

23/1991 Sb.

Constitutional Act

of 9 January 1991

which introduces THE CHARTER OF FUNDAMENTAL RIGHTS AND FREEDOMS

as a constitutional act of the Federal Assembly of the Czech and Slovak Federal Republic

(Note: by virtue of Art. 112 para. 3 of the Constitution of the Czech Republic, this former federal constitutional act enjoys in the independent Czech Republic the legal force of an ordinary statute, although its formal designation has not been changed. In connection with the creation of the independent Czech Republic, the Charter of Fundamental Rights and Freedoms itself, which was introduced by this Constitutional Act, was once again promulgated by Resolution of the Presidium of the then Czech National Council No. 2/1993 Sb., as a component part of the constitutional order of the Czech Republic, however, without the introductory provisions of Federal Constitutional Act No. 23/1991 Sb. Arts. 3 and 112 para. 1 of the Constitution of the Czech Republic declare the Charter of Fundamental Rights and Freedoms as a component part of the constitutional order of the Czech Republic.)

The Federal Assembly has enacted this Constitutional Act:

§ 1

(1) Constitutional acts, other statutes, and additional legal enactments must be in conformity with the Charter of Fundamental Rights and Freedoms, as must the interpretation and application thereof.

(2) The fundamental rights and freedoms included in the Charter of Fundamental Rights and Freedoms shall be under the protection of the Constitutional Court.

§ 2

International conventions on human rights and fundamental freedoms, ratified and promulgated by the Czech and Slovak Federal Republic, shall be generally binding on its territory and take precedence over statutes.

§ 3

(1) The Constitution of the Czech Republic and the Constitution of the Slovak Republic may extend the reach of the fundamental rights and freedoms beyond that which is laid down in the Charter of Fundamental Rights and Freedoms.

(2) The provisions of constitutional acts on the division of legislative competence between the federation and the republics shall not be affected by this Constitutional Act.

§ 4

Article 5 of Constitutional Act No. 143/1968, on the Czechoslovak Federation, as most recently amended, shall read:

„Art. 5

(1) Citizens of each of the two republics shall also be citizens of the Czech and Slovak Federal Republic.

(2) Citizens of one republic shall enjoy in the second republic the same rights and have the same obligations as citizens of that second republic.

(3) No person may be deprived of his citizenship against his will.

(4) The principles according to which citizenship of the republics is acquired and lost shall be provided for by an act of the Federal Assembly.“

§ 5

The following are hereby repealed:

1. Articles 7 to 9, Chapter Two (Arts. 19 to 38), and Article 98 para. 4 of Constitutional Act No. 100/1960 Sb., the Constitution of the Czech and Slovak Federal Republic, as subsequently amended;

2. Constitutional Act No. 144/1968 Sb., on the Status of Nationalities in the Czech and Slovak Federal Republic.

§ 6

(1) Statutes and other legal enactments must be brought into conformity with the Charter of Fundamental Rights and Freedoms by 31 December 1991 at the latest. On that date any provision which is not in conformity with the Charter of Fundamental Rights and Freedoms shall lose force and effect.

(2) Unless a law provides otherwise, the authority which Art. 8 paras. 3, 4 and 5 and Art. 12 para. 2 of the Charter of Fundamental Rights and Freedoms entrusts to courts or judges shall, until 31 December 1991 at the latest, appertain also to procurators.

§ 7

This Constitutional Act and the Charter of Fundamental Rights and Freedoms shall enter into force on the day they are promulgated.

Havel [signature]

Dubček [signature]

Čalfa [signature]