

Date Printed: 01/14/2009

---

JTS Box Number: IFES\_29  
Tab Number: 16  
Document Title: CONSTITUTION OF THE REPUBLIC OF PARAGUAY  
Document Date: 1969  
Document Country: PAR  
Document Language: ENG  
IFES ID: CON00138





# Constitution of the REPUBLIC OF PARAGUAY 1967

Return to Resource Center  
International Foundation  
for Electoral Systems  
1620 I St. NW, Suite 611  
Washington, D.C. 20006

**PAN AMERICAN UNION**  
General Secretariat, Organization of American States  
WASHINGTON, D.C.

# Constitution of the REPUBLIC OF PARAGUAY 1967

Approved by the National Constituent Convention  
on August 25, 1967, and promulgated by  
the executive power on the same date.

---

PAN AMERICAN UNION  
General Secretariat, Organization of American States  
WASHINGTON, D.C., 1969

Text translated from Constitución de la República del Paraguay  
Edición Oficial, Imprenta Nacional, Asunción 1967.

This Series is published under the direction of the General  
Legal Division, Department of Legal Affairs

## CONTENTS

	<u>Page</u>
CHAPTER I      FUNDAMENTAL STATEMENTS	1
CHAPTER II      THE TERRITORY, ITS CIVIL DIVISION, AND THE MUNICIPALITIES	
1. Territory	3
2. Civil Division	3
3. Municipalities	3
CHAPTER III     NATIONALITY AND CITIZENSHIP	
1. Nationality	4
2. Citizenship	5
3. Common Provisions	6
CHAPTER IV     GENERAL PROVISIONS	6
CHAPTER V      RIGHTS, GUARANTEES, AND OBLIGATIONS	
1. Individual Rights	8
2. Social Rights	11
a. The Family	11
b. Education and Culture	12
c. Health	13
3. Economic Rights	13
4. The Rights of Workers	14
5. Political Rights	15
a. Suffrage	15
b. Political Parties	15
c. Political Asylum	16
6. Obligations	16
CHAPTER VI     AGRARIAN REFORM	17
CHAPTER VII    THE LEGISLATIVE POWER	
1. Composition	17
2. Provisions Common to Both Chambers	17
3. The Powers of Congress	19
4. The Senate	20
5. The Chamber of Deputies	21
6. Enactment and Sanction of Laws	21
7. The Permanent Committee of the Congress	23

	<u>Page</u>
CHAPTER VIII THE EXECUTIVE POWER	
1. Composition, Election, and Duration	24
2. Powers	25
3. The Ministers of the Executive Power	26
4. The Council of State	27
CHAPTER IX THE JUDICIAL POWER—COMPOSITION AND POWERS	28
CHAPTER X THE OFFICE OF THE ATTORNEY GENERAL	30
CHAPTER XI AMENDMENT OF THE CONSTITUTION	31
ADDITIONAL CHAPTER—FINAL AND TRANSITORY PROVISIONS	32

# CONSTITUTION OF THE REPUBLIC OF PARAGUAY

## PREAMBLE

We, the representatives of the Paraguayan nation, gathered in a National Constituent Convention, ratifying the immutable republican principles of representative democracy, inspired by the purest sentiments of love of our country, conscious of the duty to establish human rights, and to assure freedom, equality, justice and order, internal peace, national defense, economic development, and social and cultural progress, as the intangible heritage that guarantees the dignity and well-being of succeeding generations of Paraguayans and of all the people of the world who come to share with those generations the effort of working for a superior destiny in the concert of the free nations, invoking the protection of God, the teachings of the Founding Fathers of May, and the immortal example of the defenders of our nationality, sanction this Constitution for the Republic of Paraguay.

## CHAPTER I

### FUNDAMENTAL STATEMENTS

Article 1. Paraguay is and always shall be a free and independent nation. Constituted as a single and indivisible republic, it adopts representative democracy as its form of government.

Article 2. The sovereignty of the Republic of Paraguay resides essentially and exclusively in the people, who exercise it through the powers of the state, as stipulated in this Constitution.

Article 3. The government of the republic is exercised by the legislative, executive, and judicial powers, within a system of division, balance, and interdependence of power.

Article 4. The symbols of the nation are:

- 1) The flag of the republic, consisting of a banner composed of three equal horizontal bands: red, white, and blue; bearing on the adverse side, in the center, the national coat of arms, of circular form, which is described as a palm branch intertwined with an olive branch at the vertex and open at the upper part, with a star placed in the center and an inscription on the border edge which reads, "República del Paraguay" and on the reverse side, a circle placed in the same position with the inscription distributed over the same space reading, "Paz y Justicia" and a lion in the center, at the base of the symbol of freedom;

- 2) The national seal, which reproduces the coat of arms described above;
- 3) The treasury seal, which reproduces the coat of arms found on the reverse side of the flag, with the added inscription "República de Paraguay", on the border edge;
- 4) The national anthem, the chorus of which begins with the phrase: "Paraguayos, República o muerte";
- 5) The musical composition "Campamento Cerro León".

The law shall regulate the characteristics of the symbols of the nation, insofar as they are not provided for in the resolution of the Special General Congress of November 25, 1842, and shall determine their use.

Article 5. The national languages of the republic are Spanish and Guaraní. Spanish shall be the language of official use.

Article 6. The Roman Catholic Apostolic religion is the state religion, without prejudice to religious freedom, which is guaranteed in accordance with the provisions of this Constitution. Official relations of the republic with the Holy See shall be governed by concordats or other bilateral agreements.

Article 7. The city of Asunción is the capital of the republic and the seat of the powers of the state.

Article 8. This Constitution is the supreme law of the nation. The treaties, conventions, and other international agreements ratified and exchanged, and the laws, make up the national positive law, in the order of precedence in which they are listed.

Article 9. The republic recognizes the principles of international law; it condemns wars of aggression or of conquest and any form of colonialism or imperialism; it accepts the pacific settlement of international disputes by juridical means; and it proclaims its respect for human rights and the sovereignty of peoples. It hopes to live in peace with all nations and to maintain friendly cultural and trade relations with them on the basis of juridical equality, of nonintervention in internal affairs, and of the self-determination of peoples. The republic may become a party to international multilateral systems of development, cooperation, and security.

Article 10. Navigation on the international rivers is free to ships of all flags. It shall also be free on internal rivers, subject to any regulations issued by the competent authority.

Article 11. The principles, guarantees, rights, and obligations established in this Constitution may not be altered by the laws that regulate their exercise. Any law, decree, regulation, or other act of authority that is contrary to its provisions is null and void.



## CHAPTER II

### THE TERRITORY, ITS CIVIL DIVISION, AND THE MUNICIPALITIES

#### 1. TERRITORY

Article 12. The national territory may not ever be ceded, transferred, leased, or in any way alienated, even temporarily, to any foreign power. The states, with which the republic maintains diplomatic relations and the international organizations of which it forms part may acquire the real property necessary for headquarters of their representations only in accordance with the prescriptions of law. In any case, sovereignty over the land shall always be unaffected.

Article 13. Sovereignty, authority, and vigilance over the national territory, including the rivers, the internal lakes, the subsoil, and the air space, shall be exercised to the extent and under the conditions determined by law.

#### 2. CIVIL DIVISION

Article 14. The national territory is divided into departments for purposes of organizing the political and administrative structure of the republic. The authorities to whom the executive power shall delegate power for the government departments and their functions and duties shall be established by law. The law shall also establish the manner in which judicial and administrative decentralization is to take place.

Article 15. The law may merge existing departments, change their boundaries, create new departments, and authorize compensation or cession of territories among bordering departments, taking into account the physical and demographic characteristics, the means of communication, and the most desirable policy based on economic, social, cultural, and national defense considerations.

Article 16. The capital of the republic is independent of any departmental territory. The law shall establish its limits.

#### 3. MUNICIPALITIES

Article 17. Municipal autonomy is recognized. The law shall determine the procedure for guaranteeing this autonomy to the municipalities both in the political sphere as well as in the juridical, economic, and administrative spheres. It shall consist, essentially, in the election and appointment of their authorities; the freedom to take measures on matters within their competence; the determination of their assets and of the requirements and restrictions surrounding their disposal, as well as their revenues and the manner in which they are to be collected and expended; the responsibility of the municipal government, and the recourses for appeal against its decisions.

Article 18. The municipalities shall have exclusive competence in the government and administration of communal interests, particularly those matters related to their assets and revenues and, in accordance with the law, in matters of urban development, food supply, education and culture, health care and social welfare, widows' and orphans' funds, traffic, tourism, and municipal inspection and police. The law may also authorize the establishment and operation of services of a national or departmental nature within the jurisdiction of the municipalities.

Article 19. The law may establish different systems for the organization, government, and administration of the municipalities, taking into account the conditions with respect to population, economic development, geographical location, and other factors that determine their development.

Article 20. Each city or town shall be the seat of a municipality and the obligatory headquarters of its authorities.

Article 21. The municipalities of one same department may associate themselves for specified purposes within their competence in the departmental area. They may also form interdepartmental associations for the same purpose when municipalities in more than one department have common interests.

Article 22. The municipalities and the municipal associations may avail themselves of public credit subject to such limitations and requirements as are established by law.

Article 23. The executive power may intervene in the affairs of the municipalities in the following cases:

- 1) At the request of the municipal council;
- 2) Because the disintegration of the municipal council makes it impossible for it to function;
- 3) When there is a budgetary deficit for two consecutive fiscal years; or
- 4) In the case of serious irregularity in certain limited circumstances determined by law.

Such intervention shall not be prolonged beyond ninety days. In case of disintegration of the council, elections to constitute the new elective authorities shall be held within that period of time. If the intervention results in the termination of the duties of the authorities, the elections to replace them shall be held within sixty days from the date of such termination.

### CHAPTER III

## NATIONALITY AND CITIZENSHIP

### 1. NATIONALITY

Article 24. The following are natural-born Paraguayan nationals:

- 1) Persons born in the territory of the republic;
- 2) Children born in foreign territory whose father or mother is a natural-born Paraguayan in the service of the republic; and
- 3) Children born in foreign territory to a natural-born Paraguayan father or mother, if such children take up permanent residence in the republic, and provided they have not exercised rights or complied with obligations inherent in the citizenship of the country of their birth.

Article 25. The following shall acquire Paraguayan nationality by naturalization, with the sole requisite that they express their intention to be Paraguayans:

- 1) Children born in foreign territory to a Paraguayan mother or father, if such children take up permanent residence in the republic, despite their having exercised rights or complied with obligations inherent in the citizenship of the country of their birth; and
- 2) Children born outside the country to aliens, when the father or the mother is in the service of the republic, provided such children take up permanent residence in the national territory.

Article 26. The formalization of the right set forth in point 3 of Article 24 and the statement of the intention to acquire Paraguayan nationality in the cases described in points 1 and 2 of Article 25 shall be made by the interested party if he shall have passed his eighteenth birthday, or by his legal representative if he has not.

Article 27. Aliens may acquire Paraguayan nationality provided they meet the following requirements:

- 1) Residence for at least three years within the territory of the republic;
- 2) Continued exercise of a profession, trade or craft, science, art, or industry in the country; and
- 3) Good conduct.

Article 28. Dual nationality may be allowed by international treaty, convention, or agreement. Dual nationality does not confer the rights that are exclusively those of natural-born Paraguayans to persons of the other nationality, nor does it cause natural-born Paraguayans to lose their rights.

Article 29. Paraguayan nationality is lost by:

- 1) Commission of treason against the nation, declared in a judicial trial, such treason being understood as meaning only attempts against the independence or the territorial integrity of the republic, or aid to the enemy of the republic in an international war;
- 2) Voluntarily acquiring another nationality; or
- 3) Unjustified absence from the country for more than two years, in the case of naturalized Paraguayans.

Article 30. Neither marriage nor the dissolution of a marriage shall alter the nationality of the spouses or that of their children.

## 2. CITIZENSHIP

Article 31. The following are citizens:

- 1) Natural-born Paraguayans at least eighteen years of age; and

- 2) Naturalized Paraguayans two years after acquiring this nationality, provided they are at least eighteen years of age.

Article 32. An individual's citizenship is suspended:

- 1) For physical or mental incapacity, declared in a judgment, that prevents him from acting or thinking freely; or
- 2) While he is serving a judicial sentence with a punishment that deprives him of his freedom.

Article 33. The suspension of citizenship shall terminate when the cause of it has legally ceased.

Article 34. An individual's citizenship is lost:

- 1) By loss of nationality; or
- 2) By accepting from a foreign government a political function in connection with intelligence, security, or defense, without authorization from the executive power, or by accepting an allowance or pension, which implies his submission to that government.

Article 35. The Congress alone may grant honorary citizenship to foreigners who have rendered eminent services to the republic.

### 3. COMMON PROVISIONS

Article 36. Loss of nationality and of citizenship for treason against the nation is irrevocable.

Article 37. The law shall establish the standards to be observed before the judicial power as regards the acquisition, option, loss, and reinstatement of Paraguayan nationality and citizenship, dual nationality, and the settlement of conflicts of nationality.

## CHAPTER IV

### GENERAL PROVISIONS

Article 38. Veterans of the Chaco War and of other international wars waged in defense of the nation shall enjoy honors and privileges; pensions that will permit them to live in dignity; preferential, free, and complete health care; and other benefits, as determined by law. Widows and minor children of veterans and of those who died in war shall succeed to the veterans' financial benefits.

Article 39. The people deliberate and govern only through their representatives and authorities created by this Constitution. Any armed force or gathering of armed persons that arrogates to itself the rights of the people and makes demands on their behalf commits the crime of sedition.

Article 40. None of the powers of the state may ever arrogate to itself or grant to another power, or to any person whatsoever, special rights beyond those

envisaged in this Constitution, or the public power as a whole, or supreme authority giving power of decision over the life, freedom, honor, and property of persons. Dictatorship is outside the law.

Article 41. Higher government authorities, officials, and employees shall at all times act in accordance with the provisions of this Constitution and the laws. These persons shall exercise the duties within their competence in conformity with the latter and shall be personally responsible for the violations, crimes or misdemeanors they commit in the performance of their duties, without prejudice to the responsibility of the state, which shall be regulated by law. A special law shall regulate the responsibility of government officials in order to assure their effectiveness.

Article 42. The custody and defense of the sovereignty and territorial integrity of the republic are entrusted to the armed forces of the nation. They shall be organized on a permanent basis, in order to perform their duties in the best way.

Article 43. The military courts shall be organized to judge crimes and misdemeanors of a military nature, defined as such by the law. When it is a question of an act considered punishable both by civil criminal law and by military criminal law, it shall not be considered a military offense, unless it was committed by a serviceman in uniform while on active duty. In case of doubt as to whether the offense is military or civil, it shall be considered to be a civil offense. Only in the case of an international war, and in the manner prescribed by law, may military courts exercise jurisdiction over civilians.

Article 44. The state alone may possess and use arms of war. All stocks manufactured in the country or introduced into the country shall become the property of the state, without indemnization. The manufacture, sale, possession, and use of arms of other types shall be regulated by law.

Article 45. The preservation of public order, the security of persons and their possessions, and the prevention of crime shall be the responsibility of a police force, whose organization and functions shall be regulated by law.

Article 46. The state alone has the authority to coin and issue money, to establish systems of weights and measures, and to control trademarks.

Article 47. Equality is the basis of taxation. With the revenue collected from the taxes, charges, rates, and other sources, the expenses of the government shall be provided for in order for its purposes to be carried out, and whatever their nature or name may be, they shall conform to fair economic and social principles and to policies favorable to national development. All taxation shall be established by the law alone, which shall determine on what matters taxes shall be imposed, who shall be required to pay the taxes, and whether the system shall be direct or indirect, proportional or progressive, according to the case.

## CHAPTER V

### RIGHTS, GUARANTEES, AND OBLIGATIONS

#### 1. INDIVIDUAL RIGHTS

Article 48. All inhabitants of the republic have the right to free development of their personality, with no limitations other than those derived from the rights of others and from considerations of public and social order.

Article 49. Private acts that do not offend public order or morals or harm others are exempt from the authority of the magistrates. No inhabitant of the republic may be forced to do anything that the law does not require, or prevented from doing anything not forbidden by law.

Article 50. Every person has the right to protection by the state in respect to his life, his physical integrity, his freedom, his security, his property, his honor and his reputation.

Article 51. This Constitution upholds the equality of the civil and political rights of men and women, whose correlative duties shall be established in the law, attending to the purposes of matrimony and to the unity of the family.

Article 52. Aliens may reside in Paraguay, provided they perform the formalities and meet the requirements established by law, which shall also make allowance for the causes for their expulsion from the national territory. Aliens shall enjoy the same rights and shall have the same obligations as Paraguayans, with the limitations and exceptions established by this Constitution and the laws.

Article 53. Paraguayans and aliens shall have the right to indemnity from the state or the municipalities for any damages or injuries caused to them by the legitimate authority in the exercise of its functions.

Article 54. The inhabitants of the republic are equal before the law, without any discrimination whatsoever; the republic does not acknowledge prerogatives of blood or of birth; there are no personal privileges or titles of nobility in the republic.

Article 55. All Paraguayans have the right to engage in public duties and employment with no condition other than their qualifications. The law shall regulate the procedure for the hiring, promotion, and removal of government officials, office employees, and other civil servants, on bases that will ensure equality of opportunity and employment security in the posts and positions, shall define their rights and obligations, and shall set the requirements for them to receive social benefits, including retirement and pensions. Work stoppages and strikes by government officials and employees, as well as the collective abandonment of their jobs, are prohibited.

Article 56. All inhabitants may travel freely throughout the national territory, change their domicile or residence, absent themselves from the republic and return to it, bring their property into the country or remove it therefrom, without any limitations, in this last case, other than those established by law.

Article 57. No one is obliged to pay taxes or to render personal services not expressly established by law. Excessive bail shall not be required nor excessive fines imposed.

Article 58. Every author, inventor, or investigator is the exclusive owner of his work, invention, or scientific discovery for the period of time determined by law.

Article 59. Except when caught in the act of committing a crime, persons may be arrested only by written warrant issued by a competent authority. No person whatsoever may be detained for more than twenty-four hours without being advised of the reason for his detention, nor shall he be kept detained other than in his domicile or in a public place designated for this purpose. The detention shall be brought to the knowledge of the competent judge within forty-eight hours. If the arrested person is held incomunicado, this condition may in no case be prolonged beyond that period of time, unless by judicial order.

Article 60. In the investigation of punishable offenses, the accused shall have access to the charges against him in the summary hearing, and to all means of defense prescribed by law. The summary hearing is not secret, nor may it be prolonged beyond the legally established time.

Article 61. No person may be prosecuted without a trial based upon a law enacted prior to the commission of the offense, nor may he be tried by a special court.

Article 62. Defense of the person and of rights in a trial or suit is inviolable. No one may be compelled to testify against himself, against his spouse, or against a relative within the fourth degree of consanguinity or the second degree of affinity. Acts of this nature render the statement void and make the persons who ordered or executed them responsible before the law.

Article 63. The law presumes the innocence of anyone who has not been found guilty by a competent judge. The crime or dishonorable act for which a person is liable does not affect his relatives.

Article 64. No one may be tried for the same offense for which he has previously been judged, nor deprived of his liberty for obligations the noncompliance with which has not been defined by law as a crime or violation. The imprisonment of debtors is not permitted.

Article 65. In no case shall the death penalty be applied for political reasons. Confiscation of property is not permitted. No one shall be subjected to torture or to cruel or inhuman treatment. Penal institutions must be adequate to the purpose, healthful, and clean, and shall be designed to rehabilitate the confined person by means of a complete program that shall be determined by law.

Article 66. No one may take justice into his own hands, or resort to violence to demand his rights; however, the defense of a person's own life, property and honor is guaranteed.

Article 67. No law shall have retroactive effect except those penal laws that are more favorable to the defendant or convicted person.

Article 68. The home is inviolable. It may not be entered by force except to carry out a decision of a competent judicial authority or to prevent the perpetration of an imminent crime.

Article 69. Private papers, letters, and telegraph, telephone, and cable communications, or communications of any other type are inviolable. They may not be searched, examined, or intercepted unless by judicial order for specific cases. Accounting records, vouchers and documents shall be subject to inspection or control only by competent authorities and in accordance with the law. Domestic and private matters that have no bearing on the acts under investigation shall be kept secret at all times.

Article 70. Freedom of conscience and the right to profess, teach, and disseminate any religion freely, and to worship in that religion, are guaranteed within the territory of the republic, provided they are not contrary to good customs or public order. No one may invoke his beliefs to avoid compliance with the laws or to prevent another from exercising his rights.

Article 71. Freedom of thought and of opinion are guaranteed on equal terms to all inhabitants of the republic. It is forbidden to preach hatred or class struggle among Paraguayans, or to defend crime or violence. The laws may be criticized freely, but no one may proclaim disobedience to their provisions.

Article 72. Freedom of expression and of information without prior censorship are inviolable, and no law shall be enacted that limits such freedom or prevents it except in matters connected with the prohibitions contained in the preceding article. In time of war information on matters relating to the security of the republic and national defense may be censored.

Article 73. Journalism in any of its forms may be practiced freely. Press organs lacking responsible direction shall not be permitted, nor shall the publication of immoral subject matter be permitted.

Article 74. No person or enterprise that publishes a newspaper and no radio or television broadcasting station may receive a subsidy of public or private funds from abroad without authorization by the government.

Article 75. In suits brought on account of publications of any nature that may affect the honor, reputation, or dignity of individuals and that refer to offenses subject to private penal action, or to acts of private conduct that this Constitution and the law declare to be exempt from the authority of the magistrates, evidence of the truth or of the notoriety of such acts shall not be admissible. Such evidence shall be admitted when the suit is brought because of the publication of criticism of the official conduct of public functionaries, and in the other cases expressly provided by law.

Article 76. The rights to petition authorities, to associate for lawful purposes, and to assemble peacefully are guaranteed to all inhabitants. Meetings in public places shall be regulated by law to safeguard the rights of others and public order.

Article 77. Any person who believes himself to be seriously injured or in imminent danger of being seriously injured by an illegal act or omission by an authority or by a private person in a right or guarantee established by this



Constitution or the law, and who because of the urgency of the case cannot seek redress by ordinary means, may appear before any judge of first instance to seek protection. The procedure shall consist of a brief summary public hearing, without cost, and the judge shall have the power to safeguard the right or guarantee, or to reestablish immediately the juridical situation that had been infringed. The law shall regulate this procedure.

Article 78. The right to habeas corpus is recognized and guaranteed. Any person who is unlawfully detained or coerced in any way in the exercise of his individual freedom, or any other person acting on behalf of that person, without need for power of attorney, shall have the right to petition the competent judicial authority, verbally, in writing or in a delivery-report telegram, that he be made to appear in order for his freedom to be restored. When the judicial authority considers it desirable, he shall make the appropriate verifications in the place where the detained person is found. The procedure shall be brief, summary, and without cost. The regulatory law shall afford the maximum guarantees for this institution and shall impose sanctions against anyone who opposes it arbitrarily.

Article 79. In order to defend this Constitution and the authorities created in conformity therewith, the state of siege is instituted, to be imposed only in cases of international conflict or war, foreign invasion, domestic disturbance, or serious threat of any one of these events. A state of siege may be complete or partial, depending upon whether it affects the entire territory of the republic or only a part thereof, and during the time it is in effect persons suspected of participating in any of those events may be arrested, or they may be transferred from one point in the republic to another, and public meetings and demonstrations may be prohibited. Those arrested by virtue of a state of siege shall be held in healthful and clean premises not intended for common criminals, and transfers shall always be made to localities that are populated and healthful. The declaration of state of siege shall be for a limited time and shall in all cases serve the purpose for which it was instituted. The fact that a state of siege is in effect shall not interrupt the functioning of the powers of the state or affect the exercise of their prerogatives. The imposition of a state of siege shall be regulated by law.

Article 80. The enumeration of the rights and guarantees contained in this Constitution shall not be construed as denying others, not specifically mentioned therein, that are inherent in the human being. Absence of a regulatory law shall not be invoked to deny or impair any right or guarantee.

## 2. SOCIAL RIGHTS

### a. The Family

Article 81. The state recognizes the family as the fundamental element of society and shall promote the constant improvement of the moral, cultural, economic, and social position of the family. Marriage shall be protected as a basic institution of the family.

Article 82. The patrimony of the family shall be organized by the state as a social institution, and its regulation shall be determined by law based on the premise that the family dwelling, its furniture and other elements that are essential for work may not be attached.

Article 83. Every family has the right to a home standing on its own land, for which purpose institutions shall be perfected and the most favorable laws shall be enacted in order to make for more widespread ownership of urban and rural real property and promote the construction of low-cost, comfortable and sanitary housing units especially for wage-earners and rural workers.

Article 84. Parents have the right and the obligation to support, care for, and educate their minor children. The state shall play a subsidiary role to ensure that these obligations are fulfilled, especially in cases where large families with meager resources are concerned.

Article 85. Motherhood shall be protected by law. The necessary measures shall be enacted to assure full protection to every child, without discrimination of any kind, from the time of his conception.

Article 86. Any notation as to the nature of filiation is prohibited on personal documents.

Article 87. Minors shall be protected by special legislation providing for the creation of specialized agencies and courts. The adoption of children is permitted.

Article 88. To the extent that it is possible to do so, the state shall establish a comprehensive social security system for all inhabitants of the country. Its benefits shall cover even those persons who make no economic contribution to society for reasons beyond their control.

#### b. Education and Culture

Article 89. All inhabitants have the right to education to develop their mental and physical capabilities, to build their civic and moral conscience, and to acquire the ability to carry on the struggle for existence. Elementary education is compulsory and freedom to impart it is ordained. The state shall maintain the public schools necessary to assure to all inhabitants, free of charge, the opportunity to learn and it shall endeavor, by all the means at its disposal, to provide equality of opportunity for students in all of them. It shall also maintain and promote, on the same basis of equality and freedom, secondary, vocational, agricultural, industrial, and technical education, and higher or university education, as well as scientific and technological research.

Article 90. The law shall envisage the provision of funds for fellowships, scholarships, and other aid to enable Paraguayans who demonstrate outstanding aptitudes, preferably those who lack financial resources, to receive advanced scientific, technological, artistic, or intellectual training.

Article 91. The law shall establish the educational system in all its grades as well as determine the extent of university autonomy and which professions require degrees for their practice, the requirements to be met in order to obtain such degrees, the authority empowered to issue them, and the controls to which these professions shall be subject.

Article 92. The state shall promote culture in all its manifestations. It shall protect the Guaraní language and promote the teaching of Guaraní, its evolution, and its improvement. It shall safeguard the preservation of any documents, works, objects, and monuments of historical, archaeological, or artistic value

found in the country and shall decide upon the means to have them serve educational purposes.

### c. Health

Article 93. All inhabitants have the right to protection and promotion of health, and are obliged to submit to the health measures that the law may establish, within the limits permitted by respect for the human person. The law shall make provision for the system for the care of sick persons lacking funds and of indigent, disabled and old persons. The prevention and control of communicable diseases shall be principal functions of the public health agencies.

## 3. ECONOMIC RIGHTS

Article 94. The state shall promote economic development by means of the rational utilization of the resources available for the purpose of promoting vigorous growth of the national economy, creating new sources of work and wealth, and ensuring the general welfare. Development shall be promoted on the basis of over-all programs founded upon principles of social justice that assure to all persons an existence that is compatible with human dignity.

Article 95. Private initiative shall be encouraged in accordance with the preceding article. All inhabitants of the republic may freely engage in the gainful activity of their preference; but at no time and in no form whatsoever shall mergers tending toward monopoly, artificial raising or lowering of prices, or restraint in any way upon free competition be permitted. Usury and unauthorized trade in articles that are harmful to health shall be sanctioned by criminal law.

Article 96. Private property is guaranteed, and the nature and restrictions shall be determined by law, taking into account its economic and social function. No one may be deprived of his property except through a judicial proceeding, and expropriation by reason of public utility or social interest as defined by law that also guarantees just compensation is permitted.

Article 97. Within the territory of the republic the goods resulting from national production or manufacture and those of foreign origin introduced lawfully shall circulate freely.

Article 98. The law may grant tax exemptions on the introduction of materials for education, for culture, and for scientific and technological research, and on machinery, equipment, tools and other materials essential to the development of agriculture, industry and mining.

Article 99. Railways, highways, water-supply lines, oil pipelines, and other private means of communication or transportation constructed by enterprises exploiting natural resources shall be at the service of the public under the conditions and limitations established by law, in such a way that the rights of those enterprises or the legitimate interests of the community are not prejudiced.

Article 100. The state has within its domain all the solid, liquid, and gaseous minerals found in their natural state in the territory of the republic, with the exception of petrous, earthy, or calcareous substances. In cases in which the official agencies do not undertake the task, concessions may be granted, for a limited time only, for the prospecting, investigation, exploration, or exploitation of

mineral deposits. The regulatory law shall take into account national defense requirements.

Article 101. The exploitation of natural resources within the domain of the state may be the object of concessions to private or mixed national enterprises, or to foreign private enterprises, by means of special laws enacted in each case. No concession shall be granted for an indefinite time, nor shall privileges be granted that deprive the state of a fair share of the profits of the exploitation of such resources.

Article 102. Capital as a factor in development should serve an economic and social purpose in harmony and mutual cooperation with labor. The state shall promote the formation and consolidation of national capital and shall favor the investment of foreign capital in productive activities, as a supplement necessary for national development.

Article 103. The state shall favor the economic integration of the Latin American countries in order to accelerate their balanced development and the general welfare in accordance with the interests of the republic and without detriment to its sovereignty.

#### 4. THE RIGHTS OF WORKERS

Article 104. The exploitation of man by man is proscribed. Criminal law shall sanction as an offense any form of servitude or personal dependency incompatible with human dignity.

Article 105. Labor shall be given special protection and it shall be subject to no conditions other than those established to better the material, moral, and intellectual situation of the worker. The length of the workday, compulsory weekly rest periods, paid annual vacations, bases for establishing minimum living wages, family allowances, security of job tenure for the worker by reason of his seniority, and protection for workers in cases of dismissal or unemployment shall be fundamental concerns to be provided for by the law, which shall also favor the conciliatory solution of labor disputes. The legal standards established for the benefit and protection of the worker may not be waived.

Article 106. The working conditions of women shall be especially regulated in order to preserve the rights of maternity; and those of minors shall also be regulated, in order to guarantee their normal physical, intellectual, and moral development.

Article 107. Work contracts, minimum wages, and the application of social security and social welfare benefits, as well as the safety and sanitation of establishments, factories, and workshops, shall be subject to the control of the authorities provided by law for this purpose.

Article 108. The law shall establish for employed workers, regardless of what branch of activity they are attached to, and their families, a general social security system, and shall regulate its field of application, its coverage, and the benefits included. It shall also establish a social welfare system and a retirement and pension system for them.

Article 109. The freedom of manual, intellectual, and professional workers, and of those who are engaged in a similar activity as a means of livelihood, to form trade unions in the defense of their group aims is guaranteed. Such unions shall be subjected to no requirements other than those established by law for the purpose of ensuring their democratic organization and functioning and guaranteeing the rights of their members.

Article 110. The right of workers to strike is guaranteed, and the law shall regulate it to assure that it is exercised according to democratic procedures and solely to defend trade-union interests.

## 5. POLITICAL RIGHTS

### a. Suffrage

Article 111. Voting is a right, a duty and a public function of the voter. It constitutes the basis of the system of representative democracy, and it is based upon the universal, free, direct, equal, and secret vote; on supervised counting of the ballots; and on the system of proportional representation. Its exercise shall be compulsory within the limits established by the law, and no one may proclaim or recommend abstention from voting.

Article 112. Paraguayans, without distinction as to sex, who shall have attained to the age of eighteen years are voters.

Article 113. The right to vote is lost or suspended by reason of loss or suspension of citizenship. In the case of aliens, the right to vote is lost or suspended, as the case may be, for the same causes as loss or suspension of their citizenship, insofar as applicable to them. Compulsory military service suspends the right to vote of a citizen who is serving as a soldier or noncommissioned officer, regardless of rank.

Article 114. Voters may be elected to office, with no restrictions other than those established in this Constitution. The law shall establish the qualifications for elective positions, the requirements for which are not determined in the Constitution.

Article 115. The electoral bodies shall be formed on the basis of the system of proportional representation, and their members shall have the immunities and incompatibilities that the law establishes to assure their complete independence and impartiality in the exercise of their functions. The law shall determine the competent authority before which their decisions may be appealed, and the corresponding procedure.

Article 116. Voters have the right to demonstrate peacefully, subject to the requirements established by law.

### b. Political Parties

Article 117. All Paraguayans who are able to vote have the right to organize themselves into political parties in order to participate, by democratic means, in the process of selecting the elective authorities and in the orientation of national policy. The law shall regulate the constitution and functioning of the political parties for the purpose of ensuring their democratic character and guaranteeing their equality before the law.

Article 118. The formation or functioning of any political party whose purpose is to destroy the representative republican and democratic system of government and the multiparty system shall not be permitted. The subordination of Paraguayan political parties to, or their alliance with, similar organizations of other countries is prohibited. Nor may they receive subsidies or directives from abroad.

Article 119. No political party may proclaim abstention that would signify nonparticipation of citizens in elections.

Article 120. Political parties, regardless of what representation they may have on the electorate, shall have the right to check on the functioning of the latter and on the processes of the elections in which they take part.

Article 121. The juridical personality of political parties may not be suspended or cancelled except for transgressions against the standards prescribed in this chapter and by virtue of a legal judgment.

#### c. Political Asylum

Article 122. The right of asylum is recognized, under the conditions and with the requirements established by the laws and the standards of international law, in favor of any person who for political reason or offense may be the object of persecution or find himself in danger of being persecuted.

### 6. OBLIGATIONS

Article 123. All inhabitants are obliged to comply with and obey this Constitution and the laws, as well as the decrees, resolutions, and other acts of authority that, in the exercise of their functions, the legitimate organs of the public powers may enact.

Article 124. In no case shall private interests prevail over the general interest of the nation. All the inhabitants should collaborate for its benefit and are obliged to render services to it and perform the functions that the law determines as public offices.

Article 125. Every Paraguayan citizen is obliged to bear arms in defense of the nation and this Constitution. Military service is compulsory for male citizens, and those who have completed military service shall remain in the reserve. Women shall not render military service except in case of necessity during an international war, and not as combatants. The law shall regulate the contribution of aliens to national defense.

Article 126. All inhabitants of the republic are under obligation to earn their living through a lawful activity.

Article 127. The obligations that correspond to the state with respect to the welfare, education, and well-being of the people do not exclude the duties that, by virtue of social solidarity, are incumbent upon private individuals according to their ability. The law may establish, according to the needs, the system to which performance of these duties shall conform.

## CHAPTER VI

### AGRARIAN REFORM

Article 128. This Constitution upholds agrarian reform as one of the fundamental factors for the achievement of rural well-being, which consists in the effective incorporation of the rural population into the economic and social development of the nation. To this end, equitable systems of land distribution, ownership, and tenure shall be adopted; credit, technical cooperation and social welfare shall be organized; the creation of cooperatives and other associations of a similar nature shall be fostered; and the increase of production, its industrialization, and market distribution shall be promoted, in such a way as to permit the rural population to achieve their economic betterment, as a guarantee of their freedom and dignity, and as a foundation of the national well-being.

Article 129. The law shall specify the maximum area of land of which one natural or juridical person may be the owner. The relationship of the area of the country to its total inhabitants, the uses for which the land is naturally suited, and the necessities and provisions advisable for the even development of crop raising, stock raising, forestry, and industrial activities shall serve as guidelines for the establishment of that limitation. The areas in excess shall be considered latifundia and must be sold on terms and under special conditions to be established by law whenever uncultivated land needed for agricultural use or for the foundation or expansion of fixed population centers is involved. The latifundium shall be the object of a progressive tax system that will contribute to its elimination.

Article 130. Repatriation of Paraguayans and internal migration shall be promoted, taking into account demographic, economic, or social reasons, preferably according to the system of land settlements with government cooperation, as shall the immigration of foreigners useful for the general development of the country, subject to regulatory laws.

Article 131. The state shall encourage young persons to develop an interest in agricultural work, particularly those citizens who become a part of the rural population upon completing their military service.

Article 132. The state shall conserve the forestry resources of the country as well as other renewable natural resources. To this end, it shall issue guidelines for rational conservation, renewal, and exploitation of resources.

## CHAPTER VII

### THE LEGISLATIVE POWER

#### 1. COMPOSITION

Article 133. The legislative power of the nation shall be exercised by a Congress composed of two chambers: the Senate and the Chamber of Deputies.

#### 2. PROVISIONS COMMON TO BOTH CHAMBERS

Article 134. Regular elections for members of Congress shall be held simultaneously with those for president of the republic.

Article 135. The law shall establish the number of senators and deputies and of alternates, with the limitations established by this Constitution. Alternates shall act in the place of senators or deputies in case of death or resignation, or during disability, if the latter is temporary. In all other cases, the rules of each chamber shall apply.

Article 136. Senators and deputies, and their alternates, shall be elected to hold office for five years, and may be reelected.

Article 137. In being sworn into the chambers, the senators and deputies shall take an oath to fulfill their offices faithfully and patriotically, and to act in every respect in conformity with the provisions of this Constitution.

Article 138. The chambers of the Congress shall meet in regular sessions every year, from April 1 to December 20, inclusive. Special sessions may be convened outside this period by the executive power, which may also extend the regular sessions. In the former case, the reason for the convocation shall be stated, with a specification of the matters to be treated, other than which no further subject may be considered.

Article 139. The president of the Senate shall preside over the meetings of the Congress, but if he is unable to do so, the president of the Chamber of Deputies shall preside over them. In default of both, the vice president of the Senate or of the Chamber of Deputies shall preside, in that order.

Article 140. Each chamber is the sole judge of the election of its members and their rights and titles. Neither chamber shall open its sessions without the presence of an absolute majority of its members; but a smaller number may compel the absent members to attend the sessions, under a penalty that shall be established in the rules of procedure for absentees.

Article 141. By a two-thirds majority vote, each chamber may reprimand or remove any of its members because of misconduct in the performance of duty, incapacity, or physical or mental disability, duly substantiated. In cases of resignation, it shall decide by a simple majority vote.

Article 142. No member of Congress may be legally accused or interrogated for any opinions he may express in the performance of his duties as a legislator. From the day he is elected until the end of his term, no senator or deputy may be arrested, except when caught flagrante delicto. In that case, the authority taking action shall place him in custody in his residence and shall immediately notify the corresponding Chamber of this occurrence, and shall transmit the antecedents of this case to the lower courts. Should the latter institute proceedings against the member for that offense, or any other, and if there are grounds for issuance of a warrant for arrest, the judge of the case, before issuing that warrant, shall notify the chamber, which shall, by a two-thirds vote, suspend the accused and place him at the disposal of the judge.

Article 143. In order to carry out their duties in the best manner, the chambers of Congress may request the other powers of the state to furnish such reports on matters of public interest as the former may believe necessary. The reports shall be transmitted in writing within one month and, if they are considered insufficient, the minister of the branch of government concerned may be requested to appear, by means of a note transmitted at least five days in advance, in which the



reason for the decision shall be expressed in detail together with the date on which he should appear. The ministers may have the assistance of advisers.

Article 144. Ministers of the executive power, as well as advisers of government departments and national government or municipal officials or other salaried employees, may be elected regardless of the title of their post and the amount of their remuneration but, except for teachers or professors, they may not exercise the functions of senator or deputy while they hold those posts..

Article 145. Members of the clergy and persons on active military service may not be elected senators or deputies. Neither may persons who are part of an enterprise that operates a public service or has obtained a concession from the government nor the attorneys, representatives, or advisers of such enterprises be so elected.

Article 146. Senators and deputies shall receive a compensation, which shall be established in the general budget of the nation.

Article 147. For the purposes of voting in the chambers of Congress, a simple majority shall be understood to mean one half of the legal quorum plus one; an absolute majority, at least the legal quorum; a two-thirds majority, two thirds of the legal quorum; and a two-thirds absolute majority, two thirds of the total number of members of each chamber. The legal quorum shall consist of one half of that total, plus one, in each case. When the type of majority is not specified, it shall be understood to be a simple majority.

Article 148. Each chamber shall elect its officers, issue its regulations, and appoint its staff.

### 3. THE POWERS OF CONGRESS

Article 149. The Congress shall have the following powers:

- 1) To enact codes and other laws, amend them, or repeal them, based on this Constitution;
- 2) To defend the Constitution and the laws;
- 3) To establish the political division of the territory of the republic and the municipal organization;
- 4) To legislate on tax matters;
- 5) To authorize the contracting of loans and the adoption of organic systems in connection with banking, currency, and exchange matters, as well as a standardized system of weights and measures;
- 6) To enact each year the law on the general budget of the nation;
- 7) To enact the electoral law;
- 8) To approve or reject the treaties, conventions, concordats, and other international agreements signed on behalf of the republic, and to authorize the executive power to declare war and conclude peace.

- 9) To regulate river and air navigation;
- 10) To authorize, for specific periods of time, on the proposal of the executive power, concessions for the establishment of new industries or national public services, as well as for the extraction and transformation of raw materials;
- 11) To declare the president of the republic elected, in accordance with the electoral law, and to receive his constitutional oath of office;
- 12) To grant amnesty;
- 13) To legislate on judicial organization and on actions under administrative law;
- 14) On the proposal of the executive power, to issue military ordinances and enact the organic law of the military courts;
- 15) To authorize mobilization of the militia for their incorporation into the armed forces, in case of threat of international war;
- 16) To permit the entry of foreign regular armed forces into the territory of the republic and the departure of national armed forces therefrom, except when acts of international courtesy are involved, in which case this power will come within the competence of the executive power;
- 17) To establish the legal rules governing the transfer and lease of fiscal and municipal assets;
- 18) To approve, amend, or repeal decree-laws;
- 19) On the proposal of the executive power, to decide on the transfer of the capital of the republic to another point in the territory in case of absolute necessity;
- 20) To enact internal resolutions and decisions, and to formulate declarations in conformity with its powers; and
- 21) To exercise any other powers that are within its competence according to this Constitution.

#### 4. THE SENATE

Article 150. The Senate shall be composed of at least thirty members, elected directly by the people. In the same election, at least eighteen alternate senators shall be elected. In order to be elected senator or alternate senator, a person must be a natural-born Paraguayan and at least forty years of age.

Article 151. The senate shall have exclusive power:

- 1) To initiate the consideration of bills relating to national defense, to the ratification of international treaties, conventions or agreements, to expropriations, and to the limitation of real property ownership;
- 2) To consent to the appointment of the members of the Supreme Court of Justice, the attorney general, and the ambassadors and ministers plenipotentiary of the foreign service of the republic, as well as to military promotions beginning

with and including the rank of colonel in the army, or its equivalent in the other branches of the armed forces and in the services;

- 3) On the initiative of the Chamber of Deputies, to try members of the Supreme Court of Justice. It may declare them guilty only by a two-thirds absolute majority vote, and its verdict will have no further effect other than that of depriving the accused of their authority, aside from any legal action that may be brought against them in the lower courts;
- 4) To authorize the dispatch of permanent Paraguayan military missions abroad or the admission of foreign missions into the country; and
- 5) To exercise any other powers indicated in this Constitution and the laws.

## 5. THE CHAMBER OF DEPUTIES

Article 152. The Chamber of Deputies shall be composed of not less than sixty members, elected directly by the people. In the same election at least thirty-six alternate deputies shall be elected. In order to be elected deputy or alternate deputy, a person must be a natural-born Paraguayan and at least twenty-five years of age.

Article 153. The Chamber of Deputies shall have exclusive power:

- 1) To initiate the consideration of bills relating to the tax, monetary, and banking systems, to the contracting of loans, and to the general budget of the nation;
- 2) To initiate the consideration of any bill relating to electoral or municipal legislation;
- 3) Whenever irregular procedures in the handling of government expenditures are revealed in the annual report of the comptroller of the currency on the execution of the general budget of the nation, to adopt the pertinent measures as provided in this Constitution and the laws, without prejudice to the comptroller's own powers.
- 4) By a two-thirds absolute majority vote, to initiate the trial of members of the Supreme Court of Justice before the Senate, in the cases contemplated in Article 196.

## 6. ENACTMENT AND SANCTION OF LAWS

Article 154. Laws may originate in either chamber of Congress, through bills presented by any of their members, except those laws whose initiation is the responsibility of the executive power or of a given chamber, by express mandate of this Constitution. All bills shall be presented with a statement of reasons for them.

Article 155. Once a bill is approved by the chamber that originated it or that dealt with it first, it shall go to the other chamber for consideration. If that chamber in turn approves the bill, it becomes sanctioned, and the executive power shall promulgate it as a law, if it also approves of the bill. Any bill not objected to and not returned to the chamber of origin within ten working days shall be considered approved by the executive power, in which case the bill shall automatically be promulgated, and the order shall be given for its publication.

Article 156. The bills submitted to the Congress by the executive power shall be discussed and acted upon in the session of the same year, unless they have been returned for lack of time to consider them. Otherwise, it shall be considered that they were sanctioned, and the executive power shall promulgate them as laws.

Article 157. If a bill is objected to in part by the executive power, it shall be returned to the chamber of origin for it to study the objections and state its judgment thereon. When this action has been taken, the bill shall go to the other chamber for the same purpose. If both chambers uphold the original sanction by an absolute majority vote, the executive power shall promulgate it; but if the chambers disagree on the objections, the bill shall not be reconsidered in the session of that year.

Article 158. A bill that shall have been completely rejected by the executive power may be considered again at the session of that year only by an affirmative vote of a two-thirds absolute majority of both chambers. In that case the bill shall be reconsidered, and if an absolute majority has been obtained in the two chambers, the executive power shall promulgate it.

Article 159. No bill that shall have been completely rejected by the chamber of origin may be presented a second time for consideration at the same session, except the general budget of the nation.

Article 160. When a bill approved by one of the chambers has been totally rejected by the other, it shall go back to the former for reconsideration. If the chamber of origin ratifies it by an absolute majority, it shall again go to the chamber that reviews it, which can reject it again only by a two-thirds absolute majority. If such a majority has not been obtained, the bill shall be considered sanctioned.

Article 161. If a bill shall have been objected to only in part or modified by the chamber that considered it in the second place, it shall be returned to the other chamber for judgment on the questioned points. If it approves them, the bill is sanctioned; but if it rejects them by an absolute majority, the bill shall return to the other chamber, whose favorable vote by a two-thirds absolute majority shall be definitive for sanction of the bill.

Article 162. If the chamber that reviews a bill approved by the chamber of origin does not act upon it within three months that chamber shall be considered to have given it a favorable vote and the bill shall go to the executive power to be promulgated.

Article 163. The bill containing the general budget of the nation shall be presented annually by the executive power not later than September 30, and its consideration by Congress shall have absolute priority. When the bill is received, the Chamber of Deputies shall commence to study it, and shall act upon it within one month. The Senate shall, within a period of time not exceeding one month, study the bill with the modifications introduced by the chamber of deputies, and if it approves it, the bill is sanctioned. If not, the bill shall be returned, with the objections, to the other chamber, which shall decide within a period of ten consecutive days and only concerning the Senate's points of disagreement. If these points are considered favorably, the bill is sanctioned; if not, the bill shall return for another ten consecutive days to the Senate, whose decision shall be final. All the time periods established in this article are peremptory, and if the bill is not acted upon within any of these periods, it will be considered approved. The decisions at

the various stages of the discussion shall be taken by simple majority vote, but the chambers may completely reject the bill that is presented for their study only by a two-thirds absolute majority.

Article 164. Regardless of their stage of passage, the executive power may withdraw any bills that it has sent from Congress and table them or postpone their presentation until another legislative session.

Article 165. A law is not binding unless it is promulgated and published. The publication of laws shall be regulated.

Article 166. The phrase to be used in the sanction of laws shall be the following: "The Congress of the Paraguayan Nation sanctions with the force of Law." For the promulgation of laws, the tenor of the formula shall be: "Be it enacted as a law of the Republic, published, and entered in the Official Register" (Registro Oficial).

Article 167. The committees of the chambers may request information or opinions from persons and public or private entities for purposes of making their judgments or facilitating the exercise of the other powers pertaining to Congress.

## 7. THE PERMANENT COMMITTEE OF THE CONGRESS

Article 168. Prior to adjourning, each chamber shall each year appoint, by an absolute majority, the six senators and twelve deputies who shall together constitute the Standing Committee of the Congress, which shall act until the following session. The Committee shall elect its officers, and shall give written notice thereof to the other powers of the state. It may conduct a valid session with the presence of a simple majority of its members. In matters put to a vote, in case of a tie, the chairman shall decide.

Article 169. The Standing Committee of the Congress shall have the following powers:

- 1) To ensure that the Constitution and the laws are observed and decide upon appropriate measures to this end;
- 2) To issue its own rules of procedure;
- 3) To receive the returns on the election of the president of the republic, pass them on to Congress, and convoke sessions of Congress to study and approve them;
- 4) To receive the returns on the election of senators and deputies and pass them on to the respective chambers;
- 5) To convoke preparatory sessions of the chambers to examine the election returns on senators and deputies, respectively, so that the Congress may meet at the proper time;
- 6) To convoke preparatory sessions in order that the annual opening of the legislative session may take place on the day indicated;
- 7) To organize special sessions convoked by the executive power in conformity with this Constitution; and

8) To exercise any other powers assigned to it by this Constitution and the laws.

Article 170. The Standing Committee shall inform each chamber of its actions and shall be responsible before the chambers for the measures that it may adopt or authorize.

## CHAPTER VIII

### THE EXECUTIVE POWER

#### 1. COMPOSITION, ELECTION, AND DURATION

Article 171. The executive power shall be exercised by a citizen whose title shall be president of the Republic of Paraguay.

Article 172. To qualify as president of the republic, a person must be a natural-born Paraguayan, shall have attained to the age of forty years, follow the Roman Catholic Apostolic faith, and possess the moral and intellectual qualities that recommend him to hold the office.

Article 173. The president of the republic shall be elected in direct general elections that shall be held at least six months prior to the expiration of the constitutional period then underway and he may be reelected for only one additional period, either consecutive or alternative.

Article 174. Each presidential term shall have a duration of five years, to be calculated from August 15, 1968.

Article 175. The president of the republic shall leave office on the day that the term for which he was elected expires, and no event whatever may extend his mandate.

Article 176. In assuming the office, the president of the republic shall take the following oath before Congress: "I, (name), swear before God and country that I will faithfully and patriotically discharge the office of president of the Republic of Paraguay and support and defend the Constitution and the laws. If I do not do this, may God and country hold me to account." If on the date established the Congress does not succeed in forming a quorum in order to meet, the ceremony shall be held immediately before the Supreme Court of Justice.

Article 177. The official office of the president of the republic shall be in the Palacio de López, and the National Treasury shall defray the expense of a residence for him that is in keeping with the dignity of his office. He shall be entitled to a salary, which may not be changed during his term of office, and during that term he may not engage in any other employment, nor devote himself to his profession, business or industry, nor receive any other emolument from the republic.

Article 178. The president of the republic may leave the country only for official reasons after due consideration has been given to the best possible way to carry out his duties, in which case he shall entrust the office of the presidency of the republic to one of the ministers of his cabinet. He shall inform the other powers of such decisions. A special law shall establish the functions of the minister in charge of the office of the presidency of the republic.

Article 179. In the event of the resignation, disability or death of the president of the republic, the minister of the interior or, in his default, any of the other ministers of the executive power shall immediately inform the presidents of the Senate, of the Chamber of Deputies, and of the Council of State of the fact, and shall convoke the National Assembly under the presidency of the first-mentioned to meet within twenty-four hours in order to appoint the person who shall serve provisionally as president of the republic. In the event that the disability is only temporary, one of the ministers shall be appointed; but if it is permanent, or in the event of resignation or death, any citizen who possesses the qualifications for this office established in this Constitution may be appointed. The provisional president shall, except in the case of temporary disability, and provided more than two years shall have elapsed since the beginning of the constitutional term under way, continue to hold the office until the end of that term. If less than two years shall have elapsed since the beginning of the term, the provisional president of the republic shall call elections to take place within three months, and the citizen elected shall immediately assume the presidency of the republic for the remainder of the constitutional term.

## 2. POWERS

Article 180. The president of the republic shall have the following powers:

- 1) He is the supreme head of the state and is responsible for the general administration of the country;
- 2) He participates in the making of the laws, in accordance with this Constitution;
- 3) He promulgates the laws sanctioned by the Congress and issues the instructions and regulations for their execution;
- 4) He prepares the general budget of the nation each year and presents it to the chambers of Congress for consideration;
- 5) In accordance with the general budget of the nation and the laws, he provides for the collection of the revenues of the republic, decrees the expenditures, and renders accounts of them;
- 6) He is responsible for conducting the foreign relations of the republic. With authorization from the Congress, he declares war and reestablishes peace. He negotiates and signs treaties of friendship, commerce, navigation, alliance, boundaries, and neutrality, and concordats and other international agreements, which he shall submit to the legislative power for approval. He receives chiefs of diplomatic missions of foreign countries and admits their consuls. With the approval of the Senate, he appoints ambassadors and ministers plenipotentiary of the foreign service of the republic;
- 7) He alone appoints and removes the ministers of the executive power, the councillors of state, and other government officials whose appointment and tenure of post are not regulated in any other way by this Constitution or by law;
- 8) With the approval of the Senate, he appoints the members of the Supreme Court of Justice; with the opinion of the Council of State and the approval of the Senate, he appoints the attorney general of the state; and with the approval

of the Court, he appoints the members of the Courts, the justices, and other judges of the judicial power;

- 9) Upon the report of the Supreme Court of Justice and in accordance with the law, he commutes sentences and grants pardons;
- 10) Each year he opens the legislative period, at which time he reports to the Congress on the activities carried out by the government and recommends the measures he deems necessary and desirable. He extends regular sessions of the chambers or convokes special sessions;
- 11) He is commander-in-chief of the armed forces of the nation, but he may delegate the exercise of the actual command over them to a general officer. He issues military regulations in accordance with the law and he alone commissions officers of all branches of the armed forces up to and including the rank of lieutenant colonel or its equivalent and, with the approval of the Senate, the higher ranks. In accordance with the needs of the republic, he has the armed forces at his disposal, organizes them, and distributes them; and
- 12) He also exercises other powers assigned to him under this Constitution and the laws in the interest of effective general administration of the country.

Article 181. In the cases stipulated in Article 79 of this Constitution the executive power may decree a state of siege, in which case it must set forth the reasons therefor, the guarantees that are being suspended or restricted, and whether it is in force for the entire national territory or a part thereof, and may adopt the measures authorized in the aforementioned article. The executive power shall inform the Congress of the corresponding decree within five days following its publication.

Article 182. The executive power may decree the dissolution of Congress because of serious events imputable to it that endanger the balance among the powers of the state or in some other way affect the regular enforcement of this Constitution or the free development of the institutions created by it. In the same decree that stipulates the dissolution of Congress, the executive power shall call for elections of senators and deputies, who shall complete the constitutional term, unless one year or less remains before its termination. These elections shall be held within three months.

Article 183. While Congress is in recess, or if Congress has for any reason been dissolved, the executive power may enact decrees with the force of law, with the opinion of the Council of State and with the obligation to submit them to the chambers for consideration within the first sixty days of the next regular session.

### 3. THE MINISTERS OF THE EXECUTIVE POWER

Article 184. The business of the republic shall be conducted by ministers of the executive power, who shall authenticate the acts of the president. The law shall determine the number of ministers, which shall in no case be less than five, and shall determine their functions.

Article 185. To be a minister a person must be a natural-born Paraguayan citizen, shall have attained to the age of thirty years, and enjoy an excellent reputation for his integrity and knowledge of public affairs.



Article 186. Each minister is individually responsible for the acts he legalizes and jointly responsible for those to which he agrees with his colleagues. The ministers shall present an annual report on their actions to the president of the republic. For their services, they shall receive a salary established by law, and while they are in office they shall be subject to the same incompatibilities as the president of the republic.

Article 187. At the invitation of either of the chambers, ministers may attend their sessions and participate without vote in the discussions, when matters relating to their respective functions are being considered.

#### 4. THE COUNCIL OF STATE

Article 188. A Council of State is instituted to issue opinions on the matters submitted to it for consideration by the executive power in conformity with the provisions of this Constitution.

Article 189. The Council of State shall be composed of:

- 1) The ministers of the executive power;
- 2) The archbishop of Asunción;
- 3) The rector of the National University of Asunción;
- 4) The president of the Central Bank of Paraguay;
- 5) Three retired members of the armed forces holding at least the rank of colonel or its equivalent -- one from the Army, another from the Navy, and the third from the Air Force;
- 6) Two members representing agricultural activities -- one for crop raising and the other for stock raising;
- 7) One member for the manufacturing industries;
- 8) One member for commerce; and
- 9) One member for the workers.

The members referred to in numerals 6, 7, 8 and 9 shall be chosen from slates that the respective trade organizations shall submit to the president of the republic for consideration. The members of the Council of State shall be appointed by decree of the executive power.

Article 190. The Council of State shall have the power:

- 1) To render an opinion on proposed decrees having the force of law;
- 2) To render an opinion on matters of international policy and on matters of a financial or economic nature;
- 3) To render an opinion on the merits of candidates to be proposed by the executive power to the Senate to hold the post of attorney general of the state; and

- 4) To exercise other powers assigned to it by this Constitution.

Article 191. To be a councillor of state a person must meet the same requirements as those for minister of the executive power.

Article 192. The Council of State shall issue its own rules of procedure and appoint its officers. Its members shall enjoy the same immunities as those granted by this Constitution to the members of Congress. The general budget of the nation shall establish a daily fee for those councillors of state who do not receive other remuneration from the government.

## CHAPTER IX

### THE JUDICIAL POWER

#### COMPOSITION AND POWERS

Article 193. The judicial power of the republic shall be exercised by a Supreme Court of Justice composed of at least five members, and by such other tribunals and courts as the law establishes.

Article 194. To qualify as a member of the Supreme Court of Justice a person must be a natural-born Paraguayan, shall have attained to the age of thirty-five years, possess the university degree of Doctor of Laws, have had recognized experience in legal matters, and enjoy an excellent reputation for his integrity. The qualifications for judges or magistrates in the other courts shall be established by law.

Article 195. The executive power shall appoint the members of the Supreme Court of Justice, the members of the tribunals and the judges and other magistrates of the judicial power in accordance with the procedure established in this Constitution.

Article 196. The members of the Supreme Court of Justice, the members of the tribunals and the judges and other magistrates shall be appointed for five-year terms coinciding with the presidential term of office and may be reappointed. They may be removed only for commission of crimes or malperformance of their duties. Removal of members of the Supreme Court of Justice shall be effected in accordance with the provisions of this Constitution. Trial of the other judges and magistrates shall take place before the Supreme Court in accordance with the law.

Article 197. The members of the Supreme Court of Justice shall take their oath before the president of the republic, swearing to administer strict justice and carry out their duties faithfully. The judges and other magistrates shall take their oath before the Supreme Court of Justice.

Article 198. The Supreme Court of Justice exercises supervision over all the agencies of the judicial power, with disciplinary power. Disputes as to jurisdiction and competence are heard before it, without appeal, in accordance with the law.

Article 199. The independence of the judicial power is guaranteed. It alone may hear and decide upon matters of a litigious nature. In no case may the Congress,

the president of the republic, the ministers, or other officials arrogate to themselves judicial powers not expressly established in this Constitution, nor may they revive closed proceedings, halt proceedings that are in progress, or intervene in any way in trials. Acts of this nature are irremediably null and void.

Article 200. The Supreme Court of Justice has the power to declare laws that are contrary to this Constitution unconstitutional, or provisions that are contrary to it inapplicable, in each specific case and in a decision that shall have effect only in relation to that case. The proceedings may be initiated through a suit before the Supreme Court, and, exceptionally, before a court of any instance, and the antecedents of the case shall be submitted to the Supreme Court of Justice. The incident shall not suspend trial, which shall proceed to the stage of pronouncement of the sentence.

Article 201. No judicial magistrate may be arrested, except when he is caught flagrante delicto. If this occurs, the authority taking action shall place him in custody in his residence, immediately inform the Supreme Court of Justice of the fact, place the arrestee at the disposal of the judge, and remit to the latter the antecedents of the case.

Article 202. Those who make an attempt against the independence of the judicial magistrates shall, besides making themselves liable to the penalties established by the criminal law, be disqualified from holding a public office for five years.

Article 203. The Tribunal of Accounts shall be divided into two chambers. The first chamber shall have exclusive competence in cases under administrative law; the second, in the control of the expenditure accounts of the general budget of the nation, concerning the execution of which it shall report annually to the executive power and to the Chamber of Deputies. The law may enlarge its powers.

Article 204. Every judicial sentence shall be based on this Constitution and the law. Defense in a trial is free. The procedure for challenges shall be established by law.

Article 205. The law shall determine the organization and functioning of the judicial power and establish the auxiliary courts desirable for the best administration of justice and the defense of the rights and interests of persons who are incompetent, absent, or do not have sufficient financial resources.

Article 206. The Supreme Court of Justice shall issue the internal regulations of the judicial power and, in accordance with the law, it shall appoint, and may dismiss all employees thereof. It shall present each year to the executive power the proposed budget covering the salaries and expenses of the judicial power and a report on the state and requirements of national justice.

Article 207. Members of the judicial power may not exercise any other public function or carry on any profession, trade, or industry, directly or indirectly, with the exception of teaching, the exercise of which shall be regulated by the Supreme Court of Justice. Nor may they participate in political activities.

Article 208. Judges, magistrates, and other officials and employees of the judicial power shall receive remuneration as established in the general budget of the nation.

## CHAPTER X

### THE OFFICE OF THE ATTORNEY GENERAL

Article 209. The Office of the Attorney General shall be exercised by the attorney general of the state, by government agents, and by government attorneys, whose respective duties shall be regulated by law.

Article 210. To qualify as attorney general of the state a person must be a natural-born Paraguayan, shall have attained to the age of thirty years, possess a law degree, have had recognized experience in legal matters, and enjoy an excellent reputation for his integrity. The qualifications for government agents and attorneys shall be established by law.

Article 211. The executive power shall appoint the attorney general of the state by the procedure set forth in this Constitution. The government agents and attorneys shall be appointed directly by the executive power.

Article 212. The attorney general of the state and the government agents and attorneys shall hold office for five-year terms and may be reappointed, and they shall not be removed except for commission of a crime or malperformance of their functions. Removal of the attorney general of the state, government agents and attorneys shall be effected by trial before the Supreme Court of Justice according to the procedure determined by law.

Article 213. The attorney general of the state shall take his oath before the president of the republic and the government agents and attorneys shall do so before the Supreme Court of Justice.

Article 214. The functions of the Office of the Attorney General are:

- 1) To see that the constitutional rights and guarantees are respected;
- 2) In accordance with instructions of the executive power, to exercise from the first instance until the termination of the suit the representation of the state in suits in which the state is the plaintiff or the defendant;
- 3) To take part in all matters in which a government interest is involved, unless the representation of this interest is entrusted to some other official;
- 4) To take penal action in those cases in which, in order to bring suit or prosecute the case, the request of a party is not necessary, without prejudice to the judge's or the court's proceeding on its initiative when the law so determines;
- 5) To bring suit in actions that should be undertaken to render effective the civil, penal, administrative, or disciplinary responsibility that other public officials have abused in the exercise of their functions; and
- 6) To exercise other functions assigned to it by the laws.

Article 215. The functions of the Office of the Attorney General shall not impair the exercise of rights and actions to which private individuals or other officials are entitled under this Constitution and the laws.

Article 216. The authorities of the republic shall give to the Office of the Attorney General such collaboration as it may require for the best performance of its functions.

Article 217. The attorney general of the state shall submit a report of his activities annually to the executive power.

Article 218. The attorney general of the state and the government agents and attorneys shall have the same immunities and be subject to the same incompatibilities as those established in this Constitution for members of the judicial power and shall receive a remuneration as established in the general budget of the nation.

## CHAPTER XI

### AMENDMENT OF THE CONSTITUTION

Article 219. This Constitution may not be totally reformed until ten years after its promulgation. However, such amendments as experience may counsel may be made in it five years after its promulgation. Constitutional reforms and amendments are within the exclusive competence of the National Constituent Convention.

Article 220. Declaration of the need for total reform or for amendment of the Constitution is the responsibility of the National Assembly, composed of the members of the two chambers of Congress and of the Council of State, with the president of the Senate presiding. In order for the declaration to serve its purpose, it need not be promulgated by the executive power, which, notwithstanding, shall be informed thereof. Such a declaration of need shall require a two-thirds vote of the total number of members of the Assembly.

Article 221. The National Assembly shall be convoked by its president to give its judgment on the need for constitutional reform or amendment at the initiative of the executive power or of either of the two chambers of Congress, decided upon by an absolute majority vote.

Article 222. Upon receipt of the declaration made by the Assembly, the executive power shall call an election of convention members to be held within the following six months. The National Constituent Convention shall meet within thirty days following the election.

Article 223. The number of members of the National Constituent Convention shall be established by a special law, but shall not be less than the total number of members of both chambers of Congress.

Article 224. The Convention members shall be elected directly by the people, in accordance with the pertinent provisions of the electoral law.

Article 225. To be a Convention member a person must be a natural-born Paraguayan, and shall have attained to the age of twenty-five years. The incompatibilities shall be established by law.

Article 226. The National Constituent Convention may consider only those points indicated by the National Assembly, if there has not been a declaration of the need for total reform.

Article 227. The National Constituent Assembly shall not arrogate to itself the functions of the powers of the state, nor may it replace those who are in the exercise of those functions.

Article 228. The Convention members shall have the same immunities as those established for members of Congress.

Article 229. The National Constituent Convention shall elect its officers, issue its own regulations, and appoint its staff. Convention members shall receive a daily fee, which shall be established in the general budget of the nation or in a special law.

Article 230. The final act containing the text of the reforms or amendments approved shall be signed on every one of its pages by the president and the secretaries of the National Constituent Convention. Those Convention members who so desire may also sign it, in such a way that it will form a single document, the custody of which shall be entrusted to the legislative power.

Article 231. The constitutional reforms or amendments approved by the National Constituent Convention shall be published in the Official Register (Registro Oficial).

#### ADDITIONAL CHAPTER

#### FINAL AND TRANSITORY PROVISIONS

Article 232. This Constitution shall enter into force on the date of its promulgation. The executive power shall promulgate it within the period established in it for laws, and it shall order its immediate publication in a special edition of at least five thousand copies.

Article 233. The president of the republic, the members of the House of Representatives, and the members of the judicial power who were elected or appointed in accordance with the Constitution of July 10, 1940, and all the other government officials who discharge their responsibilities under oath, shall, as soon as this Constitution is promulgated, take the oath required by it. This shall be done first by the president of the republic before the National Constituent Convention.

Article 234. The House of Representatives shall continue to function until March 31, 1968, in accordance with the precepts of the Constitution of July 10, 1940.

Article 235. The judicial power shall continue to be composed in the manner provided by the Constitution of July 10, 1940, until the expiration of the current term.

Article 236. In accordance with Article 174 of this Constitution the present presidential term shall expire on August 15, 1968. For the presidential terms that ensue from that date on, and for purposes of the eligibility and reeligibility of the president of the republic, account shall be taken only of those terms that shall have been completed since that date.

Article 237. For the legislative session that is to begin on April 1, 1968, the chambers of Congress shall be composed of the minimum number of senators and deputies and alternates stipulated by this Constitution.

Article 238. The signature and custody of the final act of the National Constituent Convention, which contains the complete text of this Constitution, shall be effected in accordance with the provisions of Article 230 of this Constitution.

Article 239. The Constitution of July 10, 1940 shall be abrogated as of the time of the promulgation of the present Constitution, save for the exceptional cases set forth in Articles 234, 235, and 236, which shall continue in effect only for the purpose of completing the constitutional terms of office of the powers of the state until the dates indicated therein.

Done in the hall of sessions of the National Constituent Convention, in the city of Asunción, capital of the republic, this twenty-fifth day of the month of August of the year one thousand nine hundred sixty-seven, in the one hundred and fifty-sixth year of Independence, and the centenary of the National Epic.

TOMAS ROMERO PEREIRA  
President

LUIS MARIA ARGANA  
Secretary

CARLOS A. SALDIVAR  
Secretary

Asunción, August 25, 1967

This Constitution is promulgated for the Republic of Paraguay, published and entered in the Official Register.

JUAN R. CHAVES  
Minister of the Interior

ALFREDO STROESSNER  
President of the Republic of Paraguay

## THE ORGANIZATION OF AMERICAN STATES

The Organization of American States (OAS) is the regional organization of the Western Hemisphere created to maintain the peace, ensure freedom and security, and promote the welfare of all Americans. The member states are Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, the United States, Uruguay, and Venezuela.

The OAS is an outgrowth of the International Union of American Republics, created in 1890 during the First International Conference of American States, held in Washington, D. C. Today, it operates through a large number of different agencies and institutions throughout the Hemisphere, all contributing to the objective of preserving the peace and security of the member states and promoting, by cooperative action, their economic, social, and cultural development. The Pan American Union, the central and permanent organ and General Secretariat of the OAS, has its headquarters in Washington, D. C.