

# CONSTITUTION OF THE PORTUGUESE REPUBLIC

## SEVENTH REVISION [2005]

### PREAMBLE

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

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

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

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

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

### Fundamental principles

(...)

#### Article 4

##### (Portuguese citizenship)

All persons whom the law or international convention consider to be Portuguese citizens shall be such citizens.

(...)

#### Article 15

##### (Foreigners, stateless persons, European citizens)

1. Foreigners and stateless persons who fund themselves or who reside in Portugal shall enjoy the same rights and be subject to the same duties as Portuguese citizens.

2. Political rights, the exercise of public offices that are not predominantly technical in nature, and the rights that this Constitution and the law reserve exclusively to Portuguese citizens shall be excepted from the provisions of the previous paragraph.

3. With the exceptions of appointment to the offices of President of the Republic, President of the Assembly of the Republic, Prime Minister and President of any of the supreme courts, and of service in the armed forces and the diplomatic corps, in accordance with the law and subject to reciprocity, such rights as are not otherwise granted to foreigners shall apply to citizens of Portuguese-speaking states who reside permanently in Portugal.

4. Subject to reciprocity, the law may grant foreigners who reside in Portugal the right to vote for and stand for election as local councillors.

5. Subject to reciprocity, the law may also grant citizens of European Union Member States who reside in Portugal the right to vote for and stand for election as Members of the European Parliament.

(...)

## **Article 164**

### **(Exclusive responsibility to legislate)**

The Assembly of the Republic shall possess exclusive responsibility to legislate on the following matters:

- a) Elections to bodies that exercise sovereign power;
- b) Rules to be used in referenda;
- c) The organisation, operation and proceedings of the Constitutional Court;
- d) The organisation of national defence, the definition of the duties derived therefrom and the basic general elements of the organisation, operation, re-equipping and discipline of the Armed Forces;
- e) Rules governing states of siege and states of emergency;
- f) The acquisition, loss and re-acquisition of Portuguese citizenship;
- g) The definition of the limits of territorial waters, the exclusive economic zone and Portugal's rights to the adjacent seabed;
- h) Political associations and parties;
- i) The basic elements of the education system;
- j) The election of members of the Legislative Assemblies of the autonomous regions;
- l) The election of local government officeholders and other elections conducted by direct, universal suffrage, as well as elections to the remaining constitutional bodies;

- m) The status and role of the officeholders of bodies that exercise sovereign power and local government officeholders, as well as of the officeholders of the remaining constitutional bodies and of all those who are elected by direct, universal suffrage;
- n) Without prejudice to the powers of the autonomous regions, the creation, abolition and modification of local authorities and the rules governing them;
- o) Restrictions on the exercise of rights by full-time military and militarised personnel on active service and by members of the police forces and security services;
- p) The rules governing the appointment of members of European Union bodies, with the exception of the Commission;
- q) The rules governing the Republic's intelligence system and state secrets;
- r) The general rules governing the drawing up and organisation of the budgets of the state, the autonomous regions and local authorities;
- s) The rules governing national symbols;
- t) The rules governing the finances of the autonomous regions;
- u) The rules governing the police forces and security services;
- v) The rules governing the organisational, administrative and financial autonomy of the President of the Republic's support services.