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Central African Republic's Constitution of 2013

Historical

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- Preamble
- Source of constitutional authority

Preamble

The Representatives of the driving forces of the Nation, gathered within the National Transition Council (NTC);

- Reference to country's history

Considering the political changes of March 24th 2013 that led to the suspension of the Constitution of December 27th 2004 and the dissolution of the Republican Institutions;

Considering the necessity of determining and fixing the operating rules of the State for the Transition period;

Conscious that the foundations of peace and national unity are made solely of tolerance and dialogue;

- International organizations

Reiterate their full accession to the Libreville Agreements of January 11th 2013, to the decisions of the third and fourth extraordinary enlarged summits of Heads of State and Governments of the ECCAS of April 3rd to 18th 2013, as well as those of the Committee on the Implementation of the Libreville Agreements and the International Contact Group on the Central African Republic of May 2nd and 3rd 2013 and engage the State as well as all of the relevant stakeholders to respect them scrupulously;

Reassert their determination of building a State of law and a democratic nation for the reestablishment of the constitutional order;

Reassert their unwavering opposition to the conquest of power by force and to all forms of dictatorship and oppression, as well as all acts of division or incitement to hatred;

- Regional group(s)

Reassert their determination to cooperate peacefully and in friendship with all States, to work for the African Union in accordance with the Constitutive Act adopted on July 12th 2000, to promote the peaceful resolution of disagreements between States in respect for Justice, Equality, Liberty and the sovereignty of people;

- International organizations
- International human rights treaties

Reassert their accession to the Charter of the United Nations, to the Universal Declaration of Human Rights of December 10th 1948, to the International Covenants of December 16th 1966 on economic, social and cultural rights on the one hand, and on civil and political rights on the other;

- International human rights treaties

Reassert their commitment to the African Charter on Human and Peoples' Rights of June 27th 1981;

- International human rights treaties
- International law

Reassert their accession to all the international Conventions duly ratified, in particular those relative to the prohibition of any form of discrimination against women and those relative to the protection of children's rights.

Title I. Of the Fundamental Bases of Society

Article 1

The human person is sacred and inviolable. All agents of the public power, all organisations, have the absolute duty to respect and protect it.

The Republic recognizes Human Rights as the basis of any human community, of peace and justice in the world.

- Right to development of personality

Article 2

The Republic proclaims respect for and intangible guarantee of the development of personality. Everyone has the right to the free development of their personality as long

as it does not violate the right of others, nor does it infringe the constitutional order.

Article 3

- Right to life
- Prohibition of torture
- Prohibition of cruel treatment
- Right to counsel
- Protection from unjustified restraint
- Presumption of innocence in trials
- Principle of no punishment without law
- Protection from ex post facto laws

Everyone has the right to life and physical integrity. These rights cannot be infringed upon.

No one shall be subjected to torture, nor to rape, nor to abuse or cruel, inhuman, degrading or humiliating treatment. Any person, any state agent, any organisation that is guilty of such acts shall be punished in accordance with the texts in force.

No one may be arbitrarily arrested or detained. Every defendant shall be presumed innocent until proven guilty through a trial offering him the necessary guarantees for his defence. The legal delay of detention must be respected.

No one may be condemned except by virtue of a law that has entered into force before the act committed.

Defence rights are exercised freely before all the Courts and Administrations of the Republic.

Any person being subjected to a measure that restricts their freedom has the right to be examined and treated by the doctor of their choice.

Article 4

- Inalienable rights
- Freedom of movement

The freedom of the person is inviolable.

Freedom of movement, of residence and establishment throughout the entire territory is guaranteed to all within the conditions prescribed by law.

Article 5

- Equality regardless of origin
- Equality regardless of political party
- Equality regardless of race
- General guarantee of equality
- Equality regardless of gender
- Equality regardless of social status
- Equality regardless of religion
- Mentions of social class

All human beings are equal before the law regardless of race, ethnic origin, geographical origin, sex, religion, political affiliation or social status.

The law guarantees equal rights for men and women in all matters. In the Central African Republic, no one can be subject to nor privileged by their place of birth, person or family.

No one may be forced into exile nor may they be deported.

No one may be forcibly assigned to a residence, other than in conditions prescribed by law.

Article 6

- Regulation of marriage
- Right to found a family
- Right to found a family
- Rights of children
- State support for children

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

The State and other public authorities collectively have the duty to oversee the physical and moral health of the family and to promote it socially through appropriate institutions.

The protection of women and children against violence and insecurity, exploitation and moral, intellectual and physical neglect is a duty for the State and other public authorities. This protection is guaranteed by appropriate measures and State institutions and other public authorities.

Parents have a natural right and the primordial duty of raising and educating their children, in order to develop in them good physical, intellectual and moral abilities. They are supported in this task by the State and other public authorities.

- Rights of children Children born out of wedlock have the same rights to public assistance as legitimate children.
- Rights of children Natural children, legally recognised, have the same rights as legitimate children.
- State support for children The State and other public authorities have the duty to create pre-existing conditions and public institutions that guarantee children's education.

Article 7

- Right to culture Everyone has the right to access sources of knowledge. The State guarantees to all citizens access to instruction, culture and vocational training.
The education and instruction of youth shall be provided for by public or private institutions.
Private institutions can be opened with the State's authorisation within the conditions prescribed by law. They are placed under the State's control.
Parents have the obligation to provide for the education and instruction of their children until the age of sixteen (16) at least.
- State support for children The State and other public authorities have the obligation to create and ensure the good functioning of public institutions for the education and instruction of youth.
- Free education Education is free in all public institutions at the various levels of education.

Article 8

- Freedom of religion Freedom of conscience, assembly, and freedom of religious worship are guaranteed to all within the conditions prescribed by law.
- Freedom of opinion/thought/conscience
- Freedom of assembly All forms of religious extremism and intolerance are prohibited.

Article 9

- Right to work The Republic guarantees to each citizen the right to work, to a healthy environment, to rest and leisure in keeping with the requirements of national development. It guarantees favourable conditions for their personal development through an efficient employment policy.
- Protection of environment
- Right to rest and leisure All citizens are equal regarding employment. No one may be discriminated against in their work because of their origins, their sex, their opinions or their beliefs.
All workers take part, through their representatives, in the determination of their working conditions.
Laws establish conditions of assistance and protection granted to workers and more particularly to the young, to the elderly, to disabled workers, to minorities and to all those with health problems.
- State support for the disabled
- State support for the elderly
- State support for children

Article 10

- Right to join trade unions Union rights are guaranteed and exercised freely within the framework of laws that regulate them. Every worker can affiliate to the union of their choice and defend their rights and interests through union action.
- Right to strike The right to strike is guaranteed and is exercised within the framework of laws that regulate it and cannot, in any case, adversely affect either the freedom to work or the free exercise of the right to property.
- Right to establish a business
- Right to competitive marketplace

Article 11

Free enterprise is guaranteed within the framework of the laws in force.

- Right to health care

Article 12

The State will do everything it can to guarantee the right to health and medical protection.

Article 13

All citizens have the right to freely form associations, groups, political parties, societies, organisations and institutions of public use, as long as they conform to the laws in force.

- Right to form political parties
- Freedom of association

Associations, groups, political parties, societies, organisations and institutions whose activities are contrary to the public order as well as to the unity and cohesion of the people of Central Africa or represent a threat to the State or to its national territorial integrity are banned.

- Prohibited political parties

Article 14

Freedom of information, of expression and to disseminate one's opinions through speech, writing and art, under condition of respect of the rights of others, is guaranteed at an individual and collective level.

- Right to information
- Freedom of expression
- Reference to art

The State guarantees the freedom to demonstrate peacefully.

- Freedom of assembly

The privacy of correspondence, as well as that of postal, electronic, telegraphic and telephonic communications, is inviolable.

- Telecommunications
- Right to privacy

The above mentioned provisions cannot be restricted save through application of a law.

Freedom of press is recognised and guaranteed. It is exercised within the conditions prescribed by law.

- Freedom of press

The exercise of this freedom and equal access for all to the media are guaranteed by an independent body, with regulatory and decision-making powers, and whose status is established by law.

- Media commission

Freedom of intellectual, artistic and cultural creativity is recognised and guaranteed. It is to be exercised within the conditions prescribed by law.

- Reference to art
- Right to culture

Article 15

Every physical or moral person has the right to property. No one shall be deprived of their property, save for a matter of public utility legally established and under the condition of a just and prior indemnisation.

- Right to own property
- Protection from expropriation

The home, like all private property, is inviolable. It can only be infringed upon following a judicial decision and for a set period of time, and, if there is a danger within the home, by other authorities designated by law and obliged to do so in ways prescribed by law.

- Right to privacy

Measures infringing the inviolability of the home or of any private property or restricting it for a set period of time can be taken to avert an imminent or unpredictable public threat or to protect people in danger, in exchange for fair compensation.

These measures can be taken when applying a law for the protection of the public order against imminent threats, in particular to fight the risks of epidemic, fires or to protect people in danger.

The property and assets of people as well as the cultural heritage of the Nation are inviolable. The State and public authorities as well as all citizens have the duty to

protect them.

- Reference to fraternity/solidarity

Article 16

All citizens are equal regarding public responsibilities and in particular regarding taxes that only the law may create and redistribute. They bear, in all solidarity, the responsibilities resulting from natural catastrophes or endemic, epidemic or incurable diseases.

- Duty to serve in the military

Article 17

Defence of the homeland and its territorial integrity is a duty for all citizens.

Article 18

Any individual who is a victim of a violation of the provisions of articles 4 to 18 of the present title has the right to reparation.

- Ultra-vires administrative actions

Any person living in the national territory has the duty to respect, in all circumstances, the constitutional order, the laws and regulations in force in the Central African Republic.

- Duty to obey the constitution

Title II. Of the State and Sovereignty

Article 19

The form of the State is a Republic.

The Central African State's name is CENTRAL AFRICAN REPUBLIC.

The Central African Republic is a State of law, sovereign, indivisible, secular and democratic.

- Type of government envisioned

Its capital is BANGUI. It cannot be transferred other than by law, when the superior interest of the Nation requires it.

- Separation of church and state

Its official languages are Sango and French.

- National capital

Its emblem is the flag with five (5) bands of colours of which four (4) are horizontal bands of equal width of blue, white, green and yellow, perpendicularly crossed in the middle by a red band of equal width and struck in the upper left corner by a star with five (5) branches of the colour yellow.

- Official or national languages

Its motto is UNITY-DIGNITY-WORK

- National flag

Its anthem is THE RENAISSANCE.

- National motto

Its national holiday is set on December 1st, date on which the Republic was proclaimed.

- National anthem

Its currency is defined by law.

The State's seals and the Republic's coats of arms are defined by law.

Article 20

The Republic's guiding principle is "THE GOVERNMENT OF THE PEOPLE BY THE PEOPLE AND FOR THE PEOPLE".

- Referenda

National sovereignty belongs to the people who exercise it through referendum or through their representatives.

No fraction of the people nor any individual can seize its exercise or alienate it.

Usurpation of sovereignty by coup d'état or through any other means constitutes an imprescriptible crime against the Central African people. Any individual or third person who carries out such acts shall be considered as having declared war on the Central African people.

- Restrictions on voting

All Central Africans of both (2) sexes, aged eighteen (18) years old or more who enjoy their civil rights, are voters within the conditions prescribed by law.

Every citizen has the right to vote.

- Claim of universal suffrage
- Secret ballot

Suffrage can be direct or indirect within the conditions prescribed by law. It is always universal, equal and secret.

- Restrictions on political parties

Article 21

Political parties or groups contribute to the expression of universal suffrage, to the political, economic and social life, to the monitoring of their elected members and to the shaping of their members' citizenship.

It is forbidden for them to identify with a race, ethnic group, sex, religion, sect, language, region or armed group.

They are formed and exercise their activities freely. They are under the obligation to respect the principle of democracy, of unity and of national sovereignty, of Human Rights, of secularity and of the republican system of the State, in accordance with the laws and regulations in force.

The conditions of their formation, functioning, financing and dissolution are determined by the texts in force.

Title III. Of the Executive Power

- Name/structure of executive(s)

Article 22

The executive power is composed of the Head of State of the Transition and of the Prime Minister, Head of Government of the Transition.

Chapter I. Of the Head of State of the Transition

Article 23

- Head of state selection

The Head of State of the Transition is elected by the National Council of the Transition for the duration of the Transition.

- Head of state replacement

In the event of the death, voluntary resignation or permanent incapacity due to medical causes of the Head of State of the Transition, the President of the National Council of the Transition will take up the vacancy. In the case where the latter are themselves subject to one of the above mentioned cases, the vacancy is taken up by the Vice-President of the National Council of the Transition.

- Head of state replacement

The National Council of the Transition will proceed to organize the election of a new Head of State of the Transition within fifteen (15) days following the announcement of the vacancy by the Constitutional Court of the Transition. If it is not in session, an extraordinary session will be convened immediately to this end.

Resulting applications will be the object of a large consultation between the driving forces of the nation.

- Oaths to abide by constitution

Article 24

The swearing-in of the Head of State of the Transition before the Constitutional Court of the Transition will happen as soon as the members of the Constitutional Court of the Transition have taken their oath.

During the swearing-in, left hand placed on the Constitutional Charter and right hand in the air, the Head of State takes the following oath at a formal sitting of the Constitutional Court of the Transition:

- Human dignity
- God or other deities

“I...(Surname and first names of the Head of State of the Transition), SWEAR BEFORE GOD AND BEFORE THE NATION TO SCRUPULOUSLY ABIDE BY THE CONSTITUTIONAL CHARTER OF THE TRANSITION, TO GUARANTEE THE INDEPENDENCE AND SURVIVAL OF THE REPUBLIC, TO SAFEGUARD THE TERRITORY’S INTEGRITY, TO PRESERVE PEACE, TO CONSOLIDATE NATIONAL UNITY, TO ENSURE THE WELL-BEING OF THE CENTRAL AFRICAN PEOPLE, TO CONSCIOUSLY FULFILL THE DUTIES OF MY STATION WITHOUT ANY REGARD TO ETHNIC, REGIONAL, RELIGIOUS OR CONFESSIONAL CONSIDERATIONS, TO NEVER EXERCISE THE POWERS THAT HAVE BEEN BESTOWED UPON ME BY THE CONSTITUTIONAL CHARTER OF THE TRANSITION FOR PERSONAL GAIN AND TO BE GUIDED IN EVERYTHING ONLY BY THE NATIONAL INTEREST AND THE DIGNITY OF THE CENTRAL AFRICAN PEOPLE”.

Article 25

The function of Head of State of the Transition is incompatible with the exercise of any other political, ministerial or legal role, any other mandate or elected role, any lucrative activity, any position of professional representation or any salaried employment.

- International law

Article 26

The Head of State of the Transition personifies and symbolizes national unity. They monitor respect for the Constitutional Charter of the Transition. They ensure, through his arbitration, the regular functioning of public powers as well as the State’s future.

They are the guarantor of national independence, of territorial integrity, of the security of people and assets throughout the entire national territory and of respect for international commitments.

Article 27

- Designation of commander in chief

The Head of State of the Transition is the Supreme Commander of the Armed Forces. They head the Supreme Councils and Committees of National Defense.

They ensure the maintenance of public security and order.

Article 28

- Judicial independence
- Head of state powers

The Head of State of the Transition is the guarantor of judicial independence. They monitor the proper execution of judicial decisions.

- Power to pardon

They exercise the right of pardon.

- Head of government selection
- Cabinet removal
- Cabinet selection

Article 29

The Head of State of the Transition approves the nomination of the Prime Minister, Head of Government, in accordance with the Libreville Agreements of January 11th 2013. On proposal of the Prime Minister, they appoint the members of the Government of the Transition and terminate their mandates.

Article 30

- Head of state powers

The Head of State of the Transition chairs the Council of Ministers. They monitor the implementation of the Transition’s roadmap by the Government.

- Head of government decree power
- Head of state decree power

The Head of State of the Transition promulgates laws and signs Decrees agreed on in the Council of Ministers. The signing of Decrees agreed on in the Council of Ministers is subject to countersigning by the Prime Minister and the relevant Minister.

The relevant Minister countersigns Decrees in matters relevant to his competences.

- Approval or veto of general legislation
- Veto override procedure

Article 31

The Head of State of the Transition promulgates laws within fifteen (15) days following the transmission to the Government of the definitive adoption of the law by the National Council of the Transition. During this delay, the Head of State of the Transition, on their own initiative or under proposal of the Prime Minister, can ask for a new deliberation on the law or on certain articles. The demand must be substantiated. The new deliberation cannot be refused. If the National Council of the Transition is nearly out of session, this second deliberation, with an absolute majority of attending members, automatically takes place during the next ordinary session.

If it is not promulgated within the required delays, the law automatically comes into force after a finding by the Constitutional Court of the Transition.

Article 32

Decrees are taken in the Council of Ministers by consensus. In case of emergency, Decrees can be taken through a joint decision by the Head of State of the Transition, the Prime Minister and the relevant Minister.

- Head of state decree power
- Head of government decree power

The Head of State of the Transition, in agreement with the Prime Minister, appoints high ranking civil and military servants during the Council of Ministers. Appointment decrees are countersigned by the Prime Minister and the relevant Minister.

- Selection of active-duty commanders
- Head of state powers

The Prime Minister's appointment, the exercise of the right to pardon after advice of the Supreme Judicial Council, the granting of honours of the Republic, appointments within the services of the Head of State of the Transition, in accordance with a pre-established organization chart and the organization of those services, the promulgation of laws, the ratification of Treaties and International Agreements are exercised by the Head of State of the Transition without the Prime Minister's countersignature.

- Treaty ratification
- International law
- Head of state powers
- Establishment of judicial council

Article 33

The Head of State of the Transition accredits Ambassadors and Special Envoys to foreign Heads of State. Ambassadors and Special Envoys are accredited by the Head of State.

- Foreign affairs representative
- Head of state powers

Article 34

The Head of State of the Transition can delegate their powers to the Prime Minister, with the exception of the power to appoint and to dismiss members of the Government.

Chapter II. Of the Prime Minister, Head of Government of the Transition, and of the Government of the Transition

- Establishment of cabinet/ministers

Article 35

The Government consists of the Prime Minister and the Ministers.

The Prime Minister is the Head of Government. They are responsible for coordinating the activities of different ministerial departments.

- Eligibility for cabinet

The function of member of the Government is incompatible with those of Head of State of the Transition, member of the National Council of the Transition, member of the Constitutional Court of the Transition and with the exercise of any other political or judicial role, any other mandate or elected role, any lucrative activity, any position of professional representation or any salaried employment.

Article 36

- Head of government powers

Competences other than those expressly delegated to the Head of State of the Transition and to the National Council of the Transition fall within the Prime Minister's remit.

Neither the Head of State of the Transition nor the National Council of the Transition can dismiss him during the Transition period.

- Head of government replacement

In the event of the death, voluntary resignation or permanent incapacity due to medical causes of the Prime Minister, the Head of State of the Transition will appoint a new Prime Minister without delay after widespread consultation and in accordance with the Libreville Agreements of January 11th 2013.

The Government of the Transition, inclusive in nature, is formed on the basis of the spirit of the political Agreement of Libreville and of the N'Djamena Declaration of April 18th 2013.

- Head of government powers

Article 37

The Prime Minister, in consultation with the Head of State of the Transition, shall implement the Transition's roadmap.

Article 38

In consultation with the Head of State of the Transition, the Prime Minister sets the agenda in the Council of Ministers, records decisions taken previously and monitors their implementation.

Article 39

- Powers of cabinet

The Government directs the civil Administration.

The Prime Minister can call on the control and inspection bodies of the various State services with the exception of the Inspectorate-General of the Judicial Services and the State Inspectorate-General. The Prime Minister acts on their reports.

Article 40

The Prime Minister and the members of the Government adopt the organization charts of their departments in the Council of Ministers.

- Powers of cabinet

All appointment Decrees are signed by the Head of State of the Transition with the countersignature of the Prime Minister and of the relevant Minister.

- Head of government powers

The Prime Minister has regulatory powers. To this end they approve Orders and other regulatory acts necessary to the accomplishment of their missions in matters linked to the daily running of the Administration with the exception of Decrees.

- Head of government powers

Article 41

The Prime Minister ensures the implementation of laws.

Article 42

The Prime Minister heads the Cabinet Councils and the Ministerial Committees. They head the treasury committee and report back to the Head of State of the Transition.

- Legislative oversight of the executive

Article 43

- Powers of cabinet

The Government establishes the Transition roadmap, as well as an election timetable, that it submits to the Monitoring Committee of Libreville and to the International Contact Group for approval. It presents it to the National Council of the Transition

within eight (8) days of its adoption by the Council of Ministers. It shall take into account the enriching modifications of the National Council of the Transition.

It reports back to the National Council of the Transition once every semester on the implementation of the Transition roadmap. Government reports to the National Council of the Transition can be subject to debate without, however, ever giving rise to a vote.

Article 44

The Transition roadmap defines the measures that the Government intends to put in place in various priority areas of activity during the Transition period, in particular:

- Restoring peace and security of people and assets;
- Monitoring the protection of civilian populations throughout the entire territory of the Central African Republic;
- Assisting displaced people and encouraging their return and reinstallation;
- Monitoring the strict compliance of Human Rights, pluralism and the freedoms of citizens;
- Preparing and organizing a constitutional referendum as well as free, democratic, transparent and regular presidential and legislative elections;
- Reorganizing the areas of defense and security;
- Reorganizing territorial administration
- Press ahead with reform of the judicial system
- Press ahead with the process of Disarmament, Demobilization and Reintegration (DDR) and of the Security Sector Reform (SSR) with the support of the International Community;
- Initiate economic and social reforms

- Electoral commission

Article 45

The elections timetable defines the tasks, the different stages, the implementation calendar as well as those in charge of the different tasks necessary to the smooth running of the electoral process during the Transition, including the adoption of an electoral code and the implementation and operationalization of the Elections National Authority (ENA).

Article 46

The Prime Minister can delegate some of his powers to Ministers.

The interim Prime Minister will be provided for in accordance with the rules of procedure of the Council of Ministers.

Article 47

The Government examines draft laws and the draft Constitution in the Council of Ministers before their submission to the Bureau of the National Council of the Transition.

It gives its advice on legislative proposals before they are put on the National Council of the Transition's agenda. It takes part in the debate in the committee-stage and in the plenary within the National Council of the Transition. It can put forward amendments on any draft law or any Constitutional or legislative proposal during the National Council of the Transition's work.

Article 48

A law sets out the advantages given to the Prime Minister of the Transition and to the members of the Government during the Transition. It organizes the pension regime, their security, their protocol rank and the immunities of previous Prime Ministers.

Title IV. Of the National Council of the Transition

- Structure of legislative chamber(s)

Article 49

The legislative and constitutive power of the Central African Republic lies with the National Council of the Transition.

Article 50

- Size of first chamber

The National Council of the Transition is composed of one hundred and thirty five (135) members representing the different political and socio-professional categories of the country.

Members of the National Council of the transition bear the title of National Councilor. Each National Councilor is a representative of the Nation.

- Term length for first chamber
- Removal of individual legislators
- First chamber selection

Members of the National Council of the Transition are appointed by the organizations from which they come for the duration of the Transition. They can only be replaced in the event of their death, voluntary resignation, permanent incapacity due to medical causes, or if their removal is announced by a vote in plenary of the National Council of the Transition. The list of appointed National Councilors by the organizations to become members of the National Council of the Transition is to be announced by the Constitutional Court.

- Secrecy of legislative votes

Votes by National Councilors are personal. The ballot is carried out as a public ballot or through a secret vote, except in the case of the election of a person, which must always be carried out through a secret vote. Any imperative mandate shall be deemed null and void. The rules of procedure of the National Council of the Transition can in exceptional cases authorize proxy voting. No one can receive more than one proxy.

- Standing committees
- Leader of first chamber

Article 51

The National Council of the Transition elects a Bureau from within its midst composed of:

- A President
- A Vice-President
- A General Rapporteur
- A Deputy General Rapporteur
- Two Quaestors

The members of the Bureau are elected by their peers for the duration of the Transition.

In the event of the death, voluntary resignation, permanent incapacity due to medical causes of the President of the National Council of the Transition, the Vice-President replaces him and carries out his mandate till the end. Elections for a new Vice-President shall proceed within eight (8) days of this vacancy. If the National Council of the

Transition is not in session, it will be immediately reconvened in an extraordinary session.

In the event of the death, voluntary resignation, permanent incapacity due to medical causes of a member of the Bureau of the National Council of the Transition, their functions will be provisionally carried out by another member of the Bureau appointed by the President of the National Council of the Transition. Elections for a replacement to carry out their mandate till the end shall proceed within eight (8) days of this vacancy. If the National Council of the Transition is not in session, the election takes place as a priority as soon as the next session is convened.

- Immunity of legislators

Article 52

Members of the National Council of the Transition enjoy parliamentary immunity. As a result, no Councilor member of the National Council of the Transition can be prosecuted, investigated or arrested, detained or judged because of their opinions or votes cast during the performance of their duties.

During the sessions, no Councilor member of the National Council of the Transition can be prosecuted or arrested for criminal or correctional matters unless authorization has been granted by the National Council of the Transition by secret vote, with an absolute majority of existing members.

- Standing committees

Out of session, no Councilor member of the National Council of the Transition can be prosecuted or arrested unless authorization has been granted by the Bureau of the National Council of the Transition. This authorization can be suspended if the National Council of the Transition so wishes by an absolute majority.

Any Councilor member of the National Council of the Transition caught in flagrante delicto or fleeing from the Civil and Criminal Offenses Commission may be prosecuted and arrested without authorization from the National Council of the Transition or its Bureau.

The prosecution of a Councilor member of the National Council of the Transition shall be suspended until the end of their mandate, except in the event where parliamentary immunity has been lifted, if the National Council of the Transition requires it by an absolute majority of votes of existing members.

- Removal of individual legislators
- Replacement of legislators

Any Councilor member of the National Council of the Transition who is the object of a definitive criminal conviction will be struck off the list of Councilors members of the National Council of the Transition and replaced by the body that appointed them.

Article 53

For the adoption of the Constitution and other framework texts of the Transition, decisions are taken within the National Council of the Transition by consensus. After exhaustion of means seeking to reach a consensus, decisions are taken by a two-thirds majority (2/3) of attending National Councilors. For all other texts, decisions are taken by a majority of attending National Councilors.

Article 54

The National Council of the Transition has a special budget and enjoys financial autonomy.

- Standing committees

The Budget Managers of the National Council of the Transition are appointed from outside of its members, by the President of the National Council of the Transition after consultation with the Bureau.

Control of budget management is subject to the rules of public finance accounting.

Article 55

The National Council of the Transition is in charge amongst other things of:

- Standing committees
- Head of state selection

- Referenda

- Electing the Head of State of the Transition and the Bureau of the National Council of the Transition;
- Drafting and adopting the Constitutional Charter of the Transition;
- Drafting and adopting a draft Constitution to be submitted to the people by way of referendum;
- Adopting as it is the draft law on an electoral code agreed on by consensus on September 21st 2012
- Legislating in matters of law;
- Drafting and adopting its own rules of procedure, in accordance with the Constitutional Charter of the Transition.

Article 56

The National Council of the Transition regulates the Nation's accounts. To this end, it is assisted by the Court of Auditors.

It can put the Court of Auditors in charge of any enquiry or study to do with public receipts and expenditure or with the management of the national treasury and public resources.

- Power to declare/approve war

Article 57

The National Council of the Transition is the only body authorized to declare war. It convenes specially to this end.

The Head of State of the Transition informs the Nation of it by a message.

Article 58

The following are matters of law:

1. Rules concerning the following areas:

- Civil rights and fundamental safeguards granted to citizens as well as public freedoms;
- Respect of gender quotas in decision-making bodies;
- Constraints imposed on Central Africans and on resident foreigners on their person or assets in the name of public interest and national defense;
- The nationality, status and capacity of people;
- Matrimonial regimes, inheritance and donations;
- The status of foreigners and immigration;
- The organization of the civil registry;
- The determination of crimes and offences along with the corresponding penalties;
- Criminal procedure, civil procedure, commercial law, social law, amnesty, the creation of new jurisdictional orders, the status of magistrates and of the law profession;
- The organization of public and ministerial offices, the professions of public and ministerial officials and liberal professions;
- Fundamental safeguards granted to military and civil servants;

- Requirements for birthright citizenship

- Right to transfer property

1.
 - General financial and administrative organization;
 - The regulatory framework for political parties and associations;
 - The electoral code;
 - The privatization of public sector companies and the nationalization of companies;
 - The creation and dissolution of public institutions;
 - The creation and dissolution of bodies of control, consultation, regulation and mediation;
 - The rules of editing and publishing;
 - The development plan of the Republic;
 - The progressive and widespread development and implementation plan of the Sango language;
 - Protecting the environment, the regimes of domains, lands, forestry and mining;
 - Finance laws;
 - The laws of regulations;
 - The base, rates and collection methods of taxes and impositions of all types;
 - The issuing of currency;
 - State of warning, state of emergency, state of alert and state of siege;
 - Bank holidays and public holidays;

2. Fundamental principles:

- Of property law, civil and commercial rights and obligations;
- Of education, culture, scientific research, technical and technological and of vocational training;
- Of the right to assembly and peaceful demonstration;
- Of the right to petition;
- Of hygiene and public health;
- Of insurance, cooperatives and credit;
- Of devolution and regionalization;
- Of the administration and local authorities;
- Of the general organization of national defense;
- Of the general organization of the justice and prison system
- Of the right to work, the right to join a union and social security.

Article 59

Finance laws determine the nature, amount and allocation of resources and expenditure of the State for a certain year taking into account an economic and financial balance that they define.

• Protection of language use

• Protection of environment

• Emergency provisions

• Reference to science

• Right of petition

• Budget bills

Finance laws are necessarily voted before the end of the fiscal year at hand. If the finance law setting out the resources and expenditure for a fiscal year is not passed in time by the Government, the latter will ask as a matter of urgency for the National Council of the Transition to adopt a law continuing by provisional twelfths of the previous fiscal year's finance law.

Tabled by the Government at the latest on October 15th, the budget is authorized by the finance law, before the beginning of a new year. This law can only include provisions of a financial nature.

Any amendment proposal to the finance law is irreceivable when it has as a consequence either a reduction of resources not made up for by savings, or an increase in State expenditure not made up for by an equivalent increase in resources.

- Standing committees

The irreceivability of an amendment shall be established by the President of the National Council of the Transition, after consulting with the Bureau of the National Council of the Transition.

At the Government's request, the National Council of the Transition gives its opinion on all or part of a draft finance law retaining only those amendments accepted by the Government.

Article 60

The Government files the draft settlement law of the previous year with the Bureau of the National Council of the Transition during the first ordinary session, and at the latest by the month of May.

- Legislative oversight of the executive

Article 61

In areas related to their mandates, members of the Government can be heard by the National Council of the Transition through oral or written questions put to them by National Councilors. These sessions of government questions shall not give rise to a vote.

Article 62

Matters others than those that fall within the legislative remit fall within the regulatory remit.

Article 63

- Length of legislative sessions

The National Council of the Transition meets once per semester during ordinary sessions for a period of three (3) months, after having been invited to do so by the President.

- Extraordinary legislative sessions

In case of emergency, the National Council of the Transition will convene in extraordinary session, the agenda having been set by the Head of State of the Transition or by the National Council of the Transition through an absolute majority vote of existing members. The extraordinary session will be closed as soon as the agenda has been worked through.

- Extraordinary legislative sessions

Extraordinary sessions of the National Council of the Transition are opened and closed by Decree taken in the Council of Ministers.

- Replacement of legislators
- Compensation of legislators
- Eligibility for first chamber
- Outside professions of legislators

Article 64

The rules of procedure of the National Council of the Transition, adopted according to the organic laws procedure, will determine the system of incompatibilities, immunities, conditions and procedures of vote and indemnities for National Councilors. It will set out the conditions of their replacement in case a vacancy should arise. It will come into force

after having been declared compliant with the Constitutional Charter of the Transition by the Constitutional Court of the Transition.

Title V. Of the Relationship Between the National Council of the Transition and the Executive Power

- Referenda

Article 65

The initiative of submitting the Central African Republic's new Constitution to referendum belongs to the National Council of the Transition.

The preliminary draft of the new Constitution is submitted to the government for its advice and amendments. The new draft incorporating the government's amendments is then subject to a national workshop to enrich it, and organized in coordination with the National Council of the Transition. The resulting draft is presented to the Constitutional Court for its opinion and amended if applicable by the National Council of the Transition to take into account the Constitutional Court's opinion.

The final draft of the Constitution adopted by the National Council of the Transition is then submitted to the people by way of referendum.

- Legislative committees
- Initiation of general legislation

Article 66

Legislative initiative belongs jointly to the Government of the Transition and to the National Councilors. Draft laws emanating from the Government, and legislative proposals emanating from the National Council of the Transition, are filed with the Bureau of the National Council of the Transition which sends them to be examined by specialized commissions, the composition and assignment of which are set out by the rules of procedure of the National Council of the Transition.

Article 67

Draft laws adopted in the Council of Ministers are filed with the Bureau of the National Council of the Transition by the Government of the Transition to be examined and adopted.

Article 68

Legislative proposals are filed before deliberation and voting with the Government of the Transition for advice.

The Government of the Transition has eight (8) days to make its observations known to the President of the National Council of the Transition.

- Constitutionality of legislation

Article 69

If it comes to light during the legislative procedure that a legislative proposal or an amendment should not be determined by statute or is contrary to this Constitutional Charter of the Transition, the Prime Minister, the President of the National Council of the Transition or one-fifth of National Councilors can raise a plea of irreceivability.

- Advisory bodies to the head of state

Article 70

The Conference of Presidents, extended to members of the Bureau of the National Council of the Transition and the Government of the Transition, on the initiative of one

or the other, will hold periodic working sessions on questions belonging to the supreme interest of the Nation.

Article 71

- Advisory bodies to the head of state

The National Council of the Transition controls its own agenda. It is set by the Conference of Presidents.

The setting, as a priority, of a draft law or legislative or constitutional proposal, to the National Council of the Transition's sessions' agenda, is permitted at the Government's request.

- Legislative committees

A member of the Government is in charge, for every draft law or constitutional amendment, of explaining the rationale and of supporting the debate in committee and plenary sessions alike before the National Council of the Transition.

Members of the government of the Transition have access to the National Council of the Transition's sessions.

They will be heard if they request it or if the National Council of the Transition requests it.

They may be assisted by their collaborators.

Article 72

The Government of the Transition introduces the Transition Roadmap within a maximum delay of eight (8) days after its approval in the Council of Ministers, to the National Council of the Transition who will debate it.

Any observations that the Transition Roadmap may give rise to must be made within eight (8) days following its transmission to the National Council of the Transition, if the latter is in session.

At the end of each semester, the Government of the Transition files a report on the partial implementation of the Transition Roadmap to the National Council of the Transition, who may then debate it.

- Legislative oversight of the executive
- Legislative committees

Article 73

The National Council of the Transition may question the Government of the Transition.

It may ask it oral questions, with or without debate, written questions or current affairs questions to which the government must answer.

It may control the Government of the Transition's action through hearings in front of a commission and by a committee of inquiry and control.

These means of control may be followed by a debate and recommendations to the Government of the Transition. They will not give rise to a vote.

The rules of procedure determine the conditions of organization and functioning of the committees of inquiry and control as well as their powers.

Article 74

Any question of confidence, motion of confidence or censure is inadmissible during the Transition period.

Article 75

The Head of State of the Transition communicates with the National Council of the Transition through messages that they deliver or have read and that do not give rise to

a debate, nor to a vote.

Title VI. Of the Constitutional Court of the Transition

- Constitutional court powers
- Establishment of constitutional court

Article 76

A Constitutional Court of the Transition will be established and will be in charge of:

- Deciding on the constitutionality of organic and ordinary laws, already adopted or simply voted on, of regulations as well as the rules of procedure of the National Council of the Transition;
- Hearing all electoral complaints;
- Overseeing the regularity of electoral consultations, examining and declaring the results;
- Overseeing the regularity of referendum operations, examining and declaring the results;
- Hearing the Head of State of the Transition's oath and that of the elected President of the Republic's;
- Settling conflicts of competences within the executive branch, between the legislative and the executive branch, and between the State and local authorities;
- Finding the defects in the enactment of laws after the final vote and the deficiencies in their enactment in order to allow their entry into force;
- Interpreting the Constitutional Charter of the Transition;
- Advising on Constitutional amendment drafts or proposals and on referendum procedure.

- Constitutional interpretation

- Constitutionality of legislation

Article 77

Any person who considers themselves aggrieved may refer the matter of the constitutionality of laws to the Constitutional Court of the Transition, either directly, or through the procedure of the pleadings of unconstitutionality invoked before a Court in a matter that concerns them.

When a procedure of the pleadings of unconstitutionality is raised by the party concerned before a Court, whichever that Court may be, it must suspend the proceedings and refer the matter to the Constitutional Court of the Transition.

- Constitutionality of legislation

Article 78

The Head of State of the Transition, the Prime Minister, the President of the National Council of the Transition, and one-fourth (1/4) of the members of the National Council of the Transition may refer an opinion request to the Constitutional Court.

Article 79

The Constitutional Court of the Transition must give a ruling within one month. In case of emergency, this delay is brought to eight (8) days.

Abstention is forbidden. In the event of a tie, the President shall have the casting vote.

Article 80

- Eligibility for const court judges
- Constitutional court term length
- Eligibility for const court judges
- Constitutional court selection

The Constitutional Court of the Transition is composed of nine (9) members of which at least four (4) are women, who will hold the title of Constitutional Judges.

Constitutional Judges are appointed for the full length of the Transition. They are irrevocable and immutable. In the event of the death, voluntary resignation or permanent impeachment of a Constitutional Judge, their replacement will be provided for following the appointment procedure to this effect. The new Constitutional Judge will finish their predecessor's mandate.

Constitutional Judges are appointed from among people with integrity and having at least ten (10) years of professional experience as follows:

- Two (2) magistrates of which one is a woman, elected by their peers.
- Two (2) lawyers of which one is a woman, elected by their peers.
- Two (2) research professors in Law of which one is a woman, elected by their peers.
- One (1) member appointed by the Head of State of the Transition.
- One (1) member appointed by the President of the National Council of the Transition.
- One (1) member appointed by the Prime Minister.

Their appointment is approved by decree of the Head of State of the Transition, and countersigned by the Prime Minister.

Article 81

Constitutional Judges take an oath before taking up their functions before the National Council of the Transition during plenary.

They elect within their number a President from the members that are jurists and a Vice-President.

They can be neither prosecuted nor arrested without the authorisation of the Constitutional Court of the Transition.

Article 82

The role of Constitutional Judge is incompatible with the practice of any political or administrative role or any role within a political party, any lucrative activity, any position of professional representation or any salaried employment, except teaching and the practice of medicine.

Article 83

Drafts and proposals of Constitutional law will be referred to an opinion by the Constitutional Court of the Transition by the Government of the Transition or the President of the National Council of the Transition before being put to a referendum.

Article 84

Decisions by the Constitutional Court of the Transition cannot be appealed. They apply to all public authorities, all administrative and jurisdictional authorities and to all physical or moral persons.

- Constitutionality of legislation

Any text declared unconstitutional is null and void. It can be neither promulgated nor applied. If it is in force, it will be removed from the internal legal order.

An organic law establishes the organization and functioning of the Constitutional Court of the Transition.

Title VII. Of the Judicial Power

Article 85

- Judicial independence
- Structure of the courts
- Establishment of administrative courts

Justice constitutes a power independent of the legislative and executive powers.

Justice is carried out on the territory of the Central African Republic in the name of the Central African people by the Court of Cassation, the Court of Accounts, the Council of State and the Courts and Tribunals.

Article 86

- Judicial independence

Judges are independent. They are subject only to the authority of the law in the performance of their duties. The presiding magistrates are irremovable.

Article 87

- Establishment of judicial council
- Advisory bodies to the head of state

The Head of State of the Transition guarantees the independence of the Judicial Power. He is assisted in this endeavor by the Supreme Council of Magistrature, the Consultative Commission of the Council of State and the Conference of Presidents and of the Procurator General of the Court of Accounts.

Throughout the Transition, the Supreme Council of the Magistrature, the Consultative Commission of the Council of State and the Conference of Presidents and of the Procurator General of the Court of Accounts will be presided over by the Head of State of the Transition.

The Supreme Council of the Magistrature, the Consultative Commission of the Council of State and the Conference of Presidents and of the Procurator General of the Court of Accounts, oversee the management of magistrates' careers and the independence of the Magistrature.

The organization and functioning of the Supreme Council of the Magistrature, of the Consultative Commission of the Council of State and of the Conference of Presidents and of the Procurator General of the Court of Accounts will be established by organic laws.

- Establishment of judicial council
- Ordinary court selection
- Supreme court selection
- Advisory bodies to the head of state

Article 88

Magistrates are appointed respectively by the Supreme Council of the Magistrature, the Consultative Commission of the Council of State and the Conference of Presidents and of the Procurator General of the Court of Accounts.

Article 89

The judicial power, guardian of the freedoms and of property, must ensure respect for the fundamental principles of the State, for the rights and freedoms enshrined in the Constitutional Charter of the Transition.

Subject to the provisions of the present Constitutional Charter, the organization and functioning of Justice complies with the legislative provisions and regulations in force.

- Media commission

Title VIII. Of the High Council of Communication of the Transition

Article 90

A High Council of Communication of the Transition will be established.

The High Council of Communication of the Transition is independent of all political power, of all political parties, of all associations or of all pressure groups.

The High Council of Communication of the Transition is in charge of ensuring the practice of freedom of expression and equal access for all to the media, in full conformity with the legislation in force.

The High Council of Communication of the Transition has regulatory and decision-making powers.

Article 91

The High Council of Communication of the Transition is composed of nine (9) members of which at least four (4) are women.

The members of the High Council of Communication of the Transition are appointed among people with at least ten (10) years of professional experience.

Their appointment is approved by decree of the Head of State of the Transition and countersigned by the Prime Minister.

Article 92

Members of the High Council of Communication of the Transition elect within their number a President from those members that are media or communications professionals, and a Vice-President.

They can be neither prosecuted nor arrested without the authorisation of the Constitutional Court.

Article 93

The role of member of the High Council of Communication is incompatible with the practice of any political or administrative role or any role within a political party, any lucrative activity, any position of professional representation or any salaried employment, except teaching and the practice of medicine.

Members of the High Council of Communication of the Transition are appointed for the full length of the Transition. They are irrevocable. In the event of the death, voluntary resignation or permanent impeachment of a member of the High Council of Communication, their replacement will be provided for following the designation procedure to this effect. The new member of the High Council of Communication will finish their predecessor's mandate.

A law will determine the organization and functioning of the High Council of Communication of the Transition and the immunity of its members.

Title IX. Of the Local Authorities

- Subsidiary unit government
- Municipal government

Article 94

The local authorities of the Central African Republic are the regions and communes. They can be modified only by law.

Other categories of local authorities can be created by law.

Local authorities administer themselves freely through elected bodies.

An organic law will determine the implementation procedure of this provision.

- International law

Title X. Of Treaties and International Agreements

- Treaty ratification

Article 95

The Head of State of the Transition negotiates, approves and ratifies Treaties and international Agreements.

The Head of State of the Transition delegates to the Prime Minister and relevant Ministers the negotiation and approval of cooperation Agreements, loan Agreements, financing covenants and international Agreements in matters of economic development.

- Treaty ratification

Article 96

All negotiations leading to the conclusion of a treaty or of an international agreement, submitted or not to referendum, are led according to a decision of the Council of Ministers.

The Head of State of the Transition and the Prime Minister are to be informed of all negotiations leading to the conclusion of all international Agreements. They shall be promptly informed of its implementation.

The ratification or denunciation can only happen after authorization of the National Council of the Transition with regards to:

- Peace treaties;
- Defense treaties;
- Commercial treaties;
- Treaties concerning the environment and natural resources;
- Agreements concerning the international order;
- Financing Agreements;
- Agreements involving the State's finances;
- Agreements that modify provisions of a legislative kind;
- Agreements that concern the welfare of people and human rights;
- Agreements that include cession, exchange or addition of territory.

- Accession of territory

No cession, no exchange, no addition of territory is valid without the Central African people's consent called upon to give its opinion by way of referendum.

- Legal status of treaties

Article 97

Agreements or Treaties properly ratified or approved, take precedence, once published, over laws, on the condition, for each Agreement or Treaty, of its application by the other parties.

- Legal status of treaties
- Constitutional court powers

Article 98

If the Constitutional Court of the Transition, referred to by the Head of State of the Transition, the Prime Minister, the President of the National Council of the Transition or by a third (1/3) of National Councilors, declares that an international commitment contains a clause that is contrary to the Constitutional Charter of the Transition, the authorization to ratify or approve the international commitment cannot take place until the Constitutional Charter of the Transition has been revised.

- Constitution amendment procedure

Title XI. Of Revision

Article 99

The initiative of revision of this Constitutional Charter of the Transition belongs to the Government together with two-thirds (2/3) of National Councilors, after obtaining the assent of the Mediator of the Central African crisis.

Article 100

Revision occurs when the project on which is based the request for assent has been voted by the National Council of the Transition with a majority of three-quarters (3/4) of its existing members.

- Unamendable provisions

Article 101

The following provisions are excluded from any revision:

- The secular and republican nature of the State;
- The ineligibility of the Head of State of the Transition, of the Prime Minister, of members of the Government of the Transition and of the members of the Bureau of the National Council of the Transition to stand for the presidential and legislative elections organized during the Transition;
- The ineligibility of Constitutional Judges of the Transition and of members of the High Council of Information and Communication of the Transition to stand for presidential and legislative elections;
- The irrevocability and reduction of the Prime Minister's powers;
- The incompatibilities to the functions of Head of State of the Transition, Prime Minister of the Transition, President of the National Council of the Transition, Constitutional Judge of the Transition and member of the High Council of Information and Communication of the Transition;
- The fundamental rights and freedoms of the citizen;
- This article.

- Transitional provisions

Title XII. Of the Transitory and Final Provisions

Article 102

The Transition will last eighteen (18) months, extended to twenty-four (24) after assent of the Mediator.

In case of necessity, the length of the Transition can be examined by the Heads of State and Governments Conference of the ECCAS after a joint and justified proposal of the Head of State of the Transition, the Prime Minister and the President of the National Council of the Transition.

The Transition period starts with an official ceremony after the entry into force of this Constitutional Charter of the Transition.

Constitutional Judges followed by the Head of State of the Transition will take their oath during the ceremony.

Article 103

The Head of State of the Transition, the Prime Minister, members of the Government of the Transition and members of the National Council of the Transition commit themselves in good faith to doing everything in their power to conclude and preserve national reconciliation.

In the event of a dispute or disagreement between them, the institutions of the Transition pledge not to use force.

The institutions of the Transition commit to choosing dialogue and consensus as a normal operating mode and to settle disputes.

In the event of a continuing disagreement, they pledge to refer the matter to the Monitoring Committee put in place by the Libreville Agreements, on the initiative of one of the parties, and, if necessary, to refer it to the Mediator of the Central African crisis, or even, if need be, to the Heads of State Conference of the Economic Community of Central African States (ECCAS).

Article 104

The Head of State of the Transition does not hold the title of President of the Republic. They will remain in office until the President of the Republic, a democratically elected Head of State, effectively takes up office.

The Prime Minister will remain in office until the appointment of their successor by the future democratically elected President.

The National Council of the Transition will remain in place until the effective set-up of the elected National Assembly.

The Constitutional Court of the Transition will remain in place until the effective set-up of the Constitutional Court born out of the future Constitution.

The High Council of Information and Communication will remain in place until the effective set-up of an institution that will have the same or similar powers to the High Council of Information and Communication of the Transition born out of the future Constitution.

- Term length for first chamber
- Constitutional court term length

- International organizations

- International organizations

Article 105

When the countersignature of the Prime Minister and the relevant Ministers are needed, their absence will lead to the invalidity of the text.

Article 106

The Head of State of the Transition, the Prime Minister of the transition, members of the Government of the Transition and members of the Bureau of the National Council of the Transition are ineligible to stand in the presidential and legislative elections organized during the transition.

The Constitutional Judges and members of the High Council of Information and Communication cannot run for the presidential and legislative elections organized during the Transition.

Article 107

This Constitutional Charter repeals the Constitution of 27th December 2004, Executive Decision n° 005 of 13th April 2013 leading to the set-up of the National Council of the Transition, modified and completed by Executive Decision n°007 of 30th April 2013, as well as any prior and contrary Constitutional, legislative and regulatory provisions.

Constitutional Act n°1 of 26th March 2013 and Constitutional Act n°2 of 26th March 2013, setting out the provisional organization of the State's powers, are hereby repealed.

Unless expressly or implicitly repealed, the laws and regulations in force at the time of entry into force of this Constitutional Charter of the Transition remain entirely applicable. The same applies to the Treaties and Agreements duly ratified at the time of the adoption of this Constitutional Charter of the Transition.

Article 108

This Constitutional Charter will come into force on the day of its promulgation.

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