

## **Constitution of the Czech Republic**

**of 16 December 1992**

**Constitutional Law No. 1 / 1993 Coll. as amended by Act No. 347/1997 Coll. 300/2000 Coll., 448/2001 Coll. 395/2001 Coll., 515/2002 Coll. and 319/2009 Coll.**

**Czech National Council passed the following Constitutional Act**

### **Preamble**

We, the citizens of the Czech Republic in Bohemia, Moravia and Silesia,  
at the time of renewal of an independent Czech State,  
true to all the good traditions of the ancient statehood lands of Czech and Czechoslovak statehood,  
resolved to build, protect and develop the Czech Republic  
in the spirit of the inviolable values of human dignity and freedom  
as the home of equal and free citizens  
who are aware of their responsibilities towards others and responsibility to the community,  
as a free and democratic State founded on respect for human rights and the principles of civil  
society  
as part of the family of European and world democracies,  
committed to protect and develop their natural and cultural, material and spiritual wealth,  
determined to abide by all proven principles of law,  
through their freely elected representatives this Constitution of the Czech Republic

### **Chapter One**

#### **Basic Provisions**

##### **Article 1**

- (1) The Czech Republic is a sovereign, unitary and democratic rule of law based on respect for the rights and freedoms of man and citizen.
- (2) Czech Republic shall observe its obligations to fulfill its obligations under international law.

##### **Article 2**

- (1) The people are the source of all state power, they exercise it through bodies of legislative, executive and judicial.
- (2) A Constitutional Act may define when the people exercise state power directly.
- (3) State power shall serve all citizens and may be exercised only in cases, within the limits and manner provided by law.
- (4) Every citizen can do what is not prohibited by law and nobody may be compelled to do what the law does not.

##### **Article 3**

Part of the constitutional order of the Czech Republic is the [Charter of Fundamental Rights and Freedoms](#) .

#### **Article 4**

Fundamental rights and freedoms are under the protection of judicial power.

#### **Article 5**

The political system is based on free and voluntary formation of and free competition of political parties respecting fundamental democratic principles and rejecting violence as a means of promoting their interests.

#### **Article 6**

Political decisions are based on the will of the majority manifested in free voting. Majority decisions shall respect protection of minorities.

#### **Article 7**

The State shall ensure a prudent use of natural resources and protection of natural wealth.

#### **Article 8**

It guarantees the autonomy of local governments.

#### **Article 9**

- (1) The Constitution may be supplemented or changed only by constitutional laws.
- (2) The substantive requisites of the democratic rule of law is inadmissible.
- (3) Interpretation of legal rules may not authorize the removal or endanger the foundations of a democratic state.

#### **Article 10**

Promulgated international agreements, the ratification by the Parliament and the Czech Republic is bound, are part of the law, if an international treaty to a law, the international treaty.

#### **Article 10a**

- (1) An international agreement may be certain powers of bodies of the Czech Republic to an

international organization or institution.

(2) The ratification of international agreements referred to in paragraph 1 shall be approved by Parliament, unless a constitutional law that requires consent to ratification in the referendum .

#### **Article 10b**

(1) Government on a regular basis and informing Parliament on issues related to obligations arising from membership of the Czech Republic in an international organization or institution referred to in Article 10a.

(2) Chambers of Parliament express their opinions on the decisions of such international organization or institution, which provides the Rules of Procedure.

(3) Act on the principles of conduct and relations between the two chambers, as well as externally, may entrust the performance of the Chambers under Subsection 2 to a joint body of the Chambers.

#### **Article 11**

The Czech Republic constitutes an indivisible entity the state frontiers can be changed only by constitutional law.

#### **Article 12**

(1) Acquisition and loss of citizenship of the Czech Republic by law.

(2) No one shall be involuntarily deprived of citizenship.

#### **Article 13**

The main city of the Czech Republic is Prague.

#### **Article 14**

(1) The national symbols of the Czech Republic are large and small national emblem, the national colors, state flag, the president of the republic, state seal and the national anthem.

(2) State symbols and their use shall be defined by law.

### **Chapter Two**

#### **Legislative Power**

#### **Article 15**

(1) Legislative power in the Czech Republic is vested in Parliament.

(2) Parliament consists of two chambers, the Chamber of Deputies and the Senate.

#### **Article 16**

- (1) The Chamber of Deputies has 200 members who are elected for four years.
- (2) The Senate has 81 senators who are elected for six years. Every two years a third of the senators elected.

#### **Article 17**

- (1) Elections to both chambers shall be held within the period beginning on the thirtieth day prior to expiration of the electoral term and ending on the date of its expiration.
- (2) If the Chamber of Deputies is dissolved, elections shall be held within sixty days after 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 principle 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 principle of majority .
- (3) The right to vote, every citizen of the Czech Republic who has attained the age of 18.

#### **Article 19**

- (1) The Chamber of Deputies may be elected to every citizen of the Czech Republic who has the right to vote and has reached the age of 21.
- (2) The Senate may be elected to every citizen of the Czech Republic who has the right to vote and has reached the age of 40.
- (3) The mandate of a deputy or senator creates election.

#### **Article 20**

Other conditions of the franchise, the organization of elections and the scope of judicial review provided by law.

#### **Article 21**

One can not simultaneously be a member of both chambers of Parliament.

#### **Article 22**

- (1) The office of Deputy or Senator is incompatible with the exercise the office of President of the Republic, judges and other functions provided for by law.
- (2) The date when a Deputy or Senator assumes the office of President of the Republic, or on the day

he took over the office of judge or other office incompatible with the office of Deputy or Senator shall cease its mandate as Deputy or Senator.

### **Article 23**

(1) Deputy shall take an [oath](#) at the first meeting of the Chamber of Deputies, which she attends.

(2) A Senator shall take an oath at the first meeting of the Senate, who will attend.

(3) Deputies and Senators pledge reads: "I pledge allegiance to the Czech Republic. I swear to uphold its Constitution and laws. I pledge on my honor that I will carry out its mandate in the interest of all people, and to the best of my knowledge and belief. ".

### **Article 24**

Deputy or Senator may renounce his mandate, a statement made in person at the meeting of the chamber, which is a member. Prevented him from doing so if serious circumstances, it will do so in a manner prescribed by law.

### **Article 25**

The mandate of a Deputy or Senator shall be terminated

- a) refusal to pledge or oath, subject,
- b) expiration of the term,
- c) the resignation,
- d) loss of eligibility,
- e) Members of the dissolution of the Chamber of Deputies,
- f) emergence of [incompatibility of office under Article 22](#) .

### **Article 26**

Deputies and Senators shall exercise their office in person in accordance with their oath and are not yet bound by any instructions.

### **Article 27**

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

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

(3) A Deputy or Senator offenses subject only to the disciplinary jurisdiction of the chamber, which is a member, unless the law provides otherwise.

(4) A Deputy or Senator may be criminally prosecuted without the consent of the chamber, which is a member. If the respective chamber denies its consent, criminal prosecution impossible.

(5) A Deputy or Senator may be detained only if he is apprehended while committing a criminal act or immediately thereafter. The competent authority shall immediately report the detention chairman of the chamber, which the detainee is a member, not the Chairman of the Chamber within 24 hours of detention consent to surrender the detainee to court, the competent authority is obliged to release him. At its first subsequent meeting of the Chamber shall decide on the admissibility of the prosecution with final validity.

#### **Article 28**

Deputy and a Senator has the right to withhold testimony about facts they learned in connection with the performance of its mandate, even after he ceased to be a Deputy or Senator.

#### **Article 29**

- (1) The Chamber of Deputies elects and dismisses the Chairman and Vice Chairman of Deputies.
- (2) The Senate elects and dismisses the Chairman and Vice-Chairman of the Senate.

#### **Article 30**

- (1) to investigate a matter of public interest, the Chamber of Deputies to set up an investigation commission if not less than one fifth of Members.
- (2) Proceedings before the commission shall be by law.

#### **Article 31**

- (1) The chambers shall establish as their bodies [committees and commissions](#) .
- (2) The activities of the committees and commissions shall be [the 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 the Senate or member of a parliamentary committee, an investigation committee or commission.

#### **Article 33**

- (1) If the dissolution of the Chamber of Deputies, the Senate shall adopt legal measures regarding matters which can not be delayed and which would otherwise require the adoption of the law.
- (2) of the Senate but not adopt legal measures regarding the Constitution, the state budget, public accounts, the election law and international treaties under Article 10
- (3) A legal measure may suggest the Senate only by the Government.
- (4) Legal action of the Senate signed by the Chairman of the Senate, the president and prime minister, announced the same manner as laws.

(5) of the Senate Legal measures must be approved by the Chamber of Deputies at its first meeting. If it does not approve of Deputies, the other loses validity.

#### **Article 34**

(1) Meetings chambers are permanent. Meetings of the Chamber of Deputies shall be convened by the President of the Republic so that they begin not later than the thirtieth day after the election, failing to meet the Chamber of Deputies on the thirtieth day after election day.

(2) Meetings chambers may be adjourned by resolution. The total time during which the session may be adjourned shall not exceed one hundred twenty days in a year.

(3) During a session the President Chamber of Deputies or the Senate to convene the chamber prior to the scheduled date. Shall do so always, if requested by the President of the Republic, the Government or at least one fifth of the chamber.

(4) Meetings of the Chamber of Deputies ends with the expiration of its term or its dissolution.

#### **Article 35**

(1) 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, whose chairman was appointed by the President on a proposal from the President of the Chamber of Deputies,

b) the Chamber of Deputies has not decided on a Government Bill the consideration united government the question of confidence,

c) meeting the Chamber of Deputies has been recessed for a period longer than permitted,

d) the Chamber of Deputies for a period not longer than three months of a quorum, although its session was not recessed and although at that time was repeatedly summoned to a meeting.

(2) President of the Republic dissolves the Chamber of Deputies, where he suggests that the Chamber of Deputies resolution with which agreed a three-fifths majority of all deputies.

(3) The Chamber of Deputies be dissolved three months before the end of its term.

#### **Article 36**

Meetings of both chambers are public. The public may be excluded only under the conditions laid down by law.

#### **Article 37**

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

(2) To conduct joint meeting of both chambers shall be [the Rules of Procedure of the Chamber of Deputies](#) .

#### **Article 38**

(1) A member of the Government may attend meetings of both Houses, their committees and commissions. He shall be given the floor whenever he asks.

(2) A member of the government is obliged to personally appear at a meeting of the Chamber of Deputies on the basis of its resolution. This also applies to a committee meeting, committee or commission of inquiry, however, where a member of the Government may be represented by his deputy or other member of the Government, unless specifically required his personal involvement.

#### **Article 39**

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

(2) The decision of the chamber must be approved by a simple majority of deputies or senators present, unless the Constitution provides otherwise.

(3) The adoption of a resolution declaring a state of war and adoption of a resolution to consent to the deployment of armed forces of the Czech Republic outside the territory of the Czech Republic or of foreign military forces on the territory of the Czech Republic, as well as to adopt a resolution on the participation of the Czech Republic in defense systems of an international organization of which the Czech Republic is a member, require the absolute majority of all Deputies and absolute majority of all senators.

(4) The adoption of constitutional law and consent to ratification of international agreements referred to in Article 10a, paragraph 1, shall be three-fifths majority of all deputies and three-fifths majority of Senators.

#### **Article 40**

The electoral law and to the principles of conduct and relations between the two chambers as well as the law on the Senate Rules of Procedure need to be approved by the Chamber of Deputies and the Senate.

#### **Article 41**

(1) Bills shall be the Chamber of Deputies.

(2) A Bill may be a deputy, a group of deputies, the Senate, the government or representatives of a higher territorial self.

#### **Article 42**

(1) The state budget bill and draft final state account administered by the Government.

(2) The proposals discussed at a public meeting and votes on them, only the Chamber of Deputies.

#### **Article 43**

(1) Parliament may decide to declare war if the Czech Republic is attacked, or if it is necessary to



fulfill international treaty obligations concerning common defense against aggression.

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

(3) Parliament shall give its approval

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

b) presence of foreign armed forces on the territory of the Czech Republic,

unless such decisions are reserved to the government.

(4) The government decides to send Armed Forces of the Czech Republic outside the territory of the Czech Republic and foreign military forces on the territory of the Czech Republic, for a maximum period of 60 days in the case of

a) the fulfillment of international treaties on common defense against aggression,

b) participation in peacekeeping operations decision by an international organization of which the Czech Republic is a member, with the consent of the receiving State,

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

(5) The government shall also decide

a) on the passage of the armed forces of other states across the Czech Republic or fly over the territory of the Czech Republic,

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

(6) The decisions under paragraphs 4 and 5 informs Government immediately both Houses of Parliament. Parliament, government decisions can revoke the Government's decision by an objecting resolution of one of the chambers received an absolute majority of all members of the chamber.

#### **Article 44**

(1) Government has the right to comment on any proposed legislation.

(2) Unless the Government within thirty days from the date when the Bill was delivered, it applies that expressed positively.

(3) The Government may request that Deputies to complete its consideration of the government bill within three months of its submission, provided that the Government ties thereto its request for a vote of confidence.

#### **Article 45**

The bill, which the Chamber of Deputies shall be referred Deputies Senate without undue delay.

#### **Article 46**

(1) The Senate discussed the bill and decide it within thirty days of its assignment.

(2) its decision the Senate bill approves or rejects or returns the Chamber of Deputies with amendments, or resolves not to act.

(3) If the Senate does not react within the period specified in paragraph 1, the bill is passed.

#### **Article 47**

- (1) If the Senate rejects the bill, votes on the Chamber of Deputies. The Bill, if approved by a majority of all deputies.
- (2) If the Senate returns a Bill of Deputies with amendments, votes on the Chamber of Deputies, as approved by the Senate. Its resolution is Bill.
- (3) If the Chamber of Deputies approved the bill as approved by the Senate, the vote on the Bill, as amended, which was referred to the Senate. The Bill, if approved by a majority of all deputies.
- (4) No amendments to a defeated or returned Bill in the Chamber of Deputies.

#### **Article 48**

If the Senate will deal with the bill, its resolution Bill.

#### **Article 49**

The ratification of international agreements

- a) governing the rights and obligations of persons,
  - b) alliance, peace and other political,
  - c) which result in membership of the Czech Republic in an international organization,
  - d) economic, which are general in nature,
  - e) other matters to which the modification is reserved for the law,
- require the consent of both chambers of Parliament.

#### **Article 50**

- (1) President of the Republic has the right to return an enacted law with the exception of constitutional law, on the ground within fifteen days from the date on which it was referred.
- (2) The law returned by the Chamber of Deputies voted on again. Amendments are not permitted. If the Chamber of Deputies upholds the returned law by majority vote of all deputies, the law is promulgated. Otherwise, the law was not adopted.

#### **Article 51**

Received law signed by the Chairman of Deputies, the president and prime minister.

#### **Article 52**

- (1) The validity of the Act need to be promulgated.
- (2) way a law and international treaties stipulated by law.

#### **Article 53**

- (1) Every Deputy may interpellate the Government or its members in matters under their

jurisdiction.

(2) Interpelovaní members of the government response to the interpellation within thirty days of its submission.

## **Chapter Three**

### **Executive Power**

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

##### **Article 54**

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

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

(3) President of the Republic does not exercise his office.

##### **Article 55**

The president takes the oath office. His term of office lasts five years and begins on oath.

##### **Article 56**

The election shall take place within the last thirty days of the term incumbent President. Whenever the office of President of the Republic, the election shall be held within thirty days.

##### **Article 57**

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

(2) No person may be elected more than twice in a row.

##### **Article 58**

(1) Nomination of a candidate is entitled to at least ten Deputies or ten Senators.

(2) President of the Republic, the candidate who won an absolute majority of votes of all Deputies and absolute majority of votes of all Senators.

(3) If no candidate wins the majority of Deputies and senators of all, be held within fourteen days of the second round of elections.

(4) The second round candidate who received the highest number of votes in the Chamber of Deputies and the candidate who received the highest number of votes in the Senate.

(5) If more candidates winning equal highest number of votes in the Chamber of Deputies or more candidates winning equal highest number of votes in the Senate, added up the votes cast for them in both chambers. The second round candidate who thus obtained the highest number of votes.

(6) The candidate who won an absolute majority of votes of the Deputies and absolute majority of votes of senators.

(7) If the President of the Republic elected in the second round, held within fourteen days of the third round of elections in which the candidate from the second round, which won an absolute majority of votes of deputies and senators.

(8) Unless the president is not elected in the third round, held a new election.

#### **Article 59**

(1) The President shall take an oath before the Chairman of the Chamber of Deputies at a joint meeting of both chambers.

(2) The President's oath reads: "I pledge allegiance to the Czech Republic. I swear to uphold its Constitution and laws. I pledge on my honor that his office I will hold the interest of all people, and to the best of my knowledge and belief. ".

#### **Article 60**

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

#### **Article 61**

President of the Republic may resign his office to the Chairman of the Chamber of Deputies.

#### **Article 62**

President of the Republic

a) appoints and dismisses the Chairman and other members of the Government and accepts their resignation, recall the Government and accepts its resignation,

b) convene meetings of the Chamber of Deputies,

c) dissolve the Chamber of Deputies,

d) authorize the Government, whose resignation he accepted or which he recalled performing its functions provisionally until a new government,

e) appoint a judge of the Constitutional Court, its chairman and vice-

f) appoint judges and Vice President of the Supreme Court,

g) pardon and mitigate penalties imposed by the court, that criminal proceedings not be initiated and if it has been initiated to it did not continue, and expunge convictions,

h) has the right to return to the Parliament adopted the law with the exception of constitutional law,

i) sign laws,

j) appoint the President and Vice President of the Supreme Audit 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 its outcome.

#### **Article 63**

- (1) The President of the Republic shall furthermore
- a) represent the state abroad,
  - b) negotiate and ratify international agreements, the negotiation of international agreements, delegate to the government or with its consent to its individual members,
  - c) is the supreme commander of the armed forces,
  - d) receives heads of diplomatic missions ,
  - e) appoint and recall heads of diplomatic missions,
  - f) call elections to the Chamber of Deputies and the Senate,
  - g) appoint and promote generals,
  - h) confer and award state decorations unless he authorizes to another body,
  - i) appoint judges,
  - j ) has the right to grant amnesty.
- (2) President of the Republic shall also exercise powers not explicitly defined in the Constitutional Act, if so stipulated by law.
- (3) The President of the Republic issued pursuant to paragraphs 1 and 2, any of its validity the countersignature of the Prime Minister or by an authorized member of the government.
- (4) The decision of the president, which must be countersigned by the Prime Minister or an authorized member of the government, responsible government.

#### **Article 64**

- (1) President of the Republic has the right to attend meetings of both Houses of Parliament, their committees and commissions. He shall be given the floor whenever he asks.
- (2) The President of the Republic has the right to attend meetings of the Government, to request from the Government and its members, and to discuss with the Government or its members matters which fall within their remit.

#### **Article 65**

- (1) President of the Republic may not be detained, prosecuted or prosecuted for a misdemeanor or other administrative offense.
- (2) President of the Republic may be prosecuted for high treason before the Constitutional Court based on the action of the Senate. The penalty can be loss of presidential authority and competence to regain it.
- (3) Criminal prosecution for crimes committed during the term of office of the President of the Republic is forever excluded.

#### **Article 66**

Whenever the office of President of the Republic and a new President is elected, or even passed the promise, can not the president from his office to carry out serious reasons and decide if the Chamber of Deputies and the Senate, the performance of functions under Article 63 paragraph . 1 point. a) b) c) d) e) f) h) i) j), Article 63, paragraph 2 the Prime Minister. The Chairman of Chamber of

Deputies shall, at a time when Prime Minister performs the function defined by the President's exercise of functions of the President under Article 62 point. a) b) c) d) e), k), l) any vacancy in the office of President of the Republic at a time when the Chamber of Deputies is dissolved, the performance of these functions, the Chairman of the Senate.

## **Government**

### **Article 67**

- (1) 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 is accountable to the Chamber of Deputies.
- (2) The Prime Minister appoints the president and his proposal to appoint the other members of the Government and entrusts them with the ministries or other agencies.
- (3) Government shall present within thirty days after its appointment and ask the Chamber of Deputies by 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 If a thus appointed Government again fails to trust the Chamber of Deputies, the president appoints the prime minister on a proposal from the President of the Chamber of Deputies.
- (5) In other cases, the president appoints and recalls the proposal of the Prime Minister the other members of the Government and entrusts them with the ministries or other agencies.

### **Article 69**

- (1) member of the Government shall take an oath before the President of the Republic.
- (2) member of the Government pledge reads: "I pledge allegiance to the Czech Republic. I swear to uphold its Constitution and laws and to implement them. I pledge on my honor that I will perform my office conscientiously and not to abuse my position. "

### **Article 70**

Member of Government may not engage in activity the nature whereof contradicts the performance of its functions. Details provided 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) The proposal to censure the government discuss the Chamber of Deputies only if it is filed in writing at least fifty members. The motion shall be approved by absolute majority of all deputies.

#### **Article 73**

- (1) The Prime Minister submitted his resignation to the President. Other members of the government submit their resignations to the President 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. The Government shall resign after the constituent meeting of each newly elected Chamber of Deputies.
- (3) If the Government resigned in accordance with paragraph 2, the President of the Republic shall accept its resignation.

#### **Article 74**

President of the Republic shall recall a member of the Government if the Prime Minister proposes.

#### **Article 75**

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

#### **Article 76**

- (1) Government decisions as a body.
- (2) The decision of the government require the absolute majority of all its members.

#### **Article 77**

- (1) The Prime Minister organizes the activities of the Government, its meetings, acts in its name and pursue other activities entrusted by the Constitution or other laws.
- (2) represents the Prime Minister Deputy Prime Minister or other designated member of the Government.

#### **Article 78**

To implement the law and within the government is authorized to issue orders. Regulation signed by the Prime Minister and the member governments.

#### **Article 79**

- (1) Ministries and other administrative offices can be established and their powers to set only by law.
- (2) The legal status of civil servants in ministries and other administrative agencies shall be defined by law.
- (3) Ministries, other administrative agencies and local government may, pursuant to and within law legal regulations, if they are to do so by law.

#### **Article 80**

- (1) State attorneys shall represent public prosecution in criminal proceedings, they shall also perform other tasks stipulated by law.
- (2) The status and scope of the prosecution by law.

### **Chapter Four**

#### **Judicial Power**

##### **Article 81**

Judicial power shall be exercised on behalf of the Republic by independent courts.

##### **Article 82**

- (1) Judges shall be independent exercise of their duties. Their impartiality must not threaten anyone.
- (2) A judge may not appeal against his will or transferred to another court, the exceptions resulting especially from disciplinary responsibility by law.
- (3) The office of judge is incompatible with the President, Member of Parliament or any office in public administration, the law provides, with which other activities are incompatible with the performance of judicial functions.

#### **The Constitutional Court**

##### **Article 83**

The Constitutional Court is the judicial body protecting constitutionality.

##### **Article 84**

- (1) The Constitutional Court consists of 15 judges who are appointed for a period of ten years.
- (2) Justices of the Constitutional Court are appointed by the president with the consent of the Senate.
- (3) a judge of the Constitutional Court may be appointed upstanding citizen who is eligible for



election to the Senate, the university law school and was at least ten years active in the legal profession.

#### **Article 85**

(1) oath of the President Judge of the Constitutional Court assumes his duties.

(2) Promise of a Constitutional Court: "I promise on my honor that I will protect the inviolability of the natural rights of man and citizen rights, uphold constitutional laws and decisions according to my best conviction, independently and impartially.. "

(3) If the judge refuses oath or takes the oath with reservation, he shall be regarded as not having been appointed.

#### **Article 86**

(1) Judge of the Constitutional Court may be criminally prosecuted without the consent of the Senate. If the Senate refuses its consent, criminal prosecution impossible.

(2) A judge of the Constitutional Court may be detained only if he is apprehended while committing a criminal act or immediately thereafter. The competent authority shall immediately report the detention of the Senate. Can the Chairman of the Senate within 24 hours of detention consent to surrender the detainee to court, the competent authority is obliged to release him. At its first subsequent meeting the Senate shall decide on the admissibility of criminal prosecution with final validity.

(3) Justices of the Constitutional Court has the right to withhold testimony about facts they learned in connection with the performance of their duties even after he ceased to be a judge of the Constitutional Court.

#### **Article 87**

(1) The Constitutional Court decides

a) to annul statutes or individual provisions thereof should they contravene the constitutional order,  
b) repeal of other laws or individual provisions thereof are inconsistent with the constitutional order or the law,

c) constitutional complaint, the municipal authorities against illegal state interference,

d) on constitutional complaints against final decisions and other intervention by public authorities in the constitutionally guaranteed fundamental rights and freedoms,

e) an appeal against a decision on certification of the election of a Deputy or Senator,

f) in doubt about the loss of eligibility and incompatibility of the functions of Deputy or Senator according to Article 25,

g) of the constitutional action of the Senate against the President of the Republic under Article 65, paragraph 2,

h) on a proposal of the President to repeal the resolution of Deputies and the Senate pursuant to Article 66,

i) on the measures necessary to implement the international court which is binding for the Czech Republic, if they can not do otherwise,

- j) whether the decision to dissolve a political party or other decisions relating to the activities of a political party is in conformity with the constitutional or other laws,
  - to) decide jurisdictional disputes between state agencies and local government, is not entitled by law to another body,
  - l) an appeal against the decision of the President that a referendum on the accession of the Czech Republic to the European Union does not issue a,
  - m) about whether the procedure for making a referendum on the accession of the Czech Republic to the European Union in accordance with the constitutional law on the referendum on the accession of the Czech Republic to the European Union and with the statute issued in implementation thereof.
- (2) The Constitutional Court decides on the conformity of international treaties under Article 10a and Article 49 of the constitutional order, prior to its ratification. The Constitutional Court can not be ratified.
- (3) The law may provide that instead of the Constitutional Court, Supreme Administrative Court decides
- a) to annul the laws or their individual provisions if they are in conflict with the law,
  - b) disputes about the extent of the jurisdiction of state authorities and local government, is not entitled by law to another body.

#### **Article 88**

- (1) The law establishes 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 only by their decision and constitutional law under paragraph 1

#### **Article 89**

- (1) Decision of the Constitutional Court shall be enforceable upon its promulgation in the manner provided by law, if the Constitutional Court for its enforcement has not decided otherwise.
- (2) Enforceable rulings of the Constitutional Court are binding on all authorities and persons.
- (3) Decisions of the Constitutional Court, which was in Article 87 paragraph 2 is pronounced unconstitutionality of an international agreement with the constitutional order, prevent the ratification of the agreement until such unconstitutionality is eliminated.

#### **Courts**

#### **Article 90**

Courts are first and foremost, manner defined by law protection of rights. Only a court decides on guilt and punishment for criminal acts.

#### **Article 91**

- (1) The court system consists of the Supreme Court, the Supreme Administrative Court, superior,

county and district courts. The law may set a different label.

(2) The scope and organization of courts stipulated by law.

#### **Article 92**

The Supreme Court is the supreme judicial body in matters within the jurisdiction of the courts, save matters ruled on by the Constitutional Court or the Supreme Administrative Court.

#### **Article 93**

(1) Judges are appointed by the President of the Republic indefinitely. His office takes the oath of office.

(2) may be appointed judge upstanding citizen who has a university education in law. Other conditions and procedures stipulated by law.

#### **Article 94**

(1) The Act provides for cases when judges decide in bench and what is its composition. In other cases, decide as single judges.

(2) The law may determine in what cases and how to participate in addition to court decisions of judges and other citizens.

#### **Article 95**

(1) A judge is bound to decide the law and international treaty, which is part of the law, is entitled to assess compliance with other legislation with such law or international treaty.

(2) If a court concludes that a statute which is to be in resolving the matter is in conflict with the constitutional order, submit the matter to the Constitutional Court.

#### **Article 96**

(1) All parties have equal rights before the court.

(2) Proceedings before the court are oral and public; exceptions provided by law. Judgement shall always be pronounced publicly.

### **Chapter Five**

#### **The Supreme Audit Office**

#### **Article 97**

(1) The Supreme Audit Office is an independent body. Shall control the management of state property and the state budget.

(2) The President and Vice President of the Supreme Audit Office appointed by the President of the

Republic on a proposal from the Chamber of Deputies.

(3) status, jurisdiction, organizational structure and other details provided by law.

## **Chapter Six**

### **Czech National Bank**

#### **Article 98**

(1) The Czech National Bank is the central bank of the State. The main objective of its activities is to maintain price stability in its activities are only permissible by law.

(2) The status, scope and other details provided by law.

## **Chapter Seven**

### **Territorial autonomy**

#### **Article 99**

The Czech Republic is divided into municipalities, which are the basic territorial units and regions, which are higher territorial units.

#### **Article 100**

(1) Territorial self-governing territorial divisions are communities of citizens who have the right to self-government. The law states they are administrative districts.

(2) A municipality is always part of the higher territorial self-governing unit.

(3) create or abolish a higher territorial self-governing unit can only constitutional law.

#### **Article 101**

(1) A municipality is administered by the council.

(2) higher territorial self-governing unit is independently administered by the council.

(3) Local and regional authorities are public corporations which may have their own property and manages its own budget.

(4) The state may intervene in the activities local governments, only if required to protect the law and only in the manner provided by law.

#### **Article 102**

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

(2) The term council is four years. The Act stipulates the conditions under which a new election of council before the expiration of his term.

#### **Article 103**

Cancelled

#### **Article 104**

- (1) The jurisdiction of assemblies may be established only by law.
- (2) community assembly shall decide in matters of government, unless they are entrusted to the assembly of higher territorial self-governing unit.
- (3) Assemblies may within their jurisdiction issue generally binding ordinances.

#### **Article 105**

Exercise of state administration may be entrusted to local government only if provided for by law.

### **Chapter Eight**

#### **Transitional and Final Provisions**

#### **Article 106**

- (1) the effective date of this Constitution, the Czech National Council shall become the Chamber of Deputies, the election period ends on 6 June 1996. (2) Until the Senate is elected under the Constitution, shall perform the functions Provisional Senate. Provisional Senate shall be constituted in a way that provides constitutional law. The effect of this Act shall perform the functions of the Senate Chamber of Deputies.
- (3) The Chamber of Deputies may not be dissolved as long as it performs the function of the Senate pursuant to paragraph 2
- (4) The adoption of laws on the rules of procedure of the Chambers shall proceed in individual chambers of the Rules of Procedure of the Czech National Council.

#### **Article 107**

- (1) The Law on Elections to the Senate sets out how 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) Meetings shall be convened by the Senate President of the Republic so as to commence no later than the thirtieth day after election day; fails to do so, the Senate will meet on the thirtieth day after election day.

#### **Article 108**

Government of the Czech Republic appointed after the elections in 1992 and performing its function on the effective date of the Constitution is considered the government appointed under this Constitution.

## **Article 109**

Until the establishment of a Public Prosecutor's Office performs its functions Prosecutor of the Czech Republic.

## **Article 110**

To 31 December 1993 the judiciary system shall also include military courts.

## **Article 111**

Judges of all courts of the Czech Republic serving as judges on the effective date of this Constitution shall be construed as a judge appointed under the Constitution of the Czech Republic.

## **Article 112**

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

(2) The existing Constitution, the Constitutional Act on the Czechoslovak Federation, constitutional law, which is changed and supplemented, and the Constitutional Act of the Czech National Council No. 67/1990 Coll. on the State Symbols of the Czech Republic.

(3) Other constitutional laws applicable in the Czech Republic to the effective date of this Constitution have the force of law.

## **Article 113**

This Constitution shall come into effect on 1 January 1993.

**Uhde mp**

**Klaus**