

## **USTAVA CESKE REPUBLIKY**

<http://www.psp.cz/cgi-bin/ascii/docs/laws/constitution.html>

### **CONSTITUTION OF THE CZECH REPUBLIC**

Constitutional Act No. 1/1993 Coll. of the Czech National Council of 16th December 1992 as amended by Acts No. 347/1997 Coll., 300/2000 Coll., 448/2001 Coll., 395/2001 Coll. and 515/2002 Coll.

#### **PREAMBLE**

We, the citizens of the Czech Republic in Bohemia, Moravia and Silesia, at this time of the reconstitution of an independent Czech State, true to all the sound traditions of the ancient statehood of the Lands of the Crown of Bohemia as well as of Czechoslovak statehood, resolved to build, protect and advance the Czech Republic in the spirit of the inalienable values of human dignity and freedom as the home of equal and free citizens

who are aware of their obligations towards others and of their responsibility to the community, as a free and democratic State founded on respect for human rights and on the precept of a community of citizens, as a member of the family of democratic nations of Europe and the world, resolved to protect and develop their natural, cultural, material and spiritual heritage, resolved to heed all the well-proven tenets of law-abiding state, have adopted through our freely elected representatives this Constitution of the Czech Republic.

#### **Chapter one**

#### **Fundamental Provisions**

##### **Article 1**

(1) The Czech Republic is a sovereign, unitary and democratic, law-abiding State, based on respect for the rights and freedoms of man and citizen.

(2) The Czech Republic shall observe its obligations under international law.

##### **Article 2**

(1) The people are the source of all power in the State; they exercise it through bodies of legislative, executive and judiciary power.

(2) A Constitutional Act may define when the people exercise state power directly.

(3) State power shall serve all citizens and may be applied only in cases, within limits and by methods defined by law.

(4) Everybody may do what is not prohibited by law and nobody may be forced to do what the law does not instruct him to do.

##### **Article 3**

An integral component of the constitutional system of the Czech Republic is the Charter of Fundamental Rights and Freedoms<sup>1</sup>.

##### **Article 4**

The fundamental rights and freedoms shall be protected by the judiciary power.

##### **Article 5**

The political system is based on free and voluntary formation of and free competition between political parties respecting the basic democratic precepts and rejecting violence as a means of asserting their interests.

##### **Article 6**

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<sup>1</sup> "Charter of the Fundamental Rights and Freedoms" <http://www.psp.cz/en/docs/laws/charter.html>  
"Listina zakladnych prav a svobod" <http://www.psp.cz/cgi-bin/ascii/docs/laws/charter.html>

Political decisions shall proceed from the will of the majority, expressed by free vote.  
Majority decisions shall respect protection of minorities.

**Article 7**

The State shall attend to a prudent utilization of natural resources and to protection of national wealth.

**Article 8**

Self-government of territorial self-governing units is guaranteed.

**Article 9**

- (1) The Constitution may be supplemented or amended only by Constitutional Acts.
- (2) The substantive requisites of the democratic, law-abiding State may not be amended.
- (3) Interpretation of legal rules may not be used as authorization to eliminate or imperil the foundations of the democratic State.

**Article 10**

Promulgated international agreements, the ratification of which has been approved by the Parliament and which are binding on the Czech Republic, shall constitute a part of the legal order; should an international agreement make provision contrary to a law, the international agreement shall be applied.

**Article 10a**

- (1) An international agreement may provide for a transfer of certain powers of bodies of the Czech Republic to an international organization or institution.
- (2) An approval of the Parliament is required to ratify an international agreement stipulated in Subsection 1 unless a constitutional law requires an approval from a referendum.

**Article 10b**

- (1) The Government shall inform the Parliament regularly and in advance on issues related to obligations arising for the Czech Republic from its membership in an international organization or institution stipulated in Section 10a.
- (2) The Chambers of Parliament express their opinions on the decisions of such an international organization or institution in a form provided for by their rules of procedure.
- (3) An Act on the principles of conduct and relations between both Chambers and in their external relations, may entrust the exercise of the competence of the Chambers under Subsection 2 to a joint body of the Chambers.

**Article 11**

The territory of the Czech Republic constitutes an indivisible entity the state frontiers whereof may be changed only by a Constitutional Act.

**Article 12**

- (1) Acquisition and loss of citizenship of the Czech Republic shall be governed by law.
- (2) Nobody may be deprived of his or her citizenship against his or her will.

**Article 13**

The capital of the Czech Republic shall be the city of Prague.

**Article 14**

- (1) The national symbols of the Czech Republic shall be the large and the small state coat-of-arms, the national colours, the national flag, the standard of the President of the Republic, the state seal and the national anthem.
- (2) The national symbols and their use shall be defined by law.

**Chapter two**

**Legislative Power**

**Article 15**

- (1) Legislative power in the Czech Republic shall be vested in the Parliament.
- (2) The Parliament shall have two chambers which shall be the Chamber of Deputies and the Senate.

**Article 16**

(1) The Chamber of Deputies shall have 200 Deputies who shall be elected for a term of four years.

(2) The Senate shall have 81 Senators who shall be elected for a term of six years. One third of the Senators shall be elected every two years.

#### **Article 17**

(1) Elections to both chambers shall be held within a term beginning on the thirtieth day prior to the expiration of the electoral term and ending on the day of its expiration.

(2) If the Chamber of Deputies is dissolved, the elections shall be held within sixty days of its dissolution.

#### **Article 18**

(1) Elections to the Chamber of Deputies shall be held by secret ballot on the basis of universal, equal and direct suffrage and under the principles of proportional representation.

(2) Elections to the Senate shall be held by secret ballot on the basis of universal, equal and direct suffrage and under the principles of the majority system.

(3) Every citizen of the Czech Republic who has attained the age of eighteen years shall have the right to vote.

#### **Article 19**

(1) Every citizen of the Czech Republic who has the right to vote and who has attained the age of twenty-one years may be elected to the Chamber of Deputies.

(2) Every citizen of the Czech Republic who has the right to vote and who has attained the age of forty years may be elected to the Senate.

(3) The mandate of a Deputy or a Senator shall be established on his or her election.

#### **Article 20**

Other conditions of the exercise of the right to vote, the organization of elections and the scope of judicial review shall be set by law.

#### **Article 21**

Nobody may be at the same time member of both chambers of the Parliament.

#### **Article 22**

(1) The office of Deputy or Senator shall be incompatible with the exercise of the office of the President of the Republic, of a judge or of other offices specified by law.

(2) On the day when a Deputy or Senator assumes the office of President of the Republic or on the day when he or she assumes the office of judge or another office incompatible with the office of Deputy or Senator, his or her mandate as Deputy or Senator shall cease.

#### **Article 23**

(1) A Deputy shall take an oath of office at the first meeting of the Chamber of Deputies he or she attends.

(2) A Senator shall take an oath of office at the first meeting of the Senate he or she attends.

(3) The oath of office of Deputies and Senators shall read: "I hereby swear my allegiance to the Czech Republic. I swear to uphold its Constitution and its laws. I swear on my honour that I shall discharge my office in the interest of all the people and according to my best consciousness and conscience."

#### **Article 24**

A Deputy or a Senator may resign from his or her office by a statement made personally at a meeting of the chamber the member whereof he or she is. If serious circumstances prevent him or her from doing so, he or she may so act in a manner specified by law.

#### **Article 25**

The office of a Deputy or a Senator shall be terminated by

- a) refusal to take the oath of office or by taking the oath with reservation,
- b) expiration of the electoral term,
- c) resignation from office,
- d) loss of eligibility,

- e) dissolution of the Chamber of Deputies in the case of Deputies,
- f) emergence of incompatibility of office under Article 22.

**Article 26**

Deputies and Senators shall exercise their office in person and in conformity with the oath they have taken and in doing so they shall not be bound by any instructions.

**Article 27**

(1) No Deputy or Senator may be disciplined for his or her voting in the Chamber of Deputies or in the Senate, or in their bodies.

(2) No Deputy or Senator may be criminally prosecuted for statements made in the Chamber of Deputies or in the Senate, or in their bodies. A Deputy or a Senator shall be subject only to the disciplinary jurisdiction of the chamber of which he or she is member.

(3) A Deputy or a Senator who has committed a transgression shall be subject only to the disciplinary jurisdiction of the chamber of which he or she is member, unless the law provides differently.

(4) No Deputy or Senator may be criminally prosecuted without the consent of the chamber of which he or she is member. If the respective chamber denies its consent, criminal prosecution shall be excluded forever.

(5) A Deputy or a Senator may be detained only if he or she has been apprehended when committing a criminal offence or immediately thereafter. The competent agency shall immediately report the detention to the chairman of the chamber of which the detainee is member; if the chairman of the respective chamber does not consent within twenty-four hours of the detention to the surrender of the detainee to a court, the competent agency shall release him or her. At its first subsequent meeting the respective chamber shall decide with final validity on the admissibility of the prosecution.

**Article 28**

A Deputy and a Senator may refuse giving evidence on facts of which he or she may have learned while performing his or her office even after he or she has ceased being a Deputy or a Senator.

**Article 29**

(1) The Chamber of Deputies shall elect and recall the Chairman and the Vice-Chairmen of the Chamber of Deputies.

(2) The Senate shall elect and recall the Chairman and the Vice-Chairmen of the Senate.

**Article 30**

(1) In order to investigate a matter of public concern, the Chamber of Deputies may establish an investigation commission if not less than one fifth of the Deputies so move.

(2) The proceedings before the commission shall be governed by law.

**Article 31**

(1) The chambers shall establish as their bodies committees and commissions.

(2) The work of the committees and commissions shall be governed by law.

**Article 32**

A Deputy or a Senator who is a member of the Government may not be the Chairman or Vice-Chairman of the Chamber of Deputies or of the Senate, or a member of a parliamentary committee, an investigation commission or commission.

**Article 33**

(1) If the Chamber of Deputies is dissolved, the Senate shall adopt legal measures regarding matters which cannot be delayed and which would otherwise require the enactment of a law.

(2) However, the Senate may not adopt legal measures regarding the Constitution, the State Budget, the final state budgetary account, the electoral law and international treaties under Article 10.

(3) A legal measure may be proposed to the Senate for adoption only by the Government.

(4) A legal measure adopted by the Senate shall be signed by the Chairman of the Senate, the

President of the Republic and the Prime Minister.

(5) A legal measure of the Senate shall have to be approved by the Chamber of Deputies at its first meeting. If the Chamber of Deputies does not approve it, its continued validity shall cease.

#### **Article 34**

(1) Both chambers shall be in session permanently. Sessions of the Chamber of Deputies shall be convened by the President of the Republic so that a session opens not later than on the thirtieth day following election day; if the President fails to do so, the Chamber of Deputies shall meet on the thirtieth day after election day.

(2) The session of a chamber may be recessed by resolution. The total period for which the session may be recessed may not exceed one hundred and twenty days in a year.

(3) When a session is in recess, the Chairman of the Chamber of Deputies or of the Senate may convene the chamber prior to the set term of recess. He or she shall do so always when so requested by the President of the Republic, the Government or by at least one fifth of the members of the respective chamber.

(4) The session of the Chamber of Deputies shall end on the expiration of its electoral term or by its dissolution.

#### **Article 35**

(1) The Chamber of Deputies may be dissolved by the President of the Republic, if

a) the Chamber of Deputies fails to vote confidence in a newly appointed Government the Prime Minister whereof was appointed by the President on the proposal of the Chairman of the Chamber of Deputies,

b) the Chamber of Deputies has not decided on a Government Bill the consideration whereof the Government tied to the question of confidence,

c) the session of the Chamber of Deputies has been recessed for a longer than admissible term,

d) the Chamber of Deputies has not had a quorum for a period longer than three months although its session was not recessed and although during the said period it had been repeatedly convened to meet.

(2) The Chamber of Deputies may not be dissolved three months prior to the end of its electoral term.

#### **Article 36**

Meetings of both chambers shall be public. The public may be excluded only under conditions defined by law.

#### **Article 37**

(1) Joint meetings of both chambers shall be convened by the Chairman of the Chamber of Deputies.

(2) Deliberations of joint meetings of both chambers shall be governed by the Rules of Procedure of the Chamber of Deputies.

#### **Article 38**

(1) Any member of the Government may attend meetings of either chamber, its committees and commissions. He shall be given the floor whenever he asks for it.

(2) Any member of the Government shall personally appear at a meeting of the Chamber of Deputies on the basis of its decision. This shall also apply to meetings of a committee, a commission or investigating commission, where, however, the respective member of the Government may let himself or herself be represented by his or her deputy or another member of Government, unless his personal presence is expressly requested.

#### **Article 39**

(1) Both chambers shall have a quorum if at least one third of their members are present.

(2) The decision of a chamber shall be adopted if approved by more than half of the Deputies or Senators present.

(3) Decision on declaration of war, approval of a dispatch of Czech military forces outside the territory of the Czech Republic or of the presence of foreign military forces on the territory of the Czech Republic as well as a decision on the participation of the Czech Republic in defence systems of international organizations of which the Czech Republic is a member, shall require the consent of more than half of all Deputies and more than half of all Senators.

(4) An approval of a three-fifths majority of all Deputies and of a three-fifths majority of Senators in attendance is required to pass a constitutional Act, as well as to approve the ratification of an international agreement stipulated in Section 10a, Subsection 1.

#### **Article 40**

The electoral law, the law defining the principles of transactions and contacts internally between the two chambers, as well as externally, and the law on the rules of procedure of the Senate shall be passed if and when approved by both the Chamber of Deputies and the Senate.

#### **Article 41**

(1) Bills shall be introduced in the Chamber of Deputies.

(2) Bills may be introduced by a Deputy, a group of Deputies, the Senate, the Government, or the representative body of a superior self-governing territorial unit.

#### **Article 42**

(1) The Draft State Budget and the Draft Final State Budgetary Account shall be introduced by the Government.

(2) The aforesaid drafts shall be considered and decided upon at public meetings by the Chamber of Deputies alone.

#### **Article 43**

(1) The Parliament may decide to declare a state of war should the Czech Republic be attacked or should international contractual obligations concerning common defence be met.

(2) The Parliament shall decide on the participation of the Czech Republic in defence systems of an international organization of which the Czech Republic is a member.

(3) The Parliament shall give its approval of

a) dispatch of Czech military forces outside the territory of the Czech Republic,

b) presence of foreign military forces on the territory of the Czech Republic, unless these decisions have been reserved for the government.

(4) The government shall decide on a dispatch of Czech military forces outside the territory of the Czech Republic and on the presence of foreign military forces on the territory of the Czech Republic for up to 60 days at most when they concern

a) fulfilment of international contractual obligations concerning common defence against aggression,

b) participation in peace operations pursuant to a decision of an international organization of which the Czech Republic is a member, and providing there is an approval of the receiving state,

c) participation in rescue operations in case of natural, industrial and ecological disasters.

(5) The government shall also decide

a) on the passage or fly of foreign military forces through/over the territory of the Czech Republic,

b) on the participation of Czech military forces in military exercises outside the territory of the Czech Republic and on the participation of foreign military forces in military exercises on the territory of the Czech Republic.

(6) The government shall inform both Chambers of the Parliament of its decisions under Subsections 4 and 5 with no delay. The Parliament may revoke such a decision of the Government by an objecting resolution of at least one of its Chambers approved by half of all Members of this Chamber.

#### **Article 44**

- (1) The Government may express its opinion on all Bills.
- (2) If the Government does not express its opinion on a Bill within thirty days of the day the Bill was delivered to it, it shall be deemed to have expressed itself positively.
- (3) The Government may ask the Chamber of Deputies to complete its consideration of a Government Bill within three months of its introduction, provided that the Government ties thereto its request for a vote of confidence.

**Article 45**

A Bill passed by the Chamber of Deputies shall be referred by it to the Senate without unwarranted delay.

**Article 46**

- (1) The Senate shall consider a Bill referred to it and decide thereon within thirty days of the day the Bill was sent to it.
- (2) In its decision the Senate shall pass or defeat the Bill or shall return it to the Chamber of Deputies with amendments, or shall express its resolve not to consider it.
- (3) If the Senate does not express itself within the term set in paragraph 1, the Bill shall be considered as having been passed.

**Article 47**

- (1) If the Senate defeats a Bill, the Chamber of Deputies shall take a second vote thereon. The Bill shall pass if approved by more than half of all Deputies.
- (2) If the Senate returns a Bill to the Chamber of Deputies with amendments, the Chamber of Deputies shall vote on its version passed by the Senate. The Bill shall pass by its resolution.
- (3) If the Chamber of Deputies does not pass the Bill in the version approved by the Senate, it shall take a new vote on the Bill in the version in which it was referred to the Senate. The Bill shall then pass if approved by more than half of all Deputies.
- (4) No amendments may be introduced when a defeated or returned Bill is considered in the Chamber of Deputies.

**Article 48**

If the Senate resolves not to consider a Bill, its resolution shall pass the Bill.

**Article 49**

An approval of both Chambers of Parliament is required to ratify international agreements

- a) governing rights and duties of persons,
- b) of alliance, peace, or other political treaties,
- c) which result in the membership of the Czech Republic in an international organization,
- d) that are economic of a general nature,
- e) on other issues to be governed by the law.

**Article 50**

- (1) The President of the Republic may return an enacted law, with the exception of Constitutional Acts, together with the grounds for the return, within fifteen days of the day the law was referred to him.
- (2) The Chamber of Deputies shall take a new vote on the returned law. No amendments may be introduced. If the Chamber of Deputies upholds the returned law by majority vote of all Deputies, the law shall be promulgated. If not, the law shall be considered defeated.

**Article 51**

Laws which have been enacted shall be signed by the Chairman of the Chamber of Deputies, the President of the Republic and the Prime Minister.

**Article 52**

- (1) For a law to be valid, it must be promulgated.
- (2) The law shall stipulate the way a law or an international agreement is promulgated.

**Article 53**

- (1) Every Deputy may interpellate the Government or its members with respect to matters under their jurisdiction.

(2) Interpellated Government members shall answer the interpellation within thirty days of its introduction.

### **Chapter three**

#### **Executive Power**

#### **President of the Republic**

##### **Article 54**

(1) The President of the Republic is the Head of State.

(2) The President of the Republic shall be elected at a joint meeting of both chambers of the Parliament.

(3) The President of the Republic shall not be accountable for the performance of his office.

##### **Article 55**

The President of the Republic shall assume his office by taking the official oath. His term of office shall be five years and shall begin to run on the day he takes the official oath.

##### **Article 56**

The election shall take place within the last thirty days of the term of office of the incumbent President. If the office of President of the Republic is vacated, the election shall take place within thirty days.

##### **Article 57**

(1) Any citizen who is eligible for election to the Senate may be elected President of the Republic.

(2) Nobody may be elected President of the Republic more than twice in succession.

##### **Article 58**

(1) Nomination of a candidate for the presidency may be introduced by not less than ten Deputies or ten Senators.

(2) The candidate who has won the majority of votes of all Deputies and the majority of votes of all Senators shall be elected President of the Republic.

(3) If no candidate wins the majority of votes of all Deputies and of all Senators, a second round of the election shall be held within fourteen days.

(4) The candidate who won the largest number of votes in the Chamber of Deputies and the candidate who won the largest number of votes in the Senate shall pass to the second round of the election.

(5) If several candidates win an equal highest number of votes in the Chamber of Deputies or several candidates win an equal highest number of votes in the Senate, the votes cast for such candidates in both chambers shall be added up. The candidate who has thus obtained the largest number of votes shall pass to the second round.

(6) The candidate who wins the majority of votes of the Deputies present and the majority of votes of the Senators present shall be elected.

(7) If the President of the Republic is not elected in the second round either, a third round of the election shall be held within fourteen days, in which the candidate from the second round, who wins the majority of votes of the Deputies and Senators present, shall be elected.

(8) If the President of the Republic is not elected even in the third round, a new election shall be held.

##### **Article 59**

(1) The President of the Republic shall take an oath of office at a joint meeting of both chambers of the Parliament, where it shall be administered by the Chairman of the Chamber of Deputies.

(2) The President's oath shall read as follows: "I swear allegiance to the Czech Republic. I swear to uphold its Constitution and laws. I swear upon my honour that I shall perform my office in the interest of all the people and according to my best consciousness and conscience."

##### **Article 60**

If the President of the Republic refuses to take the oath or takes it with a reservation, he shall be regarded as not having been elected.

#### **Article 61**

The President of the Republic may resign from his office by placing his resignation into the hands of the Chairman of the Chamber of Deputies.

#### **Article 62**

The President of the Republic shall

- a) appoint and recall the Prime Minister and other members of the Government and accept their resignation, recall the Government and accept its resignation,
- b) convene sessions of the Chamber of Deputies,
- c) dissolve the Chamber of Deputies, d) authorize the Government the resignation of which he accepted or which he recalled with continued performance of its duties provisionally until a new Government is appointed,
- e) appoint Justices of the Constitutional Court, its Chief Justice and Assistant Chief Justices,
- f) appoint from among the Justices of the Supreme Court the Chief Justice and Assistant Chief Justices of the Supreme Court,
- g) pardon and mitigate penalties imposed by a court, order that criminal proceedings should not be initiated and, if already initiated, should be suspended, and that previous sentences should be expunged,
- h) have the right to return to the Parliament an enacted law with the exception of Constitutional Acts,
- i) sign enacted laws,
- j) appoint the President and the Vice President of the Supreme Control Office,
- k) appoint members of the Bank Board of the Czech National Bank,
- l) call a referendum on the accession of the Czech Republic to the European Union and announce the results.

#### **Article 63**

(1) The President of the Republic shall furthermore

- a) represent the State with respect to other countries,
- b) negotiate and ratify international treaties; he may delegate the negotiation of international treaties to the Government or, with its consent, to its individual members,
- c) be the supreme commander of the armed forces,
- d) receive the heads of diplomatic missions,
- e) appoint and recall the heads of diplomatic missions,
- f) call elections to the Chamber of Deputies and the Senate,
- g) appoint and promote generals,
- h) award and bestow state decorations unless he authorizes a different body to do so,
- i) appoint judges,
- j) have the right to grant amnesty.

(2) The President of the Republic shall also exercise authority which is not explicitly defined in this Constitutional Act, if the law so provides.

(3) Decisions made by the President of the Republic pursuant to the provisions of paragraphs 1 and 2 shall be valid only if countersigned by the Prime Minister or by a member of the Government so authorized by the Prime Minister.

(4) The responsibility for a decision made by the President of the Republic, which must be countersigned by the Prime Minister or a member of the Government authorized by him, shall be borne by the Government.

#### **Article 64**

(1) The President of the Republic may attend meetings of both chambers of the Parliament, their committees and commissions. He shall be given the floor whenever he asks for it.

(2) The President of the Republic may attend meetings of the Government, ask for reports

from the Government and its members, and discuss with the Government or its members matters which are under their jurisdiction.

#### **Article 65**

(1) The President of the Republic may not be detained, subjected to criminal prosecution or charged with a transgression or a different administrative offence.

(2) The President of the Republic may be impeached by the Senate for high treason at the Constitutional Court. The penalty may be loss of his presidential office and of his eligibility to regain it.

(3) Criminal prosecution for criminal offences committed by the President of the Republic while performing his office shall be precluded for all times.

#### **Article 66**

If the office of President of the Republic is vacated and a new President has not yet been elected or has not yet taken his oath of office, or if the President of the Republic is unable to perform his official duties for serious reasons, and if the Chamber of Deputies and the Senate so decide, the performance of the presidential duties pursuant to the provisions of Article 63 par. 1 (a), (b), (c), (d), (e), (h), (i), and (j), and Article 63 par. 2, shall appertain to the Prime Minister. When the Prime Minister is performing limited official duties of the President of the Republic, the Chairman of the Chamber of Deputies shall perform the presidential duties specified in Article 62, insets (a), (b), (c), (d), (e), (k) and (l); if the office of President of the Republic is vacated at a time when the Chamber of Deputies is dissolved, the performance of these duties shall appertain to the Chairman of the Senate.

#### **The Government**

##### **Article 67**

(1) The Government is the supreme body of executive power.

(2) The Government shall consist of the Prime Minister, Deputy Prime Ministers and Ministers.

##### **Article 68**

(1) The Government shall be accountable to the Chamber of Deputies.

(2) The Prime Minister shall be appointed by the President of the Republic who shall appoint on the Prime Minister's proposal the other members of the Government and shall entrust them with the direction of individual ministries or other agencies.

(3) Within thirty days after its appointment the Government shall present itself to the Chamber of Deputies and shall ask it for a vote of confidence.

(4) If a newly appointed Government fails to win the confidence of the Chamber of Deputies, the procedure specified in paragraphs 2 and 3 shall be followed. If a thus appointed Government again fails to win the confidence of the Chamber of Deputies, the President of the Republic shall appoint a Prime Minister on the proposal of the Chairman of the Chamber of Deputies.

(5) In other cases the President of the Republic shall appoint and recall on the proposal of the Prime Minister the other members of the Government and shall entrust them with the direction of ministries or other agencies.

##### **Article 69**

(1) Each Member of Government shall take an oath of office administered by the President of the Republic.

(2) The oath taken by a Member of the Government shall read: "I hereby swear allegiance to the Czech Republic. I swear to uphold its Constitution and laws and to implement them. I swear upon my honour that I shall conscientiously perform my office and shall not misuse my position."

##### **Article 70**

A Member of Government may not engage in activity the nature whereof contradicts the performance of his office. Detailed provisions shall be set by law.

**Article 71**

The Government may ask the Chamber of Deputies for a vote of confidence.

**Article 72**

(1) The Chamber of Deputies may express no confidence in the Government.

(2) A motion to express no confidence in the Government shall be considered by the Chamber of Deputies only if it is filed in written form by not less than fifty Deputies. The motion shall be admitted when approved by the majority of all Deputies.

**Article 73**

(1) The Prime Minister shall submit his resignation to the President of the Republic. Other Members of Government shall submit their resignations to the President of the Republic through the Prime Minister.

(2) The Government shall resign if the Chamber of Deputies rejects its request for a vote of confidence or if it voted no confidence in the Government.

(3) If the Government resigns in accordance with the provision of paragraph 2, the President of the Republic shall accept its resignation.

**Article 74**

The President of the Republic shall recall a Member of Government if the Prime Minister so proposes.

**Article 75**

The President of the Republic shall recall a Government which has not resigned although required to do so.

**Article 76**

(1) The Government shall make its decisions as a body.

(2) In order to be adopted, a decision of the Government shall have to be approved by the majority of all its members.

**Article 77**

(1) The Prime Minister shall organize the work of the Government, preside over its meetings, act in its name and pursue other activities entrusted to him by the Constitution or other laws.

(2) The Prime Minister shall be represented in his absence by a Deputy Prime Minister or another so authorized Member of Government.

**Article 78**

The Government may issue decrees for the implementation and within the scope of laws. Decrees shall be signed by the Prime Minister and the pertinent Member of Government.

**Article 79**

(1) Ministries and other administrative agencies and their jurisdiction may be established only by law.

(2) The legal status of government employees in ministries and other administrative agencies shall be defined by law.

(3) Ministries, other administrative agencies and territorial self-government bodies may issue on the basis and within the scope of a law legal regulations, if they are authorized to do so by law.

**Article 80**

(1) State attorneys shall represent public prosecution in penal proceedings; they shall also perform other duties, if the law so provides.

(2) The position and the jurisdiction of state attorneys shall be defined by law.

**Chapter four****Judicial Power****Article 81**

Judicial power shall be exercised in the name of the Republic by independent courts.

**Article 82**

(1) Judges shall be independent in the performance of their office. Nobody may jeopardize their impartiality.

(2) A judge may not be recalled or transferred to another court against his will; exceptions, ensuing in particular from disciplinary liability, shall be specified by law.

(3) The office of judge shall be incompatible with the office of President of the Republic, Member of Parliament, or any office in public administration; the law shall specify which other activities are incompatible with the performance of judicial office.

### **The Constitutional Court**

#### **Article 83**

The Constitutional Court is a judicial body charged with protection of constitutional rule.

#### **Article 84**

(1) The Constitutional Court shall consist of fifteen Justices appointed for a term of ten years.

(2) Justices of the Constitutional Court shall be appointed by the President of the Republic and shall be confirmed by the Senate.

(3) Any citizen of full integrity who is eligible for election to the Senate, is the graduate of a university law school and has been active in the legal profession for at least ten years may be appointed Justice of the Constitutional Court.

#### **Article 85**

(1) A Justice of the Constitutional Court shall assume his office by taking the official oath administered by the President of the Republic.

(2) The oath taken by Justices of the Constitutional Court shall read: "I hereby swear on my honour and conscience to protect the inviolability of man's natural rights and the rights of citizen, to uphold constitutional laws and to make my decisions independently and without prejudice according to my best conviction."

(3) If a Justice refuses to take the official oath or takes it with a reservation, he shall be regarded as not having been appointed.

#### **Article 86**

(1) A Justice of the Constitutional Court may not be subjected to criminal prosecution without the consent of the Senate. If the Senate refuses to grant its consent thereto, criminal prosecution of the Justice shall be precluded for all times.

(2) A Justice of the Constitutional Court may be detained only if he is apprehended while committing a criminal act or immediately thereafter. The competent agency shall report the detention without delay to the Chairman of the Senate. If the Chairman of the Senate does not consent within twenty-four hours of the detention to delivery of the detainee to a court, the competent agency shall release the latter. At its first subsequent meeting the Senate shall decide on admissibility of the criminal prosecution with final validity.

(3) A justice of the Constitutional Court may refuse to give evidence on facts of which he learned in connection with the performance of his office even after he ceased to be a Justice of the Constitutional Court.

#### **Article 87**

(1) The Constitutional Court shall rule on

a) repeal of laws or individual provisions thereof should they contravene the constitutional order,

b) repeal of other legal regulations or individual provisions thereof should they contravene the constitutional order or the law,

c) constitutional complaints filed by territorial self-government bodies against illegal interventions by the State,

d) constitutional complaints filed against final decisions and other interventions by agencies of public authority, violating constitutionally guaranteed fundamental rights and freedoms, e)

appeals against decisions in matters of confirmation of the election of a Deputy or Senator,

f) reservations on loss of eligibility and on incompatibility of holding the office of Deputy or

Senator according to Article 25,

g) impeachment by the Senate of the President of the Republic under Article 65, par. 2,

h) the Presidential proposal to repeal a decision of the Chamber of Deputies and the Senate according to Article 66,

i) measures essential for the implementation of a ruling by an international court, which is binding for the Czech Republic, unless it can be implemented in a different manner,

j) whether a decision on the dissolution of a political party, or another decision regarding the activity of a political party, conforms to constitutional or other laws,

k) disputes regarding the scope of the jurisdiction of state agencies and territorial self-government agencies, unless such disputes are under the jurisdiction of a different body,

l) appeals against a decision of the President of the Republic that a referendum on the accession of the Czech Republic to the European Union shall not be called,

m) whether the execution of a referendum on the accession of the Czech Republic to the European Union is in conformity with the Constitutional law regarding the referendum on the accession of the Czech Republic to the European Union and with the implementing law.

(2) The Constitutional Court shall also decide on the conformity of international agreements under Section 10a and Section 49 with the constitutional order prior to their ratification. Until a ruling of the Constitutional Court is delivered, an agreement cannot be ratified.

(3) A law may stipulate that in place of the Constitutional Court, rulings shall be issued by the Supreme Administrative Court in respect of

a) repeal of legal regulations or their individual provisions, which are in violation of the law,

b) disputes regarding the scope of the jurisdiction of state agencies and territorial self-government agencies, unless such disputes are under the jurisdiction of a different body.

#### **Article 88**

(1) A law shall determine who and under what conditions may file a motion to initiate proceedings and other rules of procedure before the Constitutional Court.

(2) Judges of the Constitutional Court are bound in their decision-making only by the constitutional order and the law under Subsection 1.

#### **Article 89**

(1) A ruling issued by the Constitutional Court shall be enforceable upon its promulgation in a manner set by law, unless the Constitutional Court rules differently on its enforcement.

(2) Enforceable rulings of the Constitutional Court shall be binding for all agencies and individuals.

(3) A decision of the Constitutional Court whereby, in accordance with Section 87, Subsection 2, unconformity of an international agreement with the constitutional order is pronounced, prevents ratification of the agreement until such unconformity is eliminated.

#### **The courts**

#### **Article 90**

The courts shall first and foremost provide in a manner defined by law protection of rights. A court alone shall decide about guilt and penalty for criminal offences.

#### **Article 91**

(1) The system of courts shall be made up of the Supreme Court, the Supreme Administrative Court, and superior, regional and district courts. Their designation may be changed by law.

(2) The jurisdiction and the organization of courts shall be defined by law.

#### **Article 92**

The Supreme Court is the supreme judicial body with respect to matters which are under the jurisdiction of courts, save matters ruled on by the Constitutional Court or the Supreme Administrative Court.

#### **Article 93**

(1) Judges shall be appointed for life by the President of the Republic. A judge shall assume his office by taking the oath of office.

(2) Any citizen with full integrity, who is the graduate of a university law school, may be appointed judge. Additional requisites and the appointment procedure shall be defined by law.

#### **Article 94**

(1) The law shall specify the cases when judges decide in bench and the composition of a bench. In other cases judges shall decide as single judges.

(2) The law may define in what cases and in what manner other citizens participate in addition to judges in judicial decision-making.

#### **Article 95**

(1) In his/her decision-making, a judge is bound by the law and international agreements constituting part of the legal order; he/she is entitled to assess the conformity of a different legal regulation with the law or with such international agreement.

(2) Should a court conclude that the law to be applied in deciding a case contravenes the constitutional order, it shall submit the issue to the Constitutional Court.

#### **Article 96**

(1) All parties to judicial proceedings shall have equal rights.

(2) Proceedings before a court shall be oral and public; exceptions shall be defined by law. Verdicts shall always be pronounced in public.

### **Chapter five**

#### **The Supreme Control Office**

##### **Article 97**

(1) The Supreme Control Office is an independent body. It shall control the management of state property and the implementation of the State Budget.

(2) The President and the Vice-President of the Supreme Control Office shall be appointed by the President of the Republic on the proposal of the Chamber of Deputies.

(3) The status, the jurisdiction, the organizational structure and other details regarding the Supreme Control Office shall be defined by law.

### **Chapter six**

#### **The Czech National Bank**

##### **Article 98**

(1) The Czech National Bank is the central bank of the State. The main purpose of its operations shall be to care for price stability. Interventions in its activities are only permissible on the basis of a law.

(2) The position and competence of and other details regarding the Czech National Bank shall be defined by law.

### **Chapter seven**

#### **Territorial Self-government**

##### **Article 99**

The Czech Republic shall be divided into communities, which shall be fundamental self-governing territorial divisions, and regions, which shall be superior self-governing territorial divisions.

##### **Article 100**

(1) Self-governing territorial divisions are communities of citizens inhabiting a particular area, which have the right of self-government. The law shall define when they constitute administrative areas.

(2) A community shall be always a component of a superior self-governing territorial division.

(3) A superior self-governing territorial division may be constituted or abolished only by a Constitutional Act.

##### **Article 101**

(1) A community shall be independently administered by a community assembly.

(2) A superior self-governing territorial division shall be independently administered by an

assembly of representatives.

(3) Self-governing territorial divisions are public-law corporations which may have their own property and which operate according to their own budget.

(4) The State may intervene in the activities of self-governing territorial divisions only if such intervention is required by protection of the law and only in a manner defined by law.

#### **Article 102**

(1) Assembly members shall be elected by secret ballot on the basis of universal, equal and direct suffrage.

(2) The term of office of an assembly shall be four years. The law shall define the conditions under which a new election of an assembly shall be called prior to the expiration of its term of office.

#### **Article 103**

Abrogated

#### **Article 104**

(1) The jurisdiction of assemblies may be set only by law.

(2) A community assembly shall decide on matters of community self-government save in cases where these matters are entrusted to the assembly of a superior self-governing territorial division.

(3) Assemblies may within the scope of their jurisdiction issue generally binding ordinances.

#### **Article 105**

Exercise of state administration may be entrusted to territorial self-government bodies only when so provided by law.

### **Chapter eight**

#### **Interim and Final Provisions**

#### **Article 106**

(1) On the day this Constitution enters into effect, the Czech National Council shall become the Chamber of Deputies, the electoral term whereof shall end on 6th of June, 1996.

(2) Until the Senate is elected in accordance with the Constitution, the function of the Senate shall be performed by a Provisional Senate. The Provisional Senate shall be constituted in a manner defined by a Constitutional Act. Until such Act enters into effect, the function of the Senate shall be performed by the Chamber of Deputies.

(3) The Chamber of Deputies may not be dissolved as long as it performs the function of the Senate pursuant to the provisions of paragraph 2.

(4) Until laws on the rules of procedures of both chambers of the Parliament are enacted, the two chambers shall proceed according to the Rules of Procedure of the Czech National Council.

#### **Article 107**

(1) The law on election of the Senate shall define the manner of determining in the first election to the Senate the third of Senators whose electoral term will be two years, and the third of Senators whose electoral term will be four years.

(2) Sessions of the Senate shall be convened by the President of the Republic so that they begin not later than on the thirtieth day following election day; if he fails to do so, the Senate shall meet in session on the thirtieth day following election day.

#### **Article 108**

The Government of the Czech Republic appointed after the elections held in 1992 and performing its function on the day this Constitution enters into effect shall be considered to be a Government appointed under this Constitution.

#### **Article 109**

Until such time as the system of state attorneys is instituted, its function shall be performed by the Office of the Prosecutor of the Czech Republic.

#### **Article 110**

Until the 31st of December, 1993, the judiciary system shall also include military courts.

**Article 111**

Judges and Justices at all courts of the Czech Republic serving as judges or Justices on the day this Constitution enters into effect shall be considered to be judges and Justices appointed under the Constitution of the Czech Republic.

**Article 112**

(1) The constitutional system of the Czech Republic shall comprise this Constitution, the Charter of Fundamental Rights and Freedoms, Constitutional Acts adopted under the provisions of this Constitution, and Constitutional Acts of the National Assembly of the Czechoslovak Republic, the Federal Assembly of the Czechoslovak Socialist Republic and of the Czech National Council defining the state frontier of the Czech Republic, and Constitutional Acts of the Czech National Council adopted after the 6th of June, 1992.

(2) The existing Constitution, the Constitutional Act concerning the Czechoslovak Federation, the Constitutional Acts amending it, and the Constitutional Act of the Czech National Council No. 67/1990, on the State Symbols of the Czech Republic, are hereby repealed.

(3) The other Constitutional Acts in force on the territory of the Czech Republic on the day this Constitution enters into effect shall have the force of a law.

**Article 113**

This Constitution shall enter into effect on the 1st of January, 1993.

**Milan Uhde** (Chairman of the Chamber of Deputies)

**Václav Klaus** (Prime Minister)

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Amended provisions

99, 39(3), 43, 98(1), 1(2), 10 - 10b, 39(4), 49, 52, 87(1)a-b, 87(2), 89(3), 95

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