

CONSTITUTIONAL LAW OF THE REPUBLIC OF CAPE VERDE

*Adopted on 25 September 1992,
Amended on 23 November 1995 and in 1999*

PREAMBLE

The proclamation of National Independence became one of the highest occasions in the history of the Cape Verdian nation. A sign of identity and revitalisation of our condition as nation, subject to the same vicissitudes of destiny, but sharing the unyielding hope of creating in these islands the conditions for an honourable existence for all its children, independence further enabled Cape Verde to become a full-title member of the international community.

However, the affirmation of an independent state did not coincide with the institution of a pluralist democratic regime, as the organisation of the political power rather followed the philosophy and principles characteristic of single party regimes.

The exercise of power within the framework of that model demonstrated, at a universal level, the need to introduce meaningful changes within the political and social structure of the states. New ideas prevailed all over the world causing the collapse of structures and ideas which seemed to be solidly implanted, changing completely the course of international political events. In Cape Verde the political opening was announced in 1990, which led to the creation of the institutional structures necessary for the first legislative and presidential elections within a framework of political competition.

It was thus on 28 September that the People's National Assembly approved the Constitutional Law No. 2/III/90 which, by revoking article 4 of the Constitution and institutionalised the principle of pluralism, consolidated a new type of political regime.

Created as an instrument which make viable democratic elections and the transition to a new model of the country's political and social organisation, this did, however, institute a different system of government and a different type of suffrage, on the eve of elections for a new legislative assembly.

It was within that framework that the first legislative elections took place in January 1991, followed, in February, by presidential elections. The expressive participation of the people at those elections clearly demonstrated the country's option with regards to changing the political regime.

However, the precise historical context in which, by means of the partial revision of the Constitution, the parties were recognised as the main instruments that constituted the political will for governance, contributed to the fact that pluralist democracy continued to exist together with rules and principles typical of the previous regime.

Nevertheless, the social and political reality which the country experienced was in a process of rapid and profound transformation, with the rise, on the part of the population and of the emerging political forces, of values which characterise a democratic state and which, due its content, already formed a material model not yet mirrored in the text of the Constitution.

The present Constitutional Law aims, therefore, at providing the country with a normative framework which will hold good, not specifically due to the harmony communicated by the text, but due to the new model which is instituted. By opting for a Constitution which give structure to a pluralist democracy, leaving behind the short term economic option of governance, will provide the stability necessary to a country of weak resources as well as the political interchange without sudden surprises.

Assuming fully the principle of popular sovereignty, this Constitutional text consecrates a democratic state with a vast list of rights, liberties and guarantees to citizens, the concept of the dignity of the human being as the absolute value which is supreme over the state itself, a system of government with a balance of power between the various national institutions, a strong and independent judiciary, local authorities whose officeholders shall be elected by the communities to whom they are responsible, a Public Administration at the service of the citizens and conceived as an instrument of development, and a system of defence of the Constitution characteristic of a pluralistic democracy.

Thus, this Constitutional Law formally gives form to the profound political changes carried out in the country and propitiates the institutional conditions for the fulfilment of power and rights of

citizenship in a climate of freedom, peace and justice, which constitute the foundation for all economic, social and cultural development of Cape Verde.

PART I: FUNDAMENTAL PRINCIPLES

TITLE I: The Republic

Article 1: Republic of Cape Verde

1. Cape Verde is a sovereign, unitary and democratic Republic, which guarantees the respect for the dignity of the human being and recognises the inviolability and inalienability of human rights as the basis of all human community, peace and justice.
2. The Republic of Cape Verde shall recognise the equality of all citizens before the law, without distinction as to social origin or economic situation, race, sex, religion, political or ideological convictions and social conditions and assures the full exercise by all citizens of fundamental liberties.
3. The Republic of Cape Verde shall be founded upon the popular will and has as its fundamental objective the realisation of economic, political, social and cultural democracy, and the construction of a free, just and co-operative society.
4. The Republic of Cape Verde shall create progressively the conditions indispensable to the elimination of all obstacles which may impede the full development of the human being and limit the equality of citizens and their effective participation in the political, economic, social and cultural organisation of the state and of the Cape Verdian society.

Article 2: A state of democratic law

1. The Republic of Cape Verde shall be organised as a democratic state based on principles of popular sovereignty, pluralism of expression and of democratic political organisation and respect for fundamental rights and liberties.
2. The Republic of Cape Verde shall recognise and respect, within the organisation of political power, the unitary nature of the state, the republican form of government, pluralist democracy, the separation and interdependence of powers, the separation of church and state, the independence of the courts of law, the existence and autonomy of local authorities and the democratic decentralisation of public administration.

Article 3: Sovereignty and constitutionalism

1. Sovereignty shall be vested in the people, who shall exercise it in the form and under the conditions provided for in the Constitution.
2. The state shall be subordinate to the Constitution and shall be based on democratic legitimacy, respecting and enforcing respect for the law.
3. Laws and other acts of state, local authorities and public bodies generally shall only be valid if they are in conformity with the Constitution.

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Article 7: Duties of the state

The following are the fundamental duties of the state:

- (a) To defend independence, to guarantee unity, preserve, add value and promote the identity of the Cape Verdian nation, by favouring the creation of the necessary social, cultural, economic and political conditions;
- (b) To guarantee respect for human rights and ensure the full exercise of the fundamental rights and liberties of all citizens;
- (c) To guarantee respect for the republican form of government and for the principles of the democratic state;
- (d) To guarantee political democracy and democratic participation of citizens in the organisation of political power and other aspects of national, political and social life;
- (e) To promote the well-being and quality of life of the Cape Verdian people, particularly the neediest, and to progressively remove obstacles of an economic, social, cultural and

political nature which prevent real equality of opportunity amongst the citizens, especially those factors which discriminate against women within the family and within society;

- (f) To encourage social solidarity, the autonomous organisation of civil society, merit, initiative and individual creativity;
- (g) To support the Cape Verdian community around the world and to promote within the community the preservation and development of the Cape Verdian culture;
- (h) To encourage and promote education, scientific and technological research, the learning and utilisation of new technologies, as well as the cultural development of the Cape Verdian society;
- (i) To preserve, add value and promote the Cape Verdian mother tongue and culture;
- (j) To create, progressively, the conditions necessary for the transformation and modernisation of the economic and social structures in order to effect the economic, social and cultural rights of citizens;
- (k) To protect the land, nature, natural resources and the environment, as well as the historical, cultural and artistic national heritage;
- (l) To guarantee to foreigners who are permanent or temporary residents in Cape Verde, or those who are passing through national territory, that they will be treated according to international standards of human rights and that they will exercise all rights which might not be constitutionally or legally reserved for Cape Verdian citizens.

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TITLE II: International Relations and International Law

Article 11: International relations

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5. The State of Cape Verde shall grant to international organisations, namely the United Nations and the Organization of African Unity, the co-operation necessary for the peaceful resolution of conflicts and to ensure international peace and justice, as well as respect for human rights and fundamental liberties, and shall support all efforts of the international community to guarantee respect for the sacred principles of the Charter of the United Nations.

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7. The State of Cape Verde is pledged to strengthen African identity, unity and integration, and co-operate for the development, democracy, progress and well-being of nations, respect for human rights, peace and justice.

Article 12: Recognition of treaties and accords within the internal judicial order

1. General or common international law shall be an integral part of the Cape Verdian judicial system, as long as it is in force in the international legal system.

2. International treaties and accords, validly approved or ratified, shall be in force in the Cape Verdian judicial system after their official publication and coming into force within the international judicial system and as long as they bind, internationally, the Cape Verdian state.

3. Judicial acts emanating from competent offices of supranational organisations to which Cape Verde belongs shall take direct effect in the internal judicial system, provided that has been established in the respective constituting conventions;

4. Rules and principles of general or common international law and of conventional international law validly approved or ratified shall take precedence, once these come into force within the international and internal judicial system, over all internal legislative and normative acts below the constitutional level.

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PART II: FUNDAMENTAL RIGHTS AND DUTIES

TITLE I: General Principles

Article 15: Recognition of the inviolability of rights, liberties and guarantees

1. The state recognises as inviolable the rights and liberties granted by the Constitution and

guarantees their protection.

2. All public authorities have the duty to respect and guarantee the free exercise of rights and liberties and the accomplishment of constitutional or legal duties.

Article 16: Responsibility of public entities

1. The state and other public entities shall be civilly responsible for acts or omissions of its agents in the exercise of their public duties or due to them, and which violate in any way the rights, liberties and guarantees causing damage to the rightful party or to a third party.

2. Agents of the state and of other public entities shall be, in terms of the law, criminally and disciplinarily responsible for acts or omissions which result in the violation of rights, liberties and guarantees.

Article 17: Scope and meaning of rights, liberties and guarantees

1. Laws and international conventions may grant rights, liberties and guarantees not provided for in the Constitution.

2. The extent and the essential content of constitutional norms regarding rights, liberties and guarantees may not be restricted by means of interpretation.

3. Constitutional and legal norms regarding fundamental rights must be interpreted and integrated in accordance with the Universal Declaration of Human Rights.

4. The law may restrict rights, liberties and guarantees only in cases specifically provided for in the Constitution.

5. Laws restricting rights, liberties and guarantees shall, compulsorily, be of a general and abstract nature, shall not have retroactive effects, may not diminish the extent and essential content of the constitutional norms and must be limited to what is necessary to safeguard other constitutionally protected rights.

Article 18: Judicial enforcement

Constitutional norms regarding rights, liberties and guarantees shall bind all public and private entities and shall be directly enforced.

Article 19: Right to resist

All citizens shall have the right not to obey any order which offends their rights, liberties and guarantees and to repel by force any illegal aggression, when it is not possible to have recourse to public authority.

Article 20: Protection of rights, liberties and guarantees

1. All individuals shall have the right to petition the Constitutional Court, by means of the appeal process, for protection of their fundamental rights, liberties and guarantees, recognised in the Constitution, as provided for by law, and observing the provisions of the following paragraphs:

(a) The appeal process may only be invoked against acts or omissions of public authorities in violation of fundamental rights, liberties and guarantees, once all ordinary processes have been exhausted;

(b) The appeal process may be requested by simple petition, has an urgent nature and its processing must be based on the principle of summary decision.

2. All citizens shall have the right to demand, in terms of the law, an indemnity for damages caused by the violation of the rights, liberties and guarantees.

3. All citizens shall have the right to present complaints against acts or omissions of public authorities to the Ombudsman who will evaluate these, without decisive power, submitting to the competent organs the recommendations necessary to prevent and amend illegalities or injustices.

4. The actions of the Ombudsman are independent of the benevolent and contentious means provided for in the Constitution and in the law.

Article 21: Access to justice

1. Everyone shall be guaranteed the right of access to justice and the right to obtain, within a reasonable period of time and by means of a fair process, protection of their legal rights or interests.

2. Everyone shall be conferred, personally or through associations of defence of the interests in question, the right to promote the prevention, cessation or judicial prosecution of infringements against health, the environment, quality of life and cultural heritage.
3. Everyone shall have the right, in terms of the law, to defence, to judicial information, to judicial protection and to be represented by an attorney before any authority.
4. Justice shall not be refused due to insufficiency of economic means or due to undue delay of decisions.
5. The law defines and ensure the adequate protection of the legal confidentiality.
6. For the defence of individual rights, liberties and guarantees, the law establishes swift and priority judicial procedures which ensure the effective protection and within reasonable time against threats or violation of those same rights, liberties and guarantees.

Article 22: Principle of universality

1. All citizens shall enjoy the rights, liberties and guarantees and shall be subject to the duties established in the Constitution.
2. Cape Verdian citizens who reside or are temporarily abroad shall enjoy the rights, liberties and guarantees and be subject to the rights constitutionally granted which are not incompatible with their absence from the national territory.
3. The law may establish restrictions on the exercise of political rights and access to certain offices of public positions on Cape Verdian citizens who are not native born.

Article 23: Principle of equality

All citizens shall have equal social status and shall be equal before the law, and no one may be privileged, benefited or prejudiced, deprived of any right or exempt from any duty by reason of race, sex, ancestry, language, origin, religion, social and economic condition or political or ideological convictions.

Article 24: Foreigners and expatriates

1. With the exception of political rights and duties reserved constitutionally or legally for national citizens, foreigners and expatriates residing or temporarily in the national territory shall enjoy the same rights, liberties and guarantees and be subject to the same duties as Cape Verdian citizens.
2. In terms of the law foreigners and expatriates may exercise public duties of a predominantly technical nature.
3. Citizens of Portuguese-speaking countries may be granted rights which are not conferred on foreigners and expatriates, except access to the powers of ministries, service in the Armed Forces and diplomatic service.
4. Foreigners and expatriates residing in the national territory may be granted, by law, the active or passive right to vote in elections of office bearers for local authorities.

Article 25: Regulation of rights, liberties and guarantees

The principles enunciated in this title shall apply to individual rights, liberties and guarantees which are analogous to those established in the Constitution or consecrated by law or by international convention.

Article 26: Suspension of rights, liberties and guarantees

Rights, liberties and guarantees may only be suspended in the event of a declaration of martial law or state of emergency, within the terms provided for in the Constitution.

TITLE II: Rights, Liberties and Guarantees

CHAPTER I: Individual Rights, Liberties and Guarantees

Article 27: Right to life and physical and spiritual integrity

1. Human life and the physical and spiritual integrity of people shall be inviolable.

2. No one may be subjected to torture, or to cruel, degrading or inhuman punishment or treatment and in no case shall there be the death penalty.

Article 28: Right to liberty

1. The right to liberty shall be inviolable.
2. Personal freedom, freedom of thought, expression and information, association, religion, worship, intellectual, artistic and cultural creation, demonstration and others consecrated by the Constitution, by laws and by general or conventional international law received within the internal judicial system shall be guaranteed.
3. No one may be forced to declare his or her ideology, religion, worship, and political or union affiliation.

Article 29: Right to liberty and personal security

1. Everyone has the right to liberty and personal security.
2. No one may be deprived totally or partially of liberty except by virtue of a judicial sentence of acts punishable under law by imprisonment or by the judicial application of security measures as provided for by law.
3. As exceptions to the principle established in the preceding paragraph, there may be deprivation of liberty, for the time and within the conditions determined by law, in any of the following cases:
 - (a) Detention in flagrant offence;
 - (b) Detention or preventive imprisonment due to strong indication of practice of fraudulent crime to which corresponds a sentence of maximum imprisonment for a term of more than two years, whenever the measures of provisional liberty prove to be insufficient or inadequate;
 - (c) Detention due to non-fulfilment of conditions imposed on the offender under temporary liberty;
 - (d) Detention to ensure obedience to a judicial decision or appearance before a competent judicial authority to meet or fulfil a judicial act or decision;
 - (e) Subjecting a minor to assistance, protection or education decreed by judicial decision;
 - (f) Imprisonment, detention or any other coercive measure subject to judicial control, of a person who has entered or remains by irregular means in the national territory, or against whom there is an order for extradition or expulsion;
 - (g) Disciplinary imprisonment imposed on military force individuals, with a guarantee of appeal to a competent court, within the terms of the law, after exhausting all hierarchical means;
 - (h) Detention of suspects, for purposes of identification, in those cases and during the minimum period strictly necessary, as stipulated by law;
 - (i) Confinement of the carrier of a mental disability in an adequate institution, whenever he or she, due to his or her behaviour, proves to be dangerous and is decreed or confirmed as such by competent judicial authority.
4. Every person detained or imprisoned must be immediately informed, in a clear and intelligible form, of the reasons for his or her detention or imprisonment and his or her constitutional and legal rights, and shall be authorised to contact a lawyer, directly or through his or her family or a person in his or her confidence.
5. The person detained or imprisoned may not be forced to testify.
6. The person detained or imprisoned has the right to have identified those responsible for his detention, imprisonment or interrogation.
7. The detention or imprisonment of any person, and his or her precise location are immediately communicated to the family of the detainee or prisoner or to the person whom he or she indicated, together with the summary description of the motivation for such detention or imprisonment.

Article 30: Preventive detention

1. Any person detained or imprisoned without having been found guilty must be presented, within a maximum period of forty eight hours, to the competent judge, who is obliged to:
 - (a) Clearly explain to him or her the facts which motivate his or her detention or imprisonment;
 - (b) Inform him or her of the rights and duties which he or she has as a detainee or prisoner;

- (c) Interrogate the person and hear him or her about the alleged facts to justify his or her detention or imprisonment, in the presence of a defence lawyer freely chosen by him or her, providing him or her with an opportunity to defend him or herself;
 - (d) Pronounce a justified decision, validating or not the detention or imprisonment.
2. Preventive detention or imprisonment is not always maintained whenever its substitution by competent bail or by any other more favourable measure of provisional liberty established by law seems adequate or sufficient.
 3. The judicial decision which orders or maintains preventive imprisonment, as well as the location where this will be carried out, must be immediately communicated to a family member of the detainee or prisoner, or to a person in his or her confidence whom he or she indicates.
 4. Preventive imprisonment, with or without a finding of guilt, shall be subject to the time limits established by law, and may not, under any circumstances, exceed thirty six months, as from the date of detention or capture, in terms of the law.

Article 31: Application of criminal law

1. Criminal responsibility shall not be transferable.
2. Retroactive application of criminal law shall be prohibited unless the subsequent law is more favourable to the accused.
3. Application of security measures whose provisions are not established by previous law are prohibited.
4. No punishment or security measures may be applied unless they are expressly provided for by previous law.
5. No one may be tried more than once for the same crime, nor be punished by means of a sentence which is not expressly provided for by law or with a more serious sentence than the one established by law at the time the criminal conduct was committed.
6. Security measures depriving of liberty based on a serious mental disability presenting a danger, may be successively extended by judicial decision, while that state lasts and it is not medically possible or advisable to adopt other measures not restricting liberty.
7. The provision of paragraph 2 shall not prevent punishment, within the limits of internal law, for actions or omissions which, at the time they were committed, were considered criminal according to the principles and norms of general or common international law.

Article 32: Prohibition of perpetual or unlimited duration of imprisonment

Under no circumstances shall punishment depriving of liberty or security measures of a perpetual nature or of unlimited or indefinite duration take place.

Article 33: Effects of penalties and security measures

No penalty or security measure may lead to loss of civic, political or professional rights nor deprivation of the fundamental rights of the convict, except within the limits inherent in the sentence and the specific requirements of its execution.

Article 34: Principles of the penal process

1. Every defendant shall be presumed innocent until found guilty, and judgment must be given in the shortest period of time compatible with guarantees of defence.
2. The defendant shall have the right to freely choose his defence counsel to assist in the whole process.
3. Defendants who for economic reasons cannot obtain counsel shall be assured, through the proper agencies, of adequate legal assistance.
4. Criminal procedure shall be subject to the adversarial principle.
5. The right to a hearing and the right to defence in criminal trials shall be inviolable and shall be assured to every defendant.
6. All evidence obtained by torture, coercion, assault on physical or spiritual integrity, illegal invasion of correspondence, telecommunication, domicile or privacy or other illicit means, shall be null and void.
7. Criminal hearings shall be public, except when defence of personal, family or social privacy establishes the need for exclusion or restriction of publicity.

8. No case may be removed from a court whose jurisdiction was previously established.

Article 35: Habeas corpus

1. Any person detained or imprisoned illegally may demand *habeas corpus* at the competent court.
2. Any citizen who in full enjoyment of his or her political rights, may demand *habeas corpus* on behalf of a person illegally detained or imprisoned.
3. The court must render a decision on the petition of *habeas corpus* within a maximum period of five days.
4. The law must regulate the *habeas corpus* procedure, ensuring that it is swift and given maximum priority.

Article 36: Expulsion

1. No Cape Verdian citizen may be expelled from the country.
2. Any foreigner or expatriate who was authorised to reside in the country or who has requested asylum, may only be expelled by judicial decision, in terms of the law.

Article 37: Extradition

1. The extradition of a Cape Verdian citizen who can appear before a Cape Verdian court of law to answer for crimes committed abroad, is not permitted.
2. The extradition of foreigners or expatriates, as determined by Cape Verdian judicial authority, is permitted as provided by international law and the law.
3. However, extradition of foreigners or expatriates is not permitted:
 - (a) Due to political or religious reasons or for expressing his or her opinion;
 - (b) For crimes which, in the law of the requesting state carry the death sentence, life sentence or subject to irreversible injury to physical integrity;
 - (c) Whenever it is reasonably established that the person to be extradited may be subject to torture, inhuman, degrading or cruel treatment.

Article 38: Right to asylum

1. Foreigners or expatriates persecuted for political reasons or seriously threatened with persecution by virtue of their activities on behalf of national liberation, democracy or respect for human rights shall have the right to asylum in the national territory.
2. The status of the political refugee shall be defined by law.

Article 39: Right to nationality

No native born Cape Verdian may be deprived of nationality or the prerogatives of citizenship.

Article 40: Right to identity, individuality, good name, image and privacy

1. Everyone shall have the right to personal identity, development of individuality and civil rights, which may only be limited by judicial decision and in the cases and terms established by law.
2. Every citizen shall have the right to a good name, honour and reputation, image and to personal and family privacy.

Article 41: Right to choose a profession and access to public office

1. Every citizen shall have the right to freely choose his or her occupation, work or profession or to have professional training, except for legal restrictions imposed in the public interest or inherent in his or her own capacity or professional qualification.
2. All citizens shall have the right to public office, under conditions of equality, on the terms established by law.
3. No one may be compelled to do specific work, except in the fulfilment of general public service and equal for all or due to a judicial decision, as provided by law.

Article 42: Inviolability of domicile

1. Domicile shall be inviolable.

2. No one may enter the domicile of any person or carry out any search, inspection or seizure against his or her will, except when provided with a judicial warrant issued in terms of the law or, furthermore, in case of flagrant offence, of accident or to render emergency assistance.
3. The law shall set forth the cases in which the competent judicial authority may order entry, search and seizure of goods, documents or other objects in a domicile.
4. Entry in a person's domicile during the night shall not be permitted, except with his or her consent to provide emergency assistance or in cases of accidents or others which are defined as a state of need in terms of the law.

Article 43: Inviolability of correspondence and telecommunications

Privacy of correspondence and telecommunications shall be guaranteed, except in cases in which, by judicial decision rendered in accordance with the law in a criminal trial, interference with correspondence and telecommunications shall be permitted to public authorities.

Article 44: Utilisation of computerised means and protection of personal data

1. All citizens have the right of access to computerised data concerning them, and shall have the right to demand their rectification and updating, as well as the right to be informed of the purpose for which these are intended, as provided by the law.
2. Utilisation of computerised means to register and handle a individually identifiable data regarding political, philosophical or ideological conviction, religious faith, party or union affiliation or private life shall be prohibited except:
 - (a) upon express consent of the person in question;
 - (b) upon authorisation as provided by law, with guarantees of non-discrimination;when it is intended for the processing of statistical data not individually identifiable.
3. The law shall regulate the protection of personal data in computerised registers, conditions of access to databases, establishment and utilisation by public authorities and private entities of such databases or computerised support thereof.
4. Access to archives, files, computer records or databases for information of personal data related to a third party, shall not be allowed, as well as the transfer of personal data from one computer file to another belonging to different services or institutions, except in cases provided by law or judicial decision.
5. Under no circumstances may it a single national number be attributed to citizens.
6. Everyone shall be guaranteed access to information networks for public use, and the law shall define the system applicable to the flow of data across borders and the types of protection of personal data and other whose safeguard is justified by reasons of public interest, as well as the system of limitation of access, for purposes of defending the juridical values protected by the provisions of paragraph 4 or article 47.
7. Personal data contained in manual files shall be granted protection similar to that specified in the previous paragraphs, as provided by law.

Article 45: Habeas data

1. Every citizen shall be granted *habeas data* to ensure knowledge of information contained in computer files, archives or records and which related to him or her, as well as the right to be informed of their purpose and to demand the rectification or updating of the data.
2. The process of *habeas data* shall be regulated by law.

Article 46: Marriage and parentage

1. Everyone shall have the right to marry either civil or religious.
2. The law shall regulate the requirements and the civil status of marriage and its dissolution, independently from the type in which this was contracted.
3. Spouses shall have equal civil and political rights and duties.
4. Children may only be separated from their parents by judicial decision and always in accordance with the provisions of the law, if they do not fulfil their fundamental duties towards their children.
5. There shall be no discrimination toward children born out of wedlock, nor any discriminatory

designation as to their parentage.

6. Adoption shall be permitted under the forms and conditions as regulated by law.

Article 47: Freedom of expression and information

1. Everyone shall have the freedom to express and divulge his or her ideas by speech, by image or any other medium, and no one may be harassed because of his or her political, philosophical, religious or other opinions.

2. Everyone shall have the freedom to inform and to be informed, seeking, obtaining and divulging information and ideas, in any form, without limitation, discrimination or impediments.

3. Limitation of the exercise of these freedoms by any type or form of censorship shall be prohibited.

4. Freedom of expression and information does not justify offending the honour and consideration of people, nor the violation of their right to image or privacy in personal and family life.

5. Freedom of expression and information shall be further limited by the duty:

(a) to protect children and the youth;

(b) not to defend violence, racism, xenophobia and any form of discrimination, specifically of women.

6. Infringements committed in the exercise of freedom of expression and information shall entail civil, disciplinary and criminal responsibility for the offender, as provided by law.

7. All individuals or collective entities shall be assured, under conditions of equality and efficacy, the right of response and of rectification, as well as the right to compensation for damages suffered by virtue of infringements committed in the fulfilment of the freedom of expression and information.

Article 48: Freedom of conscience, religion and worship

1. Freedom of conscience, religion and worship shall be inviolable, and everyone shall have the right, individually or collectively, to profess or not a religion, to have a religious conviction of his or her choice, to partake in worship and to express his or her faith freely and to spread his or her doctrine or conviction, as long as he or she does not infringe the rights of others or the common good.

2. No one may be discriminated against, persecuted, deprived of rights, given special benefits or exemption from duties due to his or her religious faith, convictions or practices.

3. Churches and other religious communities shall be separate from the state and shall be independent and free in their organisation and in the exercise of their own activities, being considered as partners in the promotion of the social and spiritual development of the Cape Verdian people.

4. Freedom of religious instruction shall be guaranteed.

5. Religious assistance in hospitals, assistance institutions, and prisons, as well as in the armed forces shall be guaranteed, as provided by law.

6. Churches shall have the right to use the media to accomplish their activities and purposes, as provided by law.

7. Protection of places of worship, as well as symbols, emblems and religious rites shall be ensured, while imitation or mockery shall be prohibited.

8. The right to conscientious objection shall be guaranteed, as provided by law.

Article 49: Freedom to learn, educate and teach

1. Everyone shall have the freedom to learn, educate and teach.

2. Freedom of learning, educating and teaching shall include:

(a) The right to attend teaching and educational establishments and to teach without discrimination, as provided by law;

(b) The right to choose the type of education and training;

(c) The prohibition of the state to programme education and tuition according to any philosophical, aesthetic, political, ideological or religious directives;

(d) The prohibition of enforced public education;

(e) The recognition of the freedom of communities, civil society organisations and other private

entities and to all citizens to create schools and educational institutions and to establish other types of private tuition or education, at all levels, as provided by law.

Article 50: Freedom to leave the nation and to emigrate

1. All citizens shall have the right to leave the national territory and to return, as well as to emigrate.
2. Restrictions on the rights set forth above may only be imposed through judicial decision, and must always be temporary in nature.

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Article 52: Freedom of assembly and demonstration

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2. All citizens shall be granted the right to demonstrate.
3. An assembly, whenever it occurs in public places, and a demonstration must be previously communicated to the competent authorities, as provided by law.

Article 53: Freedom to create intellectual, artistic and cultural works

1. Intellectual, cultural, and scientific creation shall be free, as well as the spread of literary, artistic and scientific works.
2. Protection of copyrights shall be guaranteed by law.

**CHAPTER II: Rights, Liberties and Guarantees of Political Participation and Exercise of
Citizenship**

Article 54: Participation in public life

1. All citizens shall have the right to participate in political life directly and through freely elected representatives.
2. All citizens of age shall be eligible as voters, as provided by law.
3. The right to vote may not be restricted except by virtue of disabilities established by law.
4. The state promotes the balanced participation of citizens of both sexes in political life.

Article 55: Participation in the course of public matters

1. All citizens shall have the right to aspire, under conditions of equality and freedom, to public functions and elective offices, within the terms stipulated by law.
2. No one may be jeopardised in his or her position, career, employment or public or private activity, nor in the social benefits to which he or she is entitled, by virtue of serving in public office or exercising his or her political rights.
3. The law shall guarantee the exemption and the independence in the exercise of public office only being able, in the exercise of elective office, to establish the ineligibilities necessary to guarantee the freedom of choice of the voters and the exemption and independence of its exercise.

Article 56: Participation in the organisation of political power – political parties

1. All citizens have the right to constitute political parties and to participate therein, competing democratically for the constitution of the will of the people and the organisation of political power, as provided by the Constitution and by law.
2. The creation of political parties, as well as their merger and coalition, as provided by the Constitution and by law, shall be free and does not require authorisation.
3. Political parties may adopt denominations which, directly or indirectly are identified with any part of national territory or with a church, religion, religious organisation or which may involve the name of a person or of an institution.
4. Furthermore, political parties may not adopt emblems, symbols and abbreviations which are equal or can be confused with national or municipal symbols.
5. The constitution of parties which:
 - (a) Have a regional or local scope or which propose programmatic objectives of the same

scope;

- (b) Propose to utilise subversive or violent means in the persecution of their aims;
- (c) Have armed forces or of a para-military nature;

shall be prohibited.

6. Political parties must respect the independence, national unity, territorial integrity of the country, democratic regime, multi-party political system, rights, liberties and the fundamental guarantees of the people.

7. Political parties shall be ruled by democratic principles of organisation and expression, and the approval of their respective programmes and rules and the periodical election of the national management office bearers shall be done directly by their members or by an assembly representing their members.

8. Political parties may only be compulsorily disbanded by judicial decision based on serious violation of the provisions of the Constitution and the law.

9. The law regulates the constitution, organisation, merger, coalition and disbanding of political parties and defines, particularly, their funding system and rendering of accounts, as well as the benefits and facilities granted to them by the state and other public authorities.

Article 57: Right to airtime, political response and counterstatements

1. Political parties shall have the right to airtime on public radio and television, in accordance with their level representativeness and objective criteria defined by law.

2. Political parties represented in the National Assembly and which are not part of government have, in terms of the law, the right to political response and counterstatements to political statements by the government, with the duration and distinctiveness, for all the parties, equal to airtime and statement given to government.

3. The right to airtime may also be granted, by law, to social partners and to religious organisations, legally recognised.

4. During electoral campaigns, candidates shall have the right to regular and equal airtime on all radio and television stations whichever their scope or ownership, as provided by law.

5. The right to airtime, political responses and counterstatements established in this article shall be regulated by law.

Article 58: Right to petition and public demonstration

1. All citizens, individually or collectively, shall have the right to present to government organs or local authorities or to any authorities, written petitions, complaints, grievances or to make representations in defence of their rights, of the Constitution, of the laws or of general interest as well as the right to be informed, within a reasonable period of time, about the result of the evaluation thereof.

2. Petitions presented to the National Assembly are submitted to the Plenary as stipulated by law.

3. As provided by law, the right to popular action shall be guaranteed, subject to the adherence to the status of public office bearers and to defend state property and property of other public entities.

Article 59: Freedom of the press

1. Freedom of the press shall be guaranteed.

2. The provisions of article 47 shall be applicable to freedom of the press.

3. The freedom and independence of the media shall be assured with regards to politic and economic power and these may not be subjected to any sort of censorship.

4. The expression and confrontation of ideas of the various opinion trends shall be ensured in the media.

5. The state shall guarantee immunity to the public media, as well as the independence of its journalists from government, the administration and any other public authorities.

6. The creation or founding of newspapers and other publications does not require administrative authorisation, nor may a security deposit or any other guarantee be a condition.

7. The creation or founding of radio or television stations shall depend on the licence to be conferred by means of a public tender, as provided by law.

8. Journalists shall be guaranteed, in terms of the law, access to sources of information and shall be assured of independence and professional secrecy, and no journalist shall be forced to reveal his sources of information.
9. The state shall ensure the existence and functioning of a public service for radio and television.
10. It shall be compulsory to divulge the ownership and means of financing of the media, as provided by law.
11. Seizure of newspapers or other publications shall be permitted only for infractions of the press law or when those responsible for the publication are not indicated in it.

CHAPTER III: Rights, Liberties and Guarantees of Workers

Article 60: Right to work

1. All citizens shall have the right to work, and the public authorities have the duty to create the conditions necessary for this right to be effective.
2. The duty to work is inseparable from the right to work.

Article 61: Right to remuneration

1. Workers shall have the right to just remuneration in proportion to the quantity, nature and quality of work rendered.
2. Men and women shall receive equal remuneration for equal work.
3. The state shall create the conditions for the establishment of a national minimum salary.

Article 62: Other rights

1. Workers shall further have the right to:
 - (a) Dignified working conditions, hygiene, safety and security at work;
 - (b) A maximum limit of the working day;
 - (c) Weekly time off;
 - (d) Social security;
 - (e) Rest and leisure.
2. Dismissal for political or ideological reasons shall be prohibited and be null and void.
3. Dismissal without just cause is illegal, and the employer shall be liable for just compensation to the worker dismissed, as provided by law.
4. The law shall establish special protection for minors, for the handicapped and for women during pregnancy and after childbirth.
5. The law shall guarantee to women working conditions which permit them to carry out their maternal and family duties.

Article 63: Freedom of professional and trade union association

1. All workers shall be free to create trade unions or professional associations to defend their interests and their collective or individual rights.
2. The creation of trade unions or professional associations shall not require administrative authorisation.
3. Trade unions and professional associations shall be guaranteed full organisational, functional and internal regulatory autonomy.
4. Trade unions and professional associations must be governed by democratic principles of organisation and management, based on the active participation of members in all activities and periodic election by secret ballot of its organs.
5. Trade unions and professional associations shall be independent of management by the state, political parties, church or religious organisations.
6. The law shall regulate the creation, coalition, federation and disbanding of trade unions and professional associations and shall guarantee their independence and autonomy from the state, employers, parties and political associations, church or religious organisations.
7. The law shall assure adequate protection to workers' elected representatives against any limitation in the exercise of their functions, from persecution or threats in the work place.

Article 64: Freedom of membership of trade unions

No one may be forced to join a union or professional association, to remain in a union or professional association, or to pay dues to a union or professional association of which they are not members.

Article 65: Rights of unions and professional associations

1. To defend the rights and interests of workers, unions shall have the right, as provided by law to participate in:
 - (a) Arbitration agencies;
 - (b) Policy-making institutions of social security and other institutions which promote the protection and defence of the interests of workers;
 - (c) Drafting of labour legislation.
2. Unions shall have the authority to conclude collective labour contracts, as provided for by law.

Article 66: Right to strike and prohibition of lock-out

1. The right to strike shall be guaranteed, and workers shall have the right to decide on the occasions to strike and the interests which the strike is intended to defend.
2. The law shall regulate the exercise of the right to strike and shall define the conditions for rendering, during the strike, services necessary for the security and maintenance of equipment and premises as well as indispensable minimum services to assist the fulfilment of indispensable social needs.
3. Lock-outs shall be prohibited.

TITLE III: Economic, Social and Cultural Rights and Duties**Article 67: Private initiative**

Private initiative shall be exercised freely within the framework defined by the Constitution and by law.

Article 68: Right to private property

1. Everyone shall have the right to private property and to transmit it while alive or at death, as provided by the Constitution and by law.
2. The right to inheritance shall be guaranteed.
3. Seizure or expropriation for public use may only be carried out based on the law and always upon the payment of fair compensation.

Article 69: Social security

1. Everyone shall have the right to social security as a protection in case of unemployment, illness, disability, old age, being orphaned, widowed and in all situations of need or loss of means of subsistence or capacity to work.
2. The state shall:
 - (a) Guarantee the existence and efficient functioning of a national system of social security, with the participation of contributors and of the associations representing the beneficiaries;
 - (b) Support, motivate, regulate and supervise private systems of social security.
3. The state shall promote, regulate and supervise, as provided by law, the activity of private institutions of social solidarity and of others of recognised public interest, with a view to pursuing the objectives of social security as provided in the Constitution.

Article 70: Health

1. Everyone shall have the right to health and the duty to defend and promote it, independently of economic condition.
2. The right to health shall be realised through an adequate network of health services and through the creation of economic, social, cultural and environmental conditions which promote and facilitate a better quality of life for the population.
3. In order to guarantee the right to health, the state shall have the following duties:

- (a) To assure the existence and functioning of a national health system;
- (b) To encourage the community's participation at the various levels of health services;
- (c) To assure the existence of public health care;
- (d) To encourage and support private initiative in the rendering of preventive, curative and rehabilitative health care;
- (e) To promote the socialisation of the costs of medical care and medication;
- (f) To regulate and supervise the activity and quality of health care services;
- (g) To regulate and control the production, commercialisation and use of pharmacological products, and other means of treatment and diagnosis.

Article 71: Housing and urbanisation

1. All citizens shall have the right to adequate housing.
2. In order to guarantee the right to housing, public authorities shall have the following duties:
 - (a) To promote the creation of adequate economic, judicial, institutional and infrastructure conditions, within the framework of territorial distribution and urbanisation;
 - (b) To promote and encourage private initiative for the supply of housing and to guarantee the participation of interested parties in the elaboration of urban planning instruments.

Article 72: Right to environment

1. Everyone shall have the right to a healthy and ecologically balanced environment and the duty to defend and add value to it.
2. In order to guarantee the right to environment, the public authorities shall:
 - (a) Compile and execute adequate policies of territorial distribution, defence and preservation of the environment and the promotion of the rational utilisation of all natural resources, safeguarding their capacity for ecologic renewal and stability;
 - (b) Promote environmental education, respect for environmental values, fighting desertification and the effects of drought.

Article 73: Rights of children

1. All children shall have the right to protection by family, society and public authorities, with a view to their integral development.
2. All children shall have the right to special protection in the case of illness, becoming orphans, abandoned and deprived of a balanced family environment.
3. Furthermore, children shall also have the right to special protection against:
 - (a) Any type of discrimination and oppression;
 - (b) The abusive exercise of authority within the family and any other institutions to which they are entrusted;
 - (c) The exploitation of child labour;
 - (d) Abuse and sexual exploitation.
4. Child labour shall be prohibited.
5. The law defines the cases and conditions according to which minor's labour may be authorised.
6. The law especially punishes, as serious crimes, the sexual abuse and exploitation of and trafficking in children.
7. The law equally punishes as serious crimes ill-treatment and other acts susceptible of seriously affecting the physical and or psychological integrity of children.

Article 74: Rights of the youth

1. The youth shall have the right to special incentive, support and protection by the family, society and the public authorities.
2. The special incentive, support and protection of the youth shall have as priority objectives the development of their personality and their physical and intellectual capabilities, the development of free creation and of a feeling of service to the community, as well as their full and effective integration in all aspects of active life.
3. In order to guarantee the rights of young people, society and the public authorities shall, in cooperation with the parents' representative associations and tutors, private institutions and youth

organisations, compile and execute youth policies which shall aim at providing:

- (a) Education, professional training and physical, intellectual and cultural development of the youth;
- (b) Access of the youth to first employment and to housing;
- (c) The adequate utilisation of the free times of the young people.

Article 75: Rights of the handicapped

1. The handicapped shall have the right to special protection by the family, society and public authorities.
2. For purposes of the previous paragraph, the public authorities shall have the duty to:
 - (a) Guarantee the prevention, treatment of the handicapped, the rehabilitation and reintegration of the handicapped, as well as create the economic, social and cultural conditions which facilitate their participation in active life;
 - (b) Sensitise society with regards to respecting and showing solidarity towards the handicapped, by promoting and supporting the respective solidarity organisations;
 - (c) Guarantee to all handicapped priority in attendance of public services and the elimination of architectural obstacles and others in the access to public institutions and social premises;
 - (d) To organise, promote and support the integration of handicapped in teaching and technical-professional training.

Article 76: Rights of the elderly

1. The elderly shall have the right to special protection by the family, society and public authorities.
2. In order to guarantee the special protection of the elderly and prevent their social exclusion, it is the duty of the public authorities to:
 - (a) Promote the economic, social and cultural conditions which shall enable the elderly dignified participation in family and social life;
 - (b) Sensitise society with regards to respecting and showing solidarity towards the elderly, by promoting and supporting the respective solidarity organisations;
 - (c) Guarantee to all elderly priority in attendance of public services and the elimination of architectural obstacles and others in the access to public institutions and social premises.

Article 77: Right to education

1. Everyone shall have the right to education.
2. Education, carried out through the school, the family and other agents, shall:
 - (a) Be integral and contribute towards human, moral, social, cultural and economic promotion of the citizens;
 - (b) Prepare and equip all citizens to exercise a professional activity, to partake at civic and democratic level in active life and to fully exercise the rights of citizenship;
 - (c) Promote the development of the scientific spirit, scientific creation and research, as well as technological innovation;
 - (d) Contribute to equal opportunities in access to material, social and cultural resources;
 - (e) Stimulate the development of personality, autonomy, entrepreneurial spirit and creativity, as well as artistic sensibility and interest for knowledge and know-how;
 - (f) Promote the values of democracy, the spirit of tolerance, of solidarity, responsibility and participation.
3. In order to guarantee the right to education, the state shall have the following duties:
 - (a) To guarantee the right to equal opportunity with regards to school access and success;
 - (b) To promote, motivate and organise pre-schooling education;
 - (c) To guarantee compulsory, universal and free, basic education, the duration of which shall be determined by law;
 - (d) To promote the elimination of illiteracy and permanent education;
 - (e) To promote higher education, taking into account the needs in terms of qualified structures and the improvement of the educational, cultural and scientific level of the country;
 - (f) To create conditions to enable everyone's access, according to their capabilities, to the various levels of education, scientific research and artistic education and creation;

- (g) To organise schooling social activities;
 - (h) To promote the socialisation of the educational costs;
 - (i) To supervise public and private education and to ensure its quality, as provided by law;
 - (j) To organise and define the principles of a national education system, integrating public and private institutions;
 - (k) To regulate, as provided by law, the participation of teachers, lecturers, family and civil society in the definition and execution of an educational policy and in the democratic management of the school;
 - (l) To promote fundamental scientific and applied research, preferably in the areas which are of interest to sustained and sustainable human development of the country.
- 4.** The public authorities shall, furthermore, have the duty to:
- (a) Organise and guarantee the existence and the regular functioning of a network of public educational institutions which cover the needs of the whole population;
 - (b) To promote the interconnection between school, community and the economic, social and cultural activities;
 - (c) To motivate and support, as provided by law, private educational institutions in pursuance of objectives of general interest;
 - (d) To promote civic education and the exercise of citizenship rights;
 - (e) To promote knowledge of Cape Verdian and universal history and culture.

Article 78: Right to culture

1. Everyone shall have the right to cultural enjoyment and creation, as well as the right to preserve, defend and add value to the cultural heritage.
2. To guarantee the right to culture, the public authorities must promote, motivate and ensure the access of all citizens to cultural enjoyment and creation, in collaboration with other cultural agents.
3. To guarantee the right to culture, the state shall have the following duties:
 - (a) Correct asymmetries and promote equal opportunities amongst the various areas of the country in the effective access to cultural resources;
 - (b) To support initiatives which promote individual and collective creation and the circulation of quality cultural works and assets;
 - (c) To promote the safekeeping and valorisation of the cultural, historical and architectural heritage;
 - (d) To assure the defence and promotion of Cape Verdian culture in the world;
 - (e) To promote the participation of emigrants in the cultural life of the country and the dissemination and valorisation of national culture amongst the emigrant Cape Verdian communities;
 - (f) To promote the defence, valorisation and development of a Cape Verdian mother tongue and promote its uses in written communication;
 - (g) To promote and support cultural promotion organisations and industries related to culture.

Article 79: Right to physical education and sports

1. Everyone shall have the right to physical education and sport.
2. In order to guarantee the right to physical education and sport, the public authorities in co-operation with associations, sports organisations, schools and other sports agents shall have the following duties:
 - (a) To promote the constitution of sports associations and organisations;
 - (b) To promote the sports infra-structuring of the country;
 - (c) To motivate, guide and support the practice and dissemination of physical education and sports;
 - (d) To prevent violence in sports.

Article 80: Rights of consumers

1. Consumers shall have the right to quality of consumed goods and services, to adequate information, to protection of health, safety and economic interests, as well as to compensation by damages caused due to the violation of those rights.

2. The public authorities promote and support consumer associations, while the law protects consumers and guarantees the defence of their interests.

Article 81: Family rights

1. The family is the fundamental element and the basis of all society.
2. Paternity and maternity are eminent social values.
3. Everyone has the right to constitute a family.
4. Parents have the right and the duty to guide and educate their children in conformity with their fundamental options, with a view to the integral development of the personality of children and youngsters and respecting the rights legally granted to these.
5. Minor children have the duty to obey their parents and to respect their authority exercised in terms of subarticle 4.
6. Parents must render assistance to minor or handicapped children.
7. Full age children must render moral and material assistance to parents who are in a vulnerable situation, namely due to age, illness or economic need.
8. Society and the public authorities protect the family and promote the creation of conditions which ensure the stability of family unit and enable the fulfilment of their social function and their mission as guardians of the moral values recognised by the community, as well as the personal fulfilment of its members.
9. The law punishes domestic violence and protects the rights of all family members.

TITLE IV: Fundamental Duties

Article 82: General duties

1. Every individual has a duty towards the family, society, the state, and also towards other legally recognised institutions.
2. Every individual shall have the duty to respect the rights and liberties of others, morality and the common good.

Article 83: Duties to the state

1. All individuals shall have the duty to contribute to the defence of the nation.
2. All individuals shall also have the duty to obey all statutes and orders set forth by legitimate authorities, as provided in the Constitution, with respect to rights, liberties, and guarantees.

Article 84: Duties towards the nation and the community

Every citizen shall have the duty to:

- (a) Be faithful to their fatherland and to partake in its defence;
- (b) Honour and respect all national symbols;
- (c) Promote the consolidation of national unity and cohesion;
- (d) Serve the community and associations in which he or she is involved and the country, putting at its service his or her physical, moral and intellectual capabilities;
- (e) Develop a culture of work and to work, in accordance with his or her ability and capability;
- (f) Pay all taxes and levies established in terms of the law;
- (g) Actively contribute towards the preservation and the promotion of civic patriotism, culture, morality, tolerance, solidarity, legal practice and democratic spirit of dialogue and agreement;
- (h) Defend and promote health, the environment and cultural heritage.

Article 85: Duties towards the authorities

Everyone has the duty to fulfil the obligations established by law and to respect the orders, instructions or indications of the legitimate authorities, issued, with respect for their duties, liberties and guarantees, as provided for by the Constitution and the law.

...

TITLE V: Judicial Power

CHAPTER I: General Principles

...

Article 210: Fundamental principles of administration of justice

1. In the exercise of their functions, courts shall be independent and only be subject to the Constitution and to the law.

...

Article 219: Constitutional Court

1. The Constitutional Court is the court whose responsibility it is, specifically, to administer justice in matters of a juridical-constitutional nature, namely with regards to:

- (a) Supervision of constitutionality and legality, in terms of the Constitution;
- (b) Verification of the death and declaration of incapacity, impediment or loss of position of the President of the Republic;
- (c) Jurisdiction in matters of elections and of party political organisations, as provided by law;
- (d) Resolution of conflicts of jurisdiction, as provided by law;
- (e) Court of the last instance.

2. The Constitutional Court has its head office in the city of Praia.

3. The Constitutional Court is constituted by a minimum of three judges elected by the National Assembly from amongst entities of reputed merit and competency and recognised integrity, qualified in law.

4. The President of the Constitutional Court is elected by the respective judges.

5. The mandate of the judges of the Constitutional Court is nine years, and can not be renewed.

6. The judges of the Constitutional Court enjoy the guarantees and are subject to the incompatibilities of the other judges.

7. The law shall regulate the competency, organisation and functioning of the Constitutional Court, as well as the stature of its judges.

...

Article 241: Rights and guarantees of citizens before the administration

The citizen, directly or through associations or organisations for the defence of all interests to which he or she belongs shall have, as provided by law, the right:

- (a) To be consulted in administrative processes which concern him or her;
- (b) To be informed by the administration, within a reasonable period of time, of the progress of those processes where he or she has a direct interest, whenever he or she so requests;
- (c) To be notified of administrative acts in which he or she might have a legitimate interest, in a manner as stipulated by law, including the express and accessible basis for these acts, whenever these affect his or her rights or legally protected interests;
- (d) To have access to files and administrative records, subject to the provisions by law, with regards to issues related to internal and external state security, criminal investigation, justice secrecy, state secrecy and privacy of people;
- (e) To request and obtain effective jurisdictional protection of his or her legally protected rights and interests, including, namely, the acknowledgement of those rights and interests, the prohibition of any administrative acts which might harm them, independently of its form, the imposition of the practice of fair administrative acts and the adoption of adequate cautionary measures;
- (f) To prohibit administrative norms which are patently harmful to his or her legally protected rights or interests;
- (g) To be indemnified by damages resulting from the violation of his or her legally protected rights and interests, by action or omission of public agents, in the exercise of their duties or due to them.

...

PART V: GUARANTEES OF DEFENCE AND REVISION OF THE CONSTITUTION

TITLE I: Martial Law and States of Emergency

Article 265: Martial law

Martial law may only be declared, in all or part of the national territory, in the event of imminent or effective aggression on the national territory by foreign forces or grave threat or disturbance to the constitutional order.

Article 266: State of emergency

A state of emergency shall be declared, in all or part of the national territory, in the event of public calamity or disturbance to the constitutional order, the gravity of which does not justify martial law.

Article 267: Establishment and duration

1. Declarations of martial law or states of emergency must be substantiated and must indicate the territorial area; the results; the rights, liberties and guarantees which are suspended and their duration, which may not be greater than thirty days and which may be extended for an equal period with the same substantiation.

...

Article 268: Prohibition of dissolution of the National Assembly

1. While martial law or the state of emergency is in effect, the National Assembly may not be dissolved and shall be automatically convened if it is not in session.

...

Article 269: Subsistence of certain fundamental rights

A declaration of martial law or a state of emergency shall, in no case, affect rights to life, physical integrity, personal identity, civil status, and citizenship, the non-retroactivity of criminal law, the right of the accused to defence, or freedom of conscience and religion.

...

TITLE II: Verification of Constitutionality

Article 272: Dealing with unconstitutionality

1. Laws and resolutions of general or specific content shall be unconstitutional if they contravene any provision of the Constitution or the principles contained in it.

...

Article 275: Abstract review of constitutionality

The Supreme Court of Justice, at the request of the President of the Republic, the President of the National Assembly, the Prime Minister, the Attorney-General of the Republic, and not less than one-fourth of the Deputies of the National Assembly, may review and rule upon:

- (a) The unconstitutionality of any laws or resolutions of general or specific content;
- (b) The illegality of resolutions referred to in (a).

Article 276: Concrete review of constitutionality

1. The Supreme Court of Justice shall hear appeals of court decisions which:
 - (a) Reject, on grounds of unconstitutionality, the application of any law or resolution of general or specific content;
 - (b) Apply laws or resolutions of general or specific content where unconstitutionality has been claimed in the trial;
 - (c) Apply laws or resolutions of general or specific content which have been previously judged unconstitutional by the Constitutional Court.
2. The Constitutional Court shall also hear appeals of decisions which:
 - (a) Apply resolutions of general or specific content which have been previously judged illegal by the Constitutional Court or where illegality has been claimed in the trial;
 - (b) Reject, on grounds of illegality, the application of any resolutions referred to in the preceding paragraph.

...

TITLE III: Revision of the Constitution

Article 281: Jurisdiction, timing and initiative of constitutional revision

1. This Constitution may be revised, in whole or in part, by the National Assembly, after five years from the date of its promulgation.
2. The National Assembly may, however, at any time, assume the power to revise the Constitution by four-fifths of the Deputies currently in office.

...

Article 283: Approval of revisions

1. Each of the changes to the Constitution must be approved by two-thirds of the Deputies currently in office.

...

Article 285: Material limits to revision

1. The following may not be subject to revision:
 - (a) National independence, the integrity of the national territory, and the unity of the state;
 - (b) The republican form of government;
 - (c) Universal, direct, secret, periodic suffrage for the election of national and local officeholders;
 - (d) The separation and interdependence of national bodies;
 - (e) The autonomy of local power;
 - (f) The independence of the courts;
 - (g) Pluralism of expression and political organisation, and the right of opposition.
2. Laws of revision may not restrict or limit the rights, liberties, and guarantees established in the Constitution.

...