

CONSTITUTION OF THE PORTUGUESE REPUBLIC SEVENTH REVISION [2005]

PREAMBLE

On the 25th of April 1974 the Armed Forces Movement crowned the long resistance and reflected the deepest feelings of the Portuguese people by overthrowing the fascist regime.

Freeing Portugal from dictatorship, oppression and colonialism represented a revolutionary change and the beginning of an historic turning point for Portuguese society.

The Revolution restored their fundamental rights and freedoms to the people of Portugal. In the exercise of those rights and freedoms, the people's legitimate representatives are gathered to draw up a Constitution that matches the country's aspirations.

The Constituent Assembly affirms the Portuguese people's decision to defend national independence, guarantee citizens' fundamental rights, establish the basic principles of democracy, ensure the primacy of a democratic state based on the rule of law and open up a path towards a socialist society, with respect for the will of the Portuguese people and with a view to the construction of a country that is freer, more just and more fraternal.

Meeting in plenary session on 2 April 1976, the Constituent Assembly does hereby pass and decree the following Constitution of the Portuguese Republic:

Article 115

(Referenda)

1. Upon a proposal submitted by the Assembly of the Republic or the Government in relation to matters that fall within their respective competences, in the cases provided for and as laid down in the Constitution and the law, the President of the Republic may decide to call upon citizens who are registered to vote in Portuguese territory to directly and bindingly pronounce themselves by referendum.
2. Referenda may also result from the submission by citizens of an initiative to the Assembly of the Republic. Such initiatives shall be submitted and considered under the terms and within the time limits laid down by law.
3. Only important issues concerning the national interest which the Assembly of the Republic or the Government must decide by approving an international convention or passing a legislative act may be the object of a referendum.
4. The following are excluded from the scope of referenda: a) Amendments to the Constitution; b) Questions and acts with a budgetary, tax-related or financial content; c) The matters provided for in Article 161 of the Constitution, without prejudice to the provisions of the following paragraph; d) The matters provided for in Article 164 of the Constitution, except for the provisions of subparagraph (i).

5. The provisions of the previous paragraph do not prejudice the submission to referendum of important issues concerning the national interest that must be the object of an international convention pursuant to Article 161(i), except when they concern peace or the rectification of borders.
6. Each referendum shall only address one matter. Questions must be objectively, clearly and precisely formulated, shall solicit yes or no answers, and may not exceed a maximum number to be laid down by law. The law shall also lay down the other terms governing the formulation and effective implementation of referenda.
7. Referenda may not be called or held between the dates on which general elections for the entities that exercise sovereignty, elections for the self-government organs of the autonomous regions and for local government organs, as well as for Members of the European Parliament, are called and those on which they are held.
8. The President of the Republic shall submit all draft referenda submitted to him by the Assembly of the Republic or the Government, to compulsory prior review of their constitutionality and legality.
9. The norms contained in Article 113(1), (2), (3), (4) and (7) are applicable to referenda, mutatis mutandis.
10. Draft referenda that are refused by the President of the Republic or are negated by the electorate may not be resubmitted during the same legislative session, save new elections to the Assembly of the Republic, or until the Government resigns or is removed.
11. Referenda only have binding effect when the number of voters exceeds half the number of registered electors.
12. Citizens who reside abroad and are properly registered to vote under the provisions of Article 121(2) shall be called upon to take part in referenda that address matters which specifically also concern them.
13. Referenda may be regional in scope, in accordance with Article 232(2)

Article 231

(Self-government organs of autonomous regions)

1. The self-government organs of each autonomous region are the Legislative Assembly and the Regional Government.
2. Legislative Assemblies are elected by universal, direct and secret suffrage in harmony with the principle of proportional representation.
3. Each Regional Government is politically accountable to the Legislative Assembly of the autonomous region, and the Representative of the Republic appoints its president in the light of the results of the elections.

4. The Representative of the Republic appoints and discharges the remaining members of the Regional Government upon the proposal of the respective president.
5. Regional Governments are installed before the Legislative Assembly of the autonomous region.
6. Regional Governments have exclusive competence in matters concerning their own organisation and modus operandi.
7. The status and role of the officeholders of the self-government organs of the autonomous regions shall be defined in the respective political and administrative statute.

Article 264

(Structure)

1. The law shall lay down the structure of residents' organisations, which shall comprise a residents' assembly and a residents' committee.
2. The residents' assembly is composed of the residents registered in the parish census.
3. The residents' assembly elects the residents' committee by secret ballot, and may dismiss it freely

Article 270

(Restrictions on the exercise of rights)

Strictly to the extent required by the specific demands of the respective functions, the law may establish restrictions on the exercise of the rights of expression, meeting, demonstration, association and collective petition by full-time military personnel and militarised agents on active service and agents of the security services and forces, and on their legal capacity to stand for election. In the case of the security forces, even when their right to form trade unions is recognised, the law may preclude the right to strike.

Article 295

(Referenda on European treaties)

The provisions of Article 115(3) do not prejudice the possibility of calling and holding referenda on the approval of treaties concerning the construction and deepening of the European Union.