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Law No. 59-003 of 24 January 1959
Constitution of the Republic of Senegal

PREAMBLE

The People of Senegal affirm their commitment to the fundamental rights as they are defined both in the Declaration of the Rights of Man of 1789 and in the Universal Declaration of 10 December 1948, and in the preambles of the Constitutions of 27 October 1946 and of 5 October 1958.

In accordance with Article 76, and within the perspectives opened by Articles 86 and 88 of the Constitution of the Community, the Republic of Senegal, by a free decision of the elected representatives of its people, intends [*se propose*] to implement every [effort] to achieve African Unity, within the framework of a Democratic Federation. It intends to assume the evolution of its people, bringing them to construct their independence in amity and association with the people of France. This will meet the exigencies of a new civilization founded on the complete and harmonious development of its economic, social, [and] cultural wealth, put at the service of man.

Consequently, the Constituent Assembly adopts, with the quality of fundamental law, regulator of the rights and duties of citizens, the following constitutional organization.

TITLE I
OF THE STATE AND OF SOVEREIGNTY

Article 1

Senegal is a republican State, indivisible, secular, democratic and social. It takes the name of "Republic of Senegal".

The Republic of Senegal adopts the French language as [the] official language. It is [a] member State of the Federation of Mali.

Its principle is: "Government of the people, by the people and for the people".

Sovereignty belongs to the People, who exercise it by their representatives and by the way [*voie*] of referendum.

No section of the People[,], nor any individual[,], may arrogate its [*en*] exercise.

Suffrage may be direct or indirect, within the conditions provided for by the law.

It is always equal and secret.

All citizens of majority of both sexes, members of the Community, and enjoying their civil and political rights, are electors within the conditions determined by the law.

TITLE II
OF THE PUBLIC FREEDOMS—THE HUMAN PERSON

Article 2

The human person is sacred. The State has the obligation to respect it and to protect it.

The Senegalese people recognize the existence of the inviolable and inalienable rights of man, as the basis of all human community, of peace and of justice in the world.

Each has the right to the free development of their personality provided that they do not violate the right of others or infringe the order of the law. Each has the right to life and to physical integrity, within the conditions defined by the law.

The freedom of the human person is inviolable. No one may be condemned except by virtue of a law, that entered into force before the act committed. Defense is an absolute right in all stages and in all degrees of the procedure.

Article 3

All human being are equal before the law.

Men and women are equal in right [*droit*].

There is, in Senegal, no constraint [*sujet*], or privilege of place of birth, of person or of family.

Article 4

Each has the right to express and to disseminate their opinion freely by word, pen and image. Each has the right to educate themselves [*s'instruire*], without hindrance [*entrave*], from the sources accessible to all.

These rights have [*doivent*] their limits in the prescriptions of the laws and regulations as well as in the respect for the honor of others.

Article 5

All the citizens have the right to freely constitute associations and societies, under reserve of conforming to the formalities specified [*éditées*] by the laws and regulations.

The groups of which the goal or the activity is contrary to the criminal laws[,] or directed against the public order[,] are prohibited.

Article 6

The secrecy of correspondence [and] of postal, telegraphic and telephonic communications is inviolable. Restriction of this inviolability may only be ordered in application of the law.

Article 7

All the citizens of the Community have the right to move themselves and to establish themselves freely on the whole extent of the Republic of Senegal.

This right may only be limited by the law. No one may be submitted to measures of security except in the cases provided for by the law.

Article 8

Property [*propriété*], individual or collective, is guaranteed by this Constitution. It may only be infringed in the case of public necessity, legally established [*constatée*], under reserve of a just and prior indemnity

Article 9

The domicile is inviolable.

[A] search may only be ordered by the Judge or by the other authorities designated by the law. Searches may only be executed in the forms prescribed by it.

The measures infringing the inviolability of the domicile or restricting it may only be taken to evade [*parer*] a collective danger or to protect persons in peril of death. These measures may be taken equally, in application of the law, to protect the public order against imminent threats [*menaces*], singularly to combat the risks of epidemics or to protect youth in danger.

MARRIAGE AND FAMILY

Article 10

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

The State and the public Collectivities have the social duty to see to the physical and moral health of the family.

Article 11

Parents have the natural right and the duty to raise their children. They are sustained, in this effort, by the State and the public Collectivities.

Youth is protected by the State and the public Collectivities against moral exploitation and abandonment.

EDUCATION

Article 12

The State and the public Collectivities create the prerequisite [*préalables*] conditions and the public institutions which guarantee the education of children.

The organization and the administration [*gestion*] of primary and secondary teaching are of the competence of the Republic of Senegal.

Article 13

Education of the youth is provided for by the public schools. Their establishment is incumbent on the State and of the public Collectivities. The religious institutions and communities are equally recognized as means of education.

Article 14

Private schools may be opened with the authorization and under the control of the State.

RELIGIONS AND RELIGIOUS COMMUNITIES

Article 15

The freedom of conscience, the free profession and the practice of a religion, under reserve of the public order, are guaranteed to all.

The religious institutions and communities have the right to develop themselves without hindrance. They are disengaged from the protection [*tutelle*] of the State. They regulate and administer their affairs in an autonomous manner.

WORK

Article 16

Each has the right to work and the right to obtain employment. No one may be impeded in their work for reason of their origins, of their opinions or of their beliefs.

The worker may affiliate with a union and defend their rights through union action.

The right to strike is recognized. It is exercised within the framework of the laws which govern it. It may not in any case infringe the freedom to work.

Every worker participates, by the intermediary of their delegates, in the determination of the conditions of work.

Particular laws [*lois particulières*] establish the conditions of assistance and of protection which society accords to workers.

TITLE III

OF THE INSTITUTIONS

Article 17

The institutions of the Republic of Senegal are the Government, the Legislative Assembly and the public Collectivities;

The executive power belongs to the Government.

The legislative power belongs to the Legislative Assembly

The judicial power is delegated to the Federation of Mali.

Nevertheless, the customary [*coutumière*] legislation is of the competence of the Republic of Senegal.

THE GOVERNMENT

Article 18

The Government is composed of the President of the Council of Ministers and of the Ministers.

The President of the Council is elected by the Legislative Assembly by a majority of the members composing the Assembly.

If, in the first two rounds of the ballot, no candidate obtains the majority of the members composing the Assembly, the third round takes place by relative majority.

The candidatures are deposited, by the groups, with the Bureau of the Assembly, at the latest two days before the day established for the first round of the ballot.

New candidatures may be deposited after each round of the ballot. They are remitted to the President of the Legislative Assembly at the latest, three hours

before the opening of the sitting [*séance*] established for the second or the third round of the ballot. The candidatures are read out in [their] presence before the opening of each round of the ballot.

The candidates who are not members of the Legislative Assembly must fulfill the conditions of eligibility established for the election of Deputies. The same conditions of ineligibility and incompatibility are applicable to them.

Article 19

The President of the Council is the Head [*Chef*] of the State. He presides over the Council of Ministers.

He appoints the Ministers, removes them from their functions and replaces them.

The President of the Council determines and conducts the polity of the Republic of Senegal.

He has the Administration and the Forces of internal security at his disposal.

He exercises the regulatory power.

He assures the execution of the laws and regulations.

He appoints to all the functions and responsibilities [*charges*] of the Republic of Senegal.

He can delegate certain of his powers to the Ministers.

He can communicate with the representatives of the Community established in Senegal.

Conforming to Article 11 of the Constitution of Mali, he assists the Head of the Federal Government in the negotiation of all the conventions applicable to the Republic of Senegal.

Those conventions must be submitted to the ratification of the Legislative Assembly.

He is, in solidarity with his Ministers, responsible before the Legislative Assembly.

He alone may [*peut seul*], after deliberation of the Council of Ministers, engage before the Legislative Assembly, the existence of the Government.

Article 20

The acts of the President of the Council are countersigned, as need be, by the Minister or the Ministers responsible for their execution.

Article 21

In the case of vacancy of the executive power, by death of the President of the Council, the President of the Legislative Assembly provisionally assures the exercise of this power.

In this case, the functions of President of the Legislative Assembly are exercised by one of the vice-presidents of the Assembly, in the order of their election.

It proceeds, within a maximum time period of eight days, to the designation of the new President of the Council following the procedure prescribed by Article 18.

Article 22

In the case specified by Article 21, the Legislative Assembly, if it is not already in session, meets of plain right on the initiative of its Bureau.

Article 23

The vote of no-confidence [*défi*ance], or the [motion of] censure, leads to the immediate resignation of the Government. The motion of censure must be deposited by at least 1/3 of the Deputies composing the Assembly.

The vote must intervene 48 hours after the question of confidence [*confiance*] or the motion of censure. It must be acquired by an absolute majority of the members composing the Assembly.

The resigning Government continues to manage [*expédier*] current affairs until the formation of the new Government.

Article 24

If in the course of a period of thirty-six consecutive months, two ministerial crises arise, within the conditions specified by Article 23, the President of the Council can, after [the] opinion of the President of the Legislative Assembly, pronounce the dissolution of it on a decision taken in the Council of Ministers.

In this case, it will proceed to new elections within the time period of twenty days at least and of forty days at most after the dissolution.

The Assembly meets of plain right the second Thursday following its election.

HIGH COURT

Article 25

The Ministers are criminally responsible for the crimes and misdemeanors committed in the exercise of their functions.

Article 26

The Ministers can be impeached by the Legislative Assembly and sent [*renvoyés*] before the High Court of Justice.

The Assembly decides by a secret ballot and by an absolute majority of the members composing it, with the exception of those who are called to participate in the prosecution, in the instruction and in the judgment.

Article 27

The High Court of Justice is elected by the Legislative Assembly at the beginning of each legislature.

Article 28

The organization of the High Court of Justice and the procedure followed before it are determined by an organic law.

THE LEGISLATIVE ASSEMBLY

Article 29

The Deputies to the Legislative Assembly are elected by universal and direct suffrage for five years.

An organic law establishes the number of members of the Assembly, their indemnities, the conditions of eligibility, [and] the regime of the ineligibilities and of the incompatibilities.

It establishes equally the conditions under which the persons called to assure, in case of vacancy of the seat, the replacement of the Deputies[,] are elected.

Article 30

The Assembly establishes the date of the opening and the duration of its ordinary sessions. These are[,] nevertheless[,] governed by the rules below:

The Assembly holds, each year, two ordinary sessions. The first opens in the course of the second trimester of each year. The second opens obligatorily within the first two-week period [*quinzaine*] of the month of November. The budget is examined in the course of the second ordinary session.

In the case when an ordinary or extraordinary session is closed without the Assembly having established the date of opening of the next ordinary session, this will be established in a timely fashion, by the Bureau of the Assembly. The duration of each ordinary session may not exceed two months.

The Assembly may, in addition, meet in extraordinary session:

- a) either if at least half plus one of its members address a written demand to the President;
- b) or on the initiative of the Government.

The duration of each extraordinary session may not exceed fifteen days.

Article 31

If the Legislative Assembly has not voted the budget before the 15 of December or if it does not vote it in equilibrium, the government returns the bill of the budget, within seven days, to the Legislative Assembly convoked to this effect[,] if need be, in extraordinary session.

The Legislative Assembly must, then decide within seven days.

If this deliberation does not result [*abouti*] in the vote of the budget in equilibrium, this is then established ex officio, by the Government on the basis of the receipts of the preceding fiscal year [*exercice*].

Article 32

No Deputy may be prosecuted, investigated, arrested, detained or judged as a result of the opinions or votes emitted by them in the exercise of their functions.

No Deputy may, during the duration of the sessions[,] be prosecuted or arrested, in [a] criminal or correctional matter except with the authorization of the Assembly, excluding [*sauf*] the case of flagrante delicto.

No Deputy may, outside [a] session, be arrested except with the authorization of the Bureau of the Assembly, excluding [*sauf*] the cases of flagrante delicto, of authorized prosecutions or of definitive condemnation.

The detention or the prosecution of a Deputy is suspended if the Assembly so requires.

Article 33

The vote of the Deputies is personal. Any imperative mandate is null.

An organic law may authorize exceptionally the delegation of [the] vote. In this case, no one may receive the delegation of more than one mandate.

Article 34

The deliberations of the Assembly are only valid when half plus one of its members are present.

Any deliberation, whatever the object, taken out of the time of the sessions or outside of the places of the sittings[,] is null.

RELATIONS BETWEEN THE NATIONAL ASSEMBLY AND THE GOVERNMENT

Article 35

Under reserve of the competences devolved on the Federal Assembly, the law is voted by the Legislative Assembly of the Republic of Senegal, in the following matters:

- constraints [*sujétions*] imposed by the internal security of the country on citizens and foreigners, on their persons and on their assets;
- in customary matters: [the] status and capacity of persons, matrimonial regimes, inheritance and gifts [*libérations*], [the] regime of land use [*foncier*].

The particular statutes that govern persons as well as the religious collectivities will be taken into account;

- [the] basis [*assiette*], rate [*taux*/tax] and modalities of collecting taxes, except those referred to in paragraph 3 of Article 43 of the Constitution of Mali.

The law establishes equally the rules concerning:

- the electoral regime of the Legislative Assembly and of the Public Collectivities;
- the creation of categories of public establishments;
- the creation of the public services of the Republic of Senegal;

The law determines the fundamental principles:

- of the general organization of internal security;
- of the free administration of the Public Collectivities, of their competences and of their resources;
- of the organization and of the administration [*gestion*] of primary and secondary teaching.

The Assembly may legislate, in addition, in all the matters that could be made the object of a transfer of competences of the Federation of Mali to the Republic of Senegal.

The laws of finance determine the resources and the expenditures of the State within the conditions and under the reserves provided for by the organic law.

Program laws [*lois de programmes*] determine the objectives of the economic and social action of the State.

The matters enumerated in this Article may be made precise by an organic law.

Article 36

Matters other than those enumerated previously arise within the regulatory power of the President of the Council. In no case, may the regulations contravene the provisions of the law.

Article 37

The Government can, for the execution of its program, demand of the Legislative Assembly, the authorization to take by ordinance, for a limited time period, the measures that are normally of the domain of the law.

The ordinances enter into force from their publication, but become lapsed if the bill of the law of ratification is not deposited before the Legislative Assembly before the date established by the enabling law.

At the expiration of the time period mentioned in the first paragraph of this Article, the ordinances may only be modified by the law in the matters which are of the legislative domain.

Article 38

The initiative of the laws belongs concurrently to the Head of the Government and to the Deputies.

Article 39

The Deputies and the Government have the right of amendment.

The proposals and amendments formulated by the Deputies are not receivable when their adoption would have as a consequence either a diminution of public resources, or the creation or aggravation of a public expenditure, unless these proposals or amendments have been matched by proposals of compensatory receipts or by corresponding budgetary savings.

Article 40

Urgency for the vote on the law may be demanded by the Government or by at least 1/4 of the Deputies composing the Assembly.

When it is demanded by the Government, it is of right.

When it is demanded by the Deputies, the Assembly decides concerning urgency.

In all cases where urgency is granted, the examination of the law which is the object of it has priority on the agenda.

Article 41

The Government is required to furnish to the Legislative Assembly all [the] explanations that are demanded from it within the forms provided for by an organic law, concerning its administration and concerning its acts.

Article 42

The President of the Council promulgates the laws within the ten days following the transmission to the Government of the law definitively adopted. He publishes them within fifteen days from the promulgation.

These time periods are reduced to five days in the case of urgency declared or decided [*constatée*] by the Legislative Assembly.

Within the time period established for the promulgation, the President of the Council can, by a reasoned [*motivé*] message, demand of the Assembly a new deliberation, that may not be refused.

Article 43

In default of the promulgation of a law or [in default] of its publication by the President of the Council, within the time periods established, it will be provided for by the President of the Legislative Assembly, after [a] decision [*constatation*] of the Federal Court of the conformity of the law with the Constitution.

Article 44

The three sections of the Federal Court, defined by Article 49 of the Constitution of Mali, have competence to exercise constitutional, administrative and financial control.

THE PUBLIC COLLECTIVITIES

Article 45

The conditions of creation, of organization and of functioning of the Public Collectivities of the Republic of Senegal will be defined by an organic law. They administer themselves freely within the conditions specified by the law.

TITLE IV

OF THE CONSTITUTIONAL REVISION

Article 46

The initiative of the revision of this Constitution belongs concurrently to the Government and to the Legislative Assembly.

Any bill of revision presented by the President of the Council must have been approved in [the] Council of Ministers.

Any bill of revision presented by the Deputies must be signed by at least one-third of the members composing the Assembly.

The revision must be voted with a majority of 3/5 of the members composing the Legislative Assembly. If the absolute majority of the members composing the Assembly demands the revision and if the 3/5 is not obtained, it will proceed by way [*voie*] of referendum.

TITLE V
SPECIAL POWERS AND TRANSITORY PROVISIONS

Article 47

Before entering into force, this Constitution must be ratified by the Constituent Assembly by a majority of 3/5 of the members composing it.

If this majority is not reached, a referendum will be organized on 22 February for its adoption.

Article 48

Unless the authorities of the Republic of Senegal have decided otherwise, the laws and regulations currently in force, will continue to have their full effect in all that they are not contrary to this Constitution.

Done at Saint-Louis, 24 January 1959
