

THE CONSTITUTION OF THE CENTRAL AFRICAN REPUBLIC, 2004

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PREAMBLE

THE CENTRAL AFRICAN PEOPLE,

Proud of its national, linguistic unity and its ethnic, cultural and religious diversity which contribute to the richness of its character,

Convinced of the urgent necessity to preserve national unity and peace, indispensable conditions (*gages*) of economic and social progress,

Aware of the fact that only dedicated work and the rigorous and transparent management of public affairs and of the environment can ensure harmonious, rational and sustainable development,

Determined to build a State under the rule of law and based on a pluralist democracy which guarantees the security of persons and goods, the protection of the most feeble, in particular of vulnerable individuals and minorities, and the full exercise of fundamental rights and liberties,

Animated by the wish of assuring to man his dignity with respect to the principle of “ZO KWE ZO” enunciated by the Founder of the Central African Republic Barthelemy BOGANDA,

Conscious that tolerance and dialogue form the basis of peace and national unity,

Convinced that universal suffrage is the only source of legitimacy of political power,

Firmly opposed to the conquest of power by force and to any form of dictatorship or oppression, as well as to any acts causing division or instigating hatred,

Convinced of the necessity to protect human rights by law,

Convinced of the necessity of the political, economic and social integration of Africa at the sub-regional and regional level,

Desiring to establish ties of friendship with all nations on the basis of the principles of equality, solidarity, reciprocal interests and mutual respect of national sovereignty as well as of territorial integrity,

Affirming its willingness to cooperate in peace and friendship with all States, to work for the African Union in accordance with the *Founding Act (l'Acte Constitutif)* adopted on July 12, 2000, to promote the peaceful settlement of disputes between States with respect to Justice, Equality, Liberty, and the Sovereignty of Peoples,

Reaffirms its adherence to the *Charter of the Organization of the United Nations*, the *Universal Declaration of the Rights of Man of December 10, 1948*, and to the *International Covenants of December 16, 1966* relating to economic, social, and cultural rights on the one hand, and to civil and political rights on the other,

Reaffirms its attachment to the *African Charter of the Rights of Man and Peoples of June 27, 1981*,

Reaffirms its adherence to all duly ratified International Conventions, notably those referring to the prohibition of all forms of discrimination regarding women and to the protection of the rights of the child.

TITLE I THE FUNDAMENTAL BASES OF SOCIETY

First Article

The human person is sacred and inviolable. All public servants and organizations have the absolute duty to respect and to protect it.

The Republic recognizes the existence of the Rights of Man as a basis of every human community, of peace and justice in the world.

Article 2

The Republic proclaims the respect and the inviolable guarantee of the development of the [human] personality.

Everyone has the right to the free development of his personality so long as he does not violate the rights of others, nor infringe the constitutional order.

Article 3

Everyone has the right to life and to corporal integrity. These rights may only be affected by application of a law.

No one shall be submitted to torture, rape, maltreatment, or to cruel, inhuman, degrading or humiliating treatment. Every individual, every agent of the State, every organization which is guilty of such acts shall be punished in accordance with the law.

No one may be arbitrarily arrested or detained. Every accused is presumed innocent until his culpability is established following a procedure which offers him the indispensable guarantees of his defense. The legal limits for detention must be respected.

No one may be condemned except by virtue of a law which had been in force before the act in question was committed.

The rights of defense are freely exercised before all tribunals and administrative authorities of the Republic.

Every individual which has been subjected to a measure which deprives him of his liberty has the right to be examined and treated by a doctor of his choice.

Article 4

Personal liberty is inviolable.

Freedom of movement, of residence and establishment throughout the territory are guaranteed to all, subject to the conditions established by law.

Article 5

All human beings are equal before the law without distinction of race, ethnic origin, regional origin, sex, religion, political affiliation and social position.

The law guarantees to man and woman equal rights in all matters. In the Central African Republic, there are no persons with a dependant status, nor privileges based on birth, personal or family status.

No one may be forced into exile.

No one may be the object of assignment of residence or of deportation except by virtue of a law.

Article 6

Marriage and the family constitute the natural and moral basis of the human community. They are placed under the protection of the State.

The State and the other public authorities, together, have the duty to ensure the physical and moral health of the family and to socially encourage it by appropriate institutions.

The protection of the woman and of the child against violence and insecurity, exploitation and moral, intellectual and physical abandonment is an obligation for the State and the other public authorities (*collectivités*). This protection is assured by appropriate measures and by the institutions of the State and the other public authorities.

Parents have the natural right and primordial duty to raise and educate their children with the goal of developing their physical, intellectual and moral skills. They are supported in this task by the State and the other public authorities.

Children born out of wedlock have the same rights to public assistance as legitimate children.

Legally recognized natural children have the same rights as legitimate children.

The State and the other public authorities have the duty to create the necessary conditions and public institutions which guarantee the education of children.

Article 7

Everyone has a right of access to sources of knowledge. The Republic guarantees to children and adults access to instruction, to culture, and to professional training.

The education and instruction of the youth must be provided for by public or private facilities.

Private [educational] facilities may be opened with the authorization of the State, subject to the conditions established by the law. They are placed under the control of the State.

Parents have the duty to provide for the education and instruction of their children at least until the age of sixteen (16).

The State and the other public authorities have the duty to create public facilities for the education and instruction of the youth and to ensure their smooth functioning.

Education is free in public facilities for the various types of classes.

Article 8

The freedom of conscience and of assembly, as well as the free exercise of worship are guaranteed to all within the conditions established by law.

Any form of religious fundamentalism (*intégrisme*) and intolerance is forbidden.

Article 9

The Republic guarantees to each citizen the right to work, to a clean environment, to rest and to leisure subject to the requirements of national development. The Republic assures to them favorable conditions for the development of their personality by an efficient employment policy.

Every citizen is equal before employment. No one may be prejudiced in his work or employment by reason of his origin, his sex, his opinions or beliefs.

Every worker participates, by the intermediary of his representatives, in the determination of the conditions of work.

Laws establish the conditions of assistance and of protection accorded to workers, and more particularly to the young, the aged, and the handicapped, as well as to those who have health problems due to their working conditions.

Article 10

The right to form trade unions is guaranteed and is freely exercised within the limits of the laws which regulate it.

Every worker may join the trade union of his choice and defend his rights and interests by union (*syndicale*) action.

The right to strike is guaranteed and exercised within the limits of the laws which regulate it and may in no circumstances infringe the freedom of work or the free exercise of the right of ownership.

Article 11

The freedom of enterprise is guaranteed within the limits of the laws and regulations in force.

Article 12

All citizens have the right to freely establish associations, groups, societies, and organizations of public utility, provided that they act in accordance with laws and regulations.

The associations, groups, societies and establishments whose activities are contrary to public order as well as to the unity and cohesion of the Central African people are prohibited.

Article 13

The freedom to form, to express and to disseminate one's views in speech, writing and pictures is guaranteed, subject to the respect of the rights of others.

The privacy of correspondence as well as that of postal, electronic, telegraphic and telephonic communication is inviolable.

Restrictions to the provisions above may only be imposed in application of a law.

Freedom of the press is recognized and guaranteed. It is exercised subject to the conditions established by law.

The exercise of this liberty and equal access for all to the media of the State are ensured by an independent organ with regulatory and decision-making powers whose status is regulated by law.

The freedom of intellectual, artistic, and cultural creation is recognized and guaranteed. It is exercised subject to the conditions determined by law.

Article 14

Every physical or moral person has the right to property. No one may be deprived of his property except for legally-declared public purposes and under the condition of a just and prior compensation.

The home is inviolable. Interference with this right may only be ordered by a judge and, in cases where an imminent danger requires immediate action, by the authorities determined by law, and in the forms prescribed therein.

The measures infringing or restricting the inviolability of the home shall be taken to avoid a public danger or to protect persons in peril. These measures may be taken in application of the law in order to protect the public order against imminent dangers, notably to fight against the risks of epidemic, of fire, or to protect persons in danger.

Ownership and personal property as well as the heritage (*le patrimoine*) of the Nation are inviolable. The State and the territorial authorities as well as all citizens must protect them.

Article 15

Every citizen is equal before public duties and in particular before taxes, which, in the conditions determined by the present Constitution, may only be established and imposed by statute. They support, in all solidarity, the burdens resulting from natural disasters or endemic, epidemic or incurable diseases.

Article 16

The defense of the Nation (*Patrie*) is a duty for every citizen.

Military service is compulsory. It is discharged in the conditions established by law.

Article 17

Every individual who is a victim of a violation of Articles 1 to 15 of the present Title has a right to reparation.

Every person inhabiting the national territory has the duty to respect, in all circumstances, the Constitution, the laws and the regulations of the Republic.

TITLE II STATE AND SOVEREIGNTY

Article 18

The form of the State is the Republic.

The Central African State has the name: CENTRAL AFRICAN REPUBLIC.

The Central African Republic is a State based on the rule of law, sovereign, indivisible, laic (*laïc*) [or, lay] and democratic.

Its Capital is BANGUI. It may not be transferred except by virtue of a law, when the higher interest of the Nation so requires.

Its official languages are Sango and French.

Its emblem is the flag of four (4) equal-sized horizontal bands of the colors blue, white, green and yellow, perpendicularly barred in their center by a red band of equal size and marked in the upper left corner by a yellow, five-pointed star.

Its motto is UNITY– DIGNITY– WORK.

Its anthem is RENAISSANCE.

Its national holiday is fixed as the first of December, the date of the proclamation of the Republic.

Its currency is defined by law.

The Seals of the State and the Coat of Arms of the Republic are defined by law.

Article 19

The principle of the Republic is “GOVERNMENT OF THE PEOPLE, BY THE PEOPLE AND FOR THE PEOPLE.”

The national sovereignty belongs to the people, who exercise it by way of referendum or through their representatives.

No faction of the people nor any individual may assume or alienate its exercise.

The usurpation of national sovereignty by coup d’Etat or by any other means constitutes a crime against the Central African people, without a statute of limitations (*imprescriptible*). Any person or third party/State who would accomplish such acts will have declared war on the Central African people.

All Central Africans of both sexes who are over 18 years of age and enjoy their civil and political rights have the right to vote in elections within the conditions determined by law.

Every citizen has the duty to vote.

Suffrage may either be direct or indirect, in the conditions determined by the Constitution. It is always universal, equal and secret.

Article 20

Political parties or groups take part in the elections and the political, economic and social life.

They form and conduct their activities freely. They are held to respect the principle of democracy, unity and national sovereignty, the Rights of Man, the laicistic character and the republican form of government of the State in accordance with the laws and regulations.

They are prohibited from identifying themselves with a race, ethnicity, sex, religion, sect, language, region or armed group.

A law determines the conditions of their establishment, their functioning, their financing and their dissolution.

TITLE III THE EXECUTIVE POWER

Article 21

The Executive consists of the President of the Republic and the Government.

The Central African People elects the PRESIDENT OF THE REPUBLIC by direct universal suffrage.

The President of the Republic is the Chief Executive.

The Prime Minister (*le Premier Ministre*) is the Head of Government.

FIRST CHAPTER The President of the Republic

Article 22

The President of the Republic is the Head of State.

He incarnates and symbolizes national unity; he ensures respect of the Constitution, guarantees through his arbitration the proper functioning of the public authorities as well as the continuity and the survival of the State.

He is the guarantor of national independence, territorial integrity, observance of agreements and treaties.

He determines the main direction of the Nation's policies.

He appoints the Prime Minister, the Head of Government, and dismisses him. Upon the proposal of the Prime Minister, he appoints and dismisses the other members of the Government.

He is the Chief Executive. In this capacity he convenes and chairs the Council of Ministers (*le Conseil des Ministres*). He fixes the agenda prior to its meeting and puts its decisions on the record. He ensures the execution of the laws.

He promulgates the laws, signs the ordinances (*ordonnances*) and decrees.

He is the Commander-in-Chief of the Armies (*le Chef suprême des Armées*).

He is responsible for national defense.

He chairs the Higher National Defense Councils and Committees (*les Conseil et Comité Supérieurs de la Défense Nationale*).

He chairs the Higher Council of the Judiciary (*le Conseil Supérieur de la Magistrature*), the Consultative Commission of the Council of State (*la Commission Consultative du Conseil d'Etat*) and the Conference of the Presidents (*la Conférence des Présidents*) and the Attorney-General of the Court of Audit (*le Procureur Général de la Cour des Comptes*); he ensures the execution of judicial decisions.

He has the right of pardon.

He has all administrative authorities at his disposal and makes the appointments to the civil and military posts.

He negotiates and ratifies international treaties and agreements.

He accredits ambassadors and envoys to foreign Heads of State. Foreign ambassadors and envoys are accredited to him.

He confers the honorary distinctions of the Republic.

Article 23

The functions of the President of the Republic are incompatible with the exercise of any other political function, of any elective mandate, of any salaried employment, on penalty of removal from office.

Article 24

The President of the Republic is elected by direct universal suffrage and secret majority vote in two rounds.

The term of office of the President of the Republic is five (5) years. The mandate is renewable once.

Only men and women of Central African origin, at least thirty-five (35) years of age, who have immovable property on the national territory and have not been the object of a conviction resulting in dishonor or in the loss of life or liberty may be candidates in presidential elections.

They must enjoy their civil rights, be of good morality, and be able to discharge with lucidity and efficiency the duties of their function.

The election of a new President takes place at least forty-five (45) days and at most ninety (90) days before the termination of the mandate of the President in power.

Article 25

The results of the presidential election are proclaimed by the Constitutional Court fifteen (15) days at the most after the vote.

The introduction of the President-elect into office by the Constitutional Court takes place within a period of forty-five (45) days at the latest after the Court has settled the last electoral dispute.

In the case of death or disability within this period, the provisions of Article 34 below apply.

Upon his assumption of office, standing, head uncovered, the left hand placed on the Constitution and the right hand raised, the President of the Republic takes the following oath before the Constitutional Court sitting in solemn audience:

“I SWEAR BEFORE GOD AND THE NATION TO SCRUPULOUSLY OBSERVE THE CONSTITUTION, TO GUARANTEE THE INDEPENDENCE AND THE CONTINUITY OF THE REPUBLIC, TO SAFEGUARD THE INTEGRITY OF THE TERRITORY, TO PRESERVE THE PEACE, TO CONSOLIDATE NATIONAL UNITY, TO ENSURE THE WELL-BEING OF THE CENTRAL AFRICAN PEOPLE, TO CONSCIENTIOUSLY FULFILL THE DUTIES OF MY CHARGE WITHOUT ANY CONSIDERATION OF AN ETHNIC, REGIONAL OR DENOMINATIONAL NATURE, TO NEVER EXERCISE THE POWERS WHICH ARE GIVEN TO ME BY THE CONSTITUTION FOR PERSONAL ENDS AND TO BE GUIDED IN ALL MATTERS ONLY BY THE NATIONAL INTEREST AND THE DIGNITY OF THE CENTRAL AFRICAN PEOPLE.”

Article 26

Within thirty (30) days following the taking of the oath, the President of the Republic makes a written declaration of his fortune and submits it to the Registrar (*le greffe*) of the Constitutional Court, who renders it public within eight (8) days.

Article 27

The President of the Republic has the initiative of laws. He promulgates them in the fifteen (15) days which follow the adoption of the final text by the National Assembly. This period is reduced to five (5) days in the case of urgency declared by the National Assembly.

He may nevertheless, before the expiration of this period, ask the National Assembly for a new deliberation of the law or certain of its provisions. This request must be reasoned and the new deliberation may not be refused. It takes place obligatorily during the course of the same session. The adoption of the text submitted to this new deliberation in its original form may then only occur with a qualified two-thirds (2/3) majority of the members of the National Assembly.

The President of the Republic promulgates this law in the month which follows the closure of the parliamentary session.

Article 28

If the circumstances so require, the President of the Republic may submit to referendum—after the advice of the Council of Ministers, the Bureau of the National Assembly and the President of the Constitutional Court—any government bill or, before its promulgation, any law already passed by the National Assembly.

The text adopted by the people in the referendum is promulgated within a period of fifteen (15) days.

Article 29

In exceptional circumstances, for a limited period and for the execution of a specific program, the President of the Republic may ask the National Assembly for authorization to take, by ordinance, measures which fall normally within the domain of statutory law (*le domaine de la loi*). The ordinances are adopted in the Council of Ministers after the advice of the Constitutional Court. They enter into force upon their publication but become void if they have not been ratified on the expiration of the period fixed in the enabling law.

After the expiration of this period, the ordinances, once they have been ratified, may no longer be modified except by statute, with regard to matters which fall within the legislative domain.

Article 30

When the institutions of the Republic, the independence of the Nation, the territorial integrity, the fulfillment of international commitments or the normal functioning of the public authorities are threatened in a grave and immediate manner, the President of the Republic—after the advice of the Council of Ministers, the President of the National Assembly and the President of the Constitutional Court—takes the measures required by the circumstances in view of reestablishing public order, territorial unity and the proper functioning of the public authorities.

The Nation is informed, by a message of the President of the Republic, of his decision to implement or to discontinue the application of the present article.

As long as he exercises the emergency powers (*pouvoirs exceptionnels*), the President of the Republic may neither amend nor suspend all or a part of the Constitution nor dissolve the National Assembly. During the exercise of the emergency powers, the National Assembly meets as of right. Measures of a legislative character taken by the President of the Republic are submitted within fifteen (15) days of their promulgation to the Assembly for ratification. These measures cease to be effective if the ratification bill is not submitted to the Bureau of the National Assembly within said period.

The National Assembly may adopt, modify or reject them on the occasion of the ratification vote.

The application of emergency powers by the President of the Republic may in no case compromise national sovereignty or territorial integrity.

Article 31

The President of the Republic may, if circumstances so require, [and] after hearing the advice of the Council of Ministers, the Bureau of the National Assembly and the President of the Constitutional Court, proclaim a state of siege or alert for a period of fifteen days. This period may only be extended by the National Assembly, convened in extraordinary session with or without quorum.

Article 32

The President of the Republic communicates with the National Assembly either directly or by message, which is read by somebody on his behalf. These communications give rise to no debate or vote.

If it is out of session, the National Assembly is specially convened for this occasion.

Article 33

The President of the Republic may, after consultation with the Council of Ministers, the Bureau of the National Assembly and the President of the Constitutional Court, pronounce the dissolution of the National Assembly. Legislative elections then take place forty-five (45) days at the earliest and ninety (90) days at the latest after the dissolution.

The National Assembly meets as of right in the month which follows its election.

Another dissolution may not occur in the twelve (12) months which follow these elections.

Article 34

A vacancy of the Presidency of the Republic only occurs in the case of death, resignation, removal from office, conviction of the President or by his permanent incapacity to exercise his functions in conformity with the requirements of his post.

Every case of permanent incapacity or illness which places the President of the Republic in the absolute impossibility of exercising his functions must be established by a Special Committee chaired by the President of the Constitutional Court and consisting of the President of the National Assembly and the Prime Minister, Head of Government. The Special Committee adopts, upon request by the Government, a statement with the absolute majority of its members, by decision taken on the basis of distinct and reasoned advisory opinions given by three doctors, designated by the National Council of the Order of Doctors, Surgeons-Dentists and Pharmacists (*le Conseil National de l'Ordre des Médecins, Chirurgiens-dentistes et Pharmaciens*), and obligatorily including the personal doctor of the President of the Republic.

In the case of death, an official statement must be established by the Special Committee referred to in paragraph 2 of the present Article, by decision taken on the basis of distinct and reasoned advisory opinions of three doctors designated by the National Council of the Order of Doctors, Surgeons-Dentists and Pharmacists, and obligatorily including the personal doctor of the President of the Republic.

In the case of conviction, the decision which pronounces [the conviction] is transmitted by the President of the jurisdiction concerned to the President of the Constitutional Court, who informs the President of the National Assembly by letter and the Nation by message.

In the case of resignation, the President of the Republic submits it by letter to the President of the Constitutional Court and informs the Nation by message.

The vote for the election of the new President must take place within forty-five (45) days at the earliest and ninety (90) days at the latest after the vacancy has occurred or has been declared. The person (*la personnalité*) discharging the functions of President of the Republic on a provisional basis may not be a candidate in this election.

In the case of resignation, removal from office, permanent incapacity or death, the President of the Republic is replaced by the President of the National Assembly.

In the case that the latter is himself in the situation mentioned above, he is replaced by one of the Vice-Presidents of the National Assembly, in accordance with the order established by protocol.

The acting-President is obliged to organize, within forty-five (45) days at the earliest and ninety (90) days at the latest, the election of the new President of the Republic.

During the interim, the provisions of Articles 22 to 33 above do not apply.

Article 35

In the case of the absence or temporary incapacity of the President of the Republic, he is replaced by the Prime Minister, Head of Government.

For the case of the absence or temporary incapacity of the President of the Republic and the Prime Minister, Head of Government, the President of the Republic fixes by decree the competences of the Minister or the Ministers charged with replacing him by way of an express delegation.

Article 36

With the exception of those falling within the reserved domain (*les domaines réservés*) of the Head of State as defined in Articles 22, 27, 29, 30, 31, 32, 69, 72^[2] and 74, the acts of the President of the Republic are countersigned by the Prime Minister and, if necessary, by the ministers charged with their execution.

The lack of countersignature may entail the nullity of these acts.

Article 37

A law fixes the benefits accorded to the President of the Republic and organizes the modalities for the granting of pensions to the former Presidents of the Republic who enjoy their civil rights.

CHAPTER 2

The Government

Article 38

The Government is composed of the Prime Minister, Head of Government, and the Ministers.

Article 39

The Prime Minister, Head of Government, determines and conducts the policies of the Nation whose main direction (*les grandes orientations*) is fixed by the President of the Republic, Head of State, in accordance with Article 22 above.

The Prime Minister, Head of Government, has the administration at his disposal and makes appointments to the civilian posts determined by law.

He ensures the execution of the laws.

Upon authorization of the President of the Republic, Head of State, [the Prime Minister] chairs the Cabinet meetings and Inter-ministerial Committees.

The regulatory acts of the Prime Minister, Head of Government, are countersigned by the ministers charged with their execution.

The lack of countersignature may entail the nullity of these acts.

Article 40

The Prime Minister, Head of Government, is responsible to the President of the Republic and to the National Assembly.

The Prime Minister may be dismissed, at any time, by the President of the Republic or following a censure motion adopted by the absolute majority of the members composing the National Assembly.

Article 41

After the appointment of the members of the Government, the Prime Minister, Head of Government, presents himself within a maximum period of sixty (60) days before the National Assembly and explains his general policy program. In the case of non-observance of the sixty (60) day time limit, Article 40 above applies.

This program defines the main features of the action which the Government plans to carry out in the diverse sectors of national activity and particularly in the areas of economic, scientific, technical, technological, social, environmental, cultural and foreign policy.

On this occasion, the Prime Minister, Head of Government, must ask the National Assembly for a vote of confidence.

The confidence is granted or refused [to the Prime Minister] by the absolute majority of the members composing the National Assembly.

The Prime Minister, Head of Government, may, after deliberation of the Council of Ministers, make the vote of a [legislative] text a matter of the Government's responsibility instead of the National Assembly's. In this case, the text is considered as adopted, unless a censure motion submitted within the following twenty-four (24) hours is passed in the conditions established in Article 48 below.

Article 42

The Prime Minister, Head of Government, may delegate certain of his powers to the Ministers.

The interim [or replacement] (*l'intérim*) of the Prime Minister, Head of the Government, is ensured by a member of the Government designated by a decree of the President of the Republic.

Article 43

The functions of a member of Government are incompatible with those of a member of the National Assembly, of the Economic and Social Council, any function of professional representation, any salaried employment and any profitable activity.

A law fixes the conditions for the replacement of the holders of such mandates, functions or occupations.

Article 44

Within sixty (60) days following the formation of the Government, the Prime Minister and the members of the Government make, each for himself, a written declaration of their fortune and submit it to the Registrar of the Constitutional Court, who renders it public within eight (8) days.

Article 45

In matters relating to their departments, the Ministers are heard by the National Assembly on the occasion of oral and written questions submitted by members of Parliament.

Article 46

The Government examines, in the Council of Ministers, the bills, before they are introduced in the National Assembly. [The National Assembly] is asked for its opinion with regard to legislative proposals emanating from Parliament.

It also intervenes prior to any decision:

- on issues concerning the general policy of the Nation;
- on the draft plan (*projet du plan*);
- on draft amendments to the Constitution;
- on appointments to certain civilian and military posts.

Article 47

The National Assembly may involve the responsibility of the Government by voting a censure motion.

The censure motion is remitted, signed, to the President of the National Assembly, who without delay notifies the Government of it.

It obligatorily carries the title “MOTION OF CENSURE” and must be signed by one-third (1/3) of the members composing the National Assembly.

The vote on the censure motion takes place within the forty-eight (48) hours that follow its introduction.

Voting takes place by secret ballot and with the absolute majority of the members composing the National Assembly.

Article 48

When the National Assembly adopts a motion of censure or when it disapproves the program or a declaration of general policy of the Government, the Prime Minister must submit without delay the resignation of his Government to the President of the Republic.

TITLE IV THE LEGISLATIVE POWER

Article 49

The Central African people elects by direct universal suffrage the citizens who compose PARLIAMENT and who carry the title of DEPUTY.

The Parliament of the Central African Republic consists of a single Assembly, which carries the name NATIONAL ASSEMBLY.

Each Deputy is an elected representative (*l'élue*) of the Nation.

FIRST CHAPTER The Deputies

Article 50

The deputies are elected by direct universal suffrage for a term of five (5) years.

The term of a deputy may not be reduced except by the dissolution of the National Assembly or the resignation, expulsion (*la radiation*) or death of the deputy in question.

Within sixty (60) days following the installation of the National Assembly, the Deputies make, each for himself, a written declaration of their fortune and submit it to the Registrar of the Constitutional Court, who renders it public within eight (8) days.

A law determines the number, the requirements for eligibility, ineligibilities and incompatibilities, the indemnity of the Deputies as well as the rules allowing for the determination of electoral disputes in the National Assembly. It fixes the conditions of their replacement in case of vacancies of seats.

Article 51

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

The other members of the Bureau are elected each year.

The President of the National Assembly may be impeached for non-fulfillment of his official duties upon reasoned request of one-third (1/3) of the deputies.

The removal from office is not declared unless it is voted on by two-thirds (2/3) of the members composing the National Assembly.

The National Assembly then proceeds to the election of a new President within three (3) days following the removal from office.

The voting is by secret ballot.

Article 52

The members of the National Assembly possess parliamentary immunity. As a consequence, no deputy may be pursued, investigated or arrested, detained or sentenced for reason of the views [expressed] or votes issued (*émis*) by him in the exercise of his functions.

During the session, no deputy may be pursued or arrested in criminal matters without the authorization of the National Assembly, granted by secret vote with the absolute majority of the members composing the Assembly.

Out of session, no deputy may be pursued or arrested without the authorization of the Bureau of the National Assembly. The authorization may be suspended if the National Assembly so decides by absolute majority.

The deputy who has been caught *flagrante delicto* or is on the run after the perpetration of an offense or crime may be pursued and arrested without the authorization of the National Assembly or its Bureau.

Except in cases in which his parliamentary immunity is suspended, the pursuit of a deputy is postponed until the end of his term, if the National Assembly so requires, by a vote of the absolute majority of its members.

The deputy who has been the object of a final criminal conviction is removed from the list of the deputies of the National Assembly in the conditions established by an organic law.

Article 53

The deputies' right to vote is personal. Any imperative mandate is void. The rules of procedure of the National Assembly may, exceptionally, authorize the delegation of a vote in defined cases. No one may receive [the delegation of] more than one mandate.

CHAPTER 2

Sessions and Meetings

Article 54

The National Assembly meets as of right in two ordinary sessions every year, with a maximum duration of ninety (90) days each.

The first session begins on the first of March, the second session on the first of October.

Article 55

Upon the initiative of the President of the Republic or upon request of the absolute majority of its members, the National Assembly meets in extraordinary session upon a determined agenda.

The extraordinary sessions of the National Assembly are opened and closed by decree of the President of the Republic.

When an extraordinary session is held upon the request of the members of the National Assembly, the decree of closure is issued once the National Assembly has dealt comprehensively with the agenda for which it was convened and, at the latest, fifteen (15) days following the date of convening.

Article 56

The agenda of the ordinary sessions of the National Assembly is fixed by the Conference of Presidents.

A member of the Government is charged, for each government bill, to explain the reasons for the bill and to accompany its discussion in the National Assembly.

The members of the Government have access to the National Assembly and its Committees; they are heard when they so demand; they may be assisted by colleagues designated by them.

Article 57

The meetings of the National Assembly are public. The complete records of the debates must be published in the debates section of the *Official Journal*.

At all times, the National Assembly may sit behind closed doors at the demand either of its President, an absolute majority of its members, or the President of the Republic.

CHAPTER 3

The Powers of the National Assembly

Article 58

The National Assembly adopts the law, imposes taxes and controls the actions of the Government in the conditions established by this Constitution.

The National Assembly regulates the fiscal policy (*les comptes*) of the Nation. In this task, it is assisted by the Court of Audit.

The National Assembly may charge the Court of Audit with all inquiries and studies relating to the management of public revenues and expenses or the administration of the national treasury (*la trésorerie nationale*) and public funds.

Article 59

Only the National Assembly has the power to authorize the declaration of war. It meets in special session for this purpose. The President of the Republic informs the Nation by message about it.

Article 60

The National Assembly decides upon Government bills (*projets de lois*) submitted to its Bureau by the President of the Republic and the Government or upon bills introduced by members of the National Assembly (*propositions de lois*).

Article 61

[The following] are regulated by statute:

(1) The rules concerning the following matters:

- civil rights and fundamental guarantees accorded to citizens for the exercise of public liberties;
- respect of the quota reserved for women in decision-making bodies;
- duties imposed upon Central Africans and resident foreigners with regard to their persons and goods in view of public utility and national defense;
- nationality, the status and legal capacity of persons, matrimonial regimes, inheritance (*succession*) and donations (*liberalités*);
- rules on foreigners and on immigration;
- organization of the civil status;
- the definition of crimes and misdemeanors as well as the penalties which are applicable to them, penal procedure, civil procedure, commercial law, welfare law, amnesty, the creation of new orders of jurisdiction, the status of the magistrates and the legal profession;
- the organization of public and ministerial offices, the professions of public and ministerial officers and the liberal professions;

- fundamental guarantees accorded to civil and military officials;
- general administrative and financial organization;
- the system of political parties and associations;
- the electoral code;
- the privatization of enterprises of the public sector and nationalization of enterprises;
- the creation or the abolition (*la suppression*) of public establishments;
- the creation and organization of control, consultation, regulatory and mediation bodies;
- the rules on editing and publishing;
- the development plan of the Republic;
- the plan of a gradual and generalized introduction and consolidation of Sango;
- the protection of the environment, the state lands, land, forestry and mining regimes;
- the budget laws (*lois de finance*);
- the law on the annual closing of accounts (*la loi de règlement*);
- the bases, the rates and the modalities of collection of taxes, impositions of any nature;
- the regime governing the issuance of the currency;
- the state of increased vigilance (*mise en garde*), state of urgency, state of alert, and state of siege;
- legal holidays.

(2) The fundamental principles:

- of the property regime and the regime of civil and commercial rights and obligations;
- of instruction; culture; scientific, technical, and technological research; and of professional education;
- of the right of assembly and peaceful demonstration;
- of the right of petition;

- of hygiene and public health;
- of mutuality, of the cooperative, of savings and credit;
- of decentralization and regionalization;
- of the administration of the regional territories (*les autorités territoriales*);
- of the general organization of national defense;
- of the penitentiary regime;
- of labor law, trade union law and social security.

Article 62

The budget laws (*les lois de finances*) determine the nature, the amount and the allocation of the revenues and liabilities of the State for a specific financial year by taking into account the economic and financial equilibrium which they define.

The budget laws are obligatorily enacted before the end of the current financial year. If the budget law fixing the revenues and liabilities for a financial year has not been adopted in time by the Government, the latter asks the National Assembly as a matter of urgency for the adoption of a law providing for provisional monthly grants (*douzièmes provisoires*) based on the budget law for the preceding financial year.

Submitted by the Government at the opening of the second ordinary session and at the latest on October 15, the budget is adopted by a law called budget law (*loi de finances*) before the beginning of the new financial year. This law may only contain provisions of a financial nature.

Any amendment proposal to the budget bill must give reasons and be accompanied by an analysis of the development of the financial means justifying the proposal.

Amendments submitted by the deputies which would result in a decrease of revenues not compensated by savings or an increase of State liabilities not covered by a corresponding increase of revenues are inadmissible.

The President of the National Assembly, after consultation with the Bureau of the Assembly, declares this inadmissibility.

At the request of the Government, the National Assembly decides on all or part of the budget bill by only retaining those amendments accepted by the Government.

The Government is obliged to submit to the Bureau of the National Assembly the bill on the closing of accounts for the preceding financial year in the first ordinary session of the current year.

Article 63

Other matters which do not fall within the domain of the [statutory] law fall within the regulatory domain.

Article 64

The National Assembly adopts its rules of procedure. They may only enter into force after their conformity with the Constitution has been confirmed by the Constitutional Court.

CHAPTER 4

The Exercise of Legislative Power

Article 65

The initiative of laws belongs concurrently to the President of the Republic, the Government and the members of the National Assembly.

Legislative proposals emanating from the deputies are submitted to the Bureau of the National Assembly and transmitted for advice to the Government.

The Government is required to give its advice forty-five (45) days at the latest after it has received the draft. Once the time period has lapsed, the National Assembly examines the draft.

Article 66

One session per week is reserved by priority for questions of the deputies and for the responses of the Government. The Ministers are required to respond to the questions at the latest in the following week.

Article 67

If it appears during the course of the legislative procedure that a legislative proposal or amendment does not fall within the domain of the law or is contrary to a delegation of powers accorded to the Government, the President of the Republic, the President of the National Assembly or one-third (1/3) of the deputies may object to its inadmissibility.[\[3\]](#)

In the case of disagreement, the Constitutional Court, upon request by the President of the Republic, the President of the National Assembly or one-third (1/3) of the deputies, decides within a period of fifteen (15) days.

Article 68

In addition to the motion of censure, the other instruments of control of the National Assembly with regard to the Government are:

- oral questions with or without debate;
- written questions;
- committee hearings (*l'audition en commissions*);
- committees of inquiry and of control;
- questioning (*interpellation*).

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

TITLE V INTERNATIONAL AGREEMENTS AND TREATIES

Article 69

The President of the Republic negotiates, signs, ratifies and denounces international treaties and agreements.

The ratification or the denunciation may only intervene after authorization of Parliament, in particular where it concerns peace treaties, defense treaties, commercial treaties, treaties relating to the environment and natural resources or agreements relating to an international organization, [treaties] which have an impact upon the finances of the State, modify dispositions of a legislative nature, affect the status of persons and the Rights of Man or involve the cession, exchange or addition of territory.

No cession, no exchange, no addition of territory is valid without the consent of the Central African people called to decide by way of referendum.

The President of the Republic is informed of every negotiation leading to the conclusion of an international agreement not submitted to ratification.

Article 70

The Republic may, after referendum, conclude agreements with any African State association or merger agreements, including partial or total abandonment of sovereignty in view of realizing African unity.

It may create, with any State, intergovernmental organisms for joint administration, coordination and free cooperation.

Article 71

If the Constitutional Court, upon request by the President of the Republic, the President of the National Assembly or one-third (1/3) of the deputies, has declared that an international commitment includes a clause contrary to the Constitution, the authorization to ratify or to approve the international commitment in question may only be given after the amendment of the Constitution.

Article 72

Treaties or agreements duly ratified or approved prevail, upon publication, over Acts of Parliament, subject, with regard to each agreement or treaty, to its application by the other party.

TITLE VI THE CONSTITUTIONAL COURT

Article 73

A Constitutional Court is established with the following functions:

- to monitor the regularity of electoral consultations, to examine and proclaim their results;
- to monitor the regularity of the referendum operations and to proclaim their results;
- to resolve electoral disputes;
- to resolve conflicts of competence between the executive power, the legislative power and the territorial collectivities (*les collectivités territoriales*).

Apart from these competences and those which are conferred upon it by Articles 25, 28, 29, 30, 31, 32, 33, 34, 65, 68 and 72, the Constitutional Court interprets the Constitution and rules on the constitutionality of ordinary and organic laws which have been promulgated or are ready to be promulgated, as well as on the rules of procedure of the National Assembly.

Any person who considers himself wronged (*lésée*) may apply to the Constitutional Court with regard to the constitutionality of laws, either directly or by the procedure of objection of unconstitutionality raised before a jurisdiction in a case concerning him. The Constitutional Court is required to give its ruling within the period of one month. In the case of urgency, this period may be reduced to eight (8) days.

When the objection of unconstitutionality is raised by a party before any jurisdiction, whatever it may be, the latter is required to stay the proceedings and to submit the matter to the Constitutional Court, which must rule on the constitutionality of the [legislative] text in question within the period of one month, starting with the submission by the jurisdiction concerned.

Article 74

The Constitutional Court consists of nine (9) members, at least three of whom are women; they carry the title of Counselor (*Conseiller*).

The non-renewable term of office of the Counselors is seven (7) years.

The members of the Constitutional Court are designated as follows:

- two (2) Magistrates, including one woman, who are elected by their peers;
- one (1) Lawyer elected by his peers;
- two (2) professors of law elected by their peers;
- two (2) members, including one woman, appointed by the President of the Republic;
- two (2) members, including one woman, appointed by the President of the National Assembly.

They elect, from among their ranks, a President and a Vice-President. The election is confirmed by decree of the President of the Republic.

The selected Counselors must have at least ten (10) years of professional experience.

The nine members of the Constitutional Court are renewed all at once.

However, in the case of death, of resignation or of permanent incapacity of a member, his replacement is chosen in the designation procedure provided for this purpose. The new member completes the term of office of his predecessor.

In addition to the Members provided for above, the former Presidents of the Republic are honorary members of the Constitutional Court with a consultative role.

When decisions are taken and the votes are tied, the President casts the tie-breaking vote.

The members of the Constitutional Court are irremovable during their term of office. They may not be pursued or arrested without authorization by the Constitutional Court.

They take an oath before assuming office.

Article 75

The functions of a member of the Constitutional Court are incompatible with any political, administrative function, any salaried employment or any profitable activity, except for educational purposes.

Within sixty (60) days following their installation, the members of the Constitutional Court make, each for himself, a written declaration of their fortune and submit it to the Registrar of the Constitutional Court, who renders it public within eight (8) days.

Article 76

The draft amendments to the Constitution are submitted to the Constitutional Court for advice by the President of the Republic or the President of the National Assembly before they are submitted to the referendum or the vote of the National Assembly.

Article 77

The decisions of the Constitutional Court are not subject to appeal. They are binding on public authorities, all administrative and juridical bodies and all physical and moral persons.

Any text declared unconstitutional is null and of no effect; it may not be promulgated, nor applied.

An organic law determines the rules governing the organization and functioning of the Constitutional Court.

TITLE VII THE JUDICIAL POWER

Article 78

The Judiciary (*la Justice*) is a power independent of the legislative power and of the executive power.

Justice is administered on the territory of the Central African Republic in the name of the Central African people by the Court of Cassation, the Council of State, the Court of Audit, the Tribunal of Conflicts, the Courts and Tribunals.

Article 79

Judges are independent. In the exercise of their functions, they are subject only to the authority of the law. Judges (*magistrats du siège*) are irremovable.

Article 80

The President of the Republic is the guarantor of the independence of the Judicial Power. He is assisted for this purpose by the Higher Council of the Judiciary, the Consultative Commission of the Council of State and the Conference of the Presidents and the Attorney-General of the Court of Audit, which he chairs.

The Higher Council of the Judiciary, the Consultative Commission of the Council of State and the Conference of the Presidents and the Attorney-General of the Court of Audit monitor the management of the career of the magistrates and the independence of the magistracy.

The organization and the functioning of the Higher Council of the Judiciary, the Consultative Commission of the Council of State and the Conference of the Presidents and the Attorney-General of the Court of Audit are established by organic laws.

Article 81

The Judicial Power, guardian of freedoms and property, is held to ensure the respect of principles recognized by this Constitution as fundamental bases of society.

FIRST CHAPTER

The Court of Cassation

Article 82

A Court of Cassation is established which consists of three (3) Chambers:

- the Criminal Chamber;
- the Civil and Commercial Chamber;
- the Social Chamber.

Article 83

Judges of the Court of Cassation are governed by the rules defining their status and by the [legislative] texts relating to the Higher Council of the Judiciary.

Article 84

The decisions of the Court of Cassation are not subject to appeal.

Article 85

The Court of Cassation gives its advice on any judicial issue referred to it by the President of the Republic or the President of the National Assembly.

It may also, upon its own initiative, draw the attention of the President of the Republic to the reforms of a legislative or regulatory character which appear to it to conform to the general interest.

Article 86

An organic law determines the rules of organization and functioning of the Court of Cassation.

CHAPTER 2

The Council of State

Article 87

A Council of State is established as a court of appeal and cassation for the administrative tribunals, the administrative organisms with juridical functions and the Court of Audit.

The administrative judges (*les Juges de l'Ordre Administratif*) are governed by the rules defining their status and the [legislative] texts relating to the Consultative Commission of the Council of State.

The decisions issued by the Council of State are not subject to appeal.

Article 88

The Council of State gives its advice on any administrative issue referred to it by the President of the Republic or the President of the National Assembly.

It may also, upon its own initiative, draw the attention of the President of the Republic to reforms of a legislative or regulatory character falling within its competence.

Article 89

An organic law determines the rules of organization and functioning of the Council of State.

A law fixes the status of the judges of the Council of State.

CHAPTER 3

The Court of Audit

Article 90

A Court of Audit is established as the competent court for assessing the accounts of the public accountants, the territorial authorities and the public enterprises.

The judges of the Court of Audit are governed by the rules defining their status and the [legislative] texts relating to the Conference of the Presidents and the Attorney-General of the Court of Audit.

Article 91

Decisions of the Court of Audit may be appealed by way of cassation to the Council of State.

Article 92

An organic law regulates the organization and the functioning of the Court of Audit.

A law determines the status of judges of the Court of Audit.

CHAPTER 4

The Tribunal of Conflicts

Article 93

A Tribunal of Conflicts is established as non-permanent tribunal.

In case of a conflict of competences between the ordinary tribunals and those of the administrative branch, the conflict is resolved by the Tribunal of Conflicts.

The decisions of this tribunal have the force of law.

An organic law fixes the rules governing the organization and functioning of the Tribunal of Conflicts.

TITLE VIII

THE HIGH COURT OF JUSTICE

Article 94

A High Court of Justice is established as a non-permanent court.

It is composed of six (6) magistrates and six (6) deputies elected by secret ballot by their peers. The President of the High Court of Justice is elected from among the magistrates, and the Vice-President from among the deputies, in the same manner as specified above.

Article 95

Upon the request of the Attorney-General or of a two-thirds (2/3) majority of the members of the National Assembly, the President of the Republic brings the ministers and deputies who are to be prosecuted for high treason before the High Court of Justice.

The decision to indict, duly reasoned, is taken by the President of the Republic who transmits it to the Attorney-General before the High Court of Justice.

Article 96

The President of the Republic is responsible for the acts committed in the exercise of his functions only in the case of high treason.

Crimes of high treason are, in particular:

- the violation of the oath;
- politically-motivated homicides;
- business activities (*l'affairisme*);
- any action which is contrary to the higher interests of the Nation.

The request for indictment is only admissible if it receives the signature of fifty percent (50%) of the members of the National Assembly.

The President of the Republic can only be indicted by the National Assembly with a two-thirds (2/3) majority of the deputies voting in secret ballot.

The resolution of indictment, duly reasoned, is transmitted by the President of the National Assembly to the Attorney-General before the High Court of Justice.

However, with regard to the ordinary offenses committed by the Head of State before his election or term of office, he will be subject to prosecution before the competent tribunals only after the end of his term.

Article 97

When decisions are taken by the High Court of Justice and the votes are tied, the President casts the tie-breaking vote.

Article 98

Decisions rendered by the High Court of Justice are not subject to appeal.

Article 99

A law determines the rules governing the organization and functioning of the High Court of Justice.

TITLE IX THE ECONOMIC AND SOCIAL COUNCIL

Article 100

An ECONOMIC AND SOCIAL COUNCIL is established.

The members of the Economic and Social Council carry the title COUNSELOR (*Conseiller*).

The Economic and Social Council is obligatorily consulted upon any plan or Government bill or draft action program of an economic, social or cultural character.

On its own initiative, the Economic and Social Council may formulate recommendations or draw the attention of the President of the Republic or of the Government to reforms which appear expedient to it with regard to issues falling within its competence.

Article 101

The Economic and Social Council gives its advice on any draft laws, ordinances and decrees as well as on any measure necessary to the economic, social and cultural development of the Republic which are referred to it. It may be charged with any study of an economic, social and cultural nature.

An organic law determines the organization and functioning of the Economic and Social Council as well as the manner of designation of the members and the duration of their functions.

TITLE X TERRITORIAL AUTHORITIES

Article 102

The Territorial Authorities of the Central African Republic are the regions and the municipalities [communes]. They may only be created and modified by the law.

Other categories of Territorial Authorities may be created by the law.

The Territorial Authorities freely administer their affairs through elected organs.

A law determines the modalities of application of this provision.

TITLE XI THE HIGH COUNCIL OF COMMUNICATION

Article 103

A High Council of Communication (*l'Haut Conseil de Communication*) is established.

The High Council of Communication is given the task to ensure the exercise of the freedom of expression, and equal access of all, to the media of the State, in accordance with the existing legislation.

The High Council of Communication is independent of any political power, any political party, any association or pressure group of whatever nature.

The High Council of Communication enjoys regulatory and decision-making powers.

An organic law determines the composition, organization and functioning of the High Council of Communication.

TITLE XII

THE NATIONAL COUNCIL FOR MEDIATION

Article 104

A permanent National Council for Peaceful Mediation (*le Conseil National de la Médiation Pacifique*) is established under the direction of an independent personality, the Mediator of the Republic (*le Médiateur de la République*).

The National Council for Mediation has the principal mission to improve the relations between citizens, in view of protecting and promoting the rights of citizens.

The National Council for Mediation has extended powers for receiving the complaints of citizens and proposing reforms, with the view of establishing an effective mechanism for the prevention, management and resolution of conflicts of all kinds, in particular of major political, economic, social and military conflicts involving the Administration and the administered, for the guarantee of grassroots democracy and the access of the feeble to the law.

Article 105

An organic law determines the organization, composition and functioning of the National Council for Mediation.

TITLE XIII

AMENDMENT OF THE CONSTITUTION

Article 106

The initiative of amending the Constitution belongs concurrently to the President of the Republic and the National Assembly deciding by a two-thirds (2/3) majority of its members.

Article 107

The Constitution is amended when the draft amendment has been approved in the form submitted by a three-fourths (3/4) majority of the members composing the National Assembly or has been adopted by referendum.

No amendment procedure may be initiated or continued in the case of a vacancy in the Presidency of the Republic or when the integrity of the [national] territory is under attack.

Article 108

Expressly excluded from the amendment are:

- the Republican and laic form of the State;
- the number and length of presidential terms;
- the conditions for eligibility;
- the incompatibilities with the functions of Head of State;
- the fundamental rights of the citizen.

TITLE XIV TRANSITIONAL AND FINAL PROVISIONS

Article 109

The institutions established by Constitutional Acts Nos. 1 and 2 of March 15, 2003, and No. 3 of December 12, 2003 remain in place until the installation of the President of the Republic and the installation of the National Assembly elected under this Constitution.

Article 110

The National Council of the Transition remains in place until the installation of the new National Assembly.

The Transitional Constitutional Court remains in place until the installation of the new Constitutional Court.

Article 111

The institutions provided for by this Constitution will be established within twelve (12) months following its entry into force.

Article 112

This Constitutional Law, which abrogates all prior contrary provisions, will enter into force after adoption by the people in a referendum and [after] its promulgation by the President of the Republic.

It will be published in the *Official Journal* and executed as CONSTITUTION OF THE CENTRAL AFRICAN REPUBLIC.