

**Ecclesiastical Charter
Statutes
of the Universal Association
"AID TO THE CHURCH IN NEED"
(December 10, 1997)**

Chapter I

GENERAL PROVISIONS

Article 1 Preamble

"Aid to the Church in Need" is a public Association of the faithful, universal in character, established by the Holy See by Decree No.172973/I of the Congregation for the Clergy, dated 7 April 1984.

Article 2 Rules of Procedure

In order to implement the present Statutes the General Council may issue Rules of Procedure.

Article 3 Purpose of the Association

The purpose of the Association is the promotion of pastoral and religious activities and initiatives, especially in areas where the Church is persecuted or prevented by various obstacles from fulfilling her proper mission. The Association can support refugees from regions where the Church is persecuted.

Article 4 Seat of the Association

The seat of the Association is established at Königstein im Taunus, in the Federal Republic of Germany. Any change of seat shall be determined by the General Council and must have the approval of the Holy See.

Article 5 Members of the Association

(1) The Association has two categories of members, namely full (voting) and associate (non-voting) members. The conditions of their acceptance, their respective obligations, rights, and privileges are determined by these Statutes and the Rules of Procedure.

- (a) - Full members shall be clerics or lay persons who request acceptance and who are prepared to play a regular and active part in the service of the Association. They must also live lives that are in accordance with Christian teaching and morality and have an appropriate level of competence.
 - Only full members may assume posts of responsibility, whether at the central or regional level and including responsibility for any civil-law entities established by the Association.
 - It is the responsibility of the General Council to appoint new full members, and to dismiss them in such cases as are determined by Law and by the Statutes.
 - Full members wishing to resign must present their resignation to the General Council via the President.
 - (b) Associate members shall be those persons who have served the Association and its objectives in a special way. The General Council shall decide upon their appointment. They may participate in the General Assembly without right to vote.
- (2) In addition to full members and associate members the Association also has charitable benefactors. These are persons who, while having no membership rights, have continuously promoted the objectives of the Association through their work, their prayers and their contributions. Their registration shall be as laid down in the Rules of Procedure.

Article 6 Responsibility of the Association for the actions of its members

The Association assumes no responsibility for any actions of its members not taken with its prior approval or via its duly appointed bodies. Moreover it reserves the right to proceed against its members for any damage resulting from actions taken by them which exceed or fall outside what is laid upon them by these Statutes.

Article 7 Structure of the Association

(1) The Association shall be divided into Sections, or Representations, according to the stage of development reached in the country or region concerned. Their constitution and organisation, their rights and duties are as laid down by these Statutes and Rules of Procedure.

Article 8 Legal status of the Association and its Sections in the civil law

(1) As a universal Association, "Aid to the Church in Need" shall assume legal status according to the civil law of the country in which its seat is located, becoming a juridical entity (body corporate) as defined in the local civil law.

(2) In the countries where it is represented the Association, as a Section, may also acquire civil law status wherever this is desirable or necessary.

(3) The civil law entities shall not have any influence as such within the universal Canon Law Association. Instead, these civil law entities and their members, including the members of their respective organs, shall be bound by the decisions of the organs of the universal public Association.

Article 9 Relations with the Holy See

The public Association "Aid to the Church in Need" shall maintain relations with the Holy See as laid down under Canon Law. Specifically, it will submit its final annual accounts each year for approval.

Chapter II

ORGANS AND ADMINISTRATIVE OFFICES:

Article 10 Organs of the Association

- (1) The central organs of the Association are:
 - (a) The General Assembly,
 - (b) The General Council,
 - (c) The Standing Committee,
 - (d) The President and the Ecclesiastical Assistant,
- (2) The regional organs of the Association are as laid down in these Statutes.

Article 11 Administrative Offices of the Association

- (1) The central administrative offices are:
 - (a) The General Secretariat,
 - (b) The Directors Conference
- (2) The regional administrative offices are the Section Secretariats and Representations.

Article 12 Quorum, majority requirement, elections and votes, exclusion from right to vote

- (1) A quorum for a General Assembly is established when an absolute majority of the members entitled to vote is present or represented. If no quorum is present, the President may convene a second meeting with the same agenda, giving 14 days notice. A quorum

will be deemed established for this second meeting, regardless of the number of members present or represented. This must be stated in the letter convening the meeting.

(2) Resolutions concerning amendments to the Statutes and dissolution of the universal Association require the consent of 2/3 of all the members entitled to vote. If less than 2/3 of the voting members are present for a General Assembly which includes on its agenda the amendment of the Statutes or the proposal to dissolve the Association, the President may call a second General Assembly with the same agenda, giving 14 days notice. At this second meeting the amendment of the Statutes or application to the Holy See for dissolution can be decided by a 2/3 majority of the members actually present or represented. This fact must be stated in the letter convening the meeting.

(3) Elections and votes on resolutions shall be subject to the provisions of Canon Law (CC. 119, 164-173, 176-179 CIC). However, the following special provisions shall also apply:

- (a) Abstentions shall not be included in the calculation of a majority, except in the case of votes on amendments to the Statutes and on the application to the Holy See for dissolution of the Association, and in the case of postal votes. In these cases abstentions shall count as "dissenting votes" in accordance with Canon Law.
- (b) A secret ballot will be held if requested by at least 5 voting members.
- (c) Postal voting and voting by proxy are permissible.
- (d) Election by compromise, as defined in Can. 174-175, is prohibited.

(4) A participant at the General Assembly, or a member of the General Council or one of the other organs of the Association, is not entitled to vote if he/she has a direct interest in the matter under discussion, in the following instances:

- (a) a legal transaction between the member and the Association;
- (b) the institution or settlement of ecclesiastical or civil proceedings between the member and the Association;
- (c) the approval of a member or of the report of a body on which the member sits;
- (d) the election or dismissal of the member to or from an office of the Association, or of the civil-law body established by the Association;
- (e) the exclusion of the member from the Association.

(5) When calculating a simple or qualified majority or the existence of a quorum, the vote of the member thus temporarily excluded from voting shall not be counted.

(6) These provisions also apply similarly to the General Council and to all the other official meetings.

CHAPTER III

GENERAL ASSEMBLY

Article 13 Full voting Members of the General Assembly

The following shall participate in the General Assembly as full voting members:

- (a) The voting members of the General Council;
- (b) A delegate from each Section of the Association, nominated by the respective Section Council.

Article 14 Non-voting Members of the General Assembly (with advisory capacity)

The following shall participate in the General Assembly in an advisory capacity only:

- (a) the Ecclesiastical Assistant;
- (b) the Directors and Ecclesiastical Assistants of the Sections;
- (c) one delegate from each Representation;
- (d) one representative from each of the affiliated institutions;
- (e) The senior administrative staff of the General Secretariat, where agenda items are under discussion which affect their areas of responsibility and as further detailed in the Rules of Procedure;
- (f) the officials of the Association;
- (g) such experts as are invited by the President of the Association or by the President of the General Assembly.

Article 15 Duties and powers of the General Assembly

The General Assembly has the following powers:

- (a) Election of the President and of the First and Second Vice Presidents;
- (b) Co-opting of experts onto the General Council, at the proposal of the President of the Association;
- (c) Amendment of the Statutes;
- (d) Application to the Holy See for dissolution of the Association;
- (e) Approval of the reports of the President, the General Secretary, and the Ecclesiastical Assistant.

Article 16 Ordinary and extraordinary General Assembly

The ordinary General Assembly shall be held every 6 years, not later than 3 months before the expiration of the President's term of office. If there are particularly important grounds for doing so, the President may also call an extraordinary General Assembly, after first obtaining the approval of the General Council.

Chapter IV

PRESIDENT:

Article 17 The President - election and term of office

- (1) The President of the Association should have all the necessary qualities for the post in question, with a view to the furtherance of the pastoral and religious objectives of the Association.
- (2) He will normally be a bishop or a priest. He is elected by the General Assembly, upon the recommendation of the General Council, for a term of 6 years. The election of the President must be ratified by the Holy See. He may be re-elected; however his term of office shall expire at the end of the year in which he reaches the age of 75.
- (3) In all exceptional cases the General Assembly of the Association may request permission of the Holy See for the General Council to present one or more laypersons for inclusion among the candidates for the presidency.

Article 18 Duties and powers of the President

- (1) The President shall:
 - (a) maintain ongoing contacts with the Holy See and the bishops' conferences;

(b) legally represent the Association. In certain specific cases he can delegate this responsibility to another person;

(c) propose to the Holy See the candidate chosen by the General Council for the post of Ecclesiastical Assistant;

(d) propose the experts to be co-opted onto the General Council;

(e) nominate one member of each Section Council, after consultation with the General Secretary;

(f) ratify the appointment of the other Section Council members;

(g) appoint the Ecclesiastical Assistants of the Sections, on the recommendation of the Ecclesiastical Assistant of the Association and in agreement with the Section Council concerned. In such cases the consent of the local diocesan ordinary or of the responsible religious superior of the candidate must also be obtained;

(h) appoint the officials of the Association, in accordance with the directives of the General Council and at the proposal of the General Secretary, specifying the terms and conditions of their employment;

(i) ratify with his signature the appointments made by the General Council;

(j) prepare, convene and preside over the meetings of the General Assembly, the General Council and the Standing Committee;

(k) regularly visit the Sections and Representations.

(2) The President also has the right to participate and to vote in all meetings, except where he is excluded from voting under Article 12 (4).

Chapter V

VICE PRESIDENTS:

Article 19

The two Vice Presidents support the President in the performance of his duties and represent him at his request or in cases of *force majeure*. This representative authority does not extend to the representation of the Association with regard to third parties under civil law. If the President is prevented by death or by other grave reasons from the performance of his duties, the First Vice President shall convene a General Assembly for the purpose of electing a successor. This impediment must be for a period of at least 6

months and of unforeseeable duration, be certified by the General Council and be notified to the Holy See.

Chapter VI

GENERAL COUNCIL:

Article 20 Members of the General Council

The General Council shall be composed of the following voting members:

- (a) the President and the Vice Presidents;
- (b) the presidents of the Section Councils;
- (c) the General Secretary;
- (d) Up to 10 experts, appointed by the General Assembly upon the recommendation of the President or, where appropriate, by the General Council under Article 24 (f). At least one of these experts must be a theologian.

Article 21 Term of office of the Members of the General Council

The term of office of the members of the General Council shall be 6 years. Re-election is permissible. Individuals who are members of the General Council by virtue of the offices they hold within the Association shall cease to be members upon expiration of such offices. Their seat on the General Council shall then be assumed by their successor in office. Each term of office shall in any case expire at the end of the year in which the member reaches 75 years of age.

Article 22 Non-voting Members of the General Council

The following shall participate in the meetings of the General Council in an advisory capacity only, as laid down in the Rules of Procedure:

- (a) the Ecclesiastical Assistant;
- (b) the Financial Director;
- (c) the executive members of the General Secretariat, except as detailed under Article 20 (c);
- (d) the representative of the Directors Conference;

- (f) other experts, as necessary and upon invitation of the President.

Article 23 Ordinary and extraordinary sessions of the General Council

The General Council shall ordinarily meet at least once per year. An extraordinary meeting must be called if at least 1/3 of the members of the General Council so request in writing.

Article 24 Duties and powers of the General Council

The General Council

- (a) issues the Rules of Procedure of the Association, amends them and interprets them as necessary;
- (b) supervises adherence to the Statutes and to the Rules of Procedure;
- (c) determines the seat of the Association and of the General Secretariat;
- (d) decides upon the establishment of Sections, Representations, and branch offices of a Section, and approves their Statutes where recognition under the civil law is requested;
- (e) intervenes, in the interests of the Association, with regard to decisions taken by the Sections, even revoking these decisions where necessary, as laid down in the Rules of Procedure;
- (f) elects the Vice Presidents from among the members of the General Council, should this become necessary between two General Assemblies and, in the same circumstances, co-opts experts onto the General Council at the recommendation of the President;
- (g) nominates the Secretary General;
- (h) decides on the nomination of the Ecclesiastical Assistant who is to be recommended to the Holy See;
- (i) appoints the Section presidents;
- (j) decides upon the appointment and dismissal of full members and the nomination of associate members;
- (k) appoints the members of the committees;
- (l) decides upon the affiliation of other institutions;

- (m) takes major financial and administrative decisions;
- (n) rules on the level at which financial transactions must be submitted to it for approval;
- (o) determines the use of funds through the creation of general guidelines, approves the budget and annual financial statement of the appropriate bodies;
- (p) appoints a certified accountant and auditor;
- (q) resolves disputes over areas of competence and reviews complaints and recommendations.

Chapter VII

STANDING COMMITTEE

Article 25 Composition and duties of the Standing Committee

- (1) The Standing Committee shall comprise:
The President, the Vice Presidents and the Chairmen of the Finance, Project and Information Committees.
- (2) It shall be the duty of the Standing Committee to advise the offices and persons bearing administrative functions within the Association in matters of importance to the Association and to ensure that the management of the Association conforms to the Articles of Association, to Canon Law, the Statutes, the Rules of Procedure of the Association and to the resolutions and instructions of the General Council.

(3) If, between the regular meetings of the General Council, it becomes necessary to make decisions in matters relating to Article 24 (d), (i), and (m) of the Statutes or to amend the approved budget, the Standing Committee may decide temporarily, in place of the General Council. The temporary decisions of the Standing Committee shall become legally binding unless within 10 days of their notification to the members of the General Council (calculated from the end of the day on which the decision is notified to the last member by telefax) at least 1/3 of the voting members of the General Council present written objections in the form and manner laid down under the Rules of Procedure. Objections by at least 1/3 of the voting members of the General Council shall be deemed a request for convocation of an extraordinary meeting of the General Council, as laid down by Article 23.

Article 26 Meetings of the Standing Committee

(1) The meetings of the Standing Committee shall be called by the President of the Association, as necessary, but generally once per calendar quarter. Notification can be in writing, by telephone, or by telegram and at least 7 days notice must be given. It is not necessary to state the agenda in the notification. An extraordinary meeting must be called if requested by at least 2 members of the Standing Committee.

(2) The following shall be entitled to attend the meetings of the Standing Committee in an advisory capacity:

- (a) the Ecclesiastical Assistant of the Association,
- (b) the General Secretary,
- (c) the other officials of the Association, where there are matters on the agenda affecting their areas of responsibility.

These persons shall be called to the meetings in the same manner as the members of the Standing Committee.

(3) A quorum for the Standing Committee shall be deemed established if at least 3 members are present.

(4) The resolutions of the Standing Committee shall be notified to all members of the General Council in writing, by telefax.

Chapter VIII

OTHER COMMITTEES OF THE GENERAL COUNCIL

Article 27

(1) The General Council shall set up the following committees from among its members, charged with the preparatory work for its deliberations in the relevant specific areas:

- (a) the Finance Committee
 - (b) the Project Committee
 - (c) the Information Committee
 - (d) potentially other committees
- (2) Specific details as to the composition and remit of the committees and the procedures applicable to them are set out in the Rules of Procedure.

Chapter IX

ECCLESIASTICAL ASSISTANT

Article 28

- (1) The Ecclesiastical Assistant of the Association shall be appointed by the Holy See for a term of 6 years upon the recommendation of the President and with the previous consent of the General Council. Re-election is permissible. The term shall expire at the end of the year in which he becomes 75 years old.
- (2) The Ecclesiastical Assistant of the Association will belong administratively to the General Secretariat and reside either in the place where the Association has its legal seat or else in its immediate vicinity. He shall enjoy full autonomy in the performance of his mission, for which he is answerable directly to the Holy See. The Ecclesiastical Assistant has the right to participate in an advisory capacity in all of the meetings of the organs and the committees of the Association. He shall receive notice of these meetings in the same manner as the members of the various organs. He shall not be entitled to vote.
- (3) The Ecclesiastical Assistant shall:
- (a) proclaim and celebrate the glorious works that God has done through Jesus Christ and apply their vital power in the light of the Word, considering the problems and signs of the time;
 - (b) monitor the loyalty of the Association, its organs and its employees to the teachings of the Church, in accordance with the spiritual guidelines of the Founder of the organisation;
 - (c) motivate members and employees of the Association to a life of dedicated service and encourage in them a spirit of constructive self-criticism and sobriety in decision-taking;

(d) be open to the work of the Holy Spirit in inspiring God's People to build up the Church;

(e) cultivate relations with the Holy See in order to discuss pastoral problems or issues of spiritual life;

(f) be responsible, within the central administration and in the Sections of the Association, for maintaining, intensifying and, if necessary, recreating the unity and co-operative spirit of the members and employees, fulfilling the "Service of Reconciliation" and peace through the art of 'communio';

(g) regularly visit the Sections and Representations of the Association;

(h) seek, as a "Builder of Unity", to promote peace, justice, truth and love among individuals and peoples, churches and religions.

Chapter X

SECTION COUNCIL

Article 29 Members of the Section Council

- (1) Each Section shall be directed by a Council.
- (2) The Section Council shall comprise at least 5 members:
 - (a) a President, appointed by the General Council;
 - (b) a council member, appointed by the President;
 - (c) at least 3 other council members, elected by the Section with the approval of the President of the Association
- (3) Membership of the Section Council ceases with the end of the term of office. Members can also be dismissed by the General Council, as laid down in Canon Law and in the Rules of Procedure.
- (4) The Ecclesiastical Assistant of the Section and the Director of the Section Secretariat may participate in the Section Council meetings in an advisory capacity.

Article 30 Term of office of the President of the Section Council

The President of the Section shall be appointed for a term of 6 years. His appointment can be renewed. The term of office expires at the end of the year in which he reaches 75 years of age.

Article 31 Term of office of the Members of the Section Council

The term of office of the members of the Section Council is laid down in the Rules of Procedure.

Article 32 Meetings of the Section Council

The Section Council shall meet at least once per year and whenever the necessity arises, by decision of the President of the Section Council or of the President of the Association.

Article 33 Duties and powers of the Section Council

- (1) Within its region and within the scope of the instructions of the General Council, the Section Council, under the leadership of its President, is responsible for the activities and for the progress of the Section of the Association.
- (2) The Section Council shall have the following duties:
 - (a) appointment of a delegate of the Section to attend to the General Assembly;
 - (b) appointment of the Director of the Section Secretariat with the previous approval of the General Secretary;
 - (c) the issue, where necessary, of internal Rules of Procedure for the section. These must be submitted for approval to the General Secretary;
 - (d) determination of the seat of the Section Council, with the consent of the President of the Association and the prior approval of the responsible Church authority;
 - (e) supervision of the management of the Section Secretariat;
 - (f) approval of the annual report of the Director;
 - (g) approval of the budget and annual financial report of the Section;
 - (h) appointment of a certified auditor;
 - (i) approval of the registration of charitable sponsors of the Association, as determined in the Rules of Procedure;

(j) submission of any plans for the establishment of a Section branch office to the General Council;

(k) submission for approval by the General Council of any Statutes for the civil recognition of the Section;

(l) approval of the appointment of an Ecclesiastical Assistant for the Section.

Chapter XI

ECCLESIASTICAL ASSISTANT TO THE SECTION

Article 34

(1) The Ecclesiastical Assistant of the Section shall be appointed by the President of the Association on the suggestion of the Ecclesiastical Assistant of the same, with the consent of the local diocesan ordinary or the responsible religious superior of the candidate, and in agreement with the Section Council.

(2) Together with the Ecclesiastical Assistant of the universal Association he will oversee the observance of the Spiritual Guidelines of the Association within the Section. He will advise and assist all the members of the Section, particularly those of its organs, in spiritual matters.

Chapter XII

GENERAL SECRETARIAT

Article 35

The practical and executive organisation of the Association is effected by means of a General Secretariat. Its structure is set out as necessary in the Rules of Procedure.

Article 36 General Secretary

(1) The General Secretary is responsible for the management and for the activities of the General Secretariat. The Rules of Procedure may provide for deputy members (councillors) to assume managerial responsibility in certain specific areas.

(2) The General Secretary shall nominate the senior management staff for the General Secretariat to the President of the Association. The remaining staff of the General Secretariat shall be engaged and, where necessary, dismissed by the General Secretary, in accordance with the Rules of Procedure.

(3) The General Secretary is entitled to participate in all committee meetings, in an advisory capacity. He is entitled to vote only in the General Council and the General Assembly, as laid down in articles 20 (c) and 12 (4).

Chapter XIII

DIRECTORS' CONFERENCE

Article 37 General

The Directors' Conference is a body providing information and advice, under the General Secretariat. It elects one of its own members as a delegate to sit on the General Council.

Article 38 Composition and meetings

(1) The Directors' Conference comprises the Directors of the Section Secretariats and the heads of the Representations. It meets once per year under the chairmanship of the General Secretary.

(2) The heads of the General Secretariat indicated by the Rules of Procedure may attend the meetings of the Conference.

Chapter XVI

DIRECTORS' COMMITTEE

Article 39

(1) The Directors' Committee is a committee of the Directors' Conference elected by the Directors' Conference from among its own members and in accordance with the Rules of Procedure. It shall meet regularly, at least 3 times per year, under the chairmanship of the General Secretary.

(2) The Committee meetings may be attended by the senior management staff of the General Secretariat as detailed in the Rules of Procedure.

Chapter XV

SECTION SECRETARIAT

Article 40 General

The Section Secretariat is the executive organ of the Section Council.

Article 41 Director of the Section Secretariat

- (1) The Director shall direct the Section Secretariat in accordance with the provisions of the present Statutes, the Rules of Procedure, the instructions of its Section Council and, where applicable, the internal Rules of Procedure of the Section.
- (2) The Director of the Section Secretariat is a member of the Directors' Conference.

Chapter XVI

REPRESENTATIONS

Article 42

In countries or regions where the Association is not yet sufficiently developed, it shall maintain a Representative Office (Representation). This shall be directed by its head in accordance with the instructions of the President and in consultation with the General Secretary. Each Representation shall send a delegate to the General Assembly. At the recommendation of the President, the General Council shall decide whether a Representation is to be transformed into a Section.

Chapter XVII

AFFILIATED INSTITUTIONS

Article 43

- (1) Institutions whose objectives are fundamentally similar to those of the Association can apply for affiliation. The General Council shall decide whether to accept such institutions, upon the recommendation of the President and with the approval of the local ordinary in whose region the institution is located. This affiliation shall not prejudice the legal status of the organisation or the independence of the institution concerned.
- (2) The relationship of the Association to such affiliated institutions shall be regulated by specific agreements.

Chapter XVIII

DISSOLUTION

Article 44

(1) In the event of the dissolution or suppression of the Association, its assets shall be distributed as far as possible to organisations with similar objectives, or else to the Holy See, by decision of the Apostolic See, which shall determine their ultimate use.

(2) In the event of the dissolution or suppression of a Section of the Association, its assets shall be attributed to the Association itself, insofar as this is compatible with the civil law - in particular the fiscal law - obtaining in the country where the section is situated, and always provided this does not prejudice the legal position of the Association. Otherwise the assets shall be attributed to other Church organisations with similar objectives, as determined by the Holy See.

Chapter XIX

TRANSITIONAL PROVISIONS

Article 45

The Founder of the organisation is an honorary member for life of the Association and a member of the General Council. In view of his special charism, and in order to ensure fidelity to the spirit and goals of the organisation, he has the right to participate in all of the meetings of the organs and committees of the Association, with the right to vote. He shall be entitled to speak at any time and to present his objections to any resolutions, though always within the terms of the Statutes. If such objections are not accommodated during the meeting, the matter shall be brought before the General Council. Here the position of the Founder can be overridden only by a majority of 2/3 of the members present. In such an instance the Founder shall not be entitled to vote.

Signed by Pro-Prefect Dario Castrillón
and Under-Secretary Antonio Silvestrelli