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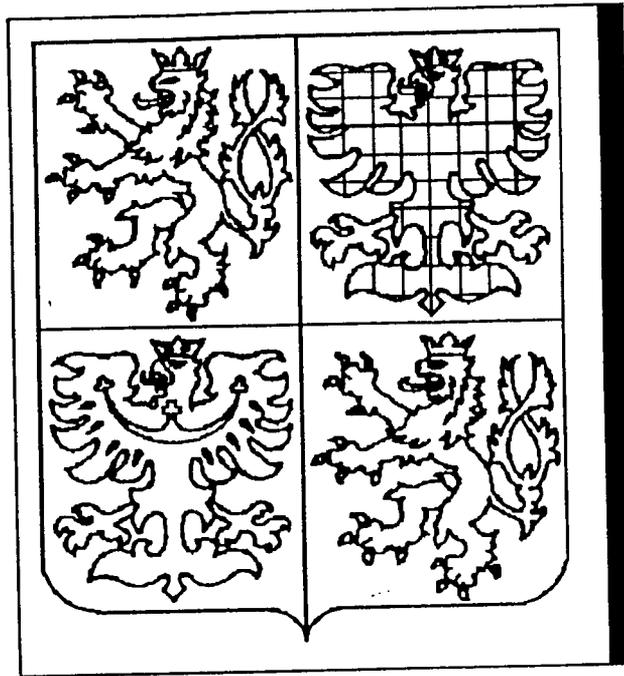
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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW



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**DRAFT CONSTITUTION OF THE
CZECH REPUBLIC**



DRAFT

THE CONSTITUTION OF THE CZECH REPUBLIC

CHAPTER ONE PRINCIPAL PROVISIONS

Article 1

The Czech Republic is a sovereign, unitary and democratic rule-of-law State founded on the respect for the rights and freedoms of man and citizen.

Article 2

/1/ All State power stems from the people who exercises it through the organs of legislative, executive and judicial powers.

/2/ State power serves all citizens and may applied only in the cases and within the boundaries provided by law and in the manner specified by law.

/3/ Every citizen may do what is not forbidden by law and no one shall be made do what is not imposed by law.

Article 3

/1/ People are free and equal in dignity and rights. The basic rights are vested, inalienable, inviolable and shall not be subjected to any statutes of limitations.

/2/ The basic rights and freedoms shall be guaranteed to all regardless of sex, race, colour, language, faith and religion, national or social origin, membership of national or ethnic minority, property, family or other status.

/3/ Deleted

/4/ No one shall be prejudiced in his right to exercise his fundamental rights and freedoms.

Article 4

/1/ Obligations may be imposed only on the basis of law and within its boundaries and only with the preservation of fundamental rights and freedoms,

/2/ The limits of fundamental rights and freedoms may be modified by law within the conditions provided by the Bill of Fundamental Rights and Freedoms.

/3/ The legal restrictions of fundamental rights and freedoms must apply equally to all cases complying with the specified conditions.

/4/ The application of the provisions on the limits of fundamental rights and freedoms must be consistent with their substance and meaning. Such restrictions must not be abused for other purposes than those for which they have been provided.

Article 5

Alternative I :

The fundamental rights and freedoms are under the protection of judicial power.

Alternative II :

Not recommended for adoption.

Article 6

Political system is based on a free and voluntary origin and free play /competition/ of political parties respecting the basic principles of democratic system and refusing violence as a means for the assertion of their interests.

Article 6a

Political decisions are based on the will of the majority expressed by a free vote. The decision of the majority shall respect the protection of the minority.

Article 7

The self-government of communities and higher territorial units is guaranteed.

Article 8

/1/ The Constitution may be amended and supplemented only by Constitutional Acts,

/2/ Any change of the substantial requisites of the democratic rule-of-law State specified in Articles 1 through 7 shall be impermissible.

/3/ The interpretation of legal norms shall not justify the removal or the threat to the fundamentals of democratic State.

Article 9

/1/ International treaties on fundamental freedoms and human rights, binding for the Czech Republic, approved by the Parliament and ratified by the President of the Republic, shall be directly binding and shall have the force of a Constitutional Act.

/2/ Other international treaties binding for the Czech Republic, approved by the Parliament and ratified by the President of the Republic, shall be directly binding and shall have the force of an Act.

Article 10

/1/ The territory of the Czech Republic forms an integral whole and is defined by State boundaries,

/2/ A change of boundaries is possible only by a Constitutional Act.

Article 11

/1/ Acquisition and loss of citizenship of the Czech Republic shall be codified by law.

/2/ No one shall be deprived of his citizenship against his will.

Article 12

The capital of the Czech Republic is Prague.

Article 13

/1/ The State symbols of the Czech Republic are the arms, flag, seal and anthem.

/2/ The symbols of State and their use shall be codified by law.

**CHAPTER TWO
LEGISLATIVE POWER**

Article 14

/1/ The legislative power in the Czech Republic appertains to the Parliament.

/2/ The Parliament consists of two houses: the House of Representatives and the Senate.

Article 15

/1/ The House of Representatives has 200 members /deputies/ elected for four years,

/2/ The Senate has 80 senators, elected for eight years. Every four years one half of the number of Senators shall be elected.

Article 16

/1/ Elections to both houses shall take place within the period beginning on the thirtieth day before the elapse of the election period / period of office / and terminating on the day of its elapse.

/2/ Elections to the House of representatives shall take place within sixty days after its dissolution.

/3/ Transferred to Art. 18 as its new para.I.

Article 17

/1/ The elections to both houses are based on universal equal and direct suffrage and secret ballot.

/2/ Every citizen of the Czech Republic, who has attained the age of 18 years, has the right to vote,

Article 18

/1/ Every citizen of the Czech Republic who has the right to vote and has attained the age of 21 years, may be elected to the House of Representatives,

/2/ Every citizen of the Czech Republic, who has the right to vote and has attained the age of 40 years, may be elected to the Senate.

/3/ The mandate of the deputy or senator originates by his election,

Article 19

Further conditions of the exercise of suffrage, the organization of elections and the scope of judicial review shall be codified by law.

Article 20

No one shall be member of both houses of Parliament simultaneously.

Article 21

/1/ Incompatible with the function of deputy or senator is the discharge of the office of the President of the Republic, the function of Judge and further functions provided by law.

/2/ On the day on which the deputy or senator takes up the office of the President of the Republic, the function of Judge or any other function incompatible with the function of deputy or senator, his mandate of deputy or senator shall become extinct.

Article 22

The deputy or senator shall not perform any activities the character of which contradicts the meaning of his mandate.

Article 23

/1/ The deputy shall take the vow of office in the first meeting of the House of Representatives in which he takes part.

/2/ The senator shall take the vow of office in the first meeting of the Senate in which he takes part.

/3/ The vow of office of the deputy and senator shall read: " I pledge loyalty to the Czech Republic. I pledge that I shall abide by the Constitution and laws and exercise my mandate in the interest of the people and in conformity with my conscience."

/4/ Deleted.

Article 24

The deputy or senator may resign his mandate by a statement made personally during the meeting of the house of which he is member. Should he be prevented by serious circumstances, he shall do so in the manner provided by law.

Paras.2,3,4 deleted.

Article 25

The deputies and senators shall exercise their mandate personally in conformity with their vow of office and shall not be bound in its exercise by any orders.

Article 25a

The mandate of deputy or senator shall become extinct

a/ as a consequence of the facts specified in Art. 22 on the basis of a decision of the Constitutional Court,

b/ by his refusal to take the vow of office or by taking the vow of office with a reservation,

c/ by the elapse of the period of office,

- d/ by resignation,
- e/ by a loss of eligibility,
- i/ in case of deputies by the dissolution of the House of Representatives,
- g/ by the origin of incompatibility of functions in accordance with Art. 21.

Article 26

/1/ The deputy or senator shall not be punishable for his voting in the House of Representative or the Senate or their organs.

/2/ The deputy shall not be penally prosecuted for the statements made in the House of Representatives. The deputy shall be subjected only to the disciplinary power of the House of Representatives.

/3/ The senator shall not be penally prosecuted for the statements made in the Senate. The senator shall be subjected only to the disciplinary power of the Senate.

/4/ In case of misdemeanours the deputy or senator shall be subjected only to the disciplinary power of the house of which he is member, unless an Act provides differently.

/5/ The deputy or senator shall not be penally prosecuted without the consent of the house of which he is member. If the house refuses its consent, the penal prosecution shall be excluded for the duration of the mandate.

/6/ The deputy or senator may be detained only, if he has been apprehended in the perpetration of a criminal offense or immediately afterwards. The respective organ shall report the detention immediately to the chairman of the House of which the detained is member. If the chairman of the house does not grant his consent within 24 hours from the detention for the detained to be handed over to the court, the respective organ shall release the detained member. The House shall decide definitely about the permissibility of prosecution in its next session.

Article 27

The deputy and senator have the right to refuse testimony concerning the fact they have learned in connection with the exercise of their mandate, even after they have ceased to be deputies or senators.

Article 28

/1/ The House of Representatives shall elect and recall the Chairman and the Vice-Chairmen of the House of Representatives.

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

Article 29

Deleted.

Article 30

/ To be numbered as Art. 31 /

/1/ The Houses establish Committees and Commissions as their organs.

/2/ The activities of the Committees and Commissions shall be codified by law.

Article 31

/To be numbered as Art. 33 /

/1/ If the House of Representatives has been dissolved, the Senate shall adopt legal measures in the matters brooking no delay which would otherwise require the adoption of an Act.

/2/ The Senate, however, shall not adopt legal measures in the matters concerning the Constitution, State Budget , the Final Account, the election Act and international treaties having the force of a Constitutional Act.

/3/ A legal measures may be proposed to the Senate only by the Government.

/4/ The legal measures of the Senate shall be signed by the Chairman of the Senate, the President of the Republic and the Prime Minister. They shall be promulgated in the same way as the laws.

/5/ The legal measures of the Senate shall be approved by the House of Representatives in its first meeting. It not approved by the House of Representatives, they lose force forthwith.

Article 32

/ to be numbered as Art. 30 /

/1/ To investigate a matter of public interest the House of Representatives may establish a Commission of Enquiry, ii so proposed by at least one fifth of the number of deputies.

/2/ The proceedings before the Commission shall be codified by an Act.

Article 33

/ to be numbered as Art. 32 /

The deputy or senator who is member of the Government shall not be Chairman, Vice-Chairman or member of parliamentary Committees, the Commission of Enquiry or Commissions.

Article 34

/1/ The sessions of the houses are permanent. The sessions of the houses are convened by the President of the Republic. If he does not do so, the house shall meet on the thirtieth day after the day of elections.

/2/ The session of the house may be discontinued by its resolution. The overall period for which the session may be discontinued shall not exceed 120 days in a year.

/3/ During the discontinuation of the session the Chairman of the House of Representatives or of the Senate may convene the meeting of the House before the stipulated date. He shall do so always, when requested by the President of the Republic, the Government or at least one fifth of the number of the members of the House.

/4/ The session of the House of Representatives shall terminate by the elapse of its election period or by its dissolution.

Article 35

/1/ The House of Representatives may be dissolved by the President of the Republic, if :

a/ the House of Representatives has not given the vote of confidence to the Government, whose Prime Minister has been appointed by the President of the Republic at the proposal of the Chairman of the House of Representatives,

b/ the House of Representatives does not resolve within three months on the Government Bill with the adoption of which the Government has connected the question of confidence,

c/ the discontinuation of the session has exceeded the permissible limit,

d/ the House of Representatives has not attained the required quorum for a period in excess of two months, although its session has not been discontinued and it has been repeatedly called to meeting during this period.

/2/ The House of Representatives shall not be dissolved three months before the end of its period of office,

Article 36

The meetings of the houses shall be public. The public may be excluded only under the conditions provided by law.

Article 37

/1/ The joint meeting of the houses shall be convened by the Chairman of the House of Representatives.

/2/ The proceedings of the joint meeting shall be governed by the Rules of Procedure of the House of Representatives.

Article 38

/1/ The member of the Government shall have the right to participate in the meetings of both Houses, their Committees and Commissions. He shall be given the floor whenever he requests it.

/2/ The member of the Government is bound to attend personally a meeting of the House of Representatives on the basis of its resolution. This applies, mutatis mutandis, also to the meeting of a Committee, Commission or Commission of Enquiry with the proviso that the member of the Government may be represented by his deputy, if his personal attendance has not been expressly requested.

Article 39

/1/ The Houses have attained quorum if at least one half of their members is present.

/2/ The adoption of a resolution of a House requires an absolute / over-half/ majority of the present deputies or senators, unless the Constitution provides differently,

/3/ The adoption of a Constitutional Act, the approval of an international treaty with the force of a Constitutional Act or the adoption of a resolution on the declaration of war shall require absolute majority of all deputies and absolute majority of all senators.

Article 40

The adoption of a Constitutional Act, an election Act, the Act on the Rules of Procedure of the Parliament necessitates the approval by the House of Representatives and by the Senate. The same applies to international treaties having the force of an Act.

Article 41

/1/ The drafts of acts /bills/ shall be submitted to the House of Representatives.

/2/ A bill may be submitted by a deputy, a group of deputies, the Senate, the Government or the Land Diet.

Article 42

/1/ The draft of the State Budget and the Final Account of the State shall be submitted by the Government.

/2/ This draft shall be discussed in a public meeting and shall be resolved upon by the House of Representatives only.

Article 43

/1/ The Parliament may decide about the declaration of war, if the Czech Republic has been attacked or if it is necessary to fulfil international treaty obligations on joint defense against aggression.

/2/ Armed forces may be deployed outside the territory of the Czech Republic only with the consent of the Parliament.

Article 44

/1/ The Government has the right to give its opinion on all Bills.

/2/ The Government shall have the right to request the House of Representatives to terminate the discussion of a Government Bill within three months from its submission, if it connects with the the request for confidence.

Article 45

The House of Representatives shall pass the Bill to the Senate without

unnecessary delay.

Article 46

/1/ The Senate shall discuss the Bill and resolve on it within 30 days from its delivery.

2/ With its resolution the Senate either shall approve the Bill, or reject the Bill or return the Bill to the House of Representatives with amendments or shall express its will not to deal with the Bill.

/3/ If the Senate does not resolve within the period specified in para.1, it shall be deemed to have approved the Bill.

Article 47

If the Senate rejects the Bill or returns the to the House of Representatives with amendments, the House of Representatives shall vote on it and on the amendments without discussion. In this case the Bill shall be adopted, if it has been approved by an absolute majority of all deputies.

Article 48

If the Senate has expressed its will not to deal with the Bill, the Bill shall be deemed adopted by this resolution.

Article 49

International treaties which have the force of an Act shall be discussed by the Parliament *mutatis mutandis* as the Bills.

Article 50

Adopted Acts shall be signed by the Chairman of the House of Representatives, the President of the Republic and the Prime Minister.

Article 51

/1/ The President of the Republic shall have the right to return an adopted Constitutional Act with comments within 15 days from the day on which it has been passed to him by the Chairman of the House of Representatives.

/2/ The President of the Republic shall ratify an international treaty in

accordance with Art. 9, para.2, after the Constitutional Court has decided about its conformity with Constitutional Acts.

/3/ Both houses shall vote about a returned Constitutional Act again. No amendments shall be permissible. If both houses persist in the adoption of the returned Constitutional Act by a three-fifths majority of all members of each house, the Constitutional Act shall be promulgated. Otherwise it shall be deemed not adopted.

Article 52

To enter into force, an Act must be promulgated. The method of promulgation shall be provided by law. The same applies to international treaties approved by the Parliament.

Article 53

/1/ The House of Representatives has the right to interpellate the Government or its members in the matters within their competence. This right shall belong also to a group of ten deputies at least.

/2/ The interpellated members of the Government shall answer the interpellation within 30 days from its submission.

CHAPTER THREE EXECUTIVE POWER

President of the Republic

Article 54

/1/ The President of the Republic is the head of State.

/2/ The President of the Republic shall be elected by the Parliament in a joint meeting of both houses.

/3/ The President of the Republic is not accountable for the exercise of his function.

Article 55

/1/ Any citizen eligible to the Senate may be elected President of the Republic.

/2/ The proposal shall be submitted by a deputy or a senator.

Article 56

The candidate who has obtained an absolute majority of the votes of all deputies and the absolute majority of the votes of all senators shall be elected President of the Republic.

Article 57

/1/ If none of the candidates has obtained an absolute majority of votes of all deputies and all senators, the second round of election shall take place within fourteen days.

2/ The candidate who has obtained the highest number of votes in the House of Representatives and the candidate who has obtained the highest number of votes in the Senate shall proceed to the second round.

/3/ If there are several candidates who have obtained the same highest number of votes in the House of Representatives or several candidates who have obtained the same highest number of votes in the Senate, the votes cast in their favour in both houses shall be added. The candidate who has obtained the highest number of votes shall proceed to the second round.

/4/ The candidate who has obtained the absolute majority of votes of the deputies and the absolute majority of votes of the senators shall be elected.

/5/ If the President of the Republic has not been elected in the second round, either, the third round shall take place, in which the candidate who has obtained the highest number of votes of the whole Parliament shall be elected,

/6/ If the President of the Republic has not been elected in the third round, either, a new election shall take place.

Article 58

/1/ The President of the Republic shall enter into office by taking his vow of office. The election period of the President of the Republic is five years and shall begin on the day on which he has taken his vow of office.

/2/ No one shall be elected more than twice in succession.

/3/ The election shall take place in the last thirty days of the election period of the President of the Republic who is in office. If the office of the President of the Republic has been vacated, the election shall take place within thirty days.

Article 59

/1/ The President of the Republic shall take his vow of office before the Chairman of the House of Representatives.

/2/ The vow of office of the President of the Republic shall read : " I pledge loyalty to the Czech Republic. I pledge to respect its Constitution and laws. I pledge on my honour that I shall safeguard the wellbeing of the citizens of the Czech Republic and fulfil all my duties in accordance with my conscience."

Article 60

If the President of the Republic refuses to take the vow of office or if he should take the vow with a reservation, he shall be regarded as not having been elected.

Article 61

The President of the Republic may resign his office to the Chairman of the House of Representatives.

Article 62

The President of the Republic shall:

- a/ appoint, dismiss and accept the resignation of the Prime Minister and further members of the Government, recall the Government and accept its resignation,
- b/ convene the sessions of the Parliament,
- c/ dissolve the House of Representatives,
- d/ entrust the Government whose resignation he has accepted or which he has dismissed /Art. 71, para.3/ with the temporary exercise of its function until the new Government has been appointed,
- e/ appoint the judges of the Constitutional Court, its Chairman and Vice-Chairmen ,
- f/ deleted
- g/ have the right of granting pardon,
- h/ have the right to return to the Parliament an adopted Constitutional Act,
- i/ sign Acts,

- j/ appoint professors of high-grade schools,
- k/ appoint the Chairman and Vice-Chairman of the Supreme Control and Audit Bureau,
- l/ appoint the Chairman and Vice-Chairman of the Supreme Court from the number of its judges.

Article 63

/1/ The President of the Republic shall further :

a/ represent the State in its external relations and ratify international treaties. Political treaties and economic treaties of general character as well as the treaties the implementation of which necessitates an Act shall be approved by the Parliament before their ratification :

- b/ be commander-in-chief of armed forces,
- c/ receive the heads of representative missions,
- d/ appoint and recall the heads of representative missions,
- e/ declare the elections to the Parliament,
- i/ appoint and promote generals,
- g/ confer and grant State decorations, unless he entrusts it to another organ
- h/ appoint judges,
- i/ have the right to grant amnesty.

/2/ The President of the Republic shall exercise also the powers not expressly specified in a Constitutional Act, if so provided by law .

/3/ The decision of the President of the Republic, issued in the framework of his powers specified in paras. 1 and 2 shall require the co-signature of the Prime Minister to become valid.

/4/ The Prime Minister is accountable for the decisions of the President of the Republic requiring the co-signature of the Prime Minister.

Article 64

/1/ The President of the Republic has the right to participate in the meetings of both houses of Parliament, their committees and commissions. He shall be given the floor whenever he requests it.

/2/ The President of the Republic has the right to participate in the meetings of the Government, to request reports from the Government and its members and to discuss with the Government or with its members the problems belonging to their competence.

Article 65

/1/ The President of the Republic shall not be detained, penally prosecuted or prosecuted for a misdemeanour or any other administrative offense.

/2/ The President of the Republic may be penally prosecuted only for high treason before the Constitutional Court on the basis of an impeachment by the House of Representatives. The sole penalty shall be the loss of office and of the capacity to obtain it again.

/3/ Penal prosecution for penal offenses perpetrated during the exercise of the function of the President of the Republic shall be excluded for ever.

Article 66

If the office of the President of the Republic has been vacated and a new President of the Republic has not yet been elected or if the President of the Republic be unable to exercise his office for serious reasons, and if the House of Representatives has resolved so, the exercise of the functions in accordance with Art. 63, para.1, letters a/, b/, c/, d/, e/ , g/, h/, j/, and Art. 63, para.2, shall appertain to the Prime Minister. In the period in which the Prime Minister exercises the defined functions of the President of the Republic, the exercise of the functions of the President of the Republic in accordance with Art. 62, letters a/, b/, c/, d/, e/ shall appertain to the Chairman of the House of Representatives.

The Government

Article 67

/1/ The Government is the supreme organ of executive power.

/2/ The Government consists of the Prime Minister, Deputy Prime Ministers and Ministers.

Article 68

/1/ The Government is accountable to the House of Representatives.

/2/ The Prime Minister is appointed by the President of the Republic, who appoints further members of the Government and entrusts them with the control of ministries and other authorities upon the proposal of the Prime Minister.

/3/ Within thirty days after its appointment the Government shall appear before

the House of Representatives and ask for a vote of confidence.

/4/ If the newly appointed Government does not receive a vote of confidence in the House of Representatives, the procedure specified in paras. 2 and 3 shall be repeated. If even so appointed Government does not receive a vote of confidence in the House of Representatives, the President of the Republic shall appoint the Prime Minister upon the proposal of the Chairman of the House of Representatives.

/5/ In other cases the President of the Republic appoints and recalls other members of the Government upon the proposal of the Prime Minister and entrusts them with the control of ministries and other authorities.

Article 69

/1/ The member of the Government shall take a vow of office before the President of the Republic.

/2/ The vow of office of a member of the Government shall read : " I pledge upon my honour and conscience that I shall exercise my office conscientiously, that I shall honour the Constitution and observe the laws and bring them to life and that I shall not abuse my position."

Article 70

The Government may submit to the House of Representatives a request for a vote of confidence.

Article 71

The member of the Government shall not perform any activities the character of which is at variance with the exercise of his function.

Article 72

/1/ The House of Representatives may express the Government its non-confidence,

/2/ The motion for the expression of non-confidence to the Government shall be discussed by the House of Representative only if it has been submitted in writing by at least fifty deputies . The adoption of the motion shall require an absolute majority of all deputies.

Article 73

/1/ The Prime Minister submits his resignation to the President of the Republic. The other members of the Government submit their resignation to the President of the Republic through the Prime Minister.

/2/ The Government shall resign, if the House of Representatives has refused it a vote of confidence or if it has expressed its non-confidence. The Government shall resign always after the constituent meeting of the newly elected House of Representatives.

/3/ If the Government has resigned in accordance with para.2, the President of the Republic shall accept its resignation.

Article 74

The President of the Republic shall recall a member of the Government, if it has been proposed by the Prime Minister.

Article 75

The President of the Republic shall recall the Government which has not resigned, although it was its duty to do so.

Article 76

/1/ The Government shall decide collectively.

/2/ The adoption of a resolution of the Government shall necessitate the consent of more than half of its members.

Article 77

/1/ The Prime Minister shall organize the activities of the Government, conduct its meetings, speak on its behalf and perform further activities entrusted to him by this Constitution and other Acts.

/2/ The Prime Minister may be deputized for by the Deputy Prime Minister or by another authorized member of the Government.

Article 78

To implement an Act and within its boundaries the Government is authorized to issue orders; an order of the Government shall be signed by the Prime Minister and the appropriate member of the Government.

Article 79

/1/ The Ministries and other administrative authorities may be established and their competence may be defined only by an Act.

/2/ Legal conditions of State employees / Civil Servants/ in the Ministries and other administrative authorities shall be specified by an Act.

/3/ On the basis and within the boundaries of an Act the Ministries, other administrative authorities and organs of territorial self-government may issue legal regulations, if they have been authorized to do so by the Act.

**CHAPTER FOUR
JUDICIAL POWER**

Article 80

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

Article 81

/1/ In the exercise of their function the judges are independent. Their independence shall be guaranteed by the State. Their impartiality shall not be threatened by anyone.

/2/ A judge shall not be recalled or transferred to another court against his will; exceptions arising particularly from disciplinary responsibility shall be provided by law.

/3/ The function of judge is incompatible with the function of the President of the Republic, member of Parliament and any function in public administration; an Act shall specify further activities incompatible with the exercise of the function of judge,

Constitutional Court

Article 82

The Constitutional Court is a judicial organ of the protection of constitutionality.

Article 83

/1/ The Constitutional Court consists of 12 judges appointed for a period of ten years.

/2/ The President of the Republic shall appoint six judges; further six judges shall be appointed by the Senate.

/3/ Any blameless citizen, eligible to the Senate, with a high-grade legal education, who has been active in a legal profession for at least ten years, may be appointed judge of the Constitutional Court.

Article 84

/1/ The Judge of the Constitutional Court shall assume his office by taking a vow of office before the President of the Republic.

/2/ The vow of office of the judge of the Constitutional Court shall read :
"I pledge upon my honour and conscience that I shall safeguard the inviolability of the natural rights of man and the rights of citizen , abide by Constitutional Acts and decide in accordance with my best conviction independently and impartially,"

/3/ If the judge refuses to take his vow of office or if he has taken his vow of office with a reservation, he shall be regarded as not having been appointed.

Article 85.

The Constitutional Court shall decide :

a/ about the repeal of the Acts and their individual provisions, if they are at variance with a Constitutional Act or with international treaties having the force of a Constitutional Act,

b/ about the repeal of other legal rules or their individual provisions, if they are at variance with a Constitutional Act, an Act or international treaties having the force of a Constitutional Act or an Act,

c/ about constitutional complaints of the organs of self-government against

unlawful interference of the State,

d/ about constitutional complaints against the decisions which have become legally valid and other interference of the organ of public authority with the fundamental rights and freedoms,

e/ about remedies against decisions in the matters concerning the verification of the election of a deputy or a senator,

f/ in case of doubt about the loss of eligibility and incompatibility of the exercise of the functions of deputy or senator in accordance with Art. 25 a,

g/ - deleted

h/ on the impeachment of the President of the Republic, by the House of Representatives in accordance with Art. 65, para.2,

i/ about the measures essential for the execution of a decision of an international court which is binding for the Czech Republic, if it cannot be executed otherwise,

j/ about the proposal of the President of the Republic to abolish the resolution of the House of Representatives in accordance with Art. 66,

k/ about the conformity of international treaties with Constitutional Acts according to Art. 51, para.2,

l/ about whether the decision on the dissolution of a political party or any other decision concerning the activities of a political party is in conformity with Constitutional or other Acts,

m/ the disputes concerning the scope of competencies of State organs and the organs of territorial self-government, if no other organ is competent for them.

Article 85a

The Constitutional Court shall give interpretation of Constitutional Acts in debatable cases.

Article 86

/1/ An Act shall provide who and under what conditions shall have the right to submit a proposal for the institution of proceedings and further rules of procedure before the Constitutional Court,

/2/ In their decision-making the judges of the Constitutional Court shall be bound only by Constitutional Acts and international treaties in accordance with Art. 9, para.1 and the Act in accordance with para.1,

Article 87

/1/ The decision of the Constitutional Court shall be executable as soon as it has been promulgated in the manner provided by law, unless the Constitutional Court has decided differently about its executability.

/2/ The executable decisions of the Constitutional Court shall be binding for all organs and persons.

The Courts

Article 88

The courts are called primarily to afford protection to rights in the way provided by law. Only the court shall decide about guilt and penalty for penal offenses.

Article 89

Alternative i :
Recommended for deletion

Alternative II :
The system of courts comprises the Supreme Court, superior, regional and district courts. An act may provide their different denomination.

Article 90

/1/ The Supreme Court is the supreme judicial organ in the matters within the competence of the courts with the exception of the matters the decisions about which are made by the Constitutional Court.

/2/ The competence of the courts of other levels shall be provided by an Act.

Article 91

/1/ The judges are appointed by the President of the Republic without any time limit. They assume their function by taking a vow of office.

/2/ Any blameless citizen who has a high-grade legal education may be appointed judge. Further qualification and procedure shall be provided by an Act.

Article 92

/1/ An Act shall specify the cases when the judges decide in panels and the composition thereof. In other cases the judges shall decide singly,

/2/ An Act may specify matters and methods in which the decision-making of the courts shall be participated in, apart from judges, by further citizens.

Article 93

/1/ In their decision-making the judges shall be bound by the law; they are authorized to assess the conformity of another legal rule with the law.

/2/ If the court comes to the conclusion that the law which is to be applied to the solution of the case is at variance with a Constitutional Act, it shall submit the matter to the Constitutional Court.

Article 94

/1/ All parties to the proceedings have equal right before the court. Everyone may act in his own language before the court.

/2/ The proceedings before courts shall be oral and public; exceptions shall be provided by an Act. The verdicts shall be always promulgated publically.

Article 95

Public prosecution in penal proceedings shall be represented by the Office of Public Prosecutor which shall exercise also other tasks, if so stipulated by law.

CHAPTER FIVE THE SUPREME CONTROL AND AUDIT AUTHORITY

Article 96

/1/ The Supreme Control and Audit Authority is an independent organ. It shall perform the control / audit / of economic management of State property and of the fulfilment of the State Budget.

/2/ The Chairman, Vice-Chairman of the Supreme Control and Audit Office shall be appointed by the President of the Republic upon the proposal of the House of Representatives for a period of seven years.

/3/ The President of the Republic may recall the members of the Supreme Control and Audit Office before the elapse of their period of office only under the conditions specified by law.

/4/ The members of the Supreme Control and Audit Office shall be independent and shall be bound only by the law.

THE CZECH NATIONAL BANK

Article 97

The Czech National Bank is the central bank of the State. Its principal objective is to safeguard the stability of currency. In this process it shall be independent of the executive power.

CHAPTER SIX TERRITORIAL SELF-GOVERNMENT

Article 98

/1/ The Czech Republic is divided into communities and lands. A land may be established or abolished only by an Act.

/2/ Other self-government territorial units may be established only by an Act,

Article 99

/1/ The territorial self-government units are territorial associations of citizens which have the right to self-government. An Act shall specify, when they are administrative districts.

/2/ A community is always a component part of a land.

Article 100

/1/ A community is administered independently by a board of representatives.

/2/ A land is administered independently by a Diet.

/3/ The State may interfere with the activities of communities and lands only, if it is required by the protection of law and only in the manner provided by an Act,

Article 101

/1/ The members of the community board and of the Diet shall be elected on the basis of universal, equal and direct suffrage by secret ballot.

/2/ The period of office of the community board and of the Diet is four years.

Article 102

/1/ The competence of the community board and of the Diet shall be provided by an Act.

/2/ The community board shall decide in the matters of self-government, unless the matters have been entrusted to the Diet by an Act,

/3/ The community board and the Diet may issue generally binding ordinances within their competence.

Article 103

The exercise of State administration may be entrusted to the organs of self-government only, if so provided by law.

Article 104

Deleted

**CHAPTER SEVEN
JOINT PROVISIONS**

Article 105

After the first election of the senators to the Senate one half of the number of senators shall be drawn, whose period of office shall be four years.

Article 106

/1/ This Constitutional Act shall be promulgated in the Collection of Laws of the Czech Republic.

/2/ This Constitutional Act shall enter into force on January 1, 1993.