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# CONSTITUTION of TUNISIA<sup>1</sup>

June 1, 1959

## PREAMBLE

In the name of God, the all merciful!

We, the Representatives of the Tunisian people,  
meeting at the Constituent National Assembly,

– proclaim, that this people, who have liberated themselves from  
foreign domination, thanks to their solidarity and to their struggle  
against tyranny, exploitation and retrogression, are determined:

– on strengthening national unity and upholding human principals,  
accepted among peoples who safeguard human dignity, justice and  
freedom and who work for peace and progress and for a free co-operation  
between nations,

– on remaining true to the teachings of Islam, to the ideal of a Union  
of the Great Maghreb, to their membership of the Arab Family, to their  
co-operation with the African peoples in building a better future and  
to all peoples struggling for justice and freedom,

– and on the establishment of a democracy, based on the sovereignty  
of the people, upheld by a stable system and founded on the principle  
of a division of powers.

We declare that a republican regime is the best guarantee of human  
rights, of equality among the citizens both in their rights and in their  
duties, that it constitutes the best means for achieving prosperity and  
the growth of the economy, for utilizing the country's wealth for the good  
of the people, for protecting the family and for safeguarding the citizen's  
right to work, health and education.

We, the Representatives of the free Tunisian people, draw up with the  
grace of God this constitution.

<sup>1</sup> English translation published by *Secrétariat d'Etat à l'Information*. Supplied by  
United States Embassy, Tunis.

CHAPTER I  
GENERAL PROVISIONS

*Art. 1.* The Tunisian State is free, independent and sovereign. Islam is its religion, Arabic its language and the republican system is its regime.

*Art. 2.* The Tunisian republic is a part of the Great Maghreb and is working for its unity, within the framework of common interests.

*Art. 3.* Sovereignty is vested in the Tunisian people. It will be exercised as specified by this constitution.

*Art. 4.* The Tunisian flag is bright red, with a white circle in the middle and in this circle a red star with five points encircled by a red crescent. A special law describes the flag exactly. The motto of the Republic is: Liberty, Order, Justice.

*Art. 5.* The Tunisian republic guarantees freedom of the individual, freedom of religious belief, and safeguards the rights of all religious worship, as long as it does not endanger public safety.

*Art. 6.* All citizens are equal in rights and duties and they are equal before the law.

*Art. 7.* The individual citizen enjoys all the rights to which the law entitles him. These rights are only limited by other laws, made to safeguard the rights of others, or to promote public well-being, national defence, economic prosperity or social advancement.

*Art. 8.* Freedom of thought and expression, of the press, printing and meetings, freedom to found societies, registered and according to the law, are ensured by the law.

The right to form Trade Unions is guaranteed.

*Art. 9.* The privacy of the house and the secrecy of correspondence are guaranteed, except in exceptional cases specified by the law.

*Art. 10.* Every citizen has the right to move freely within the country, to leave the country, and to live where he wishes, in accordance with the provisions of the law.

*Art. 11.* No citizen may be exiled from our country or forbidden to return to it.

*Art. 12.* Every person accused will be considered innocent, until his guilt is proven in court, where he is guaranteed the necessary conditions for self-defence.

*Art. 13.* Each individual is personally responsible for his own acts and can only be pronounced guilty in accordance with an existing law.

*Art. 14.* The right to property is guaranteed and can be exercised within the limits of the law.

*Art. 15.* The defence of the territory of the country and its safety is the sacred duty of every individual.

*Art. 16.* It is the duty of every individual to pay taxes and other public expenses on an equitable basis.

*Art. 17.* Political refugees shall not be surrendered.

## CHAPTER II

### THE LEGISLATIVE POWER

*Art. 18.* The people shall exercise legislative power by means of an Assembly, called "The National Assembly."

*Art. 19.* The National Assembly shall be elected by direct universal suffrage, freely and by secret ballot, in accordance with the methods and conditions laid down by the law.

*Art. 20.* The right of voting belongs to every citizen, who has had Tunisian nationality for at least five years and who has attained twenty years of age.

*Art. 21.* All candidates standing for election to the General Assembly must be born of a Tunisian father and have attained thirty years of age.

*Art. 22.* The National Assembly and the President of the Republic are elected simultaneously for a period of 5 years; the elections taking place during the last 30 days of this period.

*Art. 23.* If due to war or national danger, elections cannot be held at the appointed time, the period of office of the Assembly and the President of the Republic may be extended by a law, until elections are possible.

*Art. 24.* The seat of the National Assembly shall be in the Capital and its suburbs. In exceptional circumstances, the Assembly may meet in other places.

*Art. 25.* Every deputy in the National Assembly is considered as representing the whole country.

*Art. 26.* A deputy cannot be arrested or tried for opinions or suggestions he expresses, or activities undertaken, while accomplishing his duties within the General Assembly.

*Art. 27.* A deputy cannot be arrested or prosecuted during his period of office, unless he is deprived of his immunity by the Assembly. Should he be proven guilty, he may be arrested, but the Assembly should be informed immediately and if they request it, he should be released at once.

*Art. 28.* The National Assembly has the power of legislating. The President of the Republic and every deputy has the right to put forward proposals for the legislation of laws, but the proposals of the President of the Republic take precedence.

It is up to the National Assembly to delegate to the President the power to make decrees for a limited period and for special reasons. But after the end of the period decided upon, these decrees must be brought before the Assembly for their approval.

*Art. 29.* The National Assembly shall hold two sessions every year, as specified by the law. No session shall last more than three months. The Assembly may hold additional meetings upon the demand of the President of the Republic, or at the will of the majority of the deputies.

*Art. 30.* Permanent commissions will be elected from among the deputies. They will remain in session constantly, even during the recess of the National Assembly.

*Art. 31.* The President of the Republic may, during the recess of the Assembly and in agreement with the Permanent Commission concerned, make orders in council, which will be put before the Assembly for ratification during the next ordinary session.

*Art. 32.* At times of danger threatening the safety and independence of the Republic, if the ordinary machinery of state is unable to function, the President may take exceptional measures, while the crisis lasts. These measures, are no longer valid once the crisis is over. The President of the Republic will send a message to the National Assembly, informing it of these measures.

*Art. 33.* The National Budget shall be submitted for the ratification of the Assembly.

*Art. 34.* The law specifies the procedure by which the budget is to be drawn up and submitted to the National Assembly. The law will also define the budgetary year.

*Art. 35.* The General Assembly shall decide the final figures of the national budget.

*Art. 36.* Taxation, public loans and financial engagements may only be effected by a law.

### CHAPTER III

#### THE EXECUTIVE POWER

*Art. 37.* The President of the Republic is head of state and Islam is his religion.

*Art. 38.* The President of the Republic has executive authority in accordance with the laws of this constitution. He should safeguard the constitution.

*Art. 39.* It is the right of every Tunisian of unbroken Tunisian descent for three generations, being born of a Tunisian father and grand-father, to stand as presidential candidate. He should be forty years of age and enjoy full civil rights. His name will be entered in a special register held by a committee, formed of the President of the National Assembly, who will act as chairman, and of four other members—the Mufti of Tunisia, the first President of the Supreme Court of Appeal, the first President of the Court of Appeal of Tunis, and the Public Prosecutor.

This committee will watch over the elections and will announce their results.

The period in which candidates may stand for election is limited to two months. All candidates wishing to stand for election must register their names within the first month.

*Art. 40.* The President of the Republic shall be elected for five years, by direct universal suffrage, freely and by secret ballot, by the electors, as specified in Article No. 20. The President of the Republic cannot renew his period of office more than three times consecutively.

*Art. 41.* When elected, the President of the Republic shall take the following oath in the presence of the National Assembly:

"I swear by all mighty God, that I will protect the independence and safety of our country and that I shall respect the constitution and laws and that I shall safeguard in every way the interests of the nation."

*Art. 42.* The official residence of the President of the Republic is Tunis or its suburbs.

*Art. 43.* The President of the Republic shall draw up the general policy of the country and control its execution. He shall keep the National Assembly informed of the development of this policy. The President of the Republic shall choose the members of his government, who are responsible to him. The President of the Republic may address the National Assembly either in person or by a message.

*Art. 44.* The President of the Republic shall ratify the legislative and constitutional texts intended for promulgation and publication in the official gazette, within a period not exceeding fifteen days from the date on which they were submitted to him by the President of the Assembly.

The President of the Republic has the right to send them back during this period for a second reading. If the text is passed a second time with a two-thirds majority, it shall be promulgated and become law within a second period of fifteen days.

*Art. 45.* The President of the Republic supervises the execution of the legislative texts. He will make both the civil and military appointments.

*Art. 46.* The President of the Republic is the Commander-in-Chief of the army.

*Art. 47.* The President of the Republic grants credentials to the diplomatic representatives of the republic abroad and receives the credentials of official representatives of foreign countries accredited to him.

*Art. 48.* Treaties are not valid until they are ratified by the General Assembly. They take precedence over internal laws, which they may contradict.

*Art. 49.* The President of the Republic ratifies treaties, declares war, and makes peace, with the agreement of the National Assembly.

*Art. 50.* The President of the Republic has the right of special pardon.

*Art. 51.* In cases where the office of the President of the Republic

is left vacant due to death or resignation or total inability, the members of the government shall appoint from among themselves a temporary head of state. They should immediately inform the President of the Assembly in writing of this appointment.

The National Assembly shall convene, upon the request of its President, to elect a successor to the last President for the term remaining from among those candidates fulfilling the conditions stated in Article 39. The new election shall take place in the fifth week after the vacancy occurs.

Election will be by secret ballot. During the first and second votings, there must be an absolute majority and should a third vote be necessary, by a proportional majority. In the latter case, the voting must take place on the following day.

## CHAPTER IV

### THE JUDICIARY POWER

*Art. 52.* Judgment shall be given in the name of the people and shall be executed in the name of the President of the Republic.

*Art. 53.* The judges are independent. They are subject to no higher authority in their judgment, but that of the law.

*Art. 54.* The judges shall be appointed by an order of the President of the Republic. The appointments shall be proposed by the Higher Judiciary Assembly. The method of their recruitment shall be specified by the law.

*Art. 55.* The necessary guarantee for the judges, regarding their appointment, their promotion, the changing of posts and discipline shall be applied under the supervision of the Higher Judiciary Assembly, whose composition and powers shall be determined by the law.

## CHAPTER V

### THE HIGH COURT

*Art. 56.* The High Court shall be formed in the event of high treason committed by a member of the government. The law shall specify the powers of this court, its composition and judicial procedure.

## CHAPTER VI

### THE COUNCIL OF STATE

*Art. 57.* The Council of State shall be composed of two judicial bodies.  
(1) An administrative judiciary body, dealing with legal disputes

between individuals on the one hand and between the State or public bodies on the other hand; or dealing with those cases, where the Administration is accused of exceeding its authority.

(2) An Audit Office with the task of verifying the accounts of the State and submitting a report to the President of the Republic and the President of the National Assembly.

The law shall specify the formation, the procedure and the powers of the Council of State.

## CHAPTER VII

### THE ECONOMIC AND SOCIAL COUNCIL

*Art. 58.* The Economic and Social Council is an advisory body in economic and social affairs. Its formation, its activities and its connections with the National Assembly shall be specified by the law.

## CHAPTER VIII

### LOCAL COUNCILS

*Art. 59.* The Municipal and Regional Councils shall deal with questions of local interest, as specified by the law.

## CHAPTER IX

### REVISION OF THE CONSTITUTION

*Art. 60.* The President of the Republic or at least one third of the members of the National Assembly have the right to bring forward a resolution for the revision of the constitution, providing that it does not in any way alter the republican nature of the State.

*Art. 61.* The National Assembly may not deliberate a constitutional revision unless a resolution is passed by an absolute majority. The Commission charged with the revisional study will have given a full report beforehand.

The revision envisaged shall not be adopted by the National Assembly without the agreement of a two-thirds majority of its members, obtained after two readings at an interval of at least three months.

*Art. 62.* The President of the Republic shall ratify the text of the revised constitution as a constitutional text and promulgate it in accordance with Article 44.



## CHAPTER X

## TRANSITIONAL PROVISIONS

*Art. 63.* The President of the Republic shall ratify this constitution and promulgate it on the 1st June 1959 during a session of the Constituent National Assembly. This latter body shall remain until the National Assembly has been elected and installed.

*Art. 64.* This constitution shall come into effect as from the date of its promulgation, in accordance with article 63.

Until the election of the President of the Republic and of the National Assembly is completed during the last ten days of November, 1959, the present regime, resulting from the resolution of the National Constituent Assembly, promulgated on the 26 Dhoul Hidja, 1376, 25th July, 1957 - shall remain valid.

The National Assembly shall meet for the first time on the second Thursday following the elections, in the present seat of the Assembly.



# UGANDA

## SUMMARY

### INTERNATIONAL STATUS

Uganda is a member of the United Nations<sup>1</sup> (October 25, 1962). It is a member of the Organizations of African Unity, the Commonwealth of Nations and of other international organizations.

Uganda became independent on October 9, 1962, following upon constitutional conferences in 1959 and in September-October 1961 in Uganda and London respectively.

<sup>1</sup> It accepts the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute.