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REPUBLIC OF TOGO
-Work-Fatherland Freedom



THE CONSTITUTION OF THE REPUBLIC fourth

Adopted by referendum 27 September 1992
Enacted October 14, 1992
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SUMMARY

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PREAMBLE

We, the Togolese People, placing us under the protection of God,

-Aware that since its accession to international sovereignty on 27 April 1960, Togo, our country has been marked by profound changes in its socio-political march towards progress,

-Aware of solidarity that binds us to the international community and especially to the African peoples,

- Decided to build a rule of law in which basic human rights, civil liberties and dignity of the human person must be guaranteed and protected,
- Convinced that such a state can not be based only on political pluralism, the principles of democracy and protection of human rights as defined by the United Nations Charter of 1945, the Universal Declaration of Human Man of 1948 and the International Covenants of 1966, the African Charter on Human and Peoples' Rights adopted in 1981 by the Organization of African Unity,
 - solemnly proclaim our commitment to combat any political regime founded on arbitrariness, dictatorship, injustice,
 - affirm our determination to cooperate in peace, friendship and solidarity with all peoples of the world in love with the democratic ideal, based on the principles of equality, mutual respect for sovereignty,
 - are firmly committed to the cause of National Unity of African Unity and to work towards the achievement of the sub-regional integration and regional
 - approve and adopt, solemnly, the present Constitution as Basic Law of the State of this preamble is an integral part.

TITLE I-STATE AND SOVEREIGNTY

Article 1 :-The Togolese Republic is a rule of law, secular, democratic and social. It is one and indivisible.

Art. 2: The Togolese Republic guarantees equality before the law for all citizens regardless of origin, race, sex, social status or religion.

It respects all political, philosophical and religious faiths.

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

Its motto is "**Freedom Work-Fatherland**"

Art. 3: The national emblem is the flag consists of five alternating horizontal bands of green and yellow colors. He brings to the upper left corner a five-pointed white star on red background square.

National Day of the Togolese Republic is celebrated on April 27 of each year.

The seal of the state is constituted by a metal plate in bas relief round shape of 50 mm diameter and for printing the brand of the State acts.

It bears on the obverse to type, the arms of the Republic, the caption, "On behalf of the Togolese People".

The arms of the Republic of Togo are well established:

Ecu-silver oval border and vert, in chief the national emblem, two flags and backed currency on banner; sand in the heart of the initials of the Republic of Togo on a gold scalloped, pointed, Gules two lions back to back.

-The two young lions represent courage of the Togolese people. They hold the bow and arrow, using traditional combat, to show that true freedom of the Togolese people is in his hands and that its strength lies primarily in its own traditions. Lions backed up and express the vigilance of the people of Togo in the custody of her independence, from sunrise to sunset.

The National Anthem is " Land of our ancestors ".

The official language of Togo is French.

Art. 4: The sovereignty belongs to the people. He exercise it through their representatives and by referendum. No section of the people, no body of the state nor any individual may assume the exercise.

The initiative is part of the referendum, concurrently, to the people and President of the Republic.

A popular initiative referendum can be organized on the request of at least five hundred thousand (500,000) voters representing more than half of the prefectures. More than fifty thousand (50,000) of them should not be registered as voters in the same prefecture. The application must reflect the same text. His consistency will be appreciated by the Constitutional Court.

Art. 5: Suffrage is universal, equal and secret. It can be direct or indirect. Voters are under the conditions laid down by law, all Togolese nationals of both sexes, aged eighteen (18) years of age and enjoying their civil and political rights.

Art. 6: Political parties and groupings of political parties contribute to the formation and expression of political will of the people.

They form freely and operate in compliance with laws and regulations.

Art. 7: Political parties and groupings of political parties must respect the Constitution.

They can identify with a region, ethnic group or religion.

Art. 8: Political parties and groupings of political parties have a duty to contribute to political and civic education of citizens, the consolidation of democracy and to build national unity.

Art. 9: The law determines the modalities for the establishment and functioning of political parties.

TITLE II-RIGHTS, FREEDOMS AND DUTIES OF CITIZENS

SUBTITLE I: RIGHTS AND FREEDOMS

Art. 10: Every human being carries with it the inalienable rights. The protection of these rights is the purpose of any human community. The State has an obligation to respect, ensure and protect them.

Legal persons may enjoy the rights guaranteed by this Constitution to the extent that these rights are compatible with their nature.

Art. 11: All human beings are equal in dignity and rights.

The man and woman are equal before the law.

No person shall be favored or disadvantaged because of family origin, ethnic or regional origin, social or economic status, political beliefs, religious, philosophical or other.

Art. 12: Everyone has the right to development, the physical, intellectual, moral and cultural development of his person.

Art. 13: The State has an obligation to guarantee the physical and mental health, life and safety of all persons within the country.

No one shall be arbitrarily deprived of his or her life or freedom.

Art. 14: The rights and freedoms guaranteed by this Constitution shall be subject only to limitations expressly provided by law and necessary to protect national security, public order, public health, of morals or the fundamental rights and freedoms of others.

Art. 15: No one shall be arbitrarily arrested or detained. Anyone arrested or detained without legal basis beyond the period of custody may, at his request or that of any interested person, enter the judicial authority designated for that purpose by law.

A court may decide without delay on the legality or lawfulness of his detention.

Art. 16: All defendants or detainees must be given treatment that preserves their dignity and their physical and mental health and that assists in their rehabilitation.

No one has the right to prevent an accused or detained person to be examined by a doctor of his choice.

Every defendant has the right to be assisted by counsel during the preliminary investigation stage.

Art. 17: Everyone who is arrested has the right to be promptly informed of charges against her.

Art. 18: Any accused person is presumed innocent until his guilt has been established following a trial that offers him the guarantees necessary for his defense.

The judicial power, guardian of individual liberty, ensures compliance with this principle as provided by law.

Art. 19: Everyone is entitled in any matter that his case heard and adjudicated fairly within a reasonable time by an independent and impartial court.

No one shall be convicted of offenses which did not constitute an offense when they were committed.

Apart from the cases provided by law, no person shall be molested or convicted for the charges against others.

Damage resulting from an error of law or those resulting from abnormal functioning of the administration of justice give rise to compensation paid by the state, according to law.

Art. 20: No one shall be subjected to control measures or safety except in cases provided by law.

Art. 21: The human person is sacred and inviolable.

No one shall be subjected to torture or other forms of cruel, inhuman or degrading treatment.

No one can escape the punishment due to these violations by referring to the order of a superior officer or a public authority.

Any individual or agent of the state guilty of such acts, either on its own initiative or on orders shall be punished according to law.

Any individual or agent of the State is relieved of the duty of obedience when the order is a serious and obvious respect for human rights and civil liberties.

Art. 22: Every citizen of Togo has the right to move freely and settle in the country at any point of his choice under the conditions defined by law or local custom.

No Togolese be denied the right to enter or leave Togo.

Any alien lawfully in the territory of Togo and complies with applicable laws has the freedom to move about, to choose their residence and the right to leave freely.

Art. 23: An alien may be deported or extradited from Togolese territory by virtue of a decision in accordance with law. It must be able to assert his defense before the competent judicial authority.

Art. 24: No Togolese may be extradited from the country.

Art. 25: Everyone has the right to freedom of thought, conscience, religion, worship, opinion and expression. The exercise of these rights and freedoms is in compliance with the freedoms of others, public order and standards established by law and regulations.

The organization and practice of religious beliefs are freely practiced in the observance of the law. It is the same philosophy orders.

The worship and expression of beliefs are in compliance with the secular state.

Religious denominations have the right to organize and operate freely while respecting the law.

Art. 26: Freedom of the press is recognized and guaranteed by the state. It is protected by law.

Everyone has the freedom to express and disseminate by word, writing or other means, opinions or information it holds, within the limits defined by law.

The press may not be subject to prior authorization, the suretyship, censure or other barriers. The ban on distribution of any publication may be imposed only pursuant to a court order.

Art. 27: The right to property is guaranteed by law. There can not be encroached upon for reasons of public utility legally established and after a fair and prior compensation.

No one shall be seized his property by virtue of a decision by a judicial authority.

Art. 28: The home is inviolable.

It can not be subject to search or visit police in the form and conditions prescribed by law.

Every citizen has the right to respect for private life, honor, dignity and image.

Art. 29: The State guarantees the secrecy of correspondence and telecommunications.

Every citizen has the right to secrecy of correspondence and communications and telecommunications.

Art. 30: The State recognizes and guarantees the conditions laid down by law, the exercise of freedom of association, assembly and peaceful demonstration and no instruments of violence.

The State recognizes the religious and secular private schools.

Art. 31: The State has an obligation to ensure the protection of marriage and family.

Parents have a duty to provide maintenance and education of their children. They are supported in this task by the State.

Children, whether born in or out of wedlock are entitled to the same family and social protection.

Art. 32: The Togolese nationality law is attributed to the children of Togolese father or mother.

Other cases of granting nationality are regulated by law.

Art. 33: The state or having them taken in favor of the disabled and the elderly measures to make them free from social injustice.

Art. 34: The State recognizes citizens' right to health. It works to promote it.

Art. 35: The State recognizes the right to education of children and creates favorable conditions for this purpose.

School is compulsory for children of both sexes until the age of fifteen (15) years.

The State shall progressively provide free public education.

Art. 36: The State shall protect the youth against all forms of exploitation or handling.

Art. 37: The State recognizes every citizen the right to work and strives to create the conditions for realization of this right. It ensures every citizen equal opportunity in employment and guarantees every worker a fair and equitable compensation.

No one may be prejudiced in their employment because of sex, its origins, beliefs or opinions. Art. 38: It is granted to citizens and local authorities the right to equitable redistribution of national wealth by the state.

Art. 39: The right to strike is granted to workers. It is exercised within the framework of the laws governing it.

Workers can form unions or join unions of their choice.

Any worker may defend as provided by law, its rights and interests, either individually or collectively or through trade union action.

Art. 40: The State has the duty to safeguard and promote the national cultural heritage.

Art. 41: Everyone has the right to a healthy environment. The State ensures the protection of the environment.

SUBTITLE II-DUTIES

Art. 42: Every citizen has the sacred duty to respect the constitution and the laws and regulations of the Republic.

Art. 43: The defense of the fatherland and the integrity of national territory is a sacred duty of every citizen.

Art. 44: Every citizen has the duty to follow a national service under the conditions defined by law.

Art. 45: Every citizen has the duty to fight any person or group of people who try to change by force the democratic order established by this Constitution.

Art. 46: Public goods are inviolable.

Any person or public official should comply strictly with them and protect them.

Any act of sabotage, vandalism, misappropriation of public property, bribery, embezzlement is punishable as provided by law.

Art. 47: Every citizen has the duty to contribute to public under the conditions defined by law.

Art. 48: Every citizen has a duty to ensure respect for rights and freedoms of other citizens and to safeguard the security and public order.

It works to promote tolerance and dialogue in dealing with others. He has an obligation to protect the national interest, social order, peace and national cohesion.

Any act or event racist, regionalist, xenophobic are punishable by law.

Art. 49: Security forces and police, under the authority of the Government, are responsible for protecting the free exercise of rights and freedoms and to guarantee the safety of citizens and their property.

Art. 50: The rights and duties enshrined in the Universal Declaration of Human Rights and in international instruments on human rights, ratified by Togo, are an integral part of this Constitution.

PART III-THE LEGISLATURE

Art. 51: The statutory authority granted by the people is exercised by a Parliament composed of two chambers: the National Assembly and Senate.

Members of the National Assembly are called deputies and the Senate have the title of senator.

Art. 52: Deputies are elected by direct universal suffrage and secret ballot first past the post (01) for round five (05) years. They may be reelected. Each deputy is the representative of the whole nation. Any imperative mandate is null.

Elections shall be held within thirty days preceding the expiry of office of Members. The National Assembly meets on the second Tuesday following the date of official announcement of results.

Any member of the armed forces or public security, desiring to be candidates for deputy, must first, to resign the military or public security.

In this case, the applicant may claim the benefit of rights acquired under the statutes of his body.

An organic law determines the number of MPs, their benefits, eligibility requirements, the system of incompatibilities, and the conditions under which it is provided for vacant seats.

An organic law determines the status of former members.

The Senate is composed of two-thirds (2/3) of persons elected by the representatives of local authorities and third (1/3) of persons appointed by the President of the Republic.

The term of office of Senators is five (05) years.

An organic law determines the number of senators, their benefits or eligibility requirements for designation, the system of incompatibilities and conditions shall be filled vacancies.

An organic law defines the status of former senators.

Members of the National Assembly and Senate outgoing, by end of term or dissolution, shall hold office until the inauguration of their successors effective.

Art. 53: MPs and senators enjoy immunity.

No member, no Senator shall be prosecuted, pursued arrested, detained or judged for opinions or votes expressed by him in performing his duties, even after the expiration of his term.

Except in cases of flagrante delicto, MPs and senators can be arrested or prosecuted for crimes after the removal, by their respective Assemblies of their parliamentary immunity.

Any flagrante delicto procedure initiated against a deputy or a senator against is promptly brought to the attention of the office of their meetings.

Deputy or Senator may, out of session, be arrested without the authorization of the Office of the Assembly to which he belongs.

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

Art. 54: The National Assembly and Senate are each headed by a president assisted by a bureau. The Presidents and the officers are elected for the duration of the legislature under the conditions set by the internal regulations of each Assembly.

In case of vacancy of the Presidency of the National Assembly or the Senate, by death, resignation or other cause, the National Assembly or the Senate elects a new President within fifteen (15) days after the vacancy, if / it is in session, otherwise, she / he meets as of right under the conditions established by its rules.

It is provided for the replacement of other officers, in accordance with the rules of each House.

An organic law defines the status of former presidents of the National Assembly and Senate, particularly as regards their remuneration and their safety.

Art. 55: The National Assembly shall convene as of right in two (02) sessions each year:

-The first session begins the first Tuesday in April.

-The second session begins the first Tuesday in October.

The Senate shall meet as of right in two (02) sessions each year:

-The first session begins the first Thursday in April.

-The second session begins the first Thursday in October.

Each session lasts three (03) months.

The National Assembly and the Senate convened in special session by their respective presidents, on a specific agenda at the request of the President of the Republic or of an absolute majority of deputies or senators. Deputies or senators split once the agenda is exhausted.

Art. 56 : The right to vote for deputies and senators is personal.

The Rules of Procedure of the National Assembly or the Senate may exceptionally authorize the delegation to vote. In this case, no one may receive delegation of more than one term.

Art. 57 : Operation of the National Assembly or the Senate is determined by rules adopted in conformity with the Constitution.

TITLE IV-EXECUTIVE POWER

SUB-TITLE I: THE PRESIDENT OF THE REPUBLIC

Art. 58 : The President of the Republic is the Head of State. It guarantees the independence and national unity, territorial integrity, respect for the constitution and international treaties and agreements.

It guarantees the continuity of the state and institutions of the Republic.

Art. 59 : The President of the Republic is elected by direct universal suffrage and

secret ballot for a term of five (05) years.

may be reelected.

President of the Republic remains in office until the inauguration of

effective elected his successor.

Art. 60 : The election of the President of the Republic takes place by popular vote

to a majority (01) round.

President of the Republic is elected by a majority of votes cast.

Art. 61: Voting is open to convene the electorate by decree of the Council of Ministers (60) days and sixty five (75) days before the expiry of the mandate of the President.

Art. 62: No one may be a candidate for President of the Republic

if:

-is exclusively Togolese nationality of birth.

, is thirty five (35) years old on the date of filing the application .

do-enjoy all its civil and political rights.

-Does a general state of physical well-being and mental duly noted by three (03) sworn doctors appointed by the Constitutional Court.

-Does not reside in the country for twelve (12) months at least.

Art. 63: The office of President of the Republic is incompatible with the parliamentary mandate, any position of occupational representation at national and any private or public employment, civil or military or any professional activity.

The President of the Republic shall assume office within fifteen (15) days following the announcement of the results of the presidential election.

Art. 64: Before taking office, President of the Republic takes an oath before the Constitutional Court in solemn audience in these terms:

"Before God and the Togolese people, sole owner of popular sovereignty,

We ... Elected President of the Republic in accordance with the laws of the Republic, do solemnly swear:

- to respect and defend the Constitution of the Togolese People has freely given;

- diligently fulfill the high duties that the Nation has entrusted to us;

- not to be guided by the general interest and respect for human

the human person, to devote all our energies to promoting

development of the common good, peace and national unity;

- to preserve the integrity of national territory;

- to lead us in all, a faithful and loyal servant of the people ".

Art. 65: In case of vacancy of the Presidency of the Republic by death, resignation or permanent incapacity, the presidential office is provisionally exercised by the President of the National Assembly.

The vacancy is found by the Constitutional Court, by the government.

The Government shall convene the electorate within sixty (60) days of the beginning of the vacancy to elect a new president.

Art. 66: The President of the Republic appoints the Prime Minister. He terminates his duties.

Upon the Prime Minister, he appoints the other members of the Government and terminate their appointments.

The President of the Republic presides over the Cabinet.

Art. 67: The President of the Republic promulgates laws within fifteen (15) days after receipt by the Government of the law finally adopted by the National Assembly during which time he may request a reconsideration of the law or some of his articles, the request must be substantiated. The reconsideration can not be denied.

Art. 68: The President of the Republic, after consultation with the Prime Minister and the President of the National Assembly, may dissolve the National Assembly.

This dissolution can not intervene in the first year of the legislature.

A new Assembly must be elected within sixty days after the dissolution.

The National Assembly meets on the second Tuesday following the election, if the meeting takes place outside of the periods provided for regular sessions, a session is opened by right for a period of fifteen (15) days.

It can not be carried further dissolution in the year following the elections.

Art. 69: The President of the Republic shall sign the ordinances and decrees deliberated upon by the Cabinet.

Art. 70: The President of the Republic after deliberation by the Council of Ministers appointed by the Grand Chancellor of National Orders, ambassadors and special envoys, the Prefects, the Commanding Officers of the army, navy and air and the Directors of government plants.

The President of the Republic, by decree of the Council of Ministers, appoint university presidents and professors on a list of recognized ability in the councils of the universities.

The President of the Republic, by decree of the Council of Ministers, appoint the general officers.

It is provided to other jobs by decree of President of the Republic who may delegate this power to appoint the Prime Minister.

Art. 71: The President of the Republic shall accredit ambassadors and envoys extraordinary to foreign powers; ambassadors and envoys extraordinary shall be accredited to him.

Art. 72: The President of the Republic is the head of the Army. He chairs the Defence Counsel. He declares war on authorization of the National Assembly. It decrees the general mobilization after consulting the Prime Minister.

Art. 73: The President of the Republic exercises the right of clemency, after the Superior Council of Magistracy.

Art. 74: The President of the Republic may address messages to the nation. It is addressed annually to Parliament on the state of the nation.

Art. 75: An organic law defines the status of former presidents, including as regards their remuneration and their safety.

SUB-PART II: GOVERNMENT

Art. 76: The Government comprises: the Prime Minister, Ministers and, where appropriate, ministers of state, deputy ministers and state secretaries.

The office of member of Government shall be incompatible with the exercise of any parliamentary mandate, any position of occupational representation at national and any private or public employment, civil or military or any other occupation.

An organic law determines the status of former members of government, especially regarding their remuneration and their safety.

Art. 77: Under the authority of the President of the Republic, the Government determines and conducts the policy of the nation and leads the civil and military administration. It has the administration, military and security forces.

The Government is accountable to the National Assembly.

Art. 78: The Prime Minister is the Head of Government. It directs the Government and coordinates the functions of other members. He chairs the defense committees. He shall deputize, if any, the President of the Republic as chairman of the boards under sections 66 and 72 of this Constitution. He assumed the Acting Head of State in his absence, due to illness or absence of the national territory.

Before taking office, Prime Minister appears before the National Assembly on agenda of his government.

The National Assembly gives him confidence by an absolute majority vote of its members.

Art. 79: The Prime Minister shall execute the laws.

He may delegate certain powers to ministers.

Art. 80: Acts of the President of the Republic other than those specified in sections 4, 66, 68, 73, 74, 98, 100, 104, 139 of this Constitution, shall be countersigned by the Prime Minister or, where applicable, by Ministers responsible for their implementation.

TITLE V-RELATIONS BETWEEN THE GOVERNMENT AND PARLIAMENT

Art. 81: The National Assembly passes the ultimate law.

It controls the action of Government.

The Senate receives for deliberation projects and bills.

The Senate must be consulted before the vote by the National Assembly of any plans or proposals of constitutional law, all texts relating to the territorial organization of the Republic and the draft budget law. In all cases, the opinion of the Senate is sufficiently given if it was not delivered within fifteen (15) days of referral or eight (08) days in case of emergency procedure.

Art. 82: The National Assembly has control of its agenda. It informs the Government.

The inscription, by priority in the agenda of the National Assembly, a draft or proposed law or policy statement, is a right if the Government so requests.

Art. 83: Legislative initiative belongs jointly to MPs and the Government.

Art. 84: The law establishes the rules:

- Citizenship, civil rights and public freedoms;
- The system of drawing up the list of statutory holidays, and paid non-working;
- The constraints related to the needs of National Defence;
- Nationality, status or legal capacity of persons, matrimonial regimes, inheritance and gifts;
- The procedure by which the customs will be recognized and brought into harmony with the fundamental principles of the Constitution;
- The determination of crimes and offenses and penalties applicable to them, the criminal proceedings, the amnesty;
- The organization of courts and tribunals and procedure
such courts, the status of judges, judicial officers and
court officers;
- The determination of financial competence of constitutional and administrative authorities;
- The base, rates and methods for collection of the provisions of all kinds;
- The system of issuing currency;
- The electoral system of the National Assembly and local assemblies;
- compensation of public functions;
- nationalization of enterprises and transfers of ownership of companies
public or private sector;
- The creation of classes of public facilities;
- Health and population;
- The state of siege and emergency;
- The protection and promotion of environment and conservation

natural resources;

-The creation, extension and downgrades national parks, wildlife reserves and forest reserves;

-The development, implementation and monitoring of national plans and programs of
development;

-Protection of press freedom and access to information;

-The status of the opposition;

-The general organization of the administration,

-The general statute of civil service;

-The organization of national defense;

-Honors;

-The teaching and scientific research;

-The integration of national cultural values;

-The system of property ownership, real rights and obligations of civil and
commercial, employment law, labor law and social institutions -the disposal and management of the domain of the State;

-The penitentiary system;

-Mutuality and savings;

-The economic system;

-The organization of production;

-The system of transport and communications;

-Free administration of local authorities, their skills and resources.

The provisions of this article can be clarified and supplemented by an organic law.

Art. 85: Matters other than those in the field of law for regulation.

Art. 86: The Government may, for the implementation of its programs, ask the National Assembly for permission to take orders, for a limited period, measures which are normally a matter of law.

These ordinances are adopted by Cabinet on the advice of the Constitutional Court. They come into effect upon publication, but shall lapse if the bill of ratification is not filed before the National Assembly before the date fixed by the enabling law.

At the end of the period defined in the Enabling Act, these orders can be changed by law in respect of their provisions that fall within the legislative domain.

Art. 87: The proposals and bills are filed on the office of the National Assembly who are sent for examination to specialized committees whose composition and functions are set by the internal regulations of the National Assembly.

Art. 88: The proposed laws are at least eight (08) days prior to deliberation and vote, notified the Government for information.

Art. 89: The bills are discussed in the Council of Ministers.

Art. 90: MPs and the Government have the right of amendment.

Proposals and amendments introduced by Parliament are not admissible where their adoption would result, a decrease of public resources or the creation or increase of public office, unless such proposals or amendments are bound compensatory revenue proposals.

Art. 91: The National Assembly passes bills to finance under the conditions laid down by an organic law.

The provisions of the bill may be brought into force by ordinance if the Assembly does not decide within forty five (45) days after the filing of the project and that the budget year expires. In this case, the Government requested the convening of a special session for ratification.

If the draft finance bill has been filed in time to be passed and promulgated before the beginning of the year, the Prime Minister requests, emergency, to the Assembly, permission to resume the budget the previous year by provisional twelfths.

Art. 92: The proposals or draft organic laws are subject to the deliberation and vote of the National Assembly at the expiration of fifteen (15) days after filing.

Organic laws can be promulgated only after the declaration by the Constitutional Court of their conformity to the Constitution.

Art. 93: The declaration of war is authorized by the National Assembly.

Art. 94: The state of siege as a state of emergency is declared by the President of the Republic in Council of Ministers.

The National Assembly shall convene as of right then, if it is not in session.

The extension beyond fifteen (15) days, the state of siege or emergency may be authorized by the National Assembly.

The National Assembly may not be dissolved during the period of martial law or emergency rule.

An organic law determines the conditions for implementation of martial law and emergency rule.

Art. 95: The sessions of the National Assembly and Senate are public. The verbatim report of proceedings shall be published in the Official Gazette.

The National Assembly may meet in camera at the request of the Prime Minister or at the request of one fifth (1/5) members.

Art. 96: Members of the Government have access to the National Assembly, Senate and their committees.

They can be heard at their request.

They also agreed on inquiry, by the National Assembly, upon written or oral questions addressed to them.

Art. 97: The Prime Minister, after deliberation by the Council of Ministers, may engage in the National Assembly the responsibility of the Government's program or a policy statement.

The National Assembly, after debate, shall vote. Confidence can not be denied to the Government by a majority of two thirds (2/3) of the deputies of the National Assembly.

When trust is denied, the Prime Minister must submit to the President of the Republic the resignation of the Government.

Art. 98: The National Assembly may sue the Government's responsibility through voting a motion of censure.

Such a motion, to be admissible, must be signed by one third (1/3) at least one of the deputies in the National Assembly. The vote occurs only five (5) days after filing the motion.

The National Assembly can not pronounce the censure of the Government by a majority of two thirds (2/3) of its members.

If the censure motion is adopted, the Prime Minister calls for the resignation of his Government.

President of the Republic appoints a new Prime Minister.

If the motion of censure is rejected, its signatories may not propose a new one during the same session.

TITLE VI OF THE CONSTITUTIONAL COURT-

Art. 99: The Constitutional Court is the highest court of the State in constitutional matters. It judges the constitutionality of the law and guarantees the fundamental rights of the individual and public freedoms. It is the organ regulating the functioning of institutions and government activity.

Art. 100: The Constitutional Court consists of nine (09) members appointed for seven (07) years renewable

-Three (03) are appointed by the President of the Republic of which (01) because of its legal powers;

-Three (03) are elected by the National Assembly by a majority of two thirds (2/3) of its members. They must be chosen outside of Deputies. One of them should be appointed because of his legal skills;

-Three (03) are elected by the Senate by a majority of two thirds (2/3) of its members. They must be chosen outside of senators. One of them should be appointed because of his legal skills.

Art. 101: The President of the Constitutional Court is appointed by the President of the Republic among the members of the Court for a period of seven (07) years. Deciding vote in case of equality.

Art. 102: Members of the Constitutional Court, for the duration of their mandate, can not be prosecuted or arrested without the consent of the Constitutional Court except in cases of flagrante delicto. In these cases, the President of the Constitutional Court must be seized immediately and not later than within forty eight (48) hours.

Art. 103: The functions of members of the Constitutional Court is incompatible with the exercise of any elective office, any public employment, civil or military, of any occupation and any function of national representation.

An organic law determines the organization and functioning of the Constitutional Court, the proceedings before it, including the periods for the referral, as well as the immunities and disciplinary regime of these members.

Art. 104: The Constitutional Court is the court responsible for ensuring compliance with the provisions of the Constitution.

The Constitutional Court decides on the lawfulness of referendums, presidential elections, legislative and Senate. It decides on the disputes of these consultations and elections.

It judges the constitutionality of laws.

Laws can, before their promulgation, be referred to it by the President of the Republic, the Prime Minister, President of the National Assembly or one fifth (1/5) members of the National Assembly.

For the same purpose, the organic laws, before promulgation, the bylaws of the National Assembly and Senate, those of the High Authority for Audio-Visual and Communication and the Economic and Social Council before their application must be submitted.

During a court proceeding, any natural or legal person may, "*in limine*", before the courts, raise the unconstitutionality of a law. In this case, the court shall stay the proceedings and before the Constitutional Court.

The Constitutional Court must rule within one month. This period may be reduced to eight (08) days in case of emergency.

A text can not be declared unconstitutional enacted. If it has been already implemented, it should be removed from the legal order.

Art. 105: The Constitutional Court issues opinions on the orders made under sections 69 and 86 of this Constitution.

Art. 106: Decisions of the Constitutional Court are not subject to appeal. They are binding on governments and all civil authorities, military and judicial.

TITLE VII OF THE COURT OF AUDITORS

Art. 107: The Audit Office considers the accounts of public accountants.

It audits the accounts and management of public institutions and public enterprises.

It assists the parliament and government in monitoring the implementation of financial laws.

It conducts studies of all finance and public accounting required of it by the Government, by the National Assembly or the Senate.

The Audit Office establishes a yearly report to the President of the Republic, the Government and the National Assembly and in which it refers, as appropriate, the offenses committed, and liabilities incurred.

Art. 108: The Court of Auditors shall consist of:

-The first president of the Presidents of Chambers of masters-of-referendum-advisors and auditors.

The public prosecutor at the Court of Accounts is required by the Attorney General and Advocates-General.

The number of jobs in these grades is fixed by law.

The first President, the Attorney General, Advocates General, the Presidents of Chambers and the Masters are appointed by decree of the President of the Republic adopted by the Cabinet.

Advisors and auditors referendum are appointed by the President of the Republic on proposal of the Prime Minister after consultation with the Minister of Finance and favorable opinion of the National Assembly.

Only high level lawyers, inspectors of finance, treasury and tax, economists, managers and accountants with experience of fifteen (15) years at least, may be elected or appointed to the Court of Auditors.

Art. 109: The President of the Court of Auditors is elected by his peers for a period of three (03) years renewable.

Art. 110: Members of the Court of Auditors have the status of judges. They are irremovable during their term.

Art. 111: The office of member of the Audit Office are incompatible with membership of government, the exercise of any elective office, any public employment, civil or military, of any other occupation and any representation function National.

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

TITLE VIII - THE JUDICIARY

UNDER TITLE I: GENERAL PROVISIONS

Article 112: Justice is rendered in the territory of the Republic on behalf of

Togolese people.

Arti.113: The judiciary is independent of the legislative and

executive power.

Judges are bound in the exercise of their functions to the authority of the

legislation.

The judiciary is the guarantor of individual freedoms and rights of

citizens' fundamental.

Art. 114: Magistrates are irremovable.

S.115: The President of the Republic shall guarantee the independence of the judiciary.

He is assisted in this by the Superior Council of Magistracy.

Art.116: The Supreme Council of Magistracy shall consist of nine (09) members:

- Three (03) judges of the Supreme Court;
- Four (04) judges of appellate courts and tribunals;
- One (01) member elected by the National Assembly ballot;
- One (01) personality belonging neither to the National Assembly, or the Government or the judiciary, chosen by the President of the Republic because of its jurisdiction.

It is chaired by the President of the Supreme Court.

The judges said council members, except the President of the Supreme Court, ex officio, are elected by their peers by secret ballot.

Members of the Higher Judicial Council are appointed for a term of four (04) years, renewable only once.

Art.117: The Supreme Council of Magistracy shall act as the discipline of judges.

The penalties and the procedures are set by the Organic Law on the status of the judiciary.

The organization and functioning of the Superior Council of Magistracy shall be established by organic law.

Article 118: The recruitment of any judge stood on the proposal of Minister of Justice, Minister of Justice, after consulting the High Council of Magistracy.

The appointment of judges is made by decree of the Council of Ministers upon proposal of the Superior Council of Magistracy.

The appointment of prosecutors is made by decree of the Council of Ministers upon the proposal of Minister of Justice, Minister of Justice, after consulting the High Council of Magistracy.

The active magistrates can not hold any other public or engage in activities outside of private profit as provided by law, or engage in public political activities.

An organic law determines the status of judges and their remuneration in accordance with the requirements of independence and effectiveness.

Article 119: The principles of unity and separation of judicial litigation, are the basis of the organization and functioning of judicial and administrative courts.

The law provides for military jurisdiction in accordance with the principles of the Constitution.

Special courts are prohibited.

SUB-TITLE II OF THE SUPREME COURT

Article 120: The Supreme Court is the highest court of the state judicial and administrative matters.

Art. 121: The President of the Supreme Court is necessarily a professional judge. He is appointed by decree of President of the Republic in Council of Ministers upon proposal of the Supreme Council of Magistracy.

Before taking office, he takes an oath before the office of the National Assembly as follows:

" I swear to well and faithfully perform my duties, to exercise impartially, in accordance with the Constitution, to keep secret the deliberations and votes, to take no public position and give no consultation as private on matters within the jurisdiction of the Court, and conduct myself at all as a worthy and loyal magistrate. "

Art. 122: Judges of the Supreme Court can not be prosecuted for crimes committed in the exercise or during or outside of their duties as before the High Court of Justice.

Except in cases of flagrante delicto, any judge of the Supreme Court can not be prosecuted or tried without prior authorization of the Higher Council of Magistracy.

An organic law determines the conditions of organization and functioning of the Supreme Court.

Art. 123: The Supreme Court is composed of two chambers:

The room-judicial
-administrative chamber.

Each of these rooms is an independent jurisdiction in the Supreme Court and consists of a chamber president and advisers.

President of the Supreme Court presides over the combined chambers.

The Crown next to each room is provided by the Prosecutor General of the Supreme Court composed of the Attorney General and Advocates-General.

Art. 124: The judicial bench of the Supreme Court has jurisdiction:

-Of cassation appeals against decisions made ultimately by the civil, commercial, social and criminal;
Of part-taken against judges of the Court of Appeal under the provisions of the Code of Civil Procedure;-
criminal proceedings against judges of the Court of Appeal under conditions determined by the
Code of Criminal Procedure-Application regulations for review and judge.

Art. 125: The Administrative Chamber of the Supreme Court has jurisdiction:

-Appeals against decisions in administrative disputes;-remedies for abuse of power
against acts
administrative, litigation, local elections;-of cassation appeals against decisions of bodies acting

in disciplinary matters.

SUBTITLE II - THE HIGH COURT OF JUSTICE

S.126: The High Court of Justice is composed of the chairman and presidents of chambers of the Supreme Court and four (04) members elected by the National Assembly.

The High Court elects its president.

An organic law determines the rules of its functioning and the proceedings before it.

Art.127: The High Court of Justice has sole jurisdiction to try offenses committed by the President of the Republic.

The political responsibility of the President of the Republic is engaged in high treason.

The High Court of Justice has jurisdiction to try members of the government and their accomplices for conspiracy against the state security.

S.128: The High Court of Justice is aware of crimes committed by members of the Supreme Court.

S.129: The High Court of Justice is bound by the definition of offenses and by sentencing as resulting from criminal laws at the time the acts were committed.

The decision to continue and the impeachment of the President of the Republic and members of the Government is passed by a majority of four fifths (4/5) members of the two assemblies composing the Parliament, under the procedure provided by a organic law.

If convicted, they shall forfeit their office.

TITRE IX - THE HIGH AUTHORITY OF THE AUDIO-VISUAL AND COMMUNICATION

S.130: The High Authority for Audio-Visual and Communication's mission is to guarantee and ensure the protection and freedom of the press and other media of mass communication.

It ensures compliance with the Ethics in information, communication and equitable access of political parties and associations to official means of information and communication.

The High Authority for Audio-Visual and Communication is responsible for giving permission to install new television channels and radio stations.

Art.131: The High Authority for Audio-Visual and Communication elects its president and its officers.

The composition, organization and functioning of the High Authority for Audio-visual and communication are defined by an organic law.

TITLE X - THE ECONOMIC AND SOCIAL COUNCIL

Art.132: The Economic and Social Council is responsible for giving its opinion on all matters brought to its consideration by the President of the Republic, the Government, the National Assembly, the Senate or any other public institution.

The Economic and Social Council is consulted for advice on any proposed plan or program of economic and social as well as any draft of a fiscal, economic and social development.

It can also perform the analysis of problems of economic and social development. It reports its findings to the President of the Republic, the Government and the National Assembly and Senate.

It monitors the implementation of government decisions on the economic and social organization.

S.133: The Economic and Social Council may designate one of its members, at the request of the President of the Republic, the Government or the National Assembly or Senate, to lay before his organs on the Council's view projects or proposals that were submitted.

Art.134: The Economic and Social Council elects its chairman and officers.

S.135: The Economic and Social Council has a section in each region of the country.

Art.136: The composition, organization and operation of the ECOSOC and its sections are defined by an organic law.

TITLE XI - TREATIES AND INTERNATIONAL AGREEMENTS

Art.137: The President of the Republic negotiates and ratifies international treaties and agreements.

Art. 138: Peace treaties, commercial treaties, treaties related to international organizations, treaties involving the finances of the State, to amend the legislative provisions, those relating to personal status and human rights, those involving sale, exchange or addition of territory may be ratified only by a law.

They only take effect after being ratified and published.

No cession, exchange or addition of territory shall be valid without the consent of the populations concerned.

Art.139: When the Constitutional Court, the President of the Republic, the Prime Minister or President of the National Assembly, said an international commitment contains a clause contrary to the Constitution, the authorization ratify or approve it may occur after the revision of the Constitution.

Article 140: Treaties or agreements duly ratified or approved shall, upon publication, an authority superior to that of laws, subject to each agreement or treaty, its implementation by the other party.

TITLE XII - LOCAL GOVERNMENT AND TRADITIONAL LEADERSHIP

S.141: The Togolese Republic is organized by local authorities based on the principle of decentralization in respect of national unity.

These are local authorities: municipalities, prefectures and regions.

Any other local authority is established by law.

Local authorities are freely administered by councils elected by universal suffrage, as provided by law.

Art. 142: The State shall ensure the harmonious development of all local authorities on the basis of national solidarity, regional potentials and inter-regional balance.

Art. 143: The State of Togo recognizes the traditional chiefs, guardian of the traditions and customs.

Designation and the enthronement of the traditional leader obey the customs of the locality.

TITLE XIII - REVISION

Art. 144: The initiative to revise the Constitution rests with the President of the Republic and one fifth (1/5) at least one of the deputies in the National Assembly.

The draft or proposed revision shall be considered adopted if approved by a majority of four fifths (4/5) members of the National Assembly.

Without this majority, the draft or proposed revision adopted by a majority of two thirds (2/3) of the deputies of the National Assembly is submitted to a referendum.

President of the Republic may submit to referendum any constitutional bill.

No amendment procedure may be commenced or continued during an interim period or vacancy or when it undermines the integrity of the territory.

The republican form and secularity of the state can not be revised.

TITLE XIV - SPECIAL PROVISIONS

Art. 145: The President of the Republic, the Prime Minister, Cabinet members, the Chairman and the Officers of the National Assembly and Senate and heads of central government and public enterprises must be before the Supreme Court a statement of their assets at the beginning and the end of their mandate or function.

A law determines the conditions for implementation of this provision.

Art. 146: The source of all legitimacy arising under this Constitution.

Article 147: The Armed Forces are a Togolese national army, republican and apolitical. They are fully subject to the authority duly established constitutional politics.

Art. 148: Any attempt to overthrow the constitutional regime by armed forces personnel or public safety, by any individual or group of individuals, is considered an imprescriptible crime against the nation and punished under the laws of the Republic.

Article 149: In addition to homeland defense and public works, the armed forces may be made only to the extent that this Constitution expressly permitted.

In the event of armed conflict with another state, the armed forces are authorized to protect civilians and ensure objectives of police missions, since their task of defending the territorial integrity required. In this case, the armed forces cooperate with the police.

In the event of armed rebellion, and if the Police and security can not, by themselves, maintain public order, the Government may, to avert the danger threatening the existence of the Republic or the democratic constitutional order, commit military forces to assist the police and security in the protection of civilian targets and in the fight against the rebels.

In any event, the government should terminate the engagement of the armed forces when the National Assembly required.

Art. 150: If the coup, coup or whatever, any member of Government or the National Assembly has the right and duty to use every means to restore constitutional legitimacy, including the use of military cooperation agreements or defenses.

In these circumstances, for any Togolese, disobey and organize to defeat an illegitimate authority are the most sacred of rights and the most imperative duties.

Any overthrow the constitutional regime is considered a crime against the nation and imprescriptible penalized in accordance with the laws of the Republic.

TITLE XV - THE NATIONAL COMMISSION ON HUMAN RIGHTS AND THE OMBUDSMAN OF THE REPUBLIC

SUBTITLE I-THE NATIONAL COMMISSION ON HUMAN RIGHTS

Art. 151: Not applicable.

Art. 152: There shall be a National Commission on Human Rights. It is independent. It is subject only to the Constitution and the law.

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

S. 153: No member of the government or Parliament, no one else interferes with the performance of his duties and all other organs of state give him the assistance it may require to preserve its independence, dignity and effectiveness.

SUB-PART II-THE MEDIATOR OF THE REPUBLIC

Art. 154: There shall be an Ombudsman will settle all non-jurisdictional conflicts between citizens and administration. The Ombudsman is an independent administrative body appointed by decree of the Council of Ministers for a term of three (03) years renewable.

The composition, organization and functioning of the Ombudsman of the Republic shall be determined by an organic law.

TITLE XV I - TRANSITIONAL PROVISIONS

S. 155: The powers vested in the Senate for appointment of members of the Constitutional Court shall be exercised by the National Assembly until the establishment of the Senate. The members so appointed shall hold office for seven (07) years.

Art. 156: The current members of the Constitutional Court shall hold office until the installation of new members.

Article 157: Pending the establishment of the Senate, the National Assembly exercises the legislative power alone vested in Parliament.

Art. 158: The legislation in force in Togo, until the establishment of new institutions, remain applicable, unless intervention of new texts, and if it does anything contrary to this Constitution.

TITLE XVII - FINAL

Art. 159: This Constitution shall be enforced as BASIC LAW of the Republic of Togo.