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PREAMBLE

The proclamation of National Independence represents one of the apex moments in the History of the Cabo Verdean Nation. A feature of our identity and revitalization of our condition as a People subjected to the same vicissitudes of destiny, but sharing the steadfast hope of crafting on these isles the conditions for a dignifying existence for all their children, Independence also gave way to Cabo Verde becoming a full-fledged member of the international community.

Nevertheless, the affirmation of the independent State and the forming of a pluralist democratic regime were not coincidental, as prior to the organization of political power, the philosophy and principles characteristic of one-party-rule regimes had been followed.

The exercise of power within the framework of such a model demonstrated, at the universal level, the need to work drastic changes into the organization of the political and social life of the States. New ideas ravaged the world, toppling structures and conceptions, which seemed to be entrenched, changing completely the course of international political events. In Cabo Verde, the political openness was announced in the year nineteen hundred and ninety, leading to the creation of institutional conditions necessary for the first legislative and presidential elections, within a context of political competition.

Consequently, on 28 September, the People's National Assembly approved Constitutional Law 2/111/90, which, having revoked Article 4 of the Constitution and institutionalized the principle of pluralism, embodied a new type of political regime.

Conceived as an instrument designed to make for viable democratic elections and transition to a new model of organization of the nation's political and social life, this Constitutional Law did not, however, fail to institute a different system of government, and another form of suffrage, on the eve of elections for a new legislative assembly.

It was against this backdrop that the first legislative elections were held in January 1991, followed by the presidential elections in February. The expressive participation of the populations in these elections demonstrated clearly the nation's choice for change of the political regime.

Nevertheless, the precise historical context in which the parties were recognized, through a partial revision of the Constitution, as the main instruments in the formation of the political will for governance, led to pluralist democracy living on together with certain rules and principles that were typical of the former regime.

Notwithstanding the social and political reality in which the country found itself, a process of rapid and monumental transformations was afoot, as the populations and the emergent political forces embraced the values that characterize a Democratic State based on the rule of Law and which, by their content, were already shaping a *de facto* model that was not reflected in the text of the Constitution.

The present Constitutional Law is thus designed to equip the country with a normative framework, the value of which is based, not particularly on the harmony found in the printed text but on the new established model. The choice for a Constitution laying down the structuring principles of a pluralist democracy, leaving out the cyclical options of governance, will allow for the needed stability of a country with meager resources and for political alternation without disruptions.

Accepting fully, the principle of popular sovereignty, the present text of the Constitution enshrines a Democratic State based on the rule of Law, with a vast catalogue of citizens' rights, liberties and guarantees, a concept of human dignity as an absolute value which prevails over the State itself, a system of government based on the balance of powers amongst the various organs of sovereignty, a strong and independent judicial power, a local power whose office holders are elected by the communities and are accountable to them, a Public Administration devoted to serving the citizens and conceived as an instrument for development, and a system of safeguards for the protection of the Constitution, characteristic of a regime of pluralist democracy.

Thus, this Constitutional Law formally embodies the profound political changes brought about in the country and creates the institutional conditions for the exercise of power and citizenship, in a climate of liberty, peace and justice, which are the foundations of the whole economic, social and cultural development of Cabo Verde.

PART I
FUNDAMENTAL PRINCIPLES

TITLE I
ON THE REPUBLIC

Article 1
(Republic of Cabo Verde)

1. Cabo Verde shall be a sovereign, unitary and democratic Republic that shall guarantee respect for human dignity and shall recognize the inviolability and inalienability of human rights as the foundation of the entire human community, of peace and of justice.

2. The Republic of Cabo Verde shall recognize the equality of all citizens before the law, without distinction as to social origin or economic status, race, sex, religion, political or ideological convictions and social status and shall ensure the full exercise of fundamental freedoms by all citizens.

3. The Republic of Cabo Verde shall be based on popular will and shall have, as its fundamental purpose, the realization of economic, political, social and cultural democracy and the creation of a free, just and solidary society.

4. The Republic of Cabo Verde shall create gradually the conditions indispensable for the removal of all obstacles that may hinder the full development of the human person and limit the equality of its citizens, as well as their effective participation in the political, economic, social and cultural organization of the State and of the Cabo Verdean society.

Article 2

(Democratic State based on the Rule of Law)

1. The Republic of Cabo Verde shall be organized in a democratic State based on the rule of Law, the principles of popular sovereignty, pluralism of expression and democratic political organization and on the respect for fundamental rights and liberties.

2. The Republic of Cabo Verde shall, in the organization of political power, recognize and respect the unitary nature of the State, the republican form of the government, pluralist democracy, the separation and interdependence of powers, the separation of Church and State, the independence of the courts, the existence and the autonomy of local power and the democratic decentralization of Public Administration.

Article 3

(Sovereignty and constitutionality)

1. Sovereignty shall rest with the people who shall exercise it in accordance with the forms and under the terms foreseen in the Constitution.

2. The State shall be subordinate to the Constitution, shall be based on the democratic legality, and shall respect as well as enforce the laws.

3. The laws and other acts of the state, of the local government and of public entities in general shall only be valid if they are in conformity with the Constitution.

Article 4

(Exercise of political power)

1. Power shall be exercised by the people through referendum, suffrage and through other forms constitutionally provided for.

2. Holders of posts in organs of political power shall be appointed by suffrage. They may also be appointed by the representatives of the people or through any other constitutionally or legally established form.

Article 5

(Citizenship)

1. Cabo Verdean citizens shall be those recognized as such by law or by international convention.

2. The State may conclude treaties of dual nationality.

3. Cabo Verdean citizens may acquire the nationality of another country without losing their nationality of origin.

4. The law shall regulate the acquisition, the loss and the reacquisition of nationality as well as its registration and approval.

Article 6
(Territory)

1. The territory of the Republic of Cabo Verde shall consist of:
 - a) The islands of Santo Antão, São Vicente, Santa Luzia, São Nicolau, Sal, Boa Vista, Maio, Santiago, Fogo and Brava and the islets and rocks which historically have always been part of the archipelago of Cabo Verde;
 - b) The internal waters, the archipelagic waters and the territorial sea, as established by law, as well as their respective soil and subsoil;
 - c) The air space superjacent to the geographical areas referred to in the above subparagraphs;
2. In its contiguous zone, exclusive economic zone and continental shelf, as established by law, the Republic of Cabo Verde shall have sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, and shall have jurisdiction in accordance with its domestic law and the rules of international law.
3. No part of the national territory or of the sovereign rights that the State exercises over such territory shall be alienated by the State.

Article 7
(Tasks of the State)

The following shall be the fundamental tasks of the State:

- a) To defend the independence, guarantee the unity, preserve, hold in high esteem and promote the identity of the Cabo Verdean nation, thereby fostering the creation of the social, cultural, economic and political conditions necessary;
- b) To guarantee respect for Human Rights and to 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 based on the rule of Law;
- d) To guarantee political democracy and the democratic participation of all citizens in the organization of political power and in all other aspects of political and national social life;
- e) To promote the well-being and quality of life of the Cabo Verdean people, especially the neediest, and to remove, in a progressive fashion, economic, social, cultural and political obstacles that hinder true equality of opportunity among citizens, especially factors of discrimination against women in the family and in the society;
- f) To encourage social solidarity, the autonomous organization of civil society, individual merit, initiative and creativity;
- g) To support the Cabo Verdean community around the world and to promote in its midst the preservation and the development of Cabo Verdean culture;

- h) To foment and promote education, scientific and technological research, knowledge and application of new technologies, as well as the cultural development of Cabo Verdean society;
- i) To preserve, embrace and promote the Cabo Verdean mother language and culture;
- j) To create, progressively, the necessary conditions for the transformation and modernization of economic and social structures, so as to render expedient the economic, social and cultural rights of citizens;
- k) To protect the landscape, nature, the natural resources and environment, as well as the historic, cultural and artistic national heritage;
- l) To guarantee aliens who reside permanently or temporarily in Cabo Verde or who are in transit within the national territory, a treatment compatible with the international rules of Human Rights, and the exercise of rights that are not, constitutionally or legally, reserved to Cabo Verdean citizens.

Article 8 (National symbols)

1. The National Flag, National Anthem and National Coat of Arms shall be the symbols of the Republic of Cabo Verde and of national sovereignty.
2. The National Flag shall be made up of five overlapping rectangles laid out horizontally.
 - a) The upper and lower rectangles shall be blue; the upper rectangle shall have an area equivalent to half of that of the flag and the lower rectangle an area equivalent to one fourth of that of the flag.
 - b) The two blue rectangles shall be separated by three stripes, each one with an area equivalent to one twelfth of that of the flag.
 - c) The stripes adjacent to the blue rectangles shall be white, and the stripe between them shall be red.
 - d) On the five rectangles, ten yellow five-point stars, with the apex set at a ninety-degree angle, shall define a circle, whose center shall be located at the intersection of the median of the second vertical fourth from the left and that of the second horizontal fourth from the lower edge. The star nearest to this edge shall be set in an invisible circle, whose center shall be located above the median of the lower blue stripe.
3. The National Anthem shall be the “Song of Freedom” («Cântico da Liberdade»), whose lyric and melody should be found in the appendixes of this Constitution of which they are an integral part.
4. The Coat of Arms of the Republic of Cabo Verde shall reflect a radial composition that has, from the center to the periphery, the following elements:
 - a) A blue equilateral triangle, in which a white torch shall be depicted;

- b) A circle delimiting a space with the words “REPUBLIC OF CABO VERDE” («REPÚBLICA DE CABO VERDE») inscribed from the angle on the left to the angle on the right of the triangle;
- c) Three blue-colored line segments parallel to the base of the triangle bordered by the first circle;
- d) A second circle;
- e) A yellow plumbob, aligned with the vertex of the equilateral triangle on the upper part of the two circles;
- f) Three yellow chain links placed at the base of the composition, followed by two green palms and ten yellow five-point stars placed symmetrically in two groups of five.

Article 9 (Official languages)

- 1. The official language shall be Portuguese.
- 2. The State shall promote conditions for making the Cabo Verdean mother language official, on par with the Portuguese language.
- 3. It shall be the duty of all national citizens to know the official languages, and shall have the right to use them.

Article 10 (Capital of the Republic)

- 1. The Capital of the Republic of Cabo Verde shall be the city of Praia, on the Island of Santiago.
- 2. The Capital of the Republic shall enjoy special administrative status, under the terms of the law.

TITLE II INTERNATIONAL RELATIONS AND INTERNATIONAL LAW

Article 11 (International relations)

- 1. The State of Cabo Verde shall be guided in international relations by the principles of national independence, of respect for international law and for human rights, of equality among States, of the non-intervention in the internal affairs of other States, of reciprocity of advantages, of cooperation with all other peoples and of peaceful coexistence.
- 2. The State of Cabo Verde shall defend the rights of peoples to self-determination and independence, shall support the struggle of peoples against any form of domination or political

or military oppression, and shall participate in the international fight against terrorism and transnational organized crime.

3. The State of Cabo Verde shall advocate the abolition of all forms of domination, oppression and aggression, the disarmament and peaceful resolution of conflicts, as well as the creation of an international order that is just and capable of securing peace and friendship among peoples.

4. The State of Cabo Verde shall refuse the installation of foreign military bases on its territory.

5. The State of Cabo Verde shall render to international organizations, namely the United Nations and the African Union, the collaboration necessary for the peaceful resolution of conflicts and for securing international peace and justice, as well as respect for human rights to fundamental freedoms and shall support all efforts of the international community aimed at guaranteeing respect for the principles enshrined in the United Nations Charter.

6. The State of Cabo Verde shall maintain special ties of friendship and cooperation with countries where Portuguese is an official language and with countries that welcome Cabo Verdean émigrés.

7. The State of Cabo Verde shall engage in the reinforcement of the African identity, unity and integration and in the buttressing of cooperative actions with respect to development, democracy, progress and the well-being of peoples, to respect for human rights, to peace and justice.

8. In view of the realization of an international justice that promotes respect for the rights of the human person and of the peoples, the State of Cabo Verde may accept the jurisdiction of the International Criminal Court, on the conditions of complementarity and other terms established in the Statute of Rome.

Article 12

(Reception of treaties and agreements in the domestic legal order)

1. General or common international law shall be an integral part of the Cabo Verdean legal order.

2. International treaties and agreements, validly approved or ratified, shall enter into force in the

Cabo Verdean legal order subsequent to their official publication and entry into force in the international legal order as long as they remain internationally binding on the State of Cabo Verde.

3. Legal acts emanating from the competent organs of supranational organizations of which Cabo Verde is a member, shall enter directly into force in the domestic legal order, provided that such entry into force is established in the respective constitutive conventions.

4. The rules and principles of general or common as well as of conventional international law validly approved or ratified shall prevail, after their entry into force in the international and

domestic legal orders, over all legislative and domestic regulatory acts of infra-constitutional force.

Article 13

(Accession to, and untying from, international treaties or agreements)

1. The accession of Cabo Verde to any international treaty or agreement must have the prior approval of the organ constitutionally authorized for that purpose.

2. The termination of international treaties or agreements by agreement, denunciation or withdrawal, renunciation or any other internationally accepted occasion, with the exception of expiration, shall follow the procedure foreseen for its approval.

Article 14

(Agreements in simplified form)

Agreements in simplified form that do not need ratification shall be approved by the Government but shall only deal with matters that fall under the administrative jurisdiction of this organ.

PART II

FUNDAMENTAL RIGHTS AND DUTIES

TITLE I

GENERAL PRINCIPLES

Article 15

(Recognition of the inviolability of rights, liberties and guarantees)

1. The State shall recognize as inviolable the rights and liberties enshrined in the Constitution and shall guarantee their protection.

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

Article 16

(Responsibility of public entities)

1. The State and other public entities shall be civilly liable for acts or omissions performed by their agents in the exercise of their public functions or as a result of the latter,

and that, by any means, violate rights, liberties and guarantees to the detriment of the holder or third parties of such.

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

Article 17

(Ambit and meaning of rights, liberties and guarantees)

1. Laws or international conventions may enshrine rights, liberties and guarantees not foreseen in the Constitution.

2. The ambit and the essential content of constitutional rules with respect to rights, liberties and guarantees may not be restrained by way of interpretation.

3. Constitutional and legal rules with respect to fundamental rights must be interpreted and integrated in conformance with the Universal Declaration of Human Rights.

4. The law may restrict rights, liberties and guarantees only in cases expressly foreseen in the Constitution.

5. Restrictive laws of rights, liberties and guarantees shall necessarily be of a general and abstract nature, shall not have retroactive effect, may not diminish the ambit and the essential content of constitutional rules and must be strictly limited to the safeguard of other constitutionally protected rights.

Article 18

(Legal force)

Constitutional rules with respect to rights, liberties and guarantees shall be binding on all public and private entities and shall be directly applicable.

Article 19

(Right of resistance)

The right not to obey any order that offends their rights, liberties and guarantees and to resist by force any illegal aggression, shall be recognized for all citizens, where it is not possible to have recourse to public authority.

Article 20

(Protection of rights, liberties and guarantees)

1. Everyone shall have the right to request from the Constitutional Court, by a writ of *amparo*, the protection of his or her constitutionally recognized fundamental rights, liberties and guarantees, under the terms of the law and in accordance with the provisions contemplated in the following subparagraphs:

- a) A writ of *amparo* may only be filed against acts or omissions of public authorities, that are injurious to the fundamental rights, liberties and guarantees, once all other means of ordinary appeal have been exhausted;
 - b) A writ of *amparo* may be requested through a simple petition; it would be of an urgent nature, and its procedure must be based on the principle of summary treatment.
2. All citizens shall have the right to demand, under the terms of the law, compensation for damages caused by the violation of their rights, liberties and guarantees.

Article 21 (Ombudsman)

- 1. Everyone may file complaints, for acts or omissions by public authorities, with the Ombudsman who shall receive and investigate them with no powers of decision, submitting to the competent organs any necessary recommendations for preventing and resolving illegalities or injustices.
- 2. The activity of the Ombudsman shall be independent of the contentious and gracious means foreseen in the Constitution and in the laws.
- 3. The Ombudsman shall be an independent organ elected by the National Assembly, for the term that the law determines.
- 4. The Ombudsman shall have the right to the cooperation of all citizens and of all organs and agents of the State and other private or public legal persons, as well as the right to broadcast his recommendations publicly through the media.
- 5. The law shall regulate the powers of the Ombudsman and the organization of his service.

Article 22 (Access to justice)

- 1. Everyone shall be guaranteed the right of access to justice and to receive, within a reasonable timeframe and through a fair trial, safeguard of his or her legally protected rights or interests.
- 2. Everyone shall be granted, personally or through associations of defense of the interests involved, the right to promote the prevention, termination or judicial prosecution of offenses against health, the environment, quality of life and cultural heritage.
- 3. Everyone shall have the right of defense, as well as to legal information, to legal representation and to be accompanied by an attorney before any authority, under the terms of the law.
- 4. Justice may not be denied because of an insufficiency of economic means or undue delay of a ruling.
- 5. The law shall define and ensure adequate protection of judicial secrecy.

6. To defend the individual rights, freedoms and guarantees, the law provides for swift and priority legal proceedings that ensure the effective and timely safeguard against any threats or violations of said rights, freedoms and guarantees.

Article 23

(Universality principle)

1. All citizens shall enjoy their rights, liberties and guarantees and shall be subject to the duties established in the Constitution.

2. Cabo Verdean citizens who reside or find themselves in a foreign country shall enjoy the rights, liberties and guarantees and shall be subject to the constitutionally enshrined duties that are not incompatible with the absence of such citizens from the national territory.

3. The law may impose restrictions on the exercise of political rights and on access to certain public functions or positions on the part of Cabo Verdean citizens who are not citizens by origin.

Article 24

(Principle of equality)

All citizens shall have equal social dignity and shall be equal before the law. No one may be privileged, favored or disadvantaged, deprived of any right or exempted from any duty by reason of race, sex, ascendancy, language, origin, religion, social and economic conditions or political or ideological convictions.

Article 25

(Aliens and stateless persons)

1. Except for political rights and for rights and duties constitutionally or legally reserved to national citizens, aliens and stateless persons who reside or find themselves in the national territory shall enjoy the same rights, liberties and guarantees and shall be subject to the same duties as those of Cabo Verdean citizens.

2. Aliens and stateless persons may exercise public functions of a predominantly technical nature, under the terms of the law.

3. Except for access to the holding of office in sovereign organs, for service in the Armed Forces and for diplomatic careers, rights that are not conferred on aliens and stateless persons may be allocated to citizens of countries where Portuguese is an official language.

4. Active and passive electoral capacity for the election of holders of posts in organs of local administrations may be granted, by law, to aliens and stateless persons residing in the national territory.

Article 26

(Regime of rights, liberties and guarantees)

The principles set out under this title shall be applicable to the individual rights, liberties and guarantees, as well as to the fundamental rights of a similar nature, set forth in the Constitution or established by law or international convention.

Article 27

(Suspension of rights, liberties and guarantees)

The rights, liberties and guarantees may only be suspended in case of the declaration of a state of siege or a state of emergency, in the terms foreseen in the Constitution.

TITLE II

RIGHTS, LIBERTIES AND GUARANTEES

CHAPTER I

ON INDIVIDUAL RIGHTS, LIBERTIES AND GUARANTEES

Article 28

(Right to life and to physical and moral integrity)

1. Human life and the physical and moral integrity of the human person shall be inviolable.
2. No one may be subjected to torture, punishments or treatments that are cruel, degrading or inhumane, and under no circumstance whatsoever shall there be a death penalty.

Article 29

(Right to freedom)

1. The right to freedom shall be inviolable.
2. Personal freedoms, of thought, of expression, and of information, of association, of religion, of worship, of intellectual, artistic and cultural creation, of demonstration and the remaining freedoms enshrined in the Constitution, in general or conventional international law, received in the domestic legal order, and in the laws, shall be guaranteed.

3. No one may be forced to declare his or her ideology, religion or cult, political or trade union affiliation.

Article 30

(Right to freedom and personal security)

1. Everyone shall have the right to freedom and personal security.
2. No one may be deprived, in whole or in part, of his or her freedom, not as a result of condemnatory judgment for committing acts legally punishable by imprisonment or by judicial imposition of security measures foreseen in the law.
3. From the principle established in the preceding paragraph, the deprivation of freedom shall stand excepted, for the time period, and on the conditions, determined in the law, in one of the following cases:
 - a) Detention *in flagrante delicto*;
 - b) Detention or preventive custody based on strong evidence of the commission of a felony punishable by imprisonment, the maximum limit of which may be more than three years, where other procedural precautionary measures are deemed insufficient or inadequate;
 - c) Detention for non-compliance with the conditions imposed on the defendant on bail;
 - d) Detention to ensure compliance with court order or to ensure appearance before the judicial authority competent for performing or fulfilling a judicial act or decision;
 - e) Subjection of a minor to socio-educational supervisory measures decreed by judicial decision;
 - f) Arrest, detention or other restraining measure subject to judicial supervision, of a person who has entered or remained illegally in the national territory or against whom extradition or expulsion proceedings is underway;
 - g) Disciplinary arrest of military personnel, with guarantee of appeal to the competent court, under the terms of the law, subsequent to exhausting all hierarchical processes;
 - h) Detention of suspects, for the purposes of identification, for a minimum amount of time and cases deemed strictly necessary, determined in the law;
 - i) Confinement of a sufferer of a mental disorder to an appropriate institution, where because of his or her behavior he or she is considered dangerous and was declared or confirmed as such by competent judicial authority.
4. Any detained or arrested person must be informed immediately, in an unequivocal and understandable manner, of the reasons for his or her detention or arrest and of his or her constitutional and legal rights, and shall be authorized to contact an attorney, directly or through his or her own family or a person whom he or she trusts.
5. The detained or arrested person shall have the right to identification of those in charge of his or her detention or arrest and his or her interrogation.

6. The detention or arrest of any person and his or her precise location shall be communicated immediately to the family of the detained or arrested person or to the person indicated by the latter, with a brief description of the reasons which led to his or her detention or arrest.

Article 31
(Preventive custody)

1. Any detained person must be presented, within a maximum of forty-eight hours, to a competent judge, who shall be required to:

- a) Explain to him or her clearly the facts that motivated his or her detention or arrest;
- b) Inform him or her in a clear and understandable manner of his or her rights and duties while he or she is detained or arrested;
- c) Interrogate and listen to him or her, with respect to the alleged facts, in order to justify his or her detention or arrest, in the presence of the defense counsel freely chosen by him or her for the opportunity to defend himself or herself;
- d) Make a reasoned decision, validating or invalidating the detention or the arrest.

2. Detention or preventive custody shall not be maintained whenever its substitution for a more favorable procedural precautionary measure established in the law is shown to be ~~appears~~ appropriate or sufficient, ~~for~~ the purposes of the law.

3. Judicial decision ordering or maintaining preventive custody, as well as the location where this custody will be carried out, must be communicated immediately to a family member of the detained or arrested person or to a person trusted and indicated by the latter.

4. Preventive custody shall be subject to the time limits established in the law, and may not, under any circumstance, exceed thirty-six months, counted from the date of the detention or arrest, in the terms of the law.

Article 32
(Application of criminal law)

1. Criminal liability shall be non-transferable.

2. The retroactive application of criminal law shall be prohibited, except where the content of subsequent law is more favorable to the defendant.

3. The application of security measures, whose constituent elements are not established in an earlier law shall be prohibited.

4. No penalties or security measures may be applied unless they are expressly contemplated in an earlier law.

5. No one may be tried more than once for the commission of the same crime nor be punished by a penalty not expressly foreseen in the law or with penalty more severe than that established in the law at the time of the occurrence of the delinquent conduct.

6. Security measures with deprivation of liberty, based on grave mental disorder that could result in endangerment, may be extended successively, by judicial decision, for the duration of the mental disorder and provided that the adoption of other measures that are not restrictive of liberty is not medically possible or advisable.

7. The provision of paragraph 2 shall not impede punishment, within the limits of domestic law, for an act or omission that, at the time of its occurrence, may be considered criminal, according to the principles and rules of general or common international law.

Article 33

(Prohibition of indefinite or life imprisonment)

Under no circumstance shall there be penalty by deprivation of liberty or security measure of a permanent nature or of an unlimited or indefinite duration.

Article 34

(Effects of penalties and security measures)

No penalty or security measure shall deprive persons of any of their civil, political or professional rights, nor shall any penalty deprive a convicted person of his or her fundamental rights, except insofar as the restrictions are inherent to the conviction and are specifically necessary for the execution of the sentence.

Article 35

(Principles of criminal procedures)

1. Every indicted person shall be presumed innocent until he or she is proven guilty and must be tried in the shortest time compatible with defense guarantees.

2. A detained person or a person who has been charged may not be compelled to give statements about the facts alleged against him or her.

3. An indicted person shall have the right to choose freely his or her defense counsel to assist him or her in all procedural steps.

4. The defense counsel must be an attorney, in the absence of whom, the defendant may be assisted by any other person of his or her free choice, except in cases in which, by law, legal representation must be exercised by an attorney.

5. Indicted persons who, for economic reasons, are unable to retain an attorney, shall be guaranteed adequate legal aid through appropriate institutions.

6. Criminal trial shall be basically adversarial in structure, with the investigative measures that the law determines, the allegation, the court hearing and the appeal subject to the adversarial principle.

7. The right to a hearing and to defense in a criminal trial or in any sanction proceeding, including the right of access to prosecution evidence, guarantees against procedural acts or omissions that affect his or her rights, liberties and guarantees, as well as the right of appeal, shall be inviolable and shall be guaranteed for every indicted person.

8. All evidence obtained through torture, coercion, violation of the physical or moral integrity, abusive interference with correspondence, telecommunications, domicile or with private life or through other illicit means, shall be null and void.

9. Hearings in a criminal trial shall be public, unless the preservation of personal, family or social intimacy determines the exclusion or restriction of publicity.

10. No case may be withheld from a court whose jurisdiction is established in an earlier law.

Article 36 (*Habeas Corpus*)

1. Any person detained or arrested illegally may petition the competent court for a writ of *habeas corpus*.

2. Any citizen enjoying his or her political rights may petition for a writ of *habeas corpus* on behalf of a person illegally detained or arrested.

3. The court must make a decision on the petition for a writ of *habeas corpus* within a maximum of five days.

4. The law shall regulate the *habeas corpus* procedure, granting it expedience and overriding priority.

Article 37 (**Expulsion**)

1. No Cabo Verdean citizen may be expelled from the country.

2. An alien person or stateless person who has been authorized to reside in the country or who has applied for asylum, may only be expelled by judicial decision, under the terms of the law.

Article 38 (**Extradition**)

1. Under no circumstance shall extradition be granted when requested:

- a) for political, ethnic or religious reasons or by offense of opinion;
- b) for crime punishable by death in the petitioning State;
- c) provided that there is substantial reason to believe that the person to be extradited could be subjected to torture, inhumane, degrading or cruel treatment;

2. Extradition of Cabo Verdean citizens shall also not be allowed for crimes that are, according to the law of the petitioning State, punishable by penalty or security measure deprived or restrictive of liberty of a perpetual nature or of an indefinite duration, except when the same State also offers guarantees that such penalty or security measure will not be executed.

3. Extradition of Cabo Verdean citizens shall also not be allowed from the national territory, except where the following circumstances are identified cumulatively:

- a) The petitioning State grants extradition of its nationals to the State of Cabo Verde and provides guarantees of a just and equitable trial.
- b) In cases of terrorism and of organized international crime;
- c) The person to be extradited has acquired or re-acquired Cabo Verdean nationality subsequent to commission of the fact typified as a crime under criminal law, that has given cause to the petition for extradition.

4. In the event that extradition is denied, the person to be extradited shall appear before the Cabo Verdean courts for the crimes committed abroad, and the act carried out in the proceeding held may be validated, as though they were carried out by or before Cabo Verdean authorities, provided that defense guarantees similar to those provided for in the Cabo Verdean legal order have been established.

5. The provisions in this article shall not impede the exercise of the jurisdiction of the International Criminal Court, on conditions of complementarity and other terms established under the Statute of Rome.

6. Extradition may only be ordered by judicial decision, under the terms of the law.

Article 39

(The right of asylum)

1. Aliens or stateless persons persecuted for political reasons or seriously threatened with persecution on account of their activity in favor of national liberation, democracy or of respect for human rights, shall have the right of asylum within the national territory.

2. The law shall define the status of a political refugee.

Article 40

(The right to nationality)

No one who is Cabo Verdean by origin may be deprived of nationality or of the prerogatives of citizenship.

Article 41

(The right to identity, to personality, to a good name, to an image and to privacy)

1. Everyone shall be guaranteed the rights to personal identity, to the development of his or her personality and to civil capacity, which may only be limited by judicial decision and in cases and under terms established in the law.

2. Every citizen shall have the right to a good name, to honor and reputation, to an image and privacy in his or her personal and family life.

Article 42

(Right to choose a profession and of access to Civil Service)

1. Every citizen shall have the right to choose freely his or her occupation, work or profession or to pursue his or her professional training, except in cases of legal restrictions imposed by public interest or that may be inherent to his or her own ability or professional qualifications.

2. Every citizen shall have the right of access to civil service on conditions of equality, under the established terms of the law.

3. No one shall be obligated to undertake a certain job, except in compliance with a general public service that is equal for all or by virtue of a judicial decision, under the terms of the law.

Article 43

(Inviolability of domicile)

1. The home shall be inviolable.

2. No one shall enter the home of any person or undertake therein search or seizure against his or her will, except with a court order issued under the terms of the law or *in* case of *flagrante delicto*, of disaster or to render assistance.

3. The law shall typify the cases in relation to which the competent judicial authority shall order the entry, search and seizure of goods, documents or other items in the home.

4. Entry into the home of a person during the night shall not be permitted, except:

- a) With his or her consent;
- b) To render assistance or in cases of disaster or other reasons that constitute a state of necessity under the terms of the law;
- c) *In flagrante delicto*, or with a court order that expressly authorizes such, in cases of especially violent or organized crime, such as terrorism, and the trafficking of human beings, arms and narcotics.

5. The court order that calls for nighttime searching of homes should specify with clarity the facts and circumstances that especially motivate them.

6. Nighttime searching of homes pursuant to subparagraph c) of paragraph 4 must be presided over by a magistrate of the Public Prosecutor's Office, unless the code of criminal procedure orders the attendance of a judicial magistrate.

Article 44

(Inviolability of correspondence and telecommunications)

The secrecy of correspondence and of telecommunications shall be guaranteed, except in cases in which, by judicial decision rendered under the terms of the law of

criminal proceedings, interference, by public authorities, with correspondence and telecommunications is allowed.

Article 45

(Use of computer resources and protection of personal data)

1. All citizens shall have the right of access to computerized data relating to them, and may demand the correcting and updating thereof. They shall also have the right to know the purposes for which the data will be used, under the terms of the law.

2. The use of computerized media shall be prohibited for the logging and processing of individually identifiable data related to political, philosophical or ideological convictions, to religious faith, to party or trade union affiliation or to private life except:

- a) With the express consent of the person whom the data concern;
- b) With prior authorization foreseen by law and guarantees of non-discrimination;
- c) When the purpose of the statistical data processing is not individually identifiable.

3. The law shall regulate the protection of personal data in computer registers, the conditions of access to data banks, of the format and of use by public authorities and private entities of such banks or of computer supports of same.

4. Access to data bases or computerized archives, files and records for obtaining personal data related to third parties, as well as the transfer of personal data from one computerized file to another pertaining to different services or institutions, shall be prohibited except in cases established by law or by judicial decision.

5. Under no circumstance shall a unique number be assigned to citizens.

6. Everyone shall be guaranteed access to computer networks of public use, defining the law or regime applicable to the flow of trans-border data and the forms of protection of personal data and of others whose safeguard is justified by reasons of national interest, as well as the regime of limitation of access, for defending the juridical values safeguarded by the provisions of paragraph 4 of Article 48.

7. Personal data held in manual filing systems shall have exactly the same protection foreseen in the previous paragraphs, under the terms of the law.

Article 46

(Habeas data)

1. *Habeas data* shall be granted to every citizen in order to ensure his or her knowledge of information stored in files, file folders or a computerized register concerning him or her, and also that he or she may be informed of its purpose and may demand the correcting or updating of the data.

2. The law shall regulate the procedure of *habeas data*.

Article 47

(Marriage and parenting)

1. Everyone shall have the right to enter into matrimony, in civil or religious form.
2. The law shall regulate the requirements, the civil effects of marriage and its dissolution, irrespective of the form of its celebration.
3. Spouses shall have equal civil and political rights and duties.
4. Children shall only be separated from their parents through judicial decision and strictly in cases foreseen in the law, should the parents not comply with their fundamental duties towards them.
5. The discrimination against children born out of wedlock or the use of any discriminatory designation with respect to parenting shall not be allowed.
6. Adoption shall be allowed, with the law regulating its forms and conditions.

Article 48

(Freedoms of expression and of information)

1. Everyone shall have the freedom to express and to disseminate his or her ideas in word, image or by any other means, and no one may be subjected to discomfort, on account of his or her political, philosophical, religious or other opinions.
2. Everyone shall have the freedom to inform and to be informed, procuring receiving and disseminating information and ideas in any form, without limitations, discrimination or impediments.
3. Limitations in the exercise of these freedoms, of any kind or form of censorship, shall be prohibited.
4. The freedoms of expression and of information shall have as limits the right to honor and to consideration for people, the right to a good name, to image and to privacy of personal and family life.
5. Freedom of expression and of information shall also be limited:
 - a) By the duty of protection of children and youth;
 - b) By the prohibition of advocacy of violence, pedophilia, racism, xenophobia and of any form of discrimination, particularly against women;
 - c) By the banning of the dissemination of appeals for the practice of the acts referred to in the previous subparagraph.
6. Offences committed in the exercise of freedom of expression and of information shall entail civil, disciplinary and criminal responsibility of the violator, under the terms of the law.
7. All natural or legal persons, on conditions of equality and efficacy, shall have the right of reply and of correction, as well as the right of compensation for damages suffered, as a result of offences committed in the exercise of freedom of expression and information.

Article 49

(Freedom of conscience, of religion and of worship)

1. The freedom of conscience, of religion and of worship shall be inviolable, and everyone shall have the right, individually and collectively, to profess or not to profess a religion, to have a religious conviction of his or her own choosing, to participate in the acts of worship and to express freely his or her faith and to disseminate his or her doctrine or conviction, provided that he or she does not violate the rights of others and the common good.

2. No one may be discriminated against, persecuted, disadvantaged, deprived of rights, favored or be exempted from his or her duties on account of his or her religious faith, convictions or practice.

3. Churches and other religious communities shall be separate from the State and shall be independent and free in their organization and in the exercise of their own activities, and shall be considered partners in the promotion of the social and spiritual development of the Cabo Verdean people.

4. Freedom of religious teaching shall be guaranteed.

5. Freedom of religious assistance in hospital, aid and prison institutions, as well as in the armed forces shall be guaranteed, under the terms of the law.

6. Churches shall have the right to use mass media for the realization of their activities and goals, under the terms of the law.

7. The protection of places of worship, as well as religious symbols, insignias and rites shall be guaranteed and imitation or ridicule thereof shall be prohibited.

8. The right to conscientious objection shall be guaranteed, under the terms of the law.

Article 50

(Freedom to learn, educate and teach)

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

2. The freedom to learn, to educate and to teach encompasses:

- a) The right to attend teaching and education institutions and to teach there without any discrimination, under the terms of the law;
- b) The right to choose a field of education and training;
- c) The prohibition of the State to plan education and teaching in accordance with any philosophical, esthetic, political, ideological or religious guidelines;
- d) The prohibition of confessional state schools;
- e) The recognition of the right of communities and organizations of civil society, other private entities and citizens, of the freedom to set up schools and educational institutions and to establish other private forms of teaching or education, at all levels, under the terms of the law.

Article 51

(Freedom of movement and of emigration)

1. Every citizen shall have the right to leave and enter freely, even to emigrate from the national territory.
2. Restrictions may only be imposed, by a judicial decision and always temporarily, on the rights set out above.

Article 52

(Freedom of association)

1. The creation of associations shall be free and shall not require any administrative authorization.
2. Associations shall be free to pursue their goals and without interference from authorities.
3. The dissolution of associations or the suspension of their activities may only be determined by judicial decision, under the terms of the law.
4. Armed associations or associations of a military or para-military type as well as those that aim at promoting violence, racism, xenophobia or dictatorship or at pursuing goals contrary to criminal law, shall be prohibited.
5. No one may be forced to associate himself or herself or to remain a member of an association.

Article 53

(Freedom of assembly and of demonstration)

1. Citizens shall have the right to assemble, peacefully and without arms, even in places open to the public without the need for authorization.
2. The right to demonstrate shall be recognized for all citizens.
3. Assembly, when it is to occur in places open to the public, and demonstration must be communicated to the appropriate authorities in advance, under the terms of the law.

Article 54

(Freedom of intellectual, artistic and cultural creation)

1. The intellectual, cultural and scientific creation, as well as the dissemination of literary, artistic and scientific works shall be free.
2. The law shall guarantee the protection of copyrights.

CHAPTER II
**RIGHTS, FREEDOMS AND GUARANTEES OF POLITICAL
PARTICIPATION AND OF EXERCISE OF CITIZENSHIP**

Article 55
(Participation in public life)

1. All citizens shall have the right to participate in political life, directly and through freely-elected representatives.
2. Citizens of the age of majority shall be voters, under the terms of the law.
3. The right to vote may not be limited unless by virtue of incapacities established in the law.
4. The State shall encourage balanced participation of citizens of both sexes in political life.

Article 56
(Participation in the conduct of public affairs)

1. All citizens shall have the right of access, on conditions of equality and liberty, to public functions and elected offices, in accordance with the law.
2. No one shall be disadvantaged in his or her job placement, career, employment or public or private activity, in social benefits to which he or she is entitled, on account of holding public offices or exercising his or her political rights.
3. In governing the right to stand for elected office, the law may only determine the ineligibility criteria required to guarantee electors freedom of choice and ensure impartiality and independence in the exercise of their offices.

Article 57
(Participation in the organization of political power – political parties)

1. All citizens shall have the right to form political parties and to participate in them, competing democratically for the formation of the will of the people and the organization of political power, under the terms of the Constitution and of the law.
2. The formation of political parties, as well as the merging and coalition thereof, shall be free, not requiring authorization, under the terms of the Constitution and of the law.
3. Political parties may not use names that, directly or indirectly, identify with any part of the national territory or any church, religion or religious confession or that could evoke the name of a person or of an institution.
4. Political parties may also not use emblems, symbols and abbreviations that may be the same as, or confused with, national or municipal symbols.
5. It shall be prohibited to form parties that:

- a) Have a regional or local scope or are in pursuit of programmatic goals of the same scope;
- b) Intend to use subversive or violent means to achieve their purposes;
- c) Have armed force or a paramilitary nature.

6. Political parties must respect the independence, national unity, territorial integrity of the country, democratic regime, multi-partisanship, rights, freedoms and fundamental guarantees of the human person.

7. Political parties shall be governed by the principles of democratic organization and expression, and with the approval of the respective programs and statutes and the periodic election of holders of posts in national organs of management, shall be held directly by their members or by an assembly representative among them.

8. Political parties may only be dismantled under force by judicial decision based on serious violation of the provisions of the Constitution or of the law.

9. The law shall regulate the formation, organization, merging, coalition and the dismantling of political parties and shall define, *inter alia*, the regime its funding and accountability, as well as the benefits and facilities to be granted to them by the State and other public authorities.

Article 58

(Right of political broadcasting, of reply and of rebuttal)

1. Political parties shall be entitled to broadcasting time in the public radio and television service, according to their representativeness and according to objective criteria defined by law.

2. Political parties represented in the National Assembly and that are not a part of the Government shall have, under the terms of the law, the same right of reply or of political rebuttal to political statements of the Government, of duration and focus, for the group of parties, as is the case for the times allotted for Government broadcasting and statements.

3. The right to broadcasting time may also be granted, by law, to legally recognized social partners and religious faiths.

4. During elections, competitors shall have, under the terms of the law, the right to regular and equitable broadcasting times on all radio and television stations, whatever their scope or ownership may be.

5. The law shall regulate the rights of political broadcasting, reply and rebuttal to statements established in this article.

Article 59

(Right of petition and of popular action)

1. Every citizen, individually or collectively, shall have the right to present, in writing, to the sovereign bodies or to the local government and to any authorities, petitions, complaints, claims or representations for defending his or her rights, the Constitution, the

laws or general interest as well as the right to be informed, within a reasonable timeframe, about the results of the assessment thereof.

2. Petitions presented to the National Assembly shall be submitted to the Plenary on the conditions foreseen in the law.

3. Under the terms of the law, the right of popular action, especially in defense of the fulfilling of the statute of the holders of public offices and in defense of the heritage of the State and of other public entities, shall be guaranteed.

Article 60 (Freedom of the press)

1. Freedom of the press shall be guaranteed.

2. The provisions of Article 48 shall be applicable to freedom of the press.

3. Freedom and independence of the mass media shall be guaranteed relatively to the political and economic power and to its lack of subjection to censorship of any kind.

4. In the media, the public sector shall be guaranteed the expression and the confrontation of ideas from different currents of opinion.

5. The State shall guarantee the impartiality of the public sector media as well as the independence of its journalists from the Government, Administration and other public powers.

6. The creation or founding of newspapers and other publications shall not require administrative authorization nor may they be subject to prior provision of security or any other guarantee.

7. The creation or founding of broadcasting or television stations shall depend upon the granting of a license through public competition, under the terms of the law.

8. Journalists shall be guaranteed, under the terms of the law, access to information sources and shall also be guaranteed the protection of independence and professional confidentiality. No journalist may be compelled to reveal his or her sources of information.

9. The State shall guarantee the existence and operation of a radio and television broadcasting public service.

10. The disclosure of the ownership and of the financial means of organs of mass media shall be mandatory, under the terms of the law.

11. The seizure of newspapers or other publications shall only be permitted in cases of breach of press law or where those responsible for the publication are not indicated in them.

12. It shall be the responsibility of an independent administrative authority to guarantee regulation of the media and specifically to ensure:

- a) The right to information and freedom of the press;
- b) The independence of the media in the face of political power and economic power;

- c) Pluralism of expression and confrontation of currents of opinion;
- d) Respect for the rights, freedoms and guarantees;
- e) The statutes of journalists;
- f) The exercise of the rights of broadcast, of political response and of political rebuttal.

13. The members of the independent administrative authority shall be elected by the National Assembly.

14. The law shall regulate the organization, composition, powers and operation of mass media independent administrative authority.

CHAPTER III **RIGHTS, LIBERTIES AND GUARANTEES OF WORKERS**

Article 61 **(Right to work)**

1. All citizens shall have the right to work, and the public authorities shall be responsible for creating the conditions necessary for the effective realization of such right.
2. The duty to work shall be inseparable from the right to work.

Article 62 **(Right to pay)**

1. Workers shall have the right to fair pay proportionate to the quantity, nature and quality of work performed.
2. Men and women shall receive equal pay for equal work.
3. The State shall create conditions for the establishment of a national minimum wage.

Article 63 **(Other rights)**

1. Workers shall also have the right to:
 - a) Conditions of dignity, hygiene, health and safety at work;
 - b) A maximum limit to the working day;
 - c) Weekly rest;
 - d) Social security;
 - e) Rest and leisure
2. Dismissal for political or ideological motives shall be prohibited, null and void.

3. Dismissal without just cause shall be illegal, constituting the employment establishment being liable for fair compensation to the dismissed worker, under the terms of the law.

4. The law shall make provisions for special protection with respect to the work of minors, of the disabled and of women during and after their pregnancy.

5. The law shall guarantee to women working conditions that will allow them the exercise of their maternal and family function.

Article 64

(Freedom of professional and trade union association)

1. The freedom to establish trade union or professional associations shall be recognized for all workers for the protection of their interests and collective or individual rights.

2. The establishment of trade union or of professional associations shall not require administrative authorization.

3. Full organizational, functional and domestic regulatory autonomy shall be guaranteed to trade union associations and to professional associations.

4. Trade union associations and professional associations must be governed by the principles of democratic organization and management, based on the active participation of their members in all their activities and based on the periodic election of their bodies by secret.

5. Trade union associations and professional associations shall be independent of an employer, of the State, political parties, the Church or religious faiths.

6. The law shall regulate the establishment, union, federation and the dismantling of trade union associations and of professional associations and shall guarantee their independence and autonomy relatively to the State, employer, political parties and associations, the Church and religious faiths.

7. The law shall assure worker-elected representatives of adequate protection against any limitations to the exercise of their functions and against persecution or threats at their place of work.

Article 65

(Freedom of registration with trade unions)

No one shall be obligated to register with a trade union or professional association, nor to remain as a member of a union or of a professional association, nor pay contribution fees to a trade union or professional association with which he or she is not registered.

Article 66

(Rights of trade unions and professional associations)

1. In defense of the rights and interests of workers, trade unions shall have the right, under the terms of the law, to participate:

- a) In the bodies set up for social consultation;
- b) In the definition of the policy of social security institutions and of other institutions that aim to protect and defend the interests of workers;
- c) In the drafting of labor legislation.

2. Trade unions shall be responsible for concluding collective bargaining agreements, under the terms of the law.

Article 67

(The right to stage a strike and prohibition of lock-out)

1. The right to stage a strike shall be guaranteed. It shall depend on the workers to decide on the opportunity to exercise this right and on the interests that they purport to protect thereby.

2. The law shall regulate the exercise of the right to stage a strike and, during the strike, shall define the conditions of the rendering of services necessary for safety and the maintenance of equipment and installations, as well as of minimum services deemed indispensable for meeting the vital social needs satisfactorily.

3. Lock-out shall be prohibited.

TITLE III

**ECONOMIC, SOCIAL AND CULTURAL
RIGHTS AND DUTIES**

Article 68

(Private initiative)

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

Article 69

(Right to private property)

1. The right to have private property and its transfer in life or as a result of death, shall be guaranteed to everyone, under the terms of the Constitution and the law.

2. The right to inheritance shall be guaranteed.

3. Requisitioning or expropriation for public utility may only take place in accordance with the law and strictly through payment of fair compensation.

Article 70

(Right to social security)

1. Everyone shall have the right to social security for his or her protection in unemployment, illness, disability, old age, orphanhood, widow(er)hood and in all situations of lack or decrease in his or her means of subsistence or in his or her capacity to work.

2. The State shall ensure specifically the creation of conditions for universal access of citizens to social security:

- a) To guarantee the existence and the efficient working of a national social security system, with the participation of the contributors and of representative associations of the beneficiaries;
- b) To support, encourage, regulate and supervise private social security systems.

3. The State shall encourage, regulate and supervise, under the terms of the law, the activity of private social solidarity institutions and of others of recognized public interest, with a view to pursuing the objectives of social solidarity provided for in the Constitution.

Article 71

(Right to health)

1. Everyone shall have the right to health and the duty to defend and promote it, irrespective of his or her economic condition.

2. The right to health shall be achieved through an adequate network of health services and the creation of economic, social, cultural and environmental conditions that promote and facilitate the improvement of the quality of life of the populations.

3. In order to guarantee the right to health, the State shall be specifically responsible for creating the conditions for the universal access of citizens to health care:

- a) To ensure the existence and the working of a national health system;
- b) To encourage the participation of the community at different levels of health services;
- c) To ensure the existence of public health care;
- d) To encourage and support the private initiative in providing preventive, curative and rehabilitative health care;
- e) To promote the socialization of the costs of medical care and medication;
- f) To regulate and supervise the activity and the quality of delivery of health care;
- g) To discipline and monitor the production, commercialization and use of pharmacological products, and other means of treatment and diagnosis.

Article 72
(Right to housing)

1. All citizens shall have the right to proper housing.
2. In order to guarantee the right to housing, the public authorities shall specifically have the responsibility:
 - a) To promote the creation of suitable, economic, legal, institutional and infra-structural conditions, within the framework of a territorial and urban land-use planning policy;
 - b) To foment and to encourage private initiative in the production of housing and to guarantee the participation of interested parties in the shaping of instruments of urban planning.

Article 73
(Right to the environment)

1. Everyone shall have the right to a healthy and ecologically balanced environment and shall have the duty to protect and enhance it.
2. In order to guarantee the right to the environment, the public authorities shall have the responsibility:
 - a) To develop and implement suitable policies for territorial land-use planning, for the protection and conservation of the environment and for the promotion of rational use of all natural resources, safeguarding their renewability and the ecological stability;
 - b) To promote environmental education, respect for environmental values, the fight against deforestation and the effects of drought.

Article 74
(Rights of children)

1. All children shall have the right to protection by the family, by the society and by the public authorities, with a view to their full development.
2. Children shall have the right to special protection in the case of illness, orphanhood, abandonment and deprivation of a balanced family environment.
3. Children shall also have the right to special protection against:
 - a) Any form of discrimination and oppression;
 - b) Abusive exercise of authority in the family and in other institutions to which they may be entrusted;
 - c) Child labor exploitation;
 - d) Sexual abuse and exploitation.
4. Child labor shall be prohibited.
5. The law shall define the cases and conditions in which underage work may be authorized.
6. The law shall punish especially, as serious crimes, sexual abuse and exploitation as well as child trafficking.

7. The law shall punish, equally, as serious crimes extreme cruelty and other acts susceptible to affecting gravely the physical and/or psychological integrity of children.

Article 75

(Rights of the youth)

1. Young people shall have the right to special encouragement, support and protection by their family, the society and the public authorities.

2. Special encouragement, support and protection for young people shall have as priority objectives the development of their personality and of their physical and intellectual abilities, helping them acquire a taste for free creativity and a sense of serving the community, as well as their full and effective integration into all the plans of active life.

3. In order to guarantee the rights of young people, the society and public authorities shall foment and support youth organizations in the pursuit of cultural, artistic, recreational, sportive and educational goals.

4. Also, in order to guarantee the rights of young people, the public authorities, in cooperation with the representative associations of the country and those in charge of education, the private institutions and youth organizations, shall develop and implement policies for the youth, holding specifically in view:

- a) The education, professional training and physical, intellectual and cultural development of young people;
- b) The access of young people to first-time employment and to housing;
- c) Making good use of young people's leisure time;
- d) To ensure the prevention, support and rehabilitation of young people in relation to drug-addiction, to alcoholism, to smoking and to sexually transmitted diseases and to other situations of risk for the abovementioned objectives in paragraph 2.

Article 76

(Rights of the disabled)

1. The disabled shall have the right to special protection by their family, the society and public authorities.

2. For the purposes of the previous paragraph, the public authorities shall specifically have the responsibility:

- a) To promote the prevention of disabilities, to promote treatment, rehabilitation and the reintegration of the disabled, as well as the economic, social and cultural conditions which should facilitate their participation in active life;
- b) To sensitize the society concerning its duties of respect and solidarity towards the disabled, fomenting and supporting the respective organizations of solidarity;

- c) To guarantee the disabled priority in public services attendance and in the elimination of architectural barriers and others in accessing public installations and social facilities;
- d) To organize, foment and support the integration of the disabled into education and into technical and professional training.

Article 77

(Rights of the elderly)

1. The elderly shall have the right to special protection by the family, the society and the public authorities.
2. In order to guarantee the special protection of the elderly and to prevent their being socially excluded, the public authorities shall specifically have the responsibility:
 - a) To promote the economic, social and cultural conditions that should facilitate the dignified participation of the elderly in social and family life;
 - b) To sensitize the society and the family concerning their duties of respect and solidarity towards the elderly, fomenting and supporting the respective organizations of solidarity;
 - c) To guarantee the elderly priority in public services attendance, and the elimination of architectural barriers and others in accessing public installations and social facilities.

Article 78

(Right to education)

1. Everyone shall have the right to education.
2. Education, achieved through school, the family and through other agents, must:
 - a) Be integral and contribute to the human, moral, social, cultural and economic advancement of citizens;
 - b) Prepare and qualify citizens for the performance of professional activity, for civic and democratic participation in active life and for the full exercise of citizenship;
 - c) Promote the development of scientific ways of thinking, of scientific research and invention, as well as of technological innovation;
 - d) Contribute to the equality of opportunity in accessing material, social and cultural goods;
 - e) Stimulate the development of personality, of autonomy, of the spirit of enterprise and of creativity, as well as of the artistic sensitivity and of interest in knowledge and understanding;
 - f) Promote the values of democracy, the spirit of tolerance, of solidarity, of responsibility and of participation.
3. In order to guarantee the right to education, the State shall specifically have the responsibility:

- a) To guarantee the right to equality of opportunities with respect to access and educational success;
 - b) To promote, encourage and organize pre-school education;
 - c) To guarantee mandatory, universal and free basic education, the duration of which shall be determined by law;
 - d) To promote the elimination of illiteracy and to promote permanent education;
 - e) To promote higher education, taking into consideration the needs within qualified frameworks and the raising of the educational, cultural and scientific level of the country;
 - f) To create conditions for everyone's access, according to their abilities, to diverse levels of education, to scientific research and to artistic education and creation;
 - g) To organize school social programs;
 - h) To promote the socialization of the costs of education;
 - i) To monitor public and private education and to ensure its quality, under the terms of the law;
 - j) To organize and define the principles of a national education system, integrating public and private institutions;
 - k) To regulate, by law, the participation of teachers, learners, family and civil society in the definition and implementation of education policy and in the democratic management of schools;
 - l) To foment fundamental scientific research as well as applied research, preferably in domains with interest in sustained and sustainable human development of the country.
4. The public authorities shall also have the responsibility:
- a) To organize and guarantee the existence and regular functioning of a network of public education institutions that deal with the needs of the entire population;
 - b) To promote the inter-linking of schools with the community and with economic, social and cultural activities;
 - c) To encourage and support, under the terms of the law, institutions deprived of education, that pursue goals of a general interest;
 - d) To promote civic education and the exercise of citizenship;
 - e) To promote knowledge of Cabo Verdean and world history and culture.

Article 79

(Right to culture)

1. Everyone shall have the right to enjoyment and cultural creation, as well as the duty to preserve, protect and enhance the cultural heritage.

2 In order to guarantee the right to culture, the public authorities shall promote, encourage and ensure all citizens' access to enjoyment and cultural creation, in collaboration with other cultural agents.

3. In order to guarantee the right to culture, the State shall be especially responsible for:
 - a) Correcting the asymmetries and promoting equality of opportunities among the various parts of the country with respect to the effective access to cultural goods;
 - b) Supporting initiatives that stimulate individual and collective creativity and circulation of cultural works of arts and goods of quality
 - c) Promoting the safeguard and the enhancement of the cultural, historic and architectural heritage;
 - d) Ensuring the protection and the promotion of Cabo Verdean culture in the world;
 - e) Promoting the participation of émigrés in the cultural life of the country and the diffusion and enhancement of the national culture within the emigrated Cabo Verdean communities;
 - f) Promoting the protection and enhancement and the development of the Cabo Verdean mother language and to encourage its use in written communication;
 - g) Encouraging and supporting organizations of cultural promotion and industries connected to culture.

Article 80

(Right to physical culture and to sport)

1. Everyone shall have the right to physical education and sport.
2. In order to guarantee the right to physical culture and to sport, the public authorities in collaboration with sports associations, collectivities, schools and other sports agents shall specifically have the responsibility:
 - a) To stimulate the formation of sports associations and collectivities;
 - b) To promote the sports infra-structure of the country;
 - c) To stimulate, orient and support the practice and the dissemination of a physical fitness culture and of sports;
 - d) To prevent violence in sports;

Article 81

(Consumer rights)

1. Consumers shall have the right to the quality of goods and services consumed, to adequate information, health protection, safety and to their economic interests, as well as to compensation for damages suffered by the violation of such rights.
2. The public authorities shall foment and support consumer associations, and the law must protect the consumers and guarantee the protection of their interests.

Article 82

(Family rights)

1. The family shall be the fundamental element and the foundation of the whole society.

2. Fatherhood and motherhood shall be eminent social values.
3. Everyone shall have the right to form a family.
4. Parents shall have the right and duty to orient and raise children in conformance with their fundamental options, having in view the integral development of the personality of children and adolescents and respecting their legally recognized rights.
5. Minor children shall have the duty to obey their parents and to abide by their exercised authority under the terms of paragraph 4.
6. Parents must render assistance to minor or incapacitated children.
7. Children who have reached the age of majority must render moral and material assistance to their parents who find themselves in a situation of vulnerability, particularly, by reason of age, illness or economic need.
8. The society and the public authorities shall protect the family and shall promote the creation of conditions that shall ensure the stability of family households and shall permit the fulfillment of their social function and its mission of guardian of moral values recognized by the community, as well as the personal realization of their members.
9. The law shall punish domestic violence and shall protect the rights of all members of a family.

TITLE IV FUNDAMENTAL DUTIES

Article 83 (General duties)

1. Every individual shall have duties towards his or her family, the society and the State and also towards other legally recognized institutions.
2. Every individual shall have the duty to respect the rights and liberties of others, the mores and the common good.

Article 84 (Duties towards one's peers)

Every individual shall have the duty to respect and show consideration for his or her peers, without any discrimination whatsoever, and to maintain with them relations that permit the promotion, safeguard and the strengthening of mutual respect and tolerance.

Article 85 (Duties towards the Nation and the community)

Every citizen shall have the duty:

- a) To respect the Constitution and the laws;
- b) To be loyal to his or her Homeland and to participate in its defense;

- c) To honor and respect the national symbols;
- d) To promote the consolidation of national unity and cohesion;
- e) To serve the communities and collectivities in which he or she is an integral part and the country, making available to it his or her physical, moral and intellectual capacities;
- f) To develop a culture of work and to work within the limits of his or her possibilities and abilities;
- g) To pay the contributions and taxes established under the terms of the law;
- h) To contribute actively to the conservation and the promotion of civic-mindedness, of culture, of mores, of tolerance, of solidarity, of reverence for lawfulness and of a democratic spirit of dialog and compromise;
- i) To defend and promote health, the environment and the cultural heritage.

Article 86

(Duties towards the authorities)

Every person shall have the duty to comply with the obligations established by law and to abide by the orders, instructions or indications of the legitimated authorities, issued, with respect to his or her rights, liberties and guarantees, under the terms of the Constitution and the law.

TITLE V ON FAMILY

Article 87

(Protection by the society and by the State)

1. The family shall be the fundamental element and the base of the whole society.
2. The family should be protected by the society and by the State so as to permit the creation of conditions for the compliance with its social function and for the personal realization of its members.
3. Everyone shall have the right to form a family.
4. The State and social institutions must create conditions that will ensure the unity and stability of the family.

Article 88

(Tasks of the State)

1. For protection by the family, it shall specifically be the responsibility of the State:
 - a) To assist families in their mission as custodians of moral values recognized by the community;
 - b) To promote social and economic independence of family households;
 - c) To cooperate with parents in the raising of their children;

- d) To define and implement, after consulting representative associations for families, a global and integrated family policy.
- 2. The state shall also have the duty to ensure the elimination of conditions that wreak discrimination on women and to guarantee the protection of their rights as well as children's rights.

Article 89

(Fatherhood and motherhood)

- 1. Fathers and mothers must render assistance to children born in or out of wedlock, particularly with respect to their feeding, maintenance and upbringing.
- 2. Fathers and mothers shall have the right to protection by the society and by the State as regards the realization of their irreplaceable role in relation to children.
- 3. Fatherhood and motherhood shall constitute eminent social values.

Article 90

(Childhood)

- 1. All children shall have the right to special protection by their family, the society and by the State, that must guarantee them the conditions necessary for the full development of their physical and intellectual abilities and special care in the case of illness, abandonment or of emotional needs.
- 2. The family, the society and the State should guarantee the protection of a child against any form of discrimination and of oppression, as well as against the abusive exercise of authority in the family, in public or private institutions to which they may be entrusted and also against child labor exploitation.
- 3. Child labor shall be prohibited at compulsory school-going age.

PART III

ECONOMIC AND FINANCIAL ORGANIZATION

Article 91

(General principles of economic organization)

- 1. The exploitation of the economic wealth and resources of the country, irrespective of the ownership and the form they may take, shall be subordinated to the general interest.
- 2. The State and other public powers shall guarantee the conditions for the realization of economic democracy, undertaking specifically to ensure:

- a) The enjoyment, by all citizens, of the benefits resulting from the collective effort of development, translated, namely, into the quantitative and qualitative improvement of their condition and standard of living;
- b) The equality of conditions for the establishment, for the activity between economic agents and realization and fair competition of all private and public economic agents;
- c) The regulation and monitoring of the market and of economic activity;
- d) The quality, the regularity and the accessibility of goods for human consumption and of the deliveries of essential public service;
- e) The environmental quality and balance;
- f) Balanced territorial planning and urban planning;
- g) The environment favorable to free and generalized access to knowledge, information and property;
- h) The balanced development of all the islands and the adequate use of their specific advantages.

3. Economic activities must be realized taking into consideration the conservation of the ecosystem, the durability of the development and the balance of the relations between man and the environment.

4. The State shall support the national economic agents in their relation with the rest of the world and, especially, the economic agents and activities that contribute positively to the dynamic integration of Cabo Verde into the world economic system.

5. The State shall encourage and support, under the terms of the law, foreign investment that contributes to the economic and social development of the country.

6. The coexistence of public and private sectors in the economy, shall be guaranteed, and self-generated community property may also exist, under the terms of the law.

7. The following shall belong to public domain:

- a) The internal waters, the archipelagic waters, the territorial sea, their beds and subsoils, as well as the rights of jurisdiction over the continental platform and the exclusive economic zone, and also all the living and non-living resources existing in these spaces;
- b) The air space superjacent to the areas of national sovereignty above the limit recognized to the owner;
- c) Deposits, including mineral deposits, the groundwaters, as well as the natural caves, existing in the subsoil.
- d) The roads and public pathways, as well as the beaches;
- e) Other assets determined by law.

8. The seafront, defined under the terms of the law, that must be the focus of special attention and protection, shall also belong to the public domain of the States.

9. The law shall regulate the legal regime applicable to the assets of the public domain of the State, of the local and community management, on the basis of the principles of inalienability ,

and non-prescription, of the principle of the non-use of such properties as a guarantee and non-appropriation.

Article 92
(Bank of Cabo Verde)

The Bank of Cabo Verde shall be the central bank, and it holds the exclusive right to issue currency. It collaborates in the definition of the Government's monetary and exchange policy, and functions autonomously, executing its functions under the terms of the laws, rules, and international accords to which the State of Cabo Verde adheres.

Article 93
(Fiscal system)

1. The fiscal system shall be structured with a view to satisfying the financial needs of the State and the remaining public entities, attaining the objectives of the economic and social policy of the State and guaranteeing a fair distribution of income and wealth.

2. Taxes shall be levied by law, which shall determine the tax base, the rates, the fiscal benefits and the taxpayers guarantees.

3. No one may be obligated to pay taxes that have not been levied under the terms of the Constitution or whose settlement and payment are not made under the terms of the law.

4. Once the State Budget has been approved for the economic and fiscal year, the tax base may not, in that same financial exercise, be increased, nor may the rates be aggravated by the rates of any tax.

5. Municipal taxes may be allowed.

6. Tax law shall not have retroactive effect, except where it has a content that would be more favorable to the taxpayer.

Article 94
(State Budget)

1. The State budget shall be unitary and shall specify the incomes and expenditures, of the public administrative sector, breaking them down according to the respective organic and functional classification, and the social security budget shall be integrated therein.

2. The State Budget may be structured in programs, which may be annually or multi-annually, and in this latter case, the expenditures concerning the year to which they relate must be set out in the Budget of each year.

3. The existence of secret funds shall be prohibited.

4. With respect to the realization of activities of a confidential nature and of State interest, an exception may be made for the existence of confidential allocations, the management of which shall be subject to a special supervisory and accountability procedure under the terms of the law.

5. The economic and fiscal year shall be set by the law on the basis of the State Budget and may not coincide with the calendar year.

6. The State Budget bill shall be presented to the Government and voted on by the National Assembly in the time periods set by law, before the beginning of the respective fiscal year.

7. The execution of the State Budget shall be supervised by the Court of Auditors and the National Assembly, which shall assess and vote on the State Treasury, at a hearing in that Court.

8. The law on the basis of the State Budget shall define the rules of its drafting, presentation, voting, execution and supervision, as well as the procedure to follow when it is not possible to meet the deadline for the presentation of, and voting on, the Budget.

PART IV ON THE EXERCISE OF POLITICAL POWER

TITLE 1 ON THE FORMS OF EXERCISE OF POLITICAL POWER

CHAPTER I GENERAL AND COMMON PRINCIPLES

Article 95 (Electoral census)

1. The right to elect or to be elected to any political office may only be exercised by a voting citizen who is validly registered in an electoral census on the date of the elections or of the presentation of his or her candidature.

2. The electoral census shall be official, mandatory, permanent and unique for all elections that are to be carried out through direct, universal and secret ballot and must correspond at all times to the electoral population.

3. The law shall regulate the electoral census.

Article 96 (National Commission of Elections)

The National Commission of Elections shall be the highest body of electoral administration whose organization, composition, jurisdiction and functioning shall be regulated by law.

Article 97 (Judgment of the electoral process)

The Courts shall have exclusive jurisdiction over the adjudication of the regularity and validity of the electoral process.

Article 98

(Stability of the electoral law)

1. The electoral law may not be altered or revoked:
 - a) In the ten months preceding the last Sunday of the period within which the respective election may be scheduled.
 - b) In the period subsequent to the respective election up to the finalization of the respective results.
2. New elections scheduled by virtue of the dissolution of collegial bodies based on direct suffrage shall be held by the electoral law in force at the time of the dissolution, under the penalty of being rendered legally non-existent.

Article 99

(Electoral campaign)

1. The candidates running in elections shall have the right to promote and conduct freely an electoral campaign, including therein electoral propaganda, at any point within the national territory.
2. The period of an electoral campaign shall be established by law.
3. Citizens shall have the right to participate actively in electoral campaigns.
4. The expression of political, economic and social ideas or principles may not be restricted during the course of electoral campaigns, without prejudice to eventual civil or criminal liability.
5. The electoral law shall regulate electoral campaigns based on the principles of freedom of propaganda, of equality of opportunity and of treatment of all candidates, of neutrality and impartiality towards all public entities before the candidates and of the supervision of electoral accounts.

Article 100

(Supervision of electoral operations)

The operations of voting and of the clearing of the votes shall be supervised by the candidates, through delegates appointed by them for each election.

Article 101

(Secret ballot and vote unicity)

1. Voting shall be secret and no one must be obligated to reveal how he or she voted.
2. Each elector may only vote one single time.

Article 102
(Electoral constituencies)

1. For the purposes of the election of the President of the Republic, the national territory shall constitute a single electoral constituency, to which a single electoral college shall correspond.
2. For the purposes of the election of the Deputies of the National Assembly, the national territory shall be divided into electoral constituencies, to be defined by law, with an electoral college corresponding to each one of them.
3. Outside of the national territory the electoral constituencies shall be those defined by law, but their headquarters shall always be in the city of Praia.

**CHAPTER II
ON REFERENDUM**

Article 103
(General and common principles)

1. Voting citizens who have been registered in the electoral census in the national territory shall have the right to declare themselves, through a referendum, on matters that may be relevant to national or local interest.
2. The convocation and holding of a referendum shall be prohibited between the date of the convocation and that of the holding of the elections for the sovereign organs or for local government, during the course of, and up to, the thirtieth day subsequent to the cessation of a state of siege or state of emergency, and in the latter case, only in the part of the territory declared to be under a state of emergency.
3. Each referendum may only have a single subject as its object, and in no way whatsoever may the following questions be submitted for popular consideration:
 - a) Separation and the interdependence of the sovereign organs and their powers;
 - b) Independence of the courts and their decisions;
 - c) Separation of church and State;
 - d) Appointment of the elected holders of the sovereign organs and of local government by universal, direct, secret and periodic ballot;
 - e) Pluralism of expression, existence of political parties and associations and rights of opposition;
 - f) Rights, liberties and guarantees established constitutionally;
 - g) National or local instruments which have a budgetary, tax or financial content;
 - h) Autonomy of the local government, as well as the organization and jurisdiction of their organs.
4. The proposals for a referendum shall be subject to preventive review with respect to their constitutionality and legality.

5. The result of a referendum shall be accepted by all organs of political power, as well as by public and private entities. The local referendum shall always have deliberative efficacy.

6. Each question to be posed to the voters must be formulated objectively, precisely, clearly, and so as not to suggest a response whether directly or indirectly.

7. The law shall regulate national and local referendums.

CHAPTER III ON SUFFRAGE

SECTION I GENERAL PRINCIPLES

Article 104 (Exercise of political power through suffrage)

In the exercise of political power, the people shall appoint by universal, direct, secret and periodic suffrage the holders of posts in elective organs of political power.

Article 105 (Conversion of votes)

The conversion of votes into mandates, in each electoral plurinominal college, shall take place in accordance with the principle of party-list proportional representation, except in cases foreseen in the electoral legislation.

Article 106 (Introduction of candidates)

1. Except the provisions for the election of the President of the Republic, the candidates shall be introduced by the registered political parties, singly or in coalition, and, in the case of local government elections, also by groups of independent citizens.

2. Political parties, their coalitions or groups of independent citizens may not introduce to each electoral constituency more than one list of candidates for the same election.

3. No one may be candidate for more than one electoral constituency or appear on more than one list, under the penalty of ineligibility.

Article 107

(Immunity of candidates)

1. No candidate may be detained or held in preventive custody, except in the case of *flagrante delicto* for crime punishable by imprisonment, whose maximum term exceeds three years and, out of *flagrante delicto*, for crime punishable by a penalty whose maximum term exceeds eight years imprisonment.

2. Should criminal proceedings be initiated against any candidate or should the candidate be accused by indictment decision or the equivalent thereof, the trial may only move forward after the announcement of the results of the elections.

Article 108

(Scheduling of dates of elections)

1. The date for the holding of the ballot for the appointment of the elective holders of the organs of political power shall be set under the terms of the Constitution and the law, and the election day shall be the same in all the electoral constituencies, except in the cases foreseen in the law.

2. On the scheduling of the dates of the elections, the following principles shall also be observed:

- a) In the absence of special provision of the Constitution or the law, ordinary elections of the holders of posts in elective organs of political power shall be scheduled for a date in the period between thirty days before and thirty days after the date on which their mandates shall be legally finalized;
- b) In the act of dissolution of collegial organs based on direct suffrage, the date is mandatorily set for new elections that must be held ninety days thereafter.

SECTION II

ON THE ELECTION OF THE PRESIDENT OF THE REPUBLIC

Article 109

(Election method)

The President of the Republic shall be elected by universal, direct and secret ballot, by voting citizens registered in the election census within the national and foreign territory, under the terms of the law.

Article 110

(Eligibility)

Only a voting citizen who is Cabo Verdean by origin may be elected President of the Republic, and one who does not possess any other nationality, is more than thirty-five years old

on the date of application and who, in the three years immediately preceding that date, has had permanent residence within the national territory.

Article 111
(Candidates)

The candidates for President of the Republic shall be proposed by a minimum of one thousand and a maximum of four thousand voting citizens and must be introduced to the Constitutional Court up to the sixtieth day prior to the date of the elections.

Article 112
(Election date)

1. The date of the election of the President of the Republic shall be scheduled under the terms of the electoral law.

2. Except in cases of the office becoming vacant, the election may not be held within one hundred and eighty days before or after the date of the elections for the National Assembly.

3. In order to comply with the provision in the second part of the preceding paragraph, the following shall be observed:

- a) Should the election for the National Assembly be scheduled for the date prior to that of the President of the Republic, the mandate of the latter shall be extended for as long as is necessary;
- b) Should the election for President of the Republic be scheduled for a date prior to that of the elections for the National assembly, the Legislature shall be extended for as long as is necessary.

Article 113
(System of election)

1. The President of the Republic or the candidate who obtains an absolute majority of votes cast validly, not counting the blank votes, shall be considered elected.

2. If the sum of the votes of voters registered abroad exceed one fifth of the votes counted within the national territory, it shall be converted into a number equal to that limit and the number of votes received by each candidate shall be equally converted into the respective proportion.

Article 114
(Second suffrage)

1. If no candidate obtains an absolute majority of votes pursuant to Article 113, there shall be a second round, in which only the top two candidates on the first ballot may compete.

2. The electoral law shall regulate cases of withdrawal, death or incapacity for the exercise of presidential functions of any of the competitors in the second round.

SECTION III ON THE ELECTION OF THE DEPUTIES OF THE NATIONAL ASSEMBLY

Article 115 (Suffrage by lists)

1. Deputies shall be elected through lists at each electoral college.
2. The number of effective candidates on each list proposed for election should be equal to the number of mandates assigned to the respective electoral college.
3. The number of alternate candidates should be, at most, equal to the number of mandates assigned to the respective electoral college, and at no time may it be less than three.
4. The number of Representatives for each electoral college shall be proportional to the number of registered voters. It may not, however, be less than a minimum established by law and subject to the provisions of paragraph 2 of Article 141.

Article 116 (Distribution of mandates on the lists)

On each list the candidates shall be deemed to be sorted in the order of precedence indicated in the respective candidacy statement, and seats shall be allotted by the said order of precedence.

Article 117 (Conditions of eligibility)

Cabo Verdean citizen voters shall be eligible except in case of ineligibilities foreseen in the law.

Article 118 (Right of opposition)

1. Political parties that are not part of the Government shall have the right to democratic opposition, under the terms of the Constitution and the law.
2. Political parties that are represented in the National Assembly and that are not part of the Government shall specifically have:

- a) The right to be informed, regularly and directly by the Government, on the progress of the main matters of public interest;
 - b) The right of media broadcast, of response and of reply to political statements.
3. Political parties that are represented in any other assemblies through direct elections shall have, in relation to corresponding executives who are not a part thereof:
- a) The right to be informed, regularly and directly, on the progress of the main matters of public interest;
 - b) The right of response and of reply to political statements.

PART V ON THE ORGANIZATION OF POLITICAL POWER

TITLE I GENERAL AND COMMON PRINCIPLES

Article 119 (Sovereign organs)

1. The sovereign organs shall be the President of the Republic, the National Assembly, the Government and the Courts.
2. The sovereign organs, in their mutual relations and in the exercise of functions, shall respect the separation and interdependence of powers, under the terms of the Constitution.
3. The political parties shall participate, in accordance with their electoral representativeness, in the National Assembly.
4. The formation, the composition, the jurisdiction and the functioning of the sovereign organs shall be defined under the terms of the Constitution.

Article 120 (Publicity of meetings)

1. The meetings of the National Assembly plenum, as well as of the municipal assemblies and remaining organs of political power that function in assembly, shall be public except in the cases expressly foreseen in the law.
2. The minutes of the public meetings of the organs cited above in paragraph 1 may be consulted freely by any person, according to the regulations.

Article 121 (Quorum and deliberation)

1. The collegial organs may function in the presence of at least one third of their members and only deliberate in the presence of the majority of their members.

2. The deliberations of the collegial organs shall be made by a majority of votes, except in the cases in which the Constitution, the law or the respective rules of procedures require a different form.

3. For the purposes of ascertaining the majority required in the deliberations, negative votes, blank votes or abstentions shall not be counted.

Article 122
(Principle of renewal)

No holder of political office or of an appointment with political organs may be appointed for life, with the Constitution or the law establishing the duration of his or her mandates.

Article 123
(Responsibility of the holders of political office)

1. The holders of political office shall be politically, civil and criminally liable for their acts and omissions that they perform in the exercise of their functions and as a result thereof, under the terms of the law.

2. Crimes committed by the holders of political office in the exercise of their functions and as a result thereof, shall be termed as crimes of responsibility. The law shall establish the sanctions to be applied thereto, as well as their effects, which shall strictly include the loss of office or of the mandate and the temporary preclusion from exercising political office.

3. The holders of political office who suffer the loss of their office or mandate on account of the commission of serious illegality shall also be disqualified from exercising political functions for a period contemplated by law.

Article 124
(Rights, privileges and immunity)

1. The holders of posts in organs of political power shall have rights, liberties, privileges and immunities and shall be subject to the duties established by the Constitution and the law.

2. The Constitution and the law shall define the responsibilities and incompatibilities of the holders of posts in organs of political power.

TITLE II
ON THE PRESIDENT OF THE REPUBLIC

CHAPTER I
DEFINITION, MANDATE AND ASSUMPTION OF OFFICE

Article 125
(Definition)

1. The President of the Republic shall guarantee the unity of the Nation and State, the integrity of the territory, national independence and shall oversee and guarantee compliance with the Constitution and international treaties.
2. The President of the Republic shall represent, internally and externally, the Republic of Cabo Verde and shall be, *ex officio*, the Supreme Commander of the Armed Forces.

Article 126
(Mandate)

1. The President of the Republic shall be elected for a period of five years, which shall commence on the date of his or her assumption of office and terminate with the assumption of office of the new President-elect.
2. In the case of the office becoming vacant, the new President-elect shall commence a new mandate.

Article 127
(Assumption and oath of office)

1. The President of the Republic shall take office before the National Assembly, on the last day of the mandate of his or her predecessor or, in the case of election by vacancy of office, on the fifth day following the publication of the electoral results.
2. During the swearing-in ceremony the elected President of the Republic shall take the following oath:
“I swear, upon my honor, to execute faithfully the functions of the President of the Republic of Cabo Verde in which I am invested, to defend, to comply, and to ensure compliance with the Constitution, to observe the laws and to guarantee the integrity of the territory and national independence”.

Article 128
(Renunciation of the mandate)

1. The President of the Republic may resign from office, by delivering a message to the Nation before the Plenum of the National Assembly.

2. The resignation shall become effective once the message is made known to the National Assembly, without prejudice to its subsequent publication in the official gazette of the Republic.

CHAPTER II STATUTE

Article 129 (Incompatibilities)

The President of the Republic may not, except in the cases expressly foreseen in the Constitution, hold any other political office or exercise any public function, nor shall he, in any case, carry out any private functions.

Article 130 (Absence from the national territory)

1. The President of the Republic may not be absent from the national territory without prior notification to the National Assembly or, in case the latter is not in session, to its Standing Committee.

2. The President of the Republic may not be absent from the country for more than fifteen days without authorization from the National Assembly or, in case the latter is not in session, from its Standing Committee.

3. The authorization foreseen in paragraph 2 may only be refused on the grounds of overriding need for the presence of the President of the Republic in the national territory.

4. The absence from the national territory in non-compliance with the provisions of this article shall imply the forfeiture of the office of the President of the Republic, except there is credible justification therefor.

Article 131 (Substitution *Ad Interim*)

1. In case of temporary impediment, absence abroad, as well as in cases of vacancy of the office and until the assumption of office of the new President-elect, the President of the Republic shall be replaced, on an interim basis, by the President of the National Assembly or, upon the impediment of the latter, by the First Vice President.

2. The mandate of the President of the National Assembly or of the First Vice President, shall be automatically suspended, during his or her interim exercise of the functions of President of the Republic.

Article 132
(Criminal responsibility)

1. The President of the Republic shall be liable before the Supreme Court of Justice for crimes committed in the exercise of his or her functions.
2. The National Assembly shall have the power to request that the Attorney General of the Republic initiate criminal action against the President of the Republic, upon the recommendation of twenty-five deputies, approved by a two-thirds majority of the deputies in full exercise of their functions.
3. The President of the Republic shall be suspended from his or her functions from the date of definitive indictment decision or the equivalent thereof, and his or her conviction shall entail the immediate loss of his or her mandate, his or her removal from office and his or her disqualification for re-election.
4. The President of the Republic shall appear before the common Courts for crimes committed outside the exercise of his or her functions, after the cessation of his or her mandate.

Article 133
(Preventive custody)

Under no circumstance shall the President of the Republic be held in preventive custody.

Article 134
(Non re-eligibility)

1. The President of the Republic may not stand for a third term in the five years immediately following the end of his or her second consecutive term.
2. Should the President of the Republic resign from office, he or she may not, as of the date of resignation, stand for a new term in ten years following that date.
3. Should the President of the Republic abandon his or her functions or be absent from the national territory in violation of the provisions of paragraphs 1 and 2 of Article 130, he or she may not re-apply for the office, nor may he or she exercise any other political office within the sovereign organs or local governments.

CHAPTER III
POWERS

Article 135
(Powers of the President of the Republic)

1. The President of the Republic shall have the power:
 - a) To exercise the functions of the Supreme Commander of the Armed Forces;
 - b) To preside over the Council of the Republic;

- c) To preside over the Superior Council of National Defense;
 - d) To preside over the Superior Council of Honorary Orders;
 - e) To dissolve the National Assembly, pursuant to paragraph 2 of Article 143 and after consulting the political parties therein represented;
 - f) To address the National Assembly and the Nation;
 - g) To schedule the day of election of the President of the Republic and of the Deputies of the National Assembly, after consulting the Council of the Republic and under the terms of the electoral law;
 - h) To call a referendum at the national level and to schedule the date for holding it;
 - i) To appoint the Prime Minister, after consulting the political forces represented in the National Assembly and taking into account the results of the elections.
 - j) To appoint five members of the Council of the Republic;
 - k) To appoint the President of the Supreme Court of Justice from amongst the judges of such court, upon the recommendation of his or her peers;
 - l) To appoint a judge for the Superior Council of the Judiciary;
 - m) To appoint the President of the Superior Council of the Judiciary, upon the recommendation of the members of this body;
 - n) To grant pardons and commute sentences, after consulting the Government;
 - o) To request, from the President of the National Assembly, after consulting the Council of the Republic, the convocation of extraordinary sessions of that organ, for the consideration of specific matters;
 - p) To request, from the Constitutional Court, the preventive review of the constitutionality or legality of the proposals for a referendum at the national level;
 - q) To request, from the Constitutional Court, the preventive evaluation of the constitutionality of International Treaties;
 - r) To request, from the Constitutional Court, the review of the constitutionality of legal rules;
 - s) To exercise the right of political veto within thirty days from the date of reception of any law for promulgation.
2. The President of the Republic shall also have the power:
- a) To preside over the Council of Ministers, at the request of the Prime Minister;
 - b) To promulgate and order the publication of the laws, legislative decrees, decree-laws and regulatory decrees;
 - c) To dismiss the Government, pursuant to paragraph 2 of Article 202;
 - d) To appoint and dismiss the members of the Government, upon the recommendation of the Prime Minister;
 - e) To appoint, upon the recommendation of the Government, the President of the Court of Auditors;

- f) To appoint, upon the recommendation of the Government, the Attorney General of the Republic;
- g) To appoint and dismiss, upon the recommendation of the Government, the Chief of Staff of the Armed Forces and the Deputy Chief of Staff, if the latter exists;
- h) To declare a state of siege and state of emergency, after consulting the Government and with the authorization by the National Assembly;

3. The President of the Republic, whenever he or she requests the convocation of extraordinary sessions of the National Assembly, shall indicate clearly the specific matters that it shall consider and the period within which such convocation must take place. The President of the National Assembly shall then proceed with the convocation requested within the period indicated.

4. In the case referred to in sub-paragraph h) of paragraph 2, and if the National Assembly is not in session, if it is not possible to meet immediately, the authorization may be granted by its Standing Committee, but it should always be ratified by the Plenum in the first meeting following the date of the authorization.

Article 136

(Powers of the President of the Republic in International Relations)

In the field of international relations, the President of the Republic shall have the power:

- a) To ratify the international treaties and agreements, after they are validly approved;
- b) To declare war and to make peace, upon the recommendation of the Government, after consulting the Council of the Republic, and with the authorization of the National Assembly, or, when the latter is not in session, that of its Standing Committee;
- c) To appoint and dismiss ambassadors, permanent representatives and special envoys, upon the recommendation of the Government;
- d) To receive the credentials and accept the accreditation of foreign diplomatic representatives.

Article 137

(Veto)

1. Whenever the President of the Republic exercises the right of political veto, he or she must return the document to the organ which approved it, requesting, in a substantiated message, reconsideration thereof.

2. In the case of an act of the National Assembly, if the latter, within a hundred and twenty days from the date of receipt of the message from the President of the Republic, confirms the deliberation that approved the act by an absolute majority of the Deputies in full exercise of their functions, the President of the Republic shall be duty-bound to promulgate it in eight days.

Article 138
(Promulgation and referendums)

1. The legislations and regulatory rules referred to in sub-paragraph b) of paragraph 2 of Article 135 shall be promulgated or signed by the President of the Republic, under the penalty of being rendered legally non-existent.
2. The acts of the President of the Republic that should be performed upon the recommendation of, or consulting, the Government, it shall be counter-signed by the Prime Minister, under the penalty of being rendered legally non-existent.

Article 139
(Acts of the *ad interim* President of the Republic)

1. The *ad interim* President of the Republic may not perform the acts foreseen in subparagraphs e), f), h), j), l), m) and n) of paragraph 1 of Article 135.
2. The *ad interim* President of the Republic may only perform the acts foreseen in subparagraphs a) and i) of paragraph 1 and e), f) and g) of paragraph 2 of Article 135, as well as in subparagraph c) of Article 136, subsequent to a hearing with the Counsel of the Republic.

TITLE III
ON THE NATIONAL ASSEMBLY
CHAPTER I

DEFINITION, COMPOSITION AND DISSOLUTION

Article 140
(Definition)

The National Assembly shall be the Assembly that represents all Cabo Verdean citizens.

Article 141
(Composition)

1. The National Assembly shall have a minimum of sixty-six and maximum of seventy-two deputies, elected under the terms of the Constitution and the law.
2. The totality of the electoral constituencies outside the national territory shall be six deputies to be shared among them, under the terms of the law.

Article 142
(Election date)

The date of the election of the Deputies in the National Assembly shall be scheduled under the terms of the electoral law.

Article 143
(Dissolution)

1. The National Assembly shall be dissolved whenever, in the same legislature:
 - a) It rejects two motions of confidence in the Government;
 - b) It approves four motions of no confidence in the Government;
2. The National Assembly may also be dissolved in the case of serious institutional crisis, reflected in the fact that it is virtually impossible to guarantee otherwise, the regular functioning of democratic institutions, and the act must be preceded by a report from the Council of the Republic.

Article 144
(Prohibition of dissolution)

1. The National Assembly may not be dissolved in the twelve months after its election; in the year preceding the term of office of the President of the Republic; in the case of a state of siege or state of emergency, during the course of same and up to the thirtieth day after its cessation; or even after the presentation of a motion of confidence or censorship and up to the tenth day following the voting on the motion.
2. An act of dissolution executed in violation of the provision of the abovementioned paragraph shall be legally non-existent.
3. The dissolution may not terminate the mandate of the Deputies nor shall it prejudice the continued existence, jurisdiction and functioning of the Standing Committee until the opening of the constitutive session of the new elected Assembly.

CHAPTER II
ON ORGANIZATION

Article 145
(Composition of the Board)

1. The Board of the National Assembly shall consist of the President, two Vice Presidents and two to four Secretaries.
2. The President shall be elected from among the candidates recommended by a minimum of fifteen and a maximum of twenty deputies.

3. The Vice Presidents and the Secretaries shall be elected by voting on a complete list of the nominees.

4. Each one of the two major parliamentary groups shall propose a Vice President.

5. Each one of the parliamentary groups with ten or more deputies shall propose, at least, one Secretary.

6. The members of the Board of the National Assembly shall be elected by the entire legislature, under the terms of the Rules of Procedure of the National Assembly.

7. The members of the Board, for the time that they exercise their functions, may not participate in the leadership of the parliamentary groups, nor shall they integrate any Specialized or *ad hoc* Committees.

Article 146

(Extended existence of the Board)

At the end of the legislature or in the event of dissolution, the Board of the National Assembly shall remain functional until the opening of the inaugural session of the new elected Assembly.

Article 147

(Committees)

1. The National Assembly shall have a Standing Committee and Specialized Committees, and may also set up *ad hoc* Committees and Committees of Inquiry into the acts of the Government or Public Administration and for other specifically determined purposes.

2. The Committees shall especially have, the right of, directly, soliciting and securing:

- a) Complete information on matters within their jurisdiction, on the part of any organ or service of the State, except in the case of matters covered by state secrecy or of justice;
- b) The appearance of members of the Government for a hearing, with the exception of the Prime Minister, any functionary or agent of the Public Administration, or any natural or legal person or private entity.

3. Jurisdiction may also be conferred upon the Special Committees and *ad hoc* Commissions to conclude the parliamentary hearing of persons nominated for high offices, under the terms of the Constitution.

4. The composition of the committees, other than that of the Standing Committee, must match the representation of each party in the National Assembly.

5. The composition, jurisdiction and functioning of the Committees shall be regulated by the Rules of Procedure of the National Assembly.

Article 148
(Standing Committee)

1. The Standing Committee shall function during the period in which the National Assembly is dissolved, in the intervals of the legislative sessions and in other cases, foreseen in the Constitution.
2. The Standing Committee shall be presided over by the President of the National Assembly and shall consist of the Vice Presidents and the Secretaries of the Board, as well as a Deputy indicated for each Parliamentary Group.
3. Each political party holding a seat in the National Assembly that does not have a constituted Parliamentary Group shall be represented on the Standing Committee by a Deputy designated by his or her set of Deputies.
4. The representatives referred to in the preceding paragraph shall have on the Standing Committee a number of votes equal to the number of deputies that they represent.
5. The Standing Committee shall have the power:
 - a) To exercise the powers of the National Assembly relatively to the mandates of the deputies;
 - b) To follow up on the activities of the Government and the Administration;
 - c) To give consent for the President of the Republic to be absent from the national territory;
 - d) To authorize the President of the Republic to declare a state of siege or state of emergency, to declare the war and to make peace.
6. At the end of the legislature or in the case of dissolution of the National Assembly, the Standing Committee shall remain functional until the opening of the constitutive session of the new elected Assembly.

Article 149
(Parliamentary Groups)

1. The Parliamentary groups shall consist of a minimum of five deputies.
2. No deputy may belong to more than one Parliamentary Group.
3. The organization, the functioning and the powers of the Parliamentary Groups shall be regulated by the Rules of Procedure of the National Assembly.

**CHAPTER III
ON FUNCTIONING**

Article 150
(Legislature)

1. The legislature shall have a duration of five legislative sessions.

2. The legislature shall commence with the first meeting of the National Assembly after the elections and shall terminate with the first meeting of the new elected Assembly.
3. In the case of dissolution, the new elected Assembly shall commence a new legislature.

Article 151
(Legislative Sessions)

1. The legislative session shall have a duration of one year.
2. The normal period of functioning of the National assembly shall run from 1 October to 31 July, without prejudice to the suspensions that the Plenum deliberates by a majority of two thirds of the Deputies present.

Article 152
(Meeting in its own right)

1. The National Assembly shall meet in its own right on the date scheduled for the commencement of the legislature and while a state of siege or state of emergency is in force.
2. If the meeting of the National Assembly cannot take place while the state of siege or state of emergency is in force, or should the Assembly be dissolved on the date of the declaration of the state of siege or state of emergency, its powers shall be automatically assumed by the Standing Committee.

Article 153
(First post-elections meeting)

The National Assembly shall meet to commence its legislature on the twentieth day following the publication of the electoral results in the official gazette of the Republic. In this meeting, the Assembly must:

- a) Verify the mandates of the elected candidates and swear them in;
- b) Substitute, after swearing in, the Deputies named members of the Government or provided
- c) Elect, by absolute majority of Deputies in full exercise of their functions, the President and all other members of the Board of the National Assembly;
- d) Set up the Standing Committee.

Article 154
(Extraordinary meeting)

1. The National Assembly may meet in special sessions, other than during the normal period of functioning, in cases of war, state of siege or state of emergency, to deal with the program of the Government and to deal with urgent and specific matters of relevant national interest.
2. The Assembly may also be convened extraordinarily, at the request of the President of the Republic, to deal with specific matters, pursuant to subparagraph o) of paragraph 3 of Article 135.
3. In the extraordinary sessions, the National Assembly may only deal with specific matters that constitute the objective of the convocation.

Article 155
(Agenda)

1. The agenda of each legislative session shall be set by the President of the National Assembly after consulting the Conference of Representatives of the Parliamentary Groups, in conformity with the priority given to the matters defined in the National Assembly Rules of Procedure and without prejudice to any appeal to the Assembly's Plenum.
2. The parliamentary groups shall have the right to set the agenda of a certain number of meetings, in accordance with the National Assembly Rules of Procedure, making exceptions at all times for the position of parties that are a minority or that are not represented in the Government.
3. In matters of national interest, the Government and the parliamentary groups may request priority for urgent resolution.

Article 156
(Participation of the Government)

1. The Prime Minister must attend the plenary sessions of the National Assembly regularly for debates of public interest, with the periodicity foreseen in the National Assembly Rules of Procedure.
2. The Government shall have the right to attend plenary sessions of the National Assembly and shall have the right to speak, under the rules of procedure.
3. Meetings may be scheduled to deal with the Government's demand for oral or written questions to be formulated or to deal with its request for clarifications, in which the presence of the convoked Government member or members shall be mandatory. However, the Deputy Prime Ministers or a Minister may stand in for the Prime Minister and in the case of the Ministers, the Secretaries of State.
4. Members of the Government may request to participate in the undertakings of the Committees and must appear before them when so requested.

CHAPTER IV DRAFTING OF ACTS

SECTION I ON THE INITIATIVE OF LAW AND OF REFERENDUM

Article 157 (Initiative of Law and of Referendum)

1. Laws may be:
 - a) The initiative of Deputies or of Parliamentary Groups, in the form of draft laws;
 - b) The initiative of the Government, in the form of bills;
 - c) The direct initiative of a group of voting citizens, under the terms and conditions regulated by law.
2. At the parliamentary headquarters, the referendum proposals may be the initiative of Deputies or Parliamentary Groups.
3. Draft laws or bills and referendum proposals manifestly unconstitutional or illegal shall not be admissible.
4. The Deputies, Parliamentary Groups and voting citizens, referred to in subparagraph c) of paragraph 1, may not introduce legislative initiative that involves, direct or indirectly, an increase in expenditures or decrease in revenues foreseen in the State Budget or that modify it, in any way, in the current economic year.
5. Draft laws or bills of substantially identical content or that are aimed at regulating matters subject to the same *de facto* circumstantialism and have been rejected, may not be renewed in the same legislative session.

Article 158 (Approval and obsolescence of Bills and Referendums)

1. Draft laws may be approved up to the end of the legislature.
2. Bills shall become obsolete with the dismissal of the Government.
3. Draft laws and bills as well as referendum proposals shall become obsolete with the dissolution of the National Assembly or at the end of the legislature.

Article 159 (Initiative to table resolutions and motions)

1. The initiative to table a resolution shall fall under the jurisdiction of the Deputies and also:
 - a) That of the Board of the National Assembly in cases foreseen in the law;
 - b) That of the Government, in the approval of international treaties and agreements.

2. The resolution that authorizes the President of the Republic to declare a state of siege or state of emergency and to be absent from the national territory shall be adopted on the basis of a substantiated request by the President of the Republic addressed to the National Assembly.

3. The initiative to table motions shall fall under the jurisdiction of the Deputies and, with respect to motions of confidence, under that of the Government.

SECTION II ON DISCUSSION AND VOTING

Article 160 (Discussion and Voting)

1. The discussion of draft laws and bills, as well as referendum proposals shall entail a debate on generalities and another on specifics.

2. Voting on draft laws and bills as well as on referendum proposals shall entail a vote on generalities, a vote on specifics and a final overall vote.

3. By deliberation of the Plenum of the National Assembly, draft laws and bills may be voted on for specifics by Specialized Committees, without prejudice to the power of avocation of the National Assembly Plenum.

4. Draft constitutional laws, draft laws and bills on matters foreseen in subparagraphs a), b), c), d), e), f), g), h), i), j), k), n), o), p) and q) of Article 176 shall be mandatorily voted on for specifics by the National Assembly Plenum.

Article 161 (Special majorities)

1. Draft constitutional laws shall be approved by a majority of two thirds of the deputies in full exercise of their functions.

2. With the exception of the provisions of the following paragraph, draft laws and bills shall be approved by an absolute majority of sitting Deputies.

3. Draft laws and bills, the object of which is to address matters of Article 176, which are referred to in paragraph 4 of Article 160, shall be approved by a majority of two thirds of the sitting Deputies should that be greater than the absolute majority of Deputies in full exercise of their functions.

Article 162 (Urgent procedure)

The National Assembly may, by deliberation of the Plenary, at the request of at least fifteen Deputies, of any Parliamentary Group or Specialized Committee or of the Government, declare

the urgency in the processing of any draft law or bill or resolution proposal or even of any debate.

CHAPTER V ON THE STATUTE OF DEPUTIES

Article 163 (Nature and ambit of representation)

Deputies shall be the representatives of all the people and not only of the electoral constituencies for which they were elected.

Article 164 (Commencement and termination of mandate)

1. The mandate of Deputies shall commence with their swearing in and shall terminate with the swearing in of Deputies elected in the following election, subject to the suspension or individual cessation of the mandate.
2. The Statute of Deputies shall regulate the suspension, substitution, resignation and loss of office.

Article 165 (Incompatibilities)

1. Deputies appointed as members of the Government or placed in other functions incompatible with the exercise of the function of Deputy shall suspend the mandate automatically, and shall be replaced pursuant to Article 164 paragraph 2.
2. The provisions of paragraph 1 of this article shall not prejudice the right, and the elected candidate must participate in the legislature opening meeting until the replacement pursuant to paragraph b) of Article 153.
3. The law shall determine the remaining incompatibilities.
4. The law shall regulate cases and conditions under which Deputies require authorization from the National Assembly to be arbitrators, experts, declarants or witnesses.

Article 166 (Exercise of function as Deputy)

1. Public and private entities shall be duty-bound to provide the Deputies with all the necessary collaboration and to cooperate with them in the exercise of their functions.
2. Deputies shall be guaranteed all the conditions necessary for the exercise of their functions, namely for close contact with electoral constituency by which they were elected and with the citizen voters.

3. The absence of Deputies from official acts or occasions not related to their functions, owing to meetings or missions of the National Assembly, shall always be considered as justified and shall be grounds for the postponement of such acts or engagements.

4. The mandate of a Deputy arrested *in flagrante delicto* for crime punishable by imprisonment, whose maximum limit exceeds three years, shall be automatically suspended, from the date of the communication of such fact to the National Assembly.

Article 167

(Rights and privileges of Deputies)

1. Deputies shall enjoy the following rights and privileges:

- a) Free passage in public places of restricted access;
- b) Special identification card;
- c) Postponement of military or civilian service;
- d) Subsidies established by law;
- e) Others established in the Statute of Deputies.

Article 168

(Powers of Deputies)

Deputies shall have the powers:

To introduce revision drafts of the Constitution;

- a) To introduce draft laws, proposals of referendum, of resolutions, of motions and of deliberations;
- b) To request ratification of Legislative Decrees;
- c) To request and obtain from the Government and from the organs of the Administration or from any public entity, useful information and publications that they consider indispensable to the exercise of their functions;
- d) To pose questions to, and make demands on, the Government, the Public Administration or any public entity and receive a response within a reasonable period;
- e) To request the setting up of *ad hoc* Committees, under the terms of the National Assembly Rules of Procedure;
- f) All other powers referred to in the National Assembly Rules of Procedure and the Statute of Deputies.

Article 169

(Duties of Deputies)

It shall be the duties of Deputies:

- a) To attend the meetings of the Plenum and of the Committees to which they belong;

- b) To carry out the responsibilities and functions for which they are designated by the National Assembly;
- c) To participate in the voting and in the works of the National Assembly;
- d) To execute all other responsibilities referred to in the National Assembly Rules of Procedure and in the Statute of Deputies.

Article 170
(Immunities)

1. Deputies and parliamentary groups shall not be civilly, criminally or disciplinarily liable for the votes they cast and the opinions they express in the exercise of their functions.
2. No Deputy may be detained or held in preventive custody without the authorization of the National Assembly, except in the case of *flagrante delicto* for crime punishable by imprisonment, whose maximum limit exceeds three years.
3. Should criminal proceedings be initiated against a Deputy and should he or she be indicted, the National Assembly, at the request of the Attorney General of the Republic, shall decide whether his or her mandate should or should not be suspended for the purposes of the proceedings. However, a suspension shall be mandatory if the crime in question is punishable by imprisonment, whose maximum limit exceeds eight years.
4. Deputies shall appear before a court of appeal for crimes committed in the exercise of their functions.

Article 171
(Resignation and loss of office)

1. Deputies shall lose their office if:
 - a) They do not sit in the National Assembly during the number of meetings, or they exceed the number of absences, stipulated in the respective Rules of Procedure;
 - b) They refuse, three times in a row or five interpolated times, to discharge their functions or responsibilities for which they are appointed by the National Assembly, provided that the latter does not consider the refusal as justified;
 - c) They are convicted and found criminally responsible;
 - d) They register in a political party different from the one by which they were elected.
 - e) They become hurt by any of the disabilities or incompatibilities foreseen in the law.
2. Loss of office shall also imply any ineligibility existing at the date of the elections and discovered subsequently.
3. Deputies may resign from office through written communication addressed to the National Assembly.

CHAPTER VI ON THE POWERS OF THE NATIONAL ASSEMBLY

SECTION I ON THE POWERS FOR THE PERFORMANCE OF ORGANIZATIONAL AND FUNCTIONAL ACTS

Article 172 (Internal powers)

In relation to its own organization and functioning, the National Assembly shall have the power, in addition to the provisions of Article 153:

- a) To develop and approve its Rules of Procedure;
- b) To set up Specialized Committees and *ad hoc* Committees;
- c) To exercise all other powers that are conferred upon it by its Rules of Procedure.

Article 173 (Powers of the President)

The President of the National Assembly shall have the power:

- a) To represent the Assembly and to preside over its Board;
- b) To schedule the dates of the Plenary meetings and to set the Agenda, under the terms of the procedural rules;
- c) To exercise all other powers contained in the Constitution and in the National Assembly Rules of Procedure.

Article 174 (Powers of Committees and Parliamentary Groups)

Committees and Parliamentary Groups shall have the powers established in the Constitution and in the National Assembly Rules of Procedure.

SECTION II LEGISLATIVE AND POLITICAL POWERS

Article 175 (General political and legislative powers)

The National Assembly shall specifically have the power:

- a) To approve constitutional laws;
- b) To make laws concerning all matters, except those that fall within the exclusive power of the Government;
- c) To grant legislative authorizations to the Government;

- d) To ensure compliance with the Constitution and the laws;
- e) To assess the Government's program;
- f) To approve the State Budget, upon the recommendation of the Government;
- g) To approve international treaties and agreements;
- h) To take the State accounts and other public entities determined by the law;
- i) To propose, to the President of the Republic, the submission, to a national referendum, of issues of relevant national interest;
- j) To authorize or ratify the declaration of a state of siege and of a state of emergency;
- k) To authorize the President to declare war and to make peace;
- l) To grant general amnesties and pardons;
- m) To perform such other functions as may be assigned by the Constitution and by the law.

Article 176

(Absolutely reserved legislative powers)

The National Assembly shall exclusively have power to legislate on the following matters:

- a) Acquisition, loss and re-acquisition of nationality;
- b) System of national and local referendums;
- c) Proceedings for review of constitutionality of laws;
- d) Organization, composition, jurisdiction and functioning of the Courts, of the Public Prosecutor's Office, of the Superior Council of the Judiciary, of the Superior Council of Public Prosecutors, of the Judicial Inspection and of Inspection by the Public Prosecutor's Office;
- e) Statute of the judicial magistrates and of the magistrates of the Public Prosecutor's Office, of the members of the Superior Council of the Judiciary, of the members of the Superior Council of Public Prosecutors, of the judicial inspectors and of the inspectors of the Public Prosecutor's Office;
- f) Organization of the national defense;
- g) Systems of states of siege and of states of emergency
- h) Political parties and statute of opposition;
- i) Elections and statute of the holders of posts in sovereign organs and in local governments, as well as in the remaining organs that are constitutional or elected by direct and universal suffrage;
- j) Creation, modification and abolition of local governments;
- k) Restrictions to the exercise of rights;
- l) Information system network of the Republic and of State secrecy;
- m) System of protection of personal data;
- n) Foundation of State and local government budgets;
- o) Procedure for pardon and commutation of sentences;

- p) Delimitation of the territorial waters, of the exclusive economic zone and of the seabeds and maritime subsoils;
- q) Foundation of the fiscal system and scheme of taxpayer guarantees;
- r) Creation, incidence and rate of taxation;
- s) System of the national symbols;
- t) System of organizational, administrative and financial autonomy of support services for the President of the Republic and for the National Assembly;
- u) Framework of the direct legislative initiative of voting citizens' group;

Article 177

(Relatively reserved legislative powers)

1. The National Assembly shall exclusively have the power to legislate on the following matters, except in cases of legislative authorization granted to the Government:

- a) Rights, liberties, and guarantees;
- b) State and capacity of persons, family and estate laws;
- c) Definition of crimes, penalties, security measures and the respective preconditions, as well as the criminal procedures;
- d) General legal regime of punishment for disciplinary offenses as well as for administrative offences and their process;
- e) Duties, jurisdictions, foundations of organization and functioning of local governments as well as the system of local financing and the system and forms of creation of municipal policies;
- f) Civil responsibility of the State;
- g) Monetary system and pattern of weights and measurements;
- h) Scheme of fiscal benefits;
- i) General scheme of tax rates and other financial contributions in favor of public entities;
- j) Trade union law and right to go on strike;
- k) General regime of the Armed Forces;
- l) General regime of security forces;
- m) General regime of rural and urban leasing;
- n) Regime of public associations;
- o) Contentious and gracious guarantees of the administered;
- p) General regime of requisitioning and expropriation for public utility;
- q) General regime of mass communication and foundations of the organization of radio and television public service;
- r) Definition and regime of goods of the public domain;
- s) General regime of military or civilian service and of conscientious objections;
- t) Regime of privatization of enterprises and goods of public sector.

2. The National Assembly shall also exclusively have the power to legislate on the following matters, except in cases of legislative authorization granted to the Government:

- a) Foundations of the regime of Civil Service;
- b) Foundations of the system of education;
- c) Foundations of the national health system;
- d) Foundations of the system of social security;
- e) Foundations of the system of planning and of territorial land-use planning;
- f) Foundations of the system of protection of nature;
- g) Foundations of the statute of public enterprises;
- h) Foundations of the financial system.

Article 178

(Powers over financial matters)

The National Assembly shall have the power, in relation to financial matters and without prejudice to other powers foreseen in Article 175:

- a) To receive, assess and submit, to the Court of Auditors for an opinion, the State's General Account and the accounts of all other public bodies determined by law, which shall be presented by 31 December of the year following the one to which they relate;
- b) To authorize the Government, defining the general conditions, to contract and grant loans and execute other lending operations that may not be floating debt;
- c) To set the upper limit for sureties to be granted by Government in each socioeconomic year;
- d) To monitor the implementation of the budget;
- e) Perform such other functions as may be entrusted to it by the Constitution or by the law.

Article 179

(Powers over matters of International Treaties and Agreements)

The National Assembly shall have the power:

- a) To approve for ratification or accession international treaties and agreements of Cabo Verde participation in international organizations, treaties and agreements of friendship, of peace, of defense, of establishment or rectification of borders and those concerning military matters;
- b) To approve for ratification or accession other international treaties and agreements that deal with matters within the exclusive powers and all others that the government intends to table for its consideration;

- c) To approve the untying of international treaties and agreements referred to in the abovementioned subparagraphs.

Article 180

(Powers over political supervision)

The National Assembly, in exercise of its functions with respect to political supervision and without prejudice to other powers foreseen in Article 175, shall have the power:

- a) To assess and monitor the actions of Government and of the Public Administration;
- b) To pose questions and challenges to the Government;
- c) To vote on motions of confidence and motions of censure;
- d) To assess the speech on the state of the Nation presented by the Prime Minister at the end of each legislative session;
- e) To assess and monitor the implementation of a declaration of a state of siege or state of emergency;
- f) To assess, for the purpose of ratification, under the terms of the Constitution and the law, the legislative decrees and decree-laws concerning the development of bases or corresponding general regimes;
- g) To exercise other powers that may be conferred upon it by the Constitution and by the law.

Article 181

(Powers in relation to other organs)

1. By a two-thirds majority of the sitting Deputies, as long as it exceeds an absolute majority of the members in full exercise of their functions and after a parliamentary hearing process with a Specialized Committee, the National Assembly shall have the power to elect:

- a) The judges of the Constitutional Court;
- b) The Ombudsman;
- c) The President of the Economic, Social and Environmental Council;
- d) The members of the National Commission of Elections;
- e) The members of the Superior Council of the Judiciary and of the Superior Council of Public Prosecutors, who would be appointed in accordance with the Constitution;
- f) The members of the regulatory independent administrative authority of the media.

2. The National Assembly shall also have the power, through a competent Specialized Committee, to proceed, followed by recommendation, to the prior hearing of members of the management bodies of the independent administrative authorities, designated by the Government.

3. In relation to other organs and without prejudice to the powers foreseen in Article 175, the National Assembly shall also have the power:

- a) To bear witness to the inauguration and the resignation of the President;
- b) To authorize the absence of the President of the Republic from the national territory;
- c) To take criminal action against the President of the Republic pursuant to Article 132;
- d) To assess the reports on the status of Justice presented by the Superior Council of the Judiciary and by the Superior Council of Public Prosecutors, at the opening of each legislative session;
- e) To exercise, further, other powers conferred upon it by the Constitution and by the law.

Article 182

(Regime of legislative authorizations)

1. The laws of legislative authorization may only deal with matters of legislative power relatively reserved to the National Assembly and must lay down the object, the scope and the duration of the authorization, which may be prorogated.

2. The laws of legislative authorization may not be used more than once, without prejudice to its partial use.

3. The laws of legislative authorization shall become obsolete with the termination of the legislature, with the dissolution of the National Assembly or with the dismissal of the Government and may be revoked by the National Assembly.

4. The Government must publish the legislative decree by the last day of the period indicated in the law of authorization, which shall start on the date of the publication of the latter.

5. The legislative authorizations conferred upon the Government in the law approving the State Budget shall comply with the provisions of this article and, if they concern taxation, they shall expire at the end of the economic and fiscal year to which they relate.

Article 183

(Ratification of legislative decree and of development decree-law)

1. In sixty days subsequent to the publication of any legislative decree or development decree-law, at least five deputies or any Parliamentary Group, may request that it be made subject to ratification by the National Assembly for the purposes of its amendment or termination.

2. The National Assembly may not suspend the legislative decree or the development decree-law, which is the objective of the request for ratification.

Article 184
(Legal reservation)

1. All legislative regulation of any matter brought into the absolute or relative reserve of the jurisdiction of the National Assembly shall be attributed exclusively to the latter.
2. The following are exceptions to the provisions in paragraph 1:
 - a) Cases in which the Constitution reserves to the National Assembly a general arrangement, thereby granting it the power, in such cases, to define the common or normal arrangement, subject to special arrangements, may be defined by the Government;
 - b) Cases in which the Constitution reserves to the National Assembly the foundations of a system or matter, thereby granting it the power, in such cases, to define the basic choices of the legal orders of the system or matter, which could be developed by the Government.

TITLE IV
ON THE GOVERNMENT

CHAPTER I
**FUNCTION, POLITICAL RESPONSIBILITY,
COMPOSITION AND ORGANIZATION**

SECTION I
FUNCTION AND RESPONSIBILITY

Article 185
(Function)

The Government shall be the organ that defines, directs and executes the domestic and foreign general policy of the country and shall be the highest body of the Public Administration.

Article 186
(Responsibility of the Government)

The Government shall be politically accountable to the National Assembly.

SECTION II COMPOSITION AND ORGANIZATION

Article 187 (Composition and organization)

1. The Government shall consist of the Prime Minister, the Ministers and the Secretaries of State.
2. There may be one or more Deputy Prime Ministers.
3. The Government shall have the Council of Ministers as a collegial body.
4. The organic government, including the tasks, the powers of its members and the mechanisms of coordination between them, as well as the structure, the powers and the coordination of related support services shall be defined by decree-law, under the power established in paragraph 1 of Article 204.

Article 188 (Council of Ministers)

1. The Council of Ministers shall consist of the Prime Minister, the Deputy Prime Ministers, if any, and the Ministers and it shall be presided over and coordinated by the Prime Minister.
2. The Prime Minister may, whenever deemed fit or by decision of the Council of Ministers, convoke the Secretaries of State to participate, without the right to vote, in the meetings of the Council of Ministers.
3. There may be Specialized Councils of Ministers, depending on the matter in question, with the power:
 - a) To prepare matters for deliberation by the Plenary;
 - b) To coordinate the execution of deliberations by the Plenary;
 - c) To exercise regulatory, administrative functions or others as may be delegated by the Plenary.

Article 189 (Representation of the Government)

The Government may establish an integrated representation with jurisdiction over each island or on two or more councils of the same island or neighboring islands, led by a high representative and specifically in charge of:

- a) Representing the State authority;
- b) Ensuring compliance with the laws, with the preparation and efficient implementation of central government programs and projects or co-sharing, meeting of basic needs of the population and the maintenance of order and security;

- c) Overseeing the peripheral services of the State and of all other public bodies included in the central government sector;
- d) Coordinating the Government's support to the municipalities included in the territorial area of its jurisdiction;
- e) Exercising, under the terms of the Constitution and of the law, the administrative supervision of the municipalities included in the territorial area of their jurisdiction.

Article 190

(Substitution)

1. The Prime Minister shall be replaced, in the case of his or her impediments and absences, by the Deputy Prime Minister or, failing the latter, by the Minister indicated by the former to the President of the Republic.

2. In the absence of indication or in the case of vacancy of office, and should there be no office of Deputy Prime Minister, the President of the Republic shall have the power to designate a Minister to replace the Prime Minister.

3. The Minister shall be replaced, in the case of vacancy of office, impediments and absences, and, in general, in cases of impossibility or disability for effective performance of functions, by the Minister designated by the Prime Minister.

CHAPTER II

COMMENCEMENT AND TERMINATION OF FUNCTIONS

Article 191

(Commencement and termination of the functions of the Government)

The Government shall commence its functions with the assumption of office by the Prime Minister and the Ministers and shall terminate with the dismissal, resignation, death, permanent physical or mental incapacity of the Prime Minister.

Article 192

(Commencement and termination of functions of members of the Government)

1. The Prime Minister shall commence his or her functions with his or her assumption of office and shall terminate them with his or her discharge by the President of the Republic, at his or her request or following the dismissal of the Government.

2. The out-going Prime Minister shall be discharged on the date of the appointment and the assumption of office of the new Prime Minister.

3. The functions of the Ministers shall commence with their assumption of office and shall terminate with their discharge or with that of the Prime Ministers.

4. The functions of the Secretaries of State shall commence with their assumption of office and shall terminate with their discharge and or with that of their Ministers.

5. The Prime Minister who abandons the exercise of his or her functions before the appointment and assumption of office of the new office holder may not be appointed for governmental functions until ten years have passed from the date of the abandonment.

Article 193
(Caretaker government)

1. In case of the dismissal of the Government, the latter shall remain in operation until the appointment and the assumption of office of the new Prime Minister.

2. Before the approval of its program by the National Assembly, or after its dismissal, the Government shall limit itself to the performance of acts that are strictly necessary to the day-to-day management of public affairs and of ordinary administration.

CHAPTER III
FORMATION AND CONTINUATION OF THE GOVERNMENT

SECTION I
FORMATION

Article 194
(Formation)

1. The Prime Minister shall be appointed by the President of the Republic after consulting the political forces represented in the National Assembly and taking into account the electoral results, the existence or the non-existence of a political force which has a majority and the possibilities of coalitions and alliances.

2. The Ministers and the Secretaries of States shall be appointed by the President of the Republic upon the recommendation of the Prime Minister.

Article 195
(Solidarity of the Members of the Government)

The members of the Government shall be duty-bound by the Government's program and by the deliberations of the Council of Ministers and shall be solidarily and politically responsible for the program's execution.

Article 196

(Preparation of the Government's program)

1. Once the Government is appointed, it shall draw up its program by which it shall specify the goals and tasks it intends to carry out, the measures to be adopted and the main political orientations that it purports to undertake in all domains of governmental activity.
2. The program of the Government shall be approved by the Council of Ministers and shall be submitted to the National Assembly for consideration.

Article 197

(Government Program Assessment by the National Assembly)

Within fifteen days from the date of commencement of entry into government functions, the Prime Minister shall submit the Government's program to the National Assembly for assessment and shall mandatorily request, from the latter, the approval of a vote of confidence exclusively on the general policy that it intends to carry out.

SECTION II

**POLITICAL AND CRIMINAL RESPONSIBILITY
OF THE MEMBERS OF THE GOVERNMENT**

Article 198

(Political responsibility of the members of the Government)

1. The Prime Minister shall be politically responsible to the National Assembly.
2. The Deputy Prime Minister and the Ministers shall be responsible to the Prime Minister and, within the ambit of the political responsibility of the Government, to the National Assembly.
3. The Secretaries of State shall be politically responsible to the Prime Minister and their Ministers.

Article 199

(Criminal responsibility of the members of the Government)

1. No member of the Government may be detained or held in preventive custody without authorization from the National Assembly, except in the case of *flagrante delicto* for crime punishable by imprisonment, whose maximum limit exceeds three years.
2. Should criminal proceedings be initiated against a member of the Government and should he or she be indicted, the National Assembly, at the request of the Attorney General of the Republic, shall decide whether his or her mandate should or should not be suspended for the purposes of the proceedings. However, a suspension shall be mandatory if the crime in question is punishable by imprisonment, whose maximum limit exceeds eight years.

3. Members of the Government shall be brought before the appeal court for crimes committed in the exercise of their functions.

SECTION III

MOTION OF CONFIDENCE, OF CENSORSHIP AND DISMISSAL OF THE GOVERNMENT

Article 200 **(Motion of confidence)**

1. The Government, by deliberation of the Council of Ministers, may request at any time, from the National Assembly, a motion of confidence on the political orientation that it purports to follow or on any matter of relevant national interest.
2. The Government, by deliberation of the Council of Ministers, may withdraw a motion of confidence until the commencement of its discussion in the National Assembly.

Article 201 **(Motion of censorship)**

1. The National Assembly may, by the initiative of one fifth of the Deputies or any Parliamentary Group, vote on motions of censorship against the Government on the general policy or on any matter of relevant national interest.
2. The motion of censorship shall require substantiation.
3. The motion of censorship shall only be given consideration on the third day following its presentation and its debate shall not exceed four days.
4. Should the motion not be approved, its sponsors may not present another in the same legislative sessions.

Article 202 **(Dismissal of the Government)**

1. Dismissal of the Government shall entail:
 - a) The commencement of a new legislature and the dissolution of the National Assembly;
 - b) The acceptance by the President of the Republic of the letter of resignation tendered by the Prime Minister;
 - c) The death or permanent physical or mental incapacity of the Prime Minister;
 - d) The non-submission of its program for assessment by the National Assembly or the non-presentation, together with the Government's program, of the motion of confidence on the general policy which it purports to carry out;
 - e) The non-approval of a motion of confidence;
 - f) The approval of two motions of censorship in the same legislature.

2. The President of the Republic may dismiss the Government in case of the approval of a motion of censorship, after consulting the parties represented in the National Assembly and the Council of the Republic.

CHAPTER IV ON THE POWERS OF THE GOVERNMENT

Article 203 (Political powers)

1. The Government, in the exercise of its political functions, shall have the power:
 - a) To define and execute the domestic and foreign policy of the country;
 - b) To approve bills and resolution proposals to be submitted to the National Assembly;
 - c) To present motions of confidence;
 - d) To propose the State Budget to the National Assembly;
 - e) To endorse the acts of the President of the Republic pursuant to paragraph 2 of Article 138;
 - f) To present to the National Assembly the State's General Account and the accounts of all other public entities determined by law, under constitutional and legal terms;
 - g) To present the state of the Nation to the National Assembly;
 - h) To ensure the representation of the State in international relations;
 - i) To negotiate and alter international conventions;
 - j) To approve, by decree, international treaties and accords, whose approval does not fall under the jurisdiction of the National Assembly nor has it been submitted to the latter.
 - k) To decide on the execution of a declaration of a state of siege or state of emergency and to adopt the measures that prove adequate for the situation, under the terms of the Constitution and the law;
 - l) To perform all other functions that may be attributed to it by the Constitution or by the law.
2. The Government, in the exercise of political functions, shall have the right to propose to the President of the Republic:
 - a) The subjection to referendum, of issues of relevant national interest, pursuant to Article 103;
 - b) The declaration of a state of siege or state of emergency;
 - c) The declaration of war and peacemaking;
 - d) The nomination of the President and other judges of the Court of Auditors, of the Attorney General of the Republic, of the Chief of Staff and of the Deputy Chief of Staff of the Armed Forces, as well as of the Ambassadors, of the permanent representatives and of the extraordinary envoys.

Article 204
(Legislative powers)

1. The Government, meeting with the Council of Ministers, in the exercise of its legislative functions, shall have the exclusive power to adopt and approve decree-laws and other legislative acts concerning its own organization and functioning.
2. The Government, in the exercise of its legislative functions, shall have the power:
 - a) To adopt decree-laws on matters not reserved to the National Assembly;
 - b) To adopt legislative decrees on matters relatively reserved to the National Assembly, upon legislative authorization by the latter;
 - c) To adopt decree-laws developing the general basic guidelines and general regimes contained in Laws;
 - d) To adopt decrees for the approval of international treaties and agreements.
3. The legislative decrees and the decree-laws referred to in subparagraphs b) and c) of the preceding paragraph must indicate, respectively, the law of legislative authorization and the guidelines law under which they are approved.

Article 205
(Administrative powers)

The Government, in the exercise of its administrative functions, shall have the power:

- a) To develop and implement the State budget;
- b) To make the regulations necessary for the proper execution of the laws;
- c) To direct the services and activity of the direct administration of the State, civilian or military, and to oversee the indirect administration, as well as to exercise supervision of the autonomous administration;
- d) To perform the acts required by law with respect to civil servants and State agents and other public legal entities;
- e) To guarantee respect for democratic legality;
- f) To perform all acts and to take all measures necessary for the promotion of socio-economic development and to meet the collective needs;
- g) To exercise other powers that may be attributed to it by the Constitution and by the law.

Article 206
(Powers of the Council of Ministers)

The Council of Ministers, shall have the power:

- a) To define the general lines of domestic and foreign governmental policy, as well as of its execution and to proceed to its regular evaluation;
- b) To decide on the presentation of a motion of confidence to the National Assembly;
- c) To approve bills and resolution proposals to be submitted to the National Assembly;

- d) To approve proposals of referendums, of the declaration of a state of siege or state of emergency, of a declaration of war or of peacemaking to present to the President;
- e) To approve international treaties and agreements under the jurisdiction of the Government;
- f) To approve, in the exercise of its legislative functions of the Government, decrees, legislative decrees, and decree-laws;
- g) To approve regulatory decrees, resolutions and motions, pursuant to articles 264 to 268;
- h) To approve the State Budget draft and proposals for changes to it;
- i) To approve Government acts that involve an increase or decrease in public receipts and expenditures;
- j) To approve proposals for the appointment of the President and other judges of the Court of Auditors, of the Attorney General of the Republic, of the Chief of Staff and Deputy Chief of Staff of the Armed Forces and of ambassadors, permanent representatives or special envoys;
- k) To appoint the senior representatives foreseen in Article 189;
- l) To decide on other matters under the jurisdiction of the Government that may be assigned to it by the Constitution or by law or presented by the Prime Minister or by any Minister.

Article 207

(Powers of the Prime Minister)

The Prime Minister shall have the power:

- a) To preside over the Council of Ministers;
- b) To direct and coordinate the general policy of the Government and the functioning of the latter;
- c) To orient and coordinate the action of all Ministers and Secretaries of State who depend on him or her directly, without prejudice to his or her direct responsibility in the management of their governmental departments;
- d) To direct and coordinate the relations of the Government with the remaining organs of sovereignty and of political power;
- e) To endorse the acts of the President of the Republic, pursuant to paragraph 2 of Article 138;
- f) To inform, regularly and thoroughly, the President of the Republic about matters related to domestic and foreign policies of the Government;
- g) To represent the Government in all official acts; he or she may delegate the exercise of this function to any other member of the Government;

- h) To present, on behalf of the Government, to the remaining organs of sovereignty or political power, the proposals approved by the Government, as well as to request of such organs any other measure required by the Government;
- i) To perform any other acts that may be attributed to him or her by the Constitution and by law or by the Council of Ministers.

Article 208

(Powers of the Ministers and Secretaries of State)

1. The Ministers shall have the power:
 - a) To participate, through the Council of Ministers, in the definition of the domestic and foreign policy of the Government;
 - b) To implement the general policy of the Government and, especially, the policy defined for the respective Ministries;
 - c) To establish relations between the Government and the remaining State organs in the ambit of the respective Ministry;
 - d) To exercise the functions, which may be attributed to them by the Prime Minister and by the Council of Ministers;
 - e) To exercise any other function that may be attributed to them by the Constitution and by the law.
2. The Secretaries of State shall have the power:
 - a) To implement, under the orientation of their Ministers, the policy defined for their Ministries or Secretariats of State;
 - b) To perform acts that may be assigned to them by their Ministries;
 - c) To stand in for their Ministers during their absence or temporary impediments, without prejudice to the provisions set forth in paragraph 3 of Article 190;
 - d) To assist their Ministers in the management of the services of their Ministries;
 - e) To manage, under the guidance of their Minister, all the departments of their Secretariat of State or areas of operation;
 - f) To exercise the functions that may be assigned to them by their Ministers and by the law.

TITLE V **ON JUDICIAL POWER**

CHAPTER I GENERAL PRINCIPLES

Article 209 (Administration of Justice)

The administration of Justice shall aim to settle conflicts of public and private interests, to punish violations of democratic legality and guarantee the defense of the rights and legally protected interests of citizens.

Article 210 (Organs for the administration of Justice)

1. Justice shall be administered, on behalf of the people, by the courts and by the non-jurisdictional organs for alternative dispute resolution, created under the terms of the Constitution and the law, in accordance with the legally established rules of jurisdiction and of proceedings.
2. Justice shall also be administered by courts established by international treaties, conventions or agreements to which Cabo Verde is a party, in accordance with the respective rules of jurisdiction and procedure.

Article 211 (Fundamental principles of the administration of Justice)

1. In the exercise of their functions, the courts shall be independent and subject only to the Constitution and to the law.
2. The court may only exercise the functions established in the law.
3. The courts may not apply rules that contravene the Constitution or the principles therein contained.
4. Court hearings shall be public, unless otherwise decided by the Court itself, duly substantiated and rendered under the terms of procedural law, to safeguard the dignity of the people, privacy of private life and public morals, as well as to guarantee their normal functioning.
5. Court decisions that do not concern mere day-to-day business shall be substantiated under the terms of the law.
6. Court decisions on personal freedom shall be strictly subject to appeal for violation of the law.
7. Court decisions shall be binding on all public and private entities and shall prevail over those of any other authorities.

8. All public and private entities shall be required to provide the courts with the assistance they request in the exercise of functions.

9. The law shall regulate the terms of execution of court decisions affecting any authority and shall determine sanctions to impose on those responsible for their non-execution.

Article 212
(Legal representation)

The law shall regulate legal representation as an element indispensable to the administration of justice and assures providers thereof the guarantees necessary for the exercise of a forensic mandate.

Article 213
(Non-jurisdictional conflict resolution)

The law shall create mechanisms and organs of non-jurisdictional conflict resolution regulating, namely, their constitution, organization, jurisdiction and functioning.

CAPITAL II
ORGANIZATION OF THE COURTS

Article 214
(Categories of courts)

1. In addition to the Constitutional Court, there shall be the following courts:
 - a) The Supreme Court of Justice;
 - b) The Judicial Courts of Appeal;
 - c) The Judicial Courts of First Instance;
 - d) The Court of Auditors;
 - e) The Military Instance Court;
 - f) The Tax and Customs Courts.
2. The following may be created, by law:
 - a) Administrative Courts;
 - b) Arbitration Courts;
 - c) Bodies for regulating conflicts in territorial areas more restricted than those of the jurisdiction of the Courts of First Instance.
3. In the first instance there may be courts with specific jurisdiction and specialized courts for the trial of certain matters.
4. The law shall determine the circumstances and the manner in which the courts foreseen in the abovementioned paragraphs may be constituted, severally or jointly, as dispute-resolution courts.

5. Subject to the provisions of the Constitution, courts with exclusive jurisdiction to try certain categories of crimes shall be prohibited.

Article 215
(Constitutional Court)

1. The Constitutional Court shall be the court that has the power, specifically, to administer Justice in matters of a legal and constitutional nature, particularly, with respect to:

- a) Review of the constitutionality and legality, under the terms of the Constitution;
- b) Verification of death and declaration of disability, of impediment or of loss of office of the President of the Republic;
- c) Jurisdiction on matters of elections and political party organizations, under the terms of the law;
- d) Resolution of conflicts of jurisdiction, under the terms of the law;
- e) Writs of *amparo*.

2. The Constitutional Court shall have its headquarters in Praia.

3. The Constitutional Court shall consist of a minimum of three judges elected by the National Assembly, from among persons of reputed merit and competence and of recognized probity, with advanced training in Law.

4. The President of the Constitutional Court shall be elected by his peers.

5. The term of office of Constitutional Court judges shall be nine years and shall not be renewable.

6. Constitutional Court judges shall enjoy the same guarantees and be subject to the same incompatibilities as those of all other judges.

7. The law shall regulate the organization, jurisdiction and functioning of the Constitutional Court as well as the statute of its judges.

Article 216
(Supreme Court of Justice)

1. The Supreme Court of Justice shall be the highest body in the hierarchy of the Judicial, Administrative, Tax and Customs, and Military Instance Courts.

2. The Supreme Court of Justice shall have its headquarters in Praia and jurisdiction over the entire national territory.

3. Access to the office of judge of the Supreme Court of Justice shall be through a public competition open to judicial magistrates.

4. The President of the Supreme Court of Justice shall be appointed by the President of the Republic, from among the judges who comprise it, upon the recommendation of the latter, for a term of five years, renewable only once.

5. The law shall regulate the organization, composition, jurisdiction and functioning of the Supreme Court of Justice.

Article 217
(Judicial Courts of Appeal)

1. The Judicial Courts of Appeal shall be courts of appeal of judgments delivered by courts of first instance, administrative, tax and customs courts, and Military Instance Court.
2. The law may commit to the Court of Appeal the trial of certain matters of first instance.
3. The organization, composition, jurisdiction and functioning of the Courts of Appeal shall be regulated by law.

Article 218
(Judicial Courts of First Instance)

1. The judicial courts of first instance shall be the ordinary courts for civil and criminal matters and shall know all the cases that, by law, are not assigned to another jurisdiction.
2. The law shall regulate the organization, composition, jurisdiction and functioning of the judicial courts of first instance.

Article 219
(Court of Auditors)

1. The Court of Auditors shall be the highest body for reviewing the legality of public expenditures and for delivering judgment on those accounts that the law requires be submitted to it.
2. The mandate of the Judges of the Court of Auditors shall last for five years, shall be renewable and may only terminate before the end of the mandate in the event of:
 - a) Death or permanent and disabling physical or mental incapacity;
 - b) Resignation tendered in writing;
 - c) Dismissal or compulsory retirement as a result of disciplinary or criminal proceedings;
 - d) Investiture in office or exercise activity incompatible with the mandate of the exercise, under the terms of the Constitution and of the law.
3. The law shall regulate the organization, composition, jurisdiction and functioning of the Court of Auditors.

Article 220
(Military Instance Court)

1. The Military Instance Court shall have the power to conduct trials for crimes that, by reason of the matter, are defined by law as essentially military, with appeal to the Supreme Court of Justice, under the terms of the law.
2. The law shall regulate the organization, composition, jurisdiction and functioning of the Military Instance Court.

Article 221
(Tax and Customs Courts)

1. The Tax and Customs Courts shall have the jurisdiction, with appeal to the Supreme Court of Justice, to conduct trials, under the terms of the law, for:
 - a) The judgment of actions and emerging contentious appeals with legal relations to tax or customs;
 - b) The judgment of crimes in tax and customs matters, as well as of other criminal offenses of an economic or financial nature attributed by law;
 - c) The judgment of appeals concerning tax, customs, commercial or other economic or financial misdemeanors.
2. The law shall regulate the organization, composition, jurisdiction and functioning of tax and customs courts.

CHAPTER III
STATUTE OF JUDGES

Article 222
(Judiciary)

1. Judges shall form a single body that is, autonomous and independent of all other powers, and it shall be governed by its own statute.
2. The recruitment and development of the careers of judges shall be carried out with pervasive emphasis on criteria of merit of the candidates.
3. Judges, in the exercise of their functions, shall be independent and shall owe obedience only to the law and to their conscience.
4. Judges shall have security of tenure and may not be suspended, transferred, compulsorily retired or dismissed, except in cases especially foreseen in the law.
5. Under no circumstance whatsoever may a judge be transferred to a different judicial district from which to perform their duties, unless it is expressly consented to, in writing, or the transfer is based on serious grounds of public interest, of an exceptional nature, duly perceived and explained in prior communication.
6. Judges shall not be held accountable for their trials and decisions, except in cases especially foreseen in the law.
7. Judges in the exercise of their functions may not perform any other public or private function, except for teaching and scientific research of a legal nature, when duly authorized by the Superior Council of the Judiciary.
8. Judges in performance may not be affiliated with any political party or political association, or devote themselves, in any way, to political party activity.
9. The law may establish other incompatibilities with the exercise of the office of judge.

10. The appointment, assignment, transfer and career development of judges, as well as the exercise of disciplinary action concerning them shall fall under the jurisdiction of the Superior Council of the Judiciary.

Article 223

(Superior Council of the Judiciary)

1. The Superior Council of the Judiciary shall be the organ of management and discipline of judges, of autonomous management of human, financial and material resources of the courts as well as of its own.

2. The Superior Council of the Judiciary shall have jurisdiction, specifically, over:

- a) The general orientation and supervision of the activities of the Judicial, administrative, Tax and Customs courts as well as the Military Instance Court and Conflict Regulation Bodies;
- b) The supervision in the functioning of judicial secretariats;
- c) The appointment, assignment, transfer, development in career and in the discipline of human resources and of the judicial secretariats.

3. The Superior Council of the Judiciary shall also have the jurisdiction to collaborate with the government on the implementation of justice policy.

4. The Superior Council of the Judiciary shall present to the National Assembly, annually, its report on the status of Justice, under the terms of the law.

5. The Supreme Council of the Judiciary shall be composed of nine members, namely:

- a) A judge appointed by the President of the Republic;
- b) Four citizens of recognized probity and merit, who are not magistrates or lawyers, elected by the National Assembly;
- c) Four judicial magistrates elected by their peers.

6. The President of the Superior Council of the Judiciary shall be appointed by the President of the Republic, from among the judges who are part of it, upon the recommendation of the remaining members of this body, for a term of five years, renewable only once.

7. The office of the President of the Superior Council of the Judiciary shall be incompatible with the exercise of any other public or private function.

8. The rules stipulating the guarantees of judges established by the Constitution and by the law shall be applicable to all members of the Superior Council of the Judiciary.

9. The law shall regulate the jurisdiction, organization and functioning of the Superior Council of the Judiciary, as well as the statute of its members.

Article 224

(Judicial Inspection)

1. The supervision of the activity of the courts shall be carried out through a judicial inspection service, composed of a staff of inspectors, recruited from among judges and led by an

Inspector Superior, appointed by the Superior Council of the Judiciary, to which to be accountable.

2. The law shall regulate the organization, composition, jurisdiction and functioning of the judicial inspectorate.

CHAPTER IV ON THE PUBLIC PROSECUTOR'S OFFICE

Article 225

(Functions)

1. The Public Prosecutor shall defend the rights of citizens, democratic legality, public interest and other interests determined by the Constitution and by the law.

2. The Public Prosecutor's Office shall represent the State, shall be the holder of prosecution and shall take part, under the terms of the law, autonomously, in the execution of criminal policy defined by the sovereign bodies.

Article 226

(Organization of the Public Prosecutor's Office)

1. The organization of the Public Prosecutor's Office shall comprise the Office of the Attorney General of the Republic and the Prosecution Offices of the Republic.

2. The Office of the Attorney General of the Republic shall be the highest body in the hierarchy of the Public Prosecutor's Office, which shall have its headquarters in the city of Praia and jurisdiction over the entire national territory.

3. The Office of the Attorney General of the Republic shall be presided over by the Attorney General of the Republic and comprises the Superior Council of the Public Prosecutors.

4. The Attorney General of the Republic shall be nominated by the President of the Republic, upon the recommendation of the Government, for a term of five years, renewable and that can only be terminated before the normal term on account of:

- a) Death or permanent and disabling physical or mental incapacity;
- b) Resignation tendered in writing;
- c) Dismissal or compulsory retirement as a result of disciplinary or criminal proceedings;
- d) Investiture in office or exercise activity incompatible with the mandate of the exercise, under the terms of the Constitution or the law.

5. The Superior Council of the Public Prosecutor's Office shall be the organ of management and discipline of the prosecutors of the Public Prosecutor's Office, of autonomous management of human, financial and material resources of the prosecutors, as well as its own.

6. The Superior Council of the Public Prosecutor's Office shall have jurisdiction, specifically, over:

- a) The general orientation and supervision of the activity of the Public Prosecutor's Office;
- b) The supervision in the functioning of the secretariats of the Public Prosecutor's Office;
- c) The appointment, assignment, transfer, development in career and discipline of human resources of the secretariats of the Public Prosecutor's Office.

7. The Superior Council of the Public Prosecutor's Office shall have the jurisdiction to collaborate with the government on the implementation of justice policy, specifically, criminal policy.

8. The Superior Council of the Public Prosecutor's Office shall present to the National Assembly, annually, its report on the status of Justice, under the law.

9. The Superior Council of the Public Prosecutor's Office shall be presided over by the Attorney General of the Republic and shall be composed of the following members:

- a) Four national citizens who are suitable and of recognized merit, who are not magistrates or lawyers and are in the full possession of their civil and political rights, elected by the National Assembly;
- b) A national citizen who is suitable and of recognized merit, who is not a magistrate or a lawyer and is in full possession of his or her civil and political rights, appointed by the Government;
- c) Three magistrates of the Public Prosecutor's Office, elected by their peers.

10. The rules stipulating the guarantees of the magistrates of the Public Prosecutor's Office established by the Constitution and by the law shall be applicable to all members of the Superior Council of the Public Prosecutor's Office.

11. The law shall regulate the jurisdiction, organization and functioning of the Superior Council of the Public Prosecutor's Office, and the statute of its members.

Article 227

(Judiciary of the Public Prosecutor's Office)

1. The representatives of the Public Prosecutor's Office shall constitute an independent judiciary and with its own statute, under the terms of the law.

2. The representatives of the Public Prosecutor's Office shall act with respect for the principles of impartiality and of legality and for the other principles established in the law.

3. The representatives of the Public Prosecutor's Office shall be responsible magistrates who are hierarchically subordinate.

4. The representatives of the Public Prosecutor's Office may not be suspended, transferred, dismissed or retired, except in cases foreseen in the law.

5. The recruitment and development of the careers of representatives of the Public Prosecutor's Office shall be carried out with pervasive emphasis on criteria merit of the candidates, under the terms of the law.

6. The magistrates of the Public Prosecutor's Office in exercise of their functions may not perform any other public or private function, except for teaching and scientific research of a legal nature, when duly authorized by the Superior Council of the Public Prosecutor's Office.

7. The representatives of the Public Prosecutor's Office in performance may not be affiliated with any political party or political association, or devoted, in any way, to political party activity.

8. The law may establish other incompatibilities with the exercise of the office of a representative of the Public Prosecutor's Office.

9. The nomination, assignment, transfer and career development of the magistrates of the Public Prosecutor's Office, as well as the exercise of disciplinary action concerning them, shall fall under the terms of the law, at the Attorney General's Office.

Article 228

(Inspection of the Public Prosecutor's Office)

1. Supervision of the activity of the Public Prosecutor's Office shall be performed through an inspection service, composed of a staff of inspectors, recruited from among magistrates of the Public Prosecutor's Office and directed by an Inspector Superior, appointed by the Superior Council of the Public Prosecutor's Office, to which to be accountable.

2. The law shall regulate the organization, composition, jurisdiction and functioning of the inspection service of the Public Prosecutor's Office.

CHAPTER V ON ATTORNEYS

Article 229

(Function and guarantee of Attorneys)

1. An Attorney in the exercise of his or her function shall be a servant of Justice and of Law and an indispensable collaborator in the administration of Justice.

2. In the exercise of his or her functions and within the limits of the law, documents, correspondence and other objects that have been entrusted to the attorney by his or her client, that the former has obtained for the defense of the latter or that are related to the attorney's profession, shall be inviolable.

3. Searches, seizures or other similar measures undertaken in the attorney's office and files may only be ordered by Judicial decision and must be carried out in the presence of the judge who authorized them, the attorney and a representative of the representative entity of the attorneys, appointed by the latter for the purpose.

4. The attorney shall have the right to communicate personally and confidentially with his or her client, including when the latter is under arrest or is detained.

5. The exercise of the function of attorney shall be subject to deontological rules, shall involve professional responsibility and shall submit to the regulation and discipline of the Order of Attorneys of Cabo Verde, under the terms of the law.

TITLE VI **ON LOCAL POWER**

Article 230 **(Local administrations)**

1. The organization of the State shall include the existence of local administrations.
2. Local administrations shall consist of public legal entities of a territorial nature endowed with organs that are representative of their populations, and that pursue the interests that are specific to the latter.
3. The establishment and abolition of local administrations, as well as the change of their territories shall be done by law, in consulting in advance the organs of the local administration in question.
4. The law shall lay out the administrative division of the territory.

Article 231 **(Categories of local administrations)**

Local administrations shall consist of municipalities and the law may establish other categories of local administration higher or lower than the territorial area of the Municipality.

Article 232 **(Solidarity)**

1. The State shall promote solidarity among the bodies of local administration, in conformity with the particularities of each one of them and bearing in mind the reduction of regional asymmetries and national development.
2. The central administration, with respect to the autonomy of the local administration, shall guarantee the latter, under the terms of the law, technical and material support, as well as support in human resources.

Article 233 **(Assets and finances of the local administration)**

1. Local administrations shall have their own finances and assets.
2. The law shall define the assets of local administrations and shall lay down the regime for its finances, having in view the fair distribution of the public resources between the State and the local administrations and the remaining principles referred to under the present title.

3. Local administrations may dispose of tax powers, in the cases and terms foreseen in the law.
4. The law shall regulate the participation of municipalities in fiscal revenues.

Article 234

(Organization of local administrations)

1. The organization of local administrations shall consist of an elected assembly, endowed with decision-making powers and a responsible collegial executive organ at the head of it.
2. The assembly shall be elected by the electors residing in the territorial area of the local administration, in accordance with the system of list-proportional representation.

Article 235

(Regulatory power)

Local administrations shall have their own regulatory power, within the limits set by the Constitution, by the law as well as by regulations emanating from the local administrations of a high quality or from authorities with supervisory power.

Article 236

(Supervision)

1. Administrative supervision of local administrations shall consist of verification of compliance, of local administrative bodies, with the law, and shall be exercised in cases and under the terms of the law.
2. Measures of supervision that restrict local autonomy shall be preceded by the municipal assembly's decision-making advice, under the term of the law.
3. Dissolution of the organs of local administrations resulting from direct elections may only take place on account of serious acts or omissions, established by the law.

Article 237

(Staff of local administrations)

1. Local administrations shall have their own staff, under the terms of the law.
2. Civil servants and agents of local administrations shall be bound by the regime of civil servants and agents of the central administration, with the necessary adaptations, under the terms of the law

Article 238

(Functions and organization of local administrations)

1. The attributions and organization of local administrations, as well as the powers of its organs shall be regulated by law, while respecting the principle of autonomy and of decentralization.
2. The organs of local administrations may delegate to community organizations, administrative tasks that do not involve the exercise of functions of authority.

Article 239

(Associations of local administrations)

Local administrations may constitute associations for the realization of common interests.

TITLE VII

ON PUBLIC ADMINISTRATION

Article 240

(General principles)

1. Public Administration shall pursue public interest with respect for the Constitution, the law, the principles of justice, transparency, impartiality and good faith as well as for the legitimate rights and interests of citizens.
2. Public Administration shall be structured to provide citizens with an efficient and quality service, following, specifically, the principles of subsidiarity, devolution, decentralization, rationalization, evaluation and monitoring and stakeholder involvement, without prejudice to necessary efficiency and unity of action with respect to Administration and of the powers of direction, supervision and guardianship of the competent bodies, under the terms of the law.
3. The law may establish independent administrative authorities.
4. Public associations may only be formed for the satisfaction of relevant specific public needs; they may not exercise functions of a trade union character have, and they shall have internal organization based on democratic principles.
5. Private entities that exercise public powers may be subject, under the terms of the law, to administrative supervision.

Article 241

(Civil Service)

1. Public Administration personnel and all other agents of the State and of other public entities shall operate exclusively in the public's interest defined by the competent authorities and must, in the exercise of their functions, act with special respect for the principles of justice,

neutrality and impartiality, respect for citizens' rights and equal treatment for all who use them, under the terms of the law.

2. Public Administration personnel and all other agents of the State and of other public entities may not be benefited or prejudiced because of their political party choices or of exercising their rights established in the Constitution or in the law.

3. Public Administration personnel and all other agents of the State and of other public entities may also not benefit or prejudice others, because of their political party options or of exercising their rights established in the Constitution or in the law.

4. Without prejudice to the ineligibilities established in the law, Public Administration personnel, all other civilian agents of the State and of other public entities shall not require authorization to apply for any elective post of the State or of local administrations, suspending, however, the exercise of functions from the time of the formal presentation of the candidate, without the loss of rights.

5. The accumulation of public post or office shall not be permitted, except in cases expressly admitted in the law.

6. In Civil Service, access and professional development shall be based on merit and capability of candidates or agents.

7. The law shall determine the incompatibilities between the exercise of public office and that of other activities, as well as other guarantees of impartiality in the exercise of public offices.

Article 242

(Restrictions to the exercise of rights)

For diplomats, magistrates, clerks of the court and public inspectors in full exercise of their functions or an equivalent situation, the law may establish special duties arising from specific requirements of their duties, in order to safeguard the public interest and legitimate interests of the State or of third parties.

Article 243

(Responsibility of public agents)

1. The law shall regulate the civil, criminal and disciplinary responsibility of Public Administration personnel and all other agents of the State and of other public entities for acts or omissions in the exercise of their functions, as well as the terms in which the State and other public entities have the right of recourse against their agents.

2. The agent's responsibility shall be excluded, when he or she acts in compliance with orders or instructions issued by his or her immediate superior and on matters of service, desisting, however, from the duty of obedience when compliance with orders or instructions would involve the commission of crime.

Article 244**(Police)**

1. The police shall have the responsibility of defending democratic legality, preventing crime and ensuring internal security, public order and the exercise of the rights of citizens.
2. Police measures shall be foreseen in the law and obey the principles of legality, of necessity, of adequacy and of proportionality and shall be used with respect for the rights, freedoms and guarantees of citizens.
3. The law shall establish the system of the security forces and their organization.
4. There may be municipal police forces, whose regime and form of creation shall be established by law.
5. In order to safeguard the impartiality, cohesion and discipline of the services and security forces, restrictions may be imposed, by law, on their agents with respect to the exercise of rights of expression, assembly, demonstration, association, collective petitioning and passive electoral capacity.

Article 245**(Rights and guarantees of an individual with respect to
Administration)**

An individual, directly either through associations or through organizations for the defense of diffuse interests, to which he or she belongs, shall have, under the terms of the law, the right:

- a) To be heard in administrative proceedings concerning them;
- b) To be informed by the Administration, within a reasonable period, on the progress of cases in which he or she has a direct interest, when requested;
- c) To be notified of administrative acts in which he or she has a legitimate interest in the form foreseen in the law, including the express and accessible basis thereof, when they affect his or her rights or legally protected interests;
- d) To have access to administrative files and records, subject to the provisions of the law in matters relating to internal and external security of the State, to criminal investigation, to judicial secrecy, the State secret and to personal privacy;
- e) To request and obtain effective judicial protection of their rights and legally protected interests, namely by challenging any administrative acts that cause them damage, irrespective of whatever form they may assume, by judicial reconnaissance of such rights and interests, by application for the adoption of adequate precautionary measures and by judicial imposition on Administration for the performance of legally due administrative acts;
- f) To challenge with external efficacy the administrative rules damaging to their legally protected rights or interests;

- g) To be compensated for damages resulting from the violation of their rights and legally protected interests, by acts or omissions of public agents, performed in the exercise of functions and as a result of them.

TITLE VIII ON NATIONAL DEFENSE

Article 246 (National Defense)

National defense shall be the provision, integration and coordinated action of all the material strength and morals of the Nation, in the face of any form of threat or aggression, with an end to guaranteeing permanently the unity, sovereignty, territorial integrity and the independence of Cabo Verde, the freedom and security of its people as well as the democratically established constitutional order.

Article 247 (Armed Forces)

1. The Armed Forces shall be a permanent and regular institution, shall be composed exclusively of Cabo Verdean citizens and shall be structured on the basis of hierarchy and discipline.
2. The Armed Forces shall be subordinate to, and shall obey, the competent sovereign bodies, under the terms of the Constitution and the law.
3. The Armed Forces shall be at the service of the nation and shall be strictly non-partisan. Its members on active duty or, members of the permanent staff in the line of active duty, may not affiliate themselves with any trade union, political party or political association, nor may they engage in political party activities of any kind.
4. The organization of the Armed Forces shall be unique for the entire national territory.

Article 248 (Missions of the Armed Forces)

1. The Armed Forces shall, exclusively, have the task to implement the military component of the national defense, and also to secure the military defense of the Republic against any external threat or aggression.
2. The Armed Forces shall, without prejudice to the provisions of paragraph 1, also carry out the missions assigned to them, under the terms of the law and in the following contexts:
 - a) Implementation of the declaration of a state of siege or state of emergency;
 - b) Guarding, monitoring and defending the national air and maritime spaces, specifically in respect to the use of the waters of the archipelago, of the

maritime territory and of the exclusive economic zone, search and rescue operations, as well as in collaboration with the police authorities and other competent and under the responsibility of the latter, to protection of the environment and of the submarine archeological heritage, to prevention and repression of maritime pollution, of drug and arms trafficking, of contraband and other forms of organized crime.

- c) Collaboration in the tasks aimed at meeting the basic needs and improving the living conditions of the populations;
- d) Participation in the national system of civil protection;
- e) Defense of the democratic institutions and of the constitutional order;
- f) The carrying out of other missions of public interest.

3. Any Armed Forces intervention may only take place at the order of the competent military hierarchy, whose conduct must be guided by the strict obedience to the decisions and instructions of the sovereignty organs, under the terms of the Constitution and of the law.

Article 249 **(Military Service)**

1. Military service shall be compulsory under the terms of the law.
2. Conscientious objectors to military service and those citizens subjected by law to engage in military service but who are considered unable to do armed military service shall engage in non-armed military service or civilian service deemed adequate to their situation, under the terms of the law.
3. Civilian service may be established in substitution for or as a complement of military service and shall be compulsory by law for citizens who are exempt from military duties.

Article 250 **(Restrictions to the exercise of rights)**

The law may lay down restrictions to the exercise of the rights of expression, assembly, demonstration, association and collective petitioning, as well as to passive electoral capacity of military personnel on active duty, within the strict measure of requirements of military condition.

Article 251 **(Guarantee of citizens who engage in military service)**

Nobody may be prejudiced in his or her employment, placement, promotion or social benefits because of his or her compliance with military service or with compulsory civilian service.

Article 252

(Superior Council of National Defense)

1. The Superior Council of National Defense shall be the specific organ for consultation on matters pertaining to national defense and the Armed Forces.
2. The Superior Council of National Defense shall be presided over by the President of the Republic, and he or she shall have the composition as determined by law and must include civilian and military entities.

TITLE IX

**ON THE AUXILIARY ORGANS OF THE ORGANS
OF POLITICAL POWER**

CHAPTER I

ON THE COUNCIL OF THE REPUBLIC

Article 253

(Definition and composition)

1. The Council of the Republic shall be the political advisory body of the President of the Republic.
2. The Council of the Republic shall consist of the following members:
 - a) The President of the National Assembly;
 - b) The Prime Minister;
 - c) The President of the Constitutional Court;
 - d) The Ombudsman;
 - e) The President of the Economic, Social and Environmental Council;
 - f) The former Presidents of the Republic who were not dismissed from office
 - g) Five citizens of renown suitability and merit, in full possession of their civic and political rights, designated by the President of the Republic, and three of them must be chosen, upon the consideration of political sensitivities with parliamentary expression and one chosen from within the Cabo Verdean communities abroad.
3. The citizens referred to in subparagraph g) of the preceding paragraph may not be holders of any sovereign organ or of any elective organ of local administrations and their mandate shall end with the term of office of the President of the Republic.

Article 254

(Powers and functioning)

1. The Council of the Republic shall have the power to advise the President of the Republic, at the request of the latter and to make decisions on:

- a) The dissolution of the National Assembly;
 - b) The dismissal of the Government;
 - c) The holding of referendums at the national level;
 - d) The scheduling of the date for the elections for the President of the Republic, the Deputies for the National Assembly and for holding referendums at the national level;
 - e) The declaration of war and of peacemaking;
 - f) The declaration of a state of siege or state of emergency;
 - g) The treaties that involve restrictions on the sovereignty, the participation of the country in international organizations for collective or military security;
 - h) Other important matters of national life;
 - i) Any other matter foreseen in the Constitution.
2. The Council of the Republic shall draw up and approve its rules of procedure;

Article 255

(Effects of the rulings of the Council of the Republic)

Deliberations of the Council of the Republic shall not be binding in nature.

Article 256

(Form and publication of deliberations)

1. Deliberations of the Council of the Republic shall assume the form of advice and shall only be published if the act to which they refer is to be performed.
2. Opinions shall obligatorily be expressed in the meeting in which the deliberation to which they refer took place.
3. The publication to which paragraph 1 refers shall be made simultaneously with that concerning the act.

CHAPTER II **ON THE ECONOMIC, SOCIAL AND ENVIRONMENTAL COUNCIL**

Article 257

(Definition and composition)

1. The Economic, Social and Environmental Council shall be the advisory and consultative body in matters of economic, social and environmental development, and it may carry out other functions that are attributed to it.
2. The Economic, Social and Environmental Council functions in the plenary and through councils or specialized committees, including, obligatorily, a Council for Regional Development, a Council for Social Consultation and a Council of the Communities.

3. The law shall regulate the organization, composition, competence and functioning of the Economic, Social and Environmental Council.

Article 258
(Council of the Communities)

1. The Council of the Communities shall be an advisory body for affairs related to Cabo Verdean communities abroad.

2. The organization, composition, jurisdiction and functioning of the Council of the Communities shall be regulated by law.

TITLE X
ON THE FORM AND HIERARCHY OF ACTS

CHAPTER I
ON THE ACTS OF THE PRESIDENT OF THE REPUBLIC

Article 259
(Presidential decrees)

Normative acts of the President of the Republic, which under the Constitution must not take a different form, shall take the form of presidential decrees.

CHAPTER II
**ON THE FORM OF LEGISLATIVE
AND NORMATIVE ACTS**

Article 260
(Legislative Acts of the National Assembly)

1. The Constitutional Law, the law and the Rules of Procedure shall be legislative acts of the National Assembly.

2. The acts that approve or alter the Constitution shall take the form of Constitutional Law.

3. The acts foreseen in subparagraphs b), c), f) and 1) of Article 175, in articles 176 and 177, as well as in subparagraphs b) and c) of Article 178, shall take the form of a law.

4. The regulatory act of the organization of the functioning of the National Assembly, which does not require promulgation, shall take the form of Rules of Procedure.

Article 261
(Legislative acts of the Government)

1. A decree, legislative decree and decree-law shall be considered legislative acts of the Government.
2. They shall take the form of:
 - a) Decree – acts of Government approval of international treaties and agreements;
 - b) Legislative decree – acts of Government enacted on the basis of the law of legislative authorization;
 - c) Decree-law – all remaining legislative acts of the Government.
 - d) Legislative acts of the Government must be signed by the Prime Minister and by a competent Minister *ratione materiae*.

Article 262
(Distinctiveness of legislative acts)

No law may create other categories of legislative acts, or attribute to normative acts of another nature power for authentic interpretation or integration of the laws, as well as for modifying, suspending or revoking any legislative act.

Article 263
(Rules of procedure)

Regulatory normative acts concerning the organization and functioning of the collegial bodies, approved by the latter, shall appear in the form of rules of procedure.

Article 264
(Regulations)

1. Normative acts performed by the Government and other public entities in the exercise of their administrative functions shall be considered as regulations.
2. Regulations that shall take the form of a regulatory decree are Government regulations that:
 - a) Fall under the jurisdiction of the Council of Ministers;
 - b) Must, by imposition of express law, take this form.
3. Regulations that shall take the form of an ordinance or legislative order are government regulations that must not take the form of a regulatory decree or that, under the terms of the law, are of an isolated jurisdiction or a set of one or more members of the Government.
4. Regulatory decrees shall be signed by the Prime Minister and by a competent member of the Government *ratione materiae*.
5. The Regulations must indicate expressly the law that they hold in regulatory view or that define the objective or subjective jurisdiction for their production.

Article 265

(Resolutions of the National Assembly and of the Government)

1. The acts that shall take the form of a resolution shall be those of the National Assembly foreseen in articles 175 subparagraphs g) to k), 178 subparagraphs a) and c), 179, 180 subparagraph f), 181 paragraph 1 and Article 183 of the Constitution and all the other acts by the National Assembly for which the Constitution does not determine otherwise.

2. The acts that shall take the form of a resolution shall be those of the Government that are not covered by articles 261 and 264 of the Constitution and, also, the acts for which the law does not determine otherwise.

3. The resolutions of the National Assembly and of the Government shall need no promulgation.

CHAPTER III

ON RESOLUTIONS AND MOTIONS

Article 266

(Other resolutions)

Acts of the other collegial organs foreseen in the Constitution that must not legally take another form shall also assume the form of a resolution.

Article 267

(Motion)

Acts of the National Assembly foreseen in subparagraphs a) and c) of Article 180 and c) of paragraph 3 of Article 181, shall take the form of a motion.

CHAPTER IV

HIERARCHY AND PUBLICATION

Article 268

(Hierarchy of laws)

The laws, legislative decrees and decree-laws shall have the same value, subject to the subordination of the legislative decrees to those corresponding laws of legislative authorization and development decree-laws to the laws that regulate the general corresponding guidelines or juridical regimes.

Article 269
(Publication)

1. The following shall be published mandatorily in the official gazette of the Republic of Cabo Verde, under the penalty of legal inefficacy:

- a) Presidential decrees;
- b) Legislative acts of the National Assembly and of the Government;
- c) International treaties and agreements and the respective notices of ratification or of accession;
- d) Resolutions of the National Assembly and of the Government;
- e) Decisions of the Constitutional Court, as well as of other courts on which the law confirms general mandatory force;
- f) Regulations emanating from the direct or indirect central administration and from the autonomous administration, specifically, those of the bodies of municipal or higher authorities.
- g) Election results of organs foreseen in the Constitution and also of elections and referendums at the national level;
- h) Rules of procedure of the Council of the Republic and of the Economic, Social and Environmental Council, as well as of all the collegial bodies foreseen in the Constitution;
- i) In general, any act of a generic content of sovereign bodies or of municipal or higher authorities.

2. The law shall determine the modality of publication of the remaining acts and the consequences of the lack of their publication.

PART VI
**ON THE GUARANTEES OF PROTECTION AND REVISION
OF THE CONSTITUTION**

TITLE I
ON THE STATE OF SIEGE AND STATE OF EMERGENCY

Article 270
(State of siege)

A state of siege may only be declared, in the whole or in part of the national territory, in the case of actual or imminent aggression against the national territory by foreign forces or serious threat or disturbance of the constitutional order.

Article 271
(State of emergency)

A state of emergency shall be declared, in the whole or in part of the national territory, in the case of public calamity or disturbance of the constitutional order, the seriousness of which does not warrant the declaration of a state of siege.

Article 272
(Substantiation and duration)

1. The declaration of a state of siege or state of emergency must be duly substantiated, and it must indicate its territorial ambit, its effects, the rights, liberties and guarantees that shall be suspended, and its duration, which may not exceed thirty days, to be prorogated for an equal period and for the same reasons.

2. In case of war, and a state of siege having been declared, the law may set for such a state of siege a period exceeding the one referred to in the preceding paragraph in which case the duration shall be strictly necessary for the prompt resumption of democratic normalcy.

Article 273
(Prohibition of dissolution of the National Assembly)

1. The National Assembly may not be dissolved while a state of siege or state of emergency is in force and shall be automatically convoked in case it is not in session.

2. In case the National Assembly has been dissolved or in case the legislature has terminated on the date of the declaration of a state of siege or state of emergency, the powers of the former shall be assumed by the Standing Committee.

Article 274
(Subsistence of certain fundamental rights)

The declaration of a state of siege or state of emergency may not in any way, affect the right to life, physical integrity, personal identity, civil capacity, citizenship, the non-retroactivity of criminal law, the right of defense by the defendant and the freedom of conscience and of religion.

Article 275
(Powers of the sovereign organs)

The declaration of a state of siege or state of emergency may not affect the constitutional rules with respect to the powers and to the functioning of the sovereign organs, nor shall it affect the rights and immunities of the respective holders, nor modify the principles of the responsibility of the State and of its agents, as recognized by the Constitution.

Article 276

(Prorogation of the elective mandates and prohibition to hold elections)

1. Once a state of siege is declared, the mandates of the holders of the elective organs of political power, which should terminate while the state of siege is in force, shall become automatically prorogated.
2. Once a state of emergency restricted to a part of the national territory is declared, the provision of the preceding paragraph shall apply to the elective organs of the respective area.
3. The implementing of any electoral act shall not be allowed, while a state of siege or state of emergency is in force and until the thirtieth day following its termination.

TITLE II

ON THE REVIEW OF CONSTITUTIONALITY

Article 277

(Unconstitutionality by action)

1. The rules and resolutions of a normative or of a specific and concrete content that violate the provisions of the Constitution or the principles therein enshrined shall be unconstitutional.
2. The organic or formal unconstitutionality of international treaties or agreements that deal with matters falling within the jurisdiction reserved to the National Assembly or within the legislative power of the Government shall not impair the application of the rules of such treaties and agreements in the Cabo Verdean legal order, in case they are confirmed by the Government and approved by the National Assembly by a two-third majority of the Deputies present in the first plenary session following the date of the publication of the court's decision.
3. Once the irregularity is resolved and if, by virtue of it, the international treaty or agreement has not been ratified, the President of the Republic shall be authorized to ratify it.

Article 278

(Preventive review of constitutionality)

1. Preventive review of the constitutionality may be requested from the Constitutional Court:
 - a) By the President of the Republic, in respect of any rule contained in an international treaty or agreement that is referred to it for ratification, as well as in respect of any provision of legislation it has been sent for promulgation as a law, legislative decree or decree-law;
 - b) By, at least, fifteen Deputies in full exercise of their functions or by the Prime Minister in respect of any rule contained in a legislation act sent to the President for promulgation as law subject to approval by a qualified majority.

2. For the purposes of the provisions of subparagraph b) of the paragraph above, the President of the National Assembly, on the date they submit to the President of the Republic the legislative act that must promulgated, he or she shall notify the Prime Minister and the Parliamentary Groups.

3. A preventive review of constitutionality must be requested within eight days:

- a) From, in cases of subparagraph a) of paragraph 1, the date of the receipt of the instrument by the Presidency of the Republic;
- b) From, in the case of subparagraph b) of paragraph 1, the date of knowledge in accordance with paragraph 2.

4. The President of the Republic may not promulgate legislative acts referred to in subparagraph b) of paragraph 1, before eight days have passed since its receipt or before the Constitutional Court has decided on them, where the intervention of the latter has been requested under the constitutional and legal terms.

5. The Constitutional Court must rule within twenty days, which, in the case of subparagraph a) of paragraph 1, may be shortened by the President of the Republic, for reasons of urgency.

Article 279 (Effects of a ruling)

1. If the Constitutional Court rules in favor of the unconstitutionality of a rule contained in an international treaty or agreement, the latter must not be ratified by the President of the Republic, who shall return it to the organ that had approved it.

2. An international treaty or agreement that contains a rule declared to be unconstitutional may be ratified by the President of the Republic if the National Assembly, in consulting the Government, confirms its approval by a majority of two thirds of the Deputies in full exercise of their functions.

3. If the Constitutional Court rules in favor of the unconstitutionality of a rule contained in any legislative act, the instrument must be vetoed by the President of the Republic and returned to the organ that had approved it.

4. In the case foreseen in paragraph 3, the legislative act may not be promulgated unless the organ that had approved it expurgates therefrom the rule judged unconstitutional or, where appropriate, confirms it by a two-thirds majority of Deputies in full exercise of their functions.

Article 280 (Abstract review of constitutionality)

The Constitutional Court, at the request of the President of the Republic, of the President of the National Assembly, of at least fifteen Deputies, of the Prime Minister, of the Prosecutor General of the Republic and, of the Ombudsman, shall consider and declare:

- a) The unconstitutionality of any rules or resolutions of a content that is normative and material or specific and concrete;
- b) The illegality of rules and resolutions referred to in the subparagraph above.

Article 281

(Concrete Review of constitutionality)

1. Court decisions shall be subject to appeal to the Constitutional Court whenever:
 - a) The courts refuse, on the grounds of unconstitutionality, to apply any rule or resolution of a content that is material and normative or specific and concrete;
 - b) They apply rules or resolutions of a content that is material and normative or specific and concrete, whose unconstitutionality has been challenged in the proceedings;
 - c) They apply rules or resolutions of a content that is material and normative or specific and concrete, which have previously been considered unconstitutional by the Constitutional Court itself.
2. Decisions shall also be subject to appeal to the Constitutional Court whenever:
 - a) They apply resolutions of a content that is material and normative or specific and concrete, which have previously been considered illegal by the Constitutional Court or whose illegality has been challenged in the proceedings.
 - b) They refuse to apply, on the grounds of illegality, the resolutions referred to in the preceding subparagraph.

Article 282

(Legitimacy for appealing)

1. The Public Prosecutor's Office and persons who, in conformity with the law regulating the constitutionality review process, have legitimacy to file an appeal, shall have the right to appeal with the Constitutional Court.

2. The appeal referred to in the preceding paragraph may only be filed after resort to other appeals provided for in the law of the proceedings in which the judgment was handed down have been exhausted, and the appeal shall be limited to the question of unconstitutionality or illegality, as the case may be.

3. The appeal filed against the decisions foreseen in subparagraph c) of paragraph 1 and in the first part of subparagraph a) of paragraph 2 of the preceding article shall be mandatorily filed with the Public Prosecutor's Office.

Article 283

(Form of decisions by the Constitutional Court, on matters of review of constitutionality or illegality)

1. In the cases foreseen in article 279, the ruling by the Constitutional Court shall take the form of an advisory opinion.

2. In all other cases, the decisions of the Constitutional Court shall bear the designation of “judgment” [*acórdãos*].

3. The decisions of the Constitutional Court that pertain to the constitutionality or illegality review, shall be published *in integra* in the official gazette.

Article 284

(Effects of the “Judgments”(*Acórdãos*) and of the Advisory Opinions)

1. *Acórdãos* of the Constitutional Court that pertains to the constitutionality or illegality, whatever the process in which they were handed down, shall have general mandatory force.

2. Advisory Opinions shall have the effects established in Article 279.

Article 285

(Effects of the declaration of unconstitutionality)

1. The declaration of unconstitutionality and of illegality with general mandatory force shall produce effects from the entry into force of the rule judged unconstitutional or illegal and the reactivation of the rules that such rule may have revoked.

2. In case of unconstitutionality or illegality for violation of a subsequent constitutional or legal rule, the declaration shall only produce effects from the time of its entry into force.

3. The declaration of unconstitutionality of a rule contained in any international convention shall produce effects from the date of the publication of the *acórdão*.

4. In the case referred to in paragraphs 1 and 2, whenever reasons of security, equity or public interest of exceptional relevance, duly substantiated so demand, the Constitutional Court may determine effects of a more limited scope than those of the provisions foreseen in paragraphs 2 and 3.

5. In respect of the effects of the declaration of unconstitutionality or illegality with general mandatory force, rulings in cases that have already been tried shall stand, save when the Constitutional Court rules to the contrary in relation to rules concerning criminal, disciplinary or illicit day-to-day matters and their contents were less favorable to the defendant.

TITLE III
ON THE REVISION OF THE CONSTITUTION

Article 286
(Jurisdiction, time and initiative of revision)

1. The present Constitution may be revised, in whole or in part, by the National Assembly five years after its promulgation.
2. The National Assembly may, however, at any time assume powers of extraordinary revision of the Constitution by decision of a majority of four fifths of the Deputies in full exercise of their functions.
3. The initiative of a revision of the Constitution shall fall under the jurisdiction of the Deputies.

Article 287
(Revision drafts)

1. Constitution revision drafts must indicate the articles to be revised and the meaning of the changes to be introduced.
3. Once any Constitution revision draft is presented, all other drafts shall be presented within a maximum of sixty days.

Article 288
(Approval of amendments)

1. Each one of the amendments to the Constitution must be approved by a majority of two thirds of the Deputies in full exercise of their functions.
2. The amendments approved must be consolidated in a single revision law.

Article 289
(New text of the Constitution)

1. The amendments to the Constitution shall be inserted in the proper places, by way of substitutions, deletions or necessary additions.
2. The new text of the Constitution shall be published together with the revision law.

Article 290
(Material limits of the revision)

1. The following may not be the object of revision:
 - a) The national independence, integrity of the national territory and unity of the State,
 - b) The republican form of Government;

- c) The universal, direct, secret and periodic suffrage for the election of the holders of posts in sovereign organs and local government;
 - d) The separation and interdependence of the sovereign organs;
 - e) The autonomy of the local government;
 - f) The independence of the courts;
 - g) The pluralism of expression and of political organization and the right of opposition.
2. The revision laws may also not restrain or limit the rights, liberties and guarantees established in the Constitution.

Article 291
(Promulgation)

The President of the Republic may not refuse the promulgation of the revision laws .

Article 292
(Prohibition of revision)

In time of war or while a state of siege or state of emergency is in force, no act of revision of the Constitution may be carried out.

PART VII
FINAL AND TRANSITORY PROVISIONS

Article 293
(Previous legislation)

The law prior to the entry into force of the Constitution shall remain in force, provided that it does not contravene the principles therein enshrined.

Article 294
**(Supreme Court of Justice – assumption of functions
as Constitutional Court)**

1. While the Constitutional Court is not legally installed, the administration of justice in matters of a legal and constitutional nature continues to be carried out by the Supreme Court of Justice that shall have the power:

- a) To review for constitutionality and legality pursuant to Articles 277 and others thereafter, except as foreseen in paragraph 1, subparagraph b) of Article 278;

- b) To verify the death and declare the permanent physical or mental incapacity of the President of the Republic, as well as declare temporary impediments to the exercise of his or her duties;
 - c) To verify the loss of office of the President in cases of conviction of crimes committed in the exercise of functions and in other cases foreseen in the Constitution;
 - d) To verify the death and declare the incapacity for the exercise of the presidential function by any candidate for President of the Republic;
 - e) To verify preventively the constitutionality and legality of national and local referendum proposals;
 - f) To perform all other functions as may be assigned by the Constitution and by the law.
2. Both the Supreme Court of Justice and the Constitutional Court, specifically, in matters concerning electoral procedures, shall have the power:
- a) To receive and admit nominations for President of the Republic;
 - b) To judge in the final instance the regularity and validity of electoral procedures, under the terms of the law;
 - c) To judge, at the request of their members and under the terms of the law, appeals related to the loss of office and to the elections held in the National Assembly, in the assemblies of local administrations and, in general, in any elective collegial organs foreseen in the Constitution;
 - d) To perform all other functions assigned by law.
3. Both the Supreme Court of Justice and the Constitutional Court, specifically in matters concerning political party organizations, shall have the power:
- a) To verify the legality of the constitution of political parties and their coalitions, as well as to assess the legality of their names, abbreviations and symbols;
 - b) To ensure, maintain and update the registration of political parties and their coalitions, under the terms of the law;
 - c) To declare the illegality of political parties and their coalitions, and order their dissolution, under the terms of the Constitution and the law;
 - d) To judge the challenges encountered in elections and decisions of organs of political parties that, under the terms of the law, are subject to appeal;
 - e) To perform all other functions assigned by law.

Article 295

(Supreme Court of Justice – composition during the assumption of functions as Constitutional Court)

1. While performing the functions of Constitutional Court, the Supreme Court of Justice – as stipulated by resolution of the National Assembly, upon the recommendation of the

Government – shall be composed of five or seven judges, appointed for a term of five years, under the terms of the following paragraphs.

2. When the Supreme Court of Justice is comprised of five Judges:

- a) One shall be appointed by the President of the Republic, from among magistrates or eligible jurists;
- b) One shall be elected by the National Assembly from among magistrates or lawyers eligible for two thirds of the votes of the Deputies present as long as it exceeds an absolute majority of the votes of Deputies in full exercise of their functions;
- c) Three shall be appointed by the Superior Council of the Judiciary from among eligible magistrates who are not, except *ex officio*, members of this Council.

3. When the Supreme Court of Justice is comprised of seven Judges:

- a) One shall be appointed by the President of the Republic from among magistrates or eligible jurists;
- b) Two shall be elected by the National Assembly from among magistrates or jurists eligible, by two thirds of the votes of the Deputies present, as long as it exceeds an absolute majority of votes of Deputies in full exercise of their functions;
- c) Four shall be appointed by the Superior Council of the Judiciary from among eligible magistrates who are not, except *ex officio*, members of this Council.

4. Only national citizens of reputed merit may be appointed judges of the Supreme Court pursuant to this article, and they must be graduates in Law and in full possession of their civil and political rights at the time of appointment, have practiced professionally, for at least five years, in the judiciary or in any other forensic activity or teaching of Law, and who meet all other requirements established by law.

5. Except in cases of the termination of a mandate, the functions of a Judge of the Supreme Court of Justice appointed pursuant to this article may only be terminated upon:

- a) Death or permanent and disabling physical or mental incapacity;
- b) Resignation declared in writing to the President of the Supreme Court of Justice;
- c) Dismissal or compulsory retirement as a result of disciplinary or criminal proceedings;
- d) Investiture in office or exercise of activity incompatible with the performance of their functions, under the terms of the Constitution or the law.

6. The termination of functions shall be realized, respectively, on the date:

- a) Of the occurrence of death or declaration, by the Supreme Court of Justice, of permanent and disabling incapacity;
- b) Of the tendering of a letter of resignation to the President of the Supreme Court of Justice;
- c) Of the final judgment of a disciplinary or criminal conviction;
- d) Of the investiture in office or of declaration, by the Supreme Court of Justice, of verification of the exercise of incompatible activity.

*The President of the People's National Assembly, Amilcar Spencer
Lopes*

APPENDIXES

1. Lyric of the National Anthem SONG OF FREEDOM

*Sing, brother
Sing, my brother
For Freedom is a hymn
And man a certainty*

*With dignity, bury the seed
In the dust of the naked island
In life's precipice
Hope is as big as the sea
Which embraces us
Sentinel of the seas and winds
Unwavering
between stars
and the Atlantic
sing the chant of Freedom*

*Sing, brother
sing, my brother
for Freedom is a hymn
and man a certainty.*

2. Score of the National Anthem

Song of Freedom

Lyric: Amílcar Spencer Lopes

Music: Adalberto Higinio Tavares Silva

$\text{♩} = 95$

Can - ta, ir - mão, can - ta meu ir - mão que a Li - ber - da - de

é hi - no ao Ho - mem a cer - te - za. Com dí - gni - da - de en - ter - ra se - men - te no

pó da i - lha nu - a: No des - pe - nha - dei - ro da vi - da es - pe - ran - ça

é do ta - ma - nho do mar que nos a - bra - ça. Sen - ti - ne - la de ma - res e

ven - tos per - se - ve - ran - te en - tre as tre - las e o A - tlan - ti - co en -

to - a o cân - ti - co da Li - ber - da - de. Can - ta ir - mão, can - ta, meu ir -

mão que a Li - ber - da - de é hi - no ao Ho - mem a cer - te - za.