

CONSTITUTION OF THE REPUBLIC

Preamble

The Struggle for National Liberation Army, responding to the desires of the secular our people, brought together all levels of Mozambican society patriotic same ideals of freedom, unity, justice and progress, whose scope was free the earth and man.

Winning national independence on 25 June 1975, returned to the Mozambican people's rights and fundamental freedoms.

The 1990 Constitution introduced the Rule of Law, founded in separation and interdependence of powers and pluralism, casting structural parameters of modernization, contributing decisively to the establishment of a democratic climate that led the country to its first multiparty elections.

This Constitution reaffirms, develops and deepens principles fundamental of the Mozambican state, establishes the character of the sovereign state of democratic law, based on pluralism of expression, organization party and the respect and guarantee rights and fundamental freedoms of citizens.

The broad participation of citizens in making the Basic Law translates resulting consensus of all the wisdom in strengthening democracy and national unity.

2

TITLE I

FUNDAMENTAL PRINCIPLES

CHAPTER I

REPUBLIC

Article 1

(Republic of Mozambique)

The Republic of Mozambique is an independent, sovereign, democratic and social justice.

Article 2

(Sovereignty and legality)

1. The sovereignty resides in the people.
2. The Mozambican people to exercise sovereignty in the manner set out in Constitution.
3. The State shall abide by the Constitution and based on legality.
4. The constitutional rules supersede all other rules of legal order.

Article 3

(Rule of Law)

The Republic of Mozambique is a rule of law, based on pluralism of expression, and democratic political organization, the respect and guarantee of fundamental rights and freedoms of man.

Article 4

(Legal Pluralism)

The State recognizes the different regulatory systems and conflict resolution which exist in Mozambican society, insofar as not in conflict with values and principles of the Constitution.

Article 5

(Nationality)

1. The Mozambican nationality may be originated or acquired.

3

2. The requirements for attribution, acquisition, loss and reacquisition of are determined by the Constitution and regulated by law.

Article 6

(Territory)

1. The territory of the Republic of Mozambique is one, indivisible and inalienable, covering the entire land area, territorial waters and airspace delimited by national borders.

2. The scope, limits and regime of territorial waters and economic zone exclusive, the contiguous zone and seabed rights to Mozambique are fixed by law.

Article 7

Organization (territorial)

1. The Republic of Mozambique is organized territorially into provinces, districts, administrative posts, localities and villages.

2. Urban zones in cities and towns.

3. The definition of the characteristics of territorial divisions, as well as creating and the establishment of new levels of competence within the political-administrative organization is established by law.

Article 8

(Unitary state)

The Republic of Mozambique is a unitary state, which respects the principles organizing principles of local autonomy.

Article 9

(National languages)

The State values the national languages as cultural and educational and promotes their development and increasing use as languages of our identity.

Article 10

(Official language)

In the Republic of Mozambique, Portuguese is the official language.

4

Article 11

(Key objectives)

The Mozambican state has as main objectives:

a) the defense of independence and sovereignty;

b) the consolidation of national unity;

c) the building of a society of social justice and the creation of well-being material, spiritual and quality of life of citizens;

d) the promotion of balanced development, economic, social and regional the country;

e) the protection and promotion of human rights and equality of citizens before the law;

f) the strengthening of democracy, freedom, social stability and social harmony and individual;

g) the promotion of a society of pluralism, tolerance and culture of peace;

h) economic development and progress of science and technology;

i) the affirmation of Mozambican identity, traditions and other socio-cultural values;

j) the establishment and development of friendly relations and cooperation with other peoples and states.

Article 12

(Secular state)

1. The Republic of Mozambique is a secular state.
2. Secularism is based on the separation between State and religious denominations.
3. Religious denominations are free to organize and exercise their and functions of worship and must comply with the laws of the State.
4. The State recognizes and values the activities of religious denominations promote a climate of understanding, tolerance and peace, of unity national, and spiritual well-being of citizens and material development economic and social development.

5

Article 13

(National symbols)

The symbols of the Republic of Mozambique are the flag, emblem and anthem national.

Article 14

Resistance (secular)

The Republic of Mozambique values the heroic struggle and secular Mozambican people against foreign domination.

Article 15

(National Liberation, the defense of sovereignty and democracy)

1. The Republic of Mozambique recognizes and appreciates the sacrifices of those who gave their lives to the struggle for national liberation, the defense of sovereignty and of democracy.
2. The State shall guarantee special protection to those who were disabled in the national liberation as well as orphans and other dependents of those who died in this cause.
3. The law shall determine the terms of the rights established in this article.

Article 16

(War Disabled)

1. The State shall guarantee special protection to those who were disabled during armed conflict that ended with the signing of the Comprehensive Peace Agreement in 1992, and the orphans and other direct dependents.
2. The State also protects those who were disabled in the public service or a humanitarian act.
3. The law shall determine the terms of the rights established in this article.

6

CHAPTER II

FOREIGN POLICY AND INTERNATIONAL LAW

Article 17

(International Relations)

1. The Republic of Mozambique establish relations of friendship and cooperation with other states on the basis of the principles of mutual respect for sovereignty and territorial integrity, equality, noninterference in internal affairs and

mutuality of benefits.

2. The Republic of Mozambique shall accept, observe and apply the principles of the Charter

The United Nations and the African Union Charter.

Article 18

(International law)

1. The treaties and international agreements, validly approved and ratified, prevailing in the Mozambican legal order after its official publication and while internationally binding on the State of Mozambique.

2. The rules of international law in domestic law have the same value that assume the normative acts issued by the infra

Assembly of the Republic and the Government, according to the respective form of reception.

Article 19

(International Solidarity)

1. The Republic of Mozambique in solidarity with the struggle of peoples and states African unity, freedom, dignity and right to economic and social.

2. The Republic of Mozambique shall seek to strengthen relations with countries engaged in the consolidation of national independence, democracy and recovery of the use and control of natural resources for their respective people.

3. The Republic of Mozambique shall join all States in the struggle for establishment of a just and equitable economic relations international.

7

Article 20

(Support for freedom of peoples and asylum)

1. The Republic of Mozambique shall support and be in solidarity with the struggle of peoples for national liberation and democracy.

2. The Republic of Mozambique shall grant asylum to foreigners persecuted because of their fight for national liberation, democracy, peace and defense of human rights.

3. The law defines the status of political refugee.

Article 21

(Special ties of friendship and cooperation)

The Republic of Mozambique shall maintain special ties of friendship and cooperation

with the countries of the region, with the Portuguese-speaking countries and the host countries Mozambican emigrants.

Article 22

(Peace Policy)

1. The Republic of Mozambique shall pursue a policy of peace, only using force in self defense.

2. The Republic of Mozambique shall support the primacy of negotiated solutions conflicts.

3. The Republic of Mozambique upholds the principle of general and universal for all states.

4. The Republic of Mozambique shall advocate the transformation of the Indian

Ocean

nuclear free zone of peace.

TITLE II

NATIONALITY

CHAPTER I

ORIGINAL NATIONALITY

Article 23

(Principle of territoriality and of consanguinity)

1. Mozambicans are that they were born in Mozambique:

8

- a) the children of a parent who was born in Mozambique;
- b) children whose parents are stateless or of unknown nationality unknown;
- c) were domiciled in Mozambique at independence and not have chosen, expressly or impliedly, any other nationality.

2. Mozambicans are, even if born abroad, the children of parent Mozambican government service abroad.

3. Mozambicans are the children of the parent of Mozambican though born abroad, provided that expressly and over eighteen years of age, or their legal representatives, if younger than age, declaring that wish to be Mozambican.

Article 24

(Principle of territoriality)

1. Mozambicans are citizens born in Mozambique after the proclamation of independence.

2. Exceptions to the children of foreign mother and father when any of them Mozambique is in the service of the State to which it belongs.

3. Citizens referred to above have only the nationality Mozambique to declare itself, being over eighteen years of age, or through their legal representatives, if younger than age who want to be Mozambicans.

4. The deadline for the declaration referred to above is one year from the date date of birth or that the person concerned is eighteen of age, as the declaration is made, respectively, by the representative or by the law.

Article 25

(By majority)

Mozambicans are those persons who met the assumptions of original nationality, acquired such option by virtue of its legal representatives, since, being over eighteen years old and up one year after reaching the age of majority, declare themselves, claiming to be Mozambicans.

9

CHAPTER II

Nationality acquired

Article 26

(For marriage)

1. Acquires Mozambican nationality abroad or foreign has been married to Mozambique Mozambican or at least five years, except in cases of stateless persons, provided that, cumulatively:

- a) declare want to acquire Mozambican nationality;

b) meets the requirements and offers the guarantees prescribed by law.
2. A declaration of nullity or dissolution of marriage does not affect the nationality acquired by the spouse.

Article 27

(By naturalization)

1. May be granted to the Mozambican nationality by naturalization foreigners, the date of filing the application, meet the following conditions:

a) reside habitually and regularly for at least ten years

Mozambique;

b) are over eighteen years;

c) aware of the Mozambican or Portuguese language;

d) have the capacity to govern your people and ensure their subsistence;

e) have civic responsibility;

f) meet the requirements and offer the guarantees prescribed by law.

2. The requirements of subparagraphs a) and c) are waived for foreigners who have rendered outstanding services to the Mozambican state, under established by law.

Article 28

(For membership)

Through the act of naturalization, Mozambican nationality may be granted to the children of the citizen who has acquired, unmarried and under eighteen years of age.

10

Article 29

(For adoption)

The fully adopted by national acquires Mozambican nationality
Mozambican.

Article 30

(Restrictions on the exercise of functions)

1. The citizens shall not be deputies, members

Government, holders of sovereign bodies and not have access to career diplomatic or military.

2. The law defines the conditions for the exercise of public functions or functions private public interest in Mozambican citizens acquired.

CHAPTER III

LOSS OF NATIONALITY AND REACQUISITION

Article 31

(Loss)

Mozambican nationality loses:

a) what is a national of another state, declared competent by means
Mozambican not want to be;

b) to whom, if minor, has been awarded a national

Mozambique as a result of the declaration of its legal representative, if
procedures, and within one year after reaching the

age, who did not prove to be Mozambican, who has another
nationality.

Article 32

(Reacquisition)

1. May be granted to those who Mozambican nationality, after the have lost, requiring and meet all the following conditions:

- a) establish their domicile in Mozambique;
- b) meet the requirements and offer the guarantees prescribed by law.

2. A Mozambican woman who has lost her nationality by virtue of marriage may reclaim it upon request to the authorities.

11

3. The reacquisition of nationality shall return to the legal situation prior to loss of nationality.

CHAPTER IV

PREVALENCE OF NATIONALITY AND REGISTRATION

Article 33

(Prevalence of Mozambican nationality)

There is no recognized effect in domestic law any nationality to persons who, under the law Republic of Mozambique, Mozambicans are.

Article 34

(Registration)

The registration and proof of acquisition, loss and reacquisition of nationality are regulated by law.

TITLE III

RIGHTS, DUTIES AND FREEDOMS

CHAPTER I

GENERAL PRINCIPLES

Article 35

(Principle of universality and equality)

All citizens are equal before the law, enjoy the same rights and are subject to the same duties, regardless of color, race, sex, origin ethnic origin, birthplace, religion, education, social status, state parents, their profession or political choice.

Article 36

(Principle of gender equality)

Man and woman are equal before the law in all areas of life political, economic, social and cultural.

Article 37

(People with disabilities)

Citizens with disabilities fully enjoy the rights enshrined in the Constitution and are subject to the same duties with the exception

12

the exercise or performance of those to whom, on grounds of disability, if are disabled.

Article 38

(Duty to respect the Constitution)

1. All citizens have the duty to respect the constitutional order.
2. Acts contrary to the provisions of the Constitution are subject to sanction in under the law.

Article 39

(Acts contrary to national unity)

All acts aimed at undermining national unity, undermine harmony

create divisions or situations of privilege or discrimination based on color, race, sex, ethnic origin, birthplace, religion, education, status, physical or mental condition, marital status of parents, profession or political preference, shall be punished according to law.

Article 40

(Right to life)

1. Every citizen has the right to life and physical and moral integrity and can not be subjected to torture or cruel or inhuman treatment.
2. In the Republic of Mozambique there is no death penalty.

Article 41

(Other personal rights)

Every citizen has the right to honor, good name, reputation, protection of their public image and privacy of their privacy.

Article 42

(Scope and interpretation of fundamental rights)

The fundamental rights enshrined in the Constitution shall not exclude any contained in other laws.

13

Article 43

(Interpretation of fundamental rights)

The constitutional provisions on fundamental rights are interpreted and integrated in accordance with the Universal Declaration of Human Rights and the African Charter on Human and Peoples.

Article 44

(Duties towards his peers)

Every citizen has the duty to respect and consider his fellow beings without discrimination of any kind and maintain relations that allow promote, protect and enhance respect, tolerance and mutual solidarity.

Article 45

(Duties to the community)

Every citizen has a duty to:

- a) serve the national community, putting at their service capabilities physical and intellectual;
- b) work to their abilities and capabilities;
- c) pay rates and taxes;
- d) ensure, in its relations with the community, the preservation of cultural values, the spirit of tolerance, dialogue and, in general, contribute to civic education and advancement;
- e) protect and promote public health;
- f) protect and conserve the environment;
- g) protect and conserve the public good and community.

Article 46

(Duties to the State)

1. Every citizen has the duty to contribute to the country's defense.
2. Every citizen has also the duty to fulfill the obligations prescribed by law and obey the orders issued by the legitimate authorities, issued Constitution and with respect for their fundamental rights.

14

Article 47

(Rights of the Child)

1. Children have the right to such protection and care necessary for their welfare.
2. Children may express their views freely in matters which concern, depending on their age and maturity.
3. In all actions concerning children, whether taken by public authorities, or private institutions, are mainly in the best interest of the child.

CHAPTER II

RIGHTS, FREEDOMS AND DUTIES

Article 48

(Freedom of expression and information)

1. All citizens have the right to freedom of expression, freedom of press, and the right to information.
2. The exercise of freedom of expression, which consists of the right to disseminate one's opinion by all legal means, and exercise the right to information can not be restricted by censorship.
3. Freedom of the press shall comprise, inter alia, freedom of expression and creativity for journalists, access to sources of information, protection of independence and professional secrecy and the right to create newspapers, publications and other media.
4. In the media the public sector are ensured to expression and confrontation of ideas from different points of view.
5. The State shall guarantee the impartiality of the media sector public, as well as the independence of journalists from the government, Administration and other political powers.
6. The exercise of the rights and freedoms referred to in this Section shall be regulated by law based on the imperative of respect for the dignity of the Constitution and the human person.

15

Article 49

(Right to broadcasting time of reply and of politics)

1. Political parties have the right to broadcasting time on public services radio and television broadcasting, according to their representation and the second criteria established by law.
2. The political parties with seats in parliament, who are not the Government, under the law, have the right to broadcasting time on public service broadcasting and television, according to their in order to exercise the right of reply and rebuttal to political Government policy statements.
3. The right antenna is also guaranteed to trade unions, professional and representative of the economic and social activities, according to criteria set by law.
4. During elections, the candidates have the right to broadcasting time, regular and equitable in the stations of public radio and television, in scope national or local, under the law.

Article 50

(Superior Council for Social Communications)

1. The Higher Media Council is a body of discipline and

consultation, which ensures the independence of the media in exercise their rights to information, freedom of the press, as well as right to broadcast and response.

2. The Higher Media Council shall give its opinion prior to the decision Government licensing of private television channels and radio.

3. The Superior Council for the Social and participate in the appointment dismissal of directors-general of media organs of the sector public in accordance with the law.

4. The law regulates the organization, composition, functioning and other powers of the Higher Media Council.

Article 51

(Right to freedom of assembly and demonstration)

All citizens have the right to freedom of assembly and demonstration under the law.

16

Article 52

(Freedom of Association)

1. All citizens shall enjoy freedom of association.

2. Social organizations and associations have the right to continue its to create institutions to achieve their specific objectives and assets in order to pursue its activities in accordance with the law.

3. Armed associations are of a military or paramilitary and that promote violence, racism, xenophobia or pursue purposes contrary to the law.

Article 53

(Freedom to build, participate and join political parties)

1. All citizens enjoy the freedom to form parties or participate in politicians.

2. Membership of a political party is voluntary and comes from the freedom of citizens

to work together around the same political ideals.

Article 54

(Freedom of conscience, religion and worship)

1. The citizens have the freedom to practice or not practice a religion.

2. No one shall be discriminated against, persecuted, injured, deprived of rights, benefited or exempted from duties because of his faith, belief or practice religious.

3. Religious denominations shall have the right to pursue their ends religious, own and acquire assets for realizing its objectives.

4. And ensure the protection of places of worship.

5. It is guaranteed the right to conscientious objection under the law.

Article 55

(Freedom of movement and residence)

1. All citizens have the right to settle anywhere in the national territory.

17

2. All citizens are free to travel within and outside the territory authority, except those legally deprived of this right.

CHAPTER III

RIGHTS, FREEDOMS AND GUARANTEES

Article 56

(General Principles)

1. The rights and freedoms are directly applicable, binding the public and private entities, are guaranteed by the state and must be exercised under the Constitution and laws.
2. The exercise of the rights and freedoms may be limited due to the safeguard other rights or interests protected by the Constitution.
3. The law can only restrict the rights, freedoms and guarantees in cases expressly provided for in the Constitution.
4. Legal restrictions on rights and freedoms shall be general nature and shall not have retroactive effect.

Article 57

(Retroactivity)

In the Republic of Mozambique, law may have retroactive effect only when benefits to citizens and other legal entities.

Article 58

(Right to compensation and responsibility of the State)

1. Everyone shall have the right to require, by law, damages , for damages caused by violation of their rights fundamental.
2. The state is liable for damage caused by illegal acts of its officers in the performance of their duties, without prejudice to the right of appeal in under the law.

18

Article 59

(Right to liberty and security)

1. In the Republic of Mozambique, everyone is entitled to security, and no one can be arrested and put on trial except in accordance with law.
2. Defendants enjoy a presumption of innocence until a final court decision.
3. No citizen can be tried more than once for the same crime, or be punished with not prescribed by law or penalty more severe than that established by law at the time the criminal offense was committed.

Article 60

(Application of Criminal Law)

1. No one can be punished for an act not considered a crime in moment of practice.
2. Criminal law may be applied retroactively to the benefits that result defendant.

Article 61

(Limits on sentences and security measures)

1. Penalties and security measures deprivation or restriction of freedom in perpetuity or unlimited or indefinite term.
2. Penalties are not transferable.
3. No penalty the loss of any civil, professional or political, nor does it deprive the condemned of their fundamental rights, saves limitations inherent in the sense of conviction and the specific requirements of their implementation.

Article 62

(Access to courts)

1. The State guarantees citizens' access to courts and assures defendants

the right to defense and the right to legal assistance and legal representation.

2. The accused has the right to freely choose their defense counsel to assist in all stages of the proceedings, and the defendant who for economic reasons appoint a lawyer can not be ensured that adequate legal assistance and sponsorship court.

19

Article 63

(Attorneyship and Advocacy)

1. The State assures those who exercise the warrant, the immunities necessary for their exercise and regulate legal, as an element essential to the administration of justice.

2. In exercising its functions and limits of the law, correspondence documents, correspondence and other objects that have been entrusted to lawyer for his constituent, have been obtained for the defense of this or that relating to their profession.

3. The searches and seizures, or other similar arrangements in the office or in lawyer files can only be ordered by a court and shall be made in the presence of the judge who authorized the attorney and a representative of the Bar, appointed for this purpose, when it is concerned that the practice of illegal punishable by imprisonment for more than two years and there is evidence to impute lawyer to practice.

4. The lawyer has the right to communicate personally and privately with client, even when he is arrested or detained in military institution.

5. The law regulates all other matters pertaining to the mandate and legal advocacy.

Article 64

(Probation)

1. Preventive detention is only allowed in cases prescribed by law, fixing the respective deadlines.

2. The citizen in custody must be filed within the time allowed by law to judicial decision, which is the only jurisdiction in the validation and maintenance of the prison.

3. Any person deprived of liberty shall be informed immediately and understandably the reasons for his arrest or detention and of their rights.

4. The court order that or keep a measure of deprivation of freedom must be communicated promptly to the relative or trust of the detainee, nominated by him.

20

Article 65

(Principles of criminal proceedings)

1. The right to defense and Criminal trial is inviolable and guaranteed to all accused.

2. The trial hearings in criminal proceedings are public, unless the safeguarding of personal, family, social or moral, or weighty safety reasons the public hearing or advise the exclusion or restriction of advertising.

3. Are null and void all evidence obtained by torture, force, violation of physical or moral integrity of the person, wrongful interference with his private life

and

family at home, correspondence or telecommunications.

4. No case shall be withdrawn from a court whose jurisdiction is earlier law, except in cases specified by law.

Article 66

(Habeas corpus)

1. In case of unlawful arrest or detention, you have the right to resort to habeas corpus.

2. The writ of habeas corpus is filed to the court, which she decide within eight days.

Article 67

(Extradition)

1. Extradition may take place only by judicial decision.

2. Extradition for political reasons is not allowed.

3. It is not allowed extradition for crimes which are the law of the State requesting the death penalty or life imprisonment, or where it is justifiably admit that the person sought is likely to be subjected to torture, inhuman inhuman, degrading or cruel treatment.

4. No Mozambican citizen may be deported or extradited from the territory national levels.

Article 68

(Inviolability of home and correspondence)

21

1. The home and correspondence or other means of private communication inviolable, except in cases specified by law.

2. Entry into the home of citizens against their will can only be ordered by the competent judicial authority in cases and according to the specifically provided by law.

3. No one should go at night in any person's home without their consent.

Article 69

(Right to Contest)

The citizens may contest acts that violate their rights set forth in Constitution and other laws.

Article 70

(Right of appeal to the courts)

The public has a right to appeal to the courts against acts that violate their rights and interests recognized by the Constitution and law.

Article 71

(Use of Computers)

1. The use of computers for recording and processing of identifiable data relating to political, philosophical or ideological, religious faith, political party or trade union and private life.

2. The law regulates the protection of personal data contained in records records, the conditions of access to databases, constitution and use by public authorities and private entities of these databases or computer media.

3. It is not allowed access to files, files and computer records or databases for the information of personal data to third parties or the transfer of personal data from one file to another computer

belonging to different departments or institutions, except as set forth in law or by judicial decision.

4. Everyone has the right to access the data collected to be told them and to have it rectified.

22

Article 72

(Suspension of exercise of rights)

1. Individual freedoms and guarantees may not be suspended or limited temporarily due to declaration of war, the state of siege or a state of emergency in terms of the Constitution.

2. Where a suspension or restriction of freedoms or guarantees, they have a general and abstract and must specify the duration and the legal basis on which it rests.

CHAPTER IV

RIGHTS, FREEDOMS AND GUARANTEES OF POLITICAL PARTICIPATION

Article 73

(Universal suffrage)

The Mozambican people shall exercise political power through universal suffrage, direct, equal, secret and periodic suffrage for the selection of their representatives, referendum on major national issues, and through the permanent citizens in the democratic life of the nation.

Article 74

(Political parties and pluralism)

1. The parties express political pluralism, contribute to the formation and manifestation of popular will and are fundamental to the democratic participation of citizens in governing the country.

2. The internal structure and functioning of political parties should be democratic.

Article 75

(Formation of Political Parties)

1. In deep respect for national unity and democratic values, the Political parties are bound by the principles enshrined in the Constitution and law.

2. The formation and the achievement of its objectives, political parties shall in particular:

a) be national;

b) defend the national interests;

23

c) contribute to the formation of public opinion, particularly on issues;

d) strengthen the patriotic spirit of the citizens and the consolidation of the Nation Mozambican.

3. Political parties must contribute, through the political and civic education citizens, for peace and stability.

4. The formation, structure and functioning of political parties shall be governed by law.

Article 76

(Name)

The use by political parties of names containing expressions directly connected with any religious or

church or use emblems that may be confused with national symbols or religious.

Article 77

(Recourse to armed violence)

Political parties are prohibited from advocating or resorting to armed violence change the political and social development.

Article 78

(Social Organizations)

1. Social organizations, such as forms of association with affinities and interests play an important role in promoting democracy and citizen participation in public life.
2. Social organizations contribute to the realization of the rights and freedoms citizens as well as the elevation of individual and collective consciousness in fulfillment of civic duties.

Article 79

(Right of petition, grievance and complaint)

All citizens have the right to present petitions, complaints and claims before the relevant authority to demand the restitution of their rights violated, or to defend the public interest.

24

Article 80

(Right of resistance)

The public has a right to disobey illegal orders or orders that affect their rights, freedoms and guarantees.

Article 81

(Right of Popular Action)

1. Every citizen has, either personally or through associations for the defense the interests at stake, the right of popular action under the law.
2. The right of popular action includes:
 - a) the right to claim for the injured party or parties that the compensation are entitled;
 - b) the right to promote the prevention, cessation and the prosecution offenses against public health, consumer rights, the preservation of the environment and cultural heritage;
 - c) the right to defend the property of the state and local authorities.

CHAPTER V

RIGHTS AND DUTIES OF ECONOMIC, SOCIAL AND CULTURAL

Article 82

(Property rights)

1. The State recognizes and guarantees the right of ownership.
2. Expropriation may only take place because of need, use or interest, as defined under the law, and subject to fair compensation.

Article 83

(Right of Inheritance)

The State recognizes and guarantees, under the law, the right to inheritance.

Article 84

(Right to work)

1. The work is a right and duty of every citizen.
2. Every citizen has the right to free choice of profession.

25

3. Forced labor is prohibited, except for the work done in criminal legislation.

Article 85

(Right to remuneration and job security)

1. Every worker has the right to fair remuneration, rest, vacation and retirement in accordance with the law.
2. The worker is entitled to protection, safety and hygiene at work.
3. The employee may be dismissed only in cases and under the terms established in law.

Article 86

(Freedom of association and trade union)

1. Workers have the freedom to organize themselves into associations professional or trade unions.
2. The trade unions and professional associations should be governed by the principles of democratic organization and management, based on active participation of its members in all its activities and regular elections and ballot secret of their bodies.
3. The trade unions and professional associations are independent of employers, the State, political parties and churches or religious organizations.
4. The law regulates the creation, union, federation of trade unions and extinction and professionals as well as the guarantees of independence and autonomy, for the employers, the state, political parties and churches and religious denominations.

Article 87

(Right to strike and prohibition of lock-out)

1. Workers have the right to strike, and its exercise regulated by law.
2. The law limits the right to strike in essential services and activities, interest in the needs of society and national security.
3. It is forbidden to lock out.

26

Article 88

(Right to education)

1. In the Republic of Mozambique education is a right and duty of each citizen.
2. The State shall promote the extension of education and continuing vocational training equal access for all citizens the enjoyment of this right.

Article 89

(Right to Health)

All citizens have the right to medical and health care under the law, and the duty to promote and protect public health.

Article 90

(Right to environment)

1. Every citizen has the right to live in a balanced environment and the duty to defend it.
2. The state and local authorities, in collaboration with the associations of defense the environment, adopt policies to protect the environment and ensure the use rational use of all natural resources.

Article 91

(Housing and urbanization)

1. All citizens have the right to adequate housing, and the duty of the State, according to national economic development, to create the institutional, regulatory and infrastructure.

2. It is also the State to foster and support community initiatives local, and local populations, encouraging the private construction and cooperative, as well as access to home ownership.

Article 92

(Consumers' Rights)

1. Consumers have a right to quality of goods and services consumed, the training and information, health protection, safety of their economic interests, as well as the repair of damage.

27

2. Advertising is regulated by law, is prohibited forms of advertising hidden, indirect or misleading.

3. Consumer associations and cooperatives are entitled under the law, the state support to be heard on issues that concern consumer protection, and they are recognized legal standing to the defense of its members.

Article 93

(Physical Culture and Sports)

1. Citizens have the right to physical education and sport.

2. The State shall promote, through sporting and educational institutions, the practice and dissemination of physical education and sport.

Article 94

(Freedom of cultural)

1. All citizens have the right to freedom of scientific, technical, literary and artistic.

2. The state protects the rights inherent in intellectual property, including copyright and promote the practice and dissemination of literature and the arts.

Article 95

(Right to disability and old age)

1. All citizens are entitled to assistance in case of disability or old age.

2. The State promotes and encourages the creation of conditions for achieving this right.

28

TITLE IV

ECONOMIC, SOCIAL, FINANCIAL AND FISCAL

CHAPTER I

GENERAL PRINCIPLES

Article 96

(Economic)

1. The State economic policy is directed towards laying the foundations key development, improving living conditions of the people, the strengthening of state sovereignty and consolidation of national unity through participation of citizens and efficient use of resources human and material.

2. Subject to balanced development, the State shall guarantee the national wealth, recognizing and valuing the role of production areas.

Article 97

(Fundamental Principles)

The economic and social organization of the Republic of Mozambique shall aim to meeting the essential needs of the population and promoting the welfare social and based on the following principles:

- a) the value of labor;
- b) market forces;
- c) the initiatives of economic agents;
- d) the coexistence of the public sector, private sector and cooperative and social;
- e) in public ownership of natural resources and means of production, According to the collective interest;
- f) to protect the cooperative and social sector;
- g) the action of the state as regulator and promoter of growth and economic and social development.

Article 98

(State Property and the public domain)

1. Natural resources in the soil and subsoil, internal waters, the territorial sea, continental shelf and exclusive economic zone is State property.

29

2. The public domain of the State:

- a) the maritime area;
- b) the airspace;
- c) archaeological heritage;
- d) the nature protection areas;
- e) the hydraulic potential;
- f) the potential energy;
- g) the roads and railways;
- h) the mineral deposits;
- i) other property classified as such by law.

3. The law regulates the legal regime of property in the public domain, as well as its management and conservation, distinguishing those in the public domain State, the public domain of the local community and the public domain, compliance with the principles of imprescriptibility and immunity from seizure.

Article 99

(Sectors of ownership of the means of production)

1. The national economy ensures the coexistence of three sectors of the means of production.

2. The public sector comprises the means of production owned and management belongs to the State or other public entities.

3. The private sector comprises the means of production whose property or management belongs to private individuals or legal persons, subject to the following paragraph.

4. The cooperative and social sector comprises the following:

- a) the means of production, owned and managed by communities locations;
- b) the means of production exploited collectively by employees;
- c) the means of production owned and managed by legal persons without

whether for profit, whose main objective solidarity social, and specifically those of a mutual nature.

30

Article 100

(Taxes)

Taxes are created or changed by law, shall be set according to social justice.

CHAPTER II

ECONOMIC ORGANIZATION

Article 101

(Coordination of economic activity)

1. The State promotes, coordinates and monitors the economic activity by acting directly or indirectly to solve the fundamental problems of the people and for the reducing social and regional inequalities.

2. State investment should play a leading role in promoting balanced development.

Article 102

(Natural Resources)

The State promotes knowledge, survey and recovery of resources natural and determines the conditions of their use and enjoyment while maintaining national interests.

Article 103

(Agriculture)

1. In the Republic of Mozambique agriculture is the basis for development national levels.

2. The State shall guarantee and promote rural development to meet diverse and increasing needs of the people and economic progress and social development.

Article 104

(Industry)

In the Republic of Mozambique, the industry is the driving force of the economy national levels.

31

Article 105

(Family sector)

1. In meeting the essential needs of the population, the family sector plays a fundamental role.

2. The State encourages and supports the production sector and encourages family peasants as well as individual workers, to organize themselves in more advanced forms of production.

Article 106

(Small Scale Production)

The State recognizes the contribution of small-scale production for national economy and support its development as a way of valuing skills and creativity of the people.

Article 107

(National Entrepreneurship)

1. The State promotes and supports the active involvement of national entrepreneurship in

to the development and consolidation of the country's economy.
2. The State shall create incentives to provide for growth business sector throughout the country, especially in rural areas.

Article 108

(Foreign Investment)

1. The State guarantees foreign investment, which operates under its economic policy.
2. Foreign ventures are allowed throughout the territory nationally and in all economic sectors, except those that are reserved exclusively to ownership and operation of the state.

Article 109

(Earth)

1. The land is state property.
2. The land should not be sold or otherwise disposed of, nor mortgaged or pledged.

32

3. As a universal means of wealth creation and social welfare, use and use of land is entitled to all the people of Mozambique.

Article 110

(Use and enjoyment of the land)

1. The State determines the conditions of use and enjoyment of the land.
2. The right of use and enjoyment of the land is granted to individual or legal taking into account their social or economic order.

Article 111

(Rights acquired through inheritance or occupation of land)

In granting titles for the use and enjoyment of the land, the state recognizes and protects the rights acquired through inheritance or occupation, unless there is reserve

legal or if the land has been legally granted to another person or entity.

CHAPTER III

SOCIAL ORGANIZATION

Article 112

(Work)

1. The work is the driving force of development and is honored and protected.
2. The State shall promote the fair distribution of labor incomes.
3. The State contends that the equal work equal pay must match.

Article 113

(Education)

1. The Republic of Mozambique promotes an education strategy aimed at national unity, wiping out illiteracy, mastering science and technique as well as moral and civic education of citizens.
2. The state organizes and develops education through a national system of education.
3. The school is non-denominational.
4. The education provided by local and other private entities is exercised under the law and subject to State control.

33

5. The State shall not plan education and culture according to philosophical, aesthetic, political, ideological or religious.

Article 114

(Higher Education)

1. Access to public institutions of higher education must ensure equal and equity of opportunity and the democratization of education, taking into account the need for qualified and enhancement of the educational and scientific in the country.
2. Public institutions of higher education are legal persons public, have legal personality and enjoy scientific, teaching, financial and administrative, subject to appropriate assessment of the quality of education, under the law.
3. The State recognizes and enforces private and cooperative education, in terms of law.

Article 115

(Culture)

1. The State shall promote the development of national culture and identity and guarantees the free expression of the traditions and values of Mozambican society.
2. The State shall promote the diffusion of the Mozambican culture and actions to benefit the people of Mozambican cultural achievements of other people.

Article 116

(Health)

1. Medical and health care for citizens is organized through a national health system that benefits all the people of Mozambique.
2. To achieve the objectives of the national health system the law provides procedures for carrying out medical and health care.
3. The State promotes the participation of citizens and institutions in raising the level of community health.
4. The State shall promote the expansion of medical and health care and the access for all citizens to the enjoyment of this right.

34

5. The State shall promote, discipline and control the production, marketing and use of chemical, biological, pharmaceutical and other means of treatment and diagnosis.
6. The activity of the medical and health care given by local and private entities is exercised under the law and subject to review by the State.

Article 117

(Environment and quality of life)

1. The State shall promote efforts to ensure the ecological balance and conservation and preservation of the environment to improve the quality of life of citizens.
2. In order to ensure the right environment within a sustainable development, the State shall adopt policies aimed at:
 - a) preventing and controlling pollution and erosion;
 - b) integrate environmental concerns into sectoral policies;
 - c) promote the integration of environmental values into policies and programs education;
 - d) ensure the rational use of natural resources, securing its capacity for renewal, ecological stability and human rights of future generations;

e) to promote regional planning in order to correct an of activities, and a socio-economic development balanced.

Article 118

Authority (Traditional)

1. The State recognizes and values the traditional authority legitimized by populations and under common law.
2. The state defines the relationship of traditional authority with the other institutions and provides a framework for their participation in economic, social and cultural country, under the law.

35

Article 119

(Family)

1. The family is the cornerstone and foundation of all society.
2. The State recognizes and protects, under the law, marriage as institution that guarantees the pursuit of the family.
3. In the development of social relationships based on respect for human dignity, the rule establishes the principle that marriage is based on free consent.
4. The law establishes the forms of recovery of traditional marriage and religious defines the requirements for registration and sets its effects.

Article 120

(Maternity and paternity)

1. Motherhood and fatherhood are dignified and secure.
2. The family is responsible for the harmonious growth of children and educates new generations in moral, ethical and social issues.
3. The family and the state ensure the education of children, bringing them values of national unity, in love for the homeland, equality between men and women, respect and solidarity.
4. Fathers and mothers should provide assistance to children born inside and outside of marriage.

Article 121

(Children)

1. All children are entitled to the protection of family, society and State, in view of their integral development.
2. Children, especially orphans, the disabled and abandoned, protected by the family, society and the State against any form of discrimination, abuse and the abusive use of authority in the family and other institutions.
3. The child can not be discriminated against because of their birth, or subject to abuse.

36

4. It is forbidden to work or in children of compulsory school age or in any other.

Article 122

(Women)

1. The State shall promote, support and value women's development and encourages their growing role in society in all spheres of political, economic, social and cultural development.

2. The State recognizes and appreciates the participation of women in the liberation struggle
national sovereignty and the defense of democracy.

Article 123

(Youth)

1. The worthy youth, continuity of patriotic traditions of the people people, played a decisive role in the struggle for national liberation and constitute a force for democracy and renewal of society.
2. The state's policy aims, especially the harmonious development of personality of young people, promoting a taste for free creation, the meaning of provision of community services and the creation of conditions for its integration into working life.
3. The State shall promote, support and encourage youth initiatives in consolidation of national unity, reconstruction, development and defense of the country.
4. State and society shall encourage and support the creation of youth organizations purposes for the pursuit of cultural, artistic, recreational, sporting and of education.
5. The State, in cooperation with the associations representing parents and guardians, private institutions and youth organizations, adopting a national youth policy can be promoted and encouraged Vocational training, access to free and your first job intellectual and physical development.

Article 124

(Senior)

1. The elderly are entitled to special protection of the family, society and the State, namely the creation of housing conditions, living in
37
family and community and attendance at public and private, prevent their marginalization.
2. The State shall promote a policy for the elderly that integrates economic, economic, social and cultural, with a view to creating opportunities achievement through their involvement in community life.

Article 125

(People with disabilities)

1. The disabled are entitled to special protection of the family, society and the state.
2. The State shall promote the creation of conditions for learning and development of sign language.
3. The State shall promote the creation of conditions necessary for integration economic and social development of citizens with disabilities.
4. The State shall promote, in cooperation with associations of people with with private entities, a policy that ensures:
 - a) the rehabilitation and integration of the disabled;
 - b) creating conditions to prevent them from becoming social marginalization;
 - c) the priority treatment of citizens with disabilities by public and private services;
 - d) easy access to public places.
5. The State encourages the establishment of associations of disabled people.

CHAPTER IV FINANCIAL AND TAX SYSTEM

Article 126

(Financial System)

The financial system is organized to provide training, fundraising and security of savings, as well as the application of funds needed for economic development and social development.

38

Article 127

(Tax System)

1. The tax system is structured in order to meet the needs financial state and other public bodies, to accomplish the objectives of State economic policy and ensure a fair distribution of income and of wealth.
2. Taxes are created or modified by law, which determines the incidence, fee, tax benefits and guarantees for taxpayers.
3. Nobody can be forced to pay taxes that have not been created under the Constitution and the payment or collection does not make us under the law.
4. In the same financial year can not be extended to base not be increased tax rates.
5. The tax law has no retroactive effect, except where this would be more favorable the taxpayer.

Article 128

(Economic and Social Plan)

1. The Economic and Social Plan aims to guide development economic and social in the sense of sustainable growth, reduce regional imbalances and phase out economic differences and social relations between the city and the countryside.
2. The Economic and Social Plan has its financial expression in budget State.
3. The proposal of the Economic and Social Plan is submitted to the Assembly Republic, together with reports on major global and options sector, including the reasons.

Article 129

(Preparation and implementation of the Economic and Social Plan)

1. The Economic and Social Plan is prepared by the Government, based on your five-year program.
2. The proposal of the Economic and Social Plan is submitted to the Assembly Republic and shall contain a forecast of macroeconomic aggregates and

39

actions undertaken in pursuit of the sectoral development and must be accompanied by progress reports to substantiate it.

3. The establishment and implementation of the Economic and Social Plan is decentralized, provincial and sectoral basis.

Article 130

(State Budget)

1. The budget shall be unitary, specifies the revenue and expenditure, respecting the rules on annual and advertising, according to law.

2. The budget can be structured by programs or projects multi-register in which case the burden on the budget for the year to which they relate.
3. The proposed Budget Bill is prepared by the State Government and Assembly of the Republic and shall contain basic information on forecasts of revenue, spending limits, the financing of deficit and all the elements that underlie fiscal policy.
4. The law defines the rules for implementing the budget and the criteria that should govern its amendment, the implementation period, and establishes the process below where it is not possible to meet the deadlines for submission or vote on it.

Article 131

(Supervision)

The implementation of the state budget is overseen by the Administrative Court and by Parliament, which, having regard to the opinion that Court shall examine and decide on the General State Accounts.

Article 132

(Central Bank)

1. The Bank of Mozambique is the Central Bank of the Republic of Mozambique.
2. The operation of the Bank of Mozambique shall be governed by law and by itself international standards to which the Republic of Mozambique and it is bound are applicable.

40

TITLE V

ORGANIZATION OF POLITICAL POWER

CHAPTER ONE

GENERAL PRINCIPLES

Article 133

(Organs of Sovereignty)

The organs of sovereignty the President, the Parliament, the Government, the courts and the Constitutional Council.

Article 134

(Separation and interdependence)

The organs of sovereignty based on the principles of separation and interdependence of powers enshrined in the Constitution and should abide by the Constitution and laws.

Article 135

(General Principles of the electoral system)

1. Universal suffrage, direct, equal, secret, personal and regular is the general designation of the members of elected bodies of sovereignty, the provinces and local government.
2. The tabulation of election results system meets the proportional representation.
3. The registration and supervision of elections lies with the Commission National elections, independent and impartial body, whose composition, organization, functioning and powers are set by law.
4. The electoral process is regulated by law.

Article 136

(Referendum)

1. Citizens registered voters in the country and citizens

registered as voters living abroad can be called
decide in a referendum on issues of national interest.

41

2. The referendum is decided by the President on a proposal from
Assembly of the Republic passed by an absolute majority of its members and
on the initiative of at least one third of the deputies.

3. Not be subject to referendum:

a) Amendments to the Constitution, except for the matters set out in paragraph
1 of Article 292;

b) the matters referred to in paragraph 2 of Article 179.

4. If the matters referred to in paragraph 2 of Article 179 are subject to the
Convention

International may be subject to referendum, unless they relate to peace and
the rectification of borders.

5. Between the date hereof and the holding of general elections to the organs
sovereignty can not be convened or effectuate referendums.

6. The referendum shall be considered valid and binding if at least half of
half of the registered electors.

7. In addition to the relevant provisions of the electoral law in force at the time of
accomplishment, proper law determines the conditions of formulation and
enforcement of
referendums.

Article 137

(Incompatibility)

1. The positions of President, President of the Assembly,
Prime Minister, Chief Justice, Chairman of the Board
Constitutional President of the Administrative Court, the Attorney General
Republic, the Ombudsman, Deputy Chief Justice, Deputy
Attorney General's Office, Deputy, Deputy Minister, Secretary of State
Provincial Governor, District Administrator, and are in active military
mutually incompatible.

2. Membership of the Government is also incompatible with the positions
referred to above, except as the President of the Republic and
the Prime Minister.

3. The law shall define other incompatibilities, including between public office and
private functions.

42

Article 138

(Central bodies)

The organs of the central state organs of sovereignty, all the organs
governments and institutions who fit ensure the prevalence of interest
national policy and the realization of the unitary state.

Article 139

(Functions of the central bodies)

1. The central organs shall, in general, have power to
exercise of sovereignty, to regulate matters in accordance within the law and the
definition
of national policies.

2. They are the sole responsibility of the central organs, in particular,
representing the State, the definition and organization of the territory, the defense

national, public order, supervision of borders, issuing currency, and diplomatic relations.

Article 140

(Officers and agents of the central bodies)

1. The central bodies exert their action directly or through officers or agents of the administration appointees who supervise the activities central performed in a given territorial area.
2. The law determines the form, organization and skills within the Public Administration.

Article 141

(Provincial governments)

1. The government representative at the province is the Provincial Governor.
2. The Provincial Government is the body charged with ensuring the implementation, at the Province of government policy and exercises administrative supervision of local authorities, under the law.
3. Members of the Provincial Government are appointed by the Ministers their portfolios, in consultation with the Provincial Governor.
4. The organization, composition, functioning and powers of the Government Government shall be defined by law.

43

Article 142

(Provincial assemblies)

1. The provincial assemblies are democratically representative bodies, elected by universal suffrage, direct, equal, secret and regular and in accordance with the principle of proportional representation, whose mandate lasts for five years;
2. Provincial assemblies shall be:
 - a) monitor and control the observance of the principles and standards established the Constitution and laws, and the decisions of the Board of Ministers regarding the respective province;
 - b) approve the program of the Provincial Government, monitor and control your compliance.
3. The composition, organization, operation and other skills are fixed by law.

Article 143

(Normative acts)

1. Legislation shall comprise laws and decree-laws.
2. Acts of Parliament in the form of laws, motions and resolutions.
3. The decree-laws are legislative acts passed by the Council of Ministers, authorization from the Assembly of the Republic.
4. Regulatory acts of the Government in the form of decree or when required by law to regulate, or in the case of regulations autonomous.
5. Acts of the Governor of the Bank of Mozambique, in exercise of its skills, in the form of notice.

Article 144

(Advertising)

1. Are published in the Government Gazette, under penalty of legal effect:

- a) laws, motions and resolutions of the Assembly;
- b) the decrees of the President;
- 44
- c) decree-laws, decrees, resolutions and other legal instruments the Government;
- d) the seat of the Supreme Court, the judgments of the Council Constitution and the decisions of other courts to which general binding force;
- e) judgments about the results of elections and referenda;
- f) the resolutions of ratification of international treaties and agreements;
- g) notices issued by the Governor of the Bank of Mozambique.

2. The law defines the terms of publicity to be given to other legal acts public.

Section 145

(Representation of central organs)

The central organs of the State to ensure their representation in the various territorial levels.

TITLE VI

PRESIDENT OF THE REPUBLIC

CHAPTER I

STATUS AND ELECTION

Article 146

(Definition)

- 1. The President is the Head of State, symbolize national unity, represent the nation domestically and internationally, and overseeing the operation right of government agencies.
- 2. The Head of State is the guarantor of the Constitution.
- 3. The President is the Head of Government.
- 4. The President is the Commander in Chief of the Defence Forces and Security.

Article 147

(Eligibility)

- 1. The President is elected by direct universal suffrage, equal, secret, personal and regular.

45

- 2. May be candidates for President of Mozambican citizens that cumulatively:
 - a) have the nationality of origin and do not possess any other nationality;
 - b) possess the minimum age of thirty-five years;
 - c) are in full enjoyment of civil and political rights;
 - d) have been proposed by at least ten thousand voters.
- 3. The mandate of the President is five years.
- 4. The President may be reelected only once.
- 5. The President has been elected twice in a row only can apply for presidential elections five years after the last term.

Article 148

(Election)

- 1. He was elected President of the candidate who gains more than half of votes cast.
- 2. If no candidate obtains an absolute majority for a second

back, involving the top two candidates.

Article 149

(Incompatibility)

The President may not, except as expressly provided the Constitution, hold any other public function, and in any case perform any private functions.

Article 150

(Investiture and swearing)

1. The President is sworn in by Chairman

Constitutional in a public ceremony before the members of the Assembly of Republic and other representatives of state bodies.

46

2. At the time of investiture, the president-elect renders following oath:

I swear on my honor, respect and uphold the Constitution, play faithfully the office of President of the Republic of Mozambique, to devote all my energies to the defense, promotion and consolidation of national unity national human rights, democracy and welfare of the people Mozambique and do justice to all citizens.

Article 151

(Disability or absence)

1. In case of absence or impediment of the country, the President is replaced by the President of the Assembly or disability this, by his deputy.

2. It is the simultaneous absence of the Chief of the country and its constitutional replacement.

3. Impediments or absence of the President are immediately

The Assembly of the Republic, the Constitutional Council and the Government.

Article 152

(Acting President and incompatibilities)

1. The functions of Head of State is still assumed by interim President of the Assembly in the following circumstances:

- a) death or permanent disability certified by a medical board;
- b) resignation, communicated to Parliament;
- c) result in suspension or dismissal of an indictment or by the Supreme Court.

2. The circumstances mentioned in the preceding paragraph shall result in the Presidential elections.

3. In case of resignation as the President can not apply for a new mandate in the next ten years.

4. While exercising the functions of President of the Republic, office of member of the President of the Assembly is suspended automatically.

47

Article 153

(Criminal Liability)

1. For crimes committed in the exercise of their duties, the President of Republic shall be answerable before the Supreme Court.

2. For crimes committed outside the exercise of their duties, the President of Republic accountable to the ordinary courts, the term of office.

3. It is up to Parliament to require the Attorney General of the Republic the prosecution against the President of the Republic, proposed by least a third and approved by a majority of two thirds of the members of Assembly of the Republic.

4. The President is suspended from duty from the date of res judicata or the indictment and its equivalent

Conviction shall result in dismissal.

5. The Supreme Court in plenary, gives ruling within a maximum of sixty days.

6. In case of a conviction, the President can not re-apply for this position or hold sovereign body or authority the site.

Article 154

(Probation)

In no case may the President, in active functions, be subject to arrest.

Article 155

(Election in case of vacancy)

1. The election of new president, death, disability permanent incapacitation, resignation or removal shall take place within ninety days thereafter, being forbidden to the President to apply the interim the office.

2. No election for president if a vacancy occurs in three hundred sixty-five days before the end of his term, should remain the Interim president until the elections.

48

Article 156

(Disability)

1. The permanent incapacitation of the President of the Republic shall be medical board as defined under the law.

2. The permanent incapacitation of the President of the Republic shall be Constitutional Council.

3. It is up to the Constitutional Council to verify the death and loss of the position of President of the Republic.

Article 157

(Interim scheme)

1. During the period of vacancy of the office of President of the Republic Constitution can not be changed.

2. The interim President of the Republic guarantees the functioning of the organs of State and other institutions and can not exercise the powers referred to in c), e) f) g) h) i) j) of Article 159, subparagraphs b) and c) of paragraph 1 and paragraph

2 of Article 160, in e) of Article 161 and paragraph c) of Article 162.

Article 158

(Form of instruments)

Normative acts of the President of the Republic shall take the form of a decree Presidential and other decisions in the form of orders, and they published in the Government Gazette.

CHAPTER II

COMPETENCE

Article 159

(General Powers)

The Head of State in the exercise of its function:

- a) address the nation through messages and other communications;
- b) report annually to parliament on the general situation of nation;
- c) decide, pursuant to Article 136, the holding of referenda on relevant issues of interest to the nation;
- d) call a general election;
- 49
- e) dissolve the National Assembly under Article 188;
- f) dismiss the other members of the Government when its program is rejected a second time by the Assembly of the Republic;
- g) appoint the President of the Supreme Court, the Chairman of the Board Constitutional President of the Administrative Court and the Vice-President the Supreme Court;
- h) appoint, exonerate and dismiss the Attorney General's Office and Deputy Attorney General's Office;
- i) grant pardons and commute sentences;
- j) confer, in accordance with law titles, awards and distinctions.

Article 160

(In the area of Government)

1. In the area of government responsibility to the President:

- a) convene and preside at meetings of the Council of Ministers;
- b) appoint, exonerate and dismiss the Prime Minister;
- c) establish ministries and commissions, inter-ministerial.

2. Its job is to also appoint, exonerate and dismiss:

- a) Ministers and Deputy Ministers;
- b) the Provincial Governors;
- c) the Vice-Chancellors and Rectors of State Universities, the proposal of their collective direction, in accordance with law;
- d) the Governor and Deputy Governor of the Bank of Mozambique;
- e) the Secretaries of State.

Article 161

(In the field of defense and public order)

In the field of national defense and public order, it is the President of Republic:

- a) declare the war and its termination, the state of siege or emergency;
- b) enter into treaties;
- c) decree general or partial mobilization;
- d) preside over the Council of National Defense and Security;

50

- e) appoint, exonerate and dismiss the Chief and Deputy Chief of Staff-General, General Commander and Deputy Commander General of Police, Field Commanders of the Armed Forces for the Defence of Mozambique and other officers of the Defence and Security Forces, as defined by law.

Article 162

(In the field of international relations)

In the field of international relations, it is the President of the Republic:

- a) guide foreign policy;
- b) enter into international treaties;
- c) appoint, exonerate and dismiss ambassadors and diplomatic envoys of Republic of Mozambique;
- d) receive the credentials of ambassadors and diplomatic envoys other country.

Article 163

(Promulgation and veto)

1. The President of the Republic to promulgate and enact laws in The Government Gazette.
2. Laws are enacted within thirty days after its receipt, or after notification of the decision of the Constitutional Council which shall act by not unconstitutionality of any provision contained therein.
3. The President can veto a bill based on message, return it for reconsideration by Parliament.
4. If re-examined the law is approved by two-thirds majority, the President of Republic shall sign it and send it to publish.

CHAPTER III

COUNCIL OF STATE

Article 164

(Definition and composition)

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

51

2. The State Council is chaired by the President of the Republic and its follows:

- a) the President of the Assembly;
- b) the Prime Minister;
- c) the President of the Constitutional Council;
- d) the Ombudsman;
- e) The former Presidents not dismissed from office;
- f) the former Presidents of the Assembly;
- g) seven persons of recognized standing elected by the Assembly of Republic for the period of the legislature, in accordance with the parliamentary representation;
- h) four persons of recognized merit, appointed by the President Republic, for the period of his mandate;
- i) the second most voted candidate for President of the Republic.

Article 165

(Possession and status)

1. Members of the State Council shall take office before the President of Republic.
2. Members of the Council of State, ex officio, shall remain in office while exercising their duties.
3. Members of the Council of State shall enjoy privileges, immunities and protocol treatment to be prescribed by law.

Article 166

(Powers)

The Council of State, in general, to advise the President the exercise of their functions whenever he requires and also, to rule

necessarily on:

- a) the dissolution of Parliament;
- b) declaration of war, the state of siege or state of emergency;
- c) holding of a referendum under subparagraph c) of Article 159;
- d) call a general election.

52

Article 167

(Operation)

1. The opinions of the State Council at the meeting that are issued to the effect is convened and chaired by the President and may be made public at the time of the act referred to.
2. Meetings of the Council of State are not public.
3. The State Council shall establish its rules.

TITLE VII

ASSEMBLY OF THE REPUBLIC

CHAPTER I

STATUS AND ELECTION

Article 168

(Definition)

1. The parliament is the representative assembly of all Mozambican citizens.
2. The deputy represents the entire country and not just the circle by which he is elected.

Article 169

(Function)

1. The parliament is the highest legislative body in the Republic of Mozambique.
2. The National Assembly determines the rules governing the operation State and economic and social life through laws and resolutions of character generic.

Article 170

(Election and composition)

1. The parliament is elected by universal suffrage, direct, equal, secret, personal and regular.
2. The parliament consists of two hundred and fifty members.

53

3. Candidates for election political parties, alone or in coalition parties and their respective lists may include citizens who are not party parties.

Article 171

(Mr Mandate)

1. The mandate of Mr coincides with the duration of the legislature, unless waiver or loss of office.
2. The suspension, replacement, resignation or removal from office are regulated the Statute of Deputies.

Article 172

(Incompatibilities)

1. The role of deputy is incompatible with the following:
 - a) member of the Government;
 - b) a magistrate in office;

- c) diplomat in active service;
- d) in active military and police;
- e) the provincial governor and district administrator;
- f) holders of municipal bodies.

2. The law determines the other incompatibilities.

Article 173

(Mr Powers)

Are powers of Mr:

- a) exercise the right to vote;
- b) submit draft laws, resolutions and other decisions;
- c) apply to the organs of the Assembly;
- d) to request and obtain from the Government or public institutions such information necessary for the exercise of its mandate;
- e) to put questions to the Government;
- f) other stated in the Bylaws of the Republic.

54

Article 174

(Immunities)

1. No deputy may be arrested or detained except in cases of flagrante crime, or brought to trial without the consent of the Assembly Republic.

2. In the case of criminal proceedings pending in which has been constituted defendant, the Member is heard by a judge of appeal.

3. Deputies shall enjoy special privileges and is judged by the Supreme Court in under the law.

Article 175

(Irresponsibility)

1. Members of Parliament can not be processed judicially, detained or tried for opinions expressed or votes cast in the exercise of his duties as Deputy.

2. Exceptions to civil liability and criminal responsibility for defamation or libel.

Article 176

(Rights and Privileges of Deputies)

1. Deputies shall enjoy the following rights and other benefits:

- a) a special identification card;
- b) free movement in public places with restricted access, in the exercise of his duties or because of them;
- c) support, cooperation, protection and facilities of public or of the Republic, for the exercise of its mandate under the law;
- d) remuneration and allowances prescribed by law.

2. Deputies may not engage in legal proceedings as an expert or witnesses, unless authorized by the Assembly or by Standing Committee.

3. Deputies shall also enjoy other rights and privileges established by law.

55

Article 177

(Duties of Deputy)

Deputies shall have the following duties:

- a) comply with the Constitution and laws;

- b) comply with the Statute of Deputies;
- c) respect the dignity of Parliament and Members;
- d) attend meetings of the Plenary and the Commission's membership;
- e) participate in polls and in the work of the Assembly.

Article 178

(Resignation and removal from office)

1. The Member may resign from office, under the law.
2. Deputy loses the mandate that:
 - a) been definitively convicted of a felony carries a prison more than two years;
 - b) to sign up or take on functions in different party or coalition that for which he was elected;
 - c) do not take a seat in parliament or exceeds the number of absences permitted under the.
3. Also imply the loss of the mandate of any existing disqualification election date and known later as well as disability prescribed by law.

CHAPTER II

COMPETENCE

Article 179

(Powers)

1. Responsible to Parliament to legislate on basic issues of domestic and foreign policy of the country.
 2. It is the exclusive competence of the Assembly:
 - a) approve the constitutional laws;
 - b) delimit the borders of the Republic of Mozambique;
 - c) decide on the territorial division;
- 56
- d) approve the electoral law and the referendum system;
 - e) approve and terminate treaties dealing with matters within its competence;
 - f) propose the holding of referenda on issues of national interest;
 - g) endorse the suspension of constitutional guarantees and the declaration of state of siege or state of emergency;
 - h) ratify the appointment of the Chief Justice, the President of Constitutional Council, the President of the Administrative Court and the Vice-President of the Supreme Court;
 - i) elect the Ombudsman;
 - j) decide on the Government's program;
 - k) decide on the activity reports of the Council of Ministers;
 - l) decide on the major options of the Plan and the Economic and Social State Budget and its implementation reports;
 - m) approve the State Budget;
 - n) define the common defense and security, heard the National Council of Defence and Security;
 - a) define the basis of tax policy and tax system;
 - p) to authorize the government, defining the general conditions, or to contract loans, to perform other credit operations by period exceeding one year, and to establish the limit most of the guarantees granted by the State;

- q) define the status of the holders of sovereign bodies, provinces and of the local authorities;
 - r) decide on the general structure and operation of Public Administration;
 - s) to ratify the decree-laws;
 - t) ratify and denounce international treaties;
 - u) ratify treaties on Mozambique's participation in organizations international defense;
 - v) grant amnesties and pardons.
3. With the exception of the powers set out in paragraph 2 of this Article, National Assembly may authorize the Government to legislate on other matters in the form of ordinance.

57

4. It has to parliament:

- a) elect the President, Vice-Presidents and the Standing Committee;
- b) approve the Rules of the Assembly and the Statute of Deputies;
- c) establish committees of the Assembly and regulate their operation;
- d) create national parliamentary groups.

Article 180

(Laws authorizing legislation)

1. The laws of legislative authorization shall define the scope, meaning, extent and duration of the authorization.
2. Legislative authority can not be used more than once without prejudice exercised in stages or its extension.
3. Legislative authority shall expire at the end of the legislature or the dissolution of Parliament.
4. The Government shall publish the legislative act authorized by the last day of deadline specified in the authorizing legislation, which starts to count from the date of publication.

Article 181

(Decree-Laws)

1. The decree-law passed by the Council of Ministers under the authority of legislation are considered ratified if, at the session of the Assembly immediate ratification is not required for a minimum of fifteen MEPs.
2. The National Assembly may suspend in whole or in part the validity of the ordinance up to it.
3. The suspension shall lapse if by the end of the session the Assembly has not pronounce.
4. Refusal to ratify result in revocation.

58

Article 182

(Form of documents)

The acts of the Assembly of the Republic shall take the form of laws and other decisions in the form of resolution and are published in the Bulletin the Republic.

Article 183

Initiative (law)

1. The draft law belongs to:
 - a) Members;
 - b) the parliamentary benches;
 - c) the committees of Parliament;
 - d) the President;
 - e) the Government.
2. The deputies and the parliamentary groups may not submit project law involving, directly or indirectly, increased expenses or decrease in state revenue, or modify in any way, the year economic progress.

Article 184

(Rules for discussion and vote)

1. Discussion of proposals and draft legislation and a referendum includes a and another general debate on the details.
2. Voting comprises a vote on the first, a vote on specialty and an overall vote.
3. If the Assembly so decides, the texts adopted in general are voted in the commissions, subject to the power of call-back by the Plenary and the final vote for approval of this change.

59

CHAPTER III

ORGANIZATION AND OPERATION

Article 185

(Legislature)

1. The legislature has a duration of five years and begins with the first session of Assembly of the Republic after the elections and ends with the first session of newly elected Assembly.
2. The first session of the Assembly of the Republic takes place within twenty days after the validation and proclamation of election results.

Article 186

(Periods of operation)

The National Assembly meets in regular session twice a year and extraordinarily whenever your call is required by the President Republic, the Standing Committee or by a third, at least the MEPs.

Article 187

(Quorum and deliberation)

1. The parliament can debate when more than were present half of its members.
2. The deliberations of the Assembly are taken by more than half of the votes of members present.
3. Matters relating to the status of the opposition are taken by majority two thirds of deputies.

Article 188

(Dissolution)

1. The parliament may be dissolved by the President reject if, after discussion, the Government Programme.
2. The President calls for new elections under the Constitution.

60

Article 189

(Limits for dissolution)

1. The dissolution of the Assembly can not occur in case of state of siege or emergency, during the term of this until sixty days after its termination.
2. It is the act of legally non-existent dissolution contrary to the provisions of preceding paragraph.
3. The dissolution of the Assembly does not terminate the mandate of Members of their skills or to the Standing to the first session of the newly elected Assembly.
4. Operating the dissolution, the Assembly shall begin a new legislative mandate lasts for the remainder of the previous legislature.

Article 190

(President of the Assembly)

1. The National Assembly elects from among its members, the President of Assembly of the Republic.
2. The Head of State shall convene and chair the session which the election of President of the Assembly.
3. The President of the Assembly is sworn into office by President of the Constitutional Council.
4. The President of the Assembly is responsible to the Assembly the Republic.

Article 191

(Powers of the President of the Assembly)

The Chairman of the Assembly:

- a) convene and preside over the meetings of the Assembly and the Commission Permanent;
- b) monitor the implementation of the resolutions of the Assembly;
- c) sign laws of the Assembly and submit them for enactment;
- d) sign and order publication of resolutions and motions of the Assembly of Republic;

61

- e) represent the Assembly of the Republic domestically and internationally;
- f) to promote the institutional relationship between the Assembly of the Republic and the Provincial Assemblies, in accordance with the standards regimental;
- g) exercise any other powers in the Constitution and Rules;

Article 192

(Vice-Presidents of Parliament)

1. The National Assembly elects from among its members, Vice Presidents nominated by the parties with greater parliamentary representation.
2. In the absence or disability of the President of the Assembly of the Republic, its functions are exercised by a Vice-Presidents, in accordance with Bylaws of the Republic.

Article 193

(Standing Committee)

1. The Standing Committee is the organ of the Parliament, which coordinates the activities of the plenary, its committees and National Groups

Parliamentarians.

2. The Standing Committee of Parliament is composed of President, Vice Presidents and other elected under the law, proposal of parliamentary groups, according to their representativeness.

3. The representatives referred to in the preceding paragraphs have the Commission Standing a number of votes equal to that of the parliamentary represent.

4. The Standing Committee of the Assembly of the Republic in the range of plenary sessions and in other cases provided for in the Constitution and the law.

Article 194

(Permanence)

At the end of term or in case of dissolution, the Permanent Assembly of the Republic shall remain in office until the constituent session of the newly elected Assembly.

62

Article 195

(Powers)

Incumbent upon the Standing Committee of the Assembly:

a) exercise the powers of the Assembly term of office

Members;

b) ensure compliance with the Constitution and laws, follow the activities Government and Public Administration;

c) to vet on the declaration of war;

d) authorize or endorse, subject to ratification, a declaration of and states of emergency whenever the National Assembly not collected;

e) conduct the relations between the Parliament and assemblies and similar institutions in other countries;

f) authorize the President of the Republic on State visits;

g) establish commissions of inquiry of urgency, in the interval between sessions Plenary Assembly of the Republic;

h) prepare and organize the sessions of the Assembly;

i) exercise any other functions conferred by the Bylaws of the Republic;

j) conduct the work of the plenary sessions;

k) announce the loss of office and resignation of members, as well as suspensions under the Constitution and Bylaws of the Republic;

l) decide questions of interpretation of the Bylaws of the The Republic is not in session;

m) to integrate the work of each session the Members' initiatives, benches or the Government;

n) support the President of the Assembly of the Republic in the and financial Assembly.

Article 196

(Parliamentary Caucus)

1. Members elected by each party parliamentary group may be.

2. The constitution and organization of the parliamentary group are fixed in Bylaws of the Republic.

Article 197

(Powers of the parliamentary)

1. They are powers of the parliamentary group of the following:
 - a) present a candidate for President of the Assembly;
 - b) propose candidates for Vice-President of the Assembly;
 - c) to nominate candidates for the Standing Committee of the Assembly of Republic;
 - d) to nominate candidates for commissions of the National Assembly;
 - e) exercise initiative in law;
 - f) require, with the presence of the Government, debate issues of concern present and urgent public;
 - g) request the formation of parliamentary committees of inquiry;
 - h) request to discuss matters of urgency not scheduled;
 - i) to request information and ask questions to the Government;
2. Each parliamentary group is entitled to have in the workplace Assembly of the Republic, as well as technical and administrative personnel in under the law.

Article 198

(Five-Year Plan of the Government)

1. The Parliament welcomes the Government's Programme in the early legislature.
2. The Government may submit a revised program that takes into account the conclusions of the debate.

Article 199

(Participation of Members of Government in sessions)

1. The Prime Minister and Ministers are entitled to attend meetings plenary of the Assembly and may speak in accordance with Rules of Procedure.
2. In the plenary sessions of the Assembly of the Republic, the presence of member or members of the government summoned.

TITLE VIII

GOVERNMENT

CHAPTER I

DEFINITION AND COMPOSITION

Article 200

(Definition)

The Government of Mozambique is the Council of Ministers.

Article 201

(Composition)

1. The Council of Ministers consists of the President of the Republic, who chairs, the Prime Minister and the Ministers.
2. May be required to attend meetings of the Council of Ministers Deputy Ministers and Secretaries of State.

Article 202

(Call and chair)

1. In its action, the Council of Ministers notes the decisions of the President Republic and the resolutions of the Assembly.
2. The Council of Ministers shall be convened and chaired by the Prime Minister,

delegation of the President.

3. The formulation of government policy by the Council of Ministers in sessions led by the President.

CHAPTER II

POWERS AND RESPONSIBILITIES

Article 203

(Function)

1. The Council of Ministers ensures the administration of the country, shall territorial integrity, safeguard public order and security and stability citizens, promote economic development, implements the social the State, develop and consolidate the law and conducts foreign policy country.

65

2. The public policy is ensured by the appropriate entities operating under government control.

Article 204

(Powers)

1. It is, in particular, the Council of Ministers:

- a) ensure the enjoyment of rights and freedoms of citizens;
- b) ensure public order and social discipline;
- c) draft bills to be submitted to Parliament;
- d) approve decree-laws under the legislative authority of the Assembly of Republic;
- e) prepare the Economic and Social Plan and the State Budget and execute them after approval by Parliament;
- f) promote and regulate economic activity and social sectors;
- g) prepare the conclusion of international treaties and sign, ratify, accede and denounce international agreements in matters within its governmental jurisdiction;
- h) direct labor policy and social security;
- i) direct the State sectors, particularly education and health;
- j) to manage and promote housing policy.

2. It is also incumbent on the Council of Ministers:

- a) ensure the protection and consolidation of state and public State assets;
- b) direct and coordinate the activities of ministries and other organs subordinate to the Council of Ministers;
- c) analyze the experience of local executive bodies and regulate their organization and functioning, and supervise, under the law, the organs of local authorities;
- d) Encourage and support the exercise of entrepreneurial activity and initiative private and protect consumer interests and the general public;
- e) promote the cooperative development and production support family.

3. It is the sole legislative initiative of the Government on matters concerning their own organization, composition and functioning.

66

Article 205

(Powers of the Prime Minister)

1. Incumbent upon the Prime Minister, without prejudice to other duties entrusted by the President and by law, assist and advise the President of

Republic towards the Government.

2. It is, in particular, the Prime Minister:

- a) assist the President in the preparation of the Programme of the Government;
- b) advise the President in the creation of ministries and ministerial commissions, and the appointment of members of Government and other government leaders;
- c) develop and propose a work plan to the President of the Government Republic;
- d) ensure the implementation of the decisions of the organs of State members Government;
- e) to preside at meetings of the Council of Ministers dealing with the implementation of defined policies and other decisions;
- f) coordinate and control the activities of ministries and other institutions government;
- g) supervise the technical and administrative operations of the Board of Ministers.

Article 206

(Relationship with the Assembly of the Republic)

1. In relations with the Parliament, it is the Prime Minister:

- a) submit to Parliament the Government Programme, the proposal the Economic and Social Plan and the State Budget;
- b) present the Reports of the Government;
- c) explain the positions of the Government in the Parliament.

2. In exercising these functions, the Prime Minister is assisted by members of the Council of Ministers appointed by him.

67

Article 207

(Liability and powers of the Council of Ministers)

The Council of Ministers shall be accountable to the President and Assembly of the Republic on the implementation of domestic and foreign policy and prestalhes accounts of its activities under the law.

Article 208

(Liability of Members of Government policy)

Members of the Council of Ministers responsible to the President of Republic and the Prime Minister for the implementation of Council decisions Ministers in their area of competence.

Article 209

(Solidarity government)

Government members are bound by the Government Programme and the deliberations of the Council of Ministers.

Article 210

(Form of instruments)

1. Normative acts of the Council of Ministers in the form of decree and decree.

2. The decree-laws and decrees referred to in the preceding paragraph shall indicate the

law under which they are approved.

3. The decree-laws and orders are signed by the President of publishing Republic and other decrees of the Government shall be signed and sent to publish

the Prime Minister.

4. Other acts of the Government take the form of resolution.

Article 211

(Immunities)

1. No member of the Government may be detained or arrested without the authorization of

President of the Republic, except in cases of flagrante delicto, and the felony corresponding penalty of imprisonment.

2. Where criminal proceedings against an accused member of the Government and this

definitely, the President decides whether a member of the Government should

68

be suspended for the purposes of the proceedings, and

mandatory the suspension in the case of crime referred to in

preceding paragraph.

TITLE IX

COURTS

CHAPTER I

GENERAL PRINCIPLES

Article 212

(Jurisdiction)

1. The courts aim to ensure and strengthen the rule of law as a factor legal stability, ensure compliance with laws, ensuring the rights and freedoms of citizens, as well as the vested interests of different agencies and entities with legal status.

2. The courts punish violations of the law and decide disputes in accordance with the provisions of law.

3. Can be defined by law institutional and procedural mechanisms between courts and other forums of interest and composition conflict resolution.

Article 213

(Educational function)

The courts shall educate citizens and government in meeting and conscientious observance of laws, establishing a just and harmonious social coexistence.

Article 214

(Unconstitutionality)

In matters brought to trial courts can not enforce laws or principles that are contrary to the Constitution.

Article 215

(Decisions of the courts)

Court decisions are binding for all citizens

and other legal entities and shall prevail over those of other authorities.

69

Article 216

(Participation of elected judges)

1. Can participate in trials elected judges.

2. The judges elected only involved in the trials at first instance and in Decision of the facts.

3. The involvement of elected judges is mandatory in cases prescribed by law

procedure or if it is determined the trial judge, promoted by Attorney General or requested by the parties.

4. The law establishes the forms of election and participation of judges mentioned in this article and fixed the duration of their period of performance of duties.

CHAPTER II

STATUTE OF JUDGES

Article 217

(Independence of Judges)

1. In carrying out their functions, judges are independent and should only obedience to the law.
2. The judges also have the guarantees of impartiality and irresponsibility.
3. Judges have security of tenure and can not be suspended, retired or dismissed except as provided by law.

Article 218

(Liability)

1. The judges to civil, criminal or disciplinary proceedings for acts performance of their duties only in cases specified by law.
2. The removal of a judge of the judicial career can only occur in legally established terms.

70

Article 219

(Incompatibilities)

The Judges in office may not perform any other public or private, except the business of teaching or legal research or other activities of scientific, literary, artistic and technical, with the authorization of the Higher Council Judiciary.

Article 220

(Superior Council of Judiciary)

The Superior Council of Judiciary is the organ of management and discipline the judiciary.

Article 221

(Composition)

1. The Superior Council of the Judiciary has the following composition:
 - a) the Chief Justice;
 - b) the Vice-President of the Supreme Court;
 - c) two members appointed by the President;
 - d) five members elected by the Parliament, at the discretion proportional representation;
 - e) seven judges of the various categories, all elected by their pairs, under the Statute of Judicial Magistrates.
2. The Superior Council of the Judiciary shall be presided by the President of Supreme Court, which is replaced in his absence, by Vice-President of the Supreme Court.
3. The Superior Council of the Judiciary including judicial officials elected by their peers for discussion and deliberation on matters relating to professional merit and to exercise disciplinary authority over them in terms to be determined by law.
4. The law regulates other aspects of the powers, organization and

functioning of the Superior Council of Judiciary.

71

Article 222

(Powers)

The Governing Board of the Judiciary, including:

- a) appoint, assign, transfer, promote, discharge, and assess the merits merit, take disciplinary action and, in general, perform all acts of similar nature relating to the judiciary;
- b) consider professional merit and take disciplinary action on the justice officials, subject to the disciplinary powers judges;
- c) propose the holding of special inspections, investigations and inquiries to the courts;
- d) give advice and make recommendations on the policy of the judiciary, initiative or at the request of the President, the Assembly of the Republic or the Government.

CHAPTER III

ORGANIZATION OF COURTS

SECTION I

SPECIES OF COURTS

Article 223

(Species)

1. In the Republic of Mozambique there are the following courts:

- a) the Supreme Court;
- b) the Tribunal;
- c) the courts.

2. There may be administrative courts, labor, tax, customs, maritime arbitration and community.

3. The competence, organization and functioning of the courts referred to in preceding paragraphs shall be established by law that can predict the existence of a step of courts of the provincial courts and the Supreme Court.

4. The courts are ordinary courts in civil and criminal exercise jurisdiction in all matters not assigned to other orders courts.

72

5. In the first instance, there may be courts of special jurisdiction and specialized courts for the trial of certain matters.

6. Subject to the provisions concerning courts martial, is prohibited existence of courts with exclusive jurisdiction for the prosecution of certain categories of crimes.

Article 224

(Military Tribunals)

During the term of the state of war with military tribunals are constituted responsibility for the crimes of a strictly military nature.

SECTION II

SUPREME COURT

Article 225

(Definition)

1. The Supreme Court is the highest level of the hierarchy of courts.
2. The Supreme Court shall ensure uniform application of law within their

jurisdiction and serving the interests of the Mozambican people.

Article 226

(Composition)

1. The Supreme Court consists of judges of appeal, the number to be established by law.
2. The President appoints the President and Vice President of Supreme Court, after hearing the Superior Council of Judiciary.
3. Judges shall be nominated by the President under proposal of the Superior Council of the Judiciary, after a public tender, curriculum evaluation, open to the magistrates and other national citizens reputed merit, all law graduates in the full enjoyment of their rights civil and political.
4. The judges of the Supreme Court shall be the date of designation, to have aged thirty-five years, having exercised by least ten years, forensic activity or teaching law, and the other requirements, set by law.

73

Article 227

(Operation)

The Supreme Court works:

- a) in sections, as court of first and second instance;
- b) in Parliament, as the court of second instance and a single instance in cases expressly provided by law.

SECTION III

ADMINISTRATIVE TRIBUNAL

Article 228

(Definition)

1. The Administrative Court is the highest authority in the hierarchy of administrative, fiscal and customs.
2. The legality of administrative acts and application of standards regulations issued by the Public Administration, as well as supervision of legality of public expenditure and its enforcement of the liability financial fit for abuse to the Administrative Court.

Article 229

(Composition)

1. The Tribunal is composed of judges of appeal, in number established by law.
2. The President appoints the President of the Tribunal, heard the Superior Council of the Administrative Judiciary.
3. The judges of the Tribunal are appointed by the President of the Republic on the recommendation of the Superior Council of Magistracy
Judicial Administration.
4. The judges of the Administrative Court shall be the date of appointment, have aged thirty-five years and meet the other requirements established by law.

Article 230

(Powers)

1. It is, including the Administrative Court:

74

a) adjudicate actions aiming at resolving disputes arising from relationships administrative law;

b) judge contentious appeals against decisions of the organs of State of the respective owners and agents;

c) hear appeals against decisions made by courts administrative, fiscal and customs.

2. Administrative Court shall also:

a) issue a report and opinion on the General State Accounts;

b) carry out previously, the legality of the acts and budget cover contracts subject to the jurisdiction of the Tribunal;

c) carry out successive and concomitant public money;

d) supervise the use of financial resources obtained abroad, including through loans, grants, guarantees and grants.

Article 231

(Organization and Operation)

The law regulates the organization and functioning of the Tribunal and the other aspects of their competence.

Article 232

(Superior Council of the Administrative Judiciary)

1. The Superior Council of the Administrative Judiciary is the organ of management and discipline of the Judiciary Administrative, Tax and Customs.

2. The law regulates the organization, composition and functioning of the Higher Administrative Judiciary.

Article 233

(Incompatibilities)

Administrative Court judges in office may not perform any other public or private, except activity of teaching or legal research or other activities of scientific, literary, artistic and technical, with prior Higher Council of Administrative Judiciary.

75

TITLE X

PROSECUTOR

Article 234

(Definition)

1. The prosecutor is a hierarchically organized subordinate to the Attorney General's Office.

2. In carrying out their functions, judges and prosecutors are subject to the criteria of legality, objectivity, and exclusive subject to the directives and orders prescribed by law.

3. The prosecutor enjoys a special status and autonomy, under the law.

Article 235

(Nature)

The public prosecutor shall comprise a magistrate, the Attorney General Republic and subordinate offices.

Article 236

(Features)

The Public Prosecution shall represent the State before the courts and defend the interests that the law requires, to review the legality, the timing of

arrests, conduct the institution of criminal proceedings, shall exercise criminal law and the protection of minors and absent.

Article 237

(Attorney General's Office)

1. The Attorney General's Office is the highest office of the Public with the structure, composition and powers defined by law.
2. The Attorney General's Office is headed by the Prosecutor General, which is assisted by Deputy Attorney General's Office.

Article 238

(Superior Council of the Public Prosecution Service)

1. The Attorney General's Office comprises the Board of Public Prosecution Service, which includes in its composition elected members

76

by Parliament, and members elected by the judges themselves the prosecutor.

2. The Superior Council of the Public Prosecution Service is the body management and discipline of prosecutors.
3. The law regulates the organization, composition and operation of the Top of the Public Prosecution Service.

Article 239

(Attorney General and Deputy Attorney General's Office)

1. The Attorney General and Deputy Attorney General of the Republic shall for a period of five years, by the President from among graduates Law, who have played at least ten years, activity professional in the judiciary or any other activity or forensic teaching law and may not cease until its mandate in the following cases:

- a) resignation;
- b) dismissal;
- c) resign;
- d) compulsory retirement as a result of disciplinary proceedings or criminal;
- e) acceptance of a position or office incompatible with the exercise of their functions.

2. The Attorney General's Office reports to the Head of State.

3. The Attorney General's Office shall submit annual reports to the Assembly of Republic.

Article 240

(Deputy Attorneys General)

1. The Deputy Attorneys General shall represent the Public Prosecution of Chambers of the Court and the Supreme Administrative Court and constitute the top career of the Public Prosecution Service.

2. The Deputy Attorneys General are appointed by the President, proposal of the Superior Council of the Public Prosecution Service, after tender evaluation curriculum, open to nationals of reputed merit, law graduates in the full enjoyment of their civil rights and

77

politicians which at the time of tender, aged thirty-five years and who has served at least ten years, the activity forensic or teaching law.

TITLE XI CONSTITUTIONAL COUNCIL

Article 241

(Definition)

1. The Constitutional Council is the sovereign body, which is responsible to administer justice in matters of nature jurídicoconstitucional.
2. The organization, operation and process monitoring and controlling the constitutionality, legality of legislative acts and other powers of the Constitutional Council are set by law.

Article 242

(Composition)

1. The Constitutional Council is composed of seven judges of appeal, designated as follows:
 - a) a director appointed by the Judge President of the Republic is the President of the Constitutional Council;
 - b) five judges of appeal by the Assembly of the Republic according to the criterion of proportional representation;
 - c) a judge of appeal appointed by the Superior Council of Magistracy Judiciary.
2. The judges of the Constitutional Council are appointed for a five-year term, renewable and provide a warranty of independence, tenure, impartiality and irresponsibility.
3. The judges of the Constitutional Council, the date of his appointment, must have aged thirty-five years, have at least ten years professional experience in the judiciary or in any activity or forensic of teaching law.

78

Article 243

(Incompatibilities)

The judges of the Constitutional Council in office may not perform any other public or private, except activity of teaching or legal research or other activities of scientific, literary, artistic and technical, with prior respective agency.

Article 244

(Powers)

1. The Council Constitution:
 - a) adjudicate the constitutionality of laws and legality of normative acts of State organs;
 - b) settle conflicts of competence between the organs of sovereignty;
 - c) check in advance the constitutionality of referendums.
2. It is also the Constitutional Council:
 - a) verify the legal requirements for candidates for the President of Republic;
 - b) declare the permanent disability of the President;
 - c) to verify the death and removal from office of President;
 - d) consider ultimately the electoral complaints and appeals, validate and proclaim the election results under the law;
 - e) decide, ultimately, the legality of the establishment parties parties and coalitions, as well as assess the legality of their

- names, initials, symbols, and to direct their dissolution in accordance with the Constitution and the law;
- f) judge the actions contesting elections and resolution of the organs political parties;
 - g) judge the actions which have as their object the litigation concerning the Deputies;
 - h) judge the actions which concern the incompatibilities provided the Constitution and the law.
3. The Constitutional Council shall perform such other powers as may be established by law.

79

Article 245

(Request for Evaluation of unconstitutionality)

1. The Constitutional Council appreciates and states, generally binding, the unconstitutionality of laws and legality of other normative acts of State organs at any time of its duration.
2. May request the Constitutional Council's statement constitutionality of laws or illegality of normative acts of the organs State:
 - a) the President;
 - b) the President of the Assembly;
 - c) a third at least of the deputies of the Parliament;
 - d) the Prime Minister;
 - e) the Attorney General's Office;
 - f) the Ombudsman;
 - g) two thousand citizens.
3. The law regulates the system of admission of shares of assessment unconstitutionality.

Article 246

(Verification of constitutionality)

1. The President of the Republic may request the Constitutional Council review of the constitutionality of any statute which has been sent for promulgation.
2. The review of the constitutionality must be requested within referred to in paragraph 2 of Article 163.
3. Required for the assessment of constitutionality, interrupts the period of promulgation.
4. If the Constitutional Council to rule by the lack of unconstitutional, the new date of enactment begins to run from the knowledge by the President of the resolution of the Board Constitutional.
5. If the Constitutional Council ruling was unconstitutional, the Presidential vetoes and returns to parliament law.

80

Article 247

(Features)

1. Must necessarily be submitted to the Constitutional Council, the judgments and other decisions on the grounds of unconstitutionality, in following cases:
 - a) when it refuses to apply any rule based on their

unconstitutionality;

b) when the Attorney General's Office or the Public Prosecution examination of constitutionality or legality of any rule whose application has been refused on the grounds unconstitutionality or illegality, not subject to a judicial decision appeal.

2. The law regulates the system of admission of the remedies provided in this provision.

Article 248

(Irrecorribilidade and enforceability of judgments)

1. The judgments of the Constitutional Council shall be binding on all citizens, institutions and other legal entities are not subject to shall prevail over other decisions.

2. Failure to respect the judgments referred to in this Article, offender incurs in committing the crime of disobedience, is a more serious crime does not fit.

3. The judgments of the Constitutional Council shall be published in the Bulletin of Republic.

81

TITLE XII

PUBLIC ADMINISTRATION POLICE OMBUDSMAN AND
STATE OF LOCAL

CHAPTER I

PUBLIC ADMINISTRATION

Article 249

(Fundamental Principles)

1. The Public Administration serves the public interest and in the discharge rights and fundamental freedoms of citizens.

2. The organs of government obey the Constitution and the law and act compliance with the principles of equality, fairness, ethics and justice.

Article 250

(Structure)

1. The Government is structured on the basis of decentralization and deconcentration, promoting the modernization and efficiency their services without prejudice to the unity of action and the powers of direction the Government.

2. The Government promotes the simplification of procedures procedures, and services to citizens.

Article 251

(Access and status of employees)

1. Access to the Civil Service and career development professionals do not be prejudiced by reason of color, race, sex, religion, ethnic origin or social or political preference-partisan and shall adhere to merit and ability of stakeholders.

2. The law regulating the status of employees and other agents of the State, incompatibilities and the guarantees of impartiality in the exercise of the functions public.

82

Article 252

(Hierarchy)

1. The officers and other agents of the State, in exercise of their functions, owe obedience to their superiors, in accordance with law.
2. The duty of obedience ceases when compliance entails commission of a crime.

Article 253

(Rights and guarantees of citizens)

1. Citizens have the right to be informed by the relevant Public Administration, whenever they request on the progress of that they are directly interested in the law.
2. Administrative acts are notified to interested parties within the terms and terms of the law and whenever they affect the rights or interests of citizens legally protected.
3. Interested citizens shall be guaranteed the right to judicial appeal illegality of administrative acts that endanger their rights.

CHAPTER II

POLICE

Article 254

(Definition)

1. The Police of the Republic of Mozambique, in collaboration with other State institutions, serves to ensure law and order, protect security of persons and property, public peace, respect for the rule of democratic law and strict observance of the rights and freedoms fundamental rights of citizens.
2. The police are nonpartisan.
3. In exercising its functions, the Police obeys the law and serve with impartiality and impartiality citizens and public and private institutions.

83

Article 255

(Command and organization)

1. The Police of the Republic of Mozambique is led by a Commander-General.
2. The law establishes the general organization of the police, fixed their branches, determines its function, structure and rules governing the entry.

CHAPTER III

OMBUDSMAN

Article 256

(Definition)

The Ombudsman is an organ whose function is to guarantee the rights citizens, the protection of legality and justice in the actions of the Administration Public.

Article 257

(Election)

The Ombudsman is elected by Parliament by a majority of two thirds of the deputies, by the time prescribed by law.

Article 258

(Independence)

1. The Ombudsman is independent and impartial in exercising their functions, shall owe obedience only to the Constitution and laws.
2. The Ombudsman submits a report annually to the Assembly

Republic on its activity.

Article 259

(Powers)

1. The Ombudsman shall investigate cases brought before it, unable to decision-making, and produce recommendations to the competent organs to repair or prevent illegalities or injustices.

2. If the Ombudsman's investigations lead to the conclusion that the Administration has committed errors, irregularities or violations, reports to Parliament, the Attorney General's Office and Central or Local Authority with the recommendation of the relevant measures.

84

Article 260

(Duty to cooperate)

The bodies and agents of the Public Administration have a duty to provide the collaboration is required to them by the Ombudsman in the exercise of their functions.

Article 261

(Statute, procedures and organization)

Other aspects relating to the status, procedures and structure organizational support to the Ombudsman are set by law.

CHAPTER IV

STATE OF LOCAL

Article 262

(Definition)

The local state bodies have a duty to represent the State at place for the administration and development of its territory and contribute to national integration and unity.

Article 263

(Organizational principle)

1. The organization and functioning of government agencies at the local level follow the principles of decentralization and devolution, without prejudice to the unity of action and management powers of the Government.

2. In operation, the local state bodies, promoting the use resources, ensure the active participation of citizens and encourage local initiative in solving community problems.

3. In its action, the local organs of state comply with the duties, competence and autonomy of local authorities.

4. To carry out the duties of its own, the state guarantees its representation in each local authority.

5. The law provides the institutional mechanisms for coordination with local communities, and it may delegate certain functions that the State's responsibilities.

85

Article 264

(Features)

1. The local organs of state guarantees in its own territory, without prejudice to the autonomy of local authorities to carry out tasks and programs economic, cultural and social interests of local and national observing established in the Constitution, in the deliberations of the Assembly, the Council of Ministers and the State organs of the upper echelon.

2. The organization, functioning and powers of local organs of state are regulated by law.

TITLE XIII

NATIONAL DEFENSE AND NATIONAL DEFENCE AND SECURITY

CHAPTER I

NATIONAL DEFENSE

Article 265

(Fundamental Principles)

The defense policy and national security aims to protect the independence national sovereignty and preserve the integrity of the country and ensure the functioning normal functioning of institutions and safety of citizens against any aggression armed.

Article 266

(Defense Forces and security services)

1. The defense forces and security services shall be subordinate to political national defense and security owe allegiance to the Constitution and the nation.
2. The oath taken by members of the defense forces and security services shall establish the duty to respect the Constitution, to protect the institutions and serve the people.
3. The defense forces and security services of the state are non-partisan and they shall abstain from taking positions or participation in that could jeopardize its internal cohesion and national unity.
4. The defense forces and security services of the state should especially obedience to the President in his capacity as Commander in Chief.

86

Article 267

(Homeland Defense, military and civic service)

1. Participation in the defense of national independence, sovereignty and integrity It shall be the sacred duty and honor for all Mozambican citizens.
2. Military service is provided by law within units of the Armed Defense of Mozambique.
3. The law establishes a civic service to replace or complement the service service for all citizens not subject to military service.
4. Exemptions from military service are set by law.

CHAPTER II

NATIONAL DEFENCE AND SECURITY

Article 268

(Definition and composition)

1. The Council of National Defense and Security is the consultative organ of the State specific issues relating to national sovereignty, territorial integrity, defense of democratically established and security.
2. The National Council for Defence and Security is chaired by the President of Republic and its composition is determined by law, which includes two members appointed by the President and five by the Parliament.

Article 269

(Powers)

They are particular skills of the National Defense and Security:

- a) to vet on the declaration of war;

- b) decide on the suspension of constitutional guarantees and declaration of a state of siege or a state of emergency;
- c) advising on the criteria and conditions for use of total or partial protection intended for defense and homeland security national;
- d) analyze and monitor the initiatives of other state bodies aimed at ensure the consolidation of national independence, increased power democratic political and maintaining law and order.

87

- e) To give opinion on peacekeeping missions abroad.

Article 270

(Organization and Operation)

The organization and functioning of the National Defence and Security fixed by law.

TITLE XIV

LOCAL

Article 271

(Objectives)

1. The Local Government aims to organize the participation of citizens in solution of problems of their own community and promote local development, the deepening and consolidation of democracy, framework of the unity of the Mozambican state.
2. Local administration in the initiative and the ability of populations and acts in close collaboration with the participation of citizens.

Article 272

(Local authorities)

1. The Local Government understands the existence of local authorities.
2. Local authorities are public corporations, endowed with organs representing themselves, aimed at pursuing the interests of the populations thereof, without prejudice to the interests of national and state participation.

Article 273

(Categories of Local Authorities)

1. Local municipalities and villages.
2. The cities correspond to the territorial towns and cities.
3. The settlements correspond to the territorial constituency of posts administrative.
4. The law may establish other categories of local authorities below the territorial area of the municipality or village.

88

Article 274

(Creation and extinction of local authorities)

The creation and extinction of local authorities are regulated by law, and the amendment to its area be preceded by consultation with its organs.

Article 275

(Deliberative and executive organs)

1. Local agencies have as an Assembly, with powers deliberative and an executive accountable to it, as laid down in law.
2. The Assembly is elected by universal suffrage, direct, equal, secret, personal and journal of the voters residing in the territorial area of

municipality, according to the proportional representation system.

3. The executive body is headed by a President elected by universal suffrage, direct, equal, secret, personal and regular citizens voters residing in their respective territorial areas.

4. Nominations for election to offices of local authorities may be submitted by political parties, individually or in coalition, or groups of voters, according to law.

5. The organization, composition and functioning of the executive bodies defined by law.

Article 276

(Heritage and Local Finance)

1. Local authorities have their own property and finances.

2. The law defines the heritage of local authorities and establishes the financial sites within the best interests of the State, ensure fair allocation of public resources and the necessary correction of existing between them.

3. The law defines the forms of technical and human support to municipalities of the State

locations without prejudice to their autonomy.

89

Article 277

(Administrative supervision)

1. Local authorities are subject to administrative supervision of the State.

2. Administrative supervision of local authorities is the verification of legality of administrative acts of the local authorities, under the law.

3. The exercise of supervisory powers can still be applied on the merit of administrative, and only in cases expressly provided for under the law.

4. The dissolution of the local authorities, although the result of elections direct, can only take place as a result of legal actions or omissions serious, prescribed by law and in accordance with its established.

Article 278

(Power to regulate)

Local authorities have their own regulatory powers on the edge of Constitution, laws and regulations issued by authorities with protect.

Article 279

(Staff of Local Authorities)

1. Local authorities have their own staff, under the law.

2. It applies to employees and agents of the system of local administration employees and agents of the state.

Article 280

(Organization)

The law provides the organizational forms that local government may adopt to pursue common interests.

Article 281

(Mandate)

Revocation and resignation of office of elected members of municipal bodies are regulated by law.

90

TITLE XV

WARRANTIES OF CONSTITUTION
CHAPTER I
STATES OF SIEGE AND EMERGENCY

Article 282

(State of siege or emergency)

1. The state of siege or state of emergency may be declared in all or part of the territory, in cases of actual or imminent aggression from serious threat or disruption of the constitutional order or calamity public.
2. The declaration of a state of siege or of emergency shall be substantiated and specifies the freedoms and guarantees the exercise of which is suspended or restricted.

Article 283

(Assumptions of option declaration)

A minor premises of the declaration determines the choice of state of emergency, and shall in any case, respect the principle of proportionality and limited, particularly regarding the extent of the means used and the duration to what is strictly necessary for the prompt restoration of constitutional normality.

Article 284

(Duration)

The duration of the state of siege or emergency may not exceed the thirty days, renewable for equal periods of three, to persist reasons which led to its declaration.

Article 285

(Declaration Process)

1. Having declared a state of siege or emergency, the President of Republic shall submit to Parliament within twenty-four hours, the statement with the reasons therefor, for the purpose of ratification.
2. If the Parliament is not in session is convened in a meeting extraordinary, and shall meet within five days.

91

3. The Parliament decides on the declaration no later than forty-eight hours and may continue in session until the expiry of the state of siege or emergency.

Article 286

(Declaration of Limits)

The declaration of a state of siege or emergency in no event or suspend the rights to life, personal integrity, capacity and the citizenship, non-retroactivity of criminal law, the right of the accused and defense freedom of religion.

Article 287

(Restrictions of individual liberties)

Under the state of siege or emergency may be taken the following measures restricting the freedom of people:

- a) obligation to remain in place;
- b) detention;
- c) detention in a building not intended for persons accused or convicted of crimes common;
- d) restrictions regarding the inviolability of correspondence, the secrecy of communications, the provision of information and freedom of the press,

radio and television broadcasting.

e) search and seizure;

f) suspension of freedom of assembly and demonstration;

g) requisitioning of goods and services.

Article 288

(Arrests)

The arrests that are made under state of siege or emergency observe the following principles:

a) must be immediately notified a relative or person of trust detained appointed by him, to whom he gives knowledge of the environment legal, within five days;

b) the name of the detainee and the legal framework of detention shall be public within five days;

c) the detainee is presented in court, within ten days.

92

Article 289

(Functioning of the organs of sovereignty)

The declaration of a state of siege or emergency shall not affect the application the Constitution regarding the powers and the functioning of organs sovereignty and the rights and immunities of their members or members.

Article 290

(Term)

1. At the end of the state of siege or emergency, the President of the Republic a communication to Parliament with a detailed on the measures taken under it and a list of names of citizens achieved.

2. The lifting of the siege or emergency shall their effects, without prejudice to liability for unlawful acts committed by their executors or agents.

CHAPTER II

REVISION OF THE CONSTITUTION

Article 291

(Initiative)

1. The proposed amendments to the Constitution shall be initiated by the President of Republic or a third at least of the deputies of the Assembly Republic.

2. The proposed amendments must be submitted to the Parliament ninety days before the debate began.

Article 292

(Limits on matters)

1. Laws revising the Constitution shall respect:

a) the independence, sovereignty and unity of the state;

b) the republican form of government;

c) the separation between State and religious denominations;

d) the rights, freedoms and guarantees;

93

e) universal suffrage, direct, secret and personal, in equal and periodic appointment of holders of elective organs of sovereignty of the provinces and local government;

- f) pluralism of expression and political organization, including political parties and the right of democratic opposition;
- g) the separation and interdependence of sovereign bodies;
- h) the review of constitutionality;
- i) the independence of judges;
- j) the autonomy of local authorities;
- k) the rights of workers and trade unions;
- l) the rules governing nationality and can not be changed to restrict or withdraw rights of citizenship.

2. Changes to the matters contained in the preceding paragraph are subject to mandatory referendum.

Article 293

(Time)

The Constitution may only be reviewed five years after the entry into force of last revision law, unless the assumption of extraordinary powers review, approved by a majority of three quarters of the deputies of the Assembly the Republic.

Article 294

(Limits)

In the presence of the state of siege or state of emergency can not be approval of any amendments to the Constitution.

Article 295

(Voting and shape)

1. The constitutional amendments are approved by a majority of two thirds of Members of Parliament.
2. Amendments to the Constitution, once approved, are incorporated into a single revision law.
3. The President can not refuse to promulgate a revision law.

94

Article 296

(Constitutional changes)

1. The constitutional amendments are inserted in their proper place with the substitutions, deletions and additions.
2. The Constitution, as amended, shall be published together with the law review.

TITLE XVI

SYMBOLS, CURRENCY AND CAPITAL OF THE REPUBLIC

Article 297

(National Flag)

The national flag has five colors: red, green, black, gold and white.

The colors represent:

red - the centuries of resistance to colonialism, the armed liberation struggle defense and national sovereignty;

green - the riches of the soil;

black - the African continent;

yellow gold - the riches of the subsoil;

white - the justice of the struggle of the Mozambican people and peace.

From top to bottom are arranged horizontally in green, black and yellow by stripes of white gold. On the left the red ranks

triangle in the center of which is a star, with a book about it to the which overlap a gun and a hoe crossed.

The star symbolizes the spirit of international solidarity of the people Mozambican.

The book, hoe and gun shall symbolize study, production and defense.

Article 298

(Emblem)

The emblem of the Republic of Mozambique shall contain as a central element book, a gun and a hoe, superimposed on a map of Mozambique and

95

representing, respectively, education, defense and surveillance, peasantry and agricultural production.

Below the map is represented the ocean.

In the center, the rising sun, symbol of new life in construction.

Enclosing this is a toothed wheel, symbolizing the workers and industry.

Surrounding the toothed wheel to the right and left respectively a plan and a corn cob and sugarcane symbolizing agricultural wealth.

At the top, center, a star, symbolizing the spirit of solidarity

International Mozambican people.

At the bottom there shall be a red band with the inscription "Republic of Mozambique".

Article 299

(National Anthem)

The words and music of the national anthem are established by law, passed in accordance with paragraph 1 of Article 295.

Article 300

(Currency)

1. The national currency is the Metical.

2. Changing the currency is fixed by law, adopted pursuant to paragraph 1 of Article 295.

Article 301

(Capital)

The capital of Mozambique is Maputo City.

96

TITLE XVII

FINAL AND TRANSITIONAL

Article 302

(Flag and emblem)

Changes to the national flag and the emblem of the Republic of Mozambique are established by law, within one year after the entry into force of Constitution and approved pursuant to paragraph 1 of Article 295.

Article 303

(Constitutional Council)

With entry into force of the Constitution, the Constitutional Council, remains office with the current composition, assuming the responsibilities set out in Title eleventh.

Article 304

(Provincial assemblies)

It set a deadline of 3 years from the date of entry into force of Constitution, elections for provincial assemblies, provided in Article 142.

Article 305

(Right above)

The previous legislation in that it is not contrary to the Constitution, remain in effect until modified or repealed.

97

Article 306

(Entry into force)

The Constitution shall come into force on the day after the proclamation of the validation and

election results of 2004 General Elections.

Approved by the Assembly of the Republic on November 16, 2004.

The President of the Assembly

Eduardo Joaquim Mulémbwè

To be published.

The President

Joaquim Alberto Chissano

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GOVERNMENT
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CHAPTER II

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CHAPTER I
GENERAL PRINCIPLES

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CHAPTER II

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CHAPTER I

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