

CONSTITUTION OF THE REPUBLIC OF COTE D'IVOIRE

Adopted on 24 July 2000

PREAMBLE

The People of Côte d'Ivoire,

Conscious of their liberty and national identity, of their responsibility before history and humanity;

Conscious of their ethnic, cultural and religious diversity, and desirous of building one nation unified in solidarity and prosperity;

Convinced that union and respect for diversity ensure economic progress and social well being;

Profoundly attached to constitutional legality and democratic institutions;

Proclaim their adherence to the rights and freedoms defined in the Universal Declaration of Human Rights of 1948 and the African Charter on Human and Peoples' Rights of 1981;

Express their attachment to the democratic values awarded to all free people, notably:

- The respect and protection of fundamental freedoms, both individual and collective;
- The separation and balance of powers;
- Transparency in the conduct of public affairs;

Commit themselves to promoting regional and sub-regional integration, with a view to achieving African unity;

Grant themselves freely and solemnly, as basic law, this Constitution adopted by referendum.

TITLE I: FREEDOMS, RIGHTS, AND DUTIES

CHAPTER 1: Freedoms and Rights

Article 1

The state of Côte d'Ivoire shall recognise the freedoms, fundamental rights and duties set out in this Constitution and undertake to adopt the legislative or regulatory measures that are needed to ensure their effective application.

Article 2

The individual is sacred. All human beings are born free and equal before the law. They enjoy inalienable rights, namely the right to life, freedom, the development of their personality and respect for their dignity. The rights of the individual are inviolable. Public authorities have the obligation to respect, protect and promote the individual. Any sanction leading to the deprivation of human life is forbidden.

Article 3

Slavery, forced labour, inhuman and cruel, degrading and humiliating treatment, physical or moral torture, physical violence and mutilation and all forms of debasement of the individual are forbidden and shall be punished by the law.

Article 4

A person's home shall be inviolable. Any intrusions or restrictions may only be carried out by law.

Article 5

The family constitutes the basic unit of the society. The state shall ensure its protection.

Article 6

The State shall ensure the protection of children, the aged and the handicapped.

Article 7

Every individual shall have the right to develop fully his or her personality materially, intellectually and spiritually. The State shall ensure that all citizens have equal access to health, education, culture, information, professional training and employment. The state shall have the duty to safeguard and promote national values of civilisation as well as cultural traditions that are not in conflict with the law or good moral standards.

Article 8

The state as well as regional and local authorities shall have the duty to see to the development of the youth. They shall create conditions favourable to the civic and moral education of the youth and ensure their

protection against exploitation and moral neglect.

Article 9

Freedom of thought and expression, notably freedom of conscience, religious or philosophical opinion, shall be guaranteed to all, subject to respect for the law, the rights of others, national security and public order.

Article 10

Everyone shall have the right to express and disseminate freely his or her ideas. All propaganda aimed at or having the effect of making one social group superior to another or encouraging racial or religious hatred, is forbidden.

Article 11

The law shall guarantee the freedom of assembly and demonstration.

Article 12

No Ivorian may be forced into exile. Any person persecuted because of his political, religious, or philosophical convictions, or for his or her ethnic identity may enjoy the right of asylum in the territory of the Republic of Côte d'Ivoire, provided that he or she conforms to the laws of the Republic.

Article 13

Political parties and groups may form and exercise their activities freely, provided they respect the laws of the Republic and the principles of national sovereignty and democracy. They shall have equal rights and shall be subject to the same obligations. Parties and groups created on regional, denominational, tribal, ethnic or racial grounds are forbidden.

Article 14

Political parties and groups shall compete in the formation the will of the people and in the expression of suffrage.

Article 15

The right of property shall be guaranteed to all. No one may be deprived of his property, unless it is for public benefit and on condition that just and prior compensation is made.

Article 16

The right of every citizen to engage in free enterprise shall be guaranteed within the limits provided for by law.

Article 17

Any person shall have the right to choose freely his or her profession or employment. Access to public or private employment shall be equal for all. Any discrimination in the access to or exercise of employment, based on sex or on political, religious or philosophical opinion, is prohibited.

Article 18

The right to form and join trade unions and the right to strike shall be accorded to workers in the public and private sectors, who shall exercise these rights within the limits determined by law.

Article 19

The right to a healthy environment shall be accorded to all.

Article 20

Every person shall have the right to free and equal access to justice.

Article 21

No one may be prosecuted, arrested, detained, held in police custody or charged, except by virtue of a law previously promulgated concerning the acts of which he or she is accused.

Article 22

No one may be arbitrarily detained. Any accused person shall be presumed innocent until his or her culpability has been established following a procedure offering him or her guarantees indispensable to his or her defence.

CHAPTER 2: Duties

Article 23

Every person living in the national territory shall be required to respect the Constitution, the laws and regulations of the Republic.

Article 24

The defence of the nation and of territorial integrity shall be the duty of every Ivorian. It shall be ensured exclusively by the forces of defence and national security under conditions determined by law.

Article 25

Public assets shall be inviolable. Every person shall be required to respect and protect them.

Article 26

Every citizen, invested with a public mandate or entrusted with public employment or with a public service mission, shall have the duty to carry it out conscientiously, with loyalty and probity.

Article 27

Everyone shall be obliged to discharge his or her fiscal obligations, in conformity with the law.

Article 28

It shall be the duty of the community and of every individual and legal entity to protect the environment and promote the quality of life.

TITLE II: THE STATE AND SOVEREIGNTY

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Article 30

The Republic of Côte d'Ivoire shall be one and indivisible, secular, democratic and social. The Republic shall ensure equality before the law to all without distinction as to origin, race, sex or religion. It shall respect all beliefs. Its principle shall be: "Government of the people, by the people and for the people".

Article 31

Sovereignty shall belong to the people. No section of the nation nor any individual may claim the right to exercise sovereignty for themselves.

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Article 33

Suffrage shall be universal, free, equal and secret. All Ivorian nationals of both sexes, who are at least 18 years' old and in possession of their civil and political rights, may vote under conditions determined by law.

TITLE III: THE PRESIDENT OF THE REPUBLIC AND THE GOVERNMENT

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Article 48

Whenever the Institutions of the Republic, the independence of the nation, the integrity of its territory or the performance of its international commitments are threatened in a serious and immediate manner, and the normal functioning of the constitutional authorities is interrupted, the President of the Republic shall take the exceptional measures required by these circumstances, after an obligatory consultation with the President of the National Assembly and the President of the Constitutional Council. He or she shall inform the nation of this in a message. The National Assembly shall meet by right.

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TITLE VI: TREATIES AND INTERNATIONAL AGREEMENTS

Article 84

The President of the Republic shall negotiate and ratify international treaties and agreements.

Article 85

Peace treaties, treaties and agreements concerning international organisations, and those that modify the internal laws of the state, may only be ratified as the result of a law.

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TITLE VII: THE CONSTITUTIONAL COUNCIL

Article 88

The Constitutional Council shall judge the constitutionality of laws. It shall be the control organ for the functioning of the public powers.

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Article 96

Any litigant may enter a plea of unconstitutionality of a law before any court. The conditions for referring a matter to the Constitutional Council shall be determined by law.

Article 97

Bills or private bills and draft edicts may be submitted to the Constitutional Council for their opinion.

Article 98

No appeal may be lodged against the decisions of the Constitutional Council. They shall be binding on the authorities, on every administrative, jurisdictional and military authority, and on every individual and legal entity.

Article 99

A provision declared contrary to the Constitution may not be promulgated or implemented.

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TITLE VIII: JUDICIAL POWER

Article 101

The judicial power shall be independent of the executive power and the legislative power.

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TITLE XIV: REVISION

Article 124

The revision the Constitution may be initiated conjointly by the President of the Republic and the members of the National Assembly.

Article 125

To become law, a bill or private bill must be voted for by the National Assembly with a majority of 2/3 of its members who are actually present.

Article 126

The revision of the Constitution shall be definitive only after having been approved by referendum with an absolute majority of the votes cast. It shall be obligatory to submit to referendum a bill or private bill concerning the election of the President of the Republic, the exercise of the presidential mandate, the vacancy of the President of the Republic and the revision process of the Constitution. A bill or private bill shall not be presented for referendum in any other matters when the President of the Republic decides to submit it to the National Assembly. In this case, the bill or private bill shall only be adopted if voted for by a majority of 4/5 of the members of the National Assembly who are actually present. The law instituting constitutional revision, approved by referendum or by parliamentary vote, shall be promulgated by the President of the Republic.

Article 127

No procedure of revision may be undertaken or pursued if it undermines the integrity of the territory. The republican and secular form of the State may not be the subject of a revision.

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