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Guinea-Bissau

**Constitution of the Republic of Guinea-Bissau,
1984
As Amended by Constitutional Law No. 1/91
of 9 May 1991**

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CONSTITUTION OF THE REPUBLIC OF GUINEA-BISSAU

16 May 1984, as amend to 9 May 1991

Preamble

The PAIGC, founded on 19 September 1956, exemplarily fulfilled its *Programa Mínimo* [Basic Program] which consisted of liberating the Peoples of Guinea and Cabo Verde, winning the sovereignty of the respective states at the same time while laying the foundations for the construction of a society [which is] free, democratic and of social justice in each Country.

The Party consecrated, after independence, earned internal and international sympathy, respect and admiration for the form in which it directed the destiny of the Guinean Nation[,] namely through the creation and institutionalization of state structure.

With the *Movimento Reajustador* [Readjusting Movement] of 14 November, the Party reoriented its action, correcting the errors that were hindering the edification of a unified, strong, and democratic society.

By adopting this Constitution, which follows faithfully the path [linha] of an institutional evolution that has never deviated from the ideas and options of our People, [a] path reaffirmed by the profound transformations operating in our society by legality [*legalidade*], by the law, and by the enjoyment of the fundamental liberties, the National Popular Assembly of the Republic of Guinea-Bissau reveals that its articulation is imbued with the humanism that has always inspired us and that is reflected in the rights and freedoms as here guaranteed to the citizens, as irreversible victories of our People.

The National Popular Assembly congratulates the PAIGC for the role of the vanguard it has always played in conducting the destinies of the Guinean nation and congratulates it for the courageous and opportune decision that the Party of Amílcar Cabral took to implement the challenge of democratic opening towards the constructing of a pluralistic, just, and free society.

The decision of the PAIGC follows in the wake of its historic tradition of searching at every moment for the answers to the most profound aspirations of our people.

Therefore, acting as a faithful interpreter of the will of the People and exercising its responsibilities as the highest organ of sovereignty, the National Popular Assembly approves and adopts, as Fundamental Law, to enter into force on 16 May 1984, this Constitution of the Republic of Guinea-Bissau.

TITLE I

FUNDAMENTAL PRINCIPLES

Of the Nature and Bases of the State

Article 1

[Amended by Constitutional Law No. 1/91 of 9 May 1991]

Guinea-Bissau is a sovereign, democratic, secular, and unitary Republic.

Article 2

[Amended by Constitutional Law No. 1/91 of 9 May 1991]

1. The national sovereignty of the Republic of Guinea-Bissau resides in the people.

2. The people exercise political power directly and through the organs of power[,] democratically elected.

Article 3

[Amended by Constitutional Law No. 1/91 of 9 May 1991]

The Republic of Guinea-Bissau is a democratic State[,] constitutionally instituted, based on national unity and on the effective popular participation in performing, controlling, and directing public activities and oriented towards construction of a free and just society.

Article 4

[Amended by Constitutional Law No. 1/91 of 9 May 1991]

1. In the Republic of Guinea-Bissau to constitute political parties is free under the terms of the Constitution and the law.
2. The political parties act for the organization and expression of popular will and of political pluralism.
3. The political parties must respect independence and national unity, the territorial integrity and pluralist democracy, [having] in their organization and functioning the duty to obey democratic rules.
4. The formation of parties of regional or local scope [*âmbito*], of parties that foment racism or tribalism and of parties that propose to use violent means in prosecution of their goals[,] are prohibited.
5. The denomination of [a] political party may not be identified with any part [*parcela*] of the national territory, or invoke the name of [a] person, Church, Religion, Confession, or Religious Doctrine.
6. The directive leaders [*dirigentes máximos*] of political parties must be Guinean citizens of origin.

Article 5

[Amended by Constitutional Law No. 1/91 of 9 May 1991]

1. The Republic of Guinea-Bissau proclaims its eternal gratitude to that combatant who, through his voluntary sacrifice, guaranteed the liberation of the Fatherland from foreign domination, reconquering national dignity and the right of our people to Liberty, to Progress, and to Peace.
2. The Republic of Guinea-Bissau considers the following as its honor and duty:
 - a) To act in order to guarantee a worthy existence for the Combatants for Liberty of the Fatherland and, in particular to those who by the fact of their participation in the Struggle for Liberation, suffered a physical diminishment which makes them totally or partially incapable of work and who are the first to receive national recognition;
 - b) To guarantee the education of the orphans of the Combatants for Liberty of the Fatherland;
 - c) To assist the Parents, the children and the widows of the Combatants for Liberty of the Fatherland.
3. The Combatant for Liberty of the Fatherland is the militant who, belonging to the PAIGC, participated in the struggle for liberation between 19 September 1956, and 24 September 1973, and who being integrated into the ranks of the Party, at the combat front, between the latter date and 24 April 1974, [who] are worthy of this title because of their exemplary conduct.

Article 6

1. In the Republic of Guinea-Bissau, separation exists between the State and the religious institutions.
2. The State respects and protects religious confessions, legally recognized. The activity of these confessions and the exercise of the cult [are] subject to law.

Article 7

In the framework of its unitary structure and for realization of the national interest, the State of Guinea-Bissau promotes the creation of and support for the activities of decentralized territorial collectivities [*colectividades*] [which are] endowed with autonomy in terms of the law.

Article 8

[Amended by Constitutional Law No. 1/91 of 9 May 1991]

1. The State is subordinate to the Constitution and is based on democratic legality.
2. The validity of the laws and of the other acts of State and of local power depends on their conformity to the Constitution.

Article 9

The Republic of Guinea-Bissau exercises its sovereignty:

1. Over all the national territory, which comprehends:
 - a) the land surface comprehended as within the limits of the national frontiers;
 - b) the inland sea and territorial sea defined by the law, as well as their respective riverbeds and subsoils;
 - c) the aerial space over the geographic areas referred to in the above lines.
2. Over all natural resources, living and non-living[,] existing in its territory.

Article 10

Within its exclusive economic zone defined by the law, the State of Guinea-Bissau exercises exclusive competence over matters of conservation and exploitation of natural resources, living and nonliving.

Article 11

[Amended by Constitutional Law No. 1/91 of 9 May 1991]

1. The economic and social organization of the Republic of Guinea-Bissau is based on principles of [the free] market economy [*economia de mercado*], the subordination of economic power to political power and the coexistence of public, cooperative, and private property.
2. The economic and social organization of the Republic of Guinea-Bissau, has as its objective to continually promote the well-being of the people and to eliminate all forms of subjection of human persons to degrading interests, for [the] profit of individuals, of groups, or of classes.

Article 12

[Amended by Constitutional Law No. 1/91 of 9 May 1991]

1. In the Republic of Guinea-Bissau, the following forms of property are recognized:
 - a) property of the State, [the] common patrimony of all the people;

b) cooperative property which, organized under the basis of free consent, applies concerning agricultural exploitation, production of consumer goods, of crafts and other activities specified by the law;

c) private property which applies concerning those assets distinct from those of the State.

2. The soil, the subsoil, the waters, the mineral wealth, the principal sources of energy, the forest wealth and social infrastructures[,] are property of the State.

Article 13

[Amended by Constitutional Law No. 1/91 of 9 May 1991]

1. The State may grant by concession to cooperatives and other individual or collective juridical persons the exploitation of State property as long as it serves the general interest and augments social wealth.

2. The State is the owner of the instruments for monetary emission, regulates foreign commerce and controls through the Central Bank operations concerning gold and the currency.

3. The State promotes the investment of foreign capital provided that is useful to the economic and social development of the Country.

Article 14

The State recognizes the right to inheritance, according to terms of the law.

Article 15

Public health has for its objective to promote the physical and mental well-being of the populations and their balanced integration into the social-ecological environment in which they live. It must orient itself towards preventive [medicine] and address the progressive socialization of medicine and of the medical-medical sectors.

Article 16

1. Education addresses [the] total development of man. It must be strictly linked to productive work, provide for the acquisition of qualifications, knowledge and values that permit each citizen to integrate themselves into the community and to contribute to its incessant progress.

2. The State shall consider the elimination of illiteracy as its fundamental task.

Article 17

1. The fundamental imperative of the State are to create and to promote the conditions favorable to the preservation of cultural identity, as a support for national conscience and dignity and as a factor to stimulate the harmonious development of society. The State preserves and protects the cultural patrimony of the people, whose valuation must serve progress and safeguard human dignity.

2. Conditions are created so that all citizens have access to culture and are given incentives to participate actively in its creation and diffusion.

3. It is incumbent on the State to encourage and to promote the practice and diffusion of sports and physical culture.

Article 18

1. The Republic of Guinea-Bissau establishes and develops relations with other nations on the basis of International Law, on the principles of national independence, on equality among states, on non-interference into internal affairs, and on reciprocity of mutual benefits, on peaceful coexistence, and on non-alignment.

2. The Republic of Guinea-Bissau defends the right of the people to self-determination and to independence, supports the struggle of the people against colonialism, imperialism, racism, and all the other forms of oppression and exploitation; professes peaceful solutions to international conflicts and participates in efforts [which] intend to assure peace and justice in the relationships among states and the establishment of a new international economic order.

3. Without prejudice to the victories achieved through the struggle for national liberation, the Republic of Guinea-Bissau participates in efforts that realize for African states, on a regional or continental basis, an order for the solidification [*concretização*] of the principle of African Unity.

Article 19

[Amended by Constitutional Law No. 1/91 of 9 May 1991]

A fundamental duty of the State is, to safeguard by all means the victories of the people, and, in particular, the constitutionally instituted democratic order. The defense of the Nation must be organized on the basis of the active participation and the conscious adherence of the people.

Article 20

[Amended by Constitutional Law No. 1/91 of 9 May 1991]

1. The Revolutionary Armed Forces of the People (FARP), [an] instrument of national liberation in the service of the People, are the primary institution of defense the Nation. It is incumbent on them to defend [the] territorial independence, sovereignty, and integrity, and to strictly collaborate with the specific national services in order to guarantee and maintain internal security and public order.

2. It is [a] civic duty and honor of members of the FARP to participate actively in the tasks of National Reconstruction.

3. The FARP obey the competent organs of sovereignty, according to the terms of the constitution and of the law.

4. The FARP are nonpartisan and its active members [*elementos*] may not exercise any political activity.

Article 20-A

[Inserted by Constitutional Law No. 1/91 of 9 May 1991]

1. The security forces have for [their] function to defend the democratic legality [*legalidade*] and to guarantee internal security, and the rights of citizens[;] they are nonpartisan and their active members [*elementos*] may not exercise any political activity.

2. Police methods are only those provided for by the law, [and] must not be utilized except as strictly necessary.

3. The prevention of crimes, including those crimes against the security of the State, are executed with observance of the rules provided by the law and with respect for the rights, freedoms, and guarantees of the citizens.

Article 21

1. The national symbols of the Republic of Guinea-Bissau are the Flag, the Arms, and the Anthem.

2. The National Flag of the Republic of Guinea-Bissau is formed by three rectangular bands, of red, yellow, and green color. The bands are equal in form and size, the red occupying the left side, in vertical position, and the yellow and

green in horizontal position, respectively, on the superior right side and inferior [right] side. The red band is marked with a black five-pointed star.

3. The Arms of the Republic of Guinea-Bissau consist of two palm leaves arranged in a circle, united on a base, upon which a yellow shell is placed, and joined by a ribbon on which is engraved, “*UNIDADE LUTA PROGRESSO*” [UNITY STRUGGLE PROGRESS].

In the central superior part a black five-pointed star is inserted.

4. The national hymn is “*Esta é a nossa Pátria Amada*” [This is Our Beloved Fatherland].

Article 22

The capital of the Republic of Guinea-Bissau is Bissau.

TITLE II

OF THE FUNDAMENTAL RIGHTS, FREEDOMS, GUARANTEES AND DUTIES

Article 23

All citizens are equal before the law[,] enjoy the same rights and are subject to the same duties, without distinction of race, sex, social, intellectual or cultural level, religious belief or philosophical conviction.

Article 24

Man and woman are equal before the law in all areas of political, economic, social, and cultural life.

Article 25

1. The State recognizes the constitution of the family and guarantees its protection.
2. Children are equal before the law, independently of the civil estate of their progenitors.

Article 26

1. Every national citizen that resides or is found abroad enjoys the same rights and is subject to the same duties as other citizens, save for what is considered incompatible with absence from the country.
2. Citizens resident abroad enjoy the care and protection of the State.

Article 27

1. Foreigners, on the basis of reciprocity, and those stateless, who reside or are found in Guinea-Bissau, enjoy the same rights and are subject to the same duties as Guinean citizens, except in what concerns the political rights, the exercise of public functions and the other rights and duties expressly reserved by the law to the national citizen.
2. The exercise of public functions may only be allowed to foreigners as long as they have a predominantly technical nature, [by] international agreement or convention excepted.

Article 28

The rights, freedoms, guarantees, and duties consecrated by this Constitution shall not exclude any others foreseen by other laws of the Republic.

Article 29

[Amended by Constitutional Law No. 1/91 of 9 May 1991]

1. The exercise of fundamental rights, liberties, and guarantees may only be suspended or limited in the case of state of siege or of state of emergency declared in terms of the law.

2. Laws restrictive to rights, liberties, or guarantees must be invested with general or abstract character, must be limited to those necessary to safeguard other constitutionally-protected rights or interests and must neither have retroactive effect, nor diminish the essential content of these rights.

Article 30

Every citizen has the right of appeal to jurisdictional organs against the acts that violate their rights recognized by the Constitution and by the law, nor may justice be denied for reasons of insufficiency of economic means.

Article 31

None of the rights and liberties guaranteed to citizens may be exercised against the independence of the Nation, the integrity of the territory, national unity, the institutions of the Republic and the principles and objectives consecrated by this Constitution.

Article 32

[Amended by Constitutional Law No. 1/91 of 9 May 1991]

1. All persons have the right to life and to physical and moral integrity.
2. No one may be submitted to punishments involving cruel, inhuman, or degrading treatment.

Article 33

[Amended by Constitutional Law No. 1/91 of 9 May 1991]

1. Every citizen enjoys the inviolability of his person and may not be arrested or suffer any sanction except for those cases, by [the] forms and with the guarantees provided for by the law.
2. A law may not be retroactive, save when it may benefit the accused.
3. The penal system is regulated by the law.
4. Measures of security [*medidas de segurança*] restrictive of liberty of unlimited or undefined duration are not permitted, save those justified by danger based on grave psychical anomaly.
5. Every accused has the right to defense, the law assuring the necessary guarantees and being presumed innocent until a sentence of condemnation becomes res judicata.
6. All evidence obtained through torture, coercion or offenses to physical or moral integrity of the person is null.

Article 34

In no case is it admissible to extradite or to expel a national citizen from the country.

Article 34-A

[Inserted by Constitutional Law No. 1/91 of 9 May 1991]

To all are recognized the rights to personal identity, to civil capacity, to citizenship, to good name and reputation, to image, to speech, and to reserve of intimacy of private and family life.

Article 35

1. It is the honor and supreme duty of each citizen to participate in defense of the independence, sovereignty and territorial integrity of the Nation.
2. Every citizen has the duty to render military service, in terms of the law.
3. Treason against the Fatherland is a crime punished with the most grave sanctions.

Article 36

[Amended by Constitutional Law No. 1/91 of 9 May 1991]

1. Work is a right and duty of each citizen.
2. The State gradually creates conditions for the full employment of citizens old enough [*em idade*] to work.
3. The State recognizes and guarantees to each citizen the right to choose his profession or type of work in accordance with the necessities and fundamental imperatives of National Reconstruction.
4. All workers have the right to remuneration for work, according to its [*segundo*] quantity, quality, and the nature, observing the principle of for equal salary equal work, in [a] form to guarantee a dignified existence.

Article 36-A

[Inserted by Constitutional Law No. 1/91 of 9 May 1991]

1. The syndical freedom is recognized to workers as a form to promote unity, to defend their rights and to protect their interests.
2. For exercising the syndical freedom [the following] are guaranteed, without any discrimination, namely:
 - a) The freedom to constitute, to organize, and to internally regulate associations;
 - b) The right to exercise syndical activity in businesses, in terms provided for by the law.
3. Syndical associations are independent of the State, of employers, of religious confessions, of parties, and other political associations.
4. The law assures adequate protection to the elected representatives of workers against any forms of limitation to the legitimate exercise of their functions.

Article 37

1. He who works has the right to protection, safety and hygiene at work.
2. The worker may only be dismissed according to the cases and in the terms provided for by the law.
3. The State gradually creates a system able to guarantee to each worker social security in his old age[,] when ill or when incapacity to work occurs.

Article 37-A

[Inserted by Constitutional Law No. 1/91 of 9 May 1991]

1. The right of workers to strike is recognized in terms of the law, to define the scope of professional interests which may be defended by strikes [being] reserved to them.
2. Lock-out is prohibited.

Article 38

The State recognizes the right of the citizen to inviolability of the domicile, of correspondence and of other means of private communication, except the cases expressly provided for by the law in matters of criminal process.

Article 39

Every citizen has the right to protection of his health and the duty to promote and defend it.

Article 40

Childhood, youth and maternity have the right to the protection of society and of the State.

Article 41

1. Every citizen has the right and the duty of education.
2. The State gradually promotes the gratuitous and the equal possibility of access of all citizens to the various levels of teaching.

Article 42

Intellectual, artistic, and scientific creation [is] free, as long as not contrary to the promotion of social progress. The law protects the rights of the author.

Article 43

1. Every citizen has the right and the duty to participate in the political, economic, and cultural life of the country, in terms of the law.
2. Any citizen may present suggestions, protests, claims and petitions to the sovereign organs and to any other authorities in terms and in forms determined by the law.

Article 44

The freedom of expression of thought, of reunion, of association, of demonstration as well as the freedom of religion, is guaranteed under conditions provided for by the law.

Article 44-A

[Inserted by Constitutional Law No. 1/91 of 9 May 1991]

1. In the Republic of Guinea-Bissau[,] freedom of the press is guaranteed in terms of the law.
2. The State guarantees public press, radio and television services, independent of economic or political interests.
3. A National Council of Social Communication [*Conselho Nacional de Comunicação Social*] is created to guarantee that mentioned in the preceding number and to assure the possibility for expressing and confronting, the various currents of opinion.
4. The attributions and composition of the National Council of Social Communication will be established by the law.

Article 45

In conformity with the development of the country, the State progressively creates the conditions necessary to fully achieve the rights of economic and social nature recognized by this Title.

TITLE III
OF THE ORGANS OF STATE POWER

Article 46

The organs of representative power of the people of the Republic of Guinea-Bissau are the National Popular Assembly and the Regional Councils. The powers of the other organs of State emanate from them.

Article 47

1. The members of the Regional Councils are elected by free, universal, equal, direct, and secret suffrage. All national citizens older than 18 years, except for those incapacitated as established by the law[,] are electors.
2. The members of the National Popular Assembly are elected by the Regional Councils from among their members provided that they are national citizens of origin, under the conditions and in the forms established by the law.
3. Only citizens older than 21 years may be elected to the Regional Councils and to the National Popular Assembly.
4. The electoral system, the conditions of eligibility, the division of the territory into electoral circuits as well as the number of members of Regional Councils and of the National Popular Assembly are established by the Electoral Law.

CHAPTER I

Of the National Popular Assembly

Article 48

The National Popular Assembly is the supreme organ of power of the State. It decides concerning the fundamental questions of internal and external policy of the State, organizes and controls the application of political, economic, social, cultural policy, and defense and security [policy] defined by the PAIGC.

Article 49

1. The members of the National Popular Assembly are designated “Deputies.”
2. The Deputies to the National Popular Assembly are representatives of all the people and not solely of the electoral circuits in which they were elected.
3. The Deputies have the duty to maintain strict contact with their electors and to render to them regular account of their activities.

Article 50

Each legislature has a duration of five years and is initiated with the proclamation of the electoral results.

Article 51

The Deputies of the National Popular Assembly take [the] oath in the following terms:

“I swear that I will do everything in my power to fulfill with honor and total fidelity to the People, my mandate as Deputy, always defending without compromise the national interests and the principles and objectives of the Constitution of the Republic of Guinea-Bissau.”

Article 52

The Deputy has the right to make interpellations to the members of the Council of State and of the Government, either orally or in writing[;] the response must be given to him in the same session or in the maximum time of fifteen days in writing, in the case there is necessity for investigation.

Article 53

1. No deputy may be disturbed, prosecuted, detained, imprisoned, judged or condemned for the votes and opinions he expresses in the exercise of his mandate.
2. Except in the case of flagrante delicto to which a penalty corresponds equal to or superior to two years of forced labor, or with the previous consent of the National Popular Assembly or the Council of State, the Deputies may not be prosecuted or imprisoned for a criminal or disciplinary question, whether judged or not.

Article 54

1. The rights and privileges, as well as the powers and duties of the Deputies are regulated by the Law.
2. The Deputy that gravely neglects his duties may be dismissed by the National Popular Assembly.

Article 55

1. The National Popular Assembly elects, at the first session of each legislature, its President and the other members of its Board [*Mesa*].
2. The Board is composed of the President, a First Vice President, a Second Vice President, a First Secretary and a Second Secretary, elected by the total legislature. The attributions and the competence of the Board are regulated by the Regulations of the Assembly.
3. The office [*cargo*] of the President of the National Popular Assembly is incompatible with that of Member of the Government.

Article 56

The National Popular Assembly is competent:

1. To proceed with constitutional revision, in the terms of Articles 99 and subsequent;
2. To elect the Council of State and the respective President for the total term of the legislature;
3. To decide on the realization of popular referenda;
4. To make laws and vote motions and resolutions;
5. To decide on the constitutionality of the laws, decree laws, and other legislative enactments [*diplomas*];
6. To approve, to modify, or to annul the legislative enactments and other measures adopted by organs of the State that are contrary to this Constitution and to the laws;
7. To approve the General Budget Law of the State;
8. To approve treaties that involve the participation of Guinea-Bissau in international organizations, the treaties of amity, of peace, of defense, and of rectification of the frontiers, and, moreover, any others that the Government decides to submit to it;
9. To approve the National Plan of Development and the respective law;
10. To decide [*pronunciar-se*] concerning the state of siege or [state] of emergency declared in the terms of law;
11. To approve the accounts of the State relative to each fiscal year;
12. To grant amnesty;

13. To draft and to approve its regulations;
14. To exercise the other attributions granted to it by this Constitution and by the law.

Article 57

The National Popular Assembly creates permanent specialized Commissions concerning [various] matters, and may constitute temporary [*eventuais*] commissions to take up determined matters.

Article 58

The National Popular Assembly meets in ordinary session once time per year. It may also meet in extraordinary session when convoked by the Council of State, on its own initiative, by the Council of Ministers or at the requirement of a majority of the Deputies. All the questions of functioning are regulated by the law.

Article 59

The members of the Political Bureau of the PAIGC and the members of the Government who are not Deputies, may sit and speak in the plenary meetings of the Assembly.

Article 60

1. Legislative initiative belongs to the Deputies, to the Council of State and to the Council of Ministers.
2. The decisions of the National Popular Assembly assume the form of laws, resolutions and motions.

Article 61

Attributions of the President of the National Popular Assembly are:

1. To preside over the sessions of the National Popular Assembly and to see to the application of its regulations;
2. To convoke the regular sessions of the National Popular Assembly;
3. To supervise and to coordinate the work of the permanent and temporary commissions of the National Popular Assembly;
4. To sign and to order the publication in the *Boletim Oficial* [Official Gazette] of the laws and resolutions of the National Popular Assembly;
5. To direct the international relations of the National Popular Assembly;
6. To attend meetings of the Council of State;
7. All the others attributed to him by this Constitution or by the National Popular Assembly.

CHAPTER II

The Council of State

Article 62

1. The Council of State is the organ of the National Popular Assembly that, between the legislative sessions, assumes its competence, executes its decisions and exercises the functions that are attributed to it by this Constitution and by the laws.
2. The Council of State is responsible before the National Popular Assembly to which it renders account of all of its activities.

Article 63

1. The Council of State is composed of 15 members elected, from among the Deputies, by the National Popular Assembly, in the first session of each legislature.
2. The National Popular Assembly elects the President of the Council of State from among the members elected to the Council of State.
3. The Council of State elects two Vice Presidents and a Secretary in its first meeting.

Article 64

1. Attributions of the Council of State are:
 - a) To defend the Constitution of the Republic;
 - b) To organize the popular referenda decided by the National Popular Assembly;
 - c) To extraordinarily convoke the National Popular Assembly when imperative reasons of public interest justify it;
 - d) To establish the dates of the elections of the Regional Councils and of the National Popular Assembly;
 - e) To establish the interpretation of constitutional and ordinary laws;
 - f) To declare the state of siege and [the state] of emergency;
 - g) To create and to terminate Ministries and Secretariats of State, at the proposal of its President;
 - h) To suspend the decisions of the Council of Ministers and the resolutions of the Regional Councils that are contrary to the Constitution and to the laws or [that] affect the interests of other regions or the national interests, and to submit the question for the approval of the National Popular Assembly in its first session;
 - i) To annul the decisions and acts of the Committees of State and other organs of local power that are contrary to the Constitution, the laws, the decree laws, decrees and other decisions of any organ hierarchically superior to them, or that affect the interests of other areas or national interests;
 - j) To ratify or to denounce international treaties and conventions;
 - k) To pardon and to commute penalties;
 - l) To approve its own Regulations;
 - m) All the other functions that are conferred on it by this Constitution, by the laws, or by the National Popular Assembly.
2. The decisions of the Council of State assume the form of decree laws, motions and resolutions.

CHAPTER III

Of the President of the Council of State

Article 65

The President of the Council of State is the Head of State and of Government and Supreme Commander of the Revolutionary Military Forces of the People. He represents the Republic of Guinea-Bissau.

Article 66

The President of the Council of State is vested, in a plenary meeting of the National Popular Assembly, under its respective President, swearing, by solemn act, the following oath:

“I swear, by my honor, to defend the National Independence, to dedicate my intelligence and my energies to serving the people of Guinea-Bissau, fulfilling the duties of the high function of President of the Council of State with total fidelity to the objectives of the PAIGC, the Constitution and the laws of the Republic.”

Article 67

Attributions of the President of the Council of State are those which are conferred on him by the National Popular Assembly or by this Constitution, and namely:

1. To represent the State and the Government and to direct its general policy;
2. To direct messages to the National Popular Assembly;
3. To direct the activities of the Council of State and of the Government and to preside at their meetings;
4. To appoint and to dismiss [*exonerar*] the Ministers, the Secretaries of State and the Governor of the Central Bank;
5. To appoint and to dismiss the Judges of the Supreme Tribunal of Justice and the Procurator General of the Republic [*Procurador-Geral da República*];
6. To appoint and to dismiss the Ambassadors;
7. To grant honorary titles and decorations of State;
8. To swear in the Members of the Government;
9. To swear in Presidents of the Committees of State of the Regions;
10. To accredit foreign Ambassadors;
11. To promulgate the decree laws, to sign and to order publication in the *Boletim Oficial* of the resolutions of the Council of State and the Decrees of the Council of Ministers;
12. To exercise the other functions that are attributed to him by the law.

Article 68

1. In case of absence abroad, temporary impediment, illness, or death, the President of the Council of State is substituted in his state functions by the Vice Presidents of the Council of State, in accordance with the established hierarchical order.
2. In case of vacancy in the office of President of the Council of State, on proposal of the Central Committee of the PAIGC and [in] a maximum number of 15 days, the National Popular Assembly proceeds to elect a new President of the Council of State whose mandate will terminate with the current legislature.
3. The substitute for the President of the Council of State may not exercise the attributions provided for in numbers 4, 5, 6, and 10 of Article 67 of this Constitution.
4. The Vice Presidents may coordinate the areas of governmental activity that may be temporarily attributed to them by the President of the Council of State.

CHAPTER IV

Of the Government

Article 69

The Government is the supreme executive and administrative organ of the Republic of Guinea-Bissau.

2. The Government conducts the policy [*política*] of the Nation in harmony with the general policies [*linhas*] established for its action by the National Popular Assembly and by the Council of State.

Article 70

The Government is constituted by the Head of State, by the Vice Presidents of the Council of State, by the Ministers, Secretaries of State and the Governor of the BCG.

Article 71

The Vice Presidents of the Council of State, the Ministers, Secretaries of State and the Governor of the BCG take, in the act of their possession [of office], the following oath:

“I swear on my honor to dedicate my intelligence and my energies to the service of the People, exercising the function of Vice President of the Council of State (Minister or Secretary of State or Governor of the BCG) of the Government of the Republic of Guinea-Bissau with total fidelity to the PAIGC, to the Constitution and to the laws.”

Article 72

In the exercise of its functions the Government is competent:

- a) To interpret and to apply, in a creative manner, policies of governmental action established by the National Popular Assembly and by the Council of State;
- b) To direct the administration of the State, coordinating and directing the activities of the Ministries, of the other central administrative organs and of the Committees of State of [the] region and sector;
- c) To organize and to direct the execution of political, economic, cultural, scientific, social [and] activities, and [activities] of defense and security inscribed in its program;
- d) To propose that the National Popular Assembly annul[,] or that the Council of State suspend[,] the resolutions adopted by the Regional Councils or by other assemblies of the organs of local power when they are illegal or affect the interests of other communities or the interests of the country;
- e) To prepare the Plan of National Development and the General Budget of the State, and to assure their execution;
- f) To regulate concerning its own organization and functioning;
- g) To approve bills of law and of decree laws and to submit them to the National Popular Assembly and to the Council of State;
- h) To negotiate and to conclude international agreements and conventions;
- i) To appoint to the civil and military offices;
- j) The others committed to it by the National Popular Assembly or by the Council of State.

2. The competences attributed in lines a), b), c), d), f) and g) are exercised by the Government, meeting in the Council of Ministers.

Article 73

1. The Council of Ministers is constituted by the Head of the Government, who presides, by the Vice Presidents of the Council of State and by the Ministers.

2. Specialized Councils of Ministers may be created for reason of the matters.

3. The members of the Government are bound by decisions taken in the Council of Ministers.

Article 74

The Government, meeting in the Council of Ministers, exercises its executive competence through decrees and orders.

Article 75

The Government is politically responsible before the National Popular Assembly and before the Council of State.

Article 76

The members of the Government are civilly and criminally responsible for acts that they legalize and carry out.

**CHAPTER V
Of Local Power**

Article 77

Organs of local power are made part of the unitary State power. They are based on popular participation, and depend [*apoiam-se*] on [the] initiative and creative capacity of the local communities and act in strict coordination with the organizations of the masses and other social organizations.

Article 78

1. For political-administrative effects the national territory is divided into regions, these subdivided into sectors. The law may establish even more subdivisions.
2. The law may confer on a sector the status of Autonomous Sector, organically and directly dependent on the Central Administration.

Article 79

1. Within each political-administrative circumscription the superior local organ of power is the Council, being [*cabendo*] the executive function superior to the Committee of State of the respective circumscription.
2. The law will establish the form of appointment and the duration of the mandate of the members of the Councils that are created in the inferior political-administrative circumscriptions in the region, establishing the other aspects of the organization and functioning of the respective organs of local power.
3. The composition of the Committees of State at each level is established by the law.
4. In each political-administrative circumscription the administrative services are subordinate to the respective Council, to the Committee of State and to the organ hierarchically superior of the corresponding administrative branch.

Article 80

1. The Regional Councilors are elected for five years, in the form established by this Constitution and by the laws.
2. The Councilor may be dismissed by the respective Council when gravely unable [to perform] his duties.

Article 81

Attributions of Regional Councils are:

1. To elevate the civic and political conscience of the citizens;
2. To assure respect for public order;

3. To defend the rights of the citizens;
4. To constantly improve the living conditions and of working [conditions] of the citizens;
5. To accomplish as a priority those regional tasks established by the National Plan and to promote observance in the execution of this Plan by a rigorous discipline;
6. To encourage, to develop and to control the political, economic, social, and cultural activity of the citizens and of their collectivities [*colectividades*];
7. To act towards reinforcing the capacity of defense and of security of the country;
8. To evaluate the local resources, for the economic development of the region and to increasingly satisfy the necessities of the population concerning goods and services;
9. To support the activities of services installed in the region;
10. To create, to direct, and to develop educational, cultural, sanitary, [and] athletic institutions, and other public services;
11. The other attributions that are conferred on it by the Constitution and by the law.

Article 82

In fulfilling its attributions and within the limits established in the Constitution and in the laws, the Regional Council is competent:

1. To fulfill and have fulfilled the decisions of the superior organs of the State;
2. To annul, to suspend or to modify the resolutions and decisions of subordinate organs when they infringe the Constitution, the laws, the decree laws, the decrees, the regulations and the resolutions of the superior organs of the State when they affect the interests of other communities or the general interests of the country;
3. To create temporary commissions for specific questions and permanent commissions organized by areas [*tareas/tasks*] of activity to be of assistance to it, as well as to the Regional Committee of the State, in the exercise of their functions;
4. To elect and to dismiss assessor judges of the Regional Popular Tribunal;
5. To approve the Regional Budget, take cognizance of the regional accounts and to adopt pertinent measures;
6. To approve the annual Program of Development of the Region;
7. To exercise other powers that are conferred on it by the Constitution.

Article 83

In order to realize their attributions and within the limits established by the law, the Regional Councils adopt resolutions. These are obligatory for all the institutions, collectivities and citizens of the respective regions.

Article 84

In its first session the Regional Council elects by the entire legislature, its Board constituted by a President, a Vice President, and a Secretary.

Article 85

The Regional Council meets in ordinary session twice a year. Likewise, it may meet in extraordinary session when convoked by its President on his own initiative or at the proposal of the President of the Committee of State.

Article 86

1. The Regional Committee of State is the executive organ of the region. It is appointed by the Government.
2. The composition of the Regional Committee of State is established by the law.

Article 87

Attributions of the Regional Committee of State are:

1. To prepare the ordinary and extraordinary sessions of the Regional Council;
2. To execute the resolutions adopted by the Regional Council and the decisions of the superior organs of the State;
3. To support the activity of the members of the Regional Councils and of their Commissions;
4. To annul the execution of any decision that emanates from the local organs hierarchically inferior when they violate the Constitution, the laws or other measures of superior organs of power of the State or [when they] affect the interests of other communities or the general interests of the country;
5. To draft the regional budget;
6. To take cognizance of, to approve and to adopt pertinent measures concerning the accounts of organs hierarchically inferior;
7. To prepare the annual program of development of the region;
8. To direct the administrative services and to control local enterprises;
9. To adopt measures to support the activities of units of production and of services installed in the region;
10. All the others conferred on it by the law or by resolution of the Regional Council.

Article 88

1. In fulfilling its attributions and during the period comprehended between the sessions of the Council, the Regional Committee of State adopts resolutions and emits orders.
2. The resolutions and orders of a general character of the Committee of State must be submitted for ratification by the Council at its first meeting.

Article 89

Attributions of the President of the Committee of State are:

1. To represent the Government in the Region;
2. To convoke and to preside over the meetings of the Committee of State;
3. To organize the activity of the Committee of State.

Article 90

The Committees of State of the circumscriptions inferior to the region have as their mission to realize in their respective territory, the activities of regional and national programs and they subordinate themselves hierarchically to the Committees of State of the immediately superior level, which orient and control their activity.

CHAPTER VI
Of the Administration of Justice

Article 91

1. Justice serves to realize the fundamental objectives of the Constitution.
2. Justice is administered on the basis of broad popular participation.
3. The administration of justice is exclusively incumbent on the tribunals instituted by the law.

Article 92

The Supreme Tribunal of Justice is the supreme judicial instance of the Republic. Its judges are appointed by the President of the Council of State.

Article 93

1. The existence of courts exclusively allocated to judge certain categories of crimes[,] are prohibited.
2. Excepted from the previous number are:
 - a) The military tribunals which are competent to judge the crimes [that] are essentially military [as] defined by the law and other willful [*dolosos*] crimes that, for relevant motive, are legally equal by reason of the matter;
 - b) The other administrative and fiscal tribunals and the [tribunal] of accounts.

Article 94

Popular tribunals may be created by the law to take cognizance of litigations of social character, whether civil, or penal.

Article 95

1. The Judge exercises his function with total fidelity to the fundamental principles and to the objectives of this Constitution.
2. In the exercise of his functions the Judge is independent and must only [show] obedience to the law and to his conscience.
3. The Judge is not responsible for his judgments and decisions. Only in cases especially provided for by the law may he, for reason of the exercise of his functions, be subject to civil, criminal or disciplinary responsibility.

Article 96

The law regulates the organization, competence, and functioning of the organs of the administration of justice.

Article 97

1. The Public Ministry is the organ of State responsible [*encarregado*], jointly with the tribunals, to supervise legality, to represent the public and social interest and is the titular head of penal action.
2. The Public Ministry is organized as a hierarchical structure under the direction of the Procurator General of the Republic [*Procurador-Geral da República*].
3. The Procurator General of the Republic is appointed by the President of the Council of State.

TITLE IV
GUARANTEE AND REVISION OF THE CONSTITUTION
CHAPTER I

Of Supervision of the Constitutionality of the Laws

Article 98

1. In the cases submitted to judgment the tribunals may not apply norms that infringe on the provisions of the Constitution or the principles consecrated in it.
2. The question of unconstitutionality may be raised officially by a tribunal, by the Public Ministry or by any of the litigants [*partes/parties*].
3. The question of unconstitutionality admitted, the incident is submitted to the National Popular Assembly, which will decide.
4. The decisions taken in matters of unconstitutionality by the National Popular Assembly, will be of general obligatoriness force and will be published in the *Boletim Oficial*.

CHAPTER II
Of Constitutional Revision

Article 99

1. This Constitution may be revised, at any time, by the National Popular Assembly.
2. The initiative of constitutional revision corresponds [*competete*] to the Deputies, to the Council of State and to the Government.

Article 100

1. The proposal of revision indicates the Articles that must be revised and the sense of the modifications to be introduced.
2. The proposals of law of revision must be submitted by, at least, one-third of the Deputies effectively in [their] functions, by the Council of State or by the Government.

Article 101

Proposals of revision must be approved by the majority of two-thirds of the Deputies that constitute the Assembly.

Article 102

No bill of revision may affect:

- a) The unitary structure and the republican form of the State;
- b) The Secular Statute of the State [*Estatuto Laico do Estado*];
- c) The integrity of the national territory.

TITLE V
FINAL AND PROVISIONAL PROVISIONS

[Inserted by Constitutional Law No. 1/91 of 9 May 1991]

Article 103

[Inserted by Constitutional Law No. 1/91 of 9 May 1991]

The active members of the forces of defense and security [that are] current Deputies of the National Popular Assembly, continue in the exercise of [office] until the realization of the next legislative elections.

Adopted on 16 May 1984

Promulgated on 16 May 1984.

Publish it.

The President of the National Popular Assembly, *Carmen Pereira*.
