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The Union of the Comoros Proclaim:

- The right to multiple sources of information and a free press;
 - Freedoms of expression, meeting, association and trade unionism with due respect for morals and public order; The Inviolability of a person's home under conditions prescribed by law.
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FUNDAMENTAL LAW OF THE UNION COMOROS

PREAMBLE

The people of the Comoros solemnly affirm their will:

To draw on Islam for continuous inspiration for the principles and rules governing the Union;

To guarantee the pursuit of a common destiny for Comorians;

To bestow on themselves new institutions founded on the legally constituted state and on democracy, respectful of good governance and guaranteeing the sharing of power between the Union and the Islands that constitute it, in order to allow the latter to realise their legitimate aspirations, administer and manage freely and without hindrance their own affairs and promote their socio-economic development;

To mark their attachment to the principles and fundamental rights defined by the Charter of the United Nations, the Charter of the Organization of African Unity, the Charter of the Arab League of Nations, the Universal Declaration of Human Rights of the United Nations and the African Charter on Human and Peoples' Rights, as well as international conventions, notably those relating to the rights of children and women.

Proclaim:

- Solidarity between the Union and the Islands and between the Islands themselves;
- Equality of rights and duties for all the Islands;
- Equality of rights and duties for all without distinction of sex, origin, race, religion or belief;
- Equality of all before the law and the right of every accused person to be defended;
- Freedom and security of every individual on the sole condition that he or she does not commit any act liable to harm others;
- The right to multiple sources of information and a free press;
- Freedoms of expression, meeting, association and trade unionism with due respect for morals and public order;
- Freedom to do business, as well as the security of capital and investments;
- Inviolability of a person's home under conditions prescribed by law;
- Guarantee of ownership, except when public use or necessity have been established according to law and on condition of fair compensation;
- The right of all to health and education;
- The right of children and youth to be protected by the authorities against any form of abandonment, exploitation and violence;
- The right to a healthy environment and the duty of all to safeguard this environment.

This Preamble is an integral part of the Constitution.

TITLE I: THE UNION OF THE COMOROS

Article 1

The Union of the Comoros is a Republic, composed of the autonomous Islands of Mwali (Mohéli), Maoré (Mayotte), Ndzuwani (Anjouan) and N'gazidja (Grande Comore).

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Article 4

Under conditions determined by law, suffrage is universal, equal and secret. It can be direct or indirect. Under conditions determined by law, all Comorians of both sexes can vote in enjoyment of their civil and political rights.

Article 5

Comorian nationality is acquired, kept and lost in accordance with the law. No one who is Comorian by birth can be deprived of his or her nationality.

Article 6

Political parties and groups compete in the casting of votes, as well as in civic and political training of the people. They are formed and function freely, in accordance with the law of the Union. They must respect national unity and the sovereignty and inviolability of the borders of the Comoros, as recognised internationally, as well as the principles of democracy.

TITLE II: THE RESPECTIVE COMPETENCIES OF THE UNION AND THE ISLANDS

Article 7

With due respect for the unity of the Union and the inviolability of its borders as recognised internationally, every Island freely administers and manages its own affairs. Every Island freely establishes its Fundamental Law with due respect for the Constitution of the Union. Comorians have the same rights, freedoms and obligations everywhere in the Union. No authority can adopt measures that directly or indirectly hinder the freedom of movement and settlement of individuals, as well as the free movement of goods over the whole territory of Union. The Islands have an elected executive and Parliament as well as local communities endowed with a deliberating organ and an executive organ, both elected.

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Article 10

Peace treaties, commercial treaties, treaties or agreements relating to an international organisation, those that commit the finances of the Union, those that modify provisions of a legislative nature, those relating to the state of individuals, and those that include cession, exchange or addition of territory, can only be ratified or approved by virtue of a law. They come into effect only after having been ratified or approved. If the Constitutional Court, on referral by the President of the Union, the Vice-Presidents, the President of the Union's Assembly or the Executive Heads of the Islands, has declared that an international agreement contains a clause contrary to the Constitution, the authorisation to ratify or approve it can only be given after the Constitution has been revised. Treaties and agreements regularly ratified or approved take precedence over the laws of the Union and the Islands, as soon as they are published, subject to their application by the other party for every treaty or agreement.

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TITLE III: THE INSTITUTIONS OF THE UNION

1: The Executive Power

Article 12

The President of the Union is the symbol of National Unity. ... He is the guarantor of respect for international treaties and agreements. The President of the Union determines and conducts foreign policy. ... He negotiates and ratifies treaties. The President of the Union is the head of government. ... The President of the Union has the right to pardon.

Article 13

The Presidency rotates between the Islands. The President and Vice-Presidents are elected together by direct universal suffrage on a majority basis in one ballot, for a mandate of four (4) years, renewable with due respect for rotation between the Islands.

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2: The Legislative Power

Article 19

The Union's Assembly is the legislative organ of the Union. It passes laws and adopts the budget. The Union's Assembly is composed of thirty-three deputies elected for a mandate of five years.

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Article 21

No member of the Union's Assembly can be prosecuted, sought, arrested, detained or judged for opinions or votes made in carrying out his or her duties. No member of the Union's Assembly can, for the duration of the sessions, be prosecuted or arrested in a criminal or civil matter without the authorisation of the Assembly, except in the case of *flagrante delicto*, authorised prosecution or final condemnation.

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3: The Judicial Power

Article 28

The judicial power is independent of the legislative and executive powers. Judges are only subject, in carrying out their duties, to the authority of the law. Magistrates cannot be removed from office. The President of the Union is the guarantor of the independence of the judiciary. He is assisted by the Higher Council of Magistrates. An organic law organises the judiciary in the Union and the Islands.

Article 29

The Supreme Court is the highest jurisdiction in judicial, administrative and accounting matters of the Union and the Islands.

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TITLE IV: THE CONSTITUTIONAL COURT

Article 31

The Constitutional Court decides on the constitutionality of the laws of the Union and the Islands. It ensures the legality of electoral processes both on the Islands and at the level of the Union, including referendums; it arbitrates in electoral disputes. It guarantees finally the basic rights of the individual and public freedoms. The Constitutional Court is the guarantor of the division of competencies between the Union and the Islands. It has the task of giving a ruling on conflicts of competence between two or more institutions of the Union, between the Union and the Islands and between the Islands themselves. The constitutionality of laws can be referred to the Constitutional Court by any citizen, either directly or by invoking the procedure of a plea of unconstitutionality, in a case that concerns him or her before a jurisdiction of the Union or the Islands. The latter must defer judgment until the decision of the Constitutional Court has been reached, which must intervene within thirty days.

Article 32

The President of the Union, the Vice-Presidents of the Union, the President of the Union's Assembly as well as the Executive Heads of the Islands each appoint one member of the Constitutional Court.

Article 33

The members of the Constitutional Court must have high moral standards and great integrity as well as a recognised competence in the legal, administrative, economic or social domains. They must give proof of at least fifteen years of professional experience. They are appointed for a mandate of six years, renewable. The President of the Constitutional Court is chosen by his peers for a mandate of six years that is renewable. The members of the Constitutional Court are irremovable. Except in the case of *flagrante delicto*, they cannot be prosecuted or arrested without the authorisation of the High Court. The duties of a member of the Constitutional Court are incompatible with the position of a member of the institutions of the Union or the Islands, as well as with any public office or professional activity.

Article 34

An organic law determines the rules governing the organisation and operation of the Constitutional Court, the procedure followed before the Court and notably the conditions, modes and time limits for submitting cases, as well as the status, immunities and disciplinary system of its members.

Article 35

A provision declared unconstitutional is null and void and cannot be applied. There is no appeal possible against the decisions of the Constitutional Court. They are imposed on every authority as well as on the courts over the whole territory of the Union.

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TITLE VI: THE REVISION OF THE CONSTITUTION

Article 37

The initiative to revise the Constitution is taken by the President of the Union in conjunction with at least one third of the members of the Union's Assembly. In order to be adopted, the revision project or proposal must be approved by two thirds of all the members of the Union's Assembly as well as by two thirds of all the members of the Assemblies of the Islands or by referendum. No revision procedure can be initiated or pursued while an attack is being made on the unity of the territory and the inviolability of the internationally recognised borders of the Union as well as on the autonomy of the Islands.