

# CONSTITUTION OF THE REPUBLIC OF CHAD

Adopted on 31 March 1996, promulgated on 14 April 1996

## PREAMBLE

Chad, proclaimed as a Republic on 28 November 1958, acceded to national and international sovereignty on 11 August 1960. ...

Years of dictatorship and single party rule have prevented the blossoming of any democratic culture and of multi-party politics.

The different regimes that succeeded one another created and maintained regionalism, tribalism, nepotism, social inequalities, violations of human rights and of fundamental individual and collective liberties, of which the consequences have been war, political violence, hatred, intolerance and suspicion between the different communities that make up the Chadian nation.

This institutional and political crisis which has been shaking Chad for more than three decades, has not thwarted the determination of the Chadian people to attain the edification of a nation, dignity, freedom, peace and prosperity ...

As a consequence, we the Chadian people:

Affirm by this Constitution, our will to live together in respect of ethnic, religious, regional and cultural diversity; to build a state of law and a united nation founded on public liberties and fundamental human rights, dignity of the human person, and political pluralism, on the African values of solidarity and brotherhood;

Reaffirm our commitment to the principles of human rights as defined by the Charter of the United Nations of 1945, by the Universal Declaration of Human Rights of 1948 and the African Charter on Human and Peoples' Rights of 1981;

Proclaim solemnly our right and duty to resist and to disobey any individual or group of individuals, any state body that would assume power by force or would exercise it in violation of the present Constitution;

Affirm our total opposition to any regime whose policy would be founded on arbitrariness, dictatorship, injustice, corruption, extortion, nepotism, emphasis of clan, tribe or religion, tribalism, confessionalism, or confiscation of power;

Affirm our will to co-operate in peace and friendship with all peoples sharing our ideals of freedom, justice and solidarity, on the basis of the principles of equality, reciprocal interests, mutual respect, and of national sovereignty, territorial integrity and non-interference;

Proclaim our attachment to the cause of African unity and our commitment to work in every way toward the realisation of sub-regional and regional integration;

Adopt solemnly the present Constitution as the supreme law of the state.

This Preamble is an integral part of the Constitution.

## TITLE I: THE STATE AND SOVEREIGNTY

### Article 1

Chad is a sovereign, independent, secular, social, and indivisible, Republic founded on the principles of democracy, the rule of law and justice. The separation between state and religion is affirmed.

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### Article 3

Sovereignty belongs to the people who exercise it either directly by referendum, or indirectly through their elected representatives. No community, no corporation, no political party or association, no trade union, no individual, no group of individuals may arrogate its exercise. The conditions of recourse to a referendum are determined by this Constitution and by an organic law.

### Article 4

Political parties and groups agree on voting rights. They form freely and exercise their activities according to the conditions specified by law and respectful of the principles of national sovereignty, territorial integrity, national unity and multi-party democracy.

#### Article 5

All propaganda of an ethnic, tribalist, regionalist or religious nature, tending to affect the national unity or the secularity of the state, is forbidden.

#### Article 6

Suffrage is universal, direct or indirect, equal and secret. All Chadians of both sexes, aged eighteen years and older and enjoying their civil and political rights, are voters under the conditions determined by law.

#### Article 7

The principle of the exercise of power is: "Government of the people, by the people and for the people", founded on the separation of executive, legislative and judicial powers.

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#### Article 9

The official languages are French and Arabic. The law establishes the conditions of promotion and development of the national languages.

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## TITLE II: LIBERTIES, FUNDAMENTAL RIGHTS AND DUTIES

## Article 12

Liberties and fundamental rights are recognised and their exercise is guaranteed to citizens under the conditions and forms specified by the Constitution and the law.

## Article 13

Chadians of either sex have the same rights and the same duties. They are equal before the law.

## Article 14

The state assures to all equality before the law, without distinction of origin, race, sex, religion, political opinion, or social position. It has the duty to see to the elimination of all forms of discrimination with regard to women and to assure the protection of their rights in all areas of private and public life.

## Article 15

Foreigners who have been admitted legally on the territory of the Republic of Chad benefit from the same rights and liberties as Chadian nationals, excluding political rights. They are required to comply with the Constitution, the laws and regulations of the Republic.

## Article 16

The rights of juridical persons are guaranteed by this Constitution.

## CHAPTER I: Liberties and Fundamental Rights

### Article 17

The human person is sacred and inviolable. Each individual has the right to life, personal integrity, security, freedom, the protection of private life and possessions.

### Article 18

No one may be subjected to cruelty, degrading or humiliating treatment, or torture.

### Article 19

Each individual has the right to the free development of his or her person with respect, subject to the rights of others, good morals and public order.

### Article 20

No one may be held in slavery or servitude.

### Article 21

Illegal and arbitrary arrests and detentions are forbidden.

### Article 22

No one may be detained in a penitentiary institution unless by virtue of a penal law in force.

## Article 23

No one may be arrested nor charged except by virtue of a law promulgated prior to the acts for which he or she is blamed.

## Article 24

Any accused is presumed innocent until the establishment of his or her culpability following a regular process offering indispensable guarantees for his or her defence.

## Article 25

Punishment is personal. No one may be held responsible and prosecuted for an act which he or she has not committed.

## Article 26

Customary and traditional rules concerning collective penal responsibility are forbidden.

## Article 27

The freedoms of opinion and of expression, communication, conscience, religion, the press, association, assembly, circulation, demonstration, and parade are guaranteed to all. These can only be restricted by respect for the freedoms and rights of others and the obligation to safeguard the public order and good morals. The law determines the conditions of their exercise.

## Article 28

The freedom to belong to trade unions is recognised. Each citizen is free to



belong to the union of his choice.

#### Article 29

The right to strike is recognised. It is exercised within the order of the laws which regulate it.

#### Article 30

The dissolution of associations, of political parties and of trade unions may only take place according to conditions provided in their statutes or by judicial means.

#### Article 31

Access to public employment is guaranteed to each Chadian without any discrimination subject to specific conditions of each type of employment.

#### Article 32

The state recognises to all citizens the right to work. It guarantees to each worker just remuneration for his services or his production. No one may be wronged in their work on account of their origins, opinions, beliefs, sex or their marital status.

#### Article 33

Each Chadian has the right to culture. The state has the duty to safeguard and promote the national values of civilisation.

#### Article 34

Each citizen has the right to the creation, to the protection and to the

enjoyment of his intellectual and artistic works. The state assures the promotion and protection of the national cultural patrimony as well as artistic and literary production.

#### Article 35

Each citizen has the right to education. Public education is secular and free. Private education is recognised and is exercised within conditions defined by law. Basic education is compulsory.

#### Article 36

The state and the Decentralised Territorial Collectivities establish the conditions and institutions which assure and guarantee the education of children.

#### Article 37

The family is the natural and moral basis of society. The state and the Decentralised Territorial Collectivities have the duty to see to the well-being of the family.

#### Article 38

Parents have the natural right and the duty to raise and educate their children. In this task they are supported by the state and the Decentralised Territorial Collectivities. The children may be separated from their parents or from those who have them in charge, only when these fail in their duty.

#### Article 39

The state and the Decentralised Territorial Collectivities establish the conditions for the blossoming and well-being of youth.



#### Article 40

The state strives to provide for the needs of each citizen who, on account of his age or his physical inability, finds himself unable to work, notably by the institution of organs of a social character.

#### Article 41

Private property is inviolable and sacred. No one may be dispossessed of it except for reasons of public utility, duly established and in return for which a just and predetermined indemnification.

#### Article 42

The domicile is inviolable. Searches may be effected only in cases and forms provided by law.

#### Article 43

Every Chadian has the right to establish freely his or her domicile and his or her residence anywhere in the national territory.

#### Article 44

Every Chadian has the right to move freely inside the national territory, to leave it and to return.

#### Article 45

The privacy of correspondence and of communications is guaranteed by the law.

## Article 46

The right of asylum is granted to foreign nationals within the conditions determined by law. The extradition of political refugees is forbidden.

## Article 47

Every person has the right to a healthy environment.

## Article 48

The state and Decentralised Territorial Collectivities must see to the protection of the environment. The conditions of stocking, handling and removal of toxic or polluting wastes originating from national activities are determined by law. The transit, importation, stocking, burying and dumping on the national territory of foreign toxic or polluting wastes are forbidden.

## CHAPTER II: Duties

## Article 49

Every citizen is obliged to respect the Constitution, the laws and regulations as well as the institutions and the symbols of the Republic.

## Article 50

Public assets are inviolable. Everyone must respect them and protect them.

## Article 51

The defence of the fatherland and of the integrity of the national territory is a duty placed on every Chadian. Military service is obligatory. The

conditions for accomplishing this duty are determined by law.

#### Article 52

Every citizen has the duty to respect and protect the environment.

#### Article 53

Each citizen participates, according to his or her income and his or her health, in public expenses.

#### Article 54

No one may avail oneself of one's religious beliefs, nor one's philosophical opinions, to excuse one from a duty dictated by the national interest.

#### Article 55

The state has the duty to protect the legitimate interests of Chadian nationals abroad.

#### Article 56

The state guarantees the political neutrality of the administration and the armed and security forces.

#### Article 57

The state exercises its complete and permanent sovereignty over all national wealth and natural resources for the well-being of the whole national community. However, it may cede the exploration and exploitation of those natural resources to private initiative.

Article 58

The state guarantees the freedom of trade.

### TITLE III: THE EXECUTIVE POWER

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CHAPTER I: The President of the Republic

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Article 87

When the institutions of the Republic, the independence of the nation, the territorial integrity or the execution of international commitments are threatened in a grave and immediate manner and when the regular functioning of the public powers is interrupted, the President of the Republic, after consultation with the Presidents of the Assemblies and the President of the Constitutional Council, may take in the Council of Ministers for a period not exceeding fifteen (15) days, such exceptional measures as are required by the circumstances. This period may only be extended following the affirmation of the two Assemblies. The President of the Republic informs the nation by a message. The Parliament meets of right if it is not in session. These exceptional measures may never justify any negative effects to the rights to life, to moral and physical integrity and to the jurisdictional guarantees granted to individuals.

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### TITLE VI: JUDICIAL POWER

Article 146

Judicial power is independent of the executive power and of the legislative power.

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Article 148

... The courts are the guardians of the freedoms and of individual property and guard over respect of fundamental rights.

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Article 155

Sitting magistrates are only subject to the authority of the law, in the exercise of their functions. They are irremovable.

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CHAPTER I: The Supreme Court

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Article 159

The members of the Supreme Court are irremovable. They remain in their functions until eligible for retirement, except in the case of conviction for misdemeanours and crimes, resignation, or definitive incapacity.

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CHAPTER II: Customary and Traditional Rules

Article 161

Until their codification, customary and traditional rules are applicable only in the communities where they are recognised. However, those customs contrary to the public order or those which promote inequality between citizens are forbidden.

## Article 162

Customary or traditional rules dictating matrimonial regimes and inheritances may be applied only with the consent of the parties concerned. The same applies in case of conflict between two or more customary rules.

## Article 163

Customary or traditional reparation may not be an obstacle to public action.

## TITLE VII: THE CONSTITUTIONAL COUNCIL

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## Article 166

The Constitutional Council is the judge of the constitutionality of laws, treaties and international agreements.

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## Article 170

At the demand of the President of the Republic, the Prime Minister, the President of the National Assembly, the President of the Senate or of at least one-tenth of the members of the National Assembly or the Senate, the Constitutional Council will decide on the Constitutionality of a law, before it is promulgated.

## Article 171

Every citizen may raise the exception of unconstitutionality before any jurisdiction regarding a matter that concerns him. In such a case, the jurisdiction suspends judgment and seizes the Constitutional Council which must make a decision within a maximum of forty-five days.



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#### Article 173

No text may be promulgated or take effect with its provisions declared unconstitutional.

#### Article 174

The decisions of the Constitutional Council are not susceptible to any recourse. They are applicable to the public powers, and all the administrative, military and judicial authorities.

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### TITLE VIII: THE HIGH COURT OF JUSTICE

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#### Article 178

The High Court of Justice is competent to judge the President of the Republic and the members of the government as well as their accomplices in case of high treason. Any deed affecting the republican form, the unification and secularity of the state, the sovereignty, the independence, and the integrity of the national territory is considered a crime of high treason. Considered as high treason are grave and characteristic violations of human rights, embezzlement of public funds, corruption, extortion, traffic in drugs and the introduction of toxic or dangerous waste with a view to their transit, storage or stockpiling on the national territory. The President of the Republic is not responsible for acts committed in the exercise of his functions, except in the case of high treason.

#### Article 179

Except in the cases of high treason, the members of the government are criminally responsible for their acts before the jurisdiction of common law.

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#### Article 181

The High Court of Justice is bound by the definition of crimes and misdemeanours as well as by the penalties resulting from the penal laws which are in force at the time the deeds were committed.



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## TITLE IX: THE HIGH COUNCIL OF COMMUNICATION

### Article 183

A High Council of Communication is established.

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### Article 186

The High Council of Communication:

- monitors respect for ethical rules in matters of information and communication;
- guarantees the freedom of the press and pluralistic expression of opinions;
- assures political parties of equal access to the public media;
- guarantees to the associations equal access to the public media;

...

## TITLE XII: TRADITIONAL AND CUSTOMARY AUTHORITIES

### Article 214

The traditional and customary authorities are the guarantors of traditions and customs.

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Article 216

They are the collaborators of the administration with respect for the freedoms and human rights.

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### TITLE XIII: CO-OPERATION, TREATIES AND INTERNATIONAL AGREEMENTS

Article 218

The Republic of Chad may conclude with other states treaties of co-operation or association on the basis of the principles of equality, mutual respect of sovereignty, territorial integrity, mutual advantages, and national dignity.

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Article 219

The President of the Republic negotiates and ratifies treaties. ...

Article 220

Peace treaties ... or those concerning the well-being of persons, may be approved or ratified only upon the authorisation of Parliament.

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Article 222

The treaties and agreements regularly ratified have, as soon as they have been published, greater authority than that of the laws, under the condition for each agreement or treaty to be applied by the other party.

## TITLE XIV: REVISION

### Article 223

The initiative of revision belongs concurrently to the President of the Republic upon a decision taken in the Council of Ministers, and to the Members of Parliament. To be taken into consideration, any draft or proposition of revision must be voted on, in identical terms, by a two-thirds majority of the members of the National Assembly and the Senate.

### Article 224

The revision of the Constitution is approved by referendum. However, a technical revision may take place with the approval of a three-fifths majority of the members of the National Assembly and the Senate meeting in Congress.

### Article 225

No procedure of revision may be started or pursued if it interferes with:

- the integrity of the territory, independence or national unity;
- the republican form of the state, the principle of the division of powers and secularity;
- the freedoms and fundamental rights of the citizen;
- political pluralism.

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