

CONSTITUTION OF THE PORTUGUESE REPUBLIC

†

FOURTH REVISION 1997

(Text according to Constitutional law no. 1/97 of 20 September)

PREAMBLE

On 25 April 1974 the Armed Forces Movement, setting the seal on the long resistance of the Portuguese people and interpreting their deep-seated feelings, overthrew the fascist regime.

The liberation of Portugal from dictatorship, oppression and colonialism represented a revolutionary change and an historic new beginning in Portuguese society.

The Revolution restored fundamental rights and freedoms to the people of Portugal. In exercise of those rights and freedoms, the legitimate representatives of the people have assembled to draw up a Constitution that meets the aspirations of the country.

The Constituent Assembly affirms the decision of the Portuguese people to defend their national independence, to guarantee the fundamental rights of citizens, to establish the basic principles of democracy, to safeguard the primacy of the rule of law in a democratic state and to open the way to a socialist society, with respect for the will of the Portuguese people and the goal of building a freer, more just and more fraternal country.

The Constituent Assembly, meeting in plenary session on 2 April 1976, approves and decrees the following Constitution of the Portuguese Republic.

Fundamental principles

Article 1 Portuguese Republic

Portugal is a sovereign Republic, that is based upon the dignity of the human person and the will of the people and is committed to building a free and just society united in its common purposes.

Article 2 Democratic State based on the rule of law

The Portuguese Republic is a democratic State that is based upon the rule of law, the sovereignty of the people, the pluralism of democratic expression and democratic political organisation, and respect and effective guarantees for fundamental rights and freedoms and the separation and inter-dependence of powers, and that has as its aims the achievement of economic, social and cultural democracy and the deepening of participatory democracy.

Article 3

Sovereignty and legality

1. Sovereignty, single and indivisible, rests with the people, who shall exercise it in the manner and form laid down in this Constitution.
2. The State shall be subject to this Constitution and shall be based upon democratic legality.
3. The validity of the laws and other actions of the State, the autonomous regions, local government and any other public bodies depends upon their compliance with this Constitution.

Article 4

Portuguese citizenship

All persons are Portuguese citizens who are regarded as such by law or under international convention.

Article 5

Territory

1. Portugal comprises the territory on the Continent of Europe as is historically defined and the archipelagos of the Azores and Madeira.
2. The extent and limits of territorial waters and the exclusive economic zone, and the rights of Portugal to the adjacent sea bed, shall be laid down by law.
3. The State shall not transfer ownership of any part of the territory of Portugal, or any of the sovereign rights that it exercises over that territory, unless for the purpose of rectifying frontiers.

Article 6

Unitary State

1. The State is a unitary State that is structured and functions under the rule of the self-governing system of the islands and the principles of the subsidiarity, the autonomy of local authorities and the democratic decentralisation of the public service.

2. The archipelagos of the Azores and Madeira shall constitute autonomous regions with their own political and administrative statutes and their own institutions of self-government.

Article 7

International relations

1. In international relations, Portugal shall be governed by the principles of national independence, respect for human rights, the rights of peoples, equality between States, the peaceful settlement of international disputes, non-interference in the internal affairs of other states and co-operation with all other peoples for the emancipation and progress of mankind.

2. Portugal shall advocate the abolition of imperialism, colonialism and any other form of aggression, domination and exploitation in relations among peoples, as well as the achievement of simultaneous and controlled general disarmament, the dissolution of political-military blocs and the setting up of a collective security system, with a view to the creation of an international order capable of safeguarding peace and justice in relations among peoples.

3. Portugal recognises the right of peoples to self-determination, independence and development, as well as the right to rebel against all forms of oppression.

4. Portugal shall maintain privileged bonds of friendship and co-operation with those countries that are Portuguese-speaking.

5. Portugal is pledged to the reinforcement of the European identity and to the strengthening of the commitment of the States of Europe to democracy, peace, economic progress and justice in the relations between their peoples.

6. Provided that there is reciprocity, Portugal may enter into agreements for the joint exercise of the powers necessary to establish the European Union, in ways that have due regard for the principle of subsidiarity and the objective of economic and social cohesion.

Article 8

International law

1. The rules and principles of general or customary international law are an integral part of Portuguese law.

2. Rules provided for in international conventions that have been duly ratified or approved, shall apply in national law, following their official publication, so long as they remain internationally binding with respect to the Portuguese State.

3. Rules made by the competent organs of international organisations to which Portugal belongs apply directly in national law to the extent that the constitutive treaty provides.

Article 9

Basic responsibilities of the State

The basic responsibilities of the State are:

- a. To guarantee national independence, and to create the political, economic and cultural conditions that are conducive to it;
- b. To guarantee fundamental rights and freedoms and respect for the principles of the democratic State based on law;
- c. To defend political democracy, and to safeguard and promote the democratic participation of citizens in the resolution of national problems;
- d. To promote the welfare and quality of life of the people, and actual equality between Portuguese in their enjoyment of economic, social and cultural and environmental rights, through the transformation and modernisation of the economic and social structures;
- e. To protect and enhance the cultural heritage of the Portuguese people, to protect nature and the environment, to conserve natural resources and to ensure the proper planning of the national territory;
- f. To safeguard instruction in, and a constant increase in respect for, the Portuguese language, to defend its use and to promote its international currency.
- g. To promote the harmonious development of the entire national territory with specific consideration given to the ultra-peripheral character of the archipelagos of the Azores and Madeira;
- h. To promote equality between men and women.

Article 10

Universal suffrage and political parties

1. The people shall exercise political power through universal, equal, direct, secret and periodic suffrage, through referendum and through other forms laid down in this Constitution.
2. The political parties shall assist in bringing about the organisation and expression of the will of the people and shall respect the principles of national independence, the unity of the State and political democracy.

Article 11

National symbols

1. The National Flag, the symbol of the sovereignty of the Republic and of the

independence, unity and unitary nature of Portugal, shall be the flag adopted by the Republic established by the Revolution of 5 October 1910.

2. The National Anthem shall be A Portuguesa.

PART I

Fundamental rights and duties

SECTION 1

General principles

Article 12

Principle of universality

1. All citizens shall enjoy the rights and be subject to the duties laid down in this Constitution.

2. Corporate bodies shall enjoy such rights and be subject to such duties as are compatible with their nature.

Article 13

Principle of equality

1. All citizens have the same social rank and are equal before the law.

2. No one shall be privileged or favoured, or discriminated against, or deprived of any right or exempted from any duty, by reason of his or her ancestry, sex, race, language, territory of origin, religion, political or ideological convictions, education, economic situation or social circumstances.

Article 14

Portuguese citizens abroad

Portuguese citizens temporarily or habitually resident abroad shall enjoy the protection of the State in the exercise of their rights, and shall be subject to such duties as are not incompatible with their absence from the country.

Article 15

Aliens, stateless persons, European citizens

1. Aliens and stateless persons temporarily or habitually resident in Portugal shall enjoy the same rights and be subject to the same duties as Portuguese citizens.

2. Paragraph 1 does not apply to political rights, to the performance of public functions that are not predominantly technical or to rights and duties that, under this Constitution or the law, are restricted to Portuguese citizens.

3. Citizens of Portuguese-speaking countries may, by international convention and provided that there is reciprocity, be granted rights not otherwise conferred on aliens, except the right to become members of the organs with supreme authority or of self-government of the autonomous regions, to service in the armed forces or to appointment to the diplomatic service.

4. Provided that there is reciprocity, the law may confer upon aliens who reside in the national territory the right to vote for, and to stand for election as, members of the organs of local authorities.

5. Provided that there is reciprocity, the law may also confer upon citizens of the Member States of the European Union, who reside in Portugal, the right to vote for, and to stand for election as, Members of the European Parliament.

Article 16

Fundamental rights: scope and interpretation

1. The fundamental rights contained in this Constitution shall not exclude any other fundamental rights provided for in the laws or resulting from applicable rules of international law.

2. The provisions of this Constitution and of laws relating to fundamental rights shall be construed and interpreted in harmony with the Universal Declaration of Human Rights.

Article 17

System of rights, freedoms and guarantees

The general system of rights, freedoms and guarantees comprises those set out in Section II and fundamental rights of a similar kind.

Article 18

Legal application

1. The constitutional provisions relating to rights, freedoms and guarantees shall be directly applicable to, and binding on, both public and private bodies.

2. Rights, freedoms and guarantees may be restricted by law in only those cases expressly provided for in this Constitution; restrictions shall be limited to the extent necessary to safeguard other rights or interests protected by this Constitution.

3. Laws restricting rights, freedoms and guarantees shall be general and abstract in character, shall not have retroactive effect and shall not limit, in extent or scope, the essential content of the constitutional provisions.

Article 19

Suspension of the exercise of rights

1. The organs with supreme authority shall not, jointly or separately, suspend the

exercise of rights, freedoms and guarantees, except where a state of siege or a state of emergency has been declared in the manner laid down by this Constitution.

2. A state of siege or a state of emergency may be declared in all or any part of the national territory, but only in the event of actual or imminent aggression by foreign forces, of serious threat to, or disturbance of, the democratic constitutional order or of a public disaster.

3. A state of emergency may be declared where the circumstances mentioned in paragraph 2 are of a less serious nature; it shall at the most give rise to the suspension of some of the rights, freedoms and guarantees that are capable of suspension.

4. When the choice is made between a state of siege and a state of emergency, the principle of proportionality shall be respected in making the decision in favour of one or other state and in giving effect to that decision; in particular, the extent of application, the duration and the measures provided for shall be limited to those strictly necessary for the prompt restoration of the constitutional normality.

5. A declaration of a state of siege or a state of emergency shall be based on properly substantiated grounds, and shall specify those rights, freedoms and guarantees, the exercise of which is to be suspended; it shall be in force for a period of not more than 15 days or, where the declaration results from a declaration of war, for the period laid down by law, but it may from time to time be renewed subject to the same time limits.

6. A declaration of a state of emergency or a state of siege shall in no case affect the rights to life, personal integrity and identity, civil capacity, and citizenship, of the person, the non-retroactivity of criminal law, the defence rights of accused persons and the freedom of conscience and religion.

7. A declaration of a state of siege or a state of emergency may affect constitutional normality only within the limits set out in this Constitution and in law; in particular, it may not affect the enforcement of the constitutional provisions with respect to the powers and operation of the organs with supreme authority and the organs of self-government of the autonomous regions, nor the rights and immunities of their members.

8. A declaration of a state of siege or a state of emergency shall vest the authorities with the powers to take the action necessary and appropriate for the prompt restoration of the constitutional normality.

Article 20

Access to law and effective judicial protection

1. Everyone is guaranteed access to law and to the courts in order to defend his or her rights and legally protected interests; justice shall not be denied to a person for lack of financial resources.

2. Everyone has the right, in accordance with the law, to legal advice and

information, as well as to legal aid, and the right to be assisted by a lawyer before any authority.

3. The law shall provide for the definition and proper safeguarding of the secrecy of the investigation in the criminal proceedings.

4. Everyone shall have the right to have a cause which affects him determined in a fair trial within a reasonable time.

5. In order to defend personal rights, liberties and guarantees, the law shall provide citizens with legal procedures that are characterised by swiftness and priority, so that there is effective and timely protection against threats or violations of these rights.

Article 21

Right to resist

Everyone has the right to refuse to comply with an order that infringes his or her rights, freedoms or guarantees and to resist by force any form of aggression when recourse to a public authority is impossible.

Article 22

Liability of public bodies

The State and other public bodies shall be jointly and severally liable under the civil law, with the members of their organs, their officials and their personnel, for acts or omissions in the performance of their functions, or caused by the performance of their functions, which result in contravention of rights, freedoms or guarantees or in damage to another person.

Article 23

Ombudsman

1. Citizens may present complaints concerning acts or omissions on the part of public bodies to the Ombudsman, who shall undertake a review, without power of decision, and shall make such recommendations to the competent organs as are necessary to prevent or make good injustice.

2. The actions of the Ombudsman shall be independent of any acts of grace or legal remedies provided for in this Constitution or the law.

3. The office of the Ombudsman shall be an independent organ; the Warden of Justice shall be appointed by the Assembly of the Republic, for a term established by law.

4. The organs and personnel of the Public Service shall co-operate with the Ombudsman in the discharge of the Ombudsman's responsibilities.

SECTION II

Rights, freedoms and guarantees

CHAPTER I

Personal rights, freedoms and guarantees

Article 24

Right to life

1. Human life is inviolable.
2. In no case shall the death penalty be applied.

Article 25

Right to personal integrity

1. The moral and physical integrity of the person is inviolable.
2. No one shall be subjected to torture or to cruel, degrading or inhuman treatment or punishment.

Article 26

Other personal rights

1. Everyone is recognised as having the right to his or her personal identity, personality development, civil capacity, citizenship, good name and reputation, and likeness, the right to speak out and the right to the protection of the privacy of his or her personal and family life and to legal protection against any form of discrimination.
2. The law shall establish effective guarantees against the misuse, or use that is contrary to human dignity, of information concerning individuals or families.
3. The law shall guarantee the personal dignity and genetic identity of the human being, particularly in the creation, development and use of technology and in scientific experimentation.
4. A person may be deprived of citizenship or subjected to restrictions on his or her civil capacity only in the cases and under the conditions laid down by law, and never on political grounds.

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Article 27

Right to liberty and security

1. Everyone has the right to liberty and security.
2. No one shall be deprived of his or her liberty, in whole or in part, unless as the consequence of a sentence of imprisonment imposed by a court convicting him or her of an offence punishable by law, or as the consequence of a security measure judicially ordered.
3. This guarantee does not apply to the following cases where a person is deprived of his or her liberty, for a period and under conditions laid down by law:
 - a. Detention in flagrante delicto;
 - b. Detention or remand in custody where there is strong evidence that the person has committed a serious crime punishable by imprisonment for more than 3 years;
 - c. Arrest, detention or other coercive measure subject to judicial control of a person who has unlawfully entered or remained in the national territory or against whom extradition or deportation proceedings have been instituted;
 - d. Imprisonment for reasons of discipline of military personnel, to whom a right to appeal to the competent court is guaranteed;
 - e. Detention of a minor in an appropriate institution for the purposes of protection, support or education, on the order of a competent court of law;
 - f. Detention under a court order for non-compliance with a court order or to ensure appearance before the competent judicial authority.
 - g. Detention of suspects for identification purposes, in such cases and periods of time as are strictly necessary.
 - h. Internment of a person suffering from a psychiatric disorder in an appropriate therapeutic establishment, ordered or confirmed by a competent judicial authority.
4. Everyone who is deprived of liberty shall be informed, promptly and in a manner that he or she understands, of the reasons for the arrest or detention, and of his or her rights.
5. Any deprivation of liberty in violation of the provisions of this Constitution or the law shall place the State under the duty to compensate the person aggrieved as laid down by law.

Article 28

Remand in custody

1. Detention shall, within forty eight hours, be subject to the scrutiny of a judicial authority; the judicial authority shall order either the release of the person

concerned or a suitable coercive measure; the judge shall hear the reasons for the detention, inform the person detained thereof and shall conduct an examination of that person and provide him or her with the opportunity to present a defense.

2. Remand in custody is of an exceptional nature and shall not be ordered or maintained where it can be replaced by bail or some other more favourable measure available under the law.

3. A court order that involves deprivation of liberty or the continuation of detention shall be communicated promptly to the person specified by the detainee, who may be a relative or another person in whom the detainee has confidence.

4. Remand in custody shall be subject to the time limitations laid down by law.

Article 29

Application of the criminal law

1. No one shall be convicted under the criminal law except for an act or omission made punishable under existing law; and no one shall be subjected to a security measure, except for reasons authorised under existing law.

2. Paragraph 1 does not prevent the punishment, within the limits of municipal law, of an act or omission which at the time it was committed was regarded as a crime under general principles of international law that are customarily recognised.

3. No sentences or security measures shall be ordered that are not expressly provided for in existing laws.

4. No one shall be subjected to a sentence or security measure that is more severe than those applicable at the time the act was committed or the preparations for its commission were made. Criminal laws that are favourable to the offender shall apply retroactively.

5. No one shall be tried more than once for the same offence.

6. Citizens who have been unjustly convicted have the right, under the conditions laid down by law, to a reconsideration of their sentences and to compensation for loss suffered.

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Article 30

Limits on sentences and security measures

1. No one shall be subjected to a sentence or security measure that involves deprivation or restriction of liberty for life or for an unlimited or indefinite term.

2. Where there is danger arising from a serious mental disorder that cannot be

treated in an open environment, security measures that involve deprivation or restriction of liberty may be extended, on successive occasions, by judicial decision in each case, for as long as that condition lasts.

3. Criminal liability shall not be transferable.

4. No sentence shall involve, as an automatic consequence, the loss of any civil, occupational or political rights.

5. Persons who are subjected, on conviction, to a sentence or a security measure involving the deprivation of liberty remain entitled to their fundamental rights, subject to the limitations that necessarily derive from that conviction and from the requirements for its enforcement.

Article 31

Habeas corpus

1. The remedy of habeas corpus shall be available before the competent court, against any wrongful use of power in the form of unlawful arrest or detention.

2. An application for habeas corpus may be made by the detainee or by any citizen in the exercise of his or her political rights.

3. The court shall rule on the application for habeas corpus within 8 days at a hearing in the presence of both parties.

Article 32

Guarantees in criminal proceedings

1. Criminal proceedings shall provide all necessary safeguards for the defence, including appeal.

2. Everyone charged with an offence is presumed innocent until convicted, shall be tried within the shortest period of time that is compatible with the defence guarantees.

3. An accused person has the right to select, and be represented by, counsel at all stages of the proceedings. The matters and stages of proceedings for which representation by a lawyer shall be compulsory and shall be prescribed by law.

4. A judge shall have jurisdiction throughout the preliminary investigation, who, in accordance with the law, may delegate to other persons those aspects of the investigation that are not directly connected with fundamental rights.

5. Criminal proceedings shall be accusatory in structure, and the trial and such parts of the preliminary investigation as are determined by law shall be subject to the principle that both parties should be heard.

6. The law shall define the circumstances in which the presence of the defendant or accused at stages of the proceedings, including hearing of the case, can be dispensed with, while at all time ensuring the rights of defence.

7. The victim is entitled to take part in the proceedings, under the terms of the law.

8. Evidence is of no effect if it is obtained by torture, force, infringement of the physical or moral integrity of the individual, or wrongful interference with private life, the home, correspondence or telecommunications.

9. No case shall be withheld from the court which has jurisdiction under existing law.

10. In proceedings concerning regulatory offences, as well as in other proceedings where a sanction is likely to be ordered the accused shall be guaranteed the right to be heard in addition to the right to make a defence.

Article 33

Deportation, extradition and right to asylum

1. Portuguese citizens shall not be deported from the national territory.

2. Deportation of persons who have entered, or are permanently resident in, the national territory, who have obtained a residence permit, or who have lodged an application for asylum that has not been refused, shall be determined by a judicial authority only; the law shall provide for the expeditious decision of these matters.

3. The extradition of Portuguese citizens shall only be permitted where reciprocal arrangements have been established by international treaty, in cases of terrorism and organised international crime and provided that the legal order of the requesting State enshrines guarantees of fair and just trial.

4. No one shall be extradited for political reasons, nor for crimes that carry the penalty death or any other penalty causing irreversible damage to the physical integrity of the person under the law of the requesting State.

5. Extradition in respect of offences punishable, under the law of the requesting State, by deprivation of liberty or detention order for life or an indeterminate term, shall only be permitted on condition of reciprocity based on an international agreement and provided that the requesting State gives an assurance that such sentence or detention order will not be imposed or enforced.

6. Extradition shall be determined by a judicial authority only.

7. The right of asylum is guaranteed to aliens and stateless persons who are persecuted, or under a serious threat of persecution, in consequence of their activities on behalf of democracy, social or national liberation, peace between peoples or liberty or human rights of individuals.

8. The status of political refugees shall be established by law.

Article 34

Inviolability of home and correspondence

1. An individual's home and the privacy of his or her correspondence and other means of private communication are inviolable.

2. A citizen's home shall not be entered against his or her will, except under the order of the competent judicial authority and in the cases and in the manner prescribed by law.

3. No one shall enter the home of any person at night without that person's consent.

4. Interference by public authority with correspondence, telecommunications or any other means of communication is prohibited, except in the cases laid down by the law relating to criminal procedure.

Article 35

Use of computerised data

1. All citizens have the right of access to any computerised data relating to them and the right to be informed of the use for which the data is intended, under the law; they are entitled to require that the contents of the files and records be corrected and brought up to date.

2. The law shall determine what is personal data as well as the conditions applicable to automatic processing, connection, transmission and use thereof, and shall guarantee its protection by means of an independent administrative body.

3. Computerised storage shall not be used for information concerning a person's ideological or political convictions, party or trade union affiliations, religious beliefs, private life or ethnic origin, except where there is express consent from the data subject, authorisation provided for under the law with guarantees of non-discrimination or, in the case of data, for statistical purposes, that does not identify individuals.

4. Access to personal data of third parties is prohibited, except in exceptional cases as prescribed by law.

5. Citizens shall not be given an all-purpose national identity number.

6. Everyone shall be guaranteed free access to public information networks and the law shall define the regulations applicable to the transnational data flows and the adequate norms of protection for personal data and for data that should be safeguarded in the national interest.

7. Personal data kept on manual files shall benefit from protection identical to that provided for in the above Articles, in accordance with the law.

Article 36

Family, marriage and filiation

1. Everyone has the right to found a family and to marry on terms of full equality.
2. The requirements for, and the consequences of, marriage and its termination by death or divorce shall be regulated by law, without distinctions arising from the manner in which the marriage is contracted.
3. Spouses have equal rights in relation both to their civil and political capacity and to the education and maintenance of their children.
4. Children born outside marriage shall not be discriminated against on that ground; terms describing filiation that are discriminatory shall not be used by the law or by government departments.
5. Parents have the right and the duty to educate and maintain their children.
6. Children shall not be separated from their parents unless the parents fail to perform their fundamental duties towards the children, and in that case only by judicial decision.
7. Adoption shall be regulated and protected by the law, which shall ensure expeditious conduct of the procedure.

Article 37

Freedom of expression and information

1. Everyone has the right to express and publicise his or her thoughts freely, by words, images or other means, and the right to impart, obtain and receive information without hindrance or discrimination.
2. The exercise of these rights shall not be prevented or restricted by any kind or form of censorship.
3. Offences committed in the exercise of these rights are punishable under the general principles of criminal law or of the law relating to regulatory offences; jurisdiction to try them lies, respectively, with the courts of law or an independent administrative body, in accordance with the law.
4. The rights to reply and to make corrections, and the right to compensation for loss suffered, shall be equally and effectively guaranteed to all individuals and corporate persons.

Article 38

Freedom of the press and mass media

1. Freedom of the press is guaranteed.
2. Freedom of the press comprises:
 - a. The freedom of expression and creativity for journalists and collaborators and, as a function of the journalist, the giving of editorial direction to the relevant mass media, except where the latter are doctrinal or denominational in character;
 - b. The right of journalists to have access to information sources, to protection of their professional independence and confidentiality, and to elect editorial councils, in accordance with the law;
 - c. The right to found newspapers and other publications, without prior administrative authorisation, deposit or qualifications.
3. The law shall require, in general terms, the disclosure of the ownership, and the means of financing, of the mass media.
4. The State shall guarantee the freedom and independence of the mass media from political and economic powers; it shall impose the principle of speciality upon companies that own general information media; it shall treat and support those companies in a non-discriminatory manner and shall prevent their concentration, in particular through multiple or inter-locking financial interests.
5. The state shall guarantee the existence and operation of a public radio and television service.
6. The mass media in the public sector shall be so structured and operated as to be independent of the Government, the Public Service and other public bodies, and to guarantee opportunities for the expression of, and challenge to, different lines of opinion.
7. Radio and television stations shall operate only under a licence granted for the purpose after a public competition, in accordance with the law.

Article 39

High Authority for the Mass Media

1. The High Authority for the Mass Media shall guarantee the right to information, the freedom of the press, the independence of the mass media from political and economic powers, opportunities for expression of, and challenges to, different lines of opinion, and the exercise of the right to broadcasting time, the right of reply and the right of political argument.
2. The law shall determine all other functions and competence of the High Authority for the Mass Media and shall regulate its functioning.

3. The High Authority for the Mass Media shall be an independent body, composed, in accordance with the law, of 11 members, as follows:

- a. One judge appointed by the Superior Council for the Judiciary, who shall preside;
- b. 5 members elected by the Assembly of the Republic by a system of proportional representation and the Hondt highest average method;
- c. 1 member appointed by the Government;
- d. 4 members representing public opinion, the mass media and the arts.

4. The High Authority for the Mass Media shall participate in the procedures for licensing of radio and television channels, in accordance with the law.

5. The High Authority shall participate in the appointment and dismissal of directors of the public mass media, in accordance with the law.

Article 40

Right to broadcasting time, to reply and to political argument

1. Political parties, trade unions, professional organisations and organisations representing economic interests, as well as other nationally based social organisations, have the right to broadcasting time on publicly owned radio and television, to the extent to which they are relevant and representative and meet the objective criteria that shall be prescribed by the law.

2. Political parties represented in the Assembly of the Republic, but not in the Government, have the right to broadcasting time on publicly owned radio and television, in proportion to their representation, and have the right to reply and to political argument with respect to the political statements of the Government, as provided by law. The grant of the exercise of those rights shall be equivalent, in length and relevance, to that granted to the Government. Parties represented in the regional legislative assemblies shall enjoy the same rights at the level of their region.

3. During elections, candidates have the right to regular and equitable broadcasting time on radio and television stations of national and regional importance as provided by law.

Article 41

Freedom of conscience, religion and worship

1. Freedom of conscience, religion and worship is inviolable.

2. No one shall be persecuted or deprived of rights or exempted from civil responsibilities or duties by reason of his or her convictions or religious observance.
3. No one shall be questioned by any authority about his or her convictions or religious observance, except for the purpose of gathering statistical information that does not identify individuals, nor shall anyone be prejudiced by his or her refusal to reply.
4. Churches and religious communities shall be independent of the State and are free to determine their own organisation and to perform their own ceremonies and worship.
5. Freedom within a denomination to teach its religion and to use its own media for providing public information about its activities is guaranteed.
6. The right to be a conscientious objector shall be guaranteed by the law.

Article 42

Freedom of cultural originality

1. Intellectual, artistic and scientific originality shall not be restricted.
2. This freedom includes the right to originate, produce and disseminate scientific, literary or artistic works, and includes legal protection for copyright.

Article 43

Freedom to learn and teach

1. Freedom to learn and teach is guaranteed.
2. The State shall not plan education and cultural development in accordance with any philosophical, aesthetic, political, ideological or religious precepts.
3. Public education shall be non-denominational.
4. The right to establish private and co-operative schools is guaranteed.

Article 44

Right to travel and emigrate

1. The right of all citizens to travel and settle freely anywhere in the national territory is guaranteed.

2. The right to emigrate or leave the national territory and the right to return to it is guaranteed to everyone.

Article 45

Right to assemble and demonstrate

1. Citizens have the right to assemble peacefully and unarmed, even in public places, without prior authorisation.

2. The right of all citizens to demonstrate shall be recognised.

Article 46

Freedom of association

1. Citizens have the right to form associations freely and without prior authorisation, provided that the associations are not intended to promote violence and that their objectives are not contrary to the criminal law.

2. Associations may pursue their objectives freely and without interference from any public authority, and they may not be dissolved by the State, nor their activities suspended, unless by judicial decision in the circumstances prescribed by law.

3. No one shall be put under a duty to join an association or compelled to remain in it.

4. Armed, quasi-military, militarised or paramilitary associations, other than those of the State or the Armed Forces, and racist organisations or those that adopt fascist ideology are not permitted.

Article 47

Freedom to choose an occupation and enter the civil service

1. Everyone has the right to choose freely his or her occupation or type of work, subject to restrictions laid down by law in the public interest or inherent in his or her capacity.

2. All citizens have the right, equally and without restriction, to become a public official, by means of general public competition.

CHAPTER II

Rights, freedoms and guarantees of political participation

Article 48
Participation in public life

1. All citizens have the right to take part in political life and in the direction of the public affairs of the country, either directly or through freely elected representatives.
2. Every citizen has the right to objective information about the activities of the State and other public bodies and to be informed by the Government and other authorities about the management of public affairs.

Article 49
Right to vote

1. All citizens over the age of 18 years have the right to vote, unless subject to an incapacity under the general law.
2. The exercise of the right to vote is personal and constitutes a civic duty.

Article 50
Right to hold public office

1. All citizens have the right, equally and without restriction, to hold public office.
2. No one shall be discriminated against in his or her placement in a specific post, employment, or professional career or in the social benefits to which he or she has a right, by reason of the exercise of political rights or the holding of public office.
3. The law shall establish only such limitations with respect to the holding of an elective office as are necessary to guarantee the freedom of choice by electors and to ensure absence of bias, and independence, in the performance of the responsibilities of the office.

Article 51
Political associations and parties

1. Freedom of association includes the right to establish and join political associations and parties, and, through them, to work jointly and democratically to give expression to the will of the people and to organise political power.
2. No one shall be a member of more than one political party at the same time, or be prevented from exercising any right by reason of membership, or the termination of membership, of a lawfully constituted party.
3. Without prejudice to the philosophy or ideology underlying their programmes, political parties shall not use names that contain expressions directly connected

with any religion or church, or use emblems that may be mistaken for national or religious symbols.

4. No party shall be established with a name or stated aims that indicate a regional connection or field of action.

5. Political parties must be governed by the principles of transparency, democratic organisation and management and the participation of all of its members.

6. The law shall lay down regulations on the financing of political parties, specifically in relation to the requirements and limits of public financing, as well as requirements of publicity relating to their property and accounts.

Article 52

Right to petition and right of actio popularis

1. All citizens have the right to submit, individually or jointly with others, petitions, representations, claims or complaints to the organs with supreme authority or any authority, for the purpose of defending their rights, this Constitution, the law or the general interest, as well as the right to be informed, within a reasonable time, of the result of the respective consideration.

2. The law shall determine the conditions under which joint petitions submitted to the Assembly of the Republic may be examined in plenary session.

3. Everyone, personally or through associations that purport to defend the interests in issue, enjoys the right of actio popularis in the cases and under the conditions provided by law, including the right to advocate, on behalf of the aggrieved party or parties, the following:

a) to promote the prevention, the suppression and the prosecution of offences against public health, consumer rights, the quality of life, the preservation of the environment and the cultural heritage;

b) to safeguard the property of the State, of the autonomous regions and of the local authorities.

CHAPTER III

Rights, freedoms and guarantees of workers

Article 53

Security of employment

The right of workers to security of employment is guaranteed. Dismissals without

just cause or for political or ideological reasons are prohibited.

Article 54

Workers' committees

1. Workers have the right to establish workers' committees for the defence of their interests and to secure a democratic share in the management of their enterprise.
2. The establishment of committees shall be determined by the workers, who shall also approve their constitutions and elect their members by direct and secret ballot.
3. Coordinating committees may be established, for the purpose of intervening more effectively in economic reorganisation and as a safeguard for the guarantees for the interests of the workers.
4. Committee members shall enjoy the protection afforded by the law to trade union delegates.
5. Workers' committees have the right:
 - a. To receive all information necessary for the carrying out of their activities;
 - b. To monitor the management of enterprises;
 - c. To participate in the processes of the company restructuring, particularly as they relate to training initiatives or when there is a change in working conditions;
 - d. To participate in the preparation of labour legislation, and social and economic plans, that concern their sector;
 - e. To manage, or participate in the management of, social activities of enterprises;
 - f. To sponsor the election of workers' representatives to the management organs of enterprises that belong to the State or other public bodies, in accordance with the law.

Article 55

Trade union freedoms

1. Workers are free to form trade unions as a prerequisite and guarantee for the building of their solidarity in defence of their rights and interests.
2. Trade union freedoms are guaranteed to workers without discrimination, in particular the following:
 - a. Freedom to establish trade unions at every level;

b. Freedom of membership, no worker being required to pay dues to a trade union of which he or she is not a member;

c. Freedom in the organisation and internal regulation of trade unions;

d. The right to engage in trade union activity within businesses;

e. The right of trade unions to different aims, as determined by their constitutions.

3. Trade unions shall be governed in accordance with the principles of democratic organisation and management, based on regular elections to their governing bodies by secret ballot, and they shall not be dependent on any prior authorisation or recognition, as they are founded upon the full participation by the workers in all aspects of trade union activity.

4. Trade unions shall be independent of employers, the State and religious denominations and political parties and other political associations. Adequate guarantees for that independence shall be laid down by law as the foundation for the solidarity of the working classes.

5. Trade unions have the right to establish relations with or to join international trade union organisations.

6. The workers' elected representatives shall enjoy the right of information and consultation as well as adequate legal protection from any form of constraint, coercion or limitation in the legitimate performance of their functions.

Article 56

Rights of trade unions and collective agreements

1. Trade unions have the right to defend and promote the defence of the rights and interests of the workers they represent.

2. Trade unions have the right:

a. To participate in the preparation of labour legislation;

b. To participate in the management of social security institutions and other bodies whose aim is to satisfy the interests of the working classes;

c. To be heard with regard to economic and social plans and to accompany the implementation thereof;

d. To be represented on bodies engaged in the harmonisation of social matters, as provided by the law.

- e. To participate in the processes of company restructuring, particularly as they relate to training initiatives or when there is a change in working conditions;
- 3. Trade unions have the powers necessary for exercising the right to conclude collective agreements, which shall be guaranteed by law.
- 4. The rules governing the powers to conclude collective labour agreements, and the validity of their provisions, shall be prescribed by law.

Article 57

Right to strike and prohibition of lock-outs

- 1. The right to strike is guaranteed.
- 2. Workers are entitled to determine which interests are to be protected by means of strikes; the range of those interests shall not be restricted by law.
- 3. The law shall determine the conditions under which services are provided, during a strike, that are necessary for the safety and maintenance of equipment and installations, as well as minimum services that are necessary to satisfy essential social needs.
- 4. Lock-outs are prohibited.

SECTION III

Economic, social and cultural rights and duties

CHAPTER 1

Economic rights and duties

Article 58

Right to work

- 1. Everyone has the right to work.
- 2. In order guarantee the right to work, it is the duty of the State to promote the following:
 - a. The implementation of policies of full employment;
 - b. Equality of opportunity in the choice of occupation or type of work, and conditions that prevent the prohibition of, or restrictions on, access to any post, work or

profession by reason of a person's sex;

c. Cultural and technical training and vocational development for workers.

Article 59

Rights of workers

1. All workers, regardless of age, sex, race, nationality, place of origin, religion or political or ideological convictions, are entitled to :

a. Remuneration for their work, according to its quantity, nature and quality, on the principle of equal pay for equal work, so as to guarantee to them an appropriate livelihood;

b. The organisation of work in keeping with human dignity and personal self-fulfilment while reconciling the needs of vocational activity and family life;

c. Safe and healthy working conditions;

d. Rest and recreation, a limit on the length of the working day, weekly rest day and regular holidays with pay;

e. Material assistance when they are involuntarily unemployed.

f. Assistance and fair compensation for victims of accidents at work or of vocational disease.

2. It is the duty of the State to guarantee the conditions of work, remuneration and rest to which workers are entitled, in particular by:

a. Fixing, and keeping up to date, a national minimum wage, taking into account, among other factors, the needs of workers, increases in the cost of living, the extent to which the sectors of production have developed, economic and financial stability, and capital growth for purposes of development;

b. Setting national maximum working hours;

c. Special protection at work for women during pregnancy and after childbirth, for minors and disabled person and for those engaged in especially strenuous activity or working in unhealthy, toxic or dangerous conditions;

d. Systematic development, in co-operation with welfare services, of a network of rest and holiday centres;

e. Protecting the working conditions and guaranteeing social benefits of workers working abroad.

f. Protecting the working conditions of student workers.

3. Salaries shall enjoy special guarantees, as provided by law.

Article 60

Consumer rights

1. Consumers have the right to goods and services of good quality, to guidance and information, to the protection of their health, safety and economic interests and to compensation for injury.

2. Advertising shall be regulated by law; all forms of concealed, indirect or fraudulent advertising are prohibited.

3. Consumer associations and consumer co-operatives are entitled, in accordance with the law, to State support and to be consulted on questions concerning consumer protection. Their capacity to institute legal proceedings in order to defend their associates or collective or general interests shall be recognised.

Article 61

Private enterprise, co-operatives and worker-management

1. Private economic enterprise shall be freely exercised, within the framework provided by this Constitution and the law, and with due account to the general interest.

2. Everyone is recognised as having the right, without restrictions, to establish co-operatives, provided that co-operative principles are observed.

3. Co-operatives shall carry on their activities, within the law, without restrictions and may join unions, federations and confederations and such other forms of organisation provided by law.

4. The law shall set down organisational requirements for co-operatives that have public participation.

5. The right to worker-management as provided by law shall be recognised.

Article 62

Right to private property

1. Everyone is guaranteed, under this Constitution, the right to private property and to transfer it during his or her lifetime and on death.

2. Requisitioning or compulsory acquisition of property for public purposes shall be

carried out only under the authority of law and on the payment of fair compensation.

CHAPTER II

Social rights and duties

Article 63

Social security and solidarity

1. Everyone is entitled to social security.
2. It is the duty of the State to organise, co-ordinate and subsidise a unified and decentralised social security system, with the participation of the trade unions and other associations representing workers and associations representing other beneficiaries.
3. The social security system provides protection for citizens in sickness or old age or when disabled, widowed, orphaned or unemployed, and in all other situations in which the means of subsistence or the capacity to work have been lost or impaired.
4. All periods in work, no matter in which sectors of activity that work was performed, are taken into account in calculating the amount of old age and disability pensions, as determined by the law.
5. The State shall support and supervise, as set laid down by law, the activity and functioning of private institutions of social solidarity and other non-profit institutions of recognised public interest that pursue the objectives of social security contained in this Article, Article 67(2)(b), Article 69, Article 70(1)(e) and Articles 71 and 72.

Article 64

Health

1. Everyone has the right to have his or her health safeguarded and the duty to defend and foster it.
2. The right to the safeguarding of health shall be met by:
 - a. A national health service available to all and free of charge to the extent that the economic and social conditions of citizens require;
 - b. The creation of economic, social, cultural and environmental conditions that guarantee, specifically, the protection of children, the young and the old; the systematic improvement of living and working conditions; the promotion of physical fitness and sports in schools and among the people; the development of health education for the people and practices of healthy living.

3. In order to ensure the right to the safeguarding of health, the State has a primary duty:

- a. To guarantee the access of all citizens, regardless of their economic circumstances, to both preventive and remedial medical care and rehabilitation;
- b. To guarantee a rational and efficient coverage of health human resources and units throughout the whole country;
- c. To direct its programme towards the provision of the costs of medical care and medicines from public funds;
- d. To regulate and supervise privately funded medical practice, coordinating it with the national health service so as to ensure that adequate standards of efficiency and quality are achieved in public and private health institutions.
- e. To regulate and supervise the production, distribution and marketing and the use of chemical, biological and pharmaceutical products and other methods of treatment and diagnosis.
- f. To establish policies for the prevention and treatment of drug abuse.

4. The national health service shall have a decentralised management in which the beneficiaries participate.

Article 65

Housing and urban planning

1. Everyone has the right, both personally and for his or her family, to a dwelling of adequate size, that meets satisfactory standards of hygiene and preserves personal and family privacy.

2. In order to ensure the right to housing, it is the duty of the State to:

- a. Draw up and implement a policy for housing as a part of general national planning and to support plans for urban areas that guarantee an adequate network of transport and social facilities;
- b. To promote, in conjunction with local authorities, the construction of economic and social housing;
- c. Promote private building, when in the public interest, and access to privately owned or rented dwellings.
- d. Encourage and support the initiatives of local communities for the resolution of their housing problems and for promoting the establishment of housing co-operatives and their own building projects;

3. The State shall adopt a policy for the institution of a system of rents that are compatible with family incomes and for individual ownership of housing.
4. The State, the autonomous regions and the local authorities shall determine the regulations on occupancy, use and transformation of urban land, specifically by way of planning instruments, within the framework of laws relating to national planning and urban planning and shall compulsorily acquire such land as is necessary to satisfy the purposes of urban public utility.
5. Interested parties shall be guaranteed participation in the drawing up of urban planning instruments and any other instruments for physical planning of the territory.

Article 66

Environment and quality of life

1. Everyone has the right to a healthy and ecologically balanced human environment and the duty to defend it.
2. In order to guarantee the right to such an environment, within the context of sustainable development, it is the duty of the State, acting through appropriate bodies and with the involvement and participation of the citizens:
 - a. To prevent and control pollution, and its effects, and harmful forms of erosion;
 - b. To organise and promote national planning with the objectives of establishing proper locations for activities and a balance between economic and social development, while enhancing the landscape;
 - c. To establish and develop nature reserves and parks and recreation areas, and classify and protect the countryside in order to guarantee nature conservation and the preservation of cultural assets of historic or artistic interest;
 - d. To promote the rational use of natural resources, while safeguarding their capacity for renewal and ecological stability, respecting the principle of solidarity between generations;
 - e. To promote, in conjunction with the local authorities, the environmental quality of populated areas and urban life, specifically with regard to architecture and the protection of historical zones;
 - f. To promote the inclusion of environmental objectives in the various sectors of policy;
 - g. To promote environmental education and respect for environmental values;
 - h. To ensure that tax policy achieves compatibility between development and protection of the environment and quality of life.

Article 67

Family

1. The family, as a basic component of society, has the right to protection by community and the State and to the creation of all the conditions that permit the personal fulfilment of its members.
2. The State has the duty of protecting the family, in particular by:
 - a. Promoting the social and economic independence of family units;
 - b. Promoting the establishment of, and guaranteeing access to, a national network of day-care centres and other social facilities for family support, and a policy for the aged;
 - c. Working together with parents in the education of their children;
 - d. Guaranteeing, with respect to individual liberty, the right to family planning, promoting information and access to the respective methods and means, and making the legal and technical arrangements that enable fatherhood and motherhood to be planned;
 - e. Regulating assisted procreation, in such terms as safeguard human dignity;
 - f. Adjusting taxes and security benefits to reflect family responsibilities;
 - g. Determining, after consultation with associations representing families, and implementing an overall and integrated policy for the family.

Article 68

Fatherhood and motherhood

1. In performing their unique role with respect to their children, in particular as regards their education, parents are entitled to be protected by the community and the State, with guarantees for self-fulfilment in their occupations and for their participation in the civic life of the country.
2. Motherhood and fatherhood are pre-eminent social values.
3. During pregnancy and after giving birth, women are entitled to special protection, and working women are also entitled to an adequate period of leave from work without loss of remuneration or other privileges.
4. The law shall regulate the allocation of an adequate period of leave from work to mothers and fathers, in accordance with the interests of the child and the needs of the family unit.

Article 69 Childhood

1. Children have the right to be protected by the community and the State for their full development, particularly against all forms of abandonment, discrimination and oppression and against the abuse of authority in the family or other institutions.
2. The State shall guarantee special protection to children who are orphaned, abandoned, or in any way deprived of a normal family environment.
3. Access to work shall be forbidden, in accordance with the law, to school-age minor children.

Article 70 Youth

1. Young people shall receive special protection so that they may enjoy their economic, social and cultural rights, in particular with respect to:
 - a. Education, vocational training and culture;
 - b. Access to a first job, work and social security;
 - c. Access to accommodation;
 - d. Physical education and sport;
 - e. The use of leisure time.
2. The primary objectives of a policy for youth shall be the development in young people of their personality, the creation of the conditions that enable them to lead a full and active life, and a delight for originality and a sense of service to the community.
3. In conjunction with families, schools, businesses, organisations of residents, cultural associations and foundations and cultural and recreational groups, the State shall promote and assist youth organisations in the pursuit of those objectives, and international exchanges of young people.

Article 71 Citizens with disabilities

1. Citizens who have physical or mental disabilities shall enjoy all the rights and be subject to all the duties contained in this Constitution, except to the extent that their disability renders them unfit to exercise or perform them.

2. The State shall implement a national policy for the prevention of disability, and for the treatment, rehabilitation and integration of citizens with disabilities and support for their families, shall educate the community to be aware of its duties of respect for them and solidarity with them, and shall ensure that they enjoy their rights to the full extent subject to the rights and duties of their parents or guardians.

3. The State shall provide assistance to organisations for citizens with disabilities.

Article 72

Old age

1. Old people have the right to economic security and to conditions of housing and of family and community life that respect their personal autonomy and prevent or surmount their isolation and marginal position in society.

2. The policy for the old shall also include economic, social and cultural measures that aimed at providing old people with opportunities for self-fulfilment through active participation in the life of the community.

CHAPTER III

Cultural rights and duties

Article 73

Education, culture and science

1. Everyone has the right to education and culture.

2. The State shall promote the democratisation of education and the other conditions that enable education, both at school and elsewhere, to contribute to equality of opportunity, to surmounting economic, social and cultural inequality, to the development of the personality and the spirit of tolerance, mutual understanding, solidarity and responsibility, to social progress and to democratic participation in public life.

3. In conjunction with the mass media, cultural associations and foundations, cultural and recreational groups, associations for the protection of the cultural heritage, organisations of residents and other cultural agencies, the State shall promote the democratisation of culture by encouraging and guaranteeing access by all citizens to the fruits of culture and culture creativity.

4. Scientific creativity and research, and technological innovation, shall be encouraged and supported by the State, so as to ensure its freedom and autonomy, strengthening competitiveness and the connections between scientific institutions and companies.

Article 74

Education

1. Everyone has the right to education with the guarantee of the right to equal opportunities for access and success in schooling.
2. In the implementation of its policy for education, it is the duty of the State:
 - a. To ensure compulsory and free basic education for all;
 - b. To institute a public system and develop the general system of pre-school education;
 - c. To guarantee continuing education, and to eliminate illiteracy;
 - d. To guarantee to all citizens, in accordance with their ability, access to the highest levels of education, scientific research and artistic creativity;
 - e. To institute, by stages, free education at all levels;
 - f. To provide for schools within the communities they serve and co-ordinate education with economic, social and cultural activities;
 - g. To promote and support access by citizens with disabilities to education and support special education where necessary;
 - h. To protect and develop Portuguese sign language, as a cultural expression and instrument of access to education and equality of opportunity;
 - i. To ensure instruction in the Portuguese language and access to Portuguese culture the children of emigrants.
 - j. To ensure that the children of immigrants have adequate support to implement their right to education.

Article 75

Public, private and co-operative education

1. The State shall establish a network of public educational institutions to meet the needs of the whole population.
2. The State shall recognise and supervise private and co-operative education, in accordance with the law.

Article 76

University and access to higher level education

1. The rules governing access to universities and other institutions of higher education shall guarantee equal opportunities for all and the democratisation of the system of education; they shall take into account the need for qualified graduates and the enhancement of the educational, cultural and scientific standards of the country.

2. Universities shall be autonomous in the making of their regulations and shall enjoy scientific, educational, administrative and financial autonomy, in accordance with the law, without prejudice to appropriate assessment of the quality of education.

Article 77

Democratic participation in education

1. Teachers and students have the right to participate in the democratic management of their schools in accordance with the law.

2. The law shall regulate the manner of participation of associations of teachers, students and parents and of the scientific community and institutions in the determination of the policy for education.

Article 78

Cultural enjoyment and creativity

1. Everyone has the right to cultural enjoyment and creativity, and the duty to preserve, protect and extend the cultural heritage.

2. It is the duty of the State, in co-operation with all cultural agencies:

a. To encourage and ensure the access of all citizens to the means and mechanisms of cultural activity, and to correct present imbalances in the country in this respect;

b. To support initiatives to stimulate the broad variety and expression of individual and collective creativity, and a wider availability of cultural works and assets of quality;

c. To promote the protection and increased respect for the cultural heritage, making it a vital element of the common cultural identity;

d. To develop cultural relations with all peoples, particularly those that are Portuguese-speaking, and ensure the protection and promotion of Portuguese culture abroad;

e. To co-ordinate the policy for culture with other policies.

Article 79

Physical education and sport

1. Everyone has the right to physical education and sport.
2. It is the duty of the State, in conjunction with schools and sporting associations and groups, to promote, stimulate, guide and support the practice and spread of physical education and sport, and to prevent violence in sport.

PART II

Economic organisation

SECTION 1

General principles

Article 80

Fundamental principles

Social and economic organisation shall be based on the following principles:

- a. Subordination of economic power to democratic political power;
- b. Co-existence of public, private and co-operative and social sectors in the ownership of the means of production;
- c. Freedom of business initiative and organisation within the framework of a mixed economy;
- d. Public ownership of natural resources and of the means of production, where required in the public interest;
- e. Democratic planning of economic and social development;
- f. Safeguarding of the co-operative and social sector in the ownership of the means of production;
- g. Participation of workers' representative organisations and organisations representing economic activity in the definition of the principal economic and social measures.

Article 81

Primary duties of the State

In economic and social matters the primary duties of the State are:

- a. To promote an increase in the social and economic well-being and quality of life of the people, in particular of those most underprivileged, in the context of a strategy of sustainable development;
- b. To promote social justice, ensuring equality of opportunity and undertaking the necessary corrections with respect to imbalances in the distribution of wealth and income, specifically by way of tax policy;
- c. To ensure that productive forces are put to full use, in particular by monitoring the efficiency of the public sector;
- d. To guide economic and social development to achieve balanced growth of all sectors and regions, and to eliminate progressively economic and social differences between town and country;
- e. To ensure the efficient functioning of the markets, so as to guarantee balanced competition between enterprises, to counter monopolistic forms of organisation and to repress abuses of dominant position and other practices that are harmful to the general interest;
- f. To develop economic relations with all peoples, while always protecting national independence and the interests of the Portuguese and the economy of the country;
- g. To put an end to very large estates and to restructure very small farms;
- h. To guarantee protection of the interests and rights of consumers;
- i. To make the legal and technical arrangements necessary for introducing a system of democratic planning of economic and social development;
- j. To draw up a policy for science and technology that furthers the development of the country;
- l. To adopt a national policy for energy that is in keeping with conservation of natural resources and a balanced ecology, while promoting international co-operation in this field.
- m. To adopt a national water policy, with rational use, planning and management of water resources.

Article 82

Sectors of ownership of the means of production

- 1. The co-existence of 3 sectors in relation to the ownership of the means of production is guaranteed.
- 2. The public sector comprises the means of production that belong to and are

managed by the State or other public bodies.

3. The private sector comprises the means of production that belong to or are managed by private persons or private corporate bodies, subject to the provisions of paragraph 4.

4. The co-operative and social sector comprises the following:

a. The means of production that belong to and are managed by co-operatives in accordance with co-operative principles, without prejudice to the specifications laid down by law for co-operatives with public participation that are justified by their special nature;

b. Community means of production that belong to and are managed by local communities;

c. The means of production that are utilised by workers' collectives.

d. The means of production owned and managed by non-profit corporate bodies, that have the principal objective of social solidarity, and specifically those of a mutual nature.

Article 83

Requirements for public ownership

The law shall define the manner and form of the collective interference in and public ownership of means of production, and the criteria for determining consequential compensation.

Article 84

Public domain

1. The following are part of the public domain:

a. Territorial waters with the beds beneath them and contiguous sea beds, and lakes, lagoons and navigable waterways, with the beds beneath them;

b. Airspace over the territory that is above the recognised limits for ownership or leasing;

c. Mineral deposits, medical mineral-water sources, natural underground cavities in the subsoil, other than rock, ordinary soil and other materials habitually used for building construction;

d. Roads;

e. National railways;

f. Other property classified by the law as part of the public domain.

2. The law shall determine what is part of the public domain of the State, of the autonomous regions and of local authorities; it shall also determine the applicable rules, the conditions for utilising the public domain and its limits.

Article 85

Co-operatives and enterprises with worker-management

1. The State shall encourage and support the establishment and operation of co-operatives.

2. Fiscal and financial concessions to co-operatives and preferential conditions for loans and technical assistance shall be determined by the law.

3. The State shall support viable enterprises that have worker-management.

Article 86

Private businesses

1. The State shall encourage business activity, particularly small and medium sized businesses and shall supervise the fulfilment of the respective legal obligations, in particular those of businesses that pursue activities of general economic interest.

2. The State may involve itself with the management of private businesses only temporarily where the law expressly authorises and, as a general rule, following a judicial decision.

3. The law may determine the basic sectors in which activity by private businesses and other entities of a similar nature is forbidden.

Article 87

Economic activity and foreign investment

Economic activity and investment by foreign persons, individual or corporate, shall be regulated by law to guarantee that they contribute to the development of the country and to defend national independence and the interests of workers.

Article 88

Abandoned means of production

1. Means of production that have been abandoned may be compulsorily acquired on conditions that shall be laid down by the law, which shall take due account of

the special position of property of workers who have emigrated.

2. Means of production that have been abandoned without good reason may also be compulsorily made available on lease or to a concessionaire, under conditions that shall be laid down by the law.

Article 89

Worker participation in management

Units of production in the public sector shall ensure effective participation by workers in their management.

SECTION II

Planning

Article 90

Planning objectives

The objectives of the plans for economic and social development shall be the promotion of economic growth, balanced and integrated development of the sectors and the regions, a fair division of the national product among individuals and among the regions, co-ordination of economic policy with social, educational and cultural policies, protection of rural life, conservation of ecological balance, and protection of the environment and the quality of life of Portuguese people.

Article 91

Preparation and implementation of the plans

1. National plans shall be prepared in harmony with the laws on the major options and may include specific programmes of territorial and sectorial scope.

2. The bill that contains the major options relating to each plan shall be accompanied by a report on which they are based.

3. The implementation of the national plans shall be decentralised, with respect to both regions and sectors.

Article 92

The Economic and Social Council

1. The Economic and Social Council is the body responsible for consultation and co-ordination in relation to economic and social policies; it shall participate in the preparation of major option proposals and plans for economic and social development and shall perform such other functions as are given to it by the law.

2. The composition of the Economic and Social Council shall be determined by law; in particular, it shall include representatives of the Government, of organisations representing workers, of organisations representing economic interests and families, of the autonomous regions and of local authorities.

3. The law shall also provide for the organisation and operation of the Economic and Social Council, and for the status of its members.

SECTION III

Agricultural, commercial and industrial policies

Article 93

Objectives of the agricultural policy

1. The objectives of the policy for agriculture shall be as follows:

a. To increase agricultural production and productivity, by providing agriculture with an infrastructure, and the human, technical and financial means, that will strengthen competitiveness and ensure the quality of goods, effective marketing, improved supply to the country and growth in exports;

b. To promote improvement in the economic, social and cultural circumstances of rural workers and farmers, the development of rural life, rationalisation of the structures of land-owning, modernisation of the business environment and access to the ownership or holding of land, and other means of production directly concerned with its utilisation, by those who work on it;

c. To provide the conditions that will bring about true equality between those who work in agriculture and other workers and will prevent disadvantages to the agricultural sector in transactions with other sectors;

d. To ensure that the land and other natural resources are used and managed in a rational way and to protect their capacity for re-generation;

e. To encourage farmers to join together, and the direct utilisation of the land.

2. The State shall promote a policy for rural planning and for diversification in the use of agricultural land and forestry development, that takes full account of the ecological and social circumstances of the country.

Article 94

Abolition of very large estates

1. The law shall provide for the alteration of the size of farming units the dimensions of which are excessive from the standpoint of the policy for agriculture; the law shall

entitle the owner of estates that are compulsorily acquired to appropriate compensation and to retain an area that is sufficiently large to enable the land to be utilised in a rational and viable way.

2. Land that is compulsorily acquired shall be handed over, in accordance with the law, either for ownership or holding by small farmers, preferably family farming units or by co-operatives of rural workers or small farmers, or for other forms of land utilisation by workers; these provisions do not prevent the provision of a period of probation, prior to the transfer of full property rights, for the purpose of assessing whether land is being effectively and rationally utilised.

Article 95

Alteration of the size of very small farms

Without affecting property rights and in accordance with the law, the State shall promote alteration of the size of units of land utilisation the dimensions of which are smaller than is appropriate from the standpoint of the policy for agriculture; it shall promote this in particular through legal, tax and credit incentives for integration of the structure of units or, short of that, for their economic integration, especially through co-operative arrangements, or by means of joint share-holdings.

Article 96

Forms for utilising land belonging to third parties

1. The law shall provide rules to regulate the leasing or other means of utilising land belonging to third parties so as to guarantee the security and legitimate interests of the farmer.

2. Renting and colonisation systems are prohibited, and conditions shall be created for farmers whereby the practice of agricultural share-cropping may be effectively abolished.

Article 97

State aid

1. In implementing the objectives of the policy for agriculture, the State may provide preferential aid to small and medium-sized farmers, in particular where they are a part of a family farming unit, whether as individuals or associated in co-operatives, and co-operatives of farm workers and other forms of land utilisation by workers.

2. State aid shall, in particular, include the following:

a. Provision of technical assistance;

b. Creating forms of support to marketing both before and after production;

- c. Supporting cover for risks resulting from unpredictable or uncontrollable climatic or phytopathological conditions;
- d. Encouragement to rural workers and farmers to join together, and in particular the establishment of co-operatives for production, purchase, sale and processing or the provision of services and other facilities for workers.

Article 98

Participation in drawing the policy for agriculture

Participation in drawing up the policy for agriculture is guaranteed to rural workers and farmers through their representative organisations.

Article 99

Objectives of the policy for commerce

The objectives of the policy for commerce are as follows:

- a. Healthy competition among those in trade;
- b. Rationalisation of the lines of distribution;
- c. Opposition to speculative activities and restrictive trade practices;
- d. Development and diversification of external economic relations;
- e. Protection of the consumer.

Article 100

Objectives for the policy for industry

The objectives of the policy for industry are as follows:

- a. Increasing industrial production within a framework of modernisation, regulation of social and economic interests and the integration of the Portuguese economy with the world economy;
- b. Strengthening of industrial and technological innovation;
- c. Increasing the competitiveness and productivity of industries;
- d. Assistance to small and medium-sized businesses and, more generally, to initiatives and businesses that create employment, increase imports or are concerned with import substitution;
- e. Assistance for the purpose of giving international prominence to Portuguese

companies.

SECTION IV

Financial and fiscal system

Article 101

Financial system

The structure of the financial system shall be determined by the law in such a way as to guarantee that savings are encouraged and built up with security and that the financial resources necessary for economic and social development are provided.

Article 102

Bank of Portugal

The Bank of Portugal, in its capacity as a central bank, shall carry out its functions in accordance with the law and with the international rules to which the Portuguese State is bound.

Article 103

Fiscal system

1. The fiscal system shall be directed towards meeting the financial requirements of the State and other public bodies, and the fair distribution of incomes and wealth.
2. Taxes shall be imposed under law, which shall determine the incidence, rates, concessions and guarantees for taxpayers.
3. No one shall be compelled to pay any tax that has not been imposed as provided by this Constitution, that are retroactive in effect or the payment or collection of which is not carried out in the manner prescribed by law.

Article 104

Taxes

1. Personal income tax shall seek to reduce inequality and shall be a single, progressive tax that takes account of family needs and income.
2. Businesses shall be taxed essentially on their actual income.
3. Property taxation must contribute to equality between citizens.
4. Consumption taxes shall seek to adjust consumption to the changing requirements for economic development and social justice, and those taxes shall be weighted against luxury items.

Article 105

Budget

1. The State Budget shall include:
 - a. A breakdown of the revenue and expenditure of the State, including the revenue and expenditure of autonomous funds and services;
 - b. The social security budget.
2. The Budget shall be drawn up in accordance with the main options with regard to planning and shall take into account statutory and contractual liabilities.
3. The Budget shall be in unitary form and shall specify expenditure by reference to the relevant organic or functional classification, so as to preclude the existence of secret appropriations and funds; it may also be structured by reference to programmes.
4. The Budget shall make provision for the supply of funds necessary to meet expenditure; the law shall lay down the rules for giving effect to the Budget, the conditions for raising public loans, and the criteria under which adjustments may be introduced by the Government, while giving effect to the Budget, to the heads of the organic classification, within the general ambit of each budgetary programme approved by the Assembly of the Republic, in order to secure its full implementation.

Article 106

Preparation of the Budget

1. The Budget law shall be prepared, structured, enacted and implemented annually as prescribed by the framework law, which shall also make provision for the rules with respect to the preparation and implementation of the budgets of autonomous funds and services.
2. The Budget shall be tabled in draft and submitted to a vote within the time limits prescribed by law, which shall provide with respect to the procedure to be followed if those limits cannot be met.
3. The draft Budget shall be accompanied by reports on:
 - a. The predicted trends in the principal macro-economic indicators that have a bearing on the Budget, and in the money supply and related sources;
 - b. The reasons for differences in anticipated revenue and expenditure in comparison with the previous Budget;

- c. The public debt, treasury transactions and the Treasury accounts;
- d. The position with respect to autonomous funds and services;
- e. Budgetary allocations of funds in favour of the autonomous regions and local authorities;
- f. Transfers of funds between Portugal and the outside world that have a bearing on the Budget;
- g. Fiscal privileges and the consequential loss in revenue that is predicted.

Article 107 Monitoring

Implementation of the Budget shall be the subject of review by the Court of Audit and the Assembly of the Republic; having received the opinion of that Court, the Assembly shall scrutinise and approve the General Accounts of the State, including the social security accounts.

PART III

Organisation of political power

SECTION I

General principles

Article 108 Source and exercise of power

Political power lies with the people and shall be exercised in accordance with this Constitution.

Article 109 Participation by citizens in political life

Direct and active participation by men and women in political life is a requirement of, and a basic instrument for consolidating the democratic system. The law must promote equality in the exercise of civil and political rights and non-discrimination on the basis of gender for access to political positions.

Article 110 Organs with supreme authority

1. The organs with supreme authority are the President of the Republic, the Assembly of the Republic, the Government and the Courts.
2. The formation, composition, powers and operation of the organs with supreme authority are governed by this Constitution.

Article 111

Separation and interdependence

1. The organs with supreme authority shall be separate and interdependent as this Constitution provides.
2. No organ with supreme authority, or of an autonomous region or of local government shall delegate its powers to another organ except in the circumstances and under the conditions expressly prescribed by this Constitution and by law.

Article 112

Legislation

1. Legislation shall comprise laws, decree-laws and regional legislative decrees.
2. Laws and decree-laws have equal force, subject to the subordination of decree-laws published under legislative authority and those that develop the basic principles of the legal system.
3. Shall have superior force, besides organic laws, the laws which require a two third's majority to be approved, as well as those that, by Constitutional requirement, shall be compulsory legal prerequisites of other laws, or which other laws shall comply with.
4. Regional legislative decrees shall deal with matters of specific concern to the region that are not within the exclusive powers of the Assembly of the Republic or the Government; they shall not be inconsistent with the fundamental principles of the general laws of the Republic except when made under Article 227(1)(b).
5. The general laws of the Republic comprise laws and decree-laws the purposes of which require their application without qualification to the whole of the national territory and which thus decree.
6. No law shall create other categories of legislation or grant to acts of any other nature the power effectively to interpret, replace, modify, suspend or repeal any of their provisions.
7. Government regulations shall be made in the form of regulative decrees when this is required by the law for which they provide the regulation and in the case of independent regulations.
8. Regulations shall specify the laws for which they provide regulation or that lay

down the authority under which, and the circumstances in which, they are made.

9. The transposition of Community directives into internal legal framework shall be effected by way of a law or decree, depending on the case.

Article 113

General principles of electoral law

1. Direct, secret and regular elections are required for the selection of members of the elective organs with supreme authority, of the autonomous regions and of local government.

2. Registration of electors is compulsory and permanent and shall be officially initiated. There shall be a single registration system for all elections that take place by direct universal suffrage, without prejudice to the provisions of Article 15(4) and (5) and Article 121(2).

3. Election campaigns shall be conducted in accordance with the following principles:

a. Freedom to canvass;

b. Equality of opportunity and treatment for all candidates;

c. Impartiality towards candidates on the part of public bodies;

d. Transparency and supervision of electoral expenses.

4. Citizens have the duty to co-operate with the election administration as laid down by the law.

5. Votes cast shall be converted into effective elections in accordance with the principle of proportional representation.

6. Action dissolving collegiate organs that are elected by direct suffrage shall set the date for new elections, which shall be held within the following 60 days under the election law in force at the time of the dissolution; otherwise the action has no legal validity.

7. The courts have the power to rule as to the proper conduct of, and the validity of action taken during, the election process.

Article 114

Political parties and the right of opposition

1. Political parties shall participate in organs that are elected by direct universal suffrage to the extent of their electorally determined representation.

2. The right of democratic opposition of minorities shall be recognised on the conditions set out in this Constitution and under the law.

3. Political parties that are represented in the Assembly of the Republic but not in the Government have the right in particular to be informed regularly and directly by the Government on the progress of the principal matters of public interest; political parties that are represented in the regional legislative assemblies and any other assemblies formed through direct elections but not in the associated executive organ enjoy the same right with respect to that organ.

Article 115 Referendum

1. Citizens having the right to vote who are registered in the national territory may be called upon to express their opinions directly, and in a binding form, through a referendum, on the decision of the President of the Republic following a proposal by the Assembly of the Republic or by the Government, on matters relating to their respective competence, in the circumstances, and subject to the provisions, prescribed by this Constitution and the law.

2. A referendum may also be held on the initiative of citizens, directed to the Assembly of the Republic, which shall be presented and considered under the terms and within the periods determined by law.

3. The only subjects for a referendum shall be those matters of national interest in respect of which the power of decision rests with the Assembly of the Republic or the Government through the approval of an international convention or the enactment of legislation.

4. The following shall not be the subject of a referendum:

a. Amendments to the Constitution;

b. Budgetary, fiscal and financial matters and actions;

c. The matters provided for in Articles 161 of this Constitution, without prejudice to the following paragraph;

d. The matters provided for in Articles 164 of this Constitution, except for the provisions set out in paragraph (i).

5. The provisions of the above paragraph shall be without prejudice to the submission to referendum of issues of relevant national interest, which must be the subject of international agreement, in accordance with Article 161(i) of the Constitution, except where they relate to peace and the rectification of borders.

6. Each referendum shall deal with a single subject; the questions shall be

formulated in objective terms, and clearly and precisely and so as to permit an answer of yes or no; the law shall determine the maximum number of questions that may be asked and the other requirements with respect to the formulation and carrying out of referenda.

7. Referenda shall not be called or carried out between the dates for calling and carrying out a general election for the organs with supreme authority or the organs of self-government of the autonomous regions or of local government or for the European Parliament.

8. The President of the Republic shall submit proposals for a referendum that have been forwarded to the President by the Assembly of the Republic or the Government, for a compulsory anticipatory review of their compliance with this Constitution and the law.

9. The rules in Article 113(1), (2), (3), (4) and (7) apply to referenda with necessary modifications.

10. Proposals for a referendum that are refused by the President of the Republic or by the negative vote of the electorate may not be renewed in the same legislative session, unless there is a new election for the Assembly of the Republic or the Government is dismissed.

11. A referendum shall only have binding force where the number of voters is greater than one half of the voters registered in the census.

12. Citizens who are resident abroad and who are regularly included in a census under the provisions of Article 121(2), shall be called to take part in referenda on matters that specifically refer to them.

Article 116

Collegiate organs

1. Meetings of the assemblies that act as organs with supreme authority, of the autonomous regions or of local government shall be held in public except in the circumstances prescribed by law.

2. Decisions of collegiate organs shall be taken when a majority of the prescribed membership is present.

3. Decisions of collegiate organs shall be taken by a simple majority, without counting abstentions, except in the circumstances prescribed by this Constitution, the law and their own regulations.

Article 117

Status of holders of political office

1. Holders of political office have political, civil and criminal responsibility for their

acts and omissions in the performance of their functions.

2. The law shall prescribe the duties, responsibilities and disqualifications of holders of political office, and the consequences of the failure to comply with these requirements, as well as their respective rights, privileges and immunities.

3. The law shall specify the offences for which holders of political office shall be liable, and the sanctions and their consequences; these may include removal from office or forfeiture of their responsibilities.

Article 118

Principle of renewal

No one shall hold any national, regional or local political office for life.

Article 119

Publication of legislation and decisions

1. The following shall be published in the official journal, the Di-rio da Rep'blica:

a. Constitutional laws;

b. International conventions, notifications of ratification and other notifications relating to them;

c. Laws, decree-laws and regional legislative decrees;

d. Decrees of the President of the Republic;

e. Resolutions of the Assembly of the Republic and of the Regional Legislative Assemblies of the Azores and Madeira;

f. Standing Orders of the Assembly of the Republic, the Council of State and of the Regional Legislative Assemblies of the Azores and Madeira;

g. Rulings of the Constitutional Court and rulings of other courts which are made binding by law;

h. Regulative decrees and other decrees and regulations of the Government, decrees of Ministers for the Republic for the autonomous regions and regional regulative decrees;

i. The results of elections for the organs of supreme authority, for the autonomous regions and for local administration, as well as for the European Parliament and also the results of national and regional referenda.

2. Failure to publish any of the legislation or decisions specified in paragraphs (a) to (h) of the above section or decisions of a general nature taken by the organs with

supreme authority, of the autonomous regions or local government causes them to have no legal validity.

3. The manner of publication of other decisions, and the consequences of the failure to do so, shall be determined by law.

SECTION II

The President of the Republic

CHAPTER 1

Status and election

Article 120

Definition

The President of the Republic shall represent the Portuguese Republic, guarantee the independence of the nation, the unity of the State and the proper functioning of the democratic institutions, and shall be, ex officio, Commander-in-Chief of the Armed Forces.

Article 121

Election

1. The President of the Republic shall be elected by universal, direct and secret suffrage by the Portuguese citizens who are registered as voters in the national territory, as well as Portuguese citizens resident abroad, in accordance with the following section.

2. The law shall regulate the exercise of the right to vote held by Portuguese citizens resident abroad, taking account of the existence of effective links with the national community.

3. In the national territory the right to vote shall be exercised personally.

Article 122

Eligibility for election

Citizens of Portuguese origin who are entitled to vote and are at least 35 years of age are eligible for election.

Article 123

Re-election

1. No one shall be re-elected for a third consecutive term of office or during the 5

years immediately following the end of a second consecutive term of office.

2. If the President of the Republic resigns from office, he or she shall not stand as a candidate in the election that immediately follows nor in an election held in the 5 years immediately following the resignation.

Article 124 Nominations

1. Nominations for the office of President of the Republic require the support of a minimum of 7500, and a maximum of 15,000, citizens entitled to vote.

2. Nominations shall be submitted to the Constitutional Court at least 30 days before the date fixed for the election.

3. The election process shall be re-opened, under the conditions prescribed by law, if a candidate dies or for any reason becomes incapable of performing the functions of President of the Republic.

Article 125 Date of election

1. The President of the Republic shall be elected within the period of sixty days before the last day of the predecessor's term of office, or within the period of sixty days following the day on which the office falls vacant.

2. The election shall not be held in the period of 90 days that precedes or follows the date of an election for the Assembly of the Republic.

3. In the circumstances referred to in paragraph 2, the election shall be held in the period of ten days following the end of the period established therein and the term of office of the outgoing President shall be automatically extended for the appropriate period of time.

Article 126 Electoral system

1. The candidate who obtains more than half the votes validly cast shall be elected President of the Republic. Blank ballot papers shall not be considered to be validly cast.

2. If none of the candidates obtains that proportion of the votes, a second ballot shall be held until the 21st day after the date of the first ballot.

3. In a second ballot, only the two candidates who have obtained the most votes and have not withdrawn shall stand for election.

Article 127

Installation and swearing in

1. The installation of the President-elect shall take place before the Assembly of the Republic.
2. The installation shall take place on the last day of the term of office of the outgoing President or, in the case of an election after the office has fallen vacant, on the 8th day following publication of the result of the election.
3. During the installation, the President of the Republic shall take the following oath:

'I swear on my honour to perform faithfully the office with which I am invested and to defend, observe, and cause to be observed, the Constitution of the Portuguese Republic^a.

Article 128

Term of office

1. The President of the Republic shall hold office for 5 years; the term of office shall end on the installation of the newly elected President.
2. If the office falls vacant, the President of the Republic subsequently elected begins a new term of office.

Article 129

Absence from the national territory

1. The President of the Republic shall not be absent from the national territory without the consent of the Assembly of the Republic or its Standing Committee, if the Assembly is not in session.
2. This consent is not necessary if the President of the Republic is in transit or on an unofficial visit of not more than 5 days, although the Assembly of the Republic shall be informed in advance of these occasions.
3. Failure to comply with paragraph 1 results in automatic forfeiture of office.

Article 130

Criminal liability

1. The President of the Republic shall be answerable before the Supreme Court of Justice for offences committed in the performance of his or her duties.

2. It is the duty of the Assembly of the Republic to initiate the proceedings on proposal of one-fifth, that is supported by two-thirds, of the Deputies entitled to vote.

3. Conviction results in forfeiture of office and disqualification from re-election.

4. The President of the Republic shall be answerable before a court of law, after the end of the term of office, for offences not committed in the performance of his or her duties.

Article 131

Resignation

1. The President of the Republic may resign from office by addressing a message to the Assembly of the Republic.

2. The resignation shall take effect when the message is made known to the Assembly of the Republic, subject to its subsequent publication in the *Diário da República*.

Article 132

Acting President

1. If the President of the Republic is temporarily unable to perform the duties or if there is a vacancy in the office before the installation of a newly elected President, the presidential functions shall be performed by the President of the Assembly of the Republic, or, if that person is unable to act, by his or her deputy.

2. The office of the President of the Assembly, or his or her deputy, are automatically suspended during the period when the holder of the office is acting as President of the Republic.

3. The President of the Republic, while temporarily unable to perform duties, shall maintain the rights and privileges inherent in his office.

4. The acting President of the Republic shall enjoy all of the honours and prerogatives of the office, but the rights available to him are those of the position to which he was elected.

CHAPTER II

Powers

Article 133

Powers with regard to other organs

The President of the Republic has the following powers in relation to other organs:

- a. To preside over the Council of State;
- b. To fix, in conformity with the electoral law, the dates of the elections for the President of the Republic, the Assembly of the Republic, the European Parliament and the regional legislative assemblies;
- c. To convene extraordinary sessions of the Assembly of the Republic;
- d. To address messages to the Assembly of the Republic and to the Regional Legislative Assemblies;
- e. To dissolve the Assembly of the Republic, subject to the provisions of Article 172, after receiving the opinions of the parties represented in the Assembly and of the Council of State;
- f. To appoint the Prime Minister in accordance with Article 187(1);
- g. To dismiss the Government in accordance with Article 195(2) and to remove the Prime Minister from office under Article 186(4);
- h. To appoint and remove from office members of the Government on the proposal of the Prime Minister;
- i. To preside over the Council of Ministers at the request of the Prime Minister;
- j. To dissolve the organs of self-government of the autonomous regions, on his or her own initiative or on the proposal of the Government, after receiving the opinions of the Assembly of the Republic and the Council of State;
- l. To appoint and remove from office, on the proposal of the Government, the Ministers for the Republic for the autonomous regions, after receiving the opinion of the Council of State;
- m. To appoint and remove from office, on the proposal of the Government, the president of the Court of Audit and the Attorney-General;
- n. To appoint 5 of the members of the Council of State and 2 of the members of the Superior Council for the Judiciary ;
- o. To preside over the Superior Council for National Defence;
- p. To appoint and remove from office, on the proposal of the Government, the Chief of the General Staff of the Armed Forces, and, after receiving the opinion of the Chief of the General Staff, the Deputy Chief of the General Staff of the Armed Forces (if any) and the Chiefs of Staff of the three services of the Armed Forces.

Article 134

Personal powers

The President of the Republic has the following personal powers:

- a. To perform the functions of Supreme Commander of the Armed Forces;
- b. To promulgate and order the publication of laws, decree-laws and regulative decrees, and to sign resolutions of the Assembly of the Republic approving international agreements and the other decrees of Government;
- c. To submit appropriate matters of national interest to a referendum under Article 115 as well as those referred to in Art. 232(2) and Article 256(3);
- d. To declare a state of siege or a state of emergency, in conformity with the provisions of Articles 19 and 138;
- e. To make a statement on all serious emergencies in the life of the Republic;
- f. To grant pardons and to commute sentences, after receiving the opinion of the Government;
- g. To request the Constitutional Court to undertake an anticipatory review of the constitutionality of provisions of laws, decree-laws and international conventions;
- h. To request the Constitutional Court to rule on legal provisions that are unconstitutional or whether unconstitutionality has occurred through omission;
- i. To award decorations in accordance with the law and to perform the function of grand-master of Portuguese orders of honour.

Article 135

Powers in international relations

The President of the Republic has the following powers with respect to international relations:

- a. To appoint ambassadors and envoys extraordinary on the proposal of Government, and to accept the accreditation of foreign diplomatic representatives;
- b. To ratify international treaties once they have been duly approved;
- c. To declare war in the case of actual or imminent aggression, and to make peace, on the proposal of the Government, after receiving the opinion of the Council of State and with the authorisation of the Assembly of the Republic or, if it is not in session and its immediate recall is not possible, of its Standing Committee.

Article 136

Promulgation and veto

1. Within 20 days after receiving a decree of the Assembly of the Republic for the purpose of its promulgation as law, or after the publication of a ruling of the Constitutional Court that none of the provisions of such a decree are unconstitutional, the President of the Republic shall either promulgate the instrument or exercise the right of veto in the form of a message, based on substantial grounds, requesting its reconsideration.
2. If the Assembly of the Republic confirms its vote by an absolute majority of the Members entitled to vote, the President of the Republic shall promulgate the instrument within 8 days after receiving it.
3. However, a majority of two-thirds of the Deputies present, where that majority exceeds an absolute majority of the Deputies entitled to vote, is required to ratify decrees that are in the form of organic laws or concern any of the following matters:
 - a. External relations;
 - b. The boundaries between the public, the private and the co-operative and social sectors, with respect to ownership of the means of production;
 - c. Regulation of elections provided for in this Constitution, where these do not review the form of organic law.
4. Within 40 days after receiving a decree of the Government for the purpose of its promulgation, or after the date of publication of a ruling of the Constitutional Court that none of the provisions of such a decree are unconstitutional, the President of the Republic shall either promulgate the instrument or exercise the right of veto by way of a written communication to the Government containing the reasons for the veto.
5. The President of the Republic also has a right of veto in the circumstances laid down in Articles 278 and 279.

Article 137

Failure to promulgate or sign

Failure by the President of the Republic to promulgate or to sign any measure specified in Article 134 (b) causes the measure to have no legal validity.

Article 138

Declaration of a state of siege or emergency

1. A state of siege or a state of emergency shall not be declared unless the Government has first been consulted and the authorisation obtained of the Assembly of the Republic or, if it is not in session and its recall is not possible, of its Standing Committee.
2. Where the authorisation is given by the Standing Committee of the Assembly, the

declaration of a state of siege or a state of emergency shall be confirmed by a plenary sitting of the Assembly as soon as possible after it is in session.

Article 139

Powers of an interim President of the Republic

1. An interim President of the Republic does not have any of the powers specified in Articles 133(e) and (n) and 134(c).
2. An interim President of the Republic shall exercise the powers specified in Articles 133 (b), (c), (f), (m) and (p), 134(a) and 135 (a) only after taking the opinion of the Council of State.

Article 140

Ministerial counter-signature

1. Action taken by the President of the Republic under Articles 133(h), (j), (l), (m) and (p), 134 (b), (d) and (f) and 135 (a), (b) and (c) shall be counter-signed by the Government.
2. Absence of the counter-signature causes the action to have no legal validity.

CHAPTER III

Council of State

Article 141

Definition

The Council of State is the political organ that advises the President of the Republic.

Article 142

Composition

The Council of State shall be presided over by the President of the Republic and is comprised of the following members:

- a. The President of the Assembly of the Republic;
- b. The Prime Minister;
- c. The President of the Constitutional Court;

- d. The Ombudsman;
- e. The presidents of the regional governments;
- f. Former presidents of the Republic elected under this Constitution and not removed from office;
- g. 5 citizens appointed by the President of the Republic for the period corresponding to the President's term of office;
- h. 5 citizens elected by the Assembly of the Republic, by a system of proportional representation, for the period corresponding to the legislative term.

Article 143

Installation and term of office

1. The installation of the members of the Council of State shall be performed by the President of the Republic.
2. Members of the Council of State specified in Article 142 (a) to (e) shall perform their functions for as long as they hold the specified office.
3. Members of the Council of State specified in Article 142(g) and (h) shall continue to perform their functions until the installation of their replacements.

Article 144

Organisation and operation

1. The Council of State has power to draw up its own Standing Orders.
2. Meetings of the Council of State shall not be public.

Article 145

Powers

The Council of State has powers:

- a. To state its opinion on the dissolution of the Assembly of the Republic and of the organs of self-government of the autonomous regions;
- b. To state its opinion on the dismissal of the Government in the circumstances specified in Article 195(2);
- c. To state its opinion on the appointment and removal from office of the Ministers for the Republic for the autonomous regions;

- d. To state its opinion on the declaration of war and the making of peace;
- e. To state its opinion on the actions of the interim President of the Republic specified in Article 139;
- f. To state its opinion on all other matters as are provided for in this Constitution, and, in general, to advise the President of the Republic on the performance of his or her functions at the request of the President.

Article 146 Statement of opinions

Opinions of the Council of State specified in Article 145(a) to (e) shall be stated at the meeting called for the purpose by the President of the Republic and shall be made public at the time that the actions to which they relate are taken.

SECTION III

Assembly of the Republic

CHAPTER 1

Status and election

Article 147 Definition

The Assembly of the Republic is the representative assembly of all Portuguese citizens.

Article 148 Number of Deputies

The Assembly of the Republic shall have not less than one hundred and eighty, and not more than two hundred and thirty, Deputies, as provided in the electoral law.

Article 149 Constituencies

1. Deputies shall be elected by electoral districts, the boundaries of which shall be laid down by law, which may also provide for the existence of plurinominal and uninominal electoral districts, as well as their respective kind and complementarity,

in order to ensure the system of proportional representation and the Hondt highest average method when converting the votes into the number of mandates.

2. Except in the case where there is a national electoral district, the number of Deputies allocated to each plurinominal electoral district, shall be proportionate to the number of voters enrolled in the electoral register for that electoral district.

Article 150 Qualifications

Portuguese citizens entitled to vote may stand for election, subject to the restrictions arising from local disqualifications or the holding of specified offices, as are prescribed in the electoral law.

Article 151 Nominations

1. Nominations shall be made, as provided by law, by the political parties either separately or in combination with others; the lists may include citizens who are not members of the nominating parties.

2. No one shall stand for more than one electoral district of the same kind except the national electoral district where such exists, or be named in more than one list.

Article 152 Political representation

1. The law shall not limit the conversion of votes cast into numbers elected by a requirement for a minimum national percentage of votes.

2. Deputies shall represent the whole country, rather than the electoral district for which they were elected.

Article 153 Beginning and end of term of office

1. The term of office of Deputies starts with the first meeting of the Assembly of the Republic and ends with first meeting after the next general election, without prejudice to the powers to suspend and remove individual Deputies from office.

2. The filling of Assembly seats that fall vacant and the temporary replacement of Deputies, where there are good reasons, shall be regulated by the electoral law.

Article 154

Disqualifications and impediments

1. Deputies who are appointed members of the Government shall not perform the functions of a Deputy while the appointment is in force; their seat shall be filled temporarily as provided for in Article 153.
2. The law may make provision for other disqualifications.
3. The law shall regulate the circumstances and conditions in which Deputies shall require the permission of the Assembly of the Republic to act as jurors, arbitrators, experts or witnesses.

Article 155

Performance of functions by Deputies

1. Deputies shall freely exercise their mandate and are guaranteed the conditions that enable them to perform their functions efficiently, and in particular to maintain the essential contact with the electorate and to be kept regularly informed.
2. The law shall prescribe the circumstances in which absence of Deputies, by reason of meeting of the Assembly or missions on its behalf, constitutes a valid reason for adjourning official activities or duties unconnected with the Assembly.
3. Public bodies are under a duty, as provided by law, to co-operate with Deputies in the performance of their functions.

Article 156

Powers of Deputies

Deputies have the following powers:

- a. To table proposals for the revision of this Constitution;
- b. To table bills, draft standing orders or resolutions, specifically on referenda, and motions for debate and to request that they be set down in the agenda;
- c. To participate and intervene in parliamentary debates, as provided in the Standing Orders;
- d. To address questions to the Government concerning its actions or those of the Public Service and to receive answers within a reasonable time, subject to the law on State secrecy;
- e. To request and to obtain from the Government or from the organs of any public body such data, information and publications as they may consider useful for the performance of their office;

- f. To request the setting up of parliamentary committees of inquiry;
- g. Such powers as are conferred on them by the Standing Orders of the Assembly.

Article 157 Immunities

1. Deputies are not subject to civil, criminal or disciplinary proceedings in respect of their voting or opinions expressed in the performance of their duties.
2. Deputies may not be heard as testifiers or as defendants without the permission of the Assembly. In the latter case permission shall be obligatory where there is strong evidence that a serious crime has been committed that is punishable with a maximum sentence of imprisonment for more than three years.
3. Deputies shall not be detained or arrested unless on the authority of the Assembly or when found in flagrante delicto committing a felonius offence punishable by imprisonment as set out in the above paragraph.
4. Where criminal proceedings are instituted against a Deputy who is charged with an offence, the Assembly shall decide whether or not the Deputy shall be suspended so that the proceedings can be pursued. The decision to suspend shall be obligatory where it concerns a crime referred to in the above paragraphs.

Article 158 Rights and privileges

1. Deputies enjoy the following rights and privileges:
 - a. Deferment of military service and civic or civil defence service;
 - b. Freedom of movement and the right to a special passport for the purposes of official visits abroad;
 - c. A special identity card;
 - d. Allowances as prescribed by law.

Article 159 Duties

Deputies have the following duties:

- a. To attend plenary sittings of the Assembly and the meetings of the committees of which they are members;

- b. To perform their functions in the Assembly and to carry out the responsibilities assigned to them by their parliamentary group;
- c. To participate in the voting.

Article 160

Cessation and resignation of office

1. Deputies cease to hold office if they:

- a. Become subject to any of the disabilities or disqualifications prescribed by law;
- b. Fail to take their seat in the Assembly or exceed the number of absences permitted under the Standing Orders;
- c. Join a different party from the one that nominated them for election;
- d. Are convicted by a court for a crime committed in the exercise of their duties and are thus sentenced, or for membership of an organisation that is racist or has a fascist ideology.

2. Deputies may resign the office by a declaration in writing.

CHAPTER II

Powers

Article 161

Political and legislative powers

The Assembly of the Republic has the following powers:

- a. To amend this Constitution in accordance with Articles 284 and 289;
- b. To approve the political and administrative statutes of the autonomous regions;
- c. To enact legislation on any subject other than those in the exclusive powers of the Government under this Constitution;
- d. To delegate to the Government power to legislate;
- e. To delegate to the regional legislative assemblies powers to legislate as provided in Article 227(1)(b);
- f. To grant amnesties and general pardons;
- g. To approve laws with respect to major national planning options and the State

Budget, upon proposal by the Government;

h. To authorise the Government to raise and make loans and to engage in other activities to provide credit that do not give rise to unsecured debt, to prescribe the general conditions for those matters and to fix the maximum amount in Treasury bills that may be issued in any one year by the Government;

i. To approve international conventions, specifically treaties for the membership of Portugal in international organisations, treaties of friendship, of peace, for defence or to rectify boundaries, or concerning military matters, and any international treaties on matters within the exclusive powers of the Government or which it intends to table for its consideration;

j. To propose to the President of the Republic the submission of questions of relevant national interest to a referendum;

l. To authorise the declaration of a state of siege or a state of emergency and to confirm any such declaration;

m. To authorise the President of the Republic to declare war and to make peace;

n. To give its opinion, as provided by law, on matters that are pending decision within the organs of the European Union and that have a bearing on their exclusive legislative powers;

o. To perform the other functions conferred on it by this Constitution and the law.

Article 162

Supervisory powers

The Assembly of the Republic has the following supervisory powers:

a. To monitor observance of this Constitution and the laws and to keep the activities of the Government and the Public Service under review;

b. To keep implementation of declarations of a state of siege or a state of emergency under review;

c. To scrutinise, for the purposes of terminating the validity of, or amending, decree-laws, other than those made in the exercise by Government of its exclusive legislative powers and regional legislative decrees provided for in Article 227(1)(b);

d. To receive the accounts of the State and of public bodies designated by law, which shall be submitted not later than 31 December in the year following and be accompanied by the opinion of the Court of Audit, if completed, and any other information required for their scrutiny;

e. To review the reports concerning the implementation of national plans.

†

Article 163

Powers in relation to others organs

The Assembly of the Republic has the following powers in relation to other organs:

- a. To witness the installation of the President of the Republic;
- b. To consent to the absence of the President of the Republic from the national territory;
- c. To institute proceedings against the President of the Republic for offences committed in the performance of his or her functions, and to decide on the suspension of members of the Government in the circumstances specified in Article 196;
- d. To debate the programme of the Government;
- e. To pass motions of confidence in, and of censure of, the Government;
- f. To monitor and to evaluate, in accordance with the law, the participation of Portugal in the process for implementing the European Union;
- g. To give its opinion on the dissolution of the organs of self-government of the autonomous regions;
- h. To elect, by a system of proportional representation, 5 members of the Council of State, 5 members of the High Authority for the Mass Media, and those members of the Superior Council for the Public Prosecution whom the Assembly is empowered to appoint;
- i. To elect, by a majority of two-thirds of the Deputies where that majority exceeds an absolute majority of the Deputies entitled to vote, 10 judges of the Constitutional Court, the Ombudsman, the president of the Economic and Social Council, 7 members of the Superior Council for the Judiciary, and those members of other constitutional organs whom the Assembly is empowered to appoint.
- j. To monitor, in accordance with the law and Standing Orders, the involvement of Portuguese military contingents abroad.

Article 164

Exclusive legislative powers

The Assembly of the Republic has exclusive legislative power with respect to the following matters:

- a. Election of persons to hold office in the organs with supreme authority;

- b. Legal rules of Referenda;
- c. Organisation, operation and procedures of the Constitutional Court;
- d. Organisation of national defence and determination of the responsibilities consequent upon it, and the general structure, and the operation, re-equipping and discipline of the Armed Forces;
- e. State of siege and state of emergency;
- f. Acquisition, loss and re-acquisition of Portuguese citizenship;
- g. Determination of the limits of territorial waters and the exclusive economic zone, and the rights of Portugal to the adjacent sea-beds;
- h. Political parties and associations;
- i. Structure of the educational system;
- j. Elections of Deputies to the Regional Legislative Assemblies of the Azores and Madeira;
- l. Election of office holders in the organs of local government or others elected by direct and universal elections as well as all other constitutional organs;
- m. Status of office holders in the organs with supreme authority and of local government, and of other constitutional organs and of organs elected by direct and universal elections;
- n. Creation, abolition and alteration of local authorities and of the respective system, without prejudice to the powers of the autonomous regions;
- o. Restrictions on the exercise of fundamental rights by permanent personnel of the military and the security forces when on active service, as well as by agents of the security services and forces;
- p. Rules concerning the appointment of members of European Union organs, except for the Commission;
- q. Rules concerning the system of State intelligence and State secrecy;
- r. Rules concerning the preparation and organisation of State, autonomous regions and local authorities budgets;
- s. Rules concerning the National symbols;
- t. Rules concerning the finances of the autonomous regions;
- u. Rules concerning the security forces;

v. Rules concerning the organisational, administrative and financial autonomy of the support services to the President of the Republic.

Article 165

Partially exclusive legislative powers

1. The Assembly of the Republic has exclusive legislative powers with respect to the following matters, except where legislative power is delegated to the Government:

- a. Status and capacity of persons;
- b. Rights, freedoms and guarantees;
- c. Prescription of offences, punishments and security measures, and the bases for their application, and the criminal process;
- d. Basic legal rules with respect to the punishment of disciplinary offences and breaches of regulatory ordinances, and the related procedures;
- e. Basic legal rules with respect to requisition and compulsory acquisition for public purposes;
- f. Bases of the social security system and of the national health service;
- g. Bases of the system for protecting nature, the ecological balance and the cultural heritage;
- h. Basic legal rules with respect to the renting of rural and urban property;
- i. Taxation and the fiscal system and the general system of duties and other financial contributions towards public entities;
- j. Determination of the sectors for the ownership of the means of production, including the basic sectors in which private businesses and other similar entities may not operate;
- l. Manner and form of interference with, and compulsory acquisition, nationalisation and privatisation of, the means of production and of land in the public interest, and the criteria for the determination of compensation in those cases;
- m. The legal rules for planning economic and social development and the composition of the Economic and Social Council;
- n. Bases of the policy for agriculture, including the determination of the maximum and minimum sizes of farms;
- o. Monetary system and the standards for weights and measures;

p. Organisation and powers of the courts, the Public Prosecutors and of non-judicial bodies for alternative dispute resolution, and the status of the judiciary and Public Prosecutors;

q. Status of local authorities, including the system of local finances;

r. Participation of associations of residents in local government;

s. Public associations, guarantees against public administrators and the civil liability of the Public Service;

t. Bases for the rules relating to public officials and their jurisdiction;

u. General basis of the status of state-owned enterprises and of public foundations;

v. Determination of the property in the public domain, and the arrangements with respect to such property;

x. Legal rules with respect to the means of production of property in the co-operative and social sector.

z. The basis of territory ordering and urbanism;

aa. The system and form of municipal police forces.

2. Laws delegating powers of legislation shall determine the subject, the purpose, the extent and the period of the delegation, and any power to extend that period.

3. Delegated powers of legislation shall not be used more than once, but may be exercised in stages.

4. Delegated powers to legislate lapse when the Government to which they were granted is dismissed, when the term of the Assembly ends or when the Assembly is dissolved.

5. This Article applies to the delegated powers to legislate conferred on the Government by the Budget law; when concerned with fiscal matters, such powers shall not lapse until the end of the financial year to which they relate.

Article 166

Form of actions

1. The action specified in Article 161(a) shall take the form of constitutional laws.

2. The actions specified in Article 164(a) to (f), (h), (j), (l - first part), (q) and (t) and Article 255 shall take the form of organic laws.

3. The actions specified in Article 161(b) to (h) shall take the form of laws.

4. The actions specified in Article 163(d) and (e) shall take the form of motions.
5. Other actions of the Assembly of the Republic, and the actions of the Standing Committee specified in Article 179(3) (e) and (f), shall take the form of resolutions.
6. Resolutions shall be published without promulgation.

Article 167

Legislative initiative and referendum

1. The power to initiate laws and to propose referenda lies with Deputies, parliamentary groups and the Government, and further, in accordance with the terms and conditions established by law, the groups of electing citizens; the power to initiate laws with respect to the autonomous regions lies with the appropriate regional legislative assembly.
2. Deputies, parliamentary groups, regional legislative assemblies and groups of electing citizens shall not table bills, draft legislation or amendments that involve, in the current year, any increase in State expenditure or any reduction in State revenue, as provided for in the Budget.
3. Deputies and parliamentary groups and groups of electing citizens shall not propose referenda that involve, in the current year, any increase in State expenditure or any reduction in State revenue, as provided for in the Budget.
4. Bills, draft legislation and proposals for referenda that have been finally rejected shall not be re-introduced in the same legislative session, unless a new Assembly of the Republic is elected.
5. Bills, draft Government legislation and proposals for referenda that are not voted upon in the legislative session in which they are tabled need not be re-introduced in the following legislative session, unless the legislative term of the Assembly has ended.
6. Draft legislation and proposals for referenda tabled by the Government lapse on the dismissal of the Government.
7. Legislative initiatives from regional legislative assemblies lapse at the end of their legislative term, unless approved on the first reading, in which case they lapse only when the legislative term of the Assembly ends.
8. Parliamentary committees are entitled to submit alternative texts; but these do not prejudice the bills, draft legislation or the proposals for a referendum to which they refer when those have not been withdrawn.

Article 168

Debates and voting

1. Debate of bills and draft legislation shall comprise a first reading general debate and a second reading debate on detail.
2. Voting comprises a vote on the first reading, a vote on the second reading and a final overall vote.
3. If the Assembly so decides, texts approved on the first reading shall be submitted to committees for their second reading, subject to the power of the Assembly to recall them and to a final overall vote by the Assembly.
4. The second reading of bills relating to matters specified in Articles 164(a) to (f), (h), (n) and (o) and 165(1)(q) must be voted on by the Assembly in plenary session.
5. Organic laws must be approved, in the overall final vote, by an absolute majority of the Deputies entitled to vote. The provisions relating to the territorial demarcation of the regions, set out in Article 255, must be approved in their second reading by the Assembly in plenary session by an identical majority.
6. The law that regulates the exercise of the right set out in Article 121(2) and the provisions of laws relating to matters specified in Articles 148 and 149, in 164(o), as well as those relating to the system and method of electing the organs referred to in Article 239(3), must be approved by a two-thirds majority of the Deputies present, provided that the majority exceeds an absolute majority of the Deputies entitled to vote.

Article 169

Parliamentary appraisal of legislative acts

1. Decree-laws, other than those approved under the exclusive legislative powers of the Government, shall be submitted, for the purposes of terminating their validity or amendment, on the petition of 10 Deputies, for consideration by the Assembly of the Republic, within thirty days following their publication, not counting periods when the operation of the Assembly of the Republic is suspended.
2. Where proposals are made for the amendment of a decree-law, made under delegated legislative powers, that has been submitted for consideration, the Assembly may suspend the operation of the decree, in whole or in part, until the law amending it is published or the proposals for amendment are rejected.
3. The suspension shall lapse immediately the Assembly has held 10 plenary meetings without taking a final decision.
4. Where termination of validity is approved, the instrument ceases to be in force from the date of the publication of the resolution in the Di-rio da Rep'blica, and it may not be published again in the same legislative session.
5. The process shall lapse if, after a decree-law has been submitted for consideration, the Assembly takes no decision on it, or, having decided to make

amendments, it does not approve a law to that effect before the end of the current legislative session, in which there have been 15 plenary meetings.

6. The processes of parliamentary consideration of decree-laws shall take priority, in accordance with the Standing Orders.

Article 170

Urgency procedure

1. At the request of a Deputy or parliamentary group or the Government, the Assembly of the Republic is entitled to adopt a urgency procedure for passing a bill, draft legislation or a motion for a resolution.

2. At the request of the Regional Legislative Assembly for the Azores or Madeira, the Assembly is also entitled to adopt an urgency procedure for passing a bill initiated by that regional legislative assembly.

CHAPTER III

Organisation and operation

Article 171

Legislative term

1. The legislative term lasts for 4 legislative sessions.

2. In the case of a dissolution, the newly elected Assembly shall start a new legislative term, the length of which shall be increased, at the beginning, by the time needed to complete the legislative session current at the date of the election.

Article 172

Dissolution

1. The Assembly of the Republic may not be dissolved during the 6 months immediately following its election, or during the last half-year of the term of office of the President of the Republic or during a state of siege or a state of emergency.

2. A decree of dissolution made in contravention of paragraph 1 shall have no legal validity.

3. A dissolution of the Assembly does not affect the continuance in the office of the Deputies or the powers of the Standing Committee until the first meeting of the Assembly after the ensuing election.

Article 173

Meeting after an election

1. The Assembly of the Republic shall meet as of right on the third day after the general results of the election are declared, or where election occasioned by the end of the legislative term takes place on a day before the end of that term, on the first day of the next legislative term.
2. If that date falls in the period when the Assembly is not in session, it shall meet for the purpose of giving effect to Article 175.

Article 174

Legislative sessions, period of sittings, and convening

1. A legislative session lasts for one year from 15 September.
2. The usual period for sittings of the Assembly runs from 15 September to 15 June, subject to adjournments at the decision of the Assembly on a majority of two-thirds of the Deputies present.
3. The Assembly may sit outside the period specified in paragraph 2, following a decision of a plenary session extending the usual period for sittings, at the initiative of the Standing Committee, or, if that is not possible and in the case of a grave emergency, at the initiative of more than half of the Deputies.
4. Extraordinary sittings of the Assembly may be convened by the President of the Republic for the transaction of specific business.
5. Where the Assembly decides to adjourn under paragraph 2, committees are entitled to sit although the plenary Assembly is not sitting.

Article 175

Internal powers of the Assembly

The Assembly of the Republic has the power:

- a. To draw up and approve its own Standing Orders under this Constitution;
- b. To elect, by an absolute majority of the Deputies entitled to vote, its President and other officers, that is, 4 Vice-Presidents, who shall be elected on the recommendation of the 4 largest parliamentary parties;
- c. To appoint the Standing Committee and the other committees.

Article 176

Order of business of plenary sittings

1. The order of business shall be drawn up by the President of the Assembly of the Republic in accordance with the order prescribed by the Standing Orders, subject to the right to challenge it before the Assembly in plenary session and to the powers of the President of the Republic under Article 174(4).
2. The Government and the parliamentary groups may request that priority be given to matters of national interest that require urgent resolution.
3. All parliamentary parties are entitled to determine the order of business of a specific number of sittings in accordance with criteria to be prescribed by the Standing Orders, due account being taken of the position of minority parties and those not represented in the Government.
4. The regional legislative assemblies may request priority for matters of regional interest that require urgent resolution.

Article 177

Attendance by members of the Government at plenary sittings

1. Ministers have the right to attend plenary sittings of the Assembly of the Republic and may be assisted or replaced by Secretaries of State, all of whom are entitled to speak as provided in the Standing Orders.
2. Sittings shall be fixed at which members of the Government shall be present to answer questions or requests for information from Deputies; they shall be held at the minimum intervals prescribed in the Standing Orders and on dates to be settled in agreement with the Government.
3. The members of the Government may request to take part in the work of the committees and must appear before them when requested.

Article 178

Committees

1. The Assembly of the Republic shall have the committees provided for in the Standing Orders and may establish committees of inquiry or committees for other specific purposes.
2. The composition of the committees shall reflect the representation of parties in the Assembly of the Republic.
3. Petitions addressed the Assembly shall be examined by its committees or by a committee established for the purpose, which may seek the advice of other committees that are competent in the matter; in all cases the committees may request any citizen to give evidence before them.
4. Subject to the general rules governing their constitution, parliamentary

committees of inquiry must be set up when requested by one-fifth of the Deputies entitled to vote, to a limit of one per Deputy for each legislative session.

5. Parliamentary committees of inquiry have the same powers of investigation as judicial authorities.

6. The presidencies of committees shall be distributed between the parliamentary parties in proportion to the number of their Deputies.

7. Representatives of a Regional Legislative Assembly that proposes regional legislation may participate at meetings of committees that are discussing such proposals, under the terms of the Standing Orders.

Article 179

Standing Committee

1. A Standing Committee of the Assembly of the Republic shall sit when the Assembly of the Republic is not in session, when it is dissolved and in the other cases provided for in this Constitution.

2. The Standing Committee shall be chaired by the President of the Assembly and shall be composed of the Vice-Presidents and Deputies appointed by all the parties in proportion to the number of their Deputies.

3. The Standing Committee has the following powers:

a. To ensure observance of the Constitution and of the laws and to follow the activities of the Government and the Public Service;

b. To exercise the powers of the Assembly with respect to the term of office of Deputies;

c. To take steps for the convening of the Assembly when necessary;

d. To prepare the opening of the legislative session;

e. To consent to the absence of the President of the Republic from the national territory;

f. To authorise the President of the Republic to declare a state of siege or a state of emergency, or to declare war or to make peace.

4. In the case specified in paragraph 3(f), the Standing Committee shall take the steps necessary to ensure that the Assembly is convened as soon as possible.

Article 180

Parliamentary groups

1. Deputies elected for the same party or the same alliance of parties are entitled to set up a parliamentary group.

2. Parliamentary groups have the following rights:

a. To participate in the committees of the Assembly in proportion to the number of their Deputies and to nominate their representatives;

b. To express an opinion with regard to the order of business and to have challenge the order of business adopted before the Assembly in plenary session;

c. To initiate, in the presence of the Government, debate on questions of present and urgent public interest;

d. To initiate, in each legislative session, 2 debates on motions questioning the Government on matters of general or sectorial policy;

e. To request the Standing Committee to take steps for the convening of the Assembly;

f. To request the setting up parliamentary committees of inquiry;

g. To initiate laws;

h. To propose motions for the rejection of the Government's programme;

i. To propose motions of censure on the Government;

j. To be informed regularly and directly by the Government on progress in respect of major matters of public interest.

3. Each parliamentary group is entitled to a place of work at the seat of the Assembly and to specialist and administrative personnel in whom it has confidence, as shall be determined by law.

4. Deputies who are not part of parliamentary groups shall be ensured minimum rights and guarantees, in accordance with the Standing Orders.

Article 181

Officials and experts serving the Assembly

The work of the Assembly and its committees shall be assisted by a permanent staff of specialist and administrative officials and by experts appointed or temporarily contracted, in the numbers that the President considers necessary.

SECTION IV

The Government

CHAPTER I

Function and structure

Article 182

Definition

The Government is the organ for the conduct of the general policy of the country and the superior organ of public administration.

Article 183

Composition

1. The Government comprises the Prime Minister, the Ministers, the Secretaries and the Under-Secretaries of State.
2. The Government may include one or more Deputy Prime Ministers.
3. The number of ministries and secretariats of State, their titles and powers and the mode of coordinating them shall be laid down, as appropriate to the case, in the decrees appointing the holders of the offices or by decree-law.

Article 184

The Council of Ministers

1. The Council of Ministers comprises the Prime Minister, the Deputy Prime Ministers, if any, and the Ministers.
2. The law may establish Councils of the Ministers responsible for special subjects.
3. Secretaries and Under-Secretaries of State may be required to attend meetings of the Council of Ministers.

Article 185

Temporary replacement of members of the Government

1. If there is no Deputy Prime Minister, the place of the Prime Minister shall be taken, in the Prime Minister's absence or inability to act, by the Minister designated by the Prime Minister to the President of the Republic, or if no such designation is made, by the Minister whom the President of the Republic designates for the purpose.
2. The place of a Minister shall be taken, in the Minister's absence or inability to act, by the Secretary of State designated by the Prime Minister or, if no such

designation is made, by the member of the Government whom the Prime Minister designates for the purpose.

Article 186

Commencement and cessation of functions

1. The Prime Minister shall commence to hold office on installation and shall cease to hold office when removed from office by the President of the Republic.
2. Other members of the Government shall commence to hold office on installation and shall cease to hold office when they, or the Prime Minister, are removed from office.
3. Secretaries and Under-Secretaries of State shall also cease to hold office when their respective Minister is removed from office.
4. Where the Government is dismissed, the Prime Minister of the outgoing Government shall be removed from office on the appointment and installation of the new Prime Minister.
5. Before its programme has been subjected to review by the Assembly of the Republic or after it has been dismissed, the Government shall limit its activities to those which are strictly necessary to ensure the proper management of public business.

CHAPTER II

Formation and responsibility

Article 187

Formation

1. The Prime Minister shall be appointed by the President of the Republic after taking the opinion of the parties represented in the Assembly of the Republic and with due regard for the results of the general election.
2. The other members of the Government shall be appointed by the President of the Republic on the recommendation of the Prime Minister.

Article 188

Programme

The programme of the Government shall state its principal political objectives and the measures to be adopted or proposed in the various fields of governmental activity.

Article 189

Collective responsibility

The members of the Government are bound by the programme of the Government and by the decisions taken in the Council of Ministers.

Article 190

Responsibility of the Government

The Government shall be responsible for its actions to the President of the Republic and to the Assembly of the Republic.

Article 191

Responsibility of members of the Government

1. The Prime Minister shall be responsible to the President of the Republic and, within the terms of the political responsibility of the Government, to the Assembly of the Republic.
2. The Deputy Prime Ministers and the Ministers shall be responsible to the Prime Minister and, within the terms of the political responsibility of the Government, to the Assembly of the Republic.
3. The Secretaries and Under-Secretaries of State shall be responsible to the Prime Minister and to their respective Ministers.

Article 192

Consideration of the programme of the Government by the Assembly of the Republic

1. The programme of the Government shall be tabled before the Assembly of the Republic for consideration, in the form of statement made by the Prime Minister within a maximum of 10 days after appointment.
2. If the Assembly of the Republic is not in session, it must be convened by its President for this purpose.
3. The debate may not exceed 3 days, and until it is closed, any parliamentary group may propose the rejection of the programme and the Government may request the approval of a vote of confidence.
4. A rejection of the Government's programme requires an absolute majority of the Deputies entitled to vote.

Article 193

Request for vote of confidence

The Government may ask the Assembly of the Republic for a vote of confidence on a statement of general policy or on any matter of national interest.

Article 194

Motions of censure

1. The Assembly of the Republic may, on the proposal of one quarter of the Deputies entitled to vote or of any parliamentary group, pass a motion of censure on the Government with respect to the implementation of its programme or any matter of national interest.

2. A motion of censure shall not be considered until 48 hours after it has been tabled; the debate may not exceed 3 days.

3. If a motion of censure is not passed, its signatories shall not table another such motion during the same legislative session.

Article 195

Dismissal of the Government

1. The dismissal of the Government occurs when:

- a. A new legislative term begins;
- b. The President of the Republic accepts the resignation of the Prime Minister;
- c. The Prime Minister dies or is suffering from a permanent physical incapacity;
- d. Its programme is rejected;
- e. A motion of confidence is not passed;
- f. A motion of censure is passed by an absolute majority of the Deputies entitled to vote.

2. The President of the Republic may, after taking the opinion of the Council of State, dismiss the Government when necessary to safeguard the proper functioning of the democratic institutions.

Article 196

Criminal liability of members of the Government

1. No member of the Government may be detained or imprisoned without the permission of the Assembly of the Republic, except for a felonious crime punishable with a maximum sentence of imprisonment for more than three years and in flagrante delicto.

2. Where criminal proceedings are instituted against a member of the Government, who is charged with an offence, the Assembly of the Republic shall decide whether or not that member shall be suspended so that the proceedings can be pursued. The decision to suspend shall be obligatory where it concerns a crime referred to in the above paragraph.

CHAPTER III

Powers

Article 197

Political powers

1. In performing its political functions, the Government has the following powers:

a. To counter-sign the acts of the President of the Republic as required by Article 140;

b. To negotiate and to agree international conventions;

c. To approve international agreements approval of which is not within the powers of the Assembly of the Republic or which have not been tabled before the Assembly;

d. To table bills and draft resolutions before the Assembly of the Republic;

e. To propose to the President of the Republic that matters of relevant national interest be submitted to referendum under Article 115;

f. To state its opinion on any declaration of a state of siege or a state of emergency;

g. To propose to the President the making of a declaration of war or the making peace;

h. To table before the Assembly of the Republic under Article 162(d) the accounts of the State and of such other public bodies as the law shall require;

i. To submit to the Assembly of the Republic, at appropriate times, information concerning the process for implementing the European Union, in accordance with Article 161 (n) and Article 163 (f);

j. To do such other acts as are provided for in this Constitution and the law.

2. The Government shall approve international agreements by decree.

Article 198

Legislative powers

1. In performing its legislative functions, the Government has the following powers:

a. To make decree-laws on matters not within the exclusive powers of the Assembly of the Republic;

b. To make decree-laws on matters within the exclusive powers of the Assembly of the Republic that are delegated to it by the Assembly;

c. To make decree-laws amplifying laws that state basic principles of the legal system.

2. The Government has exclusive legislative powers in matters concerning its own structure and operation.

3. The decree-laws referred to in paragraph 1(b) and (c) must expressly specify the law under which the legislative power is delegated or which states the basic principles which they amplify.

Article 199

Administrative powers

In performing its administrative functions, the Government has the following powers:

a. To prepare plans on the basis of the laws relating to the major options, and to carry them out;

b. To put the Budget of the State into effect;

c. To make the regulations necessary for the proper enforcement of the laws;

d. To manage the services and the direct administrative activity of the State, both civil and military, to supervise indirect administration and to exercise guardianship over this latter and over autonomous administration;

e. To perform all the activities required by law with respect to the officials and personnel of the State and of other public corporate bodies;

f. To protect democratic legality;

g. To perform all the activities and make all the arrangements necessary to promote economic and social development and to meet community needs.

Article 200

Powers of the Council of Ministers

1. The Council of Ministers has the following powers:
 - a. To determine the general lines of governmental policy and its implementation;
 - b. To decide whether to seek a vote of confidence in the Assembly of the Republic;
 - c. To approve bills and draft resolutions;
 - d. To approve decree-laws and international agreements that are not submitted to before the Assembly of the Republic;
 - e. To approve the plans;
 - f. To approve the actions of Government that involve increase or decrease in public revenue or expenditure;
 - g. To decide upon other matters within the powers of the Government that are required by law or are submitted to it by the Prime Minister or a Minister.
2. Councils of Ministers responsible for special subjects shall exercise the powers conferred upon them by law or delegated to them by the Council of Ministers.

Article 201

Powers of members of the Government

1. The Prime Minister has the following powers:
 - a. To direct the general policy of the Government and to co-ordinate and guide the activities of all Ministers;
 - b. To direct the operations of the Government and its general relations with the other organs of the State;
 - c. To keep the President of the Republic informed with respect to the conduct of the internal and external policies of the country;
 - d. To perform other duties conferred by this Constitution and the law.
2. The Ministers have the following powers:
 - a. To carry out the policies within the responsibility of their ministries;
 - b. To protect the general relations between the Government and the other organs of

the State in the area of responsibility of their ministries.

3. Decree-laws and other decrees of the Government shall be signed by the Prime Minister and the Ministers responsible for their subject matter.

SECTION V

The Courts

CHAPTER I

General principles

Article 202

Jurisdiction

1. The courts are the organs with supreme authority that have the power to administer justice in the name of the people.
2. In administering justice, the courts are under a duty to safeguard the rights and interests of citizens that are legally protected, to punish breaches of democratic legality and to resolve public and private disputes.
3. In performing their functions, the courts are entitled to the assistance of other authorities.
4. The law may provide for alternative methods of dispute resolution that do not involve the courts.

Article 203

Independence

The courts are independent and subject only to the law.

Article 204

Findings as to unconstitutionality

In matters brought before them for decision, the courts shall not apply any rules that contravene the provisions of this Constitution or the principles contained there.

Article 205

Court decisions

1. Decisions of the courts that are not of a merely bureaucratic nature shall be based on the provisions contained in law.

2. Decisions of the courts are binding on all public and private bodies and shall prevail over the decisions of all other authorities.

3. The law shall regulate the conditions for the enforcement of court decisions affecting other authorities, and shall prescribe the penalties for failure to enforce those decisions.

Article 206

Court hearings

Court hearings shall be public, unless the court hearing a matter rules otherwise in the interests of safeguarding personal dignity or public morality or of guaranteeing its own proper operation.

Article 207

Juries, public participation and assessors

1. Juries, in such cases and composed as laid down by the law, shall be summoned, at the request of the prosecution or the defence, for the trial of serious crimes, other than those involving terrorism or highly organised crime.

2. The law may provide for the use of lay magistrates to hear labour disputes, offences against public health, minor offences, the execution of sentences and other matters which call for special consideration of the social values that may have been infringed.

3. The law may also provide for the use of assessors with specialist qualifications to take part in the hearing of specified matters.

Article 208

Forensic patronage

The law shall ensure that lawyers have the immunities that are necessary to the exercise of their mandate and shall regulate the ruling of forensic patronage as an essential element in the administration of justice.

CHAPTER II

Organisation of the courts

Article 209

Categories of courts

1. There shall be the following categories of courts, in addition to the Constitutional

Court:

- a. The Supreme Court of Justice and the courts of law of first instance and of second instance;
 - b. The Supreme Administrative Court and other administrative and fiscal courts;
 - c. The Court of Audit;
2. Maritime courts, arbitration courts and Judgeships of Peace may be established.
3. The law shall determine the circumstances and the manner in which the courts mentioned in paragraphs 1 and 2 may be constituted, whether separately or jointly, as courts for the resolution of disputes.
4. Subject to the provisions concerning courts martial, courts with exclusive jurisdiction to try specific categories of offence shall not be established.

Article 210

The Supreme Court of Justice and the courts of law

1. The Supreme Court of Justice is the highest court of law, without prejudice to the jurisdiction of the Constitutional Court.
2. The President of the Supreme Court of Justice shall be elected by the judges of that court.
3. The courts of law of first instance shall be, as a rule, the district courts, to which the courts mentioned in Article 211(2) shall have an equivalent status.
4. The courts of law of second instance shall be, as a rule, the courts of appeal.
5. The Supreme Court of Justice shall operate as a court of first instance or of second instance in the cases prescribed by law.

Article 211

Powers and jurisdiction of the courts of law

1. The courts of law shall be courts with a general jurisdiction in civil and criminal matters and shall have jurisdiction in all matters not assigned to other judicial bodies.
2. There may be courts of law of first instance with limited jurisdiction or specialising in hearing specified matters.
3. One or more military judges shall be included in the composition of tribunals at any instance that hear crimes of a strictly military nature, in accordance with the law.

4. Courts of appeal and the Supreme Court of Justice may perform their functions through specialised chambers.

Article 212

Administrative and fiscal courts

1. The Supreme Administrative Court is the highest of the administrative and fiscal courts, without prejudice to the jurisdiction of the Constitutional Court.

2. The President of the Supreme Administrative Court shall be elected by and from among the judges of that court.

3. Administrative and fiscal courts have jurisdiction over law suits and appeals seeking decisions on disputes arising from administrative or fiscal legal relations.

Article 213

Courts martial

During a state of war, courts martial shall be established that have jurisdiction to hear crimes of a strictly military nature.

Article 214

The Court of Audit

1. The Court of Audit is the highest body for reviewing the legality of public expenditure and for delivering judgement on those accounts that the law requires to be submitted to it and, in particular, it has the following powers:

a. To give its opinion on the General Accounts of the State, including the social security accounts;

b. To give its opinion on the accounts of the Autonomous Regions of the Azores and of Madeira;

c. To enforce liability for financial offences in accordance with the law;

d. To exercise such other powers as are conferred on it by law.

2. The President of the Court of Audit shall have a term of four years, without prejudice to the provisions of Article 133 (m).

3. The Court of Audit may perform its functions in a decentralised way, through regional sections, as determined by law.

4. In the Autonomous Regions of the Azores and of Madeira there shall be sections of the Court of Audit with full jurisdiction on matters concerning the respective regions, in accordance with the law.

CHAPTER III

Status of judges

Article 215

Judges of the courts of law

1. The judges of the courts of law constitute a single body which shall be governed by its own statute.
2. The law shall determine the qualifications and rules for the selection of the judges of the courts of law of first instance.
3. Selection of the judges of the courts of law of second instance shall be made prevalingly on merit, by means a competition among the judges of the courts of first instance, based on their curricula.
4. Appointment to the Supreme Court of Justice shall be by means of a competition, based on curricula and shall be open to members of the judiciary, public prosecutors and other jurists of merit, as the law shall determine.

Article 216

Guarantees and disqualifications

1. Judges have security of tenure and may be transferred, suspended, retired or removed from office only as provided by law.
2. Judges may not be held liable for their decisions, except in the circumstances provided for by law.
3. Judges in office may not perform any other functions, whether public or private, other than in unpaid teaching or legal research, as provided by law.
4. Judges in office may not be assigned to perform other functions unrelated to the work of the courts unless authorised by the appropriate superior council.
5. The law may establish other circumstances that are incompatible with performance of the functions of a judge.

Article 217

Appointment, assignment, transfer and promotion of judges

1. The Superior Council for the Judiciary has the power to appoint, assign, transfer and promote the judges of the courts of law and to exercise disciplinary control over them, as provided by law.
2. The appropriate superior councils have the power to appoint, assign, transfer and promote the judges of the administrative and fiscal courts and to exercise disciplinary control over them, as provided by law.
3. The power to appoint, assign, transfer and promote the judges of other courts, and to exercise disciplinary control over them, shall be determined by law, subject to the guarantees contained in this Constitution.

Article 218

Superior Council for the Judiciary

1. The Superior Council for the Judiciary shall be presided over by the President of the Supreme Court of Justice and shall have the following composition:
 - a. 2 members appointed by the President of the Republic;
 - b. 7 members elected by the Assembly of the Republic;
 - c. 7 judges elected by their peers by a system of proportional representation.
2. The rules relating to guarantees for judges apply to all members of the Superior Council for the Judiciary.
3. The law may provide for the participation of court officials elected by their peers in the Superior Council for the Judiciary for the exclusive purposes of discussing and voting on questions relating to the assessment of the professional merit and disciplinary control of court officials.

CHAPTER IV

Public Prosecutors

Article 219

Functions and status

1. The Public Prosecutors have the responsibility for representing the State and defending such interests as shall be determined by law. Further, in accordance with the provisions of the following paragraph and the law, they shall participate in the implementation of the criminal policy determined by the organs of self government, instituting criminal proceedings in accordance with the principle of legality and defending democratic legality.

2. The Public Prosecutors shall have a separate status and be autonomous as provided by law.
3. The law shall establish special forms of consultation with the Public Prosecutors in cases of crimes of a strictly military nature.
4. The Public Prosecutors shall be accountable judicial officers, hierarchically graded, and shall be transferred, suspended, retired or dismissed only in the circumstances provided by law.
5. The Attorney-General's Office has the power to appoint, assign, transfer and promote, and to exercise disciplinary control over, Public Prosecutors.

Article 220

Attorney-General's Office

1. The Attorney-General's Office is the highest authority in public prosecution and shall have such composition and powers as the law shall determine.
2. The Attorney-General's Office shall be presided over by the Attorney-General and shall contain the Superior Council for the Public Prosecution, which shall include members elected by the Assembly of the Republic and members elected by the Public Prosecutors from among themselves.
3. The Attorney-General shall have a term in office of six years, without prejudice to the provisions of Article 133 (m).

SECTION VI

The Constitutional Court

Article 221

Definition

The Constitutional Court is the court that has the specific power to administer justice in matters involving questions of legal and constitutional nature.

Article 222

Composition and status of the judges

1. The Constitutional Court shall be composed of 13 judges, 10 of whom shall be appointed by the Assembly of the Republic; the remaining 3 shall be co-opted.
2. Six of those members appointed by the Assembly of the Republic or co-opted must be selected from among the judges of the other courts; the remainder shall be jurists.

3. Judges of the Constitutional Court hold office for 9 years, non-renewable.
4. The President of the Constitutional Court shall be elected by the judges of that court.
5. Judges of the Constitutional Court enjoy the same guarantees as to independence, security of tenure, impartiality and immunities, and are subject to the same disqualifications, as judges of the other courts.
6. The law may prescribe the immunities and other rules with respect to the status of judges of the Constitutional Court.

Article 223 Powers

1. The Constitutional Court has the power to decide questions of unconstitutionality and illegality as provided in the Article 277 and following Articles.
2. The Constitutional Court, in addition, has the following powers:
 - a. To verify the death and to rule on the permanent physical incapacity of the President of the Republic, and to verify that the President is temporarily prevented from performing the functions of President;
 - b. To verify that the President of the Republic has forfeited the office in the circumstances described in Article 129(3) and 130(3);
 - c. To give final rulings on the proper conduct of, and the validity of action taken during, the electoral process;
 - d. To verify the death and to rule on the incapacity of any candidate for the office of President of the Republic, for the purposes of Article 124(3);
 - e. To verify the legality of the constitutions of political parties and their alliances, of their names, initials and symbols, and to direct their dissolution, in accordance with this Constitution and the law;
 - f. To provide an anticipatory verification of compliance with this Constitution and of the legality of national, regional and local referenda, including consideration of the requirements relating to the respective electorate.
 - g. To decide, upon request by the Deputies, and in accordance with the law, on appeals relating to loss of parliamentary seat and the elections held in the Assembly of the Republic and in the regional legislative assemblies;
 - h. To decide in proceedings on voting disputes and decisions of organs of political parties that, under the law, are subject to appeal.

3. The Constitutional Court shall also perform such other functions as are conferred on it by this Constitution and the law.

Article 224

Organisation and operation

1. The law shall prescribe rules with respect to the seat, organisation and operation of the Constitutional Court.

2. The law shall prescribe rules for the Constitutional Court to function by chambers, except for the purposes of abstract supervising of constitutionality and legality.

3. The law shall prescribe rules for reference to plenary sittings of the Constitutional Court of contradicting rulings of its chambers on the application of the same legal rule.

SECTION VII

Autonomous Regions

Article 225

Political and administrative status of the Azores and Madeira

1. There shall be special political and administrative arrangements for the archipelagos of the Azores and Madeira that are based on their geographic, economic, social and cultural characteristics and on the historic aspirations of the peoples of those islands for autonomy.

2. Regional autonomy shall work for democratic participation by the citizens of the regions, their economic and social development, the promotion and protection of regional interests and the strengthening of national unity and of the bonds of solidarity among all Portuguese.

3. Regional political and administrative autonomy shall in no way derogate from the complete sovereignty of the State; it shall be exercised within the framework of this Constitution.

Article 226

Statutes

1. Drafts of the political and administrative statutes of the autonomous regions shall be prepared by the regional legislative assemblies and tabled before the Assembly of the Republic for debate and approval.

2. If the Assembly of the Republic rejects or amends the draft, it shall return the draft to the regional legislative assembly in question for its consideration and opinion.

3. On receipt of the opinion, the Assembly of the Republic shall debate the draft and reach a final decision on it.

4. The rules set out in paragraphs 1 to 3 apply with respect to amendment of the statutes.

Article 227

Powers of the autonomous regions

1. The autonomous regions are territorial corporate entities, and have the following powers, which may be further provided for in their statutes:

a. To legislate, in compliance with the fundamental principles of the general laws of the Republic, on such matters of specific interest to the regions as are not within the exclusive powers of the organs with supreme authority;

b. To legislate, when the power is delegated to them by the Assembly of the Republic, on such matters of specific interest to the regions as are not within the exclusive powers of the organs with supreme authority;

c. To implement, in matters of specific interest to the region, the bases contained in laws on matters that are not within the exclusive powers of the Assembly of the Republic and on matters specified in Article 165(1)(f), (g), (h), (n), (t), and (u);

d. To make regulations for implementing regional legislation and general laws made by the organs with supreme authority that do not reserve the regulation-making power to those organs;

e. To exercise the right of initiative with respect to their statutes, in accordance with Article 226;

f. To exercise the right of legislative initiative under Article 167(1), by tabling bills and proposals for amendments before the Assembly of the Republic;

g. To exercise the executive powers that belong to them;

h. To administer and dispose of their assets and to enter into transactions and contracts where it is in their interest to do so;

i. To exercise their powers of taxation, in accordance with the law, and to adapt the national fiscal system to regional circumstances in accordance with the framework law enacted by the Assembly of the Republic;

j. To avail of, in accordance with the legislation and the finance laws of the autonomous regions, the tax revenue levied or generated there, as well as a share of the State duty revenue, established in accordance with a principle ensuring effective national cohesion, and other income allocated to them and to apply this to their expenses;

l. To establish and dissolve local authorities and to alter their areas, in accordance with the law;

m. To supervise the activities of local authorities;

n. To raise populated areas to the status of towns or cities;

o. To superintend those services, public institutions and state-owned and nationalised businesses which engage in activities that are exclusively or predominantly regional, and other activities where supervision is required in the regional interest;

p. To approve the economic and social development plan, the regional budget and the regional accounts and to participate in the preparation of national plans;

q. To prescribe acts that are illegal under a regulatory ordinance and to provide the sanctions, subject to Article 165(1)(d);

r. To participate in the determination and implementation of the fiscal, monetary, financial and foreign exchange policies in such a way as to ensure regional control over current methods of payment and the provision of funds for the investments that are necessary for their economic and social development;

s. To participate in the determination of policies with respect to territorial waters, the exclusive economic zone and the adjacent sea-beds;

t. To participate in negotiations for international treaties and agreements of direct concern to them and to share in any resulting benefits;

u. To co-operate with foreign regional bodies and to participate in organisations concerned with the furtherance of inter-regional dialogue and co-operation, in accordance with guidelines laid down by the organs with supreme authority responsible for foreign policy;

v. To provide their opinion, on their own initiative or when requested by the organs with supreme authority, on questions of concern to the regions that are within the responsibility of those organs, and on matters of specific interest to them, in defining the positions of the Portuguese State in the context of the process of implementing the European Union;

x. To participate in the process of implementing the European Union through representation in the respective regional institutions and in the delegations involved in Community decision making processes where these relate to matters of specific interest to them.

2. Proposals for the delegation of a power to legislate shall be accompanied by the draft of the regional legislative decree that is to be made under it; Article 165(2) and (3) applies with respect to any such delegation.

3. Delegated powers referred to in paragraph 2 shall lapse at the end of the legislative term or on the dissolution of either the Assembly of the Republic or the regional legislative assembly to which they were granted.

4. Regional legislative decrees made under paragraph (1)(b) and (c) shall expressly refer to the law delegating the power to legislate or the laws containing the bases which they amplify; Article 169, with the necessary modifications, applies to these decrees.

Article 228

Legislative and administrative autonomy

For the purposes of Article 112 (4) and Article 227(1)(a) to (c), the following shall be deemed to be matters of specific interest to the autonomous regions:

- a. Improvement of human resources and quality of life;
- b. Heritage and cultural creation;
- c. Defence of the environment and ecological balance;
- d. Protection of nature and natural resources, as well as the health of the public, animals and vegetation;
- e. Agricultural and fisheries development;
- f. Water, mineral and thermal resources and locally produced energy;
- g. Use of land, accommodation, urbanism and regional planning;
- h. Roads, traffic and land transport;
- i. Infra-structures and sea and air transport between the islands;
- j. Commercial and industrial development;
- l. Tourism, folklore and crafts;
- m. Sports;
- n. Organisation of regional administration and related services.
- o. Other matters relating exclusively to the respective region or which have a particular significance to them.

Article 229

Co-operation between the organs with supreme authority and regional organs

1. The organs with supreme authority shall, in co-operation with the organs of regional government, ensure the economic and social development of the autonomous regions, and shall seek, in particular, to correct inequalities arising from insular circumstances of the regions.
2. The organs with supreme authority shall always obtain the opinion of the organs of regional government on those matters within their powers that affect the autonomous regions.
3. The financial relations between the Republic and the autonomous regions shall be regulated by the law referred to in Article 164(t).

Article 230

Minister for the Republic

1. The State shall be represented in each autonomous region by a Minister for the Republic, who shall be appointed and removed from office by the President of the Republic on the recommendation of the Government after the opinion of the Council of State has been given.
2. Except in the event of removal, the term of the Minister for the Republic shall be that of the President of the Republic and shall terminate when the new Minister for the Republic takes office.
3. The Minister for the Republic, by appointment of the Government, may temporarily superintend the administrative functions performed in the region by the State.
4. In the event of a vacancy arising, or where the Minister for the Republic is absent or unable to act, he shall be replaced in the region by the president of the regional legislative assembly.

Article 231

Organs of self-government of the regions

1. The organs of self-government of each region are the regional legislative assembly and the regional government.
2. The regional legislative assembly shall be elected in universal, direct and secret suffrage by a system of proportional representation.
3. The regional government shall be politically responsible to the regional legislative assembly; the president of the government shall be appointed by the Minister for the Republic who shall pay due regard to the results of the election.
4. The other members of the regional government shall be appointed and removed from office by the Minister for the Republic on the recommendation of the president

of that government.

5. The regional government shall have exclusive powers over matters concerning its own organisation and functioning.

6. The status of the members of the organs of self-government of the autonomous regions shall be provided for in their political and administrative statutes.

Article 232

Powers of the regional legislative assembly

1. The regional legislative assembly has exclusive power to perform the functions specified in Article 227(1)(a), (b), (c), the second part of (d), (f), the first part of (i) and in (l), (n) and (q), and to approve the regional budget, the economic and social development plan and the regional accounts and to adapt the national fiscal system to the circumstances of the region.

2. The regional legislative assembly has the power to present regional referendum proposals, through which registered electors in the respective territory may, upon the determination of the President of the Republic, be called to directly provide their binding opinion on questions of specific relevant interest. The necessary adaptations set out in Article 115 shall apply.

3. The regional legislative assembly has the power to prepare and approve its own standing orders in accordance with this Constitution and the political and administrative statute of the region in question.

4. The provisions of Article 175 (c), 178(1), (2) and (3), 179, except paragraphs (3)(e) and (f) and (4) and 180 (except paragraph (2)(b)), apply, with necessary modifications, to the regional legislative assembly and its parliamentary groups.

Article 233

Signature and veto of the Minister for the Republic

1. The Minister for the Republic has the power to sign and order publication of regional legislative decrees and regional regulatory decrees.

2. Within 15 days after receiving a decree of the regional legislative assembly for signature or after the publication of a ruling of the Constitutional Court that none of the provisions of such a decree are unconstitutional, the Minister for the Republic shall either sign the decree or exercise the right of veto in the form of a request, based on substantial grounds, for its reconsideration.

3. If the regional legislative assembly confirms its vote by an absolute majority of the Deputies entitled to vote, the Minister for the Republic shall sign the decree within 8 days after receiving it.

4. Within 20 days after receiving a decree of the regional government for signature,

the Minister for the Republic shall either sign the decree or refuse to sign; the Minister shall send written reasons for a refusal to sign to the regional government, which may then convert the decree into a bill to be presented to the regional legislative assembly.

5. In exercising the power of veto, the Minister for the Republic shall also comply with Articles 278 and 279.

Article 234

Dissolution of regional organs

1. The organs of self-government of the autonomous regions may be dissolved by the President of the Republic, after taking the opinion of the Assembly of the Republic and the Council of State, for serious actions contrary to this Constitution.

2. If the regional organs are dissolved, the Minister for the Republic shall assume responsibility for the government of the region.

SECTION VIII

Local authorities

CHAPTER I

General principles

Article 235

Local authorities

1. The democratic organisation of the State shall include local authorities.

2. Local authorities shall be bodies corporate with representative organs serving the particular interests of the population in their territorial areas.

Article 236

Categories of local authorities and administrative division

1. Local authorities on the mainland shall be the parishes, municipalities and the administrative regions.

2. The autonomous regions of the Azores and Madeira shall be made up of parishes and municipalities.

3. For large urban areas and islands, the law may establish other forms of local government for the area that are appropriate to the particular local circumstances.

4. The administrative division of the national territory shall be established by law.

Article 237

Administrative decentralisation

1. The responsibilities and organisation of local authorities and the powers of their organs shall be regulated by law in such a way as to give effect to the principle of administrative decentralisation.

2. The local authority assembly shall be competent to exercise the powers conferred by law, including the power to approve the planning options and the budget.

3. The municipal police shall co-operate in the maintenance of public order and in the protection of local communities.

Article 238

Local assets and finance

1. Local authorities shall have their own assets and financial resources.

2. The system of local finance shall be established by law and shall be directed towards the fair apportionment of public funds by the State and by the local authorities and the correction, as necessary, of inequalities between local authorities at the same level.

3. The receipts of local authorities must, in all cases, include the income from the management of their assets and the sums collected for access to their services.

4. Local authorities may have tax levying powers, in accordance with the circumstances and terms provided by law.

Article 239

Deliberative and executive organs

1. Every local authority shall include an elected assembly with powers of deliberation and a corporate executive body responsible to it.

2. The assembly shall be elected in universal, direct and secret suffrage of the citizens registered in its area by a system of proportional representation.

3. The corporate executive body shall consist of an adequate number of members. The first candidate of the list obtaining the most votes for the assembly or for the executive, in accordance with the solution adopted by the law, shall be appointed president. The law shall also regulate the electoral process, the requirements for its

constitution, standing down and for its functioning.

4. Candidatures for elections to the organs of local authorities may be presented by political parties acting alone or in coalition, or by groups of electors, in accordance with the law.

Article 240

Local referendum

1. Local authorities may put to referendum, by the respective electorate, matters falling within the competence of its organs, in the circumstances and terms, and with the validity provided by law.

2. The law may provide electing citizens with the right to initiate a referendum.

Article 241

Power to regulate

Local authorities have their own power to make regulations, within the limits of this Constitution, of the laws and the regulations of superior local authorities or authorities with supervisory powers.

Article 242

Administrative supervision

1. Administrative supervision of local authorities consists of verifying that the organs of those authorities are complying with the law, and it shall be exercised in the cases and the manner prescribed by law.

2. Supervisory actions that impose restrictions on local autonomy require prior consultation with a local authority organ, as shall be provided by law.

3. Local authority organs may be dissolved only for acts or omissions involving serious illegality.

Article 243

Local authority staffs

1. Local authorities shall have their own staffs as prescribed by law.

2. The rules governing officials and personnel of the State apply equally to officials and personnel in local administration, with the necessary adaptations, as provided by law.

3. The law shall determine the manner in which the State is to give technical and personnel support to local authorities, without prejudicing their autonomy.

CHAPTER II

Parishes

Article 244

Organs of parishes

The representative organs of the parish are the parish assembly and the parish board.

Article 245

Parish assemblies

1. The parish assembly is the deliberative organ of the parish.
2. The law may provide that, in parishes with small populations, the parish assembly may be replaced by meetings of all the citizens entitled to vote.

Article 246

Parish boards

The parish board shall be the executive organ of the parish.

Article 247

Association

The parishes may, in accordance with the law, establish associations to administer common interests.

Article 248

Delegation of responsibilities

The parish may delegate administrative responsibilities that do not involve the exercise of formal decision-making to associations of residents.

CHAPTER III

Municipalities

Article 249

Changes in municipalities

Municipalities may be established and dissolved, and their areas altered, by law after consultation with the organs of the local authorities affected.

Article 250 Municipal organs

The representative organs of municipalities are the municipal assembly and the municipal chamber.

Article 251 Municipal assemblies

The municipal assembly is the deliberative organ of the municipality and shall be composed of directly elected members greater in number than the presidents of the parish boards they include.

Article 252 Municipal chambers

The municipal chamber shall be the corporate executive organ of the municipality.

Article 253 Associations and federations

Municipalities may form associations and federations for the administration of common interests, upon which the law shall confer responsibilities and powers.

Article 254 Share in the revenue from direct taxation

1. Municipalities shall share, in their own right, and in accordance with the law, in the revenue from direct taxation.
2. The municipalities shall avail of their own tax revenues, in accordance with the law.

CHAPTER IV

Administrative regions

Article 255 Establishment by law

Administrative regions shall be established simultaneously by law, which shall determine the powers, composition, responsibilities and organisation of their organs; and different provision may be made for different cases.

Article 256

Individual establishment

1. The establishment of each administrative region, which shall be provided for by the respective law of establishment, shall depend on the law referred to in Article 255 and on a favourable vote by a majority of the electorate that has given its opinion in direct consultations, of national scope and relating to each regional area.
2. Where the majority of the participating electorate do not decide favourably with regard to the question of national scope on the establishment of each administrative region, the replies to questions that have been put in relation to each region established by law shall be ineffective.
3. The consultations with the electorate provided for in the above paragraphs shall take place on the conditions and terms established in organic law, upon decision by the President of the Republic, by way of a proposal from the Assembly of the Republic. The provisions arising from Article 115, duly adapted, shall apply.

Article 257

Responsibilities

Administrative regions shall be responsible for the direction of the public services and for coordinating and supporting the activities of municipalities, while respecting municipal autonomy and without limiting their powers.

Article 258

Plans

Administrative regions shall prepare regional plans and participate in the preparation of the national plans.

Article 259

Regional organs

The representative organs of the administrative regions shall be the regional assembly and the regional board.

Article 260

Regional assemblies

The regional assembly is the deliberative organ of the region. It shall be composed of directly elected members and of a smaller number elected by a system of proportional representation and the Hondt highest average method, by an electoral college comprising the directly elected members of the municipal assemblies in that area.

Article 261 Regional boards

The regional board shall be the corporate executive organ for the region.

Article 262 Representatives of the Government

Attached to each region there may be a representative of the Government, appointed by the Council of Ministers, who shall also have authority with respect to the other local authorities in the regional area.

CHAPTER V

Organisations of residents

Article 263 Establishment and area

1. With the objective of increasing participation by the population in local administrative life, organisations of residents may be set up for the residents of areas smaller than the parish.
2. The parish assembly, on its own initiative or at the request of committees of residents or of a significant number of residents, shall determine the boundaries of the areas of organisations of residents mentioned in paragraph 1 and, where appropriate, resolve disputes arising in that connection.

Article 264 Structure

1. The structure of organisations of residents shall be laid down by law and shall include a residents' assembly and a residents' committee.
2. The residents' assembly shall be composed of the persons residing in the area who are enrolled on the electoral register for the parish.

3. The residents' committee shall be elected in a secret ballot by the residents' assembly and may be dismissed at the will of that assembly.

Article 265

Rights and powers

1. Organisations of residents enjoy the following rights:

a. To petition local authorities with respect to matters of administration of concern to the residents;

b. To participate in the parish assembly through their representatives, who shall not have voting rights.

2. Organisations of residents may exercise the powers necessary to enable them to perform the functions conferred upon them by law or delegated to them by the organs of their parish.

SECTION IX

The Public Service

Article 266

Fundamental principles

1. The Public Service shall work to promote the public interest, while observing the rights and interests of citizens that are protected by law.

2. The organs and officials of the Public Service are subject to this Constitution and the law, and shall perform their functions with full respect for the principles of equality, proportionality, fairness, impartiality and good faith.

Article 267

Structure of the Public Service

1. The Public Service shall be so structured as to avoid bureaucracy, to bring administration closer to the people and to ensure participation by those affected by its activities, in particular, through public associations, organisations of residents and other forms of democratic representation.

2. To give effect to paragraph 1, the law shall establish suitable methods of decentralising and devolving administration, without prejudicing necessary efficiency and unity of action of the Administration or the powers of direction, supervision and guardianship of the competent bodies.

3. The law may establish independent administrative entities.

4. Public associations may be formed only to deal with specific needs; they may not perform functions that properly belong to trade unions; and their internal organisation shall be structured on the basis of respect for the rights of their members and on the democratic character of their organs.

5. Administrative procedure shall be the subject of a special law which shall ensure the rationalisation of the systems in use of the services and the participation by citizens in the decision-making process or in the consideration of matters that affect them.

6. Private entities that exercise public powers may be subject to administrative supervision, in accordance with the law.

Article 268

Rights and guarantees of citizens

1. Citizens are entitled to be informed by the Public Service, when they so require, about the progress of proceedings in which they are directly interested and to know the final decisions that are taken with respect to them.

2. Citizens shall also enjoy the right to have access to administrative records and files, subject to the legal provisions with respect to internal and external security, investigation of crime and personal privacy.

3. Administrative action shall be notified to interested parties in the manner prescribed by law; it shall be based on stated and accessible substantial grounds when it affects legally protected rights or interests.

4. Interested parties are guaranteed effective protection of the courts for their legally protected rights or interests, including recognition of these rights or interests, challenging any administrative action, regardless of its form, that affects these, enforcing administrative acts that are legally due and adopting appropriate protective measures.

5. Citizens are also entitled to object against administrative regulations that have external validity and that are damaging to their legally protected rights or interests.

6. For the purposes of paragraphs 1 and 2, the law shall fix the maximum period within which the Public Service must respond.

Article 269

Public officials

1. When performing their functions, officials in the Public Service and other personnel of the State and other public bodies shall serve exclusively the public interest, as that is defined, under the law, by the competent organs of the Public Service.

2. Officials in the Public Service and other personnel of the State and other public bodies shall not be prejudiced or benefited by their exercise of political rights contained in this Constitution, in particular through party allegiance.

3. In disciplinary proceedings the right of the individual affected to be heard and to present a defence is guaranteed.

4. No one shall hold more than one public post or office unless that is expressly permitted by law.

5. The law shall determine when the holding of a public office or post and the carrying out of other activities are incompatible.

Article 270

Restrictions on the exercise of rights

The law may prescribe restrictions on the freedom of expression, meetings, demonstration, association, and collective petitioning, and on the capacity to stand for election of permanent staff members of the military and the security forces when on active service, as well as for agents of the security services and forces, to the extent made necessary by their particular functions.

Article 271

Liability of officials and personnel

1. Officials and other personnel of the State and other public bodies shall be responsible in civil, criminal or disciplinary proceedings for their acts or omission when performing their functions for actions that result in infringements of the rights or interests of citizens that are legally protected; no action or proceedings in respect of these matters shall be dependent, at any stage, on the prior approval of a superior authority.

2. An official or other member of the personnel of the State who acts on a service matter in accordance with the orders or instructions of his or her legitimate superior officer shall not be held liable, provided he or she, before acting, requested or required that they be given or confirmed in writing.

3. The duty of obedience ceases if the carrying out of the orders or instructions would involve the commission of a criminal offence.

4. The law shall regulate the circumstances under which the State and other public bodies are entitled to be indemnified by their organs, officials or personnel.

Article 272

The police

1. The police have the responsibility of defending democratic legality, protecting

internal security and the rights of citizens.

2. The measures that may be taken by the police shall be provided for by law and shall not be used beyond what is strictly necessary.

3. Prevention of crime, including crimes against the security of the State, shall be undertaken with due regard for the general rules governing the police and with proper respect for the rights, freedoms and guarantees of citizens

4. The law shall determine the arrangements with respect to the security forces, each of which shall have a single organisation for the whole of the national territory.

SECTION X

National Defence

Article 273

National Defence

1. The State has the responsibility for ensuring national defence.

2. The objectives of national defence are to guarantee national independence, the integrity of the national territory and the freedom and security of the people against external aggression or threats, while respecting constitutional order, the democratic institutions and international conventions.

Article 274

Superior Council for National Defence

1. The Superior Council for National Defence shall be presided over by the President of the Republic and its composition shall be determined by law, which shall include members elected by the Assembly of the Republic.

2. The Superior Council for National Defence shall be the body to provide advice on questions concerning national defence and the organisation, operation and discipline of the Armed Forces, and it shall have the administrative powers that shall be conferred upon it by law.

Article 275

The Armed Forces

1. The Armed Forces have the responsibility for providing the military defence of the Republic.

2. The Armed Forces shall be composed exclusively of Portuguese citizens and shall comprise a single structure for the entire national territory.

3. The Armed Forces shall obey the competent organs with supreme authority in accordance with this Constitution and the law.
4. The Armed Forces shall be at the service of the Portuguese people, and shall be strictly non-partisan; their members shall not take advantage of opportunities provided by their weapons, positions or functions to intervene in political matters.
5. The Armed Forces shall be responsible, in accordance with the law, for satisfying the international undertakings of the Portuguese State of a military character and for participating in humanitarian and peace missions undertaken by the international organisations that include Portugal.
6. The Armed Forces may be assigned to collaborate, as provided by law, in carrying out civil protection missions, tasks related to meeting basic needs and improving the quality of life of the people, and in technical/military co-operation initiatives within the context of the national policy of co-operation.
7. The laws that make provision with respect to states of siege and states of emergency shall determine the conditions under which the Armed Forces may be used in those circumstances.

Article 276

Defence of the Nation, military and civic service

1. The defence of the Nation is a fundamental right and a fundamental duty of all Portuguese.
2. Military service shall be regulated by law, which shall prescribe the forms, voluntary or compulsory nature, duration and content of the respective service.
3. Citizens who, by law, are subject to compulsory military service and who are considered to be unfit for armed military service shall perform military service that does not require the use of arms or civic service appropriate to their circumstances.
4. Those who are subject to performing legal military service and who are conscientious objectors shall perform civic service of an equivalent length to, and as onerous as, armed military service.
5. Civic service may be established as an alternative to or as complementary to military service and may be made compulsory by law for citizens who are not subject to military service.
6. No citizen who fails to perform military service or civic service, where that is compulsory, may hold or acquire any office in the State or in any other public body.
7. No citizen shall be prejudiced in respect of an occupation, social security benefits or a permanent career by performing military service or compulsory civic service.

PART IV

Guarantees and revision of the Constitution

SECTION I

Review of constitutionality

Article 277

Positive unconstitutionality

1. Rules of law that contravene any provision of this Constitution or the principles contained in it are unconstitutional.
2. International treaties that are unconstitutional, in substance or form, but have been duly ratified may nonetheless be applied as part of Portuguese law, provided that the provisions are applied as part of the law of the other treaty party, unless the unconstitutionality arises from the contravention of a fundamental principle.

Article 278

Anticipatory review of constitutionality

1. The President of the Republic may request the Constitutional Court to undertake an anticipatory review of the constitutionality of any provision of an international treaty that has been submitted to the President for ratification, or of an instrument sent to the President for promulgation as a law or a decree-law, or of an international agreement where the decree giving approval has been presented for the signature of the President.
2. Ministers for the Republic may also request the Constitutional Court to undertake an anticipatory review of the constitutionality of any provision of a regional legislative decree or a regulative decree for the implementation of the general law of the Republic that has been sent to them for signature.
3. An anticipatory review of constitutionality shall be requested not later than 8 days after the date on which the instrument is received.
4. The President of the Republic, the Prime Minister or one-fifth of the Deputies of the Assembly of the Republic, entitled to vote may request the Constitutional Court to undertake an anticipatory review of the constitutionality of any provision of any decree submitted to the President for promulgation as an organic law.
5. On the same day as the President of the Assembly of the Republic submits to the President of the Republic a decree for promulgation as an organic law, he or she shall inform the Prime Minister and the parliamentary parties in the Assembly of the Republic.
6. An anticipatory review of constitutionality of the kind described in paragraph 4

shall be requested not later than 8 days after the date referred to in paragraph 5.

7. Without prejudice to paragraph 1, the President of the Republic may not promulgate decrees of the kind described in paragraph 4 before 8 days have elapsed from the date on which they were received, or before a requested ruling of the Constitutional Court is handed down.

8. The Constitutional Court shall hand down its ruling within 25 days; where paragraph 1 applies, this time limit may be reduced by the President of the Republic for reasons of urgency.

Article 279

Effects of rulings

1. If the Constitutional Court rules that a provision of a decree or international agreement is unconstitutional, the instrument must be vetoed by the President of the Republic or the Minister for the Republic, as the case may be, and shall be returned to the organ that approved it.

2. In the circumstances described in paragraph 1, a decree may not be signed or promulgated unless the organ that approved it deletes the provision ruled to be unconstitutional or, as appropriate, confirms it by a majority of two-thirds of the Deputies present, provided that the majority exceeds an absolute majority of the Deputies entitled to vote.

3. If the instrument is revised, the President of the Republic or the Minister for the Republic, as the case may be, may request an anticipatory review of the constitutionality of any of its provisions.

4. Where the Constitutional Court rules that a provision of a treaty is unconstitutional, that treaty shall be ratified only if the Assembly of the Republic approves it by a majority of two-thirds of the Deputies present, provided that the majority exceeds an absolute majority of the Deputies entitled to vote.

Article 280

Appeals on constitutionality and legality

1. The Constitutional Court has jurisdiction to hear appeals against any of the following court decisions:

- a. Decisions refusing to apply a legal rule on the ground of unconstitutionality;
- b. Decisions applying a legal rule, the constitutionality of which was challenged during the proceedings.

2. The Constitutional Court also has jurisdiction to hear appeals against any of the following court decisions:

- a. Decisions refusing to apply a legislative provision on the ground of illegality arising from contravention of some superior law;
 - b. Decisions refusing to apply a provision of a regional legislative instrument on the ground of illegality arising from contravention of the statute of an autonomous region or the general law of the Republic;
 - c. Decisions refusing to apply a provision of an instrument made by an organ with supreme authority on the ground of illegality arising from contravention of the statute of an autonomous region;
 - d. Decisions applying a provision, the legality of which was challenged during the proceedings on any of the grounds specified in sub-paragraphs (a), (b) or (c).
3. Where a court refuses to apply a provision of an international convention, any legislation or a regulatory decree, any appeal under paragraph 1(a) or 2(a) must be brought by the Public Prosecution.
4. An appeal under paragraph (1)(b) or (2)(d) may be brought only by the party who raised the question of unconstitutionality or illegality; the law shall prescribe the requirements and procedure with respect to the bringing of these appeals.
5. The Constitutional Court also has jurisdiction to hear appeals against court decisions which apply provisions that it has previously ruled to be unconstitutional or illegal; the Public Prosecution must institute an appeal in all such cases.
6. Appeals may only be made to the Constitutional Court on questions of unconstitutionality or illegality, as the case requires.

Article 281

General review of constitutionality and legality

1. The Constitutional Court has jurisdiction to undertake review, and to make rulings that are generally binding, in the following matters:
- a. Unconstitutionality of any legal rule;
 - b. Illegality of any provision of legislation, on the ground that it contravenes superior law;
 - c. Illegality of any provision of a regional legislative instrument on the ground that it contravenes the statute of the region or the general law of the Republic;
 - d. Illegality of any instrument made by an organ with supreme authority on the ground that it contravenes the rights of a region as set out in its statute.
2. The following persons are entitled to request the Constitutional Court to make generally binding rulings on questions of unconstitutionality and illegality:

- a. The President of the Republic;
 - b. The President of the Assembly of the Republic;
 - c. The Prime Minister;
 - d. The Ombudsman;
 - e. The Attorney-General;
 - f. One-tenth of the Deputies of the Assembly of the Republic;
 - g. The Ministers for the Republic, the regional legislative assemblies, or their presidents, the presidents of the regional governments or one-tenth of the Deputies of a regional legislative assembly, in any case of unconstitutionality on the ground of a contravention of the rights of an autonomous region or in any case of illegality on the ground of contravention of the statute of the region or the general law of the Republic.
3. The Constitutional Court also has jurisdiction to review and give generally binding rulings on the unconstitutionality or illegality of a legal rule, the application of which it has held to be unconstitutional or illegal in three appeals.

Article 282

Effects of rulings of unconstitutionality or illegality

1. A generally binding ruling of unconstitutionality or illegality shall be given effect from the date when the provision ruled unconstitutional or illegal came into force and shall require that any provisions that may have been revoked shall be reinstated, with retroactive effect.
2. However, where unconstitutionality or illegality derives from contravention of a constitutional or legal provision that has been subsequently made, the ruling shall be given effect only from the date when that provision came into force.
3. Cases already decided shall hold good, except if the Constitutional Court rules otherwise in respect of a legal rule relating to penal or disciplinary matters or an illegal act under a regulatory ordinance or a provision that is disadvantageous to the accused.
4. When required in the interests of legal certainty, or for reasons of equity or public interest of exceptional importance, which shall be justified if requested, the Constitutional Court may prescribe effects of unconstitutionality or illegality that are more restrictive than those specified in paragraphs 1 and 2.

Article 283

Unconstitutionality by omission

1. At the request of the President of the Republic, the Ombudsman or, in a case where the rights of an autonomous region have been contravened, the presidents of the regional legislative assemblies, the Constitutional Court shall review and verify whether there has been an omission, in contravention of this Constitution, to enact legislation that is necessary to implement the provisions of this Constitution.

2. If the Constitutional Court verifies that there has been unconstitutionality by omission, it shall communicate that fact to the competent legislative organ.

SECTION II

Revision of the Constitution

Article 284

Competence and time of revision

1. The Assembly of the Republic may revise this Constitution after 5 years have elapsed since the last occasion on which an ordinary law revising the Constitution was published.

2. However, the Assembly of the Republic may, by a majority of four-fifths of the Deputies entitled to vote, assume special powers to revise this Constitution at some other time.

Article 285

Power to initiate constitutional revision

1. Revision of this Constitution may be initiated by Deputies.

2. On the tabling of proposals for constitutional revision, any other proposals for that purpose shall be tabled within 30 days.

Article 286

Approval and promulgation

1. Amendments to this Constitution must be approved by a majority of two-thirds of the Deputies entitled to vote.

2. Amendments to this Constitution, once approved, shall be incorporated into a single revision law.

3. The President of the Republic has no power to refuse to promulgate a revision law.

Article 287

New text of the Constitution

1. Amendments to this Constitution shall be inserted in their proper place with consequential substitutions, deletions and additions.
2. The new text of the Constitution shall be published together with the revision law.

Article 288

Limits on matters of revision

Laws revising this Constitution shall respect:

- a. National independence and the unity of the State;
- b. The republican form of government;
- c. The separation of the Churches from the State;
- d. The rights, freedoms and guarantees of citizens;
- e. The rights of workers, workers' committees and trade unions;
- f. The co-existence of public, private and co-operative and social sectors in the ownership of the means of production;
- g. The place of economic plans within the framework of a mixed economy;
- h. Universal, direct, secret and regular suffrage for the selection of the elected members of the organs with supreme authority, the autonomous regions and local government and a system of proportional representation;
- i. Pluralism in expression and political organisation, which shall include political parties and the right of democratic opposition;
- j. The separation and inter-dependence of the organs with supreme authority;
- l. Judicial review of legal provisions for positive unconstitutionality and unconstitutionality by omission;
- m. The independence of the courts;
- n. The autonomy of local authorities;
- o. The political and administrative autonomy of the archipelagos of the Azores and Madeira.

Article 289

Limits on time of revision

No action may be taken to revise this Constitution during a state of siege or a state of emergency.

FINAL AND TRANSITIONAL PROVISIONS

Article 290

Previous law

1. Constitutional laws enacted subsequent to 25 April 1974 not saved by this Chapter shall be considered to be ordinary laws, without prejudice to paragraph 2.
2. Ordinary laws enacted before this Constitution came into force shall remain in force except to the extent that they are inconsistent with this Constitution or the principles contained in it.

Article 291

Districts

1. Until the administrative regions are fully established, the areas not covered by them shall continue to be divided into districts.
2. Each district shall have, on conditions to be determined by law, a deliberative assembly composed of representatives of the municipalities.
3. The civil governor, assisted by a council, shall represent the Government and shall exercise powers of supervision in the area of the district.

Article 292

Status of Macao

1. While under Portuguese administration, the territory of Macao shall be subject to a statute that is appropriate to its special circumstances. Approval of such statute shall be within the competence of the Assembly of the Republic, with the President of the Republic carrying out the acts set out therein.
2. The statute of the territory of Macao embodied in Law 1/76 of 17 February, with the amendments made by Law 53/76 of 14 September, by Law 13/90 of 10 May and by Law 23-A/96 of 29 July, shall remain in force.
3. Upon the proposal of either the Legislative Assembly of Macao or the Governor of Macao, who shall take the opinion of the legislative Assembly of Macao, the Assembly of the Republic, which shall take the opinion of the Council of State, may amend or replace that statute.
4. The President of the Republic shall not promulgate a decree of the Assembly of the Republic, where the proposal is approved with amendments, unless the

Legislative Assembly of Macao or the Governor of Macao, as the case may be, gives a favourable opinion.

5. The territory of Macao shall have its own judicial system that is autonomous and adapted to the particular circumstances of that territory, as provided by law, which shall give full effect to the principle of the independence of the judiciary.

Article 293

Self-determination and independence of East Timor

1. Portugal remains bound by her responsibilities under international law to promote and guarantee the right to self-determination and the independence of East Timor.

2. The President of the Republic and the Government have the power to take all necessary action for achieving the objectives set out in paragraph 1.

Article 294

Indictment and trial of officers and personnel of PIDE/DGS

1. Law 8/75 of 25 July, with the amendments made by Law 16/75 of 23 December and Law 18/75 of 26 December, shall remain in force.

2. The offences identified in Articles 2(2), 3, 4(b) and 5 of the Law referred to in paragraph 1 may be given greater particularity by law.

3. The law may make specific provisions regulating the exceptional extenuating circumstances provided for in Article 7 of that Law.

Article 295

Special rules with respect to political parties

The provisions of Article 51(3) shall apply to political parties established before this Constitution came into force; the law shall prescribe rules for that matter.

Article 296

Re-privatisations of property nationalised after 25 April 1974

1. The framework law approved by absolute majority of the Deputies entitled to vote shall regulate the re-privatisation of the ownership, or right to utilise, the means of production or other property nationalised after 25 April 1974 in compliance with the following basic principles:

a. Re-privatisation of the ownership of, and the right to utilise, the means of production or other property nationalised after 25 April 1974 shall be carried out,

normally by the following preferred means: by open public competitive tenders, by flotation on the stock exchange or by public subscription;

b. Revenue obtained from re-privatisation shall be used only for the purpose of redeeming the national debt or the debts of State-owned businesses, or for servicing debts contracted as a result of nationalisation, or for new investments in capital stock in the productive sector;

c. Workers in re-privatised businesses shall, in the process of the re-privatisation of their business, retain all the rights and duties to which they have become entitled;

d. Workers in re-privatised businesses shall be given a preferential right to subscribe to a percentage of the capital stock of their business;

e. The value of the means of production or other property that is to be re-privatised shall be assessed by more than one independent body.

2. Small and medium sized companies that have been indirectly nationalised and that are situated outside of the basic sectors of the economy may be re-privatised in accordance with the law.

Article 297

Election of the President of the Republic

All citizens resident abroad who are registered in the register of voters for the Assembly of the Republic on 31 December 1996 shall be considered as registered in the register of voters for election of the President of the Republic. Registrations subsequent to that date shall depend upon the law set out in Article 121(2).

Article 298

Rules applicable to local authority organs

Until the law referred to in Article 239(3) comes into force, local authority organs shall be established and function under the terms of legislation corresponding to the text of the Constitution, with the wording given to it by Constitutional Law 1/92 of 25 November.

Article 299

Date and coming into force of this Constitution

1. The Constitution of the Portuguese Republic bears the date of its adoption by the Constituent Assembly, namely, 2 April 1976.

2. The Constitution of the Portuguese Republic comes into force on 25 April 1976.

(Text according to Constitutional Law no. 1/97, of 20 September - fourth revision of

the Constitution, published in the Di·rio da Rep·blica, first series-A, no. 218).