

APC Charter

Chapter 1 - Constitution

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Asian Paralympic Committee

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Preamble

This Constitution has been revised and updated to reflect the continuous development and professionalism of the Asian Paralympic Committee (APC). This new version of the APC Constitution is based on the IPC Constitution, and has been modified to incorporate the specificities applicable to our organisation and region.

This Constitution replaces any previous version of the APC Constitution and shall come into effect on 30th November 2021, as offset out in article 13.

The APC shall guarantee the compliance with the provisions of the IPC Handbook, especially with regard to the rights and obligations of IPC members (IPC Handbook, Chapter 2.1) including the following sections: 1.1 General rights, 1.5 Specific rights for regional organisations, 2.1 General obligations and 2.5 Specific obligations for regional organisations.

1 Name, seat and year of business

The name of the organisation is: the Asian Paralympic Committee (APC).

The seat of the APC is in the United Arab Emirates (UAE).

The business year shall be the calendar year.

2 Vision, mission and objects of the APC

2.1 Vision

The vision of the APC is to make Asia one of the leading regions of the Paralympic movement in enabling Para athletes to achieve sporting excellence and inspire and excite the world.

2.2 Mission

To fulfil its vision, the APC shall create a mission statement and adhere to its core values, which are following the International Paralympic Committee (IPC) ones:

- **Courage:** Para athletes through their performances showcase to the world what can be achieved when testing your body to its absolute limits
- **Determination:** Para athletes have a unique strength of character that combines mental toughness, physical ability and outstanding performances that regularly redefine the boundaries of possibility
- **Inspiration:** as role models, Para athletes maximise their abilities, thus empowering and exciting others to participate in sport
- **Equality:** through sport, Para athletes challenge stereotypes and transform attitudes, helping to increase inclusion by breaking down social barriers and discrimination towards people with impairments.

Without limiting the generality of its mission statement, the APC shall have the following objects and principles:

2.3 Objects and principles

- To support the aims and objectives of the IPC in the region
- To ensure the growth and strength of the Paralympic Movement through the development of National Paralympic Committees (NPCs) in the Asia region, and support the activities of all APC members
- To promote sports for Para athletes in Asia without discrimination for political, religious, economic, disability, racial, gender or sexual orientation reasons
- To support and encourage educational, cultural, research and scientific activities that contribute to the development and promotion of the Paralympic Movement in Asia
- With respect to the APC Games (Asian Para Games & Asian Youth Para Games), to be the owner of these Games, and to supervise and ensure the organisation of successful APC Games, or other competitions which are recognised and /or approved by the APC within the region
- To ensure that, in sport practiced within the Paralympic Movement in Asia, the spirit of fair play prevails, violence is banned, the health risk of the athletes is managed and fundamental ethical principles are upheld (including anti-doping)
- To recognise outstanding contributions by an individual, and/or organisation to the objects and principles of the Federation, by awarding "The Asian Order"
- To co-operate and collaborate with the IPC, the Agitos Foundation, International Federations (IFs), International Organisation of Sports for the Disabled (IOSDs) or any other party to ensure the achievements of the above objects and principles
- To seek, in liaison with the IPC, the integration of sports for all Para athletes into the international sports movement for able-bodied athletes at regional level, whilst respecting the autonomy of the sports organisations in membership of the IPC and whilst safeguarding and preserving the identity of sports for Para athletes
- To do all such other lawful things as are incidental or conducive to the attainment of the above objects and any of them.

The APC shall pursue its objectives directly and exclusively as a non-profit-making association. The APC's activities shall be altruistic; they shall not be aimed primarily at commercial purposes.

The APC shall not work with a view to profit. The members shall not have a share in the APC's assets or in the surpluses attained. They shall not receive any payments out of the association's financial resources. The APC's funds must only be used for purposes in accordance with the Constitution. No individual may be benefited by payments that are foreign to the APC's vision & mission and objects or by disproportionate remuneration.

All members of the APC Executive Board work voluntarily, except otherwise stated in this Constitution.

3 Structure of the APC

The structure of the APC shall include:

- The General Assembly (APC members, as defined under section 5 of this Constitution);
- The Executive Board;
- The Councils, Standing Committees and Commissions;
- The management team headed by the Chief Executive Officer (CEO).

The definition and mandate of these structures shall be outlined in the respective sections of this Constitution and in the bylaws of the organisation.

4 APC General Assembly

The APC General Assembly is the official gathering of the APC members. It shall be competent to pass a resolution if at least 50% plus one (+1) of the members with voting rights are present. Should the number not be reached, a new assembly may be called which shall be competent to make decisions if a minimum of 1/3rd of the members with voting rights are present. Should the number not be reached, a new assembly may be called which shall be competent to make decisions regardless of the number of members present. It is permitted to combine written notice of an assembly which shall be competent to make decisions in every case with the written notice of an ordinary General Assembly.

A General Assembly shall be held at least every two (2) years, at a time, place and date determined by the Executive Board, for the purpose of:

- Hearing and receiving the reports of the Executive Board and CEO;
- Receiving and approving the minutes of the previous General Assembly;
- Electing the Executive Board members (every General Assembly after the Asian Para Games);
- Approving the budget and the membership fee policy;
- Considering and approving the policy and procedures for nomination and election of Executive Board members;
- Approving and admitting members to the APC;
- Considering and approving the financial reports and audited accounts and thereby discharge the bodies of the organisation;
- Considering and approving the bylaws outlining the members' rights and obligations;
- Approving amendments to the APC Constitution, which shall require a vote of two thirds (2/3) of the members present;

- Approving the transaction of any other business properly brought before the meeting.

An Extraordinary General Assembly may be called by the APC President, on request of the Executive Board or on demand by at least 50% plus one (+1) of the total number of members.

A General Assembly or an Extraordinary General Assembly may be conducted virtually or in a hybrid format as may be deemed necessary by the Executive Board.

Notice of a General Assembly shall be given at least six (6) months prior to the meeting.

Notice of an Extraordinary General Assembly shall be given at least two (2) months prior to the meeting.

The agenda needs to be distributed at least six (6) months prior to the meeting. Date as per postmark shall be sufficient proof of a timely service.

Motions shall be submitted to the Executive Board in writing at least three (3) months before the General Assembly.

Minutes shall be drawn up for each General Assembly and shall be signed by the chairman and CEO.

Procedures to be followed at the General Assembly and Extraordinary General Assembly shall be outlined in the bylaws.

Full members shall be entitled to one vote. A member cannot transfer its vote to another member if not represented in person at a meeting of the members of the APC. An individual cannot concurrently represent more than one member, and as such is restricted to one vote at any meeting of the members of the APC.

5 Membership

5.1 Categories of members

5.1.1 Full Members

A National Paralympic Committee based in the Asian region and that has been ratified by the IPC General Assembly.

5.1.2 Provisional Members

A National Paralympic Committee that has been endorsed by the IPC Governing Board but is still subject to ratification by the IPC General Assembly

5.1.3 Honorary Members

5.1.3.1 The Board of Permanent Advisors:

Past Presidents of FESPIC Federation, and Asian Paralympic Committee shall hold office for life, and shall be invited to the major activities of the APC.

5.1.3.2 Patrons and vice-Patrons:

The Executive Board may recommend to the General Assembly persons or benefactors of distinction, who have made significant contributions to the APC and the Asian Paralympic Movement, to become Patrons or vice-Patrons of the APC.

Nominations and tenure for Patrons or vice-Patrons shall be endorsed by the Executive Board prior to being submitted to the General Assembly. Patrons and vice-Patrons shall be invited to the major activities of the APC and receive up-to-date information on the activities of the APC.

A Patron or vice-Patron has the right to participate in, and speak at the General Assembly but does not have the right to vote.

5.2 Rights and obligations of full members

5.2.1 Rights

- Vote and be heard at meetings of the members (if they are present);
- Nominate candidates for the appropriate APC bodies;
- Submit motions and be heard;
- Participate in all APC activities, subject to meeting eligibility criteria of the respective activity.

5.2.2 Obligations

- Participate in the development of the APC's vision and mission statement and general directions;
- Pay the annual membership fee according to the policy established at the APC General Assembly;
- Abide by all the APC bylaws, codes, rules & regulations and all of the APC decisions;
- Maintain regular and on-going communication with the APC and, in particular, respond to the APC's official requests in a timely manner;
- Respect the specific rights and obligations as outlined in the APC bylaws.

A member shall only be permitted to exercise its voting and nominating rights at an APC General Assembly if the annual membership fee, any outstanding levies and all fees have been paid and received.

A member will still be able to participate at the APC General Assembly but only on topics related to the IPC or IPC activities.

5.3 Rights and obligations of Provisional Members

Provisional members shall have all the privileges of full membership, with exception of the following rights: i) the right to vote at the General Assembly, ii) the right to submit motions, iii) the right to submit nominations for election to the APC Board, and iv) the right to submit nominations for the APC Athletes Committee elections.

Provisional members must still comply with all other rights and obligations of APC members

5.4 Admission, suspension and termination of membership

5.4.1 Admission

NPCs that are provisional or full members of the IPC shall automatically become members of the APC, with the same membership status as the IPC's (i.e., provisional member until ratified as full member by the IPC GA), provided they pay annual membership fees as defined in 5.2.2).

5.4.2 Suspension

A member may be suspended for:

- not fulfilling the conditions for membership and not complying with the obligations of members, as defined in the bylaws (APC Charter, Chapter 2.7).

Membership in the APC may be suspended by the Executive Board.

Before a member is suspended, the member shall have the right to be heard either in person or in writing by the Executive Board.

The Executive Board shall inform the General Assembly of all suspensions in progress.

A member under suspension loses rights and privileges of membership. In particular, a member shall not be entitled to be heard on matters relating to the APC, except with respect to their suspension, or vote at meetings of members

Suspended members will be able to participate in the APC General Assembly on matters exclusively relating to the IPC.

If a member withdraws from or is suspended from membership of the IPC, it will automatically be deemed to have withdrawn from or been suspended from membership of the Asian Paralympic Committee.

5.4.3 Termination

If a member has its membership terminated by the IPC, it will automatically be deemed to have been terminated from membership of the Asian Paralympic Committee.

6 Executive Board

6.1 Authority

The Executive Board shall have the full power of authority to represent the APC. In exercising this authority, responsibilities of the Executive Board shall include to:

- interpret the vision set by the membership at the General Assembly;
- formulate and approve policies and strategies for the APC;
- ensure that the directions set by the membership at the General Assembly are implemented;
- establish, disband, merge, suspend the operation of and in other ways regulate APC Standing Committees and Commissions;
- set the broad goals of the APC strategic plan;
- monitor the performance and the delivery of these goals;
- appoint, mandate, and dismiss, as appropriate, the CEO to represent the APC in accordance with the rules and regulations laid down;
- appraise the bidding of APC Games (Asian Para Games & Asian Youth Para Games) and other APC sports competitions, and award the Games and competitions accordingly (including the signing of relevant contracts);
- consider and make recommendations on all proposals and amendments, other than emergency motions, submitted to the General Assembly;
- supervise and monitor all approved events to ensure that they comply with the established rules and agreements;
- be responsible, through the President, for relations with the IPC, the Olympic Council of Asia (OCA) and other international sports organisations, as well as other bodies deemed necessary to further the objects and principles of APC;
- appoint a certified auditor.

6.2 Structure

The APC Executive Board is the representative of the APC membership, in accordance with nomination and election procedures adopted by the APC membership at the General Assembly. The Executive Board shall comprise of the following positions:

Elected by the APC GA:

- One (1) President
- Three (3) Vice-Presidents

- One (1) Women in Sport Committee Chairperson
- Four (4) Members at Large

Not elected at the APC GA (see dispositions in 6.4):

- One (1) Vice-President, from the Organising Committee of the next edition of the Asian Para Games without vote
- One (1) Vice-President, from the Organising Committee of the next edition of the Asian Youth Para Games without vote.
- Five (5) sub-regional Representatives (one per region), with vote
- One (1) Athletes' representative, ex-officio member with vote
- One (1) CEO, ex-officio member without vote

The term of office shall be four (4) years save and except for both the Vice-Presidents from the respective Organising Committee(s) whose term of office shall end on the Closing Day of the relevant Games

No individual shall serve on the Executive Board for more than three (3) consecutive terms.

If an individual's election as President follows one or more terms on the Executive Board in some other capacity, that individual will be entitled, if re-elected, to remain as President for three (3) terms.

Elections for the President, Vice-Presidents, Members at Large and Women in Sport Committee Chairperson positions shall occur every four years at the General Assembly.

Nomination and election procedures are included in the bylaws and are submitted to the General Assembly of the members for approval.

6.3 The President

The President's main role within the organisation includes, but is not restricted to, the following tasks and responsibilities:

- Chairs meetings of the Executive Board;
- Serves as an ex-officio member of all APC Standing Committees and Councils as specified in the bylaws;
- Is the primary liaison between the Executive Board and the CEO;
- Ensures that the organisation maintains positive and productive relations with its membership, media, sponsors, donors, other organisations and the community at large;
- Represent the APC in front of the IPC;

- In his absence or if required the Vice-President will take over the tasks of the President.

The President may work for the APC on the basis of a service agreement and receive an appropriate remuneration or compensation.

The Executive Board is responsible for the conclusion, content and termination of the service agreement with the President or Vice-President. The President, and if involved the Vice-President, will not take part in these decisions.

The association is legally represented by the President or two members of the Executive Board acting jointly, of whom one must be the Vice-President.

6.4 Non-elected members

6.4.1 Athletes' representative

The Athletes' representative, shall automatically become a member of the APC Executive Board (at the next Board meeting following his/her election by the athletes at the Asian Para Games).

6.4.2 Sub-regional representatives

The representative of each sub-region shall become member of the APC Executive Board subject to ratification by the APC Executive Board of their election by the NPCs of their sub-region, as defined in the APC by-laws (2.9 APC EB Elections sub-regional representatives).

6.4.3 Chief Executive Officer

As per Article 6.1, the Chief Executive Officer shall be appointed by the Executive Board.

6.5 Vacancies

The Executive Board shall have the right to appoint a full voting member to the Executive Board in the event that any one of the elected positions falls vacant during any term of office, including President and/or Vice President. The appointment will be for the remainder of the term and is subject to ratification by the membership at the next General Assembly, unless such General Assembly falls in an election year, at which time the electoral process will apply.

7 APC Councils and Standing Committees

The APC Executive Board may establish, disband, merge or suspend the operation of and in other ways regulate APC Standing Committees and working groups, from time to time, as required.

Councils may be established from time to time by the APC membership at the General Assembly upon the recommendation of the Executive Board.

Details with respect to the composition, responsibilities, and process for appointment to APC Councils, Standing Committees, and Commissions or working groups shall be outlined in the bylaws.

At the time of writing this Constitution, there are five (5) APC Councils and Standing Committees:

- Athletes' Council
- Games & Sport Development Committee
- Legal & Ethics Committee
- Medical & Sport Science Committee
- Women in Sports Committee

8 APC Management Team

The APC management team consists of the professional staff headed by the CEO.

With the authority delegated by the Executive Board, subject to the conditions described below, the CEO represents the Executive Board and the organisation in all day-to-day business affairs and in all proceedings and negotiations of all types against courts and authorities.

The CEO is responsible for the management of the organisation including the authority to directly employ, supervise, control, review the performance and terminate staff, and shall keep the Executive Board informed at all times of any such decision.

The Executive Board may fix the authorisations, duties and responsibilities of the CEO in bylaws or contracts and revise the scale of authorisation given to the CEO. The Executive Board may also dismiss the CEO with just cause. The CEO has to be heard before the decision. The decision to dismiss the CEO needs a simple majority of the members of the Executive Board.

9 Finances

The funds of the APC shall primarily consist of and be generated by any one or more of the following ways:

- Legal grants (including IPC grants), contributions and donations
- Annual membership fee and any other levies on members
- Entry fee from the participants to APC Events/Games/Competitions
- Capitation Fee
- Events sanction/approval fee
- Broadcasting Rights from APC Events/Games/Championships etc.
- Rights fee for APC Games/Championships etc.

- Contribution of individuals, philanthropists, donor agencies etc. towards any scheme / project to be launched by the APC
- Obtaining loan where essentially needed, subject to its approval by the APC General Assembly in its very next meeting.
- Any other means or ways legally permissible and decided by the APC Executive Board.

The funds may be used only within the limits of the objects of the Constitution. The Executive Board shall decide on their use within the budgetary limits.

The fiscal year shall be the calendar year.

Accounts and financial reports shall be independently audited and submitted to the Executive Board annually and, at its request, at any time. The General Assembly shall approve the financial reports and audited accounts and shall approve the budget as decided by the Executive Board.

10 Language

The English language shall be the official language of the APC.

Publications shall be in English.

In the event of any difference in the interpretation of any text, the English version shall be accepted as the reference.

11 Dissolution

The dissolution of the APC may only be decided by a General Assembly at which three-fourth (3/4) of the members present and where a secret ballot to dissolve the APC is carried by two-third (2/3) of the members present and eligible to vote.

In case of dissolution of the APC and in case of cessation of the tax relief status, the assets of the organisation shall be assigned to a juristic person under public law, or another incorporated body entitled to tax relief, for use in support of sports for people with impairments.

12 Governing Law

The law of the UAE shall govern the APC and this Constitution. Any dispute whatsoever shall be handled in the Courts of the UAE.

13 Effective date

This Constitution shall become effective on the date of its adoption by the General Assembly of the Asian Paralympic Committee.