

Annex 1: Selected provisions of the Czech Constitution in English

Constitution of the Czech Republic

of December 16, 1992, amended by Act No. 347/1997 Coll., amended by Act No. 300/2000 Coll., amended by Act No. 448/2001 Coll., amended by Act No. 395/2001 Coll., amended by Act No. 515/2002 Coll.

CHAPTER ONE - Fundamental Provisions

Art. 1

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

Art. 2

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

Art. 3

An integral component of the constitutional system of the Czech Republic is the Charter of Fundamental Rights and Freedoms.

Art. 4

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

Art. 8

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

Art. 9

(1) Constitution may be supplemented or amended only by Constitutional Acts.

Art. 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.

Art. 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.

Art. 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.

Art. 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.

CHAPTER TWO - Legislative Power

Art. 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.

Art. 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.

Art. 18

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

Art. 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.

Art. 27

- (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.

Art. 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; it shall be promulgated in the same manner as laws.
- (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.

Art. 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 absolute majority of the Deputies or Senators present, unless the Constitution stipulates otherwise.

Art. 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.

Art. 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 absolute majority of vote of all Deputies, the law shall be promulgated. If not, the law shall be considered defeated.

Art. 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.

Art. 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.

CHAPTER THREE - Executive Power
President of the Republic

Art. 54

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

Art. 57

- (1) Any citizen 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.

Art. 62

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 the President has accepted or which he has recalled to execute their office temporarily 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 the court, order not to initiate criminal proceedings and suspend them if they are already initiated, and expunge sentences;
- 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) announces a referendum concerning the accession of the Czech Republic to the European Union and its result.

Art. 63

- (1) 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, subject to the Government consent, to its individual members;
 - c) be the Commander in Chief of the Armed Forces;
 - d) receive heads of diplomatic missions;
 - e) appoint and recalls 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 other body to do so;
 - i) appoint judges; and
 - j) have the right to grant amnesty.

Art. 65

- (1) President of the Republic may not be detained, subjected to criminal prosecution or prosecuted for offence or other administrative torts.
- (2) President of the Republic may be prosecuted for high treason at the Constitutional Court based on the Senate's suit. The punishment may be the 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 executing his office shall be ruled out forever.

The Government

Art. 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.

Art. 68

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

Art. 71

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

Art. 74

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

Art. 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.

CHAPTER FOUR - Judicial Power

Art. 81

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

Art. 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.

The Constitutional Court

Art. 83

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

Art. 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.

Art. 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,

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 [...]

Art. 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

Art. 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.

Art. 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) Jurisdiction and the organization of courts shall be defined by law.