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# Guinea-Bissau's Constitution of 1984 with Amendments through 1991

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*Translated by Marcia W. Coward*

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## Preamble

In an exemplary manner, the PAIGC, having been founded on September 19, 1956, has accomplished its political and military action plan [Programa Min'mo], consisting of liberating the people of Guinea and Cabo Verde, winning the sovereignty of the two respective states simultaneously, for the purpose of building a free and democratic society and social justice in each nation.

The Party consecrated the independence, winning internal and international harmony, respect and admiration as the form for directing the future of the Guinea nation, namely through the creation and institutionalization of state structure.

With the Readjusting Movement [Movimento Reajustador] of November 14, the Party reoriented its activities, correcting any errors that had to be overcome in order to build a unified, strong, and democratic society.

Adopting this Constitution, which follows faithfully the thread of institutional evolution that has always reflected the ideas and choices of our people—a policy reaffirmed by the profound transformation being brought about in our society by legality [lawfulness], by right, and by the enjoyment of fundamental liberties—the National Popular Assembly of the Republic of Guinea-Bissau reveals that everything it articulates is imbued with the humanism that has always inspired us and that is reflected in our rights and liberties as herein guaranteed to the citizens, as an irreversible victory for our people.

The Popular National Assembly congratulates the PAIGC on paper for being in the vanguard involved in unfolding the conduct of the destiny of the nation and congratulates itself for the courageous and timely decision that the Party of Amilcar Cabral took to support and expand the democratic opening to construct a pluralistic, just, and free society.

The decision of the PAIGC follows in accordance with its historic tradition of acting at every moment as the repository for the deepest aspirations of our people.

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

## TITLE I: FUNDAMENTAL PRINCIPLES

On the nature and basis of the State

### Article 1

Guinea-Bissau shall be a sovereign, democratic, lay, and unitary Republic.

### Article 2

1. The national sovereignty of the Republic of Guinea-Bissau lies in the people.
2. The people shall exercise political power directly and through the organs of democratically-elected power.

### Article 3

The Republic of Guinea-Bissau shall be a State of constitutionally-instituted democracy, based on national unity and on the effective popular participation in performing, controlling, and directing public activities and directed toward constructing a free and just society.

## Article 4

1. In the Republic of Guinea-Bissau, political parties may be freely created according to the terms of the Constitution and law.
2. Political parties shall act for the organization and expression of popular will and political pluralism.
3. Political parties must respect national independence and unity, territorial integrity, and pluralistic democracy, with the duty to obey democratic rules and regulations in their organization and operation.
4. It shall be prohibited to create [political] parties that are regional or local in nature, which encourage racism or tribalism, or which support violent means in pursuing their goals.
5. The names of political parties may not be identified with any areas of national territory or invoke the name of any individual, church, religion, cult, or religious doctrine.
6. The General Secretaries and/or Presidents of political parties must be native citizens of Guinea-Bissau.

## Article 5

1. The Republic of Guinea-Bissau proclaims her eternal gratitude to those fighters who, through their voluntary sacrifice, guaranteed the liberation of the Homeland from foreign domination, by re-winning national dignity and our people's right to freedom, progress, and peace.
2. The Republic of Guinea-Bissau shall consider the following as her honor and duty:
  - a. To achieve by all means a worthy life for the fighters for the freedom of the Homeland, in particular those who, because of their participation in the battle for freedom, became physically handicapped and therefore totally or partially incapable to work; they shall be the first to receive national gratitude;
  - b. To guarantee that orphans of the fighters for liberating the Homeland shall be educated;
  - c. To assist the parents, children, and widows of the fighters for the freedom of the Homeland.
3. Those to be considered as fighters for freedom of the Homeland shall be those in the military who, belonging to the PAIGC, participated in the battle for freedom between September 19, 1956, and September 24, 1973, and who were registered in party files at the combat front between the latter date and April 24, 1974, and who, because of their exceptional actions, shall be considered worthy of this title.

## Article 6

1. In the Republic of Guinea-Bissau, there shall be a separation between the State and religious institutions.
2. The State shall respect and protect legally-recognized religious sects. The activities of these sects and the exercise of religious worship shall be subject to law.

## Article 7

Based on its unitary structure and to realize the national interest, the State of Guinea-Bissau shall encourage the creation of and support the activities of decentralized territorial collectives [colectividades] which are endowed with autonomy by law.

## Article 8

1. The State shall be subordinate to this Constitution and shall be based on democratic legality.
2. The validity of laws and other acts of State and of local power shall depend on their conformity to the Constitution.
3. The State shall create conditions [conducive] to the development of fundamental materials for organizations of the masses and other social organizations and protect their patrimony.

## Article 9

The Republic of Guinea-Bissau shall exercise sovereignty in the following:

1. Over all national territory, which shall comprise:
  - a. the land surface contained within its national territorial limits;
  - b. interior seas [waters] and other territorial waters [mar] specified by law, as well as their respective limits and subsoils;
  - c. aerial space over the geographic areas referred to in the above lines.
2. Over all living and non-living natural resources existing in her territory.

• Ownership of natural resources

## Article 10

Within its legally-defined exclusive economic zone, the State of Guinea-Bissau shall exercise exclusive authority over the preservation and exploitation of living and nonliving natural resources.

• Ownership of natural resources

## Article 11

1. The economic and social organization of the Republic of Guinea-Bissau shall promote its principles of a free market, the subordination of economic power to political power, and the co-existence of public, cooperative, and private property.
2. The goal of the economic and social organization of the Republic of Guinea-Bissau shall be to continually promote the people's welfare and to eliminate all forms of submission of human beings to harmful interests which profit individuals, groups, or classes.

• Right to competitive marketplace

• Mentions of social class

## Article 12

In the Republic of Guinea-Bissau, the following forms of property shall be recognized:

- a. property of the State and the common patrimony of all the people;
- b. property of cooperatives, organizations based on free consent and applicable in agricultural development, the production of consumer goods, and crafts and other activities specified by law;
- c. private property, considered those goods distinct from those of the State.

• Right to own property

## Article 13

1. The State may concede that cooperatives and other individuals and groups which are considered legal entities may develop State lands as long as said serves the general interest and increases social wealth.
2. The State shall manage instruments for issuing money and regulating foreign commerce, and shall maintain control over gold and currency operations through the Central Bank.
3. The State shall encourage the investment of foreign capital as long as said is useful in the nation's economic and social development.

## Article 14

The State shall recognize the right to inheritance, according to terms established by law.

## Article 15

The object of public health shall be to promote the physical and mental welfare of the people and to encourage their balanced integration into the social-ecological sphere in which they live. It must orient its efforts toward preventive medicine and toward the progressive socialization of medicine and medical-medicinal sectors.

## Article 16

1. Education shall see to the total development of each individual. Said must be strictly linked to productive work, in proportion to the qualifications earned, knowledge, and values that enable each person to become integrated into the community and to contribute to his continual progress.
2. The State shall consider the elimination of illiteracy as its fundamental task.

## Article 17

1. It shall be the State's fundamental imperative to create and to encourage conditions favorable to preserving cultural identity, as a support for national conscience and dignity, and as a factor to stimulate the harmonious development of society. The State shall preserve and protect the cultural heritage of the people, whose valuation must serve progress and safeguard of human dignity.
2. Conditions shall be created so that all citizens shall have access to culture and shall be given incentive to participate actively in the creation and spread of culture.
3. It shall be incumbent upon the State to encourage and promote sports and physical culture and their spread.

## Article 18

1. The Republic of Guinea-Bissau shall establish and develop relations with other nations on the basis of international right and on the principles of national independence, equality among states, non-interference into internal affairs, and the realization of mutual benefits, peaceful coexistence, and non-alignment.

• Right to self determination

2. The Republic of Guinea-Bissau shall defend the right of the people to self-determination and independence and support the fight of the people against colonialism, imperialism, racism, and all other forms of oppression and exploitation; recognize peaceful solutions to international conflicts; and participate in efforts to assure peace and justice in relationships among states and the establishment of a new international economic order.
3. Without prejudicing victories achieved through the fight for national liberation, the Republic of Guinea-Bissau shall participate in efforts of the African states, either regionally or on a continental basis, toward concrete realization of the principle of African unity.

## Article 19

It shall be the fundamental duty of the State to safeguard the victories of the people in all ways, and, in particular, the constitutionally-instituted democratic order. The defense of the Nation must be organized on the basis of the active participation and unified will of the people.

## Article 20

1. It shall be incumbent on the People's Revolutionary Military Forces (FARP), as instrumental of national liberation in the service of the people and the primary institution for defending the Nation, to defend territorial independence, sovereignty, and integrity, and to cooperate strictly with specific national services in order to guarantee and maintain internal security and public order.
2. It shall be the civic duty and honor of members of the FARP to participate actively in the work of National Reconstruction.
3. The FARP shall obey organs of sovereign jurisdiction, according to terms of this Constitution and the law.
4. The FARP shall be nonpartisan; its active parts may not exercise any political activity.

## Article 20A

1. Functions of security forces shall be to defend democratic lawfulness [legalidade] and to guarantee internal security and the rights of citizens in a nonpartisan way; none of these forces or active parts may exercise any kind of political activity.
2. Political methods shall be as provided for by law and must not be utilized except as strictly necessitated.
3. The prevention of crimes, including crimes against State security, shall be in accordance with rules and regulations provided for by law and in respect for citizens' rights, freedoms, and guarantees.
4. Members of Defense and Security Forces and current Deputies to the National Popular Assembly shall continue to serve in their functions through the next legislative elections.

## Article 21

1. The national symbols of the Republic of Guinea-Bissau shall be the Flag, the Arms, and the Hymn.



- National flag
- 2. The National Flag of the Republic of Guinea-Bissau shall comprise three rectangular bands, of red, yellow, and green. The bands shall be identical in shape and size, with the red one on the left side, vertically, and the yellow and green bands in horizontal positions, respectively, in the upper right and lower right side. The red band shall be marked with a five-pointed star.
- National motto
- 3. The arms of the Republic of Guinea-Bissau shall consist of two palm leaves arranged in a circle, united on a base upon which a yellow shell is placed, and joined by a ribbon on which is engraved, "UNITY BATTLE PROGRESS".
- National anthem
- In the central upper part there shall be a black five-pointed star.
- 4. The national hymn shall be "This is Our Beloved Fatherland."

## Article 22

The capital of the Republic of Guinea-Bissau shall be Bissau.

## TITLE II: Fundamental Rights, Freedoms, Guarantees and Duties

### Article 23

All citizens shall be equal before the law, shall have the same rights, and shall be subject to the same duties, without distinction regarding race, sex, social, intellectual or cultural level, religious belief, or philosophical conviction.

### Article 24

Men and women shall be equal before the law in all areas of political, economic, social, and cultural life.

### Article 25

1. The State shall recognize the creation of families and guarantee their protection.
2. Children shall be equal before the law, independently of the civil state of their progenitors.

### Article 26

1. Every national citizen, whether he lives in the country or is abroad, shall have the same rights and be subject to the same duties as other citizens, with the exception of any rights or duties which are considered incompatible with being absent from the country.
2. Citizens that live in a foreign country shall enjoy the care and protection of the State.

### Article 27

1. On the basis of reciprocity, foreigners, or those who for any reason either live in Guinea-Bissau or are found there, shall enjoy the same rights and be subject to the same duties as citizens of Guinea-Bissau, except in areas concerning the political rights, the exercise of public functions [office, duties], or other rights and duties expressly reserved by law for national citizens.

2. The exercise of public functions [office, duties] shall be allowed foreigners as long as they have a predominately technical nature, except when called for by an international accord or agreement.

## Article 28

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

## Article 29

1. The exercise of fundamental rights, liberties, and guarantees may only be suspended or limited in the case of martial law or of a state of emergency that is declared according to terms of law.
2. Laws of a general or abstract nature which restrict rights, liberties, or guarantees must be limited to those necessary to safeguard other constitutionally-protected rights or interests; they may neither be retroactive nor neither diminish or essentially damage rights.

## Article 30

Every citizen shall have the right to appeal to jurisdictional organs against acts that violate their rights which are recognized by the Constitution and by law; justice may not be denied for reasons of insufficient financial means.

## Article 31

None of the rights and liberties guaranteed to citizens may be used against the Nation's independence, territorial integrity, national unity, institutions of the Republic, or principles and goals consecrated by this Constitution.

## Article 32

1. Every person shall have the right to life and to physical and mental wellbeing.
2. No person may be submitted to penalties involving cruel, inhuman, or degrading treatment.
3. No one may be submitted to torture as a punishment or to cruel, inhuman, or degrading treatment.
4. No one may be detained by security measures that deprive him of his liberty for an unlimited or undefined period of time, except when same is justified by a danger based on a serious physical anomaly.
5. The penal system shall be regulated by law.

## Article 33

1. Every person shall enjoy inviolability of his person and may not be arrested or suffer any kind of sanction except for those penalties in forms and warranties foreseen by law.
2. No law may be retroactive, unless it would benefit the accused person.
3. The penal system shall be regulated by law.

## Article 34

In no case may a citizen of the nation be extradited or expelled from the country.

- Emergency provisions

- Right to appeal judicial decisions
- Requirements for birthright citizenship

- Requirements for birthright citizenship

- Prohibition of cruel treatment

- Right to life

- Prohibition of torture

- Protection from unjustified restraint

- Protection from unjustified restraint
- Inalienable rights
- Principle of no punishment without law

- Protection from ex post facto laws

- Requirements for birthright citizenship
- Extradition procedure

## Article 34A

The personal identity, civil status, citizenship, good name and reputation, image, and respect for private and family intimate information shall be recognized for everyone.

## Article 35

1. It shall be the honor and supreme duty of each citizen to participate in defending the independence, sovereignty and territorial integrity of the Nation.
2. Each citizen shall have the duty to render military service, according to law.
3. Treason against the native land shall be a crime calling for the most severe punishment.
4. Security measures that deprive liberty for an undefined or unlimited period of time shall not be allowed, except for those justified by danger caused by a serious physical anomaly.
5. Every accused person shall have the right to his defense, being assured all necessary legal guaranteed and considered innocent until declared guilty by a court sentence.
6. Any evidence or confession [provas] obtained by torture, coercion, or physical or mental harm shall be null and void.

## Article 36

1. Work shall be the right and duty of each citizen.
2. The State shall gradually create conditions for the full employment of citizens able to work.
3. The State shall recognize and guarantee to each citizen the right to be trained in his profession or generally for work, in accordance with the needs and fundamental imperatives of the National Reconstruction.
4. All workers shall have the right to remuneration for their work, depending on the quantity, quality, and the nature of their work, observing the principle of equal pay for equal work, so as to guarantee a dignified living.

## Article 36A

1. The freedom of workers to organize unions [sindical] in order to promote unity, to defend their rights, and to protect their interests shall be recognized.
2. In exercising freedom to organize unions, workers shall be guaranteed the following, without any discrimination:
  - a. Freedom to create, to organize, and to draw up the internal rules and regulations for associations;
  - b. The right to exercise syndicate activities in businesses, according to terms of law.
3. Syndicate associations [unions] shall be independent of the State, of employers, of religious organizations, or parties, and other political associations.
4. The law shall assure that representatives elected by the workers shall be protected, within the limits of the legitimate exercise of their duties.

## Article 37

1. Workers shall have the right to protection, safety, and hygiene at work.
2. Workers may only be fired according to terms provided for by law.

- State support for the elderly
  - State support for the disabled
  - State support for children
  - General guarantee of social security
3. The State shall gradually create a system able to guarantee each worker social security in his old age and in case of illness or becoming incapacitated from working.

## Article 37A

- Right to strike
1. The right of workers to strike law shall be recognized according to terms of law, which shall define the scope of professional interests which may be defended by strikes.
  2. Lock-outs shall be prohibited.

## Article 38

The State shall recognize each citizen's right to inviolability of his home, correspondence, and other means of private communication, except in cases expressly provided for by law in matters involving criminal process.

## Article 39

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

## Article 40

Children, youth, and mothers shall have the right to the protection of society and of the State.

## Article 41

- Rights of children guaranteed
  - State support for the elderly
  - State support for the disabled
  - State support for children
- Compulsory education
1. Every citizen shall have the right to education and the duty to be educated.
  2. The State shall gradually promote the gratuitous nature of education and the equal possibility of all citizens to have access to every level of education.

## Article 42

One shall be free to pursue intellectual, artistic, and scientific creative activities, as long as same are not contrary to the encouragement of social progress. The rights of authors shall be protected by law.

## Article 43

- Access to higher education
  - Free education
1. Every citizen shall have the right and duty to participate in the nation's political, economic, and cultural life, according to law.
  2. Any citizen may present suggestions, protests, claims, and petitions to sovereign organs and to any other authorities according to terms and forms specified by law.

## Article 44

Freedom of expression of thought, of meeting, of association, and of demonstration, as well as freedom of choice of religion, shall be guaranteed according to conditions provided for by law.

- Reference to art
  - Reference to science
  - Right to enjoy the benefits of science
- Right of petition
- Freedom of assembly
  - Freedom of association
  - Freedom of expression
  - Freedom of religion
  - Freedom of opinion/thought/conscience

## Article 44A

1. In the Republic of Guinea-Bissau, freedom of press shall be guaranteed according to law.
2. The State shall guarantee public press, radio and television services independent of economic or political interests.
3. A National Council of Social Communications shall be created to guarantee that mentioned in the preceding line and to assure the opportunity for expressing and confronting different streams of opinion.
4. The authority and composition of the National Council of Social Communications shall be established by law.

## Article 45

According to the development of the country, the State shall progressively create conditions necessary to realize full rights of the economic and/or social nature recognized by this title.

## TITLE III: Organs of State Power

### Article 46

Organs of representative power of the people of the Republic of Guinea-Bissau shall be the National Popular Assembly and Regional Councils. The power of all other State organs shall emanate from them.

### Article 47

1. Members of the Regional Councils shall be elected by free, universal, equal, direct, and secret suffrage. Voters shall be all citizens of the nation over 18 years old, except for those disqualified by law.
2. Members of the National Popular Assembly shall be elected by the Regional Councils from among their members, provided same are native citizens of the nation according to conditions and forms fixed by law.
3. Only citizens over 21 years of age shall be eligible to be elected to Regional Councils and to the National Popular Assembly.
4. The electoral system, eligibility requirements, the territorial division into electoral circuits, as well as the number of members of Regional Councils and of the National Popular Assembly shall be established by the Electoral Law.

## CHAPTER I: The National Popular Assembly

### Article 48

The National Popular Assembly shall be the supreme organ of State power. It shall decide fundamental questions concerning internal and external State policy, organize, and control the application of political, economic, social, cultural, defense, and security policy by the PAIGC.

### Article 49

1. Members of the National Popular Assembly shall be called "Deputies."

2. Deputies to the National Popular Assembly shall be representatives of all the people and not only of the electoral circuits in which they were elected.
3. Deputies must keep strict contact with their voters and inform them about their activities regularly.

## Article 50

Each legislature shall have a term of five years, beginning with the announcement of election results.

## Article 51

Deputies of the National Popular Assembly shall take the following oath of office:

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

## Article 52

A Deputy shall have the right to question members of the Council of State and of the Government, either orally or in written form; the respective answer must be provided to him during the same session or within two weeks, at the most, in written form, if an investigation is required.

## Article 53

1. No deputy may be disturbed, prosecuted, arrested, imprisoned, judged, or condemned for his voting record or the opinions he expresses while performing his duties as Deputy.
2. Except if apprehended in the act of committing an offense [flagrante delicto] that bears a penalty equal to or greater than two years of forced labor, or with the previous consent of the National Popular Assembly or the Council of State, Deputies may not be prosecuted or imprisoned for a criminal or disciplinary question, whether judged or not.

## Article 54

1. The rights and privileges, as well as the powers and duties of Deputies, shall be regulated by law.
2. A Deputy that neglects his duties seriously may be dismissed by the National Popular Assembly.

## Article 55

1. The National Popular Assembly shall elect its President and other members of his Cabinet at the first session of each legislature.
2. The Cabinet shall be composed of the President, one First Vice-President, one Second Vice-President, a First Secretary, and a Second Secretary, elected by the total legislature. The powers and jurisdiction of the Cabinet shall be regulated by the Rules and Procedures of the Assembly.
3. The office of the President of the National Popular Assembly shall be incompatible with that of Member of the Government.

## Article 56

The following shall be incumbent upon the National Popular Assembly:

1. to proceed with revising the Constitution, according to terms of Articles 99 and subsequent;
2. to elect the Council of State and its respective President, for the total session of the legislature;
3. to make decisions to hold popular referendums;
4. to make laws and pass motions and resolutions;
5. to decide on the constitutionality of laws, laws-by-decree, and other legislation;
6. to approve, modify, or annul legislation and other measures adopted by organs of the State that are contrary to this Constitution and laws;
7. to approve the State's General Budget Law;
8. to approve treaties that concern the participation of Guinea-Bissau in international organizations, treaties for friendship, peace, defense, the changing of borders, and any others that the Government decides to submit for approval;
9. to approve the National Development Plan and its respective law;
10. to declare a state of martial law or a state of emergency, according to terms of law;
11. to approve the accounting [audits] of the State related to each fiscal year;
12. to grant amnesty;
13. to draw up and approve rules and regulations; and
14. to exercise other authorities granted to it by this Constitution and by law.

## Article 57

The National Popular Assembly shall create permanent specialized Commissions according to various matters and create temporary committees to take up predetermined subjects.

## Article 58

The National Popular Assembly shall meet in regular session once a year. It may also gather in special session when called by the Council of State at its own initiative, by the Council or Ministers, or when required by a majority of Deputies. All details of said operation shall be regulated by law.

## Article 59

Members of the Political Bureau of the PAIGC and members of the Government who are not Deputies may sit and speak in plenary sessions of the Assembly.

## Article 60

1. Legislative initiative shall belong to the Deputies, the Council of State, and the Cabinet Council.
2. Decisions of the National Popular Assembly shall take the form of laws, deliberations, and motions.

## Article 61

The following are attributions of the President of the National Popular Assembly:

1. to preside over sessions of the National Popular Assembly and to be vigilant that its rules and regulations are applied;
2. to call regular sessions of the National Popular Assembly;
3. to supervise and coordinate the work of standing committees and other committees of the National Popular Assembly;
4. to sign and order the publication of laws and resolutions of the National Popular Assembly in the Official Bulletin;
5. to direct the international relations of the National Popular Assembly;
6. to attend meetings of the Council of State; and
7. all others attributed to him by this Constitution or by the National Popular Assembly.

## CHAPTER II: The Council of State

### Article 62

1. Between legislative sessions, the Council of State shall be that organ of the National Popular Assembly that assumes its jurisdiction, executes the decisions of, and exercises the functions that are attributed to the Assembly by this Constitution and by laws.
2. The Council of State shall be responsible to the National Popular Assembly, to which it shall report on its activities.

### Article 63

1. The Council of State shall comprise 15 members elected from among the Deputies by the National Popular Assembly in the first session of each legislature.
2. The National Popular Assembly shall elect the President of the Council of State from among members elected to the Council of State.
3. The Council of State shall elect two Vice-Presidents and one Secretary in its first meeting.

### Article 64

1. The responsibilities [atribuicoes] of the Council of State are:
  - a. to defend the Constitution of the Republic;
  - b. to organize popular referendums that have been decided by the National Popular Assembly;
  - c. to convene the National Popular Assembly in special session when imperative reasons of public interest justify same;
  - d. to set the dates for elections for Regional Councils and for the National Popular Assembly;
  - e. to fix the interpretation of constitutional and ordinary laws;
  - f. to declare martial law and a state of emergency;
  - g. to create and to terminate Ministries and Secretaries of State, at the proposal of its President;



- h. to suspend the decisions of the Cabinet Council and resolutions of Regional Councils that contradict the Constitution and laws or that impose on the interests of other regions or national interests, and to submit same for the approval of the National Popular Assembly in its first session;
  - i. to annul the decisions and acts of the State Committees and other organs of local power that contradict the Constitution, laws, laws-by-decree, decrees, and other decisions of any organ hierarchically superior to them or that affect other areas or national interests;
  - j. to ratify or reject international treaties and conventions;
  - k. to pardon and to commute penalties;
  - l. to approve its own Rules of Procedure;
  - m. all other functions conferred by this Constitution, by laws, or by the National Popular Assembly.
2. The decisions of the State Council shall be in the form of laws-by-decree, motions, and resolutions.

- Treaty ratification
- Power to pardon

## CHAPTER III: The President of the Council of State

### Article 65

The President of the Council of State shall be the Head of the State and of the Government and the Supreme Commander of the People's Revolutionary Military Forces. He shall represent the Republic of Guinea-Bissau.

- Designation of commander in chief
- Name/structure of executive(s)
- Foreign affairs representative
- Advisory bodies to the head of state

### Article 66

The President of the Council of State shall assume office in a plenary session of the National Popular Assembly, under the aegis of its respective President, by swearing solemnly:

"I swear, by my honor, to defend National Independence, to dedicate my intelligence and my energies to serving the people of Guinea-Bissau, fulfilling the duties inherent in the President of the Council of State, with total loyalty to the goals of the PAIGC, the Constitution, and laws of the Republic."

### Article 67

The attributions of the President of the Council of State shall be those which are conferred upon him by the National Popular Assembly or by this Constitution, namely:

1. to represent the State and the Government and to guide its general policy;
2. to give messages to the National Popular Assembly;
3. to direct the activities of the Council of State and of the Government and to preside at their meetings;
4. to appoint and to recall the Prime Minister, Ministers, Secretaries of State, and the Governor of the Central Bank;
5. to appoint and recall Judges of the Supreme Court of Justice and the Procurator-General of the Republic;
6. to appoint and to recall ambassadors;
7. to grant honorary titles and decorations of State;
8. to officiate when Members of the Government take office;

- Head of state powers

- Central bank
- Cabinet removal
- Cabinet selection
- Head of government removal
- Head of government selection
- Supreme/ordinary court judge removal

9. to officiate when Presidents of the Committees of State of the Regions take office;
10. to accredit foreign ambassadors;
11. to promulgate laws-by-decree, to sign and to order the publication of decisions of the Council of State and of decrees of the Cabinet Council in the Official Bulletin;
12. to exercise other functions assigned to him by law.

## Article 68

1. If the President of the Council of State is absent from the country, temporarily obstructed from office, has a disease, or has died, he shall be replaced and his functions assumed by the Vice-Presidents of the Council of State, according to the established hierarchical order.
2. If the position of President of the Council of State is vacant, upon the proposal of the PAIGC's Central Committee and within 15 days, the National Popular Assembly shall proceed to elect a new President of the Council of State, whose mandate shall end with that of the current legislature.
3. The substitute for the President of the Council of State may not assume the functions foreseen in numbers 4, 5, 6, and 10 or Article 67 of this Constitution.
4. The Vice-Presidents may coordinate areas of governmental activity that may be temporarily assigned to them by the President of the Council of State.

## CHAPTER IV: The Government

### Article 69

1. The Government shall be the supreme executive and administrative organ of the Republic of Guinea-Bissau.
2. The Government shall conduct the Nation's political life in harmony with the general policies established for its activities by the National Popular Assembly and by the Council of State.

### Article 70

The Government shall be composed of a Chief of State, the Prime Minister, Ministers, and Secretaries of State.

### Article 70A

Without prejudicing the other powers conferred by the President of the Council of State and by law, it shall be the responsibility of the Prime Minister to help and counsel the President of the Council of State on the direction of the Government, and in particular:

- a. in drawing up the Government's program;
- b. in substituting for the President of the Council of State in presiding over the Cabinet Council;
- c. in counseling the President of the Council of State regarding the creation of Ministries [departments] and appointing members of the Government;
- d. in drawing up the plan of the Government's work and proposing same to the President of the Council of State;
- e. in assuring that members of the Government execute decisions of organs of the State;

- f. in supervising the technical and administrative operation of the Cabinet Council;
- g. in coordinating and directing the activities of the Ministries and other Governmental institutions.

## Article 71

Upon assuming office, the Prime-Minister, Ministers, and Secretaries of State shall take the following oath:

“I swear upon my honor to dedicate my intelligence and my energies to serve the People, exercising the duties of (Prime-Minister, Minister, or Secretary of State) of the Government of the Republic of Guinea-Bissau, with total loyalty to the Constitution and laws.”

## Article 72

The following shall be incumbent upon the Government in exercising its functions:

- a. to interpret and to apply, in a creative manner, policies of governmental activity established by the National Popular Assembly and by the Council of State;
  - b. to direct the State's Administration, coordinating and directing the activities of the Ministries, other central administrative departments, and State Committees of Regions and Sectors;
  - c. to organize and direct the execution of political, economic, cultural, scientific, social, defense, and security activities included in its program;
  - d. to propose that the National Popular Assembly annul, or that the Council of State suspend, resolutions adopted by Regional Councils or by other assemblies of organs of local power that seem illegal or that impose upon the interests of other communities or the interests of the nation [adversely];
  - e. to prepare the National Development Plan and the Government Budget and to make certain that they are executed;
  - f. to pass rules and regulations regarding its own organization and operation;
  - g. to approve bills of law and laws-by-decree and to submit same to the National Popular Assembly and to the Council of State;
  - h. to negotiate and to sign international pacts and conventions;
  - i. to appoint civil and military offices;
  - j. to do whatever is assigned by the National Popular Assembly or by the Council of State.
2. The competencies assigned in paragraphs a), b), c), d), f) and g) shall be accomplished by the Government, meeting in the Cabinet Council.

## Article 73

1. The Cabinet Council shall be composed of the Chief of the Government, who shall preside, and by the Prime-Minister and other Ministers.
2. Specialized Cabinet Councils may be created to handle various matters.
3. Members of the Government shall be bound to decisions of the Cabinet Council.

## Article 74

• Head of government decree power

The Government, meeting in the Cabinet Council, shall exercise its authority through decrees and orders.

## Article 75

The Government shall be politically responsible to the National Popular Assembly and to the Council of State.

## Article 76

Members of the Government shall be responsible both civilly and criminally for acts that they legalize and carry out.

• Cabinet removal

## CHAPTER V: Local Power

### Article 77

Organs of local power shall be a part of unitary State power. They shall be based on popular participation and shall depend upon the initiative and creative capabilities of local communities and act in strict coordination with organizations of the masses and other social organizations.

### Article 78

1. For political-administrative purposes, national territory shall be divided into Regions, which shall be subdivided into Sectors. Yet other subdivisions may be established by law.
2. By law, a Sector may be granted application of the statute of Autonomous Sector may be granted to a sector, making said Sector organically and directly subordinate to the Central Administration.

• Subsidiary unit government

### Article 79

1. Within each political-administrative circumscription, the highest local organ of power shall be the Council, whose executive function shall be superior to that of the Committee of State of that respective circumscription.
2. The manner of appointing and the length of the term of office of members of Councils that are created for lesser political-administrative circumscriptions in the Region shall be specified by law, specifying the other details regarding the organization and operation of the respective organs of local power.
3. The composition of the Committees of State at each level shall be specified by law.
4. In each political-administrative circumscription, administrative services shall be subordinate to the respective Council, to the Council of State, and to all other organs hierarchically superior within the corresponding administrative branch.

• Subsidiary unit government

### Article 80

1. Regional Councillors shall be elected for five years, according to the form established by this Constitution and by law.
2. The Council may be dissolved by the respective Council if it is unable to perform its duties.

## Article 81

The following shall be the powers of Regional Councils:

1. to raise the civic and political conscience of the citizenry;
2. to assure respect for public order;
3. to defend the rights of citizens;
4. to improve living conditions and working conditions continually;
5. to accomplish, on a priority basis, those regional tasks specified by the National Plan and to encourage its strict observation in executing the Plan;
6. to encourage, develop, and manage political, economic, social, and cultural activities of the citizens and all their collectives [colectividades];
7. to act out of a sense of reinforcing the country's capacity for defense and security;
8. to evaluate local resources for the economic development of the Region and to satisfy increasingly the needs of the population in everything involving goods and services;
9. to support the activities of services installed in the Region;
10. to create, direct, and develop educational, cultural, sanitary, athletic, and other public services;
11. other powers conferred by the Constitution and laws.

## Article 82

In fulfilling its obligations, and within those limits established in the Constitution and laws, it shall be incumbent upon the Regional Council:

1. to fulfill and have fulfilled decisions of superior organs of the State;
2. to annul, suspend, or modify resolutions and decisions of subordinate organs that infringe on the Constitution, laws, laws-by-decree, rules, and resolutions of superior organs of the State or that impose upon the interests of other communities or the general interests of the nation;
3. to create temporary committees for specific questions and permanent commissions organized by spheres of activity to be of assistance to it as well as to the Regional Committee of the State, in fulfilling their duties;
4. to elect and to relieve assessor judges from Regional Popular Courts;
5. to approve the Regional Budget, recognize Regional accounts [audits], and adopt appropriate measures regarding same;
6. to approve the Region's annual Development Program;
7. to exercise other powers in the form conferred by the Constitution.

## Article 83

In order to accomplish all their responsibilities and within limits established by law, Regional Councils shall adopt resolutions. These shall be mandatory on all institutions, collectives, and citizens of the respective Regions.

## Article 84

In its first meeting, the Regional Council shall elect its Board of Officers from the entire legislature, which shall comprise a President, one Vice-President, and one Secretary.

## Article 85

Each Regional Council shall meet in regular session twice a year. Likewise, it may meet in special session when so convened by the President at his own initiative or at the proposal of the President of the Committee of State.

## Article 86

1. The Regional Committee of State shall be the executive organ of the Region. It shall be appointed by the Government.
2. The composition of the Regional Committee of State shall be established by law.

## Article 87

The following shall be responsibilities of the Regional Committee of the State:

1. to prepare the regular and special sessions of the Regional Council;
2. to execute resolutions adopted by the Regional Council and decisions of superior organs of the State;
3. to support activities of members of Regional Councils and of their Commissions;
4. to annul the execution of any decision that emanates from local organs hierarchically inferior, if they violate the Constitution, laws, or other measures of superior organs of State power or if they impose upon the interests of other communities or the general interests of the nation;
5. to draw up the Regional budget;
6. to become familiar with, approve and adopt appropriate methods against the accounts of hierarchically-inferior organs;
7. to prepare the annual Development Plan for the Region;
8. to direct the administrative services and control local enterprises;
9. to adopt measures to support the activities of units of production and services located in the Region;
10. all other responsibilities vested in same by law or by resolution of the Regional Council.

## Article 88

1. In fulfilling its responsibilities and during the period between sessions of the Council, the Regional Committee of State shall adopt resolutions and give orders.
2. Resolutions and orders of a general character of the Committee of State must be submitted for ratification by the Council at its first meeting.

## Article 89

The following shall be particular responsibilities of the President of the Committee of State:

1. to represent the Government in the Region;
2. to convene and to preside over meetings of the Committee of State;
3. to organize activities of the Committee of State.

## Article 90

1. The Committees of State of circumscriptions inferior to the Region shall have as their mission to carry out in their respective territories the activities of Regional and national programs and to subordinate themselves hierarchically to the Committees of State of the immediately next highest level, which shall in turn guide them and supervise their activities.

## CHAPTER VI: The Administration of Justice

### Article 91

1. Justice shall serve to realize the fundamental goals of the Constitution.
2. Justice shall be administered on the basis of ample popular participation.
3. The administration of justice shall be exclusively incumbent upon courts established by law.

### Article 92

The Supreme Court of Justice shall be the Republic's supreme judicial instance. Its judges shall be appointed by the President of the Council of State.

### Article 93

1. The existence of courts exclusively designed to judge certain categories of crimes shall be forbidden.
2. The following shall be exceptions to the former:
  - a. military courts which have jurisdiction over judging crimes that are essentially military, as defined by law, and other fraudulent [dolosos] crimes that, for an important reason, are legally similar to the former by reason of the subject;
  - b. other administrative and fiscal courts and the audit office.

### Article 94

Popular courts may be created by law to recognize legal questions of a social character, whether civil or penal.

### Article 95

1. Every judge shall fulfill his responsibilities with total loyalty to the fundamental principles and goals of this Constitution.
2. In carrying out his duties, every judge shall be independent; he must obey the law and his conscience.
3. A judge is not liable for his judgments and decisions. Only in cases specially provided for by law may he be civilly or criminally liable or subject to discipline, by reason of carrying out his responsibilities.

### Article 96

The organization, jurisdiction, and operation of organs serving the administration of justice shall be regulated by law.

• Supreme court selection  
• Structure of the courts

• Structure of the courts

• Establishment of military courts

• Establishment of administrative courts

## Article 97

1. Together with the courts, the Public Ministry shall be the organ of State charged with supervising legality [lawfulness], representing the public and social interest, and acting as titular head of penal action.
2. The Public Ministry shall be organized as a hierarchical structure, under the direction of the Republic's Procurator-General [Attorney-General].
3. The Procurator-General of the Republic shall be appointed by the President of the Council of State.

## TITLE IV: GUARANTEEING AND REVISING THE CONSTITUTION

### CHAPTER I: Controlling the Constitutionality of Laws

#### Article 98

1. Cases placed before the courts may not apply rules that infringe upon the provisions of the Constitution or principles herein consecrated.
2. The question of unconstitutionality may be raised officially by a court, by the Public Ministry, or by any of the parties.
3. Whenever a question of unconstitutionality is raised, the incident shall be separately submitted to the National Popular Assembly, which shall decide the matter.
4. All decisions made by the National Popular Assembly regarding unconstitutionality shall be generally mandatory and shall be published in the Official Bulletin.

### CHAPTER II: Constitutional Revision

#### Article 99

1. This Constitution may be amended at any time by the National Popular Assembly.
2. The initiative to revise the Constitution shall belong to Deputies, to the Council of State, and to the Government.

#### Article 100

1. The proposal for revision shall indicate the articles that must be revised and the sense of the changes to be introduced.
2. A proposed law for revision must be submitted by at least one-third of the Deputies actively in office, by the Council of State, or by the Government.

#### Article 101

Proposals for revision must be approved by the majority of two-thirds of the Deputies comprising the Assembly.



## Article 102

• Unamendable provisions

No proposal for revision may impose upon:

- a. the unitary structure or republican form of the State;
- b. the Laic Statute of the State;
- c. the integrity of national territory.

## TITLE V: FINAL AND PROVISIONAL PROVISIONS

Active members of defense and security forces and current Deputies of the National Popular Assembly shall continue in office until the next legislative elections are held.

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