

# **Constitution of the**



**refugee  
union**

**Dated 1 December 2014**

## **Vision Statement**

**To be the union of protection claimants in Hong Kong with the aim of safeguarding refugee rights and improving the protection, wellbeing and future prospect of all refugees.**

## **Mission Statement**

**To empower members to selflessly assist each other and actively participate in all matters relating to the life of refugees and the development of the asylum sphere in Hong Kong according to the highest standards of human rights.**

## **Article 1 – Name**

The name of this society shall be the “Refugee Union”, registered with the Hong Kong Police Force with certificate number SO/19/53019, and under the jurisdiction of the Hong Kong law.

## **Article 2 – Objectives**

The objectives of the Refugee Union shall be:

- a) To safeguard the rights and interests of protection claimants in Hong Kong;
- b) To promote and advance refugee rights without fear or favour;
- c) To empower members to be self-reliant, confident and outspoken;
- d) To promote a fair and balanced understanding of the refugee community;
- e) To take an active interest in the security, wellbeing and health of all refugees;
- f) To unite members in the bonds of friendship, good fellowship and mutual support;
- g) To encourage the members to participate in refugee advocacy and activism;
- h) To encourage the members to serve other refugees selflessly and wholeheartedly.

## **Article 3 – Membership**

### **Section 1. Registration**

Membership in the Refugee Union is free and open to all asylum seekers, mandated refugees and protection claimants in Hong Kong. Membership applications shall be supported by three current members in good standing who shall act as sponsors. The sponsors are responsible to inform and advise new members in their relations with other members and the Union.

Any asylum seeker, refugee or protection claimant in Hong Kong can become a member of the Refugee Union. A committee of three Special Councilors is tasked with assessments and registrations. An intake interview is required in which the code of conduct is explained and the function of the Refugee Union introduced.

An emphasis will be placed on managing the expectations that prospective members might legitimately have, as it is important that new members understand what they should contribute to the Union and what the Union may reasonably do for them.

## **Section 2. Participation**

All members will pledge support to the Refugee Union and promise to support one another in moments of need. Members are welcome to participate at Assembly meetings, contribute ideas, make suggestions to Councilors at any time and participate in all activities.

Although member participation is never compulsory, membership in the Refugee Union is made relevant by active and regular participation. However, Councilors are required to participate at relevant Council meetings and may be replaced if multiple absences are unjustified.

## **Section 3 – Suspension, expulsion and termination of membership**

The Refugee Union encourages regular attendance at meetings and activities. Where a member misses consecutive meetings, activities and other important events, the Union will make every effort to contact the members to encourage and promote regular attendance. An extended period of non-participation will be considered a ground for indefinite suspension if it is suspected that a member has departed or was removed/deported from Hong Kong.

Where a member has been suspended for 12 months for non-participation, or the Special Councilors in charge of membership are otherwise reliably informed that the member is no longer in Hong Kong at any time, an individual's membership shall be terminated.

The Refugee Union shall suspend or expel members whose conduct violates Hong Kong law, this Constitution and the Code of Conduct contained herein, or whose behaviour has been deemed otherwise unbecoming of the Union. In cases involving serious or repeated breaches, expulsion may be considered.

Suspensions can be effected by a unanimous vote of the three Special Councilors in charge of membership. In the event that only two of the Special Councilors in charge of membership are in favour of suspension or any one of the Special Councilors believes that expulsion is appropriate, the case may be referred to the Assembly for determination.

In cases of suspension or expulsion, a written notification shall be issued to the individual concerned and members may be informed as deemed necessary to protect the interests of the Union and its members. Upon suspension or expulsion from the Union or termination of

membership, any and all right to use the name “Refugee Union”, membership card and other material of the Union shall be forfeited.

#### **Section 4 – Resignation**

Any member may resign from the Refugee Union at any time, and said resignation shall become effective upon receipt by the Special Councilors in charge of membership. All rights to use the name of the Refugee Union, membership card, and other material of the Union cease when membership is terminated.

### **Article 4 – Powers**

The Refugee Union is constituted by an Assembly of three Councils with a maximum of 15 members each. The title of elected members is “Councilor”. The Assembly shall elect “Special Councilors” with a portfolio and the Refugee Union shall have no other officers.

Without exception, Councilors are to be members of good standing chosen by electing members and any person unfairly pressuring or intimidating others with the aim of being elected shall be automatically excluded.

#### **Section 1 – Councils**

The First Council is formed by elected Founding Members, defined as individuals who were present at the first meetings of the Refugee Union in January and February 2014 and/or have made an outstanding contribution to the Union’s organization, development and activities over a long period of time. Founding Members are elected by the Assembly once a year and may propose for election other members who performed exceptionally to help achieve the objectives of the Union. The Founding Members of the First Council may be re-elected.

The Second Council is formed by elected Active Members, defined as individuals who participate regularly in meetings and activities and/or make an outstanding contribution to the organization and development of the Union. Active Members are elected twice a year by a majority of the First Council in conjunction with the active members of the previous period. The Active Members of the Second Council may be re-elected in exceptional circumstances.

The Third Council is formed by elected Regular Members, defined as any member who is genuinely interested in furthering the purpose of the Refugee Union. It may include members who do not participate regularly in meetings and activities, but are esteemed for their contribution to the community. Regular Members are elected twice a year by a democratic election in which any member in good standing may vote. The Regular Members of the Third Council are not re-elected but could be nominated for higher councils.

National and ethnic considerations shall apply to the selection of Councilors with a view to avoiding any particular nationality, group or faction holding a majority position that could adversely affect the decision and integrity of any council. (No nationality or ethnic group shall represent 50% or more of the candidates on any list, priority within any national or ethnic group to be determined on a first come basis / No nationality or ethnic group shall represent 50% or more of the elected Councilors, priority within any national or ethnic group to be determined by the number of votes received).

Incumbent Councilors shall take positive steps to encourage members of different religious beliefs and women to stand for election to ensure that they are fairly represented.

## **Section 2 - Assembly**

The Assembly formed by members of the First Council, Second Council and Third Council collegially make decisions on strategies and policies by a majority of vote process.

The Assembly is responsible to formulate policy that will be carried out by Councilors working in cooperation with each other and through the endeavors of Special Councilors nominated for particular tasks.

## **Section 3 – Special Councilors**

The Assembly shall democratically elect **Special Councilors** whose nomination shall be further ratified by the First Council. Special Councilors shall be appointed to handle the following portfolios: membership, finances, complaints, Immigration Department, Social Welfare Department, Education Bureau, Hospital Authority, media and police. Other Special Councilors may be elected as the need arises.

Special Councilors can be chosen from within the three Councils or among members based on credentials, trust, performance and a strict adherence to the Constitution and particularly to its Code of Conduct.

Special Councilors shall be members in good standing who shall remain impartial to their own national, religious, ethnic or cultural group and execute their function independently from factional interests.

## **Article 5 – Code of Conduct**

Members shall behave in a way that:

- Adheres to the laws of Hong Kong and the rule of law;
- Values membership in the Union as a role model for other refugees;
- Offers solidarity and service to others;
- Promotes honesty and fairness;
- Affords dignity, trust and respect to others;
- Shows self-control, courtesy and good manners;
- Communicates honestly and openly, without shouting;
- Resolves conflicts and difficulties with understanding;
- Challenges different views and opinions in an appropriate way;
- Provides and is receptive to honest feedback based on evidence;
- Respects and protects the property of the Refugee Union and of its members.

Members should not behave in a way that:

- Brings the Union into disrepute; Uses aggressive language, threatens, ridicules or shouts at others;
- Interferes with collaborative development and participation;
- Abuses collective trust by speaking behind members' back;
- Pressures or intimidates other members to be elected to a Union post;
- Threatens, intimidates or cheats others;
- Criticizes others or maliciously gossips about them in their absence;
- Excludes or marginalizes someone or refuses to engage with them appropriately;
- Damages or steals property;
- Lies or withholds, conceals, perverts the truth.

Except to further the mission of the Refugee Union, no Councilor or member shall use his/her membership as a means of furthering any personal, private, or other aspiration, nor shall the Union as a whole take part in any activity, endeavor or movement not in keeping with its mission or purposes.

No Councilor or member shall receive any compensation for any service rendered to the Refugee Union in his/her official capacity, nor will he/she solicit any form of payment or compensation for services rendered by the Union.

## **Article 6 – Meetings**

### **Section 1 – Assembly meetings**

The Assembly meetings are at the core of the Refugee Union organizational structure and shall be regularly scheduled to discuss objectives, prioritize activities and resolve to address challenges faced by the broader refugee community.

The Assembly meetings shall be arranged collaboratively by the three Councils.

An appropriate venue shall be booked for Assembly meetings. A notice shall be distributed through social media and email for the benefit of all members at least 7 days in advance. A copy of the notice will be posted at ...

A detailed agenda shall be distributed with the notice for members to discuss the topics in advance. All members and Councilors are encouraged to attend Assembly meetings.

To ensure collaborative endeavours, the decision of a majority of the Assembly at any meeting shall be the decision of the entire Assembly.

Assembly meetings are open to all Union members, and time shall be dedicated by the Councilors to hear members' suggestions, advice and complaints. Aspiring members are welcome to attend.

### **Section 2 – Council meetings**

The Councils shall meet at any time and place agreed upon. Council meetings may be formal or informal, although the presence in person of a majority of the councilors shall constitute a quorum at any meeting for decision making purposes. Only elected Councilors shall attend the relevant Council meetings.

Councilors are expected to participate at every meeting or provide valid reasons why they are unable to attend. A failure to provide reasonable justification for missing three meetings may be considered grounds for dismissal from any of the relevant Council.

To ensure collaborative endeavours, the decision of a majority of a Council at any meeting shall be the decision of the entire Council.

Each Council shall report to the Assembly on a regular basis.



## **Article 7 – Finances**

The Refugee Union may receive private or corporate funding, but will not accept government funding of any kind. The receipt and disbursement of funding will be managed by the Finance Committee comprising three Special Councilors of different nationalities appointed by the Assembly by majority vote.

As soon as practically possible, the Refugee Union shall open a bank account which shall be jointly operated by the three Special Councilors of the Finance Committee. In the event that a Councilor suddenly withdraws, is incarcerated or removed/deported from Hong Kong, provisions must be made for the Assembly to manage the bank account in his/her absence.

Cash donations received through events or demonstrations shall be counted and signed for by three Councilors, including the Special Councilor in charge of finances, and registered in a Donation Ledger that shall be held at the Union's office for inspection by any member.

Expenses incurred by the Refugee Union shall be documented by original receipts verified by three Councilors, including the Special Councilor in charge of finances, and registered in a Receipt Ledger that shall be held at the Union's office for inspection by any member.

A registered accountant shall be hired to prepare the financial reports annually and to ensure that the Refugee Union complies with all rules and regulations governing a society.

No member is allowed to collect cash donations in the name of the Refugee Union without the specific authorization of the Special Councilor in charge of finances. Failure to strictly follow this rule could lead to expulsion from the Refugee Union.

## **Article 8 – Complaints**

All complaints arising between members, or former members, or between members and the Refugee Union, which cannot be resolved through amicable solutions, shall be settled by the Complaint Committee. Unless subject to criminal investigation, complainant(s) and respondent(s) shall not pursue legal action during the dispute resolution process.

The Complaint Committee will comprise three Special Councilors of diverse national, ethnic and religious backgrounds elected by majority vote by the Assembly. Simple cases shall be resolved by one neutral Councilor appointed by the Complaint Committee. Complicated cases shall be resolved by the Complaint Committee or referred directly to the Assembly.

Once a complaint has been filed, communications between the complainant(s) and respondent(s) should be kept confidential to the extent possible. After a resolution has been found the Complaint Committee will report its findings and decisions to the Assembly.

After thorough investigation and discussion by complainants, sponsors and Councilors a member may be temporarily suspended or permanently expelled from the Refugee Union.

After thorough investigation and discussion by complainants and the Complaint Committee, a Councilor or Special Councilor can be referred to the Assembly for dismissal from his duties, which may also include suspension or expulsion from the Refugee Union.

In the event that a member of the Complaint Committee is the subject of a complaint, the Assembly shall elect an Extraordinary Complaint Committee consisting of three Councilors of diverse backgrounds who are not members of the Complaint Committee for the purpose of handling the complaint.

## **Article 9 – Amendments**

This constitution may be amended at any regular or special meeting of the Assembly, at which a quorum is present, by the affirmative vote of two-thirds (2/3) of the participants present in person and voting, provided that the Assembly has previously considered the merits of the amendment.

## **Article 10 – Adoption**

Immediately upon adoption by the Refugee Union, a permanent copy of the Constitution is to be filed by the Assembly in its record and publicly displayed at any meeting place

The Constitution shall be in full force and effect and govern the operation of the Refugee Union in draft form until considered complete and formally adopted by the Assembly.