomings will not be divided up but they will be appropriated to activities fixed in the constitution. The association has no investment.
- c.) The White Ring has employees and offices in necessary number for the implementation of its task.
- d.) The association carries out its voluntary tasks after the constitution (statues) and the law as independent legal entity.

II. Members, representative and administrative members of the association

1. Members of the association might be

- natural persons
- legal entities or other associations of public benefit without legal status

Application for admission needs an admittance declaration. After admission natural person receive a membership card. Legal entities have to be informed of the decision of their application in a written notice. Explanation of rejection is not necessary.

Members of the association have to pay annual fee. The Annual General Meeting determines the sum and the method of paying. Members who are not paying the annual fee for two years, will lose their membership, and will be deleted from the list of members.

2. Rights and obligations

a.) Member has right

- to participate in the activity and events of the association
- to be elected to the representative and executive boards of the Association.
- to vote and to be elect in the administrative or representative board of the association
- to propose and to initiate new arrangements
- to be employee of the association

b.) Member is bound

- to accept and agree with the principles of the association laid down in the constitution
- to act according to the constitution and the party rules
- to pay regularly the annual membership fee

3. Membership ends in case of

- quit by the member
- cancellation from the register
- exclusion
- death of the member

If the articles of association sets up a criteria for membership and a member does not comply with these conditions, the membership may be terminated thirty days notice in write by the association. The withdrawal is decided by the general meeting of the association.

If a member of the association dies, or requires in written notice to delete the membership, the Association has to do so.

The exclusion and the cancellation decision is taken by the President. An appeal might be submitted within 15 days of its delivery through the Secretary against it. The appeal has suspensive effect, however the Presidency may suspend the rights of the appellant's membership.

4. Leading bodies of the association:

- Annual General Meeting
- Presidency
- Supervisory Committee

5. The main decision making body of the Association is the *Annual General Meeting*.

- which has to be held at least once a year, in case of necessity more often
- members are invited by a notice of meeting, containing the agenda, delivered one week before the appointed time
- at the General Meeting each member has one vote
- the General Meeting has a quorum with the attendance 50% plus 1 person of electives
- without quorum the General Meeting will take place on the same day later with the original agenda if members have been informed in advance, or at latest in 10 days
- the repeated meeting in point of the original agenda will have quorum irrespectively of the number of present members
- the General Meeting makes its resolutions by simple majority, in case of equality the chairman's vote is decisive
- the General Meeting elects the chairman, the members of the Presidency, the Head and the members of the Supervisor Board by ballot, in case of equality a new vote should be announced.
- the leading chairman of the General Meeting is the president of the association who proposes the officials and vote counters of the GM, they are elected by simple majority.
- the General Meeting also has got to be called with predetermined agenda for the written application of the 10% of members – if this application states the reasons and purpose for convening the GM.
- The General Meetings are public.

6. The exclusive competence of the General Meeting:

- approval and revision of the constitution
- election and recalling of the Presidency, payment of the president
- election, recalling and payment for the members of the Inspection Committee
- ***election, recalling and payment of the chosen auditor***
- determination of the annual budget
- approval of the Presidency's annual report
- approval of the annual financial statement
- decision about termination, unification, or separation of the association
- approval of a contract between the Association and a member, or executive officers or supervisory board member or a relative of such of the Association
- decision about compensation claims against current and former members of the association, or executive officers, or other bodies of association.
- assigning a liquidator.

For the acceptance of the annual report of the Presidency the content vote of the 2/3 of the attendance is necessary.

For the acceptance of the annual report of the Presidency (including public benefit report) at the General Meeting two-thirds majority decision required by the attendees. If the annual general meeting does not accept the annual report, the Supervisory Board has to initiate an investigation which should be completed within 30 days. When the investigation completed, an Extraordinary General Meeting shall be convened, where the rules of accepting the annual report are the same as those at the Annual General Meeting.

If the report, the non-profit attachment, and the budget is not accepted by the extraordinary general meeting, the mandate of the Presidency is terminated with immediate effect. If the at the same general meeting a new Board is not elected, the Supervisory Board shall convene a new Extraordinary General Meeting.

To change the memorandum, and the articles of the Association, the three-quarters majority vote is required of the members present at the General Meeting. To modify the aims of the Association and to decide about the termination of the Association by the Annual General Meeting a vote of three-quarters majority required by the members who have right to vote.

7. The General Meeting elects the Presidency of seven member on a fixed four-year term by secret and direct vote in every four year. During this process the General Meeting also elects the Presdint of the Association, by a direct vote by name.

The members of the Presidency:

- chairman
- vice-chairman
- secretary
- members of the Presidency (4 person)

The office-bearers of the Association – excepting the chairman - are elected by the members of the Presidency in a direct election.

The Presidency

- holds its meetings at least once in three months, or more often if necessary
- meetings are called by the chairman 6 days before the appointed time with the notification of the agenda
- makes decision by voting, with simple majority, the quorum needs the presence of 50% plus 1 members of the Presidency
- in case of equality the chairman's vote is decisive
- meeting has to be called for the written request of 1/3 of the Presidency
- meetings are public but for the proposal of the 50% of participants the chairman can order private meeting if it is justified by personality rights, data protection or business secret.

The Presidency can donate honorary chairman or honorary member of Presidency title on persons or representatives of legal entities for their outstanding activity towards the implementation of the association's aims in the field of the victim support. Honorary chairman and honorary members have no vote, only consultation right.

The members of the Presidency are required to attend the general meeting, to answer questions about the Association at the general meeting and to report about the activities and the economic situation of the Association.

The competence of the Presidency:

- a.) preparing and reporting of the accounting to the General Meeting,*
- b.) preparing the annual budget and distributing to the General Meeting,*
- c.) managing and making decisions about using and investing the asset of the Association,*
- d.) preparing the foundation of the bodies and of the election of officials according to law and the Constitution of the Association,*
- e.) determination of the agenda of the General Meeting called by the President,*
- f.) participate in the GM, and answering questions regarding the Association,*
- g.) investigate the current reason for termination of the Association and in the event of occurrence, taking actions as described by the law,*
- h.) making decision about admitting new members.*

The General Meeting convened by the President. It requires a general meeting in order to take the necessary measures if:

- the association's assets do not cover the debts that are due;*
- the association is expected to not be able to meet its liabilities when due, or*
- achieving of the objectives of the association is at risk.*

8. The General Meeting elects the **Supervisory Board** of three members by secret and direct vote – in every four years. Beside it, the GM elects the President of the Supervisory Board, by direct vote by name. When designating the members of the supervisory body, the rules of conflict of interest declared by the act CLXXV 2011, and in addition the members should issue a statement about § 38 paragraph 3 as well. It not available to be a member of the Supervisory Board by the person mentioned in the 3rd paragraph of II/11 article of this Constituion.

The Supervisory Board

- determines its own procedures, which shall be in writing
- holds a meeting at least once a year, makes decision by simple majority with a minimum presence of 2 members,
- minutes shall be recorded at the meetings of the Supervisory Board, which needs to published on the website of the Association within 15 days following the meeting.
- the Supervisory Board functions according to the Act CLXXV 2011.
- the Supervisory Board can monitor the operation and management of the association. Meantime it can ask reports and informations from the office-holders or employees of the association, can check the documents and books of it,
- member of the committee can take part of the Presidency's meeting with consultation right

- the Supervisory Board is obliged to inform the General Meeting and the Presidency and initiate the calling of the General Meeting, if it becomes aware of any of the following:
 - a.) infringement or malpractice which sorely harms the interest of the association and its stoppage or the reduction of consequences needs the decision of the General Meeting
 - b.) fact which establishes the responsibility of leading office-bearers
- The leading body (GM or Presidency) must be called within 30 days. After this deadline the Supervisory Board is authorised as well to call it.
- If the authorised body does not make the necessary measurements for the restoration of normal function, the Supervisory Board is obliged to immediately inform the legal supervisory authority.

9. The administrative bodies are

- the central office of the association
- regional offices

10. For the implementation of its tasks, the association has a central office in its headquarter and other offices in towns, villages or districts. In the offices members of the association, social helpers, and employees activities are managed directly by the office manager.

11. Rules about conflicts of interest of senior officials

In the decision making process of the General Meeting, Presidency and the Supervisory Board may not participate a person who, or whose close relative on the basis of a decision

- a.) exempted from any obligation or responsibility,
- b.) receives any other benefit or otherwise interested in the legal transaction,

The Association's allowance available for anyone without restrictions under the framework of the aims for non-financial services is not classified as a benefit. It is also not classified as a benefit if by the Association's founding document, a member of the Association receives any allowance on behalf of the aims of the organization.

A person is not available to be the president, a member, or auditor of the Supervisory Board, who:

- a.) is the president or member of the GM of the Presidency (not including the members of the Association's supreme body, who are not bearing any position).
- b.) has an employment relationship or other relationship related to work with the Association, unless, the law provides otherwise,
- c.) is receiving any allowance from the Association's allowance available for anyone without restrictions under the framework of the aims for non-financial services.
- d.) is a close relative specified in paragraph a.) - c.).

It's not allowed for three years following the termination of the non-profit organization, to be the leader of another non-profit organization for any senior officer, who was a senior officer for at least a year in the last two years before the ceasing of such a non-profit organization:

- a.) has ceased without successor and tax and custom debt recorded at the state tax and customs authority was not paid off.
- b.) which has a significant amount of tax arrears revealed by the state tax and customs authority
- c.) against which the state tax and customs authority imposed a fine of sealing the business, or used a fine with the same measure
- d.) of which the state tax and customs authority has suspended or cancelled the the tax number in accordance with the law on State Taxation.

The senior officer – or the nominated person – is obliged to inform all concerned non-profit organization in advance, about acting such a part of an other non-profit organization at the same time.

III. Operation of the association

1. Resolutions and publicity:
 - The decisions of the boards of the Association are registered in book of resolutions, in the main of the central office, where the contents, the date and the effect, the proportion of the proponents and oppositionals of the decisions (in case of direct voting the name of the persons as well) are indicated.
 - The chairman has to inform in written or electrical form (in verifiable manner) the concerned persons about the decisions of the association.
 - At a previously fixed time, all documents in reference to the activity of the association can be surveid by anybody at the seat of the association, except when it trespass on any victim's personality rights.
 - The association's boards decisions and the records of General Meetings, needs to be publilated on the website of the Association following the making of the resolution and a maximum of 15 day limit after the General Meeting.
 - The Association publicizes its way of working, the usage of its services, the decisions and reports of its leading boards on the billboard in the central office. Its public utility report can be seen on the association's website.
2. Detailed rules about the operation of the Association and about the organization included in the "Organizational and Operational Rules".
3. Assets necessary for the proper functioning of the Association:
 - a.) are covered by membership fees, donations, grants, and the incomings of the legally possible economical activity.
 - b.) the assets of the association is used only for the purposes of the association.
 - c.) the members of the association can not benefit in anyform of the assets of the association based on thier membership. In case of termination of the membership or the Association, no member can get back the previously paid membership fees or can claim any part of the asset of the association.
4. The budget and the economical regulations are approved by the Annual General Meeting for every year.
5. In case of the termination of the association its assets will be succeded to the Hungarian Red Cross if the General Meeting makes no other decision.
6. Activites made by the members of the association are carried out as social work. For some special continuous and significant activities a honorarium can be given determined by the Presidency. Only the persons being in employment relationship with the association can get wage – and the scope and extent is decided by the Presidency.

7. The persons who have expenses during their victim protection activities on behalf of the Association, can claim for refund.

IV. Closing directions

1. The association does not carry on direct political activity, it is independent of political parties, it neither gives to nor accepts from them any financial support. In parliamentary or local (county or capital city district) elections, the Association does not set up or support any candidate.
2. The legitimacy supervision of the White Ring Association belongs to the Prosecutor's Office.
3. In issues which are not regulated by the Constitution, the provisions of Act of CLXXV 2011 about right of unions, claims of public benefit, as well as the operation and support of civil society organizations prevail.

Clause

The Constitution of the White Ring Association of public utility was approved by the statutory meeting in Budapest on the 21st of December 1989.

The association was registered on the social organizations list under No.856. by the Metropolitan Court with its order 6.Pk.61094/1 on the 4th of January 1990.

The Metropolitan Court by its order 6.Pk.61094/7 on the 20th of May 1996 approved the new seat of the association: 1. Szt. István boulevard, Budapest, H-1055.

The General Meeting on the 22nd of October 1999. conceded the revised Constitution which was necessary to the qualification of „organization of public utility”.

The Metropolitan Court by its order 13.Pk.61094/1989/16 on the 18th of January 2000. qualified the association as „of public utility”.

The present amendments was adopted and consolidated to the Constitution by the General Meeting on 23rd of March 2012.

The present amendments was adopted and consolidated to the Constitution by the General Meeting on 2nd April 2014.

The present amendments was adopted and consolidated to the Constitution by the General Meeting on 22nd May 2015. The modifications are shown bold, italics in the Constitution.

Budapest, 22nd of May 2015.

On behalf of the Association's Presidency:

László Fügedi
chairman