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FIRST DRAFT OF THE NATIONAL CONSTITUTION  
OF THE REPUBLIC OF NICARAGUA

PREAMBLE

TITLE I

SOLE CHAPTER  
FUNDAMENTAL PRINCIPLES

**Article 1** The principles enumerated in this Chapter constitute the interpretive spirit of the National Constitution of the Republic of Nicaragua.

NICARAGUA AND NICARAGUANS VENERATE THE HEROES AND MARTYRS

**Article 2** Nicaragua and its people will remember, with gratitude, veneration and respect, the Heroes and Martyrs of our country. Present and future generations will be educated by their exemplary legacy of heroism and generosity.

THE FORCES UPON WHICH REVOLUTIONARY POWER RESTS

**Article 3** Revolutionary power lies in the people: city and rural workers, women, youth, patriotic agricultural and industrial producers, artisans, professionals, technicians, intellectuals, artists and members of religious orders, all of whom together constitute the majority of the nation's (social) forces and who are the guarantors of the irreversible character of the National and Democratic Revolution in Nicaragua.

DEMOCRACY

**Article 4** Democracy is understood to be a combination of the concepts of liberty and equality, just as Sandino dreamt it: "effective Democracy and Social Justice." In other words, the construction of a society with the real participation of the people where the right to elect and to be elected is affirmed; the right to expression, the right to organize; the right to demonstrate; the right to decent shelter; the right to education, to health, to work. In sum, the right to live with dignity.

A democracy where all the political, economic and social sectors of the country may participate toward concrete goals and objectives, and where those sectors propose to reestablish and develop the country's economy in order to protect it from destruction and war, to make possible the people's happiness, to eradicate misery, hunger, destruction, unemployment; and to promote the social development of Nicaragua.

POLITICAL PLURALISM

**Article 5** Political pluralism means the existence and participation of all political organizations without

ideological restrictions except for those that seek a return to Somocismo or advocate the establishment of a political system similar to that of Somocismo.

#### MIXED ECONOMY

**Article 6** A mixed economy means an economic model where diverse types of property may exist and associate: state-owned, private, mixed and cooperative ownership, where all have, as their principal objective, the benefit of the people, together with the establishment of reasonable profit margins.

#### NON-ALIGNMENT

**Article 7** Non-alignment is understood to be the principle that guarantees independence from centers of power and the active peaceful co-existence of all States, through our moral solidarity with the struggles of peoples against imperialism, colonialism, apartheid and racism.

As Nicaraguas we also express our opposition to the existence of military blocks and alliances and recognize the urgent need, through the establishment of a new international economic order, for a restructuring of international relations based on just principles.

#### ANTI-IMPERIALISM

**Article 8** The basis of our anti-imperialism is our country's historic struggle for independence and sovereignty. For this reason we reaffirm our right to self-determination and we reject unjust commercial trade relations that function against developing countries, we reject consideration of Latin American countries as geo-political reserves and the military, political and economic intervention against the legitimate sovereign rights of peoples.

#### LATINAMERICANISM

**Article 9** We understand Latinamericanism to be the ideal of Bolivar and Sandino of achieving the unity of Latin American countries to strengthen and fortify our peoples.

#### ANTI-INTERVENTIONISM

**Article 10** Nicaragua subscribes to the principle of non-intervention in the internal affairs of other States.

#### DEFENSE OF THE NATION

**Article 11** We understand the defense of the nation as the participation of all the people in this defense and in the struggle to preserve the peace as indispensable to the social and economic development of the country.

SOVEREIGNTY AND NATIONAL INDEPENDENCE

Article 12 Sovereignty resides in the People, the legitimate owners of the nation, of its territory and of its natural resources, all to be used toward the progress of the nation and the social well-being of all Nicaraguans.

TITLE II  
SOLE CHAPTER  
GENERAL PROVISIONS

ON THE STATE

**Article 13** Nicaragua is a free, sovereign, independent and unitary state.

FORM OF GOVERNMENT

**Article 14** Nicaragua is a democratic, participatory, representative and non-aligned Republic. The organs of government are the Legislative, Executive, Judicial and Electoral Powers.

SOVEREIGNTY

**Article 15** The Nation's sovereignty is one, indivisible and inalienable: it belongs to the people, who will exercise their sovereignty according to the norms provided by this Constitution.

NATIONAL TERRITORY

**Article 16** Nicaragua is the territory delimited by the Republics of Honduras and Costa Rica and the Atlantic and Pacific Oceans. The soil, the subsoil, the continental platform, the territorial sea, the underwater insular shelves, the airspace, the stratosphere, the adjacent islands and keys are all part of the national territory. Treaties and the law will determine the parts of the territory that are not delimited.

SUPREMACY OF THE CONSTITUTION

**Article 17** This national Constitution is the fundamental law of the Republic: all other laws are subordinated to the Constitution. Acts of government bodies, as well as laws, decrees, regulations, orders, provisions, or treaties that explicitly or implicitly oppose the Constitution or alter its provisions will be void.

NATIONALITY

**Article 18** All those so considered by law or treaty are nationals.

LANGUAGE

**Article 19** Spanish is the official language of the State. The diverse ethnic groups have a right to the free use and development of their languages, since they belong to the national culture.

CAPITAL AND SEAT OF GOVERNMENT

**Article 20** The City of Managua is the Capital of the Republic of Nicaragua and the seat of the State's Powers: they can be re-established in another part of the national territory if required by exceptional circumstances.

NATIONAL SYMBOLS

**Article 21** The National Symbols are: the Flag, the Coat of Arms and the National Anthem established by law. The law determines their characteristics and their use.

**Article 22** The State has no official religion.

TITLE IIISOLE CHAPTERTHE RIGHTS OF THE NICARAGUAN PEOPLE AS  
OF PEACE AND SOCIAL ORDERDEFENSE OF THE COUNTRY AND PEACE

**Article 23** It is the right of all Nicaraguans to fight for the defense of the Nation and for Peace for the integral development of the nation.

RIGHT OF THE NICARAGUAN PEOPLE TO FREE DETERMINATION

**Article 24** The Nicaraguan people have the right to self-determination in the political, economic, social, cultural and all other spheres of life.

RIGHT OF THE PEOPLE TO DISPOSE OF THEIR NATURAL RESOURCES

**Article 25** The Nicaraguan people have the right to freely dispose of their wealth and natural resources, without prejudice to the obligations derived from international cooperation based on the principles of reciprocal benefit, solidarity and international law. In no case may the Nicaraguan people be deprived of their own means of subsistence.

THE REMOVAL OF OBSTACLES THAT HINDER CITIZEN EQUALITY

**Article 26** It is the obligation of the State to remove, by all the means within its reach, the obstacles that effectively hinder the equality of Nicaraguans and their participation in the political, economic and social life of the country.

THE RIGHT OF THE PEOPLE TO ORGANIZE

**Article 27** In Nicaragua urban and rural laborers, women, youth, patriotic agricultural and industrial producers, artisans, professions, technicians, intellectuals, artists and members of religious groups have the right to form

organizations to participate in the building of the new society.

**RIGHT OF THE PEOPLE TO PARTICIPATE IN STATE AFFAIRS**

**Article 28** All citizens have the right to participate in the management of the country's public matters and in the fundamental affairs of the State at all levels.

**LEGAL EFFECT OF HUMAN RIGHTS**

**Article 29** The State guarantees all unqualified respect, promotion and protection of Human Rights, as well as the full effect of the Human Rights law subscribed to in the Universal Declaration of Human Rights, the International Agreement on Economic, Social and Cultural Rights; the International Agreement on Civil and Political Rights of the United Nations; the American Declaration on the Rights and Duties of Man; and in the American Convention on Human Rights of the Organization of American States, all of which are wholly incorporated into this Constitution.

*Right to Health?  
Right to Children?*

**TITLE IV**  
**NATIONAL ECONOMY**

**CHAPTER I**  
**GENERAL PRINCIPLES**

**STRATEGIC NATURE**

**Article 30** The Economy is a strategic element of the Nation's development. Its propelling force is derived from as the main source for production of wealth.

**SATISFACTION OF MATERIAL AND SPIRITUAL NEEDS**

**Article 31** The Economy of the Nicaraguan Republic is a strengthening factor for National Sovereignty and for consolidating Democracy. It is directed at the material and spiritual needs of Nicaraguans.

**POLICYMAKING AFFAIRS OF THE STATE**

**Article 32** The direction of the Economy corresponds to the State, which plans, and gives orientation to economic activity in order to guarantee national development.

**CHAPTER II**  
**FORMS OF PROPERTY**

**THE FUNCTION OF PROPERTY**

**Article 33** Property, be it individually or collectively owned, fulfills a social function by virtue of which it can be subject to limitations on its title, enjoyment, use and alienability whether for reasons of security, public interest or utility, social interest, for reasons relating to the national economy, national emergencies or disasters or for the purpose of agrarian reform.

#### PEOPLE'S PROPERTY

**Article 34** People's property is constituted by all these goods and means of production that have been entrusted to the State for their administration.

#### PRIVATE PROPERTY

**Article 35** Private property consists of all those goods and means of production that belong to one or more persons, to the exclusion of others. No one may be deprived of their property unless they are indemnified in accordance with the law.

#### MIXED PROPERTY

**Article 36** The goods and units of production utilized by the State with the participation of other persons, natural or legal, are mixed property.

#### COOPERATIVE PROPERTY

**Article 37** Cooperative property is the voluntary organization of workers for the joint utilization of goods and units of production according to the law.

### CHAPTER III AGRARIAN REFORM

#### OBJECTIVE

**Article 38** Agrarian reform is a fundamental instrument of the economy and of revolutionary transformation. By means of agrarian reform the active participation of farm workers in the economic and social development of the country will be guaranteed.

#### LATIFUNDIA

**Article 39** The State will secure, according to the terms established by the Agrarian Reform Law, the transfer of both the land and the means of production used in its development to the person or persons working that land, through the appropriation of latifundia.

#### GUARANTEES TO REAL PROPERTY

**Article 40** The Agrarian Reform will guarantee proprietary rights to the land to those efficient farmers who use it as an instrument of their work, as established by law.

#### AGRICULTURAL COOPERATIVES

**Article 41** The State will promote the voluntary formation of cooperatives for the development of the land.



**FINANCING**

**Article 42** The State will furnish financial and technical assistance to agricultural and cattle-raising production in the People's Property Areas, and in private, mixed and cooperative or other forms of property.

**FARMERS PARTICIPATION**

**Article 43** In the application of Agrarian Reform and in the organs created by the State to that effect, the participation of agricultural ers and producers through their organizations is established.

**CHAPTER IV**  
**COMMERCE****DOMESTIC TRADE**

**Article 44** The State has the obligation to regulate and oversee domestic trade in order to guarantee consumer defense. The law will establish the scope of State action.

**FOREIGN TRADE**

**Article 45** The State formulates, carries out, promotes and oversees Foreign Trade policy in order to secure the country's development and the diversification of markets to promote economic independence.

**Article 46** The State will promote active participation in international organizations associated with foreign trade, especially with Central and Latin American countries.

**CHAPTER V**  
**FOREIGN INVESTMENT**

**Article 47** Foreign investment complements domestic investment. Likewise, it shall contribute to the country's development, conform to the law and not damage National Sovereignty.

**Article 48** The State will ensure that technical knowledge derived from foreign investment will be transferred to it or to its subjects and that the State or its subjects adequately participate in the ownership and administration of the enterprises.

CHAPTER VI  
REGARDING THE BUDGET OF THE REPUBLIC

OBJECTIVE

**Article 49** The Nation's General Budget will monitor all income and its declared sources; expenditures will be structured in such a way as to agree with the production of goods and services in order to determine the expenditure limits of State Bodies.

FISCAL YEAR

**Article 50** The Public Sector Budget year begins on January 1st and ends on December 31st. The Budget will be drafted, and then approved by the President of the Republic by means of the Annual Budget Law.

ITS CONSIDERATION

**Article 51** The budget will be considered by the National Assembly.

CHAPTER VII  
TAX SYSTEM

SYSTEM OF TAXATION

**Article 52** The Law will determine the system of taxation which shall take into account the distribution of wealth and income as well as the needs of the State.

TAX

**Article 53** Taxes shall be created by the law that will establish the incidence of taxation, the types of taxation and taxpayer guarantees.

TAX EVASION; A CRIME

**Article 54** The non-payment of taxes due and tax evasion are crimes.

PROHIBITION

**Article 55** The State will not demand payment of taxes that have not previously been established by law.

TITLE V  
NATIONAL DEFENSE  
SOLE CHAPTER

NATURE

**Article 56** The nature of national defense is defined by the Nicaraguan people's dedication to peace and their unyielding will to permanently and integrally defend the vital interests of the Nation and the triumph of the Revolution.

SOCIAL BASIS OF DEFENSE

**Article 57** The social basis of the integral defense of the Nation are all levels and social sectors that make up Nicaraguan society.

POPULAR PARTICIPATION

**Article 58** National Defense against military, political, or economic aggression, either external or internal, is guaranteed by means of popular organized participation.

TITLE VIRIGHTS, DUTIES AND GUARANTEES OF THE NICARAGUAN PEOPLECHAPTER IINDIVIDUAL AND CIVIL RIGHTSINVIOABILITY OF THE RIGHT TO LIVE

**Article 59** The right to live is inviolable and inherent to the human being. In Nicaragua there is no death penalty.

PERSONAL LIBERTY

**Article 60** All persons have the right to individual liberty and security. No one may be subjected to arbitrary detention or imprisonment, nor deprived of their freedom, except for causes determined by the law and in keeping with legal procedures.

*due  
process*

PROTECTION OF AND RESPECT FOR PRIVATE LIFE

**Article 61** All persons shall have the right to private and family lives, to the inviolability of their residences, their correspondence or communications, to their honor and reputation.

EQUALITY BEFORE THE LAW

**Article 62** All persons are equal before the law and have a right to equal protection.

FREEDOM OF EXPRESSION

**Article 63** All Nicaraguans have the right to express their thoughts.

FREEDOM OF MOVEMENT

**Article 64** Anyone on national territory shall have the right to move freely and to select a place of residence. The Nicaraguan people shall have the right to enter and leave the country freely.

FREEDOM OF CONSCIENCE, THOUGHT AND RELIGION

**Article 65** All persons have the right to freedom of conscience, of thought, and of professing a religion or not. No one may be the object of coercive measures that might impair the right to hold or adopt the beliefs of his/her choosing.

**RETROACTIVITY OF THE PENAL LAW BENEFIT THE OFFENDER**

**Article 66** The Penal Laws have retroactive effect in favor of the offender.

**PRINCIPLE OF LEGALITY**

**Article 67** No functionary has more authority than that established by the Constitution and the Laws. No one is obliged to do that which is not required by Law, nor is hindered from doing what the law does not forbid.

**RIGHT TO CRIMINAL PROCEDURE GUARANTEES**

**Article 68** All persons have the right of individual freedom and personal security. No one may be subjected to arbitrary detention or imprisonment, nor be deprived of freedom, except for causes determined by Law and in keeping with legal procedure.

**Consequently:**

1. Detention can only occur by virtue of the written order of a competent judge or of the authorities expressly designated by law, except in the case of a flagrant crime.
2. All persons detained shall have the right:
  - a. - To be informed without delay and in detail, in a language or tongue they understand, of the nature and causes of the accusation made against them.
  - b. - To be brought, within the time established by Law, before the competent authority or to be freed.
  - c. - To obtain reparations in case of illegal detention.

**Article 69** Everything else being equal, all defendants shall have the following minimal guarantees:

- a. - They are presumed innocent until their guilt is proven in conformity with the law.
- b. - They are guaranteed participation and defense from the beginning of the process.
- c. - They are not obliged to testify against themselves or their relatives, nor to make a confession of guilt.

d. - They may not be tried for a crime for which they have already been condemned or acquitted by a definitive sentence.

e. - They may not be tried or condemned for an act or an omission which at the time of its commission had not previously been expressly and unequivocally designated by law as a punishable offense, or be sanctioned with penalties not foreseen in the law.

**Article 70** Minors may not be subjects or objects of judgment, nor be subjected to any judicial proceeding. The law shall regulate this area.

**PROHIBITION OF DEGRADING PUNISHMENT**

**Article 71** No one shall be subjected to torture or to penalties or treatment that is cruel, inhuman or degrading.

No punishment may be imposed for more than 30 years.

**RESPECT FOR PHYSICAL, PSYCHOLOGICAL AND MORAL INTEGRITY**

**Article 72** All persons have the right to respect of their physical, psychological and moral integrity. The penalty shall only affect the defendant's person.

**HABEAS CORPUS APPEAL**

**Article 73** The Remedy of habeas corpus shall be presented before a competent Court in accordance with the law by the persons designated under that law.

**WRIT OF PROHIBITION (recurso de amparo)\***

**Article 74** The Writ of Prohibition is established, whereby all citizens whose rights and liberties as recognized under the present Constitution shall have been affected, may present an appeal for a writ of prohibition in accordance with the Law.

**PROHIBITION OF SLAVERY, SERVITUDE AND TRAFFICKING IN PERSONS**

**Article 75** No one shall be subjected to slavery and servitude. Any kind of slavery and trafficking in persons is prohibited in all its forms.

**NO IMPRISONMENT FOR DEBT**

**Article 76** No one shall be imprisoned solely for failure to comply with a financial obligation, whatever its origin.

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\* Note: a constitutional provision peculiar to Mexico which resembles United States writs of prohibition, certiorari, injunction and habeas corpus. Ed. Robb, Diccionario de Terminos Legales (1984)

RIGHT TO ENJOY CONSTITUTIONAL GUARANTEES

Article 77 The State respects and guarantees the rights and guarantees established in this Constitution to all persons who are in its territory and are subject to its jurisdiction.

CHAPTER II  
POLITICAL RIGHTSCITIZENSHIP

Article 78 All native or naturalized Nicaraguans having reached the age of 16 are citizens. Citizens enjoy the political rights subscribed to by the laws in force.

RIGHT TO PETITION

Article 79 All Nicaraguans have the right to petition the State or any authority and to obtain a prompt answer and resolution.

RIGHT TO ASSEMBLE

Article 80 The right to peacefully assemble on private property does not require prior permission.

RIGHT TO PUBLIC MEETING OR DEMONSTRATION

Article 81 The right to a public meeting or demonstration shall be regulated by the respective Law.

RIGHT TO ELECT AND TO BE ELECTED

Article 82 All citizens have the right to elect and to be elected.

RIGHT TO BE A CANDIDATE FOR PUBLIC OFFICE

Article 83 All citizens shall have the right to be candidates for public office.

RIGHT TO ORGANIZE POLITICAL PARTIES

Article 84 All citizens shall have the right to organize political parties with the object, among others, of aspiring to obtain political power to carry out a program that responds to the needs of national development.

Political parties are institutions of public law. They shall be regulated in accordance with the Law.

RIGHT TO ASYLUM

Article 85 In Nicaragua the right to asylum is guaranteed to those who are persecuted for struggling for peace, justice, and the recognition or extension of human, civil, political, social, economic and cultural rights.

The Law shall define who is a political exile or refugee.

#### PROHIBITION OF EXTRADITION

**Article 86** In Nicaragua there is no extradition for political offenses or common offenses connected with them according to Nicaraguan definition. No Nicaraguan may be the object of extradition from the national territory. If for some reason the expulsion of a person who has been granted asylum is agreed to s/he shall never be sent to the country in which s/he was persecuted.

Extradition shall be regulated by Law and by International Treaties.

#### SUSPENSION OF POLITICAL RIGHTS

**Article 87** Political Rights are suspended or lost on the grounds established by the respective laws.

### CHAPTER III SOCIAL RIGHTS

#### RIGHT TO RELIGIOUS WORSHIP

**Article 88** All persons both individually and collectively have the right to express their religious beliefs in public or in private, through worship, the celebration of rites, practices and teaching, all in conformity with the laws.

No one may invoke religious beliefs or disciplines in order to elude compliance with the laws or to impede others from exercising their rights.

#### RIGHT TO INFORMATION

**Article 89** The right to information is a social responsibility and shall be exercised without impairing the right of those informed nor the values of the Nicaraguan people.

#### SOCIAL SECURITY AND WELFARE

**Article 90** All persons have the right to Social Security and Welfare in accordance with the law in that area.

#### PROTECTION OF COMBATANTS

**Article 91** The state guarantees attention through all its programs to the Nation's Combatants and to the families of those who have fallen in the defense of the nation, in accordance with the Laws.

#### RIGHT TO NOURISHMENT

**Article 92** The Nicaraguans have the right to be protected from hunger. The State shall promote programs that will

assure an adequate availability and an equitable distribution of food.

RIGHT TO HEALTH

Article 93 All Nicaraguans have the right to health. The health of the Nicaraguans constitutes a public good:

The State shall provide free health care to Nicaraguans and has the obligation to adopt measures so that Nicaraguans enjoy optimal conditions of physical and mental health.

HEALTH SERVICES. (journadas de salud)

ADDENDUM TO DRAFT OF NICARAGUAN CONSTITUTION - ENGLISH TRANSLATION

PROTECTION, RESCUE AND CONSERVATION OF THE ENVIRONMENT

Art. 96 It is the obligation of the State to preserve, conserve and rescue the environment and natural resources.

RIGHT OF ASSOCIATION AND RIGHT TO PROMOTE POPULAR ORGANIZATIONS

Art. 97 (See Text)

and relaxation. The State guarantees these rights through specific programs and projects.

CHAPTER IV  
RIGHTS OF THE FAMILY

PROTECTION OF THE FAMILY

Article 99 The family is the natural and fundamental nucleus of society and has the right to be protected by the society and the State.

RIGHT TO FORM A HOME

Article 100 The right of the Nicaraguans to constitute a family is recognized. It can be constituted through marriage or a de facto union.

EQUALITY OF THE COUPLE

Article 101 Family relations rest on the absolute equality of rights and responsibilities between men and women.



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#### RIGHT TO HEALTH

**Article 93** All Nicaraguans have the right to health. The health of the Nicaraguans constitutes a public good.

The State shall provide free health care to Nicaraguans and has the obligation to adopt measures so that Nicaraguans enjoy optimal conditions of physical and mental health.

#### HEALTH SERVICES (journadas de salud)

**Article 94** The State shall promote community health services through the corresponding organization with the participation of the people.

#### RIGHT TO HOUSING

**Article 95** The Nicaraguans have the right to decent housing, in conditions of hygiene, comfort and security that guarantee family privacy.

#### PROTECTION, RECOVERING AND CONSERVATION OF THE ENVIRONMENT

**Article 97** All persons have the right to freely meet or associate with others for licit ends.

Nicaraguans have the right to establish and promote popular, community, neighborhood and rural organizations.

#### RIGHT TO RECREATION AND RELAXATION

**Article 98** The Nicaraguans have the right to recreation and relaxation. The State guarantees these rights through specific programs and projects.

### CHAPTER IV RIGHTS OF THE FAMILY

#### PROTECTION OF THE FAMILY

**Article 99** The family is the natural and fundamental nucleus of society and has the right to be protected by the society and the State.

#### RIGHT TO FORM A HOME

**Article 100** The right of the Nicaraguans to constitute a family is recognized. It can be constituted through marriage or a de facto union.

#### EQUALITY OF THE COUPLE

**Article 101** Family relations rest on the absolute equality of rights and responsibilities between men and women.

**PATRIA POTESTAS**

**Article 102** Patria Potestas shall be exercised in accordance with the Law Of Relations Between Mother, Father and Children. Parents must maintain their home and rear their children through their common effort.

In turn, children are obligated to respect and help their parents.

**PROTECTION OF MATERNITY**

**Article 103** The State shall give special protection to mothers during pregnancy. During the pre- and post-natal periods working mothers must be given paid leaves and adequate benefits of social security. Parents have the right to expect the State to care for their minor children while the parents are at their work places.

**EQUALITY OF CHILDREN**

**Article 104** All children have equal rights. No discriminatory designations shall be used with regard to parents-child relationships.

**PROTECTION OF MINORS**

**Article 105** All minors have a right to protective measures required by their age, or the part of their families as well as society and the State.

**ON PATERNITY**

**Article 106** The State protects responsible paternity. The right to investigate paternity in accordance with the Law is established.

**RIGHT TO ADOPTION**

**Article 107** All legally capable Nicaraguans have the right to adopt minors, exclusively in the interest of the minor's integral development, in accordance with what has been established by Law.

**FAMILY**

**Article 108** The State guarantees the establishment of family patrimony, as inalienable, unattachable, and exempt from all public encumbrances; the law shall determine its functioning.

CHAPTER V  
ECONOMIC RIGHTS

**Article 109** All workers have the right to participate in the elaboration, oversight and execution of all the major economic and social measures that the State may promote.

DUTY OF THE STATE TO REMOVE OBSTACLES THAT HINDER ECONOMIC EQUALITY

**Article 110** The State shall promote the economic well being of the Nicaraguans to eliminate the obstacles that impede economic equality.

EQUITABLE DISTRIBUTION OF WEALTH

**Article 111** The State shall set forth the necessary corrective measures in order to achieve an equitable distribution of wealth and income among all citizens.

DECENT MATERIAL LIFE

**Article 112** The State shall try to guarantee the harmonious development of all productive forces and the just distribution of the national product in order to guarantee a decent material life to the Nicaraguan people.

TITLE VII  
LABOR RIGHTS

RIGHT TO WORK

**Article 113** Work is a right and a social responsibility of all persons. It is the obligation of the State to procure full and productive work for all Nicaraguans under conditions that guarantee the fundamental rights of human beings.

PARTICIPATION OF LABORERS IN THEIR PLACES OF WORK.

**Article 114** All laborers through their organizations have the right to make use of diverse forms of participation in their places of work, in conformity with the law.

WORKERS' RIGHTS

**Article 115** All workers have the right to enjoy equitable and satisfactory working conditions that especially guarantee them,

- a. Equal wages for equal work.  
Equal wages for equal work in identical conditions of efficiency and adequate to their social responsibility with no discrimination by reason of sex, that will assure a well being compatible with human dignity.
- b. Payment in legal tender.  
To receive wages in legal tender.

- c. Unattachable minimum wage.  
An unattachable minimum wage, except for attachments toward the protection of the laborer's family in accordance with the law.
- d. Workday, Weekly Rest, Vacations  
A limited workday, a weekly rest, and vacations regulated by the law.
- e. Work Stability  
Workers have the right to stability in their work in conformity with the law.

#### RIGHT TO STRIKE

**Article 116** The right to strike is recognized, and is to be exercised in the matter established by law.

#### RIGHT TO SOCIAL SECURITY

**Article 117** The State guarantees the right of laborers to Social Security with all the benefits and protections contemplated by the law; and which can be added to. The law shall also regulate the progressive integration of all levels of society.

#### WORK OF MINORS

**Article 118** Work by minors is prohibited, when incompatible with their physical capabilities or dangerous to their moral development.

#### RIGHT TO TRAINING

**Article 119** Laborers have the right to cultural and technical skills training. The State shall facilitate this through special programs.

#### RIGHT TO FREELY ASSOCIATE IN UNIONS

**Article 120** Laborers are guaranteed the freedom to associate in unions; in exercise of this freedom they may establish unions at all levels. No laborer shall be forced to belong to a specific union.

#### AUTONOMY OF UNIONS

**Article 121** Laborers are guaranteed autonomy to establish those organizations they may deem necessary.

#### INDIVIDUAL CONTRACT AND COLLECTIVE AGREEMENT

**Article 122** Laborers are able to execute contracts and collective agreements with their employers, subject to the provisions of the law.

TITLE VIII  
EDUCATION AND CULTURE

EDUCATION

**Article 123** Education has as a goal the development in Nicaraguans of a critical and liberating consciousness under the principles established in the Constitution. It must also be scientific, based on a knowledge of history and the national reality, on the domain of science, on participation in the development of the revolution, on social justice and on human solidarity.

EDUCATIONAL POLICY

**Article 124** The State in directing education shall promote the democratization of education and its conditions, so that, through the means available to it, it may contribute to the development of the personality and the establishment of a democratic society with social justice.

RIGHT TO CULTURE

**Article 125** It is the State's rôle to stimulate all expressions of literary, artistic, craft and folkloric production, so that a truly popular Nicaraguan culture may be built.

ACADEMIC FREEDOM

**Article 126** The State guarantees academic freedom in conformity with the plans and programs approved by the State and in accordance with law and public order. Primary education shall be obligatory.

SECULAR EDUCATION IN STATE SCHOOLS

**Article 127** In public schools education shall be secular.

RELIGIOUS EDUCATION IN PRIVATE SCHOOLS

**Article 128** Non-obligatory religious teaching is authorized in private schools.

OBLIGATIONS OF PARENTS

**Article 129** Parents have the obligation to contribute, along with the schools to the educational process of their children.

FREE EDUCATION

**Article 130** Education shall be free at all levels; University education shall be regulated in accordance with the law.

LITERACY

**Article 131** A permanent literacy and adult education campaign shall be maintained, with the goal of raising the educational and cultural levels of the Nicaraguans.

**ACADEMIC AUTONOMY AND LIBERTY**

**Article 132** Education, administrative and economic autonomy of the Universities is guaranteed, in order that they respond to the country's need for transformation within the national plans for development. The State will provide the necessary economic support so that they may develop a creative curriculum and scientific research appropriate to the national reality. Academic and research freedoms are guaranteed as essential principles of education at all levels.

**COORDINATION OF HIGHER EDUCATION**

**Article 133** In order to coordinate higher education there will be a National Council for Higher Education. The law shall determine its composition and attributes.

**COPYRIGHT**

**Article 134** The State guarantees authors' copyright, and that of inventors, and artists. The law shall regulate in this area.

**CULTURAL AND HISTORIC PATRIMONY**

**Article 135** The State shall have the obligation of preserving, maintaining and conserving all monuments, paleontological, archaeological, historical, cultural and artistic objects of the country, situated in the territory of the Republic, whoever their owner may be. The law shall determine the provisions for their conservation, restoration, maintenance and restitution.

**RIGHT TO SPORTS**

**Article 136** The practice of physical education and sports shall be stimulated by all means as a part of the integral development of the person.

**TITLE IX**  
**CITIZENS' DUTIES**

**Article 137** All persons have duties with regard to family, community, the Nation and Humanity. The rights of all persons are limited by the rights of others, by security and by the just demands of the common good.

**SERVICE TO AND DEFENSE OF THE NATION**

**Article 138** It is the duty of all Nicaraguan citizens to fight for the defense of the Nation and for the maintenance of Peace.

**MILITARY SERVICE**

**Article 139** All Nicaraguans have the duty to serve in the military in accordance with law.

OBSERVANCE OF THE CONSTITUTION

**Article 140** It is the duty of all citizens to respect and obey the provisions contained in the Constitution and in the laws in force.

CONTRIBUTION TO PUBLIC EXPENDITURES

**Article 141** All Nicaraguans have the duty to contribute to public expenditures through the payment of taxes created by the law.

EFFICIENT AND HONEST PERFORMANCE IN PUBLIC OFFICE

**Article 142** All citizens who hold public office in the Government or in State institutions are obligated efficiently and honestly, to fulfill their duties.

TITLE XON THE ORGANIZATION OF THE STATECHAPTER 1GENERAL PRINCIPLESON THE POWERS OF THE STATE

**Article 143** The Powers of the State are: the Legislative, the Executive, the Judicial, and the Electoral. The Functions of the State Powers are determined in this Constitution.

INDEPENDENCE AND INTERRELATION

**Article 144** In the exercise of their functions, each one of the State Powers shall have its own activities, but they shall collaborate among themselves in accomplishing the State's goals.

CHAPTER IILEGISLATIVE POWEREXERCISE

**Article 145** The Legislative function is exercised by the National Assembly.

COMPOSITION

**Article 146** The National Assembly shall be composed of ninety Representatives of the nation with their respective alternatives. In addition candidates for President and Vice President of the Republic shall be part of the National Assembly as seatholder and alternate respectively, as long as they have obtained in the national territory a number of votes equal or superior to the average of the regional quotients.

**QUALIFICATIONS**

**Article 147** In order to be a Representative in the National Assembly, the following qualifications are required:

- a. To be a native of Nicaragua and in full enjoyment of his/her rights.
- b. To be over 21 years of age.

**TERMS OF OFFICE**

**Article 148** The representatives of the National Assembly shall be elected for a term of six years.

**ATTRIBUTIONS**

**Article 149** The responsibilities of the National Assembly are:

1. To elaborate and approve laws and decrees as well as to reform and repeal existing ones. It shall also have the authentic interpretation of the law.
2. To decree amnesty and pardons of penal sanctions, as well as commutations or reductions of sentences in conformity with the Law of Pardon.
3. To solicit reports and examine the Ministers or Vice-Ministers of State, Presidents of Autonomous Entities and Directors of Governmental Entities, as well as summon them to appear.
4. To grant and cancel the legal personality of civil or religious entities.
5. To consider the General Budget of the Republic in conformity with the procedure established in the present Constitution.
6. To enact laws regulating investments by foreigners.
7. To acknowledge and accept the resignation of Representatives.
8. To ratify, or not ratify, international agreements, treaties or negotiations.
9. To regulate everything relating to the national symbols (the Flag, the Coat of Arms, the National Anthem).
10. To create Honors and Distinctions of national character.
11. To receive in solemn session the annual report of the President of the Republic.
12. To delegate legislative powers to the President of the Republic, except for those powers which related to the laws of the Republic.
13. To create permanent and special commissions.
14. To appoint research commissions for any matter of public interest or to delegate that work to the appropriate permanent commissions.

The conclusions of these commissions will not be binding for the courts, nor will they affect



judicial resolutions; the result of the research will be communicated to the Minister of Justice for proper action if necessary.

- The National Assembly has power to issue subpoenas; the law will regulate what actions can be taken to deal with noncompliance.
15. To grant pensions and honors to individuals for outstanding services to the Nation and to humanity.
  16. To reform the political and administrative division of the Nation.
  17. To fill presidential and vice-presidential vacancies, if both are definitive vacancies.
  18. To authorize the President of the Republic to leave the national territory if his absence should last more than two months.
  19. To acknowledge and resolve complaints presented against public officials who enjoy immunity.
  20. To appoint the Magistrates of the Supreme Court of Justice and the members of the Supreme Electoral Council, selected from slates of three candidates proposed by the President of the Republic.
  21. To determine its own statute and internal rules.

#### ELECTION

**Article 150** Representatives shall be elected by means of a popular, secret, and direct ballot, according to the system of proportional representation in judicial districts determined by law.

#### IMMUNITY

**Article 151** Representatives will be free from responsibility for their opinions and votes in the National Assembly and will have immunity in accordance with the law.

#### EXECUTIVE COMMITTEE

**Article 152** The National Assembly will be presided over by an executive committee formed by one president, three vice-presidents, and three secretaries.

#### COMMISSIONS

**Article 153** There will be two types of commissions: permanent and special. Permanent commissions shall be responsible for studying and ruling on drafts of legislation submitted to the National Assembly for consideration. Special commissions shall perform occasional functions, which will be determined by the National Assembly upon their proposal by the Presidency. Both types of commissions shall be appointed by the President of the National Assembly, after consultation with the Executive Committee.

### INTRODUCTION OF BILLS

**Article 154** The Representatives of the National Assembly and the President of the Republic may introduce Bills. The Supreme Court of Justice and the Supreme Electoral Council may also do so in matters of their competence.

**Article 155** Bills presented by the President of the Republic, the Supreme Court of Justice and the Supreme Electoral Council in agreement with the preceding article will be sent directly to a Commission.

In case of emergency concerning Bills from the Executive, the President of the National Assembly will submit them immediately to the whole Assembly for discussion, if the Bill had been given to the Representatives 48 hours in advance.

### PROCEDURE AND DEBATE

**Article 156** The regulations and general statute of the National Assembly shall determine the procedure in regard to Bills and the method of conducting debates in the sessions.

### SANCTION, PROMULGATION AND PUBLICATION

**Article 157** Once a Bill is approved by the National Assembly, the final text, after discussions and revision, shall be written in three original documents. All three shall be signed by the president and the secretary of the National Assembly, with the date of the Bill's approval. One of the documents shall be filed in the National Assembly archives, the other two shall be sent to the President of the Republic for sanction, promulgation, and publication. The President will return one of them to the National Assembly to be filed. The length of time allowed for the sanction shall be fifteen days.

### VETO

**Article 158** The President of the Republic shall have the right to veto any Bill, rejecting it totally or partially, within fifteen days of the date of receipt.

**Article 159** If the President does not exercise the right to veto in the established period of time and does not promulgate the law, the President of the National Assembly shall promulgate the law and order its publication.

**Article 160** A Bill totally vetoed by the President of the Republic shall be brought back by the Secretary to the National Assembly to be debated in the plenary session. The President of the Republic, at the same time, shall state the reasons for his veto.

If the veto of the President is rejected by vote by 60% of

the attending representatives, the National Assembly shall sanction, promulgate and publish the law.

**Article 161** If the President of the Republic partially vetoes a Bill, and proposes reforms, suppressions or additions to it, the Bill shall be returned to the National Assembly by the Secretary, with an explanation of the reasons for such proposed changes.

In all cases, the Bill shall be sent to the President of the Republic for its sanction, promulgation and publication. If this is not done in fifteen days, the process established here shall be followed.

### CHAPTER III

#### EXECUTIVE POWER

##### EXERCISE

**Article 162** The executive power shall belong to the President of the Republic of Nicaragua. The President of the Republic is the Head of the State and the Commander in Chief of the Armed Forces.

##### THE VICE PRESIDENT OF THE REPUBLIC

**Article 163** The Vice President of the Republic shall perform the functions delegated to him by the President and shall replace the President if a temporary or definitive vacancy occurs in the Presidency.

##### ELECTION

**Article 164** The President and Vice President shall be elected by relative majority of votes, obtained by popular, direct and secret ballot.

##### QUALIFICATIONS

**Article 165** To be elected President or Vice President the following qualifications are required:

- a. to be a Nicaraguan national in full possession of all his/her rights
- b. to be over 25 years of age
- c. not be a member of a religious order

##### TERM

**Article 166** The presidential term will last six years from the date of inauguration, by oath or affirmation before the National Assembly.

SUBSTITUTION FOR TEMPORARY ABSENCE

**Article 167** If a temporary and simultaneous absence of the President and Vice President should occur, the President shall appoint one of the Ministers, according to regulations, to act in his place.

SUBSTITUTION FOR DEFINITIVE ABSENCE

**Article 168** If a definite absence of both the President and the Vice President of the Republic should occur, the National Assembly shall determine how to proceed.

PREROGATIVES OF THE PRESIDENT

**Article 169** The President of the Republic has the following attributions:

1. To enforce the Political Constitution and the laws.
2. To exercise the power of introduction of Bills as established in this Constitution.
3. To formulate executive orders considered as laws when they are:
  - a. of fiscal and administrative nature
  - b. related to international economic or political agreements, including those related to foreign debt.
  - c. for developing and approving the General Budget of the Republic.
4. To appoint Ministers as Delegates of the Government in all geographical jurisdictions included in the national territory.
5. To appoint the Mayor of the capital of the Nation.
6. To assume the legislative power that the National Assembly shall delegate during its period of recess.
7. To conduct the foreign relations of the Republic and sign international treaties and agreements.
8. To declare a state of emergency on occasions foreseen by this National Constitution. The state of emergency shall be ratified by the National Assembly within ninety days. In case of war such ratification is not necessary.
9. To appoint or to remove from office Ministers and Vice Ministers of the State, Presidents of Autonomous Entities and other officials whose appointment or dismissal is not otherwise determined by the Constitution or by law.
10. To appoint the Heads of the Diplomatic Missions.
11. To totally or partially regulate the laws, according to their context or purpose.
12. To sign agreements of national interest.
13. To declare war.
14. To establish by decree additional credits to the Budget and send it to the National Assembly for acceptance.

15. To award national Honors and Decorations.
16. To direct the Public Administration.
17. To propose slates of three candidates to the National Assembly for the election of Magistrates of the Supreme Court of Justice and of members of the Supreme Electoral Council.
18. To present information or special reports to the National Assembly, either personally or through the Vice President.
19. All other attributions noted in the Constitution or regulated by law.

**SECTION I**  
**MINISTERS OF THE STATE**

**FUNCTION**

**Article 170** In the exercise of his duties, the President of the Republic shall be advised by Ministers, Vice Ministers, Presidents of Autonomous Entities and other officials considered appropriate for the welfare of the public administration.

**QUALIFICATIONS**

**Article 171** To be a Minister, a Vice Minister or a President of an Autonomous Entity, the following qualifications are required:

- a. to be a Nicaraguan
- b. to be over 21 years old
- c. to have the full exercise of political and civil rights.

**RESPONSIBILITY**

**Article 172** Ministers are responsible for their actions, as stated in this Constitution and in the laws.

**NUMBER AND ORGANIZATION OF MINISTERIES**

**Article 173** The law shall determine the number of organization of the Ministries of State and Autonomous Entities, as well as their respective competences.

**DUTIES OF THE CIVIL SERVANTS**

**Article 174** Public and civil servants in the exercise of their functions must strictly fulfill their duties to the State. The use of State resources for purposes other than public functions is forbidden. All activities related to any political party cannot be carried out during working hours.

**SECTION II****GENERAL CONTROLLER OF THE REPUBLIC**

**Article 175** The duties of the Public Controller of the Republic are to audit, control and supervise the income, expenditures and national or connected goods, as well as all operations related to all the above.

**ORGANIZATION AND OPERATION**

**Article 176** The law shall determine the organization of the Office of the General Controller of the Republic.

**SECTION III****THE SANDINISTA ARMED FORCES****NATURE**

**Article 177** Because of its highly popular and democratic nature, the Sandinista Armed Forces are the strategic instrument of national defense and revolutionary achievements, of public security and for the preservation of inner stability. The People in Arms, as the basis of the Sandinista Armed Forces, guarantee the sovereignty and territorial integrity of the nation.

**Article 178** The Sandinista Armed Forces are strictly governed by this Constitution, by its constitutional laws and by all other military laws and regulations.

**Article 179** The Sandinista Armed Forces are the only armed body of the nation. The organization and operation of any other armed group is forbidden and shall be penalized by the laws of the Republic.

**STRUCTURE, COMMAND AND OPERATION**

**Article 180** The Sandinista Armed Forces have a national, patriotic and popular nature. The Law shall regulate its structure, command and operation.

The Sandinista Armed Forces are organized according to the principle of a single and vertical command that shall be exercised in accordance with the established hierarchical structure.

**CIVIL DEFENSE**

**Article 181** Civil defense shall be organized by the Sandinista Armed Forces with the active participation of the people. The Law shall regulate its actions and operations. Its main objective shall be to serve the population in case of war or natural disaster.

**SECTION IV**  
**STATE OF EMERGENCY**

**Article 182** The President of the Republic may declare a state of emergency for a limited or extended period of time in all or in part of the national territory. The decree must be ratified by the National Assembly within ninety days. In case of war such ratification is not necessary.

**REASONS FOR A STATE OF EMERGENCY**

**Article 183** The state of emergency may be declared:

1. If the nation were engaged in international war or in imminent danger of a foreign invasion.
2. If natural disasters occur, such as earthquakes, flooding, epidemics or any other public calamity.
3. If maintenance of peace or national security are in danger for any reason.

**GUARANTEES THAT CANNOT BE SUSPENDED**

**Article 184** The President of the Republic shall not have the power to suspend the Rights, Duties, and Guarantees established in the following articles of this Constitution:

59, 62, 63, 65, 67, 69, 70, 71, 72, 75, 76,  
82, 83, 85, 86, 88, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99,  
100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111,  
112, 113, 114, 115, 117, 118, 119, 120, 121, 122, 123, 124,  
125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136,  
137, 138, 139, 140, 141, and 142.

**CHAPTER IV**  
**JUDICIAL POWER**

**THE PEOPLE, SOURCE OF JUSTICE**

**Article 185** Justice emanates from the people and shall be enforced in their name and as their delegates by the Courts of Justice determined by Law.

**LEGALITY AND HUMAN RIGHTS GUARANTEE**

**Article 186** The administration of justice guarantees the principle of legality and protects and guards all human rights through the enforcement of the Law in matters within its competence.

**JUDICIAL POWER**

**Article 187** The judicial power is represented by the Supreme Court of Justice and other agencies established by Law.

**SUPREME COURT OF JUSTICE**

**Article 188** The Supreme Court of Justice is the highest Court of the Republic and holds the representation of the Judicial Power.

**POPULAR PARTICIPATION**

**Article 189** The administration of justice shall be organized and shall operate with popular participation. Appropriate laws shall determine such participation.

**CHARACTERISTICS OF THE COURTS OF JUSTICE**

**Article 190** The Courts of Justice shall be formed by three or more members in accordance with the law, which shall also determine the qualifications of their members.

**TERM OF SERVICE**

**Article 191** The term of service for the Magistrates of the Supreme Court of Justice shall be the same period of time determined for the members of the National Assembly. The law shall decide the length of term of service for members of all other Courts.

**DISMISSAL**

**Article 192** The members of the Supreme Court of Justice may only be dismissed during their term of service by a just cause duly proven.

**ELECTION OF MAGISTRATES**

**Article 193** The National Assembly shall elect the members of the Supreme Court of Justice from slates of three candidates presented by the President of the Republic.

**SPECIAL LAWS**

**Article 194** The organic law of the Courts of Justice shall rule in any matter not included in this Constitution and pertaining to the Judicial Power.



PRINCIPLE OF INDEPENDENCE

**Article 195** The Judicial Power is independent from any other power of the State.

UNITY AND EXCLUSIVENESS

**Article 196** The Courts of Justice form a unitary system where the Supreme Court of Justice is the highest organism. The exercise of jurisdiction belongs exclusively to the Courts, excepting what the law regulates in military and agricultural matters and in matters related to maintaining the security of the State.

The Supreme Court of Justice shall be notified, by means determined by law, of any official appeal against a decision of the Court.

JUDICIAL PROFESSION

**Article 197** The Judicial profession is established according to the law on the matter.

SPECIAL SECTION  
CONSTITUTIONAL CONTROL

APPEAL DUE TO UNCONSTITUTIONALITY

**Article 198** The appeal because of unconstitutionality is established against any law, act or regulation that is contrary to what is prescribed by the Constitution.

COMPETENT BODY

**Article 199** The Supreme Court of Justice is the competent body to deal with appeals because of unconstitutionality.

A corresponding law will determine how to proceed.

PERSONS WHO CAN LEGALLY FILE AN APPEAL

**Article 200** An appeal because of unconstitutionality may be legally filed by:

- a. The President of the Republic
- b. The President of the Supreme Electoral Council in matters of his competence.
- c. Forty nine representatives in the National Assembly
- d. The signatures of thirty thousand citizens duly verified according to law.

INDIVIDUAL APPEAL

**Article 201** The individual appeal is established against any disposition, action, or resolution, and in general against any action or omission of any official, authority, or any of their agents, that violate or show intent to violate the rights and guarantees asserted in the Constitution. The corresponding law will determine how to proceed.

CHAPTER V  
ELECTORAL POWER

ELECTORAL POWER

**Article 202** The organization, management and control of all actions related to voting are within the exclusive competence of the Supreme Electoral Council.

COMPOSITION

**Article 203** The Supreme Electoral Council shall be formed by five members and their respective substitutes, elected by the National Assembly from slates of three candidates proposed by the President of the Republic.

QUALIFICATIONS

**Article 204** To be a member of the Electoral Council the following qualifications are required:

- a. to be a native of Nicaragua
- b. to be over 25 years of age
- c. not to be a member of a religious order
- d. to have full exercise of political and citizen rights

ATTRIBUTIONS

**Article 205** The attributions of the Supreme Electoral Council are:

- a. to initiate the electoral process
- b. to appoint the members of all electoral bodies according to the electoral law.
- c. to enforce constitutional and legal dispositions related to the electoral law.
- d. to know the outcome of the resolutions adopted by subordinate electoral bodies.
- e. to institute the necessary measures so that, according to law, the electoral process may be developed with full guarantees.
- f. to be in charge of the final count of votes in the presidential and vice presidential elections, and in the elections of representatives to the National Assembly and other authorities
- g. to give the final results of the election of the President and Vice President of the Republic, and of the Representatives to the National Assembly and other authorities in the period of time determined by law.
- h. to issue its own by-laws.
- i. all other functions indicated by law.

TERM OF SERVICE

**Article 206** The members of the Electoral Council shall serve for a term of six years.

TITLE VIII  
POLITICAL ADMINISTRATIVE DIVISION OF THE NATION

CHAPTER I

CRITERIA OF TERRITORIAL DIVISION

**Article 207** For administrative purposes, the national territory shall be divided into several geographic circumscriptions. The following criteria will be adopted:

- a. strategic location from the point of view of national defense and economy;
- b. dedication to culture and production;
- c. population density;
- d. historical tradition;
- e. special circumstances.

The law of the matter shall determine the number of circumscriptions and their organization, structure, and operation.

MUNICIPALITY

**Article 208** The municipality, considered as the basic unit of the political administrative division of the nation, shall be organized according to what is established by law. The government and administration of municipalities shall be the responsibility of local authority with autonomy, but in cooperation with the central government. The law shall regulate how the election of local authority must proceed.

INTEGRAL DEVELOPMENT

**Article 209** The State guarantees the establishment of integral development among the different areas of the Nicaraguan Territory.

CHAPTER II

AUTONOMY OF NATIVE PEOPLES AND COMMUNITIES  
IN THE ATLANTIC COAST

**Article 210** Native peoples and communities of the Atlantic coast of Nicaragua have the right to preserve and develop their cultural traditions, their historical and religious heritage; the right of free use and development of their

languages; the right to organize their social and productive activities according to their values and traditions. The culture and traditions of native peoples and communities of the Atlantic coast are part of the national culture.

**TITLE IX**  
**SOLE CHAPTER**  
**CONSTITUTIONAL REFORM**

**TO INITIATE REFORM**

**Article 211** The National Assembly may partially reform this Constitution at the request of the President of the Republic, or at the request of forty Representatives to the National Assembly, or by a petition with forty thousand signatures duly verified.

**PROCEEDINGS**

**Article 212** The proceedings shall be the following:

- a. The reform proposal must contain the text of the articles to be reformed and a rationale of the motives on which the proposal is based.
- b. The proposal shall be sent to a special commission appointed by the president of the National Assembly.
- c. The commission shall adopt a resolution within sixty days.
- d. After presenting the resolution, discussion of same will be held following the established procedures for the adoption of laws. A constitutional reform must be approved by 60% of the whole membership of the National Assembly.

**VETO**

**Article 213** The President of the Republic may use the right to veto as established in the Constitution.

**ARTICLE THAT MAY BE CONSIDERED FOR REFORM**

**Article 214** No constitutional reform may be considered in matters related to the popular nature of the Revolution, to democracy, to the National defense, to anti-imperialism, to non-alignment, to anti-interventionism, and to Latinamericanism.

**TITLE X**  
**SOLE CHAPTER**  
**FINAL AND TRANSITORY DISPOSITIONS**

**VALIDITY**

**Article 215** The Fundamental Statute and the Statute of Rights and Guarantees shall be in effect until this

Constitution is adopted and promulgated. Then where it says "Council of State" it shall be read "National Assembly" and where it says "Commission for National Reconstruction" it shall be read "President of the Republic" in all the laws of the Republic.

#### EXECUTIVE ORDER

**Article 216** All executive orders issued by the Commission for National Reconstruction and by the Government of the Republic since July 19, 1979, are recognized as valid and effective.

#### PUBLICATION OF THE CONSTITUTION

**Article 217** This constitution shall be published and widely distributed in the official language. It will also be translated into the ethnic languages of the Atlantic coast for its distribution there.

#### BODY OF LAWS

**Article 218** Pending its modification or repeal, the existing body of laws shall be maintained, as long as it is not contrary to the Constitution.

#### ORGANIZATION OF THE JUDICIAL POWER

**Article 219** The present structure and organization of the Judicial Power shall be maintained so long as a law for a new organization is not enacted.

#### PRESENT POLITICAL AND ADMINISTRATIVE DIVISION OF THE NATION

**Article 220** The existing political and administrative division of the National Territory shall remain until a law on the matter be enacted.

#### MANUSCRIPTS

**Article 221** Four manuscripts of this Constitution shall be signed by the President of the National Assembly, by Representatives of the National Assembly, by the President of the Republic, and by a Nicaraguan mother on behalf of the mothers of the heroes and martyrs of the nation. Each one of the four manuscripts shall be respectively kept in: the Presidency of the National Assembly, the Presidency of the Republic, the Presidency of the Supreme Court, and the Presidency of the Electoral Council. Each manuscript shall be considered to be the original text of the political Constitution of Nicaragua. The President of the Republic shall have it published in "La Gaceta", the official newspaper.

This draft of the Political Constitution has been presented

by the Special Constitutional Commission to the Plenary  
Session of the National Assembly in February 21, 1986.

SPECIAL CONSTITUTIONAL COMMISSION

(SIGNATURES OF ALL COMMISSION MEMBERS)