

Czech Republic - Constitution

Adopted on: 16 Dec 1992

Preamble

We, the citizens of the Czech Republic in Bohemia, Moravia, and Silesia, at the time of the renewal of an independent Czech state, being loyal to all good traditions of the ancient statehood of Czech Crown's Lands and the Czechoslovak State, 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 conscious of their duties towards others and their responsibility towards the whole, as a free and democratic state based on the respect for human rights and the principles of civic society, as part of the family of European and world democracies, resolved to jointly protect and develop the inherited natural and cultural, material and spiritual wealth, resolved to abide by all time-tried principles of a law-observing state, through our freely elected representatives, adopt this Constitution of the Czech Republic.

Chapter One Basic Provisions

Article 1 [State]

The Czech Republic is a sovereign, unified, and democratic law-observing state, based on the respect for the rights and freedoms of the individual and citizen.

Article 2 [Power]

(1) All state power derives from the people; they exercise this power by means of their legislative, executive, and judicial bodies.

(2) A constitutional law may stipulate the cases when the people exercise state power directly.

(3) The state power serves all citizens and can be exercised only in cases and within the scope stipulated by law, and by means specified by law.

(4) Every citizen may do whatever is not forbidden by law, and no one may be forced to do what the law does not enjoin.

Article 3 [Constitutional Order]

Part of the constitutional order of the Czech Republic is the Charter of Fundamental Rights and Freedoms.

Article 4 [Judiciary's Protection]

The fundamental rights and freedoms enjoy the protection of the Judiciary.

Article 5 [Political System]

The political system is based on the free and voluntary foundation and free competition of political parties respecting fundamental democratic principles and rejecting force as a means for asserting their interests.

Article 6 [Majority Rule]

Political decisions shall derive from the will of the majority expressed through free voting. Minorities shall be protected by the majority in decision-making.

Article 7 [Natural Resources]

The state shall see to it that natural resources are used economically and natural wealth is protected.

Article 8 [Autonomy]

The autonomy of units of territorial self-administration shall be guaranteed.

Article 9 [Constitutional Laws]

(1) The Constitution may be amended or altered solely by constitutional laws.

(2) Any change of fundamental attributes of the democratic law-observing state is inadmissible.

(3) Legal norms cannot be interpreted as warranting the removal or threatening of the foundations of the democratic state.

Article 10 [Human Rights Treaties]

Ratified and promulgated international accords on human rights and fundamental freedoms, to which the Czech Republic has committed itself, are immediately binding and are superior to law.

Article 11 [Territory]

The territory of the Czech Republic encompasses an indivisible whole whose state border may be altered exclusively by constitutional laws.

Article 12 [Citizenship]

(1) Procedures binding for the acquisition and loss of Czech citizenship are stipulated by law.

(2) No one can be stripped of his or her citizenship against his or her will.

Article 13 [Capital]

The capital of the Czech Republic is Prague.

Article 14 [State Symbols]

(1) The State Symbols of the Czech Republic are the Large and Small State Emblems, the State Colors, the

State Flag, the Banner of the President of the Republic, the State Seal, and the State Anthem.

(2) The state symbols and their use are determined by law.

Chapter Two Legislative Power

Article 15 [Parliament]

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

(2) Parliament is composed of two Chambers, the Chamber of Deputies and the Senate.

Article 16 [Chambers]

(1) The Chamber of Deputies has 200 deputies, elected for a term of four years.

(2) The Senate has 81 Senators, elected for a term of six years. One third of the Senators is elected every second year.

Article 17 [Elections]

(1) Elections to both Chambers shall be held in a period of time starting the thirtieth day before the expiration of the electoral term and ending on the day of its expiration.

(2) If the Chamber of Deputies was dissolved, elections shall take place within sixty days of its dissolution.

Article 18 [Suffrage]

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

(2) Elections to the Senate shall take place on the basis of universal, equal, and direct suffrage by secret ballot, on the basis of the majority system.

(3) Every citizen of the Czech Republic, on reaching the age of 18, has the right to vote.

Article 19 [Eligibility]

(1) Every citizen of the Czech Republic who is eligible to vote and has reached the age of 21 may be elected to the Chamber of Deputies.

(2) Every citizen who is eligible to vote and has reached the age of 40 may be elected to the Senate.

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

Article 20 [Conditions]

Additional conditions for the exercise of suffrage, the organization of elections, and the scope of judicial review are stipulated by law.

Article 21 [Chamber Incompatibility]

No one may simultaneously be a member of both Chambers of Parliament.

Article 22 [Incompatibilities]

(1) The exercise of the office of the President of the Republic, the office of judges, and other functions, set forth by law, are incompatible with the post of Deputy or Senator.

(2) A Deputy's or a Senator's mandate expires the day he or she enters upon the office of the President of the Republic, or the day he or she assumes a judgeship or another post incompatible with the post of Deputy or Senator.

Article 23 [Oaths]

(1) A Deputy shall take the oath at the first session of the Chamber of Deputies which he or she attends.

(2) A Senator shall take the oath at the first session of the Senate which he or she attends.

(3) The oath of a Deputy or a Senator is worded as follows:

"I pledge allegiance to the Czech Republic. I pledge to uphold its Constitution and laws. I pledge on my honor to exercise my mandate in the interest of the people and in accordance with my best conviction and conscience."

Article 24 [Resignation]

A Deputy or a Senator may surrender his or her mandate by a declaration made personally at a session of the Chamber of which he or she is a member. If he or she is prevented from doing so by serious circumstances, he or she may do so by a method set forth by law.

Article 25 [Expiration]

A Deputy's or a Senator's mandate expires upon

- a) refusing to take the oath or taking the oath with reservations,
- b) the expiration of the term of office,
- c) the resignation,
- d) the loss of eligibility,
- e) the dissolution of the Chamber of Deputies, in the case of deputies,
- f) the incompatibility of the functions specified in Article [22](#).

Article 26 [Independence]

Deputies and Senators shall exercise their mandates personally in accordance with their oath and shall not be bound by any directions.

Article 27 [Indemnity, Immunity]

(1) A Deputy or a Senator may not be prosecuted for voting in the Chamber of Deputies or the Senate or their bodies.

(2) A Deputy or a Senator may not be prosecuted for statements made in the Chamber of Deputies or the Senate or their bodies. A Deputy or a Senator is only accountable to the disciplinary authority of the Chamber of which he or she is a member.

(3) A Deputy or a Senator shall be accountable for his or her misdemeanor only to the disciplinary authority of the Chamber of which he or she is a member, unless determined otherwise by law.

(4) A Deputy or a Senator may not be criminally prosecuted without consent of the Chamber of which he or she is a member. If the respective Chamber declines its consent, criminal proceedings are rendered impossible forever.

(5) A Deputy or a Senator may be taken into custody only if caught while committing a criminal offence or immediately thereafter. The responsible body is obliged to immediately notify of the detention the Chairman of the Chamber of which the detainee is a member; if the Chamber's Chairman fails to give his or her consent to handing the detainee over to court within 24 hours of the detention, the responsible body is obliged to set him or her free. The Chamber shall decide with final authority about the admissibility of the prosecution at its first following session.

Article 28 [Secrecy]

A Deputy or a Senator is entitled to withhold testimony about matters of which he or she learned in connection with the exercise of his or her mandate, even after he or she ceased to be a Deputy or a Senator.

Article 29 [Chairmen]

(1) The Chamber of Deputies elects and dismisses the Chairman and Vice Chairmen of the Chamber of Deputies.

(2) The Senate elects and dismisses the Chairman and Vice Chairmen of the Senate.

Article 30 [Investigatory Commission]

(1) The Chamber of Deputies may set up an investigatory commission for the investigation of an affair of public interest if this is suggested by at least one fifth of deputies.

(2) Proceedings before the commission shall be determined by law.

Article 31 [Committees]

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

(2) The activities of committees and commissions shall be determined by law.

Article 32 [Governmental Incompatibility]

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 a member of Parliamentary committees, investigatory commission, or commissions.

Article 33 [Legislation]

(1) If the Chamber of Deputies is dissolved, the Senate shall be responsible for adopting legislative measures in matters which cannot be postponed and which would otherwise require the adoption of a law.

(2) The Senate, however, cannot adopt legislative measures on matters of the Constitution, the state budget, the state annual account, the election law, and international agreements according to Article 10.

(3) Only the Government may propose legislative measures to the Senate.

(4) The Chairman of the Senate, the President of the Republic and the Premier shall sign legislative measures of the Senate these measures are promulgated like laws.

(5) A legislative measure of the Senate must be approved by the Chamber of Deputies at its first session. If the Chamber of Deputies does not approve it, the measure loses further validity.

Article 34 [Sessions]

(1) The Chambers are continually in session. A session of the Chamber of Deputies is called by the President of the Republic so that it be started no later than the thirtieth day after the election day. If he fails to do so, the Chamber of Deputies shall meet on the thirtieth day after the election day.

(2) A session of a Chamber may be adjourned by resolution. The total period for which a session may be adjourned shall not exceed 120 days in one year.

(3) During the period of adjournment, the Chairman of the Chamber of Deputies or of the Senate may convene a session of the respective Chamber before the scheduled date. He shall always do so if requested by the President of the Republic, the Government or at least one fifth of deputies of the respective Chamber.

(4) A session of the Chamber of Deputies ends with the expiration of its election term or with its dissolution.

Article 35 [Dissolution]

(1) The President of the Republic can dissolve the Chamber of Deputies if:

a) the Chamber of Deputies passes a vote of non-confidence in a newly appointed Government whose Premier was appointed by the President of the Republic on the suggestion of the chairman of the Chamber of Deputies,

b) the Chamber of Deputies fails to decide within three months on a Government bill with the discussion of which the Government links the question of confidence,

c) a session of the Chamber of Deputies is adjourned for a longer period than admissible,

d) the Chamber of Deputies has not reached a quorum for a period longer than three months, although its session was not adjourned and although it was repeatedly called to session during this period.

(2) The Chamber of Deputies cannot be dissolved three months before the expiration of its election term.

Article 36 [Publicity]

Sessions of both chambers are open to public. The public can be excluded solely under conditions stipulated by law.

Article 37 [Joint Sessions]

(1) A joint session of both Chambers is called by the Chairman of the Chamber of Deputies.

(2) The proceedings of a joint session of both Chambers are governed by the rules of procedure of the Chamber of Deputies.

Article 38 [Government Attendance]

(1) A member of the Government has the right to attend sessions of both Chambers, their committees, and commissions. He shall be given the floor any time he requests it.

(2) A member of the Government is obliged to attend personally a session of the Chamber of Deputies upon the basis of its resolution. This also applies to a session of a committee, commission, or investigatory commission, where, however, a member of the Government may have himself be represented by his deputy or any other member of the cabinet, if his or her personal presence is not expressly requested.

Article 39 [Quorum, Majorities]

(1) The Chambers constitute a quorum if at least one third of their members are present.

(2) The passage of a resolution of the respective Chamber requires consent of an absolute majority of deputies or Senators present, if not prescribed otherwise by the Constitution.

(3) The passage of a resolution on the declaration of the state of war and a resolution approving the presence of foreign troops on the territory of the Czech Republic requires consent of an absolute majority of all deputies and of all Senators.

(4) The passage of a constitutional law and the approval of an international agreement under Article [10](#) shall require consent of a three-fifths majority of all deputies and a three-fifths majority of all Senators present.

Article 40 [Election and Procedure Laws]

The passage of an election law and the legislation on the principles of deliberations and contacts between both Chambers as well as external contacts, and the law on the rules of procedure of the Senate shall necessitate its approval by both the Chamber of Deputies and the Senate.

Article 41 [Initiative]

(1) Draft laws shall be submitted to the Chamber of Deputies.

(2) A draft law may be submitted by deputies, groups of deputies, the Senate, the Government, and representatives of a higher territorial self-governing entity.

Article 42 [Budget]

(1) A draft law on the state budget and a draft state annual account are presented by the Government.

(2) These draft proposals are discussed and decided on only by the Chamber of Deputies at a public session.

Article 43 [War]

(1) Parliament decides on a declaration of the state of war in the event that the Czech Republic is attacked or if it is necessary to meet international treaty obligations concerning joint defense against aggression.

(2) Armed forces can be sent outside the territory of the Czech Republic only with the consent of both Chambers.

Article 44 [Deliberation]

(1) The Government has the right to comment on all draft laws.

(2) If the Government fails to express its opinion within thirty days of the receipt of a draft law, it is assumed that it has expressed itself positively.

(3) The Government has the right to demand that the Chamber of Deputies complete discussing a Government draft law within three months of its submission, as long as the Government links with it a request for a vote of confidence.

Article 45 [Approval to Senate]

The Chamber of Deputies shall advance a draft law with which it expressed its approval to the Senate without unnecessary delay.

Article 46 [Resolution of Senate]

(1) The Senate shall discuss a draft law and decide upon it within a period of thirty days of its advancement.

(2) With its resolution, the Senate approves the draft law or turns it down, or returns it to the Chamber of Deputies with draft amendments, or expresses its intention not to concern itself with it.

(3) If the Senate fails to express its resolution in a time limit given in Paragraph (1), it is assumed that the draft law was passed.

Article 47 [Rejection by Senate]

(1) If the Senate rejects a draft law, the Chamber of Deputies shall

vote on it again. A draft law is passed if it is approved by an absolute majority of all deputies.

(2) If the Senate returns a draft law to the Chamber of Deputies with draft amendments, the Chamber of Deputies shall vote on the wording approved by the Senate. With its resolution, the draft law is passed.

(3) If the Chamber of Deputies fails to pass a draft law in the wording approved by the Senate, it shall vote once again on the version of the draft law advanced to the Senate. A draft law is passed if it is approved by an absolute majority of all deputies.

(4) In discussion of a rejected or returned draft law in the Chamber of Deputies draft amendments are inadmissible.

Article 48 [Inactivity]

If the Senate expresses its intention not to concern itself with a draft law, it is passed with this resolution.

Article 49 [International Accords]

(1) International accords requiring consent from Parliament are passed by Parliament in the same way as draft laws.

(2) Accords on human rights and fundamental freedoms, political agreements, and economic agreements of a general nature, as well as agreements on the implementation of which a law must be passed, require consent from Parliament.

Article 50 [Rejection by President]

(1) The President of the Republic has the right to return an adopted law, except a constitutional law, giving explanation within fifteen days of the day of its advancement.

(2) The Chamber of Deputies shall vote on the rejected law once again. Draft amendments are inadmissible. If the Chamber of Deputies re-approves the returned law by an absolute majority of all deputies, the law is promulgated. Otherwise it is assumed that the law was not passed.

Article 51 [Signatures]

Adopted laws are signed by the Chairman of the Chamber of Deputies, the President of the Republic, and the Premier.

Article 52 [Promulgation]

A law becomes effective upon its promulgation. The method of promulgation is stipulated by law. The same applies to international treaties approved by Parliament.

Article 53 [Interpellation]

(1) Every Deputy has the right to interpellate the Government or its members in matters falling under their jurisdiction.

(2) Interpellated members of Government shall be obliged to respond to the interpellation within a period of thirty days from the day of its notification.

Chapter Three Executive Power

[Part 1] The President of the Republic

Article 54 [Head of State]

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

(2) The President of the Republic is elected by Parliament at a joint session of both Chambers.

(3) The President of the Republic is not accountable for the discharge of his office.

Article 55 [Oath, Term]

The President of the Republic enters upon his office by taking an oath. The term of office of the President of the Republic is five years and begins on the day of taking the oath.

Article 56 [Election]

The election takes place within the last thirty days of the term of office of the incumbent President of the Republic. If the office of the President of the Republic becomes vacant, the election takes place within thirty days.

Article 57 [Eligibility]

(1) A citizen eligible to the Senate may be elected President of the Republic.

(2) No one can be elected for more than two consecutive terms of office.

Article 58 [Candidates]

(1) No less than ten deputies or ten Senators are entitled to nominate a candidate.

(2) A candidate who received an absolute majority of votes of all deputies and an absolute majority of votes of all Senators is elected President of the Republic.

(3) If no candidate succeeds in receiving an absolute majority of votes of all deputies and of all Senators, the second round of election shall be held within fourteen days.

(4) The candidate with the highest number of votes in the Chamber of Deputies and the candidate with the highest number of votes in the Senate advances to the second round.

(5) If there are more candidates who receive the same highest number of votes in the Chamber of Deputies or if there are more candidates who receive the same highest number of votes in the Senate, votes they received in both Chambers are summed up, and a candidate who in this way receives the highest number of votes advances to the second round.

(6) A candidate who received an absolute majority of votes of deputies present as well as an absolute

majority of votes of Senators present is elected.

(7) If a President of the Republic is not elected in the second round, the third round of election takes place within fourteen days, in which that candidate from the second round is elected who receives an absolute majority of votes of deputies and Senators present.

(8) If a President of the Republic is not elected in the third round, new elections take place.

Article 59 [Oath]

(1) The President of the Republic takes the oath before the Chairman of the Chamber of Deputies at a joint session of both chambers.

(2) The President's oath has the following wording:

"I pledge allegiance to the Czech Republic. I pledge to uphold its Constitution and laws. I pledge on my honor to discharge my office in the interest of the people and in accordance with my best conviction and conscience."

Article 60 [No Reservations]

If the President of the Republic refuses to take the oath or if he takes it with reservations, he is considered not to have been elected.

Article 61 [Resignation]

The President of the Republic may surrender his office into the hands of the Chairman of the Chamber of Deputies.

Article 62 [Functions]

The President of the Republic:

- a) appoints and dismisses the Premier and other members of the Government and accepts their resignation, dismisses the Government and accepts its resignation,
- b) convenes sessions of the Chamber of Deputies,
- c) dissolves the Chamber of Deputies,
- d) entrusts the Government whose resignation he has accepted or which he has dismissed with discharging its functions temporarily until a new Government is appointed,
- e) appoints judges of the Constitutional Court, its Chairman and Deputy Chairmen,
- f) appoints from judges the Chairman and Deputy Chairmen of the Supreme Court,
- g) pardons and mitigates penalties imposed by penal courts, orders that criminal proceedings be not opened, and if they have been, orders their discontinuation, and expunges previous sentences,
- h) has the right to return to Parliament adopted laws with the exception of constitutional laws,
- i) signs laws,
- j) appoints the President and Vice President of the Supreme Inspection Office,
- k) appoints members of the Bank Council of the Czech National Bank.

Article 63 [Powers]

(1) The President of the Republic further:

- a) represents the state in external affairs,
- b) negotiates and ratifies international treaties; he may transfer the negotiation of international agreements to the Government or, with its approval, to its individual members,
- c) is commander-in-chief of the armed forces
- d) receives heads of diplomatic missions,
- e) accredits and recalls heads of diplomatic missions,
- f) calls elections to the Chamber of Deputies and to the Senate,
- g) appoints and promotes generals,
- h) confers and awards state distinctions, unless he authorizes another body to do so,
- i) appoints judges,
- j) has the right to grant amnesty.

(2) The President of the Republic is also entitled to exercise powers which are not expressly specified in the constitutional law, if it is stipulated so by law.

(3) Decisions of the President of the Republic issued in accordance with Paragraphs (1) and (2) require a signature of the Premier, or a member of the Government entrusted by the Premier, to come into effect.

(4) The Government is responsible for decisions of the President of the Republic which require the signature of the Premier or a member of the Government authorized by the Premier.

Article 64 [Attendance]

(1) The President of the Republic has the right to take part in sessions of both Chambers of Parliament, their committees, and commissions. He shall be given the floor any time he requests it.

(2) The President of the Republic has the right to take part in sessions of the Government, request reports from the Government and its members and discuss with the Government or with its members issues falling under their jurisdiction.

Article 65 [Immunity]

(1) The President of the Republic cannot be detained, exposed to criminal prosecution, or prosecuted for a

misdemeanor or other administrative offence.

(2) The President of the Republic can be prosecuted for high treason before the Constitutional Court on the basis of an indictment by the Senate. Punishment can be the loss of Presidential office and of the qualification to hold it again.

(3) Criminal prosecution for criminal acts committed while discharging the office of the President of the Republic is rendered impossible forever.

Article 66 [Vacancy]

If the office of the President of the Republic becomes vacant and a new President of the Republic is not yet elected or has not yet been sworn in, and also if the President of the Republic is unable to discharge his office for serious reasons and the Chamber of Deputies and the Senate resolves so, the exercise of functions specified in Article [63 \(1\) a\)-e\), h\), i\), and j\)](#), and Article [63 \(2\)](#) falls to the Premier. During the period in which the Premier is discharging the specified functions of the President of the Republic, the exercise of functions of the President of the Republic according to Article [62 Subparagraphs a\)-e\) and k\)](#) falls to the Chairman of the Chamber of Deputies; if the office of the President of the Republic becomes vacant at the time when the Chamber of Deputies is dissolved, the exercise of these functions falls to the Chairman of the Senate.

[Part 2] The Government

Article 67 [Executive Power]

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

(2) The Government is composed of the Premier, the Deputy Premiers, and the Ministers.

Article 68 [Appointment]

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

(2) The President of the Republic appoints the Premier and, on his suggestion, appoints other members of the Government and entrusts them with managing the ministries or other bodies.

(3) The Government shall appear before the Chamber of Deputies within thirty days of its appointment and request of it a vote of confidence.

(4) If the newly appointed Government fails to obtain the confidence of the Chamber of Deputies, the procedure advances in accordance with Paragraphs (2) and (3). If even the Government, appointed in this way, fails to obtain the confidence of the Chamber of Deputies, the President of the Republic shall appoint the Premier upon the suggestion of the Chairman of the Chamber of Deputies.

(5) In other cases, the President of the Republic appoints and dismisses, upon the suggestion of the Premier, other members of the cabinet and entrusts them with managing the ministries or other bodies.

Article 69 [Oath]

(1) A member of the Government swears in before the President of the Republic.

(2) The oath of a member of the Government has the following wording:

"I pledge allegiance to the Czech Republic. I pledge to uphold its Constitution and laws and introduce them into life. I pledge on my honor that I will conscientiously hold my office and will not abuse my position."

Article 70 [Incompatibility]

A member of the Government must not pursue activities whose nature is in conflict with the exercise of his function. Details are stipulated by law.

Article 71 [Vote of Confidence]

The Government is entitled to submit to the Chamber of Deputies a request for a vote of confidence.

Article 72 [Confidence Initiative]

(1) The Chamber of Deputies may pass a vote of no confidence in the Government.

(2) The Chamber of Deputies shall discuss a proposal for a vote of no confidence in the Government only if it is submitted in writing by no less than 50 deputies. Passing the proposal requires the consent of an absolute majority of all deputies.

Article 73 [Resignation]

(1) The Premier offers his resignation to the President of the Republic. Other members of the Government offer their resignations to the President of the Republic through the Premier.

(2) The Government shall offer its resignation if the Chamber of Deputies rejects its request for a vote of confidence or if it passes a vote of no confidence in it. The Government shall always offer its resignation after the constituent session of a newly elected Chamber of Deputies.

(3) If the Government offers its resignation according to Paragraph (2), the President of the Republic shall accept it.

Article 74 [Dismissal of Ministers]

The President of the Republic shall dismiss a Member of the Government, if this is proposed by the Premier.

Article 75 [Dismissal of Government]

The President of the Republic shall dismiss a Government which did not offer its resignation although it was obliged to offer it.

Article 76 [Resolutions]

- (1) The Government makes decisions as a body.
- (2) The passage of a resolution of the Government requires the consent of an absolute majority of all its members.

Article 77 [Premier]

- (1) The Premier organizes the activities of the Government, chairs its meetings, acts in its name, and executes further activities entrusted to him by the Constitution or by other laws.
- (2) The Premier is represented by a Deputy Premier or another authorized member of the Government.

Article 78 [Decrees]

For the execution of a law and within its limits, the Government is entitled to issue decrees. Decrees are signed by the Premier and a respective member of the Government.

Article 79 [Regulations]

- (1) Ministries and other administrative bodies can be established and their powers defined only by law.
- (2) The legal relations of state employees in the ministries and other administrative bodies are determined by law.
- (3) The ministries, other administrative offices, and bodies of territorial self-administration may issue legal regulations on the basis of and within the limits of law, if authorized so by law.

Article 80 [Public Prosecutor's Office]

- (1) A Public Prosecutor's office represents public prosecution in criminal proceedings; it also executes other tasks, if the law so stipulates.
- (2) The status and jurisdiction of the Public Prosecutor's office are defined by law.

Chapter Four Judicial Power**[Part 1 General Provisions]****Article 81 [Independent Courts]**

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

Article 82 [Judges]

- (1) Judges are independent in the execution of their function. Their impartiality must not be threatened by anyone.
- (2) A judge cannot be dismissed or transferred to another court against his or her will; exceptions, primarily in disciplinary responsibility, are stipulated by law.
- (3) The discharge of the function of a judge is incompatible with the office of the President of the Republic, member of Parliament, or any other function in public administration; other activities incompatible with the discharge of the function of a judge are determined by law.

[Part 2] Constitutional Court**Article 83 [Function]**

The Constitutional Court is a judicial body for the protection of constitutionality.

Article 84 [Composition]

- (1) The Constitutional Court is composed of 15 judges appointed for a term of ten years.
- (2) The judges of the Constitutional Court are appointed by the President of the Republic with the consent of the Senate.
- (3) Any citizen of integrity, eligible for election to the Senate, having a university education in law and at least ten years of experience in legal profession may be appointed a judge of the Constitutional Court.

Article 85 [Oath]

- (1) A judge of the Constitutional Court assumes his or her function upon taking an oath before the President of the Republic.
- (2) A judge of the Constitutional Court takes the following oath:
"I pledge on my honor and conscience that I will protect the inviolability of the natural rights of the individual and the rights of any citizen, abide by constitutional laws, and make decisions according to my best conviction, independently, and impartially."
- (3) If a judge refuses to take the oath or if he or she takes it with reservations, he or she is regarded as not appointed.

Article 86 [Immunity]

- (1) A judge of the Constitutional Court cannot be criminally prosecuted without the consent of the Senate. If the Senate declines to give its consent, criminal prosecution is rendered impossible forever.
- (2) A judge of the Constitutional Court may be detained only if caught while committing a criminal act or immediately thereafter. The respective authority is obliged to immediately notify the Chairman of the Senate of the detention. If the Chairman or the Senate fails to give his consent to passing the detainee to court within 24 hours, the respective authority is obliged to release him. The Senate shall make a definitive decision about whether or not criminal prosecution is admissible at its first following session.
- (3) A judge of the Constitutional Court has the right to deny testimony on matters about which he or she learnt while discharging his or her function, and, as well, after he or she ceased to be a judge of the Constitutional Court.

Article 87 [Competencies]

(1) The Constitutional Court resolves:

- a) the nullification of laws or their individual provisions if they are in contradiction with a constitutional law or an international agreement under Article 10,
- b) the nullification of other legal regulations or their individual provisions if they are in contradiction with a constitutional law, legislation, or international agreement under Article 10,
- c) constitutional complaints by bodies of territorial self-administration against unlawful interference by the state,
- d) constitutional complaints against authorized decisions and other interference by bodies of public power with fundamental rights and freedoms guaranteed by the Constitution,
- e) legal remedies against decisions on matters of the verification of election of a Deputy or a Senator,
- f) doubts concerning a loss of eligibility of a Deputy or a Senator and incompatibility of the discharge of his or her function according to Article 25,
- g) a constitutional indictment by the Senate against the President of the Republic according to Article 65 (2),
- h) a proposal by the President of the Republic to repeal a resolution by the Chamber of Deputies and the Senate according to Article 66,
- i) measures necessary to effect a decision by an international court which is binding for the Czech Republic, if it cannot be effected otherwise,
- j) the congruency of a decision to dissolve a political party or other decisions concerning the activities of a political party with constitutional laws and other acts,
- k) controversies on the scope of powers of state bodies and bodies of territorial self-administration, if, according to law, these do not fall under the jurisdiction of another body.

(2) The law may stipulate that instead of the Constitutional Court the Supreme Administrative Court shall pass decisions on:

- a) the annulment of legal regulations or their individual provisions, if they are at variance with law,
- b) controversies concerning the scope of powers of state bodies and bodies of territorial self-administration, if, according to law, these do not fall under the jurisdiction of another body.

Article 88 [Initiative, Independence]

(1) The law specifies who and under what conditions is entitled to table a proposal to initiate proceedings and other rules on proceedings before the Constitutional Court.

(2) In decision-making, judges of the Constitutional Court are bound only by constitutional laws and international agreements under Article 10 and by laws under Paragraph (1).

Article 89 [Binding Effect]

(1) A decision of the Constitutional Court becomes executable as soon as it is promulgated in the manner determined by law if the Constitutional Court did not decide about its execution otherwise.

(2) Executable decisions of the Constitutional Court are binding for all bodies and persons.

[Part 3] Courts

Article 90 [Purpose]

The task of courts is above all to provide protection to rights in the manner determined by law. Only a court can decide on the guilt and penalty for criminal acts.

Article 91 [Court Hierarchy]

(1) The judiciary consists of the Supreme Court, the Supreme Administrative Court, high, regional, and district courts. Legislation may determine other terms for them.

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

Article 92 [Highest Court]

The Supreme Court is the highest judicial body in matters falling under the jurisdiction of courts with the exception of matters

decided by the Constitutional Court or the Supreme Administrative Court.

Article 93 [Appointment of Judges]

(1) Judges are appointed by the President of the Republic for an unlimited term. They assume the office on taking an oath.

(2) Any citizen of integrity, having a university education in law, can be appointed judge. Other requirements and procedures are stipulated by law.

Article 94 [Bench]

(1) The law stipulates cases in which judges decide as a bench and the composition of the bench. In other cases they decide as single judges.

(2) The law may stipulate in which matters and in what manner also other citizens, in addition to judges, participate in court decision-making.

Article 95 [Courts Bound By Law]

(1) In decision-making, judges are bound by law; they are entitled to judge congruency of another legal regulation with the law.

(2) If a court arrives at the conclusion that a law which is to be applied in decision-making is in contradiction with a constitutional act, it shall pass the matter to the Constitutional Court.

Article 96 [Equality Before Court, Publicity]

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

(2) Proceedings in the court are verbal and open to public; exceptions are specified by law. The verdict of the court is always publicly declared.

Chapter Five The Supreme Inspection Office

Article 97 [Supreme Inspection Office]

(1) The Supreme Inspection Office is an independent body. It executes inspection of the management of state property and the fulfillment of the state budget.

(2) The President and Vice President of the Supreme Inspection Office are appointed by the President of the Republic upon the suggestion of the Chamber of Deputies.

(3) The status, jurisdiction, organizational structure and other details are set down by law.

Chapter Six The Czech National Bank

Article 98 [Czech National Bank]

(1) The Czech National Bank is the central bank of the State. Its activities are primarily oriented towards currency stability; it is possible to interfere with its activities exclusively on the basis of law.

(2) The status, jurisdiction, and other details are set down by law.

Chapter Seven Territorial Self-Administration

Article 99 [Lands, Regions, Municipalities]

The Czech Republic is divided into municipalities which are the basic units of territorial self-administration. Higher units of territorial self-administration are lands and regions.

Article 100 [Right to Self-Administration]

(1) The units of territorial self-administration are territorial communities of citizens, which have the right to self-administration. The law determines when they are administrative districts.

(2) A municipality is always part of a higher unit of territorial self-administration.

(3) A higher unit of territorial self-administration may be established or dissolved solely by a constitutional law.

Article 101 [Board of Representatives]

(1) A municipality is independently administrated by a board of representatives.

(2) A higher unit of territorial self-administration is independently administrated by a board of representatives.

(3) Units of territorial self-administration are public law corporations which may have their own property and may engage in management according to their own budgets.

(4) The state may interfere in the activities of units of territorial self-administration only if it is necessary for the protection of law and solely by means specified by law.

Article 102 [Elections]

(1) Members of the board of representatives are elected by secret ballot on the basis of universal, equal, and direct suffrage.

(2) The term of office of the board of representatives is four years. The law stipulates under what conditions new elections to the board of representatives shall be called before the expiration of its term of office.

Article 103 [Names]

The name of a higher unit of territorial self-administration shall be decided by its board.

Article 104 [Jurisdiction, Decrees]

(1) The powers of the board of representatives may be set down solely by law.

(2) The board of representatives resolves matters of self-administration, unless these are entrusted by law to the board of representatives of a higher unit of territorial self-administration.

(3) Boards of Representatives may issue generally binding decrees within the limits of their jurisdiction.

Article 105 [Bound by Law]

The exercise of state administration may be entrusted to bodies of self-administration only when determined so by law.

Chapter Eight Temporary and Final Provisions

Article 106 [Provisional Senate]

(1) On the day this Constitution comes into effect, the Czech National Council becomes the Chamber of Deputies whose election term expires on 6 June 1996.

(2) Until the Senate is elected according to the Constitution, the functions of the Senate shall be discharged by the Provisional Senate. The Provisional Senate shall be constituted in the manner determined by constitutional law. The Chamber of Deputies shall execute the functions of the Senate until this law becomes effective.

(3) The Chamber of Deputies cannot be dissolved as long as it discharges the function of the Senate according to Paragraph (2).

(4) Until laws on the rules of procedure of the Chambers are passed, the individual Chambers shall proceed according to the rules of procedure of the Czech National Council.

Article 107 [Senate Elections]

(1) The law on elections to the Senate sets down the way in which one third of Senators whose election term will be two years, and one third of Senators whose election term will be four years will be determined in the first elections to the Senate.

(2) The President of the Republic shall call a session of the Senate so that it may begin no later than the thirtieth day after the election day; if he fails to do so, the Senate shall meet on the thirtieth day after the election day.

Article 108 [1992 Government]

The Government of the Czech Republic appointed after the 1992 elections and executing its function on the day when the Constitution comes into effect is considered a Government appointed according to this Constitution.

Article 109 [State Prosecutor's Functions]

Until the State Prosecutor's Office is established, its functions shall be exercised by the Prosecutor's Office of the Czech Republic.

Article 110 [Military Courts]

Until 31 Dec 1993, the judiciary shall also include military courts.

Article 111 [Judges]

Judges of all courts of the Czech Republic, exercising the function of judge on the day on which this Constitution comes into effect, are considered judges appointed according to the Constitution of the Czech Republic.

Article 112 [Constitutional Order]

(1) The constitutional order of the Czech Republic comprises this Constitution, the Charter of Fundamental Rights and Freedoms, constitutional laws adopted in accordance with 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, which define the state borders of the Czech Republic, and constitutional laws of the Czech National Council adopted after 6 June 1992.

(2) Annulled are the present Constitution, the Constitutional Act on the Czechoslovak Federation, constitutional laws which amended them, and the Constitutional Act of the Czech National Council No. 67/1990 Digest of Laws, on the State Symbols of the Czech Republic.

(3) Other constitutional laws valid on the territory of the Czech Republic shall have the power of a law on the day this Constitution comes into effect.

Article 113 [Coming Into Force]

This Constitution takes effect as of 1 Jan 1993.