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## PROVISIONAL CONSTITUTION<sup>1</sup>

(Published June 19th, 1974)

In the name of the people, the Chairman of the Command Council, having taken cognizance of Command Council Proclamation No. 1 for 1974, Command Council Proclamation No. 4 for 1974 suspending the Constitution, and Command Council Proclamation No. 5 for 1974 increasing the membership of the Command Council, and desiring to consolidate the bases of authority during the transitional period and to regulate the rights and duties of all employees in a manner conducive to fruitful production to raise the country to the level which we all hope it will attain, we announce in the name of the people that during the transitional period the country will be governed in accordance with the following rules:

### CHAPTER ONE

#### GENERAL PRINCIPLES: THE STATE

*Art. 1.* Yemen is an Arab, Islamic, and independent state enjoying full sovereignty. Its system is republican. The Yemeni people are a part of the Arab nation.

*Art. 2.* The people are the source of all authority.

*Art. 3.* Islam is the state religion and Arabic the official state language.

*Art. 4.* The Islamic Sharia is the source of all laws.

*Art. 5.* Yemen is an indivisible whole and its defence is the sacred duty of all citizens.

### CHAPTER TWO

#### RIGHTS AND DUTIES

*Art. 6.* Yemenis have equal rights and general duties.

*Art. 7.* Personal freedom is guaranteed in accordance with the provisions of the law.

*Art. 8.* There shall be no crime and no penalty except as laid down by law and there shall be no penalty for acts except those committed after the promulgation of the law (applying to them).

*Art. 9.* Homes are inviolate: it is therefore inadmissible to enter them except in such instances as prescribed by the law.

*Art. 10.* The confiscation of funds is prohibited, except within the confines of the law.

*Art. 11.* No person's property shall be expropriated except in the public interest, in the instances prescribed by the law, and with just compensation to the person.

<sup>1</sup> Europa Yearbook 1981

*Art. 12.* The citizens have the right to express their thoughts by means of speech, writing, or voting within the confines of the law.

*Art. 13.* Places of worship and learning have immunity which cannot be violated except in instances required by security needs and as prescribed by the law.

### CHAPTER THREE

#### THE SYSTEM OF GOVERNMENT

*Art. 14.* The Chairman of the Command Council shall assume the function of general sovereignty, particularly in taking the measures he deems necessary to protect the revolution and the republican régime.

*Art. 15.* The Command Council shall assume the functions of the legislative and executive authorities of the state. It shall also have the power to lay down general policy and define its general framework.

*Art. 16.* The Government is the executive and administrative body responsible for carrying out the state's general policy as laid down by the Command Council.

*Art. 17.* The judiciary is independent, and there shall be no authority over it except for the law. Its verdicts shall be handed down and executed in accordance with the principles of the Sharia.

### CHAPTER FOUR

#### CONCLUDING RULES

*Art. 18.* All the rules determined by the laws, bylaws and decisions prior to the issuance of this constitutional declaration shall remain in force unless they conflict with the rules of this declaration or unless they are amended or revoked.

*Art. 19.* During the transitional period action shall be taken to restore constitutional and democratic life on sound bases in view of the need to provide the Yemeni people with a dignified life and a bright future.

*Art. 20.* This constitutional declaration shall come into force from the date of its issuance and it shall be published in the *Official Gazette*.

## YEMEN PEOPLE'S DEMOCRATIC REPUBLIC

### SUMMARY

#### INTERNATIONAL STATUS

The People's Democratic Republic of Yemen (South Yemen) is a member of the United Nations (December 14, 1967). It is a member of the League of Arab States and of other

The Yemen P.D.R. became independent on November 30, 1967. Before independence its area was constituted by the colony of Aden and the Western and Eastern Aden protectorates composed of 23 protected states. By the ninth century, Islam had conquered the area and later the coastal part came under the control of Egyptians and of Turkey. In 1839, Aden was captured by Britain and its strategic and trading importance increased after the opening of the Suez Canal in 1869. After being ruled as part of British India it became in 1937 a Crown Colony. The British extended their authority eastward into the Hadramaut and northward by means of protection treaties with the local sheiks and by the 1950's, the Eastern and Western protectorates together with Aden Colony formed the Federation of South Arabia. A treaty of 1959 provided that it should become independent by 1968. The period preceding independence was characterised by increasing difficulties arising out of the differences between modern Aden and the poor traditional sheikdoms and sultanates of the Protectorates, rising Arab nationalism leading to violence and bitter fighting between two nationalist groups and the British. In 1967, the British began to pull out troops and federal rule collapsed. Following negotiations in Geneva between the British and the National Liberation Front, South Arabia was declared independent and renamed the People's Republic of Southern Yemen. In June 1969, the more radical wing of the NLF took power (it

is now called the National Front), gave the country its present name, and committed it to the introduction of scientific socialism. During September–October 1972, there was war between the Yemen Arab Republic and the Yemen P.D.R. which was terminated by a cease fire. Skirmishes continue although the Yemenis consider themselves as one people and both countries advocate a united Yemen. An unsuccessful military rising in June 1978 against the National Front led by the then President led to the latter's execution and the refusal of various claims by the tribal chiefs. In October 1978 the Yemeni Socialist Party was established as the single party to lead and guide society and the state.

#### FORM OF NATIONAL GOVERNMENT

The Constitution of 1971, as amended on October 31, 1978, states that the Yemen P.D.R. is a sovereign democratic and people's republic, that aims toward the realisation of the United Democratic Yemen.<sup>1</sup> The Yemeni people is one and part of the Arab nation; the Yemeni Socialist Party is the leader and guide of the society and state.<sup>2</sup> All political power is exercised by the working people and the elected People's Councils are the basis of state power.<sup>3</sup> The State works in accordance with the Arab League Covenant, the principles of the United Nations, the United Nations Declaration of Human Rights and the principles of international law; it supports all struggles for national independence and condemns imperialism.<sup>4</sup> A section describes the economy.<sup>5</sup>

#### RIGHTS OF THE PEOPLE

The Constitution provides that all citizens are equal in their rights and duties with no discrimination and equal before the law; that the state must ensure equal rights for men and women in all fields and special protection for working women and their children.<sup>6</sup> Citizens have the right to work, workers the right to rest and social security.<sup>7</sup> Citizens have the right to education, medical care, accomodation, participation in designing the political, economic, social and cultural life, the right to assemble and demonstrate, freedom of expression, personal freedom; corporal punishment is prohibited.<sup>8</sup> Islam is the state religion but freedom of faith is guaranteed.<sup>9</sup> Retroactive punishments are forbidden, inviolability of dwellings and correspondence, freedom of scientific research and artistic creation, freedom of movement within the Republic are guaranteed.<sup>10</sup> A chapter describes the organizations and their rights and functions, in particular the General Confederation of Trade Unions, the Yemeni Socialist Youth Union, the General Union of Yemeni Women, the Democratic Yemeni Union of Peasants.<sup>11</sup>

<sup>1</sup> Const., Art. 1.

<sup>2</sup> Id., Art. 2.

<sup>3</sup> Id., Art. 6.

<sup>4</sup> Id., Art. 10.

<sup>5</sup> Id., Art. 12–22.

<sup>6</sup> Id., Art. 34–36.

<sup>7</sup> Id., Art. 37–39.

<sup>8</sup> Id., Art. 40–45.

<sup>9</sup> Id., Art. 47.

<sup>10</sup> Id., Art. 48–54.

<sup>11</sup> Art. 63–67.

## LEGISLATIVE DEPARTMENT

The legislative organ, the People's Supreme Council, is the highest organ of state power and is composed of 111 members elected by free, universal, equal and direct elections by secret ballot, for a term of five years; it can be dissolved only by a two-thirds majority of its members.<sup>12</sup> It holds three yearly sessions.<sup>13</sup> Laws must be approved by two thirds of members present.<sup>14</sup> Members of the People's Supreme Council represent the people; they may not be blamed for opinions expressed in the course of their duties and criminal proceedings may not be taken against them except with the approval of the Council or its Presidium when the Council is not in session.<sup>15</sup>

## EXECUTIVE DEPARTMENT

The highest executive and administrative organ is the Council of Ministers, elected by the People's Supreme Council at its first session, composed of the Prime Minister, his deputies and the ministers.<sup>16</sup> There is a chapter on the organs of the State's local authority and administration.<sup>17</sup>

## JUDICIAL DEPARTMENT

Justice is administered by the Supreme Court and other courts whose functions and competence are regulated by law and whose activity should aim towards educating the citizens to respect the Constitution and the law, to love and be loyal to the revolution and the homeland.<sup>18</sup> Judges are elected by the People's Councils (which may withdraw their confidence) except in the military courts where they are appointed by the Presidium of the People's Supreme Council.<sup>19</sup> Judges are independent and the accused shall be guaranteed the right of defence.<sup>20</sup>

## AREA, POPULATION, ETC.

The area is 336,869 square kilometres, the population (1981 estimate) 2,030,000. The official language is Arabic.<sup>21</sup> Aden is the capital.<sup>22</sup>

<sup>12</sup> *Id.*, Art. 69–72.

<sup>13</sup> *Id.*, Art. 75.

<sup>14</sup> *Id.*, Art. 76.

<sup>15</sup> *Id.*, Art. 85, 86.

<sup>16</sup> *Id.*, Art. 99, 100.

<sup>17</sup> *Id.*, Art. 112–118.

<sup>18</sup> *Id.*, Art. 121.

<sup>19</sup> *Id.*, Art. 122.

<sup>20</sup> *Id.*, Art. 125, 127.

<sup>21</sup> *Id.*, Art. 4.

<sup>22</sup> *Id.*, Art. 135.

## CONSTITUTION OF THE PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN<sup>1</sup>

1971 as amended October 31, 1978

### PREAMBLE

Our Yemenic People in the two parts of the homeland had striven valiantly side by side to oust the invaders who were avaricious for its land and against the reactionary Imamite regime in the Northern part of the homeland and against colonialism, feudalism and rule of the Sultans in the Southern part of the homeland. Such is the living expression of the unity of the Yemeni people and Yemeni land.

The Yemeni people detonated the 26th September revolution and defended the republican regime in the Northern part of the homeland. It also detonated the 14th October revolution under the leadership of the National Front and achieved independence on the 30th of November.

All this affirms that despite the unnatural situations of the false division of the Yemeni land and people its struggle in the two parts is dialectically correlated in its unity not only against the imperialist and reactionary cabals against the Yemeni homeland but also for the purpose of finally getting rid of the division and restoring the natural situation for the democratic unity of Yemen.

Since the glorious corrective move on the 22nd of June 1969, a number of progressive achievements have been realized in all the fields, political, economical, social and cultural. Such were attained by arduous struggle for the purpose of fully realizing the noble aims for the materialization of which the toiling masses of our people-workers, peasants, intelligentsia, petty bourgeoisie and all honest groups of the people have been struggling. These aims are basically among the aims of the two revolutions of 26th September 1962 and 14th October 1963. The struggle of the Yemeni people shall continue until the realization of all the tasks of the national democratic revolution stage, the strategy of the Yemeni revolution including the construction of the United Democratic Yemen under the leadership of our Yemeni Socialist Party – the party of the Yemeni working class, its allies and the rest of the groups of the democratic and national movement – in our Yemeni homeland.

The struggle of our Yemeni people is dialectally correlated with the struggle of the Arab and other peoples on the way to freedom, democratic and social progress and peace. Our Yemeni people believe that their struggle is interconnected with the unity of the struggle of the Arab revolution movement for the purpose of realizing the democratic progressive Arab unity.

The Yemeni people regard all that they have achieved in their struggles as a revolutionary contribution to the international and Arab revolution movement.

Our Yemeni people consider this Constitution as the general basis for their national democratic regime and as organizing the political, economical, social and cultural life.

<sup>1</sup>Printed at 14 October Corporation, Aden. Supplied by Ministry of Foreign Affairs, April, 1981. Ed.

## PART ONE

## FOUNDATIONS OF THE NATIONAL DEMOCRATIC REGIME

## Chapter One. The Political Foundations

*Art. 1.* The People's Democratic Republic of Yemen is a sovereign democratic and people's Republic. It is a state that expresses the interests of the workers, the peasants, the intelligentsia, the petty bourgeoisie and all the working populace and aims towards the realization of the United Democratic Yemen, and the absolute fulfilment of the basis of the national democratic revolution stage for the purpose of paving the way for the transition to the construction of socialism.

*Art. 2.* The Yemeni people is one people and it is part of the Arab nation and the Yemeni nationality is one. The Yemen constitutes a historical, economical and geographical unity.

The Yemeni Socialist Party, armed with the Scientific Socialism theory, is the leader and guide of the society and the state. It shall define the general horizon for the development of the society and the line of the state's internal and external policy.

The Yemeni Socialist Party shall lead the struggle of the people and their mass organizations towards the absolute victory of the Yemeni revolution's strategy and the achievement of the tasks of the national democratic revolution stage for the purpose of accomplishing the construction of socialism.

All organizations of the party shall work within the framework of the constitution.

*Art. 4.* Arabic shall be the official language.

*Art. 5.* The Law shall define the territory of the People's Democratic Republic of Yemen.

*Art. 6.* All the political power in the People's Democratic Republic of Yemen shall be exercised by the working people.

The elected People's Council are the basis of the state power. All other organs of the state are subject to their supervision and shall be called to account before them.

All the state organs shall function on the basis of democratic legality and they shall ensure the protection of the legal order and the workers' interests.

*Art. 7.* The People's Councils shall be formed on the basis of free, universal, equal and direct elections and by secret ballot in the constituencies in accordance with the provisions of the Electoral Law.

Every citizen, who has attained the age of eighteen by election day, shall have the right to vote.

Every citizen may be elected to the People's Local Councils if he has by election day attained the age of twenty one and he may be elected to the People's Supreme Council if he has by election day attained the age of twenty four.

*Art. 8.* The organization of the state power and its administration are subject



to the principle of democratic centralization. Accordingly, all the state organs shall be elected by the people and be called to account before them. The elected people's representatives are obliged to submit periodic reports regarding their functions to their electorate.

The decisions of the high organs are binding upon the lower organs and the latter are responsible and accountable for their functions to the high organs.

The Executive organs and the organs of local government are subject in the exercise of their powers, to a two-fold subordination. Each of these organs is subject to the power of the people of its same level and is at the same time subjugated to the higher organ responsible for directing and implementing the administrative affairs and local government.

The democratic centralization combines the centralization of the state's planning and administration of the creative activities and initiatives of the state's local organs and the full responsibility of each of the state's organs and of every person for the work allocated to it.

*Art. 9.* The State shall direct the society's activity with the aim of achieving the tasks of the national democratic revolution as paving the way for the complete abolition of the exploitation of man by man and regarding work as the sole means to the enjoyment of the fruits of society.

*Art. 10. (a)* The State affirms working in accordance with the Covenant of the Arab League, the principles of the United Nations, the Universal Declaration of Human Rights and the generally recognized rules of international law. It resists the imperialist subjugation, condemns imperialism and its hostile disposition and supports and promotes all the people's struggle for national independence, social progress and the abolition of all forms of colonialism, zionism and racial discrimination.

*(b)* The State shall strengthen its relations with the Arab states and peoples in the manner that serves their social progress and emancipation and their democratic unity. It shall establish its relations with all states on the basis of equality, mutual respect, non-interference in internal affairs, mutual benefit and the peaceful co-existence between the states of various social regimes.

The People's Democratic Republic of Yemen shall not employ its armed forces against the liberty of any other people.

*(c)* The State shall strengthen its relations with the Socialist States.

*(d)* The State shall grant the right of political asylum to whoever is being persecuted because of this struggle for national liberation, social progress, peace and socialism.

*Art. 11.* The State shall patronize the Yemeni citizens residing abroad and strengthen their relations with the homeland. The State shall protect the legitimate rights of the Yemeni expatriates sanctioned by the international law.

## Chapter Two. The Economic Foundations

*Art. 12.* The State shall develop the national economy on the basis of the substantive laws of scientific socialism and shall support and develop the branches of the national economy with the aim of satisfying the people's needs, the just distribution of the social wealth and the absolute application of the principle: 'from each according to his ability and for each according to his work'.

For this purpose the State shall lay the comprehensive plans for the development of the national economy, the rational investment of all the resources, the continuous increasing of work production, raising the standard of the workers's conscientiousness for the State and co-operative property, increasing and protecting the social wealth, enhancing discipline for work and developing the creation and initiatives of the workers.

*Art. 13.* The collective property: The property of the people represented by the State and that of the co-operatives and the mass organizations, is the basis of the national economy in the People's Democratic Republic of Yemen. It is sacrosanct and enjoys the protection of the State. The State shall develop it.

The collective property may not be employed for personal purposes.

*Art. 14.* The State is the sole owner of the land, the natural wealth and all its derivatives and the sources of energy existing underneath or above the land or within the limits of the territorial waters, the continental shelf and the exclusive economic zone.

The State shall also own the principal means of production in industry and agriculture. It shall further own and undertake, by itself, the services of the ports, banks, insurance, post, telecommunications and all the other basic services necessary for the development of the society.

The State shall sanction the currency, monetary and banking systems and shall encourage saving.

The State sector shall play the leading role in the national economy.

*Art. 15.* The State shall control foreign trade and direct it in the manner that serves the social and economic development plans.

The State shall direct home trade and support and develop the leading role of the state sector in it.

The State shall regulate and supervise the activity of the small merchants with the aim of protecting the consumers and shall lay and execute the prices policy to ensure the availability of the basic goods for the citizens.

*Art. 16.* The State shall work for the expansion of reforming the agricultural lands, the protection of the soil from erosion or disintegration, the development of the irrigation system and the exploitation of the subterranean waters in a scientific manner. It shall also work for the protection and increase of the livestock and the fish wealth sources.

The State shall work for the protection and improvement of the environment in the interest of the opulence of the citizens of the People's Democratic Republic of Yemen.

The protection of the environment is the duty of the society, the State and the citizen.

*Art. 17.* The co-operative property is the property of the co-operative societies of the peasants, the fishermen and the craftsmen, and the other co-operatives of the working people.

The co-operatives shall own the means of production and other properties deemed necessary to enable them to achieve the aims provided for by the law.

The State shall grant the co-operatives permanent and free usufruct over the lands.

The State shall support the co-operative property and the co-operative movement. It shall render special interest to the development of the productive agricultural co-operatives with the aim of increasing the agricultural production, improving the standard of living of the co-operative peasants and encouraging the voluntary affiliation of the peasants to the co-operatives.

*Art. 18.* The State shall protect the productive private property in so far as it does not, as far as its size and nature of its employment are concerned, contradict the social interests of the toiling masses during the national democratic revolution stage.

The State shall further support the productive activity of the private and combined enterprises with the aim of developing the national economy.

It shall protect the private property arising from the individual labor of the citizens and members of their families in all the socially beneficial sectors, and encourage the formation of co-operatives in these sectors in accordance with the Law.

*Art. 19.* The State shall protect the personal property arising from the personal income earned from their labor in accordance with the law. The employment of such property must not conflict with the public opulence.

The State shall regulate and protect the right of inheritance.

*Art. 20.* No foreigner may own any property in the People's Democratic Republic of Yemen except in accordance with conditions required by the law.

Further, no foreign capital may be invested except within limits required by the development of the national economy and in a manner that is consonant with the aims of the national democratic revolution and the laws. The State shall exercise control over the revenues and their use.

*Art. 21.* The State shall lead the national economy on the basis of the social and economic plans which shall have the force of law.

The plans shall be prepared and executed with the effective participation of the workers and the toiling masses and on basis of scientific studies and statistics.

The democratic centralization is the principle of the administration of the national economy in the People's Democratic Republic of Yemen. Such means the combination of the State's central leadership of the economic activity and the creative initiatives of the organs of the state's local authorities, the productive establishments, the mass organizations and all the workers.

The people's labor is reared in the People's Democratic Republic of Yemen, as a source for the development and growth of the national economy, the augmentation

of the social wealth and the blooming of the personality of the new Yemeni materially and spiritually.

The State shall pursue making the useful social work the criterion for determining the status of the person in the society, and shall encourage the creative initiative of the citizens and their positive stand from the work.

### **Chapter Three. The Social and Cultural Foundations**

*Art. 23.* All the State's measures shall serve the laborers, the peasants, the intelligentsia and all the workers with the aim of raising their standard in all the fields. They shall, further, prepare the circumstances necessary for enabling the working class to exercise its leading role in the society.

*Art. 24.* Public education shall serve the social progress, and every sector of the people has a right to it.

The State shall undertake public education in accordance with the requirements of the national democratic revolution. It shall execute, in this respect, a national, Yemeni and progressive curriculum that relies on the scientific socialism theory.

The State shall render every assistance for the progress of science and arts and shall, also, encourage the scientific and artistic inventions and the artistic creation and shall protect their results.

*Art. 25.* The State shall care for the Yemeni youth and their activities and shall work for the provision of the ideological and physical education necessary for them. It shall also take interest in their organizations and clubs in the manner that ensures their conscious and effective participation in the construction of the new Yemeni society.

*Art. 26.* The State shall work for the support of the family and shall protect mother and child. It shall take the political, economic, social and cultural measures necessary for the proper constitution of the family to enable it to perform its functions.

*Art. 27.* The State shall encourage marriage and the constitution of the family.

The law shall regulate the family relations on the basis of equality between man and woman in the rights and duties.

The State shall ensure, by means of the laws and measures, continuous improvement in realizing social stability for the family and extensive care for the children, and for this purpose, shall establish mother and child care centres throughout the Republic.

*Art. 28.* The State shall work for raising the standard of the under-developed areas with the aim of gradually obliterating the differences in the standard of living between the various parts of the Republic.

*Art. 29.* The State shall work for developing and encouraging the Yemeni national culture which serves the causes of freedom, progress and peace. It shall protect the progressive national heritage in the manner that serves the aims of the national democratic revolution stage.

The State shall work for the widest promulgation of the ideas of scientific socialism among the masses.

For this purpose, it shall establish the libraries, the institutions and the cultural and social centres and others.

*Art. 30.* The State shall preserve the Arabic and Islamic heritage.

It shall encourage the human culture and shall emancipate the society from the corrupt conceptions propagated by imperialism, colonialism and the foes of progress and from the reactionary tribal and clannish inclinations and thus render the national culture in the service of the national democratic revolution.

#### **Chapter Four. Foundations of National Defence and Security**

*Art. 31.* Defence of the homeland and of the revolutionary achievements of the people is the duty of every citizen.

The armed forces, the security forces and the public auxiliary shall protect the sanctity of the State of the People's Democratic Republic of Yemen including its air-space, territorial waters and its rights in the exclusive economic zone, the continental shelf and the national democratic achievements of the people against any attack.

*Art. 32.* The State shall regulate the defence of the homeland and the protection of the national democratic regime and the peaceful life of the citizens. It shall issue the laws that regulate the organs of defence and security and the compulsory national and military service.

*Art. 33.* The armed forces and the security forces shall participate with high effectiveness in the productive work and in the construction of the homeland. The State shall render great care to the development of these forces militarily and politically.

## **PART TWO**

### **THE CITIZENS AND THEIR ORGANIZATIONS**

#### **Chapter One. The Fundamental Freedoms, the Basic Rights and Duties of the Citizens**

*Art. 34.* The basic rights and duties of the citizens express the political, economical, social and cultural relations provided for in this Constitution and whose realization leads to the augmentation of the political activity of the working people, the development of their initiatives, the strengthening of the national democratic regime and the creation of the conditions necessary for the transition to the construction of socialism.

The State shall ensure the exercise of these rights and duties by all citizens in the way that accords with the people's interests and the aims of the national democratic revolution. It shall work for the expansion of these rights depending on the successes accomplished in the execution of the economic and social development plans.

*Art. 35.* All citizens are equal in their rights and duties irrespective of their sex, origin, religion, language, standard of education or social status.

All persons are equal before the law.

The State shall do whatever it can to realize this equality by means of providing equal political, economical, social and cultural opportunities.

*Art. 36.* The State shall ensure equal rights for men and women in all fields of life, the political, economical and social, and shall provide the necessary conditions for the realization of that equality.

The State shall also work for the creation of the circumstances that will enable the woman to combine between participation in the productive and social work and her role within the family sphere. It shall render special care to the vocational qualifying of the working woman.

The State shall, further, insure special protection for the working women and the children and shall establish kindergartens and nurseries for the children and all other such means of care as to be specified by the law.

*Art. 37.* Work is the right of every citizen and it is the duty of every able citizen in accordance with his ability, qualification and the the social interest.

Remuneration shall be determined according to the quantity and type of work.

The State shall ensure this right by developing the economy, augmenting the national income, providing democratic work conditions, the continuous increasing of the productive faculties, raising the standard of vocational qualification and expanding the scope of the vocational training and education.

The mass organizations shall participate in an effective manner in creating and developing work conditions, and shall provide full protection for the workers against abusive dismissal.

No citizen shall be hindered from practising his profession, job or work.

*Art. 38.* All workers have the right to rest, and the State shall ensure this right by means of regulating the working hours according to the law; the weekly and annual vacations are paid.

The State shall work for the preparation of the adequate circumstances to enable the workers to enjoy their right to rest by means of expanding and regulating the public recreation places and the workers' rest house and encouraging the mass organizations to play a greater role in this field.

*Art. 39.* Workers have the right to social security and to the vocational safety and health.

The State shall ensure full solicitude for every disabled and senile citizen.

The State shall, further, render special care to the families of the martyrs of the revolution and the homeland.

*Art. 40.* All citizens have the same right to education.

The State shall ensure this right through the extension of the education opportunities for all the people which has already been attained and through its plans that aim towards the expansion and development of the schools, institutes, universities and the educational and cultural institutions.

Education is free. The State shall render special care to the technical and

vocational education and shall care for those who have previously been denied the right of education due to their social circumstances.

The State shall work for the complete abolition of illiteracy in the nearest possible time and shall encourage those who have been freed from illiteracy to continue their studies.

*Art. 41.* Medical care is the right of all citizens.

The State shall guarantee this right through the spreading of the free medical services throughout the Republic and through its plans which shall aim towards the protection and improvement of the environment, the care for preventive medicine and vocational health and safety and the development of all types of hospitals, health institutions and the people's clinics.

The State shall also care for the development of medicine and the propagation of medical consciousness among the citizens with the effective participation of the mass organizations.

Furthermore, the State and the mass organizations shall render extreme care to the health of the children.

*Art. 42.* Every citizen has the right to accommodation.

The State shall ensure this right through dependence on the execution of the economic and social plans, the construction and development of the dwellings owned by the state and the mass organizations, the gradual repairing of the old dwellings and encouraging the building of personal residences.

The State-owned dwellings shall be distributed among the citizens according to the law. The citizens shall care for the dwellings distributed to them.

*Art. 43.* Every citizen has the right to contribute in the designing of the political, economic, social and cultural life in accordance with principles specified in the Constitution.

The masses shall discuss the drafts of the social and economic plans and the basic laws before they are issued.

Every citizen has the right to lodge complaints and suggestions to the State organs and its institutions either directly or through his social organization.

*Art. 44.* All citizens have the right to assemble and demonstrate within the framework of the Constitution and its aims.

The State shall guarantee the freedom of expression by speech, writing, photographing or any other means of expression.

The law shall regulate the freedom of expression through the press and other means of propagation and information in the manner that strengthens the national democratic regime and preserves the public ethics and the State security without prejudice to the freedom and dignity of the citizens.

*Art. 45.* Personal freedom is guaranteed.

Arrests are not permissible except in connection with punishable deeds and they must be authorized by the law. No person shall be subjected to torture during investigations nor shall he be forced to admit or be treated in an inhuman manner.

Corporal punishment is prohibited.

*Art. 46.* Criminal responsibility is personal.

The law shall specify the cases in which persons are regarded materially responsible.

*Art. 47.* Islam is the State religion.

The freedom of faith in other religion is guaranteed.

The State shall protect the freedom of religious faith and of beliefs in accordance with the observed customs provided that it accords with the principles of the Constitution.

*Art. 48.* No punishment may be inflicted for acts committed before the enactment of the law incriminating such acts.

No punishment may be inflicted if not provided for by law.

No law may provide for a cruel or an unhuman penalty.

Punishment restricting liberty may not be inflicted except by the courts empowered with such competence by law.

*Art. 49.* Every citizen has the right to resort to the judicature for the protection of this legitimate rights and interests.

Self-defence is guaranteed.

The State shall facilitate resort to the judicature and the means of defence for the necessitous persons.

Every citizen has the right to be compensated for the damage suffered by him as a result of the illegal acts of the high-ranking officials.

The law shall regulate the basis and means of claiming such compensation.

*Art. 50.* No citizen may be deprived of his nationality except in the cases specified by the law.

*Art. 51.* Dwellings are inviolable and the law shall protect this inviolability. They may not be forcefully entered except in connection with punishable acts and in accordance with the law.

*Art. 52.* Privacy of correspondence and all means of communication is guaranteed.

This secrecy may not be disclosed except in the cases provided for by the law or which are necessitated by the protection of state security or the criminal trials.

*Art. 53.* The State shall guarantee freedom of scientific research and literary, artistic and cultural creativeness in accordance with the aims of the Constitution and shall provide the means for realizing that.

*Art. 54.* Movement within the Republic is guaranteed.

It may not be restricted except in the cases specified by the law or if such is necessiated by the protection of state security or public health.

The law shall regulate entry to and egress from the country and immigration.

*Art. 55.* No citizen of the People's Democratic Republic of Yemen may be extradited to a foreign power.

*Art. 56.* Defence of the Yemeni homeland, its sovereignty, unity, progress and national democratic regime is the duty of every citizen.

*Art. 57.* Every citizen must support, protect and develop the collective property as the material basis for the national democratic development.

*Art. 58.* Public service is a noble obligation and an honor.

Every person entrusted with it must perform it with honesty and with the most



possible efficiency and with due consideration to the law and the public interest.

The law shall regulate the conditions for the performance of the public service, the responsibility of the public servants and the State's responsibility towards the citizens.

*Art. 59.* Every person must contribute to the public revenue according to his ability. The State must observe, when imposing taxes, the citizen's incomes and their social status.

*Art. 60.* All citizens are obliged to strengthen the social and family relations. Parents are obliged to raise their children and to prepare them for the socially beneficial work, and it is the duty of the children to care for their parents and to render to them the necessary assistance whenever it is needed.

*Art. 61.* Every citizen must participate in the struggle for the achievement of the unity of the Yemeni people and land. He must protect and develop the new democratic relations and strive against the tribal, separatist, regional and clannish traditions, ideologies and customs which conflict with the aims of the national democratic revolution.

*Art. 62.* Every citizen must abide by the Constitution of the People's Democratic Republic of Yemen and its laws and must respect the principles of living in the national democratic society. The exercise of the rights and freedoms is not separable from the citizen's performance of his duties.

## **Chapter Two. The Organizations and their Rights**

*Art. 63.* The State shall guarantee the right of congregation in the mass organizations which serve the aims of the Constitution and being at the forefront of which the General Confederation of Trade Unions of the Republic's Workers, The Yemeni Socialist Youth Union, The General Union of the Yemeni Women, the Democratic Yemeni Union of Peasants, the Organization of Committees for Popular Defence and other such organizations.

The State shall support the mass organizations with the aim of elevating their role and effectiveness in all the social activities, in developing democracy and organizing and mobilizing the workers, peasants, fishermen, women, youth and all the toiling masses for struggling for the continuous progress of the society and defending the achievements of the revolution.

*Art. 64.* The trade unions are class organizations. They organize the activity of the workers and officials and protect their interests. They shall participate in developing the national democratic revolution by mobilizing their members towards realizing the economic and social plans, raising the standard of the political, vocational and technical qualifying of the workers and officials and deepening the alliance between the working-class and the peasants.

The trade unions shall participate in regulating the participation of the toiling masses in the administration of the production affairs and its control and in planning work and production. They shall exercise mass control over the work and living conditions of the workers.

They shall, further, participate in the implementation of the labor and social security laws, in determining wages and developing the forms of material and spiritual incentives.

All trade unions shall unite in the General Confederation of Trade Unions of the Workers in the People's Democratic Republic of Yemen, and within its framework, the trade unions shall consolidate the workers' efforts towards exercising their rights as specified in the Constitution.

*Art. 65.* The Yemeni Socialist Youth Union is a mass organization which unites and organizes the efforts of the youth and their creative potentials. It shall prepare them for the socially beneficial work by means of raising the standard of their class and ideological awareness and rearing them with the sense of love, loyalty and fidelity for the cause of the Yemeni people and its social progress.

The Yemeni Socialist Youth Union shall participate effectively in organizing the Youth's efforts for the purpose of defending the homeland and the achievements of the artistic and sportive activities and in cherishing the Youth's connection with the workers' struggle along the way to accomplishing the tasks of the national democratic revolution.

*Art. 66.* The Democratic Yemeni Union of Peasants is a wide mass organization. It shall consolidate, mobilize and direct its members and all the peasants for the active contribution in executing the tasks connected with the accomplishment of the tasks of the national democratic revolution stage in the sphere of the economic, social and cultural transformations in the countryside.

The Democratic Yemeni Union of Peasants shall work for deepening the alliance between the peasants and the working class and creating brotherly relations between the co-operative peasants and the individual peasants.

It shall convince the peasants, by means of presenting the positive example, that the economy is best organized on the basis of co-operative collectivism. It shall also work for obliterating the illiteracy of the peasants and raising their educational, political and cultural standard.

The co-operative societies, which are formed on the basis of optional association, shall serve the cause of increasing productivity, developing the national economy, and raising the standard of living and of awareness of its members. The law shall regulate the types of co-operative societies, the means of their formation, their method of work and the manner of supervising and administering them.

*Art. 67.* The General Union of Yemeni women shall consolidate, regulate and direct the activity of the Yemeni women with the aim of augmenting their role in the struggle for resolving the joint causes with all the Yemeni mass organizations and for solving the special matters connected with the female movement.

The General Union of Yemeni Women shall work for the widest participation of the Yemeni women in the economic, social and political life, the structuring of the new life and the raising of their educational, cultural, vocational and technical standard. It shall struggle vigorously for the purpose of affirming and protecting the rights guaranteed for the women by the Constitution and the laws on the basis of parity with the man.

## PART THREE

## THE ORGANIZATION OF THE STATE POWER

*Art. 68.* There is one state power in the People's Democratic Republic of Yemen and it depends on the sovereignty of the working people.

The State power shall be exercised through the elected councils and the organizations formed by these councils in accordance with the aims and tasks of the Constitution.

**Chapter One. The People's Supreme Council**

*Art. 69.* The People's Supreme Council is the highest organ of the State power, and it is the legislative organ that sanctions the principles of the State policy and guarantees its coherent implementation through all the governmental and social organizations. On this basis, it approves the general fundamentals for the functions of the Presidium, the Council of Ministers and the other State organs and takes the necessary decisions in this matter.

The People's Supreme Council is the sole organ which has the right to enact laws.

*Art. 70.* The People's Supreme Council is exclusively empowered to deal with the following matters:

- (1) Approving the Constitution and its amendments.
- (2) Approving the economic and social plans.
- (3) Approving the State Budget and its amendment and the reports connected with its implementation.
- (4) Approving the international treaties connected with matters of defence, federation and adjustment of the borders.
- (5) Forming the Presidium, the Council of Ministers and other organs subordinated to the People's Supreme Council.

*Art. 71.* The following matters shall be regulated by law enacted by the People's Supreme Council.

- (1) Nationalization and the maximum limit of private property;
- (2) The basis of regulating the public utilities and the public, co-operative and combined sectors;
- (3) The basis of work relations and social securities;
- (4) The general basis of property and the civil and commercial relations;
- (5) The currency and monetary systems;
- (6) Defining the governmental and public taxes;
- (7) Defining the State's obligations;
- (8) The basis connected with the exploitation of the natural wealth;
- (9) The basis connected with the expenditure of the State properties;
- (10) Declaring the general mobilization and organizing the obligations of the military service and the general principles for regulating national defence;

(11) Specifying the crimes, the penalties and the criminal and civil procedures;

(12) Nationality;

(13) The Electoral system;

(14) The Judicial system;

(15) The system of local government and its administration;

(16) The civil rights and the individual guarantees;

(17) The regulation connected with the mass organizations;

(18) The basis of foreign trade;

(19) The general principles of remunerations;

(20) The rules specially related to the payment of salaries, pensions, compensations, subsidies and rewards from the State Treasury.

(21) Specifying the salaries of the Chairman of the Presidium and its members, the Prime Minister. Members of the Council of Ministers, the Chief Justice of the Supreme Court, Judges of the Supreme Court and the Republic's Attorney General.

These matters may be regulated, in the intervals between the sessions of the People's Supreme Council, by means of decrees provided that such do not conflict with or lead to the amendment of a previous law. These decrees are subject to the ratification of the People's Supreme Council and they lose their legal force if the council does not ratify them during its following session.

*Art. 72.* The People's Supreme Council consists of a hundred and eleven (111) members elected by means of free, universal, equal and direct elections by secret ballot in the constituencies as specified in the Electoral law.

The term of office of the People's Supreme Council is five years commencing from the date of its first meeting.

Should the term of office of the People's Supreme Council terminate during a state of general mobilization, it shall be regarded as continuing till the termination of such state.

The People's Supreme Council may not be dissolved except by a resolution taken by a majority of two thirds of its members.

*Art. 73.* The People's Supreme Council shall determine in its first meeting, the legality of the membership of its members, and shall, for this purpose, elect a committee for contests of elections. The Committee shall review the propriety of the members, elections and shall decide on this matter. It shall also examine any contest regarding breach of the Electoral law. The Committee's decision shall not be regarded final unless it is ratified by the People's Supreme Council.

The oldest member assisted by the two youngest members shall chair the first meeting of the People's Supreme Council.

*Art. 74.* Members of the People's Supreme Council shall, during the council's first meeting, take the constitutional oath provided for in the By-Laws of the People's Supreme Council.

*Art. 75.* The People's Supreme Council shall hold three sessions per annum pursuant to an invitation from the Presidium. It may hold extraordinary sessions in

pursuance of an invitation from the Presidium or on the request of the Council of Ministers or two thirds of the members of the People's Supreme Council.

The People's Supreme Council shall determine the agenda of its meetings pursuant to a suggestion from the Presidium.

The Council's meeting shall be regarded as lawful if attended by the majority of its members. Its resolutions shall be issued by a majority of its members present unless the Constitution provides otherwise.

The meetings of the People's Supreme Council shall be held in public, and it may convene meetings in camera pursuant to a suggestion from the Presidium, the Council of Ministers or a quarter of its members.

The meetings of the People's Supreme Council shall be chaired by the Presidium. The system of its meetings and its other internal activities shall be specified by the By-Laws approved by the People's Supreme Council.

*Art. 76.* The right to propose and proffer draft laws to the People's Supreme Council is enjoyed by the Presidium, the Council of Ministers, the Standing Committees of the People's Supreme Council, the Supreme Court, the Attorney General of the Republic and one third of the Council's members.

The right of legislative initiative is also enjoyed by the mass organizations mentioned in the Constitution. Their proposals must be proffered through their central bodies.

The approval of a draft law proffered to the People's Supreme Council requires the assent of a majority of two thirds of the members present.

*Art. 77.* The most important draft laws connected with the activity of the State and the society may be subjected to wide popular discussions pursuant to a decision of the People's Supreme Council or the Presidium.

*Art. 78.* All laws approved by the People's Supreme Council and signed by the Chairman of the Presidium must be published in the *Official Gazette* within fourteen days as from the date of their approval.

The laws shall come into force after fourteen days as from the date of publication unless the law provides otherwise.

*Art. 79.* The People's Supreme Council shall, in its first meeting elect from among its members the Chairman and members of the Presidium of the People's Supreme Council which shall consist of not less than eleven and not more than seventeen members.

The Presidium may elect from among its members a Vice-Chairman and appoint its Secretary.

The Presidium is responsible and accountable to the People's Supreme Council.

The People's Supreme Council may, pursuant to a request from at least one third of its members, reform the Presidium or relieve any of its members.

The adoption of such a decision requires a majority vote of the members of the People's Supreme Council.

*Art. 80.* The People's Supreme Council shall, during its first session, elect from among its members the Prime Minister pursuant to a proposal from the Presidium. It shall also elect, during the same session, the members of the Council of Ministers

pursuant to a proposal from the Prime Minister. The majority of the members of the Council of Ministers must be members of the People's Supreme Council.

The People's Supreme Council shall supervise and control the functions of the Council of Ministers. The Council of Ministers and also every one of its members are responsible and accountable to the People's Supreme Council.

The People's Supreme Council may direct questions to the Prime Minister and members of the Council of Ministers concerning their functions. It may also request the attendance of the Minister concerned to reply to those questions.

*Art. 81.* The People's Supreme Council has the right to decide to withdraw confidence in the Prime Minister or in any member of the Council of Ministers. If confidence in the Prime Minister is withdrawn, the Council of Ministers must resign, and if confidence in a member of the Council of Ministers is withdrawn that member must resign. Matters of confidence may not, in any case, be propounded except in pursuance to a request from at least one third of the members of the People's Supreme Council.

The adoption of a decision to withdraw confidence requires a majority vote of the members of the People's Supreme Council.

*Art. 82.* The People's Supreme Council shall, during its first session, elect the Republic's Supreme Court which shall consist of the Chief Justice, one or more deputies and a number of judges.

The Supreme Court is the highest judicial organ. It exercises supervision over all the courts in the Republic. The Law shall define the functions, powers and system of functioning of the Republic's Supreme Court.

*Art. 83.* The People's Supreme Council shall appoint the Republic's Attorney-General. The Attorney-General shall exercise supreme supervision over the implementation of the laws by the ministries and other central departments, the organizations, corporations, foundations, the executive bureaus of the People's Local Councils, the social organizations, the co-operative societies, all the administrative officers and the citizens.

The Attorney-General shall be the head of the Attorney-General Chambers throughout the Republic.

*Art. 84.* The People's Supreme Council shall elect from among its members Standing Committees in the sphere of politics, economics, administration, law, science and culture. The Standing Committee shall discuss the draft laws and the resolutions of the People's Supreme Council prior to their discussion by the Council. They shall also supervise the application of the laws and all the resolutions of the People's Supreme Council and the Presidium, and the activity of the central and local organs of the State power and of all the organizations and corporations.

The Standing Committees have the right to invite the Ministers and officers in the ministries, organizations, corporations, co-operative societies and organizations and request them to submit elucidations and the necessary documents connected with their activities.

The By-Laws of the People's Supreme Council shall specify the number of the Standing Committees and the method of their work.

The People's Supreme Council may compose from among its members special ad hoc committees in accordance with its By-Laws.

*Art. 85.* Members of the People's Supreme Council are representatives of the People. Every member of the People's Supreme Council shall represent the public national interests of the people. It is his duty to strengthen his relations with the masses always and to refer back to his electorate, listen to their suggestions and comments and study them and reply to them with honesty. He shall explain to them the State policy and raise the standard of their understanding of the aims of the strategy of the national revolution at the Yemeni, Arabic and international level.

*Art. 86.* Members of the People's Supreme Council may not be blamed for the opinions which they express in the course of performing their duties in the Council or its committees.

The people's representatives enjoy immunity, and no criminal proceedings may be taken against them except with the approval of the People's Supreme Council or of the Presidium during the intervals between the Council's meetings provided that the Council approves such during its first subsequent meeting.

*Art. 87.* The People's representatives have the right to direct enquiries to the Council of Ministers, the ministers and the chairmen of the organs composed by the People's Supreme Council.

The Council of Ministers and the officer to whom the enquiries are directed are obliged to reply either orally or in writing at the same or next meeting.

*Art. 88.* All State organs are bound to proffer the necessary assistance to the members of the People's Supreme Council for the purpose of executing their functions.

*Art. 89.* The electorate in a constituency may request withdrawal of confidence in the member of the People's Supreme Council representing that constituency. Such a request ought to be submitted by one quarter of the electorate in that constituency. The People's Supreme Council shall take a decision on this matter by a majority vote of its members present.

*Art. 90.* No armed forces may enter the quarters of the People's Supreme Council except at the request of the Presidium.

Furthermore, entry with arms into the quarters of the People's Supreme Council may not be allowed except with the consent of the Presidium.

## **Chapter Two. The Presidium of the People's Supreme Council**

*Art. 91.* The Presidium is the permanent organ of the People's Supreme Council. It is responsible and accountable to it for all its functions.

The Presidium shall perform the tasks of the highest organ of State power in the intervals between the sessions of the People's Supreme Council.

The Presidium shall issue the decrees and resolutions.

*Art. 92.* The Presidium shall consist of a chairman and no less than eleven and no more than seventeen members.

In the event of holding new elections for the People's Supreme Council, the Presidium shall be re-composed provided that the existing Presidium shall continue to perform its tasks until the election of a new Presidium.

Art. 93. Prior to assuming their functions, the chairman and members of the Presidium shall take the constitutional oath before the People's Supreme Council in accordance with the provisions of the By-Laws of the People's Supreme Council.

The Presidium shall undertake the following functions:

- (1) Representing the Republic internally and externally;
- (2) Supervising the implementation of the Constitution;
- (3) Specifying the time for the elections of the People's Supreme Council and the People's Local Councils and supervising these elections.
- (4) Convoking the People's Supreme Council;
- (5) Proposing draft laws.
- (6) Supervising the activity of the Standing Committees of the People's Supreme Council;
- (7) Interpreting the Laws.
- (8) The general direction of the People's Local Councils;
- (9) Ratifying the international treaties and agreements which do not need ratification by the People's Supreme Council;
- (10) Granting the medals and decorations provided for by law and permitting the bearing of medals and decorations granted by other states.
- (11) Proposing the Prime Minister.
- (12) Repealing the resolutions and orders of the Council of Ministers which contradict the laws.
- (13) Designating the chairman and members of the Supreme Council for National Defence, the law shall regulate the functions and powers of this Council.
- (14) Instituting the high military ranks.
- (15) Designating and dismissing the officers assuming leading military posts in the State in accordance with the law.
- (16) Declaring general mobilization in the event of a threat of an external aggression against the Republic in the intervals between meetings of the People's Supreme Council.
- (17) Granting the right of political asylum.
- (18) Establishing the diplomatic missions, designated and recalling the State's political representatives abroad.
- (19) Accrediting the political representatives of the foreign countries.
- (20) General amnesty and the remission or commuting of sentence.
- (21) Any other task in accordance with the Constitution and the law.

Art. 94. The Presidium shall, in the intervals between the holding of sessions of the People's Supreme Council, perform the following tasks:

- (1) Instituting and abolishing the ministries and the central organs subordinate to the Council of Ministers pursuant to a proposal from the Council of Ministers.
- (2) Designating and relieving Ministers in pursuance to a proposal from the Prime Minister.



(3) Amending the annual plan and the State budget pursuant to a proposal from the Council of Ministers.

*Art. 95.* All the decrees and resolutions issued in connection with the matters mentioned in these articles shall be subject to the approval of the People's Supreme Council. Should the People's Supreme Council not approve them in its subsequent session they shall lose their legal force.

*Art. 96.* The Chairman of the Presidium shall administer its functions, chair its meetings and sign the decrees and resolutions taken by it.

*Art. 97.* The Chairman of the Presidium shall represent the Republic in its foreign relations.

*Art. 98.* The Presidium has the right to request from the Prime Minister reports connected with the realization of the tasks to be implemented by the Council of Ministers.

### **Chapter Three. The Council of Ministers**

*Art. 99.* The Council of Ministers is the Government of the People's Democratic Republic of Yemen, and it is the highest executive and administrative organ of the State power.

The Council of Ministers shall consist of the Prime Minister, his deputies and the ministers. The law shall specify their tasks and powers.

The Council of Ministers shall issue the resolutions and orders in accordance with and in execution of the laws and the resolutions of the People's Supreme Council and its Presidium. It shall also ensure their application.

The resolutions and orders of the Council of Ministers shall be binding throughout the Republic.

*Art. 100.* The Council of Ministers shall be elected by the People's Supreme Council during its first session.

The Council of Ministers shall proffer, at that same session, the Government program for the entire period.

The Council of Ministers shall continue to perform its tasks and powers until the election of a new Council of Ministers.

*Art. 101.* The Council of Ministers is responsible and accountable for all its functions to the People's Supreme Council and also to the Presidium in the intervals between the sessions of the People's Supreme Council.

The Council of Ministers shall submit regular periodic reports regarding its functions to the People's Supreme Council.

*Art. 102.* The Prime Minister and members of the Council of Ministers shall take the same constitutional oath to be taken by members of the People's Supreme Council before the Council.

*Art. 103.* The Council of Ministers shall undertake the implementation of the State's public policy in the sphere of politics, economics, sociology, culture, defence and security as approved by the People's Supreme Council.

The Council of Ministers shall also be entrusted with the power of determining

all the matters connected with the administration of the State which do not fall within the powers of the People's Supreme Council and the Presidium.

All members of the Council of Ministers are jointly responsible and every member is fully responsible for his particular sphere.

*Art. 104.* The Council of Ministers shall exercise the following powers:

(1) Proposing the broad outlines of the foreign and internal policy and proffering them to the People's Supreme Council;

(2) Proposing and proffering draft laws to the People's Supreme Council.

(3) Directing, co-ordinating and supervising the activity of the Ministries and the other central organs subordinated to it.

(4) Proffering the drafts of the social and economic plans and the annual budget to the People's Supreme Council, and regulating their implementation after they have been approved.

(5) Designating the members of the Supreme Council for National Planning. The law shall regulate the functions and powers of this Council.

(6) Preparing the State's final accounts, and proffering reports regarding them to the People's Supreme Council.

(7) Approving the international agreements and treaties prior to proffering them to the People's Supreme Council or the Presidium in accordance with the competence of each of them as specified in the Constitution.

(8) Taking the measures necessary for preserving the State's external and internal security and protecting the public order and the citizen's rights.

(9) Appointing, dismissing, transferring and disciplining the deputy ministers, heads of the central organs appurtenant to the Council of Ministers and the leading officers of their standard.

(10) Supervising the realization of the cadre's policy in the State organ.

(11) Directing the national economy and the social and cultural structure.

(12) Laying down and implementing the measures and procedures aiming towards raising the standard of living of the citizens.

(13) The general supervision of the structuring of the Armed Forces.

(14) The general supervision of the relations with the other states.

(15) Forming, whenever necessary, committees and department appurtenant to it and which shall work within the scope of its functions.

*Art. 105.* Resolutions of the Council of Ministers shall be binding on the executive bureaus of the People's Local Councils and must be implemented in all cases.

Chairmen of the executive bureaus of the People's Local Councils are accountable and responsible to the Council of Ministers.

*Art. 106.* The Council of Ministers has the right to revoke resolutions of the ministers and of the executive organs of the State's local authority including the executive bureaus of the People's Local Councils.

The Council of Ministers may suspend the implementation of the resolutions of the People's Local Council. The Presidium of the People's Supreme Council shall take the final decision in this matter.

*Art. 107.* The Prime Minister shall administer the functions of the Council of Ministers, chair its meetings and represent it in all matters connected with the implementation of the public policy.

The Prime Minister shall also supervise the implementation of the resolutions of the Council of Ministers and he has the right to request, from the Council's members reports of any of the ministries' affairs or on the functions they perform. They are obliged to submit them.

*Art. 108.* Should it become impossible for the Prime Minister to bear the Council of Ministers' responsibilities he must submit his resignation to the People's Supreme Council or to the Presidium and the latter ought, in this case, to submit this together with its written opinion to the People's Supreme Council to decide on the matter. A resolution accepting the resignation requires a majority vote of two thirds of the members of the People's Supreme Council.

A member of the Council of Ministers shall submit his resignation to the Prime Minister. The People's Supreme Council shall take its decision by a majority vote of its members.

Should the resignation be submitted by the Prime Minister or by a majority of the members of the Council of Ministers and be accepted by a majority vote of two thirds of the members of the People's Supreme Council, the Council of Ministers must resign.

*Art. 109.* Should the Prime Minister find that his co-operation with a member of the Council of Ministers has become impossible he may proffer the matter to the Presidium to decide on whatever it deems adequate or he may submit adequate proposals to the People's Supreme Council to take any step it deems necessary.

*Art. 110.* Every Minister shall undertake to supervise his ministry's affairs and direct its departments throughout the Republic. He shall also implement the public policy of the Council of Ministers in his Ministry.

Every Minister is responsible to the Council of Ministers for the functions of his Ministry.

The law shall specify the cases in which the minister may issue the resolutions necessary for the implementation of the laws. The Council of Ministers has the right to revoke or amend the Ministers' resolutions that it deems inadequate.

*Art. 111.* The law shall specify the cases in which the employees may be appointed, dismissed, transferred or disciplined by a resolution of the Ministers concerned.

#### **Chapter Four. Organs of the State's Local Authority and their administration**

*Art. 112.* The organs of the State's local authority are the People's Local Councils in the provinces, districts and centres elected by the citizens for a period of two and a half years by means of free, universal, equal and direct elections and by secret ballot in the constituencies in accordance with the law.

The State's local authority and its organs is part of the sole power in the People's Democratic Republic of Yemen. The law shall regulate the organs of the State's local authority on the basis of democratic centralization.

The organs of the State's local authority shall issue, within the limits of their powers, resolutions binding on all the organizations, corporations, projects, co-operative societies, state farms, mass organizations, administrative officers and citizens within the area falling under their competence.

*Art. 113.* The People's Local Councils shall determine all local matters and issues taking as the basis of their work the entire interests of the State.

The People's Local Councils shall discuss the public issues and proffer proposals regarding them to the high State organs. They shall also exercise their activities with the firm co-operation of the mass organizations and the citizens.

*Art. 114.* The People's Local Councils shall undertake, within the scope of their area and inhabitants, the leadership of the economic, social and cultural structure. They shall approve the local plans and budget and ratify the reports related to their implementation.

The People's Local Councils shall supervise the functions of the organs subordinate to them and shall ensure the application of democratic legality and the protection of public property, public order and the citizens' rights.

The People's Local Councils are bound, when exercising their powers, by the necessities of development in and the public interest of their entire area.

*Art. 115.* The People's Local Councils shall elect their executive bureaus in accordance with the law.

The executive bureaus shall implement the tasks connected with the various activities of the People's Local Councils in the field of economic, social and cultural development.

The executive bureaus are responsible and accountable for all their functions to the People's Local Councils that elected them, and also to the higher executive organ responsible for directing the administrative matters and local government.

The executive bureaus shall submit regular periodic reports to the People's Local Councils and to the citizens in the places of their employment or residence.

*Art. 116.* The People's Local Council shall elect from among its members and the active citizens standing and ad hoc committees with the aims of strengthening the participation of the citizens and the mass organizations in the participation of the Councils' resolutions. The committees shall work for the implementation of the laws and the other legislations and the resolutions of the People's Local Council.

*Art. 117.* Members of the People's Local Councils are the representatives of the people in these councils, and every one of them is obliged to strengthen his relations with the masses, to accept his electorate's proposals and study them carefully and work for their implementation after they have been approved by the People's Local Council.

The member of the People's Local Council ought to explain the State's policy to his electorate and to develop the standard of their political awareness. He is obliged to submit regular periodic reports to them and to the mass organizations which proposed him.

Confidence may be withdrawn from a member of the People's Local Council if

he misuses the confidence granted to him by the electorate and such shall be in accordance with the law.

*Art. 118.* The organs of the central State authority shall work for supporting People's Local Councils, developing their functions and extending their powers by means of the continuous transfer of their rights and duties to the organs of the state local authority in accordance with the development of the political, economical and social relations.

## PART FOUR

### THE DEMOCRATIC LEGALITY, THE JUDICIARY AND THE ATTORNEY GENERAL'S CHAMBERS

*Art. 119.* Democratic legality is regarded as one of the most important principles of the political and constitutional regime in the People's Democratic Republic of Yemen.

All the laws, decrees, resolutions and other legislations as well as the resolutions, regulations and measures taken by the State's organizations and the mass organizations must accord with the spirit and content of the Constitution.

The activity of the State organs, the mass organizations, all the superior officials and the citizens must accord with the laws and such shall be by means of their proper implementation.

The State shall guarantee democratic legality.

The laws, decrees and other legislations regulating the rights and duties of the citizens must be published in the manner that attains the widest scope of publicity.

All persons in charge in the State organs and the mass organizations must elucidate the laws to the masses throughout the Republic.

*Art. 120.* The democratic legality aims towards strengthening the national democratic regime and ensuring the protection of freedom and peaceful life of the citizens, their rights, interests and the human's dignity.

The enhancement of democratic legality is a joint task of the State organs, the mass organizations, the persons in charge and the citizens.

*Art. 121.* Justice in the People's Democratic Republic of Yemen shall be administered by the Supreme Court, the provisional courts, the divisional courts and the military courts. The law shall regulate their functions and competence.

The activity of all the courts shall aim towards educating the citizens to respect the Constitution and the law and to love and be loyal to the revolution and the homeland.

The constitution of extra-ordinary courts is not permissible.

*Art. 122.* The judges of the Supreme Court of the Republic and of the provisional and divisional courts shall be elected by the People's Councils concerned in accordance with the Constitution and the laws.

Judges of the military courts shall be appointed by the Presidium of the People's Supreme Council.

Confidence may be withdrawn from the judges by the councils that elected them if they infringe the confidence granted to them.

*Art. 123.* It is stipulated that judges must be chosen from among the citizens who are loyal to their homeland, revolution and national democratic regime. They must possess the necessary legal knowledge, life experiences and a high degree of ethical stability.

*Art. 124.* The State shall guarantee the steadily increasing participation of the citizens in the administration of justice.

The law shall regulate the details connected with the participation of the working people in the judiciary.

*Art. 125.* Judges are independent in their powers and are bound by the Constitution and the law in the realization of democratic legality.

The State shall provide the conditions that will aid the courts to solve the citizens' cases in a fast, just and democratic manner.

*Art. 126.* The courts shall adjudicate and pronounce their judgments in the name of the people.

Trials shall be held in public with some exceptional cases to be specified by law.

*Art. 127.* The accused shall be guaranteed the right of defence. No criminal punishment may be inflicted on any person except by a decision of the court and in accordance with the law.

*Art. 128.* The law shall regulate the legal profession with the aim of submitting legal aid to the citizens and the judicial persons.

The participation of the advocate in the criminal proceedings shall be compulsory in the cases provided for by law.

The law shall specify the cases in which legal aid shall be free of charge.

*Art. 129.* The state arbitration panels shall, within the limits of their powers, determine the economic disputes between the ministries, organizations and corporations.

The law shall specify the functions, powers and system of work of the state arbitration panels.

*Art. 130.* With the aim of realizing democratic legality, protecting the national democratic regime and defending the public property, the Republic's Attorney-General, his deputies, and representatives subordinate to him shall exercise supreme supervision over the precise and unified implementation of the laws by all the ministries, the other central departments, the organizations, corporations, the executive bureaus of the People's Local Councils, the social organizations, the co-operative societies, all the administrative superior officers and the citizens.

The Attorney-General shall appoint his civil and military deputies and they are responsible and accountable for their functions to him.

*Art. 131.* The People's Supreme Council shall appoint the Republic's Attorney-General.

The Attorney-General is responsible and accountable for his functions to the People's Supreme Council and to the Presidium in the intervals between the sessions of the People's Supreme Council.

The Attorney-General's Chambers shall be organized in a lineal manner throughout the Republic. They are independent of all the local organs and are subordinate only to the Republic's Attorney-General.

The law shall regulate the functions and powers of the Attorney-General's Chambers.

*Art. 132.* The Attorney-General shall direct the combating of crimes, and ensure that persons who commit crimes or any other breaches shall be called to account for their deeds before the courts. He shall also supervise the adherence to the law in the detention and prevention centres.

## PART FIVE

### THE REPUBLIC'S ENSIGN, ITS FLAG, CAPITAL AND NATIONAL ANTHEM

*Art. 133.* The People's Supreme Council shall sanction the Republic's ensign.

*Art. 134.* The national flag of the People's Democratic Republic of Yemen shall be composed of the horizontally arranged colors starting from the top as follows:

Red.

White.

Black.

There shall be a light blue triangle on the side near the staff with a Red pentacle at its centre.

The ratio of the flag's width to its length shall be 1 : 2.

*Art. 135.* The city of 'Aden' shall be the capital of the People's Democratic Republic of Yemen.

*Art. 136.* The People's Supreme Council shall sanction the national anthem of the People's Democratic Republic of Yemen.

## PART SIX

### OPERATION OF THE CONSTITUTION AND PRINCIPLES OF ITS AMENDMENTS

*Art. 137.* The Constitution is the organic law. It is binding and with immediate effect.

*Art. 138.* All laws and other legislations, of the State organs issued prior to amending this Constitution shall remain effective if they accord with the provisions of this present Constitution or if they have not been abolished or amended in accordance with its provisions.

*Art. 139.* The Constitution may be amended by a resolution of the People's Supreme Council pursuant to a proposal from a quarter of its members, the Presidium or the Council of Ministers. In order to be taken, such a resolution requires the assent of two thirds of the members of People's Supreme Council.