

CONSTITUTION OF THE REPUBLIC OF SENEGAL

Adopted on 7 January 2001

PREAMBLE

The sovereign people of Senegal,

Deeply attached to their fundamental cultural values which constitute the cement of national unity;

Convinced of the will of all citizens, both men and women, to embrace a common destiny through solidarity, work and patriotic commitment;

Considering that national construction rests upon individual freedom and respect for the human person, sources of creativity;

Conscious of the need to affirm and to consolidate the foundations of the nation and the state;

Committed to the ideal of African unity;

Affirm:

- their adherence to the Declaration of Human Rights of 1789 as well as to the international instruments adopted by the United Nations and the Organization of African Unity, in particular the Universal Declaration of Human Rights of 10 December 1948, the Convention on the Elimination of all Forms of Discrimination Against Women of 18 December 1979, the Convention on the Rights of the Child of 20 November 1989 and the African Charter on Human and Peoples' Rights of 27 June 1981;
- their commitment to transparency in the running and management of public affairs as well as to the principles of good governance;
- their determination to fight for peace and fraternity together with all the peoples of the world;

Proclaim:

- the inviolable principle of national territorial integrity and national unity with due respect for the cultural specificity of all the components of the nation;
- the unassailability of national sovereignty which is expressed through transparent and democratic procedures and consultations;
- the respect for fundamental freedoms and civil rights as the basis of Senegalese society;
- the observance and consolidation of the rule of law in which the state and the citizens are subjected to the same legal norms under the control of an independent and impartial judiciary;
- access to the exercise of power at all levels, for all citizens, without discrimination;
- equal access to public services for all citizens;
- the rejection and elimination of all forms of injustice, inequality and discrimination;
- the will of Senegal to be a modern state run according to the fair and loyal interaction between a governing majority and a democratic opposition, and a state which recognises such opposition as a fundamental pillar of democracy and an indispensable part of the democratic mechanism;

Approve and adopt this Constitution of which the Preamble is an integral part.

TITLE I: THE STATE AND SOVEREIGNTY

Article 1

The Republic of Senegal shall be secular, democratic and social. It shall ensure equality before the law for all citizens, without distinction as to origin, race, sex or religion. It shall respect all faiths. The official language of the Republic of Senegal shall be French. The national languages shall be Diolo, Malinke, Poular, Serer, Soninke and Wolof and any other national language which has been codified. ...

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Article 3

National Sovereignty shall belong to the Senegalese people who shall exercise it through their representatives or by way of referendum. No section of the people nor any individual may assume the exercise of sovereignty. Suffrage may be direct or indirect. It shall always be universal, equal and secret. All Senegalese nationals of either sex who have attained the age of 18 years and enjoy civil and political rights, shall be eligible to vote under the conditions determined by law.

Article 4

Political parties and coalitions of political parties shall contribute to the expression of suffrage. They shall be required to respect the Constitution and thus the principles of national sovereignty and democracy. They are prevented from identifying themselves by race, ethnicity, sex, religion, sect, language or region.

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Article 5

Any act of racial, ethnic or religious discrimination as well as any regionalist propaganda capable of interfering with the internal security of the state or the territorial integrity of the Republic, shall be punished by law.

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TITLE II: PUBLIC LIBERTIES AND THE PERSON**Article 7**

The human person is sacred. The human person is inviolable. The state shall have the obligation to respect it and to protect it. Every individual has the right to life, to freedom, to security, the free development of his or her personality, to corporal integrity, and especially to protection against physical mutilation. The Senegalese people recognise the existence of sacred and inalienable human rights as the basis of any human community, of peace and of justice in Senegal and the world. All human beings shall be equal before the law. Men and women shall be equal in law. No one in Senegal shall have any liabilities or privileges based upon places of birth, status or family.

Article 8

The Republic of Senegal guarantees to all citizens their individual fundamental freedoms, economic and social rights as well as group rights. These freedoms and rights are: Civil and political liberties, freedom of opinion, freedom of expression, press freedom, freedom of association, freedom to hold meetings, freedom of movement, freedom to protest, cultural freedoms, religious freedoms, philosophical freedoms, union freedoms, freedom of enterprise, the right to education, the right to literacy, the right to property, the right to work, the right to health, the right to a healthy environment, and the right to a variety of information. These freedoms and rights shall be exercised under the conditions provided by law.

Article 9

Any infringement of these freedoms and any international restriction of the exercise of a freedom shall be punishable by law. No-one may be convicted other than by virtue of a law

which became effective before the act was committed. Defence is an absolute right at all stages and at all levels of the proceedings.

Article 10

Everyone shall have the right to freely express and disseminate his opinions by word, pen or image or peaceful march, provided that the exercise of these rights shall not undermine the honour of and respect due to other persons, nor threaten public order.

Article 11

The creation of a press body for information on politics, the economy, culture, sports, recreation or science shall be free and shall not be subject to prior authorisation of any kind. Press regulations shall be set by the law.

Article 12

All citizens shall have the right to freely constitute associations and economic, cultural and social groups as well as societies, on condition that they comply with the formalities set down by the laws and regulations. Groups whose aim or activity is contrary to the penal laws or directed against public order shall be prohibited.

Article 13

The secrecy of correspondence and of postal, telegraphic, telephonic or electronic communications shall be inviolable. This inviolability shall be subject only to such restrictions as are made applicable by law.

Article 14

All citizens of the Republic shall have the right to move freely or settle anywhere, within the national territory and abroad. These freedoms shall be exercised under the conditions provided by the law.

Article 15

The right of property is guaranteed by the present Constitution. It may not be impaired except in the case of public necessity, legally established and subject to the prior payment of just compensation. Men and women shall have equal rights to gain possession of and own land subject to conditions determined by the law.

Article 16

The home shall be inviolable. A house search may not be ordered except by a judge or another authority designated by law. Searches may be conducted only in the form prescribed by these authorities. Measures impairing or restricting the inviolability of the home may be taken only in order to provide against a common danger or to protect persons in danger of death. Such measures may also be taken, pursuant to law, in order to protect public order against impending threat and especially to combat the risks of epidemics or to protect youth in danger.

Marriage and the Family

Article 17

Marriage and the family shall constitute the natural and moral basis for the human community. They shall be placed under the protection of the state. The state and the public collectively shall have the social duty to watch over the physical and moral well-being of the family and, in particular, of the handicapped and the aged. The state guarantees families in general and those living in rural areas in particular access to health and welfare services. It also guarantees women in general and those living in rural areas in particular the right to

improve their living conditions.

Article 18

Forced marriage is a violation of personal freedom. It shall be forbidden and punished according to conditions laid down by law.

Article 19

Wives shall have the same right to worldly goods and property as their husbands. They shall have the personal right to manage their goods and property.

Article 20

Parents shall have the natural right and the duty to raise their children. They shall be supported in this task by the state and public collectivities. Youth shall be protected by the state and public groups against exploitation, drugs, narcotics, moral neglect and delinquency.

Education

Article 21

The state and the public collectivities shall create the preliminary conditions and the public institutions which shall guarantee the education of children.

Article 22

The state shall have the duty and the task of educating and training the youth through public schools. All children, boys and girls, throughout the national territory, shall have the right to attend school. Religious and non-religious institutions and communities shall also be recognised as educational facilities. All national, public or private institutions shall have the duty to see to it that their members learn to read and write; they shall have the duty to participate in the national literacy effort which aims to ensure that everyone can read and write one of the national languages.

Article 23

Private schools may be opened with the authorisation and under the supervision of the state.

Religions and Religious Communities

Article 24

Freedom of conscience and the free practice and profession of religion and culture, and the profession of religious education shall, subject to the respect for public order, be guaranteed to all. Religious institutions and communities shall have the right to develop without hindrance. They shall not be subject to direct supervision by the state. They shall regulate and administer their affairs autonomously.

Work

Article 25

Everyone has the right to work and to seek employment. No one may be impeded in his work by reason of his or her origins, sex, opinions, political choices, or beliefs. A worker may join a labour union and defend his rights through union activity. Any discrimination between men and women regarding employment, salary and taxation shall be prohibited. The freedom to create unions or professional associations will be a recognised right for all workers. The right to strike shall be recognised. It shall be exercised within the limits of the

laws which are applicable thereto. It may on no account affect the freedom to work, nor endanger enterprise. Every worker shall, through his delegates, participate in the determination of the conditions of work. The state shall attend to health and human conditions in the workplace. Specific laws shall determine the conditions of assistance and protection which the state and business shall grant to the workers.

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TITLE III: THE PRESIDENT OF THE REPUBLIC

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Article 52

Whenever the institutions of the Republic, the independence of the nation, the integrity of its territory, or the execution of its international obligations are seriously and immediately threatened, or whenever the regular functioning of the governing authorities or the institutions is disrupted, the President of the Republic shall have access to exceptional powers. The President may, in a message, take any measure, aimed at re-establishing the regular functioning of the governing authorities and to ensure the safeguarding of the nation. He may, by virtue of these exceptional powers, initiate a constitutional revision. The National Assembly shall convene as of right. It shall be seated, for ratification, within fifteen days of their promulgation, of measures of a legislative nature put into force by the President. The Assembly may amend or reject them at the time of voting on the ratification law. These measures shall become null and void if a bill for ratification is not filed with the office of the National Assembly within the set period. The National Assembly cannot be dissolved during the exercise of exceptional powers. When these are exercised after the dissolution of the National Assembly, the polling date set by the dissolution decree may not be postponed, except in the case of *force majeure* determined by the Constitutional Court.

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TITLE V: OPPOSITION

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Article 58

The Constitution guarantees political parties opposed to the government's policies the right to opposition. The law shall determine their status and lay down their rights and duties. The parliamentary opposition is that which is represented by its Deputies in the National Assembly.

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TITLE VI: RELATIONSHIP BETWEEN THE LEGISLATIVE POWER AND THE EXECUTIVE POWER

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Article 69

A state of siege, like a state of emergency, shall be decreed by the President of the Republic. The National Assembly shall then convene as of right, if it is not already in session. The decree proclaiming the state of siege or a state of emergency shall cease to have effect after a period of 12 days, unless the National Assembly, at the request of the President, authorises its extension.

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Article 74

The Constitutional Court may be seated for the purpose of having a law declared unconstitutional:

1. by the President of the Republic, within six full days following the completed transmission to him of the definitively adopted law;
2. by a number of Deputies at least equal to a tenth of the members of the National Assembly, within six full days following its definitive adoption.

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TITLE VIII: THE JUDICIAL POWER

Article 88

The judicial power shall be independent of the legislative power and the executive power. It shall be exercised by the Constitutional Court, the Council of State, the Supreme Court, the National Audit Office and the Courts and Tribunals.

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Article 92

The Constitutional Court shall decide on the constitutionality of laws and international engagements and of conflicts of competence between the executive and the legislative, conflicts of competence between the Council of State and the Supreme Court, as well as of exceptions of unconstitutionality raised before the Council of State or the Supreme Court.

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TITLE IX: INTERNATIONAL TREATIES AND AGREEMENTS

Article 95

The President of the Republic shall negotiate international commitments. He shall ratify or approve them.

Article 96

... [T]reaties ... which concern the status of persons ... shall be ratified or approved only by virtue of a law.

...

Article 97

If the Constitutional Court has declared that an international agreement contains a clause contrary to the Constitution, the authorisation to ratify it or approve it shall only be given after revision of the Constitution.

Article 98

Treaties or agreements duly ratified shall, upon their publication, have an authority superior to that of the laws, subject, for each treaty and agreement, to its application by the other party.

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TITLE XII: AMENDMENTS

Article 103

The initiative for amending the Constitution shall belong both to the President of the Republic and to the Deputies. The Prime Minister may propose an amendment of the Constitution to the President of the Republic. The bill or proposition of amendment of the Constitution must be adopted by the National Assembly. The amended Constitution shall be final after its approval by referendum. However, the bill of amendment shall not be presented to a referendum whenever the President of the Republic decides to submit it to the National Assembly alone; in this case the bill of amendment shall be approved only if it receives a majority of three-fifths of the members of the National Assembly. ... The republican form of the state may not be made the subject of an amendment.

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