

# Colombia's Constitution of 1991 with Amendments through 2015

## TITLE VI: On the Legislative Branch

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### Chapter I: On its Composition and Functions

#### Article 132

Senators and representatives shall be elected for a period of four years beginning on July 20 following the election.

#### Article 133

Members of collegiate bodies which are directly elected represent the people and shall act in a manner consonant with justice and the common good. The vote of the members shall be by name and public, except in the cases determined by statute.

The elected member is politically responsible to society and to his/her voters for the execution of the obligations resulting from his/her mandate.

#### Article 134

Members of the Public Bodies of public elections will not have substitutes. They could only be replaced for absolute or temporary absences determined by the law, by the non-elected candidates that, according to the order of registration or voting obtained, follow successively and descending in the same electoral list.

In no case can members be replaced if they were convicted of common crimes related to affiliation, promotion or funding of illegal armed groups or narcotics-trafficking activities; intentional crimes against the public administration; against the mechanisms of democratic participation, nor for Crimes Against

Humanity. In addition, there will be no replacement of people that have resigned having been formally linked in Colombia to penal processes for the commission of such crimes, nor for temporary absences of those people with capture warrants within the framework of the respective processes.

For the purpose of the conformation of quorums, the number of members will be the total of the members of the body with the exception of those seats that cannot be replaced. The same rule will apply in the events of impediment and accepted recusals.

If by absolute absences that impede the replacement of the members of the collegial bodies within the same electoral constituency are reduced to half or less, the National Election Commission will call for elections to fill the vacant, as long as having more than twenty-four (24) months to finish the period.

## **Transitional Paragraph**

While the legislator regulates the replacements regime, the following provisions will be applied: i) absolute absences that lead to replacement include death; absolute physical incapacity for the exercise of a position; the declaration of nullity of elections; justified and accepted renounce from the respective corporation; disciplinary sanction consistent with destitution, and the loss of investiture; ii) temporary absences that lead to replacement include maternity leave and the preventive measures that lead to custody for crimes other than those mentioned in the present Article.

The prohibition of replacements will apply for judicial investigations initiated with the validity of the Legislative Act number 01 of 2009, with the exception of the one related to the commission of crimes against the public administration that will apply to the investigations that begin with the validity of the present legislative act.

## **Article 135**

Each House shall have the following powers:

1. To elect its executive committees.
2. To elect its General Secretary for periods of two years starting from July 20 and who shall have the same qualifications as those required to be a member of the respective House.
3. To request from the government the information that the House may need, except for what is provided in section 2 of the Article that follows.
4. To determine the holding of sessions reserved on a priority basis to [address] the oral questions formulated by the congressmen addressed to the ministries and the answers of the latter. Regulations shall determine the subject matter.
5. To fill the positions established by statute for the execution of its functions.
6. To strive to obtain from the government the cooperation of the organs of the public administration for the best execution of its responsibilities.
7. To organize the internal maintenance of order.

8. To summon and require the ministers, permanent secretaries and heads of administrative departments to attend the sessions. The summons must be made not less than five days prior to a session and be formulated in the form of a written questionnaire. In case the ministers, permanent secretaries or heads of administrative departments do not attend, without an excuse accepted by the respective House, the latter may table a motion of censure. The ministers, permanent secretaries and heads of administrative departments must be heard at the session for which they were summoned, without prejudice to the possibility that the debate is continued at subsequent sessions following a decision of the respective House. The discussion may not extend to other issues than those in the questionnaire and shall be placed at the top of the session's agenda.
9. To table a motion of censure with respect to ministers, permanent secretaries and heads of administrative departments for matters related to their official functions, or for ignoring the requests or summons of the Congress of the Republic. Should it come to a motion of censure, it must be tabled by at least one tenth of the members who make up the respective House. The vote shall take place between the third and 10th day following the end of the discussion, with a public hearing of the respective official. Approval of the motion shall require the affirmative vote of one half of the members plus one of the House which has tabled it. Once the motion is approved, the official shall be relieved of his/her functions. If it is voted down, no new motion of censure may be proposed on the same matter unless it is supported by new facts. The resignation of the official against which the censure motion has been tabled does not prevent the latter from being approved in accordance with the provisions of this Article. Once a decision has been taken on the censure motion by one House it bars a decision by the other House on the same matter.

## **Article 136**

It is prohibited to Congress and each of its Houses:

1. To intervene by means of resolutions or laws in matters which fall under the exclusive jurisdiction of other authorities.
2. To demand from the government information regarding instructions in diplomatic matters or negotiations of a classified nature.
3. To take votes of approval of official acts.
4. To decree on behalf of individuals or entities contributions, bonuses, subsidies, indemnifications, pensions, or other levies that are not made to satisfy credits or recognized claims in accordance with prior law.
5. To decree proscriptive or persecutory measures against individuals or legal entities.
6. Authorize trips abroad with funds from the Public Treasury, except in the execution of special missions approved by at least three-quarters of the membership of the respective House.

## **Article 137**

Any permanent committee may summon any individual or legal entity so that the latter may provide at a special session oral or written statements that may be mandated under oath on matters directly related to investigations pursued by the committee.

If anyone summoned should give an excuse for not attending and should the committee insist in summoning the said individual or others, the issue must be definitively resolved within 10 days.

The reluctance of those summoned to appear or to make the required statements shall be sanctioned by the committee with the penalty provided by the regulations in effect for cases of contempt of the authorities.

If in the course of the investigation there should be required for its conclusion, or for the prosecution of possible criminal infractions, the assistance of other authorities, the latter shall be requested to provide what is necessary.

## **Chapter II: On its Sessions and Activities**

### **Article 138**

Of its own right, Congress shall meet in ordinary sessions during two periods a year, which shall constitute one legislative term. The first period of sessions shall begin on July 20 and conclude on December 16; the second session shall begin on March 16 and conclude on June 20.

If, for any reason, no meetings are possible on the dates indicated, they shall be convened as soon as possible within the respective periods.

The Congress shall also meet in special sessions by convocation of and for the period of time stipulated by the government.

During these special sessions, Congress shall only be entitled to discuss the issues submitted for its consideration by the government, without prejudice to the function of political control that it enjoys and which it may exercise at all times.

### **Article 139**

The sessions of Congress may be initiated and closed jointly and publicly by the President of the Republic, which ceremony at the first meeting being essential for Congress to exercise its functions legally.

### **Article 140**

The Congress shall have its seat in the capital of the Republic.

Following an agreement between them, the Houses may transfer their seat to some other location and, in the case of disruption of the public order, they may meet at the site designated by the President of the Senate.

### **Article 141**

The Congress shall meet as a single body exclusively for the initiation and closing of its sessions; to install the President of the Republic; to receive heads of state or government of other countries; to elect the Controller General of the Republic and the Vice President, should the people find it necessary to replace the elected official;

as well as decide on a motion of censure in accordance with Article 135.

In such cases the President of the Senate and of the House of Representatives shall be the President and Vice President of Congress, respectively.

## **Article 142**

Each House shall elect, for the respective constitutional period, permanent committees that shall take action at the first reading of proposed legislative acts or laws.

An Act shall determine the number of permanent committees and members as well as the subject areas which each of them shall deal with.

When the permanent constitutional committees hold joint sessions, the decisive quorum shall be that which is required by each of the committees considered individually.

## **Article 143**

The Senate of the Republic and the House of Representatives may decide that any of the permanent committees should hold meetings during the recess with the purpose of debating the issues that may have remained pending in the previous period, undertaking studies that the respective body may determine, and preparing the bills with which the Houses may entrust them.

## **Article 144**

The sessions of the Houses and their permanent committees shall be public, within the limits determined by their rules of procedure.

The chairmanship shall be regulated by statute.

## **Article 145**

The Congress as a whole, the Houses, or their committees may not open sessions or deliberate with fewer than a quarter of their members present. Decisions may only be made by the majority of members of the respective body, unless the Constitution should determine a different quorum.

## **Article 146**

In Congress as a whole, in the Houses and in their permanent committees, decisions shall be taken by the majority of votes of those attending, unless the Constitution should expressly prescribe a special majority.

## **Article 147**

The executive committees of the Houses and of their permanent committees shall be rotated each year for the legislative session that commences on July 20, and none of its members may be reelected within the same constitutional four-year period.

## **Article 148**

The provisions regarding the quorum and decisive majorities shall also apply to the other popularly-elected public bodies.

## **Article 149**

Any meeting of members of Congress which, with the purpose of exercising the functions proper to the legislative branch of government, is held outside the constitutional prescriptions shall be invalid. Any decisions it may take shall have no effect whatsoever, and whoever participates in such deliberations shall be sanctioned according to the relevant statute.

## **Chapter III: On Statutes**

### **Article 150**

It is the responsibility of Congress to enact laws. Through them, it exercises the following functions:

1. To interpret, amend, and repeal laws.
2. To draw up codes in all areas of legislation and to amend their provisions.
3. To approve the national development plan and public investments that must be undertaken or continued, with the determination of the resources and appropriations which are authorized for their execution and the measures necessary to promote their implementation.
4. To define the general division of the territory in accordance with what is prescribed in this Constitution; setting the bases and conditions for creating, eliminating, modifying, or merging territorial entities and for establishing their jurisdictions.
5. To confer special powers on the departmental assemblies.
6. To move the present seats of the higher national authorities, under extraordinary circumstances and for important reasons of public convenience.
7. To determine the structure of the national administration and create, eliminate, or merge ministries, administrative departments, superintendencies, public establishments, and other entities at a national level, as well as to specify their objectives and organic structure; to regulate the creation and operation of regional autonomous corporations within a system of autonomy; and, similarly, to create or authorize the creation of industrial and commercial enterprises of the State and mixed economic societies.
8. To issue regulations to which the Government shall be subject in exercising the functions of inspection and oversight assigned to it by the Constitution.
9. To grant authorizations to the Government to enter into contracts, to negotiate loans, and to sell national assets. The Government shall periodically inform Congress on the exercise of these authorizations.

10. To vest, up to six months, in the President of the Republic, precise extraordinary powers to issue rules with the force of law when public necessity or advantage so advises. Such powers must be requested expressly by the Government and approval requires the vote of an absolute majority of the members of both Houses.

At any time and at its own initiative, Congress may amend decree laws enacted by the Government for the use of its extraordinary powers.

These powers may not be conferred for issuing codes, legal statutes, Institutional Acts, or anything referred to in numeral 20 of this article, or for decreeing taxes.

11. To establish national revenues and to determine the expenditures of the administration.
12. To establish fiscal contributions and, exceptionally, para-fiscal contributions as determined by statute.
13. To determine the legal tender, its convertibility and the extent of its discretionary power pertaining thereto, and to regulate the system of weights and measures.
14. To approve or reject contracts or agreements which, for reasons of evident national necessity, the President of the Republic has entered with individuals, companies, or public entities without prior authorization.
15. To decree honors to citizens who have rendered services to the fatherland.
16. To approve or reject treaties that the Government makes with other states or entities in international law. By means of these treaties and on the bases of equity, reciprocity and national convenience, the State may partially transfer specified powers to international organizations, with the intent to promote or consolidate economic integration with other states.
17. To grant, by a two-thirds majority of the members of both Houses or for grave reasons of public convenience, amnesties or general commutations for political crimes. In cases where the grantees are exempted from civil liability with respect to private individuals, the State must be obligated to make the proper compensations.
18. To enact the regulations regarding the appropriation or adjudication and reclamation of uncultivated land.
19. To enact general rules that specify the objectives and criteria to which the Government must be subjected for the following purposes:
  - a. To organize public credit;

- b. To regulate foreign trade and specify the international exchange system, in agreement with the functions which the Constitution assigns to the Board of Directors of the Bank of the Republic;
- c. To modify, for purposes of commercial policy, duties and other provisions concerning the customs system;
- d. To regulate activities concerning finance, the stock market and insurance and any other activity connected with the management, use, and investment of resources received from the public;
- e. To establish the system of wage and benefits concerning civil servants, members of the National Congress, and the Police Force;
- f. To regulate the system of minimum social benefits for official workers.

These functions pertaining to social security services are not to be delegated to public territorial bodies and may not be claimed by them.

- 20. To create the administrative and technical services of the Houses.
- 21. To issue laws concerning economic intervention provided for in Article 334, which must specify their purposes and scopes and the limits to economic freedom.
- 22. To issue laws concerning the Bank of the Republic and the functions that must be performed by its Board of Directors.
- 23. To issue laws which shall regulate the exercise of public functions and the provision of public services.
- 24. To regulate the system of industrial property, patents and trademarks, and the other forms of intellectual property.
- 25. To unify regulations concerning traffic police throughout the entire territory of the Republic.

It is the responsibility of Congress to enact an organic statute on contracts concluded by the public administration and especially by the national administration.

## **Article 151**

The Congress shall issue Institutional Acts regulating the exercise of legislative activity. Through them, the rules of procedure of Congress and of each House, regulations concerning the preparation, approval, and execution of the Budgetary Revenues and Appropriations Law, and the execution of the general development plan and those relative to the assignment of regulatory responsibilities to the territorial entities shall be established. The Institutional Acts shall require, for their approval, an absolute majority of the votes of the members of both Houses.



## **Article 152**

By way of status Acts (leyes estatutarias) the Congress of the Republic shall regulate the following subject areas:

- a. Fundamental rights and duties of individuals and the proceedings and resources for their protection;
- b. Administration of justice;
- c. Organization and regulations of parties and political movements; the formal statute of the opposition and electoral functions;
- d. Institutions and machinery of citizen participation;
- e. States of exception.
- f. The equal electoral treatment of candidates for the Presidency of the Republic who comply with the requirements established by statute.

## **Transitional Paragraph**

The National Government or the members of Congress shall present before March 1, 2005 the draft of a statutory law which implements letter f) of Article 152 of the Constitution and regulates, in addition, the following matters: guarantees for the opposition, the participation of civil servants in politics, the right of equal access to communications media which make use of the electromagnetic spectrum, the predominantly state financing of presidential election campaigns, the right to reply in conditions of equality when the President of the Republic is a candidate, and rules about disabilities of presidential candidates.

The draft law shall be accompanied by a declaration of urgency and may be subject to a declaration of insistence [by Congress with regard to its referral to the Constitutional Court]. The Congress of the Republic enacts the status Act before June 20, 2005. The period for the exercise of the preventive control of constitutionality of the draft statutory law by the Constitutional Court is reduced by half.

## **Article 153**

The approval, amendment or repeal of status Acts shall require an absolute majority of the votes of the members of Congress and shall be completed within a single legislative term. Said procedure shall include the prior review by the Constitutional Court to make the proposal attainable. Any citizen may intervene to defend it or to oppose it.

## **Article 154**

Statutes may originate in either of the Houses at the proposal of their respective members, the national government, the entities stipulated in Article 156, or through popular initiative in the cases provided for by the Constitution.

However, the government may dictate or amend only those laws covered by paragraphs 3, 7, 9, 11, and 22 and by subparagraphs (a), (b), and (e) of numeral 19 of

Article 150; those which decree contributions to national revenues or transfers of same; those which authorize contributions or grants by the State to industrial or commercial enterprises; and those which decree exemptions from taxes, contributions, or national levies.

The Houses may introduce amendments to the bills presented by the government.

Legislative bills concerning taxes shall be initiated in the House of Representatives while those involving international relations shall be initiated in the Senate.

## **Article 155**

Legislative bills or those involving constitutional amendments may be introduced by a number of citizens equal to or greater than five percent of the existing electoral rolls at the respective date or by thirty percent of the councils or deputies of the country. The popular initiative shall be executed by the Congress, in accordance with the provisions in Article 163 with respect to bills that have been the subject of a declaration of urgency.

The proposing citizens shall have the right to designate a spokesman who shall be heard by the Houses at all stages of the proceedings.

## **Article 156**

The Constitutional Court, the Judicial Governing Council, the Supreme Court of Justice, the Council of State, the National Election Commission, the General Prosecutor of the Nation, or the Controller General of the Republic have the right to introduce bills in subject areas related to their functions.

## **Article 157**

No bill shall become law without meeting the following requirements:

1. Being published officially by Congress before being sent to the respective committee.
2. Being approved at the first reading in the appropriate permanent committee of each House. The rules of procedure of Congress shall determine the cases in which the first reading shall be held in a joint session of the permanent committees of both Houses.
3. Being approved in each House at the second reading.
4. Securing the approval of the government.

## **Article 158**

Every legislative bill shall refer to a single issue and any provisions or amendments not germane to it shall be inadmissible. The chairman of the appropriate committee shall reject the initiatives that are not in harmony with this principle, though his/her decisions shall be subject to appeal before the same committee. An Act which is subject to partial modification shall be published as a single text incorporating the approved amendments.

## **Article 159**

The legislative bill rejected at the initial reading may be considered by the respective House at the request of its author, a member of the House, the government, or the spokesman of its proponents in the case of a popular initiative.

## **Article 160**

Between the first and second readings, a period of no less than eight days must have elapsed, and between the approval of the bill in either House and the initiation of the debate in the other, at least 15 days must have elapsed.

During the second reading, each House may introduce amendments, additions, and omissions that it deems necessary.

In the report to the plenary House for the second reading, the committee chairman shall present all the proposals that were considered by the committee and the reasons why they were rejected.

Every draft law or draft legislative act must contain information on how it is to be dealt with by the respective committee competent to discuss it, and must proceed accordingly.

No bill shall be put to a vote in a session different from the one that had been previously announced. The announcement that a bill shall be put to a vote shall be made by the President of each House or committee in a session different from the one in which the vote takes place.

## **Article 161**

When differences occur in the Houses with respect to a bill, they form conciliation committees composed of an equal number of Senators and Representatives which try in joint sessions to produce a compromise text and, failing that, decide by majority.

After having been published at least one day in advance, the adopted text is submitted for discussion and approval by each House in plenary session. If following the repetition of the second reading the differences persist, the bill shall be considered as having been defeated.

## **Article 162**

Legislative bills which failed to be passed in one legislative term and which shall have been debated once in either House shall continue their course in the subsequent term in whatever state they may be. No bill may be considered in more than two legislative terms.

## **Article 163**

The President of the Republic may solicit the urgent passage of any legislative bill. In such a case, the respective House shall take a decision on the matter within a 30-day limit. Even within this deadline, a declaration of urgency may be reiterated at all constitutional stages of the bill. Should the President insist on the urgency, the bill shall have priority in the day's agenda excluding the consideration of any other matter until the appropriate House or committee reaches a decision about it.

If the legislative bill to which the message of urgency refers is under study by a permanent committee, the committee, at the request of the government, shall deliberate jointly with the corresponding committee of the other House in order to complete the first reading.

### **Article 164**

The Congress shall give priority to the passage of legislative bills that approve treaties involving human rights and which may be submitted for consideration by the government.

### **Article 165**

Once a legislative bill is approved by both Houses, it shall be transmitted to the government for its approval. Should the government see no objections, it shall approve the bill's promulgation as law; if it objects to it, the bill shall be returned to the House in which it originated.

### **Article 166**

The government has a six-day deadline to return with its objections any bill that does not include more than 20 articles; 10 days should the bill include 21 to 50 articles; and up to 20 days should there be over 50 articles.

If the prescribed delay expires without the government having returned the bill with its objections, the President shall approve and promulgate it. If the Houses should begin a recess within the stated deadlines, the President shall be obliged to publish the approved or disapproved bills within the above-mentioned deadlines.

### **Article 167**

The bill to which the government objects totally or in part shall be returned to the Houses for a second debate.

The President shall sign without being able to present objections the bill which, after reconsideration, is approved by the absolute majority of both Houses.

Excepted is the case in which the bill has been opposed as unconstitutional. In such an event, should the Houses insist, the bill shall be sent to the Constitutional Court so that the latter, within the six (6) following days, may decide about its constitutionality. The decision of the Court obliges the President to approve the statute. If the Court declares the bill unconstitutional, it shall be filed away.

If the Court decides that the bill is unconstitutional in part, it shall so indicate to the House where the bill originated so that, once the minister in charge has been heard, the House may redraft the bill and integrate the provisions concerned in terms consonant with the ruling of the Court. Once this is done, the House shall transmit the bill to the Court for its definitive ruling.

### **Article 168**

If the President fails to fulfill his/her duty to approve the bills within the deadlines and according to the conditions established by the Constitution, the President of Congress shall approve and promulgate them.

## **Article 169**

The title of an Act shall faithfully reflect its contents, and the following formula shall precede the text: "The Congress of Colombia decrees."

## **Article 170**

A group of citizens corresponding to one-tenth of the electoral rolls may request from the electoral organization the holding of a referendum for the repeal of a law.

This law shall be repealed if half plus one of the voters who participate in the referendum so decide as long as a quarter of the citizens making up the electoral rolls participate in said referendum.

There can be no referendum with respect to laws approving international treaties or the budget or laws relating to fiscal or tax matters.

## **Chapter IV: On the Senate**

### **Article 171**

The Senate of the Republic shall be composed of one hundred members elected in one nationwide constituency.

There shall be an additional two senators elected in a special national constituency for indigenous communities.

Colombian citizens who happen to be or reside abroad may vote in elections for the Senate of the Republic.

The system of electoral quotient shall apply to the special constituency for the election of senators by indigenous communities.

The representatives of the indigenous communities who aspire to become members of the Senate of the Republic must have exercised a position of traditional authority in their respective community or have been leaders of an indigenous organization, which qualification shall be verified by a certificate from the respective organization, endorsed by the Minister of the Government.

### **Article 172**

In order to be elected senator, the candidate must be a Colombian citizen at birth, a citizen in good standing, and be over 30 years of age on the date of the election.

### **Article 173**

The following are the powers of the Senate:

1. To approve or reject the resignation from office by the President of the Republic or the Vice President.
2. To approve or disapprove military promotions granted by the government from general officers and flag officers of the public force up to the highest rank.

3. To grant permission to the President of the Republic to take temporary leave from his/her office outside of sickness and to decide about the qualifications of the Vice President to serve as President of the Republic.
4. To allow the transiting of foreign troops across the territory of the Republic.
5. To authorize the government to declare war on another state.
6. To elect the judges of the Constitutional Court.
7. To elect the General Prosecutor of the Nation.

## **Article 174**

The Senate has the power to hear the charges that the House of Representatives makes against the President of the Republic or whoever is taking that position and against the members of the Commission of Immunity, although no longer performing their functions. In this case, it will be competent to hear the facts and omissions that occurred during office.

## **Article 175**

The following rules shall be observed in the decisions made by the Senate:

1. The accused is automatically suspended from his/her office whenever he/she admits publicly to a charge.
2. If the charge refers to crimes committed in the exercise of his/her functions or that he/she becomes unworthy to serve because of a misdemeanor, the Senate may only impose the sanction of discharge from office or the temporary or absolute suspension of political rights. But the accused shall be brought to trial before the Supreme Court of Justice if the evidence demonstrates that the individual to be responsible for an infraction deserves other penalties.
3. If the charge refers to common crimes, the Senate shall confine itself to declare if there are grounds or not for further measures, and in the affirmative case it shall place the accused at the disposal of the Supreme Court.
4. The Senate may commission a task force from among its own ranks for investigation, reserving for itself the decision and definitive sanction to be pronounced in a public session by at least two-thirds of the votes of the Senators present.

## **Chapter V: On the House of Representatives**

### **Article 176**

The House of Representatives shall be elected in territorial and special constituencies.

Each department and the Capital District of Bogotá will form part of a territorial constituency. There will be two representatives for each territorial constituency and an additional one for each 365,000 inhabitants or a fraction greater than 182,500 over the first 365,000. The territorial constituency formed by the department of San Andres, Providencia, and Santa Catalina will elect an additional (1) representative for the Raizal community of the said department, according to the law.

For the election of representatives to the House, each department and the Capital District of Bogotá shall constitute a territorial constituency.

The special constituencies will guarantee the participation of ethnic groups and Colombians that reside abroad in the House of Representatives. Through these constituencies, there will be the election of four (4) representatives distributed as follows: two (2) for the constituency of the Afro-descendant communities, one (1) for the constituency of the indigenous communities, and one (1) for the international constituency. In this last constituency, only those votes deposited outside of the national territory by citizens that reside abroad will be counted.

### **Paragraph 1**

Beginning in 2014, the assignment of additional seats shall be based on the corresponding proportional increase of the national population, in accordance with the results of the census. It shall be the task of the electoral commission to adjust the number for the assignment of seats.

### **Paragraph 2**

If as a result of the application of the formula contained in the present Article a territorial constituency should lose one or more seats, it shall keep the number of seats to which it was entitled on July 20, 2002.

### **Transitional Paragraph**

The Congress of the Republic shall issue regulations for the international constituency until December 16, 2013 at the latest; otherwise the National Government shall do so within thirty (30) days following that date. The regulations shall cover, among other things, the following matters: the registration of candidates, the registration of citizens entitled to vote abroad, mechanisms to promote the participation in the vote and the holding of the ballot in the Consulates and State funding for visits abroad by the elected Representative.

### **Article 177**

To be elected representative, it is necessary to be a citizen in good standing and be older than 25 years of age on the date of the election.

## **Article 178**

The House of Representatives shall have the following special powers:

1. To elect the Ombudsman.
2. To examine and finalize the general budgetary and treasury account presented to it by the Controller General of the Republic.
3. Accuse the President of the Republic or whoever is occupying that office before the Senate, with a prior request in the Commission for the Investigation and Prosecution of the House of Representatives, when there are constitutional causes, as well as the members of the Commission of Immunity.
4. To take cognizance of denunciations and complaints presented before it by the Attorney General of the Nation or by individuals against specific officials and, if valid, to bring charges on that basis before the Senate.
5. To request the assistance of other authorities for the conduct of investigations for which the House is competent, and to commission the collection of evidence when the House considers it appropriate.

## **Article 178-A**

The Magistrates of the Constitutional Court, and the Supreme Court of Justice, the Council of State, the National Commission of Judicial Discipline, and the Attorney General of the Nation will be responsible for whatever infraction of the disciplinary or penal law committed during the exercise of their functions or related with them. In any case, it will not be required, at any moment, responsibility for the votes and opinions issued in their judicial or consultative providences, issued according to their functional independence, without prejudice to the responsibility that applies from wrongfully favoring their own or other's interests.

A Commission of Immunity will be competent to investigate and accuse, according to the law and the principles of due process, the office holders mentioned in the previous paragraph, even after the end of their official functions. In this case, it will be competent to hear the facts and omissions that occurred while in the exercise of official functions.

If the investigation is about disciplinary offence of indignity for bad conduct, the Commission of Immunity will proceed with the investigation and when pertinent will present charges to the House of Representatives. In no case can they be able to impose other sentence than the suspension and destitution from office. The decision of the House of Representatives can be appealed before the Senate of the Republic. Congress can in no case engage in investigations to furnish evidence. Against the decision of the Senate, there can be no recourse or action.

If the investigation is about crimes, the Commission of Immunity will also present charges to the Supreme Court of Justice for the proceedings to continue in that institution. In case of judicial proceedings against magistrates of the Supreme Court of Justice, the other judges will be designated by the Council of State.

The Commission will have sixty days to present the charge when the case refers to disciplinary offence of indignity for bad conduct, and the House of Representatives will have thirty days to decide. In any case, the Commission will be able to act with the investigation of a criminal cause if pertinent and, if they find merit in the



accusation, can advance with the established proceeding in the past paragraph, in the term that the law establishes.

The Commission shall consist of five members, elected by the Congress in Plenum for the individual periods of eight years, of lists sent by the Government Judicial Council and constructed with public calls made by the Administration of the Judicial Branch within the terms established by the law.

The members of the Commission of Immunity should hold the qualities required for the Magistrates of the Supreme Court of Justice and will be subject to the same requirements of unfitness and incompatibilities.

The Chambers of the Constitutional Court, of the Supreme Court of Justice, of the Council of State, and the National Commission of Disciplinary Justice, can request the Commission of Immunity the suspension of one of its members while the accusation of disciplinary offences for indignity for bad conduct is decided.

The law will establish the procedures to determine the fiscal responsibility when the officeholders with immunity referred to in this Article exercise administrative functions.

## **Transitional Paragraph**

Without prejudice to the established in the third section of Article 178, the Commission for Investigation and Prosecution of the House of Representatives will maintain, during a year to be counted from the entry into force of this Legislative Act, the power to investigate the facts that occur before the magistrates of the Commission of Immunity take office, those that are imputed to the officeholders with immunity referred to in this Article and the magistrate of the Supreme Council of the Judicature. The House of Representatives will adopt the necessary administrative decisions so that the investigative representatives can, in that period of time:

- a. Dictate inhibiting resolutions in the cases that do not merit the formal initiation of an investigation when it appears that the conduct has not existed, that is objectively atypical, that the penal action cannot begin, or that a cause of no liability is demonstrated.
- b. Submit the investigation to the competent authorities if it is about actions committed outside of public office and the person investigated had ceased the practice of public office.
- c. Order the beginning of the investigation when the facts of the case merit and submit it to the Commission of Immunity for the initiation of the process.
- d. Present the charge before the Plenary Session of the House of Representatives with respect to open investigations, when the facts of the case merit it.
- e. Submit to the Commission of Immunity all other investigations, in the phase that they are found, including those that have progressed against the magistrates of the Supreme Council of the Judicature.

While the law does not adopt the applicable procedure, the Commission of Immunity will be ruled by the procedural regime used in the investigation undertaken by the Commission of Investigation and Prosecution and the norms that substitute and modify it.

## **Chapter VI: On Members of Congress**

### **Article 179**

The following are not qualified to be members of Congress:

1. Those who have been sentenced at any time by judicial decision to a prison term, with the exception of political or similar crimes.
2. Those who have exercised, as public employees, jurisdiction or political, civil, administrative, or military authority within the 12 months prior to the date of the election.
3. Those who have participated in business transactions of public entities, or have concluded contracts with them in their own interest or that of third parties, or have been the legal representatives of entities which administer taxes or quasi-fiscal levies within six months prior to the date of the election.
4. Those who have lost their mandate as a member of Congress.
5. Those who are connected through marriage or permanent union or by kinship to the third level of consanguinity, first level of affinity, or by merely civil ties with officials who exercise civil or political authority.
6. Those who are connected among themselves through marriage or permanent union or by kinship to the third level of consanguinity, second level of affinity, or first civil level, and register for the same party, movement or political group for elections to public office or of members of public bodies that must be held on the same date.
7. Those who hold dual nationality, excepting Colombians by birth.
8. No one may be elected to more than one public body or office, nor to one public body and one public office, if the respective terms of office overlap, even partially.

The disqualifications provided for in the numerals 2, 3, 5, and 6 refer to situations occurring in the constituency where the respective election must take place. Statute shall regulate the other cases of disqualification on the ground of kinship with officials not contemplated by those provisions.

For the purposes of this Article the national constituency shall be deemed to coincide with each of the regional constituencies, except for the disqualification mentioned in numeral 5.

### **Article 180**

Members of Congress are prohibited from engaging in the following activities:

1. Holding public or private office or employment.

2. Managing in their own name or that of somebody else of public authorities or individuals that administer taxes, being invested with powers with them or to conclude contracts, on their own or through an intermediary, with them. An Act shall establish the exceptions to this provision.
3. Being a member of boards or executive committees of decentralized official entities of whatever level or institutions that administer taxes.
4. Concluding contracts or making arrangements with individuals or private legal entities that administer, manage, or invest public funds or are contractors of the state or receive subsidies from the latter. Excepted is the acquisition of goods or services that are offered to citizens in conditions of equality.

## **Paragraph 1**

The profession of university teacher is excepted from the regime of incompatibilities.

## **Paragraph 2**

The official who, in violation of the present article, appoints a member of Congress to a post or office or concludes a contract with him/her or accepts that he/she should act as business representative in his/her own name or that of a third party, shall be guilty of a misdemeanor.

## **Article 181**

The incompatibilities of the congressmen shall be in effect during the applicable constitutional period. In case of resignation, they shall continue to apply during the year subsequent to their acceptance if the time that remains before the expiration of the term is greater than the time elapsed.

Whoever is to be called to occupy the position shall be subject to the same system of disqualifications and incompatibilities beginning with their taking office.

## **Article 182**

Members of Congress shall inform their respective House of the moral or economic situation that prevents them from participating in the discussion of the matters submitted for their consideration. An Act shall determine the rules governing conflicts of interest and objections.

## **Article 183**

Members of Congress lose their seat for the following causes:

1. For violating the rules on disqualifications and incompatibilities or the rules on conflict of interest.
2. For their absence, in the same term of sessions, from six plenary meetings at which legislative acts, bills, or motions of censure are voted upon.

3. For not taking their seat within eight (8) days following the constitution of the respective body or the date on which they were summoned to take their seat.
4. For the improper payment of public funds.
5. For duly proven influence trafficking.

## **Paragraph**

Subparagraphs 2 and 3 shall not apply when "force majeure" is involved.

## **Article 184**

The loss of the seat shall be decided by the Council of State in accordance with the relevant statute and within no more than twenty working days, beginning with the date of the request made by the executive committee of the appropriate House or by any citizen.

## **Article 185**

Members of Congress enjoy immunity for their opinions and the votes that they cast in the exercise of their office, without prejudice to the disciplinary rules included in the respective rules of procedure.

## **Article 186**

For the offenses that members of Congress may commit, the Supreme Court of Justice is the sole authority that may order their detention. In case of "flagrante delicto," members of Congress shall be apprehended and placed immediately at the disposal of the same body.

## **Article 187**

The remuneration of the members of Congress shall be adjusted each year in proportion equal to the weighted average of the adjustments made in the remuneration of the civil servants of the central administration on the basis of a certification that the Controller General of the Republic shall issue for that purpose.

