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# Togo's Constitution of 2024

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- Preamble

# Preamble

- God or other deities

We, the People of Togo, placing ourselves under the protection of God, proclaim this Constitution to:

- Inalienable rights

- guarantee the innate, inalienable, and immutable rights to independence, liberty, and progress, in accordance with the Proclamation of Independence of April 27, 1960;

- Reference to fraternity/solidarity
- Regional group(s)

- constitute a sovereign, independent, and just Togolese nation;
- promote peace and solidarity with the other peoples and nations of the world—particularly with African peoples and peoples of African descent—while respecting the traditional values and cultural specificities inherent in our customs and traditions;

- International human rights treaties

- preserve the rule of law founded upon political pluralism, the principles of democracy, and the protection of rights of man as defined by the United Nations Charter of 26 June 1945, the Universal Declaration of Human Rights of 10 December 1948, the International Covenants of 16 December 1966, the African Charter on Human and Peoples' Rights of 18 June 1981, and the Constitutive Act of the African Union of 11 July 2000;
- ensure the orderly separation of state powers, their distribution and harmonious functioning in service of the fundamental interests of the nation
- establish a modern democracy founded on the fundamental rights and freedoms of citizens, social equity and harmony, as well as the open participation of all citizens in the life of the nation

This preamble forms an integral part of this Constitution.

The fundamental rights and duties of persons and citizens are proclaimed in a solemn declaration annexed to this Constitution of which it forms an integral part.

## TITLE ONE : OF THE STATE AND SOVEREIGNTY

### Article 1:

- Type of government envisioned

The Togolese Republic is a state of law, secular, democratic and social, anchored in the promotion of social justice, progress and the inclusion of all its citizens.

It is one and indivisible.

- Subsidiary unit government

Its organization is decentralized.

### Art. 2:

- General guarantee of equality
- Equality regardless of origin
- Equality regardless of race
- Equality regardless of gender
- Equality for persons with disabilities
- Equality regardless of social class
- Equality regardless of religion

The Togolese Republic ensures equality before the law for all its citizens without discrimination or distinction of origin, race, ethnicity, sex, disability, social status or religion.

It respects all political, philosophical and religious opinions.

- Source of constitutional authority

Its operating principle is government of the people by the people for the people.

- National motto

Its motto is "Work - Freedom - Fatherland".

**Art. 3:**

The provisions defining the state seal, coat of arms, national emblem and official language of the Togolese Republic are matters for the law.

The national holiday is celebrated on April 27 of each year.

- National anthem

The national anthem is "Terre de nos aïeux".

**Art. 4:**

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

- Source of constitutional authority
- Referenda

No section of the people, no body of the State, nor any individual may claim the exercise thereof.

- Source of constitutional authority

The government of the Republic is civilian.

The Defense and Security Forces have the mission to guarantee national sovereignty and national independence, to defend its territorial integrity and its constitutional order.

- Claim of universal suffrage

**Art. 5:**

Suffrage is universal, equal and secret. It may be direct or indirect. All Togolese nationals of both sexes, of legal age in accordance with the definition of the law and enjoying their civil and political rights, are electors under the conditions established by law.

- Referenda

**Art. 6:**

On proposal of the President of the Council or on proposal of the National Assembly ruling by absolute majority of its members, the government submits to referendum any bill or any proposed law.

- Legislative initiatives by citizens

A popular initiative referendum on the subject mentioned in the first paragraph of this article may be organized under the conditions established by an organic law. The initiative takes the form of a proposed law. It may not have as its object the repeal of a legislative provision promulgated less than one (01) year ago. It is transmitted to the Constitutional Court which assesses its regularity.

When the proposed law is not adopted by the people, no new referendum proposal on the same subject may be presented before the expiration of a period of two (02) years following the date of the vote.

When the referendum has resulted in the adoption of the bill or proposed law, the President of the Council promulgates the law within fifteen (15) days following the proclamation of the final results of the consultation.

**Art. 7:**

Political parties and groups contribute to the formation and expression of suffrage.

- Right to form political parties

They form and exercise their activities freely in respect of the principles of sovereignty and democracy.

- Right to form political parties

They contribute to the political and civic education of citizens, to the consolidation of democracy and national unity.

- Restrictions on political parties

They may not identify with a region, an ethnic group or a religion.

- Restrictions on political parties

A law determines the procedures for the creation and functioning of political parties.

- Restrictions on political parties

# TITLE II: ON THE ORGANIZATION OF CONSTITUTED POWERS

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## CHAPTER ONE: ON PARLIAMENT

### Section 1: The Chambers

#### Art. 8:

- Structure of legislative chamber(s)

Parliament is composed of the National Assembly and the Senate.

The National Assembly is the first chamber of Parliament.

The Senate is the second chamber of Parliament.

Members of the National Assembly bear the title of deputy and those of the Senate bear the title of senator.

#### Art. 9:

- First chamber selection
- Term length for first chamber
- Claim of universal suffrage
- Secret ballot
- Scheduling of elections

Deputies to the National Assembly are elected by universal, direct and secret suffrage for six (6) years renewable.

The election of new deputies takes place within the thirty (30) days preceding the expiration of the duration of the previous legislature. The National Assembly convenes by right on the second Tuesday following the proclamation of the final results.

Deputies in office remain in function and have the full prerogatives and powers devolved to them, until the effective assumption of office by their successors.

An electoral law determines the regime of elections.

- Size of first chamber
- Compensation of legislators
- Eligibility for first chamber
- Replacement of legislators
- Organic laws

An organic law fixes the number of deputies, their allowances, the regime of incompatibilities, the conditions of eligibility and the conditions under which vacant seats are filled as well as the status of former deputies.

#### Art. 10:

- Second chamber selection

The Senate is composed of two-thirds (2/3) of its members, being personalities elected by representatives of territorial communities and one-third (1/3) of its members, being personalities designated by the President of the Council.

- Term length of second chamber

The mandate of senators is six (06) years renewable.

Except for renunciation, former Presidents of the Republic and former Presidents of the Council are senators by right and for life. They may not be members of the bureau of the Senate.

- Size of second chamber
- Compensation of legislators
- Eligibility for second chamber
- Replacement of legislators
- Organic laws

An organic law establishes the number of senators, their allowances, the conditions of eligibility or designation, the regime of incompatibilities and the conditions under which vacant seats are filled as well as the status of former senators.

#### Art. 11:

Each member of Parliament represents the nation. Any imperative mandate is null.

The right to vote of deputies and senators is personal.

- Removal of individual legislators

Any deputy or any senator who, during their mandate, leaves their political party or resigns or is definitively excluded from their political formation, automatically loses their seat in the National Assembly or in the Senate.

No one may belong to both (02) chambers at the same time.

### **Art. 12:**

The chambers meet by right in two (02) ordinary sessions. The first ordinary session of the National Assembly begins on the first Tuesday of April and the second, on the first Tuesday of October. Each session lasts three (03) months.

- Length of legislative sessions

The first ordinary session of the Senate begins on the first Thursday of April and the second, on the first Thursday of October. Each session lasts three (03) months.

- Extraordinary legislative sessions

The chambers may be convened in extraordinary session by their President on a determined agenda at the request of the President of the Council or of the majority of members composing the National Assembly or the Senate.

### **Art. 13:**

- Leader of first chamber
- Leader of second chamber

Each of the two (02) chambers elects from among its members its President and its bureau under the conditions provided by the internal rules of each assembly.

- Joint meetings of legislative chambers

When Parliament meets in joint session, its President and its bureau are those of the National Assembly. The joint session meeting takes the name of Congress. The rules relating to the organization of debates, the conduct of sessions and voting procedures are those of the National Assembly.

### **Art. 14:**

Each of the two (02) chambers adopts its internal rules by absolute majority of its members.

- Public or private sessions

Sessions are public. However, each chamber may meet in closed session at the request of the President of the Council or of its bureau or of one-third (1/3) of its members.

- Quorum for legislative sessions

The chambers cannot sit and deliberate without the presence within them of one-third (1/3) of their members.

Members of the government have the right to attend sessions. They must be heard whenever they request it.

### **Art. 15:**

- Immunity of legislators

During their mandate, deputies and senators enjoy parliamentary immunity.

- Immunity of legislators

No deputy, no senator may be prosecuted, investigated, arrested, detained or tried in connection with opinions or votes expressed by him in the exercise of his functions, even after the expiration of his mandate.

- Immunity of legislators

Except in cases of flagrant offense, deputies and senators may not be arrested or prosecuted for crimes and offenses except after the lifting, by their respective assemblies, of their parliamentary immunity.

Any flagrant offense procedure initiated against a deputy or against a senator is brought without delay to the knowledge of the bureau of their chambers.

- Immunity of legislators

A deputy or a senator may not, outside of session, be arrested without the authorization of the bureau of the chamber to which he belongs.

- Immunity of legislators

The detention or prosecution of a deputy or of a senator is suspended if the chamber to which he belongs so requires.

- Removal of individual legislators

In case of conviction of a deputy or senator by a competent court, their seat is immediately declared vacant once all appeals have been exhausted.

## Section 2: Powers of Parliament

- Legislative oversight of the executive

### Art. 16:

The National Assembly exercises the legislative function as its primary role. It alone controls the action of the government. Under the conditions specified by this Constitution, it receives the assistance of the Senate.

- Division of labor between chambers

### Art. 17:

The law establishes the rules concerning:

- Duty to serve in the military
- Regulation of marriage

- the state seal, coat of arms, national emblem and official language;
- citizenship, civic rights and the exercise of public freedoms;
- the system for establishing the list of public holidays, non-working and paid days
- obligations related to the necessities of national defense
- nationality, status and capacity of persons, matrimonial regimes, successions and gifts;
- the procedure by which customs are established and harmonized with the fundamental principles of the Constitution
- the determination of crimes and offenses as well as the penalties applicable to them, criminal procedure, amnesty
- the organization of courts, administrative procedure, judicial procedure, the status of magistrates, ministerial officers and auxiliaries of justice
- the determination of financial competences of constitutional and administrative authorities
- the basis, rate and methods of collection of fiscal provisions and mandatory levies of all kinds
- the currency issuance regime
- the electoral regime of the National Assembly, the Senate and local Assemblies
- the remuneration of public functions
- nationalizations of enterprises and transfers of ownership of enterprises from the public sector or the private sector
- the creation of categories of public establishments
- health and population
- the state of siege and the state of emergency
- the protection and promotion of the environment and the conservation of natural resources
- the creation, extension and declassification of national parks, wildlife reserves and classified forests
- the development, implementation and monitoring of national development plans and programs
- the protection of freedom of the press and access to information
- the status of the parliamentary majority and the parliamentary opposition
- the status of leader of the parliamentary majority and opposition
- the general organization of the administration
- the general status of the civil service
- the organization of national defense;
- military programming;
- the state of health crisis
- honorary distinctions
- education and scientific research
- the integration of national cultural values
- the regime of property, real rights and civil and commercial obligations;
- labor law, trade union law and social institutions
- the alienation and management of state domain
- the penitentiary regime
- mutual insurance and savings
- the economic regime
- the organization of production
- the system of transport and communications

- Structure of the courts

- Tax bills

- Compensation of legislators

- Right to health care
- Emergency provisions
- Protection of environment
- Ownership of natural resources

- Protection of environment

- Economic plans

- Freedom of press
- Right to information

- Civil service recruitment

- Emergency provisions

- Reference to science
- Right to culture
- Right to own property
- Right to join trade unions

- Telecommunications

- Municipal government
  - the free administration of territorial communities, their creation, their powers and their resources.

- Organic laws
 

The provisions of this article may be specified and supplemented by an organic law.

### **Art. 18:**

Matters other than those which are within the domain of law have a regulatory character.

- Power to declare/approve war

### **Art. 19:**

The declaration of war is authorized by Parliament, meeting in Congress at the request of the President of the Council.

- Emergency provisions

### **Art. 20:**

The state of siege, state of emergency and state of health crisis are decreed in council of ministers for an initial period of three (03) months. The chambers convene by right if they are not in session.

The extension of the state of siege or state of emergency beyond the initial period of three (03) months is subject to authorization by the National Assembly.

- Dismissal of the legislature

During the duration of the state of siege or state of emergency, the National Assembly cannot be dissolved. The responsibility of the government cannot be engaged.

- Organic laws

An organic law determines the conditions and procedures for implementing the state of siege and state of emergency.

- Head of government decree power

### **Art. 21:**

The government may, for the execution of its program, request from the National Assembly authorization to take by ordinances, for a limited period, measures that are normally within the domain of law.

These ordinances are taken in council of ministers after opinion of the Constitutional Court. They enter into force upon their publication, but become null and void if the ratification bill is not deposited on the desk of the National Assembly before the date set by the enabling law.

Upon expiration of the period defined in the enabling law, these ordinances can only be modified by law with regard to their provisions that fall within the legislative domain.

- Initiation of general legislation

### **Art. 22:**

The initiative for laws belongs concurrently to members of Parliament and to the President of the Council. The former elaborate law proposals, the latter law bills.

### **Art. 23:**

Bills are deliberated in the council of ministers.

### **Art. 24:**

- Budget bills

Proposals and amendments formulated by members of Parliament are not admissible when their adoption would result in either a reduction of public resources or the creation or aggravation of a public burden.

### **Art. 25:**

- Division of labor between chambers

Bills formulated by members of the National Assembly and government bills are deposited on the desk of the National Assembly. Bills formulated by members of the Senate are deposited on the desk of the Senate and transmitted without debate to the

desk of the National Assembly which sends them for examination to the competent parliamentary commission.

- Legislative committees

The internal rules of each chamber determine the number and attributions of parliamentary commissions.

- Division of labor between chambers

### **Art. 26:**

- Approval or veto of general legislation

Bills and proposed laws are submitted in plenary session to the vote of the National Assembly then to the vote of the Senate in the wording established by the competent parliamentary commission.

### **Art. 27:**

- Initiation of general legislation

Members of Parliament and the government have the right of amendment. This right is exercised in session or in committee according to the conditions set by the rules of procedure of the National Assembly and those of the Senate.

After the opening of debate, the government may oppose the examination of any amendment that has not been previously submitted to the committee.

- Approval or veto of general legislation

If the government so requests, the chamber seized shall decide by a single vote on all or part of the text under discussion, retaining only the amendments proposed or accepted by the government.

### **Art. 28:**

- Division of labor between chambers

Bills and proposed laws are voted on first reading in the National Assembly. The text voted by the National Assembly is transmitted to the Senate. When the Senate does not vote the bill or proposal in the same terms as the National Assembly, there shall be a second reading by the National Assembly which decides definitively on the proposal submitted by a joint committee of the two (02) assemblies created for this purpose.

- Division of labor between chambers

In the absence of agreement between the two (02) chambers, the text may only be adopted by the National Assembly in final reading by an absolute majority of its members present.

Bills are inscribed as a priority on the agenda of the National Assembly after their adoption in the council of ministers.

- Emergency provisions

A minimum period of eight (08) days separates the first reading before the National Assembly from the presentation to the Senate, as well as the vote of this chamber and the second reading before the National Assembly. These periods do not apply in cases of state of war, state of emergency or state of siege.

### **Art. 29:**

Any bill or any proposed law may be withdrawn from discussion as long as it has not been definitively adopted.

- Budget bills

### **Art. 30:**

The state budget, in revenues and expenditures, is adopted in the form of a finance law.

The initiative for the finance law belongs to the President of the Council.

The finance bill is debated and voted on first by the National Assembly then transmitted to the Senate under the conditions provided by an organic law.

The provisions of the bill may be implemented by ordinance if Parliament has not ruled within a period of forty-five (45) days following the filing of the bill and the budget year is about to expire. In this case, the government requests the convening of an extraordinary session for ratification.

If the finance bill could not be filed in time to be voted on and promulgated before the beginning of the fiscal year, the President of the Council requests, urgently, first from the National Assembly then from the Senate authorization to resume the previous year's budget by provisional twelfths.

- Organic laws

**Art. 31:**

Organic laws are adopted to supplement the Constitution when it provides for them. They derogate in certain aspects specific to them from the ordinary legislative procedure.

- Constitutionality of legislation

They may only be promulgated after having been judged to conform to the Constitution by the Constitutional Court.

- Approval or veto of general legislation

**Art. 32:**

Laws definitively adopted by the National Assembly and transmitted to the government are promulgated by the President of the Council within fifteen (15) days following their adoption.

The President of the Council may, before the promulgation of a law, request a new reading which cannot be refused. The request must be justified.

**Art. 33:**

Laws enter into force upon their promulgation.

**Art. 34:**

The internal rules of each chamber of Parliament determine the rights and responsibilities of parliamentary groups formed within it.

**CHAPTER II: OF THE PRESIDENT OF THE REPUBLIC**

**Section 1: On the election of the President of the Republic**

**Art. 35:**

- Head of state selection

The President of the Republic is elected by Parliament assembled in Congress.

- Head of state selection

Candidates for the office of President of the Republic are presented by parliamentary groups regularly constituted in the National Assembly.

- Head of state selection

The election of the President of the Republic takes place by secret ballot with an absolute majority. Failing this, the ballot is repeated. After the third (3rd) round of voting, the President of the Republic is elected by simple majority of the parliamentarians voting.

- Oaths to abide by constitution

The elected President of the Republic takes an oath before Congress in the following terms

- Oaths to abide by constitution
- God or other deities

"Before God and before the Togolese people, sole holder of national sovereignty, We..., President of the Togolese Republic elected in accordance with the laws of the Republic, solemnly swear fidelity to the Constitution of the Republic and commit ourselves to devote our efforts to the well-being of the Togolese people and to work for the consolidation of national unity."

**Art. 36:**

The candidate for the office of President of the Republic must

- Eligibility for head of state
- Age restrictions on head of state
- Eligibility for head of state

- be exclusively of Togolese nationality by birth
- be at least fifty (50) years of age at the date of filing the candidacy

- Eligibility for head of state
- Eligibility for head of state
- Eligibility for head of state
- Eligibility for head of state
- Compensation of legislators

- enjoy all civil and political rights
- present a general state of physical and mental well-being duly certified by three (03) sworn physicians designated by the Constitutional Court
- reside on the national territory for at least twelve (12) months.

The office of President of the Republic is incompatible with the exercise of any other elective public office, any public employment and any professional activity.

The salary and allowances of the President of the Republic are determined by an organic law.

### Art. 37:

The President of the Republic is elected for a term of four (04) years renewable once.

Thirty (30) days before the expiration of the term of the President of the Republic in office, the President of the National Assembly convenes the National Assembly and the Senate in Congress to elect the new President of the Republic.

If the National Assembly is dissolved or if less than three (03) months remain until the end of the legislature, the election takes place within forty-five (45) days following the installation of the new legislature. The President of the Republic remains in office until the election of the new one.

### Art. 38:

In case of vacancy of the Presidency of the Republic for any reason whatsoever or definitive incapacity established by the Constitutional Court seized by the government, the functions of the President of the Republic are provisionally exercised by the President of the Senate.

The President of the National Assembly convenes the National Assembly and the Senate to elect the new President of the Republic at least forty-five (45) days and at most sixty (60) days after the opening of the vacancy or the declaration of the definitive nature of the impediment.

The provisions of articles 36 and 37 of this Constitution are applicable for proceeding with the replacement of the President of the Republic.

### Art. 39:

An organic law determines the status of former Presidents of the Republic with regard to allowances, benefits and obligations.

This status only benefits them if they renounce sitting in the Senate.

## Section 2: Powers of the President of the Republic

### Art. 40:

The President of the Republic is the head of state. He is the symbol of national unity.

### Art. 41:

The President of the Republic may send messages to the chambers.

### Art. 42:

The President of the Republic:

- accredits ambassadors appointed in council of ministers
- receives and formally welcomes ambassadors and special envoys accepted and accredited by the government after they have been duly authorized

- Name/structure of executive(s)
- Head of state powers
- Head of state powers

- Head of state powers
- Head of state powers

- Head of state powers
  - receives at least twice (02) per year the President of the Council to be informed of the state of the nation and on an agenda established by the President of the Council. A delegation representing traditional chiefs attends one of these two (02) annual meetings
- Head of state powers
  - awards decorations of the Republic.

**Art. 43:**

The acts of the President of the Republic are countersigned by the President of the Council.

**Art. 44:**

- Head of state immunity
  - The President of the Republic is responsible for acts accomplished in the exercise of his functions only in case of breach of his duties manifestly incompatible with the exercise of his mandate.

- Head of state removal
  - One quarter (1/4) of the deputies have the power to demand the impeachment of the President of the Republic before the two (02) chambers meeting in Congress which pronounces his removal by a majority of two thirds (2/3) of the members of parliament. His replacement is provided for in compliance with the provisions of articles 36 and 37 of this Constitution.

- Head of state immunity
  - Art. 45:**

During the term of his mandate, the President of the Republic cannot be required to testify nor be the subject of an action, an investigative act, instruction or prosecution. The limitation and foreclosure periods are suspended.

**CHAPTER III: ON THE GOVERNMENT**

**Art. 46:**

- Establishment of cabinet/ministers
  - The government is composed of the President of the Council, Ministers of State, ministers, deputy ministers and Secretaries of State.

An organic law determines the status of former members of government with regard to compensation, benefits and obligations.

A former President of the Council only benefits from this status if he renounces sitting in the Senate.

**Section 1: On the designation of the President of the Council**

**Art. 47:**

- Head of government selection
  - The leader of the majority party or the leader of the first party of the coalition enjoying a majority in the National Assembly following legislative elections and after the proclamation of final results by the Constitutional Court becomes President of the Council.

- Head of government selection
  - The majority party or the majority coalition of parties transmits in writing to the bureau of the National Assembly, the name of the President of the Council thus designated.

- Head of government selection
  - The President of the National Assembly takes note of this designation, informs the deputies assembled in plenary session without delay and refers the matter to the Constitutional Court for the oath-taking of the designated President of the Council.

- Oaths to abide by constitution
  - Before taking office, the designated President of the Council takes an oath before the Constitutional Court in these terms

- Oaths to abide by constitution
  - God or other deities
  - Source of constitutional authority
- "Before God and before the Togolese people, sole holder of national sovereignty, We..., President of the Council designated in accordance with the laws of the Republic, solemnly swear:

- Oaths to abide by constitution
- Duty to obey the constitution
- Oaths to abide by constitution
- Oaths to abide by constitution
- Reference to fraternity/solidarity
- Oaths to abide by constitution

- to respect and defend the Constitution that the Togolese Republic has freely given itself;
- to fulfill loyally and faithfully our mission as servant of the people;
- to commit ourselves to devote all our strength to the defense of the homeland, its territorial integrity and to the preservation of our fundamental values of solidarity, respect for human rights, peace and national unity;
- to be guided only by the general interest and respect for the rights of the human person, to devote all our strength to the promotion of development, the common good, peace and national unity."

**Art. 48:**

- Eligibility for head of government
- Eligibility for head of government
- Age restrictions on head of government
- Eligibility for head of government
- Eligibility for head of government
- Eligibility for head of government
- Head of government's role in the legislature
- Compensation of legislators
- Head of government replacement

To be designated to the Presidency of the Council, one must

- be exclusively of Togolese nationality by birth
- be forty (40) years of age at the date of designation
- enjoy all civil and political rights
- present a general state of physical and mental well-being duly certified by three (03) sworn physicians designated by the Constitutional Court
- reside on the national territory for at least twelve (12) months.

If the President of the Council is a member of one of the chambers of Parliament, he resigns from it upon his designation.

The salary and allowances of the President of the Council are determined by an organic law.

**Art. 49:**

The vacancy of the Presidency of the Council by death, resignation or permanent incapacity, is established by the Constitutional Court seized by the President of the National Assembly.

The President of the Republic is informed thereof.

The interim of the Presidency of the Council in case of death or permanent incapacity is ensured by the President of the National Assembly who convenes new legislative elections within a period ranging from sixty (60) to ninety (90) days, according to the provisions of articles 47 and 48 of this Constitution.

**Section 2: Powers of the President of the Council**

**Art. 50:**

- Head of government powers
- Head of government powers
- Designation of commander in chief
- Head of government powers
- Head of government powers
- Head of government powers
- Foreign affairs representative
- Head of government powers
- Head of state decree powers
- Power to pardon

The President of the Council, head of government:

- presides over councils of ministers
- is the supreme commander of the armed forces;
- has at his disposal the administration, exercises authority, command over the armed forces and security forces
- determines and conducts the policy of the nation
- defines foreign policy and represents the State in the conduct of international relations
- ensures the execution of laws and exercises regulatory power
- appoints to civil and military positions.
- grants pardons in individual cases and commutes sentences under the conditions provided by an organic law.

**Art. 51:**

- Dismissal of the legislature
- Head of government replacement

The President of the Council pronounces the dissolution of the National Assembly after consultation with its President. He informs the President of the Republic.

The President of the Council remains in office until the investiture of his successor.

- Scheduling of elections
- Dismissal of the legislature

Legislative elections take place within a period of sixty (60) to ninety (90) days.

No new dissolution may be carried out in the year following these elections except in the cases provided for in article 49. The responsibility of the Government may not be engaged.

#### **Art. 52:**

The acts of the President of the Council are countersigned by the ministers responsible for their execution.

- Eligibility for head of government

#### **Art. 53:**

An organic law determines the conditions of ineligibility, the regime of incompatibilities, and the accumulation of public, elective or appointed functions.

#### **Art. 54:**

- Head of government removal

The President of the Council, after deliberation of the council of ministers, may engage the responsibility of the government before the National Assembly on its program.

- Dismissal of the legislature

If the government does not obtain the approval of the majority of the members of the National Assembly, the President of the Council pronounces the dissolution of the National Assembly within thirty (30) days according to the provisions of article 51 of this Constitution.

- Dismissal of the legislature

The right of dissolution is extinguished as soon as the majority political party or coalition in the National Assembly has transmitted to the bureau of the National Assembly the name of the new President of the Council designated in accordance with article 48 of this Constitution.

- Head of government removal

The National Assembly may call into question the responsibility of the government by voting a motion of no confidence. Such a motion, transmitted to the bureau of the National Assembly by the majority political party or coalition in the National Assembly, is admissible only if it is signed by at least two-fifths (2/5) of the members composing the National Assembly and indicates the name of the new designated President of the Council.

- Head of government removal

The motion of no confidence is voted by a majority of three-quarters (3/4) of the members of the National Assembly.

#### **Art. 55:**

The President of the Council may submit to the Senate, for a debate without vote, any communication on the execution of his program.

#### **Art. 56:**

- Head of government immunity

During the term of office, the President of the Council cannot be required to testify or be subject to any action, investigative act, instruction or prosecution. Limitation periods and foreclosure periods are suspended.

- Cabinet removal

Government members are criminally liable for acts qualified as crimes and offenses committed in the exercise of their functions. They are tried by the Court of Justice of the Republic. Complaints against government members are filed with a petitions commission and are submitted, where appropriate, to the prosecutor general of the Court of Cassation for referral to the Court of Justice of the Republic.

## **CHAPTER IV: ON JUSTICE**

**Art. 57:**

- Judicial independence
- Structure of the courts

Justice is independent. It is rendered on the territory of the Republic in the name of the Togolese people by courts organized in two (02) separate orders, the judicial and administrative order. These courts are ordinary or specialized.

- Establishment of judicial council

They are composed of magistrates whose appointment and discipline involve the participation of the Superior Council of the Magistracy.

**Section 1: Courts**

**Art. 58:**

- Structure of the courts
- Establishment of administrative courts
- Organic laws

The Court of Cassation is the supreme court of the judicial order.

The Council of State is the supreme court of the administrative order.

An organic law establishes the composition, organization, powers and functioning of these courts as well as the procedure applicable before them.

- Establishment of military courts
- Establishment of labor courts

**Art. 59:**

Specialized courts are labor courts, commercial courts, children's judges and children's courts, military courts and military courts of appeal. They decide disputes in their respective matters.

- Ordinary court selection

**Art. 60:**

Sitting magistrates are appointed by the President of the Council upon proposal of the Superior Council of the Magistracy. Public prosecutor magistrates are appointed by the President of the Council of Ministers upon proposal of the Keeper of the Seals, Minister of Justice, after opinion of the Superior Council of the Magistracy.

- Judicial independence

**Art. 61:**

Sitting magistrates of the Court of Cassation, the tribunal of conflicts, the courts of appeal and the courts are irremovable.

**Art. 62:**

- Outside professions of legislators
- Protection of judges' salaries
- Organic laws

The functions of magistrate are incompatible with all other salaried functions.

An organic law establishes the status of magistrates and their remuneration in accordance with the requirements of independence and impartiality.

- Right to public trial

**Art. 63:**

The hearings of ordinary courts are public. However, they may be held in camera in the interest of public order by decision of the court. Judgments and rulings are reasoned.

**Art. 64:**

- Structure of the courts
- Organic laws

The conflicts court settles conflicts of jurisdiction between the courts of the two orders of jurisdiction.

An organic law establishes its composition, organization, powers and functioning as well as the procedure applicable before it.

**Section 2: Of the Superior Council of the Magistracy**

- Establishment of judicial council

**Art. 65:**

The High Council of the Judiciary participates in the composition and in the discipline of the ordinary judiciary. It may be consulted on the state of justice.

The organization, composition, powers and functioning of the High Council of the Judiciary are established by an organic law.

- Establishment of judicial council

**Art. 66:**

The High Council of the Judiciary acts as a disciplinary council for magistrates.

- Establishment of judicial council

**Art. 67:**

The High Council of the Judiciary may be referred to for opinions by the President of the Republic, the President of the Council, the President of the National Assembly and the President of the Senate. These opinions concern the general functioning of justice and the ethics of magistrates.

**CHAPTER V: ON THE CONSTITUTIONAL COURT**

**Art. 68:**

The Constitutional Court is responsible for ensuring respect for the constitution. It is the judge of the constitutionality of laws as well as the internal regulations of the National Assembly and the Senate, those of the High Authority for the regulation of written, audiovisual and digital communication, the Economic, Social and Environmental Council, the Citizen Protector, the High Authority for transparency, integrity of Public Life and the fight against corruption, the National Human Rights Commission and the High Council of the Judiciary. It guarantees the fundamental rights of the human person and public freedoms.

- Establishment of constitutional court
- Constitutionality of legislation

The decisions of the Constitutional Court are final and not subject to appeal.

- Constitutional court opinions

**Art. 69:**

The Constitutional Court is composed of nine (09) members:

- Two (02) are designated by the President of the Council, one (01) of whom by reason of his competencies and professional experience in legal and administrative matters.
- Two (02) are elected by the National Assembly, from outside the deputies, by absolute majority of its members, one (01) of whom by reason of his competencies and professional experience in legal and administrative matters.
- Two (02) are elected by the Senate, from outside the senators, by absolute majority of its members, one (01) of whom by reason of his competencies and professional experience in legal and administrative matters.
- One (01) magistrate having at least fifteen (15) years of seniority, elected by the Superior Council of the Magistracy.
- One (01) lawyer elected by his peers and having at least fifteen (15) years of seniority.
- One (01) teacher-researcher in law from public universities of Togo, elected by his peers and having at least fifteen (15) years of seniority.

- Eligibility for const court judges

- Constitutional court selection

- Constitutional court selection

- Constitutional court selection

- Constitutional court selection

- Constitutional court selection

- Constitutional court selection

- Constitutional court term length

The judges of the Constitutional Court are appointed for seven (07) years non-renewable.

- Constitutional court selection

The President of the Constitutional Court is appointed by the President of the Council. He has the casting vote in case of a tie.

**Art. 70:**

- Constitutionality of legislation

Organic laws before their promulgation, the internal regulations of the National Assembly and the Senate, those of the High Authority for the regulation of written, audiovisual and digital communication, of the Economic, Social and Environmental Council, of the Protector of the citizen, of the High Authority for transparency, integrity of Public Life and the fight against corruption, of the National Human Rights Commission and of the Superior Council of the Magistracy, before their implementation are submitted to the Constitutional Court which rules on their conformity to the Constitution.

- Constitutionality of legislation

Laws before their promulgation may be referred to the Constitutional Court by the President of the Republic, the President of the Council, the President of the National Assembly, the President of the Senate or by one third (1/3) of the deputies or one third (1/3) of the senators.

- Constitutionality of legislation

Referral to the Constitutional Court suspends the promulgation of the referred text.

- Constitutional court term length

The Constitutional Court rules within a period of one (01) month. However, at the request of the government, if there is urgency, this period is reduced to eight (08) days.

**Art. 71:**

- Constitutionality of legislation

When during proceedings pending before a court, it is argued that a legislative provision infringes the rights and freedoms that the Constitution guarantees, that court stays its ruling and refers the matter to the Constitutional Court within five (05) days.

- Organic laws

An organic law determines the conditions for application of this article.

**Art. 72:**

- Electoral court powers

The Constitutional Court ensures the regularity of legislative, senatorial elections and referendum consultations. It settles all disputes relating to consultations and elections of deputies and senators.

- Electoral court term length

In electoral matters, the Constitutional Court rules within eight (08) days.

- Organic laws

**Art. 73:**

An organic law determines the rules of organization and functioning of the Constitutional Court. It specifies its competences and the procedure followed before it.

**CHAPTER VI: THE COURT OF ACCOUNTS****Art. 74:**

The Court of Accounts is an independent financial court placed under the authority of a Chief President.

- Subsidiary unit government

It exercises a mission of control of public accounts of the State, territorial collectivities and public enterprises. It ensures in this capacity the verification on documents and on site of the regularity of revenues and expenditures recorded in public accounts.

It exercises jurisdictional functions in matters of budgetary and financial discipline of authorizing officers and delegated authorizing officers, program managers, financial controllers, public procurement management bodies and public accountants.

It sanctions, where applicable, failures to comply with the rules governing said operations.

It assists parliament and the government in the development and control of the execution of budget laws.

It may be consulted on all matters relating to public finances.

It has the right to conduct audits in all public administrations and all non-governmental entities benefiting from public funding or subsidies from the Togolese State.

The Court of Accounts drafts reports on the state of public finances and on the effectiveness of public policies. Such a report is addressed to the National Assembly within the month following the opening of the ordinary parliamentary session.

#### **Art. 75:**

The Regional Courts of Accounts are first-instance courts in matters of public finance control.

They judge subject to appeal before the Court of Accounts.

They ensure within their territorial jurisdiction, the control of accounts of the management of territorial communities and their public establishments as well as public interest groups.

- Judicial independence

#### **Art. 76:**

The members of the Court of Accounts and the Regional Courts of Accounts have the status of magistrate. They are irremovable. They may not exercise an elective mandate, public employment or any other professional activity as well as any function of national representation.

- Organic laws

#### **Art. 77:**

An organic law determines the organization and functioning of the Court of Accounts and the regional courts of accounts.

## **CHAPTER VII: INDEPENDENT AUTHORITIES**

### **Section 1: On the High Authority for the regulation of written, audiovisual and digital communication**

- Media commission
- Freedom of expression
- Freedom of press

#### **Art. 78:**

The High Authority for the Regulation of Written, Audiovisual and Digital Communication is the guarantor of freedom of expression and written, audiovisual and digital communication.

It ensures compliance with professional ethics in matters of information and communication and compliance with the pluralist expression of currents of thought and opinion by publishers of written press and audiovisual services.

- Radio
- Television

It allocates frequencies assigned to audiovisual media and guarantees quality of reception for the public.

It ensures through its oversight that online platforms and social networks implement in a transparent

and balanced manner their reporting or moderation obligations.

- Organic laws

The composition, organization and functioning of the High Authority for the Regulation of Written, Audiovisual and Digital Communication are established by an organic law.

### **Section 2: On the Economic, Social and Environmental Council**

**Art. 79:**

The Economic, Social and Environmental Council, when referred to by the government, the National Assembly or the Senate, gives its opinion on draft laws, ordinances or decrees as well as on legislative proposals submitted to it.

A member of the Economic, Social and Environmental Council may be designated by the Council to present to the authorities referred to in the first paragraph of this article, the opinion of the Council.

It may be consulted by the government and Parliament on any problem of an economic, social or environmental nature. Any plan or any draft programming law of an economic, social or environmental nature shall be submitted to it for opinion.

- Organic laws

**Art. 80:**

The composition, organization and functioning of the Economic, Social and Environmental Council are determined by an organic law.

**Section 3: Of the Citizen Protector**

- Ombudsman

**Art. 81:**

The citizen protector ensures respect for rights and freedoms by state administrations, territorial communities, public establishments, as well as by any organization invested with a public service mission.

The citizen protector protects individuals against all forms of abuse by public administration.

He is appointed by decree in the Council of Ministers.

The composition, organization and functioning of the Citizen Protector's services are established by an organic law.

**Section 4: On the High Authority for transparency, integrity of Public Life and the fight against corruption**

- Counter corruption commission
- Earnings disclosure requirement

**Art. 82:**

The High Authority for Transparency, Integrity of Public Life and the Fight against Corruption is responsible for promoting probity and exemplarity among public officials. It receives asset declarations and declarations of interests from public officials.

The High Authority for Transparency, Integrity of Public Life and the Fight against Corruption may also be consulted by public officials on questions of ethics and conflicts of interest relating to the exercise of their functions.

An organic law determines the composition, organization and functioning of the High Authority for Transparency, Integrity of Public Life and the Fight against Corruption.

**Section 5: ON the National Human Rights Commission**

- Human rights commission

**Art. 83:**

The National Human Rights Commission is an independent authority. It is subject only to the Constitution and the law.

It serves an advisory and proposal role to the government and Parliament in the field of human rights, humanitarian law and action, and respect for fundamental guarantees granted to citizens for the exercise of public freedoms.

It may publicly call the attention of Parliament and the government to measures that appear to it to be of a nature to favor the protection and promotion of human rights.

The composition, organization and functioning of the National Human Rights Commission are established by an organic law.

## CHAPTER VIII: ON THE COURT OF JUSTICE OF THE REPUBLIC

- Courts for judging public officials

### Art. 84:

The Court of Justice of the Republic is the sole court with jurisdiction to hear crimes and offenses committed by the President of the Republic, the President of the Council, former Presidents of the Republic and former Presidents of the Council, members of the government, the

presidents of institutions, the President of the National Assembly, the President of the Senate, the President of the Court of Cassation, the President of the Tribunal of Conflicts and magistrates of the Court of Cassation and the Council of State.

It comprises fifteen (15) judges including twelve (12) parliamentarians elected in equal number by the National Assembly and the Senate and three (03) sitting magistrates of the Court of Cassation, one of whom presides over the Court of Justice of the Republic.

An organic law specifies the conditions for the establishment and functioning of the Court of Justice of the Republic.

## TITLE III: OF TERRITORIAL COMMUNITIES AND TRADITIONAL CHIEFTAINCY

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### Art. 85:

- Subsidiary unit government

Territorial collectivities are the region and the commune.

- Subsidiary unit government
- Claim of universal suffrage

Regions and communes govern themselves freely through councils elected by universal suffrage under the conditions provided for by the Constitution and laws.

- Subsidiary unit government

### Art. 86:

- Subsidiary unit government

Any other territorial collectivity is created by law.

- Subsidiary unit government

### Art. 87:

- Subsidiary unit government

The State ensures the harmonious development of territorial collectivities on the basis of national solidarity, regional potential and inter-regional balance.

### Art. 88:

The Togolese Republic recognizes traditional chieftaincy, guardian of customs and traditions.

The designation and enthronement of the traditional chief follow the customs and traditions of the locality and the legal and regulatory provisions in force.

The law specifies the status, procedure for designation and enthronement of the traditional chief.

## TITLE IV: TREATIES AND INTERNATIONAL AGREEMENTS

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### Art. 89:

- Treaty ratification

The President of the Council is the guarantor of international agreements and treaties negotiated and signed by the government.

- Treaty ratification

Parliament authorizes their ratification.

The President of the Republic is informed thereof.

- Treaty ratification

### Art. 90:

Peace treaties, commercial treaties, treaties or agreements relating to international organizations, those which modify provisions of a legislative nature, those which relate to the status of persons, those which involve cession, exchange or addition of territory, may only be ratified or approved by virtue of a law.

They only take effect after having been ratified or approved and published.

- Treaty ratification
- Constitutionality of legislation

### Art. 91:

- Treaty ratification

When the Constitutional Court, referred to by the President of the Republic, by the President of the Council, by the President of either chamber or by at least one-fifth (1/5) of the deputies or one-fifth (1/5) of the senators, declares that a treaty or international agreement contains a clause contrary to the Constitution, its ratification or approval may only take place after revision of the Constitution.

### Art. 92:

- Legal status of treaties

Treaties and agreements regularly ratified or approved have, from their publication, an authority superior to that of laws, even subsequent ones, subject, for each agreement or treaty, to its application by the other party.

- International human rights treaties

The reservation of reciprocity does not apply to international treaties for the protection of human rights and fundamental freedoms.

- Legal status of treaties

Ordinary courts have jurisdiction to ensure the effectiveness of the prevalence of international treaties and agreements when, in the course of proceedings, it is argued that the applicable legislative or regulatory provisions are contrary to the stipulations of an international treaty or agreement.

## TITLE V: ON THE REVISION OF THE CONSTITUTION

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### Art. 93:

- Constitution amendment procedure

The initiative for constitutional revision belongs concurrently to the President of the Council, to at least one-fifth (1/5) of the deputies composing the National Assembly, or to one-fifth (1/5) of the Senators composing the Senate.

- Constitution amendment procedure
- Legislative initiatives by citizens

Constitutional revision may also be of popular initiative. This revision initiative takes the form of a constitutional revision bill. An organic law establishes the conditions for this popular initiative for constitutional revision.

- Constitution amendment procedure

The constitutional revision bill or proposal is submitted to the deliberation of the National Assembly.

- Constitution amendment procedure

The constitutional revision bill or proposal is definitively adopted by the National Assembly by three-fifths (3/5) of its members

- Constitution amendment procedure
- Referenda

In the absence of this majority, the constitutional revision bill or proposal adopted by a simple majority of the members of the National Assembly is submitted to referendum by the President of the Council who informs the President of the Republic.

- Constitution amendment procedure

If the revision text is adopted, it is promulgated within fifteen (15) days by the President of the Council.

- Constitution amendment procedure

No constitutional revision relating to the existence of the Senate may be carried out without the agreement of the Senate or recourse to referendum.

- Unamendable provisions

### Art. 94:

No constitutional revision may undermine the democratic, secular and republican character of the State.

## TITLE VI: TRANSITIONAL AND FINAL PROVISIONS

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### Art. 95:

- Transitional provisions

The institutions of the Republic provided for by this Constitution shall be established within a period not exceeding twelve (12) months from the date of its entry into force.

- Transitional provisions

### Art. 96:

In the interim, the institutions of the Republic including those of the judicial system shall remain in function according to the provisions of the Constitution of October 14, 1992 as revised.

The mandate of the members of the National Assembly in office expires on the day of the first meeting of the elected members of the National Assembly.

The members of the Constitutional Court remain in office until the installation of the new members.

- Transitional provisions

### Art. 97:

The powers of the President of the Republic in office at the time of the promulgation of this Constitution shall only expire after the entry into office of the President of the Council and the election of the President of the Republic.

The first election of the President of the Republic and the first designation of the President of the Council after promulgation of this Constitution shall take place following the establishment of the two (02) chambers of parliament.

- Head of government selection

The majority party or the majority coalition of parties shall transmit in writing to the bureau of the National Assembly the name of the President of the Council. The bureau

of the National Assembly shall take note of this designation and shall inform without delay the deputies assembled in plenary session.

The President of the Council enters into office upon taking the oath of office.

- Transitional provisions

### **Art. 98:**

Legislative measures, including those of an organic nature, necessary for the establishment of the institutions provided for by this Constitution are taken in the Council of Ministers, after opinion of the Constitutional Court, by ordinances having the force of law.

- Transitional provisions

### **Art. 99:**

All laws, all decrees and orders in force remain in positive law until otherwise provided.

- Transitional provisions

### **Art. 100:**

This Constitution is promulgated within fifteen (15) days following its transmission to the President of the Republic. It shall be executed as the fundamental law of the Fifth (5th) Republic.

## **ANNEX TO THE SOLEMN DECLARATION OF FUNDAMENTAL RIGHTS AND DUTIES OF PERSONS AND CITIZENS**

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- Source of constitutional authority

We, the Togolese People, adopt this Declaration whose content follows

### **Section 1: Rights**

#### **Article 1:**

- Human dignity
- Inalienable rights

The dignity of the human person is inviolable. It constitutes the foundation of the inalienable and imprescriptible rights of Man that public authorities have the obligation to respect and protect.

#### **Art. 2:**

- Right to life
- Prohibition of torture
- Prohibition of cruel treatment
- Prohibition of capital punishment

The right of every person to life is protected by law. No one may be subjected to torture or to inhuman or degrading punishment or treatment.

The death penalty is prohibited.

#### **Art. 3:**

- General guarantee of equality
- Equality regardless of gender
- Equality regardless of origin
- Equality regardless of race
- Equality regardless of language
- Equality regardless of religion
- Equality regardless of creed or belief

Individuals are equal before the law; they cannot be subjected to any discrimination based on their sex, origin, race, ethnicity, language, religion, opinions or any other personal or social condition or circumstance.

#### **Art. 4:**

- Freedom of religion
- Freedom of religion

Freedom of belief and conscience and religious freedom and freedom of worship are guaranteed with no other limits than those necessary for public order.

**Art. 5:**

- Freedom of expression
- Right to information

Free communication of thoughts is guaranteed by law; everyone may express and freely disseminate their opinion through speech, writing, image and obtain information without hindrance from sources accessible to the public.

- Freedom of press
- Radio
- Television

Freedom of the press and freedom to inform through radio, television, cinema and digital means are guaranteed.

- Right to privacy
- Rights of children

These rights find their limits in respect for the rights recognized in this Declaration and in particular in the right to honor, to privacy of private life, in the right to one's image and to the protection of youth and childhood.

**Art. 6:**

- Protection from unjustified restraint

Everyone has the right to freedom and security. No one may be deprived of their freedom except in cases determined by law and according to the forms it has prescribed.

Police custody may only last for the time strictly necessary. The person in police custody is released

or placed at the disposal of the judicial authority within the time limits provided by law.

- Right to fair trial
- Right to pre-trial release

No one may be detained unless they have been previously convicted by an independent and impartial court. The law determines the conditions under which provisional detention may be ordered by the judicial authority as well as its maximum duration.

**Art. 7:**

- Right to fair trial
- Right to public trial
- Right to speedy trial

Every person has the right to be tried fairly, publicly and within a reasonable time by an independent and impartial judge.

- Presumption of innocence in trials

Any person suspected or prosecuted is presumed innocent until their guilt has been established.

- Presumption of innocence in trials

Violations of the presumption of innocence are prevented, remedied and punished under the conditions provided by law.

- Right to counsel
- Guarantee of due process

The person has the right to be informed of the charges against them and to be assisted by a defender.

- Protection from ex post facto laws
- Principle of no punishment without law
- Right to privacy

Only acts constituting an offense at the date they were committed are punishable.

**Art. 8:**

Every person has the right to respect for their private life.

- Regulation of evidence collection

The home is inviolable. No authority may enter or search the home without the consent of the person except in case of judicial decision or flagrant offense.

The secrecy of postal, telephone, telegraph, and electronic correspondence is guaranteed except by judicial or administrative decision provided for by law.

- Freedom of assembly

**Art. 9:**

Freedom of assembly and peaceful public demonstration is guaranteed in compliance with the laws and regulations of the country.

- Freedom of association

**Art. 10:**

Associations may be formed freely in compliance with legislation in force.

Associations that pursue ends or use means constituting an offense are prohibited. They shall ensure that their operation does not undermine national security, public order and

social harmony.

Associations may be dissolved or their activities suspended by virtue of a judicial decision or reasoned administrative decision.

- Freedom of movement

#### **Art. 11:**

All citizens enjoy freedom of movement and establishment throughout the national territory.

They may freely enter and leave Togo under conditions established by law.

#### **Art. 12:**

- Right to choose occupation

Everyone has the right to freely choose their profession, employment and training establishment.

- Right to choose occupation

No one may be compelled to perform specific work.

- Prohibition of slavery

Forced labor is prohibited.

#### **Art. 13:**

- Right to own property

Property and the right of inheritance are guaranteed.

- Right to own property

Their content and limits are fixed by law.

- Protection from expropriation

No one may be deprived of their property except when public necessity requires it. The procedures for expropriation are provided for by a law which fixes the method and measure of compensation. It is determined by fairly balancing the interests of the community and those of the interested parties.

#### **Art. 14:**

- Requirements for birthright citizenship
- Conditions for revoking citizenship

Nationality is attributed by right to children born of Togolese father or mother. It cannot be withdrawn. The other modes of acquisition of Togolese nationality are fixed by law.

- Extradition procedure

No Togolese citizen may be extradited.

#### **Art. 15:**

- Right to found a family

Marriage and the family are placed under the protection of the State.

- Regulation of marriage

Every person has the right to contract marriage in full legal equality.

- Regulation of marriage

The forms of marriage, the age and capacity required to marry, the rights and duties of spouses, the causes of dissolution and their effects are regulated by law.

- Rights or duties of parents
- Rights of children

The maintenance and education of children are a right of parents and an obligation which falls to them as a priority. They are supported by the State in this task.

- Rights of children

Children have the right to the same family and social protection, whether born in marriage or out of wedlock.

#### **Art. 16:**

- Compulsory education

Everyone has the right to education. The purpose of education is the full development of the human personality in respect for democratic principles of community life and fundamental rights. School is compulsory for children of both sexes until the age of fifteen.

- Free education

The State progressively ensures free public education.

- Protection of environment

**Art. 17:**

- Right to health care
- Ownership of natural resources
- Right to work
- Right to just remuneration

The State recognizes everyone's right to health protection and the right to enjoy a healthy environment. It works to promote it.

Public authorities ensure the rational use of all natural resources in order to protect and improve the quality of life and defend the environment.

**Art. 18:**

The State recognizes everyone's right to work. It strives to create the conditions for the effective enjoyment of this right. It ensures equal opportunities for every citizen in employment and guarantees every worker fair and equitable remuneration.

**Art. 19:**

- Right to strike
- Right to join trade unions
- Provisions for wealth redistribution

The right to strike is recognized for workers and other civil servants for the defense of their interests. The law regulates the exercise of this right. It establishes the necessary guarantees to ensure the maintenance of essential public services.

Workers may form unions or join unions of their choice. No one may be required to affiliate with a union.

**Art. 20:**

- Reference to art

The State recognizes the right of citizens and territorial communities to an equitable redistribution of national wealth.

**Art. 21:**

The State guarantees the conservation and encourages the enrichment of the cultural and artistic heritage of Togo and the assets that compose it.

**Section 2: Duties**

- Duty to obey the constitution

**Art. 22:**

Citizens have the sacred duty to respect the Constitution as well as the laws and regulations of the Republic.

**Art. 23:**

- Right to overthrow government
- Duty to serve in the military
- Right to conscientious objection

Citizens have the right and duty to defend the homeland and the integrity of the national territory. They have in particular the duty to combat any person or group of persons who would attempt to change by force the democratic order established by this Constitution.

The law determines the military obligations of Togolese and governs with appropriate guarantees conscientious objection as well as other causes of exemption from compulsory military service.

- Duty to pay taxes

**Art. 24:**

- Duty to pay taxes

Citizens contribute to public expenditure, according to their economic capacity, through a just tax system based on the principle of equality and progressivity.

**Art. 25:**

Citizens ensure respect for the rights and freedoms of other citizens and the safeguarding of public order.

- Equality regardless of origin
- Equality regardless of tribe or clan
- Equality regardless of nationality
- Equality regardless of race
- Equality regardless of religion

They work to promote tolerance and dialogue in their relations with others. The law punishes those who commit acts and those who incite discrimination, hatred or violence against a person or group of persons by reason of their origin, or their belonging or non-belonging to an ethnic group, a nation, a race or a religion.

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