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Constitution of the Republic of Senegal
7 March 1963
As Amended to Constitutional Law No. 99-02
29 January 1999

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CONSTITUTION OF THE REPUBLIC OF SENEGAL

Constitutional Law No. 63-22 of 7 March 1963

Modified by the following Constitutional Laws:

No. 67-32 of 20 June 1967

[re: Arts. 22, 24, 31, 45, 47, 49, 53bis, 66, 67, 75bis, 88, 89]

No. 68-04 of 14 March 1968

[re: Art. 9]

No. 70-15 of 26 February 1970

[re: Preamble; Arts. 5, Title III, 21, 22, 26, 33, 34, 35, 36, 37, 38, 39, 43, 44, 45, 46, 49, 52, 56, 57, 65, 66, 70, 71, 72, 74, 75, 75bis, 80, 88, 89]

No. 76-01 of 19 March 1976

[re: Arts. 3, 31]

No. 76-27 of 6 April 1976

[re: Arts. 21, 26, 33, 34, 35]

No. 78-60 of 28 December 1978

[re: Arts. 1, 2, 3, 24, 27, 28, 29, 30, 63]

No. 81-16 of 6 May 1981

[re: Arts. 3, 28, 29, 31, 49, 61, 63]

No. 83-55 of 1 May 1983

[re: Arts. 5, Title III, 24, 25, 26, 28, 29, 30, 33, 34, 35, 36, 37, 38, 43, 44, 45, 46, 49, 52, 56, 57, 61, 66, 70, 71, 72, 74, 75, 87, 88, 89, 92, 93]

No. 84-34 of 24 March 1984

[re: Art. 51]

No. 91-20 of 19 February 1991

[re: Arts. 52, 57]

No. 91-25 of 5 April 1991

[re: Arts. 5, Title III, 34, 36, 37, 38, 43, 44, 46, 47, 52, 56, 57, 70, 71, 72, 74, 75, 75bis, 87, 88, 92]

No. 91-26 of 5 April 1991

[re: Art. 51]

No. 91-46 of 6 October 1991

[re: Art. 2, 21, 24, 27, 28, 29, 49]

No. 92-14 of 15 January 1992

[re: Arts. 23, 29]

No. 92-22 of 30 May 1992

[re: Arts. 5, 24, 25, 28, 29, 31, 35, 46, 47, 63, 64, 65, 67, 72, 80, 80bis, 80ter, 82, 83, 84]

No. 92-54 of 3 September 1992

[re: Art. 37, 57, 78]

No. 94-55 of 13 June 1994

[re: Arts. 44, 82, Title XI, 90, Title XII]

No. 98-11 of 2 March 1998

[re: Arts. 5, 33, 46, 47, Title IV, 48, 49bis, 50, 51, 52, 53, 53bis, 54, 55, 56, 57, 60, 63, 66, 67, 68, 69, 70, 71, 72, 73, 74, 82, 86, 87, 89]

No. 98-43 of 10 October 1998

[re: Arts. 21, 28]

No. 99-02 of 29 January 1999

[re: Arts. 5, 57, 80, 82, 83, 84]

PREAMBLE

The people of Senegal solemnly proclaims their independence and their commitment to the fundamental rights as they are defined in the Declaration of the Rights of Man and of the Citizen of 1789 and in the Universal Declaration [*déclaration universelle*] of 10 December 1948.

They proclaim the intangible respect for and guarantee of:

- the political freedoms;
- the trade union freedoms;
- the rights and freedoms of the human person, of the family and of the local collectivities;
- the philosophical and religious freedoms;
- the right to property; [and]
- the economic and social rights.

The Senegalese people,

Concerned about preparing the way [*voie*] for the unity of the States of Africa and about assuring the perspectives that this unity includes;

Conscious of the necessity of a political, cultural, economic and social unity, indispensable to the affirmation of the African personality;

Conscious of the historical, moral and material imperatives that unite the States of West Africa.

DECIDE:

- THAT THE REPUBLIC OF SENEGAL SHALL SPARE NO EFFORT FOR THE REALIZATION OF AFRICAN UNITY.

**TITLE I
OF THE STATE AND OF SOVEREIGNTY**

Article 1

[Last Amended by Constitutional Law No. 78-60]

The Republic of Senegal is secular, democratic, and social. It assures the equality before the law of all citizens, without distinction of origin, of race, of sex [and] of religion. It respects all beliefs [*croyances*].

The official language of the Republic of Senegal is French. The national languages are the Diola, the Malinké, the Poular, the Sérère, the Soninké and the Wolof. The motto of the Republic of Senegal is: “One People, One Goal, One Faith.”

The flag of the Republic is composed of three bands[,] vertical and equal, of green, gold and red color. It has [*porte*], in green, in the center of the gold band, a star of five points.

The law determines the seal and the anthem of the Republic.

The principle of the Republic is: Government of the people, by the people and for the people.

Article 2

[Last Amended by Constitutional Law No. 91-46]

National sovereignty belongs to the Senegalese people, who exercise it by their representatives or by the way [*voie*] of referendum.

No section of the people, nor any individual[,] may arrogate the exercise of sovereignty.

Suffrage may be direct or indirect. It is always universal, equal, and secret.

All Senegalese nationals, of majority, of both sexes, enjoying their civil and political rights, are electors within the conditions determined by the law.

Article 3

[Last Amended by Constitutional Law No. 81-16]

The political parties concur in the expression of suffrage. They are held to respect the Constitution as well as the principles of national sovereignty and of democracy. They are forbidden to identify themselves to a race, to an ethnicity, to a sex, to a religion, to a sect, to a language or to a region.

The conditions within which the political parties are formed, exercise and cease their activities, are determined by the law.

Article 4

Any act of racial, ethnic, or religious discrimination, as well as any regionalist propaganda infringing the internal security of the State or the integrity of the territory of the Republic, is punished by the law.

Article 5

[Last Amended by Constitutional Law No. 99-02]

The institutions of the Republic are:

- The President of the Republic and the Government;
- The Parliament, which includes two Assemblies: the National Assembly and the Senate;
- The Constitutional Council, the Council of State, the Court of Cassation, the Court of Accounts and the Courts and Tribunals.

The capital of the Republic of Senegal is Dakar.

TITLE II
OF THE PUBLIC FREEDOMS AND [FREEDOMS]
OF THE HUMAN PERSON

Article 6

The human person is sacred. The State has the obligation to respect it and to protect it.

The Senegalese people recognize the existence of the inviolable and inalienable rights of man as the basis of all human community, of peace and of justice in the world.

Every one has the right to the free development of their personality, provided that they do not violate the right of others, or infringe the order of the law. Every one has the right to life and to physical integrity within the conditions defined by the law.

The freedom of the human person is inviolable. No one may be condemned except by virtue of a law that entered into force before the act committed. Defense is an absolute right in all stages and in all degrees of the procedure.

Article 7

All human being are equal before the law. Men and women are equal in right [*droit*].

There is in Senegal no constraint [*sujet*], or privilege arising from birth, from person or from family.

Article 8

Every one has the right to express and to disseminate their opinion freely by word, pen and image. Every one has the right to educate themselves [*s'instruire*] without hindrance [*entrave*] to the sources accessible to all. These rights find their limits in the prescriptions of the laws and regulations as well as in the respect for the honor of others.

Article 9

[Last Amended by Constitutional Law No. 68-04]

All the citizens have the right to freely constitute associations and societies, under reserve of conforming to the formalities specified [*éditées*] by the laws and regulations.

This right may only be limited by the law.

The groups of which the goal or the activity is contrary to the criminal laws[,] or directed against the public order[,] are prohibited.

Article 10

The secrecy of correspondence [and] of postal, telegraphic and telephonic communications[,] is inviolable. Restriction of this inviolability, may only be ordered in application of the law.

Article 11

All the citizens of the Republic have the right to move themselves and establish themselves freely on the whole extent of the Republic of Senegal. This right may only be limited by the law. No one may be submitted to measures of security, except in the cases provided for by the law.

Article 12

The right of property is guaranteed by this Constitution. It can only be infringed in the case of public necessity legally established [*constatée*] under reserve of a just and prior indemnity.

Article 13

The domicile is inviolable.

[A] search may only be ordered by the judge or by the other authorities designated by the law. Searches may only be executed in the forms prescribed by it. The measures infringing the inviolability of the domicile or restricting it, may only be taken to evade [*parer*] a collective danger or to protect persons in peril of death.

These measures may be taken equally, in application of the law, to protect the public order against imminent threats [*menaces*], singularly to combat the risks of epidemic or to protect youth in danger.

MARRIAGE AND THE FAMILY

Article 14

Marriage and the family constitute the natural and moral base of the human community. They are placed under the protection of the State.

The State and the public collectivities have the social duty to see to the physical and moral health of the family.

Article 15

Parents have the natural right and the duty to raise their children. They are sustained in this effort, by the State and the public collectivities.

Youth is protected by the State and the public collectivities against moral exploitation and abandonment.

EDUCATION

Article 16

The State and the public collectivities create the preliminary conditions and the public institutions which guarantee the education of children.

Article 17

Education of the youth is provided for by the public schools. The religious institutions and communities are equally recognized as means of education.

Article 18

Private schools may be opened with the authorization and under the control of the State.

RELIGIONS AND RELIGIOUS COMMUNITIES

Article 19

The freedom of conscience, the free profession and the practice of a religion, under reserve of the public order, are guaranteed to all.

The religious institutions and communities have the right to develop themselves without hindrance. They are disengaged from the protection [*tutelle*] of the State. They regulate and administer their affairs in an autonomous manner.

WORK

Article 20

Everyone has the right to work and the right to seek [*prétendre*] employment. No one may be impeded in their work, for reason of their origins, of their opinions or of their beliefs.

The worker may affiliate with a union and defend their rights through union action.

The right to strike is recognized. It is exercised within the framework of the laws which govern it. It may not in any case infringe the freedom to work.

Every worker participates, by the intermediary of their delegates, in the determination of the conditions of work.

Particular laws [*lois particulières*] establish the conditions of assistance and of protection which society accords to the workers.

TITLE III OF THE PRESIDENT OF THE REPUBLIC AND OF THE GOVERNMENT

[Last Amended by Constitutional Law No. 91-25]

Article 21

[Last Amended by Constitutional Law No. 98-43]

The President of the Republic is elected by direct universal suffrage and by majority vote in two rounds.

Article 22

[Last Amended by Constitutional Law No. 91-46]

The duration of the Presidential mandate is of seven years.

Article 23

[Last Amended by Constitutional Law No. 92-14]

Any candidate to the Presidency of the Republic must be exclusively of Senegalese nationality, enjoying his civil and political rights and be at least 35 years of age.

Article 24

[Last Amended by Constitutional Law No. 92-22]

The candidatures are deposited with the office [Grefte] of the Constitutional Council, thirty full days at least and sixty full days at most before the first round of the ballot. However, in the case of death of a candidate, the deposit of new candidatures is possible at any time and until the day before the round of [the] ballot which follows.

Each candidature, to be receivable, must be presented by a legally constituted political party or be accompanied by the signature of electors representing at least ten thousand registered voters [inscrits] domiciled in six regions on the basis of five hundred at least per region. Independent candidates, as political parties, are held to conform to Article 3 of the Constitution. Each party or coalition of political parties may present only one candidature.

Article 25

[Last Amended by Constitutional Law No. 92-22]

Twenty-nine full days before the first round of the ballot, the Constitutional Council orders [arrête] and publishes the list of candidates.

The electors are convoked by decree.

Article 26

[Last Amended by Constitutional Law No. 83-55]

The ballot for the election of the President of the Republic takes place 45 full days at most and 30 full days at least before the date of the expiration of the mandate of the President of the Republic in office [fonction] or, if the Presidency is vacant by resignation, definitive impediment or death, within the sixty full days from the vacancy.

Article 27

[Last Amended by Constitutional Law No. 91-46]

The Courts and Tribunals see to the regularity of electoral campaign and to the equality of the candidates in the utilization of the means of propaganda within the conditions determined by an organic law.

Article 28

[Last Amended by Constitutional Law No. 98-43]

The ballot takes place on a Sunday.

The candidate having obtained the absolute majority of the suffrage expressed is elected at the first round. If no candidate has obtained the absolute majority, it proceeds to a second round of the ballot the second Sunday following that of the first round.

Only the two candidates arriving ahead in the first round are admitted to present themselves in the second round. In the case of dispute the second round takes place the second Sunday following the pronouncement of the decision of the Constitutional Council.

At the second round, a relative majority suffices.

Article 29

[Last Amended by Constitutional Law No. 92-22]

The Courts and Tribunals see to the regularity of the ballot within the conditions determined by an organic law.

The regularity of electoral operations may be contested by one of the candidates, before the Constitutional Council within the seventy-two hours that follow the provisional proclamation of the results by a national commission of counting of the votes instituted by an organic law.

If no dispute has been deposited within this time period with the office of the Constitutional Council, the Council immediately proclaims the definitive results of the ballot.

In the case of dispute, the Council decides on the claim, within five full days, from the deposit of it. Its order leads to [emporte] the definitive proclamation of the ballot or the annulment of the election.

In the case of annulment, it proceeds to a new round of ballot within the twenty-one full days which follow.

Article 30

[Last Amended by Constitutional Law No. 83-55]

The President of the Republic [so] elected enters into [his] functions after the definitive proclamation of his election and on the expiration of the mandate of his predecessor.

The President of the Republic in exercise [of the functions] remains in [his] functions until the installation of his successor.

In the case where the President of the Republic [so] elected dies, is found definitively incapacitated or renounces the benefit of his election before entering into [his] functions, it proceeds to a new election within the conditions provided for by Article 26.

Article 31

[Last Amended by Constitutional Law No. 92-22]

The President of the Republic is installed in his functions after having taken the oath before the Constitutional Council in public sitting.

The oath is taken in the following terms:

“Before the Senegalese Nation, I swear to faithfully fulfill the responsibility [charge] of President of the Republic of Senegal, to scrupulously observe and enforce the provisions of the Constitution, [and] of the laws, to devote all my strength to defend the constitutional institutions, the integrity of the territory and the national independence, and to spare no effort for the realization of African unity.”

Article 32

The office [charge] of the President of the Republic is incompatible with the exercise of any other public or private function, likewise elective.

Article 33

[Last Amended by Constitutional Law No. 98-11]

The President of the Republic is substituted [suppléé] by the President of the National Assembly in case of resignation, of incapacity, or of death.

In the case where he himself should be incapacitated, the substitution will be assured by one of the Vice Presidents of the National Assembly, in the order of priority.

However, in case of dissolution of the National Assembly, the substitution of the President of the Republic is assured by the President of the Senate, under the same forms and conditions as in paragraph 2.

Article 34

[Last Amended by Constitutional Law No. 91-25]

For the duration of the substitution, the provisions of Articles 43, 46, 75, 75 bis and 89 are not applicable.

Article 35

[Last Amended by Constitutional Law No. 92-22]

The resignation, the incapacity or the death of the President of the Republic is declared by the Constitutional Council referred [to the matter] by the President of the Republic in the case of resignation, [and] by the authority named to substitute him in case of incapacity or of death.

It is the same for the declaration of the resignation, of the incapacity or of the death of the persons named to substitute the President of the National Assembly.

Article 36

[Last Amended by Constitutional Law No. 91-25]

The President of the Republic is the guardian of the Constitution. He determines the policy of the Nation, which the Government applies under the direction of the Prime Minister.

Article 37

[Last Amended by Constitutional Law No. 98-11]

The President of the Republic signs the ordinances and the decrees.

The Prime Minister assures the execution of the laws and disposes of the regulatory power, under reserve of the provisions of the preceding paragraph.

The acts of the President of the Republic, with the exception of those which he accomplishes by virtue of Articles 39, 40, 41, 42, 43 Paragraph 1, 47, 49 bis, 63, 65 Paragraph 2, 67, 68, 72, 75 bis, 80 bis, 80 ter and 88 are countersigned by the Prime Minister.

Article 38

[Last Amended by Constitutional Law No. 91-25]

The President of the Republic appoints to all the civil employments [emplois].

The Prime Minister has the Administration at his disposal.

Article 39

[Amended by Constitutional Law No. 70-15]

The President of the Republic is the guarantor of the national independence and of the integrity of the territory.

He is responsible for the national defense. He presides over the Superior Council of the National Defense.

He is Head [Chef] of the Armies; he appoints to the military offices [emplois] and has the armed force at his disposal.

Article 40

The President of the Republic accredits the ambassadors and envoys extraordinary to foreign powers.

The ambassadors and envoys extraordinary of foreign powers are accredited to him.

Article 41

The President of the Republic has the right of pardon.

Article 42

The President of the Republic can address messages to the Nation.

Article 43

[Last Amended by Constitutional Law No. 91-25]

The President of the Republic appoints the Prime Minister and terminates his functions. The functions of the other members of the Government cease when the functions of the Prime Minister are terminated.

On the proposal of the Prime Minister, the President of the Republic appoints the other members of the Government, terminates their functions and establishes their attributions.

The Government is subject to the control of the National Assembly within the conditions provided for by Articles 74 and 75 of the Constitution.

Article 44

[Last Amended by Constitutional Law No. 94-55]

The President of the Republic can delegate by decree certain powers to the Prime Minister or to the other members of the Government, with the exception of the powers provided for by Articles 39, Paragraph 1, 40, 41, 43, 46, 47, 61, 62, 75 bis, 80 bis, and 80 ter.

Article 45

[Last Amended by Constitutional Law No. 83-55]

The character [qualité] of Minister or of Secretary of State is incompatible with a parliamentary mandate and with any public or private professional activity.

The modalities of application of this Article are established by an organic law.

Article 46

[Last Amended by Constitutional Law No. 98-11]

The President of the Republic can, on the proposal of the Prime Minister and after having consulted the Presidents of the Assemblies and receiving the opinion of the Constitutional Council, submit any bill of law to referendum.

Article 47

[Last Amended by Constitutional Law No. 98-11]

When the institutions of the Republic, the independence of the Nation, the integrity of its territory or the execution of its international commitments are menaced in a grave and immediate manner and when the regular functioning of the public powers is interrupted, the President of the Republic can, after having informed the Nation of it by a message, take any measure tending to reestablish the regular functioning of the public powers and to assure the safeguarding of the Nation, with the exception of a constitutional revision,.

The Parliament convenes of plain right.

It is referred [to the matter], for ratification, within the fifteen days from their promulgation, of the measures of a legislative nature brought into force by the President. These measures become lapsed if the bill of law of ratification is not deposited with the Bureau of the National Assembly within the said time period; the Parliament can amend them on the occasion of the vote on the law of ratification.

The National Assembly may not be dissolved during the exercise of the exceptional powers. When these are exercised after the dissolution of the National Assembly, the date of the ballots established by the decree of dissolution may not be delayed, except in the case of force majeure declared by the Constitutional Council, and the measures of a legislative nature taken by the President of the Republic become lapsed if they are not, within the fifteen days from their promulgation, declared by the Constitutional Council as conforming to the Constitution. The new National Assembly meets of plain right from the proclamation of the results of the elections. It is immediately referred [to the

matter] of ratification of measures of legislative nature previously taken by the President of the Republic.

TITLE IV OF THE PARLIAMENT

[Last Amended by Constitutional Law No. 98-11]

Article 48

[Last Amended by Constitutional Law No. 98-11]

The representative assemblies of the Republic of Senegal have the names of [the] National Assembly and of [the] Senate

Its members have the titles of Deputies of the National Assembly and of Senators.

Article 49

[Last Amended by Constitutional Law No. 91-46]

The Deputies to the National Assembly are elected by universal and direct suffrage. Their mandate is of five years.

The Courts and Tribunals see to the regularity of the electoral campaign and of the ballot within the conditions determined by an organic law.

An organic law establishes the number of the members of the National Assembly, their indemnities, the conditions of eligibility, the regime of the ineligibilities and of the incompatibilities.

Article 49 bis.

[Inserted by Constitutional Law No. 98-11]

The Senate assures the representation of the local collectivities of the Republic and of the Senegalese established outside of Senegal.

The number of Senators representing the local collectivities of the Republic may not be less than three-quarters of the members of the Senate. They are elected by universal indirect suffrage. The mode of designation of the Senators representing the Senegalese established [établis] outside of Senegal is established [fixé] by an organic law. One part [une partie] of the Senators is nominated by the President of the Republic.

The mandate of the Senators is of five years.

The Courts and Tribunals see to the regularity of the electoral campaign and of the ballot within the conditions determined by an organic law.

An organic law establishes the number of the Senators, their indemnities, the conditions of eligibility, [and] the regime of the ineligibilities and of the incompatibilities.

Article 50

[Last Amended by Constitutional Law No. 98-11]

No member of Parliament may be prosecuted, investigated, arrested, detained or judged on the basis of the opinions or votes emitted by him in the exercise of his functions.

No member of Parliament may, during the sessions, be prosecuted or arrested[,] in [a] criminal or correctional matter, without the authorization of the Assembly of which he is a part, except in the case of flagrante delicto.

No member of Parliament may, out of session, be arrested without the authorization of the Bureau of the Assembly of which he is a part, except in the

case of flagrante delicto, of authorized prosecutions, or of definitive condemnation.

The detention or the prosecution of a member of Parliament is suspended if the Assembly of which he is a part requires it.

Article 51

[Last Amended by Constitutional Law No. 98-11]

The internal regulation of each Assembly determines:

- 1) The composition, the rules of the functioning of the Bureau as well as the powers and prerogatives of its President who is elected for the duration of the legislature;
- 2) The number, the mode of designation, the composition, the role and the competence of its permanent commissions, without prejudice of right, of the Assembly, of creating temporary special commissions;
- 3) The organization of the administrative services placed under the authority of the President of the Assembly, assisted by an administrative secretary general;
- 4) The disciplinary regime of its members;
- 5) The different modes of [the] ballot, with the exclusion of those expressly provided for by the Constitution;
- 6) In a general fashion, all the rules having for [their] object the functioning of the Assembly within the order of its constitutional competence.

Each Assembly alone votes its internal regulation.

The regulation of an Assembly may not be promulgated if the Constitutional Council, obligatorily referred [to the matter] by the President of the Republic, has declared it not conforming to the Constitution.

Article 52

[Last Amended by Constitutional Law No. 98-11]

With the exception of the date of opening of the first session of the National Assembly or of the Senate newly elected, which is determined by the President of the Republic, the National Assembly establishes, after having received the opinion of the President of the Senate, the date of opening and the duration of the ordinary sessions of the Parliament. These are however governed by the following rules:

- the first ordinary session is opened in the course of the second trimester of the year;
- the second ordinary session is obligatorily opened within the first fifteen days of the month of October;

The law of finance of the year is examined in the course of the second ordinary session.

In the case where an ordinary or extraordinary session is closed without the Assembly having established the date of opening of the next ordinary session, this is established in a timely manner by the Bureau of the Assembly, after having received the opinion of the President of the Senate.

The duration of each ordinary session may not exceed three months.

The Parliament meets, otherwise, in extraordinary session for a specific agenda:

- either if the majority plus one at least of the Deputies address the written demand to the President of the National Assembly;

– or on the initiative of the President of the Republic taken on proposal of the Prime Minister.

However, the duration of each extraordinary session may not surpass thirty days, save in the case provided for by Article 57.

The extraordinary sessions are closed immediately after the agenda is exhausted.

Article 53

[Last Amended by Constitutional Law No. 98-11]

The vote of members of Parliament is personal. Any imperative mandate is null.

The organic law may authorize, exceptionally, the delegation of the vote. In this case, no one may receive the delegation of more than one mandate.

Article 53 bis

[Last Amended by Constitutional Law No. 98-11]

The National Assembly and the Senate can delegate to their commission of delegations the power to take measures which are of the domain of the law.

This delegation is effected by a resolution of the interested Assembly, of which the President of the Republic is immediately informed.

Within the limits of time and of competences established by the resolution provided for above, the commissions of delegations takes the deliberations which are adopted according to the procedure provided for by Article 60 and promulgated as laws. These deliberations are presented to the Bureau of the National Assembly not later than the first day of the ordinary session which follows their promulgation. Absent having been modified by the Parliament in the first thirty days of the session, they become definitive.

Article 54

[Last Amended by Constitutional Law No. 98-11]

If at the opening of a session, the quorum of half plus one of the members composing one Assembly is not attained, the sitting is delayed to the third day which follows.

The interested Assembly can then deliberate, whatever the number present may be.

Article 55

[Last Amended by Constitutional Law No. 98-11]

The sittings of the Assemblies are public, unless they have decided otherwise.

The detailed minutes of the debates as well as the parliamentary documents are published in the Journal officiel [Official Gazette].

TITLE V OF THE RELATIONS BETWEEN THE LEGISLATIVE POWER AND THE EXECUTIVE POWER

Article 56

[Last Amended by Constitutional Law No. 98-11]

The law is voted by the Parliament.

The law establishes the rules concerning:

- the civil rights and the fundamental guarantees granted to the citizens for the exercise of the public freedoms; the obligations imposed by the national defense on citizens, on their persons and on their property;
- nationality, the status and the capacity of persons, the matrimonial regimes, inheritance and gifts;
- the determination of crimes and misdemeanors as well as the penalties which are applicable to them, the criminal procedure, amnesty, the creation of new orders of jurisdiction and the status of the magistrates;
- the basis, the rate, and the modalities of collection of taxes of all kinds, the regime of issuance of the currency;
- the electoral regime of the National Assembly, of the Senate and of the local assemblies;
- the creation of public establishments;
- the fundamental guarantees accorded to civil and military functionaries of the State;
- the nationalization of enterprises and the transfers of ownership of enterprises of the public sector to the private sector;

The law determines the fundamental principles:

- of the general organization of the National Defense;
- of the free administration of the local collectivities, of their competences and of their resources;
- of education;
- of the regime of property, of real rights and of civil and commercial obligations;
- of the right of work, of the syndical right and of social security;
- of the regime of remuneration of the agents of the State;

The laws of finance determine the resources and the expenditures of the State within the conditions and under the reservations provided for by an organic law. The creation and transformation of employment may only be made operational by the laws of finance.

The program laws determine the objectives of the economic and social action of the State. The Plan is approved by the law.

The provisions of this Article may be made precise and completed by an organic law.

In addition, the President of the Republic, on proposal of the Prime Minister, can, based on their social, economic or financial importance, submit to the vote of the Parliament bills of law relative to matters other than those enumerated in this Article, without resulting in a derogation of the provisions of the second paragraph of Article 65.

Article 57

[Last Amended by Constitutional Law No. 99-02]

The Parliament votes the bills of law of finance within the conditions provided for by an organic law.

The bill of law of finance of the year is deposited with the Bureau of the National Assembly, at the latest the day of the opening of the second ordinary session.

The Parliament has at [its] disposal sixty days at most to vote the bills of the law of finance.

If the National Assembly has not decided on the first reading within the time period of thirty-five days after the deposit of the bill, it is transmitted to the Senate which must decide within a time period of twelve days counting from the date of reception.

If the Senate has not decided within the time period specified or is in disagreement with the National Assembly, the bill is transmitted with urgency to the National Assembly which decides definitively.

If on the basis of a case of force majeure, the President of the Republic has not deposited the bill of the law of finance of the year in a timely fashion so that the Parliament can dispose of it, before the end of the ordinary session, in the time period of sixty days provided for by paragraph 3 above, this is, immediately and of plain right, followed by an extraordinary session of which the duration is at most equal to the time necessary to complete the said time period.

If at the expiration of this time period, the bill of law of finance is not voted definitively, it enters into force by decree, taking account of the amendments voted by the National Assembly or the Senate and accepted by the President of the Republic.

If, taking into account the procedure provided for above, the law of finance of the year has not entered into force before the beginning of the financial year, the President of the Republic is authorized to renew by decree the services voted.

The Court of Accounts assists the President of the Republic, the Government and the Parliament in the control of the execution of the laws of finance.

Article 58

A state of siege, as [is] the state of urgency, is decreed by the President of the Republic. The National Assembly then meets of plain right, if it is not in session.

The decree proclaiming the state of siege or a state of urgency ceases to be in force after twelve days, unless the National Assembly, referred [to the matter] by the President of the Republic, authorizes the extension of it.

Article 59

The declaration of war is authorized by the National Assembly.

Article 60

[Last Amended by Constitutional Law No. 98-11]

The bills or proposals of law are submitted in first reading to the National Assembly.

When the bill or the proposal of law is adopted by the National Assembly, it is transmitted to the Senate, which must decide within a time period of twenty days counting from the date of reception. In case of urgency declared by the Government, the time period is reduced to seven days.

If the Senate adopts a text identical to that of the National Assembly, the law is transmitted without delay to the President of the Republic for promulgation.

In case of disagreement between the National Assembly and the Senate, or if the Senate has not decided within the time period provided for by the second paragraph, the National Assembly decides definitively. After its adoption, the law is transmitted without delay to the President of the Republic for promulgation.

Article 61

[Last Amended by Constitutional Law No. 83-55]

The President of the Republic promulgates the laws definitively adopted within the eight full days which follow the expiration of the time period of recourse provided for by Article 63.

The time period of promulgation is reduced by half in cases of urgency declared by the National Assembly.

Article 62

Within the period of time established for the promulgation, the President of the Republic can, by a substantiated [motivé] message, demand of the National Assembly a new deliberation which may not be refused. The law may only be adopted [votée] in second reading if three-fifths of the members composing the National Assembly decide in its favor.

Article 63

[Last Amended by Constitutional Law No. 98-11]

The Constitutional Council may be referred [to a matter] by a recourse for the purpose of having a law declared unconstitutional:

- 1) by the President of the Republic, within the six full days which follow the transmission made to him of the law definitively adopted;
- 2) by a number of Deputies at least equal to a tenth of the members of the National Assembly, within the six full days which follow its definitive adoption.
- 3) by a number of Senators at least equal to a tenth of the members of the Senate, within the six full days which follow its definitive adoption.

Article 64

[Amended by Constitutional Law No. 92-22]

The time period of promulgation is suspended until the completion of the second deliberation of the National Assembly or of the decision of the Constitutional Council declaring the law conforming to the Constitution.

In all cases, at the expiration of the constitutional time periods, the promulgation is of right; it is provided for by the President of the National Assembly.

Article 65

[Last Amended by Constitutional Law No. 92-22]

The matters which are not of the legislative domain by virtue of this Constitution have a regulatory character.

The texts of legislative form intervening in these matters may be modified by decree if the Constitutional Court, at the demand of the President of the Republic, has declared that they have a regulatory character by virtue of the preceding paragraph.

Article 66

[Last Amended by Constitutional Law No. 98-11]

The Parliament can enable[,] by a law[,] the President of the Republic to take the measures which are normally of the domain of the law.

Within the limits of time and competences established by the enabling law, the President of the Republic takes the ordinances which enter in force on their publication but become lapsed if the bill of law of ratification is not deposited with

the Bureau of the National Assembly before the date established by the enabling law. The Parliament can amend them on the occasion of the vote on the law of ratification.

Article 67

[Last Amended by Constitutional Law No. 98-11]

The laws qualified as organic by the Constitution are voted and modified within the conditions provide for by Article 60. However, the text may only be adopted by the National Assembly with the absolute majority of its members.

The organic laws may not be promulgated if the Constitutional Council, obligatorily referred [to the matter] by the President of the Republic, has not declared them conforming to the Constitution.

Articles 53 bis and 66 are not applicable to the organic laws.

Article 68

[Amended by Constitutional Law No. 98-11]

The President of the Republic communicates with the National Assembly and the Senate by messages which he delivers or has read and which do not give rise to any debate.

Article 69

[Amended by Constitutional Law No. 98-11]

The initiative of laws belongs concurrently to the President of the Republic, to the Deputies and to the Senators.

Article 70

[Last Amended by Constitutional Law No. 98-11]

The Prime Minister and the other members of the Government may be heard at any moment by the Assemblies and their commissions. They may be assisted by their collaborators.

Article 71

[Last Amended by Constitutional Law No. 98-11]

The President of the Republic, the Deputies and the Senators have the right of amendment. The amendments of the President of the Republic are presented by the Prime Minister and the other members of the Government.

The proposals and amendments formulated by the Deputies and the Senators are not receivable when their adoption should have as a consequence, either a diminution of public resources, or the creation or the aggravation of a public expenditure [charge], unless these proposals or amendments have been matched by proposals of compensatory receipts.

Article 72

[Last Amended by Constitutional Law No. 98-11]

If it appears, during the course of the legislative procedure, that a proposal or an amendment is not of the domain of the law, the Prime Minister and the other members of the Government may oppose the receivability.

In the case of disagreement, the Constitutional Council, at the demand of the President of the Republic, of the National Assembly or of the Senate, decides within eight days.

Article 73

[Amended by Constitutional Law No. 98-11]

The inscription, by priority, on the agenda of the National Assembly or of the Senate of a bill or of a proposal of law or of a declaration of general policy is of right if the President of the Republic makes the demand for it.

Article 74

[Last Amended by Constitutional Law No. 98-11]

The Deputies and the Senators may pose to the Prime Minister and to the other members of the Government who are held to respond to it, written questions and oral questions with or without debate. The questions or the responses which are made to them are not followed by vote.

The National Assembly and the Senate can designate, from within, commissions of inquiry.

The law determines the conditions of the organization and of the functioning as well as the powers of the commissions of inquiry.

Article 75

[Last Amended by Constitutional Law No. 91-25]

The National Assembly may provoke the resignation of the Government by the vote of a motion of censure.

The motion must, on pain of irreceivability, be appended with the signatures of one-tenth of the members composing the National Assembly.

The vote on the motion of censure can only intervene two full days after its deposit with the Bureau of the National Assembly.

The motion of censure is voted in public ballot, with the absolute majority of the members composing the National Assembly; only those votes favorable to the motion of censure are counted.

If the motion of censure is adopted, the Prime Minister immediately remits the resignation of the Government to the President of the Republic.

The signatories of the motion may not propose a new motion in the course of the same session.

Article 75 bis

[Last Amended by Constitutional Law No. 91-25]

The President of the Republic may pronounce, by decree, the dissolution of the National Assembly, after [the] opinion of its President, when it has adopted a motion of censure against the Government within the conditions established by Article 75.

The decree of dissolution establishes the date of the ballot for the election of Deputies. The ballot takes place forty-five days at least and sixty days at most after the date of publication of [the] said decree.

It may not proceed to a new dissolution within the year which follows the date of the definitive proclamation of this election.

The National Assembly so dissolved may not meet; however, the mandate of Deputies only expires on the date of the proclamation of the election of the members of the new National Assembly.

**TITLE VI
OF THE INTERNATIONAL TREATIES AND AGREEMENTS**

Article 76

The President of the Republic negotiates the international engagements. He ratifies them or approves them.

Article 77

The peace treaties, the commercial treaties, the treaties or agreements relative to international organization, those which engage the finances of the State, those which modify the provisions of legislative nature, those which are relative to the status of persons, [and] those which involve cession, exchange or addition of territory[,] may only be ratified or approved by virtue of a law.

They take effect only after having been ratified or approved.

No cession, [and] no addition of territory is valid without the consent of the interested populations.

Article 78

[Amended by Constitutional Law No. 92-54]

If the Constitutional Council has declared that an international obligation involves a clause contrary to the Constitution, the authorization to ratify it or to approve it may only intervene after the revision of the Constitution.

Article 79

The treaties or agreements regularly ratified or approved have, from their publication, an authority superior to that of the laws, under reserve, for each agreement or treaty, of its application by the other party.

**TITLE VII
OF THE JUDICIAL POWER**

Article 80

[Last Amended by Constitutional Law No. 99-02]

The judicial power is independent of the legislative power and the of executive power. It is exercised by the Constitutional Council, the Council of State, the Court of Cassation, the Court of Accounts and the Courts and Tribunals.

Article 80 bis

[Inserted by Constitutional Law No. 92-22]

The Constitutional Council includes five members having a President, a Vice President and three Judges. The duration of their mandates is of six years. The Council is renewed every two years on the basis of the President or of two members other than the President, in the order which results from the dates of expiration of their mandates.

The members of the Constitutional Council are appointed by the President of the Republic.

The conditions to be fulfilled in order to be able to be appointed [a] member of the Constitutional Council are determined by the organic law.

The mandate of the members of the Constitutional Council may not be renewable.

The functions of the members of the Constitutional Council may only be terminated before the expiration of their mandate on their demand or for physical incapacity and within the conditions specified by the organic law.

Article 80 ter

[Inserted by Constitutional Law No. 92-22]

The magistrates other than the members of the Constitutional Council and of the Court of Accounts are appointed by the President of the Republic after [the] opinion of the Superior Council of the Magistrature. The Magistrates of the Court of Accounts are appointed by the President of the Republic after [the] opinion of the Superior Council of the Court of Accounts.

The judges are only subject, in the exercise of their functions, to the authority of the law.

The presiding magistrates [magistrats du siège] are irremovable.

The competence, the organization and the functioning of the Superior Council of the Magistrature as well as the statute of the magistrates are established by an organic law.

The competence, organization and the functioning of the Superior Council of the Court of Accounts as well as the status of the magistrates of the Court of Accounts are established by an organic law.

Article 81

The judicial power is the guardian of the rights and freedoms defined by the Constitution and the law.

Article 82

[Last Amended by Constitutional Law No. 99-02]

The Constitutional Council takes cognizance of the constitutionality of the laws and of the international engagements, of the conflicts of competence between the executive and the legislative [powers], of the conflicts of competence between the Council of State and the Court of Cassation, as well as of the pleadings [exceptions] of unconstitutionality raised before the Council of State or the Court of Cassation.

The decisions of the Constitutional Council are not susceptible to any recourse. They impose themselves on the public powers and on all the administrative and jurisdictional authorities.

The Council of State is [the] judge in first and last resort of the abuse of power of the executive authorities. It takes cognizance of the decisions of the Court of Accounts by way of recourse in cassation. It is competent in last resort in the disputes of the inscriptions on the electoral lists and of the elections to the councils of the territorial collectivities. It takes cognizance, by way of the recourse in cassation, of the decisions of the Courts and Tribunals relative to the other contentions-administrative [matters], with the exception of those which the organic law expressly attributes to the Court of Cassation.

In any other matter, the Court of Cassation decides by way of recourse in cassation on the judgments rendered in last resort by the subordinate jurisdictions.

The Court of Accounts judges the public accounts and accountants. It verifies the regularity of the receipts and of the expenditures and assures the good employment of the credits, funds, and assets managed by the services of the State or by other juridical [morales] persons of public law. It assures the verification of the accounts and of the management of the public enterprises and organs [organismes] with public financial participation. It declares and audits the management done. It sanctions the errors of management committed with regard to the State, of the local collectivities and of the organs subject to its control.

Article 83

[Last Amended by Constitutional Law No. 99-02]

Save [the] case of flagrante delicto, the members of the Constitutional Council may only be prosecuted, arrested, detained or judged in a criminal matter with the authorization of the Council and within the same conditions as the magistrates of the Council of State, and of the Court of Cassation and of the Court of Accounts.

Save [the] case of flagrante delicto, the magistrates of the Council of State, of the Court of Cassation and of the Court of Accounts may only be prosecuted, arrested, detained or judged in a criminal matter within the conditions provided for by the organic law concerning the status of the magistrates.

Article 84

[Last Amended by Constitutional Law No. 99-02]

The organic laws determine the other competences of the Constitutional Council, of the Council of State, of the Court of Cassation and of the Court of Accounts, as well and their organization, the rules of designation of their members and the procedure to be followed before them.

**TITLE VIII
OF THE THE HIGH COURT OF JUSTICE**

Article 85

A High Court of Justice is instituted.

Article 86

[Amended by Constitutional Law No. 98-11]

The High Court of Justice is composed of members elected, in equal number, by the National Assembly and by the Senate after each renewal of those Assemblies.

It is presided over by a magistrate.

The organization of the High Court of Justice and the procedure to be followed before it are determined by an organic law.

Article 87

[Last Amended by Constitutional Law No. 98-11]

The President of the Republic is only responsible for the acts accomplished in the exercise of his functions in [the] case of high treason. He can be impeached only by the two Assemblies, deciding by an identical vote by secret ballot, with the majority of three-fifths of the members composing them; he is judged by the High Court of Justice.

The Prime Minister and the other members of the Government are criminally responsible for the acts accomplished in the exercise of their functions and qualified as crimes or misdemeanors at the time when they were committed. The procedure defined above is applicable to them, as well as to their accomplices, in the case of conspiracy against the security of the State. In the cases provided for in this paragraph, the High Court is bound by the definition of crimes and misdemeanors as well as by the determination of penalties, as they result from the criminal laws in force, at the moment when the acts were committed.

**TITLE IX
OF THE ECONOMIC AND SOCIAL COUNCIL**

Article 88

[Last Amended by Constitutional Law No. 91-25]

The Economic and Social Council assists the President of the Republic, the Government and the National Assembly. It gives its opinion on the questions which have been sent to it by the President of the Republic, the Government or the Assembly.

It is competent to examine the bills and proposals of law as well as the drafts of decree of economic and social character, with the exclusion of the laws of finance.

It is obligatorily referred [to the matter] for opinion, on the bills of program law of economic or social character and of the Plan.

It may be referred [to the matter] and consulted on any problem of interest to the economic and social life of the Nation.

An organic law establishes the composition, the organization and the functioning of the Economic and Social Council.

**TITLE X
OF REVISION**

Article 89

[Last Amended by Constitutional Law No. 98-11]

The initiative of the revision of the Constitution belongs concurrently to the President of the Republic, to the Deputies and to the Senators.

The bill or the proposal of revision is adopted by the Assemblies according to the procedure provided for in Article 60. The revision is definitive after having been approved by referendum.

However, the bill or the proposal are not presented to referendum when the President of the Republic decides to submit them to Parliament convoked in Congress. In this case, the bill or the proposal are approved only if they receive the majority of three-fifths of the suffrage expressed.

Articles 53 bis and 66 are not be applicable to constitutional laws.

The republican form of the State may not be made the object of a revision.

**TITLE XI
OF THE LOCAL COLLECTIVITIES**

[Amended by Constitutional Law No. 94-55]

Article 90

The local collectivities of the Republic are the region, the commune and the rural community.

Regarding the laws and regulations, the local collectivities administer themselves freely by elected councils.

TITLE XII
CONTINUANCE IN FORCE OF PRIOR TEXTS

[Last Amended by Constitutional Law No. 94-55]

Article 91

The laws and regulations currently in force, when they are not contrary to this Constitution, remain in force as long as they have not been modified or abrogated.

Article 92

[Last Amended by Constitutional Law No. 91-25]

[Abrogated]
