

# The Constitution

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## Chapter I: General Foundations

### Section I: Political Foundations

**Article (1)** The Federal Republic of Yemen is a federal State, civil, democratic, Arab Islamic, independent and a sovereign country; based on the will of the people, equal citizenship and the rule of law. It is one indivisible country and no part thereof may be ceded. Yemen is part and parcel of the Arab and Islamic nations.

**Article (2)** Islam is the religion of the State, and Arabic is its official language.

**Article (3)** The State shall pay special attention to both the Mehri and Soqotri languages.

**Article (4)** Islamic Sharia is the source of legislation. Interpretation of the codification of Sharia provisions shall be assigned exclusively to the Legislative Authority.

**Article (5)** Power belongs to the people and the people are the source of power. The people shall exercise power directly through referenda and general elections, or indirectly through the legislative, executive and judicial institutions.

**Article (6)** The people are free to determine their own political stature and free to peacefully pursue the attainment of economic, social and cultural development through institutions of governance at every level, in accordance with the provisions of this Constitution and international conventions ratified by Yemen.

**Article (7)**

1. The Yemeni nationality is the foundation of citizenship. It is a right for everyone born to a Yemeni father or a Yemeni mother and the revocation of this citizenship is prohibited. The law shall regulate cases of acquisition of Yemeni nationality and cases of revocation thereof.
2. All citizens, irrespective of their regional domiciles, shall have one national citizenship.

**Political System:**

**Article (8)** The political system shall be based on:

1. Separation of powers, political pluralism and the peaceful transfer of power. It shall be prohibited, under any circumstances, to change the political system or to endeavor to achieve political, economic, social or cultural aims through violence, by force or by military coups.
2. Ensuring political participation as required by representative, participatory and deliberative democracy.

**Article (9)** It is prohibited to use places of worship to disseminate partisan thoughts, advocate for certain political benefits, incite fanaticism, hatred or sedition or any act of violence.

**Article (10)** The State is committed to respect the United Nations Charter, the Arab League Charter and the Universal Declaration of Human Rights. It shall adhere to international conventions and treaties ratified by the legislative authority and the generally recognized principles of International Law.

**Article (11)** The State undertakes to combat terrorism of all forms as a national policy.

**Article (12)** In its foreign policy, the State is committed to maintain sovereignty, security and the supreme interests of the country and shall adopt the principles of justice and respect for the sovereignty of other states, the rights of the people to freedom and dignity, and the maintenance of regional and international peace and security.

**Article (13)**

1. Political parties and organizations are the mainstay of democracy and contribute to the embodiment of the political will of the people.
2. The freedom to establish political parties and organizations shall be guaranteed according to the law and they may be established by mere notification. It is impermissible to intervene in their affairs; nor to stop their activities or dissolution thereof unless by a final court ruling.
3. In their internal regulations, political parties and organizations shall adhere to the principles of democracy and good governance, and shall provide public financial statements on sources of funding, assets and methods of management thereof.
4. Parties shall take care to ensure the representation of women and youth in their leadership bodies.
5. It is prohibited to establish political parties and organizations on the basis of racial, sectarian or doctrinal grounds. It is also prohibited to:
  - a. Prejudice the Republican and Democratic System.
  - b. Receive foreign funding.
  - c. Exploit religion for political ends.

**Article (14)** No party, group or individual may establish military or para-military formations, squads or organizations. Any breach therefore is considered an act of aggression against the safety, security and unity of the Republic and shall be punished according to the law.

## Section II: Economic Foundations

- Article (15)** The national economy is a free social economy, the ultimate goal of which is to achieve economic and social development, increase production and promote social welfare. It shall be based on the following foundations:
1. Freedom of economic activity.
  2. Social justice.
  3. Diversity of private, public, mixed and cooperative economic sectors as well as freedom of competition between the sectors.
  4. Strengthening of public-private partnerships to achieve economic and social development.
  5. Transparency and good governance in the performance of all economic sectors.
- Article (16)** Private ownership is protected and the enjoyment and disposition is guaranteed, and the State and society are obligated to protect and respect this right. It is prohibited to prejudice or expropriate this right except for public benefit and only in exchange for equitable compensation paid in advance pursuant to the situations and in the manner set forth in the law.
- Article (17)** Natural resources of all types and energy sources underground, in the surface, in territorial waters, in the exclusive economic zone or in the continental shelf belong to the people. The State shall ensure conservation, sound management and exploitation and investment to realize the public interests therefrom. Revenues generated from these resources shall be shared by all levels of government in a fair and equitable manner in accordance with this Constitution, with due considerations for the rights of future generations.
- Article (18)** The State shall foster freedom of trade and investment so as to serve the national economy. Each region shall have a leading role in the field of regional economic development.
- Article (19)** The State shall guarantee freedom of commerce in a manner that promotes inter-regional integration, facilitates movement of citizens, goods, commodities, monies and services. It is impermissible to put in place obstacles, restrictions, customs or tax barriers or any administrative constraints between regions.
- Article (20)** Public funds and properties shall have sanctity, and the State and all members of society shall maintain, protect and respect them; whereby violation of this sanctity or a transgression against it shall be a crime punishable by law.
- Article (21)** Public confiscation of funds is prohibited; and no private confiscation is permissible, except under a court ruling, and in the circumstances prescribed by law.
- Article (22)** Payment of taxes and sharing in the public burden is a duty. Imposing taxes, modifying or repealing existing taxes may only be done under a law. No one shall be exempted from payment of taxes in whole or in part, except in cases set forth in the law. In imposing taxes, the interest of society, development of State resources and attainment of social justice must be taken into account in accordance with a fair and equitable tax system. Income tax shall be progressive and tax evasion is a crime punishable by law.

- Article (23)** Raising, adjusting and repealing of fees or exemption thereof shall be done only under a law.
- Article (24)** Federal law shall determine the State's official currency, the banking system as well as weights and measures.
- Article (25)** Inheritance is guaranteed according to the provisions of Islamic Sharia, and shall be regulated by law.
- Article (26)** The State shall assume the collection and disbursement of Zakat through its banking channels in a manner that achieves the legitimate purposes thereof and ensures its social and economic role. Zakat may not be mixed with general revenues.
- Article (27)** The State shall promote endowments, and shall be committed to maintain, protect and develop endowment funds. Spending thereof shall be in accordance with the wishes of donors to ensure the social and economic role of endowments. Any offence, wastage or causing damage to endowments funds and properties shall be a crime to which the statute of limitations does not apply.
- Article (28)** State economic policy shall be based on indicative scientific planning.
- Article (29)** The State shall promote and protect savings, credit and investment in various sectors and provide the necessary facilities and the appropriate infrastructure.
- Article (30)** The State shall endeavor to regulate economic activities, oversee markets, protect consumers, monitor standards and measurements and prevent monopoly and illegal competition.
- Article (31)** The State shall pay special attention to medium, small and micro enterprises and shall take necessary measures to develop and protect them, in a manner that ensures job creation and the reduction of unemployment rates.
- Article (32)** The State shall encourage investments in different energy sources.
- Article (33)** The State shall support manufacturing, protect productive activities and provide the infrastructure to increase production and promote exports.
- Article (34)** The State shall promote the creation of cooperatives and shall ensure their protection. The State shall enact legislations to regulate and protect the funds of cooperatives.
- Article (35)** The State shall place a special emphasis on the knowledge economy and information technology in all sectors, shall protect cyberspace security, and shall take necessary measures to that end as regulated by law.
- Article (36)** The State shall protect its seas, beaches, waterways and islands including latent resources. Trespassing, polluting or abuse is prohibited and the law shall regulate exploitation thereof.
- Article (37)** The State shall commit itself to provide strategic food stocks to deal with emergencies and natural disasters.

- Article (38)** The State shall ensure the promotion of effective participation of woman in investment and economic development and provide necessary support, patronage and encouragement for rural women in the different spheres.
- Article (39)** The State shall be committed to the development of agricultural and livestock production, shall contribute to the provision of necessary inputs, and shall encourage industries and investment in this area.
- Article (40)** The State shall be committed to the protection of fish resources, prevention of overfishing and encourage and support fishermen.
- Article (41)** The State shall be committed to support tourism activities and the development of its resources; through the building of infrastructure, development of tourist areas and destinations and promotion of private sector investments in this area.
- Article (42)** The State shall endeavor to recover monies and assets resulting from illicit gains. The statute of limitations does not apply to claims in this respect.

### **Section III: Social and Cultural Foundations**

- Article (43)** The State shall ensure healthcare of high quality to all citizens without discrimination, by building adequate infrastructure and providing training and care to medical professionals, allocation of a specific percentage from the general budget to the health sector, encourage the contributions of private sector and civil society organizations in this field and the creation of a comprehensive health insurance system.
- Article (44)** Education is the foundation of progress and advancement of society. It shall aim at building a sound personality of an individual, religiously, psychologically and emotionally, and develop talents and scientific competences of the individual, and promote a scientific approach to thinking, criticism and analysis. It shall also seek to instill values of virtue, tolerance, good citizenship and respect for the principles of human rights to ensure integrated and comprehensive development of the individual's personality, respond to labor market needs and the building and development of modern sciences.
- Article (45)** Education is compulsory in its basic and secondary stages and free of charge in all State educational institutions. The State shall be committed to provide the necessary basic infrastructure, and to the development of the professional and scientific skills of teachers, and to ensure their material and intellectual rights.
- Article (46)** The State shall ensure the provision of university education in line with global quality standards.
- Article (47)** The State shall ensure the financial and administrative autonomy of the universities, apply good governance therein, build capacities of the faculty staff; develop their competences and support their material and intellectual rights.

- Article (48)** The State shall be committed to promote technical education and vocational training that is in line with global quality standards, and in a manner, appropriate to the needs of society and the labor market. The State shall encourage and promote the role of the private sector in this area.
- Article (49)** The State shall oversee the curriculum development process for all education stages in line with standards and controls that aim to enhance the spirit of tolerance and brotherhood preserve the social fabric of society and accommodate the ideological, doctrinal and geographical diversity of Yemeni society.
- Article (50)** Exploitation of educational institutions for partisan or political ends is prohibited.
- Article (51)** Private education in all stages is guaranteed in accordance with standards enshrined in the law.
- Article (52)** The State shall allocate a percentage of the general budget to education in all of its stages and types in order to meet international standards.
- Article (53)** The State shall be committed to eradicating illiteracy and its causes in all its forms for all citizens, both female and male and in rural and urban areas alike.
- Article (54)** The State shall support scientific research, ensure its freedom, endeavor to expand areas of research, develop mechanisms, support its centers and link outputs to development plans. The State shall sponsor researchers and guarantee their material and intellectual rights.
- Article (55)** The State shall endeavor to promote a collective national identity, and strengthen the foundations of social solidarity, justice, freedom and equality, and cultural and intellectual diversity, and the consolidation of the noble Islamic and human values.
- Article (56)** The State shall endeavor to promote the values of brotherhood, tolerance and co-existence, and the renouncement of the culture of hatred and glorification of war, doctrinal, sectarian and regional incitement, and shall criminalize the act of accusing Muslims of not being members of the Islamic faith, whether they are individuals or groups. Libel of Islam and all divinely revealed religions and insulting prophets shall be considered a criminal offense.
- Article (57)** The State shall be committed to the support and welfare of women, enactment of laws that would ensure protection of women and advancing their status in society. The State shall also eliminate negative cultural and social norms that demean the dignity of women.
- Article (58)** Youth are an active force in nation building. The State shall foster youth in a manner that ensures integrated and comprehensive development of character, in all spiritual, moral and physical spheres, empower youth scientifically, professionally, politically and economically, and harness their energies in development and to ensure their political participation at no less than 20% in different powers and authorities.
- Article (59)**
1. The family is the foundation of society, and the State shall endeavor to pass legislation to protect its social and economic rights, which ensures its unity and



stability, and the protection of the family entity and the entrenchment of religious, moral and patriotic values. The State shall support and protect motherhood and childhood. Reproduction is considered a responsibility, the burden of which shall be borne by the family and the State.

2. The State shall promote family guidance centers and establish specialized courts for family cases to ensure expeditious litigation procedures to achieve justice.

**Article (60)** The State shall develop a population policy with the objective of striking a balance between population growth and available resources and to optimize investment in human capital for the realization of sustainable development.

**Article (61)** The State shall develop a comprehensive national housing policy ensuring an increase in real estate investment, the promotion of cooperative housing projects and engaging the private and banking sectors to ensure effective opportunities for low income people to obtain adequate and affordable housing matching their income levels.

**Article (62)** The State shall undertake legislative and executive actions to raise the status of vulnerable and marginalized groups and promote their active participation in political, economic and social life. The State shall endeavor to integrate marginalized groups into society.

**Article (63)** The State shall ensure:

1. Sufficient attention to the Arabic language, and to the Arabization and translation of the various sciences, with particular attention to the development of the Mehri and Soqotri languages.
2. The maintenance of the cultural and linguistic diversity of society, cultural creations and folk heritage.

**Article (64)** The State shall support the advancement of all areas of science, culture, literature and the arts and support the establishment of cultural and artistic associations and centers. It shall support the freedom of scientific, literary, artistic and cultural creativity, and encourage the efforts of creative people and inventors and accord protection to intellectual property.

**Article (65)** Antiquities are a civilizational heritage for Yemen and humanity and belong to the people. It is impermissible to damage or alter monuments thereof. The State shall ensure the protection, preservation and maintenance of antiquities, develop sites and regulate archaeological excavations under its full oversight. Tampering, vandalism or trafficking of antiquities is a crime and lawsuits thereto shall not be subject to the statute of limitations. The State shall ensure recovery of looted antiquities.

**Article (66)** Yemeni manuscripts and documents are part of the national heritage, the foundation of national memory and belong to the people. It is not permitted to prejudice or destroy them. The State shall protect, preserve and maintain them and shall contribute to the preservation and maintenance of private manuscripts. Tampering with or mishandling of official documents shall be deemed a crime not subject to the statute of limitations.

- Article (67)** The State shall bear the burdens arising from natural disasters and general adversities and shall provide protection and care for affected citizens; particularly vulnerable groups.
- Article (68)** The State shall endeavor to eliminate detrimental social phenomena threatening social peace including the code of revenge.
- Article (69)** The State shall develop a national policy for the gradual phase out of Qat, address its harmful effects and its economic, medical, social and cultural impacts, and shall support the cultivation of agricultural crops and other economic alternatives.
- Article (70)** The State shall protect society against intoxicants and narcotics and shall protect society against the risks thereof.
- Article (71)** The civil society sector and organizations shall be a partner in political, economic and social development in a manner that would strengthen its role in the context of development and popular oversight as regulated by law.

## Chapter II: Rights and Freedoms

**Article (72)** The right to dignity is a right of each human being, and shall not be prejudiced or derogated. The State shall be committed to ensuring respect and protection of such rights.

**Article (73)** Everyone has the right to life; and the law shall protect this right.

**Article (74)** The people are equal before the law.

**Article (75)** Citizens shall have equal rights, freedoms and public duties without discrimination due to sex, skin color, race, origin, religion, sect, belief, opinion, economic or social status, disability, political or geographical affiliation, occupation, birth, or any other considerations.

**Article (76)** To give effect to the principle of equal citizenship, the State shall enact legislation and take measures, to achieve effective political participation for women to ensure access to at least 30% in various authorities and bodies.

**Article (77)**

1. Everyone has the right to physical, mental and psychological integrity.
2. Physical, mental, psychological torture or physical and sexual exploitation are prohibited. Trafficking human organs shall be prohibited.
3. No medical or scientific experimentation on a person's body shall be conducted without prior, free and documented consent based on true information and in accordance with established medical principles.

**Article (78)** Slavery, servitude, forced labor and human trafficking shall be prohibited.

**Article (79)** Personal freedom is guaranteed for everyone, in accordance with the provisions of the Constitution and the law.

**Article (80)**

1. Every citizen has the right to stay, reside and move anywhere in the Republic.
2. Every citizen has the right to obtain a passport, leave the territory of the Republic and return to it freely. Banishment of any citizen or prevention from returning to the country shall be prohibited.

**Article (81)** Everyone residing legally in the territory of the Republic has the right of movement and the right to leave. A person may not be deported unless in according with the provisions of the law.

**Article (82)**

1. Everyone has a right to freedom of belief, conscience, thought and opinion in a manner that does not contravene the Constitution. Imposing any opinion, thought or belief on anyone by force shall be criminalized.
2. Practicing religious rituals shall be a guaranteed right for every individual.

**Article (83)** The right to express political opinions and choices, through public assemblies and marches, demonstrations, strikes, pickets and all forms of peaceful protests, free of weapons; and only by prior notification, provided that no damages is caused to public or private property and the rights of others is guaranteed for all. Obstruction of these rights or derogation thereof in any form shall be prohibited.

**Article (84)** Freedom of expression, freedom to access information or ideas and freedom of literary, artistic and cultural creativity, freedom of scientific research and freedom to criticize the performance of State institutions shall be guaranteed for every person.

**Article (85)**

1. Freedom of all media outlets shall be protected, including the freedom to establish media institutions, the right to professional independence and the right to protect the identity of sources.
2. The media shall exercise its mission freely and shall express differing views within the framework of the basic values of society.
3. The media may not be subjected to administrative censorship over its publications and its activities may not be suspended or confiscated; unless by a court order.
4. The arrest or detention of journalists for exercising their journalistic activities is prohibited.

**Article (86)** Every individual has the right to culture. The State shall ensure the promotion of cultural production and translation, and facilitate access to cultural materials.

**Article (87)** All citizens, whether male or female, have the right to active participation in political life, stand for public office and to vote in all elections and referenda.

**Article (88)** Each person has the right of access to any personal information being held at any State institution; and has the right to correct any personal information that may be inaccurate. Each person has the right, by means of a judicial order, to access any information or documents, in the possession of another person, which may be necessary for guaranteeing and protecting his or her rights.

**Article (89)** Witnesses, whistleblowers, investigators and law enforcement officials have the right of protection; and the State shall guarantee thereof.

**Article (90)** A person's private life is inviolable and has sanctity, and privacy is guaranteed. No monitoring or access to postal and e-mail correspondence, wire-tapping of telephone conversations and other means of communication, except by a causal judicial warrant, for a specific period of time and in cases prescribed by law.

**Article (91)**

1. Houses and private establishments have sanctity. Except in cases of flagrante delicto or in order to prevent serious harm to persons or property, they shall not be entered, monitored, searched, and wire-tapped or closed except by means of a causal judicial warrant, for a specific period of time, in cases provided by law and in a manner that protects the dignity of residents. Before any action is taken the judicial order shall be shown and a copy thereof given to the resident of the house or establishment.
2. Houses of worship and scholarship have sanctity, and may not be monitored or searched except in accordance with the law.

**Article (92)**

No person shall be arrested, detained, searched or have their freedom restricted unless in cases of flagrante delicto or by a causal judicial order required by an investigation in accordance with the law. The person shall be immediately informed of the reason for the restriction of their freedom, be shown the judicial order and allowed to contact relatives or a lawyer and must be informed of his or her right to remain silent and not to make any statements or confessions that may be used as evidence against them. No questioning of the person shall commence unless in the presence of a lawyer. If the person does not have a lawyer, one shall be appointed. The person shall be treated with respect in a manner that protects their dignity during arrest and during restriction of their freedom. The person may not be detained unless in places specifically designated for this purpose, which shall be decent and appropriate for human dignity and not harmful to a person's health.

**Article (93)**

The person under arrest shall be brought before before the judiciary within twenty-four hours from the moment the arrest took place. If a causal judicial order has not been issued to continue detention, the person shall immediately be released. The Public Prosecution may not order continued detention for more than seven days unless by an order by a competent judge. The law shall define the period and the circumstances under which a remand can be ordered.

**Article (94)**

The law shall specify the penalty for breach of articles (90-91-92-93), and appropriate compensations for anyone whose rights have been breached in contravention of these provisions. Those who have had their rights violated have the right to file a criminal lawsuit against the perpetrators of such violations.

**Article (95)**

Justice is a right of every person, guaranteed by the State. No one shall take the law into their own hands. The right to justice includes:

1. Right of recourse to the judiciary and to have a fair trial before a natural judge.
2. Right to defense at all stages of investigation and trial.
3. Legal aid for those who cannot afford it.
4. Activation of the principle of fines and compensation.
5. Special guarantees and procedures for the protection of women during the pre-trial and trial stages.

**Article (96)** Anyone who has suffered damages by judicial error has the right to fair compensation to be guaranteed by the State.

**Article (97)** Criminal responsibility is personal, and there shall no crime or punishment other than those established by law. An accused is presumed innocent until convicted.

**Article (98)** Evidence obtained through illegitimate means shall not be admissible in court of law.

**Article (99)** The State is committed to:

1. Make prisons facilities for corrections and rehabilitation
2. The humane treatment of every prisoner and guaranteed protection of dignity thereof.
3. Build separate prisons for women and undertake special measures to protect women prisoners.
4. Separation of prisoners based on nature of crime and age.
5. Enable the relatives to visit the prisoner in privacy.

Prisons shall be subject to judiciary oversight and monitoring of the Human Rights Commission.

**Article (100)** Everyone has the right to government administrative treatment that is lawful, expeditious and fair; and the right to be given a written causal decision from the respective body.

**Article (101)** Every individual, group of individuals, society or organization has the right to address official State organs, make proposals, solicit assistance, petition or file complaints, and the right to receive a clear and expeditious response.

### **Economic and social rights**

**Article (102)** Everyone has the right to clean water in sufficient volumes and the State shall be committed to take the necessary measures to guarantee this right.

**Article (103)** Every citizen has the right to housing and sanitation.

**Article (104)** Every citizen has a right to have access to adequate and sufficient food. The State shall take necessary measures to ensure the provision of food to the needy and to those unable to provide it themselves.

**Article (105)** Every citizen has a right to social welfare; and a right to social security in cases of illness; incapacitation or disability; unemployment; old age, or loss of a family's breadwinner. The State shall enact laws and measures to ensure guarantee of these rights.

**Article (106)** Each citizen has the right to Healthcare and the right to accessible health insurance.

**Article (107)** Public and private medical institutions must provide immediate medical treatment to anyone facing an emergency or a life-threatening situation. The refusal to provide such services is a crime punishable by law.

**Article (108)** Every citizen has the right to high quality education.

**Article (109)**

1. Work is a right of every citizen; guaranteed by the State and is based on the principles of equality and equal opportunities for all.
2. Every citizen has the right to choose appropriate work. No work may be forced on anyone except as provided by law, for performance of a public service, for a limited period of time, and for a fair remuneration without prejudice to the basic rights of assignees.
3. A worker has the right to work in a healthy and safe working environment.
4. The State guarantees a worker's right to a fair wage, equal pay for equal work, weekly holiday, paid annual leave, social insurance or social security and health insurance. A minimum wage and pension shall be set in a manner that ensures a dignified life for workers in the private and public sectors, free professions and retirees. These shall be reviewed and adjusted to realize this objective.
5. A worker, in any of the sectors of employment, has the right to create or join a representative trade union, participate freely in trade union activities and to defend his or her interests.
6. A worker may not be arbitrarily dismissed and has the right to fair compensation. The State guarantees the protection of workers' rights, and the existence of a balanced relationship between workers and employers and methods of collective bargaining.

**Article (110)** Workers, employees and the persons employed in the liberal professions have the right to form trade unions and federations by mere notification. Their activities may not be stopped; dissolved thereof or the dissolution of their administrative boards unless by a judicial order.

**Article (111)** Citizens have the right to create societies, foundations and civil society organizations by mere notification. In their creation, management and activities, these organizations shall abide by democratic principles, transparency in their accounts, revenues and sources of funding. The State guarantees their independence and freedom to practice their activities. The organizations, or their administrative bodies, may not be dissolved except by a judicial order.

**Article (112)** Every citizen has the right to own property, and to exercise this right without prejudicing the rights of others. The law shall regulate the right of ownership for foreigners.

**Article (113)** Every person has the right to choose a job, trade, occupation, profession and other legitimate means of earning a living.

**Article (114)** A consumer has the right to quality goods and services, and the right to obtain adequate and accurate information about these goods and services.

**Article (115)** The State shall be committed to gradual implementation of economic and social rights by taking the maximum appropriate measures that may be considered prudent in light of its available resources.

**Article (116)**

1. Everyone has the right to the use of their own language and take part in the cultural life of choice.
2. The State shall guarantee the rights of minorities in enjoying their own culture; perform their rituals and the use of their own language.

**Article (117)** Everyone has the right to a clean and healthy environment.

**Article (118)**

1. The right to asylum is guaranteed in accordance with the law.
2. The repatriation of political refugees is prohibited.
3. Refugees shall not be forcibly removed if it puts their lives at risk.
4. Refugees shall enjoy basic human rights in accordance with the Constitution and the law.

**Article (119)** Arbitrary forced displacement of citizens or forcing them to leave their regions is prohibited. This shall be considered a crime not subject to the statute of limitations.



**Article (120)**

1. The enforced disappearance of persons is a crime punishable by law and shall not be subject to the statute of limitations.
2. No orders or instructions issued by a public authority or persons to justify an act of enforced disappearance will be admissible in court.

**Article (121)**

Internally displaced persons as a result of natural disasters or conflicts have the right to protection and humanitarian aid. The State shall ensure decent life, education and appropriate healthcare without discrimination and shall compensate them. The State shall act to end the causes of displacement.

**Article (122)**

A child is classified as anyone below eighteen years of age. The State shall ensure:

1. The right to a name, kinship, a birth certificate and nationality.
2. Free healthcare, education, family and or alternative care in cases of loss of a family and the care for the rights of abandoned children.
3. Social services, basic nutrition and appropriate shelter;
4. Protection from negligence, economic, social and sexual abuse, the risks of human trafficking and smuggling, and detrimental cultural practices, and all that undermines dignity and prejudices health, physical and psychological wellbeing.

**Article (123)**

The interest of the child shall be observed in all actions relevant to the child in all matters.

**Article (124)**

The minimum age for marriage shall be eighteen years.

**Article (125)**

It is prohibited to exercise any form of violence or force against children. It is also prohibited to employ children in jobs that expose their physical, mental or psychological integrity to danger.

**Article (126)**

It is prohibited to recruit children or engage them in armed conflicts. The State shall ensure their protection during armed conflicts, extraordinary situations, emergencies and disasters.

**Article (127)**

1. Children, during arrest or restriction of freedom, shall be treated in a manner that protects them and maintains their dignity and the State shall provide legal aid to those who cannot afford it.
2. If a child has been sentenced to confinement, he or she shall be placed in a reformatory to serve the sentence, in separate facilities; where age, sex and type of crimes are taken into consideration, and where sound upbringing, education, rehabilitation and healthcare are ensured.

**Article (128)**

1. Women have full civil, political, economic, social and cultural rights without discrimination. The State shall be committed to empower women to exercise the

rights of equal citizenship, and protect them from of all forms of violence, all inhuman practices and enable them to reconcile between their family duties and the requirements of their jobs. Legislation shall be enacted accordingling to realize these aims.

2. The law shall determine the labor and maternity leaves for women.

**Article (129)** People are equal in human dignity.

**Article (130)** Persons with a disability have the right to:

1. Be treated with respect and dignity, and be empowered to exercise their full political, economic, social and cultural rights.
2. Full care and the provision of all their needs to overcome their disability.
3. Good and appropriate education and qualification in the various educational institutions and in all stages of education, and the allocation of an equitable share of educational scholarships and public jobs.
4. Creation of suitable infrastructures in both public and private facilities and public transport for their access to these facilities.
5. Improve social attitudes towards interactions with disabled persons.

**Article (131)** The State shall endeavor to look after expatriates abroad and emigrants to maintain their identity and protect their interests. It shall promote and guarantee their investments in Yemen, and guarantee their right to political participation, particularly participation in elections and referenda, which shall be regulated by law.

**Article (132)** The extradition of any Yemeni citizen to any foreign country shall be prohibited.

**Article (133)** Martyrs of the homeland have the right to be honored; their families and the wounded have the right to be cared for.

**Article (134)** Rights and freedoms set forth in this constitution shall not be subject to obstruction and derogation; they may not be prejudiced in any form; and in cases where the law provides for restrictions to regulate these rights and freedoms, these restrictions may not prejudice the origin, essence and content of a right. Restrictions may only be determined when necessary with the aim of protecting rights of others, public order or public morals and to the minimum level necessary for these purposes as required by the foundations of the civil democratic State, provided that such restrictions shall not be confined to a special case.

**Article (135)** All rights and freedoms are guaranteed as long as they do not conflict with the conclusive provisions of the Islamic Sharia and are consistent with the provisions of this Constitution.

**Article (136)** All rights and freedoms shall be guaranteed, any assault against these rights shall be punishable by law.

**Article (137)** All State authorities shall be committed to directly enforce and apply the fundamental rights and freedoms enshrined in this Constitution.

## Chapter III: State Authorities

### Section I: Federal Authorities

#### First: Legislative Authority

##### A: House of Representatives:

**Article (138)** The House of Representatives shall consist of 260 members to be elected through a general, free, secret, direct and equal vote under the closed proportional list system.

**Article (139)** After the first legislative cycle, the south (the regions of Aden and Hadhramout) shall be represented in the Federal House of Representatives based on the land and population formula at a share of 40%. This share may be reviewed, under the land and population formula, after two subsequent electoral cycles by a law to be passed with the approval of two thirds of the representatives of the south in the Federal Council.

**Article (140)** The House of Representatives shall assume the following functions:

1. Proposal and discussion of federal Bills and initial adoption of such Bills.
2. Discussion and adoption of the federal public budget.
3. Discussion and adoption of closing accounts of the State.
4. Proposal of constitutional amendments.
5. Approval of borrowing.
6. Approval of international agreements and treaties.
7. Oversight over the performance of the federal executive authority and independent institutions as set forth in the Constitution.
8. Any other functions pursuant to the provisions of this Constitution or a federal law.

##### B: The Federal Council:

**Article (141)** The Federal Council shall consist of 84 members; 12 from each region, 6 members representing the city of Sana'a and 6 members representing the city of Aden. The members are to be elected through general, free, secret, direct and equal vote under the proportional list system in each of the regions.

**Article (142)** The Federal Council shall assume the following functions:

1. Discussion and approval of Bills adopted by the House of Representatives.
2. Confirmation of appointments of senior civilian and military leadership, including: Ministers, the Governor of the Central Bank, the Public Prosecutor, heads and members of independent institutions, the chief of staff, deputies and aids, head of the General Intelligence Service, commanders of military branches, ambassadors of Yemen to other nations and delegates to international and regional organizations.
3. Suggests constitutional amendments.

4. Approval of the size of the armed forces.
5. Any other functions pursuant to the provisions of this Constitution or a federal law.

- Article (143)** Decisions in the Federal Council shall be taken by majority, unless two thirds of the representatives of the South (the regions of Aden and Hadhramout) oppose the decisions concerning the following vital interests of the south:
1. Modification of electoral constituencies in the elections law.
  2. The Natural Resources Revenue Division Act, including oil and gas.
  3. The shape of the federal State.
  4. Mechanism for delineating the boundaries of regions in the Local Authority Law.
  5. The special status of the city of Aden.
  6. Constitutional amendments relevant to the representation of the South.

### **C: National Assembly:**

- Article (144)** The National Assembly shall be composed of the joint session of the House of Representatives and the Federal Council.

- Article (145)** The National Assembly shall have the following functions:
1. Approval of declarations of war, conciliation and declaring a state of emergency according to the law.
  2. Approval of the sending of armed forces abroad.
  3. Any other functions pursuant to the provisions of this Constitution or a federal law.

- Article (146)** The speaker of the House of Representatives shall preside over National Assembly sessions with the assistance of the speaker of the Federal Council who will sit for him when absent. The National Assembly shall convene on invitation by the Speaker's Office of either the House of Representatives or the Federal Council, or both, or by the President of the Republic. The National Assembly shall develop its own internal procedures to manage its affairs.

- Article (147)** The House of Representatives and the Federal Council may set up special committees or assign any of their specialized standing committees to conduct research and uncover facts on a specific issue. In order for the Committee to perform its assignment, the Committee shall collect necessary evidence and conduct hearings to listen to the opinions of anyone it deems necessary. All concerned bodies shall comply with requests for provision of documents and paperwork.

- Article (148)** The House of Representatives and the Federal Council shall set up specialized permanent committees in a manner that ensures proportional and balanced representation of all parliamentary blocs; provided that the opposition shall at least assume the chair of the committees on financial affairs and human rights. The standing committees may conduct hearings with civil society organizations and citizens and

receive complaints and petitions on the performance of the public authorities and institutions.

**Article (149)** A candidate for membership in the House of Representatives and the Federal Council must meet the following conditions:

1. They must be a Yemeni national, fully eligible and enjoy full political rights.
2. Shall not be less than 25 years old for the House of Representatives and 30 years for the Federal Council on the day the nominations are announced.
3. Shall have at least a secondary school education or the equivalent.
4. Must be honest and of good moral standing and conduct, and he or she must not have had any final court judgment issued against them for a corruption crime or any crime in breach of honor and trust, unless exonerated.
5. Shall not be on active duty in the military or security forces.
6. Shall be a registered voter in the intended constituency.
7. Shall have a permanent domicile or be a resident of the region where the candidacy will be made for at least one year from the date of declaring candidacy.

**Article (150)** The two houses shall convene within a maximum period of two weeks from the date of the announcement of the final results of the elections upon invitation by the President of the Republic. If no invitation is made, the two houses shall convene their sessions on the first official business day following the end of this period.

**Article (151)** The first session of both houses shall be presided over by the eldest member. Following the swearing of the Constitutional Oath, the Speaker's Office shall be elected to consist of a speaker and two deputies, provided that at least one of the deputies is a woman.

**Article (152)** Each of the two houses shall convene in two ordinary sessions per year. They may hold extraordinary sessions on invitation by the President of the Republic or by a decision of the Presidium or by a written request made by a third of the members. The session may not be adjourned during the last quarter of the year prior to the approval of the Revenue Division Act and the adoption of the State's Public Budget. The rules of procedures shall determine the schedule of ordinary sessions and their duration.

**Article (153)** The meetings of each house shall be considered valid if an absolute majority of members are present. Unless a special majority is required, decisions are to be made by a majority of present members, provided that no less than a third of members shall be present during a vote on a piece of legislation.

**Article (154)** The terms for the House of Representatives and the Federal Council shall be four calendar years commencing from the first session in which members have been sworn in. Elections for a new house shall be held sixty days prior to the end of the term of the current House. If new elections cannot be held on time due to a force majeure situation, as determined by the Constitutional Court based on a request by the

President of the Republic, the term of the current House may be extended for a period not to exceed 90 days.

**Article (155)** Both the House of Representatives and the Federal Council shall develop their own internal rules of procedure to organize the conduct of business, which shall be enacted by law.

**Article (156)** Each House has the exclusive right to maintain order and security in its buildings through its own private security under the orders of its speaker. No military and security forces are permitted to enter the headquarters of the house or interfere in its security affairs unless requested by the Speaker.

**Article (157)** Each house shall have a general secretariat to be responsible for administration and financial affairs of the respective House. The Secretary General shall be elected by the House from among a number of candidates. The rules of procedures of the Council shall determine the form, functions and other rules relevant thereto.

**Article (158)** Each member of the House shall be devoted full time to their parliamentary duties and may not occupy any other elected or appointed office or public position at any level of government. Entitlements and privileges accrued in the previous employment of the member shall be retained in accordance with the provisions of the law.

**Article (159)** It is not permitted for a member of the House to interfere in the business of executive and judicial authorities at any level of government.

**Article (160)** A member of the House shall receive an appropriate financial remuneration during the term of service in the House to be determined by law.

**Article (161)**

1. A member of the House of Representatives or of the Federal Council shall not lose membership, except in any of the following situations:
  - a. The member no longer meets one of the qualifications for membership.
  - b. The member changes the political affiliation under which he or she was elected.
  - c. The member is in breach of the duties vested upon them by the Constitution and the rules of procedures.
  - d. The member is absent from the sessions of the House or committees for no acceptable justification as specified by the rules of procedures.
2. Request for revocation of membership shall be presented by the Speaker's Office by 20 members and shall be referred to the Federal Constitutional Court for adjudication by approval of a third of the members. The Court's decision shall be final and conclusive.

**Article (162)** Membership in the House shall terminate in the following situations:

1. Expiration of the term.

2. Resignation.
3. Death.
4. Permanent disability that prevents the member from performing the work in the house as set forth in the rules of procedure.
5. If a conclusive court decision has been issued to revoke membership.

**Article (163)** Anyone having an interest may appeal against the validity of the membership of any member of the two houses within two weeks from the convening of the first session of the respective House. The House shall have the competence to adjudicate on appeals by a decision it makes within thirty days from the date of the appeal. Appeal of House decisions may be made to the Constitutional Court within thirty days from the date the appeal is made. The Court shall make a decision on an urgent basis.

**Article (164)** The headquarters of the two houses shall be in the capital city of Sana'a. They may convene their sessions in any other location. The rules of procedures of each house shall set forth the cases for holding such sessions.

**Article (165)** If a seat of one of the members of the two houses becomes vacant, the member shall be succeeded for the remaining term by the next candidate in the election's winning list with due consideration to the stability of the representation criteria.

**Article (166)** No member of the House shall be censured, under any circumstances, due to facts that the member has come into contacts with or for opinions expressed in the House or in the committees or for their votes in the House during sessions. This provision shall not be applicable to slander and profanity.

**Article (167)** No member of the House of Representatives or the Federal Council shall be subjected to arrest, search, investigation, imprisonment or any criminal proceedings unless by permission from the respective House, except in cases of flagrante delicto. In such case, the House shall be immediately notified, and shall verify the soundness of the procedures followed. When the House is not in session, permission shall be obtained from the Presidium of the House in question and the House shall be notified of the actions taken at the next session. In all cases, the request for an action against the member shall be decided within no more than 30 days. Otherwise, the request shall be deemed accepted.

**Article (168)** A member of the Houses of Representatives or the Federal Council may present his or her resignation in writing to the respective House.

**Article (169)** Sessions of the two houses are to be held in public. Closed sessions may be held, in exceptional circumstances on the basis of a request by the Speaker or by at least 10% of members of the House, or by the President of the Republic. The request shall be discussed by the House in a closed session to determine if the issue at hand shall be discussed in a closed or public session.



**Article (170)** Citizens have the right to attend the sessions of the two houses and have access to the minutes of meetings, decisions and documents. This right may not be restricted unless there are reasonable grounds that do not conflict with the importance of the principle of transparency. The rules of procedures of the respective House shall regulate the exercise of such right.

**Article (171)** Members of both houses have the right to propose Bills.

**Article (172)**

1. Proposed Bills shall be referred to a designated committee in the House of Representatives to express an opinion on whether the House shall consider the Bill or not. If the House decides to consider the Bill, it shall be referred to a specialized committee for study.
2. The House of Representatives shall discuss the Bill. If it adopts the Bill, it shall refer it to the Federal Council within one week of the date the Bill is adopted.
3. If the Federal Council adopts the Bill referred to it by the House of Representatives unamended, the law shall be submitted to the President of the Republic signed by the speakers of both Houses for issuance.
4. If the Federal Council is of the opinion that the Bill shall be amended, it shall return it to the House of Representatives with justifications for the amendments. If the House of Representatives adopts the amendments, it shall be submitted with signatures of the speakers of both Houses to the President of the Republic for issuance.
5. If the House of Representative rejects the proposed amendments to the Bill, as proposed by the Federal Council, it shall be referred to a joint committee composed of an equal number of members from each of the two houses.
6. The joint committee shall make its decision by majority of its members, provided that half of the representatives of each House agree. In the event that no solution is reached, the Bill shall be considered dead.
7. The committee shall discuss points of disagreement and propose a draft to present to the House of Representative. In the event that the House of Representatives rejects the joint committee's proposed draft, the Bill shall be considered dead and may not be presented again to the House during the same session; but if the House of Representatives approves the proposed draft of the joint committee, it shall be presented to the Federal Council for adoption; otherwise, it shall lapse.

**Article (173)** Voting on Bills shall be article by article, the rules of procedure shall explain the relevant procedures for each House.

**Article (174)** Laws shall be issued upon the signature of the President of the Republic, who has the right to request a review of any Bill approved by the Legislative Authority. In such cases, the President shall return the Bill to the House of Representative within thirty days from the date of receipt with a memorandum setting out the reasons for such objection. If the law is not returned to the House of Representative within the prescribed period or returned and adopted again by a two-thirds majority in the House, the Law shall be

considered issued by virtue of the Constitution, and shall be published in the Official Gazette.

**Article (175)** Laws shall be published in the Official Gazette within two weeks from the date of issuance. They shall enter into force thirty days from the date of publication. This deadline may be extended or shortened by a special provision in the respective Law.

**Article (176)** Any of the Houses may request a Minister or an Official of the executive authority or independent institutions to attend the sessions of the House for clarifications on any given matter.

**Article (177)** Ministers and Heads of independent institutions or their Deputies may attend the sessions of the House and speak on matters relevant to their area of competence.

**Article (178)** The House, on the basis of a request by at least ten members, may establish a special committee or assign any of its standing committees, to conduct a fact finding inquiry on a specific matter relevant to the activities of any ministry, institution, public corporation or unit of the public sector, mixed sector or an independent institution. To facilitate the conduct of the task, the committee may collect evidence or requests testimonies of anyone deemed necessary. All executive and private entities shall respond to the request and place all documents and information they possess at the disposal of the committee. The law shall regulate penalties for non-compliance with such obligation.

## **Second: The Executive Authority**

### **A: The President of the Republic**

**Article (179)** The President is the head of the State, and the symbol of its unity. Executive powers shall be vested in the President on behalf of the people to exercise it with assistance of the Vice President and ministers. The President of the Republic shall maintain the interests of the people and shall preserve the independence of the country, its territorial unity and integrity. The President shall comply with the provisions of the Constitution and the laws, and shall exercise the mandate and competences as stipulated in the Constitution.

**Article (180)** The President and Vice President shall be elected together in a single ticket, provided that they must not be from the same region.

**Article (181)** The President of the Republic shall be elected for a period of five calendar years starting from the date of the swearing of the Constitutional Oath, in general, direct, secret and competitive elections, and may only be re-elected one time.

**Article (182)** Every citizen has the right to run for the offices of President or the Vice President, and candidates shall be required to meet the following qualifications:

1. Shall be Yemeni, Muslim, born to Yemeni parents, and must not be, nor may their spouse be, a holder of foreign citizenship.
2. Enjoys full political rights.
3. Must not be less than thirty five years old at the time of candidature for the Office.
4. Must not have assumed the Office of the President for two presidential terms.
5. Must not be associated with any military, security or intelligence institution, unless he or she has quit the position in any of these institutions at least ten years prior to running for the Office.
6. Must be of good conduct, maintains religious rites, and should not have been sentenced, in a final judgment in crimes involving moral turpitude, fidelity or corruption, or for any other grave crime or violation of human rights or International Humanitarian Law.

The person selected by the President to be the Vice President shall meet the same qualification requirements.

**Article (183)** The candidate for the Office of the President of the Republic must be endorsed by 5% of the members of the House of Representatives or the Federal Council, or by signatures of six thousand voters from a majority of regions, with a minimum of 500 voters from each region. Members of the legislature or citizens may not endorse more than one candidate.

**Article (184)** The candidates shall submit applications for candidature to the National Elections and Referendum Authority. The Federal Elections Law shall specify the procedures for candidature and elections.

**Article (185)** A person who obtains more than half of the valid votes of voters who participated in the voting shall be deemed the winner and the President of the Republic.

**Article (186)** If no candidate obtains more than half of the total number of votes in the first round, a second round shall be conducted within twenty days between the two candidates who obtained the highest number of votes. The candidate who obtains a majority of valid votes of the electorate shall be deemed the winner and the President of the Republic. In the event of the death of one of the candidates in the first round; or one of the two candidates who won the highest number of votes in the runoff, another round of nominations shall be announced and dates of elections shall be rescheduled within a period of no more than forty days.

**Article (187)** The National Elections and Referendum Authority shall invite voters for the presidential elections on the appointed date.

**Article (188)** The proceedings to elect a new president of the Republic shall begin ninety days before the expiration of the term of the incumbent President. If that proves impossible, due to circumstances of force majeure recognized by the Constitutional Court, the President of the Republic, whose term in office has expired, shall continue to administer the affairs of the State and address the circumstances of force majeure, provided that this term shall not exceed ninety days.

**Article (189)** The President and Vice President shall swear the Constitutional Oath before the National Assembly prior to assuming Office.

**Article (190)** The President is the Supreme Commander of the Armed Forces.

**Article (191)** The President of the Republic shall assume the following powers and competences:

1. Representation of the State at home and abroad.
2. Outlines and guides the State's public policy.
3. Appointment, termination and dismissal of federal ministers.
4. Establish and abolish diplomatic missions.
5. Accrediting ambassadors of foreign countries.
6. Appointment of senior federal civilian and military staff, ambassadors and State's representatives to international and regional organizations, after the approval of the Federal Council.
7. Presentation of the State's General Budget and closing accounts to the House of Representatives.
8. Declaration of a state of emergency, war and peace, after the approval of the National Assembly.
9. Concluding international treaties and agreements and ratification of international treaties and agreements approved by the legislative authority.
10. Propose draft Federal Laws.
11. Issuing executive regulations for federal laws and regulations and resolutions organizing the federal ministries, institutions, agencies and authorities.
12. Pardon penal rulings in cases other than retribution and Hudud Offenses in whole or in part, of any private rights, after taking advice from the relevant bodies according to the law.
13. Awarding decorations and medals according to law.
14. Issuance of laws approved by the federal legislative authority.
15. Ratification of conclusive verdicts on capital punishment.
16. Presentation of a comprehensive annual report on the state of the country to the National Assembly.
17. Any other competences or powers stipulated by the Constitution or law.

**Article (192)** The President of the Republic, for any reason whatsoever, may not remain outside the country for a period of more than fifteen days without briefing the Federal Council.

**Article (193)** The President of the Republic may not occupy any partisan office or exercise partisan tasks and activities during tenure.

**Article (194)** The Vice President shall assume any tasks assigned to him or her by the President of the Republic, and shall act on behalf of the President during the President's absence.

**Article (195)** The President may resign from Office. The resignation shall be communicated to the House of Representatives in writing. The Resignation shall become effective on the date of its submission.

**Article (196)** The Office of the President becomes vacant in cases of death, permanent disability, resignation or impeachment.

**Article (197)** If the Office of the President becomes vacant, the Vice President shall replace him for the rest of the term if the remaining part of the term is not more than half of the term. The Vice President may run for President for two terms thereafter. If the remaining part of the term is more than half, presidential elections shall take place within 90 days.

**Article (198)** If the Office of the Vice President becomes vacant, the President shall appoint a Vice President with the approval of the Federal Council.

**Article (199)** If the offices of both the President and Vice President become vacant, the Speaker of the House of Representatives shall assume the Office of the President. If this proves impossible for any reason, the Speaker of the Federal Council shall assume the Office of the President. If that fails, the Foreign Minister shall assume the Office of the President. In all cases, presidential elections shall be organized within 90 days.

**Article (200)** In the event presidential authority is transferred in accordance with the previous article, the acting president shall refrain from the following:

1. The nomination, appointment or dismissal of ministers, ambassadors and senior government officials whose nomination or appointment or dismissal fall within the competences of the President of the Republic.
2. Awarding of decorations and medals.

**Article (201)**

1. Accusing the President of high treason or breach of the Constitution or perjury shall be based upon a request submitted by 20% of the members of the House of Representatives and requires the approval of a majority of the members of the Council to be referred to questioning in the Federal Council. The law shall define cases of high treason and procedures to be followed.
2. The Federal Council shall consider the charges referred to it by the House of Representatives, and the President or Vice President has the right of defense. The Federal Council shall issue a decision concerning the charge within a period not to exceed sixty days by a majority of two-thirds.
3. If the Federal Council issues a decision convicting the President, the President or the Vice President shall be deemed impeached from Office without precluding criminal proceedings in a court of law.

**B: The Federal Government****Article (202)**

1. A candidate for the position of a minister must meet the following qualifications:
  - a. Must be a Yemeni national, fully eligible and enjoys full civil and political rights.
  - b. Must be known for their competence and integrity.
  - c. Should not have been sentenced, in a final court judgment, on a crime of corruption or crimes involving moral turpitude and fidelity unless exonerated.
  - d. Must not be in active service in the armed forces, police or intelligence service.
2. May not be a member of the House of Representatives or the Federal Council. It is impermissible to combine the position of minister with any other executive or representative position.

**Article (203)** The Minister shall manage the affairs of the Ministry, propose relevant public policies and assume any other functions as assigned by the President of the Republic or as stipulated by law. The Minister is accountable to the President of the Republic in performing his functions.

**Article (204)** The State shall be committed to take necessary legislative and executive actions to ensure fair representation of the South to achieve participation in federal executive authorities and institutions.

**C: State of Emergency****Article (205)**

1. The President of the Republic shall declare a state of emergency throughout the Republic or part thereof in cases of war, foreign aggression, natural disasters and armed disobedience after consultation with the authority of the respective region or regions.
2. The National Assembly must meet within a period of no more than 72 hours to approve the declaration of the state of emergency by an absolute majority, and in case of rejection, the declaration shall be considered null and void and all impacts of such declaration must be abolished from the date of declaration.
3. Measures taken under a state of emergency shall be limited in terms of extent, geographical scope, duration and shall be proportionate and only as necessary to deal with the causes of the state of emergency.
4. The state of emergency shall end after the passage of thirty days from the date of declaration unless the general assembly agrees to an extension for the same reason and two similar periods by a decision to be passed by two third of the members of the General Assembly each time. A state of emergency shall not be in effect for more than 90 days.
5. None of the rights and freedoms enshrined in this Constitution may be restricted unless to the minimum level possible needed to address the causes of the state of emergency.

6. If the organization of free and fair elections proves impossible during a state of emergency, the National Elections and Referendums Authority may delay an invitation to elections but such delay shall not exceed 90 days from the date the state of emergency was lifted.
7. Any person may challenge the decree to declare a state of emergency or extension thereof. It is also permissible to challenge any decision issued based on that declaration, including decisions by the National Elections and Referendums Authority to postpone the elections.
8. A federal law shall regulate the declaration of a state of emergency and relevant provisions thereof and shall be enacted by a majority of members in the House of Representatives and the Federal Council.

### **Section III: The Judiciary**

#### **A: General principles**

**Article (206)** The Judicial Authority is independent. It shall assume the administration of justice; guarantee the supremacy of the Constitution, the application of the law and the protection of rights and freedoms.

**Article (207)** Interference in the affairs of the judiciary is a crime punishable by law and a lawsuit thereon is not subject to the statute of limitations.

**Article (208)** Judicial rulings are issued in the name of the people and shall be enforced by all competent State organs.

**Article (209)** A federal law regulates the establishment of courts, types, levels and competences. The establishment of extraordinary courts is prohibited.

**Article (210)** Courts shall apply constitutional texts on fundamental rights and freedoms of citizens referencing the Constitution directly.

**Article (211)** Immunity from judicial oversight for any administrative act or decision is prohibited.

**Article (212)** Court hearings shall be public, unless the court decides to hold a closed hearing in the interest of public order and propriety. The announcement of verdicts shall be in a public hearing.

**Article (213)** Judges are independent and are not subject to any authority other than the law in issuing their judgments.

1. The law shall define terms and procedures for the appointment of judges, and for the rights, duties, guarantees determined for judges, transfers, promotion, retirement, monitoring of their performances, investigation and disciplinary actions.
2. Judges are not subject to dismissal. They may not be removed, transferred or sent to retirement before the end of their term of service; except in situations and conditions specified by law.
3. Judges may not be transferred to non-judicial posts without their consent and approval of the Supreme Judicial Council; unless this is a disciplinary action.

4. Full time or part time deputation of judges is not permissible, except to bodies or for acts prescribed by law under a decision to be issued by the Supreme Judicial Council.

**Article (214)** Judges are obligated in their professional duties to observe the principles of neutrality and independence and are prohibited from:

1. Partisan or political affiliation.
2. Directly or indirectly accepting cash or in-kind gifts or any other benefit for carrying out their duties. This provision applies to all judiciary staff and shall be considered a crime punishable by law.
3. Practicing law before courts they previously served in for a period no less than three years from the date of resignation from office.

**Article (215)** It is not permitted to try civilians before military courts.

**Article (216)** Military courts shall have competence to decide on military crimes and offences committed by military personnel. The law shall prescribe the crimes and offences, in a manner that ensures a fair trial in all levels of litigation.

**Article (217)** Military personnel accused of violating human rights and freedoms are subject to the jurisdiction of ordinary courts.

## **B: The Supreme Federal Judicial Council**

**Article (218)** The Judiciary Authority shall have a supreme council to manage its affairs and embodies its autonomy.

**Article (219)**

- a. The composition of the Judicial Council shall be as follows:
  1. One member from the Constitutional Court.
  2. One member from the Federal Supreme Court.
  3. One member from the High Administrative Court.
  4. One member to represent the Public Prosecution whose rank is equal to that of the Attorney General.
  5. One member of the High Court of each region.
  6. Two members from amongst lawyers admitted to plead cases before the Supreme Court.
  7. Two law professors from state universities having at least an associate professor level.
- b. The law shall regulate the mechanism for proposing candidates and electing members of the Supreme Judicial Council and the rule of procedures of the Council.

**Article (220)** The Federal Council shall ensure the integrity of nomination procedures in accordance with the Constitution and the law and confirm the nominations. The President of the Republic shall issue a decree of appointment.

**Article (221)** Membership in the Council is for a term of four years renewable for a second term only.

**Article (222)** The Supreme Judicial Council shall assume the following competences:



1. Develop plans and public policies for the reform and development of the performance of the judiciary.
2. Express opinions on legislations relevant to the judiciary authority.
3. Formulation of a draft budget for the judiciary authority and oversee its implementation.
4. Appointment of the head and deputies of the Judiciary Inspection Authority, duly considering that the members of the authority shall be from different regions.
5. Consideration of the results of periodic inspections on the work of judges and members of the Public Prosecution.
6. Oversee training of judges and development of their competences, supervision over the methodology of theoretical education and practical training and accommodation of female judges and members of the Public Prosecution in the various types of courts at different levels.
7. Any other competence pursuant to the law.

#### **Article (223)**

1. The Judiciary Authority Law shall regulate the competences of the Supreme Judicial Council and the Judicial Councils in the regions, in the appointment of judges and members of the public prosecution, transfer of judges, assignment and secondment, retirement, suspension from office, disciplinary action, all other career affairs and consideration of their grievances.
2. The law shall also regulate the competences of the Judicial Councils in the regions as follows:
  - a. Management of the courts and Public Prosecution offices at the regional level.
  - b. Development of plans and public policies to reform the judiciary and development of performance.
  - c. Formulation of the draft budget of the judiciary and oversight over implementation.
  - d. Any other function provided by the law.

**Article (224)** The Council shall deliver an annual memorandum to the President of the Republic and the House of Representatives on the general state of the judiciary authority, and provide proposals for development of performance thereof.

**Article (225)** The administrative judiciary is an independent judiciary body and shall exclusively assume the adjudication on administrative disputes and enforcement thereof. The law regulates the composition of the administrative judiciary, levels, competences and procedures to be followed before such judiciary.

**Article (226)** Courts of First Instance shall be established in the districts, courts of appeals in the wilayas, supreme courts in the regions and a federal supreme court shall be established. Rulings of supreme courts in the regions are final, except for matters falling within the competence of the Federal Supreme Court in accordance with regulations of the law.

**Article (227)** The Federal Council shall elect the Public Prosecutor (Attorney General) from three candidates selected by the Supreme Judicial Council from among judges or the

members of the Public Prosecution, whose rank is that of a judge of appeals or higher or a grade of member of the Appeals Prosecution, for a five year non-renewable term. A Republican Decree shall be issued for their appointment.

**Article (228)** The Public Prosecution is a organ of the judiciary authority, its task is to investigate and initiate criminal proceedings, and shall assume supervision over law enforcement organizations. The law shall define its other powers and competences

**Article (229)** Lawyers shall enjoy legal protection to enable them to perform their duties, contribute to the administration of justice and to defend rights and freedoms without hindrance. The law shall regulate the legal profession.

## **Section II: Authorities of the Regions**

### **First: Legislative Authority**

**Article (230)** The Regional Parliament is the legislative authority in the region and shall be composed of no more than 80 members to be elected by general, secret, free, direct and equal vote under a proportional list system at the regional level, in a manner that ensures fair representation of the wilayas.

**Article (231)** A candidate for membership of the regional Parliament shall be required, in addition to conditions stated for the membership of the Federal Parliament, to be registered in the voters' registry in the region, and must have a permanent residence or be a resident in the region for a period of at least three years.

**Article (232)** The term of the regional Parliament shall be four calendar years commencing from the first session convened by the Parliament. Invitation to elect a new Parliament shall be made at least sixty days before the expiration of the term of the current Parliament.

**Article (233)** The headquarters of the regional Parliament shall be in the regional capital; and may convene its sessions in any other place at its own discretion.

**Article (234)** The sessions of the Parliament shall be deemed quorate if an absolute majority of members are present. Decisions on laws shall be adopted by a majority of those present, but shall be no less than one third of the Parliament's total membership.

**Article (235)** Provisions are set forth in the federal legislative authority's chapter concerning the duties and privileges of each member; cases of loss of membership and vacancy of the seat shall apply.

**Article (236)** The regional Parliament shall convene its first session within ten days from the date of announcement of elections results. It shall be chaired by the eldest member by age. Members of the Parliament shall perform the Constitutional Oath and elect a speaker and two deputies; at least one shall be a woman.

**Article (237)** It is not permitted to combine membership of the regional Parliament with a membership in any federal, regional, wilaya, or district authority.

**Article (238)** The regional Parliament shall exercise the following competences:

1. Adoption of the draft regional Constitution or amendment thereof by a majority of at least two third of its members, provided it does not conflict with the Federal Constitution.
2. Propose, discuss and approve draft regional laws in accordance with competences of the region defined in this Constitution.
3. Propose, discuss and approve draft laws in areas mandated to the region pursuant to a federal law.
4. Adoption of the General Budget of the region.
5. Discuss and approve the Closing Accounts of the region for the previous year.
6. Ratification of cooperation and investment agreements concluded by the region in areas of socio-economic development provided they are in harmony with Federal foreign policy and shall not affect the powers of the federal authority or public debt of the federal State.
7. Discuss and adopt socio-economic development plans of the region.
8. Oversight of executive authority in the region.
9. Confirmation of appointment of senior leadership in civilian institutions, independent bodies and the police in the region.
10. Any other competences under the provisions of the Constitution and the law.

**Second: Executive Authority**

- Article (239)** The executive authority in the region is made up of the Governor of the region and the Government.
- Article (240)** The Governor of the region shall preside over the Government of the region and shall be elected by a majority of two thirds of the House of Representatives of the region. If the House of Representatives fails to elect the Governor within sixty days from the convening of the first session, the House of Representatives shall be considered dissolved and a call for new parliamentary elections shall be made.
- Article (241)** The Governor of the region is the top executive official in the region and shall assume the implementation of the Constitution, the laws and public policy within the scope of the region.
- Article (242)** The Governor-elect of the region shall present a list of nominees for the Government of the region to the House of Representatives to obtain confidence by a majority of the House.
- Article (243)** The Governor of the region shall perform the Constitutional Oath within a week from the election date before the region's House of Representatives. Members of the Government shall perform the Constitutional Oath before the House within a week from the date they are granted confidence.
- Article (244)** The Governor of the region shall exercise the following functions:
1. Appointment of senior regional government civilian and police staff.
  2. Enactment of laws, decrees and regulations.
  3. Concluding agreements and ratification of cooperation and investment agreements approved by the House of Representatives.
  4. Any other competence provided in the Constitution and the law.
- Article (245)** The Government of the region shall exercise the following competences:
1. Formulation and implementation of the region's public policies.
  2. Propose draft laws and regulations.
  3. Presentation of the socio-economic development plan to the region's House of Representatives.
  4. Presentation of the regional draft Public Budget for the next fiscal year to the region's House of Representatives.
  5. Presentation of the annual Closing Accounts for the previous year to the region's House of Representatives.
  6. Any other competence prescribed in the Constitution or the Law.
- Article (246)** The Government of the region shall be collectively and individually accountable before the House of Representatives. Each member of the House of Representatives may request the questioning of a minister in the region on issues that fall under their powers. The questioning shall take place seven days after the submission of the request.
- Article (247)** Confidence may be withdrawn from a member of the Government or the entire Government by a majority of the House of Representatives. In cases where confidence in the Government has been withdrawn, the Governor of the region shall form a new Government and seek the confidence of the House.

**Article (248)** The House of Representative in the region may withdraw confidence from the Governor by a two-thirds majority. The decision to withdraw confidence must include the election of a new Governor for the region.

**Article (249)** The regional Constitution shall determine the perpetual mechanism for the selection of the regional Governor after the first electoral cycle.

### **Section III: Powers of the Wilaya and District**

#### **First: the Wilaya**

**Article (250)** The Wilaya enjoys a legal personality and financial and administrative independence, and shall have legislative and executive authorities within the scope of its competence.

**Article (251)** The Wilaya Council shall consist of representatives of the districts councils in the wilaya at a minimum of one representative for each district.

**Article (252)** The Wilaya's Council shall elect a President and a Deputy from amongst its members in the first session it convenes.

**Article (253)** The Wilaya's Council is the legislative authority of the Wilaya in the sphere of its competences set forth in the Constitution. The Council shall exercise control, hold to account and oversee the performance of the Executive Council of the Wilaya. It shall have the power to raise taxes in accordance with the law and service charges for services provided by the Wilaya and fines relevant thereof and all other resources within the limits of its constitutional powers. It shall have the right to mandate the district councils on any of its competences and the law shall determine other competences of the Council.

**Article (254)** The Wilaya's Council shall elect a Wali from outside its membership and from among those with the qualifications prescribed by law.

**Article (255)** The Wali is the prime executive official in the Wilaya and shall assume the implementation of the Constitution, the laws and State public policy within the scope of the Wilaya. The Wali shall direct and oversee the performance of the executive organs in the Wilaya and shall assume powers with the assistance of the executive office of the Wilaya.

**Article (256)** The Wilaya shall have an Executive Council made up of the Wali as the president, and membership of the directors of executive organs. The Council shall assume the development of the draft socio-economic development plan, draft budget, closing accounts, coordination of performance of executive organs, oversight over activities of the Wilaya and necessary actions to deal with natural disasters. The law shall determine other competences of the Council.

**Article (257)** The Wali and members of the Executive Council shall be responsible to and accountable to the Wilaya's Council.

**Second: the Districts**

- Article (258)** The Wilaya shall be divided into local administrative units called districts enjoying a legal personality and financial and administrative autonomy.
- Article (259)** Districts shall have elected councils, chosen by universal suffrage in direct, free and secret vote under a proportional list system. The district shall assume the legislation of bylaws and shall exercise control over the performance of executive agencies within its jurisdiction.
- Article (260)** Each district shall have a Director elected in a secret vote by district councils. The law regulates candidature and election procedures. The District Director shall be accountable to the District Council.
- Article (261)** Each district shall have an Executive Council composed of the District's Director as chairman, and membership of the executive organs in the district. The law shall define the competences of the Council.
- Article (262)** A regional law shall define the exclusive powers of the districts within the competences mandated to the Wilaya and localities in this Constitution in a manner that ensures efficient and effective service delivery by the level closest to the people.
- Article (263)** A federal law shall determine the standards by which the cities shall have a legal personality and financial and administrative independence. A regional law shall determine their exclusive powers within the scope of the powers assigned to wilayas and localities in this Constitution.

## Section IV: The Cities of Sana'a and Aden

### First: The City of Sana'a

**Article (264)** The city of Sana'a is the capital of the Federal Republic of Yemen and is a Federal city not subject to the authority of any of the regions. It shall embody national unity and cultural diversity. It shall have a special status to guarantee its autonomy and neutrality in a manner that ensures that federal organs and institutions are functioning efficiently and effectively.

**Article (265)** The Federal Government shall be committed to support the historical status and special character of the city of Sana'a and its development needs as a federal capital.

**Article (266)** The city of Sana'a shall have legislative and executive powers performing the competences entrusted to the regions, wilayas and districts as prescribed in this Constitution.

**Article (267)** A federal law shall define provisions of public safety and security of the city of Sana'a, in consultation with the City Council.

### Article (268)

1. Legislative powers of the city of Sana'a shall be vested in the City Council elected through universal suffrage, secret, free and direct vote, according to the proportional list system.
2. The term of the council shall be four years and the number of its members shall not exceed 40 and shall be regulated by law.
3. A candidate for membership of the Council shall, in addition to requirements for the membership of the Federal House of Representatives, be a registered voter in the city, have maintained a permanent domicile in the city or have been a resident for at least three years.

**Article (269)** The executive authority in the city of Sana'a consists of a Mayor, and the Executive Council of the city.

**Article (270)** The Mayor of the city shall be elected through a general, free and direct vote for a period of four years. The Mayor may be re-elected only for a second term. The law shall regulate the terms of candidature and termination of the term in office.

**Article (271)** The Mayor shall appoint members of the Executive Council from amongst persons of competence and integrity after the approval of the city council.

**Article (272)** A federal law shall define the geographical scope of the city of Sana'a to ensure accommodation of federal institutions and population growth.

**Second: The City of Aden**

**Article (273)** The City of Aden has a special economic and administrative status within the region of Aden. It shall enjoy autonomous legislative and executive authorities.

**Article (274)** The city of Aden shall have the same powers and responsibilities entrusted to the regions and the wilayas in this Constitution, including the powers to enact legislations relevant to the special economic and financial system and the ratification of economic and trade agreements. A federal or regional law may grant the city additional powers.

**Article (275)**

1. The legislative authority in the city of Aden shall be entrusted to the City Council elected by universal suffrage, secret and free vote according to the proportional list system.
2. The term of the Council is four years. The Council shall be composed of no more than 40 members and regulated by the law.
3. A person wishing to run for membership of the Council shall, in addition to conditions prescribed for members of the Federal Parliament, be a registered voter in the City's voters register, have a permanent domicile in the city or have been a resident for at least three years.

**Article (276)** The executive authority in the city of Aden shall consist of a Governor and the Executive Council of the city.

**Article (277)** The Governor of the city shall be elected through general, direct and free vote for a four year term. The Governor may be re-elected for a second term only. The Law shall regulate terms and conditions for candidature and termination of tenure.

**Article (278)** The Governor shall appoint members of the Executive Council from among qualified persons with integrity after approval of the city council.

**Article (279)** The Federal Government shall be committed to support and promote the special economic status of the city of Aden by including it in the national economic policy priorities, support for special investment and tax and customs systems for the city and development of its infrastructure.

**Article (280)** Specialized courts shall be established in the city of Aden to adjudicate on economic, financial and investment disputes.

**Article (281)** A regional law shall establish the borders of the city of Aden to be enacted in agreement with the Legislative Council of the city.



## Section V: Independent Institutions and Specialized Councils

### General Provisions:

#### Article (282)

1. Independent institutions and specialized councils shall embody the will of the entire society in the affairs they administer, enjoy a legal personality, financial and administrative autonomy, independent budgets, exercise their competence and perform their functions in accordance with the principles of good governance, and shall only be subject to the Constitution and the Law.
2. It is impermissible to combine membership of independent institutions with any other office.
3. The duration of membership in an independent institution shall be one non-renewable term. A midterm renewal system shall be adopted and the stability of representation in accordance with standards shall be ensured.
4. Membership shall be conditional on compliance with the standards of specialization, competence, integrity and experience.
5. It is not permitted to remove members of independent institutions unless by approval of the Federal Council in accordance with the Law.

**Article (283)** Independent bodies shall be composed of an appropriate number of members from the various regions, provided that they meet eligibility criteria regarding specialization, competence, integrity and experience. Members are selected by the Federal Council by a majority of at least two third of the members. Due consideration shall be given to the representation of women in the composition of these bodies and the law shall regulate election and appointment procedures thereof.

**Article (284)** Independent bodies and specialized councils shall be established under a federal law, which shall define their mandate and modality of work, guarantees for independence and the required protection for members and their functional status to ensure their impartiality and independence.

**Article (285)** Independent institutions and specialized councils shall present periodic reports to the President of the Republic, the House of Representatives, the Federal Council, the legislative assemblies in the regions and the regional governments, where appropriate.

**Article (286)** Independent institutions and specialized councils shall present proposals and express an opinion on draft legislations and regulations relevant to their area of activity.

**Article (287)** The general provisions of this chapter shall apply to independent bodies mentioned in other chapters of this Constitution.

**Article (288)** The Federation and regions may establish independent bodies and specialized councils by law in accordance with their respective competences.

## **Elections and Referendum Authority**

**Article (289)** The Independent Elections and Referendum Authority is a national body specializing in the administration and organization of referenda and general elections in the Republic. It shall call for elections and referenda on appointed deadlines and shall oversee and monitor the elections and announce the results thereof. It shall have the competence of receiving notifications for the establishment of political parties and the results of the elections of bodies thereof. It shall have branches in the regions and the wilayas and a general secretariat to function under its supervision. The staff of the secretariat shall be selected on the basis of precise eligibility criteria regarding competence, integrity, independence and impartiality as well as proportional representation of the regions.

## **The National Media Council**

**Article (290)** The National Media Council is an independent body that aims to promote principles of democracy, freedom of expression, human rights, intellectual and cultural diversity and national and religious values. It shall be responsible for overseeing the performance of State-owned media institutions; ensures impartiality and independence and the appointment of leaderships officers thereof at the federal level. The regions may establish media councils to oversee regional-owned media institutions.

## **Civil Service Authority**

**Article (291)** The Independent Civil Service Authority is a federal institution responsible for the performance of the public administration bodies, and oversight of the application of standards of good governance. Similar bodies shall be established in the regions.

## **Anti-Corruption Authority**

**Article (292)** The Anti-corruption Authority is an independent national body that works to combat corruption and abuse of power and to promote the values of transparency, integrity and good governance. The law shall define its composition, authorities and powers, terms and conditions for membership, and the rights and obligations of its members. It may establish branches in the regions.

## **Human Rights Commission**

**Article (293)** The Human Rights Commission is an independent national institution with a focus on the protection of public rights and freedoms through the following:

1. Monitoring the extent to which human rights, established in the Constitution, laws, treaties and conventions ratified by the State are respected in public and private institutions of the State.
2. Monitoring all violations of human rights and freedoms, accepts complaints from individuals, groups and organizations, investigation thereof and referral to the competent authorities and the judiciary.
3. The provision of legal and judicial assistance to anyone whose rights have been violated.
4. Promotion and dissemination of a culture of human rights within society, and responsible organs and institutions of the State, in particular: the police organization, the prisons administration and public services departments in all institutions.
5. Any other competences and powers stipulated in the law.

The Commission may establish branches in the regions.

### **The Audits and Control Authority**

**Article (294)** The Audits and Control Authority is an independent national institution specializing in the following:

1. Audits of accounts, financial statements and financial management of all institutions, organizations and organs of the State at the various levels of government and presents reports on such audits.
2. Realization of effective control over public funds and ensures good management in terms of efficiency and effectiveness.
3. Contribution to the development of performance of organs and institutions subject to its control, particularly in financial and administrative spheres.
4. Any other function prescribed by law.

### **The Ifta Council**

**Article (295)** The Ifta Council is an independent national institution responsible for Sharia Fatwas (edicts) on matters presented to it and in a manner that realizes the intents of the Islamic Sharia. It shall have branches in the regions.

**Article (296)** The Ifta Council shall be composed of Sharia scholars who represent different doctrines of jurisprudence, provided that the commission, in performing its functions, will draw on the assistance of senior specialists in the humanities and applied sciences.

**Article (297)** A "Sharia Research Complex" shall be established consisting of experienced and competent persons, accountable to the commission, and initiates its activities and functions to achieve the objectives of the commission; including:

1. In-depth research on branches of Islam and Islamic studies.
2. Revival of Islamic thought and culture, and promotion of the values of tolerance and moderation.

### **National Council for Education and Scientific Research**

**Article (298)** The National Council for Education and Scientific Research is an independent national institution responsible for the formulation of the general policies for public education, university education, technical education and vocational training, and scientific research in all stages of education in line with global quality standards.

**Article (299)** The Council shall assume the following functions:

1. Develop specific and clear objectives for education and scientific research linked to the needs of society to achieve comprehensive and sustainable development.
2. Setting quality standards for the performance of various educational institutions, quality standards for the educational outputs in such institutions and monitoring and supervision of the implementation of those standards.
3. Develop a national system for scientific and academic certification in various specializations, incorporating standard scientific materials and programs that must be passed to obtain such certificates.
4. Setting national standards for the accreditation and equivalency of scientific and academic certificates issued outside the State.

5. Setting standards and conditions for the appointment of the rectors of universities and heads of educational institutions and research centers to ensure that the positions are occupied by persons with the necessary qualifications and experience.
6. Establish systems that enable the effective participation of the private sector and civil society in the implementation of educational policy according to the defined objectives.
7. Continuous reviews of educational curricula at all stages of education, and assessment of how far they have achieved the desired objectives thereof, within the scope of any specific educational stage.
8. Setting a national strategy for the advancement of scientific research, including defining priorities, methods of funding and support, practical steps to achieve this goal, and the role of the private sector in this respect.

**Article (300)** The law shall define the system of work in the Council and its relationship with the executive organs of the State.

#### **Office of the Ombudsman**

**Article (301)** The Office of the Ombudsman is an independent office responsible for receiving grievances and complaints from all individuals, groups or organizations regarding any decision or action or lack of action by any state authority. It shall consider such complaints and issue instructions to relevant authorities. Similar bodies shall be established in the regions. The law shall define its composition and competences.

**Article (302)** Without prejudicing the independency of the judiciary, all State agencies shall be obliged to respond to any inquiries raised by the Office of the Ombudsman, and shall give full cooperation in any investigation to be undertaken by the Office.

**Article (303)** The Office may provide legal and judicial assistance concerning complaints that it finds necessary to initiate judiciary proceedings thereon.

#### **The Supreme Council for Youth**

**Article (304)** The Supreme Council for Youth is an independent specialized institution entrusted with the following tasks:

1. Propose national policies for youth aiming at building a capable, effective and an active Yemeni generation involved in the building and development of society, in all aspects of economic, social, political, cultural and sports development.
2. Consultation and coordination with the Executive Authority for the development, financing and implementation of interim strategies for youth.
3. The Council shall follow up with the Executive Authority in the implementation of relevant strategies and programs and provides periodic reports about its activities.
4. The Supreme Council for Youth shall endeavor to encourage youth participation in political life. Similar councils shall be established in the regions.

#### **The National Commission for Women**

**Article (305)** The National Commission for Women shall be responsible for the following tasks:

1. Participation in proposing public policies for the advancement of the status of women and their effective participation in the political, economic and social

spheres, protection of the rights of women without discrimination and following up on implementation. The regions may establish similar commissions.

#### **The Zakat Authority**

**Article (306)** The Zakat Authority is an independent regional institution working to collect Zakat (alms) from citizens. The law shall determine Zakat spending in accordance with Islamic Sharia.

#### **The Endowments Authority**

**Article (307)** The Endowments Authority is an independent regional institution that shall take account of and maintains endowment funds and endowed estates and wills. It shall manage resources and revenues and disbursement thereof for prescribed channels so as to achieve the wills of endowers and contribute to economic and social development in accordance with the provisions of Islamic Sharia, and in a manner that benefits local communities.

### **Section VI: The Armed Forces, Police and General Intelligence**

#### **General Principles:**

**Article (308)** The armed forces, police and general intelligence shall exercise their functions in accordance with the provisions of the Constitution and the Law, and the principles of human rights and freedoms.

**Article (309)** Military, police and general intelligence personnel shall be prohibited from partisan activities. Political parties, political organization or political groups are prohibited from practicing political activities within the armed forces, security and general intelligence; or use them in favor of any party, group or individual. The law shall define penalties for such violations.

**Article (310)** The Armed Forces, Police and General Intelligence shall be built in accordance to a doctrine devoted to the values of national belonging, respect for human rights and clarity of their functions.

**Article (311)** The Armed Forces, Police and General Intelligence shall adhere to the principles of national partnership and professional standards in all regions and wilayas. The regions shall be represented in the command structures of the armed forces in an equitable manner and regulated by law.

**Article (312)** The Armed Forces, Police and General Intelligence shall adhere to the principles of good governance, including accountability, transparency and financial oversight. The commanders of the Armed Forces, Police and General Intelligence shall be subject to financial disclosure rules according to the law.

**Article (313)** The Law shall regulate the terms of service, promotion, retirement, penalties and sanctions in the Armed Forces, Police and General Intelligence, exclusively on the basis of professional standards.

**Article (314)** Empower and expand employment opportunities for women in the Armed Forces, Police and General Intelligence, which shall be regulated by law.

**Article (315)** The appointment of any of the relatives, in-laws of the President of the Republic, the Vice President, Ministers of Defence and Interior and the Chief of the General Intelligence Service, to the fourth degree of kinship, in any position in the command structures of the Army, Police and Intelligence Service during their tenure is prohibited.

**Article (316)** The State shall have the exclusive right of the possession of weaponry. The law shall regulate the production, procurement, import, export and transit of military materials and possession and carrying of weapons.

### **The Armed Forces**

**Article (317)** The Armed Forces are a national institution that belongs to the people. The State shall assume the establishment, training, and equipping of the armed forces with necessary personnel, materiel and weapons. The Armed Forces shall be entrusted with the protection of the Republic and maintaining security, unity, territorial integrity, sovereignty and the Republican System.

**Article (318)** The law shall define the organizational structure of the Armed Forces, including job descriptions, functions, the human resources and physical capital for all of its sub-components and the financial and administrative system.

**Article (319)** Personnel of the Armed Forces are prohibited from participating in elections, either by voting, nomination or by organizing electoral campaigns.

**Article (320)** The Armed Forces are prohibited from practicing any commercial, financial or economic activities.

**Article (321)** No military cooperation or military arrangements with any other state, or states, regional or international organization or organizations may be established, unless approved by the House of Representatives and the Federal Council.

**Article (322)** Military procurements shall be subject to the same rules applied for procurement by the State.

### **The Police:**

**Article (323)** The Police are a statutory civil body, its mission and duty is to serve the people, maintain security and public order, ensures public serenity and tranquility for citizens, respect for human rights, maintenance of human dignity, implementation of the orders of the judiciary and all the duties mandated by laws and regulations.

**Article (324)** The following shall be established under a law:

- a. A federal police organization to assume the following competences:
  1. Nationality, entry and residency of foreign nationals.
  2. Joint operations and shared information room.
  3. The security of points of entry by sea, air and land.

4. Department of Public Relations and International Police.
  5. Combatting terrorism and organized crime.
  6. Any other federal competences prescribed by the law.
- b. The police organization in each region shall maintain security and public order.

### **General Intelligence Service**

- Article (325)** 1. The General Intelligence Service shall be established under a law. It shall undertake the protection of security and interests of the Republic and shall be accountable to the Federal Council. Its formation and competences shall be regulated by law.
2. The President of the Republic shall appoint the Chief of the General Intelligence Service after the approval of the Federal Council.

### **The Supreme Council for National Defence and National Security**

- Article (326)** A Supreme Council for National Defence and National Security shall be established, chaired by the President of the Republic. It shall have the competence to review the security affairs, and the integrity and protection of the country. It shall also be responsible for approving plans to respond to natural disasters. The law shall determine its formation, functions and powers.

## Chapter IV: The Constitutional Court

**Article (327)** The Federal Constitutional Court is a judicial body, financially and administratively independent, and shall assume the following competences:

1. Monitoring the constitutionality of laws, regulations and resolutions.
2. Adjudication of conflicts of jurisdiction between judicial bodies.
3. Adjudication of cases of conflict arising from the issuance of two final contradictory judgments by the ordinary judiciary and administrative judiciary.
4. Interpretation of the Constitution, laws and regulations.
5. Adjudication on conflicts over jurisdiction between the various levels of Government.
6. Examining the constitutionality of draft laws relevant to elections and the fundamental rights and freedoms of citizens before and after enactment.
7. Presentation of draft laws relevant to the affairs of the Constitutional Court to the legislature.
8. Monitoring the constitutionality of procedures followed in amending the Constitution.
9. Ensuring the consistency of regional constitutions with the Federal Constitution.
10. Any other competence under the provisions of this Constitution or a federal law.

**Article (328)** The law shall define the procedures and conditions for raising direct claims (lawsuits) by individuals and bodies, defences, referral, challenges and procedures to be followed before the court.

**Article (329)**

1. The Constitutional Court shall be composed of fourteen members, consisting of senior judges, lawyers and law professors in universities, who are highly qualified and persons with integrity and experience representing the various regions and taking into account the representation of women.
2. The President of the Republic shall nominate half of the members and the Supreme Judicial Council, universities and the Bar Association shall nominate the remaining half. The law shall determine the selection mechanism for the list of nominees for each group.
3. The President of the Republic shall issue a decree appointing judges to the Court following confirmation of the Federal Council by three-fifths of the members.

**Article (330)** Membership in the Court shall be for a ten-year non-renewable term.

**Article (331)** Half of the members shall be replaced mid-term and shall be succeeded by new members for a ten-year term and by the same previous appointment modality.

**Article (332)** Rulings and decisions of the Constitutional Court are binding for everyone and on all State authorities, have force of res judicata and shall be published in the Official Gazette. The law regulates the consequent implications of the judgments regarding the unconstitutionality of any piece of legislation.

**Article (333)** The headquarters of the Constitutional Court shall be in [.....], and it may hold hearings outside its headquarters.



## Chapter V: Lists of Legislative and Executive Powers

### Section I: List of Powers

**Article (334)** The different levels of government shall enjoy certain exclusive powers and other joint powers that shall be shared between them, based on the provisions contained in this chapter.

**Article (335)** The Federal Authorities shall have the following exclusive powers:

1. Foreign affairs, diplomatic and consular representation and international conventions and treaties.
2. Defence affairs, including procurement, possession of weaponry, military manufacturing, general intelligence and the federal police.
3. Currency, printing of banknotes, monetary policy.
4. Foreign borrowings.
5. Nationality, citizenship, immigration and the entry and residence of foreign nationals.
6. Standardization, weights, measures and scales.
7. Customs, export fees and regulation of foreign trade.
8. National statistics and population census.
9. Air navigation, civil aviation, meteorology and regulation of marine navigation
10. National infrastructure.
11. International and inter-regional highways including railways.
12. National electricity and national energy policy and various sources of energy, including nuclear power for peaceful purposes.
13. Radio & TV broadcasting and regulation of cyberspace.
14. The Postal service and regulatory standards of telecom and infrastructure thereof.
15. Intellectual Property.
16. National fisheries policy and regulation.
17. National agricultural policy and ensuring food security.
18. National policy and general standards for health, national health services, regulation of drugs and national strategic interventions in agreement with regions.
19. National education policy, quality standards, regulation of curricula, strategic educational projects and programs, academic certification standards and scientific research standards.
20. National environment protection and climate change policy.
21. National policy for drinking water supply and the national water policy.
22. National policy for culture, national heritage, libraries, museums and antiquities and sites thereof.
23. Basic general substantive, procedural and regulatory laws in civil, criminal, personal, commercial, economic and financial fields, and laws relating to the exercise of the exclusive powers of the federation.
24. Any other competence enshrined in the Constitution.

**Article (336)** The federal authorities and regional authorities shall exercise the following concurrent powers:

1. Youth affairs.

2. Women's affairs.
3. Sports.
4. Population policy.
5. Social welfare and social security.
6. Civil service.
7. Establishing cities with special privileges.
8. Disaster response.
9. Estuaries of rain spates, maintenance and tapping thereof and construction of dams.
10. Scientific research.
11. Nature reserves policies.
12. Any other powers in accordance with the provisions of this Constitution.

**Article (337)** The regional governments shall have the following exclusive powers:

1. Promotion of economic development in the region.
2. Conclude agreements in the fields of trade and investment.
3. Infrastructure in the region.
4. Lands and real estates in the region.
5. Maritime fishing, except for powers included in the federal list.
6. Health policy and services.
7. Educational policy, education and training services.
8. Agriculture.
9. Regulation of utilization and use of water.
10. Policies, programs, projects and environmental management and conservation.
11. Tourism.
12. Roads and transportation within the region.
13. Seaports and airports.
14. Regional police.
15. Zakat and endowments.
16. Telecom services.
17. Culture, organizing libraries, museums and archaeological sites.
18. Regional statistics and surveys.
19. Legislations within the scope of their competences.
20. Natural reserves (protectorates).
21. Any other competences under the provisions of this Constitution.

**Article (338)** Exclusive powers of the wilaya and localities:

1. City planning, urban development, housing and land use.
2. Public utilities including water, sanitation, gas and electricity.
3. Parks and recreational facilities, cultural centers, libraries and museums.
4. Civil defense.
5. Local police.
6. Local roads and bridges.
7. Regulation of markets and business licenses.
8. School construction and private education licensing.
9. Basic healthcare and provision of health services in cities and rural areas.
10. Medium and small enterprises.
11. Nurseries, senior citizens homes and orphanages.

12. Traffic regulation and parking.
13. Transportation in urban and rural areas.
14. Cooperative societies, charitable foundations and fishermen and farmers associations.
15. Domestic tourism.
16. Safe waste disposal and processing.
17. Local agricultural development, conservation and exploitation of fishery wealth.
18. Local public works.
19. Regulation of construction activities.
20. Legislations within the scope of their competences.
21. Any other power under the provision of this Constitution.

**Article (339)** Within the scope of joint legislative competences the role of the federal authorities shall be limited to the development of standards and public policies to ensure the level of services. The regional authority shall exercise full competence in the absence of a federal law.

**Article (340)** In cases where federal authorities have exclusive competence for the development of policies on a certain matter, its power shall be limited to the development of policies necessary to ensure proper implementation of this Constitution, adoption of uniform standards of services across the federation, achievement of comprehensive economic development and maintaining public health or national security.

**Article (341)** Powers that are not allocated to a specific level of the government shall be within the scope of powers of the regional authorities.

**Article (342)** When a regional law conflicts with a federal law, the provisions of the federal law shall prevail in the respective area.

**Article (343)** Each authority at any level of government may devolve some of its powers to any other level conditional on the approval of the authority accepting those powers; and in any case, no authority may grant a general mandate for all its powers.

**Article (344)** Policies and standards approved by federal legislation shall be binding on all levels of Government.

## **Section II: Intergovernmental Relations**

**Article (345)** All authorities, organs and institutions of the State within the federation, regions, wilayas, and districts shall work in accordance with the following principles:

1. Maintenance of the interests of the people, the unity, integrity, independence, and sovereignty of Yemen, and the republican, democratic and federal system.
2. Adhere to constitutional and legal powers and functions and shall not infringe upon them.
3. Cooperation, consultation, and coordination on an ongoing basis and promotion of mutual trust between them.

**Article (346)** The federal government may not intervene in the scope of the powers and authorities of the regions and wilayas, unless necessary and in the following exceptional circumstances:

1. To protect the security of society.
2. To ensure basic common standards of the State.
3. To protect a region from intervention by another region.

**Article (347)** The intervention by the Federal Government in the circumstances prescribed in article (345) above requires the approval of the Federal Council following consultation with the legislative and executive authorities in the respective regions and that shall be regulated by Federal law.

**Article (348)** A federal law shall define the rules governing the relationship between the different levels of government, and the settling of disputes that may arise between them.

## Chapter VI: Public Administration

**Article (349)** Public administration at all State institutions and at every level of governance shall adhere to democratic values and the principles of good governance, including:

1. Standards of quality, transparency, accountability and responsibility.
2. Standards of professionalism, integrity, honesty and good conduct.
3. Engagement of citizens in the process of policy and decision making, through transparency, consultations and regular reporting.
4. Equality among citizens, both women and men, in access to public sector jobs to ensure the accommodation of the different groups and constituencies of society.
5. Hiring and promotion through clear, substantive and impartial procedures and standards; and the creation of equal opportunities and fair competition.
6. Efficient, effective and economic use of public resources.
7. Good management of human resources and professional development.
8. Provision of services to the citizens in an ongoing, effective, fast and equitable manner, which is responsive to their needs.
9. No citizen shall be deprived of the right to assume a job in the public sector because of ideological, partisan, doctrinal or regional affiliation.

**Article (350)** In order to promote the efficiency of public administration, commitment to the following principles shall be considered mandatory:

1. Neutrality of public offices and the prohibition against using them for partisan and factional objectives or private purposes.
2. The prohibition of double employment in public administration and office.
3. All public institutions at all levels of Government shall be subject to controls, assessment and accountability.
4. Adoption of a job description system for all public offices of the State and at all levels of governance.

**Article (351)** A public employee shall adhere to the provisions of the Constitution and the laws in force and the implementation of all decisions and shall perform the work with integrity and protect public and private funds.

**Article (352)** All public servants shall be subjected to the principles of good governance and the granting of immunity from accountability in cases involving public funds shall be prohibited.

**Article (353)** Senior office holders in the public administration shall present financial disclosures in accordance with the determination of the law.

**Article (354)** The President of the Republic, the Vice President and holders of senior offices shall be prohibited from engaging in commercial or business activities or any other private profession. Each, either personally themselves or through intermediaries, shall be prohibited from buying or renting any State property, or from any public legal persons, or public or private enterprises, or sell, lease or barter to the State any of their property. Any such acts shall be deemed null and void.

## Chapter VII: Public Finance

### General principles:

- Article (355)** The Public Finance of the state is based on the following principles:
1. The financial system works as one unit.
  2. Transparency and accountability in public finance.
  3. Division of national revenues in a fair and equitable manner between the different levels of government.
  4. Preparation of government budgets in a manner that ensures fair and effective service delivery and increases the efficiency of the national economy.
  5. Rationale use of public resources to achieve sustainable development and preservation of the rights of future generations.
  6. Empowers the various levels of government to realize autonomy and equity in the collection, management and spending of their financial resources.
  7. Clear, public and regular financial reports to be made available to the general public.

### The National Revenue Fund:

**Article (356)**

1. A National Revenue Fund shall be established to which all national revenues are to be deposited; including:
  - a. Taxes, customs duties and fees imposed under a federal law.
  - b. Revenues from sale of oil and gas and other natural resources.
  - c. Proceeds of public federal properties or any other federal assets.
  - d. Fines, penalties and compensations generated by the federal government.
  - e. Transfers from federal public institutions and agencies.
  - f. Profits and dividends generated by federal State-owned enterprises or which the Federal Government is a shareholder.
  - g. Federal government loans.
  - h. Any other funds received by the federal government from any other source.
2. Monies are withdrawn from the National Revenue Fund according to the Revenue Division Act.

**National Revenue Division Act:****Article (357)**

- a. Under the Revenue Division Act, estimated annual national revenues shall be divided amongst the federal and regional governments, wiliyas, districts and the cities of Sana'a and Aden with due consideration to the following criteria:
  1. Equitable and fair division of national revenues between the different levels of government.
  2. The national interest.
  3. Payment of national debt or any other national liabilities.
  4. The responsibilities and needs of the federal and regional governments, wilayas, districts and the cities of Sana'a and Aden, which shall be determined based on objective criteria.
  5. Financial capacity of the regional, wilaya and district governments.
  6. Reducing economic disparities between and within each region, wilaya and districts with the aim of creating equal opportunities.
  7. Responsibilities of producing regions, wilayas and districts to support economic development, particularly the responsibilities for the exploitation and extraction of natural resources.
  8. Obligations of regions, wilayas and districts under federal laws.
  9. Achieve stability and predictability with regard to allocation of revenue shares.
  10. Flexibility to respond to humanitarian emergencies and other temporary needs.
  11. Shares from the revenues of natural resources including oil and gas in accordance with the law.
- b. The Revenue Division Act shall include:
  1. Determination of the equitable share of the Federal Government and governments of regions, wilayas, districts and the cities of Sana'a and Aden.
  2. Determination of the equitable share of each region from share of the regions.
  3. Determination of the equitable share of each wilaya from the share of the wilayas.
  4. Determination of the equitable share of each district from the share of the districts.
  5. Determination of the equitable share of the cities of Sana'a and Aden.
- c. The Revenue Division Act must include a payment schedule for transfers from the National Revenue Fund for the new fiscal year.
- d. Any surplus in the National Revenue Fund at the end of the fiscal year shall be carried forward to the next fiscal year.

**The National Revenue Fund's Board:****Article (358)**

1. The Board of the National Revenue Fund shall consist of:
  - a. The federal minister of finance, chairman of the board.
  - b. Regional finance ministers.
  - c. One representative to be selected by the wilayas and districts within each region.
  - d. Finance officers in the cities of Sana'a and Aden.
2. The National Revenue Fund Commissioner, a deputy or anyone invited by the Board shall attend meetings of the National Revenue Fund.

**Functions of the National Revenue Fund Board:****Article (359)**

The National Revenue Fund board shall have the following functions:

1. Approval of the draft annual National Revenue Division Act and its explanatory note.
2. Presentation of the draft Revenue Division Act, with all supporting documents, to the federal legislature no later than two months prior to the start of the fiscal year.
3. Monitoring the National Revenue Fund status and its management and proposing measures to improve performance.
4. Provide advice on financial matters which may impact the regions, wilayas, districts and the cities of Sana'a and Aden, upon the development of federal legislations, borrowing and raising of tax by any level of government.
5. Any other functions provided by law.

**National Revenue Fund Management:****Article (360)**

The selection of the National Revenue Fund Commissioner shall be based on the mechanism and conditions required for selection of members of independent institutions and shall be appointed by the President of the Republic.

**Article (361)**

The Commissioner of the Fund shall assume the following functions:

1. Management of the Fund in a transparent and effective manner.
2. Preparation of the annual Revenue Division Act and presentation to the board five months before the start of each fiscal year accompanied by a report on the application of criteria set forth in article (3) of this chapter in the draft law.
3. Ensures the flow of all national revenues to the Fund in accordance with the Constitution and the Law.
4. Ensures the soundness of all transfers from the National Revenue Fund in accordance with the Constitution or the Revenue Division Act.
5. Presentation of a report on financial data and the management of the National Revenue Fund to the federal legislature within three months from the end of the fiscal year.



**Article (362)** The Federal Legislative Authority shall adopt the Revenue Division Act before the start of the fiscal year. If this proves unattainable, the law of the preceding year shall continue to be in effect on conditions that every transfer on the schedule of payment shall be reduced by 5% and such transfers shall be considered as part of the transfers to be approved later in the Revenue Division Act.

**Taxes and fees:**

**Article (363)** The State shall be committed to develop an equitable, fair and effective tax scheme, improve collection mechanisms of State revenues, combat fraudulent practices and practices resulting in the reduction of tax burden and tax evasion.

**Article (364)** The following taxes and fees shall be raised under a federal law:

1. Personal income tax.
2. Corporate tax.
3. Value Added Tax.
4. Customs and export taxes.
5. Capital gains tax.
6. Taxes and fees relevant to the exploration and exploitation of oil, gas and minerals.
7. Any other taxes and fees.

**Article (365)** Each level of government may levy fees, fines and service charges within the spheres of their competence.

**Article (366)**

1. The following taxes and fees shall be levied under a regional law:
  - a. A flat rate sales tax.
  - b. Business startup fees.
  - c. Wages and salaries tax.
  - d. Excise tax to be collected at the point of production.
  - e. Drivers and vehicles licensing fees.
  - f. Taxes and fees for road use.
  - g. Tourism taxes and fees.
  - h. Environmental taxes and fees.
  - i. Other taxes and fees, except for taxes included in the preceding article.
2. Flat rate additional taxes and surcharges may be imposed by a regional law above the following taxes and fees raised under the federal law:
  - a. Personal income tax.
  - b. Corporate tax.
  - c. Taxes on the exploration and exploitation of onshore oil, gas and minerals.
  - d. Any other tax or fees imposed under a federal law, except VAT, customs duties, taxes and fees on the exploration and exploitation of offshore oil,

gas and minerals. The maximum limit of the additional taxes and surcharges shall be determined by a federal law.

**Article (367)**

- a. A Wilaya's council may impose a real-estate tax or any other tax under a federal law.
- b. The Wilaya and district councils may raise fees under a law.

**Additional Revenues:****Article (368)**

- a. Additional revenues raised by regions and local governments may not be deducted from their shares of national revenue or from any allocations made from the federal revenue fund.
- b. The National Revenue Fund or the Federal Revenue Fund shall not be considered obligated to compensate regions, wilayas, districts and the cities of Sana'a and Aden if there is a decrease in the revenue that is collected.

**Borrowing:****Article (369)**

A federal law shall determine the conditions under which the federal government may conclude loans, guarantees thereof, and the required government procedures and guarantees.

**Article (370)**

A federal law shall determine the conditions under which the governments of regions, wilayas and the cities of Sana'a and Aden may borrow and the required government guarantees.

**Article (371)**

Loans may not be concluded unless approved by the House of Representatives and the Federal Council. Loans shall be issued under a law showing value of the loan, subsequent financial obligations and the purpose for concluding the loan agreement based on a detailed study, guarantees and repayment mechanisms.

**Financial Management:****Article (372)**

A federal law shall establish a federal revenue fund and treasury and funds and treasuries for the governments of regions, wilayas, districts and the cities of Sana'a and Aden to deposit each of their shares from national revenues and own revenues. The respective treasury shall undertake the management of its own revenue fund. The modality for composition and other functions of the treasury shall be defined by law. No withdrawals may be made from any revenue fund unless by a budget law enacted by the respective legislative authority.

**Article (373)** A federal law shall stipulate national criteria and measures to ensure transparency, accountability, integrity and the effective management of public funds and resources by State institutions and agencies at all levels, and shall include:

1. Accredited accounting practices.
2. Standardized expenditure classification.
3. Standardized financial reporting rules.
4. Uniform standards and rules of financial management.

#### **Government budgets:**

##### **Article (374)**

1. Each level of government shall have an annual public budget approved by the competent legislative authority at each level.
2. A federal law shall regulate the structure of the public budget and budget formulation deadlines at each level.
3. The public budget shall include revenue estimates and detailed projected expenditures.
4. No public money may be spent except within the approved budgets.

#### **Procurements:**

**Article (375)** State institutions, at all levels, in concluding goods and services contracts and disposition of public funds, shall abide by a fair, equitable, transparent, competitive and cost-effective system to be regulated by law.

#### **The Central Bank:**

**Article (376)** The Central Bank is a national independent institution responsible for the development and implementation of the State's monetary, credit and banking policies and exercises oversight thereof with the aim of promoting balanced and sustainable economic growth. It shall endeavor to maintain cash and rate of exchange stability, oversees the banking sector, issuance of currency and possession and management of official foreign reserves. A federal law regulates other functions of the Bank and the composition of its board.

#### **The National Revenue Authority**

**Article (377)** A national organization shall be established to assume the power of collecting national revenue in the form of taxes and fees. A federal law shall regulate its competences, mechanism of work and management and composition to ensure equitable representation of regions.

## Chapter VIII: Water, Environment and Natural Resources

**Article (378)** Laws shall regulate the management, protection, exploitation and investment of natural resources in accordance with this Constitution. Due consideration should be made to transparency, competitiveness, environmental and water protection, consultations with the citizens and engaging them in environmental, economic and social impacts assessment concerning the exploitation and investment of natural resources.

### Protection of Fish Populations:

**Article (379)** The State shall protect the fish population and federal law shall regulate fishing activities, including:

1. Formulation of a policy for marine resources and fish wealth, in a manner that ensures protection, prevention of overfishing and protection of traditional fishing rights.
2. Setting standards and conditions for licensing of fishing.
3. Provision of mechanisms and define responsibility and roles of each wilaya, region and the federal government concerning the organization of fishing.

**Article (380)** The wilaya shall be responsible for the development and management of fish resources within the scope defined by law.

### Water:

**Article (381)**

1. Water resources are ultimately owned by the people of Yemen. The State shall be responsible for the preservation of water resources and shall secure the people's need for water of good quality and that is distributed equitably. Water resources may not be subjected to private ownership.
2. A federal law shall establish an integrated system of water resource management, including the sustainability of water basins, surface water, catchments, water flows and protection thereof from pollution and transgressions. The law shall define the powers of the regions, wilayas, cities and districts in the area of water resources.
3. The wilayas, cities and districts shall assume the responsibility of local water supply provision in accordance with federal law.
4. Unlicensed drilling of deepwater wells is a crime punishable by law.

### The Environment:

**Article (382)** The State shall protect the environment and endeavors to safeguard its elements and components from pollution, degradation and the maintenance of the natural balance and biodiversity, including marine, coastal and islands environments.

**Article (383)** Federal legislations for environmental protection shall include the following:

1. Natural reserves, rare species, wetlands and migratory birds to protect biodiversity.

2. Protection of fresh waters, coastal waters and marine waters in Yemen, including coral reefs and the eco-systems in the islands, especially in the Socotra archipelago.
3. Regulation of the import, transport, storage, use and disposal of radioactive and hazardous materials and any other substances harmful to the environment.
4. Develop an environmental law for urban planning and construction in line with regional and international standards.

**Article (384)** The entry or storage of toxic, nuclear and radioactive waste or storage thereof, temporarily or permanently, in the territories of the Republic is prohibited. A breach of this provision is a crime not subject to the statute of limitation.

**Article (385)** It is prohibited to own or privatize coasts, beaches and natural reserves. The law shall regulate the exploitation and use thereof.

**Article (386)** The law shall determine the body responsible for the protection of the environment in the Republic, its powers, modality of work and penalties for the harmful impacts on the environment. The law shall prescribe the responsibilities for environmental protections and the legislative and executive powers of the regions, wilayas, and districts with due consideration that the devolution of powers should be to the lowest possible level capable of effectively and efficiently managing these responsibilities.

#### **Management of Natural Resources:**

**Article (387)** A federal law shall establish an independent national council for natural resources to be composed of representatives of the federal government, regions and wilayas, and shall have the following functions:

1. Formulation of public policy in the field of investment and management of natural resources.
2. Propose draft legislations and regulations on natural resource management, including oil, gas and minerals.
3. Study the economic, social and environmental impact of exploitation of natural resources, particularly oil, gas and minerals, and presentation of proposals for dealing with the negative impacts.
4. Enable the producing wilayas and regions to manage their natural resources efficiently.
5. Presentation of periodic reports on its activities to the House of Representatives, the Federal Council and the councils in the regions and wilayas.
6. Any other functions prescribed by law.

**Article (388)** The management, development and awarding of exploration and development contracts is the responsibility of the producing wilaya with the participation of the regional and Federal authorities. Oil, gas and mineral affairs, and the awarding of contracts for exploration and development, shall be managed by an independent national body, in which the federal government, regions and wilayas shall be represented. It shall have branches in the regions and wilayas as needed. The law shall define the responsibilities and the role of each respective government.

**Article (389)** The wilaya shall assume the responsibility for local service contracts for oil and gas in coordination with the region.

**Article (390)** A federal law shall set out the criteria and a formula for revenue sharing and natural resources, including oil and gas, ensuring:

1. Transparency and equitable distribution.
2. Taking into account the needs of the producing wilayas and regions.
3. Allocation of a share of the revenues to the Federal Government.

## Chapter (IX): General Provisions and Constitutional Amendments

### Section I: General Provisions

- Article (391)** The Federal Republic of Yemen consists of six regions, four in the North and two in the South, they are: Hadhramout region, Sheba region, Aden region, Aljanad region, Azal region and Tahamh region and as follows:
1. Hadhramout region consists of the following wilayas: Al Mahrah, Hadhramout, Shabwah and Socotra.
  2. Sheba region consists of the following wilayas: Al Jawf, Ma'rib and Al Bayda'.
  3. Aden region consists of the following wilayas: Aden, Abyan, Lahaj and Al Dali.
  4. Aljanad region consists of the following wilayas: Taiz and Ibb.
  5. Azal region consists of the following wilayas: Sa'ada, Amran, Sana'a, and Dhamar.
  6. Tahamh region consists of the following wilayas: Al Hudaydah, Raymah, Al Mahwit and Hajjah.
- Article (392)** Wherever there is a mention of the word "citizen", it shall refer to every citizen, male and female.
- Article (393)** The Constitution is the supreme law of the State. It expresses the will of the people and shall be binding on all State agencies at the federal, regional, sub-regional and individual levels. It shall be superior to all laws, regulations and decisions. Any contradictions with the provisions of this Constitution shall be deemed absolutely null and void.
- Article (394)** The preamble of the Constitution shall be deemed an integral part thereof.
- Article (395)** The law shall define the flag, the emblem and the national anthem of the State.
- Article (396)** The law shall establish the medals, decorations and insignia of the State.
- Article (397)** Laws shall be issued on behalf of the people and shall be published in the Official Gazette.
- Article (398)** The text of the Constitutional Oath shall be the following: "I swear by the Almighty God that I will adhere to the Book of Allah and the Sunnah (tradition) of His Messenger and that I would sincerely maintain the Federation and the Republican regime, adhere to the Constitution and the law, protect the interests of the people and their rights and freedoms, and maintain the unity of the homeland, independence and territorial integrity thereof".
- Article (399)** The law shall determine the salaries of the President of the Republic, the Vice President, the ministers and their deputies. They shall not have any other salary or bonus, and while in office, may not practice any professional vocation or commercial activity either individually or through intermediaries.
- Article (400)** The President of the Republic, the Vice President, ministers, their deputies, governors of the regions, the walis of the wilayas, members of the House of Representatives, the Federal Council, the regional houses of representatives and any other public employee prescribed by law, during their tenure, may not buy, sell,

lease, rent, use or barter anything from the State or from juristic persons or the public sector. They may not conclude any supply contracts or commitment, or other contractual obligation in person or through intermediaries. Any such transactions shall be deemed null and void.

**Article (401)** The following office holders shall present financial disclosures upon appointment, at the end of each year in office and at the end of service: The President of the Republic, the Vice President, members of the legislative authority at the federal level and in the regions, governors of the regions, the walis of the wilayas, ministers, members of the judicial authority, members of independent institutions and other civilian and military employees as may be determined by law.

**Article (402)** Gifts received by the President of the Republic, the Vice President, ministers, governors of the regions, members of the legislative authority, senior public offices in the State, both civilian and military for their offices shall revert to the State and the law shall organize that process.

**Article (403)** The preamble of the Constitution and provisions complement each other with each has the same legal authority. The day for which the Constitution takes effect shall become a national holiday.

**Article (404)** Provisions of the law may only be deemed valid from the date of entry into force. It shall not have any retroactive effects prior to that. However, in matters relevant to taxation and penalties, it can be stated otherwise with approval of two third of the members in the council.

**Article (405)** The Constitution shall be considered effective on the date of declaration of approval by a majority of valid votes of voters casting their votes in a public referendum.

**Article (406)** The 1991 constitution of the Republic of Yemen and amendments thereof shall be repealed on the date this Constitution becomes effective.

## **Section II: Constitutional Amendments Provisions**

### **Article (407)**

1. The President of the Republic or a third of members of the House of Representatives or a third of members of the Federal Council may request the amendment of one or more provision of the Constitution. The article or articles to be amended and the reason for such amendments must be stated in the request.
2. The request shall be presented to the two houses for deciding, in principle, whether to proceed with the proposed amendment or not. The request shall be deemed accepted by a majority of members in each of the two houses.
3. If the request is rejected by any of the two houses or both, the request may not be presented again before the elapse of one year from the date of rejection.



- Article (408)** If the request is approved, it shall be circulated to the public and shall be discussed in the House of Representatives after sixty days from the date of approval.
- Article (409)** If the proposed amendments are adopted by a majority of two thirds in the House of Representative; it shall be referred to the Federal Council to be adopted by a two-third majority.
- Article (410)** If the proposed amendments failed to receive the required majority for adoption, another vote shall be taken after ten days has passed. If the proposed amendments again do not receive the required majority, the proposed amendments shall be considered rejected and may not be presented again until one year has passed from the date of rejection.
- Article (411)** If the Federal Council approves the proposed amendments and introduced new alterations to the proposal, it shall be returned to the House of Representatives for adoption by a majority of two third. If the House of Representatives reject the alterations, the proposed amendments may not be presented before the elapse of one year from the day of rejection.
- Article (412)** Amendments adopted by the two houses to the following provisions and chapters (...) shall not enter into force unless approved by a majority of valid votes in a public referendum.
- Article (413)** No amendment may be made to the Constitution during a state of emergency or war.

## Chapter X: Transitional Provisions

### Arrangements of Powers

**Article (415)** The President of the Republic shall continue exercising his functions and powers until the President-elect swears the constitutional oath in accordance with the provisions of this constitution.

**Article (416)** All State institutions and executive bodies shall continue to exercise their functions and competences in accordance with the provisions of the laws in force until a review thereof in accordance with the provisions of the Constitution.

**Article (417)** Existing laws in force shall continue to exist and shall not be annulled or amended, except in accordance with procedures set forth in this Constitution, unless explicitly conflicting with the provisions of this Constitution.

**Article (418)** The presidential system of governance may be reviewed after two legislative cycles in accordance with the amending procedures prescribed in this Constitution.

### Judiciary:

**Article (419)** All judicial authority entities, existing prior to the entry into force of this Constitution, shall exercise their functions and powers in accordance with the laws in force until organized in accordance with the provisions of this Constitution.

### Legal Arrangements:

**Article (420)** Following the entry into force of the Constitution, the following laws shall be enacted:

- Elections law.
- Regions Law.
- Judicial Authority Law.
- Constitutional Court Law.
- Transitional Justice Law.

### Sequencing of elections:

**Article (421)** Elections for the federal House of Representatives, the Federal Council and the Houses of Representatives of the regions shall be held at the same time within a period of no more than one year from the entry into force of the Constitution. Preparation for the presidential and local elections shall be undertaken within six months from the date of announcement of the election results.

**Article (422)** The elections law shall provide for measures leading to representation of women and youth in the legislative authority in accordance with the provisions of this constitution.

**Article (423)** The region's House of Representatives shall elect the governor of the region by a majority of two thirds of its members in the first electoral cycle. The Constitution of the region shall determine the permanent mechanism for the election of the governor.

**Article (424)** The representation of the South (regions of Aden and Hadhramout) in the first electoral cycle shall be 50% in the federal legislative authority and all leadership structures in the legislative, judiciary and executive bodies including the army and security.

**Article (425)** During the first electoral cycle, inequality in the civil service and armed and security forces at the federal level shall be addressed through laws and institutions to ensure the elimination of discrimination and the realization of equal opportunities for all Yemenis. For addressing the disparities in representation in employment, southerners (the two regions of Aden and Hadhramout) shall have priority in hiring for vacant jobs, qualifying and training in the civil service and the armed forces and security. Appointments shall respect the requirements of the civil service relevant to skills and qualifications. No employee shall be dismissed arbitrarily.

#### **The First Composition of the Constitutional Court:**

**Article (426)** As an exception from the provisions of article 329, the President of the Republic, within a period not exceeding sixty days from the date of entry into force of the Constitution, shall issue a decree to establish the Constitutional Court in accordance with the criteria and terms mentioned in the same article of this Constitution.

**Article (427)** Mid-term renewal of membership shall take place in the first composition of the Constitutional Court after the elapse of five years in accordance with the provisions of the this Constitution.

#### **The Body Monitoring the Implementation of the Constitution:**

##### **Article (428)**

- a. An independent national body to monitor the implementation of the Constitution shall be formed composed of no more than twenty members, within a period not exceeding thirty days from the date of entry into force of the Constitution, by a decree issued by the President of the Republic for the period of the first electoral cycle. The term of the body may be renewed for another cycle by approval of the Federal Council.
- b. The body shall assume the following powers:
  1. Sets a timetable for the implementation of arrangements relevant to the building of the federal State.
  2. Propose programs for capacity building of public administration at various levels of governance and monitoring thereof.
  3. Monitors the implementation of the outcomes of the National Dialogue pursuant to timetables in its action plan, including the issue of the rights of South Yemen.
  4. Provides recommendations to the relevant authorities as needed.
  5. Publication of reports for the public on progress made in the implementation at least once every six months.
  6. Exercises any other tasks as stipulated in the decree of its establishment.

**Article (429)** The National Revenue Fund shall be established within six months from the election date for the federal and regional legislative authority.

**Article (430)** The Ministry of Finance shall exercise the functions of the National Revenue Fund until such time the Fund is established in accordance with the provisions of the Constitution. The Ministry of Finance shall divide the shares of all regions, wilayas, districts and the cities of Sana'a and Aden as stipulated in the principles set forth in article ( ).

**Article (431)** Anyone who upholds legal barriers that preclude him or her from being held accountable or prosecuted by the judiciary may not run for the office of the president or for the legislative authority or to assume any executive or judicial office at any level of government.

#### **Establishment of the Transitional Justice and National Reconciliation Commission:**

**Article (432)** The State, in accordance with a national policy, shall be committed to take measures ensuring the realization of transitional justice and national reconciliation that guarantees:

1. The revelation of the truth about human rights violations in the past.
2. To prevent impunity from accountability for violations and the introduction of accountability mechanisms of individuals and institutions responsible for the violations.
3. Recognition of the victims, reparation and equitable compensation for the victims.
4. The reforms of institutions which committed violations.
5. That such violations will not be repeated.

**Article (433)** A transitional justice and national reconciliation law that meets international standards shall be enacted within a period of no more than three months from the date of entry into force of this Constitution.

**Article (434)** A "Transitional Justice Commission" shall be established pursuant to the "Transitional Justice and National Reconciliation Act". The law shall provide for its competences, mechanisms of work and conditions for qualifications of its members to ensure impartiality, independence and competence.

**Article (435)** The State shall be committed to complete the treatment of those wounded in the popular peaceful youth revolution and the peaceful Southern movement and shall care for their families and the families of martyrs and shall eternalize this in the national memory.

**Article (436)** An independent national body shall be established to recover lost assets, whereby the establishment law shall regulate relevant provisions to the body.

**Article (437)** All State institutions, organs, authorities and public administration shall adhere to the application of provisions of good governance and the foundations and principles of public management and shall furnish financial disclosures immediately upon the entry of this Constitution into force.

**Compensation Fund (Reparations):**

- Article (438)** A compensation fund shall be established by law and shall be subject to the supervision of the Justice and National Reconciliation Commission.
- Article (439)** The State shall be committed to recover all public funds and looted public and private land, including those which were disposed of through abuse of power. Owners of private properties shall be compensated for the period they were deprived of the use of their property. Addressing the impacts of the nationalization law shall be completed equitably.
- Article (440)** The State shall be committed to vacate military camps and weapons depots located in cities and urban areas.
- Article (441)** The State shall endeavor to disarm armed groups and militias in accordance with a specific timetable.
- Article (442)** The State shall review all offshore and coastal investment agreements, which have harmed the environment and violated the right of people to live in a healthy and sound environment.

**Establishment of Funds:**

- Article (443)** A fund for the reconstruction of the South shall be established under a law that shall regulate management thereof and defines its functions according to a timetable for the implementation to start in accordance with a specific time schedule.
- Article (444)** The Sa'ada reconstruction fund shall endeavor to compensate affected people, according to a specific timetable for the implementation to start within a year from the date the Constitution enters into force.
- Article (445)** The State shall be committed to address the effects of all wars in Sa'ada and in all areas and shall take necessary measures to realize that in all spheres, particularly in respect for employment rights, students, farmers and the displaced.
- Article (446)** The State shall be committed to complete the implementation of the twenty points and the eleven points according to a specific timetable.

**With the Grace of Allah**

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