



**Co.N.O.S.C.I.** (O.N.L.U.S.)  
Coordinamento Nazionale degli Operatori  
per la Salute nelle Carceri Italiane

# STATUTE

## Art. 1 - Constitution

1. The voluntary association called "National Coordination of Health Operators in Italian Prisons - ODV", hereinafter referred to as the "Association", is established.
2. The Association is configured as a voluntary organization, pursuant to Articles 32 et seq. of the Legislative Decree n. 117 of 2017 (Third Sector Code), as well as the general principles of the legal system, for the non-profit, not even indirect pursuit of civic, solidarity and social utility purposes.
1. The Association, by virtue of being registered in the appropriate Register, adopts the status of ODV and uses this acronym by inserting it in the documents, correspondence and in any communication and external manifestation thereof.
2. The Association is governed by this Statute and any regulations that, approved according to the statutory rules, become necessary to better regulate specific association relationships or activities.

## Art. 2 - Headquarters

1. The Association is based in the Municipality of Rome in Via Liberiana, 17 - 00185.
2. By resolution of the Board of Directors, the registered office may be identified and transferred, without the need for a statutory amendment, as long as it is within the same Municipality.
3. By resolution of the Board of Directors, operational offices of the Association may also be established in Italy or abroad.

## Art. 3 - Duration

The duration of the Association is unlimited.

## Art. 4 - Object and purpose

1. The spirit and practice of the Association conform to the principles of the Italian Constitution and are based on full respect for the human, spiritual and cultural dimension of the person.

The Association is non-partisan and will adhere to the following principles: absence of profit, democratic nature of the structure, free services of associated volunteers, electivity and gratuity of corporate offices.

2. For the pursuit of civic, solidarity and social utility purposes, the Association carries out, mainly in favor of third parties, making use of the services of associated volunteers, the following activities of general interest pursuant to art. 5 paragraph 1 of the Legislative Decree n. 117 of 2017:
  - a. education, instruction and professional training, pursuant to law no. 53, and subsequent amendments, as well as cultural activities of social interest for educational purposes;
  - b. scientific research of particular social interest;
  - c. organization and management of cultural, artistic or recreational activities of social interest, including activities, including editorial activities, for the promotion and dissemination of the culture and practice of volunteering and activities of general interest referred to in this article;
  - d. promotion of the culture of legality, peace between peoples, nonviolence and unarmed defense;
  - e. promotion and protection of human, civil, social and political rights, as well as the rights of consumers and users of the activities of general interest referred to in this article, promotion of equal opportunities and mutual aid initiatives, including the "banks of the time" referred to in article 27 of the law of 8 March 2000, n. 53, and the "joint purchasing groups" referred to in article 1, paragraph 266, of law no. 244;

The Association in particular aims to support and create active, cultural and training and research paths in the field of criminal and civil justice, including alternative measures, finalizing its action also by enhancing and supporting the work of social professionals, health and justice that intervene in the specific sector, also with specific initiatives. Particular attention will be paid to the action carried out by the Court and by the experts involved in the specific sector.

The Association pursues these activities of general interest through:

- education, instruction and professional information of detained or interned persons with particular regard to some particularly disadvantaged categories such as drug addicts, foreigners and ethnic or otherwise disadvantaged minorities, women, people with pathologies, the elderly;
- organization and management of cultural, artistic or recreational activities of socio-health interest, including activities, including editorial activities, for the promotion and dissemination of the culture and practice of volunteering and activities of general interest with the participation of the penitentiary directorates, the judiciary and of any other interested body, finalizing all these activities towards a better understanding of the "prison" phenomenon among professionals in the sector and the general population;
- collaboration in a degree or specialization thesis of the Faculties most involved in the subject (Medicine, Psychology, Social Services, Sociology, etc.);
- creation, participation or collaboration in specific research fields at universities and institutional bodies (Ministry of Justice, Health, Higher Institute of Health, etc.), also with the implementation, individually or in associated form, of any form of planning also innovative ('health budget', specific prevention programs, etc.);
- education, instruction and professional training, pursuant to law no. 53, and subsequent amendments, as well as cultural activities of socio-health interest for educational purposes;
- promotion and protection of human, civil, social and health rights towards "persons with limitations of personal freedoms" according to the indications and competences of the National Guarantor of the rights of persons deprived of personal liberty such as, for

example, residents of REMS, those hospitalized in SPDCs, those entrusted to alternative measures or in therapeutic communities also with the promotion and implementation of projects and interventions to guarantee full socio-health assistance with socio-cultural and work reintegration;

- scientific research of particular social and health interest, also conformed in the ways useful for contributing to the awareness of public opinion and parliamentary discussion on specific issues, such as custodial and alternative sentences, privacy, professional ethics, criminal mediation and victimology, AIDS and all pathological states and conditions most represented in the prison context;
  - creation of specific study groups on issues of particular importance and / or topicality with the possible participation of external experts as well as members of the association
  - promotion of prevention and 'reduction of risk, damage and demand'
  - all the activities of the association will be aimed at both adults, minors or 'young adults';
  - each activity may be the subject of specific agreements or conventions or memoranda of understanding / operational and collaborations with state and peripheral bodies, such as local bodies and other public or private bodies.
3. The Association may also carry out, pursuant to art. 6 of the Third Sector Code, activities other than those of general interest indicated above as long as they are secondary and instrumental to the latter according to criteria and limits defined by a specific ministerial decree. These activities are identified with a specific resolution of the Assembly.
  4. The Association can also carry out fundraising activities - through the request to third parties for donations, bequests and contributions of a non-cash nature - in order to finance its activities of general interest and in compliance with the principles of truth, transparency and correctness. in relations with supporters and the public.
  5. The Association also carries out public awareness and information activities on issues related to its purposes, makes use of every tool useful for achieving the social purposes and in particular the collaboration with Local and Central Authorities, also through the stipulation of specific agreements, or with other entities having similar purposes or related to their own.

#### **Art. 5 - Associates**

1. All people who expressly share the purposes referred to in the previous article and who intend to participate in the activities of the association with their work, skills and knowledge can join the Association. The number of associates cannot be less than the minimum established by the Third Sector Code; otherwise the membership must be integrated within one year.
2. Associates of the Association are those who participated in the constitution and how many others, upon written request, will be admitted by the Board of Directors and will pay the membership fee established annually by the Board of Directors. In the application for admission, the interested party declares to know and fully accept this Statute, any regulations and to abide by the resolutions legally adopted by the association bodies.  
The Board of Directors deliberates on the application according to non-discriminatory criteria, consistent with the aims pursued and the activities of general interest carried out.  
The deliberation of admission must be communicated to the person concerned and noted, by the Board of Directors, in the book of associates.
3. In case of non-acceptance of the application for admission, the Board of Directors must, within 60 days, motivate the decision of rejection and communicate it to the interested party who, within 60 days of receiving the communication, may ask that the application be pronounced the Assembly, which, if not specifically convened, will deliberate at the first subsequent meeting.

4. The annual fee to be paid by the members is not transferable or repeatable in the event of withdrawal or loss of membership.

#### **Art. 6 - Rights and duties of the members**

1. All members have equal rights and equal obligations towards the Association.
2. Admission to the Association cannot be made for a temporary period, without prejudice to the right of each member to withdraw from the Association at any time by written communication sent to the Association.
3. The associates have the right to information and control established by the laws and the Statute, to consult the company books by making an express written request to the President, to participate in the meetings and, if in good standing with the payment of the membership fee, they have the right to vote in person and by proxy, to elect and be elected to corporate offices.
4. Associates are obliged to comply with the rules of this Statute, the resolutions of the bodies of the Association and to pay the membership fees in the amount set by the Board of Directors.
5. The associated volunteers carry out voluntary work in a personal, spontaneous and free way for the realization of the Association's purposes, as approved by the corporate bodies and consensually assigned to them.
5. Associated volunteers are not allowed to enter into any type of contract with the Association having as their object employment or self-employed relationships. The activity carried out by the members cannot be remunerated in any way, not even by the beneficiaries. The volunteer can only be reimbursed for the expenses actually incurred and documented for the activity performed, within the limits and under the conditions previously established by the Board of Directors. In any case, flat-rate reimbursement of expenses is prohibited.
6. Those who volunteer must be insured against accidents and diseases related to the performance of the activity itself, as well as for civil liability towards third parties, in accordance with the provisions of current legislation.

#### **Art. 7 - Loss of membership**

The quality of associate is lost by:

1. Death;
2. Resignation: each member can withdraw from the association at any time by giving written notice to the Board of Directors; this withdrawal will take effect immediately. The obligation to pay the membership fee for the current year remains unaffected.
3. Forfeiture: forfeiture is declared by the Board of Directors after six months from the date for which the payment of the membership fee is required.
4. Exclusion: the quality of associate is also lost in the event that the person carries out acts in violation of the provisions of the Statute, any regulations as well as the resolutions approved by the association bodies, behaves in a way that damages the image of the Association, or if serious reasons occur that make the continuation of the associative relationship incompatible. The Board of Directors approves the exclusion measure, after contesting the charges and having heard the member concerned, if requested by the same. The exclusion measure must be communicated by registered letter to the interested party, which may appeal to the Assembly within thirty days. In this case, the President must provide for the convening of the Assembly within fifteen days of receipt of the request and the Assembly must be held within thirty days of the convocation.

## **Art. 8 - Bodies of the Association**

1. The bodies of the Association are:
  - a. the Assembly of Associates;
  - b. the Board of Directors;
  - c. the President;
  - d. Control body (if any).

All the associative positions are elective, are carried out free of charge and have a three-year duration; for associates holding offices only reimbursement of expenses actually incurred pursuant to art. 6 of this Statute.

## **Art. 9 - Composition and powers of the Assembly of Members**

1. The Assembly is the highest deliberative body of the Association
2. All members may participate in the Assembly, with the right to vote and to vote and to vote, starting from the date of the admission resolution, provided they are up to date with the payment of the annual membership fee.
3. Each member has the right to one vote. The associates can be represented, by written proxy, by other associates. Each member can receive a maximum of two proxies conferred by other members.
4. In particular, the Assembly has the task of:
  - a. outline, examine and approve the guidelines, programs and general directives of the Association;
  - b. identify any different, secondary and instrumental activities to be carried out;
  - c. deliberate on the final balance and on any budget;
  - d. elect the members of the Board of Directors, determining their number, and any supervisory body;
  - e. deliberating on the responsibilities of the members of the corporate bodies and promoting liability action against them;
  - f. deliberate on the appeal of the aspiring shareholder regarding the non-acceptance of his request for admission, pursuant to art. 5 of this Statute;
  - g. deliberating on the appeal on the provision for the exclusion of the member concerned, pursuant to art. 7 of this Statute;
  - h. deliberating on any other topic that the Board of Directors will want to submit to it.
  - i. The Assembly also has the task of:
  - j. deliberate on changes to the Association's statute;
  - k. deliberate on the dissolution, transformation, merger or demerger of the Association itself.

5. The shareholders' meeting resolutions taken in compliance with the law and with this Statute oblige all members.

## **Art. 10 - Convening of the Assembly of Members**

1. The Assembly is made up of all the members and must be convened by the President, at least once a year, by 30 April, for the approval of the financial statements and whenever the Board of Directors deems it necessary. It must also be convened every time at least one tenth of the members makes a justified request; in this case the President must provide for the convocation

within 15 days of receipt of the request and the Assembly must be held within 30 days of the convocation.

2. The convening of the Assembly must be made by written communication to be sent at least 15 days before the date set for the meeting, or by other suitable means to ensure delivery within the aforementioned deadline with certainty. The notice must contain the day, place and time for the first and second call, as well as the list of matters to be discussed.

#### **Art. 11 - Validity of the Assembly**

1. The Assembly is chaired by the President of the Association; in his absence, the Assembly is chaired by the Vice President; in the absence of both, the Assembly appoints its own president.
2. It is up to the President of the Assembly to ascertain the regularity of the proxies and in general the right to attend the Assembly.
3. The Assembly is validly constituted on first call when at least half plus one of the members is present or represented. On second call, the Assembly is validly constituted regardless of the number of members attending or represented.
4. The resolutions of the Assembly are valid when they are approved by the majority of votes. Abstentions are not taken into account in the counting of votes. For the resolutions regarding the statutory changes of the Association, the presence of the majority of the members and the favorable vote of at least two-thirds of those present on their own and by proxy are required. The transformation, merger, demerger or dissolution of the Association and relative devolution of the residual assets must be approved with the favorable vote of at least three quarters of the members.
5. The resolutions of the Assembly must be recorded in the minutes signed by the President of the Assembly and the Secretary. Each member has the right to consult the minutes of the meetings drawn up.
6. It is possible for the meeting to take place electronically using videoconference or audioconference tools or other technological tools under the following conditions which will be noted in the relative minutes:
  - a) that the Chairman of the meeting is allowed to ascertain the identity of those present, regulate the conduct of the meeting, ascertain and announce the results of the vote;
  - b) that the person taking the minutes is allowed to adequately perceive the events of the meeting being recorded;
  - c) that attendees are allowed to participate in the discussion and simultaneous voting on the items on the agenda, as well as to view, receive or transmit documents.

#### **Art. 12 - Appointment and composition of the Board of Directors**

1. The Board of Directors is the executive body of the Association.
2. The Board of Directors is elected by the Assembly of Members. It is made up of a minimum of three to a maximum of nine members, chosen from among the associates.
3. The members of the Board of Directors remain in office for three years and can be re-elected.
4. If one or more members are missing, the Board of Directors replaces them by appointing in their place the member or associates who followed in the ranking of the vote in the last assembly election. In any case, the new directors expire together with those who are in office at the time of their appointment. If more than half of the councilors are missing, the President must convene the assembly for new elections.

5. The Board of Directors elects the President and the Vice President from among its members and assigns the offices of Secretary and Treasurer, also choosing the latter from among its own members. If necessary, with the exclusion of legal representation, up to two offices may be assigned to a single person.

#### **Art. 13 - Convocation and validity of the Board of Directors**

1. The Board of Directors is convened by the President whenever necessary and, in any case, at least once for each financial year to deliberate on the final budget and any budget to be presented for the approval of the Members' Assembly, or upon request. motivated by at least two of its members.
2. The convocation is made by written communication to be sent at least 6 days before the date set for the meeting. The notice must contain the day, place and time, as well as the list of matters to be discussed. Meetings can also be held in 'remote' mode via videoconference
3. The Board of Directors is chaired by the President, or, in his absence, by the Vice President, or, in the absence of both, by the oldest member. The functions of secretary are carried out by the Secretary of the Association or in cases of his absence or impediment by a person designated by the person chairing the meeting.
4. Board meetings are validly constituted when the majority of its members take part. The resolutions of the Board are adopted with the favorable vote of the majority of those present and the same must appear in the minutes of the meeting, signed by the Chairman and the Secretary. Each member has the right to consult the minutes of the meetings drawn up.
5. It is possible for the meeting to take place electronically by means of videoconferencing or audio conferencing or other technological tools under the conditions which will be noted in the relevant minutes, according to the procedures provided for the Assembly of associates.

#### **Art. 14 - Duties of the Board of Directors**

1. The Board of Directors is responsible for the implementation of the general directives established by the Assembly and the promotion, within the scope of these directives, of any initiative aimed at achieving the aims of the Association.

The Board of Directors is also responsible for:

- a) elect, from among its members, the President and the Vice President;
- b) assign among its members the offices of Secretary and Treasurer;
- c) administer the economic resources of the Association and its assets, with all the broadest powers in this regard;
- d) prepare, at the end of each financial year, the final balance sheet and any budget for the following year, to be submitted for approval by the Assembly;
- e) if it deems it appropriate to draw up a specific internal regulation which, in compliance with the rules of this Statute, will have to regulate the specific and organizational aspects of the life of the Association. This regulation must be submitted for approval to the Assembly which will deliberate with ordinary majorities;
- f) call meetings, conferences, etc .;
- g) approving all acts of ordinary and extraordinary administration of the Association;
- h) approve the membership of the Association to other similar institutions;
- i) decide on the admission, forfeiture and exclusion of members;



- j) deliberate on the recruitment of employees or make use of independent services, exclusively to the extent necessary to ensure the smooth functioning of the Association or necessary to qualify or specialize the activity carried out;
- k) propose to the Assembly the conferral of honors and / or honorary offices to associates or third parties who have acquired particular merits in the activities of the Association; non-associates in favor of whom such conferment is approved do not have the rights referred to in art. 6, paragraph 3;
- l) establish operational offices, appointing the relative manager / s, with the power of revocation.

### **Art. 15 - The President**

1. The President is the legal representative of the Association before third parties, including in court. He is also President of the Assembly and of the Board of Directors.
2. The President is elected by the Board of Directors from among its members, remains in office for three years and can be re-elected.
3. He convenes and chairs the Assembly and the Board of Directors.
4. The President in particular:
  - a. provides for the execution of the resolutions of the Assembly and the Board of Directors;
  - b. is delegated to carry out all acts of ordinary administration of the Association and in particular to open bank and postal current accounts and operate on them; carry out ordinary financial and banking transactions; carry out collections of any kind from any office, entity, natural or legal person, issuing receipts; make payments of any kind, including payments of wages and salaries to employees.

For banking and financial transactions, the Board of Directors may request the combined signature of another member of the Board.

5. The President is responsible for maintaining relations with the entities and institutions present in the area.
6. In case of urgency, he can also adopt measures within the competence of the Board of Directors, with the obligation to report to the same in the first subsequent meeting.
7. The Vice President replaces the President in case of his absence or impediment, in all the functions attributed to him.

### **Art. 16 - The Secretary and the Treasurer**

1. The Secretary and the Treasurer assist the President in carrying out his functions.
2. The Secretary is responsible for:
  - a. the drafting of the minutes of the meetings of the Assembly and the Board of Directors.
  - b. ensure the timeliness of the convening of the Assembly and the Board of Directors;
  - c. the preparation of the minutes as well as the book of associates and the register of volunteers.
3. The Treasurer is responsible for:
  - a. keep and update the accounting books;
  - b. prepare the Association's budget.



### **Art. 17 - Control Body**

1. The Supervisory Body, monochromatic, is appointed if the Assembly deems it appropriate or by regulatory obligation, pursuant to art. 30, paragraph 2 of Legislative Decree no. 117/2017.  
The member of the Body remains in office for three years, can be re-elected and can also be chosen from among people outside the Association, with regard to their competence, and must be chosen from among the statutory auditors registered in the appropriate register.
2. The Control Body:
  - a. monitors compliance with the law, the Articles of Association and compliance with the principles of correct administration;
  - b. monitors the adequacy of the organizational, administrative and accounting structure and its concrete functioning;
  - c. carries out tasks of monitoring compliance with civic, solidarity and social utility purposes.

The member of the Supervisory Body may at any time carry out inspection and control acts and, to this end, may ask the directors for information on the progress of corporate operations or on certain business.

3. It may also exercise, upon exceeding the limits set out in art. 31, paragraph 1 of Legislative Decree no. 117/2017, the statutory audit.

### **Art. 18 - Company books**

1. The Association must keep the following books by the Board of Directors:
  - book of associates;
  - register of volunteers, who carry out their activities on a non-occasional basis;
  - book of meetings and resolutions of the Assembly;
  - Book of meetings and resolutions of the Board of Directors;
2. The book of meetings and resolutions of any other association bodies are kept by the body to which they refer.

### **Art. 19 - Economic resources**

1. The revenues of the Association are constituted, in compliance with the limits set out in art. 33 of Legislative Decree no. 117/2017, by:
  - a. membership fees;
  - b. donations by associates and third parties;
  - c. donations and bequests;
  - d. income from fundraising activities;
  - e. contributions and contributions made by public administrations, including reimbursements deriving from agreements;
  - f. contributions from public bodies of international law;
  - g. property rents;
  - h. income from different activities, carried out in secondary and instrumental mode pursuant to art. 6 of Legislative Decree no. 117/2017.
2. It is forbidden to distribute, even indirectly, profits or operating surpluses as well as funds, reserves or capital to founders, associates, workers and collaborators, directors and other members of the

corporate bodies, even in the case of withdrawal or any other hypothesis of individual dissolution of the associative relationship.

3. The assets of the Association, including any revenues, proceeds, revenues, however named, are used to carry out the statutory activity for the exclusive pursuit of civic, solidarity and social utility purposes.

#### **Art. 20 - Financial year**

1. The financial year begins on January 1st and ends on December 31st of each year.
2. At the end of each financial year, the Board of Directors draws up the final balance and any budget that it will take care to deposit at the registered office, available to the members, five days before the date established for the annual ordinary Assembly, together with to the report of the auditors, if appointed.
3. The assets, contributions and bequests received must appear in the balance sheet. Any profits or operating surpluses, as well as the equity components achieved with them, cannot be distributed even indirectly, but must be devolved into activities, plants and capital increases aimed at achieving the Association's purposes.

#### **Art. 21 - Transformation, merger, demerger, dissolution or extinction**

1. The transformation, merger, demerger, dissolution or termination of the Association is resolved by the Assembly, according to the methods indicated in art. 11 paragraph 4 of this Statute.
2. The Assembly shall, if necessary, appoint one or more liquidators, preferably choosing them from among the members.
3. In the event of dissolution of the Association, all the economic resources that remain after the liquidation is exhausted cannot be divided among the members, but will be devolved to another third sector body, subject to the positive opinion of the Office referred to in art. 45 paragraph 1 of Legislative Decree no. 117/2017 when established.

#### **Art. 22 - General provisions**

For anything not provided for by this Statute, by any internal Regulations and by the resolutions of the associative bodies, the provisions of the Legislative Decree 3 July 2017, n. 117 (Third sector code) and, to the extent compatible, by the rules of the Civil Code.

*Roma, General Assembly, 2022 jun 21*