

**The statute of
Bena Charity for Human Development
(BCFHD)**



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Section I: Naming and Definitions

Article (1)

According to the provisions of this statute and its amendments issued on January 22, 2010 and in accordance with the provisions of the law No. (1) in 2001 pertaining to the associations and civil institutions and the law's executive regulation issued by the Prime Minister's Decision No. (129) in 2004, (Bani Yousif Charitable association) should be modified into (Bena'a Charitable association for Humanitarian Development). Accordingly, it carries out charitable and developmental activities and has a considerable status.

It shall have an independent financial engagement and shall have all rights, properties, privileges as well as duties and engagements relating to the previous name.

Article (2)

The Association has a headquarter in the capital of Taiz Governorate and it has the right to establish permanent or temporary branches in the governorates as required to the interest of the Association in accordance to the Law and its Executive Regulations.

Article (3)

This system is called the Statute of Bena'a Charitable association for Humanitarian Development.

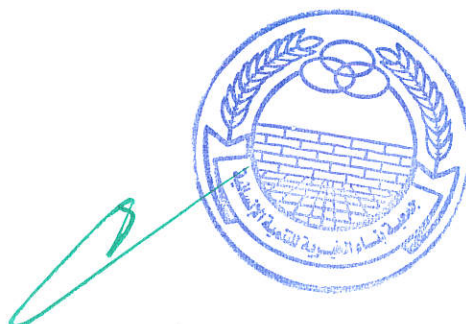
Article (4)

The following terms and expressions shall have the meanings assigned to each of them unless the text indicates otherwise:

1. **The Republic:** Republic of Yemen.
2. **Law:** Law No. (1) for the year 2001 concerning NGOs .
3. **Association:** Bena charity for humanitarian development.
4. **The Basic Law:** The basic law of Bena'a Charity for Humanitarian Development.
5. **Internal regulations (Bylaw):** Detailed regulations of the basic law (statute) of the association and other internal regulations.



6. **Executive Regulations:** The executive regulations of the law issued by the Prime Minister's Decision No. (129) for the year 2004.
7. **Ministry:** Ministry of Social Affairs and Labor represented by the Office of Social Affairs and Labor in the governorate.
8. **Minister:** Minister of social Affairs and Labor.
9. **Geographical range:** The association carries out its activities in the Republic of Yemen.
10. **General Assembly:** It is made up of all the establishing and the belonging members on whom the provisions of membership are applied.
11. **The President:** The President is a member of the General Assembly and is elected by the General Assembly.
12. **Administrative Board:** The administrative board is elected by the General Assembly and they are members the General Assembly .
13. **The supervisory Committee:** is the supervision and inspection committee elected by the General Assembly and they are members in the General Assembly .
14. **Branches:** They are the permanent and temporary branches of the organization formed by the administrative board .
15. **Committees:** They are the permanent and temporary committees formed by the administrative staff in order to achieve its goals
16. **The Bank:** Any certified bank in the Republic of Yemen in which the money of the association is deposited.



Section II: The Objectives of the Organization:

Article (5)

The Association aims to:

1. Deepen the humanitarian and social values among the members of the association and spread the culture of the social cohesion and cooperation.
2. Provide the social and health services for those who need them in order to achieve the spirit of solidarity among the members of organization.
3. Carry out educational, developmental and humanitarian services in cooperation with official authorities, organizations and internal and external institutions, insofar as they allow them to fulfill their potential.
4. Gain stable and continuous resources for the organization to finance its activities continuously.
5. Improve the skills and abilities of women and children so that they can participate effectively in the public life.



Section III: Membership of the Organization, the rights and the duties of the members

Chapter 1: Provisions of membership and its dismissal

Article (6)

Membership of the Association is made up of the establishing & belonging members on whom the membership conditions specified in Article (7) of this statute are applied.

Article (7)

Membership duties:

The member of the organization shall be as follows:

1. To be good biography and Mahmoud creation.
2. Be a Yemeni citizen must not be less than 18.
3. Accept the provisions of the organization, its internal regulations and implements the decisions of the association.
4. To save no efforts to achieve the goals of the organization .
5. Be committed to payment of contributions on an ongoing basis
6. To carry out the tasks assigned to him and to contribute effectively to association activities.

Article (8)

Membership of the organization falls down in the following cases:

1. If the member of the organization loses one of the conditions of membership specified in Article (7) of this Law.
2. If the member resigns optionally of the Association.
3. If the member committed a crime, which violates the honor and is not reconsidered because of a final judgment issued against him.
4. If the member died & is proven officially.
5. If the member is dismissed by a reasoned decision specified in chapter (9) in this system.



6. If the member doesn't attend the meetings of the General Assembly for three consecutive meetings without an acceptable reason.

Article (9)

The member of the association shall be dismissed in any of the following cases:

- a) If the member doesn't adhere the fundamentals of the Statute and its bylaws.
- b) If the member causes harm to the association (materially or morally) .

Article (10)

A member who is entitled to a decision of dismissal without legal reasons shall have the right to appeal to the Administrative staff and Supervisory staff within 30 days from the date of being notified of the dismissal decision.

Article (11)

A member whose membership has fallen from the association and for any reason whatsoever is not entitled to claim the society to recover any amounts paid to the association or fees, contributions, aid or donations ... etc.

Article (12)

The administrative staff has the right to grant an honorable membership to any considerable person who contributes in supporting the organization financially or morally in achieving the goals of the organization



Chapter 2: The Membership Rights

Article (13)

Members of the Association shall have the following features:

1. The right to be nominated and elected for the membership of the administrative staff and supervision staff in accordance with the rules and provisions determined by this statute and its bylaws (internal regulations).
2. The right to participate in the meetings of the General Assembly and to express opinions and proposals on the submitted topics and reports submitted to it on the work and activities of the Assembly to contribute to the development.
3. The right to benefit from the services of the Association provided to members that they don't contradict with the procedures & controlling rules.
4. The right to defend the rights of membership in the Assembly in accordance with the provisions of this Law.

Chapter 3: Duties of the Association Membership

Article (14)

The member of the association has to adhere the following duties:

1. The member has to apply the items of the statute and the bylaws of the association.
2. He has to implement the decisions and recommendations of the General council and the administrative board that do not contradict with the provisions of this Law.
1. He has to save no efforts to achieve the goals of the association .
2. He has to pay the determined contributions on time.
3. He has to attend meetings of the General Council (Assembly) and meetings of the administrative staff.
4. He has not to offend and defame the association materially or morally and he has to preserve the properties of the association and its reputation and the unity of its members and not to take any action that harms the association.



Section IV: Organizational Structure

1. The General Assembly.
2. The administrative board.
3. Supervisory Committee.

Article (15)

The General Assembly is the supreme authority of the Assembly and it supervises all the activities and staff (bodies) of execution and supervision .

Article (16)

The General Assembly holds at least one ordinary meeting annually under the call of the Chairman of the Administrative staff and it implements all the legal validities.

Article (17)

The Assembly is composed of no more than fifty-one (51) members. In the case of the fall or termination of the membership of one of them, the General Assembly shall fill the vacant place at the first meeting by who has the suitable standards for the membership and at the same population range.

Article (18)

The meetings of the General Assembly shall be considered to be valid in the presence of the majority of its members ($1/2 + 1$). If the quorum is not completed, the meeting shall be postponed to another session not more than one week. If the quorum is not completed, the meeting shall be postponed for a further period of 24 hours. Then the meeting will be held with the attendance.

Article (19)

Ordinary decisions shall be taken by the presence of the majority of the members of the General Assembly. Extraordinary decisions shall also be issued by the relative majority of the General Assembly members .

Article (20)



The General Assembly may convene for an extraordinary meeting by the invitation of the Chairman of the Administrative staff or two-thirds of the members of the administrative staff or one third of the members of the Supervisory Committee or one third of its members **in the following matters:**

1. Amend the Statute.
2. Dismissing, merging or subdividing the association with retaining its activity in the case of division.
3. With drawing the confidence from all or some members of the administrative staff and the supervisory committee.
4. Any other tasks that demand meeting.

Article (21)

The General Assembly has the right to:

1. Discuss and approve the final accounts for every financial year
2. Adopt of the policies and the Statute and its amendments.
3. Approve the reports of the administrative staff and the supervisory committee.
4. Elect of the chairman and members of the administrative board and the supervisory committee and withdraw the confidence from them or some of them.
5. Ratify the dismissal, integration or voluntary division
6. Any other tasks stipulated by law and its executive regulations.

Article (22)

- A. The administrative body consists of a president (Chairman), a deputy (Vice chairman), a secretary-general, a financial officer, a female official, and a number of members with a minimum of five members and no more than fifteen members.
- B. Its tasks: The administrative board of the association shall assume the validities and authorities entrusted to it in accordance with this statute and its by-laws:
1. Making studies, surveys and gathering information on the conditions of geographical scope and priority needs according to the available material resources of the annual work plan.

2. Stating the executive policies, determining the prior activities and projects and preparing the periodic and annual executive plans and programs according to the general policy of the Association.
3. Deciding the projects of welfare and social services according to their priorities.
4. Managing all the activities of the association and taking care of its properties to improve its resources by all legitimate means that lead to success & achieving objectives.
5. Calling for General Assembly meetings and providing all requirements according to the statute and its by-laws.
6. Preparing & deciding the projects and amending the by-laws in consultation with the supervisory committee and in order not to contradict with the statute and known laws.
7. Determining committees and representatives to conduct the activities and projects related to the Association.
8. Confronting the emergency cases that arise during the implementation of the work by addressing them in a way that do not contradict with the spirit of the laws and the capabilities of the association, and inform the supervisory committee of what will be taken.
9. Determining the full-time, part-time workers and assistants in the work of the headquarters of the organization and others. The Chairman of the Administrative Committee shall issue the decision of their appointment and he has the right to discipline, dismiss.
10. Executing the duties assigned to it by the General Assembly, in a manner that does not contradict the spirit of the prevailing laws and the goals of the Association, in addition to carry out all the duties, tasks and rights implied in this statute and by-laws ..
11. The administrative staff may appoint an executive manager and deputy manager among its members or others for the association and the appointment decision shall specify their tasks.
12. Proposing the amendment of the Statute and submitting it to the General Assembly to be approved.



13. Signing the contracts to implement the projects according to statute and by-laws.
14. Performing the Association's role in the national & international forums, festivals and conferences to achieve the goals of the association and does not contradict with the law.
15. The Association has the right to open new branches in or out the Republic and it has to prepare the laws that govern them.

Article (23)

The period of the administrative staff shall be three years from the date of its election.

Article (24):

The administrative staff shall hold its meetings once a month at least and its decisions are taken by an absolute majority.

Article (25):

The administrative board shall prepare for the next electoral session before six months of the end of its working period .

Article (26):

If the number of members of the administrative board is not sufficient to be held properly, the Chairman of the administrative board or the other members must call the General Assembly to hold extraordinary sessions through which compensate vacancies or elect a new administrative staff to complete the rest of the period.

Article (27)

The functions of the administrative board members.

A) The terms of reference of the president of the Administrative Committee

(President of the Assembly)

- 1- The president of the organization performs the organization in front of all official & non-official organization.
- 2- He presides the General Assembly, the administrative board and he implements its decisions.



- 3- He signs with the Secretary General all the documents and correspondences of the Association and in cooperation with the financial officer on what concerns the financial affairs
- 4- He calls for all meetings after the approval of the members of the administrative board.
- 5- He signs the checks and the financial documents together with the Secretary-General and the financial officer.
- 6- He supervises all the works of the Assembly and the committees emanating from it.

B) The functions of the Vice-president of the Assembly :

1. The vice-president assists the president during the presence of the president and he substitutes him in his (the president) absence.
2. He has the right to submit the proposals and to submit the working paper.
3. He implements any other tasks assigned by the administrative board or the president.

C) The functions of the Secretary General of the organization:

1. He performs the roles of the president & the vice-president in their absence.
2. He has the right to sign with the President on the correspondences that require his signature.
3. He has the right to submit proposals and submit working sheets.
4. He signs checks and financial documents together with the president and the financial officer.
5. He supervises all the employees of the organization
6. He prepares for meetings.

D) The functions of the financial officer of the association:

1. He administers all the internal & external transactions of the organization
2. He can appoint an assistant with an appointment decision signed by the president after the approval of the administrative board.
3. He prepare the required financial reports needed to the secretary general assembly and the supervisory committee.



4. He signs the checks and financial documents together with the President and the Secretary General.

E) The functions of the female sector officer :

The women's sector has the following functions:

1. It pays attention of the female members, problems and women in general in the geographical scope.
2. It listens to the complaints and the proposals and submitting them to the administrative board.
3. It supervises the implementation of all activities related to women.
4. It prepares and controls of records and documents relating to the female trainees and the studies.
5. It manages and follows-up the training centers of the organization on women.
6. It prepares the periodic reports on the annual activity of the sector and submit it to the administrative board for making arrangements.
7. It supervises on the exhibitions and charitable markets arrangement.
8. It coordinates for the supporting local & international equivalent women's organizations in order to raise the member's level, improve their abilities and qualify them.

Article (28)

The internal regulations regulates the rest of the functions and tasks for the rest of the members of the administrative board according to the needs and requirements of the organization.

Article (29)

The Supervisory Committee is an elected by the General Assembly for three years of nomination. The number of its members shall not be less than three members and not more than seven.

Article (30)



The Supervisory Committee has the following functions:

1. Supervising on the administrative board in order to achieve the objectives of the organization and raise the level of its performance.
2. Receiving the members problems to be determined and to be solved and to solve the problems (if found) of the General Assembly and the administrative board.
3. Attending the meetings of the administrative board as an observer.
4. Reviewing the financial documents records
5. Submitting the annual report , activities and observations on the work of the administrative board
6. Highlighting the violations of the administrative body, if any, to avoid falling in mistakes and correct them before they occur.
7. Cooperating with the administrative board to achieve the objectives of the organization and seeking to provide the organization with the necessary funds to carry out its various activities

Article (31)

The supervisory Committee shall hold its meeting once every three months and at the end of the financial year.



Section V: Resources of the organization:

Article (32)

The financial resources shall consist of the following:

1. Belonging fees and Monthly subscription are paid by the members of the organization. They are determined in the internal financial regulations.
2. Financial Donations that are provided by the members of the organization
3. Funds, which are offered by the state (country).
4. The income of the investing projects which are established by the organization.
5. Donations , presents and aids which are provided by organizations, boards, associations and other unconditioned national and international institutions in a manner that does not contradict with the law and executive regulations .
6. Any other resources permitted by the law and inconsistent with its provisions.

Article (33)

How to exploit the resources of the Association.

The resources of the organization shall be utilized in accordance with the purpose for which it was established and through an annual plan.

Article (34)

Financial Control Methods:

1. Bank accounts will be opened and all amounts are collected into these accounts within one month of the receipt of the amounts. The official responsible for collection will be investigated in case of violation
2. The funds are distributed by the administrative board decisions for the cases provided in this law
3. An accounting system is established, records in which revenues and expenses are written down and a financial regulation is compulsory for all.
4. The annual accounts are presented for discussion and approval by the administrative board annually to the General Assembly and the of the administrative board removes

its responsibility not less than two months from the date of submitting the financial report.

Article (35)

The organization has the right to obtain all the financial advantages, customs and tax exemptions provided by the State in accordance with the provisions of the law.



Section VI: Substitution, Clearing (Purifying), Integration and Division.

Article (36)

The Assembly shall substitutes and clears its funds in any of the following cases:

1. If the organization violates of the basic principles and objectives of the organization
2. If it departs from the provisions of the law , its executive regulations or the statute of the organization and in accordance with a court judgment issued by an specialist court.

Article (37)

The provisions of the following Articles (44, 45, 46) of the Law No. (1) of 2001 will be applied on proven case which is mentioned in article (36) of the Statute .

Article (38)

The organization may be integrated with one or more equivalent organizations (associations) which carries the similar objectives and purposes. The integrating decision must be issued by the General Assembly of each organization with a majority of two thirds of the members of each organization.

The Ministry shall ensure of the integrating procedures safety and the new organization will have its considerable personality and its decisions are valid according to the provisions of the law.

Article (39)

The integrating decisions are contracts so that rights, financial obligations , properties of the organization before the integration must be transmitted to the new organization.

Article (40)

1. The activities of the organization may be divided into two or more organizations based on the public interest which is not determined by the geographical scope of the Assembly and is approved by the majority of two thirds of its members.

2. Retailing decisions be considered as a contract by which the rights, financial obligations and assets of the organization shall be distributed prior to the division to the new organizations or associations. The new organizations shall acquire their legal personality according to the provisions of the Law of local associations and institutions NGOs No. 1 of 2001.
3. The General Assembly shall appoint a legal accountant in the decision of the division to distribute the rights, financial obligations and assets of the before the division to the new organizations.



Section VII: General Provisions

Article (41):

The organization is based on the principle of trust among all its members and the sanctity and dignity of others are not violated from defamation .

Article (42)

The organization and its property must not be used against the purpose for which it was established.

Article (43)

A member who has resigned, dismissed, died (or his inheritors) or the person whose eligibility has expired for any reason shall not have any of the membership rights provided in Article 13 of the Statute.

Article (44)

This statute is compulsory for all the members of the organization from the date of its approval by the General Assembly.

Article (45)

The specialist administrative authority is the Ministry of Social Affairs and Labor and it has the right to practice all the provided validities in the statute bylaw, it has the legal and the supervisory right on the organization particularly **on the following:**

1. The approving decisions issued by two-thirds of the members of the General Assembly on the substitution, integration, and clearing and it issues a ministerial decision.
2. Ratifying on the decisions issued by two thirds of the members of the General Assembly pertaining the withdrawing of confidence from some or all members of the administrative board or the supervisory committee of the Assembly.
3. When an extraordinary or ordinary meeting of the General Assembly is held, the administrative body must be notified within 15 days.

Article (46)

The administrative body shall submit to the responsible authority the following documents:

1. A copy of each final account for each financial year ended in the maximum period of the end of March of the new fiscal year.
2. A copy of the annual financial or administrative reports.
3. The administrative board shall determine the granted permission to the association to carry out the activity from the responsible administrative authority, as it is specified in the law of associations and civil institutions and its executive regulations.

Article (47)

The administrative board shall prepare and issue internal regulations governing the work of the organization.

Article (48)

The provisions of the Law on Associations and Non-Governmental Organizations No. (1) for the year(2001) and its executive regulations are valid if not provided in this Statute.

