



ملتقى النساء والشباب  
WomenAndYouthForum

# Constitutional and Legal Guidelines on Civil Society Organizations (CSOs) As Per NDC Outcomes Document

# Women and Youth Forum

## About Us

- Stems from the keenness of the United Nations to promote the principle of engagement in the decision-making process in line with international conventions and norms.
- Completes the process started with the transition process.
- Expresses the believe the United Nation on the importance of women, youth and civil society participation in planning for building the Yemen of the future from within and outside the framework of the NDC.
- Provides a space for women, youth and representatives of the civil society in Yemen to meet and discuss issues of interest to them.
- Responds to the request of many women and youth to provide a free platform for the expression of various opinions and ambitions in a calm and transparent atmosphere.

## Overall Objective:

To overcome all forms of exclusions, social and political marginalization of women, youth and civil society through support and participation in the dialogue process, post dialogue, constitutional making and the creation of tangible mechanisms to achieve equal opportunities.

## Sub-objectives:

- Support of youth and women participation in the transition to democracy through awareness-raising on economic, social and political rights with the aim of achieving equal citizenship.
- Creation of a space for meetings of different groups of women, youth and civil society representatives who participated in the national dialogue and from outside of the NDC for exchange of expertise.
- Build bridges of communications between youth and women actors.
- Work to develop various mechanisms to create leaderships with a capacity to build a new future for Yemen based on principles of freedom, democracy and social justice.

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Objectivity

Independence

Equal Opportunity

Non-discrimination

Equality

# Constitutional and Legal Guidelines on Civil Society Organizations (CSOs) As Per NDC Outcomes Document

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There must be concerted effort and all shall rise to the level of the challenge so that Yemen can overcome this critical junction in its history; such synergy can't bear any further delay or procrastination. The time has come today for accelerated action. Today the countdown has begun towards the achievement of the most important entitlements: the drafting of the constitution for a modern state that would accommodate all Yemenis- males and females- of different background and provide protection for all. Today, you should announce a race with yourself and your partners in the nation to realize your objectives in building a better future.

No one should think that they are less influential than the rest of other political constituencies and parties. In democracy everyone has a role and a responsibility. You all have a responsibility and the ability to influence and impact; whether you are a woman, a youth or a member of the marginalized community or a person with disability. You have huge responsibilities on your shoulders to be active participants and through accountability and constructive criticism to realize a different Yemen and to ensure that the past is not reproduced. You must reflect on what is going on in your regional surrounding to be aware of the tragedies that you have avoided through your wisdom and to appreciate the magnitude of the achievements that you have achieved through your will.

Assistant UN Secretary-General and Special Advisor  
on Yemen, Dr. Jamal Benomar  
Sana'a, July 7, 2013

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Ideas contained in this document do not necessarily reflect the views of the United Nations, its members, Women and Youth Forum or the Office of the Special Advisor to the Secretary - General on Yemen.

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## Preface

Civil Society Organizations (CSOs) are considered a key pillar in the building of a modern civil state. They have undertaken a prominent and important role in the work of the National Dialogue Conference (NDC) through their representatives in the dialogue who worked with seriousness, dedication and high responsibility in all groups of the conference and its sessions, contributing in the serious and responsible discussions in all-important national issues. They provided a range of solutions to the most important and critical issues particularly the ones concerned with and related to CSOs.

After the NDC concluded, a constellation of CSO representatives worked for many weeks that were crowned with the seminar that was held in the Women and Youth Forum in the 4<sup>th</sup> and 5<sup>th</sup> of May, 2014 under the theme, "The Outputs of the NDC for CSOs". They worked on extracting all texts, principles, constitutional and legal guidelines and direct and indirect recommendations that CSOs think are important to be inserted into the new constitution and the legislations derived from it as well as advocating for them with emphasizing that all outcomes of the NDC are important and should be taken into account.

All these efforts came with effective participation and unprecedented support by the Women and Youth Forum, office of the UN Special Advisor to the Secretary General on Yemen.

The exerted efforts and serious and fruitful cooperation from the Mr. Saddik Lahrach and his working team had the utmost effect in the success of this work and it is coming out to reality in the best image.

We also hope that this work will be a preamble for a series of events in the framework of developing the work of CSOs on the road of an effective civil work that benefits the Yemeni society and the human.

The nine issues have been sorted according to importance based on the perspective of CSOs. We ask Allah for guidance and success.



## Introduction:

It must be noted that the concept of civil society, which dates back to the intellectual work of Thomas Hobbes in the seventeenth century, has evolved in two directions: In democratic states and in states in transition to democracy:

**First**, in democratic states: the concept had covered societies, political parties, unions and all social and political organizations civic in nature. However, with the evolution of the democratic experience in western nations, it has taken up the form of external civic organizations independent of the political community (specifically, human rights societies, unions and media organizations).

**Second**, in states undergoing democratic transition, the concept is being broadened to cover all organizations independent from the states and those not under control of the ruling authorities or the opposition including religious organizations (this applies to the case in Yemen). With such an evolution, the role of civil society has gained special significance.

Significance of civil society and role: At this level, a number of points have to be highlighted:

- CSO's have played a role in consolidating effort to remove tyrannical regimes.
- CSO's have played a decisive role in the establishment of a democratic system; this is a critical and serious role. However, all civil society forces should focus on proposing solutions, ideal and peaceful lobbying and should refrain from becoming a part of the political power play. Political parties, on the other hand, should pull out from civil society as soon as an agreement on the rules of democracy is reached; otherwise, it would be transformed to a tool for destabilization that would abort the democratic enterprise.
- Civil society plays a critical and influential role in the promotion of the democratic transition by playing the role of a monitor over the process to prevent a return to tyranny. The significance of civil society has been asserted by the participants in the NDC, who, through the various texts, constitutional and legal guidelines, decisions and recommendations; not just at the political level but include comprehensive development: political, economic, cultural and social development. Such outcomes not only constitute a recognition of the role of civil society, but they form the foundation for future work of these organizations; defining areas for such work and partnership with the government and the private sector.

The following is a presentation of the outcomes of the NDC on civil society.

Amin al-Ghaish, Ph.D

Working Group on State building |



## Principles and Constitutional Guidelines Directly Related to CSOs:

### Social Foundations:

9- All citizens have the right to organize themselves politically, professionally and in unions and have the right in establishing scientific, cultural, social, charitable organizations as well as federations, professional and creative unions. The State shall guarantee this right and shall take necessary measures to enable the people to practice it. It shall guarantee the freedom of institutions, political, labor, cultural, scientific and social organizations.

10- Every citizen has the right to choose the appropriate work. A citizen has the right to establish, associate in a representative union and shall freely participate in the activities and events of that union including the right to strike. Anyone who has been affected by administrative procedure has the right to obtain a written explanation of such action and has the right of resort to the judiciary to challenge any damaging actions.

11- Public management organizations should adhere to the principle of transparency in their functions and should give this right to individual, bodies and stakeholders. Various media organizations have the right to access activities of the management and obtain copies of relevant documents. This should be considered an obligation of management; where an employee who fails to perform this duty should be penalized appropriately, provided that this doesn't contravene the supreme interest of the State. Every person, pursuant to a court order, has the right to access information or document in possession of another person necessary for the practice or protection of the person's rights.

### Political Foundations:

11- The rights of people to express their views and political choices, to express their will through civic action, such as processions, demonstrations, strikes, peaceful sit-ins without weapons and without inflicting any damage or harm to public and private property is guaranteed without the need for any prior permits. It is unlawful that such rights are undermined or detracted from in any form or manner. There should be legal provisions prescribing criminal penalties against anyone who contributes in detracting such rights.

### Judicial Authority

First: In Relation to the High Judicial Council:

b - The Bar Association elects 15 members of the Council from among senior lawyers on condition they leave their previous job.

Second: In Relation to the Constitutional Court:

b - The Bar Association elects 15% of members of the Constitutional Court from among senior lawyers provided they leave their previous jobs.

## Principles and Constitutional Guidelines Indirectly Related to CSOs:

### Political Foundations:

- 3- The government is responsible for taking legislative and executive measures to ensure impartiality of the State's civilian, military and security organizations and to discriminate between the State's revenues and its resources and between the properties of the officials in the State, party, or ruling parties, public funds and properties. The use of States resources and those of the State's organizations shall be prohibited from whether for personal or partisan benefit.
- 4- It is unlawful to use of houses of worships for the dissemination of partisan ideas or call to achieve a political interest, incitement to hate, violence or seditions between the people.
- 6- Officials of the State, its organizations, any social dignitaries or any other individual or organizations are prohibited from receiving funds from a foreign state suspected of being a bribe or for subordination or for a political purpose whether periodic, on instalments, directly or indirectly.

### Third: Social Foundations:

1. The State shall ensure equality and equal opportunities for all citizens in political, economic, social and cultural areas and laws shall be enacted to realize that.



Working Group on  
Independent Bodies

## Principles and Constitutional Guidelines Directly Related to CSOs:

### Media:

- 1- The High Council for Press and Media shall be comprised of representatives of the public and private media organizations, specialized academics and relevant media CSOs. It shall be established in line with the general provisions for independent bodies and the law shall define its functions.
- 2- The High Council for Press and Media shall be responsible for formulating policies and develop strategic media visions, reform of the press and media sector (printed, visual, audio and electronic) and shall be keen to provide all legal and ethical guarantees to protect freedom of expression and freedom of the press and media, the right to access information and to protect diversity of the media, neutrality and professional integrity to ensure protection for democracy and human rights and national and religious values guaranteed by the constitution.

### The Supreme National Authority for Combating Corruption

- 1- Reformulation of the national strategy to enhance values of integrity, transparency and accountability first and foremost and fighting corruption with effective national community participation.

### The High Authority for Education, Training and Scientific Research:

- 5- The Authority should develop policies and mechanisms to strengthen board of trustees of higher educational institutions and shall have representatives of civil society and the private sector in its board based on their qualifications.

### The Party Affairs and Civil Society Organizations Commission:

- 1- The Authority shall comprise two departments: The political parties and organization department and the civil society organizations department.
- 2- The authority shall be responsible for screening of applications for the establishment of political parties and organizations and the registration of civil society organizations to verify that they meet required conditions as specified by law.
- 3- The Authority shall be responsible for following-up on compliance of political parties and organization to the legal controls and the standards of integrity and transparency in accordance with the law.
4. It's not permissible to dissolve any political party or organization or a civil society organization unless by a conclusive court judgment.
5. The Authority shall be responsible for capacity building of civil society organizations to enable them to perform their role as an effective partner in community development.

- 6- The Authority shall work to create a national database of all political parties and organizations and civil society organizations.
- 7- A ban on the establishment of any political party or organization on the sectarian, regional or factional ground.
- 8- Put in place controls and criteria and monitors the funding of political parties and organizations and civil society organizations internally and externally.

#### The National Authority for Persons with Disabilities - Recommendations:

- a- Coordination among all rehabilitation centers, organizations and unions to unite the efforts for the persons with disabilities.

#### The High National Authority for Motherhood and Childhood

- 1.c. Coordination and cooperation with all official sectors and civil society organizations concerned with motherhood and childhood locally, regionally and international with the objective of creating the required balance and integrations between these sectors.

#### The National Human Rights Commission

- 6- Responsible of coordination between the community and its organizations and becomes a neutral forum to conduct serious dialogue to ensure the enhancement and protection of human rights.

### Principles and Constitutional Guidelines Indirectly Related to CSOs:

#### The High Authority for Education, Training and Scientific Research

- 2. The Executive Authority shall be responsible for the implementation of strategies and policies determine and evaluated for educational, training and scientific research institutions by providing funding and required investment and to diversify sources of funding for the. It should create effective community participation programs with the community on the one hand and with educational training and scientific research institutions on the other.

Working Group on  
Rights and Freedoms





## Principles and Constitutional Guidelines Directly Related to CSOs:

30. Peaceful strikes are one of the legal and legitimate means for workers and staff and their trade union organizations to defend their rights and legal interests in case of violation and confiscation thereof.
32. Workers, employees and professionals have the right to organize unions, federations and cooperative associations by merely serving notice. These entities shall have legal personality and should be based on democratic foundations while exercising their activities independently and freely. It shall participate in serving society, improving the efficiency of its members and protect their rights. No authority is permitted to dissolve them or impose guardianship over them unless by a final court judgment.
33. Law shall regulate unions and professional activities, management on democratic basis, identification of their resource, ways and means of holding members accountable for their professional behavior according to code of conducts. It's on that basis that a license to practice a profession shall be issued. Only one union is to be established to regulate any one profession. Authorities are not permitted to dissolve any administrative body of a union unless by court judgment.
36. No party should have the right to interfere in the work of the trade union organizations directly or indirectly. Likewise, they have no right to exercise coercion against anyone with respect to their joining any trade union organization, resign a membership organization or prevent any individual from exercising union rights.
37. It is not permissible to impose any sanctions on members of trade union organizations, including using the penalty of dismissal for exercising trade union activities.
38. All associations, federations, trade unions and cooperatives are to be under the oversight of finance and accounting control authorities, which shall be regulated by law.
44. The State and medical unions shall be obligated to supervise and monitor health institutions, all health materials and products and health advertisement.
48. The State shall obligate health monitoring bodies and medical unions to hold accountable institutions and individuals for medical errors, but this does not impact the right of the victim to resort to the judiciary.
57. The State shall obligate to prepare school's Curricula through a mixed background commission with the participation of civil society organizations and specialists in all school levels to ensure cultural diversity, integrate freedom, human rights, citizenship, democracy and principle of devolution of power with pluralism and that the people are the source and power- owners.
66. Individuals, institutions, associations and parties have the right to own and start-up an audio-visual, printed or electronic mediums by merely serving notice to that fact.

100. The Article of Association of any professional union is the legal reference for the union until a special law is issued where the article of association shall remain in force internally.

116. Citizens have the right of association, civil institutions and political parties be merely submitting a notification. It's not permissible to dissolve any of such institution unless through a final court judgment.

174. Support of organizations and bodies working to provide care for the elderly.

205. Civil society organizations are one of the important means of protecting rights and freedoms. They are major contributors to the development of policies and support for community activities in all fields. Therefore, it's incumbent upon the State, to support and develop civil society and ensure its independence.

### Principles and Constitutional Guidelines Indirectly Related to CSOs:

34. The State shall ensure all fundamental bases for a decent and free life. It shall ensure sufficient income, appropriate housing and shall undertake the development of a national housing plan to be based on social equity. It shall promote self-initiatives, cooperative housing societies and regulate land use for architectural uses in a manner that would realize public interest and protects rights of future generations.

41. The State shall be obligated to the development of literacy programs and plans with contributions from society to achieve this purpose.



Working Group on  
Good Governance

## Principles and Constitutional Guidelines Directly Related to CSOs:

7. The Constitution should provide for good governance in all government institutions and civil society organizations.
13. Political parties, civil society organizations shall commit to rules of democracy in their structures and the application of the principles of good governance within the parties and outside.
14. An independent body staffed by elected non-partisan members with a reputation for integrity shall be established. It shall register political parties, organizations, and civil society organizations.
15. The Government shall support all political parties, organizations, and civil society organizations from the public budget. Foreign funding for all political parties and organizations, individual and groups shall be prohibited from receiving any foreign funding.. Civil society organizations shall also be banned from receiving any foreign funding for purposes other than development. Political funding of individuals, groups or organizations shall be criminalized.
17. The Constitution shall guarantee the right of association for the people in political parties and civil society organization to promote the free will of the people. The setting-up of a political party on religious, sectarian, ethnic or religious doctrine shall be prohibited.
19. The Constitution should provide for the full partnership with the civil society sector and its organizations to promote community participation in development effort and to develop its role in public monitoring as a pressure tool to achieve public interest under the balance and integration of its role with the public and private sectors.
129. The law shall provide for the following:-
  - a. Empowerment of women in political parties and organization by giving women at least 30% representations in their governing bodies.

## Principles and Constitutional Guidelines Indirectly Related to CSOs:

16. Criminalization of exploitation of public funds, the media, civil and military institutions in favor of one party or group. The ruling political party or coalition shall be banned from sharing the public service jobs below the level of senior political positions.

## Principles and Legal Guidelines Directly Related to CSOs:

22. Promote the awareness role of the media, civil society and political parties in a manner that ensure the spread of legal awareness and respect for the law.
56. The law should provide for the formulation of a mandatory partnership strategy between the State, the private and mixed sectors and civil society.
70. Formulation of legal rules and foundations that prevents crises and political conflicts which are considered factor of renewed confusion that impedes the State

from performing its obligations and limit the community participation, the private sector and civil society from working in building and comprehensive and sustainable development.

77. Development of legal rules and foundations that guarantee the freedom and independence of civil society organizations, labour unions and federations, professional and creative organizations, student organizations and various cooperative associations.
78. Relationship between civil society organizations and government stakeholders must be regulated so as to define the legal status of those institutions and a reassertion of the need to have full transparency of funding resources and spending on activities carried out by those institutions.
79. A national program must be adopted for the uplifting of the State and society to be developed in partnership between political and community forces with integrated implementation by the State's administrative organ, the private sector and civil society organizations.
81. The law shall provide guarantees to access of information by citizens, CSO's and the media, use of such information and to perform a role in monitoring and enhancing aspects of transparency in public policies, administrative actions, especially those related to finance to enable the citizens, political parties and stakeholders of performing their role in the process of control and accountability.
112. Development of legal rules and foundations that guarantees the principle of partnership between the State, the private sector, civil society and the local authority in the identification of development needs and then establishment of mechanisms to meet those needs.
127. The political parties and organizations law shall provide for the following:-
  - a. The renewal of partisan bodies through direct periodic elections and refrain from the use of endorsements, open balloting or closed lists.
  - b. Activation of accountability and the role of the control bodies inside the political parties and organizations.
  - c. Political parties and civil society organization should comply with absolute financial transparency and the provision of needed information on party or organizations resources to the public.
128. Explicit provision in the law for the criminalization of attacks on political parties and organizations offices.
130. The law shall provide for the empowerment of youth below the age of 40 in governing bodies of political parties by at least 20 %.
134. The law shall obligate the government to develop a strategy that would guide the civil society and private sector within the framework of sustainable development.
135. Reformulation of the political parties and organization and civil society organizations law to aligned it with the new constitution.
136. The law shall provide for engaging society in the rationalization of political parties and organizations policies through questionnaires, public opinion polls and

public consultations.

137. The law shall provide for the criminalization of illegal funding of political parties and organizations, groups or individual given that it embodies financial and political corruption.

### Principles and Legal Guidelines Indirectly Related to CSOs:

75. The law shall provide for the revival of a culture of self- responsibility, support and care for volunteer and charitable work, embed such values in the consciousness and behavior of citizens and promotion and care for community initiative to increase level of community participation in public life.

76. The law shall provide for mandatory separation between political parties and State structures, especially the ruling party or parties, prevent the exploitation of the States institutions resources and buildings to serve special interests of the party/s and develop deterrent punishments to guard against that.

125. Issuance of a law that protects media personnel and journalists and guarantees their independence to protect freedom of expression to enable them to play their role in the solidification of democracy, values of integrity and good governance.

129. The law shall provide for the following:-

b. Partisan programs and visions shall include women rights and advancement of women role and social status.

132. Emphasis in the legal provisions which bans the use of mosques, educational institutions and government buildings for partisan activities or campaigning or propagating the agenda against any party or political organization, group or individuals by avoiding incitement of sectarian, doctrinal or factionalism strives.

138. The law shall provide for the compensation and restitution for affected political parties, groups or individual whose properties and documents were looted.

139. The law shall provide for the reforms of the State's administrative organ, review of all functional appointments and promotions and adjust the status of those who were affected according to the law and code of good governance removed from criteria of partisan affiliations and loyalties.

### Recommendations:

32. There is a need to modernize and develop performance in all State institutions, civil society organization and the adoption of an economic and fiscal policy that increases national resources and utilization in the best possible manner, rationalization of public expenditures and to achieve a balance between revenues and expenditures.

33. There is a need to create an attractive investment environment by removal of all the barriers to allow the private sector to fully participate together with the public sector and civil society.

Working Group on Issues  
with National Dimensions,  
National Interests and  
Transitional Justice



### Mid-term Plenary:

25. All parties, CSOs and others who participated in the national dialogue conference be obligated to condemnation of terrorist acts in all of its forms, shapes and causes and be obligated not to find roots in religion, politics or any other root for terrorism. All parties shall be obligated to convict all sources of terrorist acts.

### Legal and Constitutional Guidelines Directly Related to CSOs:

1. Protection of life and sources of life and uphold values of religious and doctrinal tolerances, establishment of a culture of common existence, protection of human rights, public and private freedoms.
6. Strengthening of social justice, equal citizenship, fairness and equitable solution to social disputes, realization of national partnership in power and wealth and combating poverty and disease.
7. Maintenance of national sovereignty, respect for the privacy of the people of Yemen, especially sensitive issues such as cultural, religious and doctrinal in harmony with human rights.
10. The States shall commit, in all actions designed to combat terrorism, to principles of human rights adopted in international conventions and agreement ratified by the country.

### Decisions:

29. The government shall support and facilitate the role of human rights organizations and follows-up on the file of the detainees in Guantanamo and the Bagram Airbase and other detention centres and to seek their release whilst responding appropriately to rehabilitate them and integrate them in society.
33. Obligate the state to take quick and speedy legal procedures and mechanisms to restore all looted lands including the ones taken by military, security and civilian leaders. Also returning looted funds and properties of parties and CSOs and reviewing the lands given under the name of investment and addressing the bad and selective use of the law.
45. The State shall be obligated to disarm and regain all weapons and military equipment looted or taken during the different conflicts from all parties, groups, political parties and individuals.



## Legal and Constitutional Guidelines for Transitional Justice and National Reconciliation:

68. The identification and reveal of truth of all violations is a right that the law is obligated to ensure for all citizens, organizations and political parties with respect of individual rights and public interests.

## Principles and Constitutional Guidelines Indirectly on Transitional Justice and National Reconciliation: Forced Disappearance, Political Conflicts and Human Rights Violations:

97. The commission which will be established by the transitional justice law shall commit to study and address all complaints and grievances and issues of citizens, groups and political parties victims of abuse relevant to transitional justice without any discrimination including complaints and grievances which have been filed and relevant to the NDC.

104. Opening of all civilian and military prisons to legally competent agencies to monitor the enforcement of the law and respect for human rights and to close all external extra-judicial prisons.

## Principles and Legal Guidelines Indirectly Related to CSOs:

15. The State shall commit to asset recovery of all looted funds and public and private lands in the country and abroad arising out of the abuse of power or exploitation of power, the theft or fraud or any other illegal means to ensure the right of the victims and society by holding accountable the looters administratively and judicial in accordance with national and international standards and in a manner that ensures the enactment of legislations preventing illegal disposals of properties, land and funds.

25. All political parties and civil society organization and other actors represented in the National Dialogue Conference commit to denouncing terrorism acts in all forms, types and justifications. They shall commit not to glorify such acts religiously, politically or under any other justification or pretexts in order to arrive at a commitment in part of all social constituencies and actors to denounce terrorism and all acts of terrorism.

27. Release of all detainees including detainees of the youth revolution and the Peaceful Southern Movement, prisoners of thought unless convicted on other criminal or terrorism offenses.

28. There is a need to conduct a transparent investigation of all major political crimes which affected the society.

Working Group on Comprehensive,  
Integrated and Sustainable  
Development



## Principles and Constitutional Guidelines Directly Related to CSOs (Mid-term Plenary)

20. The Government shall abide by its main roles in the development of strategies and implementation of public programs in infrastructure, especially in education and health and engage the private sector and civil society organizations in such programs.
21. Mobilize effort by individuals in strong organizations able to effectively engage in social and economic activities to play a positive role in influencing public policies.
25. The State shall promote cooperatives, saving and the establishment of cooperative, charity and development enterprises of all types. It should also establish the legal framework for regulation and protection of these enterprises.
71. Citizens have the right to form associations and private institution and to establish unions, federation and cooperatives by merely serving a notice. They shall exercise their activities freely and shall enjoy legal personality. It's unlawful for authorities to dissolve or dissolve their bodies unless by a final judicial judgment. Law shall regulate their management on democratic basis and hold the members of such bodies accountable for their behavior in exercising their professional duties according to the code of moral conduct.
78. Women shall be politically empowered with at least 30% representation in various decision-making levels in elected bodies.
90. Freedom of publishing or establishment of an audio-visual or digital medium and ownership of all types of media thereof by any Yemeni citizen - natural or legal, is guaranteed by merely serving a notice.
95. Creation of a strong social safety net with wide coverage in insuring pensions, health care insurances, work injuries, insuring against disasters and protecting the vulnerable groups such as orphans, women, the low income and those with special needs with the participation of the State, the private sector, civil society organizations and individuals.
96. Engage civil society organizations and the private sector in the planning and identification of projects needed by local communities in various development areas.
110. Women have an effective role to play in economic and social development. The State is responsible for empowering women in investment opportunities and economic development projects, whether by individuals, organizations or joint enterprises. The State shall provide support and care and encouragement in all areas.

## Principles and Constitutional Guidelines Directly Related to CSOs (Final Plenary)

### Social Welfare and Insurance:

7. The government supports funds for social welfare and contributes, along with civil society organizations, in helping orphans, single-mothers, and homes for the elderly and abused.

### Health:

10. Increasing the principle of social participation with civil society organizations in order to improve the quality of services provided.

13. Creating a national strategy that is comprehensive and works to create a real change towards a national productive economy by creating national projects that focus on large and medium scale production. This will achieve the required economic development and raise the production capabilities to higher levels. It will also force the private sector to create production projects and not focus on services or marketing only, and it will encourage light production through legislation, laws, and oversight mechanisms that achieve that.

29. Quickly adopted legislative texts that criminalize harmful health practices like female genital mutilation, and creating a board of doctors and health workers to oversee the practice of such customs, and increasing awareness in society about the dangers of this phenomenon. The most effective methods of getting the message across should be used, and religious reasons should be used to try to stop it.

### Social Development:

2. Achieving just social development by creating a strategy and policies, issuing legislation, and implementing procedures that achieve social justice in a wide and comprehensive manner. This will create an effective partnership between the people and the general management, just distribution of resources which will end the class differences and remove social classes, and will strengthen the role of the government and its institutions while diminishing the role of non official organizations and entities that conflict with the supremacy of the law. It will give a major role to youth, women, and the marginalized as well as other forces in civil society (including political parties, institutions, unions, and civil society associations).

15. Issuing the necessary legislation to achieve participation in the administration of the public, cooperative, and private sectors, and paying out a share of the profits as incentives to increase them. A plan should be put in place to phase out the foreign laborers in the country who have skills that are available nationally, except those with rare skills. Opportunities should be provided to gain technical and vocational experience by allowing foreigners who are working in Yemen train their counterparts in the labor force during the period after their contracts have finished. The right to create unions, associations, as well as work and vocational groups should

be protected to ensure the strengthening of their role and that they will carry out their role in different fields. Their complete independence should be preserved, and the government should never interfere in their affairs.

## Principles and Constitutional Guidelines Indirectly Related to CSOs: (Final report)

### Food Security and Social Protection from Poverty:

34. Creating a clear national strategy and policy regarding Food Security, combating malnutrition, and helping nutrition reach the poor and needy through transports that are paid for by the government, the private sector, civil society organizations, and relief organizations.

39. Increasing the capital of banks for the poor, and increasing its assets to enable it to increase its programs in financing small projects to combat poverty. In addition to that, Alamal Bank and other microfinance institutions should be encouraged to establish networking relationships with the government banks, the private sector, and civil society organizations. These relationships will help in implementing microfinance programs.

### Political Development:

1. Building and strengthening the basis of political development in a framework of true partnership between the institutions of the government and groups in society. A model should be created to show modern civil society that is open, coexists among its different parts, and is all one part of a whole that participates in public life.

14. Enacting laws relating to the work of civil society organizations, charitable organizations, and missionary organizations, and forcing them to work in accordance with the principles of transparency and clarity in front of the people, as well as being completely accountable for all of their work and activities.

### Educational and Human Development:

24. Creating a national water conservation agency to determine the strategic choices regarding the problem of water. These solutions should be presented by the private sector, the government, and civil society organizations. The Ministry of Water and Environment should be strengthened, as well as the General Authority for Water Resources, so they can enforce the law.

30. Increasing the participation of the private sector and civil society organizations with the government in creating a strategy to execute the general programs and providing the infrastructure for education.

## Partnership between the Private Sector, the Government and Civil Society Organizations:

26. Ensuring the participation of the private sector and civil society organizations with the government in creating a strategy to implement general programs, and providing the infrastructure for education.

46. The appointing of college deans and their deputies, deans of individual colleges and scientific centers and their deputies, as well as the heads of scientific departments in colleges is done according to an election system where the candidate has to fit the professional criteria. Other things that should be taken into account are his Yemeni citizenship, their educational and academic title, scientific and work experience, their education level and competence in educational administration, their service to the university that they are applying to, the scientific and academic activities that they were a part of, their conduct and social reputation, and the lack of a judicial conviction. A mechanism for elections that is clear and accurate is then put in place after it is agreed up by the Union of Yemeni Universities and other related groups.

121. Establishing an independent agency that is tasked with organizing and improving the performance of civil society organizations in order to better services that they provide to society and enable them to truly contribute to sustainable development in a way that ensures transparency in their work, their funding, and their finances.

## Agriculture and Fishing:

100. Developing and structuring cooperative foundations in agriculture and fishing, and training the cooperative cadre in order to fix the situation of these foundations and institutions. They should also work on drafting legislation to improve their performance and organize their work.

## Petroleum, Natural Gas and Minerals:

182. Strengthening the societal role in development at the local and federal levels in the fields of creating development plans, implementing them, supervising official performance, especially in protecting the environment, natural resources, and consumers, creating civil society organizations and independent youth in the Comprehensive National Dialogue Conference, with participation and supervision over the implementation of the outputs of the National Dialogue.

## Economic, Political and Cultural Development:

17. Private and public social groups, including tribal sheikhs, are subject to laws of associations and civil society organizations, or a private law that is based on democratic work and organizes the method of election, their tasks, practices, and roles.

## Legal Guidelines Directly Related to CSOs:

### Economic development:

1. A national economy that is free and social, and is based on the following:
  - a. Freedom of economic activity that fulfills the interests of individuals and society, and enhances national independence.
  - b. Social justice in economic relationships that aim to develop the real production and improve it, and achieve social balance and coexistence while raising the country's living standards.
  - c. Determining the different economic ownership sectors as being the public, private, cooperative, and the mixed sectors.

### The Role of the Government, Private Sector, Civil Society Organizations and Individuals:

1. The government issues the necessary legislation to protect consumers through:
  - a. Creating legislation and legal systems that are organized and work to protect consumers.
  - b. Protecting rights relating to economic development, like the right to work, and the rights relating to the freedom of movement, and the freedom to work anywhere in the country.

### Economic, Political and Cultural Development:

16. It is prohibited to create political parties based on religion, sect, denomination, region, or race.
18. The government adopts a comprehensive vision from all of society. This vision is from all small societies in their importance and value, and gives them the opportunity to participate in public life, and work to end any abuse or harmful practices by any group to another group in society. It should also end any discrimination or favoritism, especially against groups that are poor and weak.
19. The government works within the United Nations Agreement, the Arab Congress agreement, the International Human Rights Agreement, and any international agreements and treaties relating to human rights that were approved by our country.

### Educational and Human Development:

10. All educational institutions must adhere to the national plan for education and its goals.

13. The government takes care of the education and care of children and youth in a way that ensures their comprehensive development in all aspects, including their souls, behavior, culture, social behavior, bodies, and psychology.

29. The government adopts a complete strategic method for overseeing the different educational systems to unify all of the opinions about the required educational outputs, and this should be done in a way that is in accordance with the current and future needs of development.

### Cultural Development:

2. Taking advantage of social democratic, political, and journalistic dialogue that is public and raises the issues of a culture of dialogue, coexistence, forgiveness, and diversity. It should also strengthen the principles of right, goodness, and beauty as humanitarian principles that are essential in life. This dialogue should also work to combat the culture of declaring others traitors, infidels, and sectarian and regional violence and hatred. All laws and regulations that enforce this should be passed.

6. Deleting any laws that limit the rights of authors, and creating texts that are in accordance with the constitution and international legislation in the field of media. The absence of any texts that limit freedoms of expression should be ensured.

### Partnership between the Private Sector, the Government and Civil Society Organizations:

93. Activation of the laws related to the work of Civil Society Organizations as to serve transparency in their work and resources, prevent the spread of fake organizations and strengthen the structures and performances of organizations to serve the nation and society in the area of monitoring and control.

117. Issuing a decision to establish a social economic board as an institutional framework for the partnership between the private sector, the government, and the civil society organizations throughout the country and the governorates.

### Educational and Human Development:

Expanding social participation in education through:

41. Using modern technological systems to increase communication between the schools and social organizations.

57. Improving the salaries of the teachers to the extent where they can carry out their academic and scientific tasks at the required level. There should be a project for salary structure for teachers and their assistants, and it should be comparable to salaries for teachers in neighboring countries (the GCC) in agreement with the High Commission for Yemeni Universities and the Professors' and Assistants' in Yemeni Universities Union.



## Health

3. Adopting zoned plans on the level of the government, in cooperation with the sponsors, civil society, and the private sector, to face the problem of malnutrition and its harms.
30. Creating a program to train workers in the field of child and mother health to prepare them to achieve the principles and goals that embody the right of all children and mothers to receive the highest level of health care possible. There should be a system to record and follow up the various programs and policies for this reason, and it should be created in cooperation with the specialized entities and related groups and organizations.

## Principles and Legal Guidelines Indirectly Related to CSOs:

### Educational and Human Development:

8. Creating legislation that includes the academic freedom of teachers, students, and researchers in the different educational institutions and research centers.
25. Creating legislation to protect the right of researchers, inventors, and innovators.

### Health Development:

3. Services and health care intervention are important, and the government is responsible to plan for, organize, and oversee them. It also supervises the provision of these services and makes sure that they are of very high quality throughout the public and private institutions. Also to be supervised are the services provided by individuals or any health care provider in the framework of comprehensive health care services, cooperation, and coordination.
4. The government commits to establishing a health care system that is unified and independent, provides all levels of service, and gives complete priority to public health and prevention. This program should incentivize public participation in managing and overseeing it, and it should also reach all citizens and provide them with the necessary health information.

### Cultural Development:

4. Issuing legislation that ensures and guarantees the growth and thriving of cultural innovation, and supports and protects innovators in all different cultural fields.
5. Establishing a law of creative content, which ensures the protection of ideas, literature, writings, and inventions. There should be work to create legislation and regulations that give dignified living to artists, innovators, researchers, and workers in culture and arts, as well as the different fields of innovation and cultural production.

### Education and Human Development:

2. All educational institutions, public, private, or otherwise, adhere to the national educational plan and its goals.
20. Creating legislation that protects the rights of researchers, inventors, and innovators.
57. Improving the salaries of the teachers to the extent where they can carry out their academic and scientific tasks at the required level. There should be a project for salary structure for teachers and their assistants, and it should be comparable to salaries for teachers in neighboring countries (the GCC) in agreement with the High Commission for Yemeni Universities and the Professors' and Assistants' in Yemeni Universities Union.

### Recommendations:

#### Political Development:

14. Enacting laws relating to the work of civil society organizations, charitable organizations, and missionary organizations, and forcing them to work in accordance with the principles of transparency and clarity in front of the people, as well as being completely accountable for all of their work and activities.

#### Health:

21. Increasing social participation from all classes in support of activities and services of vaccination, and creating a link between society and the providers of these services.

### Education and Human Development:

41. Expanding social participation in education through:
  - Choosing social figures in the programs of the Ministry of Education.
  - Horizontal expansion in charter schools.
  - Increasing the participation of parents and social groups that have influence in the development of education.
  - Using modern technological systems to increase communication between the schools and social organizations.
42. It is prohibited for more than one educational union to be established.
75. Preparing families to create a family environment for learning and innovation in the different fields of life, and to ensure an increase in social participation.

## Credit and Monetary Policies:

### At the National Level:

182. Strengthening the societal role in development at the local and federal levels in the fields of creating development plans, implementing them, supervising official performance, especially in protecting the environment, natural resources, and consumers, creating civil society organizations and independent youth in the Comprehensive National Dialogue Conference, with participation and supervision over the implementation of the outputs of the National Dialogue.
185. The government creates a strategy for small level production, and encouraging productive families.

Working Group on  
Sa'adah Issue



Guarantees Document  
of the NDC Outcomes



59. Obsolete all announced and non-announced treaties and agreements that allowed or allows lands, water and air to American Military and Air force or other forces to conduct monitoring or attacking the Yemeni soil and all that affects the national sovereignty in any shape. The State and human rights organizations shall be obligated to raise a complaint to the higher international authorities to reimburse all victims and implement justice on the responsible agents.

### Guarantees Document of the NDC Outcomes

Initiation of a process to publish appropriate legal and administrative guidance to all branches of the government branches for immediate compliance with the principles of good governance, rule of law and respect for human rights to ensure reforms. This should start with the following government agencies of priority: The Civil Service, the Ministry of Finance, and the Central bank, the Central Auditing and Control Organization and the Ministry of Local Administration. Any other legislations on anti-corruption and rights and freedoms such as the Political Parties and Organizations Act, the civil society act, the finance law, financial disclosure and the state protection law. These legislations should be given priority.

Final Statement



## Final Statement

Out of keenness to confront the rampant corruption in the country, corruption that wastes money desperately needed by public services, harms the safety of the people and undermines the sense of solidarity and trust, will subject government officials, political parties, civil society organizations and the media to standards of institutional and individual responsibility. This would be done to pave the way for human-centered sustainable development. We have set a legal framework to ensure transparency and accountability of government funding, including control over the government's use of funds to ensure that sources of corruption are dried-up in all areas of the public sector.

We have also reached important consensus to regulate the functioning of political parties, organizations and bodies in a manner that would ensure that they operate freely, in full transparency and responsibility.

## Recommendations

1. A comprehensive development program for the Governorate of Sa'adah and affected districts should be developed. It should have clear objectives and time bound for a period that doesn't exceed five years. It should have a specific and known budget and an executive program and a timeline covering all development sectors, including higher education, agriculture, marketing and the opening of the Aleb and Buqa'a land gateways.
2. Care for the families of martyrs, wounded and the disabled by all parties whether citizens or members of the military and security forces and provide them with full care. Salaries should be approved for families of martyrs and wounded in war.
3. Establishment of welfare and rehabilitation centers for the affected persons, (the disabled- psychologically and physically, women children and the elderly). The centers should be located in areas affected by the war. Vocational and technical education training centers should be established to accommodate the youth.
4. To address the vengeance and disputes resulting from the Sa'adah wars within the transitional justice and national reconciliation framework.

Recommendations





1. In regard to the southern issue and Sa'adah issue, CSOs considers them the key to the change issue. They advocate the two issues, support them and support all the outcomes concluded by their working groups. They will exert the maximum efforts to execute those outcomes, and they are considered of the very important issues.
2. Civil Society emphasizes on the new constitution to state the right of the Civil Society to organize itself in the framework of organizations or forums or general or specialized associations in all aspects without any legal or illegal constraints by merely serving notice and declaration without the need to a working permit.
3. Civil Society and its organizations emphasize on the new constitution to establish a new social contract representing all aspirations and hopes of the society for the desired change that the entire nation expressed led by the youth of the peaceful revolution. That is to be in clear constitutional principles, texts and guidelines.
4. Civil Society and its organizations emphasize on the importance for the new constitution to state the right of Civil Society to participate and cooperate with the government and its various organs in planning, supervision and control over the works and acts of the government in a way that benefits all members of the society. Also the right of Civil Society to participate with the government in implementing plans and development programs. The law is to regulate the principles and boundaries of the relationship and its essence and fields.
5. Civil Society and its organizations emphasize on giving rights and freedoms a special place in the new constitution whether political, social, economic, or cultural rights according to highest international standards.
6. Civil Society and its organizations emphasize on the importance that new constitution ensures the right of Civil Society and its organizations to get information from all organs of the state as an practice to the transparency principle and for their right to monitor entities and organs working in the fields of oil and mineral extraction and exploration to oversee the extent of their application to the transparency principle in their work particularly with relation to entering into agreements.
7. Civil Society and its organizations emphasize on the civility of the state and the meanings of that starting with equal citizenship, the supremacy of the law, the people are the source of authority, complete separation between powers, peaceful transition of power, working with the standards of good governance, neutrality of public money and employment, etc.
8. Civil Society and its organizations emphasize on the importance to state the federalism of the state and approving the federal system with what that means of granting every region full and real powers and authorities to run itself by itself.
9. Civil Society and its organizations emphasize on the importance that the constitution states with clear articles the approval of a program for administrative and financial reformation in accordance with approved international standards (comprehensive quality standards) and approving those standards as

scientific and theoretical basis for constructing the institutions of the federal state.

10. Civil Society and its organizations emphasize on facing the following challenges and threats:
  - a. Food security: It is part of national security that the state is working on accomplishing.
  - b. Water security: It is part of national security as developing water resources and rationalizing the use of water is important for the state and society.
  - c. environmental security: It is part of national security as the state guarantees maintaining and protecting the environment.
  - d. social security: It is part of national security. The state works on achieving balanced growth between population growth and growth indicators in various development aspects as to ensure building the complete human being free from ignorance and illiteracy and armed with knowledge.
11. Civil Society and its organizations emphasize on the importance that the constitutional texts related to the civility of the state, freedoms, peaceful transfer of power and the federal form of the state unamendable.
12. Civil Society and its organizations emphasize on the importance to state that it is impermissible to amend constitutional texts related to unity unless according to the principles stated in the guarantee document for resolving the southern issue.
13. Civil Society and its organizations emphasize on the fact that the current challenges the nation is going through requires speed in completing all treatments and solutions related to the southern movement (mentioned in the 31 points and the document for addressing and resolving the southern issue) and related to the Sa'adah issue.
14. Civil Society and its organizations emphasize that no matter how beautiful and fantastic ideas, principles and goals seem, they cannot be implemented by themselves. There has to be a political carrier for them and a strong public desire pressing for their accomplishment.
15. Civil Society and its organizations emphasize on what was stated in the NDC document and the guarantee document supplement to it, and on the importance of interaction by the Civil Society in the different stages for accomplishing what was mentioned in the document.
16. Civil Society and its organizations emphasize on the necessity for all political powers, CSOs and other events represented in the NDC to condemn terrorist acts in all their forms, types and reasons. Also committing to not justify them religiously or politically under any justifications to reach the commitment of all groups and events of the society to condemn terrorism and the acts coming from it.



Conclusion

In conclusion of this work: The NDC's Outcomes Document on Civil Society Organizations, which includes the constitutional and legal guidelines, decisions and recommendations of the Conference, we would like to confirm the following points:

1. One has to differentiate between the outcomes relevant to civil society institutions on the one hand and between concerns of these institutions and activities on the other.
2. The outcomes relevant to CSO's are close to 112 outcome covering constitutional and legal guidelines, decisions and recommendations. It contained the foundations of CSO's, freedom to work areas of activities and partnerships and confirm the significant future role for CSO's at all levels.
3. It has to be emphasized that even if the outcomes were confined to the constitutional guideline 991/ by the State Building Working Group under Social Foundations and Constitutional Guideline 19108/ of the Good Governance Working Group, these would have sufficed for the CSO's to function freely and independently.
4. It must be emphasized that the establishment of the right to strike is needed and can be favorable; however, it must be carefully regulated so that it doesn't turn into a serious threat to the stability of the state and development... etc.
5. The need to regulate financing of CSO's is confirmed.
6. The right to protest and the right of association should be reaffirmed, even if they are no longer subject to prior permission. They have to be regulated by the competent security forces so as to prevent undermining the rights of others.
7. Finally, it must be confirmed that there is a need for CSO's to refrain from trying to play the role of political parties. They should be content with their role of making proposals and presenting ideas for solutions to avoid confusion of roles and undermining the states organs.

End.

Dr. Amin al-Ghaish