



مؤتمر الحوار الوطني الشامل
— بالحوار نضع المستقبل —

Final Report for the Second Semester of the Working Groups
For the period from July 13- September 18, 2013

Submitted to the Final Plenary of the All-Inclusive National Dialogue Conference

(Rights and Freedoms)



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To The Conference's Plenary

Subject: Final Report of the second session of the Working Groups

Greetings...

The Rights and Freedoms Working Group wishes you all the best and sends you its high regards. The WG is happy to attach, herewith, the final report for the second term of the working groups which were conducted from July 13 - September 18, 2013.

Therefore;

Kindly peruse the report and issue a decision by the conference for the adoption of the decisions contained herein.

Best wishes

Majid Ali Fadhyael, Rapporteur

Ms. Arwa Othman, Chair



Introduction:

We, the political constituencies and civil, social, women and youth groups participating in the NDC, are well aware that while the current situation in the country as reflected in the political and social crises reach its peak, it also creates a real opportunity for the restructuring of the foundations of life and partnership on solid basis founded on rights and freedoms.

It is the undiminished recognition of the humanity of man and its centrality.... and human development which is defined as the development by the people and through the people and in the interest of the people. It can only be achieved by expanding options, rights in ownership and determination in steering, guidance and making.

While we realize that dignity and equality, freedom and justice are intent of the very struggle of all the people, they are also the foundations on which we should to build the paths of democratic transition on and to strengthen citizenship, freedoms, pluralism and democratic



participation. This should be the break from the past of tyranny by upholding the principles of rule of law, independence of the judiciary and transitional justice

The human moment through we shared a sense of oneness of the need for change, is the real guidance for the output of this working group as it depicted a moment that surpassed partisan agendas and trying to hold on to the welcoming common human elements in its purest form.

Human rights are a collective responsibility. Through this, the family and official institutions, political groups, civil society organizations, the private sector and individuals are seeking to ensure a break from fear and poverty to build social peace and understanding and to realize social justice and the establishment of a participatory democratic system.

Respect and uplifting human rights is a right for every female and male citizen irrespective of their gender, color, place of origin, social affiliation, opinions, ideals, beliefs and options; with a confirmation of the rights of women, children, the elderly, the youth, persons with disability, the poor and the marginalize whether in the past, the present or the future, to special welfare.

Human rights are interlinked, comprehensive and indivisible. They are can't be no retreat or distinctions. They are the basis for political systems, objectives of development and economic, social, cultural policies and international cooperation. The noblest aim for human rights is to nourish personal freedoms and to guarantee full citizenship and ensure integration of every person in society without any exclusions or marginalization.

Out of the belief on all of these principles, we undertake to protect these rights and spread its principles.

Objectives of the Working Group

Issues on which the Working Group on Rights and Freedom Deliberated

1. Public Rights and Freedoms issues:
Public rights and freedoms (politics, civic, economics, social, cultural, intellectual and doctrines)
2. Personal Rights and Freedoms:
Private rights and freedoms for (women, youth, children, early marriage, the marginalized, persons with disability, emigrants, minorities, IDP's and refugees)



The WG is presented 122 decisions and constitutional provisions in its report to the Second Plenary of the NDC. Many decisions and principles related to the tasks of the WG were delayed to arrive at a consensus for the second session and to submit them to the Conference for the purpose of adoption during the Final Plenary of the NDC. It's on the basis that the Workplan of the Working Group was adopted and the following objectives were laid out:-

Objectives of the Rights and Freedom Working Group

During its meetings in the Second Working Session, the Rights and Freedoms working group aimed to accomplish and complete the following:-

1. Discussion and arrive at a consensus on the constitutional principles that regulates public rights and freedoms (i.e. economic, social, political, civic, cultural, intellectual, and doctrinal),

Personal rights and freedoms (i.e. women, youth, child, early marriage, the marginalized, persons with disabilities, emigrants, minorities, IDP's and refugees)

2. Preparation of the constitutional guarantees to maintain and protect rights and freedoms and ensure that these principles are adhered to and not violated when developing laws and legislations.
3. Submission of proposals for the establishment of independent bodies to maintain rights and freedoms and to monitoring and surveillance and prevention of violations of these rights and freedom; or breach any of the principles produced and adopted.
4. Submission of some of the non-urgent recommendations related to rights and freedoms.



Decisions of the Working Group presented to the Final Plenary

The working group reached consensus on constitutional and legal guidelines and the following recommendations and agreed to submit them to the Final Plenary of the NDC for adoption by the Conference:

First: Constitutional guidelines

❖ **Public Rights and Freedoms:-**

- Completion of remaining economic and social rights and freedoms:

Right to ownership and development of resources:

1. The State shall commit to monitor the marketplace, protect consumers, prevent monopoly and combat commercial forgery and cheating.
2. The State shall commit to put in place all possible means to protect and promote the national economy.
3. The State shall commit to price fixing and monitoring of prices and the marketplace, activate controls, soundness of measures, standards and weights in line with the principles of social justice.
4. Freedom of trade and competition is guaranteed on the basis of free market oriented economic and the cooperative system in accordance with the law.
5. Public Property is protected. The State shall commit to its protection and the use of such properties for personal or partisan gains shall be criminalized.
6. Legislation and law should define how foreigners can possess ownership of properties in a manner that doesn't undermine national sovereignty or interest of the citizen.
7. The State shall endeavor to develop mineral resources livestock, agricultural resources and preserve them so that they meet the needs and requirements of the future generations.
8. National sovereign wealth (Gas, Oil, Ports, Mines, Water, and Fisheries) is public property. Monopolization of such or private owners or regional, political, tribal or armed group monopoly of such resources shall be criminalized.
9. The State shall commit to protect the seas and the wealth contained therein, and any in violations thereof should be criminalized.




10. Expropriation sequestering of private property shall be prohibited unless by a judicial judgment.
11. The rights and freedom of legitimate ownership, enjoyment thereof without harming the rights of others, no property title shall be expropriated unless for a harm and for public interest in lieu of a fair compensation.
12. The State shall commit to provide legal guarantees to guarantee and protect public properties and funds and criminalize corruption in all its forms, or plundering of public funds. The State must develop a general plan to combat corruption and to establish a body to monitor that.
13. The right to intellectual property is guaranteed. The State shall protect intellectual property such as photographs, scientific and artistic work and works of literature shall be fully protected.
14. Endowments shall be regulated by law and the terms and conditions of philanthropists. An independent body to manage the affairs of endowments and to protect its properties and funds from infringements by individuals or private or public bodies. It shall endeavor to reacquire plundered properties and funds as documented and oversee and monitor the administrators of endowments for both public endowments and private ones.
15. Every citizen has the right to own individually or in partnership with others and it's permissible to dispense of such property by those who hold the title for it.
16. The State shall commit to the development of public wealth- human and natural, and guarantee facilitation for investment and contribution to the development of society with consideration to the needs of the people and the safety of the environment.
17. Development of endowments resources and properties in a manner that serves the terms and conditions of philanthropists and to protect the property in endowment.
18. The State shall commit to protect and develop pension funds and a fund for the unemployed youth and social security.
19. The State shall commit to the development of a strategy for human rights and public freedom in which it guarantees and consider principles of human rights and public freedom.

The Right to Work and the Right to Form Trade Unions




20. The State is committed to issue legislations for work and workers in line with the Arab and international Labor agreements.
21. The state and business owners should commit to pay full care to the work environment and protection of workers from risk with a focus on disabled workers.
22. Equal pay for equal work
23. State Should commit to setting the wage scale on the basis that ensures actual ensure the and real needs of workers in the public, private and mixed sectors based on realistic economic study.
24. The State should commit to the neutrality of public office and access by citizens on the basis of competence, experience and integrity. Transparency is required in advertising of vacant posts.
25. The State shall commit to developing flexible financial policies to liberate State institution in the various administrative units from the restrictions imposed on them from outside. They should be mandated to act on the basis of approved financial allocations in the public budget and control through the competent authorities.
26. The State shall commit to prepare and apply job descriptions for all functions in all state institutions.
27. The State shall commit to the enactment of an administrative system in academic and technical institutions based on equal opportunities and to fill vacant leadership positions through democratic processes.
28. Prohibition of all forms of discrimination in state institutions.
29. The State is obliged to take care of its citizens during work when injuries occurs, and shall ensure proper compensation , as well as, the stat shall guarantee to provide care after service or leave due illness or disability and provide them with a future without fear.
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.
31. No penalty is to be imposed on workers and staff and members of the trade union organizations including the dismissal from work because of the exercise the right to strike or to call for a strike.
32. The State and business owners shall commit to create cultural, scientific, social, health and entertainment institutions for workers and employees.

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33. The State and business owners shall committed to provide professional and technical training and literacy programs for their employees.
 34. It is not permissible to hire foreigner in public jobs unless through temporary contracts when there is a need on conditions that no Yemeni has the same experience in that area the same should be advertised in the Official Gazette.
 35. The States shall commit to applicable international and by specialists in this area (on condition that such price setting takes into account inflation and price increases) *(it seems out of context-Translator)*.
 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.
 39. Achieve equality between public sector and private sector employees in all entitlements and duties and adopt the better system for both sectors.
 40. Citizens shall have priority in filling vacant jobs in the private and public sectors, according to regulations and controls set by law.
 41. No party shall use deception with the objective of reducing wages or salaries of employees working with foreign employers, natural or legal entities, inside or outside Yemen; or for that matter, circumvention of any other dues or rights or carrying out any act that harms them or harms their interests.


Right to adequate living:

42. Every citizen, male and female, has the right to be provided by the State through the national income and international cooperation the right to social welfare and economic and cultural rights that are indispensable to protection of their dignity and character development.

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43. The State shall ensure the provision of safe drinking water as a basic human right for every citizen in sufficient volume.
 44. The right to adequate food and the provision thereof by the state to both humans and animals.

The right to health :

45. The State shall commit to provide medical research centres to build upon and follow-up on any new scientific development and evaluation thereof, according to medical research and any matter relevant to aspects of health.
46. The State should be obligated to build emergency units in all districts and provincial centres and the provision of equipment and medical staff to implement the referral system for chronic diseases.
47. The State shall make it mandatory for state institutions and agencies causing environmental pollution to allocate a portion of their revenues for the health insurance budget. Likewise, producers and owners of substances harmful to health should be bound by the same principle.
48. More attention should be given to girls' education in health aspects. Girls should be given suitable opportunities to join this sector and the State shall encourage rural girls enrolled in this field.
49. The State shall act to develop health endowments and repossess whatever has been plundered.
50. The State is obliged to scale-up health and educational services all over the country on the basis of modern health and education policies that meet access to such services in high quality to all members of society equally and in a manner that achieves equity.
51. The State shall guarantee full health care with the provision of necessary medicine and treatment for all different cases for persons with disabilities without discrimination.
52. The State is obliged to reconsider the budget of the Ministry of Health according to the needs of the governorates and districts (consensus was reached on the content of this decision. Names of administrative units should be adjusted once an agreement is reached on the shape of the state).
53. The state shall foster supervision and control and follow-up and re-examine the health services map. It shall prepare comprehensive reports on the health situation in the




governorates (consensus was reached on the content of this decision. Names of administrative units should be adjusted once an agreement is reached on the shape of the state).

Right to Education:

54. Criminalization of politics in education.
55. The State should adopt, within religious and civic education curriculum strategy that such curriculum shall be comprehensive and inclusive and shall not be biased towards any doctrine, while taking into account the geographic diversity within comprehensive national rights (consensus was reached on the content of this decision. Names of administrative units should be adjusted once an agreement is reached on the shape of the state).
56. Regulation and legalization of parallel education by law.
57. The State is obliged to prepare curricula through a body composed of all orientations in partnership with civil society organizations and specialists who are competent in various fields of study, taking into account cultural diversity, the introduction of a culture of freedom and human rights, citizenship and democracy and the principle of peaceful transfer of power and pluralism, and that the people are the rightful owners and the source of power. These should be included in the curriculum in accordance with the various stages education.
58. The State shall support scientific research and encourages and supports scientific research centres.
59. The State is obliged to include the principles of human rights in education curriculums for all stages.

Rights of the Family:

60. The establishment of specialized courts to consider family affairs and personal status cases. It shall be regulated, organized and structured by a special law.
61. The State shall endeavour to provide family care and stability, considering that the family is the natural and fundamental cell of society. The State shall pursue the creation of suitable conditions for marriage, ensures adequate housing for each family and provide minimum income sufficient to protect the dignity of family members.
62. The State shall care for family entity and the maintenance of family cohesion.



63. Establishment of a body to be responsible for the protection of women and children from social and domestic violence

General Constitutional Principles :

64. The State shall endeavour to provide specialized cadres to work in rehabilitation centres based on equal opportunities.

65. Establishment of a national institution to measure public opinion. It shall be financially and administratively independent in accordance with legal, scientific and democratic standards.

66. The State shall make it mandatory of all bodies whose work causes damages or harmful effects to the environment or electromagnetic frequencies harmful to human health to provide necessary preventive actions to protect human health.

67. The State shall endeavour to combat the phenomenon of begging and shall find suitable solutions to ensure an end to this bad phenomenon.

68. The State shall be obliged to abolish all special funds supported by the state and include their budgets in the State's Public Budget.

69. The State shall commit to establish a special cadre which shall be rewarding and flexible for professional and creative disciplines while ensuring a decent level of living to achieve stability in their lives and cover their various expenses, enable them to keep up with modern and contemporary scientific developments in their field of specialization. The core of the cadre and its content shall be a real assurance and guarantee to prevent and stop the continuous flight of professional from State institutions, reluctance to work or migration outside the homeland.

70. When developing the special cadre for professionals, considerations should be given to the magnitude and the level of difficulty of effort made during educational attainment, expense and time they spent in their education, as well as, the various responsibilities and obligations that ensue because of their practice of such professions and different, specificities and its importance to society.

71. Low income people should be exempted from taxes in a manner that doesn't prejudice the minimum wage. In imposing taxes, the government should adopt the principle of incremental taxes; with due consideration to the achievement of social justice and not exceed the taxpayers ability to pay, while balancing that with the needs of the State. Considerations should be made to ensure basic needs for every child and the family.




72. Justice, freedom and equality are basic blocks for building society. The State shall ensure fair standards in the distribution of development productive projects among members of society. Disadvantaged areas should enjoy affirmative action in a manner that achieves social justice.
73. Structures of local councils should be built to cover-sub-districts, villages and neighbourhoods commensurate with the new shape of the State. This should be done through democratic practice and in a manner that realizes public scrutiny, and restrict practice of the state over those areas. (a substitute for the neighbourhood chiefs, and trustees... etc.)
74. The Yemeni people have the right to self-determination is reflected in the Constitution, international laws and by virtue of such right, is free to determine political status and free in the pursuit of social and economic and cultural development and growth.
- Continuation of the remainder of cultural and intellectual rights and freedoms:

Arts:

75. The establishment of cinemas and cultural centres is a right guaranteed to all citizens.
76. Art is an important and vital part of the memory, culture and identity of the Yemeni society. The task of development, nurturing and preservation of the diversity rests with the State. The State should foster arts and creative people as one of its essential missions. It should abide by supporting and activating all artistic specialized associations (theatre, singing, music, sculpture, drawing, cinema, folk dance, etc.) in coordination with the Supreme Council for the Arts (consensus on the content of the decision has been reached, but the names of the administrative units should be adjusted according to the new shape of the State once there is an agreement on that).
77. The State shall commit to building a national theatre in each province, which shall enjoy care and support in accordance with the standards for such art consensus on the content of the decision has been reached, but the names of the administrative units should be adjusted according to the new shape of the State once there is an agreement on that).

Right to Practice Religious Rites

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78. Practice of religious rites is a right guaranteed to all citizens, and by the force of the Constitution. Any act that would prevent, impose or compromise or in contempt of this right shall be criminalizing. The imposition of any opinion, thought or belief by force shall, likewise, be criminalized.

The Arabic Language and Translation

79. Develop programs and strategic plans to examine the challenges facing the Arabic language, including the risks of globalization and the Internet. Curricula and teaching methods should be reviewed to develop and update such methods through the use of modern technology and multimedia considering that Arabic is a symbol of identity and guardian of the elements of the Arab Islamic character.
80. Develop a strategy for Arabization of the various sciences in universities for embedding knowledge and revitalizing the language, develop its capacity to accommodate various modern sciences and to interact with them.
81. The State shall commit to the establishment of a national body for translation which shall be responsible for the translation of knowledge and sciences from various languages into Arabic and vice versa.

The following are provisions omitted by the Consensus Committee from the outcomes of the mid-term plenary under the section on Cultural and Intellectual Rights. These were presented to the Rights and Freedoms working Group once again. The working group reached a consensus on them before Eid al-Fitr vacation.

82. Normalization with the Zionist entity in any manner or form shall be criminalized (constitutional principle).
83. Within a clear strategy, the State shall adopt the development of religious and civic subjects' curriculums. The curriculums should be comprehensive, inclusive and unbiased towards any doctrine and shall take into account cultural and geographical diversity within the all inclusive national identity framework.

The Right to Litigation



84. The judiciary is independent having no dominion but the law.
85. The right to fair litigation is guaranteed and preserved for all.
86. The accused is innocent until proven guilty.
87. The right to defense is guaranteed at all stages of investigation and trial.
88. The State shall commit to providing legal aid for those unable to afford a lawyer.
89. Justice is right guaranteed by the State.
90. Every person has the right to receive compensation when justice fails.
91. No right shall be forfeited by virtue of the statute of limitations. No privilege to anyone before the law to protect them from not being held accountable for violating the rights of people. The ruler and the ruled are equal before the law.
92. Court sessions are to be held in public. If the situation requires secrecy, the law should regulate such instances.

Right to Personal Freedom - Security and Physical Safety

93. Establishment of a section at the Prosecutor's office to prosecute rights and freedoms cases.
94. Criminalize assault on physical integrity (FGM), sexual harassment, exploitation of women in commercials in a manner which degrades and humiliates dignity, and trafficking of women.
95. Activation of pre-marital medical examination.
96. 96.
 - a) The State shall guarantee personal freedom of citizens and maintain their dignity and security and shall not restrict freedom of anyone, unless through a judgment by a competent court.
 - b) It's not permissible to arrest, search or detain any individual except when caught red-handed. It's not permissible to watch or investigated any individual except in cases established by law. The law shall prohibit physical, psychological or moral torture. Coercion to confess during an investigation shall be prohibited. An individual whose freedom has been restricted has the right to refrain from making any statement unless in the presence of his lawyer. Detention or confinement of any human being is prohibited unless in places subject to the Prisons Regulation Act. Torture



and inhuman treatment on arrest or during the period of detention or imprisonment is prohibited.

- c) Anyone arrested temporarily on suspicion of committing a crime must be brought to justice during twenty-four hours at most from the time of his arrest. A judge or the Public Prosecution should inform the person of the reasons for the arrest. The person should be interrogated and shall be given an opportunity to express his defense and or objections. An immediate order with sufficient grounds should be issued for continued detention or release. In all cases, the Public Prosecution shall not continue detention for more than seven days unless by a justified judicial order.

- d) When a person is arrested for any reason, the person's relatives or anyone the person chooses, shall be informed of his/her arrest. The same should be considered when a judicial order for continued detention is issued.

- e) The law shall specify the punishment for anyone violating any paragraph of this article. It shall specify appropriate compensation for the damages suffered by the person as a result of the violation. Physical or psychological torture during arrest, detention or imprisonment is a crime that doesn't lapse under a statute of limitations. Anyone practicing, orders or participates in such crimes shall be punished.

97. Punishment for abuse of power or arbitrariness in exercising power or exploitation thereof shall be intensified.


98. No citizen shall be exiled or arbitrarily detained.

99. No Yemeni citizen should be handed over to any country or a foreign body.

100. No Yemeni shall be exiled or removed out of the nation or deprived of the right to return.

101. Right to life is guaranteed for every citizen and resident. It's not permissible to kill any citizen or resident in the territory of the Republic without a fair trial that ensures a legitimate right to defense.

102. The dignity of a person shall be protected if arrested.

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103. Prisoners have the right to appropriate treatment and decent places worthy of human dignity.
 104. A secure life is a right guaranteed by the State to every person residing on its territory.
 105. Arrest and detention are prohibited in places other than official prisons.
 106. Extrajudicial detention is prohibited. The law shall criminalize private prisons of institutions, persons or entities.
 107. A prison is a disciplinary and refinement house. It shall be subject to judicial oversight. Anything contrary to human dignity in a prison or endangers the health of a prisoner shall be prohibited. The state shall commit that reformatories and prisons devoted for the serving of judicial rulings shall be covered by health, cultural and social care.
 108. Anyone arrested in violation of the provisions of the Constitution and the laws; where his personal liberty has been violated has or anyone on his behalf the right to raise grievance and submit a criminal case before the courts against anyone who violated his personal liberty or participated in it or gave orders to do so.
 109. Punishment is personal. No crime or punishment except by law. No judgment shall be carried out except by a final judicial judgment. A law is not applicable to any act committed prior to the date of issuance.
 110. A human body has sanctity. No one shall be subjected to medical or scientific experiments.

Right to Political Participation and Elections

111. Citizens, both men and women, have the right to participate actively in political life to run and vote in presidential and parliamentary elections and referendums. The State is committed to the inclusion of the name of each citizen in the voters register if eligible.
112. The Constitution guarantees peaceful transfer of power through explicit provisions.
113. Anyone condemned of human rights violations is prohibited from assuming a public office unless cleared of the charges.




114. A Yemeni citizen is free and respected and is an effective partner in the wealth, power and decision-making and has the right to benefit from all the resources of the country.
115. Abuse of the military and security establishment which leads to violation of human rights shall be criminalized.
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.
117. Each citizen has the right to address public authorities in writing or signed petitions and various means to be able to express opinion.
118. Utilization of public media, including mosques and educational institutions for the benefit of a party or a class is prohibited.
119. The State authorities should be neutral in dealing with all citizens and people with different political orientations, regardless of gender, color, creed or dogma.

The Right to Property

120. The right to own properties and freedom of disposal and enjoyment of individual ownership is guaranteed as a human right.
121. It's not permissible to deprive an owner off his property except for public benefit and fair compensation and in accordance with a court ruling under the law. In all cases, compensation must be given to the owner before expropriation.

The Right to Privacy

122. Everyone has the right to privacy as long as such privacy doesn't infringe on the rights of others; so as:
 - Not to be subjected to search or the search of one's home.
 - No properties shall be search.
 - No possessions shall be seized.
 - Personal communications in all forms must not be violated (intercepted).
123. All citizens have the right to obtain a passport without discrimination.
124. No citizen shall be watched unless through the permission of a court.
125. 123.

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- a. Homes have sanctity. They shall not be searched or inspected unless by court order and regulated by law.
 - b. Places of worship and learning have sanctity. The law shall regulate search and inspections.

Freedom of Movement

126. Freedom of movement from one place to another and residency and housing within the territory of Yemen is guaranteed for every citizen. It's not permissible to restrict such movement except in cases regulated by law as required for security and safety of citizens. Freedom of entry to the Republic and exit shall be regulated by law. In all cases, this shall not conflict with freedoms guaranteed in the Constitution.


The Right to Housing

127. Everyone has the right to adequate housing. The State shall take legislative measures, within available resources, for the realization of this right.
128. It's not permissible to force anyone to leave his home. It's not permissible to demolish anyone's home without a final court ruling and fair compensation.
129. Lives of citizens have special sanctity and privacy including personal security, home and private documents and possessions is guaranteed.
130. Home have sanctity, except in cases of danger and distress (cases of danger such as fire and flood).

The Right to Assemble, Demonstrate and Strike

131. Every citizen has the right to assembly, demonstration and strike and all forms of peaceful protests by notification.
132. The right to practice all forms of peaceful protests is protected. The State shall ensure protection and security of public spaces and squares. It shall guarantee not to put any restrictions on the exercise of this right.

The Right to Hold a Public Office :

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133. A Public office (job) is a right guaranteed to those who have the capacity on the basis of equality with due consideration to competence and qualifications.
134. Non-Yemenis are not permitted to assume a public job unless through a temporary contract if needed provided that no Yemeni with similar experience in that field can be found.

The Right to Nationality

135. An individual with one Yemeni parent is considered a Yemeni national.
136. It's prohibited to strip a Yemeni of his/her Yemeni nationality. The law shall regulate provisions for the acquisition or lose of a Yemeni nationality.

Freedom of Thought

137. Freedom to practice religious rites every citizen according to his religion, belief and doctrine.
138. Freedom of opinion, thought, creativity and belief is guaranteed and protected provided that it doesn't contravene the Constitution.
139. The use of expiative and treasonous religious discourse in politics shall be criminalized. Any statement or act is an indication of such discourse is a crime punishable by law.

General constitutional principles which the working group reached consensus on:

140. The law shall regulate the entry of Arabs and foreigners to the country. In all cases, combatants and human rights violators, whether Arabs or foreigners shall not be allowed to enter the territories of the Republic. Any one proven to have contributed to any act of combat inside the territories of the Republic shall be punished by law. The law shall also punish anyone who has aided or contributed or retained any foreigner who has a proven involvement in an act of war.
141. Lawyers, members of the public prosecution, and judicial aids enjoy the same protection granted to members of the judiciary. The State shall guarantee social security for them. The legal profession shall be regulated by a special law.



142. The sovereignty of the Republic's territory and territorial waters shall not be violated. The law shall punish anyone who allows, facilitates or assists any foreign power to violate the sovereignty of the nation in any form. It's not permissible to ask the assistance of any foreign armed forces to carry out any military action within the territory of the Republic or territorial waters. The law shall criminalize that.
143. The right of every citizen to exercise criticism of the work of a public servant. This right shall not be restricted unless it is considered explicit insult or slurs or defamation or an attack on private life. The work of the public administration in all government structures shall not be protected from criticism.
144. Freedom of political action for students in universities is a public right which cannot be infringed. Students have the right to form unions and federations.
145. The right to communicate and contact through modern scientific means is guaranteed. Piracy and spying on these electronic means shall be criminalized unless through enforceable judicial rulings.
146. Every working woman in any institution of the State shall have the right to voluntary retirement when they reach 25 years of service.
147. The State shall commit not to violate the human rights during a state of emergency, which must be for a specific period of time.
148. Water is a basic human right. Every citizen has the right to access it, and the State shall ensure the provision of clean water in sufficient volumes.
149. Every citizen has the right to practice sports. The state shall commit to providing appropriate support to achieve that. The State shall also commit to develop the subject of physical education in the various educational curriculums.
150. The subject of rights and freedoms shall be taught in all colleges, institutes and military academies.
151. Constitutional provisions concerning rights and freedoms shall be in effect on all related laws. The legislative, executive and judicial authorities and all organs of the State shall abide by them.
152. Establishment of a judicial police to specialize in the enforcement of judicial rulings.
153. The State shall abide by provisions of all international conventions and agreements on human rights, ratified by the State in accordance with the Constitution.



154. Any act or calls that instigate conflicts, violence and infighting, discrimination or incitement to hatred shall be criminalized.
155. Any offence on the rights and freedoms set forth in the Constitution shall be criminalized.

❖ Personal Rights and Freedoms: -

- Continued from the rights and freedoms for special groups:

Women's Rights

156. Increase social security for divorced and widowed women.
157. Women have the right to child-care leave for a full year with full pay a second year at half pay.
158. Women have right of enjoyment of personal rights related to pregnancy and childbirth. The reproduction function should be considered a social function, the burden of which should be borne by both parents together with the State's institutions.
159. The State shall commit to the provision of special prisons for women. The State shall work to establish welfare and rehabilitation centers for women prisoners after they serve their sentences.
160. Trafficking of refugee women and sexual and physical exploitation shall be criminalized.
161. Women have the right to make investment and protection thereof. Facilities and access to white loans shall be provided to them.
162. Disabled and elderly women have the right to access full social services.
163. Barriers restricting freedom and the rights of women shall be lifted, especially those relevant to the wrong interpretation of the purposes and intent of the Islamic Shariya'ah.
164. Speedy implementation of sentences on women convicted of crimes. The law shall criminalize the exploitation of women prisoners inhumanely and immorally.
165. Imprisonment or holding of women in non-grave crimes shall be prohibited until a court judgment is passed. Necessary bail should be secured during investigation and trial in consideration of the nature of Yemeni society.



Early Marriage:-

166. The age of marriage shall be 18 years for both sexes.
167. The minimum age of marriage for girls is 18 years, and anyone violating this rule shall be punished by law.

Youth


168. The State shall commit to the establishment of microfinance banks to provide non-interest bearing lending services to youth projects.

Persons with Disabilities

169. The State shall commit to the establishment of vocational, technical and rehabilitation centers for persons with disabilities including the deaf and mute, those with limbs disabilities, the blind and those with mental disabilities in all governorates without any discrimination.
170. The State shall commit to the right of persons with disabilities in social solidarity in various walks of life and to ensure access to all fundamental rights guaranteed for all Yemeni citizens without discrimination.
171. To ensure access of persons with disabilities to all rights and freedoms, the State shall organize a national conference on disability every two years. Representatives of all stakeholders in disability shall be invited to the conference to discuss trends, procedures, and policies relating to persons with disabilities. Following each conference, the Government must report to Parliament on measures implemented and what objectives to be achieved over the next two years.
172. The State shall commit to urge persons with disabilities to participate in political life and public jobs in the State and decision-making positions in at least 10% of such position. It shall adopt whatever action is necessary to ensure effective participation in that.

The Elderly

173. The rights of the elderly shall be maintained. They should be cared for and enabled to exercise all their political, civic and cultural rights. Elderly care homes should receive sufficient care and attention.

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

Rights of the Child

175. The State shall commit to adoption of suitable leaves for working women with respect to maternity leave, breast-feeding, nursery in a manner that puts the interests of the child first.
176. Children shall not be involved in wars and armed conflicts.
177. It's not permissible to recruit anyone under 18 in the army.
178. A child is every human being who has not exceeded eighteen solar years of age.
179. Children may not be employed in any form.

The Rights of Refugees

180. Political refugees may not be extradited or forcibly returned to the country from which they fled. The law shall regulate the right of granting political asylum. Asylum may not be granted to anyone who has committed an international or a terrorist crime. Asylum to anyone who has caused damage or harm to Yemen shall be repealed.
181. Foreigners residing legally in Yemen may not be deported except through a final court judgment.

Rights of the Marginalized

182. The State should foster an inclusive social vision in which smaller communities feel their importance and value, where opportunities to participate fully in public life are accessible. To achieve this end, the State shall eliminate any form of degrading treatment or any practice harmful to any group of society or involves discrimination or bias against any group. In particular and an urgent manner, the State shall put in place necessary legislation to ensure the integration of the most marginalized groups into society, who are known as (Akhdam). This shall include the drafting, promulgation and adoption of equitable laws, policies and procedures that ensure full integration of this segment and its enjoyment of all the rights guaranteed by the Yemeni constitution to all citizens.



Minority Rights

183. The State shall commit to enact legislative measures to strengthen basic freedoms and political rights of citizens belonging to minorities (if any).
184. The State shall guarantee the rights of minorities to enjoy their own culture and rituals and the use of their language.

The chapter on constitutional safeguards for the protection of the rights and freedoms:


185. Rule of law is the basis of governance. The ruler and the ruled are equal before the law.
186. Independence of the judiciary and protection of judges is a fundamental guarantee to the achievement of justice and the protection of rights and freedoms.
187. The State shall abide by the principles of human rights and public and personal freedoms in a manner that doesn't contravene the Constitution, It shall develop a national strategy to protect and prevent any diminution of them.
188. Rights and freedoms guaranteed by the Constitution shall not be subject to disruption or diminution. No law shall restrict such rights and freedoms or prejudice the inherent value or its essence.
189. The State shall commit to the establishment of a national body, financially and administratively independent, for the defense of human rights and freedoms. It shall adopt appropriate mechanisms to protect those rights and freedoms, and the revision of relevant legislations. This body has the right to inform the judicial authorities of any violation of those rights. It has the right to intervene by filing civil action suit in support of the aggrieved and shall appeal in his favor and interests any judgment that has been issued.
190. The accused is presumed innocent until proven guilty in a fair legal trial which guarantees the right of defense in person or through an attorney. The law shall make it mandatory for the State to ensure that those who cannot afford a lawyer the means to resort to the judiciary and to defend their rights before the courts.
191. Litigation is a right guaranteed to all people, and the state is committed to prompt action in issuance of judgments.



192. Human rights and culture and values of tolerance and acceptance of others shall be incorporated into the school curricula. Likewise, they should be incorporated into the curricula of military and police colleges and institutes. Anything in the curriculums which is found inconsistent with the principles of human rights and freedoms shall be abolished.
193. Any offence on any of the rights and freedoms guaranteed in the Constitution shall not lapse by virtue of the statute of limitation. Anyone who has been victim of such offence has the right to bring criminal and civic action lawsuits against the perpetrator and deserves a fair compensation.
194. The State shall guarantee protection of victims, witnesses and informants.
195. Establishment of special courts / or extraordinary courts or any other body designed to restrict rights and freedoms enshrined in the constitution shall be banned. Similar bodies in existence shall be abolished. Any person shall only be tried in the place where the conflict or the crime occurred before ordinary judges.
196. Any administrative work or decision shall not be shielded from judicial review.
197. Any public servant refraining from enforcing judgments or impeding their enforcement is committing a crime punishable by law. In cases such as this, the person who holds the judgment in his favor has the right to bring criminal charges directly to the competent court.
198. The delegation or mandate of the right to exercise sovereignty or authority of the State to any individual, group or class of people is prohibited. The exercise of sovereignty or authority of the State shall only be exercised by State institutions and in accordance with the Constitution.
199. Establishment of a supreme constitutional court to adjudicate the constitutionality of laws and legislation which violate provisions of the Constitution and rule on disputed issues between regions in case of adoption of a federal system.
200. It's not permissible to modify a provision or an article of the Constitution unless three-quarters of the members of the parliament consent to such modification or adjustment after a referendum.
201. The government should be subject to accountability by the legislature and the judiciary for any human rights violations.




202. Neutrality of the public service shall be guaranteed. The politicization and exploitation by political parties, groups or special interest shall be prohibited.
203. The enactment of an electoral law that guarantees neutrality, equal opportunities for all citizens in nomination and election.
204. Establishment of a multiple judiciary (Administrative + ordinary) for the protection of rights and freedoms and to control the work of the administration and the extent of compliance with the law.
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.
206. Develop safeguards that prevent exploitation of public fund in favor of any particular political party.
207. Prevent utilization of institutions and legal frameworks in favor of individuals, tribes or political parties.
208. Combining a public office and private business is prohibited..
209. There is a need to pass the sexual harassment law.
210. Establishment of advisory councils at the national level to promote improvement of family conditions, youth and children and strengthens the protection of their rights.
211. Disrespect or derogation, through public statements or by hinting, against the people by government officials shall be criminalized.
212. Establishment of national committees to inspect all private prisons, to close them, holds those running them accountable, and compensates the victims.
213. Identify and laws and provisions that ensure equal opportunities between the different powers in the exercise of its political and media activities, especially during elections to present their visions.
214. Ensure that local authorities commit to neutrality during elections.
215. Anyone who violates the rules relating to transparency should be punished.
216. Imposing maximum penalties for perpetrators of arbitrary, secret detention, forced disappearances and abductions.
217. Behavior instigating hatred, violence and racism, sectarianism and regionalism and discrimination shall be prohibited.

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218. Development of cultural, artistic, scientific and technical creativity and promotion of sports.
 219. Reparation to all those affected in Yemen.
 220. Providing State controlled shelter for female prisoners and care homes for the elderly and the homeless.
 221. Adoption of the coroner's report as reliable evidence for rulings, especially in matters of proof of lineage and age (DNA).
 222. Compensation for anyone who has finished serving his sentence in prison and is not released at the end of his prison term.
 223. Work to address rural women problems and concerns and promotion of girl's education in rural areas.
 224. Establishment of special centers for rural women to develop their abilities.
 225. Use of public media outlets to raise community awareness of the rights and duties of citizens and not the other way around.
 226. International conventions and treaties in force, those signed by the Yemeni State, shall be considered one of the guarantees of rights and freedoms.

II: Recommendations:

1. The State is obliged to prepare a strategy to restructure the agricultural sector, institutional building and integration of the different roles of institutions to manage and develop the agricultural sector, both plant and animal. This should be done through the transfers of powers and authorities, a review and investment of the legislations and regulations for the agricultural sector; attention to marketing policy, encouragement of the private sector involvement in agriculture and establishment of an agricultural marketing company.
2. Engage rural and coastal women in planning and implementation of programs in agriculture and fisheries, facilitation of lending and marketing facilities, development of women agriculture and fisheries extension, and attention to income-generating home based agriculture and fisheries activities.
3. Protection of women's situation in the agricultural and fisheries sector in terms of the mechanics of the labor market, especially wages, work hours and other rights.
4. Public service jobs should be subjected to advertising and a vetting exercise.

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5. Review of the Social Security and Pensions Act.
 6. Adjustment of retirees' pensions before the passage of the Wages and Salaries law of 2005 and equate them with colleagues who retired after the passage of the law.
 7. The State shall commit to development the wages and salaries policy to align it with prevailing market prices and the purchasing value Riyal.
 8. Demand from the Ministry of Finance to quickly release the differences of allowances overdue from 2005 to 2010 to be paid retroactively to all State employees.
 9. Implementation of the remaining stages of the wages and salaries strategies in one shot.
 10. Demand from the Ministry of Finance to speed giving tenure to all State employees appointed in 2011.
 11. Preparation of new laws to be compatible with outcomes all- inclusive National Dialogue Conference and the new constitution.
 12. Preparation of the law of associations and civic institutions that promotes the role of women, youth, the marginalized, the disabled and children.
 13. Pay attention to remote and distant areas as well as rural areas and villages and grant them their due rights in development projects.
 14. Include an important provision in the civil associations and civic institutions prohibiting all such institutions from getting involved in partisan politics or work in favor of any particular party.”
 15. Release of all political prisoners and the forced disappearances.
 16. Setting up of a commission to accept files of looted lands and stolen property in the north by the powerful and military officers to consider these cases and return them to their rightful owners.

Annexes