THE WILTOGIAN CONSTITUTION

THE FULL OF CONSTITUTION OF THE NATION OF WILTOGO

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**Preamble Foundation of the State:**
We, the people of Wiltogo, pursuing the goals spelled out in this Constitution, work for the good, peace of the world, and values of life in order to form a more perfect unified nation.

**CHAPTER I STATE DEFINITION:**

**Article 1 State People (Citizenship)**

Citizens of Wiltogo are all humans who are born on Wiltogo, or go through the process of citizenship and became a citizen. One is not a citizen till fully recognized by the King. Citizens of Wiltogo will maintain their current country citizenship as well.

**Article 2 State Form**
This State is a secular, sovereign, and a constitutional monarchy. All entities of the State must yield to these principles.
This Constitution is the supreme law of the land; it is directly binding on all State authority. The general rules of public international law constitute an integral, inviolable part of the national law.

**Article 3 State Symbols, Capital**
1. Wiltogian and English are the official languages of the State. However, any culture that comes to the island that speaks a language other than English or Wiltogian has the equal opportunity to have their language be the official language of the state.
2. The national anthem, state flag , seal, and coat of arms of Wiltogo are the traditional ones.
(2) The State Motto is "Fellowship, Peace, Happiness."
(3) The capital of the State is Togo.

**CHAPTER II STATE OBJECTIVES**

**Article 4 General Constitutional Objectives**
(1) The State promotes justice and universal protection of human rights as individual rights. The State encourages fraternity among its citizens by establishing solidarity, general welfare, and national unity.
(2) The State acknowledges the right of the People to national autonomy and self-determination, and the right of minorities to group autonomy.
(3) The State promotes:
(a) well-being of the people;
(b) education and schooling;
(c) foreign aid/assistance abroad;
(d) preservation and development of culture;
(e) preservation and maintenance of historical objects;
(f) environmental protection, intergenerational equity, and the protection of nature for its intrinsic value including the protection of nature's right;
(g) natural and social sciences.

**Article 5 State Security**
(1) The State promotes worldwide peace. Acts undertaken to prepare war or to otherwise disturb the peaceful relations
between nations are unconstitutional.
(2) The State takes adequate measures to preserve its integrity even in the state of war or civil war.
(3) The State protects the People against terrorism, extremism, and catastrophes.

**CHAPTER III STATE ORGANIZATION**

**Part I General Organization**

**Article 6 Elections**
(1) Absent of special provisions, elections are universal, direct, free, equal, and secret.
(2) Elections are always free and equal.
(3) Elections are always secret if a person eligible to vote or be elected so demands.
(4) Elected representatives are only bound by their conscience. They are servants of all, not only of their constituents.

**Article 7 Organizational Principles**
(1) Government is split into three branches – The Crown and Advisors, The Legislature, and the Judiciary.

**Article 8 National Powers**
(1) State powers belong to the national entities for the following subject matters:
a) state defense,
b) foreign relations,
c) economic regulations,
d) infrastructure and traffic,
e) taxation,
f) solidarity systems,
g) private, criminal, and procedural law,
h) educational and other standards,
i) and all other subject matters which by their very nature or as a corollary to the subjects listed have to be centralized on the national level.
(2) The State may give up sovereign powers to international or supranational bodies, including systems of mutual collective security and trade organizations, as long as it retains an adequate representation in those bodies and those bodies guarantee sufficient legal protection for the Citizens.

**Part II Representation of the State**

**Article 9 The Crown**

(1) The King and Queen are the head of state. They have the right of pardon, to conduct foreign affairs, and to all other representative functions of the State.
(2) The King and Queen are hereditary.
(3) Before taking office, The King and Queen take the following Oath or Affirmation: "I do solemnly swear (or affirm) that I will faithfully execute this office, honoring and protecting the Constitution of the State."
(5) The King and Queen shall not be held accountable for actions performed in the exercise of his office except in the case of high treason, may be indicted only by the National Parliament, and shall be tried only by the High Court.

**Part III Executive Power**

**Article 10 National Government, President**

(1) The executive power of the State is vested in the national Government. It includes diplomatic affairs.
(2) The King and Queen are the head of the National Government. The King and Queen freely choose the National Advisors.
(3) The King is Commander in Chief of the Armed Forces.
(4) The King is allowed to enact one law without the consent of parliament. However, the High Court must see that the law is constitutional.

**Article 11 Impeachment**
An impeachment of the King by the National Parliament takes the form of an election for the new King.

**Article 12 Regional Equalization of Finances**
The State provides for an overall equalization of finances, giving due consideration to the regions' repective debts, burdens, economic power, and infrastructural responsibilities.

**Part IV Legislative Power**

**Article 13 National Parliament**
(1) The legislative power is vested in the National Parliament.
(2) The National Parliament consists of one member from each household. Their office ends after a five-year term or when they lose their electoral rights.
(3) Everyone eligible to vote has recourse to the High Court for scrutiny of the elections.
(4) The national parliament draws up its own rules of procedures.
(5) Decisions of the National Parliament require a majority of the votes cast (simple majority).

**Article 14 Rights of Members of Parliament**
(1) Members of Parliament are only bound by their conscience.
(2) Members of Parliament may not be subjected to court proceedings or disciplinary action for a vote cast or a statement made by them in the National Parliament or in any of its committees (Indemnity).
(3) Members of Parliament may not be called to account or be arrested except by permission of the National Parliament (Immunity).
(4) Members of Parliament are entitled to adequate remuneration ensuring their independence. The remuneration may not be altered for the present term.

**Article 15 Lawmaking Process**
(1) Bills can be introduced only by the Members of Parliament or by one percent of the citizens (Public Initiative). Bills can specify the additional requirement of a public referendum after they have been voted upon.
(2) The King’s Advising Council has to be informed immediately of any bill introduced. Members of the Advising Council have the right to be heard during sessions according to the same rules as govern the participation of Members of Parliament.
(3) Laws altering this Constitution require two thirds of the votes cast (qualified majority), at least the votes of a majority of the Members of Parliament (absolute majority) All laws are void if they are unconstitutional.
(4) Laws have to specify their effective date. They are countersigned without scrutiny by the King and publicized in the Official National Publication.
(5) Bills can be submitted to a referendum if provided by parliamentary decision or as part of the initiative.

**Article 16 Budget**
(1) The bill for the yearly budget law is introduced by the King.
(2) Budget laws are not subjected to referendums.

**Article 17 Treaties**
(1) The King signs treaties with other states.
(2) The legislative power of the National Parliament includes the power to ratify treaties with other states.
(3) Treaties not ratified within six months have to be revoked by the King.

**Article 18 National Ordinances**
(1) Laws may empower National Ministers to adopt National Ordinances regarding a specified subject matter.
(2) National Ordinances do not require ratification by Parliament.

**Article 19 State of Emergency**
(1) In cases of grave and immediate threat to the existence of the State, the King/Queen may take necessary measures of defence.
(2) All emergency measures must be confirmed or revoked by the Parliament at the earliest time possible. The King is not bound by the Parliaments' decisions. However if the High Court see’s the King’s Actions as unconstitutional the king is then bound by Parliament’s decisions.

**Article 20 Ombudsman**
The parliamentary Ombudsman safeguards fundamental rights and liberties and controls the compliance of all state powers with the provisions of this Constitution.

**Part V Adjudicative Power**

**Article 21 High Court**
(1) The High Court decides issues involving this Constitution. In particular, the High Court has jurisdiction over:
a) disputes between state entities concerning their respective rights and duties under this Constitution;
b) challenges of a national or regional entity, a Court in the course of its determination, or a third of the Members of Parliament against the constitutionality of a law;
c) claims of individuals regarding violations of their constitutional rights;
d) popular complaints about the violation of fundamental rights;
e) challenges of an act of a state power by the Ombudsman;
f) cases on appeal from National Courts as the High Court deems necessary to review;
g) all other cases assigned to its jurisdiction by law.
(2) Decisions of the High Court are directly binding for all entities of the State.
(3) The office of High Court Justices does not exceed a period of 15 years.

**Article 22 National Courts**
(1) National courts have supreme jurisdiction over review and other matters assigned to it by law.
(2) Separate national courts shall be established for private law, penal law, and general public law.
(3) The High Court decides by extraordinary review in cases of inconsistent application of the law by different national courts.

**Chapter IV Fundamental Rights**

**Part I General Provisions**

**Article 23 Human Rights**
(1) The State acknowledges liberty and equality of all humans.
(2) Human dignity must be respected in any case.
(3) Everyone is free to do or not to do whatever he or she chooses unless there is a law against that action. Everyone is responsible for acts freely chosen.
(4) Slavery is abolished.

**Article 24 Applicability**
(1) Fundamental rights apply to natural persons, domestic and foreign, who are assigned these rights. They apply to legal persons, domestic and foreign, where, and to the extent that, the nature of the rights permits.
(2) Fundamental rights are inviolable and inalienable. They include the freedom not to make use of them (negative
freedom). Their exercise may, in single instances, be waved by free and responsible declaration of the rightholder, but such declaration is never binding for future instances.

**Part II Liberties and Property**

**Section I Integrity**

**Article 25 Personal Integrity**
(1) Everyone has the right to life and bodily integrity.
(2) Everyone has the right to remain free (personal freedom).
(3) All citizens are free to reside anywhere in, move throughout, enter, and leave the Territory.
(4) Capital and corporal punishment are abolished.
(5) Torture is prohibited.

**Article 26 Property Integrity and Related Rights**
(1) Everyone has the right to acquire, own, possess, exclusively use, and convey private property.
(2) Property may not be taken without due compensation.

**Article 27 Right to Testify and Inherit**
Everyone has the right to testify and inherit.

**Section II Religious Freedom**

**Article 29 Freedom of Religion and Belief**
(1) Everyone has the right to choose and practice his or her religion, creed, conscience, faith, confession, and belief.
(2) Everyone can refuse to give religious instructions.
(3) Everyone can, on the basis of conscience, refuse to serve in armed forces.

**SECTION III FREEDOM OF COMMUNICATION**

**Article 30 Freedom of Expression and Information**
(1) Everyone has the right to freely express and disseminate his or her opinions.
(2) The Freedom of the press and other media is guaranteed.
(3) Everyone has the right to freely retrieve information from publicly available sources.
(4) Censorship is abolished.

**Article 31 Right to Assemble and Associate**
(1) Everyone has the right to peacefully assemble.
(2) Everyone has the right to associate with others.
(3) Every adult has the right to marry one partner.

**Article 32 Right to Privacy**
(1) Everyone has the right to privacy.
(2) The home is inviolable.
(3) The privacy of letters as well as the secrecy of mail and telecommunication are inviolable.

**Section IV Freedom of Profession and Activities**

**Article 33 Freedom of Profession**
(1) All citizens have the right to freely choose their occupation, their place of work, and their place of study or training.
(2) There is no duty to work. Forced labor is prohibited.

**Article 34 Freedom of Research, Science, and Teaching**
(1) Everyone has the right to research and conduct science.
(2) Everyone has the right to perform arts.
(3) Everyone has the right to teach and to found private schools.

**Section V Political Rights**

**Article 35 Electoral Rights**
(1) All resident adults have the equal right to vote and to be elected. In national elections, only citizens have this right.
(2) There is no compulsory voting.
(3) Anyone who has attained the age of eighteen years is an adult.

**Article 36 Right to Petition**
Everyone has the right to address written petitions to the competent agencies, to governments, and to parliaments.

**Article 37 Freedom of Citizenship**
(1) Citizens can at any time give up their citizenship.
(2) Citizens may at no time be forced to give up their citizenship unless justified by the King and the High Court.

**Article 38 Right to Self-Determination**
(1) Everyone has the right to collective self-determination including the right to decide about membership in regional or local entities. The State guarantees these rights through adequate powers of decentralized regional and local governments.

**SECTION VI OTHER LIBERTIES**

**Article 39 Freedom of Procreation and Childrearing**
(1) Everyone has the right to procreation.
(2) Parents have the right to bringing up and educating their children. They have the right to decide about their children's participation in religious instructions.

**Part III Equality**

**Article 40 Equality**
(1) All humans are equal before the law (general equality).
(2) Matrimonial equality and legitimacy equality are guaranteed.
(3) All citizens are equally eligible for public office according to their professional aptitude.

**Article 41 Prohibition of Discrimination and Privileges**
(1) No person may be discriminated against or privileged on the basis of sex, gender, origin, race, language, origin, parentage, creed, or faith
(2) Measures for the advancement of persons are admissible to remedy past discrimination (affirmative action).

**Part IV Right to Protection**

**Article 42 Special Protection**
(1) Protection of human dignity is a duty of the State.
(2) The institution of marriage has the special protection of the State.
(3) Families, mothers, and minors have the special protection of the State.
(4) Everyone persecuted on political grounds has the right to asylum.

**Part V Welfare Right**

**Article 43 Special Support**
(1) Everyone has the right to lifelihood, shelter, and education.

**Part VI Procedural Rights**

**Article 44 Access to courts**
(1) Everyone has free recourse to the courts.
(2) Everyone has the right to a constitutional judge. Extraordinary courts are not allowed.
(3) Persons and groups have recourse to the court acting for other rightholders not being in a position to seek relief in their own name (third party standing).

**Article 45 Fair Trial**
(1) Everyone has the right to a fair trial. Evidence obtained illegally is inadmissible. Everyone has the right of access to all state information required for the exercise or protection of any of his or her rights (file access).
(2) Everyone has the right to trial by jury.
(3) No one may be deprived of life, liberty, or property without due process of law.
(4) No law shall be passed stipulating regulations of the past without due compensation for all losses (ex post facto law).

**Article 46 Criminal Justice**
(1) No act may be punished unless it constituted a criminal offence under the law before having been committed (nulla poena sine lege). No one may be punished for the same act more than once (double jeopardy).
(2) Only judges may indict or subpoena persons or issue warrants for arrest, search, or seizure.
(3) Everyone accused or arrested enjoys the right
(a) to a speedy and public trial,
(b) to be presumed innocent until proven guilty,
(c) not to be a witness against himself,
(d) promptly to be informed about the reason of accusation or detention and about the right to be silent (Miranda rights),
(e) to counsel for defence,
(f) to communicate with next-of-kin, partner, and legal, medical, and religious counsellor,
(g) to be released no later than 24 hours after the arrest if not further detended after court hearing, and
(h) to redress in case of false imprisonment.

**Article 47 Prohibition of Extradition**
No citizen may be extradited to a foreign country.

**Chapter V Individual Restrictions**

**Part I General Provisions**

**Article 48 Admissible Restrictions**
(1) The State can apply restrictions on individual rights only for the purpose of protecting individual rights of other persons or furthering other state interests explicitly mentioned in this Constitution (constitutional interest).
(2) Any restriction on individual rights must be competent and narrowly tailored to further the constitutional interest. Such restriction must be an adequate means to achieve the purpose of furthering the constitutional interest. In no case may the essence of a fundamental right be infringed.
(3) Any restriction must apply generally and not solely to an individual case.

**Article 49 Special Restrictions**
(1) Possession and use of drugs resulting in strong and imminent danger for the general public is prohibited.
(2) Possession and use of firearms and other weapons without a permit is prohibited.

**Part II Duties**

**Article 50 General Duties**
(1) Parents have the duty to rear and educate their minor children.
(2) Adults have the duty to support and assist their parents if they are in need.
(3) Parents and children have the duty to ensure that minors attend public schools or equivalent institutions (compulsory schooling). Vocational schools and certified private schools are equivalent to public schools.

**Article 51 Civil Service**
(1) Every citizen of age serves one year doing foreign mission work.
(2) Whoever is unable to serve is liable to compensate the community.

**Part III Burdens**

**Article 52 Taxation**
(1) The State levies taxes from the citizens.
(2) The State levies taxes throughout the Territory.

**Part IV State Monopolies**

**Article 53 Monopolies on objects**
No one but the State may own heavy weapons or ultra-hazardous material.

**Article 54 Monopolies on activities**
(1) No one but the State may coin or print money.
(2) The State retains the monopoly on mail and telecommunication networks.

**Part V Forfeiture of Fundamental Rights**

**Article 55 Forfeiture of Rights**
(1) Persons and political parties who abuse fundamental rights in order to combat the free democratic basic order forfeit these rights.
(2) Such forfeiture and the extent thereof is determined by the High Court.

**Article 56 Deprivation of Electoral Rights**
By final court order, the right to vote and to be elected can, partially or at large, temporarily or unlimited, be suspended if an adult
a) has not the requisite mental capacity for any legal responsibility or
b) has irrevocably been sentenced to at least one year of imprisonment.