



[constituteproject.org](http://constituteproject.org)

# Equatorial Guinea's Constitution of 1991 with Amendments through 1995

This complete constitution has been generated from excerpts of texts from the repository of the Comparative Constitutions Project, and distributed on [constituteproject.org](http://constituteproject.org).

## Table of contents

Preamble . . . . .	4
<b>PART ONE: Fundamental Principles of the State . . . . .</b>	<b>4</b>
Article 1 . . . . .	4
Article 2 . . . . .	4
Article 3 . . . . .	4
Article 4 . . . . .	5
Article 5 . . . . .	5
Article 6 . . . . .	5
Article 7 . . . . .	5
Article 8 . . . . .	5
Article 9 . . . . .	6
Article 10 . . . . .	6
Article 11 . . . . .	6
Article 12 . . . . .	6
Article 13 . . . . .	6
Article 14 . . . . .	7
Article 15 . . . . .	7
Article 16 . . . . .	7
Article 17 . . . . .	7
Article 18 . . . . .	8
Article 19 . . . . .	8
Article 20 . . . . .	8
Article 21 . . . . .	8
Article 22 . . . . .	8
Article 23 . . . . .	8
Article 24 . . . . .	8
Article 25 . . . . .	9
Article 26 . . . . .	9
Article 27 . . . . .	9
Article 28 . . . . .	9
Article 29 . . . . .	10
<b>PART TWO . . . . .</b>	<b>10</b>
Chapter I: Powers and Organs of the State . . . . .	10
Chapter II: The President of the Republic . . . . .	10
Chapter III: The Council of Ministers . . . . .	13
Chapter IV: The Prime Minister . . . . .	15
Chapter V: The National Assembly . . . . .	16

Chapter VI: Judicial Power . . . . .21

Chapter VII: The Constitutional Council . . . . .22

Chapter VIII: The Higher Judicial Council . . . . .23

PART THREE: The Armed Forces, State Security and National Defense . . . . .23

Article 99 . . . . .23

Article 100 . . . . .23

PART FOUR: Local Communities . . . . .23

Article 101 . . . . .23

Article 102 . . . . .23

PART FIVE: Revision of the Constitution . . . . .24

Article 103 . . . . .24

Article 104 . . . . .24

SPECIAL PROVISIONS . . . . .24

FINAL PROVISIONS . . . . .24

## Preamble

We, the people of Equatorial Guinea, conscious of our responsibility before God and history;

Driven by the will to safeguard our independence, organize and consolidate our national unity;

Desirous of upholding the authoritic African spirit of family and community set-up adapted to the new social and legal structures of the modern world;

Conscious of the fact that the charismatic authority of the traditional family is the foundation of the Equato-Guinean Society;

Firmly support the principles of social justice and solemnly reaffirm our attachment to the mental freedoms enshrined in the universal Declaration of Human Rights of 1948;

By virtue of these principles and the free determination of the people;

Adopt the following Constitution of the Republic of Equatorial Guinea.

## PART ONE: Fundamental Principles of the State

### Article 1

Equatorial Guinea shall be a sovereign, independent, republican, unitary, social and democratic state, its supreme values shall be unity, peace, justice, freedom and equality.

Multipartism shall be recognized.

Its official appellation shall be: THE REPUBLIC OF EQUATORIAL GUINEA.

### Article 2

National sovereignty shall be vested in the people who shall exercise same through election by universal suffrage. Likewise, the duties of the authorities responsible for the management of the state shall be determined by the supreme law and others. No section of the people or any individual shall arrogate to itself or to himself the exercise thereof.

### Article 3

The territory of Equatorial Guinea shall comprise: the main land zone known as Río Muni; the Island of Bioko, Annobón, Corisco, Elobey Grande and Elobey Chico; the adjacent Islets; the fluvial waters; the maritime zone and the continental platform which shall be determined by the law and air space covered.

The State shall fully exercise its sovereignty and shall be reserved the exclusive rights to explore and exploit all mineral resources and hydrocarbons.

The national territory shall be unalienable and invincible.

The State shall (for administrative and economic purposes) be divided into regions, provinces, districts and municipalities.

The law shall delimit and denominate the regions, provinces, districts and municipalities. It shall equally determine the space to be occupied by each zone.

## Article 4

The official language of the Republic of Equatorial Guinea shall be Spanish. Aboriginal languages shall be recognized as an integral part of its national culture.

Its flag shall be three equal horizontal stripes of green, white and red charged with a blue triangle at the extremity close to the flagpole. Its shield shall be engraved in the center of the flag.

Its shield shall establish the law.

Its motto shall be: UNITY, PEACE, AND JUSTICE.

Its national anthem shall be the hymn dedicated to the fatherland on October 12, 1968, day of its proclamation of independence.

## Article 5

The principles that shall govern the Equato-Guinean society shall be:

- a. The respect of individual, his dignity, freedom and other fundamental rights;
- b. The protection of the family, the basis of the Equato-Guinean society;
- c. The recognition of all rights and gender equality;
- d. The protection of labor;
- e. The promotion of the economic development of the nation;
- f. The promotion of the social and cultural development of all Equato-Guineans.

## Article 6

The State shall encourage and promote culture, the arts and scientific and technological research, and shall ensure the conservation of nature, the cultural heritage and the artistic and historical riches of its nations.

## Article 7

The State shall define the sovereignty of its nation, strengthen its unity and ensure the respect of fundamental rights and the promotion of the economic, social and cultural progress of its citizens.

## Article 8

The State shall endeavor to follow the principles of international law and shall reaffirm its attachment to the rights and obligations enshrined in the characters of international organizations and bodies of which it shall be member.

- Official or national languages
- Protection of language use

- National flag

- National motto

- National anthem

- Human dignity

- Equality regardless of gender

- Reference to art
- Right to culture
- Protection of environment
- Reference to science
- Right to enjoy the benefits of science

- Right to culture

- International law
- International organizations

## Article 9

Political parties shall be integral political organizations of persons who shall associate freely to participate in the political orientation of the State. They shall represent multipartism and democracy, and shall thus express popular will as the basis of any political participation.

Its political parties shall not be allowed to have appellations similar to those that existed before October 12, 1968; their ambitions and perspectives shall have to be nationalistic and shall therefore, not be based on tribe, ethnic inclinations, religion, gender, district, municipality, social condition or profession. The law shall regulate their creations and functioning.

## Article 10

The right to unemployment shall be recognized and exercised as stipulated by the law.

## Article 11

Citizens, public authorities, political parties, trade be subject to the fundamental laws and legal provisions.

## Article 12

The law shall determine the legal system that shall apply to the right to nationality, citizenship and the condition of foreigners.

## Article 13

Every citizen shall enjoy the following rights and freedoms:

- a. The respect of his person, life, integrity and physical and moral dignity. Capital punishment shall only be applied for crimes condemned by the law;
- b. Freedom of expression;
- c. Equality before the law. Women, irrespective of their civil status, shall have the same rights and opportunities as her male counterpart at the political, economic, social and cultural levels, and at all levels of life; public, private or family;
- d. Freedom of movement and residence;
- e. Honour and good reputation;
- f. Freedom of religion and worship;
- g. The inviolability of the home and the privacy of all correspondence;
- h. The submission of petitions to the state;

- Freedom of expression
  - i. The right to speak;
- Right to fair trial
  - j. The right to a fair hearing before the courts;
- Freedom of assembly
  - k. Freedom of association, of assembly and the right to strike;
- Freedom of association
  - l. Freedom of employment;
- Right to strike
  - m. The deprivation of liberty except in the cases and according to the manner determined by law;
  - n. The right to hear the charges levied on him;
- Right to choose occupation
  - o. The right to presume innocence until found guilty during hearing;
- Presumption of innocence in trials
  - p. No person shall arrogate to himself the right to do justice;
- Protection from self-incrimination
  - q. Shall not be judged or condemned twice for the same offence;
- Prohibition of double jeopardy
  - r. Shall not be condemned without proof, nor deprived of the right to defense;
- Protection from unjustified restraint
  - s. Shall not be punished for an act or omission.

Legislative provisions shall establish conditions under which these rights and liberties shall be exercised.

## Article 14

The fundamental rights recognized in this chapter shall not exclude those guaranteed by the Fundamental Law, nor the others, which enunciate human dignity, the principle of sovereignty of the people or the social and democratic state of law and the republican form of government.

## Article 15

All acts of partiality or discrimination committed on the basis of tribe, gender, religion, and corruption and other or same shall be punishable by law.

## Article 16

All Equato-Guineans shall have the obligation to honor the fatherland and defend its sovereignty, its territorial integrity and national unity, factors which contribute to the peace, national security and traditional Equato-Guinean values and protect national interests.

Military services shall be obligatory for all and shall be regulated by law.

## Article 17

All Equato-Guineans shall have the obligation to live peaceful, respect the rights and obligations and contribute to the building of a just and fraternal society.

## Article 18

All Equato-Guineans shall respect the State, its national anthem, its Head of State, its government and the institutions legally instituted.

## Article 19

Every citizen shall pay taxes according to his revenues.

The expenses and revenues of the State and the investment programs shall be registered in each financial year within the annual budget elaborated in accordance with the legislation in force.

## Article 20

Every citizen shall have the obligation to respect and defend the Fundamental Law.

## Article 21

The State shall ensure the protection of the family as the foundation of the society and shall secure the moral, cultural and economic conditions favorable to the achievement of objectives.

It shall equally protect every matrimonial class.

The traditional family heritage shall be unalienable as determined by the law.

## Article 22

The State shall ensure the protection of every person from birth, and foster his normal development and ensure his security for his moral, psychological and physical integration as well as his family life.

It shall encourage and promote primary health care as the cornerstone of the development of this sector.

## Article 23

Education shall be primordial to the State. Every person shall have the right to primary education people shall have the right to primary education which is obligatory and free.

Free education shall be instituted by law.

The State shall guarantee to every person, private body or religious institution the right to found schools provided he or it subjects oriented toward the official pedagogical plan.

Official education shall freely allow the institution of religious education, which is protected by the Constitution.

Education that shall be officially recognized may not orientate a program or propagate ideological or partisan tendencies.

## Article 24

The State shall protect responsible paternity and ensure appropriate education to promote the family.



## Article 25

Work shall be a right and social obligation. The State shall recognize its role in improving on the well-being and development of its national resources conditions to eradicate poverty, misery and ensure the equal occupation of its national territory and shield its citizens from need.

The law shall define the conditions under which this right shall be exercised.

## Article 26

Its economic system shall be based on the principle of free exchange and the freedom of enterprise.

The law shall regulate the exercise of this freedom that should conform with the exigencies of economic and social development.

The State shall protect, guarantee and control foreign investment which contributes to the development of its nation.

## Article 27

Its economy shall function under main sectors:

- a. The public sector comprising state-owned companies and mainly constituted of the exploitation of resources and services enumerated under article 28 of the Fundamental Law as well as other economic activities;
- b. The mix economic sector which integrates public and private capital for enterprises;
- c. The cooperative sector owned and managed by a community of persons working in these cooperatives. The State shall dictate the laws regulating and developing this sector;
- d. The private sector, which integrates companies owned by one or more physical persons or corporate bodies with private rights and, more generally, companies that do not fall under the sectors mentioned above.

## Article 28

The resources and services reserved to the public sector shall be:

- a. Mines and hydrocarbons;
- b. Services in charge of distributing water and electricity;
- c. Post, telecommunications and transport services;
- d. Radio and television;
- e. And others determined by the law.

- Right to work
- Duty to work

- Right to establish a business
- Right to competitive marketplace

- Ownership of natural resources

- Telecommunications

- State operation of the media
- Radio
- Television

The State may delegate, concede or associate with a private body to develop any activity or service mentioned above in conformity with the law.

## Article 29

The State shall recognize public and private ownership.

The right of ownership shall be guaranteed and protected as stipulated by the law in force.

Ownership shall be inviolate, no person shall be deprived of his property and rights except in the case of public utility and upon compensation.

The State shall guarantee to farmers ownership of their lands.

The law shall determine the legality of public property.

## PART TWO

### Chapter I: Powers and Organs of the State

#### Article 30

State power shall be exercised by the President of the Republic, the Ministerial Council, the House of Commons, the Judiciary, and other organs instituted in compliance with the Constitution.

### Chapter II: The President of the Republic

#### Article 31

The President of the Republic shall be the Head of State; he shall be the symbol of national unity and shall represent the Nation. He shall be elected by a relative majority of the votes cast through direct, equal and secret universal suffrage.

The law shall determine the conditions of the electoral process.

#### Article 32

The person of the Head of State shall be inviolate and the law shall define his privileges and immunity during his term of office.

#### Article 33

The following requirements shall have to be fulfilled to become President of the Republic:

- a. Be an Equato-Guinean by birth;
- b. Enjoy civic rights;
- c. Live in the country since 5 years;

- d. Be capable of interpreting the Constitution;
- e. Be elected in accordance with the Constitution and other laws;
- f. Have between the ages of 40 and 75 years;
- g. Not have another nationality.

## Article 34

The President of the Republic shall be elected for a term of office of 7 (seven) years renewable.

Presidential elections shall be announced on the seventh year of the term of office of the President of the Republic at a date set by decree and adopted by the Ministerial Council.

The elections shall be held 40 days before the expiry of the term of office of the President of the Republic or later, but within 70 days after the announcement of the date.

## Article 35

The President of the Republic shall, upon election, be sworn in 30 days after the proclamation of results, and shall take the oath of office before the August presence of members of parliament and the Supreme Court meeting in solemn session.

Where the winner of the elections belongs to a political party with a minority in the assembly, the President of the Republic appoints a new government.

## Article 36

The President of the Republic shall determine the politics of the nation, arbitrate and model the normal functioning of all institutions of the state. His authority shall extend over the national territory.

## Article 37

The President shall exercise statutory authority in the Ministerial Council.

## Article 38

The President of the Republic shall sanction and promulgate laws as provided by the Constitution. He shall exercise the right to veto as provided under article 79 of the Constitution.

## Article 39

The President of the Republic shall equally exercise the following:

- a. Guarantee the strict implementation of the constitution, the functioning of state institutions and continuity of the state.

- b. Convene and preside over the Ministerial Council.
- c. Dictate in the Ministerial Council the decrees and laws as provided under article 64-i) of the present Constitution.
- d. He shall head the Armed Forces. The President of the Republic shall guarantee the security of the state beyond the frontiers.
- e. He shall declare war and conclude peace.
- f. He shall appoint the Prime Minister as provided by the Constitution.
- f-bis. He shall ratify the decision of Parliament on its elections and president, as well as other members of the bureau in conformity with the constitution and the by-laws of the Assembly.
- g. He shall appoint and revoke high civil and military officials and may delegate the Prime Minister to appoint other civil and military officials.
- h. He shall negotiate ratify international treaties and agreements in accordance with the Constitution.
- i. He shall represent Equatorial Guinea in international relations, receiving and accrediting Ambassadors, and shall authorize Consuls in the performance of their duties.
- j. He shall confer the decorations and honorary distinctions of the Republic.
- k. He shall exercise the right of clemency.
- l. He shall convene general elections as provided by the Constitution.
- m. He may call for a referendum in accordance with this Fundamental Law.
- n. He shall approve, in conjunction with the Ministerial Council, the national development plan.
- o. He shall have the right to dissolve the parliament as provided by the present constitution.
- p. He shall exercise the other attributions and prerogatives provided by the law.

## Article 40

The President of the Republic shall be the head of the Armed Forces to ensure the territorial integrity of the nation and the maintenance of law and order.

## Article 41

Where circumstances so warrant, the President of the Republic may declare a state of siege by decree and suspend the constitution for a maximum period of three months and take exceptional measures to safeguard the nation's assets. The deadline of three months may be prolonged where the situation remains dangerous.

## Article 42

1. The President of the Republic may, where circumstances so warrant, declare a state of emergency and inform the Parliament.
2. The President shall determine the effects, territorial limits and duration of the state of emergency or the state of siege.
3. The law regulates the state of siege and its relevant competence and limit.
4. He shall not dissolve the Assembly except under the conditions mentioned above.
5. He may suspend the constitution in the event of terrorist attacks or muting and sentence those involved according to the gravity of the situation.

## Article 43

1. The President may end his functions in the event of:
  - a. Resignation
  - b. Expiry of term of office
  - c. Permanent physical or mental invalidity
  - d. Death
2. In the event of vacancy of the Presidency for reasons a), c) and d), a college comprising the President of Parliament, who presides over it, the Prime Minister, the President of the Supreme Court and a member of the Constitutional Council designated by its president shall ensure the interim management of the State.

## Chapter III: The Council of Ministers

### Article 44

For the exercise of the political and administrative function, the President of the Republic presides the Council of Ministers, first constituted of the Prime Minister and the other members of the government

### Article 45

The Council of Ministers shall execute the general policy of the nation as determined by the President of the Republic, ensure the application of laws and permanently assist the President in his political and administrative duties.

The law shall determine the order of ministries, their denomination and their competences and roles.

## Article 46

The management and administration of government services shall be responsibility of ministers and other competent services of Ministerial departments.

## Article 47

In addition to its functions as determined by the Constitution, the Council of Ministers shall have the following duties:

- a. Direct the general policy of the Nation as defined by the President of the Republic by organizing and executing economic, cultural, scientific and social activities.
- b. Propose the socio-economic development plans of the State and, where approved by the President and the Parliament, organize, direct and supervise their implementation.
- c. Elaborate the budgetary draft project and ensure its execution upon approval by the Parliament and the President.
- d. Define the monetary policy and adopt measures aimed at protecting the monetary and financial system of the State.
- e. Elaborate draft projects submitted to Parliament for approval.
- f. Grant territorial exile.
- g. Direct the administration of the State, coordinate and control the activities of the different ministries.
- h. Ensure the application of laws and other general provisions which it integrates in the judicial organization of the Nation.
- i. Put in place necessary commissions charged with executing its attributions.

## Article 48

1. All members of government in managing their ministries shall be jointly responsible before the law, the President and the Parliament and, personally responsible before the Prime Minister, but no individual responsibility before the law.
2. The Civil and Criminal responsibility of members of government shall be requested in accordance with the law.

## Article 49

The members of government shall be:

- a. The Prime Minister

- b. The Deputy Prime Ministers
- c. The Minister of State
- d. The Ministers
- e. The Deputy Ministers
- f. The Assistant Ministers
- g. The Secretaries of State

## Article 50

The Prime Minister and other members of government shall take the oath of office before the President and the Constitution.

## Article 51

The Ministerial Council, the plenary and the Ministers separately may attend the debates in Parliament without the right to vote. They may equally intervene.

## Chapter IV: The Prime Minister

### Article 52

The Prime Minister shall be member of the political party with the majority of seats in the National Assembly.

### Article 53

The Prime Minister shall be the Head of Government and shall direct its actions, execute and ensure the enforcement of laws. He shall dictate the necessary instructions.

### Article 54

(In accordance with Article 39-g) The President of the Republic shall appoint the Prime Minister who is charged with appointing other members of government.

In the event of any disagreement, the President of the Republic shall urge the majority to designate a new Prime Minister and shall dissolve the parliament and summon new parliamentary elections.

## Article 55

In his capacity of Head of Government, the Prime Minister shall, in addition to his attributions, coordinate ministerial activities and shall ensure the smooth functioning of government services. He shall ensure the implementation of government programs. He shall summon and preside over the inter-ministerial council in charge of deliberating on the proposals that shall be submitted to the Council of Ministers and proposing draft bills to Parliament.

## Article 56

The Prime Minister may exceptionally and by virtue of precise delegations, preside over the Ministerial Council with a pre-defined agenda.

## Article 57

The Prime Minister shall end his term of office in the event of:

- a. Resignation
- b. Expiry of the term of office of the Parliament
- c. Permanent physical disability
- d. Dissolution of the Assembly
- e. Death

## Article 58

In the event of resignation, disability or death, the President of the Republic may summon new legislative elections where the majority fails to designate a candidate within seven (7) days.

## Article 59

The Prime Minister shall propose to the President of the Republic one or more Deputy Prime Minister who may substitute him in the event of a vacancy.

## Chapter V: The National Assembly

### Article 60

Legislative powers shall be conferred to the National Assembly through universal suffrage, and the Parliament shall exercise this power as provided by the Constitution.

### Article 61

The National Assembly shall comprise 80 (eighty) members elected by direct and secret office. Elections shall be conducted in one day and within 60 days before the



- Secret ballot
- Size of first chamber

mandate expires.

Administrative districts shall constitute the electoral constituencies.

Seats shall be attributed to each list of candidates through a system of proportional representation.

- Eligibility for first chamber

The electoral law shall determine the number of seats for each electoral constituency, the ineligibility and incompatibility of members of parliament and shall elaborate other aspects of the electoral process.

## Article 62

Members of Parliament shall not necessary respect the mandate.

## Article 63

Members of Parliament shall have the right to amendment and vote. Voting shall be personal.

## Article 64

The functions of the National Assembly shall be as follows:

- Leader of first chamber
- Standing committees

a. Elect the President, Deputy Presidents and bureau among members.

b. Enact its by-laws.

- Budget bills
- Tax bills

c. Approve state expenses, revenues and investment budgets. The State through the tributary law, inspired in the principles of equality, generality and prosperity, establishes the taxes, obligations and exedents for-fiscal and the special circumstances that concur in each figure of taxes for its liquidation.

- Duty to pay taxes

All the physical or legal persons, national or stranger, residentes in the Republic of Equatorial Guinea have the obligation of paying the taxes imposed by law.

- First chamber reserved policy areas
- Tax bills

d. Legislate for taxation, suppress and institute taxes and other charges.

- First chamber reserved policy areas

e. Legislate for weights and measures.

f. Determine the bases of civil and commercial rights relative to penal and labor procedures.

g. Regulate fundamental rights and freedoms.

- Treaty ratification

h. Approve peace and trade treaties, those that affect national sovereignty and territorial integrity; those relative to a legal reserve are ratified by the President of the Republic.

- i. Authorize the President of the Republic to enact statutory orders relative to legal reserve between two sessions; these decrees shall enter into force when released. The government shall inform the Assembly on the content of this statutory order.
  - j. Enlighten the members of government on the affairs under its competence, and call on them to explain the management of their affairs.
  - k. Appoint an internal investigation commission to look into matters likely to comprise public interests. The commission shall have free access to all ministerial departments.
- l. Carryout its duties as provided by the law.

## Article 65

The President of the Republic may, after consulting the Council of Ministers and the Bureau of the National Assembly, decide to summon a referendum where he deems necessary. The bill that shall be adopted therein shall be enforced and promulgated by the President of the Republic.

## Article 66

The President of the Republic may, during ministerial council, order the dissolution of the Assembly and organize new elections.

## Article 67

Every person, physical or corporate, Equato-Guinean or foreign, resident in Equatorial Guinea, shall pay taxes.

## Article 68

No member of Parliament may be detained during or after his mandate for opinions expressed in the exercise of his duties.

## Article 69

The Assembly shall meet as of right the Monday following the promulgation of results for not more than 30 days.

The agenda of this session shall be limited to the election of the President of the Assembly and the Bureau members, except the government introduces urgent questions.

## Article 70

The National Assembly shall hold 2 (two) ordinary sessions each year (March and September) for two months.

## Article 71

The National Assembly shall meet in extraordinary session on a specific agenda and at the request of the President of the Republic of three-quarter of its members.

A session shall be held by more than half of the members, and decisions shall be adopted through vote by simple majority.

## Article 72

The opening and closing of each session, ordinary or extraordinary, shall be ordered by Presidential decree in accordance with the Bureau.

## Article 73

Sittings of the National Assembly shall be public

## Article 74

The National Assembly may hold sittings in camera at the request of the President of the Republic or of an absolute majority of its members.

## Article 75

The President of the Republic shall hold the legislative power in ministerial councils, and members of Parliament shall hold it in the Assembly.

Draft projects submitted by members shall be deposited at the Bureau as provided by its by-laws and shall be transmitted to the Government for assessment.

## Article 76

In addition to matters provided by the Constitution, the law shall reserve the following:

- a. Regulation of rights and obligations of the citizens.
- b. Expropriation of property for public utility.
- c. Nationality, state and capacity of persons, civil status and successions.
- d. Organization of justice, creation of new jurisdictions, the status of magistrates and of the public service.
- e. Penitentiary status, amnesty, definition of offences and the sentences that shall apply.
- f. Status of associations, political parties and trade unions.
- g. Status of the issue and printing of the currency.
- h. General administrative and financial organization.

- i. Conditions of participation of the State in the management of enterprises.
- j. Status of the public inheritance.
- k. Status of freedoms and persons, ownership, property, civil and commercial rights and obligations.
- l. Financial obligations of the State.
- m. Economic and social action plan.
- n. Fundamental principles governing education, culture, the right to work and social security.

## Article 77

The general budget of state presented by the government during the second session shall be voted by the National Assembly. Where the state budget is not adopted before the current financial year expires, the President of the Republic may extend the preceding budgetary bill until adaptation of the new bill.

The Government may request a ten-day extraordinary session for new deliberations. Where the budget is finally not adopted, the President of the Republic has the prerogative to institute the budgetary bill.

## Article 78

Where the budget is not voted during the second ordinary session, the President of the Republic shall summon an extraordinary session to find a solution.

## Article 79

Before promulgating a bill, the President of the Republic may request a second or third reading of the bill in parliament.

## Article 80

The President of the Republic may personally attend the session or send a message. In the case of the latter, the message may not be subject to deliberations.

## Article 81

The agenda shall be drawn by the Bureau.

## Article 82

The President of the Republic shall promulgate the bills adopted by Parliament.

## Chapter VI: Judicial Power

### Article 83

The judicial power shall be independent of the executive and legislative powers. It shall exercise the legal functions of the State.

### Article 84

Justice shall be administered in the name of the people by the President of the Republic.

The organic law relative to the Judicial power shall determine the organization and attributions of courts necessary for the effective functioning of justice. This same law shall define the statutes of the magistracy.

### Article 85

The exercise of the judicial power in every type of hearing shall be reserved exclusively to the jurisdictions and courts as determined by the law.

### Article 86

The Head of State shall be the first magistrate of the nation. He shall guarantee the independence of the judicial power.

### Article 87

The judges and magistrates shall not enjoy any form of immunity in the exercise of their duties.

### Article 88

The principle of the unity of the Judicial Power shall be the basis of the organization and functioning of courts. The law shall determine the judicial system applicable in military courts.

### Article 89

Judgments shall be public, but deliberations shall be in camera.

### Article 90

The Supreme Court of Justice shall be the supreme organ of the judicial system.

### Article 91

The President of the Supreme Court and its members shall be appointed by the President of the Republic for a period of five years.

• Judicial independence

• Establishment of military courts  
• Structure of the courts

• Right to public trial

• Structure of the courts

• Supreme court selection  
• Supreme court term length

## Article 92

The Legal Department shall ensure the strict respect of the Constitution, the laws and legal dispositions of all state organs.

## Article 93

The Attorney General and his deputies shall be appointed by the President of the Republic.

The office of the Attorney General of the Republic shall be regulated by an organic statute.

## Chapter VII: The Constitutional Council

### Article 94

1. The Constitutional Council shall comprise a President and four other members appointed by the President of the Republic. Two of its members shall be proposed by the National Assembly. The term of office of its members shall be seven (7) years.
2. The attributions of the Constitutional Council shall comprise the following:
  - a. Taking cognizance of the constitutionality of laws.
  - b. Taking cognizance of and annulling laws.
  - c. Proclaiming the final results of presidential municipal and legislative elections and referendums.
  - d. Declaring the invalidity of the President of the Republic and the Prime Minister.
  - e. Determining the supreme nature of the constitution within the framework of development.
  - f. Taking cognizance of conflicts between constitutional bodies.
  - g. Taking cognizance of the non-conformity of international treaties as provided by the constitution.
  - h. And its other duties attributed by the law.

### Article 95

The bodies legally entitled to institute an appeal of unconstitutionality shall be:

- The President of the Republic, Head of State
- The Prime Minister, Head of Government
- The National Assembly; three-quarter of its members
- The Attorney General

## Article 96

Members of the Constitutional Council shall not be eligible or be members of government or of Parliament.

## Article 97

The organic law shall regulate the functioning and status of its members, and the implementation procedures of its actions.

## Chapter VIII: The Higher Judicial Council

### Article 98

1. The Higher Judicial Council shall head this organ. It shall comprise a President and six other members appointed by the Head of State for a period of 5 years.
2. The organic law shall regulate the structure, functioning and legal status of its members.

## PART THREE: The Armed Forces, State Security and National Defense

### Article 99

The Armed Forces and State Security are a national institution whose mission shall be to maintain territorial integrity, defend national sovereignty, protect the supreme values of the fatherland, the security of the state, maintain public order and ensure the smooth functioning of government services in conformity with the constitution. The Armed Forces shall enact by-laws regulating its functioning.

### Article 100

Where necessary, the national defense shall enjoy the support of all the forces of the nation and the resources.

An organic law shall regulate its functioning.

## PART FOUR: Local Communities

### Article 101

Local Communities shall have a legal status. Under the responsibility of the Government and the administrative authorities of the Regions, they shall promote social and economic development programs as provided by the law.

### Article 102

Local Communities shall contribute to the achievement of the development plans of the State.

The law shall determine its competence, functioning and legal status.

• Establishment of judicial council

• Municipal government

• Municipal government

## PART FIVE: Revision of the Constitution

### Article 103

The President of the Republic may summon a referendum to revise the Constitution; the absolute majority of members of Parliament may equally request amendments.

### Article 104

The republican and democratic systems of the state, the national unity and territorial integrity shall not be subject to reforms.

## SPECIAL PROVISIONS

No special provision shall be contrary to the Constitution.

## FINAL PROVISIONS

The present Constitution shall enter into force after enactment and shall be registered and published in the Official Gazette.



## Topic index

### A

Approval of general legislation . . . . .	11, 20
Attorney general . . . . .	22

### B

Budget bills . . . . .	14, 17, 20
------------------------	------------

### C

Cabinet selection . . . . .	11, 15
Claim of universal suffrage . . . . .	4, 10, 16
Compulsory education . . . . .	8
Constitution amendment procedure . . . . .	24
Constitutional court powers . . . . .	22
Constitutional court selection . . . . .	22
Constitutional court term length . . . . .	22
Constitutional interpretation . . . . .	22
Constitutionality of legislation . . . . .	22

### D

Deputy executive . . . . .	16
Designation of commander in chief . . . . .	12
Dismissal of the legislature . . . . .	18
Duty to obey the constitution . . . . .	6, 8
Duty to pay taxes . . . . .	8, 17, 18
Duty to serve in the military . . . . .	7
Duty to work . . . . .	9

### E

Economic plans . . . . .	12, 14, 20
Eligibility for first chamber . . . . .	17
Eligibility for head of government . . . . .	15
Eligibility for head of state . . . . .	10
Emergency provisions . . . . .	13
Equality regardless of gender . . . . .	5, 6, 7
Equality regardless of religion . . . . .	7
Equality regardless of tribe or clan . . . . .	7
Establishment of cabinet/ministers . . . . .	10, 13
Establishment of constitutional court . . . . .	22
Establishment of judicial council . . . . .	23
Establishment of military courts . . . . .	21
Extraordinary legislative sessions . . . . .	19, 20

### F

First chamber reserved policy areas . . . . .	17, 19
First chamber selection . . . . .	16
Foreign affairs representative . . . . .	12
Free education . . . . .	8
Freedom of assembly . . . . .	7
Freedom of association . . . . .	7, 19
Freedom of expression . . . . .	6, 7
Freedom of movement . . . . .	6
Freedom of religion . . . . .	6
<b>G</b>	
General guarantee of equality . . . . .	6, 7
God or other deities . . . . .	4
<b>H</b>	
Head of government powers . . . . .	16
Head of government removal . . . . .	13, 15, 16
Head of government replacement . . . . .	16
Head of government selection . . . . .	12, 15
Head of state decree power . . . . .	12, 18
Head of state immunity . . . . .	10
Head of state powers . . . . .	11
Head of state replacement . . . . .	13
Head of state selection . . . . .	10
Head of state term length . . . . .	11
Human dignity . . . . .	5, 6, 7
<b>I</b>	
Immunity of legislators . . . . .	18
Inalienable rights . . . . .	10
Initiation of general legislation . . . . .	16, 19
International human rights treaties . . . . .	4
International law . . . . .	5
International organizations . . . . .	5
<b>J</b>	
Judicial independence . . . . .	21
<b>L</b>	
Leader of first chamber . . . . .	17
Legal status of treaties . . . . .	22
Legislative oversight of the executive . . . . .	18
Length of legislative sessions . . . . .	18
<b>M</b>	

Minimum age of head of state . . . . . 11

Motives for writing constitution . . . . . 4

Municipal government . . . . . 4, 23

**N**

Name/structure of executive(s) . . . . . 10, 15

National anthem . . . . . 5

National flag . . . . . 5

National motto . . . . . 5

**O**

Oaths to abide by constitution . . . . . 11, 15

Official or national languages . . . . . 5

Ownership of natural resources . . . . . 4, 9

**P**

Power to declare/approve war . . . . . 12

Power to pardon . . . . . 12

Powers of cabinet . . . . . 13, 14

Presumption of innocence in trials . . . . . 7

Prohibited political parties . . . . . 6

Prohibition of double jeopardy . . . . . 7

Protection from expropriation . . . . . 10, 19

Protection from self-incrimination . . . . . 7

Protection from unjustified restraint . . . . . 7

Protection of environment . . . . . 5

Protection of language use . . . . . 5

Provision for matrimonial equality . . . . . 8

Public or private sessions . . . . . 19

**Q**

Quorum for legislative sessions . . . . . 19

**R**

Radio . . . . . 9

Reference to art . . . . . 5

Reference to fraternity/solidarity . . . . . 7

Reference to science . . . . . 5

Referenda . . . . . 12, 18

Requirements for birthright citizenship . . . . . 6, 19

Restrictions on political parties . . . . . 6

Right of petition . . . . . 6

Right to choose occupation . . . . . 7

Right to competitive marketplace . . . . . 9

Right to culture . . . . . 5, 20

Right to enjoy the benefits of science . . . . .	5
Right to establish a business . . . . .	9, 20
Right to fair trial . . . . .	7
Right to form political parties . . . . .	6, 19
Right to found a family . . . . .	8
Right to health care . . . . .	8
Right to join trade unions . . . . .	19
Right to life . . . . .	6
Right to own property . . . . .	10, 20
Right to privacy . . . . .	6
Right to protect one's reputation . . . . .	6
Right to public trial . . . . .	21
Right to strike . . . . .	7
Right to work . . . . .	9, 20
<b>S</b>	
Scheduling of elections . . . . .	11
Secret ballot . . . . .	10, 17
Selection of active-duty commanders . . . . .	12
Size of first chamber . . . . .	17
Source of constitutional authority . . . . .	4
Standing committees . . . . .	17
State operation of the media . . . . .	9
Structure of legislative chamber(s) . . . . .	16
Structure of the courts . . . . .	21
Subsidiary unit government . . . . .	4
Supreme court selection . . . . .	21
Supreme court term length . . . . .	21
<b>T</b>	
Tax bills . . . . .	17
Telecommunications . . . . .	9
Television . . . . .	9
Terrorism . . . . .	13
Treaty ratification . . . . .	12, 17, 22
Type of government envisioned . . . . .	4
<b>U</b>	
Unamendable provisions . . . . .	24