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Burundi's Constitution of 2005

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Preamble

• Source of constitutional authority
• Motives for writing constitution

WE, BURUNDIAN PEOPLE

Conscious of our responsibilities and of our duties before history and the future generations;

Reaffirming our faith in the ideal of peace, of reconciliation and of national unity in accordance with the Agreement of Arusha for Peace and Reconciliation in Burundi of August the 28th, 2000 and with the Agreements of Cease-Fire;

Considering the necessity to restore a pluralist democratic order and a State of law;

• International human rights treaties

Proclaiming our attachment to the respect of the fundamental rights of the human person as they result notably from the Universal Declaration of the Rights of Man of 10 December 1948, from the International Pacts relatives to the rights of man of 16 December 1966 and from the African Charter of the Rights of Man and of Peoples of 18 June 1981;

Considering our attachment to social peace and justice;

Conscious of the imperative need to promote the economical and social development of our country and to assure the safeguarding of our national culture;

Reaffirming our determination to defend the sovereignty and the political and economical independence of our country;

Affirming the importance, within international relations, of the right of the Peoples to provide for [dispose] themselves;

• International human rights treaties

Considering that the relations between Peoples must be characterized by peace, amity and cooperation in accordance with the Charter of the United Nations of June the 26th, 1945;

• Regional group(s)

Reaffirming our attachment to the cause of the African unity in accordance with the Constitutive Act of the African Union of 25 May 2002;

Reaffirming our unwavering [inébranlable] determination to put an end to the profound causes of the continuous state of the ethnic and political violence, of genocide and of exclusion, of effusion of blood, of insecurity and of political instability, which have plunged the People into distress and suffering and compromise gravely the perspectives for economical development and the realization of equality and of social justice in our country;

Considering that to reach to this result, the following constitutional and legal principles must be guaranteed:

- The establishment and the implantation of a system of democratic governance;
- The inclusion of the minority political parties into the general system of good governance;

• Right to culture

- The protection and the inclusion of the ethnic, cultural and religious minority groups into the general system of good governance;
- The restructuring of the national system of security and of justice in order to guarantee the security of all Burundians, including the ethnic minorities.

• Reference to fraternity/solidarity

Reaffirming our engagement to construct a political order and a system of government inspired by the realities of our country and founded on the values of justice, of democracy, of good governance, of pluralism, of respect for the fundamental freedoms and rights of the individual, of unity, of solidarity, of mutual understanding, of tolerance and of cooperation between the different ethnic groups of our society;

SOLEMNLY ADOPT THIS CONSTITUTION, WHICH IS THE FUNDAMENTAL LAW OF THE REPUBLIC OF BURUNDI.

TITLE I: OF THE STATE AND OF THE SOVEREIGNTY OF THE PEOPLE

1. OF THE GENERAL PRINCIPLES

• Type of government envisioned

Article 1

Burundi is an independent, sovereign, secular, democratic, and unitary Republic[,] respecting its ethnic and religious diversity.

Article 2

The national territory of Burundi is inalienable and indivisible.

• Subsidiary unit government

Article 3

Burundi is subdivided into provinces, communes, zones and collines [literally: hills; local administrative collectivities], and all other subdivisions specified by the law. Their organization and functioning are established by the law. It can modify the limits and the number of them.

Article 4

The status and the reestablishment of the monarchy may be the object of a referendum. Any party militating peacefully in favor of the restoration of the monarchy has the right to function.

• Official or national languages

Article 5

The national language is Kirundi. The official languages are Kirundi and all other languages determined by the law.

All the legislative texts must have their original version in Kirundi.

Article 6

The principle of the Republic of Burundi is the Government of the People, by the People and for the People.

Article 7

The national sovereignty belongs to the people who exercise it, either directly by way [voie] of referendum, or indirectly through their representatives.

No fraction of the People, no individual may arrogate its exercise.

Article 8

• Claim of universal suffrage

Suffrage is universal, equal, free and transparent. It may be direct or indirect under the conditions specified by the law.

• Restrictions on voting

All Burundians being already [révolus] eighteen years of age and enjoying their civil and political rights[,] are electors, within the conditions determined by the electoral code.

Article 9

• National capital

The capital of Burundi is established at Bujumbura. The law may transfer it to any other place in the Republic.

Article 10

• National flag

The flag of Burundi is tricolor: green, white and red. It has the form of a rectangle divided by a saltire [un sautoir], having [comportant] in its center a white disc stamped [frappé] with three six-pointed red stars that form a fictive equilateral triangle inscribed within a fictive circle having the same center as the disc and whose base is parallel to the length of the flag.

The law specifies the dimensions and the other details of the flag.

Article 11

• National motto

The motto of Burundi is "Unité, Travail, Progrés [Unity, Work, Progress]". The emblem of the Republic of Burundi is a shield stamped with the head of the lion as well as with three lances, all of it surrounded by the national motto.

• National anthem

The national anthem is "Burundi Bwacu."

The seal of the Republic is determined by the law.

Article 12

• Requirements for birthright citizenship

• Conditions for revoking citizenship

The quality of [being] Burundian is acquired, is conserved and is lost accordingly to the conditions determined by the law.

The children born of Burundian men or women have the same rights with regard to the law on nationality.

2. OF THE FUNDAMENTAL VALUES

Article 13

• Human dignity
• Equality regardless of gender
• Equality regardless of race
• Equality regardless of language
• Equality regardless of religion

All Burundians are equal in [their] merits and dignity. All citizens enjoy the same rights and have right to the same protection of the law. No Burundian may be excluded from the social, economical or political life of the nation because of their race, of their language, of their religion, of their sex or of their ethnic origin.

Article 14

• Human dignity

All Burundians have the right to live in Burundi within peace and within security. They must live together in harmony, while respecting the human dignity and tolerating their differences.

Article 15

The Government is constructed on the willingness of the Burundian People. It is responsible before them and respects [their] fundamental freedoms and rights.

Article 16

The Burundian Government must be composed so that all Burundians are represented in it and that it represents them all; that every one has equal opportunities to be a part of it; that all citizens have access to the public services and that the decisions and the actions of the Government obtain the largest possible support.

Article 17

The Government has as [its] task to realize the aspirations of the Burundian People, in particular to heal the divisions of the past, to ameliorate the quality of life of all Burundians and to guarantee to all the possibility to live in Burundi protected from fear, from discrimination, from disease and from hunger.

Article 18

The function of the political regime is to unite, to reassure and to reconcile all Burundians. This regime sees to it that the Government put in place is at the service of the Burundian People, source of its power and of its authority.

The Government respects the separation of powers, the primacy of the law and the principles of good governance and of transparency in the conduct of public affairs.

TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN

• International human rights treaties

Article 19

The rights and the duties proclaimed and guaranteed, among others, by the Universal Declaration of the Rights of Man, the International Pacts relative to the rights of man, the African Charter of the Rights of Man and of Peoples, the Convention on the Elimination of all Forms of Discrimination concerning Women and the Convention relative to the rights of the child are an integral part of the Constitution of the Republic of Burundi.

These fundamental rights are not subject to any restriction or derogation, except in certain circumstances justifiable by the general interest or the protection of a fundamental right.

Article 20

All citizens have rights and obligations.

1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN

• Human dignity

Article 21

Human dignity is respected and protected. All threat [atteinte] to human dignity is punished by the penal code.

Article 22

• General guarantee of equality

All citizens are equal before the law, which assures them an equal protection.

• Equality regardless of gender
• Equality regardless of skin color
• Equality regardless of creed or belief
• Equality regardless of social status
• Equality regardless of origin
• Equality regardless of race
• Equality regardless of language
• Equality regardless of religion
• Equality for persons with disabilities

No one may be subject to discrimination notably because of their origin, of their race, of their ethnicity, of their sex, of their color, of their language, of their social situation of their religious, philosophical or political convictions or because of a physical or mental handicap or because they are carriers of the HIV/AIDS or of any other incurable disease.

• Ultra-vires administrative actions

Article 23

No one shall be treated in an arbitrarily manner by the State or its organs.

The State has the obligation to indemnify any person [made a] victim of arbitrary treatment by its act or of [the] act of its organs.

• Right to life

Article 24

Every woman, every man has the right to life.

• Prohibition of cruel treatment
• Freedom of movement
• Prohibition of torture

Article 25

Every woman, every man has the right to the freedom of their person, notably to the physical and psychical integrity and to the freedom of movement. No one shall be submitted to torture, or to cruel, inhuman or degrading penalties or treatments.

• Prohibition of slavery

Article 26

No one shall be held in slavery or in servitude. Slavery and trafficking in slaves are prohibited in all their forms.

Article 27

The State sees[,] within the measure of possible[,] that all citizens dispose of the means to lead [mener] an existence in accordance with human dignity.

Article 28

Every woman, every man has the right to respect for their private life and for their family life, for their domicile and their personal communications.

• Right to marry

Article 29

The freedom to marry is guaranteed, as well as the right to choose his or her partner. The marriage may only be concluded with the free and full consent of the future spouses.

The marriage between two persons of the same sex is prohibited.

Article 30

• Right to found a family

The family is the natural base cell of society. The marriage is for it [en est] the legitimate support. Family and marriage are placed under the particular protection of the State.

• State support for children

Parents have the natural right and the duty to educate and raise their children. They are supported in this task by the State and the public collectivities.

• Rights of children guaranteed

Every child has the right, on the part of their family, of the society and of the State to the measures of special protection required by their condition as [a] minor.

• Freedom of expression
• Freedom of religion
• Freedom of opinion/thought/conscience

Article 31

The freedom of expression is guaranteed. The State respects the freedom of religion, of thought, of conscience and of opinion.

• Freedom of assembly
• Freedom of association

Article 32

The freedom of assembly and of association is guaranteed, as well as the right to found associations or organizations in accordance with the law.

Article 33

All Burundian citizens have the right to circulate and to establish themselves freely wherever in the national territory, as well as [the right] to leave it and to return to it.

• Right to renounce citizenship

Article 34

No one may be arbitrarily deprived of their nationality, or of the right to change it.

• Protection of environment

Article 35

The State assures the good administration [gestion] and the rational exploitation of the natural resources of the country, while preserving the environment and the conservation of these resources for the generations to come.

Article 36

• Right to own property

Every person has the right to property.

• Protection from expropriation

One may only be deprived of their property for cause of public utility, in the cases and in the manner established by the law and subject to a fair and prior indemnification[,] or in the execution of a judicial decision taken with finality [force de chose jugée/force of [the] thing judged/ Res judicata].

• Right to join trade unions
• Right to strike

Article 37

The right to found trade unions [syndicats] and to join them, as well as the right to strike, are recognized. The law may regulate the exercise of these rights and prohibit to certain categories of persons to go on strike.

In all the cases, these rights are prohibited to the members of the corps of defense and of security.

• Right to fair trial
• Right to speedy trial

Article 38

Every person has the right, in a judicial or administrative procedure, that their cause is to be heard equitably and to be judged within a reasonable time period.

• Protection from unjustified restraint

Article 39

• Principle of no punishment without law

No one shall be deprived of their liberty, if it is not in accordance with the law.

One may only be charged, arrested, detained or judged in the cases determined by the law promulgated prior to the acts alleged against them.

• Right to counsel

The right to defense is guaranteed before all the jurisdictions.

No one may be deprived [distrait], against their will, of the judge that the law assigns to them.

• Right to counsel
• Presumption of innocence in trials

Article 40

Any person accused of a delinquent act is presumed innocent until their culpability has been legally established in the course of a public process [procés] during which all the guarantees necessary for their free defense have been assured to them.

• Protection from ex post facto laws

Article 41

No one shall be condemned for actions or omissions which, when they were committed, did not constitute an infraction.

In the same way [de meme], more severe penalties than those applicable at the moment the infraction was committed may not be inflicted.

Article 42

One may only be submitted to security measures in the cases and the forms specified by the law notably for reasons of public order or of the security of the State.

• Right to privacy

Article 43

• Right to protect one's reputation

No one may be subject to arbitrary infringement [immixtion] of their private life, their family, their domicile or their correspondence, or to threats to their honor and to their reputation.

Searches or domiciliary visits may only be ordered within the forms and conditions determined by the law.

The secrecy of correspondence and of communication is guaranteed within the respect for the forms and conditions determined by the law.

• Rights of children guaranteed
• State support for children

Article 44

Every child has the right to particular measures to assure or to ameliorate the care necessary for their well-being, for their health and for their physical security and to be protected against the bad treatments, abuse and exploitation.

• Rights of children guaranteed

Article 45

No child may be directly utilized in an armed conflict. The protection of children is assured in times of armed conflict.

• Rights of children guaranteed
• Privileges for juveniles in criminal process

Article 46

No child may be detained except as [a] last resort, in which case the duration of the detention will be as short as possible.

Every child has the right to be separated from the detainees older than 16 years [of age] and to be subject to a treatment and to conditions of detention adapted to their age.

Article 47

Any restriction of a fundamental right must be founded on a legal basis; it must be justified by the general interest or by the protection of a fundamental right of others; it must be proportionate to the specified goal.

Article 48

The fundamental rights must be respected within the whole of the juridical, administrative and institutional order. The Constitution is the supreme law. The legislative, the executive and the judicial [powers] must have it respected. Any law not in conformity with the Constitution is struck down as null.

Article 49

No citizen may be forced into exile.

• Extradition procedure

Article 50

• Protection of stateless persons

The right of asylum is recognized in the conditions specified by the law.

Extradition is only authorized within the limits specified by the law.

No Burundian may be extradited abroad except if they are prosecuted by an international penal jurisdiction for crime of genocide, crime of war or other crimes against humanity.

Article 51

Every Burundian has the right to participate, either directly or indirectly through their representatives, in the direction and in the administration of the affairs of the State, under reserve of the legal conditions, notably of age and of capability.

Every Burundian has equally the right to accede to the public functions of their country.

• Right to development of personality
• Human dignity

Article 52

Every person is entitled to obtain the satisfaction of the economical, social and cultural rights indispensable to their dignity and to the free development of their person, thanks [grâce] to the national effort and taking into account the resources of the country.

Article 53

Every citizen has [a] right to the equal access to instruction, to education and to culture.

The State has the duty to organize public education and to favor [its] access.

However, the right to establish private schools is guaranteed within the conditions established by the law.

• Right to work
• Right to safe work environment

Article 54

The State recognizes to all citizens the right to work and makes the effort to create the conditions that render the enjoyment of this right effective. It recognizes the right that every person has to enjoy just and satisfactory conditions of work and guarantees to the worker the just retribution for their services or for their production.

• Right to health care

Article 55

Every person has the right of access to health care.

Article 56

The State has the obligation to favor the development of the country, in particular the rural development.

• Right to equal pay for work

Article 57

With equal competence, every person has the right, without any discrimination, to an equal salary for an equal work.

• Reference to art
• Provisions for intellectual property
• Reference to science

Article 58

Each one has the right to the protection of moral and material interests deriving from all scientific, literary or artistic production of which they are the author.

Article 59

Any foreigner who finds himself in the territory of the Republic enjoys the protection granted to persons and to assets [biens] by virtue of this Constitution and of the law.

• Terrorism

A foreigner prosecuted for crime of genocide, crime against humanity, crime of war or act[s] of terrorism may be extradited.

Article 60

The judicial power, guardian of the public rights and freedoms, assures the respect for these rights and freedoms within the conditions specified by the law.

Article 61

No one shall abuse the rights recognized by the Constitution or by the law to compromise the national unity, the peace, the democracy, the independence of Burundi, infringe the secularity of the State or violate in any other manner this Constitution.

2. OF THE FUNDAMENTAL DUTIES OF THE INDIVIDUAL AND OF THE CITIZEN

Article 62

Every person has the duty to respect their compatriots and to show them consideration, without any discrimination.

Article 63

Each citizen has duties toward the family and the society, toward the State and the other public collectivities.

Article 64

Every Burundian has the duty to preserve and to reinforce the national unity in accordance with the Charte de l'Unité Nationale [Charter of the National Unity].

• Duty to obey the constitution

Article 65

Each one is required to respect the laws and the institutions of the Republic.

Article 66

Each Burundian has the duty to preserve the harmonious development of the family and to act [æuvrer] in favor of the cohesion and the respect for that family, to respect at every moment their parents, to nourish them and to assist them in case of necessity.

Article 67

Each individual has the duty to respect and to consider their fellow man without any discrimination, and to maintain with them relations that permit [them] to promote, to safeguard and to reinforce respect and tolerance.

Article 68

Each Burundian must see, in their relations with society, to the preservation and to the reinforcement of the Burundian cultural values and contribute to the establishment of a morally healthy society.

Article 69

The public assets are sacred and inviolable. Each one is required to respect them scrupulously and to protect them. Each Burundian has the duty to defend the patrimony of the nation.

Any act of sabotage, of vandalism, of corruption, of diversion or of squandering, or any other act that infringes the public good is punished in the conditions specified by the law.

Article 70

All citizens are required to fulfill their civic obligations and to defend the country.

Each one has the duty to work for the common good and to fulfill their professional obligations.

All citizens are equal concerning [devant] public responsibilities [charges]. Exoneration may only be established except by the law.

The State may proclaim the solidarity of all concerning the responsibilities that result from national and natural calamities.

Article 71

Every Burundian given the charge of a public function or elected to a political function has the duty to fulfill it with conscience, probity, devotion and loyalty in the general interest.

Article 72

Each Burundian has the duty to defend the national independence and the integrity of the territory.

Every citizen has the sacred duty to see and to participate in the defense of the country.

Every Burundian, [and] every foreigner who finds himself in the territory of the Republic of Burundi[,] has the duty to not compromise the security of the State.

Article 73

Every individual has the duty to contribute to the safeguarding of peace, of democracy and of social justice.

Article 74

Every Burundian has the duty to contribute by their work to the construction and the prosperity of the country.

TITLE III: OF THE SYSTEM OF POLITICAL PARTIES

Article 75

The multipartiism is recognized in the Republic of Burundi.

• Right to form political parties

Article 76

The political parties may freely constitute themselves, in accordance with the law. They are registered in accordance with the law.

Article 77

An association without a lucrative goal regrouping the citizens around a project of [a] democratic society founded on the national unity, with a distinctive political program of precise objectives responding to the concern to serve the general interest and to assure the development of all citizens[,] constitutes a political party.

• Restrictions on political parties

Article 78

In their organization and their functioning the political parties must respond to democratic principles. They must be opened to all Burundians, and their national character must also be reflected at the level of their leadership [direction]. They may not advocate violence, exclusion, and hatred in any of their forms, notably those based on ethnic, regional, religious or gender affiliation.

• Restrictions on political parties

Article 79

The political parties and the coalitions of political parties must promote the free expression of suffrage and participate in the political life by pacific means.

Article 80

The law guarantees the non-interference of the public powers in the internal functioning of the political parties, except for that of the restrictions necessary to prevent ethnic, political, regional, religious or gender hatred and to maintain the public order.

Article 81

The political parties may form coalitions at the time [lors] of the elections, accordingly to the modalities established by the electoral law.

Article 82

The members of the Corps of Defense and of Security as well as the Magistrates[,] in their activities[,] are not authorized to affiliate with the political parties.

• Campaign financing

Article 83

The external financing of the political parties is prohibited, except [an] exceptional derogation established by the law.

All financing of a nature that infringes the national independence and sovereignty is prohibited.

• Restrictions on political parties

The law determines and organizes the sources of financing of the political parties.

• Campaign financing

Article 84

To the end of promoting democracy, the law may authorize the financing of the political parties in an equitable manner, proportionally to the number of seats that they hold at the National Assembly. This financing may apply both to the functioning of the political parties and to the electoral campaigns, and must be transparent. The types of subventions, advantages and facilities that the State may grant to the political parties are established by the law.

Article 85

The conditions within which the political parties are formed, exercise and cease their activities are determined by the law.

TITLE IV: OF THE ELECTIONS

Article 86

The right to vote is guaranteed.

Article 87

The elections are free, transparent and regular. The electoral code determines the practical modalities of them.

Article 88

The elections are organized in an impartial manner at the national levels, [and the levels] of the communes and the collines, as well as at other levels established by the law.

• Electoral commission

Article 89

An independent national electoral Commission guarantees the freedom, the impartiality and the independence of the electoral process.

• Electoral commission

Article 90

The Commission is composed of five independent notable persons. Its members are appointed by decree after having been previously approved separately by the National Assembly and the Senate with a majority of three-quarters.

• Electoral commission

Article 91

The Commission is given the charge of the following missions:

a. To organize the elections at the national level, at the level of the communes and at that of the collines;

b. To see to it that the elections are free, regular and transparent;

c. To proclaim the provisional results of the elections within a time period specified by the law;

d. To promulgate the arrangements, the code of conduct and the technical details, including the location of the polls [bureaux de vote] and the hours in which they are open;

e. To hear the claims concerning the respect for the electoral rules and to process them. The decisions of the Commission are without appeal;

f. To see to it, applying the appropriate rules, that the electoral campaigns do not take place [se déroulent] in a manner that incites to ethnic violence or in any other manner contrary to this Constitution;

g. To assure the respect for the provisions of this Constitution relative to multi-ethnicity and to gender and to take cognizance of the claims in this respect.

TITLE V: OF THE EXECUTIVE POWER

• Name/structure of executive(s)

Article 92

The executive power is exercised by a President of the Republic, two Vice-Presidents of the Republic and the members of the Government.

Article 93

An organic law establishes the regime of the indemnities and advantages of the President, of the Vice-Presidents and of the members of the Government as well as the regime of the incompatibilities. It also specifies their specific regime of social security.

Article 94

At the moment of [lors] entering into [their] functions and at the end of these-ones, the President of the Republic, the Vice-Presidents of the Republic and the members of the Government are required to make on their honor a written declaration of their assets and patrimony addressed to the Supreme Court.

1. OF THE PRESIDENT OF THE REPUBLIC

• Name/structure of executive(s)

Article 95

The President of the Republic, Head of the State, incarnates the national unity, sees to the respect for the Constitution and assures by his arbitration the continuity of the State and the regular functioning of the institutions.

He is the guarantor of the national independence, of the integrity of the territory and of the respect for the international treaties and agreements.

• Head of state selection
• Head of state term length
• Head of state term limits

Article 96

The President of the Republic is elected by universal direct suffrage for a mandate of five years renewable one time.

• Minimum age of head of state
• Eligibility for head of state

Article 97

The candidate for the functions of President of the Republic must:

1. have the quality of elector within the conditions specified by the electoral law;
2. be of Burundian nationality by birth;
3. be already [révolus] thirty-five years old at the moment of the election;
4. reside in the territory of Burundi at the moment of the presentation of the candidature;
5. enjoy all his civil and political rights;
6. subscribe to the Constitution and to the Charter of the National Unity.

In addition, the candidate to the presidential elections must not have been condemned for crimes or misdemeanors of common law [droit commun] to a penalty determined by the electoral law.

The electoral law specifies equally the time period after which a condemned person in the sense of the preceding paragraph may recover his eligibility since the execution of his penalty.

Article 98

The candidates may be presented by the political parties or may present themselves as [en qualité de] independents.

The candidate who, at the moment of the presentation of the candidatures is not presented by any political party, is considered as an independent.

Article 99

Every candidacy to the presidential elections must be supported [parraineé] by a group of two hundred persons formed taking into account the ethnic and gender components.

The members of the supporting group [groupe de parrainage] must themselves meet the fundamental conditions [conditions de fond] required for eligibility in the general elections.

Article 100

The functions of President of the Republic are incompatible with the exercise of any other elective public function, of any public employment and of any professional activity.

Article 101

In the case that the candidate elected President of the Republic occupies a public function, he is placed[,] of office[,] in [a] position of detachment from the proclamation of the results.

In the case that he occupies a private function, paid or not, on his account or on the account of a third [party], he ceases all activities from the proclamation of the results.

• Head of state selection

Article 102

The election of the President of the Republic takes place in a uninominal ballot in two rounds.

The President of the Republic is elected by an absolute majority of the suffrage expressed. If this is not obtained in the first round, it proceeds, in a time period of fifteen days, to a second round.

Only the two candidates who have obtained the greater number of votes in the first round may present themselves in the second round of the ballot. In the case of withdrawal [déssistement] of one or the other of the two candidates, the following candidates present themselves in the order of their ranking after the first ballot.

The candidate having received the relative majority of the suffrage expressed is declared elected in the second round.

Article 103

The mandate of the President of the Republic debuts on the day of his taking of the oath and ends when his successor enters into [his] functions.

The election of the President of the Republic takes place one month at least and two months at most before the expiration of the mandate of the President of the Republic.

Article 104

• Dismissal of the legislature

If the President of the Republic in exercise stands as a candidate, the Parliament may not be dissolved.

The President of the Republic may not, in addition, from the official announcement of his candidature [and] until the election, exercise his power of legislating by

decree-law, deriving from Article 195 of this Constitution.

• Extraordinary legislative sessions

In the case of necessity, the Parliament is convoked in extraordinary session.

Article 105

The electoral law specifies all the other provisions relative to the election of the President of the Republic.

• Oaths to abide by constitution

Article 106

At the moment of entering into [his] function, the President of the Republic solemnly takes the following oath, received by the Constitutional Court before the Parliament:

Before the Burundian People, sole holder of the national sovereignty, I, (enounce the name), President of the Republic of Burundi, swear fidelity to the Charter of the National Unity, to the Constitution of the Republic of Burundi and to the law and engage myself to dedicate all my forces to the defense of the superior interests of the nation, to assure the national unity and the cohesion of the Burundian People, [and] social peace and justice. I engage myself to fight any ideology and practice of genocide and of exclusion, to promote and to defend the individual and collective rights and freedoms of the person and of the citizen, and to safeguard the integrity and the independence of the Republic of Burundi.

• Head of state decree power

Article 107

The President of the Republic exercises the regulatory power and assures the execution of the laws. He exercises his powers by decrees countersigned, the case arising, by the Vice-President and the concerned Minister.

The countersignature does not intervene for the acts of the President of the Republic deriving from Articles 110, 113, 114, 115, 197, 198, 297 and 298 of this Constitution.

The President of the Republic may delegate his powers to the Vice-Presidents, with the exception of those enumerated in the preceding paragraph.

• Cabinet selection

Article 108

The President of the Republic, in consultation with the two Vice-Presidents, appoints the members of the Government and terminates their functions.

Article 109

The President of the Republic is the head of the Government. He presides over the Council of Ministers.

• Designation of commander in chief
• Power to declare/approve war

Article 110

The President of the Republic is the Commander-in-Chief of the Corps of Defense and of Security. He declares war and signs the armistice after consultation with the Government, with the Bureaus of the National Assembly and of the Senate and with the National Council of Security.

• Head of state powers
• Selection of active-duty commanders

Article 111

The President of the Republic appoints to the superior offices [emplois], civil and military.

An organic law determines the categories of offices specified in the preceding paragraph.

The appointments to the high civil, military and judicial functions as specified in Article 187-9 of this Constitution only become effective if they are approved by the Senate.

• Head of state powers

Article 112

The President of the Republic appoints and recalls the ambassadors and the extraordinary envoys to foreign States and receives the letters of credentials and of recalls of the ambassadors and extraordinary envoys from foreign States.

• Power to pardon

Article 113

The President of the Republic has the right of pardon which he exercises after consultation with the two Vice-Presidents of the Republic and after [the] opinion of the Superior Council of the Magistrature.

• Head of state powers

Article 114

The President of the Republic confers the national orders and the decorations of the Republic.

• Emergency provisions

Article 115

When the institutions of the Republic, the independence of the nation, the integrity of the territory or the execution of its international engagements are menaced in a grave and immediate manner and the regular functioning of the public powers is interrupted, the President of the Republic may proclaim, by decree-law, the state of exception and take all the measures required by these circumstances, after official consultation with the Government, with the Bureaus of the National Assembly and of the Senate, with the National Council of Security and with the Constitutional Court.

He informs the nation by way of a message.

These measures must be inspired by the willingness to assure to the constitutional public powers, within the shortest time period, the means to accomplish their mission.

The Constitutional Court is consulted [concerning] their subject.

The Parliament may not be dissolved during the exercise of the exceptional powers.

• Head of state removal

Article 116

The President of the Republic may be declared relieved of his functions for grave fault, grave abuse or corruption, by a resolution taken by two-thirds of the members of the National Assembly and of the Senate meeting [together].

• Head of state removal
• Head of state immunity

Article 117

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

There is high treason when, in violation of the Constitution or of the law, the President of the Republic deliberately commits an act contrary to the superior interests of the nation which gravely compromises the national unity, social peace, social justice, the development of the country, or gravely infringes the human rights, the territorial integrity, the national independence and the national sovereignty.

High treason belongs to the competence of the High Court of Justice.

The President of the Republic may only be impeached by the National Assembly and the Senate meeting in Congress and deciding by secret vote, by a majority of two-thirds of their members.

The investigation may only be conducted by a team of at least three magistrates of the General Office of Prosecutors of the Republic presided over by the General Prosecutor of the Republic.

• Dismissal of the legislature

Article 118

When the procedure of impeachment of the President of the Republic for high treason is initiated by the Parliament, the President of the Republic may not dissolve it until the end of the judicial procedure.

Article 119

Outside of the acts that arise from his discretionary competence, the administrative acts of the President of the Republic may be challenged before the competent jurisdictions.

Article 120

At the expiration of his functions, the President of the Republic has the right, except in the case of condemnation for high treason, to a pension and to all other privileges and facilities determined by the law.

• Head of state replacement

Article 121

In the case of absence or temporary impediment of the President of the Republic, the First Vice-President assures the administration of the current affaires and[,] in his absence, the Second Vice-President.

In the case of vacancy for cause of resignation, of death or of any other cause of definitive cessation of his functions, the interim is assured by the President of the National Assembly or, if he [,] himself[,] is impeded to exercise these functions, by the Vice-Presidents of the Republic and the Government acting jointly.

The vacancy is declared by the Constitutional Court referred to [the matter] by the Vice-Presidents of the Republic and the Government, acting jointly.

The interim authority may not form a new Government.

The Vice-Presidents of the Republic and the Government are considered as resigned and may only simply assure the expedition of the current affairs until the formation of a new Government.

The ballot for the election of the new President of the Republic takes place, except in the case of force majeure declared by the Constitutional Court, within a time period that may not be inferior to one month and superior to three months, from the declaration of the vacancy.

The interim authority appoints an Independent National Electoral Commission given the charge of organizing a new presidential ballot in accordance with the law in force.

2. OF THE VICE-PRESIDENTS OF THE REPUBLIC

• Deputy executive

Article 122

In the exercise of his functions, the President of the Republic is assisted by two Vice-Presidents.

The First Vice-President assures the coordination of the political and administrative domain.

The Second Vice-President assures the coordination of the economical and social domain.

• Deputy executive

Article 123

The Vice-Presidents are appointed by the President of the Republic after prior approval of their candidatures by the National Assembly and the Senate voting separately and with the majority of their members. They are chosen from among the elected [candidates].

They may be removed from their functions by the President of the Republic.

Article 124

The Vice-Presidents belong to different ethnic groups and political parties.

Without prejudice to the preceding paragraph, the predominant character of their ethnic affiliation within [au sein] their respective political parties is taken into account, in their appointment.

• Deputy executive

Article 125

The First Vice-President presides over the Council of Ministers on delegation by the President of the Republic and for a specific agenda.

In the case of impediment of the First Vice-President, the President grants this delegation to the Second Vice-President.

Article 126

The Vice-Presidents take by order, each one in their sector, all the measures of execution of the presidential decrees.

The Ministers given the charge of their execution countersign the orders of the Vice-Presidents.

• Oaths to abide by constitution

Article 127

At the moment of entering into [their] functions, the Vice-Presidents solemnly take the following oath, received by the Constitutional Court, before the Parliament:

Before the Burundian people, sole holder of the national sovereignty, I (enounce the name), Vice-President of the Republic of Burundi, swear fidelity to the Charter of the National Unity, to the Constitution of the Republic of Burundi and to the law and engage myself to dedicate all my forces to the defense of the superior interests of the nation, to assure the unity and the national cohesion of the Burundian people, social peace and justice. I engage myself to fighting any ideology and practice of genocide and of exclusion, to promoting and defending the individual and collective rights and freedoms of the person and of the citizen, and to safeguarding the integrity and the independence of the Republic of Burundi.

Article 128

In the case of resignation, death or of any other cause of definitive cessation of the functions of a Vice-President of the Republic, a new Vice-President of the Republic[,] originating from the same ethnicity and of the same political party as their predecessor[,] is appointed, following the same procedure, within a time period not exceeding thirty days, counting from the definitive cessation of the functions of the Vice-President to be replaced.

• Establishment of cabinet/ministers

3. OF THE GOVERNMENT

Article 129

• Eligibility for cabinet

The Government is open to all the ethnic components. It includes at most 60% of Hutu Ministers and Vice-Ministers and at most 40% of Tutsi Ministers and Vice-Ministers. A minimum of 30% of women is assured.

The members come from the different political parties that have received more than one-twentieth of the votes and which so desire. These parties have the right to a percentage, rounded to the inferior number, of the total number of Ministries at least equal to that of the seats that they occupy at the National Assembly.

• Cabinet removal

When the President revokes a Minister, it proceeds to his replacement after consultation with his political party of origin [provenance].

• Restrictions on minister of defense

Article 130

The President of the Republic, after consultation with the two Vice-Presidents of the Republic, sees to it that the Minister given the charge of the Force of National Defense is not of the same ethnicity as the Minister responsible for the National Police.

Article 131

The Government determines and conducts the policy of the nation within the framework of the decisions taken by consensus in the Council of Ministers.

• Powers of cabinet
• International law

Article 132

The Government deliberates obligatorily on the general policy of the State, the bills of international treaties and agreements, the bills of laws, the bills of presidential decrees, the orders [arrêtés] of a Vice-President and the ordinances of the Ministers having a character of general regulation.

• Oaths to abide by constitution

Article 133

The members of the Government are responsible before the President of the Republic.

At the moment of entering into their functions, the members of the Government solemnly take the following oath before the Parliament and the President of the Republic:

"Before the President of the Republic, before the Parliament, I (enounce the name), swear fidelity to the Charter of the National Unity, to the Constitution and to the law. I engage myself to consecrate all my forces to the defense of the superior interests of the nation, to promote the unity and the cohesion of the Burundian People, social peace and justice in the accomplishment of the functions entrusted in me. I engage myself to fight any ideology and practice of genocide and of exclusion, and to promote and to defend the rights and freedoms of the person and of the citizen."

Article 134

The members of the Government take, by ordinance, all measures to apply the decrees of the President of the Republic and the orders of a Vice-President of the Republic.

Article 135

The members of the Government make or propose the appointments in the public administration and to the diplomatic posts taking into account the necessity to maintain an ethnic, regional, political and gender equilibrium.

Article 136

The members of the Government are penally responsible for the infractions committed in the exercise of their functions. They are justiciable by the Supreme Court.

• Eligibility for cabinet

Article 137

The functions of member of the Government are incompatible with the exercise of all [other] professional activity and the exercise of a parliamentary mandate.

4. OF THE PROVINCIAL AND PUBLIC ADMINISTRATION

• Subsidiary unit government

Article 138

The executive power is delegated, at the provincial level, to a Governor of the province given the charge of coordinating the services of the administration working in the province.

The Governor of the province exercises, in addition, the powers that the laws and the regulations attribute to him.

• Subsidiary unit government

Article 139

The Governor of the province must be a civilian, native Burundian, established in or from [ressortissant] the territorial entity that he is called to administer.

He is appointed by the President of the Republic after consultation with the Vice-Presidents of the Republic and confirmation by the Senate.

Article 140

The Administration functions in accordance with the democratic values and the principles enounced by this Constitution and with the law.

Article 141

All the agents of the public administration exercise their functions, in a manner to serve all the users of the public services in an efficient, impartial and equitable way. The diversion of public funds, corruption, the extortion of funds and racketeering are punished in accordance with the law.

Article 142

The administration is organized in ministries, and every Minister[,] before the President of the Republic[,] renders account for [rend compte] the manner in which his ministry accomplishes [s'acquitte] its tasks and the utilization of the funds that are granted to it.

Article 143

The Administration is largely representative of the Burundian Nation and must reflect the diversity of its components. The practices that it observes in the matter of employment are founded on objective and equitable criteria of aptitude as well as on the necessity to correct the disequilibrium and to assure a wide ethnic, regional and gender representation. The ethnic representation in the public enterprises is provided on the basis of 60% at most for the Hutu and 40% at most for the Tutsi.

Article 144

A law specifies the distinction between the career posts or technical posts and the political posts.

Article 145

No agent of the public administration or of the judicial apparatus of the State may benefit from a treatment of favor nor be subjected to a partial treatment for the sole motive of their sex, of their ethnic or regional origin or of their political affiliation.

Article 146

The executives and the agents of the Public Administration are required to make the declaration of their patrimony on [,] entering into [their] functions and at the end of them.

A law determines the competent jurisdiction and the procedure to be followed.

TITLE VI: OF THE LEGISLATIVE POWER

1. OF THE PROVISIONS COMMON TO THE NATIONAL ASSEMBLY AND TO THE SENATE

• Structure of legislative chamber(s)

Article 147

The legislative power is exercised by the Parliament, which includes two chambers: the National Assembly and the Senate.

The members of the National Assembly bear the title of Deputy; those of the Senate bear the title of Senator.

No one may belong at the same time to the National Assembly and to the Senate.

• Replacement of legislators

Article 148

An organic law establishes the conditions in which the Deputies and Senators are replaced in the case of the vacancy of a seat.

Article 149

The mandate of the Deputies and the Senators has a national character. All imperative mandates are null.

The vote of the Deputies and of the Senators is personal.

The internal regulations of the National Assembly and of the Senate may authorize exceptionally the delegation of the vote. However, no one may receive the delegation of more than one mandate.

• Immunity of legislators

Article 150

The Deputies and the Senators may not be prosecuted, investigated or arrested, detained or judged for the opinions or the votes emitted in the course of the sessions.

Except in the case of flagrante delicto, the Deputies and the Senators may not, during the duration of the sessions, be prosecuted except with the authorization of the Bureau of the National Assembly or of the Bureau of the Senate,

The Deputies and the Senators may not, out of session, be arrested except with the authorization of the Bureau of the National Assembly for the Deputies or the Bureau of the Senate for the Senators, except in the case of flagrante delicto, of prosecutions already authorized or of definitive condemnation.

Article 151

The Deputies and the Senators are justiciable by the Supreme Court in accordance with the law governing this last one and that concerning the code of the organization and [that] of the judicial competence.

• Outside professions of legislators

Article 152

The mandate of Deputy or of Senator is incompatible with any other function of public character. An organic law may exempt certain categories of local elected [persons] or of agents of the State from the regime of incompatibility with the mandate of Deputy or of Senator.

Article 153

An organic law establishes the regime of indemnities and advantages of the Deputies and the Senators as well as the regime of the incompatibilities. It equally specifies their specific regime of social security.

• Earnings disclosure requirement

Article 154

At the moment of entering into [their] functions and at the end of them, the members of the Bureaus of the National Assembly and of the Senate are required to make on their honor a written declaration of their assets and patrimony addressed to the Supreme Court.

• Eligibility for cabinet

Article 155

A Deputy or a Senator appointed to the Government or any other public function incompatible with the parliamentary mandate and who accepts it, ceases immediately to sit in the National Assembly or in the Senate and is replaced by their substitute.

The Deputy or the Senator placed in one of the cases specified in the preceding paragraph resumes their functions as soon as the incompatibility has disappeared and provided that the mandate for which they were elected is in course.

• Attendance by legislators
• Removal of individual legislators

Article 156

The mandate of Deputy and that of Senator ends by the death, the resignation, the permanent incapacity and the unjustified absence in more than one-quarter of the sittings [séances] of a session or when the Deputy or the Senator falls into one of the cases of forfeiture specified by an organic law.

Article 157

• Public or private sessions

Except in the case of force majeure duly declared by the Constitutional Court, the deliberations of the National Assembly and of the Senate are only valid if they take place in the ordinary place of their sessions.

• Public or private sessions

The sittings of the National Assembly and of the Senate are public. However, the National Assembly and the Senate may meet in closed [sitting] in the case of need.

• Publication of deliberations

The record of the debates of the National Assembly and of the Senate is published in the Journal Parlementaire [Parliamentary Gazette].

Article 158

The Parliament votes the law and controls the action of the Government.

Article 159

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

1°. The fundamental guarantees and obligations of the citizen:

- safeguard of the individual freedom;
- protection of the public freedoms;
- constraints imposed in the interest of the national defense and of the public security, to the citizens on their persons and on their assets;

2°. The status of the persons and of the assets:

- nationality, status and capacity of persons;
- matrimonial regimes, inheritance and gifts;
- regime of the property, of the real rights and of the civil and commercial obligations;

3°. The political, administrative and judicial organization:

- general organization of the administration;

• Electoral districts

- territorial organization, creation and modification of the administrative circumscriptions as well as the electoral divisions;
- electoral regime;
- general organization of the national orders, of the decorations and of the honorific titles;
- general rules of organization of the national defense;
- general rules of organization of the national police;
- statute of the personnel of the Corps of Defense and of Security;
- statute of the personnel of the Parliament;
- general principles of the public function;
- statute of the public function;
- state of exception;

- organic framework of creation and of suppression of the public [and] autonomous establishments and services;
- organization of the jurisdictions of all orders and procedure followed before these jurisdictions, creation of new orders of jurisdiction, - determination of the status of the magistrature, of the ministerial offices and of the auxiliaries of justice;
- determination of the crimes and misdemeanors as well as of the penalties applicable to them;
- organization of the bar;
- penitentiary regime;
- amnesty.

4°. The protection of the environment and the conservation of the natural resources;

5°. The financial and patrimonial issues:

- regime for the emission of the currency;
- budget of the State;
- definition of the base [l'assiette] and of the rate of the taxes and the assessments [taxes];
- alienation and administration [gestion] of the domain of the State;

6°. The nationalization and denationalization of enterprises and the transfer of property of enterprises from the public sector to the private sector;

7°. The regime of teaching [enseignement] and of the scientific research;

8°. The objectives of the economical and social action of the State;

9°. The legislation of work, of social security, of the syndical right, including the conditions for the exercise of the right to strike.

Article 160

The matters other than those of the domain of the law have a regulatory character.

The texts of legislative form intervening in these matters may be modified by presidential decree issued after opinion [avis] of the Constitutional Court.

Article 161

The texts of regulatory form intervening in the matters relevant of the domain of the law may be modified by [the] legislative way [voie], after opinion of the Constitutional Court.

Article 162

The law of finance determines, for each year, the resources and the charges of the State.

• Joint meetings of legislative chambers

Article 163

The two chambers of the Parliament meet in Congress to:

1. Receive a message from the President of the Republic;
2. Impeach the President of the Republic in case of high treason by a resolution taken by two-thirds of the members of the National Assembly and of the Senate;
3. Re-examine the bill of the law of finance in accordance with Article 177;
4. Elect the first President of the Republic post-transition;
5. Evaluate, every six months, the implementation of the program of the Government;
6. Receive the oath from the CENI [Commission électorale nationale indépendante/Independent National Electoral Commission].

The Bureau of the Parliament meeting in Congress is composed of the Bureaus of the National Assembly and of the Senate. The presidency and the vice-presidency of the sessions are entrusted respectively to the President of the National Assembly and to the President of the Senate.

The regulations of internal order of the National Assembly are those applicable to the deliberations of the Congress.

2. OF THE NATIONAL ASSEMBLY

• First chamber representation quotas
• Size of first chamber
• First chamber selection
• Term length for first chamber

Article 164

The National Assembly is composed of at least one hundred Deputies on the basis of 60% of Hutu and 40% of Tutsi, including a minimum of 30% of women, elected by universal direct suffrage for a mandate of five years, and of three Deputies originating from the Twa ethnicity co-opted in accordance with the electoral code.

In the case that the results of the vote do not reflect the percentages above specified, it [then] proceeds to redress the corresponding [afférents] disequilibrium by means of the mechanism of co-optation specified by the electoral code.

The number of candidates to be elected per circumscription is established by the electoral law proportionally to the population.

• Eligibility for first chamber

Article 165

• Minimum age for first chamber

The candidate to the legislative elections must be of Burundian nationality and origin, be twenty-five years old at least, [and] enjoy all of their civil and political rights.

The candidate to the legislative elections must not have been convicted for a crime or misdemeanor of common law to a penalty determined by the electoral law.

The electoral law specifies equally the time period after which a person condemned in the sense of the preceding paragraph may recover their eligibility since the execution of the sentence.

Article 166

The candidates to the legislative elections may be presented by the political parties or present themselves as independents as defined by Article 98 of this Constitution.

Article 167

The Independent National Electoral Commission verifies the receivability of the candidatures.

• First chamber selection

Article 168

The elections of the Deputies takes place following the ballot for the bloc lists by proportional representation. These lists must have a multi-ethnic character and take into account the equilibrium between men and women. For three candidates registered together on a list, only two may belong to the same ethnic group, and at least one in four must be a woman.

Article 169

The candidates presented by the political parties or the lists of independents may only be considered as elected and sit in the National Assembly if, nationwide, their party or their list totaled a number of suffrage equal or superior to 2% of the whole of the expressed suffrage.

• Leader of first chamber

Article 170

From its first session, the National Assembly adopts its internal regulations which determines its organization and its functioning. It also puts its Bureau in place. The first session meets of plain right the first working day following the seventh day after the validation of its election by the Constitutional Court. This session is presided over by the oldest Deputy.

• Leader of first chamber

Article 171

The Bureau of the National Assembly includes one President and Vice-Presidents.

The President and the other members of Bureau of the National Assembly are elected for the entire [toute] legislature. Nevertheless, their functions may be terminated within the conditions established by the internal regulations of the National Assembly.

Article 172

[Des] Parliamentary groups may be constituted within the National Assembly. The internal regulations of the National Assembly establish the modalities of the organization and of the functioning.

• Legislative committees

Article 173

The opposition parties in the National Assembly participate by right in all the parliamentary commissions, whether they are [qu'il s'agisse] specialized commissions or commissions of inquiry.

A political party providing a member in the Government may not claim itself [part] of the opposition.

• Length of legislative sessions

Article 174

The National Assembly meets every year in three ordinary sessions of three months each. The first session debuts on the first Monday of the month of February, the second [one] on the first Monday of the month of June and the third [one] on the first Monday of the month of October.

• Extraordinary legislative sessions

[Des] Extraordinary sessions, not exceeding a duration of fifteen days, can be convoked at the demand of the President of the Republic or at the demand of the absolute majority of the members composing the National Assembly, on a determined agenda.

• Extraordinary legislative sessions

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

• Organic laws
• Quorum for legislative sessions

Article 175

The National Assembly may not deliberate validly except if two-thirds of the Deputies are present. The laws are voted by the majority of two-thirds of the Deputies present or represented.

The organic laws are voted by the majority of two-thirds of the Deputies present or represented, except [sans que] this majority cannot be inferior to the absolute majority of the members composing the National Assembly.

The majority of two-thirds of the Deputies present or represented is equally required for the vote of the resolutions, of the decisions and of the important recommendations.

• Budget bills

Article 176

The National Assembly is referred to the bill of the law of finance from the opening of the session of October.

• Budget bills
• First chamber reserved policy areas

Article 177

The National Assembly votes the general budget of the State. If the National Assembly has not decided at the date of December 31, the budget of the preceding year is resumed [repris] by provisional twelfths.

At the request of the President of the Republic, the Parliament meets in Congress within a time period of fifteen days to re-examine the bill of the law of finance.

If the Parliament has not voted the budget by the end of this session, the budget is definitively established by decree-law taken in the Council of Ministers.

• Budget bills

Article 178

A Court of Accounts is created given the charge of examining and certifying the accounts of all the public services. It assists the Parliament in the control of the execution of the law of finances.

The Court of Accounts presents to the Parliament a report on the regularity of the general account of the State and confirms whether the funds have been used in accordance with the established procedures and with the budget approved by the Parliament.

It gives a copy of that report to the Government.

The Court of Accounts is provided with the resources necessary to accomplish its functions.

The law determines its missions, its organization, its competences, its functioning and the procedure followed before it.

3. OF THE SENATE

• Eligibility for second chamber

Article 179

• Minimum age for second chamber

The candidate to the elections of the Senators must be of Burundian nationality, being already thirty-five years old at the moment of the elections, [and] enjoy all their civil and political rights.

The candidate to the senatorial elections must not have been convicted for a crime or misdemeanor of common law to a penalty determined by the electoral law.

The electoral law specifies equally the time period after which a person condemned in the sense of the preceding paragraph may recover their eligibility since the execution of the sentence.

• Second chamber representation quotas
• Second chamber selection

Article 180

The Senate is composed of:

1. Two delegates from each province, elected by an electoral college composed of members of the communal councils of the considered province, originating from different ethnic communities and elected by distinct ballots;

2. Three persons originating from the Twa ethnicity;

3. The former Heads of the State.

A minimum of 30% of women is assured. The electoral law determines the practical modalities, with co-optation the case arising.

Article 181

The Independent National Electoral Commission verifies the receivability of the candidatures. These candidatures emanate from the political parties or may be

constituted of independents as defined by Article 98 of this Constitution.

• Leader of second chamber

Article 182

From its first session, the Senate adopts its internal regulations which determine its organization and its functioning. It elects equally its Bureau.

The first session meets of plain right the first working day that follows the seventh day after the validation of its election by the Constitutional Court. This session is presided over by the oldest Senator.

Article 183

The Bureau includes one President and [des] Vice-Presidents.

Article 184

The formation of parliamentary groups is forbidden within the Senate.

Article 185

• Length of legislative sessions

The Senate meets every year in three ordinary sessions of three months each and at the same moment as the National Assembly.

• Extraordinary legislative sessions

[Des] Extraordinary sessions, not exceeding a duration of fifteen days, can be convoked at the demand of the President of the Republic or at the demand of the absolute majority of the members composing the Senate, on a determined agenda.

• Extraordinary legislative sessions

[Des] extraordinary sessions are opened and closed by decree of the President of the Republic.

• Organic laws

Article 186

• Quorum for legislative sessions

The Senate may not deliberate validly except if two-thirds of the Senators are present. The decisions are made with a majority of two-thirds of the Senators present or represented.

The organic laws are voted by the majority of two-thirds of the Senators present or represented, except [sans que] this majority cannot be inferior to the absolute majority of the members composing the Senate.

• Ordinary court selection

Article 187

The Senate is provided with the following competences:

1. Approving the amendments to the Constitution and to the organic laws, including the laws governing the electoral process;

2. Be referred to the report of the Ombudsman on all aspects of the public administration;

3. Approving the texts of the laws concerning the delimitation, the attributions and the powers of the territorial entities;

4. Conducting inquiries in the public administration and, the case arising, making recommendations to assure itself that no region or no group is excluded from the benefit of the public services;

5. Controlling the application of the constitutional provisions by demanding the ethnic and gender representativeness and the equilibrium in all the State structures and institutions, notably the public administration and the Corps of Defense and of Security;

6. Advising the President of the Republic and the President of the National Assembly on all issues, notably [those] of a legislative order;

7. Formulating observations or proposing amendments concerning the legislation adopted by the National Assembly;

8. Elaborating and presenting proposals of laws for examination by the National Assembly;

9. Approving the appointments only to the following functions:

• Selection of active-duty commanders

a. Heads of the Corps of Defense and of Security;

b. Governors of [a] province;

c. Ambassadors;

• Ombudsman

d. Ombudsman;

• Establishment of judicial council

e. Members of the Superior Council of the Magistrature;

• Supreme court selection

f. Members of the Supreme Court;

• Constitutional court selection

g. Members of the Constitutional Court;

h. General Prosecutor of the Republic and Magistrates of the Office of General Prosecution of the Republic;

• Administrative court selection

i. President of the Court of Appeal and President of the Administrative Court;

j. General Prosecutor before the Court of Appeal;

k. Presidents of the [Ordinary] Tribunals of First Instance, of the Tribunal of Commerce and of the Tribunal of Labor;

l. Prosecutors of the Republic;

m. Members of the Independent National Electoral Commission.

4. OF THE PROCEDURE OF ADOPTION OF THE LAWS

Article 188

The bills and the proposals of law are presented simultaneously to the Bureaus of the National Assembly and of the Senate.

Every bill of law and every proposal of law specifies if it treats a matter falling within the competence of the Senate in accordance with Article 187.

The texts referred to in the preceding paragraph are registered, of office[,] in the agenda of the Senate.

The others texts are examined following the procedure prescribed in Articles 190 and 191 below.

In the case of doubt or of litigation concerning the receivability of a text, the President of the Republic, the President of the National Assembly or the President of the Senate refer [the matter] to the Constitutional Court which decides on it.

• Division of labor between chambers

Article 189

In matters other than those referred to in Article 188, the text is adopted in the first reading by the National Assembly. It is immediately transmitted to the Senate by the President of the National Assembly.

At the demand of its Bureau or of one-third of its members at least, the Senate examines the bill of [a] text. This demand is formulated within seven days from the reception of the bill.

In a time period that may not exceed ten days counting from the demand, the Senate may either decide that there is no need [lieu] to amend the bill or the proposal of law, or adopt the bill or the proposal of law after having amended it.

If the Senate has not decided within the granted [imparti] time period or if it has informed the National Assembly of its decision of not amending the bill of [a] text, the President of the National Assembly transmits it within forty-eight hours to the President of the Republic for [aux fins de] promulgation.

If the bill was amended, the Senate transmits it to the National Assembly which decides, either by adopting, or by rejecting wholly [tout] or in part the amendments adopted by the Senate.

Article 190

If, on the occasion of the examination referred to in the last paragraph of Article 189, the National Assembly adopts a new amendment, the bill of law is returned to the Senate which makes a decision on the amended bill.

Within a time period not exceeding five days counting from the date of the return [of the bill], the Senate may, either decide to accept [rallier] the bill amended by the National Assembly, or to adopt the bill after having amended it again.

If the Senate has not decided within the granted time period or if it has informed the National Assembly of its decision to accept [rallier] the bill voted by the National Assembly, this one transmits it within forty-eight hours to the President of the Republic for promulgation.

If the bill has been amended again, the Senate transmits it to the National Assembly which decides definitively, either by adopting, or by amending the bill of law.

Article 191

In the matters referred to in Article 187, [numerals] 1 and 3, the text adopted by the National Assembly is transmitted for adoption to the Senate by the President of the National Assembly.

The Senate adopts the bill, within a time period that may not exceed thirty days, either without amendment, or after having amended it.

If the Senate adopts the bill without amendment, the President of the Senate returns the adopted text to the President of the National Assembly who transmits it within forty-eight hours to the President of the Republic for promulgation.

If the Senate adopts the bill after having amended it, the President of the Senate transmits it to the National Assembly for a new examination.

If the amendments proposed by the Senate are accepted by the National Assembly, the President of the National Assembly transmits, within forty-eight hours, the definitive text to the President of the Republic for promulgation.

When, following a disagreement between the two chambers, a bill or a proposal of law could not be adopted, the President of the National Assembly and the President of the Senate create a mixed paritary commission [commission mixte paritaire] given the charge of proposing a common text on the whole or the part of the text remaining in discussion, within 15 working days.

The text elaborated by the mixed paritary commission is submitted for approval to the two chambers. No amendment is receivable. Each of the two chambers approves it separately.

If the mixed commission does not achieve [parvient] the adoption of a common text, or if this text is not adopted by one or the other chamber, the President of the Republic may either demand the National Assembly to definitively decide or declare the bill or the proposal of law lapsed [caduc].

The National Assembly adopts this text with a majority of two-thirds.

TITLE VII: OF THE RELATIONS BETWEEN THE EXECUTIVE [POWER] AND THE LEGISLATIVE [POWER

• Initiation of general legislation

Article 192

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

The bills of law are deliberated in the Council of Ministers.

Article 193

The agenda of the sessions of the National Assembly and of the Senate includes[,] on priority and in the order that the Government has established[,] the discussion of the bills of law presented by the Government and of the proposals of law presented by the members of the National Assembly or of the Senate.

If a proposal of law could not be studied during two successive ordinary session, it must be registered as a priority in the agenda of the following session.

• Powers of cabinet

Article 194

The Government has the right to propose amendments to the proposals of law submitted by the members of the Parliament.

The National Assembly and the Senate have the right to deliberate, propose amendments to the bills of law or reject the bills of law presented by the Government.

However, the proposals and amendments formulated by the members of the National Assembly or of the Senate are not receivable when their adoption would have as consequence, either an important diminution of the public resources, or the creation or the aggravation of an important public charge, unless those proposals or amendments are accompanied by proposals of compensatory receipts.

When the National Assembly or the Senate has entrusted the examination of a bill or of a proposal of law to a parliamentary commission, the Government may, after the opening of the debates, oppose itself to the examination of any amendment that has not been previously submitted to that commission.

If the Government demands it, the interpellated chamber pronounces itself by a sole vote on all or part of the bill or of the proposal of law by retaining only the amendments proposed or accepted by it [the Government].

Article 195

The Government may, for the execution of its program, demand from the Parliament the authorization to take by decrees-law, for a limited time period, the measures that are normally of the domain of the law.

These decrees-laws must be ratified by the Parliament in the course of the following session.

The ratification is made by a sole vote on all of the text of the law.

In the absence of a law of ratification, they are struck down as lapsed [and] declared [lapsed] by the Constitutional Court, the case arising.

Article 196

If it appears in the course of the legislative procedure, that a proposal of law or an amendment is not of the domain of the law, the Government may oppose the receivability.

In the case of disagreement between the Government and the Parliament, the Constitutional Court, at the demand of the President of the Republic, the President of the National Assembly or the President of the Senate, decides within a time period of eight days.

• Approval of general legislation

Article 197

• Constitutionality of legislation

The President of the Republic promulgates the laws adopted by the Parliament within a time period of thirty days counting from the day of their transmission, if he does not formulate any demand of a second reading or [if he] has not referred [the matter] to the Constitutional Court for unconstitutionality.

The request for a new examination may concern all or part of the law.

• Veto override procedure

After a second reading, the same text may not be promulgated except if it has been voted by a majority of three-quarters of the Deputies and three-quarters of the Senators.

• Organic laws

Before promulgating the organic laws, the President of the Republic must have their conformity to the Constitution verified by the Constitutional Court.

• Referenda

Article 198

The President of the Republic may, after consultation with the Vice-Presidents of the Republic, with the President of the National Assembly and with the President of the Senate, submit to a referendum any draft of a constitutional, legislative or other text, susceptible of having profound repercussions on the life and the future of the Nation or on the nature or the functioning of the institutions of the Republic.

• Legislative oversight of the executive

Article 199

The President of the Republic communicates with the Parliament meeting in Congress by way of [a] message. This message does not give rise to any debate.

Article 200

The members of the Government may assist to the sessions of the National Assembly and of the Senate. They are heard every time they so demand it. They may be assisted by experts.

Article 201

The members of the National Assembly and of the Senate have the right to debate the action and the policy of the Government.

• Legislative oversight of the executive

Article 202

The National Assembly and the Senate may inform themselves about the activity of the Government by way of oral or written questions addressed to the members of the Government.

During the session, one sitting [séance] per week is reserved by priority to the questions of the Deputies and of the Senators and to the answers of the Government.

The Government is required to provide the National Assembly and the Senate all the explanations that are asked from it on its administration and on its acts.

Article 203

The National Assembly can present a motion of censure against the Government with a majority of two-thirds of its members. It can be dissolved by the Head of the State.

A motion of defiance can be voted by a majority of two-thirds of the members of the National Assembly against a member of the Government who shows [accuse] a manifest failure in the administration of their ministerial department or who performs acts contrary to moral integrity or probity or who, by their conduct, disturbs the normal functioning of the Parliament. In this case, the member of the Government presents his resignation obligatorily.

• Legislative oversight of the executive

Article 204

The National Assembly and the Senate have the right to constitute parliamentary commissions given the charge of inquiring on specific subjects of the governmental action.

TITLE VIII: OF THE JUDICIAL POWER

• Eligibility for ordinary court judges

Article 205

Justice is rendered by the courts and tribunals in all the territory of the Republic in the name of the Burundian People.

The role and the attributions of the Public Ministry are fulfilled by the Prosecuting Magistrates. However, the judges of the [Ordinary] Tribunals of Residence and the officers of the police may fulfill vis-a-vis these tribunals the duties of the Public Ministry under the surveillance of the Prosecutor of the Republic.

An organic law establishes the organization and the judicial competences.

• Right to public trial

Article 206

The hearings of the jurisdictions are public, except in case of closed session pronounced by judicial decision, when the publicity is dangerous to the public order or to morality.

• Constitutional court opinions
• Supreme court opinions

Article 207

Any judicial decision must be substantiated before being pronounced in [a] public hearing.

Article 208

The judicial power is structured to reflect in its composition the whole of the population.

The procedures of recruitment and appointment in the judicial corps submit imperatively to the concern to promote regional [and] ethnic equilibrium and the equilibrium between genders.

• Judicial independence

Article 209

The judicial power is impartial and independent of the legislative power and of the executive power.

In the exercise of his functions, the judge is subject only to the Constitution and to the law.

The President of the Republic, Head of the State, is the guarantor of the independence of the Magistrature. He is assisted in this mission by the Superior Council of the Magistrature.

1. OF THE SUPERIOR COUNCIL OF THE MAGISTRATURE

• Establishment of judicial council

Article 210

The Superior Council of the Magistrature sees to the good administration of justice. It is the guarantor of the independence of the presiding magistrates in the exercise of their functions.

• Establishment of judicial council

Article 211

The Superior Council of the Magistrature is the highest disciplinary instance of the Magistrature. It takes cognizance of the complaints of the persons or of the Ombudsman concerning the professional conduct of the Magistrates as well as of the recourses of the Magistrates against the disciplinary measures or of the claims concerning their career.

Article 212

A Magistrate may only be dismissed for [a] professional fault or incompetence, and only by [a] proposal of the Superior Council of the Magistrature.

Article 213

The Superior Council of the Magistrature assists the President of the Republic and the Government in:

1. the elaboration of the policy on [the] matter of justice;

2. the following of the situation of the country in the judicial domain and in that of human rights;

3. the elaboration of the strategies in [the] matter of the fight against impunity.

Article 214

In their career, the Magistrates are appointed by Decree of the President of the Republic on a proposal of the Minister having justice within their attributions, after [the] opinion of the Superior Council of the Magistrature. Those of the [Ordinary] Tribunals of Residence are appointed by ordinance of the Minister having justice within his attributions following the same procedure.

• Establishment of judicial council

Article 215

All appointments to the judicial functions referred to in Article 188, [numeral] 9; except to the Constitutional Court, are made by the President of the Republic on a proposal by the Minister having justice within his attributions, after [the] opinion of the Superior Council of the Magistrature and confirmation by the Senate.

• Establishment of judicial council

Article 216

The Superior Council of the Magistrature produces one time per year, a report on the state of justice that he addresses to the Government, to the National Assembly and to the Senate.

• Establishment of judicial council

Article 217

The Superior Council of the Magistrature is equilibrated on the ethnic [and] regional plane and between genders. It includes:

- five members designated by the Government;
- three judges of the superior jurisdictions;
- two Magistrates from [relevant de] the Public Ministry;
- two judges of the [Ordinary] Tribunals of Residence;
- three members exercising a juridical profession in the private sector.

The members of the second, third and fourth category are elected by their peers.

Article 218

The members of the Superior Council of the Magistrature are appointed by the President of the Republic after [the] approval of the Senate.

Article 219

The Superior Council of the Magistrature is presided over by the President of the Republic assisted by the Minister having justice within his attributions.

Article 220

An organic law determines the organization and the functioning of the Superior Council of the Magistrature as well as the modalities of designation of its members.

2. OF THE SUPREME COURT

• Structure of the courts

Article 221

The Supreme Court is the highest ordinary jurisdiction of the Republic.

It is guarantor of the good application of the law by the courts and tribunals.

• Supreme court selection

Article 222

The judges of the Supreme Court are appointed by the President of the Republic on [a] proposal by the Minister having justice within his attributions, after [the] opinion of the Superior Council of the Magistrature and with the approval of the Senate.

Article 223

An [office] of General Prosecutor of the Republic is instituted, before the Supreme Court, of which the members are appointed in the same manner as the judges of the Supreme Court.

• Supreme court powers

Article 224

An organic law specifies the composition, the organization, the competence and the functioning of the Supreme Court as well as the procedure applicable before it.

3. OF THE CONSTITUTIONAL COURT

• Constitutional interpretation
• Establishment of constitutional court

Article 225

The Constitutional Court is the jurisdiction of the State in constitutional matters. It is the judge of the constitutionality of the laws and interprets the Constitution.

• Constitutional court term limits
• Eligibility for const court judges
• Constitutional court selection
• Constitutional court term length

Article 226

The Constitutional Court is composed of seven members. They are appointed by the President of the Republic and after approval of the Senate. They have a mandate of six years non-renewable.

Three, at least, of the members of the Constitutional Court are career Magistrates.

The President, the Vice-President and the career magistrates are permanent.

The members of the Constitutional Court are chosen [from] among the jurists recognized for their moral integrity, their impartiality and their independence.

Three of the members of the Constitutional Court appointed before the entry into force of this Constitution have a mandate limited to three years. They are chosen by drawing of lots [tirage au sort] assured by the President of this Court assisted by his adjunct in the course of a public hearing.

• Constitutionality of legislation

Article 227

The Constitutional Court may only sit validly if five at least of its members are present. Its decisions are taken with the absolute majority of the sitting members, the voice of the President being preponderant in the case of equal sharing of the voices.

• Constitutional court powers

Article 228

The Constitutional Court is competent to:

- decide on the constitutionality of the laws[,] and [on] the regulatory acts taken in the matters other than those belonging to [relevant] the domain of the law;
- assure the respect for this Constitution, including the Charte des Droits fundamentaux [Charter of Fundamental Rights], by the organs of the State, [and] the other institutions;
- interpret the Constitution, at the request of the President of the Republic, of the President of the National Assembly, of the President of the Senate, of one quarter of the Deputies or of one quarter of the Senators;
- decide on the regularity of the presidential and legislative elections and of the referenda and to proclaim the definitive results of them;
- receive the oath of the President of the Republic, of the Vice-Presidents of the Republic and of the members of the Government before their entry into [their] functions;
- declare the vacancy of the position of President of the Republic.

The organic laws before their promulgation, the internal regulations of the National Assembly and of the Senate before their application, are submitted obligatory to the control of constitutionality.

Article 229

The Constitutional Court is equally competent to decide on the cases specified in Articles 115, 157, 160, 161, 188, 234 and 296 of this Constitution.

• Constitutionality of legislation

Article 230

• Ombudsman

The Constitutional Court is referred to [a matter] by the President of the Republic, the President of the National Assembly, the President of the Senate, by one-quarter of the members of the National Assembly or one-quarter of the members of the Senate, or by the Ombudsman.

Every natural or legal person [personne physique ou morale] interested as well as the Public Ministry may refer the Constitutional Court [to a matter] of the constitutionality of the laws, either directly by way of an action or indirectly by the procedure of exception of unconstitutionality invoked in a matter submitted to another jurisdiction.

This one postpones its decision until the decision of the Constitutional Court which must intervene within a period of thirty days.

• Constitutionality of legislation

Article 231

A provision declared unconstitutional may not be promulgated or implemented.

The decisions of the Constitutional Court are not susceptible to any recourse.

Article 232

An organic law determines the organization and the functioning of the Constitutional Court as well as the procedure applicable before it.

4. OF THE HIGH COURT OF JUSTICE

Article 233

The High Court of Justice is composed of the Supreme Court and of the Constitutional Court reunited. It is presided over by the President of the Supreme Court; the Public Ministry is represented by the General Prosecutor of the Republic.

Article 234

The High Court of Justice is competent to judge the President of the Republic for high treason, [and] the President of the National Assembly, the President of the Senate and the Vice-Presidents of the Republic for crimes and misdemeanors committed in the course of their mandate.

The instruction and the judgment take place before any other affaire.

The decisions of the High Court of Justice are not susceptible to any recourse, except by pardon or revision.

Article 235

In the case of conviction, the President of the Republic, the Vice-Presidents of the Republic, the President of the National Assembly and the President of the Senate are relieved of their functions.

Article 236

An organic law establishes the rules of organization and of functioning of the High Court of Justice as well as the procedure applicable before it.

TITLE IX: OF THE OMBUDSMAN

• Ombudsman

Article 237

The Ombudsman receives the complaints and conducts the inquiries concerning the administrative faults and the violations of the rights of the citizens committed by the agents of the public function and of the judiciary and makes recommendations on that subject to the competent authorities. He also assures a mediation between the Administration and the citizens and between the ministries and the Administration and plays the role of an observer in what concerns the functioning of the public administration.

The law establishes the organization and the functioning of his service.

Article 238

The Ombudsman has at his disposal the powers and of the resources necessary to fulfill his functions. He presents every year a report to the National Assembly and to the Senate. His report is published in the Bulletin officiel du Burundi [Official Gazette of Burundi].

Article 239

The Ombudsman is appointed by the National Assembly with a majority of three-quarters of its members. His appointment is subject to the approval of the Senate with a majority of two-thirds of its members.

His mandate is of six years non-renewable.

TITLE X: OF THE CORPS OF DEFENSE AND OF SECURITY

Article 240

The Corps of Defense and of Security are established in accordance with the law. Apart from these, no other armed organization may not be created or raised.

Article 241

The Corps of Defense and of Security must reflect the resolute willingness of the Burundians, as individuals and as a nation, to live as equals, in peace and harmony. They must teach their members to act in conformity with the Constitution and the laws in force, as well as with the international conventions and agreements of which Burundi is a part, and request from them that they respect these texts.

The Corps of Defense and of Security are at the service of the Burundian People. They must be an instrument of protection of all the Burundian People and all the People must recognize themselves in them.

Article 242

The maintenance of the national security and that of the national defense are submitted to the authority of the Government and to the control of the Parliament.

• Legislative committees

Article 243

The Corps of Defense and of Security must render account of their actions and work in all transparency.

Parliamentary commissions given the charge of supervising the work of the Corps of Defense and of Security, are created in accordance with the legislative texts in force and following the regulations of the Parliament.

Article 244

Neither the Corps of Defense and of Security, nor any of their members may, in the exercise of their functions:

a. Infringe the interests of a political party which, in the terms of the Constitution, is legal;

b. Manifest their political preferences;

c. Favor in a partisan manner the interests of a political party;

• Restrictions on the armed forces

d. Be a member of a political party or of an association with a political character;

• Restrictions on the armed forces

e. Participate in activities or manifestations of a political character.

The law concerning the organization and the functioning of the Corps of Defense and of Security punishes the violation of it.

Article 245

The Corps of Defense and of Security consist of a force of national defense, a national police and a national intelligence [renseignements] service, all established in accordance with this Constitution.

The National Defense Force of Burundi is an armed corps designed, organized and trained for the defense of the integrity of the territory, of the independence and of the sovereignty of the Nation.

The National Police of Burundi is a corps designed, organized and trained for the maintenance and the restoration of security and order in the interior of the country.

The National Intelligence Service [Service National de Renseignement] is a corps designed, organized and trained to look for, centralize and exploit all information of a nature that contributes to the security of the State, of its institutions and of its international relations, as well as to the prosperity of its economy.

Article 246

The Corps of Defense and of Security are subordinated to the civilian authority within the respect for the Constitution, for the law and for the regulations.

Article 247

The Corps of Defense and of Security develop within them a nondiscriminatory, non-ethnicist and non-sexist culture.

Article 248

The organic laws determine the establishment, the missions, the organization, the instruction, the conditions of service and the functioning of the Force of National Defense, of the National Police and of the National Intelligence Service.

Article 249

Within the limits determined by the Constitution and the laws, only the President of the Republic may authorize the use of the Armed Forces:

a. In the defense of the State;

b. In the restoration of order and of the public security;

c. In the fulfillment of the international obligations and engagements.

Article 250

When the Force of National Defense is used in one of the cases cited in the paragraph above, the President consults officially the competent instances [so] enabled and informs the Parliament promptly and in a detailed manner concerning:

a. The reason or reasons for the use of the Force of National Defense;

b. All places where this force is deployed;

c. The period for which this force is deployed.

Article 251

If the Parliament is not in session, the President convokes it in an extraordinary session within the seven days following the use of the Force of National Defense.

Article 252

The Corps of Defense and of Security respect the rights and the dignity of their members within the framework of the normative [normales] constraints of discipline and instruction.

Article 253

The members of the Corps of Defense and of Security have the right to be informed about the socio-political life of the country and to receive a civic education.

Article 254

All foreign intervention outside the international conventions is prohibited. All recourse to foreign forces is prohibited, except in the case of authorization by the President of the Republic.

Article 255

The State has the duty to put in place a pertinent policy of reforms in [the] matter of defense and of security that reinforces the unity and the cohesion of the Burundian People, notably by assuring the necessary ethnic, regional and gender equilibriums.

Article 256

The Corps of Defense and of Security are organized in a manner that guarantees the unity within themselves [en leur sein], the political neutrality of the members as well as the impartiality in the accomplishment of their missions.

Article 257

The Corps of Defense and of Security are open without discrimination to all Burundian citizens who desire to be a part of them. Their organization is based on volunteering and on professionalism.

During a period to be determined by the Senate, the Corps of Defense and of Security may not include more than 50% of the members belonging to a particular ethnic group, taking into account the necessity to assure the ethnic equilibrium and to prevent the acts of genocide and the coups d'Etat.

Article 258

The correction of the disequilibrium within the Corps of Defense and of Security is approached [abordée] progressively in a spirit of reconciliation and trust in order to secure all Burundians.

Article 259

The Corps of Defense and Security are composed of professionals and are nonpartisan.

Their members benefit from a technical, moral and civic training [formation]. This training focuses notably on the culture of peace[,] the conduct in a pluralist democratic political system and for the rights of Man.

Article 260

The members of the Corps of Defense and of Security are trained at all levels in the respect for international humanitarian law and for the primacy of the Constitution.

Article 261

A civilian may not be subjected to the code of military justice nor judged by a military jurisdiction.

TITLE XI: OF THE LOCAL COLLECTIVITIES

• Municipal government

Article 262

An organic law creates the commune as well as other local collectivities of the Republic.

The law determines the fundamental principles of their status, of their organization, of their competences, of their resources as well as the conditions in which these local collectivities are administrated.

Article 263

The commune is a decentralized administrative entity. It is subdivided into entities specified by an organic law.

• Municipal government

Article 264

The commune is administrated by the Communal Council and by the Communal Administrator.

• Municipal government

Article 265

The elections at the communal level are held in accordance with the procedures indicated hereafter:

a. The collines [literally: hills; local administrative collectivities] are administrated by the Councils of the collines of five members elected by universal direct suffrage. The councilor who has obtained the highest number of votes becomes the Head [Chef] of the colline. The candidates must present themselves as independents;

b. The communes are administrated by the Communal Councils which are elected by universal direct suffrage.

Article 266

The Independent National Electoral Commission sees to it that the Communal Councils reflect in a general manner the ethnic diversity of their electorate. In a case where the composition of a Communal Council would not reflect this ethnic diversity, the Independent National Electoral Commission may order the co-optation to the council of persons originating from an ethnic group underrepresented, provided that the persons thus co-opted do not constitute more than one-fifth of the members of the Council. The persons to be co-opted are designated by the Independent National Electoral Commission.

For the first elections, every Communal Council elects within it a Communal administrator and may remove him from his functions for a valid reason, such as corruption, incompetence, grave fault or diversion of funds. For the following elections, the National Assembly and the Senate may, after evaluation, legislate [that] the Administrator should be elected by universal direct suffrage.

None of the principal ethnic components may be represented by more than 67% of the Communal Administrators at the national level. The Independent National Electoral Commission assures the respect for this principle.

• Reference to fraternity/solidarity

Article 267

The State sees to the harmonious and equilibrated development of all the communes of the country on the base of the national solidarity.

TITLE XII: OF THE NATIONAL COUNCILS

Article 268

In view of assuring a large participation of the citizens in the administration of the public affairs, the State puts in place the following national councils:

- the National Council for National Unity and Reconciliation;
- the National Observatory [Observatoire] for the prevention and the eradication of genocide, of war crimes and of crimes against humanity;
- the National Council of Security;
- the Economical and Social Council;
- the National Council of Communication.

The Government guarantees to these Councils the means necessary for their functioning.

• Truth and reconciliation commission

1. OF THE NATIONAL COUNCIL FOR NATIONAL UNITY AND RECONCILIATION

Article 269

The National Council for National Unity and Reconciliation is a consultative organ given the charge of notably:

- conducting reflections and giving advice on all essential issues related to unity, to peace and to national reconciliation, in particular those relating to the prioritizing missions of the institutions;
- following regularly the evolution of the Burundian society from the point of view of the issue of the national unity and of reconciliation;
- producing periodically a report on the status of the national unity and of the reconciliation and bring it to the cognizance of the nation;
- emitting proposals in view of the improvement of the situation of the national unity and of the reconciliation in the country;
- conceiving and initiating the necessary actions in view of rehabilitating the institution of Ubushingantahe, to make of it an instrument of peace and of social cohesion;
- emitting opinions and proposals on other matters of interest to the nation.

The National Council for National Unity and Reconciliation is consulted by the President of the Republic, the Government, the National Assembly and the Senate.

On its own initiative, it may equally emit opinions and render them public.

Article 270

The National Council for National Unity and Reconciliation is composed of notable persons recognized for their moral integrity and the interest they bear [portent] for the life of the nation and more particularly to its unity.

The members of the National Council for National Unity and Reconciliation are appointed by the President of the Republic in concert with the Vice-Presidents of the Republic.

• Oaths to abide by constitution

Article 271

The members of the National Council for National Unity and Reconciliation must take an oath to defend the national unity and to promote reconciliation.

Article 272

The National Council for National Unity and Reconciliation produces an annual report that it submits to the President of the Republic, to the Government, to the National Assembly and to the Senate.

Article 273

An organic law specifies the composition and establishes the organization and the functioning of the National Council for National Unity and Reconciliation.

• Human rights commission

2. OF THE NATIONAL OBSERVATORY FOR THE PREVENTION AND THE ERADICATION OF GENOCIDE, OF WAR CRIMES AND OF CRIMES AGAINST HUMANITY

Article 274

The National Observatory for the prevention and the eradication of genocide, of war crimes and of crimes against humanity is a consultative organ given the charge of notably:

- following regularly the evolution of the Burundian society from the point of view of the issue of genocide, of war crimes and of other crimes against humanity;
- preventing and eradicating the acts of genocide, war crimes and other crimes against humanity;
- suggesting the measures to effectively fight against the impunity of crimes;
- promoting the creation of a regional observatory;
- promoting a national inter-ethnic front of resistance against genocide, war crimes and other crimes against humanity, as well as against globalization and collective culpability;
- promoting legislation against genocide, war crimes and the other crimes against humanity, and following the strict respect of it;
- proposing policies and measures for the rehabilitation of the victims of genocide, of war crimes and of other crimes against humanity;
- contributing to the implementation of a vast program of sensitization and education to peace, to unity and to national reconciliation.

Article 275

The National Observatory for the prevention and the eradication of genocide, of war crimes and of crimes against humanity produces an annual report that it submits to the President of the Republic, to the Government, to the National Assembly and to the Senate.

Article 276

An organic law determines the missions, the composition, the organization and the functioning of the National Observatory for the prevention and the eradication of genocide, of war crimes and of crimes against humanity.

• Advisory bodies to the head of state

3. OF THE NATIONAL COUNCIL OF SECURITY

Article 277

The National Council of Security is a consultative organ given the charge of assisting the President of the Republic and the Government in the elaboration of the policy in [the] matters of security, in the following of the situation of the country in [the] matter of security and in the elaboration of the strategies of defense, of security and of maintenance of the order in the case of crisis.

The Council follows attentively the status of the national unity and cohesion within the Corps of Defense and of Security.

The Council may be consulted on any other issue in relation to the security of the country.

The Council produces an annual report that it submits to the President of the Republic, to the Government, to the National Assembly and to the Senate.

Article 278

The members of the National Council of Security are appointed by the President of the Republic in concert with the Vice-Presidents of the Republic.

Article 279

An organic law determines the missions, the composition, the organization and the functioning of the National Council of Security.

4. OF THE ECONOMICAL AND SOCIAL COUNCIL

Article 280

The Economical and Social Council is a consultative organ having competence in all the aspects of the economical and social development of the country.

It is obligatorily consulted on any project of plan of development, on issues of the environment and of the conservation of nature and on any project of regional or sub-regional integration.

The Economical and Social Council can, on its own initiative, under the form of recommendations, draw the attention of the National Assembly, of the Senate or of the Government to the reforms of economical and social order that seem conform or contrary to the general interest.

It gives[,] equally[,] its opinion on all the issues brought [portées] to its examination by the President of the Republic, the Government, the National Assembly, the Senate or by another public institution.

Article 281

The Economical and Social Council is composed of members chosen for their competence in the different socio-professional sectors of the country.

The members of the Economical and Social Council are appointed by the President of the Republic in concert with the Vice-Presidents of the Republic.

Article 282

The Economical and Social Council produces an annual report that it addresses to the President of the Republic, to the Government, to the National Assembly and to the Senate.

Article 283

An organic law determines the missions, the composition, the organization and the functioning of the Economical and Social Council.

• Media commission

5. OF THE NATIONAL COUNCIL OF COMMUNICATION

• State operation of the media
• Freedom of press

Article 284

The National Council of Communication sees to the freedom of audio-visual and written communication within the respect for the law, for public order and for morality.

The National Council of Communication has, to this effect, a power of decision notably in [the] matter of the respect for and the promotion of the freedom of the press and the equitable access of the diverse political, social, economical and cultural opinions to the public media.

The National Council of Communication plays equally a consultative role vis-a-vis the Government in [the] matter of communication.

Article 285

The National Council of Communication is composed of members chosen in the sector of communication and in the diverse sectors [milieux] of users of the media, on the base of the interest that they bear [portent] for social communication, [and] for the freedom of the press, of expression and of opinion.

Article 286

The members of the National Council of Communication are appointed by the President of the Republic in concert with the Vice-Presidents of the Republic.

Article 287

The National Council of Communication produces an annual report that it submits to the President of the Republic, to the Government, to the National Assembly and to the Senate.

Article 288

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

TITLE XIII: OF THE INTERNATIONAL TREATIES AND AGREEMENTS

• Foreign affairs representative
• Treaty ratification

Article 289

The President of the Republic has the high direction of the international negotiations. He signs and ratifies the international treaties and agreements.

• International organizations
• Treaty ratification
• Legal status of treaties

Article 290

The treaties of peace and the treaties of commerce, the treaties relative to the international organization, the treaties that engage the finances of the State, those that modify the provisions of a legislative nature as well as those relative to the status of persons may not be ratified except by virtue of a law.

Article 291

The Republic of Burundi may create with other States international organizations of common administration and coordination and of free cooperation. It may conclude agreements of association or of community with other States.

Article 292

The treaties take effect only after having been regularly ratified and under reserve of their application by the other party in the case of bilateral treaties[,] and the realization of the conditions for the entry into force specified by them for the multilateral treaties.

Article 293

The agreements authorizing the storing of toxic wastes and other matters that could gravely infringe the environment are prohibited.

Article 294

The Corps of Defense and Security may participate in international operations for the maintenance of peace in the world. No Burundian force may be deployed exterior to the national frontiers without prior authorization of the President of the Republic after consultation with the Vice-Presidents of the Republic and with the National Council of Security.

The National Assembly and the Senate must be informed within a time period not exceeding seven days.

• Accession of territory

Article 295

Any cession, any exchange, any adjunction of territory is only valid with the consent of the Burundian People called to pronounce itself by referendum.

• International law
• Legal status of treaties

Article 296

When the Constitutional Court, referred to [the matter] by the President of the Republic, the President of the National Assembly, the President of the Senate, a quarter of the members of the National Assembly or of the Senate, has declared that an international engagement contains a clause contrary to the Constitution, the authorization to ratify this engagement may only intervene except after amendment or revision of the Constitution.

TITLE XIV: OF THE REVISION OF THE CONSTITUTION

• Constitution amendment procedure

Article 297

The initiative of the revision of the Constitution belongs concurrently to the President of the Republic after consultation with the Government, to the National Assembly or to the Senate deciding respectively with an absolute majority of the members that compose them.

Article 298

The President of the Republic can submit to referendum a bill of amendment of the Constitution.

• Unamendable provisions

Article 299

No procedure of revision may be retained if it infringes the national unity, the cohesion of the Burundian People, the secularity of the State, the reconciliation, the democracy or the integrity of the territory of the Republic.

Article 300

The bill or the proposal of amendment of the Constitution is adopted with a majority of four-fifths of the members composing the National Assembly and two-thirds of the members of the Senate.

TITLE XV: OF THE PARTICULAR PROVISIONS FOR THE FIRST POST-TRANSITION PERIOD

Article 301

Any person having exercised the functions of President of the Republic during the period of transition is ineligible in the first presidential elections.

Article 302

Exceptionally, the first President of the Republic of the post-transition period is elected by the [elected] National Assembly and the elected Senate meeting in Congress, with a majority of two-thirds of the members. If this majority is not obtained on the first two ballots, it immediately proceeds to other ballots until a candidate obtains the suffrage equal to two-thirds of the members of the Parliament.

In the case of vacancy of the first President of the Republic of the post-transition period, his successor is elected according to the same modalities specified in the preceding paragraph.

The President elected for the first post-transition period may not dissolve the Parliament.

Article 303

Equally exceptionally and to the sole ends of the first elections of the Deputies, and only if one party has obtained more than three-fifths of the seats by direct suffrage, a total of eighteen to twenty-one supplementary members are co-opted in equal numbers from the lists of all parties having registered at least the minimum established for the suffrage, or in a rate of two persons per party in the case where more than seven parties should meet the required conditions.

TITLE XVI: OF THE TRANSITORY PROVISIONS

Article 304

While awaiting the establishment of the institutions issuing from the elections in accordance with this Constitution, the institutions of transition and the territorial administration remain in function until the date determined in accordance with the calendar established by the Independent National Electoral Commission.

TITLE XVII: OF THE FINAL PROVISIONS

Article 305

In the measure that they are not contrary to the Constitution, the legislative and regulatory provisions[,] prior to its entry into force[,] remain in application until their modification or their abrogation.

Article 306

The Post-Transition Interim Constitution of the Republic of Burundi promulgated on 28 October 2004 is abrogated.

Article 307

This Constitution of the Republic of Burundi enters into force the day of its promulgation.

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