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Central African Republic's Constitution of 2004 with Amendments through 2010

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preamble

The Central African People

Proud of their national unity, linguistic [unity] and of their ethnic, cultural and religious diversity which contribute to the enrichment of their personality,

Convinced of the urgent necessity to preserve national unity and peace, guarantees of economic and social progress,

Conscious that only the persistent work as well as the rigorous and transparent management of public affairs [chose] and of the environment can assure a harmonious, rational and durable development,

Resolved to build a State of Law founded on a pluralistic democracy, guaranteeing the security of persons and of property, the protection of the most weak, notably vulnerable persons, the minorities, and the full exercise of the fundamental freedoms and rights,

Animated by the desire to assure to Man his dignity within respect for the principle of "Zo Kwe Zo" declared by the Founding Father of the Central African Republic, Barthelemy Boganda,

Conscious that tolerance and dialogue constitute the foundation [socle] of peace and of national unity,

Convinced that universal suffrage is the sole source of the legitimacy of public power,

Firmly opposed to the conquest of power by force and by any form of dictatorship and oppression, as well as any act of division and maintenance of hatred,

Convinced that it is essential that the Rights of Man will be protected by a regime of law,

Convinced of the necessity for political, economic and social African integration at the subregional and regional levels,

Desirous to forge ties of amity with all peoples on the basis of the principles of equality, of solidarity, of reciprocal interests and of mutual respect of national sovereignty as well as of territorial integrity,

Reiterating their will to cooperate in peace and amity with all States, to work for the African Union in accordance with the Constitutive Act adopted on 12 July 2000, to promote the peaceful regulation of differences between States with respect for Justice, for Equality, for Freedom and for the Sovereignty of Peoples,

Reaffirms their adherence to the Charter of the Organization of the United Nations, to the Universal Declaration of the Rights of Man of 10 December 1948, to the International Pacts of 16 December 1966 concerning economic, social and cultural right on the one hand and civil and political rights on the other,

Reaffirms its commitment to the African Charter of the Rights of Man and of Peoples of 27 June 1981,

Reaffirms its adherence to all International Conventions duly ratified, notably those concerning the prohibition of all forms of discrimination with regard to women as well as those concerning the protection of the rights of the child.

TITLE I

OF THE FUNDAMENTAL BASES OF SOCIETY

Article 1

The human person is sacred and inviolable. All agents of public authority, [and] any organization, have the absolute obligation to respect it and to protect it.

The Republic recognizes the existence of the Rights of Man as the basis for all human community, of peace and of justice in the world.

Article 2

The Republic proclaims respect [for] and intangible guarantee of the development of the personality. Everyone has the right to the free development of their personality if they neither violate the rights of others, nor infringe the constitutional order.

Article 3

Everyone has the right to life and physical integrity. They may only be infringed in these rights by application of a law.

No one may be subjected either to torture, or to rape [viol], or to cruel, inhuman, degrading or humiliating acts or treatment. Any individual, [or] any agent of the State, [or] any organization that is rendered culpable of such acts, will be punished in accordance with the law.

No one may be arbitrarily arrested or detained. Every defendant is presumed innocent until their culpability has been established following a procedure offering to them the guarantees indisputable for their defense. The legal time period of detention must be respected.

No one may be convicted except by virtue of a law [which] had entered into force before the act committed.

The rights of defense are exercised freely before all the jurisdictions and the administration of the Republic.

Any person made the object of a measure deprivative of liberty has the right of being examined and treated by a doctor of their choice.

Article 4

The freedom of the person is inviolable.

The freedoms of movement [aller et venir], of residence and of establishment on the whole extent of the territory are notably guaranteed to all within the conditions established by the law.

Article 5

All human beings are equal before the law without distinction of race, of ethnic origin, of region, of sex, of religion, of political affiliation[,], and of social position.

The law guarantees to the man and to the woman equal rights in all the domains.

In the Central African Republic one is neither subject [to] nor [has] a privilege of place of birth, of person or of family.

No one can be forced into exile.

No one may be made the object of house arrest or of deportation, except by virtue of a law.

Article 6

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

The State and the other public collectivities have, collectively [ensemble], the duty to see to the physical and moral health of the family and to encourage it socially by the appropriate institutions.

The protection of the woman and of the child against violence and insecurity, exploitation and moral, intellectual and physical neglect[,] is an obligation of the State and the other public collectivities. This protection is assured by the appropriate measures and institutions of the State and of the other public collectivities.

Parents have the natural right and the primordial duty to raise and educate their children so as to develop in them [a] good physical, intellectual and moral aptitude. They are supported in this task by the State and the other public collectivities.

Children born outside of marriage have the same rights to public assistance that legitimate children [have].

Natural children, legally recognized, have the same rights as legitimate children.

The State and the other public collectivities have the duty to create the prerequisite conditions and the public institutions that guarantee the education of children.

Article 7

Everyone has the right of access to sources of knowledge. The State guarantees to the child and to the adult access to instruction, to culture, and to vocational [professionnelle] training.

Education and instruction must be provided to youth by public or private establishments.

Private establishments may be opened with the authorization of the State, within the conditions established by the law. They are placed under the control of the State.

Parents have the obligation to provide education and instruction to their children until the age of sixteen (16) years at least.

The State and other public collectivities have the obligation to create and to assure the good functioning of the public establishments for the education and the instruction of youth.

Education is gratuitous in the public establishments at the various [divers] levels of education.

Article 8

The freedom of conscience, of assembly, [and] of the free exercise of beliefs [cultes] are guaranteed to all within the conditions established by the law.

Any form of religious fundamentalism and intolerance is prohibited.

Article 9

The Republic guarantees to every citizen the right to work, to a healthy environment, to rest and to recreation within respect for the requirements of national development. It assures to them the conditions favorable for their development through an efficient policy of employment.

All citizens are equal concerning employment. No one may be discriminated against in their work or their employment because of their origin, of their sex, of their opinions, or of their beliefs.

All workers participate, through the intermediary of their representatives, in the determination of working conditions.

The laws establish the conditions of assistance and of protection accorded to workers, and most particularly to the most young, to the most elderly, to the handicapped[,] as well as to those who have health problems due to the conditions of their work.

Article 10

The syndical right is guaranteed and is exercised freely within the framework of the laws which regulate it.

Any worker can affiliate with the union of their choice and defend their rights and interests through trade union action.

The right to strike is guaranteed and is exercised within the framework of the laws which regulate it and may, in no case, infringe either the freedom to work, or the free exercise of the right of property.

Article 11

Free enterprise is guaranteed within the framework of the laws and regulations in force.

Article 12

All citizens have the right to freely constitute associations, groups, societies and establishments of public utility, under reserve of conforming to the laws and regulations.

The associations, groups, societies and establishments of which the activities are contrary to the public order as well as to the unity and to the cohesion of the Central African People[,] are prohibited.

Article 13

The freedom to inform, to express and to disseminate one's opinions by speech, the pen and the image, under reserve of respect for the rights of others, is guaranteed.

The secrecy of correspondence as well as that of postal, electronic, telegraphic and telephonic communications[,] are inviolable.

Restrictions on the above provisions may only be ordered in application of a law.

The freedom of the press is recognized and guaranteed. It is exercised within the conditions established by the law.

The exercise of this freedom and the equal access for all to the media of the State are assured by an independent organ, endowed with the power of regulation and of decision[,] the status of which is established by the law.

The freedom of intellectual, artistic and cultural creation is recognized and guaranteed. It is exercised within the conditions established by the law.

Article 14

Any physical or moral person has the right to property. No one may be deprived of his property, except for cause of public utility legally declared and under the condition of a just and prior indemnization.

The domicile is inviolable. It may only be infringed by a judge and, if there is a danger in the dwelling, by the other authorities designated by the law, responsible for its execution in the forms prescribed by it;

The measures infringing the inviolability of the domicile or restricting it will be taken to guard against a public danger or to protect persons in peril. These measures may be taken in application of the law to protect the public order against imminent threats, notably to combat the risks of epidemic, of fire or to protect persons in danger.

The property and the assets of persons as well as the patrimony of the Nation are inviolable. The State and local collectivities as well as all citizens must protect them.

Article 15

All citizens are equal concerning [devant] public responsibilities [charges] and in particular concerning taxes [impôt] that only the law may, within the conditions provided for by this Constitution, create and assess. They support, in all solidarity, the responsibilities resulting from natural calamities or [from] endemic, epidemic or incurable diseases.

Article 16

The defense of the Fatherland and is a duty for every citizen.

Military service is obligatory. It is exercised within the conditions established by the law.

Article 17

An individual [who is a] victim of violation of the provisions of Articles 1 to 15 of this Title has the right to reparation.

Any person living in the national territory has the duty to respect, in all circumstances, the Constitution, the laws and regulations of the Republic.

TITLE II

OF THE STATE AND OF SOVEREIGNTY

Article 18

The form of the State is the Republic.

The Central African State has for its name: Republique Centrafricaine [Central African Republic].

The Central African Republic is a State of law, sovereign, indivisible, secular and democratic.

Its capital is Bangui. It can only be transferred by virtue of a law, when the superior interest of the Nation requires it.

Its official languages are Sango and French.

Its emblem is the flag of four (4) horizontal bands of equal width, of blue, white, green and yellow colors, crossed perpendicularly in their middle [milieu], by a band of equal width of red color and struck in the superior left quadrant by a star of five (5) points of yellow color.

Its motto is: Unite-Dignite-Travail [Unity Dignity Work].

Its anthem is the Renaissance.

Its National Day is established as 1st December, the date of the proclamation of the Republic.

Its currency is defined by the law.

The Seal of the State and the Coat-of-Arms of the Republic are defined by the law.

Article 19

The principle of the Republic is "Government of the People, By the People and For the People".

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

No part of the people nor any individual may arrogate its exercise or alienate it.

The usurpation of sovereignty by coup d'etat or by other means constitutes an imprescriptible crime against the Central African People. Any person or any third estate [Etat tiers] performing such acts will have declared war on the Central African People.

All Central Africans of the two (2) sexes, aged eighteen (18) years of age, enjoying their civil rights, are electors within the conditions determined by the law.

Every citizen has a duty to vote.

Suffrage may be direct or indirect within the conditions specified by the Constitution. It is always universal, equal and secret.

Article 20

The political parties or groups concur in the expression of suffrage, [and] to the animation of the political, economic and social life.

A law determines the conditions of their formation, of their functioning, of their funding [financement] and of their dissolution.

TITLE III

OF THE EXECUTIVE POWER

Article 21

The Executive is composed of the President of the Republic and of the Government.

The Central African People elect, by direct universal suffrage, the President of the Republic.

The President of the Republic is the Head of the Executive.

The Prime Minister is the Head of Government.

Chapter 1 Of the President of the Republic

Article 22

The President of the Republic is the Head of State.

He incarnates and symbolizes the national unity; he sees to the respect for the Constitution, assures, through his arbitration, the regular functioning of the public powers as well as the continuity and the sustainability of the State.

He is the guarantor of the national independence, of the integrity of the territory, [and] of respect for the agreements and treaties.

He establishes the grand orientations of the policy of the Nation.

He appoints the Prime Minister, Head of Government and terminates his functions. On proposal of the Prime Minister, he appoints the other members of the Government and terminates their functions.

He is the Head of the Executive. As such, he convenes and presides over the Council of Ministers. In it he establishes the agenda in advance and in it he registers the decisions [made]. He sees to the execution of the laws.

He promulgates the laws, [and] signs the ordinances and the decrees.

He is the Supreme Head of the Armies.

He is responsible for the national defense.

He presides over the Superior Council and Committee of National Defense.

He presides over Superior Council of the Magistrature, the Consultative Commission of the Council of State and the Conference of Presidents and of Procurator General of the Court of Accounts; he sees to the execution of the decisions of justice.

He has the right of pardon.

He directs all the administrations and appoints to the civil and military functions.

He negotiates and ratifies international treaties and agreements.

He accredits the ambassadors and the envoys to foreign Heads of State. The foreign ambassadors and envoys are accredited to him.

He confers the honorific distinctions of the Republic.

Article 23

The function of President of the Republic is incompatible with the exercise of any other political function, of any other elective mandate, [and] of any lucrative activity, under penalty of dismissal.

Article 24

The President of the Republic is elected by universal direct suffrage and by secret majority ballot in two (2) rounds.

The duration of the mandate of the President of the Republic is of five (5) years. The mandate is renewable one sole time.

Only men and women of Central African origin, aged thirty-five (35) years at least, having a property built on the national territory and not having been the object of a sentence to an afflictive or defamatory penalty, can be candidates to presidential election.

They must enjoy their civil rights, be of good morality and capable of assuring with lucidity and effectiveness the functions of their responsibility.

The election of the new President takes place forty-five (45) days at least and ninety (90) days at most before the termination of mandate of the President in office [exercice].

When the electoral process, proceeding within the time period provided for by the Constitution may not be concluded, because of unforeseen and irresistible events, for the elections to be held before the end of the mandates of the President of the Republic and of the National Assembly, the President of the Republic refers [the matter] to the Constitutional Court to the end, on the one hand, of establishing the risk of the expiration of the presidential and legislative mandates, and on the other, to authorize the departing President to retain his prerogatives until the organization of the elections can be made.

The electoral process restarts [reprend] at the phase attained as from the decision of the Constitutional Court.

The new time period is obligatorily established in strict observation of the legal time periods specified for each step in the Electoral Code.

They must enjoy their civil rights, be of good morality and capable of assuring with lucidity and effectiveness the functions of their office [charge].

The election of the new President takes place forty-five (45) days at least and ninety (90) days at most before the termination of the mandate of the President in office [exercice].

Article 25

The results of the presidential election are proclaimed by the Constitutional Court fifteen (15) days at most after the ballot.

The investiture, by the Constitutional Court, of the President-elect takes place within a time period of forty-five (45) days at most after the Court has dealt with [any] electoral disputes.

In case of the death or of disability within that time period, the provisions of Article 34 below are applied.

When he enters into his functions, standing, visibly, his left hand resting on the Constitution and the right hand raised, the President of the Republic takes the following oath before the Constitutional Court sitting in solemn audience:

"I swear before God and before the Nation to observe the Constitution scrupulously, to guarantee the independence and the sustainability of the Republic, to safeguard the integrity of the territory, to preserve the peace, to consolidate the national unity, to assure the well-being of the Central African People, to fulfill conscientiously the duties of my office without any consideration of ethnic, regional, or religious order, of never exercising the powers conferred upon me by the Constitution for personal ends and in all [things] only to be guided by the national interest and dignity of the Central African People".

Article 26

Within the thirty (30) days which follow the taking of the oath, the newly elected President of the Republic makes a written declaration of his patrimony[,], deposited at the Office [greffe] of the Constitutional Court[,], which is rendered public within eight (8) working days.

Article 27

The President of the Republic has the initiative of the laws. He promulgates them within the fifteen (15) days which follow the definitive adoption of the text by the National Assembly. This time period is reduced to five (5) days in case of urgency declared by the National Assembly.

He can[,] nevertheless, before the expiration of this time period, demand of the National Assembly a new deliberation of the law or of certain of its provisions. This demand must be substantiated and the new deliberation may not be refused. It intervenes obligatorily in the course of the same session. The adoption, unchanged, of the text submitted to this new deliberation may only intervene with the qualified majority of two-thirds (2/3) of the members who compose the National Assembly.

The President of the Republic promulgates this law within the month which follows the close of the parliamentary session.

Article 28

When the circumstances require it, the President of the Republic can submit to referendum, after [the] opinion of the Council of Ministers, [of] that of the Bureau the National Assembly and [of] that of the President of the Constitutional Court, any bill of law, or before its promulgation, any law already voted by the National Assembly.

The text adopted by the people as a result of the referendum is promulgated within a time period of fifteen (15) days.

Article 29

As an exception, for a limited time period and for the execution of a specific program, the President of the Republic can demand of the National Assembly the authorization to take, by ordinances, the measures which are normally of the domain of the law. The ordinances are adopted in the Council of Ministers after [the] opinion of the Constitutional Court. They enter into force on their publication but become lapsed if they have not been ratified at the expiration of the time period specified in the enabling law.

At the expiration of this time period, the ordinances, when they have been ratified, may only be modified by the law in those matters which are of the legislative domain.

Article 30

When the institutions of the Republic, the independence of the Nation, the integrity of the territory, the execution of international commitments or the normal functioning of the public powers are threatened in a grave and immediate manner, the President of the Republic, after [the] opinion of the Council of Ministers, of the President of the National Assembly and of the President of the Constitutional Court, takes the measures required by the circumstances with the view to establish the public order, the integrity of the territory and the regular functioning of the public powers.

The Nation is informed by message of the President of the Republic of his decision to implement or to discontinue the application of this Article.

When he exercises [dispose] exceptional powers, the President of the Republic may not revise or suspend all or part of the Constitution or dissolve the National Assembly. During the exercise of exceptional powers, the National Assembly meets of plain right. It is referred[,] for ratification, within the fifteen (15) working days [following] their promulgation, to [the matter] of the measures of legislative nature taken by the President of the Republic. These measures will 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 National Assembly can adopt them, amend them, or reject them in the vote on the law of ratification.

The application of exceptional powers by the President of the Republic must, in no case, compromise either the national sovereignty or the territorial integrity.

Article 31

The President of the Republic can, when the circumstances require it, after [the] opinion of the Council of Ministers, of the Bureau of the National Assembly and of the President of the Constitutional Court, declare a state of siege or of alert for a period of fifteen (15) days. This time period may only be extended by the National Assembly, convened in extraordinary session with or without [a] quorum.

Article 32

The President of the Republic communicates with the National Assembly, either directly or by [a] message he has read. These communications do not give rise to any debate or vote.

Out of session, the National Assembly meets specially to this effect.

Article 33

The President of the Republic can, after consultation of the Council of Ministers, of the Bureau of the National Assembly and of the President of the Constitutional Court, declare the dissolution of the National Assembly. The legislative elections then take place forty-five (45) days at least and ninety (90) days at most after the dissolution.

The National Assembly meets of plain right within the month which follows its selection.

A new dissolution may not take place within the twelve (12) months which follow these elections.

Article 34

The vacancy of the Presidency of the Republic is only created [ouverte] by the death, the resignation, the removal, [or] the conviction of the President or by his definitive incapacity to exercise his functions in accordance with the duties of his office [charge].

Any case of definitive incapacity or of illness, which places the President of the Republic in the absolute impossibility of exercising his functions, must be confirmed [constat] by a Special Committee presided over by the President of the Constitutional Court and including the President of the National Assembly and the Prime Minister, Head of Government. The Special Committee, referred to [the matter] by the Government, decides with the absolute majority of its members, by decision taken after [the] separate and substantiated opinion of three doctors, designated by the National Council of the Order of Doctors, Dental Surgeons, and Pharmacists and obligatorily including the personal physician of the President of the Republic.

In [the] case of death, a report [constat] must be established by the Special Committee specified [vise] in paragraph 2 of this Article, by decision taken after [the] separate and substantiated opinion of three doctors, designated by the National Council of the Order of Doctors, Dental Surgeons, and Pharmacists and obligatorily including the personal physician of the President of the Republic.

In [the] case of conviction, the decision that is pronounced is transmitted by the President of the concerned jurisdiction to the President of the Constitutional Court[,], who informs the President of the National Assembly by letter and the Nation by message[,], of it.

In [the] case of resignation, the President of the Republic notifies [concerning] it by letter to the President of the Constitutional Court and informs the Nation by message.

The ballot for the election, of the new President must intervene forty-five (45) days at least and ninety (90) days at most after the creation [ouverture] or the determination of the vacancy. The person exercising the functions of the President of the Republic provisionally may not be a candidate at this election.

In [the] case of resignation, of dismissal, of definitive incapacity or of death, the President of the Republic is substituted by the President of the National Assembly.

In the hypothetical [case] where [the President of the National Assembly] will be himself in one of the above cases, the substitution is assured by one of the Vice Presidents of the National Assembly in order of precedence.

The substitute is required to organize, within the forty-five (45) working days at least and ninety (90) working days at most, the election of the new President of the Republic.

During the period of the substitution, the provisions of Articles 22 to 33 above, are not applicable.

Article 35

In case of temporary absence or incapacity of the President of the Republic, the Prime Minister, Head of Government, assures the substitution.

In case of temporary absence or incapacity of the President of the Republic and of the Prime Minister, Head of Government, the President of the Republic establishes by decree the attributions of one of the Ministers charged to assure the substitution by virtue of an express delegation.

Article 36

With the exception of those concerning the domains reserved [to] the Head of State provided for in Articles 22, 27, 29, 30, 31, 32, 69, 72 and 74, the acts of the President of the Republic are countersigned by the Prime Minister and, the case arising, by the Ministers given the charge of their execution.

The absence of the countersignature may result in the nullity of these acts.

Article 37

The law establishes the benefits granted to the President of the Republic and organizes the modalities of granting of a pension to the former Presidents of the Republic enjoying their civil rights.

Chapter 2 Of the Government

Article 38

The Government consists of the Prime Minister, Head of Government[,] and the Ministers.

Article 39

The Prime Minister, Head of Government, determines and conducts the policy of the Nation, of which the grand orientations are established by the President of the Republic, Head of State, in accordance with Article 22 above.

The Prime Minister, Head of Government, directs [dispose] the Administration and appoints to specific civil offices [emplois] determined by the law.

He assures the execution of the laws.

On the authorization of the President of the Republic, Head of State, he presides over the Councils of the Cabinet and [of] the Inter-Ministerial Committees.

The regulatory acts of the Prime Minister, Head of Government, are countersigned by the Ministers given the charge their execution.

The absence of [the] countersignature may result in the nullity of these acts.

Article 40

The Prime Minister, Head of Government, is responsible before the President of the Republic and before the National Assembly.

The functions of the Prime Minister can be terminated at any time, by the President of the Republic or following a motion of censure adopted with the absolute majority of the members composing the National Assembly.

Article 41

After the appointment of the members of the Government, the Prime Minister, Head of Government, within a time period of sixty (60) days, presents it to the National Assembly and presents [expose] its program and general policy. In case the time period of sixty (60) days is not respected, Article 40 above is applied.

This program defines the broad outlines [of] action that the Government proposes to take in the various sectors of national activity and notably in the domain of economic, scientific, technical, technological, social, environmental, [and] cultural policy and [the domain] of foreign policy.

On this occasion, the Prime Minister, Head of Government must demand a vote confidence of the National Assembly.

The confidence is granted or denied by the absolute majority of the members who compose the National Assembly.

The Prime Minister, Head of Government, can, after deliberation by the Council of Ministers, engage the responsibility of the Government before the National Assembly on the vote of a text. In this case, the text is considered as adopted, unless if a motion of censure, deposited within the twenty-four (24) hours which follow, is voted within the conditions established in Article 48 below.

Article 42

The Prime Minister, Head of Government, can delegate certain of his powers to the Ministers.

The interim of the Prime Minister, Head of Government, is assured by a member of Government designated by decree of the President of the Republic.

Article 43

The functions of member of Government are incompatible with those of member of the National Assembly, of member of the Economic and Social Council, of any function of professional representation, of any salaried employment and of any lucrative activity.

A law establishes the conditions under which the replacement of the titular [person] of such mandates, functions or employment is provided for.

Article 44

In the sixty (60) working days which follow the formation of the Government, the Prime Minister and the members of the Government make, each in [regard] to what concerns him, a written declaration of [their] patrimony, deposited at the Office of the Constitutional Court, which renders it public within eight (8) working days.

Article 45

Within the domains concerning [touchant] their departments, the Ministers are heard by the National Assembly on the oral or written questions posed by the Deputies.

Article 46

The Government examines, in the Council of Ministers, the bills of law before their deposit with the National Assembly. It is consulted for [its] opinion on the proposals of law.

It is also referred to [a matter,] prior to any decision:

- - of questions concerning the general policy of the Nation;
- of a bill of plan;
- of the bill of revision of the Constitution;
- of the appointments to specific civil and military offices [emplois].

Article 47

The National Assembly can, by the vote of a motion of censure, engage the responsibility of the Government.

The motion of censure is remitted, to be signed by the President of the National Assembly who notifies the Government of it without delay.

It obligatorily carries the title "Motion of Censure" and must be signed by one-third (1/3) of the members who compose the National Assembly.

The vote [vote] on the motion of censure intervenes within the forty-eight (48) hours which follow its deposit.

The vote [scrutin] takes place by a secret ballot [bulletin] and with an absolute majority of the members who compose the National Assembly.

Article 48

When the National Assembly adopts a motion of censure or when it disapproves the program or a declaration of general policy of the Government, the Prime Minister must remit, without delay, to the President of the Republic, the resignation of his Government.

TITLE IV

OF THE LEGISLATIVE POWER

Article 49

The Central African People elect, by direct universal suffrage, citizens who constitute the Parliament and have the title of Deputy.

The Parliament of the Central African Republic is constituted in a single Assembly which has the name of the National Assembly.

Each Deputy is the elect of the Nation.

Chapter 1 Of the Deputies

Article 50

The Deputies are elected by direct universal suffrage for a duration of five (5) years.

However, the National Assembly remains in [its] functions until the end of the electoral process when in the course of its mandate unforeseen and irresistible events arise as provided for in Article 24, new paragraph 6.

The mandate of a Deputy can only be shortened by dissolution of the National Assembly or by the resignation, the removal [radiation] or the disqualification of the said Deputy.

Within the sixty (60) days that follow the installation of the National Assembly, the Deputies make, each in that which concerns them, a written declaration of [their] patrimony, deposited at the office of the Office of the Constitutional Court which renders it public within eight (8) working days.

A law determines the number, the regime of the eligibility, of the ineligibilities, of the incompatibilities, [and] of the indemnities of the Deputies as well as the rules enabling decision[s] on the disputes [concerning] the elections to the National Assembly. It establishes the conditions of their replacement in case of vacancy of [a] seat.

Article 51

The National Assembly elects its President for the duration of the legislature within the first eight (8) days of its installation.

The other members of the Bureau are elected annually.

The President of the National Assembly can be made the object of [the] procedure of dismissal for breach [manquement] of the duties of his responsibility [charge] on the substantiated demand of one-third (1/3) of the Deputies.

The dismissal is only declared if the vote receives the two-thirds (2/3) [vote] of the members composing the National Assembly.

The National Assembly then proceeds to elect a new President within the three (3) working days which follow that dismissal.

The vote takes place by secret ballot [bulletin].

Article 52

The members of the National assembly enjoy parliamentary immunity. Consequently, no Deputy may be prosecuted, investigated or arrested, detained or judged on the occasion of the opinions or votes emitted by them in the exercise of their functions.

During the sessions, a Deputy may only be prosecuted or arrested in a correctional matter, with the authorization of the National Assembly[,] granted by vote by secret ballot[,] with the absolute majority of the members who compose it.

Out of session, a Deputy may only be prosecuted or arrested with the authorization of the Bureau of the National Assembly. This authorization may be suspended if the National Assembly so decides with the absolute majority.

The Deputy caught in *frangente delicto* or in flight[,] after the commission of criminal acts or misdemeanors, can be prosecuted and arrested without the authorization of the National Assembly or of its Bureau.

The prosecution of a Deputy is suspended until the end of his mandate, except in cases of the lifting of parliamentary immunity, if the National Assembly requires it by vote with the absolute majority of the members who compose it.

The Deputy who is made the object of a definitive criminal conviction is removed [radi] from the list of Deputies of the National Assembly within the conditions established by an organic law.

Article 53

The right to vote of the Deputies is personal. Any imperative mandate is null. The internal regulations of the National Assembly may, exceptionally, authorize the delegation of [the] vote in a specific case. No one may receive more than one [such] mandate.

Chapter 2 Of the Sessions and of the Sittings**Article 54**

The National Assembly meets, of plain right, in two ordinary sessions per year of ninety (90) days each at most.

The first session opens on the 1st of March; the second session the 1st of October.

Article 55

On the initiative of the President of the Republic or at the demand of the absolute majority of its members, the National Assembly meets in extraordinary session on a specific agenda.

The extraordinary sessions of the National Assembly are opened and closed by Decree of the President of the Republic.

When an extraordinary session is held at the demand of members of the National Assembly, the Decree of closure intervenes as soon as the National Assembly has exhausted the agenda for which it was convoked and at the latest fifteen (15) days from the date of its meeting.

Article 56

The agenda of the ordinary sittings of the National Assembly is established by the Conference of Presidents.

A member of the Government is given the charge, for each bill of law, to present the reasons and to support the discussion before the National Assembly.

The members of the Government have access to the National Assembly and to its Commissions; they are heard when they so formulate the demand; they can be assisted by collaborators designated by them.

Article 57

The sittings of the National Assembly are public. The complete record of the debates must be published in the Journal Officiel des debates [Official Gazette of Debates].

However, the National Assembly may sit in [a] closed meeting, at the demand either of its President, or of the absolute majority of the members who compose it, or of the President of the Republic.

Chapter 3 Of the Powers of the National Assembly**Article 58**

The National Assembly votes the law, raises taxes and controls the action of Government within the conditions established by this Constitution.

The National Assembly regulates the accounts of the Nation. It is, to this end, assisted by the Court of Accounts.

The National Assembly can charge [charger] the Court of Accounts [with] any inquiry and study reporting on the execution of public receipts and expenses or on the management of the national treasury and of the public monies [deniers].

Article 59

The National Assembly is solely enabled to authorize the declaration of war. It meets specially to this effect. The President of the Republic informs the Nation of it by a message.

Article 60

The National Assembly decides on the bills of law deposited with its Bureau by the President of the Republic and the Government or on the proposals of law deposited by the members of the National Assembly.

Article 61

[The following] are of the domain of the law:

1 The rules concerning the following matters:

- - the civil rights and the fundamental guarantees granted to citizens for the exercise of the public freedoms;
 - compliance [respect] concerning the quota granted to women in the decision-making bodies;
 - the constraints imposed on Central Africans and on resident foreigners on their persons and on their assets [biens] in view of public utility and in view of national defense;
 - the nationality, the status and the capacity of persons, the matrimonial regimes, inheritance and gifts;
 - the status of foreigners and of immigration;
 - the organization of civil estate;
 - the determination of crimes and misdemeanors as well as the penalties that are applicable to them, the criminal procedure, the civil procedure, the commercial law, the social law, amnesty, the creation of new orders of jurisdiction, the status of the magistrates and of the profession of attorney;
 - the organization of public and ministerial offices, the professions of public and ministerial officers[,] and the liberal professions;
 - the fundamental guarantees granted to the civil and military functionaries;
 - the general administrative and financial organizations;
 - the regime of political parties and associations;
 - the electoral code;
 - the privatization of enterprises of the public sector and the nationalization of enterprises;

- the creation or the suppression of public establishments;
- the creation and the organization of organs of control, of consultation, of regulation and of mediation;
- rules for editing and of publication;
- the plan of development of the Republic;
- the plan of development and of progressive and widespread implantation of [the language] of Sango;
- the protection of the environment, the regimes of domains, lands, forestry and mining;
- the laws of finance;
- the law of regulations;
- the establishment, the rate and the modalities of collection of taxes, [and] impositions of any nature;
- the regime of emission of the currency;
- the state of warning, the state of urgency, the state of alert and the state of siege;
- holidays and public celebrations.

2 The fundamental principles:

- - of the regime of property, [and] of civil and commercial rights and obligations;
- of education, of culture, of scientific, technical and technological research and of vocational training;
- of the right of assembly and of peaceful demonstration;
- of the right to petition;
- of health and of public health;
- of insurance, of cooperatives, of savings and of credit;
- of the decentralization and of regionalization;
- of the administration of the territorial collectivities;
- of the general organization of the national defense;
- of the prison regime;
- of the right to work, of the syndical right, and of social security.

Article 62

The laws of finance determine the nature, the amount and the allocation[affectation] of the resources and of the expenditures of the State for a specific fiscal year [exercice] taking account of a economic and financial balance that they define.

The laws of finance are obligatorily voted before the end of the fiscal year in progress. If the law of finance establishing the resources and the expenditures for a fiscal year has not been adopted in a timely fashion by the Government, it may demand of urgency of the National Assembly the adoption of a law continuing by [portant]provisional twelfths the Law of Finance of the preceding fiscal year.

Deposited by the Government at the opening of the second ordinary session and at the latest the 15th October, the budget is ordered by a law identified as of finance, before the commencement of the new fiscal year. This law may only include provisions of financial order.

Any proposal of amendments to the bill of the law of finance must be substantiated and accompanied by the development of the means which justify it.

The amendments deposited by the Deputies are irreceivable when they have the effect of leading to a diminution of resources not offset by economies[,] or an augmentation in the expenses [charges] of the State which would not be covered by an equivalent augmentation of resources.

The President of the National Assembly, after consultation of the Bureau of the Assembly, determines this irreceivability.

If the Government demands it, the National Assembly decides on all or part of the bill of the law of finance retaining in it only the amendments accepted by the Government.

The Government is required to deposit with the Bureau of the National Assembly at the first ordinary session in progress, the bill of law of regulation of the preceding fiscal year.

Article 63

The matters other than those which are of the domain of the law arise in the regulatory domain.

Article 64

The National Assembly votes its Internal Regulations. These may only enter into force after having been recognized as conforming to the Constitution by the Constitutional Court.

Chapter 4 Of the Exercise of the Legislative Power

Article 65

The initiative of law belongs concurrently to the President of the Republic, to the Government and to the Deputies.

The proposals of law are deposited with the Bureau of the National Assembly and transmitted to the Government for [its] opinion.

The Government is required to give its opinion forty-five (45) days at the latest from the date of reception. After this time period, the National Assembly examines the proposal of law.

Article 66

One sitting per week is reserved by priority to the questions of the Deputies and to the response of the Government. The Ministers are required to respond at the latest the following week.

Article 67

If it appears in the course of the legislative procedure that a proposal or an amendment is not of the domain of the law or is contrary to a delegation of powers granted to the Government, the President of the Republic, the President of the National Assembly or one-third (1/3) of the Deputies can oppose the receivability.

In case of disagreement, the Constitutional Court, referred to [the matter] by the President of the Republic, the President of the National Assembly or one-third (1/3) of the Deputies, decides within a time period of fifteen (15) days.

Article 68

In addition to the motion of censure, the other means of control of the National Assembly on the Government are:

- - the oral question with or without debate;
- the written question;
- the hearing [audition] in commissions;
- the commission of inquiry and of control;
- the interpellation.

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

TITLE V

OF THE INTERNATIONAL AGREEMENTS AND TREATIES

Article 69

The President of the Republic negotiates, signs, ratifies and revokes the international treaties and agreements.

The ratification or the revocation may only intervene after the authorization of the Parliament, notably in that which concerns the peace treaties, the defense treaties, the commercial treaties, the treaties concerning the environment and the natural resources or agreements concerning international organization, those which engage the finances of the State, those which modify the provisions of a legislative nature, those which concern the status of persons and the rights of Man, [and] those which involve cession, exchange or addition of territory.

No cession, no exchange [or] no addition of territory is valid without the consent of the Central African People called to decide on it by means [voie] of referendum.

The President of the Republic is informed of any negotiations tending to the conclusion of an international agreement not submitted to ratification.

Article 70

The Republic may, after [a] referendum, conclude with any African State agreements of association or merger [fusion] involving partial or total abandonment of sovereignty in order to realize African Unity.

It may create with all States intergovernmental organs [organismes] of common[commune] management, of coordination and of free cooperation.

Article 71

If the Constitutional Court[,] referred to [the matter] by the President of the Republic, by the President of the National Assembly, or by one-third (1/3) of the Deputies, has declared that a international commitment includes a clause contrary to the Constitution, the authorization to ratify or to approve the international commitment in question can only intervene after the revision of the Constitution.

Article 72

The treaties or agreements regularly ratified or approved have, on 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 VI

OF THE CONSTITUTIONAL COURT

Article 73

A Constitutional Court is instituted[,] given the charge:

- - to see to the regularity of the electoral consultations, [and] to examine and to proclaim the results;
- to see to the regularity of the operations of [the] referendum and proclaim the results of it;
- to determine [trancher]any electoral disputes;
- to determine the conflicts of competence between the executive power, the legislative power and the territorial collectivities.

In addition to these functions and those which are conferred on it by Articles 25,28, 29, 30, 31, 32, 33, 34, 65, 68 and 72, the Constitutional Court interprets the Constitution, judges the constitutionality of the ordinary and organic laws, promulgated or in process [instance] of promulgation, as well as the Internal Regulations of the National Assembly.

All persons who consider themselves aggrieved may refer the Constitutional Court to [a matter] on the constitutionality of the laws, either directly, or by the procedure of the pleadings [exception] of unconstitutionality invoked before a jurisdiction in a matter which concerns them. The Constitutional Court is required to decide within a time period of one month. In the case of urgency, this period is reduced to eight (8) days.

When a pleadings of unconstitutionality is raised by a party [justiciable] before a jurisdiction, whatever that [jurisdiction] might be, it is required to suspend its decision and refer [the matter] to the Constitutional Court which must decide on the constitutionality of the text in dispute [litige] within a time period of one month counting from its referral to [the matter] by the jurisdiction concerned.

Article 74

The Constitutional Court consists of nine (9) members including at least three(3) women, who hold the title of Councilor.

The duration of the mandate of the Councilors is of seven (7) years, non-renewable.

The members of the Constitutional Court are designated as follows:

- - two (2) Magistrates including one women elected by their peers;
- one (1) Attorney elected by their peers;
- two (2) Professors of Law elected by their peers;
- two (2) members including one (1) women appointed by the President of the Republic;
- two (2) members including one (1) woman appointed by the President of the National Assembly.

They elect, from among themselves, a President and a Vice-President. The election is confirmed by Decree of the President of the Republic.

The chosen Councilors must have at least, ten (10) years of professional experience.

The nine (9) members of the Constitutional Court are renewed in full.

However, in case of death, of resignation or of definitive incapacity of a member, the replacement is provided for following the procedure of designation provided for to this effect. The new member completes the mandate of their predecessor.

In addition to the members provided for above, the former Presidents of the Republic are honorary Members of the Constitutional Court with consultative voice.

When making a decision, and in case of a tie, that of the President is preponderant.

The members of the Constitutional Court are irremovable for the duration of their mandate. They cannot be prosecuted or arrested without the authorization of the Constitutional Court.

They take an oath before entering into their functions.

Article 75

The functions of a member of the Constitutional Court are incompatible with any political function, administrative [function], any salaried employment or any lucrative activity, except for education.

Within the sixty (60) days which follow their installation, the members of the Constitutional Court make, each in that which concerns them, a written statement of [their] patrimony, deposited at the Office of the Constitutional Court, which renders them public within eight (8) working days.

Article 76

The bills or proposals of constitutional law are referred for [its] opinion to the Constitutional Court by the President of the Republic or the President of the National Assembly before being submitted to referendum or to the vote of the National Assembly.

Article 77

The decisions of the Constitutional Court are not susceptible to any recourse. They impose themselves on the public powers, on all the administrative and jurisdictional authorities, and on all physical or moral persons.

Any text declared unconstitutional is null and of no effect; it may neither be promulgated nor applied.

An organic law determines the rules of organization and of functioning of the Constitutional Court.

TITLE VII

OF THE JUDICIAL POWER

Article 78

Justice constitutes a Power Independent of the Legislature Power and of the Executive Power.

Justice is rendered on the territory of the Central African Republic in the name of the Central African People by the Court of Cassation, the Council of State, the Court of Accounts, the Tribunal of Conflicts, [and] the Courts and Tribunals.

Article 79

The judges are independent. They are only subject, in the exercise of their functions, to the authority of the law. The presiding magistrates are irremovable.

Article 80

The President of the Republic is the guarantor of the independence of the Judicial Power. He is assisted to this effect by the Superior Council of Magistrature, the Consultative Commission of the Council of State and the Conference of Presidents and of the Procurator General of the Court of Accounts, over which he presides.

The Superior Council of the Magistrature, the Consultative Commission of the Council of State and the Conference of Presidents and the Procurator General of the Court of Accounts, see to the management of the career of the magistrates and the independence of the magistrature.

The organization and the functioning of the Superior Council of the Magistrature, of the Consultative Commission of the Council of State and of the Conference of Presidents and of the Procurator General of the Court of Accounts are established by organic laws.

Article 81

The Judicial Power, guardian of the freedoms and of property, is held to assure respect for the principles consecrated as the fundamental bases of society by this Constitution.

Chapter 1 Of the Court of Cassation

Article 82

A Court of Cassation is instituted, which is composed of three (3) Chambers:

- - the Criminal Chamber;
- the Civil and Commercial Chamber;
- the Social Chamber.

Article 83

The Judges of the Court of Cassation are governed by their status and by the texts concerning the Superior Council of the Magistrature.

Article 84

The decisions of the Court of Cassation are not susceptible to any recourse.

Article 85

The Court of Cassation gives its opinion on any judicial question that the President of the Republic or the President of the National Assembly submits to it.

It may also, on its own initiative, bring to [faire porter] the attention of the President of the Republic [the] reforms of legislative or regulatory order which it identifies [as] conforming to the general interest.

Article 86

An organic law determines the rules of organization and of functioning of the Court of Cassation.

Chapter 2 Of the Council of State**Article 87**

A Council of State is instituted, the jurisdiction of appeal and of cassation of the administrative tribunals, the administrative organs of jurisdictional character and of the Court of Accounts.

The Judges of the Administrative Order are governed by their status and the texts concerning Consultative Commission of the Council of State.

Decisions rendered by the Council of State are not susceptible to any recourse.

Article 88

The Council gives its opinion on any administrative question that the President of the Republic or the President of the National Assembly submits to it.

It may also, on its own initiative, bring to the attention of the President of the Republic the reforms of legislative or regulatory order which its competence affects.

Article 89

An organic law determines the rules of the organization and of functioning of the Council of State.

A law establishes the status of Judges of the Council of State.

Chapter 3 Of the Court of Accounts**Article 90**

A Court of Accounts is instituted, [the] jurisdiction competent to judge the accounts of the public accountants, those of the territorial collectivities as well as those of the public enterprises.

The Judges of the Court of Accounts are governed by their status and the texts concerning the Conference of Presidents and of the Procurator General of the Court of Accounts.

Article 91

The decisions of the Court of Accounts may be referred by way [voie] of cassation to the Council of State.

Article 92

An organic law determines the organization and the functioning of the Court of Accounts.

A law determines the status of the Judges of the Court of Accounts.

Chapter 4 Of the Tribunal of Conflicts

Article 93

A Tribunal of Conflicts is instituted, [a] non-permanent jurisdiction.

In case of conflict of competence between the judicial jurisdictions and those of

The decisions of this jurisdiction have the authority of res judicata.

An organic law determines the rules of organization and of functioning of the Tribunal of the Conflicts.

TITLE VIII

OF THE HIGH COURT OF JUSTICE

Article 94

A non-permanent jurisdiction denominated the High Court Justice is instituted.

It is composed of six (6) magistrates and six (6) Deputies elected by secret ballot by their peers. The President of the High Court of Justice is elected from among the magistrates, the Vice-President from among the Deputies, within the same conditions as specified above.

Article 95

At the demand of the Procurator General or of the National Assembly with a majority of two-thirds (2/3) of the members who compose it, the President of the Republic refers to the High Court of Justice the Ministers and the Deputies susceptible to be prosecuted for high treason.

The decision of impeachment, duly substantiated, is taken by the President of the Republic[,] who transmits it to the Procurator General at the High Court of Justice.

Article 96

The President of the Republic is only responsible for acts accomplished in the exercise of his functions in the case of high treason.

Notably considered as crimes of high treason are:

- - violation of the oath [of office];
- political homicides;
- racketeering [l'affairisme];
- any action contrary to the superior interests of the Nation.

The demand for impeachment is only receivable if it obtains the signatures of fifty percent (50%) of the members who compose the National Assembly.

The President may only be impeached by the National Assembly deciding with a majority of two-thirds (2/3) of the Deputies who compose it and by secret ballot.

The resolution of impeachment, duly substantiated, is transmitted by the President of the National Assembly to the Procurator General at the High Court of Justice.

However, for the infractions of common law committed before his election or outside of the exercise of his functions, the Head of State may only be the object of prosecution, before the competent jurisdictions, at the end of his mandate.

Article 97

During the taking of the decision of the High Court of Justice, and in case of a tie [vote], that of the President is preponderant.

Article 98

The decisions rendered by the High Court of Justice are not susceptible to any recourse.

Article 99

An organic law determines regulations of organization and of functioning of the High Court of Justice.

TITLE IX

OF THE ECONOMIC AND SOCIAL COUNCIL

Article 100

An Economic and Social Council is instituted.

The members of the Economic and Social Council have the title of Councilor[masculine] or Councilor [feminine].

The Economic and Social Council is obligatorily consulted on any plan or any bill of law or program of action with economic, social, cultural and environment character.

On its own initiative, the Economic and Social Council can formulate recommendations or call [appeler]the attention of the President of the Republic or of the Government to reforms that it identifies [as] appropriate on the questions relevant to its competence.

Article 101

The Economic and Social Council gives its opinion on all proposals and all bills of law, of ordinances and of decrees as well as on all measures necessary for economic, social, cultural and environmental development of the Republic which are submitted to it. It may be given the charge of any study of economic, social, cultural and environmental order.

An organic law determines the organization, the functioning, [and] the mode of designation of the members of the Economic and Social Council, as well as the duration of their functions.

TITLE X

OF THE TERRITORIAL COLLECTIVITIES

Article 102

The Territorial Collectivities of the Central African Republic are the regions and the communes. They may only be created and modified by the law.

Other categories of Territorial Collectivities may be created by the law.

The Territorial Collectivities administer themselves freely by elected organs.

An organic law determines the modalities of application of this provision.

TITLE XI

OF THE HIGH COUNCIL OF COMMUNICATION

Article 103

A High Council of Communication is instituted.

The High Council of Communication is given the charge to assure the exercise of the freedom of expression and the equal access for all to the media of the State within respect for the laws in force.

The High Council of Communication is independent of any political power, of any political party, of any association or of any pressure group [of] any nature that may be.

The High Council of Communication is endowed with powers of regulation and of decision.

An organic law determines the composition, the organization and the functioning of the High Council of Communication.

TITLE XII

OF THE NATIONAL COUNCIL OF MEDIATION

Article 104

A National Council of Mediation is instituted, passive [and] permanent [pacifique permanente], directed by an independent person, the Mediator of the Republic.

The National Council of Mediation has for its principle mission the amelioration of relations between citizens, with a view to protect and to promote the rights of citizens.

The National Council of Mediation is endowed with extensive powers to receive the complaints of citizens and to propose reforms with a view to the implementation of an effective mechanism of prevention, of management and of resolution of conflicts of any order[,], notably major political, economic, social, [and] military [conflicts] involving the Administration and those administered to, to guarantee the democracy of proximity, and of access of the un-empowered persons [faibles] to the law.

Article 105

An organic law determines the organization, the composition and the functioning of the National Council of Mediation.

TITLE XIII OF REVISION

Article 106

The initiative of revision of the Constitution belongs concurrently to the President of the Republic and to the National Assembly deciding with the majority of two-thirds (2/3) of the members who compose it.

Article 107

The revision intervenes when the bill presented in complete form [a l'tat] has been voted by the National Assembly with a majority of three quarters (3/4) of the members who compose it or has been adopted by referendum.

No procedure of revision can be initiated or followed in the case of the vacancy of the Presidency of the Republic or when it infringes the integrity of the territory.

Article 108

Expressly excluded from revision are:

- - the republican and secular form of the State;
- the number and duration of the presidential mandates;
- the conditions of eligibility;
- the incompatibilities to the functions of Head of State;
- the fundamental rights of the citizen.

TITLE XIV

OF THE TRANSITORY AND FINAL PROVISIONS

Article 109

The institutions created by [issues] Constitutional Acts No. 1 and 2 of 15 March 2003 and No. 3 of 12 December 2003 remain in place until the investiture of the President of the Republic and the installation of the National Assembly created by this Constitution.

Article 110

The National Council of the Transition remains in place until the installation of the new National Assembly.

The Constitutional Court of the Transition remains in place until the installation of the new Constitutional Court.

Article 111

The institutions provided for by this Constitution will be put in place within the twelve (12) months which follow the entry into force of it.

Article 112

This Constitutional Law which abrogates all prior [and] contrary provisions will enter into force after its adoption by the people by referendum and its promulgation by the President of the Republic.

It will be published in the Journal Officiel [Official Gazette] and executed as the CONSTITUTION OF THE CENTRAL AFRICAN REPUBLIC.