



The Constitution Of The Republic of Senegal

THE CONSTITUTION OF THE REPUBLIC OF SENEGAL, 2001 (as Amended to 2008)[1]

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PREAMBLE

The people of sovereign Senegal,

DEEPLY attached to its fundamental cultural values which form the cement of national unity,
CONVINCED of the will of all citizens, men and women, to assume a common destiny through
solidarity, work and patriotic involvement;

CONSIDERING that the building of the Nation is based on individual liberty and respect for the
human person, sources of creativity;

AWARE of the necessity to affirm and to consolidate the foundations of the Nation and the State;
COMMITTED to the ideal of African unity;

AFFIRMS

its adherence to the Declaration of the Rights of Man and of the Citizen of 1789 and to the
international instruments adopted by the Organization of the United Nations and the Organization
of African Unity, in particular the Universal Declaration of Human Rights of December 10, 1948,

the Convention on the Elimination of all Forms of Discrimination Against Women of December 18, 1979, the Convention on the Rights of the Child of November

20, 1989 and the African Charter on Human and Peoples' Rights of June 27, 1981;

its commitment to transparency in the conduct and management of public affairs and to the principle of good governance;

its determination to fight for peace and fraternity with all peoples of the world;

PROCLAIMS

the untouchable principle of integrity of the national territory and of national unity based on respect for the cultural particularities of the component parts of the Nation;

the unalterable character of national sovereignty which is expressed through transparent and democratic procedures and consultations;

the separation and balance of powers established and exercised through democratic procedures;

the respect for fundamental liberties and the rights of the citizen as basis of Senegalese society;

the respect for and the consolidation of a State governed by law (*État de droit*) in which the State and the citizens are subject to the same legal rules under the control of an independent and impartial judiciary;

the access of all citizens, without discrimination, to the exercise of power at all levels;

the equal access of all citizens to public services;

the rejection and elimination, in all their unjust forms, of inequalities and discriminations;

the will of Senegal to be a modern State functioning on the basis of a loyal and equitable interplay of a majority which governs and a democratic opposition, and a State which recognizes this opposition as a central pillar of democracy and an indispensable instrument of the smooth functioning of the democratic mechanism;

APPROVES AND ADOPTS THE PRESENT CONSTITUTION OF WHICH THE PREAMBLE IS AN INTEGRAL PART.

TITLE I

STATE AND SOVEREIGNTY

Article 1

The Republic of Senegal shall be secular, democratic, and social. It shall ensure the equality before the law of all citizens, without distinction of origin, race, gender or religion. It shall respect all beliefs.

The official language of the Republic of Senegal shall be French. The national languages shall be Diola, Malinké, Poular, Sérèr, Soninké, Wolof, and any other national language which shall be codified.

The maxim of the Republic of Senegal shall be: “One People, One Goal, One Faith.”

The flag of the Republic shall be composed of three vertical stripes of equal size of green, gold and red color. It shall carry, in the center of the golden stripe, a green five-pointed star.

An Act of Parliament shall determine the seal and the anthem of the Republic.

The principle of the Republic shall be: government of the people, by the people, and for the people.

Article 2

The Capital of the Republic of Senegal shall be Dakar. It may be moved to any other place of the national territory.

Article 3

National sovereignty shall vest in the Senegalese people, who shall exercise it through their representatives or by way of referendum.

No section of the people nor any individual may arrogate to itself, or to himself, the exercise of sovereignty. Suffrage may be direct or indirect. It shall always be universal, equal, and secret.

All Senegalese nationals, of both sexes, who are 18 years old and enjoy their civil and political rights, may vote in the conditions determined by statute.

Article 4

Political parties and coalitions of political parties shall contribute to the exercise of suffrage. They must respect the Constitution as well as the principles of national sovereignty and of democracy. They shall be prohibited to identify themselves with a race, an ethnicity, a gender, a religion, a sect, a language, or a region.

The conditions in which the political parties and the coalitions of political parties are established, exercise and cease their activities shall be determined by statute.

Article 5

Any act of racial, ethnic, or religious discrimination, as well as any regionalist propaganda which could affect the internal security of the State or the territorial integrity of the Republic shall be punished in accordance with statute.

Article 6

The institutions of the Republic shall be: The President of the Republic,

Parliament which shall comprise two houses: the National Assembly and the Senate; The Government;

The Economic and Social Council;

The Constitutional Council, the Supreme Court, The Court of Auditors and the Courts and Tribunals.

TITLE II

POLITICAL, CIVIL, ECONOMIC, SOCIAL AND COLLECTIVE RIGHTS

Article 7^[2]

The human person shall be sacred and inviolable. The State has the obligation to respect and protect it.

Every individual has the right to life, liberty, security, the free development of his or her personality and physical integrity, and especially protection against all physical mutilations.

The Senegalese people recognize the existence of inviolable and inalienable human rights as basis of every human community, of peace and justice in the world.

All human beings shall be equal before the law. Men and women shall have equal rights.

An Act of Parliament shall promote the equal access of women and men to elected office and public functions. In Senegal there shall be no right or privilege of birth, person or family.

Article 8

The Republic of Senegal shall guarantee to all citizens fundamental individual freedoms, economic and social rights as well as collective rights. These freedoms shall include in particular:

Civil and political freedoms: freedom of opinion, freedom of expression, freedom of the press, freedom of association, freedom of assembly, freedom of movement, freedom of manifestation;

cultural freedoms;

religious freedoms;

philosophical freedoms (*libertés philosophiques*);

freedoms related to the establishment and activities of trade unions (*libertés syndicales*);

the freedom of enterprise;

the right to education;

the right to know how to read and write;

the right to property;

the right to work;

the right to health;

the right to a sound environment;

the right to information from a plurality of sources (*droit à information plurielle*).

These freedoms and rights shall be exercised in the conditions determined by statute.

Article 9

All infringements of liberty and deliberate interferences with the exercise of a freedom shall be punished in accordance with statute.

Nobody may be sentenced except by virtue of a statute which entered into force before the act was committed.

However, the provisions of the preceding paragraph shall not exclude the prosecution, trial and sentencing of a person for acts which at the time they were committed were deemed to be criminal acts in accordance with the rules of international law on genocide, crimes against humanity and war crimes.[\[3\]](#)

The right to defense shall be an absolute right at all stages and levels of the proceedings.

Article 10

Everyone shall have the right to express and to disseminate his opinions in speech, writing, pictures or peaceful demonstration, provided that the exercise of these rights does not violate the honor of or the respect for others, nor the public order.

Article 11

The establishment of a press organ for political, economic, cultural, sports, social, recreational and scientific information shall be free and not be subject to prior authorization.

The rules applying to the press shall be determined by statute.

Article 12

All citizens shall have the right to freely establish associations, economic, cultural and social groupings as well as societies on the condition that they comply with the formalities established by statutes and regulations.

Those groupings whose goal or objectivity is contrary to the criminal laws or directed against public order shall be prohibited.

Article 13

The secrecy of correspondence, of postal, telegraphic, telephonic and electronic communication shall be inviolable. No restriction may be imposed on this inviolable right save in application of a statute.

Article 14

All citizens of the Republic shall have the right to move and to settle freely anywhere on the national territory as well as abroad.

These freedoms shall be exercised in the conditions determined by statute.

Article 15

The right to property is guaranteed by the present Constitution. It shall not be infringed save in the case of a public necessity verified in a legal procedure, and subject to a just and prior compensation.

Men and women shall equally have a right of access to possession and ownership of the land in the conditions determined by statute.

Article 16

The home is inviolable.

A search of the home may not be ordered except by a judge or by the other authorities designated by statute. Searches may only be executed in the forms specified by it. Measures interfering with or restricting the inviolability of the home may only be taken to confront off a collective threat or to protect persons in danger of death.

These measures may also be taken in application of a statute to protect the public order against imminent threats, especially to fight against the risks of an epidemic or to protect youth in danger.

MARRIAGE AND THE FAMILY

Article 17

Marriage and the family are the natural and moral basis of the human community. They are placed under the protection of the State.

The State and the public communities have the duty to supervise the physical and moral health of the family, and in particular the handicapped and aged persons.

The State shall guarantee to families in general and to those living in a rural environment in particular, access to health and welfare services. It shall equally guarantee to women in general and to those living in a rural environment in particular, the right to relief of their living conditions.

Article 18

The forced marriage is a violation of individual freedom. It shall be prohibited and punished in the conditions determined by statute.

Article 19

A woman shall have the same right to property as her husband. She shall have the right to personally manage her assets.

Article 20

Parents have a natural right and a duty to care for their children. They shall be supported in this task by the State and the public communities.

The youth shall be protected by the State and the public communities against exploitation, drugs, narcotics, moral neglect and delinquency.

EDUCATION

Article 21

The State and the public communities shall create the preconditions and the public institutions which guarantee the education of children.

Article 22

The State has the duty and the task of educating and training the youth in public schools.

All children, boys and girls, in all places of the national territory shall have the right of admission to the school. The religious institutions and communities shall equally be recognized as means of education.

All national institutions, public and private, have the duty to promote literacy among their members and to participate in the national effort to promote literacy in one of the national languages.

Article 23

Private schools may be opened with the authorization and under the control of the State.

RELIGIONS AND RELIGIOUS COMMUNITIES

Article 24

The freedom of conscience, the religious and cultural freedoms and practices, and the profession of religious teacher shall be guaranteed to all, subject to the public order.

The religious institutions and committees shall have the right to develop their activities without hindrance. They shall not be subject to the supervision of the State. They shall regulate and manage their affairs in an autonomous manner.

WORK

Article 25

Everyone shall have the right to work and the right to seek employment. No one may be impeded in his work by reason of his origins, gender, opinions, political choices or beliefs. The worker may adhere to a trade union and defend his rights through union action.

All discrimination between men and women in employment, salary and taxation shall be prohibited. The freedom to establish labor or professional associations shall be granted to all workers.

The right to strike shall be recognized. It shall be exercised within the framework of the statutes regulating it. In no case may it interfere with the freedom to work or imperil the enterprise.

Every worker shall participate through the intermediary of his delegates in the determination of working conditions in the enterprise. The State shall supervise the sanitary and human conditions in the working place.

Special statutes shall determine the conditions in which the State and the enterprise shall provide assistance and protection to the workers.

TITLE III

THE PRESIDENT OF THE REPUBLIC

Article 26

The President of the Republic shall be elected by direct universal suffrage and by majority vote in two rounds.

Article 27

The term of office of the President of the Republic shall be seven years. The mandate shall be renewable only once.[\[4\]](#)

This provision may only be revised by an Act submitted to referendum.

Article 28

Every candidate for the Presidency of the Republic must be of Senegalese nationality only, enjoy his civil and political rights and have at least 35 years of age on election day. He must know how to write and read and speak the official language fluently.

Article 29

The candidacies shall be filed with the Registrar of the Constitutional Council not less than thirty full days and not more than sixty full days before the first round of voting.

However, in the case of death of a candidate, the filing of new candidatures is possible at all times until the eve of the voting.

In such case the elections are rescheduled for a new date by the Constitutional Council.

In order to be admissible, any candidacy must be presented by a legally established political party or coalition of parties or be accompanied by the signatures of voters representing at least ten thousand registered voters domiciled in six different regions in the ratio of at least five hundred voters per region.

The independent candidates, like the political parties, are obliged to comply with Article 4 of the Constitution. Each party or coalition of political parties may present only one candidate.

Article 30

The Constitutional Council shall fix and publish the list of candidates twenty-nine full days before the first round of voting. The voters shall be convened by decree.

Article 31

The ballot for the election of the President of the Republic shall take place not more than forty-five full days and not less than thirty full days before the end of the term of the President of the Republic in office.

If the Presidency is vacant due to resignation, permanent incapacity or death, the ballot shall take place not less than sixty full days and not more than ninety days after the declaration of the vacancy by the Constitutional Council.

Article 32

The Courts and Tribunals control the proper conduct of the election campaign and the equal access of candidates to the use of means of electoral propaganda in the conditions determined by an Institutional Act.

Article 33[\[5\]](#)

The vote shall take place on a Sunday. However, the members of the armed and paramilitary forces may vote on one or several days specified by decree.

No candidate who has not obtained an absolute majority of the votes cast shall be deemed elected on the first ballot.

If no candidate obtains the required majority, a second ballot shall take place on the third Sunday following the decision of the Constitutional Council.

Only the two candidates who have obtained the most votes in the first ballot shall be allowed to contest in the second ballot.

If the election result is contested the second ballot shall take place on the third Sunday following the pronouncement of the decision of the Constitutional Council.

In the second ballot a relative majority shall be sufficient for election.

Article 34[\[6\]](#)

In case of permanent incapacity or withdrawal of one of the candidates in the period between the publication of the list of candidates and the first ballot, the electoral process shall continue with the remaining candidates. The Constitutional Council shall modify the list of candidates accordingly. The date for the vote shall be maintained.

In case of death, permanent incapacity, or withdrawal of one of the two candidates between the first ballot and the provisional proclamation of the results, or between this provisional proclamation and the final proclamation of the results of the first ballot by the Constitutional Council, the candidate who comes next in the list of votes obtained shall be allowed to contest in the second ballot.

In case of death, permanent incapacity, or withdrawal of one of the two candidates between the proclamation of the final results of the first ballot and the second ballot the candidates who comes next on the list of results of the first ballot shall be admitted to the second ballot.

In the two preceding cases, the Constitutional Court shall declare the death, permanent incapacity, or withdrawal and set a new date for the vote. In case of death, permanent incapacity, or withdrawal of one of the two candidates who have arrived on top according to the provisional results of the second ballot before the proclamation of the final results of the second ballot by the Constitutional Council, the only remaining candidate shall be declared elected.

Article 35

The Courts and Tribunals shall control the proper conduct of the vote in the manner determined by an Institutional Act.

The proper conduct of the electoral proceedings may be challenged by one of the candidates before the Constitutional Council within seventy-two hours after the provisional proclamation of the results by a national commission for the counting of votes established by an Institutional Act.

If no challenge has been filed within this period with the Registrar of the Constitutional Council, the Council shall immediately proclaim the final results of the ballot.

In the case of a challenge, the Council shall rule on the complaint within five full days from its submission. Its decision contains the final proclamation of the election result or the annulment of the election.

In the case of annulment, a new round of voting shall take place within twenty-one full days of the annulment.

Article 36

The President-elect of the Republic shall assume his functions after the final proclamation of his election and the end of the term of his predecessor.

The incumbent President of the Republic remains in office until the installation of his successor. In case the President-elect dies, is found permanently incapacitated, or relinquishes his election before assuming his functions, a new election shall be held under the terms specified by Article 31.

Article 37

The President of the Republic shall be installed in his functions after having taken the oath before the Constitutional Council in public meeting.

The oath shall be taken in the following terms:

“Before God and the Senegalese Nation, I swear to faithfully fulfill the charge of the President of the Republic of Senegal, to scrupulously observe and enforce the observance of the provisions of the Constitution and of the laws, to devote all my strength to the defense of the constitutional institutions, territorial integrity and national independence, and to spare no effort in the realization of African unity.”

The newly elected president of the Republic shall make a written declaration of his assets for submission to the Constitutional Council which makes it public.

Article 38

The office of the President of the Republic is incompatible with the membership in any elective assembly, the National Assembly or local assemblies, and with the exercise of any paid public or private post.

However, he [the President] shall have the option of exercising functions in a political party or serving as an academy member in a field of expert knowledge.

Article 39

In case of resignation, permanent incapacity or death the President of the Republic shall be replaced by the President of the Senate. The latter shall organize the elections in the time limits provided for in Article 31.

In case that the President of the Senate finds himself in one of the above-mentioned cases, the President of the National Assembly shall act as replacement.

The rules defined in the preceding Article shall apply to all replacements.

Article 40

During the time of the replacement, the provisions of Articles 49, 51, 86, 87 and 103 shall not apply.

Article 41

The resignation, incapacity or death of the President of the Republic shall be declared by the Constitutional Council, upon request of the President of the Republic in case of resignation, upon request by the authority called upon to replace him in case of incapacity or death.

The same shall apply to the declaration of the resignation, incapacity or death of the President of the Senate or of the persons called upon to replace him.

Article 42

The President of the Republic shall be the guardian of the Constitution. He shall be the first Protector of the Arts and Sciences of Senegal.

He shall embody national unity.

He shall be the guarantor of the proper functioning of the institutions, of national independence and of the integrity of the territory.

He shall determine the policy of the Nation. He shall chair the Council of Ministers.

Article 43

The President of the Republic shall sign the ordinances and the decrees.

The acts of the President of the Republic, with the exception of those he accomplishes by virtue of Articles 45, 46, 47, 48, 49 (1), 52, 60-1, 74, 76 (2), 79, 83, 87, 89 and 90 shall be countersigned by the Prime Minister.

Article 44

The President of the Republic shall appoint the civil servants.

Article 45

The President of the Republic shall be responsible for national defense. He shall chair the Higher National Defense Council and the National Security Council.

He shall be the Supreme Commander of the Armed Forces; he shall make the appointments to all military posts and shall have the armed forces at his disposal.

Article 46

The President of the Republic shall accredit ambassadors and envoys extraordinary to foreign powers. Foreign ambassadors and envoys extraordinary shall be accredited to him.

Article 47

The President of the Republic shall have the power to grant pardons.

Article 48

The President of the Republic may address the Nation through messages.

Article 49

The President of the Republic shall appoint the Prime Minister and terminate his functions.

Upon proposal of the Prime Minister, the President of the Republic shall appoint the Ministers, determine their powers and terminate their functions.

Article 50

The President of the Republic may delegate by decree certain powers to the Prime Minister or to other members of the

Government, with the exception of the powers specified in Articles 42, 46, 47, 49, 51, 52, 72, 73, 87, 89 and 90.

In addition he may authorize the Prime Minister to take decisions by decree.

Article 51

The President of the Republic may, after consultation of the President of the National Assembly, the President of the Senate and the Constitutional Council, submit any Government Bill on an amendment to the Constitution to a referendum.

He may, upon proposal of the Prime Minister and after consultation of the authorities mentioned above, submit any Government Bill to a referendum.

The Courts and Tribunals shall supervise the proper conduct of the referendum proceedings. The Constitutional Council shall proclaim the results thereof.

Article 52

When the institutions of the Republic, the independence of the Nation, the integrity of the national territory, or the execution of international obligations are under serious and immediate threat, and when the proper functioning of the public powers or institutions is interrupted, the President of the Republic shall have exceptional powers.

He may, after having informed the Nation by message, take any measure designed to re-establish the proper functioning of the public powers and the institutions and to ensure the safeguarding of the Nation.

He may not, by virtue of the exceptional powers, proceed to an amendment of the Constitution. Parliament shall convene as of right.

Measures of a statutory nature put into force by the President shall be referred to it for ratification within fifteen days of their promulgation. It may reject or amend them on the occasion of the vote on the Ratification Act. These measures shall lapse if the Government Bill on their ratification is not tabled before the Bureau of the National Assembly within the aforementioned period.

The National Assembly may not be dissolved during the exercise of the exceptional powers. Where these are exercised after the dissolution of the National Assembly, the date of the elections fixed in the dissolution decree may not be postponed, except in case of *force majeure* declared by the Constitutional Council.

TITLE IV THE GOVERNMENT

Article 53

The Government shall comprise the Prime Minister, Head of the Government, and the Ministers.

The Government shall conduct and coordinate the policy of the Nation under the direction of the Prime Minister. He shall be responsible before the President of the Republic and the National Assembly in the conditions specified in Articles 85 and 86 of the Constitution.

Article 54

The office of a member of the Government shall be incompatible with a parliamentary mandate or any paid public or private professional activity.

The modalities of the application of the present Article shall be determined by an Institutional Act.

Article 55

Following his appointment the Prime Minister shall deliver a general policy statement to the National Assembly. The debate shall be followed by a debate which, upon request by the Prime Minister, may result in a confidence vote.

In the case of a confidence vote, confidence shall be granted by an absolute majority of Members of the National Assembly.

Article 56

The Government shall be an institution based on cooperation and solidarity. The resignation or removal from office of the Prime Minister shall trigger the resignation of all members of the Government.

Article 57

The Prime Minister shall have the administration at his disposal and make appointments to civil posts as specified by statute.

He shall ensure the execution of the laws and shall have the regulatory power subject to the provisions of Article 43 of the Constitution.

The regulatory measures of the Prime Minister shall be countersigned by the members of the Government charged with their execution.

The Prime Minister shall chair the inter-ministerial councils. He shall chair the ministerial meetings or appoint a Minister for this purpose.

He may delegate certain of his powers to the Ministers.

TITLE V THE OPPOSITION

Article 58

The Constitution guarantees to political parties which are opposed to the policy of the Government the right to oppose it. An Act of Parliament shall define their status and determine their rights and duties.

The parliamentary opposition is the one which is represented in the National Assembly by its own Members.

TITLE VI PARLIAMENT [\[7\]](#)

Article 59

The representative assemblies of the Republic of Senegal shall be known as National Assembly and Senate.

Their members shall be known as Members of the National Assembly (*députés à l'Assemblée nationale*) and Senators.

Article 60

The Members of the National Assembly shall be elected by universal direct suffrage. Their term shall be five years. It may not be abridged except by dissolution of the National Assembly.

The courts and tribunals shall ensure the proper conduct of the election campaign and of the vote in the conditions determined by an Institutional Act.

An Institutional Act shall determine the number of Members of the National Assembly, their allowances, the conditions of eligibility and the terms of disqualifications and of incompatibilities applying to them.

Every Member of the National Assembly who leaves his party during the parliamentary term shall automatically be deprived of his mandate. He shall be replaced in the conditions determined by an Institutional Act.

Article 60-1

The Senate shall ensure the representation of the local communities of the Republic and of the Senegalese residing abroad.

The number of the Senators representing the local communities may not be less than one third of the members of the Senate. These representatives shall be elected by universal indirect suffrage in each department in the conditions determined by an Institutional Act. The courts and tribunals shall ensure the proper conduct of the election campaign and of the vote for the election of the Members of the National Assembly and the Senators in the conditions determined by the Institutional Act.

Part of the Senators shall be appointed by the President of the Republic upon consultation with the President of the National Assembly and the Prime Minister.

The term of the Senators shall be five years.

Nobody who is not at least forty years of age on the day of his election or appointment shall be elected or appointed Senator.

At least two-fifths of the Senators shall be women.

An Institutional Act shall determine the number of Senators, their allowances, the conditions of eligibility and the terms of disqualifications and of incompatibilities applying to them.

Article 61

No Member of Parliament shall be prosecuted, investigated arrested, detained or tried in respect of opinions expressed or votes cast in the performance of his official duties.

No Member of Parliament shall be prosecuted or arrested during the sessions for a crime or other major offense without the authorization of the House of which he is a Member.

No Member of Parliament may be arrested without the authorization of the House of which he is a Member while it is not in session, except in cases in which the crime or offense referred to in the preceding paragraph is committed *flagrante delicto* or a criminal conviction has become final.

The prosecution of a Member of Parliament or his detention resulting from his prosecution shall be suspended if the House of which he is a Member requests it. A Member whose criminal conviction has become final shall be removed from the list of Members of Parliament upon request by the Minister of Justice.

Article 62 [\[8\]](#)

The rules of procedure of each House shall determine:

the composition and the rules of procedure of the Bureau, as well as the powers, the prerogatives and the term of office of its President;

the number, the method of designation, the composition, the role and the powers of its permanent commissions, without prejudice to the right of the National Assembly to create special temporary commissions;

the organization of administrative offices placed under the authority of the President of the Assembly, assisted by an administrative Secretary General;

the disciplinary standards applying to its members;

the rules concerning the different voting procedures, except those expressly provided for in the Constitution;

in general, all rules concerning the functioning of the House within the framework of its constitutional powers.

The rules of procedure of the Houses of Parliament may only be promulgated after the Constitutional Council, upon obligatory request by the President of the Republic, has declared them to be in accordance with the Constitution.

Article 63^[9]

With the exception of the date of the opening of the first session of the newly elected National Assembly or Senate which shall be determined by the President of the Republic, the National Assembly shall determine, after consultation with the President of the Senate, the opening date and the length of the single ordinary session (*session ordinaire unique*) of Parliament. They shall, however, be subject to the following rules.

The National Assembly and the Senate shall meet, as of right, for a single ordinary session which shall begin in the first half of October and shall end in the second half of June in the following year.

Where the ordinary session or an extraordinary session is closed without a decision of the National Assembly on the opening date of its next ordinary session, the latter shall be determined in a timely manner by the Bureau of the National Assembly, after consultation with the President of the Senate.

In addition, Parliament shall be convened for an extraordinary session with a fixed agenda, either:

upon written request of more than half of the Members of the National Assembly addressed to the President of the National Assembly;

upon decision by the President of the Republic, acting on his own initiative or upon proposal of the Prime Minister.

However, the duration of each extraordinary session may not exceed fifteen days.

The extraordinary sessions shall be closed as soon as the agenda has been exhausted.

Article 64

The vote of Members of Parliament is personal. All imperative mandates shall be void.

An Institutional Act may, in exceptional circumstances, authorize the delegation of a vote. In that case, no one shall vote as proxy for more than one Member.

Article 65

The National Assembly and the Senate may delegate to their main commission (*commission des délégations*) the power to take measures that are in the domain of the law.

This delegation shall take place by resolution of the House concerned of which the President of the Republic shall be informed immediately.

Within the time limits and the powers determined by the resolution referred to above, the main commission shall take decisions which shall be promulgated as laws. These decisions shall be tabled in the Bureau of the National Assembly. If they are not modified by Parliament in the first fifteen days of its session, they shall become final.

Article 66

The sittings of Parliament shall be public. Sittings behind closed door shall be ordained only in exceptional cases, and only for a limited period.

The entire record of the debates as well as the parliamentary documents shall be published in the Parliamentary Records or in the *Official Journal*.

TITLE VII

RELATIONS BETWEEN THE EXECUTIVE POWER AND THE LEGISLATIVE POWER

Article 67

Statutes shall be enacted by Parliament. Statutes shall determine the rules concerning:

civic rights and fundamental guarantees granted to citizens for the exercise of their public liberties, the obligations imposed for the purposes of national defense upon the person and property of citizens;

the status of the opposition;

nationality, the status and capacity of persons, matrimonial property systems, inheritance and gifts;

the determination of crimes and offences as well as the penalties they carry, criminal procedure, amnesty, the setting up and composition of new categories of courts and the status of members of the judiciary;

the base, rates and methods of collection of all types of taxes, the issuing of currency;

the system for electing Members of the National Assembly, of the Senate and of local assemblies;

the fundamental guarantees granted to civil servants and members of the Armed Forces;
nationalization of companies and the transfer of ownership of companies from the public to the private sector.

Statutes shall lay down the basic principles of:

the general organization of the national defense;

the self-government of local communities, their powers and their resources;

education;

systems of ownership, property rights and civil and commercial obligations, employment law, trade Union law and social protection;

the rules on the salaries of civil servants.

Finance Acts shall determine the revenue and the expenditure of the State in the conditions and with the reservations provided for by an Institutional Act. The creation and redefinition of posts in the public sector can only be achieved by virtue of Finance Acts.

Program Acts shall determine the objectives of the economic and social action of the State. The plan shall be approved by statute.

The provisions of the present Article may be spelt out in greater detail and supplemented by an Institutional Act.

In addition the President of the Republic may, upon proposal of the Prime Minister, submit Government Bills relating to matters other than those enumerated in the present Article in view of their social, economic or financial importance to a vote of the National Assembly and the Senate, without giving rise to a derogation from the provisions of the second paragraph of Article 76.

Article 68[\[10\]](#)

Parliament shall vote the Finance Bills in the conditions determined by an Institutional Act.

The Finance Bill of the year, which shall include the budget, shall be tabled before the Bureau of the National Assembly at the latest on the day of the opening of the single ordinary session.

Parliament shall have sixty days at the most to vote the Finance Bill.

If due to *force majeure* the President of the Republic has been unable to table the Finance Bill of the year in a timely manner so that Parliament does not have the time specified in the preceding paragraph in order to discuss it before the end of the normal session, the session shall be prolonged instantly and as of right until the adoption of the Finance Bill.

The National Assembly shall take its decision first within a period of thirty-five days after the tabling of the Bill and the Senate shall have fifteen days for its discussion, starting with the transmission of the Bill.

If the Senate adopts a text identical to that of the National Assembly, the Act shall be submitted without delay to the President of the Republic for promulgation.

If the Senate does not adopt a decision within fifteen days or disagrees with the National Assembly, the Bill shall be transmitted as a matter of urgency to the National Assembly which shall take the final decision.

If Parliament does not take a decision within sixty days the Finance Bill shall be put into force by ordinance, taking into account the amendments voted by the National Assembly or the Senate and accepted by the President of the Republic.

If it has proved impossible to promulgate the Finance Act of the year before the start of the fiscal year, the President of the Republic shall be authorized to prescribe the collection of existing taxes and to provide by decree for the continuation of already established services.

The Court of Auditors shall assist the President of the Republic, Government and Parliament in the control of the execution of the Finance Acts.

Article 69

The state of siege, like the state of urgency, shall be decreed by the President of the Republic. The National Assembly shall then convene as of right, if it is not in session.

The decree proclaiming a state of siege or a state of urgency shall cease to be in force after twelve days, unless the

National Assembly upon request by the President of the Republic has authorized its extension.

The modalities of the application of the state of siege and the state of urgency shall be determined by statute.

Article 70

The declaration of war shall be authorized by the National Assembly.

The rights and duties of citizens during the war or in case of invasion or attack of the national territory by forces of the exterior shall be regulated by an Institutional Act.

Article 71 [\[11\]](#)

Following their adoption by the National Assembly the Government Bills and Private Members' Bills shall be referred to the Senate which shall decide within a period of twenty days from the date of submission. If the Government has declared the matter to be one of urgency, that delay shall be reduced to seven days.

If the Senate adopts a text identical to that of the National Assembly, the Act shall be referred without delay to the President of the Republic for promulgation. In case of disagreement between the National Assembly or the Senate or if the Senate does not take a decision within the time limits provided for in the second paragraph, the National Assembly shall take the final decision. Following its adoption, the Act shall be referred without delay to the President of the Republic for promulgation.

Article 72

The President of the Republic shall promulgate Acts of Parliament after their final adoption within eight full days following the expiry of the time period for challenges envisaged in Article 74.

The period for promulgation shall be reduced by half in a case of urgency declared by the National Assembly.

Article 73

Within the period fixed for promulgation the President of the Republic may, by a message which gives reasons for the request, ask the Assembly to reopen the debate on the Act; such reopening may not be refused. The Act can only be passed a second time if three-fifths of the Members composing the National Assembly have pronounced themselves in favor.

Article 74

An application to declare an Act of Parliament unconstitutional may only be lodged with the Constitutional Council:

- by the President of the Republic, within six full days of the transmission to him of the definitely adopted law;
- by a number of Members of the National Assembly which equals at least a tenth of its Members, within six full days following the final adoption of the Act;
- by a number of Senators which equals at least one tenth of the number of members of the Senate, within six full days following the final adoption of the Act.

Article 75

The period for promulgation shall be suspended until the end of the second debate of the National Assembly or the decision of the Constitutional Council declaring the Act in conformity with the Constitution.

In any case the promulgation is of right once the constitutional time limits expire; the President of the National Assembly shall see to that.

Article 76

Matters other than those coming under the scope of statute law by virtue of this Constitution shall be matters for regulation.

Provisions of statutory origin enacted in such matters may be amended by decree if the Constitutional Council, upon request by the President of the Republic or the Prime Minister, has declared that they are matters for regulation as defined in the foregoing paragraph.

Article 77

Parliament may authorize the President by statute to take measures that are normally the preserve of statutory legislation.

Within the time limits and limitations fixed by the Enabling Act, the President of the Republic shall adopt ordinances which shall be effective upon their publication but become void if a bill to ratify them is not tabled before the Bureau of the National Assembly by the date set by the Enabling Act. Parliament may amend them on the occasion of the vote on the Ratification Act.

Article 78

The Acts qualified as Institutional Acts by this Constitution shall be passed in the manner provided for in Article 71. However, the text may only be enacted by Parliament by an absolute majority of its members.

Articles 65 and 77 shall not apply to Institutional Acts.

Article 79

The President of the Republic shall communicate with the National Assembly and the Senate by messages which he delivers in person or asks to be read and which shall not give rise to any debate.

Article 80

The President of the Republic, the Prime Minister, the Members of the National Assembly shall have concurrently the right to initiate legislation.

In derogation of Article 71, the Private Members' Bills proposed by Senators shall be first examined in the Senate. After adoption they shall be referred to the National Assembly. If the National Assembly adopts the text, possibly after amending it, it shall be submitted without delay to the President of the Republic for promulgation.

Article 81

The Prime Minister and the other members of the Government may be heard at any time by the Houses of Parliament and by their commissions. They may be assisted by members of their staff.

Article 82[\[12\]](#)

The President of the Republic, the Prime Minister, the Members of the National Assembly and the Senators shall have the right of amendment. The amendments of the President of the Republic shall be introduced by the Prime Minister and the other members of the Government.

Private Members' Bills and amendments formulated by Members of the National Assembly or Senators shall not be admissible where their enactment would result in either a diminution of public revenue or the creation or increase of any public expenditure, unless the Bill or amendment is accompanied by proposals of compensatory revenue.

However, no additional article or amendment to a Finance Bill may be proposed by Parliament, unless it aims to effectively eliminate or reduce spending or to generate or increase revenue.

If the Government so requests, the House before which the Bill is tabled shall proceed to a single vote on all or part of the text under debate, on the sole basis of the amendments proposed or accepted by the Government.

Article 83

If, during the legislative process, it appears that a Private Member's Bill or amendment is not a matter for statute, the Prime Minister and the other members of the Government may argue that it is inadmissible.

In the event of disagreement the Constitutional Council, at the request of the President of the Republic, the National Assembly the Senate or the Prime Minister shall give its ruling within eight days.

Article 84

The inclusion, as a matter of priority, of a Government Bill or a Private Members' Bill or a general policy statement in the agenda of the National Assembly or the Senate shall be of right if the President of the Republic or the Prime Minister so requests.

Article 85

The Members of the National Assembly and the Senators may submit to the Prime Minister and the other members of the Government, who are obliged to respond, written and oral questions, with or without debate.

The questions or the responses given to them shall not be followed by a vote.

The National Assembly and the Senate may designate from among their ranks commissions of inquiry.

A statute shall determine the conditions for the organization and operation as well as the powers of the inquiry commissions.

Article 86

The Prime Minister may, after deliberation by the Council of Ministers, decide to make the Government's program or a general policy statement the issue of a confidence vote. The vote on the question of confidence may not take place until two full days after it has been presented.

Confidence shall be refused in public vote by the absolute majority of the members of the National Assembly. The refusal shall entail the collective resignation of the Government.

The National Assembly may provoke the resignation of the Government by the vote of a motion of censure.

The motion of censure shall not be admissible unless it is signed by one-tenth of the members composing the National Assembly. The vote on the censure motion can only take place once two full days following the tabling of the motion before the Bureau of the National Assembly have passed.

The motion of censure shall be voted in public ballot, by an absolute majority of the members composing the National Assembly; only the votes favorable to the censure motion shall be counted. If the motion of censure is passed, the Prime Minister shall immediately present the resignation of the Government to the President of the Republic. A new motion of censure may not be tabled during the same session.

Article 87

After consultation of the Prime Minister and the President of the National Assembly, the President of the Republic may dissolve the National Assembly by decree.

However, dissolution may not take place during the first two years of Parliament.

The dissolution decree shall set the date for the election of the Members of the National Assembly. The vote shall take place not less than sixty days and not more than eighty days after the publication of the said decree.

The dissolved Assembly may not meet. However, the term of its Members shall expire only on the date of the proclamation of the election of the Members of the new National Assembly.

TITLE VII-1

THE ECONOMIC AND SOCIAL COUNCIL [\[13\]](#)

Article 87-1

The Economic and Social Council (CES) shall be a consultative body of the public authorities with expert knowledge in the economic, social and cultural areas.

It shall be consulted by the President of the Republic, the Government, the National Assembly and the Senate. It may also on its own initiative issue opinions on all questions of an economic, social and cultural character concerning the different sectors of activity of the Nation.

The Economic and Social Council (CES) shall through its activity facilitate the harmonious cooperation of the different communities and the different social and professional categories in Senegal.

It shall serve as a mediator in social conflicts.

The way of designating the members of the Economic and Social Council as well as the conditions of its organization and operation shall be determined by an Institutional Act.

TITLE VIII THE JUDICIARY

Article 88

The judicial power shall be independent of the legislative power and the executive power. It shall be exercised by the Constitutional Council, the Supreme Court, the Court of Auditors and the Courts and Tribunals.

Article 89

The Constitutional Council shall consist of five members, including a President, a Vice-President and three judges.

Their term of office shall be six years. The Council shall be renewed every two years, the renewal affecting either the President or two members other than the President, in the order of the dates of expiry of their terms. The members of the Constitutional Council shall be appointed by the President of the Republic.

The requirements which have to be met in order to be eligible for appointment to the Constitutional Council conditions shall be determined by an Institutional Act.

The term of members of the Constitutional Council may not be renewed.

The functions of the members of the Constitutional Council may only be terminated before the end of their term on their own request or by reason of physical incapacity, in accordance with the requirements defined by the Institutional Act.

Article 90

The judges and prosecutors other than the members of the Constitutional Council and the Court of Auditors shall be appointed by the President of the Republic upon advice of the High Council of the Judiciary. The judges and prosecutors of the Court of Auditors shall be appointed by the President of the Republic upon advice of the High Council of the Court of Auditors.

In the exercise of their functions judges shall only be subject to the authority of the law. Judges shall be irremovable from office.

The jurisdiction, organization and functioning of the High Council of the Judiciary as well as the status of the judges and prosecutors shall be determined by an Institutional Act.

The jurisdiction, organization and functioning of the High Council of the Court of Auditors as well as the statute of the judges and prosecutors of the Court of Auditors shall be established by an Institutional Act.

Article 91

The judicial power shall be the guardian of the rights and freedoms defined by the Constitution and the law.

Article 92[\[14\]](#)

The Constitutional Council shall rule on the constitutionality of the rules of procedure of the Houses of Parliament, of Acts of Parliament and international undertakings, on conflicts of jurisdiction between the executive and the legislature, as well as on objections of unconstitutionality raised before the Supreme Court.

The decisions of the Constitutional Council cannot be appealed. They shall be binding on the public powers and on all administrative and judicial authorities.

The Supreme Court shall be the court of first and last resort in cases of abuse of power by the executive authorities. It shall rule on the decisions of the Court of Auditors by way of appeal of cassation. It shall be competent in last resort in controversies concerning voter registration and council elections in the territorial communities. It shall rule, by way of appeal of cassation, on the decisions of the courts and tribunals relating to other administrative controversies.

In all other matters the Supreme Court shall rule by way of appeal of cassation on the final judgments rendered in last resort by the subordinate jurisdictions.

The Court of Auditors shall pass judgment on the accounts of those accountable in the public sector. It shall verify the proper accounting of revenue and expenditure and control the appropriate use of credits, funds, and assets managed by the services of the State or by other public legal entities. It shall ensure the control of the accounting and the management of public companies and publicly funded enterprises. It shall settle and clarify the facts. It shall sanction the errors of management committed in relation to the State, the local communities and the bodies subject to State control.

Article 93

Except in cases of *flagrante delicto*, the members of the Constitutional Council may only be prosecuted, arrested, detailed or tried in penal matters with the authorization of the Council and subject to the same conditions as the members of the Supreme Court and the Court of Auditors.

Except in the case of *flagrante delicto*, the members of the Supreme Court and of the Court of Auditors may only be prosecuted, arrested, detained or tried in penal matters in the conditions provided for in the Institutional Act on the status of judges and prosecutors.

Article 94

Institutional Acts shall determine the other heads of jurisdiction of the Constitutional Council, the Supreme Court and the Court of Auditors, as well as their organization, the rules of designation of their members and the procedure to be followed before them.

TITLE IX INTERNATIONAL TREATIES

Article 95

The President of the Republic shall negotiate international undertakings.
He shall finally ratify or approve them upon authorization by Parliament.[\[15\]](#)

Article 96

Peace treaties, commercial treaties, treaties or agreements relating to international organization, those committing the finances of the State, those modifying provisions which are the preserve of statute law, those relating to the status of persons, and those involving the ceding, exchanging or acquiring of territory, may be ratified or approved only by virtue of an Act of Parliament.

They shall become effective only after they have been ratified or approved.

No ceding, exchanging or acquiring of territory shall be valid without the consent of the populations concerned.

The Republic of Senegal may conclude with any African State association or community agreements involving the partial or complete relinquishment of sovereignty with the purpose of realizing African unity.

Article 97

If the Constitutional Council has declared that an international undertaking contains a clause contrary to the Constitution, authorization to ratify or approve the international undertaking may be given only after amending the Constitution.

Article 98

Treaties or agreements duly approved or ratified shall upon publication prevail over Acts of Parliament, subject, with respect to each agreement or treaty, to its application by the other party.

TITLE X

THE HIGH COURT OF JUSTICE

Article 99

A High Court of Justice shall be established.

Article 100

The High Court of Justice shall be composed, in equal numbers, of members elected by the National Assembly and the Senate after each renewal of these Houses. It shall be chaired by a judge or prosecutor.

The organization of the High Court of Justice and the procedure to be followed before it shall be determined by an Institutional Act.

Article 101

The President of the Republic shall be responsible for acts accomplished in the exercise of his functions only in the case of high treason. He may only be impeached by the two Houses, by identical decisions taken by a majority of three-fifths of their respective members in secret ballot; he shall be tried in the High Court of Justice.

The Prime Minister and the other members of the Government shall be criminally responsible for acts accomplished in the exercise of their functions and qualified as crimes or misdemeanors at the time they were committed. They shall be tried in the High Court of Justice. The procedure defined above shall apply to them, as well as to their accomplices in the case of conspiracy against the security of the State. In the cases provided for in the present paragraph the High Court of Justice shall be bound by the definition of crimes and misdemeanors and the determination of the penalties as they result from the laws in force at the time the relevant acts were committed.

TITLE XI

THE LOCAL COMMUNITIES

Article 102

The local communities shall constitute the institutional framework for the participation of citizens in the management of public affairs. They shall govern themselves freely through elected councils.

Their organization, their composition and their functioning shall be determined by statute.

TITLE XII

AMENDMENT OF THE CONSTITUTION

Article 103

The initiative of the revision of the Basic Law belongs to both the President of the Republic and to the Members of the National Assembly.

The Prime Minister may propose to the President of the Republic an amendment of the Constitution.

The Government Bill or Private Members' Bill proposing an amendment to the Constitution shall be adopted by the Houses of Parliament in the procedure of Article 71. The amendment shall be final after having been approved by referendum.

However, the Government Bill or Private Members' Bill shall not be submitted to referendum where the President of the Republic decides to submit it to Parliament convened in Congress.

In this case the Government Bill or the Private Members' Bill shall be approved only if it is passed by a three-fifths (3/5) majority of the votes cast.

Articles 65 and 77 shall not apply to Constitutional Acts.

The Republican form of government shall not be the object of any amendment.

TITLE XIII TEMPORARY PROVISIONS

Article 104

The President of the Republic in office shall continue in his functions until his term ends.[\[16\]](#)

All other provisions of this Constitution shall apply to him.

Article 105

In order to bring about the rapid implementation of the provisions of this Constitution, the President of the Republic shall be authorized to reschedule the maximum number of elections.

To this end he may declare the dissolution of all local community councils. He may also either declare the dissolution of the National Assembly or simply organize anticipated elections without dissolution.

In the latter case, the present National Assembly shall continue to exercise its functions until the installation of the new National Assembly.

The new National Assembly shall be convened by decree.

Article 106

The statutory measures necessary for the establishment of the new National Assembly and the new local assemblies following the adoption of the present Constitution, especially the rules concerning the election and the composition of these assemblies, shall be enacted by the current National Assembly if it is not dissolved. In the contrary case, they shall be adopted by the President of the Republic upon advice of the Council of State by ordinance having the force of

law. The delays for the calling of the elections and the length of the election campaign may be reduced.

Article 107

The laws and regulations in force, insofar as they are not contrary to the present Constitution, shall remain in force as long as they are not amended or abrogated.

In any case, all the provisions pertaining to the Senate and to the Economic and Social Council are abrogated, entailing the abolition of these institutions.[\[17\]](#)

With respect to the High Audiovisual Council, the President of the Republic shall be authorized to terminate the functions of its actual members and to proceed, by consensus, to the appointment of new members. He may, to the extent required, take all necessary measures to this effect.

Article 108

The present Constitution shall be submitted to the people by way of referendum. After adoption it shall be published in the *Official Journal* as supreme law of the Republic.

The adopted Constitution shall enter into force on the day of its promulgation by the President of the Republic. This promulgation must take place within eight days following the proclamation of the referendum result by the Constitutional Council.

However, the provisions relating to Titles VI (National Assembly) and VII (Relations between the Executive Power and the Legislative Power) shall enter into force only after the closing of the current parliamentary session.

NOTES

[\[1\]](#) The *Constitution of the Republic of Senegal of January 22, 2001*, as amended to the *Act of the Constitutional Council of October 21, 2008*.

[\[2\]](#) As amended by *Constitutional Act No. 2008-30 of August 7, 2008* which has introduced the principle of equal rights for men and women and laid the constitutional foundation for legislation which promotes equal access to elected office and other posts in the public sector.

[\[3\]](#) Paragraph 3 was inserted by *Constitutional Act No. 2008-33 of August 7, 2008*. The constitutional reform paved the way for the prosecution of the former President of Chad Hissène Habré, who is living in Senegal, for grave human rights violations that were allegedly committed

during his rule in the 1980s. In August 2008, a Chadian court sentenced Habré to death *in absentia* for war crimes and crimes against humanity.

[4] The presidential term was extended from five to seven years by *Constitutional Act No. 2088-66 of October 21, 2008*. [5] As amended by *Constitutional Act No. 2006-37 of November 15, 2006*. Originally the provision had the following wording:

The vote shall take place on a Sunday.

The candidate who has obtained an absolute majority of votes cast shall be deemed elected on the first ballot. If no candidate has obtained the absolute majority a second ballot shall take place on the second Sunday following the first ballot.

Only the two candidates who have obtained the most votes in the first ballot shall be allowed to contest in the second ballot. If the election result is contested, the second ballot shall take place the second Sunday following the day of the pronouncement of the decision of the Constitutional Council.

In the second ballot a relative majority shall be sufficient for election.

[6] As amended by *Constitutional Act No. 2007-19 of February 19, 2007*. Prior to the reform, the provision was worded as follows:

In case of death, permanent incapacity, or withdrawal by one of two candidates between the decree of publication of the list of candidates and the first ballot, the election shall take place on the basis of a new list of candidates.

In case of death, permanent incapacity, or withdrawal of one of the two candidates between the first ballot and the provisional proclamation of the results, or between this provisional proclamation and the final proclamation of the results of the first ballot by the Constitutional Council, the candidate who comes next in the order of votes obtained shall be allowed to contest in the second ballot.

In case of death, permanent incapacity, or withdrawal of one of the two candidates between the proclamation of the final results of the first ballot and the second ballot, the candidate who comes next in the order votes obtained on the first ballot shall be admitted to the second ballot.

In the two preceding cases, the Constitutional Court shall declare the death, permanent incapacity, or withdrawal and set a new date for the vote. In case of death, permanent incapacity, or withdrawal of one of the two candidates who have arrived on top according to the provisional results of the second ballot before the proclamation of the final results of the second ballot by the Constitutional Council, the only remaining candidate shall be declared elected.

[7] Title VI was amended by *Constitutional Acts No. 2007-06 of February 12, 2007*, and No. 2007-26 of May 25, 2007 which restored the Senate as second chamber of Parliament.

[8] As further amended by *Constitutional Act No. 2008-33 of August 7, 2008* and *Constitutional Act No. 2008-67 of October 21, 2008*.

[9] As further amended by *Constitutional Act No. 2008-30 of August 7, 2008*.

[10] As amended by *Constitutional Acts No. 2007-06 of February 12, 2007*, No. 2007-26 of May 25, 2007 and No. 2008-30 of August 7, 2008.

[\[11\]](#) As amended by *Constitutional Acts No. 2007-06 of February 12, 2007, No. 2007-26 of May 25, 2007 and No. 2008-30 of August 7, 2008.*

[\[12\]](#) As amended by *Constitutional Acts No. 2007-06 of February 12, 2007, No. 2007-26 of May 25, 2007 and No. 2008-30 of August 7, 2008.*

[\[13\]](#) The Social and Economic Council in its present form was established by *Constitutional Act No. 2008-32 of August 7, 2008.* It replaces the Council of the Republic on Economic and Social Matters (*Conseil de la République pour les Affaires économiques et sociales*) which had been created by *Constitutional Act No. 2003-15 of June 19, 2003* and was abolished by *Constitutional Act No. 2008-31 of August 7, 2008.*

[\[14\]](#) As amended by *Constitutional Acts No. 2007-06 of February 12, 2007 and No. 2008-33 of August 7, 2008.*

[\[15\]](#) The requirement of parliamentary authorization was introduced by *Constitutional Act No. 2008-33 of August 7, 2008.*

[\[16\]](#) This provision applied to President Abdoulaye Wade who had been elected President in March 2000 under the rules of the 1963 Constitution which—as the result of a constitutional amendment adopted in 1992—provided for a presidential term of seven years. President Wade therefore served a full seven-year term before he won re-election in 2007.

[\[17\]](#) These temporary provisions applied to the Senate and the Economic and Social Council established under the old Constitution. Both institutions have been re-established in the meantime: the Senate by *Constitutional Act No. 2007-06 of February 12, 2007,* and the Economic and Social Council by *Constitutional Act No. 2008-32 of August 7, 2008.*
