

110/1998 Sb.

**CONSTITUTIONAL ACT
of 22 April 1998
on the Security of the Czech Republic**

as amended by Constitutional Act No. 347/1997 Sb.

Parliament has enacted this Constitutional Act of the Czech Republic:

BASIC PROVISIONS

ARTICLE 1

It is the State's basic duty to ensure the Czech Republic's sovereignty and territorial integrity, the protection of its democratic foundations, and the protection of lives, health and property.

ARTICLE 2

(1) If the Czech Republic's sovereignty, territorial integrity, or democratic foundations are directly threatened, or if its internal order and security, lives, health or property are to a significant extent directly threatened, or if such is necessary to meet its international obligations on collective self-defense, a state of emergency, condition of threat to the State, or state of war may, in accordance with the intensity, territorial extent and character of the situation, be declared.

(2) A state of emergency or condition of threat to the State is declared either in a restricted area or for the entire territory of the State; a state of war is declared for the entire territory of the State.

ARTICLE 3

(1) The Czech Republic's security is to be ensured by the armed forces, the armed security corps, rescue corps, and accident services.

(2) State bodies, bodies of self-governing territorial units, and natural and legal persons are obliged to participate in safeguarding the Czech Republic's security. The extent of this obligation, as well as further details, shall be provided for by statute.

ARTICLE 4

(1) The armed forces shall be supplemented on the basis of the military service obligation.

(2) The extent of the military service obligation, the duties of the armed forces, of the armed security corps, of the rescue corps and accident services, their organizations, preparation, and

supplementation, and the legal relations of their members shall be laid down by statute in such a way as to ensure civilian control of the armed forces.

STATE OF EMERGENCY

ARTICLE 5

(1) The government may declare a state of emergency in cases of natural catastrophe, ecological or industrial accident, or other danger which to a significant extent threatens life health, or property or domestic order or security.

(2) A state of emergency may not be declared on grounds of a strike held for the protection of rights or of legitimate economic and social interests.

(3) If delay would present a danger, the Prime Minister may declare a state of emergency. Within 24 hours of the announcement thereof, the government shall either ratify or annul his decision.

(4) The government shall inform the Assembly of Deputies without unnecessary delay that it has declared a state of emergency, which the Assembly of Deputies may annul.

ARTICLE 6

(1) A state of emergency may be declared only for the stated reasons, for a fixed period, and in relation to a designated territorial area. Concurrently with its declaration of the state of emergency, the government must specify which rights prescribed in individual statutes shall, in conformity with the Charter of Fundamental Rights and Basic Freedoms, be restricted, and to what extent, and which duties shall be imposed, and to what extent. Detailed provisions shall be laid down by statute.

(2) A state of emergency may be declared for a period of no more than 30 days. The stated period may be extended only with the prior consent of the Assembly of Deputies.

(3) A state of emergency ends upon the expiry of the period for which it was declared, unless the government or the Assembly of Deputies decides to annul it prior to the expiry of that period.

CONDITION OF THREAT TO THE STATE

ARTICLE 7

(1) If the State's sovereignty, territorial integrity, or democratic foundations are directly threatened, the Parliament may, on the government's proposal, declare a condition of threat to the state.

(2) The assent of an absolute majority of all Deputies and the assent of an absolute majority of all Senators are required for the adoption of a declaration of a condition of threat to the state.

ABBREVIATED DEBATE ON LEGISLATIVE BILLS

ARTICLE 8

(1) For the duration of a period of a condition of threat to the State or of a state of war, the government may request that the Parliament deal with government bills in shortened debate.

(2) The Assembly of Deputies shall adopt a resolution on such bills within 72 hours of their submission and the Senate within 24 hours of their transmittal by the Assembly of Deputies. If the Senate has not given its view within that period, then the bill has been deemed to be adopted.

(3) For the duration of a period of a condition of threat to the State or of a state of war, the President of the Republic does not have the right to return statutes adopted in shortened debate.

(4) The government may not submit for shortened debate a bill on a constitutional act.

THE STATE SECURITY COUNCIL

ARTICLE 9

(1) The State Security Council is made up of the Prime Minister, as well as other members of the government pursuant to the decision of the government.

(2) To the extent of its commission as designated for it by the government, the State Security Council shall prepare for the government proposals for measures to safeguard the Czech Republic's security.

(3) The President of the Republic has the right to participate in meetings of the State Security Council, request reports of it or of its members, and to discuss with it or its members issues that fall within its decision-making competence.

THE PROLONGATION OF ELECTORAL TERMS

ARTICLE 10

If during a period of a state of emergency, a condition of threat to the State, or a state of war, the conditions in the Czech Republic do not permit the holding of elections by the deadline prescribed for regular electoral terms, the deadline may be extended by statute, however for no longer than six months.

COMMON PROVISIONS

ARTICLE 11

During a period when the Assembly of Deputies is dissolved, the Senate shall be competent:

- a) to decide on the extension or termination of a state of emergency, to declare a condition of threat to the State or a state of war, and to decide on the Czech Republic's participation in defensive systems of international organizations of which the Czech Republic is a member;
- b) give consent to sending the armed forces of the Czech Republic outside the territory of the Czech Republic or to the stationing of the armed forces of other states within the territory of the Czech Republic, unless such decisions are reserved to the government.

ARTICLE 12

A decision to declare a state of emergency, a condition of threat to the State, or a state of war shall be made public by means of the mass media and shall be promulgated just like a statute. It enters into effect at the moment provided for in the decision.

CONCLUDING PROVISIONS

ARTICLE 13

This Constitutional Act comes into effect on the day of its promulgation.