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Guinea-Bissau

**Constitution of the Republic of
Guinea-Bissau, 1984
As Amended by Constitutional Law
No. 1/93 of 21 February 1993**

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CONSTITUTION OF THE REPUBLIC OF GUINEA-BISSAU

16 May 1984, as amended to 21 February 1993

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 freedoms, 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 21

[Inserted by Constitutional Law No. 1/91 of 9 May 1991. Previously Art. 20-A]

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 22

[Previously Art. 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 23

[Previously Art. 22]

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

TITLE II

OF THE FUNDAMENTAL RIGHTS, FREEDOMS, GUARANTEES AND DUTIES

Article 24

[Previously Art. 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 25

[Previously Art. 24]

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

Article 26

[Amended by Constitutional Law No. 1/93 of 21 February 1993.

Previously Art. 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.
3. Spouses have equal rights and duties relative to civil and political capacity and to maintenance and education of children.

Article 27

[Previously Art. 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 28

[Previously Art. 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 29

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 28]*

1. The fundamental rights consecrated by this Constitution shall not exclude any others foreseen by other laws of the Republic and the applicable rules of international law.

2. The constitutional and legal precepts related to fundamental rights must be interpreted in harmony with the Universal Declaration of the Rights of Man.

Article 30

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 29]*

1. The constitutional precepts related to rights, freedoms and guarantees are directly applicable and bind the public and private entities.

2. The exercise of fundamental rights, freedoms 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 Constitution and of the law.

3. Laws restrictive to rights, freedoms, 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 31

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 29-A]

1. The state of siege or the state of emergency may only be declared, in the totality or in part of the national territory, in the cases of effective or imminent aggression by foreign forces, of gross menace or disturbance of constitutional democratic order or of public calamity.

2. The declaration of the state of siege in no case may affect the rights to life, to personal integrity, to personal identity, to civil capacity and to citizenship, to non-retroactivity of the criminal law, or right of defense of the accused and to freedom of conscience and of religion.

3. The declaration of the state of emergency may only establish [*determinar*] the partial suspension of rights, freedoms and guarantees.

Article 32

[Previously Art. 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 33

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 30-A]

The State and the other public entities are civilly responsible, in solidary form with the titular [officers] of its organs, functionaries or agents, for acts or omissions

practiced in the exercise of their functions and because of this exercise, from which violation of rights, freedoms and guarantees, or a prejudice to some [person] results.

Article 34

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: 30-B]

All [persons] have the right to information and to juridical protection, in the terms of the law.

Article 35

[Previously Art. 31]

None of the rights and freedoms 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 36

[Amended by Constitutional Law No. 1/93 of 21 February 1993: Art. 32.]

1. In no case will there be [a] death penalty in the Republic of Guinea-Bissau.
2. There may be [a] penalty of perpetual imprisonment for the crimes defined by the law.

Article 37

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 32-A.]

1. The moral and physical integrity of the citizens is inviolable.
2. No one may be submitted to torture, nor to cruel, inhuman and degrading treatment or penalties.
3. In no case may there be forced labor, nor security measures deprivative of liberty of unlimited or undefined duration.
4. Criminal responsibility is personal and non-transferable.

Article 38

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 33]*

1. Every citizen enjoys the inviolability of his person.
2. No one may be totally or partially deprived of liberty, except as a consequence of a condemnatory judicial sentence for the practice of an act punished by the law with [a] penalty of imprisonment or of judicial application of [a] security measure.
3. The deprivation of liberty, for the time and under the conditions that the law determines, is excepted from this principle.
4. A law may not have retroactive effect, save when it may benefit the accused.

Article 39

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 33-A.]

1. Every person deprived of liberty must be immediately informed of the reasons of their detention, and this communicated to a relative or person of [the] confidence of the detained, indicated by him.
2. The deprivation of liberty contrary to that established in the Constitution or in the law constitutes for the State the duty to indemnify the injured [person], in the terms that the law establishes.

3. The illegal imprisonment or detention resulting from abuse of power confers on the citizen the right of recourse to the remedy of “HABEAS CORPUS”.
4. The remedy of “HABEAS CORPUS” is interposed in the Supreme Tribunal of Justice, in the terms of the law.
5. In the case of difficulties of recourse to the Supreme Tribunal of Justice the remedy can be filed in the closest Regional Tribunal.

Article 40

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 33-B]

1. Imprisonment without formal accusation shall be submitted to judicial decision of validation or conservation in the maximum time of forty-eight hours, the judge being obligated to take cognizance of the causes of the detention and to inform the detained [person] of them, interrogating him and giving him [the] opportunity of defense.
2. Preventative imprisonment shall not be maintained once it is possible to substitute it with bail or measures of provisional liberty provided for by the law.
3. Preventative imprisonment, before and after the formation of [an] accusation, is subject to the time limits [prazos] established by the law.

Article 41

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 33-C.]

1. No one may be criminally sentenced except by virtue of previous law that declares punishable the act or the omission, nor be subject to security measures of which [the] presuppositions are not established by previous law.
2. Penalties or security measures that are not expressly provided for by previous law may not be applied.
3. No one may suffer penalties or security measures more grave than those provided for at the moment of the corresponding conduct or of verification of the respective presuppositions.
4. No one may be tried more than one time for practice of the same crime.
5. No penalty involves, as a necessary effect, the loss of any civil, professional or political rights.
6. Citizens unduly condemned have the right, in the conditions prescribed by the law, to review [revisão] of the sentence and to indemnification for the damages suffered.

Article 42

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 33-D]

1. The criminal procedure assures all the guarantees of defense.
2. Every accused is presumed innocent until the *res judicata* [trânsito em julgado] of the sentence of condemnation, being tried in the shortest time compatible with the guarantees of defense.
3. The accused has the right to choose his defender and to be assisted by him in all acts of the procedure, the law specifying the cases and phases in which this assistance is obligatory.
4. All the fact finding [instrução/discovery] is of the competence of the judge who can, in terms of the law, delegate to other entities the practice of procedural acts [actos de instrução] that are not directly linked to fundamental rights.

5. The criminal procedure has an accusatory structure, the final hearing and the procedural acts determined by the law being subordinate to the adversarial principle.

6. All evidence obtained by torture, coercion, offense [against] physical and moral integrity of the person, abusive intrusion of private life, of domicile, of correspondence or telecommunication, are null.

Article 43

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 34]*

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

2. The extradition of foreign citizens for political motives is not admitted.

3. Extradition and expulsion may only be decided by judicial authority.

Article 44

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 34-A]*

1. 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.

2. Deprivation of citizenship and restrictions on civil capacity may only be effected in the cases and terms provided for by the law, [and] may not be based on political motives.

Article 45

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 36-A]*

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.

5. Syndical associations must regulate themselves by the principles of democratic organization and management, based on [*baseados*] periodic elections by secret ballot of the directive organs, without submission to any authorization or ratification, and based on [*assentes*] the participation of workers in all the domains of the syndical activity.

Article 46

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 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, dismissals for political or ideological motives being prohibited.

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 47

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 37-A]*

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[;] the law must establish its limitations [concerning] essential services and activities, in the interest of the unavoidable necessities of society.

2. Lock-out is prohibited.

Article 48

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 38]*

1. 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.

2. The entrance into the domicile of citizens against their will may only be ordered by competent judicial authority in the cases and according to the forms provided for by the law.

Article 49

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 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.

3. The right to the creation of private and cooperative schools is guaranteed.

4. Public education shall not be confessional.

Article 50

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 42]*

1. 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.

2. This freedom comprises the right to invention, production and divulgation of scientific, literary or artistic works.

Article 51

[Amended by Constitutional Law No. 1/93 of 21 February 1993: Art. 44]

1. All persons have the right to freely express and divulge their thoughts by any means at their disposal, as also the right to inform, to inform themselves and to be informed without impediment or discrimination.

2. The exercise of this right may not be impeded or limited by any kind or form of censorship.

3. To all persons, singular or collective, the right to reply and to rectification, as well as the right to indemnification for the damages suffered, is guaranteed under conditions of equality and efficacy.

Article 52

[Amended by Constitutional Law No. 1/93 of 21 February 1993: Art. 44-A]

1. The freedom of conscience and of religion is inviolable.
2. The freedom of worship, that in no case may violate the fundamental principles consecrated in the Constitution, is recognized to all.
3. The freedom of education of any religion practiced within the scope of the respective confession[,] is guaranteed.

Article 53

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 44-B]

The right of freely move to any part of the national territory is guaranteed to all citizens.

Article 54

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 44-C]

1. Citizens have the right to assemble peacefully in spaces open to the public, in terms of the law.
2. The right to demonstrate [*manifestar*], in terms of the law, is recognized to all citizens.

Article 55

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 44-D]

1. Citizens have the right, freely and without dependence on any authorization, to constitute associations, as long as they do not aim to promote violence and their respective goals are not contrary to law.
2. The associations freely prosecute their goals without any interference from the public authorities and may not be dissolved by the State or suspended in their activities except in the cases provided for by the law and by judicial decision.
3. Armed associations of military, militarized and para-military type are not permitted, nor organizations that promote racism and tribalism.

Article 56

*[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 44-E.
Previously Art. 44-A]*

1. Freedom of the press is guaranteed.
2. Radio and television stations may only be created through license conferred in the terms of the law.
3. The State guarantees a public service of [the] press, of radio and television, independent of political and economic interests, that assures the expression and the confrontation of the diverse currents of opinion.
4. To guarantee that provide for in the previous number and to assure respect for ideological pluralism, a National Council of Social Communication will be created, [as] an independent organ of which the composition and functioning will be defined by the law.

Article 57

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 44-F]

The political parties have the right to means [*antena*] of access to media in radio and in television in the terms of the law.

Article 58

[Previously Art. 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

ORGANIZATION OF POLITICAL POWER

[Amended by Constitutional Law No. 1/93 of 21 February 1993]

CHAPTER I

OF GENERAL PRINCIPLES

Article 59

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 46.]*

1. The organs of sovereignty are the President of the Republic, the National Popular Assembly, the Government and the Tribunals.
2. The organization of Political Power is based on the separation and interdependence of the organs of sovereignty and on subordination of all of them to the Constitution.

Article 60

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 46-A]

The electoral system, the conditions of eligibility, the division of the territory into electoral circuits, the number of Deputies, as well as the process and the organs of supervision of the electoral acts will be defined by the electoral law.

Article 61

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 46-B]

The titular [holders] of political offices are politically, civilly and criminally responsible for the acts and omissions they commit in the exercise of their functions.

CHAPTER II

OF THE PRESIDENT OF THE REPUBLIC

[Amended by Constitutional Law No. 1/93 of 21 February 1993]

Article 62

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 65]

1. The President of the Republic is the Head of State, symbol of Unity, guarantor of National Independence and of the Constitution and Supreme Commandant of the Armed Forces.
2. The President of the Republic represents the Republic of Guinea-Bissau.

Article 63

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 66]

1. The President of the Republic is elected by free, universal, equal, direct, secret and periodical suffrage of the registered citizen electors.
2. Guinean citizen electors of origin, [and] children of Guinean parents of origin, older than 35 years of age, in full enjoyment of their civil and political rights, are eligible for the office of President of the Republic.

Article 64

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 66-A]

1. The President of the Republic is elected by the absolute majority of the votes validly expressed.
2. If none of the candidates obtains the absolute majority, a new ballot will take place within the time of 21 days, to which only the two candidates [*concorrentes*] most voted for may be presented.

Article 65

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 66-B]

The functions of the President of the Republic are incompatible with any others of public or private nature.

Article 66

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: art. 66-C]

1. The mandate of the President of the Republic has a duration of 5 years.
2. The President of the Republic cannot be a candidate for a third consecutive mandate, or during the 5 years subsequent to the termination of the second mandate.
3. If the President of the Republic resigns the office he cannot be a candidate for the [next] immediate elections, nor to the elections that are realized in the five-year period immediately subsequent to the renunciation.

Article 67

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 66-D]

The President of Republic elect is vested in a plenary meeting of the National Popular Assembly, under its respective President, swearing in this act the following oath:

“I swear, by my honor, to defend the Constitution and the Laws, the National Independence and Unity, to dedicate my intelligence and my energies to the service of the People of Guinea-Bissau, fulfilling the duties of the high function for which I was elected with total fidelity.”

Article 68

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 67]*

Attributions of the President of the Republic are:

- a) To represent the Guinean State;
- b) To defend the Constitution of the Republic;
- c) To direct messages to the Nation and to the National Popular Assembly;

- d) To extraordinarily convoke the National Popular Assembly as long as imperious reasons of public interest justify it;
- e) To ratify the International Treaties;
- f) To establish the date of the elections of the President of the Republic, of the Deputies to the National Popular Assembly and to the Titular [Offices] of the Organs of Local Power, in the terms of the law;
- g) To appoint and to dismiss [*exonerar*] the Prime Minister, taking into account the electoral results and advised by the political forces represented in the National Popular Assembly;
- h) To swear in the Prime Minister;
- i) To appoint and to dismiss [*exonerar*] the other members of Government, on proposal of the Prime Minister and to give them possession [of office];
- j) To create and to extinguish Ministries and Secretariats of the State, on proposal of the Prime Minister;
- l) To preside over the Council of State;
- m) To preside over the Council of Ministers, at his discretion;
- n) To swear in the judges of the Supreme Tribunal of Justice;
- o) To appoint and to dismiss [*exonerar*][,] on proposal of the Government[,], the Chief of Staff Major General [*Chefe do Estado Maior General*] of the Armed Forces;
- p) To appoint and to dismiss, advised by the Government, the Procurator General of the Republic [*Procurador-Geral da República*];
- q) To appoint and to dismiss the Ambassadors, advised the Government;
- r) To accredit foreign Ambassadors;
- s) To promulgate the laws, the decree laws [*decretos-lei*] and decrees;
- t) To pardon and to commute penalties;
- u) To declare war and to make peace, in the terms of Article 85, number 1, line j), of the Constitution;
- v) To declare the state of siege and of emergency, in the terms of Article 85, number 1, line i), of the Constitution;
- x) To concede honorific titles and distinctions of the State;
- z) To exercise the other functions that are attributed to him by the Constitution and by the law.

Article 69

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 67-A]

1. The President of the Republic is also competent:
 - a) To dissolve the National Popular Assembly, in the case of grave political crises, advised by the President of the National Popular Assembly and the Political Parties represented in it and observing the limits imposed by the Constitution;
 - b) To dismiss the government in the terms of number 2 of Article 104 of the Constitution;
 - c) To promulgate and to exercise the right of veto within the time of 30 days counted from the reception of any bill [*diploma*] of the National Popular Assembly or of the Government for promulgation.

2. The veto of the President of the Republic concerning the laws of the National Popular Assembly can be overridden [*superado*] by a favorable vote of a two-thirds majority of the Deputies effectively in their functions.

Article 70

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 67-B]

1. In the exercise of his functions the President of the Republic issues Presidential Decrees.

Article 71

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 68]*

1. In case of absence abroad or temporary impediment, the President of the Republic is substituted in the interim by the President of the National Popular Assembly.

2. In case of death or definitive impediment of the President of the Republic, the President of the National Popular Assembly will assume the functions or, in the impediment of him, [by] his substitute until the taking possession [of office] of the new elected President.

3. The new President will be elected within the time of 60 days.

4. The interim President of the Republic cannot, in any case, exercise the attributions provided for in lines g), i), m), n), o), s), v) and x) of Article 68, and also in lines a), b) and c) of the number 1, of Article 69 of the Constitution.

5. The competence provided for in line f) of Article 68 can only be exercised by the interim President of the Republic in order to enforce that provided for in number 3 of this Article.

Article 72

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 68-A]

1. For crimes committed in exercise of his functions the President of the Republic responds before the Supreme Tribunal of Justice.

2. It is the competence of the National Popular Assembly to solicit [*requerer*] the Procurator General of the Republic to promote a criminal action against the President of the Republic under the proposal of one-third and the approval of two-thirds of the Deputies effectively in their functions.

3. The condemnation of the President of the Republic implies resignation from office and the impossibility of his re-election.

4. For crimes committed outside of the exercise of his functions the President of the Republic responds before the common tribunals, after the end of this mandate.

CHAPTER III

OF THE COUNCIL OF STATE

[Amended by Constitutional Law No. 1/93 of 21 February 1993]

Article 73

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 68-B]

The Council of State is the political organ of consultation of the President of the Republic.

Article 74

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 68-C]

1. The Council of State is presided over by the President of the Republic and composed of the following members:
 - a) The President of the National Popular Assembly;
 - b) The Prime Minister;
 - c) The President of the Supreme Tribunal of Justice;
 - d) The Representative of each one of the Political Parties with [a] seat in the National Popular Assembly;
 - e) Five citizens appointed by the President of the Republic for the time corresponding to the duration of his mandate.
2. The Representatives to which line d) of the previous number refers are chosen by cooptation between the Deputies in the National Popular Assembly.
3. The members of the Council of State are sworn in by the President of the Republic.

Article 75

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 68-D]

It is the competence of the Council of State:

- a) To decide concerning the dissolution of the National Popular Assembly;
- b) To decide concerning the declaration of the State of Siege and of Emergency;
- c) To decide concerning the declaration of war and the establishment of peace;
- d) To advise the President of the Republic in the exercise of his functions, when he solicits it.

CHAPTER IV OF THE NATIONAL POPULAR ASSEMBLY

Article 76

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 48]*

The National Popular Assembly is the supreme legislative organ and [organ] of political supervision[,] representative of all Guinean citizens. It decides concerning the fundamental questions of internal and external policy of the State.

Article 77

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 48]

The Deputies to the National Popular Assembly are elected in electoral circuits defined in the law by universal, free, equal, direct, secret and periodical suffrage.

Article 78

[Previously Art. 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 79

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 50]*

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

Article 80

[Previously Art. 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 81

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 52]*

The Deputy has the right to make an interpellation to 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 82

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 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, the Deputies may not be detained or imprisoned for a criminal or disciplinary question, whether judged or not.

Article 83

[Previously Art. 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 84

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 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.
3. The attributions and the competence of the Board are regulated by the Regulations of the Assembly.
4. The office [*cargo*] of Deputy of the National Popular Assembly is incompatible with that of member of the Government.

Article 85

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 56]*

The National Popular Assembly is competent:

- a) To proceed with constitutional revision, in the terms of Articles 99 and subsequent;
 - b) To decide on the realization of popular referenda;
 - c) To make laws and vote motions and resolutions;
 - d) To approve the program of the Government;
 - e) To solicit of the Procurator General of the Republic [*Procurador-Geral da República*] the exercise of a criminal action against the President of the Republic, in the terms of Article 72 of the Constitution;
 - f) To vote motions of confidence and of censure [concerning] the Government;
 - g) To approve the General Budget of the State and the National Plan of Development, as well as the respective laws;
 - h) To approve treaties that involve the participation of Guinea-Bissau in International Organizations, the treaties of amity, of peace, of defense, of rectification of the frontiers, and, moreover, any others that the Government decides to submit to it;
 - i) To decide [*pronunciar-se*] concerning the state of siege or [state] of emergency;
 - j) To authorize the President of the Republic to declare war and make peace;
 - k) To concede to the Government the legislative authorization;
 - l) To ratify the decree laws approved by the Government in the use of delegated legislative competence;
 - m) To approve the accounts of the State relative to each fiscal year [*ano económico*];
 - n) To grant amnesty;
 - o) To see to the enforcement of the Constitution and of the laws and to monitor [*apreciar*] the acts of Government and of Administration;
 - p) To elaborate and approve its Regulations;
 - q) To exercise the other attributions conferred on it by the Constitution and by the law.
2. When the Program of the Government has not been approved by the National Popular Assembly, a new debate will take place within 15 days.
 3. The question of confidence [is] brought before the National Assembly and [is] initiated by the Prime Minister, the deliberation of the Council of Ministers preceding.
 4. The initiation of a motion of censure is decided by at least one-third of the Deputies effectively in their functions.
 5. The non-approval of a motion of confidence or approval of a motion of censure by absolute majority implies the resignation of the Government.

Article 86

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 56-A]

To legislate concerning the following matters is of the the exclusive competence of the National Popular Assembly:

- a) Guinean nationality;
- b) [The] Land Statute and its form of utilization;
- c) Organization of National Defense;
- d) Tax and fiscal system;
- e) Monetary system;
- f) Judicial organization and the Statute of the Magistrates;
- g) Definition of crimes, penalties and measures of security and criminal procedure;
- h) State of siege and state of emergency;
- i) Definition of the limits of territorial waters and of the Exclusive Economic Zone;
- j) Rights, freedoms and guarantees;
- k) Associations and Political Parties;
- l) Electoral system.

Article 87

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 56-B]

It belongs to the exclusive competence National Popular Assembly to legislate concerning the following matters, save authorization conferred on the Government:

- a) Central and Local Organization and Administration;
- b) Statute of the public functionaries and civil responsibility of the administration;
- c) Expropriation and requisition for public utility;
- d) State and capacity of persons;
- e) Nationalization of the means of production;
- f) Delimitation of sectors of ownership and of economic activities.

Article 88

[Previously Art. 57]

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

Article 89

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 58]*

1. The National Popular Assembly meets in ordinary session four times per year.
2. The National Popular Assembly meets extraordinarily by the initiative of the President of the Republic, of the Deputies, of the Government and of its Permanent Commission.

Article 90

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 59]*

The members of the Government may sit and speak in the plenary meetings of the National Popular Assembly, in terms of the Regulations.

Article 91

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 60]*

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

Article 92

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 60-A]

1. The National Popular Assembly may authorize the Government to legislate, by Decree Law, concerning the matters provided for in Article 87. The authorization must establish its object, and its extension and duration.
2. The term of the legislature and the change of Government entail the lapse [*caducidade*] of the legislative authorizations conceded.
3. The Decree Laws approved by the Government in use of its delegated legislative competence[,] must be sent to the National Popular Assembly for ratification, it having the time of thirty days to that effect, after which the bill [*diploma*] will be considered ratified.

Article 93

[Previously Art. 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. All the others attributed to him by this Constitution or by the National Popular Assembly.

Article 94

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 61-A]

1. The National Popular Assembly may not be dissolved in the twelve months after its election, in the last semester of the mandate of the President of the Republic or during the validity of the State of Siege or of Emergency.
2. The dissolution of the National Popular Assembly does not impede the persistence of the mandate of the Deputies until the opening of the subsequent Legislature [resulting from] the new elections.

Article 95

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 61-B]

1. Between the legislative sessions and during the period when the National Popular Assembly is found [to be] dissolved, a Permanent Commission of the National Popular Assembly will function.
2. The Permanent Commission is presided over by the President of the National Popular Assembly and is composed of the Vice President and of the representatives of the Parties with seats in the National Popular Assembly, according to their proportion of representation [*representatividade*].
3. The Permanent Commission is competent:
 - a) To assist [*acompanhar*] the activity of the Government and of the Administration;
 - b) To exercise the powers of the National Popular Assembly relative to the mandate of the Deputies;
 - c) To promote the convocation of the National Popular Assembly whenever it deems necessary;
 - d) To prepare for the opening of the sessions;
 - e) To decide concerning the declaration of the state of siege or state of emergency.
4. The Permanent Commission responds and gives account on all its activities before the National Popular Assembly.

**CHAPTER V
OF THE GOVERNMENT**

Article 96

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 69]*

1. The Government is the supreme executive and administrative organ of the Republic of Guinea-Bissau.
2. The Government conducts the general policy [*politica*] of the country in accordance with its Program approved by the National Popular Assembly.

Article 97

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 70]*

1. The Government is constituted by the Prime Minister, by the Ministers and by the Secretaries of State.
2. The Prime Minister is the Head of Government[;] it is his competence to conduct and to coordinate its action[,] assuring the execution of the laws.
3. It is also of the competence of the Prime Minister, without prejudice to other attributions conferred to him by the Constitution and by the Law, to inform the President of the Republic concerning matters relative to the conduct of the internal and external policy of the Country.

Article 98

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 70-A]

1. The Prime Minister is appointed by the President of the Republic taking into account the electoral results[,] and the Political Parties represented in the National Popular Assembly [being] heard.

2. The Ministers and the Secretaries of State are appointed by the President of the Republic, on proposal of the Prime Minister.

Article 99

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 71]*

The Ministers and the Secretaries of State 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 Minister or Secretary of State) to which I was appointed in the Government of the Republic of Guinea-Bissau with total fidelity to the Constitution and to the laws.”

Article 100

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 72]*

In the exercise of its functions the Government is competent:

- a) To direct the Public Administration, coordinating and controlling the activity of the Ministries[,] of the other central administrative organs and of those of local power;
- b) To organize and to direct the execution of political, economic, cultural, scientific, [and] social activities, and [activities] of defense and security in accordance with its program;
- c) To prepare the Plan of National Development and the General Budget of the State, and to assure their execution;
- d) To legislate by Decrees Laws and Decrees concerning matters relative to its organization and functioning and concerning matters not reserved to the National Popular Assembly;
- e) To approve proposals [*propostas*/bills] of law and to submit them to the National Popular Assembly;
- f) To negotiate and to conclude international agreements and conventions;
- g) To appoint and to propose for appointment to the civil and military offices;
- h) The others committed to it by the law.

2. The competences attributed in lines a), b), d), and e) of the previous number are exercised by the Government meeting in the Council of Ministers.

Article 101

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 73]*

1. The Council of Ministers is constituted by the Prime Minister, who presides, 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 the Program of the Government and by the deliberations taken in the Council of Ministers.
4. The Secretaries of State may be convoked to participate in the Council of Ministers.

Article 102

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 74]*

The Government, meeting in the Council of Ministers, exercises its legislative competence through Decrees Laws and Decrees.

Article 103

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 75]*

The Government is politically responsible before the President of the Republic and before the National Popular Assembly.

Article 104

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 76-A]

1. [The following] entail the resignation of the Government:

- a) The initiation of a new legislature;
- b) The non-approval for the consecutive second time of the Program of the Government;
- c) The acceptance by the President of the Republic of the request for resignation presented by the Prime Minister;
- d) The approval of a motion of censure or the non-approval of a motion of confidence by the absolute majority of the Deputies effectively in their functions;
- e) The death or the prolonged physical incapacity [*impossibilidade*] of the Prime Minister.

2. The President of the Republic can dismiss the Government in the case of grave political crises that endangers [*ponha em causa*] the normal functioning of the institutions of the Republic, the Council of State and the Political Parties represented in the National Popular Assembly [having been] heard.

**CHAPTER VI
OF LOCAL POWER**

Article 105

[Previously Art. 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 106

[Previously Art. 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 107

[Previously Art. 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 108

[Previously Art. 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 109

[Previously Art. 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 110

[Previously Art. 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 [*tarefas/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 111

[Previously Art. 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 112

[Previously Art. 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 113

[Previously Art. 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 114

[Previously Art. 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 115

[Previously Art. 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 116

[Previously Art. 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 117

[Previously Art. 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 118

[Previously Art. 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 VII
OF THE JUDICIAL POWER**

[Amended by Constitutional Law No. 1/93 of 21 February 1993]

Article 119

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 91]

The tribunals are organs of sovereignty with competence to administer justice in the name of the People.

Article 120

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 92]*

1. The Supreme Tribunal of Justice is the supreme judicial instance of the Republic. Its judges are appointed by the Superior Council of the Magistrature.
2. The judges of the Supreme Tribunal of Justice are sworn in by the President of the Republic.
3. It is the competence of the Supreme Tribunal of Justice and of the other Tribunals instituted by the law to exercise the jurisdictional function.
4. In the exercise of their jurisdictional function, the Tribunals are independent and are only subject to the law.
5. The Superior Council of the Judicial Magistrature is the superior organ of management and discipline of the Judicial Magistrature.
6. In its composition, the Superior Council of the Magistrature will have, at least, representatives of the Supreme Tribunal of Justice, of other Tribunals and of the National Popular Assembly, in the terms which are to be established by the law.

Article 121

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 93]*

1. The existence of Tribunals exclusively allocated to the judgment of certain categories of crimes[,] is prohibited.
2. Excepted from that provided in the previous number are:
 - a) The Military Tribunals which are competent to judge the crimes [that] are essentially military [as] defined by the law;
 - b) The other Administrative Tribunals, Fiscal and of Accounts.

Article 122

[Previously Art. 94]

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

Article 123

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 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.
4. The appointment, dismissal, assignment [*colocação*], promotion and transference of judges of the judicial tribunals and the exercise of the disciplinary action [are the] competence of the Superior Council of Magistrature, in terms of the law.

Article 124

[Previously Art. 96]

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

Article 125

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 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 Republic, the Government [*being*] heard.

TITLE IV

GUARANTEE AND REVISION OF THE CONSTITUTION

CHAPTER I

OF SUPERVISION OF THE CONSTITUTIONALITY OF THE LAWS

Article 126

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 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 in separated form to the Supreme Tribunal of Justice, which will decide in plenary.
4. The decisions taken in matters of unconstitutionality by the plenary of the Supreme Tribunal of Justice will be of general obligatory force and will be published in the *Boletim Oficial*.

CHAPTER II

OF CONSTITUTIONAL REVISION

Article 127

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 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.

Article 128

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 100]*

1. The bills [*projectos*] of revision will always indicate the Articles to be revised and the sense of the modifications intended to be introduced in them.

2. The bills of law of revision must be submitted to the National Popular Assembly by, at least, one-third of the Deputies effectively in [their] functions.

Article 129

[Previously Art. 101]

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

Article 130

*[Amended by Constitutional Law No. 1/93 of 21 February 1993.
Previously Art. 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;
- d) National Symbols, [the] National Flag and Anthem;
- e) Rights, Freedoms and Guarantees of the Citizens;
- f) The Fundamental Rights of Workers;
- g) The universal, direct, equal, secret and periodic suffrage [concerning] the designation of the titular [holders] of the elective offices of the Organs of Sovereignty;
- h) Political pluralism and of [its] expression, Political Parties and the right of democratic opposition;
- i) The separation and interdependence of the Organs of Sovereignty;
- j) The independence of the Tribunals.

Article 131

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 102-A]

No bill or proposal of revision may be presented, debated or voted [during] the effectiveness of the state of siege or of the state of emergency.

TITLE V

FINAL AND PROVISIONAL PROVISIONS

Article 132

[Inserted by Constitutional Law No. 1/91 of 9 May 1991. Previously Art. 103]

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.

Article 133

[Inserted by Constitutional Law No. 1/93 of 21 February 1993: Art. 103-A]

The organs of Power of the State instituted by the Constitution of the Republic of Guinea-Bissau of 16 May 1984 are maintained in their functions until the date of possession [of the functions] by the titular [holders] of the Organs of Sovereignty that result from the respective electoral acts.

Adopted on 16 May 1984

Promulgated on 16 May 1984.

Publish it.

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