



## **STATUTE OF THE BRAZILIAN NATIONAL ASSOCIATION OF PUBLIC DEFENDERS**

### TITLE I

#### CHAPTER I

##### NAME, HEADQUARTERS AND PURPOSES

**Section Number 1** - The Brazilian National Association of Public Defenders (BNAPD), successor to the Brazilian National Federation of Public Defenders (BNFPD), created on 3 July, 1984, is civil, non-profit and has non-political purposes, created for unlimited time and congregates active and retired public defenders of Brazil, to the defence of its prerogatives, rights, interests and free exercise, struggling for the Public Defence objectives as a permanent State Institution, independent and autonomous, expression and instrument of the democratic regime, to whom entrusts the promotion of the human rights and broad defence, both individual and collective, comprehensive and free, of the right of people in situations of vulnerability.

**§ 1** - The Brazilian National Association of Public Defenders (BNAPD), legal entity of private right, has own legal personality, distinct from its affiliates, these not answering, either individually or collectively, jointly or subsidiarily, for the duties incurred by themselves.

**§ 2** - The Brazilian National Association of Public Defenders (BNAPD) will have its headquarters and venue in the capital of the republic.

**Section Number 2** – The purposes of the Brazilian National Association of Public Defenders (BNAPD) are:



I – to represent and promote, by all means, national and internationally, the defence of the prerogatives, the individual and collective rights and interests of its effective associated, either in court or not, watching over the institutional unit of the Public Defence, pursuant to section 5, subsection XXI, of the Federal Constitution, after previous approval and authorization in assembly.

II – to work together with the Associations of the Public Defenders of the states, of the Federal District, of the Union and Territories, as well as with other institutional collegiate, aiming to reach its purposes, guaranteeing a sufficient number of Public Defenders, for the operational efficiency and compatible remuneration aligned with the importance of the post;

III – to promote and encourage the holding of Public Defenders events to debate legal and doctrinal issues of their interest;

IV – to cooperate with the powers of attorney regarding the improvement of the legal order, representing, indicating, requiring and suggesting to the already existing legislation or to projects in process;

V – to edit its informative;

VI – to act, national and internationally, to protect and defend every person or group that is in situations of vulnerability, as well the environment, the artistic, aesthetic, historical, tourist or landscape heritage, or any other interest, being diffuse or collective;

VII – to articulate with national and foreign institutions, by affiliation, exchange or covenant, as well as to sign partnerships and take part in councils and organizations which align with the segments and activities described in the previous subsection;

VIII – to promote actions aiming at constitutionality control, among which the Direct Action of Unconstitutionality, the Declaratory Action of Constitutionality, the Sponsored Links of the Fundamental Precept, the diffuse and concentrated control (collective writ of mandamus and *habeas data*) and the collective shares.



## TITLE II

### CHAPTER I

#### THE SOCIAL FRAMEWORK

**Section Number 3** - The social framework will be composed of the following members:

I – effective;

II – institutional;

**Section Number 4** – Effective partners are the Public Defenders associated to the BNAPB:

I – the association will happen automatically in the act of the association of the local entity, affiliated to the BNAPD;

II – the effective partner will remain as effective while they are associated to the local Association.

**Sole Paragraph** – In the absence of a local Association affiliated to the BNAPD, the Public Defender will be able to request direct subscription as an effective partner of the BNAPD.

**Section Number 5** – Institutional partners are the local entities of class that request their subscription, one for each federate entity.

**Section Number 6** - Only the effective and institutional partners who are present will have voice and vote in Extraordinary General Assemblies or, these ones and the ones who are following *online* broadcasting, in case of an Ordinary General Assembly.

**Sole Paragraph** – Every federate state will have the right to 03 (three) votes, 02 (two) of which from the President of the affiliated Association and 01 (one) vote will be ascertained by simple majority of the associated Public Defenders, who might be physically or virtually present, in cases of General Ordinary Assemblies.



## CHAPTER II

### THE DUTIES OF THE ASSOCIATED

**Section Number 7** – The duties of the effective and the institutional partners are:

I – to execute and make execute the statutory and regulatory provisions, exercising care over the dignity and independence of the BNAPD;

II – to take part in the General Assemblies;

III – to perform the tasks which are assigned by the General Assemblies or by the Presidency of the BNAPD;

IV – to promptly pay the monthly contribution which is fixed, in the established form of this statute, as well as any other financial commitment with the BNAPB;

V – to comply with the deliberations of the BNAPD, working for the achievement of its aims;

VI – to lead to knowledge of the BNAPD bodies facts and propositions that interest its efficiency and purposes;

VII – to keep register updated with the BNAPD.

**Sole Paragraph:** the provisions laid down in the subsection II only applies to the Institutional Partner.

## CHAPTER III

### THE RIGHTS

**Section Number 8** – The rights of the effective and institutional partners, even with the statutory provisions, are:

I – to take part in General Assemblies, being physically or virtually present, debating and voting for the discussed issues;

II – to vote and to be voted for the posts of the Directory, Fiscal and Consulting Councils, in the form that the electoral regulation establishes, observing, regarding the institutional associated, the stipulated in the sole paragraph of this subsection;



III – to propose to the Board of Director, by means of indications, written and duly justified, the necessary and convenient measures to strengthen the BNAPB, which will decide, being the Ordinary General assembly open to appeal, in the form established in the internal regiment;

IV – to attend the headquarter of the BNAPD and make use of its services and installations during the shift, as long as it does not disrupt the regular activities of the entity;

V – to present complaints, written and duly justified to the Board of Director of the BNAPB, against the non-compliance with the statutory and regimental norms and appeal of the decisions of the Board of Director, in general, in the terms of the internal regiment;

VI – to receive the publications which are edited by the BNAPD;

VII – to be amended, solemnly or publicly, by offense in the exercise of public function, in the terms of the internal regiment;

VIII – to send to the BNAPD for publishing, news about relevant facts occurred in the state, as well as pieces of relevant work about legal issues and correlate of its associated members;

IX – request disfellowship.

**Sole paragraph:** The right to vote and to be voted, referred to in the subsection II of this section, is exclusively for the partner or effective partner.

## CHAPTER IV

### THE CONTRIBUTION

**Section Number 9** – The institutional partner will pass on to the BNAPD 10% of the monthly contributions effectively collected from the local effective associated.



§ 1º - in the foreseeable case stated in the sole paragraph of the Section number 4, the contribution can be made directly to the BNAPD, in an amount to be fixed by the Extraordinary General Assembly.

§ 2º - The Associations from the state and the Federal District alike will have to send to the BNAPB a monthly list of the defaulters associated, so that the BNAPD can make unfeasible their access to the restricted area of the site.

## CHAPTER V

### THE PENALTIES

**Section Number 10** – The associated are all subject to the following penalties:

I – WARNING: when the associated do not fulfill unjustifiably their associative duties or the Assemblies' or the Board of Director's resolutions;

II – CENSURE: when, after being punished with warning, the associated becomes a recidivist in the fault provided for by the subsection I, within 06 (six) months;

III – SUSPENSION OF THE RIGHTS TO VOTE AND TO BE VOTED: when, after being punished with censure, the associated becomes a recidivist on the fault provided for by the subsection I, or fails to comply with their financial obligations with the BNAPB for more than 03 (three) months in a row, and it will be over once its causes are extinct;

IV – EXCLUSION: when, after being punished with suspension of the rights to vote and to be voted, the associated becomes, once again, a recidivist in the faults punishable with this penalty, within a minimum interval of one year, from the date of the previous punishment, or when they show reprehensible behaviour, with serious repercussion against the or against the BNAPD or the Public Defence.

§ 1º. Warning and censure will be decided by the Board of Directors and applied by its Presidency, after the Consulting Board had been heard;



§ 2º. Suspension of the rights to vote and to be voted and exclusion will be decided by the Extraordinary General assembly, summoned for this purpose only, and applied by the Presidency of the Board of Directors;

§ 3º. In the event of default, the penalty will be applied automatically;

§ 4º. All the penalties will be applied, in writing and communicated, in a reserved way, to the interested, being broad defence guaranteed.

## CHAPTER VI

### THE APPEALS

**Section Number 11** – From the decisions resulted in the application of the penalty to the associated, a reconsideration request might be made to the Board of Directors and appeal to the General Assembly.

§1º - the reconsideration request will be appropriate in the face of the application of the penalties of warning and censure and will be lodged, in writing and duly reasoned, within 30 (thirty) days, from the date of the punishment awareness, to the Board of Directors, which, after hearing the Consulting Board, in 15 (fifteen) days, will decide, within the same period, appeals being allowed, in last instance, to the General Assembly, also within 30 (thirty) days;

§2º - the appeal to the General Assembly will be appropriate in the face of the application of the penalties of suspension of the right to vote and to be voted and exclusion, to be lodged within 30 (thirty) days, in writing and duly reasoned, to the Presidency of the Board of Directors, which, after hearing, in 15 days, the Consulting Board, will summon, within the same deadline, a General Assembly for the appreciation and judgement, in last instance.



### TITLE III

#### CHAPTER I

#### THE ORGANIZATION

**Section Number 12** – The bodies of the BNAPD are:

I – the General Assemblies;

II – the Board of Directors;

III – the Consulting Board;

IV – the Fiscal Board;

V – the Brazilian National School of Public Defenders (BNSPD).

#### CHAPTER II

#### THE GENERAL ASSEMBLY

**Section Number 13** – The General Assembly is the maximum body of the BNAPD and has the power to deliberate about any theme related to its associated and to the objective of the Entity, provided for in the present Statute, except for purposes which aim at altering the social aim of the Association.

**Sole Paragraph** – The General Assemblies will be Ordinary and Extraordinary and can take place out of the BNAPD headquarters.

**Section Number 14** – It is competence of the General Assembly, privately:

I – to dismiss the members of the Board of Directors and Fiscal Board, as well as of the Consulting Board and decree the loss of the condition of native member of this Board, for serious violation of the norm of the Statute, after the commission opinion, especially





designated, by the Assembly, before which it broad defence will be guaranteed to the interested, in the terms of the Internal Regiment.

II – to decide, in last instance, the lodged appeals of the penalties applied by the competent organ, the irrecorribility of the assemblies decisions being observed;

III – to modify or reform the Statute, by initiative of the Board of Directors or a third of the effective partners, after the Consulting and Fiscal Boards had been heard;

§ 1º A summons of the Ordinary General Assembly will be issued with minimum advance of 30 (thirty) days from the date of its holding and will have online broadcasting through the Worldwide Web.

§ 2º A summons of the Ordinary General Assembly will be issued with a minimum of 15 (fifteen) days from the date of its holding, except in emergency cases, when the summons may be issued 05 (five) days in advance.

§ 3º - The quorum of installation of the General Assembly will be in first call, with the presence of half plus one of the partners who are apt to vote, and in second call before any number or presents.

§ 4º - The quorum of resolutions will always be of simple majority of the present ones, either physically or virtually, being the form of the provided for in the section number 6, sole paragraph, observed.

**Section Number 15** – The Ordinary General Assembly will meet, annually, in March, to appreciate and deliberate about the balance and the accountability of the previous exercise, with the legal opinion of the Fiscal Board, as well as about other themes in the public call notice.



**Sole Paragraph** – Every 2 (two) years, the Ordinary General Assembly will meet in the first fortnight of December to elect the members of the Board of Directors, as well as the Fiscal and the Consulting Boards. Other themes from the public call notice will be discussed too.

### CHAPTER III

#### THE BOARD OF DIRECTORS

**Section Number 16** – The Board of Directors, elected for 2 (two) terms, by direct scrutiny, the exception provided for in the solo paragraph of this section being observed, will be composed by 21 (twenty one) posts, to know:

I – President Director;

II – Institutional Vice-President Director;

III – Legal Legislative Vice-President Director;

IV – Administrative Vice-President Director;

V – International Relations Director;

VI – Director of the Brazilian National School of Public Defenders (BNSPD);

VII – Director for Legislative Matters;

VIII – Legal Directors;

IX – Director of Communication;

X – Director of events;

XI – First Secretary Director;

XII – Second Secretary Director;

XIII – First Treasurer Director;

XIV – Second Treasurer Director;



XV – Director of Social Articulation;

XVI – Director of the Retired;

XVII – Coordinator Director of the North Region;

XVIII – Coordinator Director of the South Region;

XIX - Coordinator Director of the Southeast Region;

XX - Coordinator Director of the Midwest Region.

**Sole Paragraph** – The President Director can, at his/her discretion or under the request of another Director, duly justified, constitute, by administrative order, adjunct advisories.

**Section Number 17** – It constitutes the Board of Directors competence:

I – to lead and guide the activities of the BNAPD, to create technical commissions, to constitute advisors for the study of doctrinal, legal and institutional matters;

II – submit to the Ordinary General Assembly the work annual programme, the activities report, and the accountability of the previous exercise, this with the due legal opinion of the Fiscal Board;

III – to convene the Consulting Board;

IV – to constitute the real estate equity, being heard the Consulting and Fiscal Boards;

V – to alienate the real estate equity, being heard the Fiscal Board and the Extraordinary General Assembly, under this purpose summoned;

VI – to know the relinquishment request of a member of the Board of Directors, the Fiscal Board and the Consulting Board and to declare the vacancy of the post, summoning elections to fill the vacancy, when it is the case;

VII – to execute the General Assemblies and the Board of Directors resolutions;



VIII – to solve, Extraordinary General Assembly *ad referendum*, the cases which are omitted from the present statute and are not, by its nature, typical of the simple management of the BNAPB;

IX – to apply the penalties imposed to the associated of the BNAPD.

**Section Number 18** – The Board of Directors will meet, ordinarily, every 03 (three) months and, extraordinarily, by summons of, at least, half plus one of its members, whenever there is a need, being indispensable the presence of, at least, 04 (four) members for its installation.

§ 1º - the request for extraordinary meetings, when not from the Presidency of the Board of Directors, will be addressed to it, duly substantiated and containing all the themes that will be on the agenda of the day.

§ 2º - the ordinary meetings will be called in the form provided for in the section 14, § 2º of this statute.

II – being absent from 03 (three) ordinary meetings in a row will result in the loss of mandate of the Board of Directors, unless when duly justified within 72 (seventy-two) hours.

§ 3º - the ordinary and extraordinary meetings have authorization to happen outside the BNAPD headquarters.

§ 4º - the Board of Directors will also have the option to debate and deliberate through electronic means of communication.

**Section Number 19** – It is the President Director's competence:

I – to convene, preside and lead the meetings of the Board of Directors and the General Assemblies;

II – to practise all the acts of the administrative and financial management of the BNAPB, including the hiring and dismissal of employees;

III – to represent the BNAPD in or out of court;



IV – to issue and endorse cheques from the BNAPD, to move bank accounts and investments, signing them with the first treasurer or, before any impossibility, with the second treasurer;

V – to sign the minutes of the Board of Directors’ meetings, along with the first Secretary Director or the second Secretary Director;

VI – to represent the BNAPD, or have it represented in the solemnities to which it is invited to;

VII – to hire opinions, doctrinal studies, either legal or institutional, to sign contracts and covenants, after having heard the Consulting Board;

VIII – to convene the Ordinary and Extraordinary General Assemblies, in the form provided for in this Statute;

IX – to convene the general elections;

X – to be present or designate delegates to represent the BNAPD in Brazil or abroad;

XI –to promote the exchange of knowledge between the BNAPD and public organs, national and international alike;

XII – to delegate, to its discretion, managing and administrative posts to the Secretary Directors.

**Section Number 20** – The President Director will be replaced, in his/her faults and impediments, successively, by the Institutional Vice-President Director or by the Legal-Legislative Vice-President Director or by the Administrative Vice-President Director. Before the impossibility of these members, the President Director will be replaced by a Director designated by him/her.

**Section Number 21** – It is the Institutional Vice-President Director’s competence to assist the President Director and substitute him/her in his/her absences and impediments, as well as to coordinate the activities of the Directors of Communication and Events, without prejudice to the charges that had already been assigned.

**Section Number 22** – It is the Legal-Legislative Vice-President Director’s competence to coordinate the activities of the Legal and Legislative Directors, as well as the



Thematic Comissions related to these themes, assisting the President Director, without prejudice to the charges that had already been assigned.

**Section Number 23** – It is the Administrative Vice-President Director’s competence to coordinate the internal activities of the BNAPD and the activities of the Directors, the first and second Secretaries, first and second Treasurers.

**Section Number 24** – Is it the International Relations’ competence:

I – to monitor and advise the international politics which interest the Public Defence;

II – to organize meetings and lectures and also to elaborate documents related to the practice alongside with the Mercosul bloc of Public Defenders, the inter-American Association of Public Defence (IAAPD), the Ministry of Foreign Affairs and other international bodies and organizations;

III – to monitor, encourage and spread the Public Defenders access to the International Systems of protection and defence of the Human Rights;

IV – to take over other responsibilities that are conferred by the President Director.

**Section Number 25** – Is it the Brazilian National School of Public Defenders (BNSPD)’s Director’s competence to manage its work and to coordinate its operations.

**Section Number 26** – Is it the Legislative Matters Director to assist the President Director and the Legal-Legislative Vice-President Director to map the law projects which are of the interest of the Public Defenders, of the Public Defence and its services users, in the suggestion of new legislative texts and also in the contacts with the lawmakers in general.

**Section Number 27** – It is the Legal Director’s competence to assist the President Director and the Legal-Legislative Vice-President Director to map the legal proceedings of the interest of the associated and of the Public Defence, to elaborate studies and legal opinions about the law projects and to subsidize possible judicial measures, as well as to guide the associated about matters related to their institutional work.

**Section Number 28** – It is the Communication Director’s competence to execute the communication policy defined by the President Director, suggesting the definition of



the journalistic coverage, approving texts already requested, directing agendas, selecting the team and performing all acts that are necessary to solidify the image and reputation of the BNAPB and the Public Defence in the news and publicity media.

**Section Number 29** – It is the Events Director’s competence:

I – to organize, together with the Director of the BNAPD, events, lectures, seminars and congresses which have the participation or the sponsorship of the BNAPD;

II – to enhance, in the states, the promotion of events to spread and publish the Public Defence and/or the qualification of its members;

III – to participate and promote, together with the Directors of the BNAPD and the International Relations Directors, international events, lectures, seminars and congresses;

IV – to organize, spread and publish the national calendar of events promoted or sponsored by the BNAPD.

**Section Number 30** – It is the First Secretary Director’s competence:

I – to prepare the Board of Director’s and General Assemblies’ meetings, as well as any other meetings designated by the President Director, dispatching the needed communications;

II – to lead, as a secretary, the Board of Director’s meetings, drawing and signing the meeting minutes, along with the President Director;

III - to assist, when requested, the Secretary who is nominated by the General Assemblies, to act as a secretary to them;

IV – to execute the general and administrative duties which are delegated by the President Director;

V – to receive, classify and send to the Presidency of the Board of Directors the received records and mail;



**Section Number 31** – It is the Second Secretary Director’s competence to replace, in their absences and impediments, the First Secretary Director and to execute the management and administrative duties delegated by the Presidency of the Board of Directors.

**Section Number 32** – It is the First Treasurer Director’s competence:

I – to organize and control the revenue collection and other funds of the BNAPD;

II – to have under his/her control over the money, the bank and the investment movements, as well as over the other funds of the BNAPD;

III – to deal with the charge of the associated in debt with the BNAPD;

IV – to make payments duly authorized by the President Director and, in his/her absence and impediments, by his/her statutory substitutes;

V – to sign cheques, to move bank accounts and investments, along with the President Director and, in his/her absences and impediments, with their statutory substitutes;

VI – to elaborate the annual balance and semi-annual balance sheets, these up to the tenth day of the subsequent month to the semester, being the associated fully aware;

VII – to take over the duties which are committed by the President Director;

**Section Number 33** – It is the Second Treasurer Director’s competence to replace, in his/her absences and impediments, the First Treasurer Director and take over other duties which were committed by the Presidency of the Board of Directors.

**Section Number 34** – It is the Social Articulation director’s competence to:





I – to seek and to keep permanent contact with the civil society, organized or not, attending their demands, clarifying the Public Defence institutional work to them and sending any requests to the ones responsible for the service;

II – to keep permanent contact with the Public Defence External Oitors, as well as with its Collegiate.

**Section Number 35** – It is the Retired Director’s competence to identify, to present and to propose solutions to the demands of the inactive Public Defenders, as well as to cooperate with the Directory in all subjects that he/she finds pertinent.

**Section Number 36** – It is the Regional Coordinator Director’s competence to collaborate with the local associations, as well as with the growing and developing of the Public Defence, bringing to the knowledge of the other Directors the demands of the Coordinated Regions and suggestions of performing.

## CHAPTER IV

### THE CONSULTING BOARD

**Section Number 37** – The Consulting Board will be composed of 11 (eleven) members:

I – 06 (six) elected, and

II – 05 (five) native, among whom the last former presidents, as long as they are not exercising position of commission or trust in the Public Administration in general.

§ 1º - the members of the Consulting Board, within 30 (thirty) days of its composition, will meet to elect its President, for nominal vote, to a mandate of 02 (two) years.



§ 2º - the Consulting Board will also be able to debate and deliberate through electronic means of communication.

III – to appreciate, in degree of recourse, the decisions which apply the penalties provided for in the section 11 of this Statute;

IV– to give opinion on the alienation of the real estate equity of the BNAPD;

V – to give opinion, when consulted by the Consulting Director, about the fixation of the associative contribution;

VI – to elaborate the Internal Regiment.

**Sole Paragraph** – The President of the Consulting Board will always be summoned to take part in the Board of Directors’ meetings, without being able to vote.

## CHAPTER V

### THE FISCAL BOARD

**Section Number 38** – The Fiscal Board will be composed of 03 (three) effective members and 03 (three) substitutes, elected in conformity with the respective presentation of the electoral list which is dealt with in the section number 44 of this Statute.

**Section Number 39** – It is the Fiscal Board’s competence:

I – to give legal opinion about the accountability presented by the Board of Directors and to examine its bookkeeping;

II – to give legal opinion about the balance of accounts of the previous exercise;

III - to elaborate the Internal Regiment.

## CHAPTER VI

### THE BRAZILIAN NATIONAL SCHOOL OF PUBLIC DEFENDERS (BNSPD)



**Section Number 40** – Some are the institutional purposes of the Brazilian National School of Public Defenders (BNSPD), among others:

I – to promote the professional updating as well as the technical improvement of the associated, promoting courses, conferences, seminars and other scientific activities related to the occupation area and to the institutional duties;

II – to promote short-length courses, magna lessons, lectures, seminars and congresses, in order to allow a quick and constant updating of the associated regarding legislative, doctrinal and jurisprudential matters;

III – to enhance the experience exchange among the Brazilian and foreign Public Defenders;

IV – to keep exchanges and covenants with teaching institutions, public bodies, class entities and congeners, whose practice resembles affinities with the other purposes of the BNAPB, including with teaching and formation organs and to other legal careers;

V – to create and keep an updated library, classifying the books, magazines, documents, electronic and electromagnetic archives which compose the collection, mainly including works related to the Public Defence;

VI – to proceed with the periodical publishing of the Public Defence National Magazine;

VII – to foster the publication of monographies, dissertations and academic thesis about subjects which are aligned with the Public Defence's interests, establishing a constant dialogue with the academic world;

VIII – to promote, organize and coordinate events, public contests, actions, projects and programmes, aiming at the promotion of the citizenship and at the defence of people in situations of vulnerability;



IX – to promote, organize and coordinate courses, projects and programmes designed for poor communities and, especially, for the formation and awareness of young people in situations of vulnerability;

X – to coordinate the Thematic Comissions created with academic purposes;

XI – to elaborate and execute the academic project of the Public Defenders National congress, collaborating with its achievement;

XII – to foster the experience change among the Brazilian and foreign Public Defenders.

**Section Number 41** – The BNAPD will be coordinated by its Director, counting on other collaborators nominated by him/her and will be ruled by the applicable legislation and by Internal Regimant to be approved of by the Board of Directors of the BNAPB.

#### TITLE IV

#### CHAPTER I

#### THE ELECTIONS

**Section Number 42** – The elections for the elective posts of the Board of Directors, Consulting and Fiscal Board will be held in the Ordinary General Assembly, with online broadcasting, summoned by the Presidency of the Board of Directors for the first fortnight of December in the second year of mandate.

§ 1º - The elections will obey the norms of the present Statute and will have their own Electoral Comission and Regulations, publicized on the internet and communicated via email to the associated with a thirty-day advance from the fixed date for the elections.



§ 2º - Simultaneous candidatures for the posts of Directory mentioned in this section are not allowed;

§ 3º - A re-election for all the elective posts of the Board of Directors, of the Consulting Board and of the Fiscal Board is allowed.

§ 4º - Occupants of commission or trust posts in the Public Defence or Public Administration in general are not allowed to run for the elective posts of the Board of Directors or to be part of the Consulting Board.

§ 5º - Every state of the Federation will have the right to 03 (three) votes, being two of them from the President of the affiliate Association and one remaining vote counted by simple majority of the Public Defenders who are apt to vote, either physically or virtually.

**Section Number 43** – The General Assembly will install, in first call, with the representation that is provided for in the section number 15, § 3º of this Statute, and, in second call, one hour later, with any number.

**Section Number 44** - The candidatures for the elective posts of the Board of Directors, for the members, through election, of the Consulting Board and the members of the Fiscal Board, will be presented in complete electoral lists, within the deadline established by the Electoral Regulation.

**Section Number 45** - Here are the requirements for any candidature:

I – to be an occupant of an effective granting post of the Public Defence or to have been an effective associated of the BNAPB for more than two uninterrupted years, excepted the hypothesis of shorter time exercising the post;

II – to be quits with the associative duties and in enjoyment of its social rights.

**Solo Paragraph:** the interstice deadline will be exempted, provided for in the subsection I, if the social class entity was created less than a year before.

**Section Number 46** - The office taking and investiture of the elected candidates for the post of the Board of Directors, of the Consulting and Fiscal Boards, as well as of the ones designated by the President of the Board of Directors, and the natives of the



Consulting Board, will take place in the first week of February of the year following the election.

## TITLE V

### THE PATRIMONY AND THE SOURCES OF FUNDS

**Section Number 47** - The BNAPD's patrimony and sources of funds are its assets, furniture and real estate, besides its associated contributions, the donations and contributions made by physical and legal persons, national and international, and the results of its investments.

**Solo Paragraph:** BNAPD must keep a full inventory of its patrimony registered in an own book.

**Section Number 48** - In case of dissolution and extinction of the BNAPD, its patrimony will be reverted in favour of the Public Defenders' class entities, affiliated at the time as Institutional Associated.

**Sole Paragraph:** the act that this section deals with will become object of resolution in specific Extraordinary General Assembly.

## TITLE VI

### FINAL AND TRANSITIONAL PROVISIONS

**Section Number 49** - The BNAPD considers, as for historical register, Associated and Founding Associated, the Public Defenders, as well as those who exercise equivalent public functions, who subscribed to the minutes of Installation of the Brazilian Federation of Public Defenders – BFPD, in Corumbá, Mato Grosso do Sul, in 1984.



**Section Number 50** - Occurring vacancy in any elective post of the Board of Directors and of the Consulting Board, it will be filled with election, nominally, run by the members of the Board of Directors and of the Consulting Board, respectively, unless it has elapsed half of the mandate, hypothesis in which the vacancy will be filled by the designation of the President of the Board of Directors.

§ 1º - Occurring vacancy in the post of the President of the Board of Directors before half of the mandate, a new election will be held for the post, in the regular form of the present Statute and in what is set forth in the Electoral Regulation, its duties being conducted by the Institutional Vice-President Director, in case the vacancy happens after the half of the mandate.

§ 2º - Occurring vacancy in the post of a Fiscal Board Effective Member, it will be filled by the Substitute Member, according to his/her subscription order in the winning electoral list.

**Section Number 51** - The 19<sup>th</sup> (nineteenth) of May is considered the Public Defenders National day and will be celebrated annually.

**Section Number 52** - The members of the Board of Directors, of the Consulting and the Fiscal Boards will not get any remuneration at all, having no distribution of profits or dividends among the associated.

**Sole Paragraph:** The operational expenses due to the exercise of the functions of the Members of the Board of Directors, of the Consulting and Fiscal Boards, or of those who are designated, will be funded and redressed by the BNAPD, upon proof.

**Section Number 53** – The following Commendations were created:

I – The Merit Necklace of the Brazilian National Association of Public Defenders, awarded to the person, either Brazilian or not, who had rendered relevant services to the citizenship and to the Public Defence;



II – The Professional Merit Medal of the Brazilian National Association of Public Defenders, awarded to Public Defenders who had rendered relevant services to the citizenship, to the class of the Public Defenders and to the Public Defence.

Sole Paragraph: The award of the Commendations provided for in this section will depend on the indication of the Board of Directors, duly justified and instructed, and on decision made in the General Assembly, after the Consulting Board has been heard, in the form established in the Internal Regiment, being allowed the award of 03 (three) of each of them, by mandate.

**Section Number 54** – The present Statute might be reformed through deliberation in the Extraordinary General Assembly to be held with this specific purpose and comes into force on the date of its register, becoming revoked all prior statutory provisions.

**Section Number 55** – The Presidents of the state Associations might be represented by any member of their Directory, via written communication addressed to the Presidency of the Board of Directors of the BNAPD.

Brasília, 6<sup>th</sup> of June, 2018.