

OFFICIAL PART

ACTS OF THE GOVERNMENT OF THE TOGOLESE REPUBLIC

LAWS, ORDINANCES, DECREES, ORDERS AND DECISIONS

LAWS

LAW NO. 2024-005 OF 06/05/2024

on the Constitution of the Togolese Republic

The National Assembly deliberated and adopted;

The President of the Republic shall promulgate the following law:

Preamble

We, the Togolese people, placing ourselves under the protection of God, proclaim this Constitution in order to:

- To guarantee the innate, inalienable and immutable rights to independence, freedom and progress, in accordance with the Proclamation of Independence of 27 April 1960;
- To constitute a sovereign, independent and just Togolese nation;
- To promote peace and solidarity with the other peoples and nations of the world, particularly with African peoples and peoples of African descent, while respecting the traditional values and cultural specificities inherent in our habits and customs;
- Preserving the rule of law based on political pluralism, the principles of democracy and the protection of rights

as defined by the Charter of the United Nations of 26 June 1945, the Universal Declaration of Human Rights of 10 December 1948, the International Covenants of 16 December 1966, the African Charter on Human and Peoples' Rights of 18 June 1981, and the Constitutive Act of the African Union of 11 July 2000;

- to ensure the orderly separation of the powers of the State, their distribution and harmonious functioning in the service of the fundamental interests of the nation;
- To establish a modern democracy based on the fundamental rights and freedoms of citizens, social equity and harmony, and the open participation of all citizens in the life of the nation;

This Preamble shall form an integral part of this Constitution.

The fundamental rights and duties of persons and citizens shall be proclaimed in a solemn declaration annexed to this Constitution, of which it forms an integral part.

TITLE I: OF THE STATE AND SOVEREIGNTY

Article 1 : The Togolese Republic is a secular, democratic and social State governed by the rule of law, rooted in the promotion of social justice, progress and inclusion of all its citizens.

It is one and indivisible.

Its organization is decentralized.

Article 2 : The Togolese Republic shall ensure equality before the law for all its citizens without discrimination or distinction as to origin, race, ethnicity, sex, disability, social status or religion.

It respects all political, philosophical and religious opinions.

Its operating principle is government of the people by the people for the people.

Its motto is: "Work - Freedom - Fatherland".

Article 3 : The provisions defining the seal of the State, the coat of arms, the national emblem and the official language of the Togolese Republic are within the domain of the law.

The national holiday is celebrated on April 27 each year.

The national anthem is "Land of our ancestors".

Article 4 : National sovereignty belongs to the people, who exercise it through their representatives and by means of a referendum.

No section of the people, no body of the State, nor any individual can claim to exercise it.

The government of the Republic is civil.

The mission of the Defence and Security Forces is to guarantee national sovereignty and national independence, to defend its territorial integrity and its constitutional order.

Art. 5 : Suffrage is universal, equal and secret. It can be direct or indirect. All Togolese nationals of both sexes, who are of legal age in accordance with the definition of the law and enjoy their civil and political rights, are eligible to vote under the conditions set by law.

Art. 6 : On the proposal of the President of the Council or on the proposal of the National Assembly acting by an absolute majority of its members, the government submits to a referendum any bill or any law.

A referendum by popular initiative on the subject mentioned in the first paragraph of this article may be organised under the conditions laid down by an organic law. The initiative takes the form of a bill. It cannot have as its object the repeal of a legislative provision promulgated less than one (01) year ago. It is transmitted to the Constitutional Court, which assesses its regularity.

When the bill is not adopted by the people, no new proposal for a referendum on the same subject may be presented before the expiration of a period of two (02) years following the date of the election.

When the referendum has resulted in the adoption of the bill or the proposed law, the President of the Council promulgates the law within fifteen (15) days of the proclamation of the final results of the consultation.

Art. 7 : Political parties and groupings shall contribute to the formation and expression of suffrage.

They shall be formed and carry out their activities freely in accordance with the principles of sovereignty and democracy.

They contribute to the political and civic education of citizens, to the consolidation of democracy and national unity.

They cannot identify with a region, an ethnic group or a religion.

A law shall determine the procedures for the creation and operation of political parties.

TITLE II: THE ORGANIZATION OF CONSTITUTED POWERS

CHAPTER I: OF PARLIAMENT

Section 1 - Rooms

Article 8 : Parliament shall consist of the National Assembly and the Senate.

The National Assembly is the first chamber of Parliament.

The Senate is the second chamber of Parliament.

Members of the National Assembly shall be entitled Deputies and Members of the Senate shall be entitled Senator.

Art. 9 : Deputies to the National Assembly are elected by universal, direct and secret suffrage for six (6) years, renewable.

The election of new deputies shall take place within thirty (30) days preceding the expiry of the term of the previous legislature. The National Assembly shall meet as of right on the second Tuesday following the proclamation of the final results.

The deputies in office remain in office and have the full prerogatives and powers vested in them, until their successors actually take office.

An electoral law shall determine the system of elections.

An organic law shall determine the number of deputies, their allowances, the rules of incompatibilities, the conditions of eligibility and the conditions under which vacancies are filled, as well as the status of former deputies.

Art. 10 : The Senate is composed of two-thirds (2/3) of its members elected by the representatives of the local authorities and one-third (1/3) of its members of personalities appointed by the President of the Council.

The term of office of senators is six (06) years, renewable.

Unless renounced, former Presidents of the Republic and former Presidents of the Council are senators by right and for life. They may not be members of the Bureau of the Senate.

An organic law shall determine the number of senators, their allowances, the conditions of eligibility or appointment, the rules of incompatibilities and the conditions under which vacant seats are filled, as well as the status of former senators.

Article 11 : Each member of Parliament shall represent the nation. Any imperative mandate is null and void.

The right to vote of deputies and senators is personal.

Any deputy or senator who, during his term of office, leaves his political party or resigns or is definitively excluded from his political party, automatically loses his seat in the National Assembly or the Senate.

No one may belong to both (02) rooms at the same time.

Art. 12 : The Chambers shall meet as of right in two (02) ordinary sessions. The first ordinary session of the National Assembly begins on the first Tuesday of April and the second on the first Tuesday of October. Each session lasts three (03) months.

The first regular session of the Senate begins on the first Thursday in April and the second on the first Thursday in October. Each session lasts three (03) months.

The chambers may be convened in extraordinary session by their President on a specific agenda at the request of the President of the Council or of the majority of the members of the National Assembly or the Senate.

Art. 13 : Each of the two (02) chambers elects from among its members its President and its bureau under the conditions provided for by the rules of procedure of each of the assemblies.

When Parliament meets in joint session, its Speaker and Bureau are those of the National Assembly. The meeting in joint session is called the Congress. The rules relating to the organization of debates, the holding of sittings and voting methods are those of the National Assembly.

Art. 14 : Each of the two (02) chambers adopts its rules of procedure by an absolute majority of its members.

The meetings are public. However, each chamber may meet in camera at the request of the President of the Council or his office or of one third (1/3) of its members.

The Chambers may not sit and deliberate without the presence of one third (1/3) of their members.

Members of the Government shall have the right to attend the sittings. They must be heard whenever they request it.

Art. 15 : During their term of office, deputies and senators enjoy parliamentary immunity.

No member of parliament or senator may be prosecuted, investigated, arrested, detained or tried in connection with opinions expressed or votes cast by him in the exercise of his functions, even after the expiration of his term of office.

Except in cases of flagrante delicto, deputies and senators may not be arrested or prosecuted for crimes or misdemeanours until their parliamentary immunity has been lifted by their respective assemblies.

Any procedure for flagrante delicto initiated against a deputy or a senator shall be brought to the attention of the bureau of their chambers without delay.

A deputy or a senator may not, out of session, be arrested without the authorization of the bureau of the chamber to which he belongs.

The detention or prosecution of a deputy or senator shall be suspended if the chamber to which he belongs so requires.

In the event of a conviction of a deputy or senator by a competent court, his or her seat is immediately declared vacant once all appeals have been exhausted.

Section 2 - Powers and Functions of Parliament

Art. 16 : The National Assembly exercises the legislative function as its main activity. It alone controls the action of the government. Under the conditions specified by this Constitution, it shall receive the assistance of the Senate.

Art. 17 : The law shall lay down the rules concerning:

- the State seal, coat of arms, national emblem and official language;
- citizenship, civil rights and the exercise of public freedoms;
- the system for drawing up the list of public holidays, non-working days and paid holidays;
- the constraints linked to the needs of national defence;
- nationality, status and capacity of persons, matrimonial regimes, inheritance and Gifts;
- the procedure by which customs are established and brought into harmony with the fundamental principles of the Constitution;
- the determination of crimes and offences as well as the penalties applicable to them, criminal procedure, amnesty;
- the organisation of the courts, the administrative procedure, the judicial procedure, the status of judges, ministerial officers and court officers;
- the determination of the financial powers of the constitutional and administrative authorities;
- the base, rate and methods of collection of tax provisions and compulsory levies of all kinds;
- the system for issuing money;
- the electoral system of the National Assembly, the Senate and the local assemblies;
- the remuneration of public functions;
- nationalisations of companies and transfers of ownership of companies in the public sector or the sector private;

- the creation of categories of public establishments;
 - health and population;
 - the state of siege and the state of emergency;
 - the protection and promotion of the environment and the conservation of natural resources;
 - the creation, extension and declassification of national parks, wildlife reserves and forests
- Classified;
- the elaboration, implementation and monitoring of national development plans and programmes;
 - the protection of freedom of the press and access to information;
 - the status of the parliamentary majority and the parliamentary opposition;
 - the status of leader of the parliamentary majority and opposition;
 - the general organisation of the administration;
 - the general statute of the civil service;
 - the organisation of national defence;
 - military programming;
 - the state of health crisis;
 - honorary distinctions;
 - teaching and scientific research;
 - the integration of national cultural values;
 - the regime of property, real rights and civil and commercial obligations;
 - labour law, trade union law and social institutions;
 - the alienation and management of the State's domain;
 - the prison system;
 - mutual insurance and savings;
 - the economic regime;

- the organization of production;
- the transport and communications regime;
- the free administration of local authorities, their creation, their competences and their resources.

The provisions of this article may be specified and supplemented by an organic law.

Art. 18 : Matters other than those which are within the scope of the law are of a regulatory nature.

Article 19 : The declaration of war is authorized by the Parliament, meeting in Congress at the request of the President of the Council.

Art. 20 : The state of siege, the state of emergency and the state of health crisis are decreed by the Council of Ministers for an initial period of three (03) months. The Chambers shall meet as of right if they are not in session.

The extension of the state of siege or the state of emergency beyond the initial period of three (03) months is subject to the authorization of the National Assembly.

During the state of siege or state of emergency, the National Assembly may not be dissolved. The government cannot be held liable.

An organic law shall determine the conditions and procedures for the implementation of the state of siege and the state of emergency.

Art. 21 : The Government may, for the execution of its programme, request the National Assembly for authorization to take by ordinance, for a limited period, measures that are normally within the scope of the law.

These ordinances are adopted by the Council of Ministers after the opinion of the Constitutional Court. They enter into force as soon as they are published, but become null and void if the ratification bill is not tabled in the National Assembly before the date set by the enabling law.

At the end of the period defined in the enabling law, these ordinances may only be amended by law as regards their provisions which fall within the legislative field.

Art. 22 : The initiative of laws belongs simultaneously to the members of Parliament and to the President of the Council. The former draw up bills, the latter draft laws.

Art. 23 : Bills shall be deliberated in the Council of Ministers.

Art. 24 : Proposals and amendments formulated by Members of Parliament shall not be admissible when their adoption would result in a reduction of public resources or the creation or aggravation of a public burden.

Art. 25 : Bills formulated by members of the National Assembly and bills shall be tabled on the desk of the National Assembly. Bills formulated by members of the Senate shall be tabled in the Senate and transmitted without debate to the Bureau of the National Assembly, which shall send them to the competent parliamentary committee for examination.

The rules of procedure of each chamber determine the number and powers of the parliamentary committees.

Art. 26 : Bills and bills are submitted to the plenary session for a vote in the National Assembly and then for a vote in the Senate in the wording adopted by the competent parliamentary committee.

Art. 27 : Members of Parliament and the Government have the right of amendment. This right is exercised in a sitting or in committee in accordance with the conditions laid down in the rules of procedure of the National Assembly and the Senate.

After the opening of the debate, the government may object to the examination of any amendment that has not previously been submitted to the committee.

If the government so requests, the chamber referred to it shall decide by a single vote on all or part of the text under discussion, retaining only the amendments proposed or accepted by the government.

Art. 28 : Bills and bills are voted on at first reading in the National Assembly. The text voted by the National Assembly is sent to the Senate. When the Senate does not vote on the bill or the proposal in the same terms as the National Assembly, the procedure shall be

to a second reading by the National Assembly, which shall give a final opinion on the proposal submitted by a joint committee of the two (02) assemblies created for this purpose.

In the absence of agreement between the two (02) chambers, the text can only be adopted by the National Assembly on final reading by an absolute majority of its members present.

Bills are placed on the agenda of the National Assembly as a priority after their adoption by the Council of Ministers.

A minimum period of eight (08) days separates the first reading before the National Assembly from the presentation to the Senate, as well as the vote of this chamber and the second reading before the National Assembly. These deadlines are not imposed in cases of a state of war, a state of emergency or a state of siege.

Art. 29 : Any bill or bill may be withdrawn from the discussion as long as it has not been definitively adopted.

Art. 30 : The State budget, in terms of revenue and expenditure, is adopted in the form of a finance law.

The initiative for the finance law belongs to the President of the Council.

The finance bill is debated and voted on first by the National Assembly and then transmitted to the Senate under the conditions provided for by an organic law.

The provisions of the bill may be brought into force by ordinance if Parliament has not taken a decision within forty-five (45) days of the tabling of the bill and the budget year expires. In this case, the government requests the convening of an extraordinary session for ratification.

If the finance bill cannot be tabled in time to be voted on and promulgated before the beginning of the financial year, the President of the Council urgently requests, first from the National Assembly and then from the Senate, authorisation to adopt the budget of the previous year by provisional twelfths.

Article 31 : Organic laws shall be adopted to supplement the Constitution when the Constitution so provides. They derogate from the ordinary legislative procedure in certain respects that are specific to them.

They may be promulgated only after they have been deemed to be in conformity with the Constitution by the Constitutional Court.

Article 32 : Laws definitively adopted by the National Assembly and transmitted to the Government shall be promulgated by the President of the Council within fifteen (15) days of their adoption.

The President of the Council may, before the promulgation of a law, request a new reading of it, which may not be refused. The request must be justified.

Art. 33 : Laws shall enter into force as soon as they are promulgated.

Art. 34 : The rules of procedure of each chamber of Parliament shall determine the rights and responsibilities of the parliamentary groups formed within it.

CHAPTER II: OF THE PRESIDENT OF THE REPUBLIC

Section 1: Election of the President of the Republic

Art. 35 : The President of the Republic is elected by the Parliament meeting in Congress.

Candidates for the office of President of the Republic are presented by the parliamentary groups duly constituted in the National Assembly.

The election of the President of the Republic shall take place by secret ballot by an absolute majority. Otherwise, the election is recalled. After the third (3rd) round of voting, the President of the Republic is elected by a simple majority of voting parliamentarians.

The elected President of the Republic shall take an oath before the Congress in the following terms:

" Before God and before the Togolese people, the sole holder of national sovereignty, We..., President of the Togolese Republic elected in accordance with the laws of the Republic, solemnly swear loyalty to the Constitution of the Republic and commit ourselves to devote our efforts to the well-being of the Togolese people and to work for the consolidation of national unity. »

Art. 36 : The candidate for the office of President of the Republic must:

- be exclusively of Togolese nationality by birth;
- be at least fifty (50) years of age on the date of submission of the application;
- enjoy all his civil and political rights;
- present a general state of physical and mental well-being duly recorded by three (03) sworn doctors appointed by the Constitutional Court;
- have resided in the national territory for at least twelve (12) months.

The office of President of the Republic is incompatible with the exercise of any other elective public office, any public employment and any professional activity.

The salary and endowment of the President of the Republic shall be determined by an organic law.

Art. 37 : The President of the Republic is elected for a term of four (04) years, renewable once.

Thirty (30) days before the expiration of the term of office of the President of the Republic in office, the President of the National Assembly shall convene the National Assembly and the Senate in Congress to elect the new President of the Republic.

If the National Assembly is dissolved or if there are less than three (03) months left for the end of the legislature, the election shall take place within forty-five (45) days of the installation of the new legislature. The President of the Republic remains in office until the election of the new one.

Article 38 : In the event of a vacancy in the Office of the President of the Republic for any reason whatsoever or of permanent impediment established by the Constitutional Court on a referral by the Government, the functions of the President of the Republic shall be provisionally exercised by the President of the Senate.

The President of the National Assembly shall convene the National Assembly and the Senate to elect the new President of the Republic at least forty-five (45) days and not more than sixty (60) days after the opening of the vacancy or the declaration of the definitive nature of the impediment.

The provisions of Articles 36 and 37 of this Constitution shall apply to the replacement of the President of the Republic.

Article 39 : An organic law shall determine the status of former Presidents of the Republic with regard to endowments, benefits and obligations.

This status only benefits them if they renounce their seat in the Senate.

Section 2: The powers of the President of the Republic

Art. 40 : The President of the Republic is the Head of State. It is the symbol of national unity.

Art. 41 : The President of the Republic may send messages to the chambers.

Art. 42 : The President of the Republic:

- accredits ambassadors appointed by the Council of Ministers;
- formally receives and welcomes ambassadors and special envoys accepted and accredited by the government after they have been duly authorized;
- receives at least two (02) times a year the President of the Council to be informed of the state of the nation and on an agenda established by the President of the Council. A delegation representing traditional chiefs attends one of these two (02) annual meetings;
- awards the decorations of the Republic.

Art. 43 : The acts of the President of the Republic shall be countersigned by the President of the Council.

Article 44 : The President of the Republic is responsible for acts performed in the exercise of his functions only in the event of a breach of his duties that are manifestly incompatible with the exercise of his mandate.

A quarter (1/4) of the deputies have the power to demand the impeachment of the President of the Republic before the two (02) chambers meeting in Congress which pronounce his impeachment by a majority of two thirds (2/3) of the members of parliament. Provision shall be made for his replacement in accordance with the provisions of Articles 36 and 37 of this Constitution.

Article 45 : During his term of office, the President of the Republic may not be required to testify or to be the subject of any action, act of investigation, investigation or prosecution. The limitation and foreclosure periods are suspended.

CHAPTER III: OF THE GOVERNMENT

Article 46 : The Government shall be composed of the President of the Council, the Ministers of State, the Ministers, the Deputy Ministers and the Secretaries of State.

An organic law shall determine the status of former members of the Government with regard to allowances, benefits and obligations.

A former President of the Council benefits from this status only if he renounces his seat in the Senate.

Section 1: Appointment of the President of the Council

Article 47 : The leader of the majority party or the leader of the first party in the coalition enjoying a majority in the National Assembly after the legislative elections and after the proclamation of the final results by the Constitutional Court shall become President of the Council.

The majority party or coalition of majority parties shall transmit in writing to the Bureau of the National Assembly the name of the President of the Council thus appointed.

The President of the National Assembly shall take note of this appointment, shall inform the deputies meeting in plenary session without delay and shall refer the matter to the Constitutional Court for the swearing-in of the designated President of the Council.

Before taking office, the President-designate of the Council shall take an oath before the Constitutional Court as follows:

" Before God and before the Togolese people, the sole holder of national sovereignty, We..., President of the Council appointed in accordance with the laws of the Republic, solemnly swear:

- *to respect and defend the Constitution that the Togolese Republic has freely given itself;*
- *to faithfully and faithfully fulfill our mission as a servant of the people;*

- to commit ourselves to devoting all our forces to the defense of the homeland, its territorial integrity and to the preservation of our fundamental values of solidarity, respect for human rights, peace and national unity;

- to allow ourselves to be guided only by the general interest and respect for the rights of the human person, to devote all our energies to the promotion of development, the common good, peace and national unity. »

Art. 48 : To be appointed to the Presidency of the Council, one must:

- be exclusively of Togolese nationality by birth;
- be forty (40) years of age or older on the date of appointment;
- enjoy all his civil and political rights;
- present a general state of physical and mental well-being duly recorded by three (03) sworn doctors appointed by the Constitutional Court;
- have resided in the national territory for at least twelve (12) months.

If the President of the Council is a member of one of the Chambers of Parliament, he or she shall resign as soon as he or she is appointed.

The salary and endowment of the President of the Council shall be determined by an organic law.

Art. 49 : The vacancy of the Presidency of the Council by death, resignation or permanent impediment shall be established by the Constitutional Court referred to it by the President of the National Assembly.

The President of the Republic shall be informed thereof.

The interim Presidency of the Council in the event of death or permanent incapacity shall be ensured by the President of the National Assembly who shall convene new legislative elections within a period ranging from sixty (60) to ninety (90) days, in accordance with the provisions of Articles 47 and 48 of this Constitution.

Section 2: Powers of the President of the Council

Art. 50 : The President of the Council, Head of Government:

- presides over the councils of ministers;
- is the supreme commander of the armed forces;
- has the administration, exercises authority and command over the armed forces and the forces of security;
- determines and conducts the policy of the nation;
- defines foreign policy and represents the State in the conduct of international relations;
- ensures the enforcement of laws and exercises regulatory power;
- appointed to civil and military posts.
- grants pardons in individual cases and commutes sentences under the conditions provided for by law organic.

Art. 51 : The President of the Council shall pronounce the dissolution of the National Assembly after consultation with its President. He shall inform the President of the Republic thereof.

The President of the Council shall remain in office until the inauguration of his successor.

Legislative elections shall be held within a period ranging from sixty (60) to ninety (90) days.

A new dissolution may not be carried out in the year following these elections, except in the cases provided for in Article 49. The Government cannot be held liable.

Art. Article 52 : The acts of the President of the Council are countersigned by the ministers responsible for their execution.

Art.53 : An organic law shall determine the conditions of ineligibility, the regime of incompatibilities, the accumulation of public or elective functions or appointment.

Art. 54 : The President of the Council, after deliberation by the Council of Ministers, may engage the Government in its programme before the National Assembly.

If the Government does not obtain the approval of the majority of the members of the National Assembly, the President of the Council shall pronounce the dissolution of the National Assembly within thirty (30) days in accordance with the provisions of Article 51 of this Constitution.

The right of dissolution shall expire as soon as the party or political coalition with the majority in the National Assembly has transmitted to the Bureau of the National Assembly the name of the new President of the Council appointed in accordance with article 48 of this Constitution.

The National Assembly may call into question the responsibility of the government by voting on a motion of no confidence. Such a motion, transmitted to the Bureau of the National Assembly by the party or the majority political coalition in the National Assembly, is admissible only if it is signed by at least two-fifths (2/5) of the members composing the National Assembly and indicates the name of the new President of the Council.

The motion of no confidence shall be passed by a majority of three-quarters (3/4) of the members of the National Assembly.

Art. 55 : The President of the Council may submit to the Senate, for a debate without a vote, any communication on the execution of his programme.

Art. 56 : During his term of office, the President of the Council may not be required to testify or to be the subject of any action, act of investigation, investigation or prosecution. The limitation and foreclosure periods are suspended.

Members of the Government shall be criminally responsible for acts classified as crimes and misdemeanours committed in the exercise of their functions. They are judged by the Court of Justice of the Republic. Complaints against members of the Government shall be lodged with a Committee on Requests and shall be submitted, if necessary, to the Public Prosecutor of the Court of Cassation for referral to the Court of Justice of the Republic.

CHAPTER IV - JUSTICE

Art. 57 : The judiciary is independent. It is rendered on the territory of the Republic in the name of the Togolese people by courts organized into two (02) separate orders, the judicial and the administrative order. These courts are ordinary or specialised.

They are composed of judges whose appointment and discipline are involved in the appointment and discipline of the Supreme Council of the Judiciary.

Section 1 - Courts

Art. 58 : The Court of Cassation is the supreme court of the judicial order.

The Council of State is the supreme court of the administrative order.

An organic law shall determine the composition, organization, powers and functioning of these courts and the procedure applicable before them.

Art. 59 : Specialized courts are labour courts, commercial courts, juvenile and juvenile courts, military courts and courts of appeal. They decide disputes in their respective matters.

Art. 60 : The judges are appointed by the President of the Council on the proposal of the Supreme Council of the Judiciary. Public prosecutors are appointed by the President of the Council on the proposal of the Minister of Justice, after consultation with the Supreme Council of the Judiciary.

Art. 61 : The judges of the Court of Cassation, the court of conflicts, the courts of appeal and the courts shall not be removed from office.

Art. 62 : The functions of a magistrate are incompatible with any other salaried functions.

An organic law shall determine the status of judges and their remuneration in accordance with the requirements of independence and impartiality.

Art. 63 : Hearings of the ordinary courts shall be public. However, they may be held in camera in the interest of public order by decision of the court. Judgments and rulings shall be reasoned.

Art. 64 : The court of conflicts settles conflicts of jurisdiction between the courts of the two levels of jurisdiction.

An organic law shall determine its composition, organization, powers and functioning, as well as the procedure applicable before it.

Section 2 - The Superior Council of the Judiciary

Art. 65 : The Supreme Council of the Judiciary participates in the composition and discipline of the ordinary judiciary. It may be consulted on the state of justice.

The organization, composition, powers and functioning of the Supreme Council of the Judiciary shall be determined by an organic law.

Art. 66 : The Supreme Council of the Judiciary rules as the disciplinary council for magistrates.

Art. 67 : The President of the Republic, the President of the Council, the President of the National Assembly and the President of the Senate may refer opinions to the Supreme Council of the Judiciary. These opinions concern the general functioning of justice and the ethics of judges.

CHAPTER V - OF THE CONSTITUTIONAL CRISIS

Art. 68 : The Constitutional Court is responsible for ensuring respect for the Constitution. It is a judge of the constitutionality of laws as well as the internal regulations of the National Assembly and the Senate, those of the High Authority for the Regulation of Written, Audiovisual and Digital Communication, the Economic, Social and Environmental Council, the Ombudsman, the High Authority for Transparency, the Integrity of Public Life and the Fight against Corruption, the National Human Rights Commission and the Superior Council of the Judiciary. It guarantees fundamental human rights and public freedoms.

The decisions of the Constitutional Court are final and not subject to appeal.

Art. 69 : The Constitutional Court is composed of nine (09) Members:

- Two (02) are appointed by the President of the Council, one (01) of whom is due to his skills and professional experience in legal and administrative matters.
- Two (02) are elected by the National Assembly, apart from the deputies, by an absolute majority of its members, including one (01) because of his skills and professional experience in legal and administrative matters.

- Two (02) are elected by the Senate, apart from the senators, by an absolute majority of its members, including one (01) because of his skills and professional experience in legal and administrative matters.

- One (01) magistrate with at least fifteen (15) years of seniority, elected by the Superior Council of the Judiciary.

- One (01) lawyer elected by his peers and having at least fifteen (15) years of seniority .

- One (01) teacher-researcher in law from the public universities of Togo, elected by his peers and with at least fifteen (15) years of seniority.

The judges of the Constitutional Court are appointed for seven (07) years, non-renewable.

The President of the Constitutional Court is appointed by the President of the Council. He has the casting vote in the event of a tie.

Art. 70 : Organic laws before their promulgation, the internal regulations of the National Assembly and the Senate, those of the High Authority for the Regulation of Written, Audiovisual and Digital Communication, the Economic, Social and Environmental Council, the Ombudsman, the High Authority for Transparency, the Integrity of Public Life and the Fight against Corruption, of the National Human Rights Commission and the Superior Council of the Judiciary, before their implementation, are submitted to the Constitutional Court, which rules on their conformity with the Constitution.

Laws before their promulgation may be referred to the Constitutional Court by the President of the Republic, the President of the Council, the President of the National Assembly, the President of the Senate or by one third (1/3) of the deputies or one third (1/3) of the senators.

The referral to the Constitutional Court suspends the promulgation of the text referred to it.

The Constitutional Court rules within one (01) month. However, at the request of the government, if there is an emergency, this period is reduced to eight (08) days.

Art. 71 : When, in the course of proceedings pending before a court, it is argued that a legislative provision infringes the rights and freedoms guaranteed by the Constitution, the court shall stay the proceedings and refer the matter to the Constitutional Court within five (05) days.

An organic law shall determine the conditions for the application of this article.

Article 72 : The Constitutional Court shall ensure the regularity of legislative and senatorial elections and referendums. It decides all disputes relating to the consultations and elections of deputies and senators.

In electoral matters, the Constitutional Court rules within eight (08) days.

Art. Article 73 : An organic law shall determine the rules for the organisation and functioning of the Constitutional Court. It specifies its powers and the procedure followed before it.

CHAPTER VI - OF THE COURT OF AUDITORS

Art. 74 : The Court of Auditors is an independent financial court under the authority of a First President.

It carries out a mission of auditing the public accounts of the State, local authorities and public companies. In this capacity, it ensures the verification on documents and on the spot of the regularity of the revenue and expenditure recorded in the public accounts.

It exercises the judicial functions in matters of budgetary and financial discipline of authorising officers and authorising officers by delegation, programme managers, financial controllers, public procurement management bodies and public accountants.

It penalizes, where appropriate, breaches of the rules governing the said operations.

It assists parliament and the government in the preparation and control of the implementation of budget laws.

It may be consulted on all matters relating to public finances.

It has the right to carry out audits in all public administrations and all non-governmental entities receiving public funding or subsidies from the Togolese State.

The Court of Auditors prepares reports on the state of public finances and on the effectiveness of public policies. Such a report shall be sent to the National Assembly within one month of the opening of the ordinary parliamentary session.

Art. 75 : The Regional Courts of Auditors are courts of first instance in matters of public finance audit.

They judge on appeal before the Court of Auditors.

They shall ensure, within their territorial jurisdiction, the audit of the accounts of the management of local authorities and their public establishments as well as of public interest groupings.

Art. 76 : The members of the Court of Auditors and the Regional Courts of Auditors shall have the status of magistrate. They are immovable. They may not hold an elected office, hold public office or any other professional activity or hold any position of national representation.

Art. 77 : An organic law shall determine the organization and functioning of the Court of Auditors and the Regional Courts of Auditors.

CHAPTER VII - INDEPENDENT AUTHORITIES

Section 1 - The High Authority for the Regulation of Written, Audiovisual and Digital Communication

Art. 78 : The High Authority for the Regulation of Written, Audiovisual and Digital Communication is the guarantor of freedom of expression and written, audiovisual and digital communication.

It ensures compliance with the code of ethics in the field of information and communication and respect for the pluralistic expression of currents of thought and opinion by publishers of the written press and audiovisual services.

It allocates the frequencies assigned to the audiovisual sector and guarantees the quality of reception for the public.

It ensures through its monitoring that online platforms and social networks implement in a transparent manner

and balanced their reporting or moderation obligations.

The composition, organisation and functioning of the High Authority for the Regulation of Written, Audiovisual and Digital Communication shall be determined by an organic law.

Section 2 - The Economic, Social and Environmental Council

Art. 79 : The Economic, Social and Environmental Council, referred to by the Government, the National Assembly or the Senate, gives its opinion on draft laws, ordinances or decrees as well as on bills submitted to it.

A member of the Economic, Social and Environmental Council may be appointed by the latter to present the Council's opinion to the authorities referred to in the first paragraph of this article.

It may be consulted by the Government and Parliament on any problem of an economic, social or environmental nature. Any plan or draft programming law of an economic, social or environmental nature shall be submitted to it for its opinion.

Art. 80 : The composition, organization and functioning of the Economic, Social and Environmental Council shall be determined by an organic law.

Section 3 – The Togo Ombudsman

Art. 81 : The Togo Ombudsman ensures that rights and freedoms are respected by State administrations, local authorities, public establishments, as well as by any body entrusted with a public service mission.

The Togo Ombudsman protects individuals against all forms of abuse by the public administration.

He is appointed by decree in the Council of Ministers.

The composition, organization and operation of the services of the Togo Ombudsman shall be determined by an organic law.

Section 4 - The High Authority for Transparency, Integrity of Public Life and the Fight against Corruption

Art. 82 : The High Authority for Transparency, Integrity of Public Life and the Fight against Corruption is responsible for promoting the probity and exemplarity of public officials. It receives declarations of assets and declarations of interests from public officials.

The High Authority for Transparency, Integrity of Public Life and the Fight against Corruption may also be consulted by public officials on questions of ethics and conflicts of interest relating to the exercise of their functions.

An organic law shall determine the composition, organisation and functioning of the High Authority for Transparency, Integrity of Public Life and the Fight against Corruption.

Section 5 - The National Human Rights Commission

Article 83 : The National Human Rights Commission is an independent authority. It is subject only to the Constitution and the law.

It provides advice and proposals to the government and Parliament in the field of human rights, humanitarian law and action and respect for the fundamental guarantees granted to citizens for the exercise of public freedoms.

It may publicly draw the attention of Parliament and the Government to measures which it considers likely to promote the protection and promotion of human rights.

The composition, organization and functioning of the National Human Rights Commission shall be determined by an organic law.

CHAPTER VIII - OF THE JUSTICE OF THE REPUBLIC

Article 84 : The Court of Justice of the Republic is the only court with jurisdiction over crimes and offences committed by the President of the Republic, the President of the Council, former Presidents of the Republic and former Presidents of the Council, members of the Government,

Presidents of the institutions, the President of the National Assembly, the President of the Senate, the President of the Court of Cassation, the President of the Court of Conflicts and of Magistrates at the Court of Cassation and the Council of State.

It comprises fifteen (15) judges, including twelve (12) parliamentarians elected in equal numbers by the National Assembly and the Senate, and three (03) magistrates of the Court of Cassation, one of whom presides over the Court of Justice of the Republic.

An organic law shall specify the conditions for the establishment and operation of the Court of Justice of the Republic.

TITLE III: LOCAL AUTHORITIES AND TRADITIONAL CHIEFTAINCY

Art. 85 : The local authorities are the region and the municipality.

The regions and municipalities are freely administered by councils elected by universal suffrage under the conditions laid down by the Constitution and the laws.

Art. 86 : Any other territorial collectivity shall be created by law.

Article 87 : The State shall ensure the harmonious development of local authorities on the basis of national solidarity, regional potential and inter-regional balance.

Art. 88 : The Togolese Republic recognizes the traditional chieftaincy, guardian of uses and customs.

The appointment and enthronement of the traditional chief are in accordance with the habits and customs of the locality and the legal and regulatory provisions in force.

The law specifies the status, the procedure for the appointment and enthronement of the traditional chief.

TITLE IV: INTERNATIONAL TREATIES AND AGREEMENTS

Art. 89 : The President of the Council is the guarantor of international agreements and treaties negotiated and signed by the Government.

Parliament authorizes its ratification.

The President of the Republic shall be informed thereof.

Article 90 : Peace treaties, treaties of commerce, treaties or agreements relating to international organizations, those amending provisions of a legislative nature, those relating to the status of persons, those involving the cession, exchange or addition of territory, may be ratified or approved only by virtue of a law.

They take effect only after they have been ratified or approved and published.

Article 91 : When the Constitutional Court, on application by the President of the Republic, the President of the Council, the President of either chamber or at least one-fifth (1/5) of the deputies or one-fifth (1/5) of the senators, declares that a treaty or international agreement contains a clause contrary to the Constitution, its ratification or approval may take place only after the revision of the Constitution.

Article 92 : Treaties and agreements duly ratified or approved shall, as soon as they are published, have a higher authority than laws, even subsequent laws, subject to the application of each agreement or treaty by the other party.

The reservation of reciprocity does not apply to international treaties for the protection of human rights and fundamental freedoms.

The ordinary courts have jurisdiction to ensure the effectiveness of the precedence of international treaties and agreements when, in the course of ongoing proceedings, it is argued that the applicable legislative or regulatory provisions are contrary to the provisions of an international treaty or agreement.

TITLE V: REVISION OF THE CONSTITUTION

Article 93 : The initiative for the revision of the Constitution belongs simultaneously to the President of the Council, to at least one fifth (1/5) of the deputies composing the National Assembly or to one fifth (1/5) of the Senators composing the Senate.

The revision of the Constitution can also be a popular initiative. This revision initiative takes the form of a bill to revise the Constitution. An organic law shall set out the conditions for this popular initiative to revise the Constitution.

The draft or proposal for revision shall be submitted to the National Assembly for deliberation.

The draft or proposed revision shall be definitively adopted by the National Assembly by three-fifths (3/5) of its members

In the absence of this majority, the draft or proposed revision adopted by a simple majority of the members of the National Assembly shall be submitted to a referendum by the President of the Council, who shall inform the President of the Republic.

If the text of the revision is adopted, it shall be promulgated within fifteen (15) days by the President of the Council.

No constitutional revision relating to the existence of the Senate can be carried out without the agreement of the Senate or the use of a referendum.

Article 94 : No constitutional revision may undermine the democratic, secular and republican character of the State.

TITLE VI: TRANSITIONAL AND FINAL PROVISIONS

Article 95 : The institutions of the Republic provided for in this Constitution shall be established within a period not exceeding twelve (12) months from the date of its entry into force.

Article 96 : In the meantime, the institutions of the Republic, including those of the judicial system, shall be maintained in function in accordance with the provisions of the Constitution of 14 October 1992, as revised.

The term of office of the members of the National Assembly in office shall expire on the day of the first meeting of the elected members of the National Assembly.

The members of the Constitutional Court shall remain in office until the new members are installed.

Article 97 : The powers of the President of the Republic in office at the time of the promulgation of this Constitution shall not expire until the President of the Council has taken office and the President of the Republic has been elected.

The first election of the President of the Republic and the first appointment of the President of the Council after the promulgation of this Constitution shall take place from the establishment of the two (02) chambers of Parliament.

The majority party or coalition of majority parties shall transmit in writing to the Bureau of the National Assembly the name of the President of the Council. The Bureau of the National Assembly takes note of this appointment and informs the deputies meeting in plenary session without delay.

The President of the Council takes office as soon as he is sworn in.

Article 98 : Legislative measures, including those of an organic nature, necessary for the establishment of the institutions provided for in this Constitution shall be adopted by the Council of Ministers, after the opinion of the Constitutional Court, by ordinances having the force of law.

Article 99 : All laws, decrees and orders in force remain in positive law until otherwise provided.

Article 100 : This Constitution shall be promulgated within fifteen (15) days of its transmission to the President of the Republic. It will be implemented as the fundamental law of the Fifth (Fifth) Republic.

**APPENDIX: OF THE STATUTORY DECLARATION
OF THE FUNDAMENTAL RIGHTS AND DUTIES OF
PEOPLE AND CITIZENS**

We, the Togolese people, adopt the following Declaration:

Section 1 - Rights

Article 1 : The dignity of the human person is inviolable. It is the foundation of the inalienable and imprescriptible human rights that public authorities are obliged to respect and protect.

Art. 2 : The right of every person to life is protected by law. No one may be subjected to torture or to inhuman or degrading treatment or punishment.

The death penalty is prohibited.

Article 3 : Individuals are equal before the law and may not be discriminated against on the basis of their sex, origin, race, ethnicity, language, religion, opinions or any other personal or social condition or circumstance.

Article 4 : Freedom of belief and conscience and freedom of religion and worship shall be guaranteed without any limits other than those necessary for public order.

Article 5 : The free communication of thoughts is guaranteed by law; everyone may express himself and his opinion freely by speech, in writing, by image and to obtain information without hindrance from sources accessible to the public.

Freedom of the press and freedom of information through radio, television, cinema and digital media are guaranteed.

These rights are limited by the respect of the rights recognized in this Declaration and in particular in the right to honour, to intimacy of private life, in the right to one's image and to the protection of young people and children.

Article 6 : Everyone has the right to liberty and security. No one may be deprived of his liberty except in the cases determined by law and in the manner prescribed by law.

Police custody can only last as long as is strictly necessary. The person in police custody is released

or at the disposal of the judicial authority within the time limits provided for by law.

No one may be detained unless he or she has been convicted beforehand by an independent and impartial court. The law shall determine the conditions under which pre-trial detention may be ordered by the judicial authority and its maximum duration.

Art. 7 : Everyone has the right to be tried fairly, publicly and within a reasonable time by an independent and impartial judge.

Any person suspected or accused is presumed innocent until proven guilty.

Infringements of the presumption of innocence shall be prevented, repaired and punished under the conditions provided for by law.

The person has the right to be informed of the charges against him or her and to be assisted by a defence counsel.

Only acts constituting an offence on the date on which they were committed are punishable.

Art. 8 : Everyone has the right to respect for his or her private life.

The home is inviolable. No authority may enter or search the home without the consent of the person except in the case of a court order or flagrante delicto.

The secrecy of postal, telephone, telegraphic and electronic correspondence is guaranteed unless a judicial or administrative decision is provided for by law.

Article 9 : Freedom of assembly and peaceful public demonstration is guaranteed in accordance with the laws and regulations of the country.

Art. 10 : Associations may be formed freely in accordance with the legislation in force.

Associations that pursue ends or use means that constitute a crime are prohibited. They shall ensure that their operation does not undermine national security, public order and social harmony.

Associations may be dissolved or their activities suspended by virtue of a judicial decision or reasoned administrative decision.

Art. Article 11 : All citizens shall enjoy freedom of movement and establishment throughout the national territory.

They may enter and leave Togo freely under the conditions laid down by law.

Article 12 : Everyone has the right to freely choose his profession, employment and educational institution.

No one may be required to perform any specific work. Forced labour is prohibited.

Art. 13 : Property and the right of inheritance are guaranteed. Their content and limits are set by law.

No one may be deprived of his property except when public necessity so requires. The terms of expropriation are provided for by a law which determines the method and extent of compensation. It is determined by equitably balancing the interests of the community and those of the interested parties.

Article 14 : Nationality is granted by right to children born to a Togolese father or mother. It cannot be removed. Other methods of acquiring Togolese nationality are determined by law.

No Togolese citizen can be extradited.

Article 15 : Marriage and the family shall be placed under the protection of the State.

Everyone has the right to enter into marriage in full legal equality.

The forms of marriage, the age and capacity required for marriage, the rights and duties of the spouses, the causes of dissolution and their effects shall be regulated by law.

The maintenance and upbringing of children is a right of parents and an obligation which falls to them as a priority. They are supported by the State in this task.

Children are entitled to the same family and social protection, regardless of whether they are born in or out of wedlock.

Article 16 : Everyone has the right to education.

The purpose of education is the full development of the human personality with respect for the democratic principles of common interest and fundamental rights. School is compulsory for children of both sexes until the age of fifteen.

The State gradually ensured free public education.

Article 17 : The State recognizes the right of everyone to the protection of health and the right to enjoy a healthy environment. He works to promote it.

The public authorities ensure the rational use of all natural resources in order to protect and improve the quality of life and defend the environment.

Article 18 : The State recognizes the right of everyone to work. It endeavours to create the conditions for the effective enjoyment of this right. It ensures that every citizen has equal opportunities in employment and guarantees fair and equitable remuneration for every worker.

Article 19 : The right to strike is recognized for workers and other civil servants in the defence of their interests. The law regulates the exercise of this right. It establishes the necessary guarantees to ensure the maintenance of essential public services.

Workers may form or join trade unions of their choice. No one may be required to join a trade union.

Art. 20 : The State recognizes the right of citizens and local authorities to an equitable redistribution of national wealth.

Article 21 : The State shall guarantee the conservation and encourage the enrichment of the cultural and artistic heritage of Togo and its component property.

Section 2 - Homework

Article 22 : Citizens have the sacred duty to respect the Constitution and the laws and regulations of the Republic.

Article 23 : Citizens have the right and duty to defend the homeland and the integrity of the national territory. In particular, they have the duty to combat any person or group of persons who would attempt to change by force the democratic order established by this Constitution.

The law determines the military obligations of Togolese and regulates, with the relevant guarantees, conscientious objection and other grounds for exemption from compulsory military service.

Article 24 : Citizens contribute to public expenditure, in accordance with their economic capacity, through a fair tax system based on the principle of equality and progressivity.

Article 25 : Citizens shall ensure that the rights and freedoms of other citizens are respected and that public order is safeguarded.

They work to promote tolerance and dialogue in their dealings with others. The law punishes those who commit acts and those who incite discrimination, hatred or violence against a person or group of persons on the basis of their origin, or their membership or non-membership of an ethnic group, nation, race or religion.

Done in Lomé, 06 May 2024

The President of the Republic

Faure Essozimna GNASSINGBE