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Constitution of the Republic of Guinea-Bissau

CHAPTER I

Bases and Objectives

Article 1

Guinea-Bissau is a sovereign, democratic, anti-colonialist and anti-imperialist republic, fighting for complete liberation, the unity of Guinea and the Cape Verde archipelago and the social advancement of its people.

Article 2

The national flag of the State of Guinea shall consist of three stripes of equal size one of which shall be vertical and red with a black star. The two other stripes shall be horizontal, the upper one being yellow and the lower one green.

The national anthem of Guinea-Bissau shall be "Here is our beloved country".

The motto of Guinea-Bissau shall be "UNITY, STRUGGLE, PROGRESS".

Article 3

The State shall have as its objective the complete liberation of Guinea and Cape Verde from colonialism, their unification into one State in accordance with the will of the people and the building of a society that shall create the political, economic and cultural conditions needed to eliminate the exploitation of man by man and all forms of subordination of the human being to degrading interests for the benefit of any individual, group or class.

Article 4

Power in Guinea-Bissau shall be exercised by the working masses closely linked to the Partido Africano da Independência da Guiné e Cabo Verde (PAIGC), which shall be the leading political force in the society.

Article 5

The achievement of these objectives will require the complete mobilization of the masses and their broad participation in the elaboration of State policy. The Party shall encourage the creation and development of democratic mass organizations.

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Article 6

PAIGC shall be the leading force in the society. It shall be the supreme expression of the sovereign will of the people. It shall determine the political orientation of State policy and guarantee the implementation thereof by appropriate means.

Article 7

The State shall devote particular attention to the people's revolutionary armed forces (FARP). It shall be the duty of all State organs to promote the development of these forces so that they may fully accomplish their great mission and be equal to their great responsibility in the armed struggle for national liberation and in the peaceful transformation of the country.

Article 8

The State shall play a decisive role in the planning and balanced development of the national economy. The property of the colonial State and that of traitors to the country shall become national property.

Article 9

The State of Guinea-Bissau is an integral part of Africa and is struggling for the liberation of the African continent from colonialism, racism and neo-colonialism and for the unity of African peoples, in their entirety or by region, on the basis of respect for the liberty, dignity and right to political, economic, social and cultural progress of these people.

Article 10

The State of Guinea-Bissau feels closely bound to all persons fighting for national liberation in Africa and throughout the world. It considers it its duty to develop its relations with African States and to establish relations of legal equality with all States on the basis of the principles of international law.

CHAPTER II

Fundamental Rights, Freedoms and Duties

Article 11

In accordance with the fundamental principles of the Universal Declaration of Human Rights and the revolutionary democratic objectives of this Constitution, the State shall guarantee fundamental rights, whose aim is personal development and the progress of society. The State shall create the political, economic and cultural conditions necessary to enable citizens effectively to enjoy their rights and fulfil their obligations.

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Article 12

Participation in the struggle for the complete liberation of the country and in the defence of its sovereignty shall be an honour and supreme obligation for every citizen.

Article 13

Citizens shall be equal before the law, without distinction as to ethnic group, sex, social origin, cultural level, profession, property, religious belief or philosophical conviction.

Article 14

The State considers that work and education are fundamental rights and duties of all citizens. In developing a national economy it shall gradually create the conditions necessary for their realization.

Article 15

All citizens shall have the right to participate in the life of the State and of society. In order to achieve the objectives of the Constitution the State shall guarantee the right to co-management, including the right of all citizens to make suggestions or submit complaints to all organs of the State. It shall be the duty of the organs of the State to take such suggestions and complaints into consideration.

Article 16

Men and women shall have equal rights within the family, at work and in public life.

Article 17

Freedom of opinion, assembly, association and demonstration shall be guaranteed under the conditions prescribed by law, together with freedom of worship.

Article 18

Every citizen shall be guaranteed freedom from detention, arrest or sentencing otherwise than by virtue of the law in force at the time of the commission of the act of which he is accused. The right to a defence is recognized and shall be guaranteed to persons charged or about to be charged with offences.

Article 19

The State shall recognize the right of citizens to the inviolability of the domicile and the secrecy of correspondence.

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Article 20

Persons from the Cape Verde Archipelago shall have the same rights and duties as citizens of the State of Guinea-Bissau and shall be assimilated to the latter for all legal purposes.

Article 21

Collaboration with the enemy shall constitute the crime of treason and shall be punished by law.

Article 22

Persons whose acts or conduct are detrimental to the unity of the people of Guinea-Bissau or Cape Verde, or who promote colonialism, imperialism, racism or tribalism shall be denied the political rights and fundamental freedoms of citizens.

CHAPTER III

The Organization of State Power

Article 23

State power shall be exercised by organs of State elected and controlled by the people and constituted in accordance with its wishes to achieve the purposes of the Constitution. The representatives of the peoples shall be the supreme organs of the State.

Article 24

The organs representing the people of the State of Guinea-Bissau shall be the People's National Assembly and the Regional Councils. The powers of other organs of State shall emanate from these organs.

Article 25

The right to elect organs representative of the people shall be universal and equal and shall be exercised by direct and secret suffrage. All citizens over the age of 15 who satisfy the other conditions prescribed in the electoral laws shall enjoy this right.

Article 26

Until the area of State territory still under occupation by foreign aggressors has been liberated, election to the People's National Assembly may take place by indirect suffrage exercised through the representatives elected to the Regional Councils under the conditions prescribed by law.

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Article 27

The conditions governing eligibility for election to the People's National Assembly and the Regional Councils shall be established by law, which shall fix the number of their membership, the method of election and rules regarding incompatibility of functions. The Party shall be responsible for the selection of candidates. Any citizen who has reached the age of 18 on the day of the election may be elected.

The People's National Assembly

Article 28

The People's National Assembly shall be the supreme organ of State power. It shall adopt legislation and resolutions.

Article 29

The People's National Assembly shall consider and decide fundamental questions of internal and external State policy and shall supervise the implementation of the political, economic, social and cultural policies laid down by the Party.

Article 30

The People's National Assembly shall have the power to change or revoke measures emanating from other organs of State. It may establish committees of enquiry. The Council of Commissioners of State shall be answerable to the People's National Assembly.

Article 31

The People's National Assembly may delegate legislative powers to the Council of Commissioners of State. Such delegation shall take place for a limited time and in respect of specific matters. Legislative decrees adopted by the Council of Commissioners of State shall be subject to ratification by the People's National Assembly at its first regular session following their adoption.

Article 32

Every Deputy of the People's National Assembly shall represent the national interests. He shall be required to maintain close contact with his constituents and to render an account of his activities to them regularly.

On the proposal of the Party, the People's National Assembly may discharge a Deputy who is seriously remiss in the performance of his duties.

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Article 33

Except in a case of flagrante delicto, or without the consent of the People's National Assembly, no Deputy may be prosecuted for a criminal or disciplinary offence, whether before the courts or otherwise. In no event may he be prosecuted, detained, arrested, tried or sentenced because of his opinions or votes cast by him in the exercise of his mandate as a Deputy.

Article 34

Deputies to the People's National Assembly shall take the following oath of office:

"I swear that I shall do my utmost to achieve the principal purposes of the Constitution, the complete destruction of the colonial régime, the unity of Guinea-Bissau and the Cape Verde Archipelago, and social progress."

Article 35

The People's National Assembly shall be elected for a period of three years and shall meet in regular session at least once per year. It may also meet in extraordinary session upon the proposal of the Council of State, the Council of Commissioners of State or of two thirds of its members. All matters related to its functioning shall be regulated by law.

The Council of State

Article 36

Between the sessions of the People's National Assembly, the Council of State shall exercise the functions assigned to it by the acts and resolutions of the Assembly itself. It shall be answerable to the People's National Assembly.

Article 37

The Council of State shall be composed of 15 members elected for a three-year term from among the Deputies by the People's National Assembly at its first legislative session.

Article 38

The Council of State shall elect its President, a Vice-President and a Secretary.

Article 39

The President of the Council of State shall represent the State in international relations. He shall be the Supreme Commander of the People's Revolutionary Armed Forces, (F.A.R.P).

Article 40

The functions of the Council of State shall be:

1. To defend the Constitution of the State;
2. To organize popular referendums;
3. To ratify international treaties and conventions;
4. To declare war and make peace;
5. To determine the interpretation of constitutional and ordinary laws;
6. To set the date for the elections of deputies to the People's National Assembly;
7. To convene the People's National Assembly and to open and close its ordinary sessions;
8. To promulgate the laws and resolutions of the People's National Assembly;
9. To appoint and remove from office the State Commissioners, on the proposal of its President;
10. To receive the credentials of foreign diplomatic agents;
11. To appoint and remove from office representatives of the State abroad;
12. To award State decorations;
13. To amnesty, pardon and commute sentences.

Article 41

In the performance of its functions, the Council of State shall adopt decisions having the force of law.

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Article 42

It shall be the responsibility of the President of the Council of State to address messages to the People's National Assembly on the situation of the State and on important political matters.

Article 43

The President of the Council of State shall be entitled to preside over meetings of the Council of State Commissioners, to require its members to submit reports and to discuss with them all matters relating to their functions and powers.

The Council of State Commissioners

Article 44

The Council of State Commissioners shall be responsible to the People's National Assembly and, between its sessions, to the Council of State.

Article 45

The Council of State Commissioners shall be a collective body and its activity shall be regulated by the laws and resolutions of the People's National Assembly and the decisions of the Council of State.

Article 46

The Council of State Commissioners shall be empowered to draw up the political, economic, social and cultural programme of the State, and to provide for its defence and security. It shall direct, co-ordinate and supervise the activity of the various State Commissioner's Offices, the other Government services, the State regional committees and the public sector committees. It shall appoint and remove from office State officials.

Article 47

In the performance of its functions, the Council of State Commissioners shall promulgate decrees and issue orders, within the limits established by law.

Article 48

On entering upon their duties, the Commissioners and Sub-Commissioners shall take the oath mentioned in article 34.

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The Regional Councils

Article 49

The Regional Council shall be the representative organ of the State, composed of representatives elected in the sectors of the region concerned.

Article 50

The functions of the Regional Councils shall be:

1. To improve the civic and political awareness of the citizens;
2. To ensure respect for public order;
3. To protect the rights of the citizens;
4. To effect constant improvement in the living and working conditions of the citizens;
5. To promote, develop and supervise the political, economic, social and cultural activity of the citizens and of their collective associations;
6. To promote the strengthening of the defence capacity and security of the country;
7. To develop local resources with a view to the economic development of their constituencies and in order to satisfy to an increasing extent the needs of the population with regard to goods and services;
8. To establish, direct and develop educational, cultural, health and sports institutions and other public services;
9. To appoint the necessary bodies for the administration of their constituencies.

Article 51

In the performance of their functions and within the limits established by law, the Regional Councils shall adopt resolutions.

The resolutions of the Regional Councils shall be binding on all institutions, collective associations and citizens of the respective regions. They may be revoked by the Council of State.

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Article 52

For the implementation of its resolutions, the Regional Council shall elect a State regional committee and public sector committees, the composition, powers and functions of which shall be established by law.

These local executing agencies shall implement not only the resolutions of the Regional Councils but also the decisions taken by the organs of the central administration.

Article 53

The People's National Assembly may dissolve a Regional Council and call for elections.

The Judiciary

Article 54

Justice shall be administered on behalf of the people of Guinea-Bissau under the conditions and in the manner established by the law, which shall also establish the organization of the courts.

Article 55

The system of justice shall serve the fundamental objectives of the Constitution.

Article 56

In the performance of his functions, a judge shall obey only the law and his conscience. Only those persons who have proved that they will carry out their functions in faithful observance of the principles and purposes of this Constitution may be judges. The right to a defence is recognized and guaranteed to persons charged and about to be charged.

Revision of the Constitution

Article 57

This Constitution may be revised only by the People's National Assembly, on the initiative of the Council of State or one third of the deputies.

Article 58

Any amendment to the Constitution must be approved by a two-thirds majority of deputies. The People's National Assembly may decide on the submission of draft constitutional amendments to a popular referendum.

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