

Document ID	OCW CD 707 (DZ)
funcRole	constitution
regMeta	
Version Info : origDate	15 April 2013
Version Info : versionDate	15 April 2013
Version Info : versionNum	1
Version Info : versionDesc	current
Date : adopted	28 November 1996
Date : amended	15 November 2008
Jurisdiction	Algeria
Original citation	<ul style="list-style-type: none"> The Constitution of the People's Democratic Republic of Algeria: November 28, 1996 (as Amended to November 15, 2008)
Disclaimer	© 2009 Oxford University Press
Editor	Max Planck Institute
Comment	The Constitution of Algeria of November 28, 1996, has been amended by Constitutional Acts No. 02-03 of April 10, 2002, and No. 08-19 of November 15, 2008.
metaItem : regGroup / DTD / DTDname	OxLawML
metaItem : regGroup / DTD / version	1.16
metaItem : regGroup / TCIgroup / TCI / TCIname	OUP TCI
metaItem : regGroup / TCIgroup / TCI / version	20130403.0
metaItem : regGroup / product	OCW
metaItem : regGroup / publishing-group	Law-US
metaItem : regGroup / datafixed	2013-07-23T14:55:44.942-04:00

Regulation type	trans
Regulation language	eng
Translation Type	Proprietary
Translator	Max Planck Institute

THE CONSTITUTION OF THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA, 1996 (as Amended to 2016)

Explanatory Note:

Date Adopted: November 28, 1996

Date Amended: November 15, 2008

Date Amended: January 11, 2016

Preamble

The Algerian people is a free people, decided to remain free.

Its history, stretching back several millennia, is a long chain of battles which have made Algeria forever a country of freedom and dignity.

Placed in the heart of the great moments which the Mediterranean has known in the course of its history, Algeria has found in its sons, from the time of the Numidian Kingdom and the epic of Islam to the colonial wars, its heralds of liberty, unity and progress at the same time as the builders of democratic and prosperous states in the periods of grandeur and of peace.

November 1, 1954 was one of the crowns of its destiny, the result of its long resistance to the aggressions directed against its culture, its values and the fundamental components of its identity which are its Arab-ness [*l'Arabité*] and Amazighité [*Al'-Mazighia*], which the state works constantly to promote and develop; the first of November solidly anchored the battles waged in the glorious past of the Nation.

United in the national movement afterwards in the breast of the National Liberation Front, the people has spilled its blood in order to assume its collective destiny in the liberty and recovered cultural identity and to endow itself with authentically popular institutions.

Crowning the people's war by an independence paid for with the sacrifices of its best children, under the leadership of the National Liberation Front and the National

Liberation Army, the people of Algeria has finally restored, in all its fullness, a modern and sovereign State.

Its faith in the collective choices has permitted its people to achieve decisive victories, marked by the recovery of national riches and the construction of a State for its exclusive service, exercising its powers in all independence and security against external pressure.

However, the Algerian people have faced a national tragedy that has endangered the survival of the country. It is by drawing on its faith and unwavering commitment to its unity, that it has sovereignly decided to implement a policy of peace and national reconciliation that has borne fruit and that it intends to preserve.

The people of Algeria intend to protect the country from the fitna, from violence and from all forms of extremism, by cultivating its own spiritual and civilisational values, dialogue, conciliation, and brotherhood, with respect for the Constitution and the laws of the Republic.

Having always fought for freedom and democracy, and with an attachment to its national sovereignty and independence, the people intends, by this Constitution, to endow itself with institutions based on the participation of citizens in the conduct of public affairs and which realize social justice, equality and liberty of each and all, in the framework of a democratic and republican State.

In approving this Constitution, the work of its own genius, reflection of its aspirations, fruit of its determination and product of profound social mutations, the people expresses and consecrates more solemnly than ever the primacy of law.

The Constitution is, above all, the fundamental law which guarantees the rights and the individual and collective liberties, protects the rule of free choice of the people and confers legitimacy on the exercise of powers. It helps to assure the juridical protection and the control of action by the public powers in a society in which legality reigns and permits the development of man in all dimensions, and enshrines democratic change through free and fair elections.

The Constitution ensures the separation of powers, independence of the judiciary, as well as legal protection and the monitoring of Government action, in a society based on the rule of law and human development in all its dimensions.

The Algerian people remain committed to their decision to reduce social inequalities and eliminate regional disparities. It works towards a productive

and competitive economy in the context of sustainable development and environmental preservation.

Youth are at the heart of national commitment to address economic, social and cultural challenges, of which it will be a primary beneficiary together with future generations.

Worthy successor to the National Liberation Army, the National People's Army assumes its constitutional responsibilities with exemplary commitment and is ready for heroic sacrifice, whenever national duty requires it. The Algerian people nurture legitimate pride and recognition in its National People's Army for defending the country against external threats, and for its vital contribution to the protection of citizens, institutions and property against the scourge terrorism, thereby contributing to strengthening national cohesion and commitmentting to the spirit of solidarity between the people and their Army.

The State shall ensure the professionalisation and modernisation of the People's National Army, so that it has the capacity to safeguard national independence, defend national sovereignty, unity and territorial integrity, as well as the protection of its land, air and sea.

Strong in its spiritual values, deeply ingrained, and its traditions of solidarity and justice, the people is confident of its capacities to work fully for the cultural, social and economic progress of the world, today and tomorrow.

Algeria, land of Islam, integral part of the Great Maghreb Arab country, Mediterranean and African, is honored by the radiance of its Revolution of November 1 and the respect which the country has sought to achieve and preserve by reason of its commitment to all the just causes of the world.

Algerian diplomacy shall work to consolidate its presence and influence in the community of nations, through partnerships based on the balance of interests, and perfectly consistent with its national political, economic, social and cultural choices.

The pride of the people, its sacrifices, its sense of responsibilities, its ancestral attachment to liberty and social justice are the best guarantees of the respect for the principles of this Constitution which it adopts and passes on to future generations, the worthy inheritors of the pioneers and the builders of a free society.

This preamble is an integral part of this Constitution.

TITLE I THE GENERAL PRINCIPLES GOVERNING THE ALGERIAN SOCIETY

CHAPTER I ALGERIA

Article 1

Algeria shall be a Democratic and People's Republic. It shall be one and indivisible.

Article 2

Islam shall be the religion of the State.

Article 3

Arabic shall be the official language of the State.

A High Council of the Arabic Language shall be created under the auspices of the President of the Republic.

The High Council shall be responsible, in particular, for working towards the development of the Arabic language and its widespread use in science and technology, as well as encouraging translation into Arabic to this end.

Article 4

Tamazight is also a national and official language.

The State shall work for its promotion and its development in all its linguistic varieties in use throughout the national territory.

It shall create an Algerian Amazigh language academy, under the auspices of the President of the Republic.

The Academy, which will draw on the work of experts, shall be responsible for promoting Tamazight with a view to fulfilling the necessary conditions for the realisation of its status as an official language.

An Institutional Act shall determine the modalities of implementation of this Article.

[1] As inserted by Article 1 of Constitutional Act No. 02-03 of April, 10, 2002.

Article 5

The capital of the Republic shall be Algiers.

Article 6

The national emblem and the national anthem are achievements of the Revolution of November 1, 1954. They shall be unalterable.

These two symbols of the Revolution, having become those of the Republic, shall have the following characteristics:

1. The national emblem shall be green and white with a star and a crescent moon placed at the centre.

2. The national anthem shall be “Quassaman” with all its verses.

The seal of the State is determined by the law.

[2] As amended by Article 1 of Constitutional Act No. 08-19 of November 15, 2008. Prior to the reform, the provision was worded as follows: “The national emblem, the State seal and the national hymn shall be determined by an Act of Parliament.”

CHAPTER II THE PEOPLE

Article 7

The people shall be the source of all authority. National sovereignty shall vest exclusively in the people.

Article 8

The constituent power shall belong to the people.

The people shall exercise its sovereignty through the institutions which it shall establish.

The people shall also exercise its sovereignty by means of the referendum and through elected representatives.

The President of the Republic may have direct recourse to the expression of the will of the people.

Article 9

The people shall establish institutions which have as their objective:

- the safeguarding and the consolidation of national sovereignty and independence;
- the safeguarding and consolidation of national identity and national unity;
- the protection of fundamental rights and the social and cultural development of the Nation;
- the promotion of social justice;
- the elimination of regional disparities with regard to development;
- encouraging the construction of a diversified economy, enhancing all the country’s natural, human and scientific potential;

- the protection of the national economy against all forms of embezzlement or misappropriation, corruption, illicit trafficking, abuse, hoarding or illegal confiscation.

Article 10

The institutions shall not indulge in:

- feudal, regionalist and nepotist practices;
- the establishments of relations of exploitation and bonds of dependency;
- practices contrary to Islamic morals and the values of the November Revolution.

Article 11

The people shall choose their representatives freely.

The representation of the people shall have no other limits than those specified in the Constitution and the electoral law.

CHAPTER III THE STATE

Article 12

The State derives its legitimacy and its existence from the will of the people. Its motto shall be: "By the People and for the People."

It shall be at the exclusive service of the People.

Article 13

The sovereignty of the State shall extend to its territory, its air space and its waters.

The State shall also exercise its sovereign right established by international law over each of its different zones of maritime space which belong to it.

Article 14

In no case may it abandon or alienate a part of the national territory.

Article 15

The State shall be founded on the principles of democratic organization, separation of powers and social justice.

The elected assembly shall constitute the framework within which the will of the people and the control of the action of the public powers shall be exercised.

The State shall encourage participatory democracy at local Government level.

Article 16

The territorial communities are the commune and the *wilaya*. The commune is the basic community.

Article 17

The elected assembly shall constitute the basis of decentralization and the place for participation of the citizens in the conduct of public affairs.

Article 18

Public property shall be an asset of the national community.

It shall encompass the subsoil, the mines and quarries, the sources of natural energy, the mineral, natural and living resources of the different zones, the national maritime zone, the waters and the forests.

In addition, it shall be established with respect to railroad, maritime and air transports, the posts and telecommunications, as well as all other assets specified by an Act of Parliament.

Article 19

The State shall guarantee the rational use of national resources and their preservation for future generations.

The State shall protect farmland.

The State shall also protect the public water domain.

The law shall determine the modalities for the implementation of this provision.

Article 20

The national domain shall be defined by Act of Parliament.

It shall comprise the public and private domains of the State, the *wilaya* and the commune.

The management of the national domain shall be carried out in conformity with statute.

Article 21

The organization of external trade shall fall within the competence of the State.

An Act of Parliament shall determine the conditions of the exercise and control of foreign trade.

Article 22

Expropriation cannot be undertaken except within the framework of an Act of Parliament.

It shall give rise to just and equitable compensation.

Article 23

The functions and terms of office in State service institutions shall not constitute a source of enrichment or a means to serve private interests.

Any person appointed to a high office of State, elected to a local assembly, elected or appointed to an assembly or to a national institution shall declare their assets at the beginning and at the end of their service or term of office.

The law shall determine the modalities for the implementation of these provisions.

Article 24

The abuse of authority shall be punished by statute.

Article 25

The impartiality of the administration shall be guaranteed by statute.

Article 26

The State shall be responsible for the security of persons and possessions. It shall ensure the protection abroad of every citizen.

Article 27

The State shall work to protect the rights and interests of citizens abroad, in accordance with international law, agreements with host countries, national legislation and the laws of the countries of residence.

The State shall safeguard the identity of citizens residing abroad, strengthen their ties with the Nation, and harness their contribution to the development of their country of origin.

Article 28

The consolidation and the development of the potential for the defense of the Nation shall have its organizational focus in the National People's Army.

The National People's Army shall have the permanent mission to safeguard national independence and the defense of national sovereignty.

It is charged to ensure the defense of the unity and territorial integrity of the country, as well as the protection of the territory, its air space and the different zones of its maritime zone.

Article 29

Algeria shall not resort to war to attack the legitimate sovereignty and the liberty of other peoples.

It shall endeavor to settle international differences by peaceful means.

Article 30

Algeria shall extend its solidarity to all peoples who are fighting for political and economic liberation, for the right of self-determination and against all racial discrimination.

Article 31

Algeria shall work for the reinforcement of international cooperation and for the development of amicable relations between the states on the basis of equality, mutual interest and non-interference in internal affairs. It recognizes the principles and objectives of the Charter of the United Nations.

CHAPTER IV CONCERNING THE RIGHTS AND LIBERTIES

Article 32

The citizens shall be equal before the law without any discrimination on the basis of birth, race, gender, opinion or any other personal or social condition or circumstances.

Article 33

Algerian citizenship shall be defined in an Act of Parliament.

The conditions for the acquisition, retention, loss and revocation of Algerian citizenship shall be determined by statute.

Article 34

The institutions shall seek to ensure the equality of rights and duties of all citizens in suppressing the obstacles which obstruct the development of the human personality and impede the effective participation of all in the political, economic, social and cultural life.

Article 35

The State shall work for the promotion of political rights of women by increasing their chances of access to representation in elected assemblies.

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

Article 36

The State shall work to promote equality of men and women in the labour market.

The State shall encourage the advancement of women into positions of leadership in institutions, in the public service as well as in business.

Article 37

Youth are a driving force in building the Nation.

The State shall work to create all the conditions necessary for developing its capabilities and boosting its energy.

[3] As inserted by Article 2 of Constitutional Act No. 08-19 of November 15, 2008.

Article 38

The fundamental liberties and the rights of man and of the citizen shall be guaranteed.

They shall constitute the common heritage of all Algerians, who have the task of transmitting it from generation to generation in its integrity and inviolability.

Article 39

The individual and collective defense of the fundamental Rights of Man and of individual and collective liberties shall be guaranteed.

Article 40

The State shall guarantee the inviolability of the human person.

Any form of physical or moral violence or infringement of dignity shall be prohibited.

Cruel, inhuman or degrading treatments are punishable by law.

Article 41

The infringements of rights and liberties as well as any physical or moral attacks on the integrity of the human person shall be punished by statute.

Article 42

The freedom of conscience and the freedom of opinion shall be inviolable.

Freedom of worship is guaranteed under the law.

Article 43

The freedom of investment and trade shall be guaranteed. It shall be exercised within the statutory framework.

The State shall work to improve the business climate. It shall establish, without discrimination, conditions in which enterprises in the service of national economic development can flourish.

The state shall regulate the market. The law shall protect the rights of consumers.

The law shall prohibit monopoly and unfair competition.

Article 44

The freedom of intellectual, artistic and scientific creativity shall be guaranteed to the citizen.

The rights of authorship shall be protected by statute.

The seizure of any publication, recording or other means of communication and information may only be carried out on the basis of a judicial warrant.

Academic freedom and freedom of scientific research shall be guaranteed and exercised under the law.

The State shall work for the promotion and development of scientific research for the sustainable development of the Nation.

Article 45

The citizen's right to culture shall be guaranteed.

The State shall protect and safeguard the Nation's tangible and intangible cultural heritage.

Article 46

The private life and the honor of the citizen shall be inviolable and protected by statute.

The secrecy of correspondence and private communications, in all their forms, shall be guaranteed.

No violation of these rights shall be tolerated without a substantiated request from a judicial authority. The law shall punish any violation of this provision.

The protection of natural or legal persons' personal data is a fundamental right guaranteed under the law, which punishes violations thereof.

Article 47

The State shall guarantee the inviolability of the domicile.

No search can be made, except on the basis of a statute and in conformity with its provisions.

A search may only be carried out on the basis of a warrant from the competent judicial authority.

Article 48

The freedoms of expression, association and assembly shall be guaranteed to the citizen.

Article 49

Citizens shall be guaranteed the freedom of peaceful protest under the law, which shall set the conditions for its exercise.

Article 50

Freedom of the written and audiovisual press, as well as of information networks shall be guaranteed. It shall not be restricted by any form of prior censorship.

This exercise of this freedom shall not infringe on the dignity, freedoms and the rights of others.

The free dissemination of information, ideas, images and opinions shall be guaranteed under the law in accordance with fixed values and the religious, moral and cultural life of the Nation.

Press offences shall not be punishable with a custodial sentence.

Article 51

Citizens shall be guaranteed the right to obtain and circulate information, documents and statistics.

The exercise of this right may not affect the privacy rights and lives of others, the legitimate interests of business and the requirements of national security.

The law shall determine the conditions for the exercise of this right.

Article 52

The right to establish political parties shall be recognized and guaranteed.

However, this right may not be invoked in order to undermine fundamental liberties, the values and main elements of national identity, national unity, the security and integrity of the national territory, the independence of the country and the sovereignty of the people or the democratic and republican character of the State.

In accordance with the provisions of the present Constitution political parties may not be founded on a religious, linguistic, racial, sexual, corporatist or regional basis.

Political parties may not have recourse to party political propaganda using the elements referred to in the previous clause

Any submission of political parties, under whatever form, to foreign interests or parties shall be forbidden.

No political party may resort to violence or constraint, of whatever nature or form.

Other obligations and duties shall be determined by an empowering statute.

Article 53

In keeping with the provisions of Article 52 above, registered political parties, without discrimination, shall enjoy the following rights:

- Freedom of opinion, expression and assembly;
- Air time in public media, proportionate to their national representation;
- Where necessary, public funding proportionate to their representation in Parliament, as determined by law;
- The exercise of power at local and national levels, through democratic processes and in accordance with the provisions of this Constitution.

The law shall determine the modalities for the implementation of this provision.

Article 54

The right to form associations shall be guaranteed by statute.

The State shall encourage the flourishing of the associative movement.

Statute shall determine the conditions and the modalities pertaining to the creation of associations.

Article 55

Every citizen enjoying all civil and political rights shall have the right to choose freely the place of residence and to move about on the national territory.

The right of entry and exit from the national territory shall be guaranteed.

A limitation of these rights may only be ordered for a specified period, by reasoned decision of a judicial authority.

Article 56

Every person shall be presumed to be innocent until he or she has been found guilty by a regular court in accordance with all the guarantees required by statute, in a fair trial providing the necessary guarantees for his or her defence.

Article 57

Indigent persons shall be entitled to legal aid. The law shall determine the modalities for the implementation of this provision.

Article 58

No one may be considered guilty except by virtue of a statute duly promulgated before the commission of the incriminating act.

Article 59

No one may be pursued, arrested or detained except in under conditions determined by statute and in accordance with the forms prescribed by it.

Pre-trial detention is an exceptional measure whose grounds, duration and conditions of extension shall be defined by law.

The law shall punish acts and facts of arbitrary arrest.

Article 60

In the case of a criminal investigation detention shall be subject to judicial control and may not exceed forty-eight hours.

The person detained shall have the right to get in touch with his family immediately.

The person detained shall be informed also of his right to contact a lawyer. This right may be limited by a judge, under exceptional circumstances prescribed by law.

An extension of the detention may take place only exceptionally and in accordance with the conditions specified by statute.

At the end of the detention a medical examination shall be performed on the detained person if the latter so requests; in any case he or she has to be informed of this right.

A medical examination is obligatory for minors.

The law shall determine the modalities for the implementation of this provision.

Article 61

Judicial error shall give rise to compensation by the State.

The statute shall determine the conditions and modalities of the compensation.

Article 62

Every citizen meeting the legal requirements shall have the right to vote and to be elected.

Article 63

Equal access to functions and employment in the State shall be guaranteed to all citizens, without conditions other than those established by statute.

Exclusive Algerian nationality is a requirement for access to high levels of responsibility in public administration and to political positions.

The law shall establish the list of high levels of responsibility and political functions mentioned above.

Article 64

Private property shall be guaranteed.

The right of inheritance shall be guaranteed.

The holdings of the religious (*wakf*) and other foundations shall be recognized. Their use for the established purposes shall be protected by statute.

Article 65

The right to public education shall be guaranteed. Instruction shall be free within the conditions fixed by statute.

Primary education shall be compulsory.

The State shall organize the national educational system.

The State shall protect equal access to schooling and professional training.

Article 66

All citizens shall have the right to the protection of their health.

The State shall ensure the prevention and the fight against epidemic and endemic illnesses.

The State shall establish mechanisms to provide for the poor.

Article 67

The State shall promote the construction of housing.

The State shall work to facilitate access to housing for the underprivileged.

Article 68

Citizens have the right to a healthy environment.

The State shall work to preserve the environment.

The law shall determine the obligations of natural and legal persons for the protection of the environment.

Article 69

All citizens shall have the right to work.

The right to protection, security and hygiene at work shall be guaranteed by statute.

The right to rest shall be guaranteed. Statute shall determine the modalities of its exercise.

The right of workers to social security shall be guaranteed by law.

The employment of children under 16 shall be punishable by law.

The State shall work to promote apprenticeship and establish policies in support of job creation.

Article 70

The right to establish trade unions shall be recognized for all citizens.

Article 71

The right to strike shall be recognized. It shall be exercised within the framework established by statute.

The law may prohibit or restrict the exercise of the right to strike in the fields of national defense and security, or for services and public activities which are of vital interest to the community.

Article 72

The family shall enjoy the protection of the State and of the society.

The rights of the child shall be protected by the family, society and the State.

Abandoned children or those without affiliation shall be cared for by the State.

The law shall punish violence against children.

The State shall work to ensure that vulnerable groups with specific needs enjoy the rights of all citizens, and for their integration into social life.

The elderly shall be protected by the family and the State.

The law shall determine the modalities for the implementation of these provisions.

Article 73

The living conditions of the citizens who cannot yet work or can no longer or never again work shall be guaranteed.

CHAPTER V THE DUTIES**Article 74**

No one is excused as a result of ignorance of the law.

Every person is under a duty to respect the Constitution and to conform to the laws of the Republic.

Article 75

Every citizen has the duty to protect and safeguard the independence of the country, its sovereignty and the integrity of its national territory, the unity of its people, as well as all the attributes of the State.

Treason, espionage, defection to the enemy, as well as all infractions committed against the security of the State shall be punished with all the rigor of the law.

Article 76

Every citizen must loyally discharge his obligations toward the national community.

The dedication of the citizen to his fatherland and the obligation to contribute to its defense shall be sacred and permanent duties.

The State shall guarantee respect for the symbols of the Revolution, the memory of the *chouhada* and the dignity of their rightful claimants and of the *moudjahidine*.

Moreover, the State shall work for the promotion of the writing of history and its teaching to the younger generations.

[4] Last paragraph inserted by Article 3 of Constitutional Act No. 08-19 of November 15, 2008.

Article 77

All rights which a person enjoys shall be exercised in a manner which is respectful of the rights conferred by the Constitution on others, and in particular of the right to honor, to the intimacy and the protection of the family, of youth and childhood.

Article 78

All citizens shall be equal with respect to taxation.

Everyone must participate in the financing of public expenditure according to his or her abilities.

No tax may be levied except by virtue of a statute.

No tax, contribution, excise or right of any kind may be levied with retroactive effect.

Any action to circumvent the equality of citizens and legal persons with regard to tax shall constitute an infringement of the national community's interests. It shall be punishable by law.

The law shall punish tax evasion and capital flight.

Article 79

Under threat of prosecution, parents have the obligation to ensure the education of their children, and children have a duty to provide help and assistance to their parents.

Article 80

Every citizen has the duty to protect public property and the interests of the national community and to respect the property of others.

Article 81

Every foreigner who resides legally on the national territory shall enjoy for his person and his goods the protection of the law.

Article 82

No one may be extradited except on the basis and application of an Extradition Act.

Article 83

In no case may a political refugee who is lawfully claiming the right of asylum be handed over or extradited.

TITLE II THE ORGANIZATION OF THE POWERS**CHAPTER I THE EXECUTIVE POWER****Article 84**

The President of the Republic, Head of the State, shall embody the unity of the Nation.

He shall be the guarantor of the Constitution.

He shall embody the State both within the country and abroad.

He shall appeal directly to the Nation.

Article 85

The President of the Republic shall be elected by universal, direct and secret suffrage.

He shall be elected by an absolute majority of votes cast.

The other modalities of the presidential election shall be determined by an empowering statute.

Article 86

The President of the Republic shall exercise the supreme authority of the State within the limits established by the Constitution.

Article 87

To be eligible for the Presidency of the Republic, a candidate must:

- never have acquired foreign citizenship

- have solely native Algerian citizenship and testify to the native Algerian citizenship of their father and mother;;
 - be of Muslim faith;
 - be at least forty (40) years old on election day;
 - enjoy all civil and political rights;
 - testify to the exclusive native Algerian nationality of the spouse;
 - prove exclusive permanent residence in Algeria for a minimum of ten (10) years prior to declaring their candidature;
 - provide proof of his participation in the Revolution of November 1, 1954 if he was born before July 1942;
 - provide proof of the non-involvement of his parents in hostile acts against the Revolution of November 1, 1954 if he was born after July 1942;
 - produce a public declaration of his mobile and immobile property in Algeria as well as abroad; and
- fulfill other conditions as specified by Institutional Act.

Article 88

The presidential term shall be five years.

The President of the Republic may be re-elected once only.

[5] As amended by Article 4 of Constitutional Act No. 08-19. Prior to the amendment, the second paragraph had the following wording: "The President of the Republic may be re-elected only once."

Article 89

The President of the Republic shall take an oath before the people and in the presence of all the high officials of the Nation in the week following his election.

He shall assume his office upon taking the oath.

Article 90

The President of the Republic shall take the following oath:

In the name of God, most benevolent, ever merciful

"Faithful to the supreme sacrifices and the memory of our revered martyrs and the ideals of the eternal November Revolution, I swear by God All Mighty to respect and glorify the Islamic religion, to defend the Constitution, to work tirelessly for the continuity of the State, to work to insure the necessary conditions for the normal functioning of the institutions and the Constitutional system, and to strive to strengthen the democratic path, to respect the free choice of the people, as well as the institutions and laws of the Republic, to preserve the integrity of the national territory, the unity of the people and the nation, to protect the fundamental rights of man and citizen, to work relentlessly for the development and the prosperity of the people, and to pursue with all my strength the realization of the great ideals of justice, liberty and peace in the world."

and God is my witness

Article 91

In addition to the powers expressly conferred upon him by this Constitution, the President of the Republic shall enjoy the following powers and prerogatives:

1. He shall be the Commander-in-Chief of the armed forces of the Republic.
2. He shall be responsible for National Defense.
3. He shall determine and conduct the foreign policy of the nation.
4. He shall chair the Council of Ministers.
5. *He shall appoint the Prime Minister after consultation with the parliamentary majority and put an end to his functions.*
6. He shall sign presidential decrees.
7. He shall have the right to grant pardons, and to reduce or to commute sentences.
8. He may refer any question of national importance to the people by way of referendum.
9. He shall conclude and ratify international treaties.
10. He shall confer decorations, distinctions and honorary titles of the State.

[6]As amended by constitutional Act N° 08-19 of November15, 2008. Points 5, 6 and 7 added or amended following to internal reorganization of the executive power.

Article 92

The President of the Republic shall appoint:

1. to posts and commissions (as) specified by the Constitution;
2. to civilian and military posts of the State;
3. to other posts determined by the Council of Ministers;
4. the First President of the Supreme Court;
5. the President of the Conseil d'Etat;
6. the Secretary General of the Government;
7. the Governor of the Bank of Algeria;
8. the judges and prosecutors;
9. those responsible for the security organs;
- 10. the *walis*[7]**

The President shall appoint and recall the ambassadors and the special envoys of the Republic abroad.

In addition to the functions set out in paragraphs 4 and 5 above, an Institutional Act shall determine the other judicial functions to which the President of the Republic shall make appointments.

[7] The *walis* are the governors of the Algerian provinces.

Article 93

The President of the Republic shall appoint the members of the Government after consultation with the Prime Minister.

The Prime Minister shall coordinate Government activity.

Government shall develop an action plan and present it in a cabinet meeting.

The Prime Minister shall implement the program of the President of the Republic and shall coordinate the action of the Government to this effect.

The Prime Minister defines his action plan for the purpose of execution and submits it to the Council of Ministers.

[8] As amended by Constitutional Act No. 08-19. Prior to the revision, the Article had the following wording: “The Head of the Government shall present the members of the Government which he has chosen to the President of the Republic for appointment. The Head of the Government shall formulate his program and present it to the Council of Ministers.”

Article 94

The Prime Minister shall submit the Government’s action plan for approval to the People’s National Assembly, which shall open a general debate to this end.

The Prime Minister may amend the action plan in the light of this debate, in agreement with the President of the Republic.

The Prime Minister shall submit to the Council of the Nation a statement on the Government’s action plan as it has been approved by the People’s National Assembly.

The Council of the Nation may adopt a resolution.

[9] As amended by Article 7 of Constitutional Act No. 08-19. Prior to the reform the provision was as follows: “The Head of the Government submits his program for approval to the People’s National Assembly, which opens a general debate to this end. The Head of the Government may adapt his program in the light of this debate. The Head of the Government shall submit to the Council of the Nation a statement concerning his program. The Council of the Nation may adopt a resolution.”

Article 95

In case of non-approval of his action plan by the People’s National Assembly, the Prime Minister shall tender the resignation of his Government to the President of the Republic.

The President of the Republic shall appoint a new Prime Minister under the same procedure.

[10] As amended by Article 8 of Constitutional Act No. 08-19. Prior to the reform the provision had the following wording: “In case of non-approval of his

program by the People’s National Assembly, the Head of the Government shall tender the resignation of his Government to the President of the Republic. The President of the Republic shall appoint a new Head of the Government under the same procedure.”

Article 96

If the approval of the People’s National Assembly is not obtained on a new effort, the People’s National Assembly shall be dissolved without further consideration.

The existing Government shall remain in office to conduct current affairs until the election of a new People’s National Assembly which must take place within a maximum interval of three (3) months.

Article 97

The *Prime Minister* shall implement and coordinate the program adopted by the People’s National Assembly.

[11] The term “Prime Minister” was substituted for “Head of Government” by Article 13 of Constitutional Act No. 08-19 of November 15, 2008.

Article 98

The Government shall declare its general policy annually to the People’s National Assembly a declaration of general policy.

The declaration shall form the basis for a debate on the action of the Government.

The debate can be concluded by a resolution or may result in a motion of censure in conformity with the provisions of Articles [153, 154](#) and [155](#).

The *Prime Minister* may ask the People’s National Assembly for a vote of confidence. If the motion of confidence is not voted, the *Prime Minister* shall tender the resignation of his Government.

In that case the President of the Republic may, before the acceptance of the resignation, make use of the provisions of [Article 147](#) below.

The Government may also submit to the Council of the Nation a declaration of general policy.

[12] The term “Prime Minister” was substituted for “Head of Government” by Article 13 of Constitutional Act No. 08-19 of November 15, 2008.

Article 99

In addition to the powers expressly conferred by other provisions of the Constitution, the Prime Minister shall exercise the following competences:

1. *He shall assign the competences among the members of the Government in accordance with the constitutional provisions.*

2. *He shall supervise the execution of the laws and the regulations.*

3. *He or she shall chair cabinet meetings.*

4. *He shall sign executive decrees.*

5. *He shall appoint the employees of the State, without prejudice to the provisions of Article 91 and 92 above.*

6. *He shall supervise the good functioning of the public administration.*

[13] As amended by Article 9 of Constitutional Act No. 08-19. Prior to the reform the provision was as follows: “In addition to the powers expressly conferred by other provisions of the Constitution, the Head of the Government shall exercise the following competences: **1.** He shall assign the competences among the members of the Government in accordance with the constitutional provisions. **2.** He shall chair the Council of Government. **3.** He shall supervise the implementation of laws and regulations. **4.** He shall sign executive decrees. **5.** He shall appoint employees of the State, without prejudice to provisions of Article 77 and 78 above. **6.** He shall supervise the good functioning of the public administration.”

Article 100

The *Prime Minister* may tender the resignation of his Government to the President of the Republic.

[14] The term ‘‘Prime Minister’’ was substituted for ‘‘Head of Government’’ by Article 13 of Constitutional Act No. 08-19 of November 15, 2008.

Article 101

The President of the Republic may not under any circumstances delegate the power to appoint the Prime Minister, the members of the Government, as well as the Presidents and members of the constitutional institutions for which no other mode of designation is specified by the Constitution.

Nor may he delegate his power to have recourse to referendum, to dissolve the People’s National Assembly and to order fresh legislative elections, or to implement the provisions specified in Articles 91, 92, 105, 107 to 109, 111, 142, 144, 145 and 146 of the Constitution.

[15] The term “Prime Minister” was substituted for “Head of Government” by Article 10 of Constitutional Act No. 08-19 of November 15, 2008.

Article 102

Whenever the President of the Republic, because of serious and enduring illness, finds himself in a total incapacity to exercise his functions, the Constitutional Council shall meet as of right and, after having verified by all appropriate means that the incapacity indeed exists, shall propose to the Parliament by unanimity to declare a state of incapacity.

The Parliament shall declare the state of incapacity of the President of the Republic in a joint session of both chambers by a two-thirds (2/3) majority of its members, and shall appoint the President of the Council of the Nation for a maximum period of forty-five (45) days as interim Head of State, who shall exercise his powers in accordance with the provisions of [Article 104](#) of the Constitution.

If the incapacity continues beyond the period of forty-five (45) days, it shall proceed to a declaration of vacancy caused by legally mandated resignation according to the procedure stipulated in the paragraphs below and the provisions of the following paragraphs of this Article.

In case of resignation or death of the President of the Republic, the Constitutional Council shall meet as of right and declare the definitive vacancy of the Presidency of the Republic.

It shall communicate immediately the act of the declaration of definitive vacancy to the Parliament which meets as of right.

The President of the Council of the Nation shall assume the duties of Head of State for a maximum period of ninety (90) days, during which presidential elections shall be organized.

The Head of State so designated cannot be a candidate for the Presidency of the Republic.

In case of coincidence of the resignation or the death of the President of the Republic with a vacancy in the Presidency of the Council of the Nation, for whatever cause, the Constitutional Council shall meet as of right and declare by unanimity a definitive vacancy of the Presidency of the Republic and the incapacity of the President of the Council of the Nation.

In that case the President of the Constitutional Council shall assume the duties of the Head of State on the conditions specified in the preceding paragraphs of the present Article and [Article 104](#) of the Constitution.

He cannot be a candidate for the Presidency of the Republic.

Article 103

Once the Constitutional Council has approved a candidate in the presidential elections, their withdrawal can only occur in the event of serious incapacity as duly noted by the Constitutional Council or by the death of the candidate concerned.

If one of the two candidates in the second round withdraws, the electoral process shall continue without taking into account the withdrawal.

In the event of death or legal incapacity of one of the two candidates in the second round, the Constitutional Council shall declare that the whole electoral process begins anew. In this case, it postpones the new elections for a period of sixty (60) days.

When applying the provisions of this Article, the incumbent President of the Republic or the person who assumes the function of Head of State shall remain in office until the President of the Republic is sworn in.

An Institutional Act shall determine the conditions and modalities for implementing the present provisions.

Article 104

The Government in office at the time of the temporary incapacity, the death or the resignation of the President of the Republic cannot be dismissed from office or reshuffled before the new President of the Republic assumes his functions.

In a situation when the Prime Minister in office at the time is a candidate for the Presidency of the Republic he must resign as of right. The function of the Prime Minister shall be assumed by another member of the Government designated by the Head of State.

During the periods of forty-five (45) days and the sixty (60) days referred to in Articles 102 and 103, no application can be made of the provisions in paragraphs 7 and 8 of Article 91 and in Articles 93, 142, 147, 154, 155, 208, 210 and 211 of the Constitution.

During the same periods, Articles 105, 107, 108, 109 and 111 of the Constitution cannot be applied without the approval of the Parliament meeting in joint session, the Constitutional Council and the High Council of Security having been previously consulted.

[16] Paragraphs 2 and 3 were modified by Article 11 of Constitutional Act No. 08-19, which substituted the term “Prime Minister” for “Head of Government” in paragraph 2 and brought the wording of paragraph 3 into line with the changes to Article 77 (see note 6 above).

Article 105

In case of compelling necessity the President of the Republic, after having convened the High Council of Security and having consulted with the President of the People’s National Assembly, the President of the Council of the Nation, the President of the People’s National Assembly, the *Prime Minister* and the President of the Constitutional Council, shall decree the state of urgency or state of siege for a specified period and take all necessary measures for the restoration of the previous situation.

The state of urgency or the state of siege can only be prolonged after approval by the Parliament meeting in joint session.

[17] The term “Prime Minister” was substituted for “Head of Government” by Article 13 of Constitutional Act No. 08-19 of November 15, 2008.

Article 106

The organization of the state of urgency and the state of siege is determined by an Institutional Act.

Article 107

Whenever the country is threatened by an imminent danger to its institutions, its independence or its territorial integrity, the President of the Republic shall decree the state of emergency.

Such a measure shall be taken after consultation with the President of the Council of the Nation, the President of the People’s National Assembly, the President of the Council of the Nation and the President of the Constitutional Council and after hearing the High Council of Security and the Council of Ministers.

The state of emergency empowers the President of the Republic to take exceptional measures which are necessary for the safeguarding of the independence of the Nation and the institutions of the Republic.

The Parliament shall meet as of right.

The state of emergency shall be terminated in accordance with the same forms and procedures which have governed its proclamation.

Article 108

The President of the Republic shall decree the general mobilization in the Council of Ministers after having heard the High Council of Security and having consulted with the President of the Council of the Nation and the President of the People's National Assembly.

Article 109

The President of the Republic, after having convened the Council of Ministers, having heard the High Council of Security, and having consulted with the President of the People's National Assembly and the President of the Constitutional Council, shall declare war in case of an effective or imminent aggression in conformity with the relevant provisions of the Charter of the United Nations.

The Parliament shall sit as of right.

The President of the Republic shall inform the Nation by a message.

Article 110

During the state of war the Constitution shall be suspended and the President of the Republic shall assume all powers.

When the term of the President of the Republic ends, it shall be extended as of right until the end of the war.

In case of the resignation or death of the President of the Republic or any other incapacity the President of the Council of the Nation shall assume in his role as Head of State in the same conditions as the President of the Republic all the powers required by the state of war.

In case of a coincidence of the vacancy in the Presidency of the Republic with a vacancy in the Presidency of the Council of the Nation, the President of the Constitutional Council shall assume the responsibilities of Head of the State in the conditions stated above.

Article 111

The President of the Republic shall sign the armistice accords and the treaties of peace.

He shall obtain the advice of the Constitutional Council on the accords.

He shall submit them immediately for the express approval of each of the Houses of Parliament.

CHAPTER II THE LEGISLATIVE POWER

Article 112

The legislative power shall be exercised by a Parliament composed of two chambers, the People's National Assembly and the Council of the Nation.

The Parliament shall prepare and adopt the legislation autonomously.

Article 113

The Parliament shall control the action of the Government in the conditions specified by Articles 94, 98, 151 and 152 of the Constitution.

The control referred to in Articles 153 and 155 of the Constitution shall be exercised by the People's National Assembly.

Article 114

Parliamentary opposition shall enjoy the right to effective participation in parliamentary work and in political life, including:

- 1- freedom of opinion, expression and assembly;
- 2- the benefit of financial aid as elected deputies;
- 3- effective participation in legislative work;
- 4- effective participation in monitoring Government action;
- 5- appropriate representation in the organs of both chambers of Parliament;
- 6- referral to the Constitutional Council in accordance with Article 187 (paragraphs 2 and 3) of the Constitution, concerning laws passed by Parliament;
- 7- participation in parliamentary diplomacy;

Each chamber of Parliament shall devote a monthly meeting to discussing an agenda presented by one or more parliamentary groups from the opposition.

The modalities for the application of this article shall be defined in the rules of procedure of each chamber of Parliament.

Article 115

Within the framework of its constitutional powers the Parliament must remain faithful to the mandate of the people and remain in constant touch with their aspirations.

Article 116

Members of Parliament or Members of the Council of the Nation shall dedicate themselves fully to fulfilling their mandate.

The rules of procedure of the National Assembly and the Council of the Nation must include provisions regarding the compulsory effective participation of their members in committees and plenary sessions, on pain of penalties for absence.

Article 117

Elected deputies, affiliated to a political party, shall forfeit their right to elected office in the elected National Assembly or the Council of the Nation, if they voluntarily change the affiliation under which they were elected.

The President of the relevant chamber shall seize the Constitutional Council, which shall announce the vacancy. The terms of replacement shall be defined by law.

The Member of Parliament, who would have resigned from or been excluded by their party, shall retain their mandate as an independent Member of Parliament.

Article 118

The members of the People's National Assembly shall be elected by universal, direct and secret suffrage.

Two-thirds (2/3) of the members of the Council of the Nation shall be elected by indirect and secret suffrage, with two seats per *Wilaya*, from among members of the People's Communal Assemblies and members of the People's Assemblies of *Wilayas*.

One-third (1/3) of the members of the Council of the Nation shall be designated by the President of the Republic from among national personalities and competencies.

Article 119

The People's National Assembly shall be elected for a term of five (5) years.

The mandate of the Council of the Nation shall be fixed at six (6) years.

The membership of the Council of the Nation shall be renewable by one-half (1/2) every three (3) years.

The mandate of the Parliament cannot be extended save in exceptionally serious circumstances which disturb the normal election process.

Such a situation is determined by a decision of a joint session of the chambers of Parliament convened upon proposal of the President of the Republic and in consultation with the Constitutional Council.

Article 120

The modalities of the election of the deputies and those relative to the election or designation of the members of the Council of the Nation, the conditions of eligibility and the terms of disqualifications and of incompatibilities applying to them, and the system of parliamentary allowances shall be determined by Institutional Act.

Article 121

The validation of the mandates of the deputies and that of the members of the Council of the Nation shall fall within the competence of the respective chamber.

Article 122

The mandate of the deputy and of the member of the Council of the Nation shall be national. It shall be renewable and incompatible with any other mandate or function.

Article 123

The deputy or the member of the Council of the Nation who does not fulfill or no longer fulfills the conditions of eligibility shall forfeit his mandate.

This forfeiture shall be decided in each case by the People's National Assembly or the Council of the Nation by a majority of its members.

Article 124

The deputy or the member of the Council of the Nation shall be responsible to his peers who can revoke his mandate if he commits an act unworthy of his mission.

The rules of procedure of each chamber shall establish the conditions in which a deputy or a member of the Council of the Nation may be excluded.

The exclusion shall be declared in each case by a majority of the members of the People's National Assembly or the Council of the Nation without prejudice to other sanctions under the general law.

Article 125

The conditions in which the Parliament accepts the resignation of one of its members shall be established by Institutional Act.

Article 126

Parliamentary immunity shall be granted to the deputies and to the members of the Council of the Nation during their time in Parliament.

They may not be prosecuted or arrested, or in general be the object of any civil or criminal proceedings or pressures on account of the opinions expressed, the speeches delivered or the votes cast in the exercise of their mandate.

Article 127

A deputy or a member of the Council of the Nation may not be prosecuted for a crime or an offense unless he waives his parliamentary immunity or the prosecution is authorized, depending on the case, by either the People's National Assembly or the Council of the Nation, which shall decide by a majority of its members on the lifting of the parliamentary immunity of its member.

Article 128

If caught in the act of committing an offense or a crime the deputy or member of the Council of the Nation may be arrested. The bureau of the People's National Assembly or the Council of the Nation must be informed immediately.

The competent bureau may demand the suspension of the prosecution and the release of the deputy or the member of the Council of the Nation; in this case the procedure provided for in [Article 127](#) above shall apply.

Article 129

An Institutional Act shall determine the conditions of replacement of a deputy or a member of the Council of the Nation in case of vacancy of his seat.

Article 130

The legislature shall meet as of right on the fifteenth (15th) day following the announcement of results by the Constitutional Council, under the presidency of its oldest member of the People's National Assembly, assisted by the two youngest deputies.

It shall proceed to the election of its bureau and the constitution of its commissions.

The above provisions shall apply to the Council of the Nation.

Article 131

The President of the People's National Assembly shall be elected for the term of the legislature.

The President of the Council of the Nation shall be elected after every partial renewal of the membership of the Council.

Article 132

The organization and the functioning of the People's National Assembly and of the Council of the Nation, as well as the working relations between the chambers of the Parliament and the Government, shall be determined by Institutional Act.

The budget of the two chambers shall be determined by statute.

The People's National Assembly and the Council of the Nation shall draft and adopt their rules of procedure.

Article 133

The meetings of the Parliament shall be public. A record of its proceedings shall be kept and be made available to the public in the conditions established by Institutional Act.

The People's National Assembly and the Council of the Nation may meet in closed session upon the request of their presidents, the majority of their members present, or the *Prime Minister*.

[18] The term "Prime Minister" was substituted for "Head of Government" by Article 13 of Constitutional Act No. 08-19 of November 15, 2008.

Article 134

The People's National Assembly and the Council of the Nation shall establish permanent commissions within the framework of their rules of procedure.

Each Standing Committee in each chamber may establish a temporary fact-finding mission on a specific topic or situation.

Article 135

The Parliament shall meet in one ordinary session each year, with a minimum duration of ten (10) months. It shall begin on the second business day in the month of September.

In order to complete the on-going consideration of an agenda item, the Prime Minister may request an extension of the regular session for a few days.

The Parliament may meet in extraordinary session on the initiative of the President of the Republic.

It may also be summoned by the President of the Republic on the request of the *Prime Minister* or the request of two-thirds (2/3) of the members of the People's National Assembly.

The closing of the extraordinary session shall take place when the Parliament has completed the agenda for which it was summoned.

[19] The term "Prime Minister" was substituted for "Head of Government" by Article 13 of Constitutional Act No. 08-19 of November 15, 2008.

Article 136

The *Prime Minister*, deputies and Members of the Council of the Nation shall have the right to initiate legislation.

In order to be admissible Bills must be introduced by twenty (20) deputies or twenty (20) Members of the Council of the Nation on matters provided for in Article 137.

Bills shall be submitted to the Council of Ministers after the advice of the Conseil d'Etat and then be transmitted by the *Prime Minister* to the bureau of the People's National Assembly or the bureau of the Council of the Nation as applicable.

[20] The term “Prime Minister” was substituted for “Head of Government” by Article 13 of Constitutional Act No. 08-19 of November 15, 2008.

Article 137

Draft laws relating to local organization, land use planning and territorial division shall be transmitted to the bureau of the Council of the Nation.

Except for the cases listed in the paragraph above, all other bills shall be transmitted to the bureau of the People's National Assembly.

Article 138

In order to be adopted, and subject to the provisions of Article 137 paragraph 1 above, each Government Bill or Private Members' Bill must be the object of deliberation successively by the People's National Assembly and the Council of the Nation.

With respect to matters specified in Article 137, Bills shall be debated by the People's National Assembly in the form in which they have been tabled before it.

The Government shall submit to each chamber the text that has been voted by the other chamber.

Each chamber shall deliberate on and adopt the text voted by the other chamber.

The Council of the Nation shall debate the text that has been voted by the People's National Assembly and shall adopt it by a majority of its members present in the case of ordinary Bills, or by an absolute majority in the case of organic Bills.

In case of disagreement between the two chambers, a joint committee composed of members from the two chambers, shall be convened at the request of the *Prime Minister* within fifteen (15) days to propose a text on the provisions which are the subject of the disagreement. The joint committee shall complete its deliberations within a maximum of fifteen (15) days.

This text shall be submitted by the Government to the two chambers for their approval; no amendment shall be admissible, except with the consent of the Government.

In case of the persistence of the disagreement the Government may ask the People's National Assembly to take a final decision. In this case, the People's National Assembly shall adopt the text prepared by the joint committee or, failing that, the last text that it passed.

If the Government does not seize the People's National Assembly, in accordance with the preceding paragraph, the text shall be withdrawn.

The Parliament shall adopt the Finance Bill within a period of seventy-five (75) days, counting from the date of submission in conformity with the preceding paragraphs.

In case of non-adoption within the specified period, the President of the Republic shall promulgate the Government Bill by way of ordinance.

The other procedures shall be specified by the Institutional Act referred to in [Article 132](#) of the Constitution.

[21] The term “Prime Minister” was substituted for “Head of Government” by Article 13 of Constitutional Act No. 08-19 of November 15, 2008.

Article 139

Any Bill which aims at or has the effect of decreasing public revenue or increasing public expenditure shall be inadmissible unless it is accompanied by measures which seek to increase the revenue of the State or to achieve savings at least equal in size on other items of public expenditure.

Article 140

The Parliament shall legislate on the subject matters assigned to it by the Constitution as well as the following fields:

- 1.** The fundamental rights and duties of persons, particularly the system of public liberties, the safeguarding of individual liberties, and the obligations of citizens;
- 2.** The general rules pertaining to personal status and family law and particularly to marriage, divorce, filiation, legal capacity and inheritance;
- 3.** The conditions of the establishment of persons;
- 4.** Basic legislation concerning nationality;
- 5.** General rules pertaining to the condition of foreigners;
- 6.** Rules concerning judicial organization and the creation of new categories of courts;

- 7.** General rules of criminal law and criminal procedure and particularly the determination of crimes and misdemeanors, the institution of the corresponding penalties of any kind, amnesty, extradition and the penitentiary regime;
- 8.** The general rules of civil and administrative procedure and the execution of judgments;
- 9.** The system of civil and commercial obligations and property;
- 10.** The territorial division of the country;
- 11.** The vote of the State budget;
- 12.** The introduction of the base and rates of taxes, contributions, duties and fees of every kind;
- 13.** The customs system;
- 14.** The general regulations concerning the issuing of money, the banking regime, credit and insurance;
- 15.** General rules relating to education and scientific research;
- 16.** General rules relating to public health and the population;
- 17.** General rules relating to the right to work, social security, and the exercise of the right to establish trade unions;
- 18.** General rules relating to the environment, the standard of life and land management;
- 19.** General rules relating to the protection of the fauna and flora;
- 20.** The protection and safeguarding of the cultural and historic heritage;
- 21.** The general system of forests and pasture lands;
- 22.** The general water system;
- 23.** The general system of mines and hydrocarbons;
- 24.** Real estate;
- 25.** The fundamental guarantees accorded to public officials and the general statute of Public Service;
- 26.** The general rules relative to National Defense and the use of the Armed Forces by civil authorities;

- 27.** The rules governing the transfer of property from the public to the private sector;
- 28.** The setting up of categories of legal entities;
- 29.** The creation of decorations, distinctions and honorific titles of the State.

Article 141

In addition to the matters reserved by the Constitution for regulation by Institutional Act the following matters shall be subject to regulation by Institutional Act:

- the organization and functioning of the public authorities;
- the electoral system;
- the Political Parties Act;
- the Information Act;
- the status of judges and prosecutors and the judicial organization;
- the framework legislation concerning Finance Bills;

The Institutional Act shall be adopted by absolute majority of the members of the Council of the Nation.

It shall be submitted for review of its conformity to the Constitutional Council before its promulgation.

Article 142

In case of the non-functioning of the People's National Assembly or during parliamentary recesses, the President of the Republic may legislate on urgent matters by ordinance after seeking the opinion of the Council of State.

The President of the Republic shall submit the texts adopted by him to the approval of each of the chambers of Parliament at their next session.

Ordinances not adopted by the Parliament shall be void.

In case of a state of emergency defined in [Article 107](#) of the Constitution, the President of the Republic may legislate by ordinances.

The ordinances shall be adopted in the Council of Ministers.

Article 143

Matters other than those reserved to statutory legislation shall fall within the regulatory power of the President of the Republic.

The implementation of the laws shall be a matter for the regulatory power of the *Prime Minister*.

[22] The term “Prime Minister” was substituted for “Head of Government” by Article 13 of Constitutional Act No. 08-19 of November 15, 2008.

Article 144

The Act of Parliament shall be promulgated by the President of the Republic within thirty (30) days counted from the date of its transmittal.

However, when an Act has been submitted to the Constitutional Council before its promulgation by one of the authorities referred to in [Article 187](#) below, this time limit shall be suspended until the Constitutional Council gives its ruling in the conditions specified in [Article 188](#) below.

Article 145

The President of the Republic may ask for the re-opening of the parliamentary debate on an Act voted by Parliament within thirty (30) days following its adoption.

In that case, a majority of two-thirds (2/3) of the members of the People’s National Assembly and of the Council of the Nation shall be required for the adoption of the Act.

Article 146

The President of the Republic can direct a message to the Parliament.

Article 147

After consulting the President of the Council of the Nation, the President of the People’s National Assembly, the President of the Constitutional Council, and the *Prime Minister*, the President of the Republic can decide on the dissolution of the People’s National Assembly or on anticipated legislative elections.

In both cases legislative elections must take place within a maximum limit of three (3) months.

[23] The term “Prime Minister” was substituted for “Head of Government” by Article 13 of Constitutional Act No. 08-19 of November 15, 2008.

Article 148

Upon request of the President of the Republic or one of the Presidents of one of the two chambers, the Parliament may initiate a debate on foreign policy.

This debate can be concluded with a resolution of the Parliament meeting in joint session of the two chambers, which shall be communicated to the President of the Republic.

Article 149

Armistice accords, treaties of peace, of alliances and union, treaties relating to the borders of the State as well as treaties concerning the status of person and those which involve expenditures not foreseen in the budget of the State, bilateral or multilateral agreements on free trade areas, associations and economic integration, shall be ratified by the President of the Republic after explicit approval by each of the two chambers of Parliament.

Article 150

The treaties ratified by the President of the Republic in the conditions specified by the Constitution shall prevail over Acts of Parliament.

Article 151

The members of Parliament can ask the Government to explain its action on matters of current concern. An answer shall be given within a period of thirty (30) days.

The commissions of Parliament may hear the members of the Government.

Article 152

The members of Parliament may address orally or in written form any question to any member of the Government.

The written question must receive a reply in the same form within a maximum period of thirty (30) days.

The oral questions shall receive a response within a maximum period of thirty (30) days.

The People's National Assembly and the Council of the Nation shall hold, alternately, a weekly session dedicated to Government responses to the oral questions of deputies and members of the Council of the Nation.

If one of the two chambers believes that the oral or written response by the member of the Government justifies it, a debate shall be opened in the conditions specified in the rules of procedure of the People's National Assembly and the Council of the Nation.

The questions and answers are published in accordance with the same conditions as the records of the parliamentary debates.

Article 153

On the occasion of the debate on the general policy declaration, the People's National Assembly can hold the Government to account by voting a motion of censure.

Such a motion is not admissible unless it is signed by at least a seventh (1/7) of the number of deputies.

Article 154

The motion of censure must be approved by a majority vote of two-thirds (2/3) of the deputies. The vote may only take place three (3) days after the tabling of the motion of censure.

Article 155

When the motion of censure is approved by the People's National Assembly, the *Prime Minister* must tender the resignation of his Government to the President of the Republic.

[24] The term "Prime Minister" was substituted for "Head of Government" by Article 13 of Constitutional Act No. 08-19 of November 15, 2008.

CHAPTER III THE JUDICIAL POWER

Article 156

The judicial authority shall be independent. It shall be exercised within the framework of the law.

The President of the Republic shall guarantee the independence of the judiciary.

Article 157

The judicial authority shall protect society and the liberties. It shall guarantee to all and everyone the protection of their fundamental rights.

Article 158

Justice shall be founded on the principles of legality and equality.

It shall be equal for all and accessible to all, and shall find its expression in respect of the law.

Article 159

Justice shall be rendered in the name of the people.

Article 160

Criminal sanctions shall conform to the principles of legality and personal responsibility.

The law shall guarantee the right to appeal in criminal matters, and specify detailed rules for its application.

Article 161

The judiciary shall rule on appeals brought against unlawful measures of the administrative authorities.

Article 162

Judicial decisions shall give reasons and shall be pronounced in public session.

Court orders shall be reasoned.

Article 163

All competent organs of the State are required to ensure at all times and in every place and in every circumstance the execution of judicial decisions.

Any act of impediment to the execution of a court decision shall be punishable by law.

Article 164

Justice shall be rendered by the judges. They can be assisted by people's assessors under conditions specified by statute.

Article 165

The judge shall obey only the law.

Article 166

The judge shall be protected against all forms of pressures, interventions or maneuver of any nature that could be harmful to the accomplishment of his mission or to the respect for his free judgment.

Any interference in the course of justice shall be prohibited.

A judge shall guard against any attitude likely to affect his or her impartiality.

A sitting judge shall be removable under conditions laid down by regulations of the Judiciary.

The modalities for the application of this Article shall be defined by an Institutional Act.

Article 167

A judge or prosecutor shall be accountable to the High Council of the Judiciary in the forms specified by statute for the manner in which he performs his mission.

Article 168

The law shall protect the parties to judicial proceedings against any abuse or misconduct by the judge.

Article 169

The right to defense shall be recognized.

In criminal matters it shall be guaranteed.

Article 170

The lawyer benefits from legal guaranties, which ensures him protection against any sort of pressure and allow him to practice freely his profession, within the legal framework.

Article 171

The Supreme Court shall constitute the organ which regulates the activity of the courts and tribunals.

A Conseil d'Etat shall be established as a regulatory body of the activity of the administrative courts.

The Supreme Court and the Conseil d'Etat shall ensure the uniform development of jurisprudence throughout the country and shall oversee the respect for the law.

A Tribunal des Conflits shall be established in order to determine conflicts of jurisdiction between the judicial and administrative courts.

Article 172

The organization, the functioning and the other functions of the Supreme Court, the Conseil d'Etat and the Tribunal des Conflits shall be determined by Institutional Act.

Article 173

The High Council of the Judiciary shall be chaired by the President of the Republic.

Article 174

The High Council of the Judiciary decides, in the conditions determined by statute, the appointments, the transfers, and the promotion of judges and prosecutors.

It shall oversee the respect for the provisions on the status of the judiciary and the observance of discipline by judges and prosecutors under the chairmanship of the first President of the Supreme Court.

Article 175

The High Council of the Judiciary shall provide a consultative opinion to the President of the Republic prior to the exercise of the right of pardon.

Article 176

The composition, the functioning and the other attributions of the High Council of the Judiciary shall be determined by Institutional Act.

The High Council of the Judiciary shall enjoy administrative and financial autonomy. Modalities shall be defined by an Institutional Act.

Article 177

A High Court of State shall be established to review the acts which can be qualified as high treason of the President of the Republic and the crimes and misdemeanors of the *Prime Minister* which are committed in the exercise of their functions.

The composition, the organization and the functioning of the High Court of State, as well as the applicable procedures, shall be established by Institutional Act.

[25] The term “Prime Minister” was substituted for “Head of Government” by Article 13 of Constitutional Act No. 08-19 of November 15, 2008.

TITLE III CONCERNING THE INSTITUTIONS OF CONTROL AND CONSULTATION**CHAPTER I CONTROL****Article 178**

The elected assemblies shall assume the control function in its popular dimension.

Article 179

The Government shall give an account to each chamber of the Parliament on the use of budgetary credits which it has voted for each budgetary period. The budgetary period shall be closed, as far as the Parliament is concerned, by the vote of each chamber of an Act settling the accounts for the budgetary period under consideration.

Article 180

Each of the two chambers may, at any time, establish within the framework of its powers a commission of inquiry on any matter of general interest.

A commission of inquiry shall not be established on the basis of facts that are the subject of legal proceedings.

Article 181

The institutions and organs of control shall have the task of verifying the conformity of legislative and executive action(s) with the Constitution and of verifying the conditions of the use and management of material resources and public funds.

Article 182

A Constitutional Council shall be an independent institution established to monitor the observance of the Constitution.

The Constitutional Council shall monitor, among other matters, the propriety of referendum operations, of the election of the President of the Republic and of legislative elections.

It shall conduct a substantive examination of the appeals it receives on the basis of provisional presidential and parliamentary election results, and announce the final results of all the operations foreseen in the clause above.

The Constitutional Council shall enjoy administrative and financial autonomy.

Article 183

The Constitutional Council shall consist of twelve (12) members: four (4) shall be appointed by the President of the Republic, including the President and Vice-President of the Council, two (2) shall be elected by the People's National Assembly, two (2) shall be elected by the Council of the Nation, two (2) shall be elected by the Supreme Court, and two (2) shall be elected by the Conseil d'Etat.

In the event of a split decision between the members of the Constitutional Council, the President shall have the casting vote.

As soon as they are elected or designated, the members of the Council shall cease any other mandate, function, task or mission, as well as any other activity or liberal profession.

The President of the Republic shall appoint the President and Vice-President of the Constitutional Council for a single eight-year term.

The other members of the Constitutional Council shall serve a single term of eight (8) years; the membership of the Council shall be renewed by one-half (1/2) every four (4) years.

Before taking office, members of the Constitutional Council shall take the following oath before the President of the Republic:

"I swear by Almighty God to exercise my duties with impartiality and neutrality, to preserve the secrecy of deliberations and to refrain from taking a position publicly on any matter that falls within the jurisdiction of the Constitutional Council."

Article 184

Members elected or appointed to the Constitutional Council shall:

- Have attained forty (40) years of age on the day of their appointment or election;
- Have at least fifteen (15) years of professional experience in the legal field of higher education, in the judiciary, as an advocate of the Supreme Court or the Conseil d'Etat, or in a high office of state.

Article 185

During their term, the President, Vice-President and members of the Constitutional Council shall enjoy immunity from criminal prosecution.

They shall not be subject to criminal prosecution or arrest, unless they expressly waive their own immunity or the Constitutional Council authorises such prosecution or arrest.

Article 186

Aside from the other functions which are expressly conferred on it by other provisions of the Constitution, the Constitutional Council shall rule on the constitutionality of treaties, statutes and regulations, by rendering an opinion.

Upon request by the President of the Republic, the Constitutional Council shall issue a binding opinion on the constitutionality of Institutional Acts after their adoption by Parliament.

The Constitutional Council shall also rule in the same form as specified in the previous clause on the conformity of the rules of procedure of each chamber of Parliament with the Constitution.

Article 187

A matter may be submitted to the Constitutional Council by the President of the Republic, the President of the Council of the Nation, the President of the People's National Assembly or the Prime Minister.

It may also be seized by fifty (50) deputies, or thirty (30) members of the Council of the Nation.

The practice of referral contained in the two preceding paragraphs shall not extend to an exception of unconstitutionality as outlined in Article 188 below.

Article 188

The Constitutional Council may be seized with an exception of unconstitutionality, by referral from the Supreme Court or the Conseil d'État, when one of the parties argues before a court that the legislation on which the outcome of the case depends infringes the rights and freedoms guaranteed by the Constitution.

The conditions and modalities for the application of the foregoing provision shall be defined by an Institutional Act.

Article 189

The Constitutional Council shall deliberate in closed session and give its opinion or decision within thirty (30) days after a matter has been submitted to it. In an emergency, and at the request of the President of the Republic, this period shall be reduced to ten (10) days.

When the Constitutional Council is seized on the basis of Article 188, the decision is made within four (04) months of the date of referral. This period may be extended once for four (04) months, in a reasoned decision of the Council, communicated to the referral court.

The Constitutional Council shall establish its rules of procedure.

Article 190

When the Constitutional Council rules that a treaty, accord or convention is unconstitutional, it shall not be ratified.

Article 191

When the Constitutional Council rules that a statutory or regulatory provision is unconstitutional, it ceases to be effective from the day of the decision of the Council. Where legislation is found to be unconstitutional on the basis of Article 188, it shall cease to be effective from the date of the Constitutional Council's decision.

The opinions and decisions of the Constitutional Council are final. They are binding on all public bodies and on administrative and judicial authorities.

Article 192

The Court of Accounts shall be independent. It shall be in charge of the *ex post* control of the finances of the State, the territorial communities, public law entities and the State's market capital.

The Court of Accounts shall contribute to the development of good governance and transparency in the management of public finances.

The Court of Accounts shall prepare a report which it shall address to the President of the Republic, the President of the Council of the Nation, the President of the People's National Assembly and the Prime Minister.

Statute shall determine the competences, organization and functioning of the Court of Accounts, the sanctioning of its investigations and its relations with other Government bodies responsible for control and inspection.

CHAPTER II ELECTION MONITORING

Article 193

The authorities responsible for organizing elections shall ensure their transparency and impartiality.

To this end, the electoral list shall be made available to candidates at every election.

The modalities for the application of this provision shall be defined by an Institutional Act on the electoral system.

Article 194

There shall be an Independent High Authority for the Monitoring of Elections.

It shall be chaired by a national personality who is appointed by the President of the Republic after consultation with political parties.

The High Council has a Standing Committee, and deploys its other members as soon as elections are announced.

The High Council shall be composed of an equal number of:

- Magistrates proposed by the High Council of the Judiciary, appointed by the President of the Republic;
- And independent experts chosen from civil society, appointed by the President of the Republic.

The High Authority shall ensure the transparency and integrity of presidential, parliamentary and local elections and referenda, from the announcement of elections until the announcement of provisional election results.

The Standing Committee of the High Authority shall, in particular:

- Supervise the revision of electoral lists by the Government;
- Make recommendations for improving the legislative and regulatory framework governing the electoral process;
- Organize civic training for the benefit of political parties, on how to monitor elections and formulate appeals.

The modalities for the application of this Article shall be defined by an Institutional Act.

CHAPTER III THE CONSULTATIVE INSTITUTIONS

Article 195

A High Islamic Council shall be established under the auspices of the President of the Republic in order to:

- encourage and promote *ijtihad*;
- to provide its opinion on the matters submitted to it with regard to the religious rules;
- to present a periodic report of its activity to the President of the Republic.

Article 196

The High Islamic Council shall be composed of fifteen (15) members, including the President, who shall be selected by the President of the Republic from among the national elites in the different sciences.

Article 197

A High Council of Security shall be established under the chairmanship of the President of the Republic. This body shall have the task of providing advice to the President on all questions relating to national security.

The modalities of the organization and functioning of the High Council of Security shall be determined by the President of the Republic.

Article 198

There shall be a National Human Rights Council, hereinafter called 'the Council', under the auspices of the President of the Republic, who is the guarantor of the Constitution.

It shall enjoy administrative and financial autonomy.

Article 199

The Council shall ensure the monitoring, early warning and assessment of the respect for human rights.

Without prejudice to the powers of the judiciary, the Council shall examine any human rights violation which it discovers or which is brought to its attention, and shall take any appropriate action. It shall make the results of its investigation known to the relevant administrative authorities and, where appropriate, to the competent courts.

The Council shall initiate awareness-raising, information and communication activities for the promotion of human rights.

It shall also issue opinions, proposals and recommendations on the promotion and protection of human rights.

The Council shall prepare an annual report addressed to the President of the Republic, the Parliament and the Prime Minister, and which it also makes public.

The law shall determine the composition of and the procedures for appointing members of the Council and the rules governing its organization and operation.

Article 200

A Higher Youth Council shall be established, which shall be a consultative body under the auspices of the President of the Republic.

The Council shall include representatives of youth and of Government as well as public institutions responsible for youth issues.

The Council shall ensure the monitoring, early warning and assessment of the respect for human rights.

Article 201

The Higher Youth Council shall provide advice and recommendations on the needs of youth, as well as their development in the economic, social, cultural and sports domains.

The Council shall also contribute to the promotion, among the youth, of national values, patriotic awareness, civic spirit and social solidarity.

Article 202

There shall be a National Council for the prevention and fight against corruption; it shall be an independent administrative authority under the auspices of the President of the Republic.

It shall enjoy administrative and financial autonomy.

The independence of the Council, in particular, shall be guaranteed by the swearing in of its members and officials as well as the protection afforded them against any form of pressure or intimidation, threats, insults or attacks of any kind, to which they may be subjected in the course of their work.

Article 203

The Council's mission shall especially be to propose and help facilitate a comprehensive corruption-prevention policy, enshrining the principles of the rule of law and reflecting integrity, transparency and accountability in the management of public property and public funds.

The Council shall submit, to the President of the Republic, an annual evaluation report of its activities relating to the prevention and fight against corruption, as well as shortcomings with regards to proposed recommendations as appropriate.

Article 204

The National Economic and Social Council, hereinafter called "the Council", shall be a framework for dialogue, consultation and proposals in the economic and social field.

It shall advise Government.

Article 205

The Council's mission shall be to:

- Provide a framework for participation of civil society in the national dialogue on economic and social development policies;

- Ensure continuity of dialogue and consultation between national economic and social partners;
- Evaluate and study issues of national interest in the economic, social, education, training and higher education domains;
- Make proposals and recommendations to the Government.

Article 206

There shall be a National Council for Scientific Research and Technology, hereinafter called "the Council".

Article 207

The Council's mission shall be to:

- Promote national research in the areas of technological and scientific innovation;
- Propose measures for the development of national research and development capabilities;
- Assess the efficiency of national mechanisms for optimizing research results for the benefit of the national economy and within the framework of sustainable development.

The Council shall be led by persons with recognized national competence, appointed by the President of the Republic.

The law shall determine the Council's other missions, its organization and its composition.

TITLE IV CONCERNING CONSTITUTIONAL REVISION

Article 208

A constitutional revision shall be undertaken on the initiative of the President of the Republic. It shall be voted in identical terms by the People's National Assembly and the Council of the Nation in the same conditions as a statutory text.

It shall be submitted by referendum to the approval of the people within fifty (50) days of its adoption.

The constitutional revision, approved by the people, shall be promulgated by the President of the Republic.

Article 209

An Act containing a revision of the Constitution which was rejected by the people shall become inoperative.

It cannot be submitted again to the people during the same legislature.

Article 210

If according to the reasoned opinion of the Constitutional Council the draft constitutional revision in no way infringes upon the general principles governing the Algerian society, the rights and liberties of man and of the citizen, and does not alter in any manner the fundamental balance of the powers and the institutions, the President of the Republic may directly promulgate the law containing the constitutional revision without submitting it to referendum, if it has been approved by three-quarters (3/4) of the votes of the members of the two chambers of the Parliament.

Article 211

Three-fourths (3/4) of the members of the two chambers of the Parliament, meeting in joint session, may propose a constitutional revision and present it to the President of the Republic, who may submit it to a referendum.

If its approval is obtained, it shall be promulgated.

Article 212

None of the following shall be the object of a constitutional amendment:

1. the Republican character of the State;
 2. the democratic order based on a multi-party system;
 3. the role of Islam as the religion of the State;
 4. the role of Arabic as the national and official language;
 5. the fundamental liberties and the rights of man and of the citizen;
 6. the integrity and unity of the national territory;
 7. *the national emblem and the national anthem as symbols of the Revolution and the Republic.*
- 8. the fact that the President of the Republic may only be reelected once.**

[26] point No. 7 was inserted by Article 12 of Constitutional Act No. 08-19 of November 15, 2008.

TRANSITORY PROVISIONS

Article 213

The statutes in force, which the present Constitution has elevated to Institutional Acts, shall remain in force until their modification or replacement in accordance with the procedures provided for by the Constitution.

Article 214

The Constitutional Council in its present composition shall continue to exercise the powers conferred upon it by the present Constitution, the terms of its current members ending upon the expiration of their respective duration.

Any modification or addition shall be carried out according to the conditions and procedures provided for in the present Constitution at the latest six (06) months after its promulgation.

The renewal of one-half (1/2) of the members of the Constitutional Council elected or appointed under the current Constitution shall take place at the end of the fourth (4th) year of the term by draw of lots.

Article 215

In anticipation of fulfilling all the conditions necessary for the implementation of the provisions of Article 188 of the Constitution, and in order to ensure their effective implementation, the mechanism it provides shall be implemented three (03) years after the entry into force of these provisions.

Article 216

The body charged with the promotion and protection of human rights shall continue to perform its functions until the implementation of the provisions of Articles 173-1 and 173-2 of the Constitution.

Article 217

The text of the constitutional revision, as approved, shall be subject to an exercise to harmonize the numbering of its articles.

Article 218

The President of the Republic shall promulgate the text of the constitutional revision, as approved, which shall be executed as the fundamental law of the Republic.