

CONSTITUTION OF THE SOMALI DEMOCRATIC REPUBLIC

Preamble to the Constitution

The Somali People collectively and individually struggling for a life of dignity and equality, and engaged in a fight to establish lasting peace and stability internally and externally, to realize the general interests of the working masses, and accomplish the major objectives of the revolution, unity of the nation, socialist equality and democracy in which the individual attains higher levels of political and social consciousness and strengthens the pillars of the revolution and national sovereignty, in order to achieve rapid political and socio-economic development, have resolved to adopt this constitution which shall constitute the basis of the struggle for the development of the Somali society, peaceful co-existence and mutual co-operation among nations of the world, especially those whose interests shall coincide.

The Constitution of the Somali Democratic Republic

Chapter I General Principles

Section 1 The Republic

Article 1 The Somali State

1. The Somali Democratic Republic is a socialist state led by the working class, and is an integral part of the Arab and African entities. 2. All sovereignty belongs to the people who shall exercise it through their representative institutions.

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Article 3 Religion and Language

1. Islam shall be the state religion.
2. Somali is the language which all Somalis speak and through which they recognise each other; Arabic is the language which links the Somali people with the Arab nation, of whom they are an integral part, and the two languages shall constitute the official languages of the Somali Democratic Republic.

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Article 5 State Territory

1. The state territory shall be sacred and inviolable.

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Article 6 Equality of Citizens

All citizens regardless of sex, religion, origin and language shall be entitled to equal rights and duties before the law.

Section 2 The Party

Article 7 Authority and Leadership of the Party

1. The Somali Revolutionary Socialist Party shall be the only legal party in the Somali Democratic Republic; no other party or political organisation may be established.
2. The Somali Revolutionary Socialist party shall have supreme authority of political and socio-economic leadership in the Somali Democratic Republic.

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Article 19

International Legal Norms

The Somali Democratic Republic shall recognise the Universal Declaration of Human Rights and generally accepted rules of international law.

Chapter II

Fundamental Rights, Freedoms and Duties of the Citizen and Individual

Article 20

Political, Economic, and Social Rights

Every citizen shall be entitled to participate fully in the political, economic, social and cultural activities in accordance with the Constitution and laws.

Article 21

Right to Work

1. Every citizen shall be entitled to work. Work is a duty, honour and the foundation of a socialist society.
2. The state shall promote the creation of employment in order to realize the citizen's fundamental right to work.

Article 22

Right to Election

Every citizen who fulfils the conditions prescribed by the law shall be entitled to elect and be elected.

Article 23

Right to Education

Every citizen shall have the right to free education.

Article 24

Freedom of Processions, Publications and Opinion

1. Every citizen shall be free to participate in an assembly, demonstration, or in their organisation.
 2. The citizen shall further be entitled to express his opinion in any manner, freedoms of publication and speech.
 3. The exercise of the freedoms mentioned in paragraphs 1 and 2 of this article shall not contravene the Constitution, the laws of the land, general morality and public order, or the freedoms of other citizens.
- Article 25 Right to Life and Personal Security
1. Every individual shall have the right to life and personal security.
 2. The law shall determine the conditions in which the death sentence may be passed.

Article 26

Personal Liberty

1. Every person shall have the right to personal integrity.
2. No person shall be liable to any form of detention or other restrictions of personal liberty, except when apprehended in flagrante delicto or pursuant to an act of the competent judicial authority in the cases and in the manner prescribed by the law.
3. Any person who shall be detained on grounds of security shall without delay be brought before the Judicial authority which has competence over the offence for which he is detained within the time limit prescribed by law.
4. Every person who shall be deprived of his personal liberty shall forthwith be informed of the offence of which he is accused.
5. No person shall be searched except in the conditions mentioned in paragraph 2 of this article, or under laws relating to judicial, sanitary, fiscal and security matters, and in the manner prescribed by the law, giving due respect to the honour and integrity of the person.

Article 27

Security of the Person under Detention

1. A detained person shall not be subjected to physical or mental torture.
2. Corporal punishment shall be prohibited.

Article 28

Private Ownership

1. Private ownership shall be guaranteed by law, which shall define the modes of acquisition and forfeiture, and the contents and limits of its enjoyment for the purpose of safeguarding its social functions.
2. The use of private property shall in no case be contrary to the public interest, and the objectives of the revolution.
3. Private property may be expropriated or requisitioned for reasons of public interest, in exchange for equitable compensation.

Article 29

Privacy of the Home

Every person shall be entitled to the inviolability of his home or any other place reserved for personal use except in the cases referred to in paragraphs 2 and 5 of article 26.

Article 30

Freedom of Communication

The right of secrecy of correspondence and other means of communication shall not be tempered with, except in the cases determined by the law. Article 31 Freedom of Religion Every person shall be entitled to profess any religion or creed.

Article 32

Right to Institute Legal Proceedings and Right of Defence

1. Every person shall have the right to institute legal proceedings before a competent court.
2. Every person shall have the right of defence before a court.
3. The state shall guarantee free legal aid in the conditions and in the manner prescribed by law.

Article 33

Penal Liability

1. Penal Liability shall be personal.
2. The accused shall be presumed innocent until the conviction becomes final.

Article 34

Non-retroactivity of Penal Laws

No person may be punished for an act which was not an offence under the law at the time when it was committed, nor may a punishment be imposed other than the one prescribed by the law enforced at the time such offence was committed.

Article 35

Extradition and Political Asylum

1. The Somali Democratic Republic may extradite a person who has committed a crime in his country or another, and has taken refuge in the Somali Democratic republic, provided that there is an extradition treaty between the Somali Democratic Republic and the state requesting the extradition of the accused or offender.
2. The Somali Democratic Republic may grant political asylum to a person who has fled his country or another for political reasons while struggling for the interests of the masses, human rights or peace.

Article 36

Protection of Public Property

Every citizen shall have the duty to protect and consolidate public property.

Article 37

Participation in Economic Growth

Every person shall have the duty to participate in the economic growth of the country, payment of taxes, contributions to state expenditure according to his capacity and the laws of the country.

Article 38

Defence of the Motherland The defence of the motherland and the consolidation of the unity of the Somali people shall be a sacred duty of every citizen.

Article 39

Observance of the Constitution and Laws

Every person shall have the duty to faithfully observe the constitution and laws of the state.

Chapter III

Socio-Economic Foundation

Section 1

The Economy

Article 40

Economic Development

1. The State shall develop the economy of the country, and raise production, while assuring an equitable distribution.

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Article 42

Land and Marine Resources

1. The land, natural marine and land based resources shall be state property.

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Article 43

Economic Planning

1. The economy of the country shall be founded on socialist state planning.
2. The plan shall have a judicial authority superior to other laws. ...

Section 2

Promotion of Education & Science

Article 46

Education

1. The state shall give special priority to the promotion, expansion and dissemination of education and science, and shall consider education as the ideal investment which shall play the leading part in the Somali political and socio-economic development.
2. Education in the Somali Democratic Republic shall favour the working class, and shall conform to the special conditions and environment of the Somali Society.

Article 47

Compulsory Education

Education, in the Somali Democratic Republic shall be free. It shall be compulsory up to the intermediate school level.

Article 48

Eradication of Illiteracy

Eradication of illiteracy and adult education shall be a national duty towards which the people and state shall pool their resources in its fulfilment.

Article 49

Promotion of Science and Arts

1. The state shall promote science and arts, and shall encourage scientific and artistic creativity. ...

Section 3

Cultural and Social Welfare

Article 51

Promotion of Culture

1. The state shall promote the progressive culture of the Somali people, while benefiting from the international culture of human society.
2. It shall promote art, literature and the national folklore.
3. It shall protect and preserve nations, historic objects and sites.

Article 52

Social Customs

The state shall preserve the good customs, and shall liberate society from outdated customs and those inherited from colonialism, especially tribalism, nepotism, and regionalism.

Article 53

Child Care

The state shall promote child care homes and revolutionary youth centres.

Article 54

Rural Development

The state shall promote the program of permanent rural development campaign in order to eradicate ignorance and to narrow the gap between rural and urban life.

Article 55

Health

The state in fulfilling the policy of general health care shall promote the prevention of contagious diseases, and encourage general hygiene, and free medical treatment.

Article 56

Family Welfare

1. The state recognising the family as the basis of society shall protect the family and shall assist the mother and child.
2. The state shall be responsible for the care of the handicapped, children of unknown parents and the aged, provided they shall not have anybody to care for them.
3. The state shall guarantee the care of children whose parents die while defending the country.

Article 57

Work and the Workers

1. The state shall safeguard and promote work and its various types.
2. The minimum age for work in the Somali Democratic Republic shall be fifteen years.
3. The workers shall be entitled to receive without discrimination a remuneration equal to the amount and value of work done.
4. The workers shall be entitled to weekly rest and annual leave.
5. The law shall determine the working hours, conditions of service and persons suitable for certain jobs.

Article 58

Evaluation of Work

In evaluating work the state shall apply the principle; "from each according to his ability, to each according to his work."

Article 59

Social Insurance and Assistance

The state shall promote the system of social insurance and assistance and shall strengthen general insurance institutions of the country.

Chapter IV

State Structure

Section 1

Functions and Rules of the People's Republic

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Article 67

Powers of the Assembly

1. Amendment of constitution;

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Article 82

Duties and Powers of the President

In addition to the powers and duties granted by the Constitution and the laws, the President of the Somali Democratic Republic shall have the following powers and duties:

... 3. Ratification of international treaties relating to defence and security, sovereignty and independence of the Republic, on the approval of the Central Committee of the Party and People's Assembly.

4. Ratification of other international agreements.

... 12. Declare states of war and peace after authorisation by the Central Committee of the Party and the People's Assembly.

Article 83

Extraordinary Powers of the President

1. The President of the Somali Democratic Republic, shall have the power, after consultations with the National Defence Council, to proclaim emergency rule throughout the country or a part of it, and take all appropriate measures when faced with grave matters endangering the sovereignty, internal or external security of the country, or in circumstances of absolute necessity.

2. In the event of a state of war the President shall assume power over the entire country, and those articles of the constitution which shall be incompatible with such a situation shall be suspended.

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Chapter IV

The Judiciary

Section 1

Principles of Justice

Article 96

Objectives of Justice

... 3. The Judiciary shall ensure observance of the laws, and shall guarantee the protection of the freedom, rights, and life of the citizen, interests and dignity of the human being.

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Article 107

Constitutionality of Laws

1. There shall be a Constitutional Court which shall have the power to decide on the constitutionality of laws.

2. The Constitutional Court shall be composed of the Supreme Court along with members from the People's Assembly nominated by the President of the Republic having heard the opinion of the Standing Committee. ...

Chapter VI

Miscellaneous Provisions

Article 111

The Basic Law

1. The Constitution shall have supreme legislative authority.

2. The Constitution of the Somali Democratic Republic shall be the basis for all laws, decrees and order of state institutions.

Article 112

Amendments to the Constitution

1. Amendments to the Constitution may be proposed by the President of the Somali Democratic Republic, the Central Committee of the Party or one-third of the membership of the People's Assembly.
2. The People's Assembly shall approve Amendments to the Constitution by a two-thirds majority.
3. Amendments to the Constitution shall not affect the following:
 - a) the Republican system of the country
 - b) the adoption of the principle of socialism
 - c) territorial unity
 - d) the fundamental rights and freedoms of the citizen and individual. ...