

Central African Republic's

TITLE IV: OF THE LEGISLATIVE POWER

Article 63

The Legislative Power is exercised by a Parliament that includes two (2) Chambers:

- the National Assembly;
- the Senate.

The Parliament legislates and controls the action of the Government.

Article 64

The Chambers of the Parliament meet on the same dates:

- in ordinary sessions, at the convocation of the Bureaus of the National Assembly and of the Senate after consultation with the President of the Republic;
- in extraordinary sessions, at the demand of the President of the Republic or of the third of the members composing one or the other Chamber.

However, the two Chambers are only convoked simultaneously if the matters brought to the agenda concern both [l'une et l'autre].

Article 65

The two Chambers of the Parliament may meet in congress, at the demand of the President of the Republic to:

- hear a communication or receive a message from the President of the Republic;
- decide on a bill or a proposal of constitutional revision.

When the Parliament meets in congress, the Bureau of the National Assembly presides over the debates.

Article 66

Within the thirty (30) days that follow the installation of the Parliament, the Deputy and the Senator make, each in [regard] to what concerns him, a written declaration of [their] patrimony, deposited at the Office of the Constitutional Court which renders it public within eight (8) working days.

Within the thirty (30) days that precede the ceasing of their functions, the Deputy and the Senator renew, each in [regard] to what concerns him, the declaration of their patrimonies within the conditions specified in the paragraph above.

Article 67

The members of the Parliament enjoy parliamentary immunity. Consequently, no Parliamentarian may be prosecuted, investigated or arrested, detained or judged on the occasion of the opinions or votes emitted by them in the exercise of their functions.

During the sessions, a Parliamentarian may only be prosecuted or arrested in a correctional matter, with the authorization of the National Assembly or of the Senate[,] granted by vote by secret ballot[,] with the absolute majority of the members who compose the Chamber concerned.

Out of session, a Parliamentarian may only be prosecuted or arrested with the authorization of the Bureau of the National Assembly or of the Bureau of the Senate. This authorization may be suspended if the National Assembly or the Senate so decides with the absolute majority.

The Parliamentarian caught in flagrante delicto or in flight[,] after the commission of criminal acts or misdemeanors, can be prosecuted and arrested without the authorization of the National Assembly, of the Senate or of their Bureaus.

The prosecution of a Parliamentarian is suspended until the end of his mandate, except in cases of the lifting of parliamentary immunity, if the Chamber concerned requires it by vote with the absolute majority of the members who compose it.

The Parliamentarian who is made the object of a definitive criminal conviction is removed [radié] from the list of Parliamentarians within the conditions established by the organic law relative to each Chamber.

A law determines the number of Deputies and Senators, the electoral regime of the national Assembly and of the Senate as well as the regime of the immunities, of the ineligibilities, of the incompatibilities, of the pensions, of the indemnities, of the conditions of their replacement in case of vacancy of seat and of the privileges of the members of the Parliament.

Chapter I: Of the National Assembly

Article 68

The Central African People elect, by direct universal suffrage for a mandate of five (5) years, citizens who constitute the National Assembly and who have the title of Deputy.

Each Deputy is the elect [élu] of the Nation.

The mandate of a Deputy can only be shortened by dissolution of the National Assembly or by the resignation, the removal [radiation] or the disqualification of the said Deputy.

Article 69

The National Assembly elects its President for the duration of the legislature within the first eight (8) days of its installation.

The other members of the Bureau are elected each year.

Article 70

The President of the National Assembly can be made the object of [the] procedure of dismissal for breach [manquement] of the duties of his responsibility [charge] on the substantiated demand of one-third (1/3) of the Deputies.

The dismissal is only declared if the vote receives the majority of two-thirds (2/3) of the Deputies composing the National Assembly.

The National Assembly then proceeds to elect a new President within the three (3) working days which follow that dismissal.

The vote takes place by secret ballot [bulletin].

Article 71

The right to vote of the Deputies is personal.

The internal regulations of the National Assembly may, exceptionally, authorize the delegation of [the] vote in a specific [précis] case.

No one may receive more than one [such] mandate.

Any imperative mandate is null.

Article 72

The National Assembly establishes, itself, its rules of organization and of functioning under the form of [a] law concerning [loi portant] Internal Regulations. These can only enter into force after having been recognized as conforming to the Constitution by the Constitutional Court.

Chapter 2: Of the Senate

Article 73

The Central African People elect, by indirect universal suffrage for a mandate of five (5) years, citizens who constitute the Senate and who have the title of Senator.

Each Senator is the representative of the Territorial Collectivities of the Republic.

The mandate of a Senator can only be shortened by dissolution of the National Assembly or by the resignation, the removal [radiation], the disqualification or death.

Article 74

The Senate elects its President for the duration of the legislature within the first eight (8) days of its installation.

The other members of the Bureau are elected each year.

The President of the Senate can be made the object of [the] procedure of dismissal for breach [manquement] of the duties of his responsibility [charge] on the

substantiated demand of one-third (1/3) of the Senators.

The dismissal is only declared if the vote receives the majority of two-thirds (2/3) of the members composing the Senate.

The Senate then proceeds to elect a new President within the three (3) working days which follow that dismissal.

The vote takes place by secret ballot [bulletin].

Article 75

The right to vote of the Senators is personal. The internal regulations of the Senate may, exceptionally, authorize the delegation of [the] vote in a specific [précis] case. No one may receive more than one [such] mandate.

Any imperative mandate is null.

Article 76

The Senate establishes its rules of organization and functioning under the form of [a] law concerning [loi portant] Internal Regulations.

These can only enter into force after having been recognized as conforming to the Constitution by the Constitutional Court.

Chapter 3: Of the Powers of the Parliament

Article 77

The Parliament votes the law, raises taxes and controls the action of Government within the conditions established by this Constitution.

The Parliament regulates the accounts of the Nation. It is, to this effect, assisted by the Court of Accounts.

The Parliament can charge [charger] the Court of Accounts [with] any inquiry and study reporting on the execution of the budget or on the management of the national treasury and of the public monies [deniers].

Article 78

The Parliament is solely enabled to authorize the declaration of war. It meets specially to this effect. The President of the Republic informs the Nation of it by a message.

Article 79

The Parliament decides on the bills of law deposited with the Bureau of each Chamber by the Government or on the proposals of law deposited by the members of the Parliament.

Article 80

[The following] are of the domain of the law:

- The rules concerning the following matters:
 - the civil rights and the fundamental guarantees granted to citizens for the exercise of the public freedoms;
 - parity [concerning] man and woman in the decision-making bodies [instance de prise de décisions];
 - the constraints imposed on Central Africans and on resident foreigners on their persons and on their assets [biens] in view of public utility and in view of national defense;
 - the nationality, the status and the capacity of persons, the matrimonial regimes, inheritance and gifts;
 - the status of foreigners and of immigration;
 - the organization of the civil estate;
 - the determination of crimes and misdemeanors as well as the penalties that are applicable to them, the criminal procedure, the civil procedure, the commercial law, the social law, amnesty, the creation of new orders of jurisdiction, the status of the Magistrates and of the profession of Attorney;
 - the organization of public and ministerial offices, the professions of public and ministerial officers[,] and the liberal professions;
 - the fundamental guarantees granted to the civil and military functionaries;
 - the general administrative and financial organizations;
 - the regime of political parties and associations;
 - the electoral code;
 - the privatization of enterprises of the public sector and the nationalization of enterprises;
 - the creation or the suppression of public establishments;
 - the creation and the organization of organs of control, of consultation, of regulation and of mediation;
 - rules for editing and of publication;
 - the plan of development of the Republic;
 - the plan of development [aménagement] and of progressive and widespread [généralisé] implantation of [the language of] Sango;
 - the protection of the environment, the regimes of domains, lands, forestry, petroleum and mining;
 - the code of transparency and of good governance of the public finances;
 - the laws of finance;
 - the Internal Regulations of the National Assembly and of the Senate;
 - the law of regulations;
 - the establishment, the rate and the modalities of collection of taxes, [and] impositions of any nature;
 - the regime of emission of the currency;
 - the state of warning [état de mise en garde], the state of urgency, the state of alert [etat d'alerte] and the state of siege;
 - holidays and legal celebrations.

- The fundamental principles:
 - of the regime of property, [and] of civil and commercial rights and obligations;
 - of education, of culture, of scientific, technical and technological research and of vocational training;
 - of the right of assembly and of peaceful demonstration;
 - of the right to petition;
 - of health and of public health;
 - of insurance, of cooperatives, of savings and of credit;
 - of the decentralization and of regionalization;
 - of the administration of the Territorial Collectivities;
 - of the general organization of the national defense;
 - of the general organization of justice and of the penitentiary regime;
 - of the right to work, of the syndical right and of social security and of the regime of pensions.

Article 81

The matters other than those which are of the domain of the law arise in [relvent] the regulatory domain.

Article 82

The laws of finance determine the nature, the amount and the allocation [affectation] of the resources and of the expenditures of the State for a specific fiscal year [exercice] taking account of an economic and financial balance that they define.

The laws of finance are obligatorily voted before the end of the fiscal year in progress. If the law of finance establishing the resources and the expenditures for a fiscal year has not been adopted in a timely fashion by the Government, it may demand of urgency of the Parliament the adoption of a law continuing by [portant] provisional twelfths the law of finance of the preceding fiscal year.

Deposited by the Government at the opening of the second ordinary session and at the latest the 15th September, the budget is ordered by a law identified as of finance, before the commencement of the new fiscal year. This law may only include provisions of financial order.

Any disposition of amendment to the bill of the law of finance must be substantiated and accompanied by the developments of the means which justify it.

The amendments deposited by the Parliamentarians are irreceivable when they have the effect of leading to a diminution of resources not offset [compensée] by economies[,] or an augmentation in the expenses [charges] of the State which would not be covered by an equivalent augmentation of resources.

The President of the National Assembly and the President of the Senate, after consultation of the Bureaus of the two Chambers, determine this irreceivability.

If the Government demands it, the Parliament decides on all or part of the bill of the law of finance retaining in it only the amendments accepted by the Government.

The Government is required to deposit with the Bureaus of the Parliament at the first ordinary session, the bill of law of regulation of the preceding fiscal year.

Chapter 4: Of the Relations between the Executive Power and the Legislative Power

Article 83

The initiative of law belongs concurrently to the Government and to the Parliament.

The proposals of law are deposited at the same time with the Bureaus of the National Assembly and of the Senate and transmitted to the Government for [its] opinion.

The Government is required to give its opinion forty-five (45) days at the latest from the date of reception. After this time period, the Parliament examines the proposal of law.

Article 84

The bills and proposals of law are deposited at the same time with the Bureaus of the National Assembly and of the Senate. They are examined by the competent commissions before their discussion in plenary sitting.

The bill of law examined in plenary sitting is the text deposited by the Government.

Article 85

The texts adopted by the National Assembly are immediately transmitted to the President of the Senate by the President of the National Assembly. The President of the Senate, upon reception of the transmitted texts, submits them to deliberation of the Senate.

The Senate, within a time period of ten (10) days counting from the reception of the texts or within a time period of five (5) days for the texts for which the Government declares urgency, may adopt the text.

In this case, the President of the Senate returns the adopted text to the President of the National Assembly who transmits it to the President of the Republic for purposes of promulgation.

The Senate may eventually make [apporter] amendments to the text, by the simple majority of its members.

In this case, the amended text is returned to the National Assembly by the President of the Senate for a new examination.

The amendments proposed by the Senate are adopted or rejected by the simple majority of the Deputies. The text definitely adopted is transmitted by the President of the National Assembly to the President of the Republic for promulgation.

The texts of law adopted by the National Assembly may be rejected in whole or [in] part by the Senate. The rejection must be approved by an absolute majority of the Senators.

In this case, the text in discussion [en cause] accompanied by the exposition of the motives of the rejection, is returned by the President of the Senate to the National Assembly for a new examination.

The National Assembly, after deliberation, adopts the text by an absolute majority of the Deputies. The text definitely adopted by the National Assembly is transmitted to the President of the Republic for promulgation.

In the case of absence of an absolute majority, the President of the Republic can provoke the meeting of a mixed joint commission responsible for proposing a common text on the provisions rejected by the Senate.

The text elaborated by the mixed joint commission is submitted by the President of the Republic for approval to the two Chambers. No amendment is receivable, except with agreement of the President of the Republic.

If the mixed joint commission does not reach the adoption of a common text, or if that text is not adopted by one or the other Chamber, the President of the Republic can:

- either demand of the National Assembly to definitely decide;
- or declare the bill or the proposal of law lapsed.

Article 86

The President of the Republic promulgates the laws adopted by the Parliament within a time period of fifteen (15) days counting from their transmission, if he does not formulate any demand for [a] second reading or if he does not refer [the matter] to the Constitutional Court.

At the end of this time period, and after having declared the omission [carence], paragraph 2 of Article 40 above is applied.

The publication of the laws is effected in the Journal Officiel de la République [Official Gazette of the Republic].

Article 87

The Prime Minister and the other members of the Government have access to the Parliament, [and] to its Commissions and may participate in the debates. They are heard when they formulate the demand. They may be assisted by collaborators designated by them.

Article 88

The Prime Minister may, after deliberation of the Council of Ministers, engage before the National Assembly, the responsibility of the Government on a program or, the case arising, on a declaration of general policy.

The vote may not intervene less than forty-eight (48) hours after the question of confidence [question de confiance]. Confidence is refused by the absolute majority of the Deputies. Solely the votes favorable to the question of confidence are counted [recensés].

The National Assembly may accuse the responsibility of the Government through the vote of a motion of censure. To be receivable, the motion of censure must be signed by at least one-third (1/3) of the Deputies. The vote may not intervene less than forty-eight (48) hours after the deposit of the motion of censure. The motion of censure is adopted by a majority of two-thirds (2/3) of the Deputies. Solely the votes favorable to the motion of censure are counted.

In the case of rejection of the motion of censure, the signatories may not deposit a new one before the time period of one year, except in the case specified in paragraph 3 above.

The Prime Minister may, after deliberation of the Council of Ministers, engage before the National Assembly, the responsibility of the Government through the vote of a text.

In this case, the text is considered as adopted except if a motion of censure deposited within the following twenty-four (24) hours is voted within the conditions specified in the paragraph above.

When the National Assembly adopts a motion of censure or refuses confidence to the Government, the Prime Minister remits to the President of the Republic the resignation of the Government.

Article 89

The means of information, [and] of control and of action of the Parliament on the Government are:

- the question of confidence;
- the oral question with or without debate;
- the written question;
- the hearing [audition] in commissions;
- the commission of inquiry and of control;
- the interpellation.
- the motion of censure.

Solely the National Assembly may exercise the question of confidence or the motion of censure.

The law determines the conditions of organization and of functioning of the commissions of inquiry and as well as the powers of the commissions of inquiry and of control.

The Government, under reserve of the imperatives of the national defense, of the security of the State, or of the secrecy of judicial information, provides the information to the Parliament.

In the course of each ordinary session, one sitting per week is reserved by priority to the questions of the members of the Parliament and to the responses of the Government.

Article 90

The President of the Republic, after the consultation of the President of the Constitutional Court, of the President of the National Assembly and of the President of the Senate, may submit to referendum any bill of reform, which although it arises within the domain of the law, should be susceptible to having profound repercussions for the future of the Nation and the National Institutions.

It would be so notably, for the bills of law relative to:

- the organization of the public powers or the revision of the Constitution;
- the ratification of the International Agreements or of the Treaties presenting, by their consequences, a particular importance;
- the reform of the status of the persons and of the regime of assets.

A law determines the procedure of the referendum.