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CONSTITUTION OF
HAITI
1964

PAN AMERICAN UNION
General Secretariat, Organization of American States
WASHINGTON, D.C.

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HAITI

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CONSTITUTION OF HAITI

PREAMBLE

The Haitian people proclaim the present constitution in order to:

Establish their sovereignty;
Define their rights, duties, and responsibilities;
Establish a balance of the powers of the state;
Establish an efficient organization of the government;
Protect labor;
Guarantee justice and social security;
Provide the benefits of culture to all Haitians without distinction;
Safeguard and promote the health of the Haitian people;
Strengthen internal peace; and

Thus establish a Haitian nation that is socially just, economically free, and politically independent under a democracy adapted to its customs and traditions.

TITLE I

THE TERRITORY OF THE REPUBLIC

Article 1. Haiti is an indivisible, sovereign, independent, democratic, and social republic.

Port-au-Prince, its capital, is the seat of its government. This seat may be moved elsewhere for reasons of force majeure.

All islands within the limits established by international law, of which the principal ones are: La Tortue, La Gonâve, l'Île à Vaches, les Cayemittes, La Navase, and La Grande Caye, are an integral part of the territory of the republic, which is inviolable and may not be alienated by any treaty or convention.

Article 2. The territory of the Republic of Haiti is divided into nine departments, as follows: North, Northeast, Northwest, Artibonite, Center, West, Southeast, South, and Grand'Anse. The law shall fix the boundaries of these departments.

Each department is subdivided into arrondissements, each arrondissement into communes, and each commune into quartiers (wards) and rural sections. The law shall determine the number and boundaries of these subdivisions and shall also regulate their organization and functioning.

TITLE II

RIGHT

Chapter I

Haitian Citizens and Their Rights

Article 3. The regulations concerning nationality shall be determined by law.

Article 4. Any person born of a native-born Haitian father shall be considered a native-born Haitian. Any person born in Haiti of an unknown father, but whose mother is native-born Haitian, shall also be considered a native-born Haitian.

Article 5. The life and liberty of Haitians are sacred and must be respected by individuals and by the state.

The state must also ensure the benefits of culture, economic welfare, and social justice to the citizens of the republic.

Chapter II

Civil and Political Rights

Article 6. The aggregate of civil and political rights constitutes citizenship.

The exercise of civil rights, independent of political rights, shall be regulated by law.

Article 7. The exercise, enjoyment, suspension, and loss of political rights shall be regulated by law.

Article 8. All Haitians, regardless of sex, who have attained 21 years of age may exercise their political and civil rights if they meet the conditions prescribed by the constitution and by law.

Chapter III

Aliens

Article 9. An alien woman married to a Haitian takes the nationality of her

husband. A Haitian woman married to an alien retains her Haitian nationality.

An alien woman in this situation must, before marrying, repeat these words, to be inserted in the marriage certificate: "I renounce the nationality of any other country than Haiti."

Article 10. An alien may acquire Haitian nationality after ten years' continuous residence in the territory of the republic, provided he conforms to the regulations established by law.

Naturalized aliens shall not be permitted to exercise their political rights until five (5) years after the date of their naturalization.

Article 11. The status of naturalized Haitian shall be lost in all cases provided by law, particularly by continuous residence for more than three (3) years outside Haitian territory without duly granted authorization.

A person who loses his nationality in this manner may not reacquire it.

Article 12. Aliens may not benefit from the advantages intended especially for Haitians by establishing a corporation pursuant to the laws of the republic. In this connection, retail business shall be reserved exclusively to Haitians.

Article 13. Any alien who is in the territory of the republic must obey the laws and regulations of the country and shall enjoy the protection accorded to Haitians, except in the event of any measures which it may become necessary to apply against nationals of countries where Haitians do not enjoy the same protection.

Article 14. The right to own real property shall be accorded to aliens residing in Haiti and to foreign companies for the needs of their agricultural, industrial, commercial, or educational enterprises, within the limits and under the conditions prescribed by law.

This right shall likewise be accorded to aliens residing in Haiti for their residential needs. Foreign construction companies shall have the benefit of a special status regulated by law.

However, an alien residing in Haiti may not own more than one dwelling in the same locality. He may in no case, engage in the business of renting real estate.

This right to own real property shall terminate two (2) years after an alien has ceased to reside in the country or after the operations of the agricultural, industrial, commercial, or educational enterprises of foreign individuals or companies have terminated.

The law shall determine the regulations to be followed, in the event of the cessation of residence or operation in Haiti, in liquidating the property acquired in the country by foreign individuals or companies.

Any violation of the provisions of the first and second paragraphs of this article shall result in the pure and simple seizure of the property by the state.

Any citizen may report such a violation or the circumstances of cessation of residence or of operations.

Article 15. In the cases determined by law an alien may be refused admission to, or sojourn in, the territory of the republic.

An alien may be deported from Haiti when he interferes either directly or indirectly in the political life of the state or spreads doctrines that are anarchistic or contrary to democracy.

Chapter IV

Individual Rights and Guarantees

Article 16. Haitians shall be equal before the law, subject to the special advantages conferred on native-born Haitians.

Every Haitian may take an active part in his country's government, hold public office, or be appointed to a government position, without distinction as to color, sex, or religion.

In the administration of government services, the appointment of personnel, and the terms and conditions of their employment, must be free of privileges, favors, and discrimination.

Article 17. Individual liberty shall be guaranteed. No one may be prosecuted arrested, or detained except in the cases determined by law and in the manner which it prescribes.

In addition, no one may be arrested or detained except by order of a legally competent official.

For the execution of such an order, it is necessary:

1. that it formally state the reason for the arrest and the law that punishes the act charged;
2. that legal notice of it be given and that a copy of the order be left with the accused at the time of its execution, except in case of flagrante delicto.

No one may be kept under arrest more than forty-eight (48) hours unless he has appeared before a judge who is assigned to rule on the legality of the arrest and the judge has confirmed the arrest by a decision giving reasons.

In the case of a petty offense, the arrested person shall be referred to the justice of the peace, who will then pronounce a final decision.

In the case of a more serious offense, an appeal may be filed, without prior permission, simply by addressing a petition to the presiding judge of the competent civil court, who, on the basis of the oral statement of the prosecutor, shall rule on the legality of the arrest in a special session of the court, without postponement or rotation of judges, all other cases being suspended.

In either case, if the arrest is judged illegal, the arrested person shall be released, any appeal to a higher court or the Court of Cassation notwithstanding.

Any unnecessary force or restraint in the apprehension of a person or in keeping him under arrest, any moral pressure or physical brutality, is forbidden.

All violations of these provisions shall be considered arbitrary acts against which the injured parties may, without prior authorization, appeal to the competent courts, prosecuting either the authors or the perpetrators, regardless of their rank or the body to which they belong.

Article 18. No one may be denied access to the judges whom the constitution or the law assigns to him. A civilian may not be tried by a military court nor may a military person be denied access to a court of ordinary law, in an exclusively civil matter, except when a state of siege has been declared by law.

Article 19. House searches and seizures of papers shall be prohibited except by virtue of law and in accordance with legally prescribed procedures.

Article 20. This law shall not be retroactive in effect except in criminal cases when it is favorable to the offender.

The law shall be retroactive in effect whenever it takes away vested rights.

Article 21. No penalty may be established except by law, or imposed except in the cases provided by law.

Article 22. The right of ownership is guaranteed to the citizens. Expropriation for a legally established public purpose may be effected only by the advance payment, or deposit, in favor of the person entitled thereto, of fair compensation.

Property also entails certain obligations. Its use must be in the public interest.

Landowners have an obligation to the community to cultivate, work, and protect their land, particularly against erosion.

The penalty for failure to fulfill this obligation shall be prescribed by law.

The right of ownership shall not extend to springs, rivers, or other water-courses, mines, and quarries in the subsoil. These are part of the public domain.

The law shall establish regulations governing freedom to prospect for and work mines, ore-bearing earths, and quarries, ensuring an equal share of the profits of such exploitation to the owner of the land and to the state or its concessionnaires.

The law shall fix the limit on the right of ownership.

Article 23. Freedom to work shall be exercised under the control and supervision of the state and shall be regulated by law.

However, save for the exceptions and distinctions established by law, all importers, agents, and manufacturers' representatives shall be prohibited from engaging in retail trade, even through an intermediary.

The law shall define what is meant by an intermediary.

Article 24. Every worker shall be entitled to a fair wage, job training, health protection, social security, and the welfare of his family insofar as his country's economic development permits.

It shall be a moral obligation of the employer to contribute to the education of his illiterate workers according to his means.

Any worker may participate, through his representatives, in the collective determination of working conditions. All workers shall be entitled to rest and leisure.

All workers may protect their interests through trade-union activities. Each worker shall belong to the trade union representing his particular occupation.

Annual vacations with pay shall be compulsory.

Article 25. Capital punishment may not be imposed for any political offense except treason.

The crime of treason consists in taking up arms against the Republic of Haiti, joining avowed enemies of Haiti, and giving them aid and comfort.

Article 26. Everyone has the right to express his opinion on any matter and by every means within his power.

The expression of thought, whatever form it takes, may not be subjected to prior censorship except when war has been declared.

Abuses of the right of freedom of speech shall be defined and punished by law.

Article 27. All religions and faiths shall be equally recognized and free. Everyone may profess his religion and practice his faith, provided he does not disturb law and order.

No one may be compelled to belong to a religious organization or to follow a religious teaching contrary to his convictions.

Article 28. Since marriage tends to purity of morals by contributing to a better organization of the family, the fundamental basis of society, the state shall facilitate it and encourage its spread among the people, particularly in the rural class.

In the organization of marriage, the law shall protect Haitian women in particular.

Article 29. Freedom of education shall be exercised in accordance with the law, under the control and supervision of the state, which should see to the moral and civic training of the young.

Public education shall be the responsibility of the state and the communes.

Primary education shall be compulsory.

Public education shall be free of charge at all levels.

Technical and vocational training shall be generalized.

Higher education shall be open to all, on an equal basis, according to merit only.

Article 30. In the cases determined by law, a jury shall be used in criminal trials and for political offenses committed through the press or by some other means.

Article 31. Haitians may assemble peaceably and without arms, even for the purpose of discussing political affairs, without prior authorization, in conformity with the laws governing the exercise of this right.

This provision shall not apply to public gatherings, which shall be entirely subject to police regulations.

Article 32. Haitians shall have the right of association, of forming political parties, labor unions, and cooperatives.

This right may not be subjected to any preventive measure. And no one may be compelled to join an association or a political party.

The law shall regulate the conditions for the functioning of these groups and shall promote their formation.

Article 33. The right of petition shall be exercised personally by one or more individuals, never in behalf of a group.

Any petition addressed to the legislative body must give rise to the regulatory procedure making it possible to rule on the object of the petition.

Article 34. Correspondence shall be inviolable, subject to the penalties provided by law.

Article 35. French shall be the official language. Its use shall be compulsory in government services. However, the law shall determine in what cases and under what conditions the use of Creole may be permitted, and even recommended, for the purpose of safeguarding the material and moral interests of citizens who do not know the French language well enough.

Article 36. The right of asylum shall be accorded to political refugees, provided they conform to the laws of the country.

Article 37. Extradition in political matters shall not be permitted.

Article 38. The law may neither add to nor derogate from the constitution.

The letter of the constitution shall always prevail.

TITLE III

DUTIES

Chapter I

Civic Duties

Article 39. Civic duties attend the status of citizen and civil and political rights.

Civic duties are the aggregate moral, political, social, and economic obligations of the citizen toward the state and the nation.

Article 40. For the citizen, voting is not only a right but an obligation imposed by his civic duty.

Chapter II

Responsibilities of Government Officials and Employees

Article 41. Before taking office, every official in the sense defined and specified by law shall swear on his honor to discharge conscientiously the duties of his office, to be loyal to his country, and to carry out and enforce the constitution and laws and the regulations enacted under the constitution or law. A written statement of the official's oath shall be prepared for his signature, and a certified copy of it issued to him for all pertinent purposes.

Article 42. Officials who have knowledge of a violation committed against the treasury by their subordinate personnel must so inform the competent authorities as soon as possible, on pain of being considered harborers of persons and prosecuted as such.

Article 43. If government officials or employees are guilty of unlawful gain at the expense of the public treasury, they must restore to the state the amounts illegally acquired without prejudice to the criminal proceedings provided by law.

Unlawful gain may be proved by all kinds of evidence, particularly by presumption of fact. It shall be deduced, in particular, from a marked discrepancy between the means of the official, acquired after he took office (personal and real property) and the accumulated amount of the salary or fees to which he was entitled by virtue of his office. In determining such unlawful gain, the total capital of the official plus that of his wife and minor children shall be considered as forming a unit.

The government officials and employees specified by law shall be required to make a statement of their property to the clerk of the civil court within sixty (60) days of their entry upon duty. The competent government representative may take whatever measures he deems necessary to verify the accuracy of the declaration.

Article 44. Any official who commits the above-mentioned offenses may be accorded a ten-year prescription only. This prescription shall be computed from the termination of his duties.

Article 45. A violation of these constitutional provisions shall be specially punished by law, and persons who commit such offenses shall not be entitled to the clemency of the president of the republic.

TITLE IV

NATIONAL SOVEREIGNTY

Chapter I

The Exercise of National Sovereignty

Article 46. National sovereignty is vested in all the citizens.

The people shall exercise the prerogatives of sovereignty directly by:

1. election of the president of the republic;
2. election of the members of the Legislature;
3. election of the communal councillors; and by
4. the opinion which they express, in a referendum, on all matters concerning them and referred to them by the chief executive.

Article 47. Subject to the provisions of the preceding article, the exercise of national sovereignty shall be delegated to three branches of government: the legislative, executive, and the judicial.

They shall constitute the government of the republic, which shall be essentially civil, democratic, and representative.

Article 48. Each branch shall be independent of the other two in its functions, which it shall perform separately.

No branch may delegate its functions or exceed the limits established for it.

Each of the three branches shall be responsible for its acts.

Chapter II

The Legislative Branch

Section I

The Legislature

Article 49. The legislative power shall be exercised by one chamber called the Legislature.

Article 50. The number of members of the Legislature shall be fixed at fifty-eight (58) deputies until such time as the number and area of the electoral districts are fixed on the basis of the economic and political importance and the population density of each arrondissement.

Deputies shall be elected by a majority of the votes cast in the primary assemblies, under the conditions and in the manner prescribed by law.

Article 51. To be eligible for membership in the Legislature, it shall be necessary:

1. to be a Haitian and never to have renounced Haitian nationality;
2. to be 25 years of age;
3. to enjoy civil and political rights;
4. to have resided at least five (5) years in the district to be represented.

Article 52. Members of the Legislature shall be elected for six (6) years and may be reelected an indefinite number of times.

They shall enter upon the performance of their duties on the second Monday in April of the year in which they are elected, unless elected to fill a vacancy. In that event, they shall take office when elected and shall serve only for the remainder of the unexpired term.

Article 53. In the event of the death, resignation, disqualification, judicial interdiction, or expulsion of a deputy, or of his acceptance of another office incompatible with that of a member of the Legislature, the replacement of such deputy in his electoral district, for the remainder of his term only, shall be done by special election upon convocation of the primary electoral assembly by the president of the republic in the month in which the vacancy occurs.

However, before accepting a resignation, the Legislature may conduct any kind of investigation of the circumstances surrounding the resignation.

This special election shall take place within thirty (30) days of the convening of the primary assembly.

The procedure shall be the same in default of election or in case of the invalidity of elections in one or more districts.

However, if the vacancy occurs during or after the last regular session of the Legislature, no by-elections shall be held.

Article 54. The following persons may not be members of the Legislature:

1. contractors or concessionnaires of the state in the operation of public services or the exploitation of national resources;
2. representatives or agents of contractors or concessionnaires of the state, whether individuals or companies;

unless the persons concerned publicly cancel or transfer their contracts to third parties other than members of their immediate families, blood relatives, or relatives by marriage; or publicly and actually resign as representatives or agents of the contractors or concessionnaires of the state.

Section II

The National Assembly

Article 55. The members of the Legislature shall meet as a National Assembly for the opening and closing of each session and in the cases specified in Article 56 of this constitution.

Article 56. The functions of the National Assembly shall be:

1. to receive the constitutional oath of the president of the republic;
2. to declare war on the recommendation of the executive branch;
3. to approve or reject peace treaties and other international treaties and conventions;
4. to revise the constitution;
5. to act as a high court of justice.

Article 57. The meetings of the National Assembly shall be public. However, at the request of five members, they may be held in secret and it shall be decided at that time by a majority vote whether the meeting is to be resumed in public.

Article 58. In case of emergency, when the Legislature is not in session, the executive branch may call a special session of the National Assembly.

Article 59. The adoption of decisions in the National Assembly shall require the presence of two thirds of the members of the Legislature.

Section III

Exercise of the Legislative Power

Article 60. The seat of the Legislature shall be in Port-au-Prince. However, if circumstances require, the seat may be transferred elsewhere, to the same place and at the same time as that of the executive branch.

Article 61. The Legislature shall meet automatically on the second Monday in April each year.

The session shall date from the first meeting of the Legislature sitting as a National Assembly.

The session shall last three months. If necessary, it may be extended one or two months by the executive or the legislative branch.

The president of the republic may adjourn the Legislature, but the adjournment may not be for more than one month or for less than fifteen (15) days, and there may not be more than two adjournments in a single session.

The time of the adjournment may not be charged to the length of the session established by the constitution.

Article 62. In case of a serious conflict between the legislative branch and the executive branch, the president of the republic may dissolve the Legislature.

The decree dissolving the Legislature shall, at the same time, provide for the holding of new elections.

The publication of the decree shall entail the immediate dismissal of all members of the cabinet, none of whom may be a member of the new government.

These elections shall be held not less than three (3) months from the publication of the decree.

During the recess of the Legislature resulting from the decree of dissolution, the president of the republic shall provide for the needs of the public services by an arrêté (order) issued by the council of the secretaries of state.

Nevertheless, he may not exercise the right of dissolution until after he has applied the procedure of adjournment without success, or when, in accordance with the preceding article, he may no longer resort to that method.

Article 63. In the intervals between sessions and in case of emergency, the president of the republic may convene a special session of the Legislature.

In that event, the Legislature may not take up any matter not pertinent to the reasons for convoking the session.

However, any member of the Legislature may address the Assembly on matters of public interest.

Article 64. The Legislature shall verify and validate the powers of its members and shall be the final judge on disputes arising in this connection.

Article 65. The members of the Legislature shall take the following oath: "I swear to uphold the rights of the people and to abide by the constitution."

Article 66. The meetings of the Legislature shall be public. However, the Assembly may meet in closed session at the request of five (5) members and then decide by a majority vote if the session is to be resumed in public.

Article 67. No monopoly may be established except in favor of the state or the communes, in the cases and under the conditions determined by law.

However, in the exercise of this privilege, the state or the communes, may enter into partnerships with or replace companies or corporations. In that event, the contract of concession must be submitted to the Legislature for ratification.

Article 68. The legislative branch shall enact laws on all matters of general interest.

The initiative for such action shall rest with the Legislature and the executive branch.

Nevertheless, the executive branch alone may take the initiative for laws concerning public expenditures, and the Legislature may not increase the expenditures proposed by the executive branch.

Article 69. Through its bylaws, the Legislature shall appoint its personnel, provide for discipline, and establish the procedure for exercising its powers.

It may impose disciplinary penalties on its members and even expel those who have been recognized to be guilty of reprehensible conduct.

Article 70. The members of the Legislature shall be inviolable from the day they take the oath of office until the expiration of their term.

They may not be barred from the Assembly, nor may they at any time be prosecuted and attacked for their opinions and votes expressed in the performance of their functions or occasioned by such performance.

Article 71. No physical restraint may be used against a member of the Legislature during his term of office.

Article 72. During his term of office, no member of the Legislature may be prosecuted or arrested for a crime, misdemeanor or petty offense, or even a political offense, without the authorization of the Assembly, except in case of flagrante delicto for an act punishable by the loss of liberty, life, or civil rights.

The case shall then be referred to the Legislative Assembly if it is in session; if not, the president of the republic shall call a special session of the Legislature within forty-eight (48) hours of the arrest to inform it of the decision made regarding the said member.

Article 73. The Legislature may not adopt decisions unless a majority of its members are present.

Article 74. An act of the Legislature may be adopted only by a majority vote of the members present, except as otherwise provided by the constitution.

Article 75. The Legislature may investigate any matter referred to it.

This right shall be limited by the principle of the separation of powers, pursuant to Article 47 of this constitution.

Article 76. No bill may be passed by the Assembly until it has been voted on article by article.

Article 77. The Legislature may amend and divide the proposed articles. No bill may become law until it has been voted on in its entirety.

Any bill may be withdrawn from discussion so long as it has not been definitively voted upon.

Article 78. Every law passed by the Legislature shall immediately be transmitted to the president of the republic, who, before promulgating the law, may object to all or any part of it.

In that event, he shall return the law to the Legislature with his objections.

Article 79. If the law is amended by the Legislature, it shall be sent to the president of the republic for promulgation.

If the objections are rejected, the law shall be sent back in its original text to the president of the republic, who must then promulgate it.

Rejection of the objections shall require a vote of two thirds of the members of the Assembly, and the votes shall be given by yeas and nays and entered in the margin of the record beside the name of each member.

If a two-thirds majority is not obtained, the objections must be accepted.

Article 80. The right of objection must be exercised within eight (8) days of the date of the receipt of the law by the president of the republic, excluding Sundays, national and legal holidays, strikes, and recesses of the Legislature, pursuant to Article 61 of the constitution.

Article 81. If the president of the republic expresses no objection within the time limit, the law must be promulgated unless the session of the Legislature closes before the expiration of the time limit, in which case the law shall be postponed. Any law thus postponed shall, at the opening of the next session, be sent to the president of the republic so that he may exercise his right of objection.

Article 82. A bill defeated in the Legislature may not be reintroduced during the same session.

Article 83. The laws and other acts of the Legislature and the National Assembly shall be rendered official by publication in the Moniteur and shall be inserted in the printed and numbered bulletin entitled Bulletin des Lois et Actes.

Article 84. That law shall date from the day of its definitive adoption by the Legislature, but it shall become binding only after promulgation by the president of the republic and its publication in the manner prescribed.

Article 85. No one may submit petitions to the Legislature in person.

Article 86. The official interpretation of the laws shall rest solely with the legislative branch and shall be given in the form of a law.

Article 87. Each member of the Legislature shall receive a monthly salary of two thousand (2,000) gourdes from the time of taking his oath of office.

Article 88. The office of member of the Legislature shall be incompatible with any other office for which compensation is given by the state, except that of secretary of state, under secretary of state, and diplomatic agent.

Any member of the Legislature who becomes a secretary of state, under secretary of state, or a diplomatic agent shall cease to be entitled to the compensation allocated to him in the preceding article, unless he is on a temporary mission.

A member of the Legislature who becomes a secretary of state, under secretary of state, or diplomatic agent shall not participate in the deliberations of the Legislature.

Article 89. Any member of the Legislature may question or interpellate a member of the cabinet, or the entire cabinet, concerning the actions and instruments of the administration.

A request for interpellation must be supported by one third of the members of the Assembly.

Chapter III

The Executive Branch

Section I

The President of the Republic

Article 90. The executive power shall be vested in a citizen who shall be given the title of president of the republic and be assisted by secretaries of state and under secretaries of state.

Article 91. To be eligible to be president of the republic, it shall be necessary:

1. to be a native-born Haitian and never to have renounced Haitian nationality;
2. to be 40 years of age;
3. to enjoy civil and political rights;
4. to be domiciled in Haiti;
5. to have been relieved of his responsibilities when the candidate has been handling public funds.

Article 92. Before taking office, the president of the republic shall take the following oath before the National Assembly:

"I swear before God and the nation faithfully to observe and enforce the constitution and laws of the republic, to respect the rights of the Haitian people, to

work for their prosperity and greatness, and to maintain the national independence and the integrity of the territory."

Article 93. The president of the republic shall appoint and dismiss secretaries of state, under secretaries of state, and government employees and officials. He shall be charged with seeing that the treaties of the republic are carried out.

He shall cause the seal of the republic to be affixed to all laws and shall promulgate them within the time limit prescribed by Articles 78, 79, 80, and 81 of this constitution.

He shall be responsible for the enforcement of the constitution and laws, acts, and decrees of the Legislature and the National Assembly.

He shall issue all regulations and arrêtés necessary for that purpose, but he may never suspend or interpret the laws, acts, and decrees themselves, or fail to enforce them.

He shall make appointments to public office and positions only in accordance with the constitution or the express provision of a law and on the conditions prescribed therein.

He shall provide, according to law, for the internal and external security of the state.

He shall make all international treaties or conventions, subject to approval by the National Assembly, to which he shall also submit all executive orders for ratification.

He may dissolve the Legislature, in accordance with Article 62 of this constitution.

He may grant pardons and commute sentences in all cases that have become a res judicata, except in the event of impeachment by the courts or by the Legislature, as stipulated in Articles 123, 124, and 125 of this constitution.

Amnesty may be granted only for political matters as stipulated by law.

Article 94. If the president of the republic finds it temporarily impossible to perform his duties, the executive authority shall be vested in the council of the secretaries of state so long as the disability continues.

Article 95. Whatever measures the president of the republic adopts must first be deliberated on by the council of the secretaries of state.

Article 96. All acts of the president of the republic, except arrêtés appointing or removing secretaries of state, shall be countersigned by the secretary (or secretaries) of state concerned.

Article 97. The president of the republic shall have no powers other than those accorded to him by the constitution and the laws.

Article 98. At the opening of each session of the Legislature, the president of the republic shall deliver a message on the state of the nation and transmit to it

the reports received by him from the various secretaries of state.

Article 99. The president of the republic shall receive a monthly salary of ten thousand (10,000) gourdes from the public treasury.

Article 100. The president of the republic shall have his official residence in the National Palace, unless the seat of the government is moved.

Section II

Election of the President of the Republic

Article 101. The president of the republic shall be elected by secret ballot, by direct suffrage, and by a majority vote of the electors.

The law shall regulate the manner of declaring elections to be totally or partially in default or null and void in one or more localities.

Section III

Secretaries of State

Article 102. The law shall fix the number of ministerial departments. There shall be no fewer than five (5) secretaries of state.

The president of the republic may, when he deems it necessary, attach to them under secretaries of state whose powers and duties shall be determined by law.

To be eligible to be a secretary or under secretary of state, it shall be necessary:

1. to be a Haitian and never to have renounced Haitian nationality;
2. to be 30 years of age;
3. to enjoy civil and political rights.

None of the persons listed in Article 54 of this constitution may be either secretary of state or under secretary of state.

Article 103. The secretaries of state shall meet as a council presided over by the president of the republic or one of the secretaries of state delegated by him.

All deliberations of the council shall be recorded in a register, and the minutes of each meeting shall be signed by the members of the council present.

Article 104. The secretaries of state may be admitted to the Legislature and the National Assembly in order to support bills or objections raised by the executive branch.

Article 105. The secretaries of state shall be responsible for the acts of the president of the republic countersigned by them and for the acts of their respective departments, as well as for failure to enforce the laws.

In no case may a written or oral order of the president of the republic release a secretary of state from the responsibility attaching to his office.

Article 106. Each secretary of state shall receive a monthly salary of three thousand (3,000) gourdes from the public treasury, and each under secretary of state, a monthly salary of two thousand (2,000) gourdes.

Section IV

The Supreme Technical Council

Article 107. A Supreme Technical Council on National Resources and Economic Development is hereby established. It shall be an independent agency whose members will be appointed by an arrêté of the president of the republic. Its manner of operation shall be determined by law.

Chapter IV

The Judicial Branch

Article 108. The judicial power shall be vested in a Court of Cassation, courts of appeal, and lower courts whose number, organization, and jurisdiction shall be regulated by law.

The president of the republic shall appoint the judges of all the courts. He shall appoint and dismiss the officers of the ministère public at the Court of Cassation, the courts of appeal, and the other courts, as well as the justices of the peace and their alternates.

The judges of the Court of Cassation and of the courts of appeal shall be appointed for a term of ten years, and those of the civil courts, for seven years.

The term of office shall begin when a judge takes his oath.

Once appointed, judges shall not be subject to removal by the executive branch for any cause whatever. However, they shall be subject to the provisions of Articles 123, 124, and 125 of this constitution and to the provisions of special laws setting forth the reasons why their duties may be terminated.

The duties of judge shall be incompatible with any other salaried office. Incompatibility by reason of blood relationship or relationship by marriage shall be regulated by law.

The law shall also determine the qualifications for judges of all ranks.

Article 109. The courts of ordinary law shall have exclusive jurisdiction over disputes concerning civil rights.

Article 110. The courts (tribunaux) shall have jurisdiction over disputes concerning political rights, subject to the exceptions established by law.

Article 111. Commercial disputes shall be referred to civil and peace courts, in accordance with the code of commerce.

Article 112. Jurisdiction of matters in dispute may be established only by law.

Article 113. Land courts, labor courts, and children's courts are hereby established, their number, organization, seat, and manner of operation to be fixed by law.

Article 114. The mission of the land courts shall be temporary. Their functions shall cease as soon as the purposes for which they are organized have been accomplished.

Article 115. Each land court shall take cognizance, by way of exception, of disputes relating to property transactions, registration of real property, real property rights, and possessory actions solely for the area for which it is established.

Ordinary courts and peace courts shall retain jurisdiction in litigation for which competence is accorded to them by law.

Article 116. The Court of Cassation shall not try cases on their merits. Nevertheless, in all cases other than those submitted to a jury, when a case between the same parties is tried upon second appeal or even on the basis of an exception, the Court of Cassation, accepting the appeal, shall not remand the case to a lower court, but shall rule on the merits, sitting as a full court. In that event, a majority of the judges of the court must not have tried the case when it was first appealed.

However, in the case of appeals from temporary restraining orders or orders of examining magistrates, grants of appeal pronounced in connection with such orders in the cases determined by law appealing from decisions relating to temporary execution, from judgments of the land courts, labor courts, or from final sentences of the peace courts, the Court of Cassation, admitting the appeal, shall pronounce a decision without remanding the case.

Article 117. The Court of Cassation shall rule on jurisdictional conflicts in the manner prescribed by law.

It shall take cognizance of both the facts and the law in all cases of decisions rendered by the military court.

Article 118. When litigation is referred to it, the Court of Cassation sitting as a full court, shall rule on the unconstitutionality of the laws.

Actions for a ruling of unconstitutionality shall not be subject to any requirement of deposit, penalty, or fee.

Article 119. The sittings of the courts (tribunaux) shall be public unless such publicity jeopardizes law and order or morality, in which case the court shall so declare by a decision.

Closed sessions shall not be permitted in cases of political offenses or offenses involving the press.

Article 120. Every decision of the superior and the lower courts shall state the grounds for the decision and shall be pronounced in a public hearing.

Article 121. Such decisions shall be pronounced and executed in the name of the republic. They shall carry executory instructions, the wording of which shall be determined by law.

Notarial acts shall be put in the same form when their compulsory execution is involved.

Article 122. An interpretation given by the legislative branch shall be applied to the case without the retroactive effect of taking away the rights acquired by the res judicata.

The courts shall apply the public administration decrees and regulations only insofar as they are in conformity with the law.

Chapter V

Prosecution of Members of the Branches of Government

Article 123. The Legislature shall impeach the president of the republic and summon him before the National Assembly acting as a high court of justice for treason or any other crime or offense committed in the discharge of his functions.

It shall also impeach and summon before the high court:

1. secretaries of state and under secretaries of state in case of embezzlement, treason, abuse or excess of authority, or any other crime or offense committed in the exercise of their functions;
2. in case of maladministration, the members of the Court of Cassation and the officers of the ministère public attached to that court.

Impeachment may be pronounced only by a two-thirds majority of the members of the Legislature.

When the hearing opens, each member of the high court of justice shall swear to judge with the impartiality and firmness appropriate to a free and honest man, according to his conscience and his innermost conviction.

By secret ballot and a majority vote, the high court of justice shall appoint one third of its members to conduct the judicial inquiry. The decision shall be pronounced on the recommendation of the investigating commission.

The high court of justice shall pronounce no penalty other than disqualification, dismissal from office, and loss of the right to hold public office for not less than one nor more than five years; but the convicted person may be summoned before the ordinary courts, in accordance with the law if there are grounds for applying other penalties or for bringing civil action.

No one may be tried or convicted except by a two-thirds majority vote of the members of the National Assembly sitting as a high court of justice.

Article 124. In case of maladministration, a judge or officer of the ministère public shall be impeached by a section of the Court of Cassation.

If an entire court is involved, the impeachment shall be made by the Court of Cassation, sitting as a full court.

Article 125. The law shall govern the manner of taking proceedings against the president of the republic, secretaries of state, under secretaries of state, and magistrates in cases of crimes or offenses committed by them either in the discharge of their duties or outside their duties.

The benefit of prescription may not be invoked by military or civilian officials guilty of arbitrary and illegal acts against private individuals until ten years after the termination of their duties.

TITLE V

PRIMARY ASSEMBLIES

Article 126. The primary assemblies shall meet every six years at the call of the chief executive, or automatically in the absence of such call, in each commune on the second Sunday in February, in accordance with the procedure provided by law, to elect communal councillors and members of the Legislature.

They shall meet on special convocation for the by-elections provided for in Article 53 of this constitution. The same shall be true in the case contemplated in Article 62 of the constitution.

They may not take up any matter other than the one assigned to them by this constitution and must be dissolved after the purposes for which they have met are accomplished.

Article 127. The law shall regulate the manner of voting in the primary assemblies.

TITLE VI

THE ADMINISTRATIVE SYSTEM

Chapter I

Communal and Prefectural Institutions, Technical and Administrative Councils of Arrondissements and Administrative Councils of Rural Sections

Article 128. The commune shall be autonomous. The conditions and limits of this autonomy shall be governed by law.

Article 129. Any commune whose revenue does not permit it to have an autonomous administration may be attached to the nearest commune in the form of a district quartier.

Article 130. The communal council shall be elected for a period of six years and its members may be reelected an indefinite number of terms.

The number of members of the communal councils shall be fixed by law.

To be eligible for membership in a communal council, it shall be necessary:

1. to be a Haitian;
2. to have attained 25 years of age;
3. to enjoy civil and political rights;
4. to own real property in the commune or to engage in an industry or practice a profession there;
5. to have resided at least five years in the commune.

Article 131. A technical council of three members, appointed by the president of the republic, shall assist each communal council.

Article 132. The rural section shall be governed by an administrative council presided over by a leader of the commune and organized to alleviate the living conditions in the rural areas and to raise the intellectual, moral, and social level of the peasant. The community and basic educational cooperative systems shall be organized there, as well as small agricultural and cottage-industry loans.

Article 133. The communal council may be dissolved only in cases of duly established negligence, embezzlement, or maladministration.

In such case, the president of the republic shall form a communal commission of three members to administer the interests of the commune until the next elections.

Article 134. The communal council shall manage the resources of the commune for its exclusive profit and shall render a detailed, documented account of its management to the central government.

It shall appoint its officials and employees without the intervention of any other authority.

It shall prepare its list of taxes and charges in order to propose certain laws to the central government, which may, nevertheless, make such changes therein as are considered necessary.

Article 135. Before taking office, the members of the communal council or of the communal commission, as the case may be, shall take the following oath before the competent civil court: "I swear to respect the rights of the people, to work for progress in my commune, to be faithful to the constitution and the law, and to conduct myself in all matters as a decent, honest citizen."

Article 136. In the event of the death, resignation, or judicial disability of a member of the communal council, or of his conviction entailing the loss of liberty and civil rights, he shall be replaced by a citizen appointed by the president of the republic.

In case of the death, resignation, or judicial disability of two members or of

their conviction, which has become a res judicata, entailing the loss of liberty or civil rights, the president of the republic shall be authorized to form a communal commission to manage the interests of the commune until the next elections.

Article 137. The office of prefect shall be created in the departments, and, if necessary, in the arrondissements.

The prefects shall be civil officials who represent the executive branch directly.

The law shall determine their functions and the place of their residence.

Article 138. In each prefectural district, technical councils of arrondissements shall be established, presided over by the prefect and composed of technicians drawn from the government departments and responsible for controlling the communal councils. They shall see to the political, administrative, economic, social, and cultural interests of the communes under their control, in this connection preparing or coordinating the development plans and programs and ensuring the effective implementation of the plans and programs entrusted to the care and attention of the technical councils attached to the communal councils.

Article 139. The law shall determine the organization and operations of the various councils.

Chapter II

Civil Service

Article 140. Government employees and officials shall be in the service of the state and not of a certain political faction. They may not utilize their offices for the purpose of playing election politics.

Article 141. The law shall regulate the civil service, particularly the requirements for employment, promotions, transfers, separation, and dismissal on the basis of aptitude, merit, and conduct. The law shall guarantee employment security and the right of appeal from disciplinary or other measures.

Those who hold political office or positions, in particular secretaries of state, under secretaries of state, prefects, the ministre public, ambassadors, the private secretary of the president of the republic, and secretaries or directors general of the government services shall not be included in the government career service.

Article 142. Strikes by government employees and officials and the collective abandonment of their duties shall be forbidden.

Militarization of the government services or general mobilization may be decreed in the event of national peril or serious civil disturbances, especially in the event of an illegal or political general strike.

General mobilization shall be decreed by the executive branch, under the Military Service Law.

TITLE VII

PUBLIC FINANCE

Chapter I

National Revenue and the Budget

Article 143. The public revenue or government finances shall be constituted by taxes, charges, and the agricultural, industrial, and commercial resources derived from enterprises of the state and its credit institutions. Taxes are a deduction by the state based on the taxpayer's wealth. Charges are the direct cost of a service.

Article 144. Taxes for the benefit of the state and the communes may be levied only by law.

The laws establishing taxes shall be valid for only one year.

Article 145. Direct taxation shall be effected on a progressive basis and shall be computed according to the amount of the wealth, salary and wages, and income.

Article 146. The gourde shall be the monetary unit.

The law shall fix the fineness and weight of the gourde and of any fractional money that the state is empowered to issue as legal tender throughout the territory of the republic.

The National Bank of the Republic of Haiti, whose charter shall be determined by law, shall be accorded the exclusive privilege of issuing paper currency representing the gourde.

No paper currency or coins may be issued except in accordance with a law determining the amount and the use thereof.

In no case may the said figure be exceeded.

The state shall direct the monetary policy in such a way as to create and maintain the conditions most favorable to the development of the national economy.

Article 147. No privilege may be established in the matter of taxes. No exemption, increase, or decrease in taxes may be established except by law.

Article 148. No pension, bonus, subsidy, or allotment may be paid out of the public treasury except by virtue of a law proposed by the executive branch.

Article 149. The holding of two or more salaried public offices at the same time is expressly forbidden, except in secondary, higher, or vocational education, or in the case of a professorship in higher education or of a technical position in the same field.

Article 150. The Budget Bureau, which is under the direct control of the chief executive, shall be charged with preparing the budget of national receipts and expenditures, in close cooperation with the permanent secretary of the Supreme Technical Council on National Resources and Economic Development, and shall follow through its execution. It shall, in addition, endeavor to promote the national economy by incorporating public receipts and expenditures into general plans for the nation's economic development.

Article 151. The budget of each ministerial department shall be divided into chapters and sections and must be voted on article by article.

The transfer of allocations is expressly forbidden. No amount allocated for one chapter may be credited to another chapter and used for other expenditures without a law.

The secretary of state for finance must, on his own responsibility, deliver each month to each ministerial department only one-twelfth part of the amounts provided for in its budget unless a decision has been made by the council of secretaries of state in an exceptional case.

The general accounts of receipts and expenditures of the republic shall be kept by the secretary of state for finance according to an accounting method established by law.

The fiscal year shall begin on October 1 and end on September 30 of the following year.

Chapter II

Agencies for the Administration of Government Revenue and Control of Public Expenditures

Article 152. An autonomous agency to be known as the Superior Court of Accounts, and to be charged with the administrative and jurisdictional control of all government receipts and expenditures is hereby created.

This agency shall be consulted on all matters relating to legislation regarding public finance as well as on all proposed financial or commercial contracts, agreements, and conventions to which the state is a party.

Its organization and manner of operation shall be prescribed by law.

Article 153. For the purpose of maintaining constant, careful supervision over public expenditures, a fifteen-member parliamentary committee of general accounts responsible for reporting on the administration of the secretaries of state shall be elected by secret ballot at the beginning of each legislative session, in order to permit the legislative body to give or refuse them discharge.

This committee may engage the services of no more than three specialized accountants and some clerks.

Article 154. Each year the Legislature shall prepare:

1. the statement of receipts and expenditures for the preceding year, or years;
2. the general national budget containing the rough estimates and the portion of the funds allocated to each ministerial department for the year.

However, no proposal or amendment may be introduced when the budget is prepared without provision for the necessary ways and means.

No change may be made to increase or decrease the salaries of government officials except by an amendment of the laws relating thereto.

Article 155. The general accounts and the budgets provided for in the preceding article, accompanied by the report of the Superior Court of Accounts must be submitted to the Legislature by the secretary of state for finance within fifteen (15) days of the opening of the legislative session. The same shall be true of the annual balance sheet and statement of operations of the National Bank of the Republic of Haiti and of all other accounts of the Haitian State.

The legislature may refrain from doing any legislative work until these documents are presented to it. It shall refuse to grant the secretaries of state discharge and even refuse to vote on the budget when the accounts submitted do not in themselves, or by supporting documents, provide the necessary data for verification and evaluation.

Article 156. If, for any reason whatever, except that of failure to submit the documents referred to in the preceding article or of inadequacy of the supporting documents, the Legislature does not act upon the budget for one or more ministerial departments before it adjourns, the budget or budgets of the departments concerned which were in force during the current fiscal year shall be continued for the following fiscal year.

In the event that, through fault of the executive branch, the national budgets have not been approved, the president of the republic shall immediately call a special session of the Legislature for the sole purpose of approving them, subject to any constitutional sanctions to be taken against the secretaries of state who are responsible.

Article 157. Autonomous state institutions and enterprises and agencies subsidized wholly or in part by treasury funds, with the exception of credit institutions shall be governed by special budgets and salary systems approved by the executive branch.

Article 158. A single accounting system prepared by the Budget Bureau of the republic shall be established for all government services.

Resources may be separated from the aggregate national property, in accordance with the provisions of the law, and allocated for the establishment of or increase in special funds for government agencies pursuing cultural aims, for the establishment and conduct of welfare or social security activities, for the development of small urban and rural properties or of the economy in general.

TITLE VIII

THE ECONOMIC SYSTEM

Article 159. The aim of the economic system is to ensure to all members of the national community a decent life. It is based chiefly on the principles of social justice.

Article 160. Economic freedom shall be guaranteed so long as it is not contrary to the public interest.

The state shall protect private enterprise and shall endeavor to see that it develops under the conditions necessary to increasing the national wealth in such a way as to ensure the participation of the largest possible number of persons in the benefits of this wealth.

Article 161. No corporation or foundation, regardless of its title or purpose, may retain ownership or control of real property other than that intended immediately and directly for its own use or for the purpose of its establishment.

Article 162. Privileges granted for a limited period may be accorded by the law to inventors or patent improvers, and monopolies may be granted to the state or communes if the public interest so requires.

Article 163. The state may assume responsibility for the administration of enterprises that perform services essential to the community, in order to ensure their continuity if their owners, entrepreneurs, directors, or managers refuse to abide by the laws relating to the nation's economic and social organization.

It may also assume control of, and even nationalize, property belonging to nationals of countries with which Haiti is at war.

Article 164. The construction of dwellings is declared to be in the public interest.

The state shall endeavor to see that the largest possible number of families own their own homes. It shall take steps to ensure that every agricultural or industrial enterprise provides its workers and employees with a healthful, comfortable home.

Article 165. It shall be expressly stipulated in any concession granted by the state for the establishment of wharves, railroads, canals, or any other works relating to public utilities, that, after a period not exceeding fifty (50) years, such works shall automatically become the property of the state, in perfect operating condition, without the payment of any compensation.

TITLE IX

THE SOCIAL SYSTEM

Chapter I

The Family

Article 166. The family, the foundation of society, shall be protected by the state, which favors marriage, seeks to aid and assist mothers and children, and enacts the necessary laws and regulations enabling each home to enjoy the degree of well-being essential to its tranquility and its cooperation in keeping law and order and social peace.

Article 167. Marriage shall be on a basis of the political and economic equality of the parties.

Article 168. Legitimate children, and illegitimate children who have been legally acknowledged, shall have equal rights to the education, protection, support, and care of their parents.

Article 169. The law shall fix the conditions under which an effort may be made to determine paternity.

Article 170. The law shall govern cases of adulterine and incestuous children.

Article 171. The state shall protect the physical, mental, and moral health of minors and shall guarantee their right to support and education.

Article 172. Juvenile delinquency shall be governed by a special juridical system.

Chapter II

Labor

Article 173. Work, a social function, shall enjoy the protection of the state and shall not be subject to exploitation.

The state shall endeavor to provide the manual or intellectual worker with an occupation that will enable him to provide his family, as well as himself, with the economic conditions of a decent life.

Article 174. Work shall be governed by a labor code whose chief purpose shall be to harmonize the relation between capital and labor and which shall be founded on general principles aimed at improvement in the living conditions of workers.

Article 175. Workers' rights may not be waived, and the laws granting such

rights shall be binding on all the inhabitants of Haiti.

Article 176. The state shall assume responsibility for those indigents who, because of age or physical or mental disability, are unable to work.

TITLE X

CULTURE

Article 177. The development and spread of culture shall constitute both an obligation and a primary aim of the state.

Education shall be an essential function of the state, which shall organize the educational system and create the services needed for that purpose.

Article 178. Education shall foster the full development of the personality of students so that they will make a constructive contribution to society and help inculcate the principle of respect for the rights of man, combat the spirit of intolerance and hatred, and develop the ideal of national, panamerican, and world unity.

Basic education shall be compulsory and shall be provided free of charge by the state in order to reduce the number of illiterates and permit all persons to fulfill conscientiously their role of workers, parents, and citizens.

Article 179. No public or private educational establishment may refuse to admit students on the basis of the nature of the marriage relationship of their parents or guardians, or on that of social, racial, political, or religious differences.

Article 180. Teachers must furnish proof of their qualifications as prescribed by law.

Instruction in the history and geography of Haiti, civic responsibility and the constitution, which governs the people, must be given in all educational establishments, both public and private, by Haitian teachers.

Article 181. The folk, artistic, archeological, and historical treasures of the country belong to the heritage of Haiti. They shall be placed under the protection of the state and shall be subject to special laws ensuring their preservation and safekeeping.

TITLE XI

HEALTH AND WELFARE

Article 182. The health of the inhabitants of Haiti shall constitute part of the general welfare.

The state shall provide free medical assistance to the sick, and it shall be its bounden duty to prevent and, if necessary, limit the spread of contagious or endemic diseases.

Article 183. The practice of professions directly related to the health of the people shall be strictly regulated by law.

Article 184. A superior public health council shall watch over the health of the people.

Its organization and manner of operation shall be fixed by law.

TITLE XII

THE ARMED FORCES

Article 185. The armed forces shall be established to defend the integrity of the territory and the sovereignty of the republic and to maintain law and order as auxiliaries to the civilian authority to which they are subject.

Police functions shall be separate from those of the army and entrusted to special agents, who shall be subject to civil and penal liability in the manner and under the conditions prescribed by law.

The president of the republic shall be the actual supreme commander of the armed forces, the police forces, and the national security volunteers. Those in command of the said forces shall be considered as receiving their authority from him. The president of the republic shall make all decisions regarding the armed forces in accordance with the constitution and all laws and regulations in force.

Article 186. Military service shall be compulsory for all Haitians.

The law shall fix the method of recruiting military personnel, and the length of service.

Article 187. The armed forces shall be apolitical and obedient. Their organization and the performance of their activities shall be subject to special laws, provisions, and regulations.

Military personnel on active duty shall not be eligible for representative or executive duties. Any military person who is a candidate for an office in either category must resign at least one year before the time set for the elections. Military personnel on active duty may not be called to any public office.

Article 188. The military career shall be a professional career, and only ranks obtained strictly according to the scale established by law shall be recognized.

One who has legally obtained a military rank shall hold that rank for life and may be deprived of it only by executive decision.

Article 189. Arms and war material may be imported or manufactured only with the authorization and under the control of the executive branch.

Article 190. The organization of the armed forces and of the courts to which they are subject shall be fixed by law.

The military court must pronounce judgment in the presence of the accused and of his counsel, and mention of compliance with this formality must be made in the said judgment, all on pain of nullity.

The defendant or his counsel may file a statement of appeal to the Court of Cassation either with the officer acting as court clerk, who must receive it at the hearing itself, or with the clerk of the civil court in the judicial district where the judgment is rendered, within three (3) clear days of the decision. The time limit and the appeal shall be suspensive.

The officer or court clerk who receives the statement must transmit it, with all the documents of the proceedings, within fifteen (15) days to the member of the ministère public at the Court of Cassation who is to prepare the case.

TITLE XIII

GENERAL PROVISIONS

Article 191. The national colors shall be black and red, arranged vertically, an emblem created on May 18, 1803 at Arcahaie by Jean-Jacques Dessalines, the great founder of the Haitian fatherland, in conformity with the provisions of the Imperial Constitution of 1805.

The coat of arms of the republic shall be: A palmette surmounted by the cap of liberty adorned by a trophy with the legend: "L'union fait la force" (In union there is strength).

The motto is: "Liberté, égalité, fraternité".

The national anthem shall be the "Dessalinienne".

Article 192. No one may be required to take an oath except as prescribed by the constitution or a law.

Article 193. The national holidays shall be: Independence Day, January 1; Heroes' Day, January 2; Agriculture and Labor Day, May 1; Flag Day, May 18; Battle of Vertières Day, November 18, which is also Armed Forces Day; Sovereignty and National Recognition Day, May 22; and Discovery Day, December 5.

The legal holidays shall be determined by law.

Article 194. No public administration law, arrêté, or regulation shall be compulsory until it is published in the manner prescribed by law.

Article 195. No place and no part of the territory may be declared to be in a state of siege except in cases of civil disturbances or of imminent invasion by a foreign force.

An act issued by the president of the republic declaring a state of siege must be signed by all the secretaries of state and provide for the immediate convening of the Legislature to rule on the desirability of the measure.

The Legislature shall decree, with the executive branch, which of the constitutional guarantees may be suspended in the parts of the territory in a state of siege.

The effects of the state of siege shall be governed by a special law.

TITLE XIV

SPECIAL PROVISIONS

Article 196. The legislative chamber constituted by the election of April 30, 1961 shall exercise the legislative power until the second Monday in April 1967, the date of expiration of the term of office of the deputies now in office.

In these circumstances, Dr. François Duvalier, supreme chief of the Haitian nation, having developed, for the first time since 1804, a national spirit through a radical change in the political, economic, social, cultural, and religious situation in Haiti, is elected president for life in order to ensure the accomplishments and permanence of the Duvalierist Revolution under the standard of national unity.

Article 197. Because he has:

1. through a suitable reorganization of the armed forces, established peace and order, which had been dangerously disturbed after the tragic events of 1957;
2. made possible and effected the reconciliation of political factions who were bitterly opposed to each other at the time of the fall of the 1950 regime;
3. laid the bases for national prosperity by promoting agriculture and the gradual industrialization of the country, which have been facilitated by the establishment of major installations and infrastructure works;
4. established the economic and financial stability of the state despite the disastrous action of combined forces from within and without, aggravated by the cyclical disasters resulting from the violence of nature;
5. organized effective protection of the working masses by harmonizing the interests and aspirations of capital and the workers;
6. advocated, and set up, a rational organization of the rural section and, by a new code, regulated rural life so as to establish justice in that environment, thus opening up the way for the permanent rehabilitation of the peasants;
7. launched and carried out a literacy campaign for the masses and thus fulfilled the aspirations of the little people and the humble for more knowledge and well-being;
8. established organizations for the protection of women, motherhood, children, and the family;
9. established the national University of Haiti and thus satisfied the legitimate desire of young people for information and the conquest of the future

through knowledge;

10. established respect for the rights of the people and the prerogatives of national sovereignty; strengthened the prestige and dignity of the Haitian community; and protected the sacred heritage of our ancestors from any attack;
11. embraced, through his domestic policy, all the social classes in his care and, through an effective, able foreign policy, defended the integrity of Haitian territory and the national independence;
12. concentrated, in short, all his efforts on the establishment of a strong nation, capable of fulfilling its destiny in liberty and with pride for the happiness of all its sons and for world peace.

Because he has thus become the unquestioned leader of the revolution, the apostle of national unity, the worthy heir of the founders of the Haitian nation, the restorer of the fatherland, and because he has been unconditionally acclaimed, by the great majority of the people, chief of the national community without limitation as to length of term;

Dr. François Duvalier, having been elected president of the republic, shall perform his high duties for life, pursuant to the provisions of Article 92 of this constitution.

TITLE XV

REVISION OF THE CONSTITUTION

Article 198. On the recommendation of one of its members or of the executive branch, the legislative branch may declare, in the course of a regular session, that the provisions of the constitution now in force should be revised in whole or in part.

Notice of such a statement shall be given immediately to the president of the republic and published in the official journal.

After the publication of the declaration, the Legislature, in the course of the same session or upon convocation in a special session, shall meet as a National Assembly to rule on the proposed revision.

Article 199. Upon completion of the revision, the National Assembly, meeting in a special session, shall proclaim the new constitution if it has been completely revised, or the amended provisions, if only partially revised, and in that case shall incorporate them into the constitution.

TITLE XVI

FINAL PROVISIONS

Article 200. All codes of laws, all laws, all decree-laws, and all decrees now in force shall continue to be in effect insofar as they are not contrary to this constitution.

Specifically, all acts of the military council of government during the presidential vacancy which began June 14, 1957, shall be ratified and valid, subject to the right of the competent branch of government to make, by legislative process, such changes in the decrees and arrêtés issued by the said council as the public interest may require.

Article 201. This constitution shall enter into force upon publication in the Moniteur, the official journal of the republic.

Done at the Legislative Palace, seat of the National Constituent Assembly, Port-au Prince, May 25, 1964, the 161st year of independence.



THE ORGANIZATION OF AMERICAN STATES

The Organization of American States (OAS) is the regional organization of the Western Hemisphere created to maintain the peace, ensure freedom and security, and promote the welfare of all Americans. The member states are Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, the United States, Uruguay, and Venezuela.

The OAS is an outgrowth of the International Union of American Republics, created in 1890 during the First International Conference of American States, held in Washington, D. C. Today, it operates through a large number of different agencies and institutions throughout the Hemisphere, all contributing to the objective of preserving the peace and security of the member states and promoting, by cooperative action, their economic, social, and cultural development. The Pan American Union, the central and permanent organ and General Secretariat of the OAS, has its headquarters in Washington, D. C.

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