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# Nicaragua's Constitution of 1987 with Amendments through 2005

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# Preamble

WE,

Representatives of the People of Nicaragua, united in the Constituent National Assembly,

INVOKING

The struggles of our indigenous ancestors;

The spirit of Central American unity and the combative tradition of our people who, inspired by the example of General JOSE DOLORES ESTRADA, ANDRES CASTRO and EMMANUEL MONGALO, destroyed the dominion of the foreign adventurers and defeated the North-American intervention in the National War;

The anti-interventionist actions of BENJAMIN ZELEDON;

The General of Free People, AUGUSTO C. SANDINO, Father of the Popular and Anti-imperialist Revolution;

The heroic action of RIGOBERTO LOPEZ PEREZ, initiator of the beginning of the end of the dictatorship;

The example of CARLOS FONSECA, the greatest perpetuator of Sandino's legacy, founder of the Sandinista National Liberation Front and Leader of the Revolution;

The generations of Heroes and Martyrs who forged and carried forward the liberation struggle for national independence.

IN THE NAME OF

The Nicaraguan people, all democratic, patriotic and revolutionary parties and organizations of Nicaragua, its men and women, its workers and peasants, its glorious youth, its heroic mothers, those Christians who inspired by their belief in God have joined and committed themselves to the struggle for the liberation of the oppressed, its patriotic intellectuals, and all those who through their productive work contribute to the defense of the Homeland;

Those who offer their lives in fighting against imperialist aggression to guarantee happiness for new generations.

FOR

The institutionalization of the achievements of the Revolution and the establishment of a new society that eliminates all forms of exploitation and achieves economic, political and social equality among Nicaraguans and absolute respect for human rights.

FOR THE HOMELAND, FOR THE REVOLUTION, FOR THE UNITY OF THE NATION AND FOR PEACE.

WE PROMULGATE THE FOLLOWING POLITICAL CONSTITUTION OF THE REPUBLIC OF NICARAGUA

- Source of constitutional authority
- Political theorists/figures
- God or other deities
- Motives for writing constitution
- Preamble
- Reference to country's history
- Regional group(s)

# TITLE I: FUNDAMENTAL PRINCIPLES

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## Article 1

Independence, sovereignty, and national self-determination are inalienable rights of the people and the bases of the Nicaraguan nation. Any foreign interference in the internal affairs of Nicaragua or any attempt to undermine these rights threatens the life of the people. It is the duty of all Nicaraguans to preserve and defend these rights.

## Article 2

National sovereignty resides in the people who exercise it by means of democratic procedures, deciding and participating freely in the establishment and improvement of the nation's economic, political, and social system. The people exercise political power through their representatives freely elected by universal, equal, direct, and secret suffrage, barring any other individual or group of individuals from usurping such power or representation. They may also exercise it directly by means of a referendum or plebiscite or other mechanisms established by the present Constitution and the laws.

## Article 3

The struggle for peace and the establishment of a just world order represent fundamental commitments of the Nicaraguan nation. We therefore oppose all forms of colonialist and imperialist domination and exploitation and declare our solidarity with all countries fighting against oppression and discrimination.

## Article 4

The State shall promote and guarantee social and political progress in order to achieve the common good, assuming the task of promoting the human development of each and every Nicaraguan, protecting them against every form of exploitation, discrimination, and exclusion.

## Article 5

Liberty, justice, respect for the dignity of the human person, political, social and ethnic pluralism, the recognition of different forms of property, free international cooperation and respect for the free self-determination of peoples are principles of the Nicaraguan nation.

Political pluralism ensures the existence and participation of all political organizations in the country's economic, political, and social affairs without ideological restriction, with the exception of those which strive for the restoration of any type of dictatorship or antidemocratic system.

The State recognizes the existence of indigenous peoples who enjoy the rights, duties and guarantees designated in the Constitution, and especially those to maintain and develop their identity and culture, to have their own forms of social organization and administer their local affairs, as well as to preserve the communal forms of land property and their exploitation, use, and enjoyment, all in accordance with the law. For the communities of the Atlantic Coast, an autonomous regime is established in the present Constitution.

- International law

- Secret ballot
- Legislative initiatives by citizens
- Referenda
- Claim of universal suffrage

- International law
- Reference to fraternity/solidarity

- Protection of stateless persons
- Human dignity
- International law
- Restrictions on political parties
- Regional group(s)
- Right to self determination
- Reference to fraternity/solidarity

The various forms of public, private, associative, cooperative, and communal property shall be guaranteed and encouraged without discrimination in order to produce wealth and shall serve social needs by operating freely.

Nicaragua bases its international relations on friendship and solidarity among the peoples and reciprocity among States. Consequently, all forms of political, military, economic, cultural, or religious aggression and the interference in the internal affairs of other States are forbidden and proscribed. Nicaragua recognizes the principle of the peaceful settlement of international disputes through the means offered by international law and prohibits the use of nuclear weapons and other means of mass destruction in domestic and international conflicts. Nicaragua guarantees the right of asylum to persons persecuted for political reasons, and rejects any subordination of one State to another.

Nicaragua adheres to the principles shaping American international law, as recognized and ratified in the exercise of its sovereignty.

Nicaragua encourages regional integration and advocates the reconstruction of the Grand Central American Homeland.

## TITLE II: THE STATE

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### Article 6

Nicaragua is an independent, free, sovereign, unitary and indivisible State.

### Article 7

Nicaragua is a participatory and representative democratic republic. It has four branches of government: Legislative, Executive, Judicial and Electoral.

### Article 8

The Nicaraguan people is of a multi-ethnic character and forms an integral part of the Central American nation.

### Article 9

Nicaragua firmly defends Central American unity, supports and promotes all efforts to achieve political and economic integration and cooperation in Central America as well as efforts to establish and preserve peace in the region.

Nicaragua aspires to the unity of the people of Latin America and the Caribbean, inspired by the ideals of Bolivar and Sandino. Therefore, Nicaragua shall participate with other Central American and Latin American countries in the creation and election of the bodies necessary to achieve such goals. This principle shall be put into effect by the relevant legislation and treaties.

• Type of government envisioned

• International law  
• Treaty ratification

## Article 10

The national territory is located between the Caribbean Sea and Pacific Ocean and the Republics of Honduras and Costa Rica. The sovereignty, jurisdiction and rights of Nicaragua extend to the islands, keys, and adjacent banks, and to the internal waters, the territorial sea, the contiguous zone, the continental platform, the exclusive economic zone and the corresponding airspace, in accordance with the rules and provisions of International Law.

The Republic of Nicaragua only recognizes international obligations on its territory that have been freely consented to and in accordance with the Political Constitution of the Republic and the rules of International Law. Likewise, it does not accept any treaties signed by other countries to which Nicaragua is not a Contracting Party.

## Article 11

Spanish is the official language of the State. The languages of the Communities of the Atlantic Coast shall also be officially used in the cases established by law.

## Article 12

The city of Managua is the capital of the Republic and the government seat. In extraordinary circumstances these can be established elsewhere in the national territory.

## Article 13

The symbols of the nation are the National Anthem, the Flag and the Official Seal, as established by the law that determines their characteristics and uses.

## Article 14

The State has no official religion.

# TITLE III: NICARAGUAN NATIONALITY

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## Article 15

Nicaraguans are either nationals or nationalized individuals.

## Article 16

Nationals are:

1. Those born in the national territory, with the exception of children of foreigners in diplomatic service, children of foreign officials serving in international organizations or of individuals sent by their government to work in Nicaragua, unless they opt for the Nicaraguan nationality;
2. The children of a Nicaraguan father or mother;

3. Those born abroad to fathers or mothers who originally were Nicaraguan, if and when they apply for Nicaraguan nationality after reaching legal age or independence;
4. Infants of unknown parents found in Nicaraguan territory, subject to corrections which may become necessary once their true descent becomes known;
5. Children born to foreign parents on board Nicaraguan aircrafts or vessels, if and when they apply for Nicaraguan nationality.

## Article 17

Native born Central Americans who reside in Nicaragua have the right to opt for Nicaraguan nationality and may apply for it before the competent authority without having to renounce their prior nationality.

## Article 18

The National Assembly may grant nationality to foreigners who have distinguished themselves through extraordinary service rendered to Nicaragua.

## Article 19

Foreigners may be nationalized on application to the competent authority after having renounced their nationality, subject to the fulfillment of the requirements and conditions established by the applicable law.

## Article 20

No national may be deprived of his/her citizenship. The status of Nicaraguan citizen is not lost by acquisition of another nationality.

## Article 21

The granting, loss and recuperation of nationality shall be regulated by law.

## Article 22

Cases of dual nationality shall be treated in conformity with treaties and the principle of reciprocity.

- Requirements for birthright citizenship
- Requirements for naturalization

- Requirements for naturalization

- Requirements for naturalization

- Conditions for revoking citizenship

- Conditions for revoking citizenship

- International law
- Treaty ratification

# TITLE IV: RIGHTS, DUTIES AND GUARANTEES OF THE NICARAGUAN PEOPLE

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## Chapter I: Individual Rights

### Article 23

The right to life is inviolable and inherent in the human person. In Nicaragua there is no death penalty.

### Article 24

Everyone has duties to his/her family, the community, the homeland and humanity. The rights of every person are limited by the rights of others, the security of all and the reasonable requirements of the common good.

### Article 25

Everyone has the right to:

1. individual liberty;
2. security;
3. recognition of his/her legal personality and capacity.

### Article 26

Everyone has the right to:

1. Privacy in his/her life and that of his/her family;
2. Inviolability of his/her domicile, correspondence and communication of any kind;
3. Respect of his/her honor and reputation;
4. Know about any information which the public authorities may have on record about him/ as well as the right to know why and for what purpose they hold such information.

A private home may be searched only with a warrant from a competent judge save in cases in which:

- a. Those who reside in that domicile let it be known that a crime is being committed there or ask for protection against it.

- Prohibition of capital punishment
- Inalienable rights
- Right to life

- Regulation of evidence collection

- Right to privacy

- Right to information
- Right to protect one's reputation

- Right to information



- b. A fire, flood or similar incident is threatening the life or property of the inhabitants.
- c. Strangers have been spotted in a dwelling in circumstances which suggest that a crime is about to be committed.
- d. A hot pursuit of a criminal is under way.
- e. A hostage shall be liberated.

In all these cases, the search must take place in accordance with the law.

The law determines the conditions and procedures for the search of private documents, fiscal records and related documents when this is indispensable for the investigation of matters before the courts or for taxation purposes.

Letters, documents, and other private papers which have been unlawfully seized shall be null and void in judicial proceedings or elsewhere.

## Article 27

All individuals are equal before the law and have the right to equal protection. There shall be no discrimination based on birth, nationality, political belief, race, gender, language, religion, opinion, origin, economic position or social condition.

Foreigners have the same rights and duties as Nicaraguans, with the exception of political rights and other rights established by law; they may not intervene in the political affairs of the country.

The State respects and guarantees the rights recognized in this Constitution to all persons who are in its territory and subject to its jurisdiction.

## Article 28

Nicaraguans who are out of the country are entitled to amparo and the protection of the State, which is implemented through its diplomatic and consular representations.

## Article 29

Everyone has the right to freedom of conscience and thought and to profess or not profess a religion. No one shall be the object of coercive measures which diminish these rights or be compelled to declare his/her creed, ideology or beliefs.

## Article 30

Nicaraguans have the right to freely express their convictions in public or in private, individually or collectively, in oral, written or any other form.

## Article 31

Nicaraguans have the right to circulate and to establish their residence in any part of the national territory, and to freely enter and exit the country.

• General guarantee of equality

- Equality regardless of gender
- Equality regardless of creed or belief
- Equality regardless of social status
- Equality regardless of financial status
- Equality regardless of political party
- Equality regardless of parentage
- Equality regardless of nationality
- Equality regardless of origin
- Equality regardless of race
- Equality regardless of language
- Equality regardless of religion

- Freedom of religion
- Freedom of opinion/thought/conscience

• Freedom of expression

• Freedom of movement

## Article 32

No person is obligated to do what is not mandated by law or barred from doing what is not prohibited by it.

## Article 33

No one may be arbitrarily detained or imprisoned, or be deprived of except in cases determined by law and in accordance with legal procedures. Therefore:

1. An arrest may be made only on the basis of a warrant issued by a competent judge or by authorities specifically empowered by law, with the exception of an individual caught in the act of committing a crime (*flagrante delicto*);
2. Any arrested person has the right:
  - 2.1. To be informed without delay in an idiom or language understandable to him and in detailed manner of the causes of his/her arrest and of the charges brought against him; to be informed of his/her arrest by the police and the same to be notified to his/her family or anyone considered appropriate; and also that he/she be treated with the respect due to the dignity inherent to him;
  - 2.2. To be released or brought before a competent authority within a 48 hour period subsequent to the arrest;
3. Once a penalty has been served, no one should be held further after an order of release from prison by a competent authority;
4. Any illegal detention causes civil and penal responsibility for the authority which orders or executes it;
5. The competent organs shall strive to have those indicted and those sentenced imprisoned in different centers.

## Article 34

Any accused has the right, under equal conditions, to the following minimal guarantees:

1. To enjoy the presumption of innocence as long as guilt is not proven according to law;
2. To be tried without delay by a competent court established by law. There is no alternative venue. No one may be removed from appearing before one's judge having jurisdiction nor made to appear before a special court;
3. To be subjected to the verdict of juries in cases determined by law. The right to appeal (*recurso de revisión*) is guaranteed;

• Principle of no punishment without law

• Protection from unjustified restraint

• Prohibition of double jeopardy  
• Presumption of innocence in trials

• Right to speedy trial

• Jury trials required

4. To have one's participation and defense guaranteed from the very initiation of the legal process and to have the time and means adequate to one's defense;
5. To be granted court appointed counsel when in the initial instance it has not been provided or when there has not been a prior warrant. The accused shall have the right to communicate freely and privately with one's counsel;
6. To be assisted free of charge by an interpreter if he/she does not understand or speak the language used by the court;
7. Not to be obliged to testify against oneself or against a spouse or a partner in a stable de facto union or a family member within the fourth level of consanguinity or the second level of marital relations, or to confess guilt;
8. To be sentenced within the statutory period at each step of the process;
9. To appeal to a higher court so that one's case may be reviewed should the accused be sentenced for any crime;
10. Not to be tried again for the crime for which the accused was sentenced or acquitted by a final judgment;
11. Not to be tried or sentenced for an act or omission which, at the time of committing it, had not been previously specified expressly or unequivocally in the law as punishment or sanctioned with a penalty not provided by law. Dictating proscriptive laws or applying demeaning penalties or treatment to the accused is prohibited.

The judicial process must be public. Access by the press and the public in general may be restricted for moral and public order reasons.

A victim shall take part in judicial proceedings from their beginning and at every step.

## Article 35

Minors cannot be subject to or [be] the object of judgment, nor can they be submitted to any legal proceeding. Transgressor minors cannot be taken to penal rehabilitation centers and they shall be attended to in centers under the responsibility of a specialized institution. A law shall regulate this matter.

## Article 36

All persons shall have the right to have their physical, psychological and moral integrity respected. No one shall be subjected to torture, procedures, punishments, or inhumane, cruel or degrading treatment. Violation of this right constitutes a crime and shall be punished by law.

## Article 37

The penalty shall not extend beyond the person convicted. There shall be no punishment or punishments which, in isolation (aisladamente) or together, total more than thirty years.

## Article 38

The law has no retroactive effect except in penal matters that favor the accused.

## Article 39

In Nicaragua, the Penitentiary System is humanitarian, and has as a fundamental objective the transformation of the interned in order to reintegrate [him or her] into society. With the progressive system it promotes family unity, health, educational and cultural advancement and productive occupation with financial compensation for the interned. Sentences have a re-educational character.

Convicted women shall serve in prison in different penal centers than men, and guards of the same sex shall be provided.

## Article 40

No one shall be subjected to servitude. Slavery and slave trade in any form are prohibited.

## Article 41

No one shall be detained for debts. This principle does not limit the mandates of competent legal authority for the non-fulfillment of alimony duties. It is the duty of all national or foreign citizens to pay their debts.

## Article 42

Nicaragua recognizes and guarantees the right of refuge and of asylum. Refuge and asylum are to be granted only to those who are persecuted in their struggle for democracy, peace, justice, and human rights.

The law shall determine the status of an asylum seeker or political refugee in accordance with international agreements ratified by Nicaragua. In case the expulsion of the asylum is decided he/she may never be returned to the country where he/she had been persecuted.

## Article 43

In Nicaragua there is no extradition for political crimes or common crimes committed in conjunction with them, according to Nicaraguan qualification. Extradition for common crimes is regulated by law and international treaties.

Nicaraguans shall not be objects of extradition from the national territory.

## Article 44

The right of private ownership of movable and immovable property and of the instruments and means of production is guaranteed.

By virtue of the social function of property, for reason of public utility or social interest, this right is subject to the limits and obligations imposed by the laws regarding its exercise. Immovable property mentioned in the first paragraph may be the subject of expropriation in accordance with the law following the cash payment of fair compensation.

As regards the expropriation of uncultivated large landed estates in the interest of land reform, the law shall determine the form, computation, installment of payments and interests recognized as indemnification.

The confiscation of property is prohibited. Those officials who violate this provision shall respond with their property at all times for any damages they may have caused.

## Article 45

Persons whose constitutional rights have been violated or are in danger of being violated have the right to present the writ of habeas corpus or of amparo, depending on the circumstances of the case and in accordance with the Law of Amparo.

## Article 46

All persons in the national territory shall enjoy State protection and recognition of the rights inherent to the human person, as well as unrestricted respect, promotion and protection of those human rights, and the full applicability of the rights set forth in the Universal Declaration of Human Rights; in the American Declaration of the Rights and Duties of Man; in the International Pact of Economic, Social and Cultural Rights; in the International Pact of Civil and Political Rights of the United Nations; and in the American Convention of Human Rights of the Organization of American States.

## Chapter II: Political Rights

### Article 47

All Nicaraguans who have reached 16 years of age are citizens.

Only citizens enjoy the political rights set forth in the Constitution and in the laws, without further limitations other than those established for reasons of age.

Rights of citizens shall be suspended by imposition of serious corporal or specific related punishments and by final judgment of civil injunction.

### Article 48

Unconditional equality of all Nicaraguans in the enjoyment of their political rights, in the exercise of these rights, and in the fulfillment of their duties and responsibilities, is established; there exists absolute equality between men and women.

It is the obligation of the State to remove obstacles that impede the actual equality among Nicaraguans and their effective participation in the political, economic and social life of the country.

### Article 49

In Nicaragua workers in the cities and countryside, women, youth, agricultural producers, artisans, professionals, technicians, intellectuals, artists, religious persons, the Communities of the Atlantic Coast and the population in general have the right to form organizations with the goal of realizing their aspirations according to their own interests, without discrimination, and to participate in the construction of a new society. Such organizations shall be formed according to the elective and participatory will of citizens, they shall have a social function and may or may not have a partisan character, according to their nature and objectives.

- International law
- International human rights treaties

- Requirements for birthright citizenship
- Restrictions on voting

- Freedom of association

## Article 50

Citizens have the right to participate under equal conditions in public affairs and in State management. By means of the law the effective participation of the people, nationally and locally, shall be guaranteed.

## Article 51

Citizens have the right to vote and be elected at periodic elections and to run for public office, except for the limitations provided in this Political Constitution.

It is the duty of citizens to be jurors and to perform other tasks of a civic nature, except for recognized excuse.

## Article 52

Citizens have the right, individually or collectively, to petition, denounce irregularities and make constructive criticism to the Powers of the State or to any authority, to obtain a quick resolution or response and to have the result communicated in the time period established by the law.

## Article 53

The right to peaceful gathering is recognized; the exercise of this right does not require prior permission.

## Article 54

The right to public assembly, demonstration and mobilization in conformity with the law is recognized.

## Article 55

Nicaraguan citizens have the right to establish or join political parties with the objective of participating in the exercise of or the contest for political power.

## Chapter III: Social Rights

## Article 56

The State shall give special attention in all its programs to the disabled and to the relatives of those killed or victimized by war in general.

## Article 57

Nicaraguans have the right to work in accordance with their human nature.

## Article 58

Nicaraguans have the right to education and culture.

- Jury trials required
- Restrictions on voting

- Right of petition

- Freedom of assembly

- Right to form political parties

- State support for the disabled

- Right to work

## Article 59

Every Nicaraguan has an equal right to health. The State shall establish the basic conditions for its promotion, protection, recuperation and rehabilitation.

The organization and direction of health programs, services and actions and the promotion of popular participation in support of it corresponds to the State.

Citizens are obligated to respect determined sanitary measures.

## Article 60

Nicaraguans have the right to live in a healthy environment. It is the obligation of the State to preserve, conserve and recover the environment and the natural resources.

## Article 61

The State guarantees Nicaraguans the right to social security for their integral protection against the social contingencies of life and work in the manner and conditions determined by law.

## Article 62

The State shall strive to establish programs benefiting the handicapped people, for their physical, psychosocial and professional rehabilitation, and for their job placement.

## Article 63

It is the right of Nicaraguans to be protected against hunger. The State shall promote programs, which ensure adequate availability of food and its equitable distribution.

## Article 64

Nicaraguans have the right to decent, comfortable and safe housing that guarantees familial privacy. The State shall promote the fulfillment of this right.

## Article 65

Nicaraguans have the right to sports, physical education, recreation and relaxation. As part of the integral development of Nicaraguans, the State shall promote the practice of sports and physical education, through the organized and mass participation of the people. This shall be accomplished through special programs and projects.

## Article 66

Nicaraguans have the right to truthful information. This right comprises the freedom to seek, receive and disseminate information and ideas, be they spoken or written, in graphic or by any other chosen procedure.

• Right to health care

• Protection of environment

• State support for the disabled

• Right to shelter

• Right to rest and leisure

• Right to information  
• Freedom of press

## Article 67

The right to inform is a social responsibility and shall be exercised with strict respect for the principles established in the Constitution. This right cannot be subject to censorship, but [may be subject] to subsequent responsibilities established by law.

## Article 68

Within the framework of their social function, the mass communications media must contribute to the development of the nation.

Nicaraguans have the right of access to the social mass communications media and to explanations when their rights and guarantees may be affected.

The government shall see to it that the social mass communications media not be subjected to foreign interests or to the economic monopoly of any group. The law shall regulate this matter.

The import of paper, machinery, and equipment, and upkeep accessories for the mass communications media whether printed, broadcast, or televised as well as the import, circulation, and sale of books, brochures, magazines, instructional school and scientific materials, newspapers, and other publications shall be exempt from all types of municipal, regional, and fiscal taxes.

The public, corporate, or private mass communications media may not be subjected to prior censorship. In no case may their printing presses or accessories nor any other means or equipment used for the dissemination of ideas be seized as evidence of wrongdoing.

## Article 69

All persons, either individually or in a group, have the right to manifest their religious beliefs in public or private, through worship, practices and teachings.

No one may evade obedience to the law or impede others from exercising their rights and fulfilling their duties by invoking religious beliefs or dispositions.

## Chapter IV: Rights of the Family

### Article 70

The family is the fundamental nucleus of society and has the right to protection by society and the State.

### Article 71

Nicaraguans have the right to establish families. Family inheritance, which is not subject to seizure and exempt from all public levies, is guaranteed. The law shall regulate and protect those rights.

Childhood enjoys special protection and all the rights that this status may require; for that reason, the International Convention on Rights of Children is fully applicable in Nicaragua.

- Freedom of press

- State operation of the media
- Freedom of press
- Radio
- Television

- Freedom of religion

- Right to found a family
- International law
- Right to transfer property

- Rights of children



## Article 72

Marriage and stable de facto unions are protected by the State; they rest on the voluntary agreement between a man and a woman, and may be dissolved by mutual consent or by the shall of one of the parties. The law shall regulate this matter.

## Article 73

Family relations rest on the respect, solidarity and absolute equality of rights and responsibilities between the man and woman.

Parents must attend to the maintenance of the home and the integral development of children through joint efforts, with equal rights and responsibilities. Children are, as well, obligated to respect and assist their parents. These duties and rights shall be fulfilled in accordance with the legislation on this matter.

## Article 74

The State grants special protection to the process of human reproduction.

Women shall have special protection during pregnancy and shall be granted maternity leave with pay and all appropriate social security benefits.

No one may deny employment to women for reasons of pregnancy nor dismiss them during pregnancy or the post-natal period; all in conformity with the law.

## Article 75

All children have equal rights. There shall be no discriminatory designations due to matters of filiation. In ordinary legislation, no dispositions or classifications that reduce or deny equality among children have any value.

## Article 76

The State shall create programs and develop special centers for the care of minors; minors have the right to measures of prevention, protection and education from their family, society and the State, as required by their condition.

## Article 77

The elderly have the right to protective measures from their family, society and the State.

## Article 78

The State protects responsible paternity and maternity. The right to investigate paternity and maternity is established.

## Article 79

The right to adoption for the exclusive interest of the integral development of the minor is established. The law shall regulate this matter.

- Provision for civil marriage
- Right to marry
- Provision for matrimonial equality

- Provision for matrimonial equality
- Reference to fraternity/solidarity

- Rights of children

- State support for the elderly

## Chapter V: Labor Rights

### Article 80

Work is a right and a social responsibility.

The labor of Nicaraguans is the fundamental means to satisfy the needs of society and of persons, and is the source of the wealth and prosperity of the nation. The State shall strive for full and productive employment of all Nicaraguans under conditions that guarantee the fundamental rights of the person.

### Article 81

Workers have the right to participate in the management of their enterprises, through their organizations and in conformity with the law.

### Article 82

Workers have the right to working conditions that specifically ensure them:

1. Equal pay for equal work under identical conditions, suitable to their social responsibility, without discrimination for political, religious, racial, gender or any other reasons, which ensure a well-being compatible with human dignity;
2. Being paid in legal tender currency in their work place;
3. The exemption from seizure of the minimum wage and social benefits, except for the protection of their family and in the terms established by law;
4. Work conditions that guarantee physical integrity, health, hygiene and the reduction of professional hazards to make effective the worker's occupational security;
5. An eight-hour work day, weekly rest, vacations, remuneration for national holidays and a thirteenth month salary, in conformity with the law;
6. Work stability in conformity with the law and equal opportunity to be promoted, limited only by the factors of time, service, capacity, efficiency and responsibility;
7. Social security for integral protection and means of subsistence in cases of incapacitation, old age, professional risks, illness or maternity; and for their relatives in cases of death, in the form and under conditions established by law.

### Article 83

The right to strike is recognized.

- Right to work
- Duty to work

- Human dignity
- Right to equal pay for work
- Right to reasonable standard of living

- Right to safe work environment

- State support for the elderly

- Right to strike

## Article 84

Child labor in tasks that can affect their normal development or their obligatory instruction cycle is prohibited. Children and adolescents shall be protected against any form of economic and social exploitation.

## Article 85

Workers have the right to their cultural, scientific and technical development; the State shall facilitate this through special programs.

## Article 86

All Nicaraguans have the right to freely elect and exercise their profession or trade and to choose their place of work with no other requisites than a school degree and that the work serve a social purpose.

## Article 87

Full labor union freedom exists in Nicaragua. Workers shall organize themselves voluntarily in unions, which shall be constituted in conformity with that established by the law.

No worker is obliged to belong to a particular union or to resign from the one to which he/she belongs. The full autonomy of organized labor is recognized and the traditional rights (fuero) of the unions are respected.

## Article 88

In defense of their individual or organizational interests, workers are guaranteed the inalienable right to negotiate the following with their employers:

1. Individual contracts;
2. Collective bargaining agreements.

Both in conformity with the law.

## Chapter VI: Rights of the Communities of the Atlantic Coast

### Article 89

The communities of the Atlantic Coast are indivisible parts of the Nicaraguan people, and as such they enjoy the same rights and have the same obligations.

The communities of the Atlantic Coast have the right to preserve and develop their cultural identities within the national unity, to provide themselves with their own forms of social organization, and to administer their local affairs according to their traditions.

The State recognizes communal forms of land ownership of the communities of the Atlantic Coast. Equally it recognizes their enjoyment, use and benefit of the waters and forests of their communal lands.

## Article 90

The communities of the Atlantic Coast have the right to the free expression and preservation of their languages, art and culture. The development of their culture and their values enrich the national culture. The State shall create special programs to enhance the exercise of these rights.

## Article 91

The State has the obligation to enact laws intended to promote actions to ensure that no Nicaraguan shall be the object of discrimination for reasons of language, culture or origin.

# TITLE V: NATIONAL DEFENSE

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## Article 92

The Army of Nicaragua is the armed institution for the defense of territorial sovereignty, independence, and integrity.

Only in exceptional cases may the President of the Republic, by decision taken in Council of Ministers, order the intervention of the Army of Nicaragua in support of the National Police should the stability of the Republic be threatened by major internal disorders, calamities or natural disasters.

The establishment of foreign military bases on the national territory is prohibited. The transit or stationing of foreign vessels, aircraft, or military equipment for humanitarian reasons may be authorized as long as the request is made by the Government of the Republic and ratified by the National Assembly.

## Article 93

The Army of Nicaragua is a national institution of a professional, non-partisan, apolitical, hierarchical and non-deliberative character. The members of the Army of Nicaragua must receive training in civics and human rights.

Crimes and offenses of a strictly military nature committed by members of the army and the police shall be dealt with by military tribunals established by law.

Common crimes and offenses committed by the military and by police shall be dealt with by the ordinary courts.

In no case may civilians be tried by military tribunals.

## Article 94

Members of the Army of Nicaragua and of the National Police may not engage in political or partisan activities nor hold any position in political organizations. Neither may they run for public positions of popular election unless they have resigned from active duty in the armed forces or the police at least one year prior to the elections in which they intend to participate.

The organization, structures, activities, ranks, promotions, retirements, and everything relating to the operational development of these organizations shall be regulated by the law of this matter.

## Article 95

The Army of Nicaragua shall be subject to a strict adherence to the Constitution, to which it shall give respect and obedience. It shall be subject to the civilian authority to be exercised directly by the President of the Republic in his/her capacity of Supreme Chief of the Army of Nicaragua or through the corresponding Ministry.

No more armed units may exist in the national territory or more military ranks than those established by the law.

## Article 96

There shall be no compulsory military service, and any form of forced recruitment to be part of the Army of Nicaragua and the National Police is prohibited.

The organs of the Army and the police and any other State institutions are prohibited from engaging in activities of political espionage.

## Article 97

The National Police is an armed body of civilian nature. Its mission is to guarantee the internal order, the safety of the citizens, and the prevention and prosecution of crimes and other offenses specified by the law. The National Police is professional, apolitical, nonpartisan, hierarchical, and non-deliberative. The National Police shall be run in strict adherence to the Political Constitution to which it shall pay respect and defer. It shall be subject to the civilian authority which shall be exercised by the President of the Republic through the corresponding Ministry.

Within its functions, the National Police shall support the judicial branch. The internal organization of the National Police is based on the hierarchy and the discipline of its command structure.

# TITLE VI: NATIONAL ECONOMY, LAND REFORM AND PUBLIC FINANCES

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## Chapter I: National Economy

### Article 98

The principal function of the State in the economy is to develop the country materially, abolish the inherited backwardness and dependence, improve the standard of living of the people and carry out [a] more just distribution of wealth.

### Article 99

The State is responsible for promoting the country's integral development; as the manager of the general well-being, it shall guarantee the individual, social, sectoral and regional interests and needs of the nation. It is the responsibility of the State to protect, foment, and promote private, public, cooperative, associative, community, and mixed forms of ownership and economic and business management, in order to guarantee economic and social democracy.

The conduct of economic activities is primarily a matter for individuals. The leading role of private initiative which includes in a broad sense large, middle-sized, and small businesses, mini-enterprises, cooperative, associative, and other enterprises is recognized.

The Central Bank is the State entity regulating the monetary system. State banks and other State financial institutions shall be the financial tools for economic promotion, investment, and development, and they shall diversify their credits with an emphasis on small-and medium-sized producers. It is the duty of the State to guarantee their existence and functioning in an unassailable manner.

The State guarantees the freedom of enterprise and the establishment of banks and other private and State financial institutions which shall be regulated in conformity with the laws on the matter. Foreign trade activities, insurance and reinsurance both public and private, shall be regulated by law.

## Article 100

The State shall promulgate the Foreign Investment Law so that it contributes to the socioeconomic development of the country, without damaging national sovereignty.

## Article 101

Workers and other productive sectors have the right to participate in the elaboration, execution and control of economic plans.

## Article 102

The natural resources are national patrimony. The preservation of the environment, and the conservation, development and rational exploitation of the natural resources are responsibilities of the State; the State may formalize contracts for the rational exploitation of these resources when required by the national interest.

## Article 103

The State guarantees the democratic coexistence of public, private, cooperative, associative and communal forms of property; all these form parts of the mixed economy, are subject to the higher interests of the nation and fulfill a social function.

## Article 104

Enterprises organized in any of the forms of ownership established in this Constitution shall have equal standing before the law and the economic policies of the State. Economic initiative is free.

The full exercise of economic activities is guaranteed without any other limitations than those which, due to social or national interest reasons, the law imposes.

## Article 105

It is the obligation of the State to promote, facilitate, and regulate the provision of basic public services of energy, communications, water, transportation, road infrastructure, ports, and airports to the people, and access to these is their inalienable right. Private investments and their modalities and the concessions of exploitation to private individuals in these areas shall be regulated by law in each case.

• Protection of environment

• Right to establish a business

• Protection of consumers  
• Right to health care  
• Inalienable rights

The services of education, health, and social security are non-transferable duties of the State, which is obligated to provide them without exclusions, to improve and broaden them. The installations and infrastructure of these services owned by the State may not be alienated in any manner.

Free health care is guaranteed for the vulnerable sectors of the population, giving priority to the completion of programs benefiting mothers and children. State public health and education services shall have to be expanded and reinforced. The right to establish private health and education services is guaranteed.

It is the responsibility of the State to guarantee quality control over goods and services and to prevent speculation and the monopolization of basic goods of consumption.

## **Chapter II: Land Reform**

### **Article 106**

The land reform is the fundamental instrument for the democratization of ownership and the just distribution of land; it is a means constituting an essential part for the global promotion and strategy of ecological reconstruction and the sustainable economic development of the country. The land reform shall take into account the socially necessary man-land relationship. Property is also guaranteed to peasants benefiting from the reform, in accordance with the law.

### **Article 107**

The land reform shall eliminate large uncultivated farmlands and shall be implemented primarily with lands of the State. Should the expropriation of large uncultivated farmlands affect private owners, it shall be implemented in conformity with the provision of Article 44 of this Constitution. The land reform shall eliminate any form of exploitation of the peasants and the country's indigenous communities and shall promote forms of ownership compatible with the economic and social objectives of the country established in this Constitution. The land ownership system of indigenous communities shall be regulated according to the law on this matter.

### **Article 108**

Ownership of their land is guaranteed to all those owners who productively and efficiently work it. The law shall establish specific regulations and exceptions in conformity with the goals and objectives of the land reform.

### **Article 109**

The State shall promote the voluntary association of peasants in agricultural cooperatives, without discrimination based on sex, and in accord with its resources, it shall facilitate the material means necessary to raise their technical and productive capacity in order to improve the standard of living of the peasants.

### **Article 110**

The State shall promote the voluntary incorporation of small and medium agricultural producers, into the economic and social development plans of the country, both in associative and individual forms.

## Article 111

The peasants and other productive sectors have the right to participate, through their own organizations, in defining the policies of agricultural transformation.

## Chapter III: Of Public Finances

### Article 112

The General Budget Law of the Republic has annual validity and its object is to regulate the Public Administration's ordinary and extraordinary revenues and expenditures. The law shall determine the limits of the expenditures of the State organs and shall indicate the various sources and purposes of all revenues and expenditures, which must correspond to each other.

The National Assembly may modify the Bill of the Budget sent by the President of the Republic, but no extraordinary expenditures may be created except by law and through the creation and determination at the same time of the resources to finance it. The Law of the Budgetary Regime shall regulate this matter.

Any modification of the General Budget of the Republic involving an increase or decrease of credits, reduction of revenues or transfers among different institutions shall require the approval of the National Assembly. The Annual Budget Law may not create taxes.

### Article 113

It is the responsibility of the President of the Republic to formulate the Bill of the Annual Budget Law which he/she shall submit to the National Assembly for its debate and approval, in accordance with the law on this matter.

The Bill of the Annual Budget Law shall include, for information of the National Assembly, budgets of the autonomous and governmental entities and of State enterprises.

### Article 114

The National Assembly has the exclusive and inalienable power to create, approve, amend, or suppress tax levies. The Tax System must take into account the distribution of wealth and of income.

Tax levies of a confiscatory nature are prohibited.

Medicines, vaccines, and serums for human consumption, orthopedics, and prostheses and the ingredients and materials necessary to produce them shall be exempt from paying any forms of taxation, in conformity with the clarification and procedures established.

### Article 115

Taxes must be created by a law that establishes their incidence, taxation type and guarantees of taxpayers. The State shall not force payment of taxes that have not been previously established by a law.

• Balanced budget  
• Budget bills

• Budget bills

• Tax bills

• Tax bills



## TITLE VII: EDUCATION AND CULTURE

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### Article 116

Education has as its objective the full and integral development of Nicaraguans; to provide them with a critical, scientific and humanist consciousness; to develop their personality and their sense of dignity and to prepare them to assume the tasks of common interest demanded for the progress of the nation. Therefore, education is a fundamental factor for the transformation and development of the individual and of society.

### Article 117

Education is one single, democratic, creative and participatory process, which links theory with practice, manual with intellectual labor, and promotes scientific research. It is based on our national values, in the knowledge of our history, reality, national and universal culture and in the constant development of science and technology; it cultivates the values of the new Nicaraguan in accordance with the principles established in this Constitution, the study of which must be promoted.

### Article 118

The State promotes the participation of the family, the community and the people in education and guarantees the support of the means of social communication for this purpose.

### Article 119

Education is a fundamental duty of the State. Planning, direction and organization of education correspond to the State. The national educational system functions in an integrated fashion and in accordance with national plans. Its organization and functioning are determined by law.

It is the duty of the State to train and prepare the necessary technical and professional personnel at all levels and specializations for the development and transformation of the country.

### Article 120

The creative application of educational plans and policies is a fundamental role of the national teaching profession. Teachers have the right to standards of living and work corresponding to their dignity and the important social function that they carry out; they shall be promoted and encouraged in their work in accordance with the law.

### Article 121

The access to education is free and equal for all Nicaraguans. Primary education is free of charge and mandatory at the centers of the State. The secondary education is free of charge at the centers of the State without prejudice to any voluntary contributions which parents of the family may make. No one may be excluded in any form from a State center for economic reasons. The indigenous peoples and ethnic communities of the Atlantic Coast have the right in their region to intercultural education in their native language, in accordance with the law.

- Right to development of personality
- Human dignity

- Right to reasonable standard of living

- Compulsory education
- Free education

## Article 122

Adults shall enjoy opportunities to be educated and to develop skills through education and training programs. The State shall continue its educational programs to eliminate illiteracy.

## Article 123

Private centers dedicated to teaching may function at all levels, subject to the precepts established in this Constitution.

## Article 124

Education in Nicaragua is secular. The State recognizes the right of private education centers with a religious orientation to teach religion as an extracurricular subject.

## Article 125

The universities and superior technical education centers enjoy academic, financial, organic, and administrative autonomy, in accordance with the law.

They shall be exempt from any class of taxes and fiscal contributions, regional and municipal. Their assets and revenues may not be the object of intervention, expropriation or seizure, except when the relevant obligation originates in civilian, business, or labor contracts.

The professors, students, and administrative employees shall participate in the university management. Universities and superior technical education centers which, according to law, must be State-funded, shall receive an annual allocation of six percent of the General Budget of the Republic, which shall be distributed according to law. The State may allocate additional contributions to cover extraordinary expenditures of these universities and superior technical education centers.

Academic freedom is guaranteed. The State promotes and protects the free creation, research, and diffusion of the sciences, technology, the arts and letters, and guarantees and protects intellectual property.

## Article 126

It is the duty of the State to promote the recovery, development and strengthening of national culture, sustained by the creative participation of the people.

The State shall support national culture in all its expressions, whether collective or from individual creators.

## Article 127

Artistic and cultural creation is free and unrestricted. Cultural workers have full freedom to choose forms and styles of expression. The State shall strive to provide them with the means necessary to create and divulge their works, and to protect their rights of authorship.

## Article 128

The State protects the archaeological, historical, linguistic, cultural and artistic patrimony of the nation.

• Separation of church and state

• Right to academic freedom  
• Reference to art  
• Provisions for intellectual property  
• Reference to science

• Reference to art  
• Right to culture

• Reference to art

• Reference to art

# TITLE VIII: THE ORGANIZATION OF THE STATE

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## Chapter I: General Principles

### Article 129

The Legislative, Executive, Judicial and Electoral Powers are independent of one another and coordinate harmoniously, subordinated only to the supreme interests of the nation and to what is established in this Constitution.

### Article 130

The Nicaraguan Nation constitutes itself as a Welfare State based on the Rule of Law (Estado Social de Derecho). No office holder may exercise functions other than those conferred upon him/her by virtue of his office by the Constitution and the laws.

Any State official must give an accounting of his/her assets prior to assuming his/her position and after its relinquishment. The law regulates this matter.

Public officials of any power of the State who are directly or indirectly elected, State Ministers and Vice Ministers, the presidents or directors of autonomous and government entities, and the ambassadors of Nicaragua abroad may not obtain any concessions from the State. Neither may they act as trustees or managers of public or private, national, or foreign enterprises when these have dealings with the State. The violation of this provision annuls the privileges or benefits they may have obtained and causes the loss of the representation and the position.

The National Assembly, by resolution approved by two-thirds of the votes of its members, may deprive the President of the Republic of this immunity. With respect to other officers, the resolution must be approved by the assenting vote of the majority of its members. Public officers enjoying immunity in accordance with the Constitution may not be detained or prosecuted if the aforementioned procedure has not been followed, except for matters relating to family and labor. Immunity may be waived. This matter shall be regulated by law.

In cases of the deprivation of immunity from the President or Vice President of the Republic for criminal offenses, once immunity has been removed, the Supreme Court of Justice in plenum is competent to try them.

In all branches of government and government agencies as well as in the institutions created by this Constitution, individuals whose relatives are closely connected with the authority making the appointment or, where applicable, with the individual by whom such authority has been delegated, may not be appointed. For the appointment of chief officials, the prohibition applies up to the fourth level of consanguinity and to the second level of marital relations. The law shall regulate this matter.

This prohibition does not include the case of appointments relating to the execution of the Law of Civil Service and the Administrative Career, of the Academic Career, of Judicial Career, of the Foreign Service Career, and other similar laws that may be dictated.

- Claim of executive independence
- Judicial independence

- Earnings disclosure requirement
- Eligibility for cabinet
- Head of state immunity

## Article 131

The directly or indirectly elected officials of the four branches of government are accountable to the people for the proper discharge of their functions and must inform them of their official work and activities. They must listen and pay attention to their problems and try to solve them. Public functions must be exercised for the benefit of the people.

The State shall be financially liable in conformity with the law for the damages caused to individuals in their property, rights and interests as a consequence of actions or omissions by public officials in the exercise of their functions, except in cases of force majeure. The State may recover the resulting losses from the officials and public employees responsible for the damage.

The functionaries and public employees are personally responsible for the violation of the Constitution due to lack of administrative integrity and for any other misdemeanor or fault committed in the discharge of their functions. They are also responsible before the State for the prejudice that they may cause through abuse, negligence, or omission in the exercise of their position. Civil functions may not be militarized. The civil service and Administrative Career shall be regulated by law.

## Chapter II: Legislative Branch

### Article 132

Legislative Power is exercised by the National Assembly through delegation and by the mandate of the people. The National Assembly is composed of ninety members (diputados) and their alternates elected by universal, equal, direct, free, and secret suffrage through the system of proportional representation. In accordance with what is established in the electoral law, twenty national members are elected and seventy members in the departmental and autonomous regions.

An obligation is established to allocate sufficient percentage of the General Budget of the Republic to the National Assembly.

### Article 133

The Former President of the Republic and Vice President elected by the people's direct vote in the immediate previous term shall also be part of the National Assembly as regular members and alternates respectively. The candidates for President and Vice President of the Republic who finish in second place in the election shall be part of the National Assembly as members and alternates.

### Article 134

1. The following requirements must be fulfilled in order to be eligible as member of the National Assembly:
  - a. Be a national of Nicaragua. Those who adopted another nationality must have renounced it at least four years before the election is held.
  - b. Enjoy full exercise of civil and political rights.
  - c. Be 21 years old.

- Structure of legislative chamber(s)
- Replacement of legislators
- Size of first chamber
- First chamber selection

- Size of first chamber

- Eligibility for first chamber

- Minimum age for first chamber

- d. Reside continuously in the country for four years prior to the election. This shall not be applicable to those who, during the aforementioned period, were engaged in Diplomatic Missions, were working in International Organizations or pursuing studies overseas. In addition, it is required to be a native or a resident for a two-year period preceding the election date of the Department or Autonomous Region sought to be elected for;

- 2. The following persons may not run for the National Assembly, as members or alternates:

- a. Government ministers or vice ministers, magistrates of the Judicial Power and of the Supreme Electoral Council, members of the Superior Council of the Office of the Controller General, the Public Prosecutor and Deputy Public Prosecutor, the Human Rights Ombudsman and Deputy Human Rights Ombudsman, the Attorney General, the Adjunct Attorney General and the mayors, unless they resign the office at least 12 months in advance of the election date.

- b. Ministers of any religious cult, unless they have resigned at least 12 months in advance from the election date.

## Article 135

No member of the National Assembly may obtain any concession from the State or be the proxy or manager of public, private or foreign enterprises in their contracts with the State. The violation of this rule leads to the annulment of the obtained concessions or benefits and entails the loss of membership of the National Assembly.

## Article 136

The members of the National Assembly shall be elected for a period of five years which shall run from their installation, on January 9th of the year following the elections.

## Article 137

The elected members of the National Assembly and their alternates shall be sworn in by the President of the Supreme Electoral Council.

The National Assembly shall be inaugurated by the Supreme Electoral Council.

## Article 138

The National Assembly has the following functions:

1. To prepare and approve new laws and decrees as well as to amend and derogate existing ones;
2. To give an authentic interpretation of the law;
3. To grant amnesty and pardon on their own initiative or on the initiative of the President of the Republic;

• Legislative oversight of the executive

4. To request reports from Ministers and Vice Ministers of the State, presidents or directors of autonomous and governmental entities. The National Assembly may also request their personal appearance and explanations. Their appearance shall be compulsory subject to the same conditions that are observed in judicial proceedings;

If, as a consequence of the interpellation, the National Assembly decides by an absolute majority of its members that there is a sufficient cause for initiating removal proceedings, the official concerned shall lose his/her immunity from that moment;

[New text introduced by Law No. 520 but not yet entered into force:

To request reports from Ministers and the Deputy Ministers of the state, the Public Prosecutor and the Deputy Public Prosecutor, the presidents and directors of autonomous and governmental entities which are under a strict obligation to submit them. It may also request their personal appearance and explanations. Their appearance shall be compulsory, subject to the same conditions that are observed in judicial proceedings. The unjustified non-appearance constitutes a cause for removal from office.

If it is held that there is sufficient cause for initiating removal proceedings, this decision entails the loss of immunity in those cases in which the official concerned enjoys it.

If the National Assembly considers the official to be unfit for the discharge of his/her office, it shall remove him/her from office by qualified majority of sixty percent of its members, and informs the President of the decision so that he/she gives effect to it within a period of three days.]

5. To grant or cancel the juridical personality of civil associations;
6. To consider, discuss, and approve the draft of the Annual Law of the General Budget of the Republic and to be periodically informed of its execution in accordance with the procedure established in the Constitution and the law;
7. To elect the Judges of the Supreme Court of Justice from separate lists proposed for every position by the President of the Republic and by the Deputies of the National Assembly, in consultation with the appropriate civilian associations. The deadline for presenting the lists shall be fifteen days counting from the summoning of the National Assembly for their election. In the absence of lists presented by the President of the Republic, the proposals by Deputies of the National Assembly shall be sufficient. Each Judge shall be elected with the favorable vote of at least sixty percent of the Deputies of the National Assembly;

Moreover, an equal number of associate judges (Conjueces) shall be elected subject to the same requirements and procedures which apply to the appointment of Magistrates of the Supreme Court of Justice;

• Budget bills

• Supreme court selection

• Electoral commission

8. To elect the members of the Supreme Electoral Council and their alternates from separate lists proposed for each position by the President of the Republic and the Deputies of the National Assembly, in consultation with the appropriate civilian associations. The deadline for presenting the lists shall be fifteen days counting from the summoning of the National Assembly for their election. In the absence of lists presented by the President of the Republic, the proposals by the Deputies of the National Assembly shall be enough. Each Judge shall be elected with the favorable vote of at least sixty percent of the Deputies of the National Assembly;

• Attorney general  
• Human rights commission

9. Elect the Superintendent and Deputy Superintendent of Banks and other financial institutions from the lists proposed by the President of the Republic. Elect the Attorney General who shall be in charge of the Attorney General's Office, and the Adjunct Attorney General from separate lists of three names proposed by the President of the Republic and the Deputies of the National Assembly, respectively. The election is for a five-year term running from the date on which they take office; they must fulfill the requirements needed for a Magistrate of the Supreme Court of Justice and shall enjoy immunity. Elect the members of the Superior Council of the Office of the Controller General from separate lists proposed by the President of the Republic and by the Deputies of the National Assembly. The time period for submission of the lists shall be 15 days, running from the date in which the election is convoked. The proposals presented by the Deputies shall suffice when the lists are not submitted by the President of the Republic. Each candidate must be elected with the assenting vote of at least 60 percent of the members of the National Assembly. Elect the Ombudsman and Deputy Ombudsman for the Defense of Human Rights from the lists proposed by the Deputies in consultation with the relevant civil organizations; the election must be made with the assenting vote of at least sixty percent of the Deputies. The Ombudsman and Deputy Ombudsman for the Defense of Human Rights enjoy immunity;

The candidates proposed for the posts mentioned in subsections 7, 8 and in the present subsection may not be bound by family ties within the fourth level of consanguinity or the second level of marital relations to each other or to the President of the Republic or the members of the National Assembly making the proposal, nor may they be members of the national, departmental or municipal leadership of political parties; if they are, they must resign from their party functions;

[Text introduced by Law No. 520 but not yet entered into force:

To elect by the vote of sixty percent of the total membership of the National Assembly from separate lists submitted for each office by the President of the Republic and the members of the National Assembly:

- a. the Superintendent and the Deputy Superintendent of Banks and of other Financial Institutions
- b. the Attorney General of the Republic in charge of the Public Ministry (Ministerio Público) and the Adjunct Attorney General of the Republic who must have the qualifications that are required for judges at the Supreme Court of Justice

- c. the members of the Superior Council in the Office of Controller General of the Republic
- d. the Human Rights Ombudsman and the Deputy Human Rights Ombudsman
- e. the Superintendent and directors of public services
- f. the Director and Deputy Director of the Institute for Reformed Urban and Rural Property

All these officials are elected for a term of five years and enjoy immunity.

The candidates proposed for the posts referred to in this subsection and subsections 7) and 8) may not be bound by family ties within the fourth level of consanguinity or the second level of marital relations to each other or to the President of the Republic or the members of the National Assembly making the proposal, nor may they be members of the national, departmental or municipal leadership of political parties; if they are, they must resign from their party functions.

The period in which the lists of the candidates have to be presented shall be fifteen days, starting on the date on which the National Assembly is convened for their election. If no list is presented by the President of the Republic, the lists proposed by the members of the National Assembly shall be sufficient.

The National Assembly may through special commissions schedule hearings with the candidates. The candidates must be duly qualified for the post and their application must include the documents which are requested from them.]

10. To consider, acknowledge and decide on the permanent absence of members of the National Assembly. In the following cases their absence is considered permanent and therefore entails the loss of membership status:
- i. Resignation;
  - ii. Death;
  - iii. Final sentence ordering imprisonment or disqualification from the post for an offense which is subject to harsher sanctions than a correctional punishment for a period of detention equal to or longer than their remaining term;
  - iv. Absence from the parliamentary duties for sixty consecutive days within the same legislature without sufficient explanation given to the Leadership Council (Junta Directiva) of the National Assembly;
  - v. Violation of section 3 of Article 130 of the Constitution;



vi. Acceptance of remuneration from state, regional, or municipal funds for a position or employment in other branches of government or state enterprises, except for teaching or medical jobs. Should a member accept to hold a position in another branch of government, he/she may be reinstated as member of the National Assembly only after he/she has resigned from that other position;

vii. Failure to meet the obligation of declaring their assets before the Office of the Controller General of the Republic at the time of assuming office;

11. To acknowledge and accept resignations and to decide on the removal from office of the officials mentioned in sections 7, 8, and 9 for the reasons and through the procedures established by law;

12. To approve or reject international treaties, covenants, pacts, agreements, and contracts of an economic character, international commerce, regional integration, defense and security; those which increase external debt or risk the Nation's credit; and those which involve the legal structure of the State;

Said instruments shall have to be presented to the National Assembly within a deadline of fifteen days beginning with their introduction; they may only be discussed and debated at that time in a general sense and shall have to be approved or rejected at most within no more than sixty days counting from their presentation in the National Assembly. Once that deadline is past, for all legal purposes the instruments shall be considered as having been approved;

13. To approve any matter relating to patriotic symbols;

14. To create honorific orders and decorations of a national character;

15. To create and grant its own orders of a national character;

16. To receive the President and Vice President of the Republic at a solemn session in order to hear their annual report;

17. To elect its Leadership Council;

18. To create permanent, special, and investigative committees;

19. To grant honorary pensions (pensiones de gracia) and honors to distinguished servants of the homeland and of humanity;

20. To determine the political and administrative division of the national territory;

21. To consider and make recommendations about the economic and social development policies and plans of the country;

• Earnings disclosure requirement

• Supreme/ordinary court judge removal

• International law  
• Treaty ratification

• Legislative oversight of the executive

22. To fill permanent vacancies in the office of Vice President and in the offices of President and Vice President, should these occur simultaneously;
23. To authorize the departure from the national territory of the President of the Republic when this absence is longer than fifteen days, or that of the Vice President when the President is absent from the national territory;
24. To receive from the judicial authorities or directly from the citizens the charges or complaints pressed against functionaries enjoying immunity in order to consider and resolve them;
25. To decree or amend its statute and internal regulations;
26. To authorize or prohibit the departure of troops from the national territory;
27. To create, approve, amend, or terminate taxes and approve planned municipal rates;
28. To approve, reject, or amend the Executive Decree which declares the suspension of constitutional rights and guarantees or the state of Emergency, as well as their extensions;
29. To receive annually the reports from the President of the Superior Council of the Office of the Controller General or from the person designated by the Council; from the Human Rights Ombudsman; from the Attorney General; from the Superintendent of Banks and Other Financial Institutions and from the President of the Central Bank, without prejudice of other information that may be required from them;
30. To appoint the Human Rights Ombudsman. The law shall regulate his/her activities;

[Text introduced by Law No. 520 but not yet entered into force:

To ratify within a delay not exceeding fifteen working days by a favorable vote of sixty percent of its total membership the appointment made by the President of the Republic to the offices of Minister and Deputy Minister of the State, Public Prosecutor and Deputy Public Prosecutor, General of the Republic, heads of diplomatic missions and presidents or directors of autonomous and governmental entities. The appointment is not considered as valid until the National Assembly has ratified it. If ratification does not occur the President of the Republic shall make a new appointment within thirty working days; the new appointment is subject to the aforementioned ratification procedure.]

31. To hold ordinary and extraordinary sessions;
32. Others functions conferred on it by the Constitution and the laws.

## Article 139

Members of the National Assembly shall not be liable for opinions expressed and votes cast in the National Assembly and enjoy immunity in conformity with the law.

## Article 140

The right to initiate legislation belongs to:

1. Each of the Deputies of the National Assembly who also enjoy the right to initiate decrees, resolutions, and legislative declarations;
2. The President of the Republic;
3. The Supreme Court of Justice, the Supreme Electoral Council, the Autonomous Regional Councils and Municipal Councils in matters of their competence;
4. Citizens. In this case, the initiative shall have to be supported by a number no fewer than five thousand signatures. Excepted are the organic laws, tax laws, or of an international character and those involving amnesty and pardons.

## Article 141

The quorum necessary to hold a meeting of the National Assembly consists of half of its total membership plus one.

To be approved, bills of law, decrees, resolutions, agreements, and declarations require the favorable vote of the absolute majority of the Deputies present, except in those cases where the Constitution requires another class of majority.

Every draft law shall be submitted to the Secretariat of the National Assembly together with an explanation of its motives.

Once they have been read in the plenary of the National Assembly, all draft laws shall be sent directly to a committee.

Urgent draft legislation initiated by the President of the Republic may be immediately submitted for discussion in plenary by the Leadership Council if the bill has been sent to the members of the Assembly forty-eight hours in advance.

Drafts of Codes and [other] comprehensive laws may be considered and approved chapter by chapter, if the plenary so decides.

Once the decision of the Commission is received, it shall be read before the plenary and be subject to a general debate; if it is approved, it shall be subject to detailed debate.

Once a draft law is passed by the National Assembly, it shall be sent to the President of the Republic for his/her sanction, promulgation, and publication, except in those cases which do not require such measures. The Amendments of the Constitution and the constitutional laws and decrees approved by the National Assembly do not need the approval of the Executive Power. In case that the President of the Republic does not promulgate or publish the draft amendments to the Constitution or constitutional laws; and if he/she does not approve, promulgate, or publish the other laws within a fifteen day period, the President of the National Assembly shall order their publication in any written social communication media entering into force on

this date without prejudice to its subsequent publication in La Gaceta, the Official Gazette, which shall mention its publication date in the social communications media.

The laws shall be regulated if they expressly determine it. The Leadership Council of the National Assembly shall recommend the regulation of the laws to the respective Commission for its approval in the Plenary if the President of the Republic does not do it within the established time limit.

The laws may be derogated or amended only by other laws and go into effect from the day of their publication in La Gaceta, the Official Gazette, except when these themselves establish another modality.

When the National Assembly approves substantial reforms of the laws, it may order that their integral text together with the amendments be published in La Gaceta, the Official Gazette, except for amendments to the Codes.

The legislative initiatives presented in a legislature and not submitted for debate shall be considered in the subsequent session. Those which may have been debated may not be considered in the same legislature.

## Article 142

The President of the Republic may veto totally or in part a draft law within the fifteen days following its receipt. If the President of the Republic does not exercise this power nor sanction, promulgate, or publish the bill, the President of the National Assembly shall order the law to be published in any national written diffusion media.

In case of a partial veto, the President of the Republic may introduce modification or suppressions in the provisions of the law.

## Article 143

A draft law partially or totally vetoed by the President of the Republic must be returned to the National Assembly with the indication of the reasons for the veto; the National Assembly may reject it by a vote of half of its members plus one, in which case the President of the National Assembly shall order the law to be published.

[Text introduced by Law No. 520 but not yet entered into force:

A draft law which has been vetoed in total or in part by the President of the Republic shall be returned to the National Assembly with an indication of the reasons which have motivated the veto.

The National Assembly may reject the total veto by a number of votes exceeding half of its total membership, in which case the President of the Republic shall order the publication of the law.

In the case of a partial veto the latter must indicate the reasons for each of the vetoed articles. The National Assembly may, by vote of more than half of its members, reject the veto for every single article, in which case the President of the National Assembly shall order the publication of the law.]

## Chapter III: Executive Branch

### Article 144

The Executive Power is exercised by the President of the Republic, who is Head of State, Head of Government, and Supreme Head of the Army of Nicaragua.

• Approval of general legislation

• Veto override procedure

• Designation of commander in chief  
• Name/structure of executive(s)

## Article 145

The Vice President of the Republic fulfills the functions mentioned in this Political Constitution and those delegated to him/her by the President of the Republic either directly or by law.

In addition, the Vice President shall replace the President's in his/her functions in the case of a temporary or permanent absence.

## Article 146

The election of the President and Vice President of the Republic takes place by universal, equal, direct, free and secret vote. Those who receive a relative majority of the votes cast shall be elected.

## Article 147

To be elected for office, the candidates for President and Vice President of the Republic must obtain at least forty percent of the valid votes, as relative majority. This shall not be applicable to those who obtained a minimum of thirty-five percent of the valid votes and are ahead of the candidates that ended in second place by a minimum difference of five percentage points. If no candidate obtains the required percentage, a second election shall be held for the candidates who obtained first and second places, and the candidate with the highest number of votes shall be elected. In case of resignation, permanent absence or incapacity during the electoral process of any of the candidates for President or Vice President of the Republic the political party to which they belong shall appoint the person or persons that shall replace them.

In order to be eligible as President or Vice President it is necessary:

1. To be a national of Nicaragua. Those who adopted another nationality must have renounced it at least four years before the election is held;
2. To fully enjoy one's civil and political rights;
3. To be at least twenty-five years old;
4. To reside continuously in the country for four years prior to the election; this does not apply to persons who during the aforementioned period were engaged in diplomatic missions, were working in international organizations or were pursuing studies overseas.

The following persons may not run for President or Vice President of the Republic:

- a. Persons who have exercised the full powers of the presidency at any time during the period when the election for the following term is held, nor anyone who has exercised them for two presidential terms.
- b. The Vice President of the Republic or the one called to replace him if he/she has exercised the full powers of his/her office or that of President in the two months prior to the [presidential] election for the following term.

- c. Family members within the fourth level of consanguinity or the second level of marital relations of the person who exercises or has exercised the full powers of the presidency at any time during the period in which the election for the following term takes place.
- d. Persons who lead or finance a coup d'état or alter the constitutional order and, as a consequence of such actions, assume the leadership (Jefatura) of the Government ministers or deputy ministers, or leading positions in other branches of government.
- e. The ministers of any religious faith unless they have renounced its practice at least two months prior to the election.
- f. The President of the National Assembly, the ministers or vice ministers of the Government, magistrates of the Supreme Court of Justice and of the Supreme Electoral Council, the members of the Superior Council of the Office of the Controller General Office, the Attorney General, the Adjunct Attorney General, the Public Prosecutor and the Deputy Public Prosecutor, the Human Rights Ombudsman and the Deputy Human Rights Ombudsman and the Mayors, unless they have resigned from office twelve months in advance of the election date.
- g. Abrogated.

## Article 148

The elected President and the Vice President of the Republic shall assume their functions before the National Assembly, in solemn session, and shall be sworn in by the President of the National Assembly.

The President and the Vice President shall exercise their functions for a period of five years counting from their assuming office on the tenth of January of the year following their election. During this period they shall enjoy immunity, in accordance with the law.

## Article 149

The President of the Republic may leave the country during the exercise of his/her functions for a period no longer than fifteen days without any authorization. For a period which is longer than fifteen days but shorter than thirty days prior authorization of the National Assembly shall be required. In this latter case the Vice President shall take over the governmental functions of the Presidency.

The President of the Republic may also leave the country for a period no longer than three months with the permission of the National Assembly as long as he/she empowers the Vice President to be the Chief of State, but should the absence of the President exceed three months, whatever the reason, he/she shall lose the position by virtue of that fact alone, unless the National Assembly should consider it a matter of force majeure and extend its permission for a prudent period.

The absence from the country by the President of the Republic without authorization by the National Assembly for a period mandating such authorization or for a period longer than authorized shall be considered as abandonment of office.

In case of the temporary absence of the President of the Republic, the Vice President may not leave without the prior authorization of the National Assembly. The absence

- Head of state immunity
- Head of state term length
- Oaths to abide by constitution

- Leader of first chamber

without this authorization shall be considered abandonment of office.

Should the Vice President of the Republic be absent from the country and the President of the Republic should also have to leave the national territory in the exercise of his/her position, the corresponding Minister shall assume the administrative functions according to the order of legal precedence.

In no case may a President of the Republic, who may have pending [a] criminal charge involving more than a correctional penalty, leave the country.

The following situations are considered as cases of temporary absence from office of the President of the Republic:

1. Temporary absences from the national territory for longer than fifteen days;
2. The temporary impossibility or incapacity to exercise the his/her functions, determined by the National Assembly and approved by two-thirds of the Deputies.

In addition to what is established by the present article, the following situations are considered as cases of permanent absence from office of the President and Vice President of the Republic:

- a. Death.
- b. Resignation, when accepted by the National Assembly.
- c. Total permanent incapacity determined by the National Assembly and approved by two-thirds of the Deputies.

In case of the temporary absence of the President of the Republic, the Vice President shall assume the functions.

In case of a simultaneous temporary impossibility or incapacity of the President and the Vice President, the office of the President of the Republic shall be assumed on an interim basis by the President of the National Assembly. While exercising the office of the President of the Republic on an interim basis, he/she shall be replaced by the First Vice President of the National Assembly.

Should the President of the Republic be permanently absent, the Vice President shall assume the office for the rest of the term and the National Assembly shall elect a new Vice President.

In case of permanent absence of the Vice President of the Republic, the National Assembly shall appoint the person who shall substitute him/her.

Should the absence of the President and Vice President of the Republic be permanent, the President of the National Assembly or whoever is replacing the latter shall assume the office of the former. The National Assembly shall appoint whoever must replace them within the first seventy-two hours from the occurrence of the vacancies. Those appointed in this manner shall exercise their functions for the rest of the term.

In all the cases mentioned, the National Assembly shall elect the replacements from among its members.

- Head of state removal
- Head of state replacement

## Article 150

The President of the Republic has the following functions:

1. To comply with the Political Constitution and the laws and to make the officials who are reporting to him/her comply with them as well;
2. To represent the nation;
3. To exercise the power of initiating legislation and the right of veto, in conformity with the provisions of this Constitution;
4. To issue executive decrees on administrative matters;
5. To prepare the draft of the General Budget of the Republic and to present it to the National Assembly for its consideration and approval, to authorize it and publish it once it has been approved;
6. To appoint and remove from office Ministers and Vice Ministers of State, presidents or directors of autonomous and governmental entities, heads of diplomatic missions and other officials whose appointment or removal is not otherwise determined in the Constitution and in the laws.

[Text introduced by Law No. 520 but not yet entered into force:

To appoint and remove from office the Ministers and Deputy Ministers of the State, the Public Prosecutor and the Deputy Public Prosecutor of the Republic, directors of autonomous and governmental entities, heads of diplomatic missions, and to submit, within a period of three days, the appointment which shall not be valid until the National Assembly has approved it to the National Assembly for ratification.

To remove officials from their functions in those cases in which the National Assembly in the exercise of its powers so determines.]

7. To request the President of the National Assembly to call special sessions during the recess period of the National Assembly in order to legislate on urgent matters;
8. To direct the international affairs of the Republic. To negotiate, conclude and sign treaties, covenants, or agreements and other instruments provided for in paragraph 12 of Article 138 of the Political Constitution, [and submit them] to the National Assembly for their approval;
9. To decree and implement the suspension of rights and guarantees in the cases provided by this Political Constitution, and to send the appropriate decree to the National Assembly within a period not exceeding seventy-two hours for its approval, modification, or rejection;
10. To implement laws by issuing the required regulations within a period not exceeding sixty days;



- 11. To grant honorific orders and decorations of a national character;
- 12. To organize and direct the Government;
- 13. To direct the economy of the country, determining its policy and socio-economic program.

To create a National Social Economic Planning Council which supports him/her in determining the economic and social policy of the country. In the Council, business, labor, cooperative, community, and other organizations shall be represented that may be determined by the President of the Republic;

- 14. Submit proposals to the National Assembly of lists of candidates or a three-name list, as the case may be, for the election of the magistrates of the Supreme Court of Justice, of the Supreme Electoral Council, of the members of the Superior Council, of the Office of the Controller General, of the Superintendent and Deputy Superintendent of Banks and Other Financial Institutions, of the Attorney General and the Adjunct Attorney General;
- 15. To present to the National Assembly, personally or through the Vice President, the annual report and other reports and special messages;
- 16. To provide the officials of the Judicial Power with the necessary support to make their decisions effective without any delay;
- 17. Others functions conferred by this Constitution and the laws.

## Article 151

The number, organization, and authority of the Ministries of State, of the autonomous and governmental entities, and of State banks and other State financial institutions shall be determined by law. The Ministers and Vice Ministers enjoy immunity.

The decrees and decisions of the President of the Republic must be countersigned by the Ministers of State of the respective branches, except for those agreements that refer to the appointment or removal of Ministers or Vice Ministers of State.

The Council of Ministers shall be headed by the President of the Republic and, in his/her absence, by the Vice President. The Council of Ministers shall consist of the Vice President of the Republic and the Ministers of State. Its functions are determined by the Constitution.

The Ministers and Vice Ministers of State and the presidents or directors of autonomous or governmental entities shall be personally responsible for the actions that they may have signed or authorized and jointly responsible with those who endorsed or agreed with the President of the Republic or with other Ministers of State.

• Advisory bodies to the head of state

• Attorney general

• Cabinet removal  
 • Establishment of cabinet/ministers  
 • Powers of cabinet  
 • Head of state decree power  
 • Legislative oversight of the executive

The Ministers and Vice Ministers of State and the presidents or directors of autonomous or governmental entities shall provide to the National Assembly the information that it may request relative to the business of their respective branches, whether in written or verbal form. They may also be taken to account by resolution of the National Assembly.

## Article 152

To be eligible for appointment as minister, vice minister, president or director of autonomous and governmental entities, ambassadors and superior chiefs of the army and police, candidates must meet the following requirements:

1. Be a national of Nicaragua. Those who adopted another nationality must have renounced it four years before the appointment date;
2. Be in full possession of their political and civil rights;
3. Be at least twenty-five years old;
4. Reside continuously in the country for four years prior to the appointment date. This shall not be applicable to those who during the aforementioned period were engaged in Diplomatic Missions, were working in International Organizations or pursuing studies overseas.

Not eligible as ministers, vice ministers, or directors of autonomous or governmental entities or ambassadors are:

- a. Military personnel on active service.
- b. Those who simultaneously hold another position in any of the other branches of government.
- c. Abrogated.
- d. Those who have collected or administered public or municipal funds without closing their accounts.
- e. Default debtors on debts of the Public Treasury.
- f. Those covered by section 6 of Article 130 of this Constitution.

## Article 153

Ministers, Vice Ministers and presidents or directors of autonomous and governmental institutions are responsible for their acts in conformity with the Constitution and the laws.

## Chapter IV: Of the Office of the Controller General of the Republic

### Article 154

The Office of the Controller General of the Republic is the directing organism of the control system of the Public Administration and of the auditing of the government's properties and resources. The Superior Council of the Office of the Controller General is herewith created to manage the same. It shall be composed of five proprietor members and three substitutes elected by the National Assembly for a five-year term, during which they shall enjoy immunity. The sole and exclusive function of the substitutes is to replace temporal absences of the proprietors. Its exercise requires previous appointment of the substitute member by the Proprietor member to be replaced.

### Article 155

The following corresponds to the Office of the Controller General of the Republic:

1. To establish a system of control which ensures the appropriate use of government funds in a preventive manner;
2. Subsequent control over the management of the General Budget of the Republic;
3. The control, examination, and evaluation of the administrative and financial management of the public entities, those subsidized by the State, and public or private enterprises with participation of public capital.

### Article 156

The Office of the Controller General is an independent organism, subject only to compliance with the Constitution and laws; it enjoys functional and administrative autonomy. The National Assembly authorizes the audits of its management.

The Office of the Controller General shall make public the results of its investigations, and should penal responsibilities be presumed, it shall send its investigation to the Tribunals of Justice, being considered an accessory should it fail to do so, to the offenses later determined committed by those under investigation.

The President and Vice President of the Superior Council of the Office of the Controller General shall be elected from among the members of the Superior Council. The election shall be made by the Members by majority of votes and for a one-year term. They may be reelected. The President of the Superior Council or the person appointed by him/her from among the Members of the Council shall report on the management of the entity to the National Assembly, each year or when the latter requires it; this duty must be performed personally by either the President or the appointed member.

### Article 157

The law shall determine the organization and functioning of the Office of the Controller General of the Republic.

## Chapter V: Judicial Branch

### Article 158

Justice emanates from the people and shall be carried out in their name and delegation by the Judicial Power, composed of the Courts of Justice that the law establishes.

### Article 159

The courts of law form a unitary system whose highest organ is the Supreme Court of Justice. The Judicial Power shall receive no less than four percent of the General Budget of the Republic. There shall be Courts of Appeal, District Judges and Local Judges whose organization and functioning shall be determined by law. The Judicial Career shall be established and regulated by law.

The jurisdictional competence of trying and executing decisions belongs exclusively to the Judicial Power. Military tribunals shall only consider strictly military offenses and crimes, without prejudice to the petitions and appeals before the Supreme Court of Justice.

### Article 160

The administration of justice guarantees the principle of legality; it protects and safeguards human rights through the application of the law in cases and proceedings falling within its jurisdiction.

### Article 161

In order to be eligible as a magistrate in the courts of laws the following requirements have to be met:

1. To be a national of Nicaragua. Those who adopted another nationality must have renounced it at least four years in advance of the election date;
2. To be a lawyer of recognized morality, to have exercised a judgeship or the profession for at least 10 years or to have been a Magistrate in the Courts of Appeal for five years, at the time of seeking to be a Magistrate in the Supreme Court of Justice;
3. To be in full possession of one's political and civil rights;
4. To be thirty-five years old and no older than seventy-five years on the day of election;
5. Not to have been suspended from the exercise of the legal or notary profession by a final judicial decision;
6. Not to be a member of the military on active duty or, being so, not to have resigned at least twelve months prior to the election;

- Establishment of military courts
- Protection of judges' salaries
- Structure of the courts

- Eligibility for supreme court judges
- Eligibility for ordinary court judges

- Minimum age of supreme court judges
- Minimum age of ordinary court judges

7. Reside continuously in the country for four years prior to the election date, except those who, during the aforementioned period, were engaged in diplomatic missions, were working in International Organizations or pursuing studies overseas.

## Article 162

The term of the magistrates of the Supreme Court of Justice and of the magistrates of the Courts of Appeal is five years. They can only be removed from office for causes specified by grounds contemplated by the Constitution and laws. The magistrates of the Supreme Court of Justice enjoy immunity.

## Article 163

The Supreme Court of Justice shall consist of sixteen magistrates elected by the National Assembly for a period of five years.

The Supreme Court of Justice shall be composed of Chambers. Their organization and formation shall be agreed by the magistrates, according to the stipulations established by law in this matter. The Court in full attendance shall hear and resolve the petitions of unconstitutionality and the conflicts of competencies and constitutionality between the Government Powers. The National Assembly shall appoint an associate judge for each magistrate. In the event of an absence, justified non-appearance, obstacle or objection preventing any of the magistrates from sitting, the associate judges shall be called to serve in full court or in any of the Court's chambers.

The magistrates of the Supreme Court take office before the National Assembly, after having been sworn in. They elect their President and Vice President among themselves, by a majority of votes cast and for a one-year term. They may be reelected.

## Article 164

The Supreme Court of Justice has the following functions:

1. To organize and direct the administration of justice;
2. To consider and determine ordinary and extraordinary remedies against decisions of the courts of law of the Republic in accordance with the procedures established by law;
3. To consider and determine amparo proceedings brought for violation of the rights established in the Constitution in accordance with the Law of Amparo;
4. To consider and determine applications for judicial review of the constitutionality of laws;
5. To appoint and discharge the Magistrates of the Appellate Courts with the assenting vote of three-fourths of its members;

- Supreme court term length
- Supreme/ordinary court judge removal
- Ordinary court term length

- Supreme court selection
- Supreme court term length
- Constitutional interpretation
- Oaths to abide by constitution

- Supreme court powers

- Ultra-vires administrative actions

- Right to appeal judicial decisions

- Right to amparo

- Constitutional interpretation

- Supreme/ordinary court judge removal
- Ordinary court selection

6. To rule on requests of extradition of citizens of other countries and to deny those of nationals;

7. To appoint or dismiss judges, forensic physicians, and public registrars of real and commercial property across the whole country in accordance with the Constitution and the law;

8. To grant authorization for the exercise of the professions of attorney and notary, as well as to order suspension and reinstatement in conformity with the law;

9. To authorize the execution of sentences pronounced by foreign courts;

10. To consider and resolve administrative conflicts between organs of the public administration, and between them and individuals;

11. To consider and resolve disputes that may occur between municipalities or between them and organs of the Central Government;

12. To consider and resolve conflicts of jurisdiction between the branches of government;

13. To consider and resolve constitutional disputes between the Central Government and the Municipal Governments and those of the Autonomous Regions of the Atlantic Coast;

14. To adopt its internal regulations and appoint its personnel;

15. Other functions conferred upon it by the Constitution and the laws.

## Article 165

In their judicial activity Magistrates and judges are independent and have to obey only the Constitution and the law; they shall be governed by, among others, the principles of equality, public proceedings and right to defense. In Nicaragua justice is free of charge.

## Article 166

The administration of justice shall be organized and shall function with popular participation as determined by the laws. The members of the courts of law, be they lawyers or not, have equal authority in the exercise of their judicial functions.

## Article 167

State authorities, organizations, natural and legal persons have to comply strictly with the decisions and sentences of the courts and the judges addressed to them.

## Chapter VI: Electoral Branch

### Article 168

The organization, management and oversight of elections, plebiscites and referendums belongs exclusively to the electoral branch.

### Article 169

The electoral branch is composed of the Supreme Electoral Council and other, subordinate electoral organisms.

### Article 170

The Supreme Electoral Council is composed of seven members and three alternates, elected by the National Assembly, according to subsection 8 of Article 138.

The members of the Supreme Electoral Council shall elect its President and its Vice Presidents from its middle. Their office term is one year, and they may be reelected.

### Article 171

In order to be eligible as a magistrate of the Supreme Electoral Council, it is necessary:

1. To be a national of Nicaragua. Those who adopted another nationality must have renounced it at least four years in advance of the date of the election for office;
2. To be in full possession of one's civil and political rights;
3. To be at least thirty-six years old but no older than seventy-five years on the day of election;
4. Reside continuously in the country for four years prior to the election. This shall not be applicable to those who, during the aforementioned period, were engaged in Diplomatic Missions, were working in International Organizations or pursuing studies abroad.

Not eligible as magistrates of the Supreme Electoral Council are:

- a. Family members within the fourth level of consanguinity or the second level of marital relations of the candidates for President and Vice President of the Republic.

In case of having already been elected before the presidential elections, he/she shall be involved and for this reason shall be inhibited from exercise during the entire electoral process and shall have to induct a substitute.

- b. Those who hold positions of popular election or may be candidates in any of them.

- c. Functionaries or employees of another Power of the State in positions paid out of the fiscal funds, regional or municipal, except for those related to the profession of teaching or medicine.
- d. Soldiers in active service or those who, though no longer active, did not resign at least twelve months prior to the election.
- e. Abrogated.

## Article 172

The Magistrates of the Supreme Electoral Council exercise their functions for a period of five years from the time they take office; during this period they enjoy immunity.

## Article 173

The Supreme Electoral Council has the following functions:

- 1. To organize and direct the elections, plebiscites, or referenda that are held in accordance with the provisions established in the Constitution and the laws;
- 2. To appoint the members of the other electoral organs in accordance with the Electoral Law;
- 3. To prepare the election calendar;
- 4. To apply the constitutional and legal provisions referring to the electoral process.

Likewise, to watch over the compliance of said provisions by the candidates participating in the general and municipal elections. A minimum of four years of continuous residence or work in the country is required in order to be elected Mayor, Vice Mayor or Councilman in municipal elections, except for those who, during the aforementioned period, were engaged in Diplomatic Missions, were working in International Organizations or pursuing studies overseas. Likewise, it is required to have resided continuously for the last two years previous to the election in the municipal district sought to be elected for;

- 5. To consider and to resolve in the last resort the resolutions dictated by the subordinate electoral organs and the claims and charges that political parties may present;
- 6. To take in accordance with the law the appropriate measures so that the electoral process may take place in full liberty;
- 7. To request from the appropriate organs security measures for the political parties involved in the elections;



8. To undertake the final count of the votes cast in the elections, plebiscites and referenda, and to make the final announcement of the results;
9. To issue its own regulations;
10. To organize under its authority the Central Register of the Civil Status of Persons, the certification of citizenship, and the electoral census;
11. To confer the juridical personality of political parties on groups which meet the requirements established by law;
12. To abolish the juridical personality of the Political Parties that have not obtained at least four percent of the total valid votes during the elections of general authorities, and cancel or suspend the same in other cases established by the laws regulating this matter;
13. To monitor and resolve disputes concerning the legitimacy of the representatives and the executives of political parties and concerning the fulfillment of the legal provisions that refer to the political parties, their statutes, and regulations;
14. The other provisions assigned to it by the Constitution and the laws.

No appeal, ordinary or extraordinary, shall lie against the decisions taken by the Supreme Council on electoral matters.

## Article 174

The magistrates of the Supreme Electoral Council and their alternates shall assume their functions after they have been sworn in by the President of the National Assembly.

# TITLE IX: POLITICAL ADMINISTRATIVE DIVISION

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## Chapter I: Of Municipalities

### Article 175

The national territory shall be divided for the purpose of its administration into departments, autonomous regions of the Atlantic Coast, and municipalities. The relevant laws shall determine their creation, extension, number, organization, structure, and the functioning of the various territorial units (circunscripciones).

### Article 176

The municipality is the basic unit of the political-administrative division of the country.

## Article 177

Municipalities possess administrative and financial autonomy. The municipal authorities are responsible for their administration and management.

Autonomy neither exempts nor inhibits the executive branch nor the other branches of government from their obligations and responsibilities with the municipalities. The obligation to assign a sufficient percentage of the General Budget of the Republic to the municipalities of the country, which shall be distributed giving priority to the municipalities with less capacity for revenues, is established. The percentage and their distribution shall be determined by law.

Autonomy is regulated according to the Law of Municipalities, which shall require for its approval and amendment the favorable vote of an absolute majority of the Deputies.

The municipal governments have competence in matters affecting the socio-economic development of their administrative unit. Regarding contracts which regulate the efficient exploitation of natural resources located in their municipality, the State shall request and take into account the opinion of municipal governments prior to their authorization.

The law of municipalities shall include, among other aspects, the municipal powers, the relations with the central government, with the indigenous peoples of the entire country, and with all authorities of the State, as well as the inter-institutional coordination.

## Article 178

The Mayor, the Vice Mayor, and the Councilors shall be elected by the people by means of a universal, equal, direct, free, and secret suffrage in accordance with the law. Those candidates who have obtained the relative majority of the votes shall be elected Mayor and Vice Mayor. The Councilors shall be elected on the basis of proportional representation, in accordance with the electoral quotient. The Mayor and Vice Mayor may be re-elected only for one term. The re-election of the Mayor and Vice Mayor cannot be for the immediately subsequent term.

The following qualifications are required for the position of Mayor:

1. To be a Nicaraguan national;
2. To be in full possession of one's civil and political rights;
3. To be at least twenty-one years old;
4. The term for municipal authorities shall be four years, counting from the assumption of office before the Supreme Electoral Council;
5. No one can be a candidate for Mayor, Minister or Vice Minister of the State unless they have resigned their positions twelve months prior to the election.

The Councilors, Mayor, and Vice Mayor may lose their position for the following reasons:

- a. Resignation of the position.

- b. Death.
- c. Final sentence to incarceration or disqualification from holding office on account of a crime deserving more than a correctional penalty for a period equal to or longer than the rest of their term.
- d. Relinquishment of the functions for sixty continuous days.
- e. Violation of section 3 of Article 130 of the Constitution.
- f. Failure to meet the obligation of declaring one's assets before the Office of the Controller General of the Republic at the time of assuming office.
- g. Having been declared liable for the mismanagement of municipal funds (fondos de la Alcaldía) by a decision of the Office of the Controller General of the Republic.

In the case of sections (d) and (e), the competent Municipal Council shall pass a resolution declaring that the Mayor or the Councilor has been involved in the situation which constitutes the cause for his/her removal from office.

This resolution or the public or authorized documents that substantiate the circumstances mentioned in the other subsections shall be transmitted to the Supreme Electoral Council together with the name of the alternate who shall take over as Vice Mayor when the Mayor is replaced, or the name any of the elected Councilors when the Vice Mayor is replaced, or the request to declare one of the Councilors as elected Council member.

The Supreme Electoral Council shall swear them in and introduce them into their functions within a period not exceeding fifteen days.

The limits applying to the employment of the Councilors in the municipal administration and the regime of allowances shall be regulated by law.

## Article 179

The State shall promote the integral and harmonious development of the diverse parts of the national territory.

## Chapter II: Communities of the Atlantic Coast

### Article 180

The communities of the Atlantic Coast have the right to live and develop themselves under the forms of social organization that correspond to their historic and cultural traditions.

The State guarantees these communities the benefits of their natural resources, the effectiveness of their forms of communal property and the free election of their authorities and representatives.

Furthermore, it guarantees the preservation of their cultures and languages, religions and customs.

## Article 181

The State shall organize by means of a law the regime of autonomy for the indigenous peoples and ethnic communities of the Atlantic Coast, which shall have to contain, among other rules: the functions of their government organs, their relation with the Executive and Legislative Power and with the municipalities, and the exercise of their rights. This law shall require for its approval and reform the majority established for the amendment of constitutional laws.

The concessions and contracts of rational exploitation of the natural resources granted by the State in the Autonomous Regions of the Atlantic Coast must have the approval of the corresponding Regional Autonomous Council.

The members of the Regional Autonomous Councils of the Atlantic Coast can lose their condition for the reasons and procedures established by law.

# TITLE X: SUPREMACY OF THE CONSTITUTION, ITS REFORM AND CONSTITUTIONAL LAWS

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## Chapter I: Of the Political Constitution

### Article 182

The Political Constitution is the Fundamental Charter of the Republic; all other laws are subordinate to it. Any laws, treaties, orders or provisions that oppose it or alter its provisions shall have no value.

### Article 183

No power of the State, governmental organism or functionary shall have any authority, faculty or jurisdiction other than those conferred by the Political Constitution and the laws of the Republic.

### Article 184

The Electoral Law, the Emergency Law and the Law of Amparo are constitutional laws, enacted within the framework of the Political Constitution of Nicaragua once the Political Constitution of Nicaragua is in force.

### Article 185

The President of the Republic, in the Council of Ministers, can decree, for the totality or part of the national territory and for a given time subject to extension, the suspension of rights and guarantees when the security of the nation, the economic conditions, or some national catastrophe demand it. The Law of Emergency shall regulate its modalities.

- International law
- Treaty ratification
- Legal status of treaties

- Emergency provisions

## Article 186

The President of the Republic may not suspend the rights and guarantees established in Articles 23; 24; 25, no. 3; 26, no. 3; 27; 29; 33, nos. 2.1 (final part), 3 and 5; 34, except nos. 2 and 8; 35; 36; 37; 38; 39; 40; 41; 42; 43; 44; 46; 47; 48; 50; 51; 56; 57; 58; 59; 60; 61; 62; 63; 64; 65; 67; 68, first section; 69; 70; 71; 72; 73; 74; 75; 76; 77; 78; 79; 80; 81; 82; 84; 85; 87; 89; 90 and 91.

## Chapter II: Constitutional Control

### Article 187

An application for judicial review of any law, decree or regulation that is incompatible with the Political Constitution may be brought by any citizen.

### Article 188

The writ of Amparo may be used to challenge any provision, act or resolution and more generally any action or omission of any official or authority or one of the agents of the latter who is violating or trying to violate the rights and guarantees affirmed in the Political Constitution.

### Article 189

The writ of habeas corpus may be used by anyone whose liberty, physical integrity or security is being violated or is in danger of being violated.

### Article 190

The Law of Amparo shall regulate the remedies established in this Chapter.

## Chapter III: Constitutional Reform

### Article 191

The National Assembly has the authority to partially reform this Political Constitution and to consider and decide on initiatives for its total revision.

The right to initiate a partial reform belongs to the President of the Republic or to one- third of the members of the National Assembly.

Half of the total membership of the National Assembly plus one are required to initiate a total reform.

### Article 192

A proposal for partial reform must specify the article or articles to be amended with a statement of the reasons for the modification. The proposal must be sent to a special commission which shall issue an opinion within a period of no more than sixty days. The reform initiative shall then follow the same process as the enactment of a statute.

A proposal for partial reform must be discussed in two sessions of the National Assembly.

## Article 193

The initiative for a total reform of the Constitution shall follow the process established in the previous article with regard to its presentation and explanation.

Upon the approval of the initiative for a total reform, the National Assembly shall fix the period in which the elections to a National Constituent Assembly have to be held. The National Assembly continues its mandate until the installation of the new Constituent National Assembly.

Until a new Constitution has been approved by the Constituent National Assembly, this Constitution shall remain in effect.

## Article 194

Approval of a partial reform shall require a favorable vote by sixty percent of the members of the National Assembly. Two-thirds of the total membership are required to approve a total reform. The President of the Republic shall promulgate the partial reform and in this case may not exercise the right to veto.

## Article 195

The reform of constitutional laws shall be made in accordance with the procedure established for partial reform of the Constitution, with the exception of the requirement of discussion in two legislative sessions.

# TITLE XI: FINAL AND TRANSITIONAL PROVISIONS

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• Transitional provisions

## Article 196

This Constitution shall apply from the time of its publication in La Gaceta, Diario Oficial, and repeals the Fundamental Statute of the Republic, the Statute of Rights and Guarantees of Nicaraguans and all other legal provisions inconsistent with it.

## Article 197

This Constitution shall be widely disseminated in the official language of the country. It shall also be disseminated in the languages of the communities of the Atlantic Coast.

## Article 198

The existing legal order shall remain in force in all of its parts which are not inconsistent with the Constitution, until such time as they shall be modified.

## Article 199

The Special Courts shall continue to function when this Constitution enters into force, until such time as they are included in the jurisdiction of the judicial branch. The appointment of their members and their procedures shall be determined by the laws that established them.

Furthermore, the ordinary courts shall continue to function in the present form, until the collegial principle (*principio de colegiación*) with popular representation is put into practice. This principle may be progressively applied in the national territory, in accordance with the prevailing circumstances.

## **Article 200**

The current political administrative division of the national territory shall be conserved until the law regulating this subject matter is promulgated.

## **Article 201**

The members of the National Assembly elected on February 25, 1990 shall be installed by the Supreme Electoral Council on April 24 of that same year, in order to complete the term of those members who were elected on November 4, 1984 and to complete their own term in accordance with Article 136 of the Constitution.

The President and the Vice President elected on February 25, 1990 shall assume their functions by taking the oath before the President of the National Assembly on April 25 of that same year, in order to complete the term of their predecessors who were elected on November 4, 1984, and to complete their own term in accordance with the Article 148 of the Constitution.

## **Article 202**

For official copies of this Constitution shall be signed in four copies by the President and the members of the National Assembly and by the President of the Republic. They shall be kept in the offices of the Presidency of the National Assembly, the Presidency of the Republic, the Presidency of the Supreme Court of Justice and the Presidency of the Supreme Electoral Council, and each one shall be considered as an authentic text of the Political Constitution of Nicaragua. The President of the Republic shall publish it in *La Gaceta, Diario Oficial*.

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