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Iceland's Draft Constitution of 2011

Draft of 29 Jul 2011

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Preamble

We, the people of Iceland, wish to create a just society with equal opportunities for everyone. Our different origins enrich the whole, and together we are responsible for the heritage of the generations, the land and history, nature, language and culture.

Iceland is a free and sovereign state, resting on the cornerstones of freedom, equality, democracy and human rights.

The government shall work for the welfare of the inhabitants of the country, strengthen their culture and respect the diversity of human life, the land and the biosphere.

We wish to promote peace, security, well-being and happiness among ourselves and future generations. We resolve to work with other nations in the interests of peace and respect for the Earth and all Mankind.

In this light we are adopting a new Constitution, the supreme law of the land, to be observed by all.

Chapter I: Foundations

Article 1: Form of government

Iceland is a Republic governed by parliamentary democracy.

Article 2: Branches of government

The Althing holds legislative powers under a mandate from the nation.

The President of the Republic, Cabinet Ministers and the State government and other government authorities hold executive powers.

The Supreme Court of Iceland and other courts of law hold judicial powers.

Article 3: Territory

The Icelandic territorial land forms a single and indivisible whole. The boundaries of the Icelandic territorial sea, airspace and economic jurisdiction shall be decided by law.

Article 4: Citizenship

Persons with a parent of Icelandic nationality shall have the right to Icelandic citizenship. In other respects, citizenship shall be granted in accordance with law.

No one may be deprived of Icelandic citizenship.

An Icelandic citizen cannot be barred from entering Iceland nor deported from Iceland. The rights of aliens to enter and reside in Iceland, and the reasons for which they may be deported, shall be laid down by law.

Article 5: Duties of citizens

The government is required to ensure that everyone has the opportunity to enjoy the rights and freedoms provided for in this Constitution.

- Source of constitutional authority
- Motives for writing constitution
- Preamble

- Right to culture
- Protection of environment

- Type of government envisioned

- Structure of legislative chamber(s)
- Establishment of cabinet/ministers
- Name/structure of executive(s)

- Structure of the courts

- Requirements for birthright citizenship
- Requirements for naturalization

- Conditions for revoking citizenship

- Power to deport citizens
- Restrictions on entry or exit

Everyone shall observe this Constitution in all respects, as well as legislation, obligations and rights that derive from the Constitution.

Chapter II: Human rights and nature

Article 6: Equality

We are all equal before the law and shall enjoy human rights without discrimination with regard to gender, age, genotype, residence, financial position, disability, sexual orientation, race, opinions, political affiliation, religion, language, origin, family or position in other respects.

Men and women shall enjoy equal rights in all respects.

Article 7: The right to life

Everyone is born with the right to life.

Article 8: Human dignity

Everyone shall be guaranteed the right to live with dignity. The diversity of human life shall be respected in every regard.

Article 9: Protection of rights

The government is at all times required to protect the citizens against violations of human rights, whether committed by public authorities or others.

Article 10: Security

Everyone shall be guaranteed security and protection against violence of any kind, such as sexual violence, inside and outside the home.

Article 11: Protection of privacy

The protection of personal privacy and the privacy of home and family shall be guaranteed.

Bodily or personal search, or a search of a person's premises or possessions, is permitted only in accordance with the decision of a court of law or specific permission by law. The same applies to the examination of documents and mail, communications by telephone and other telecommunications, and to any other comparable interference with a person's right to privacy.

Notwithstanding the provisions of the first paragraph above, personal privacy and privacy of the home or family may be restricted by a specific provision of law if urgently necessary for the protection of the rights of others.

Article 12: Children's rights

All children shall be guaranteed by law the protection and care that their well-being requires.

The best interests of the child shall always take precedence when decisions are made regarding a child's affairs.

• Duty to obey the constitution

• General guarantee of equality
• Equality regardless of gender

• Equality regardless of creed or belief
• Equality regardless of financial status
• Equality regardless of political party
• Equality regardless of parentage
• Equality regardless of origin
• Equality regardless of race
• Equality regardless of language
• Equality regardless of religion
• Equality regardless of sexual orientation
• Equality regardless of age
• Equality for persons with disabilities

• Provision for matrimonial equality

• Right to life

• Human dignity

• Right to privacy

• Regulation of evidence collection
• Telecommunications

• Rights of children

A child shall be guaranteed the right to express its views regarding all its affairs, and just account shall be taken of the child's views in accordance with its age and maturity.

Article 13: Right of ownership

The right of private ownership shall be inviolate. No one may be obliged to surrender his property unless required by the public interest. Such a measure requires permission by law, and full compensation shall be paid.

Ownership rights entail obligations as well as restrictions in accordance with law

Article 14: Freedom of opinion and expression

Everyone has the right to freedom of opinion and belief and to the expression of his thoughts.

Censorship or other similar restrictions on freedom of expression shall never be provided for by law. However, the freedom of expression may be restricted by law for the protection of children, security, health or the reputation of others, as necessary in a democratic society.

The government shall guarantee conditions that are conducive to open and informed public discussion. Access to the Internet and information technology shall not be curtailed except by a decision of a court of law and on the same substantive conditions that apply to restrictions on the freedom of expression.

Everyone is accountable for the expression of his opinion before a court of law.

Article 15: Right to information

Everyone is free to gather and disseminate information.

Government administration shall be transparent, and documents, such as minutes of meetings, shall be preserved and any submissions, their origins, process and outcome, shall be recorded and documented. Such documents shall not be destroyed except in accordance with law.

Information and documents in the possession of the government shall be available without evasion and the law shall ensure public access to all documents collected or procured by public entities. A list of all cases and documents in public custody, their origin and content shall be available to all.

The collection, dissemination and surrender of documents, their preservation and publication, can only be restricted by law for a democratic purpose, e.g. in the interest of protecting personal privacy, the security of the nation or the lawful work of regulatory authorities. It is permitted to restrict access by law to working documents, provided that no further steps are taken than necessary to preserve the normal working conditions of government authorities.

As regards documents which are subject to confidentiality by law, information shall be available as regards the reasons for the confidentiality and the limits on the time of confidentiality.

Article 16: Freedom of the media

The freedom of the media, their independence and transparency of ownership shall be ensured by law.

• Right to own property

• Protection from expropriation
• Inalienable rights

• Freedom of expression
• Freedom of press

• Freedom of opinion/thought/conscience

• Right to protect one's reputation

• Right to information

• Freedom of press

The protection of journalists, their sources of information and whistle-blowers shall be ensured by law. It is not permitted to breach confidentiality without the consent of the person providing the information except in the process of criminal proceedings and pursuant to a court order.

Article 17: Freedom of culture and education

The freedom of science, higher learning and the arts shall be ensured by law.

Article 18: Freedom of religion

Everyone shall be guaranteed the right to belief and world view, including the right to change his religion or faith and remain independent of religious associations.

Everyone is free to practice religion, alone or in association with others, in private or in public.

The freedom to practice religion or faith shall only be subject to the limitations provided for by law and as necessary in a democratic society.

Article 19: Organisation of the Church

The organisation of the Church may be provided for by law.

If the Althing approves a change in the organisation of the State Church the matter shall be submitted to a vote for approval or rejection by the entire electorate of the country.

Article 20: Freedom of association

Everyone shall be guaranteed the right to form associations for any lawful purpose, including political associations and trade unions, without prior permission. An association may not be dissolved by an administrative decision.

No one may be obliged to be a member of any association. However, obligatory membership of an association may be provided for by law if necessary in order to enable an association to carry out its lawfully decreed functions for reasons of the public interest or the rights of others.

Article 21: Freedom of assembly

Everyone shall be ensured the right to assemble without special permission, as for meetings and protests. This right shall not be subject to any restrictions except as provided by law and as necessary in a democratic society.

Article 22: Social rights

Everyone shall be ensured by law the right to sustenance and social security.

Everyone in need shall be ensured by law the right to social security and social assistance, as in the case of unemployment, childbirth, old age, poverty, physical handicap, sickness, disability or comparable circumstances.

Article 23: Health services

Everyone shall have the right to enjoy mental and physical health to the highest possible standard.

- Right to academic freedom
- Reference to art
- Reference to science

- Freedom of religion

- Official religion

- Freedom of association
- Right to join trade unions
- Right to form political parties

- Freedom of assembly

- State support for the elderly
- State support for the unemployed
- State support for the disabled

- Right to health care

Everyone shall be ensured by law the right to accessible, appropriate and adequate health services.

Article 24: Education

Everyone shall be ensured by law the right to general education and training to his ability.

Everyone who is subject to compulsory schooling shall have access to education without charge.

Education shall aim at achieving comprehensive development for each individual, critical thinking and consciousness of human rights, democratic rights and obligations.

Article 25: Freedom of employment

Everyone is free to pursue the occupation of his choosing. However, this right may be restricted by law if the public interest so requires.

The right to decent working conditions, such as rest, holidays and leisure time, shall be provided for by law. Everyone shall be ensured the right to fair remuneration and to negotiate employment terms and other rights relating to employment.

Article 26: Rights of residence and movement

All persons shall be free to choose their residence and shall be free to travel, subject to any limitations laid down by law.

No one may be prevented from leaving Iceland except by a decision of a court of law. However, a person may be prevented from leaving Iceland by lawful arrest.

The rights of refugees and asylum seekers to fair and swift proceedings shall be provided for by law.

Article 27: Deprivation of freedom

No one may be deprived of his freedom except as permitted by law.

Any person deprived of his freedom shall have the right to be informed promptly of the reasons therefor.

Any person arrested by reason of suspicion of criminal conduct shall be brought before a judge without delay. If he is not immediately released, the judge shall issue within 24 hours a reasoned decision as to whether he should be remanded in custody. Remanding in custody is permitted only in the case of actions which are subject to a sentence of imprisonment. The right of a person detained on remand to refer the remanding decision to a superior court shall be guaranteed by law. No person shall be remanded in custody for longer than necessary.

Any person deprived of his freedom for reasons other than criminal proceedings shall be entitled to have the legality of the measure reviewed by a court as promptly as possible. If the deprivation of freedom proves to have been unlawful he shall be released immediately.

Any person wrongfully deprived of freedom shall be entitled to compensation.

Article 28: Fair hearing

All persons shall be entitled to a fair hearing within a reasonable time before an independent and impartial court of law for the determination of their rights and obligations, or in the event of any criminal charge against them. The hearing shall be conducted in public unless a judge decides otherwise pursuant to law in the interest of morals, public order, the security of the State or the interests of the parties and witnesses.

Everyone charged with criminal conduct shall be presumed innocent until proven guilty.

Article 29: Prohibition of inhuman treatment

The death penalty may never be stipulated by law.

No one may be subjected to torture or any other inhuman or degrading treatment or punishment.

No one shall be subjected to forced labour.

Article 30: Prohibition of retroactive punishment

No one may be subjected to punishment unless found guilty of conduct which was criminal according to law at the time of its occurrence, or which can be shown to be fully analogous to such conduct. The penalty must not be more severe than permitted by law at the time.

Article 31: Prohibition of compulsory military service

Compulsory military service may never be introduced into law.

Article 32: Cultural assets

Valuable national possessions pertaining to the Icelandic cultural heritage, such as national relics and ancient manuscripts, may neither be destroyed nor surrendered for permanent possession or use, sold or pledged.

Article 33: Iceland's nature and environment

Iceland's nature is the foundation of life in the country. Everyone is under obligation to respect it and protect it.

Everyone shall by law be ensured the right to a healthy environment, fresh water, clean air and unspoiled nature. This means maintenance of life and land and protection of sites of natural interest, unpopulated wilderness, vegetation and soil. Previous damage shall be repaired to the extent possible.

The use of natural resources shall be managed so as to minimise their depletion in the long term with respect for the rights of nature and future generations.

The right of the public to travel the country for lawful purposes with respect for nature and the environment shall be ensured by law.

- Right to fair trial
- Right to public trial
- Right to speedy trial

- Presumption of innocence in trials

- Prohibition of capital punishment

- Prohibition of cruel treatment
- Prohibition of torture

- Prohibition of slavery

- Protection from ex post facto laws
- Principle of no punishment without law

- Right to culture

- Protection of environment

Article 34: Natural resources

Iceland's natural resources which are not in private ownership are the common and perpetual property of the nation. No one may acquire the natural resources or their attached rights for ownership or permanent use, and they may never be sold or mortgaged.

Resources under national ownership include resources such as harvestable fish stocks, other resources of the sea and sea bed within Icelandic jurisdiction and sources of water rights and power development rights, geothermal energy and mining rights. National ownership of resources below a certain depth from the surface of the earth may be provided for by law.

The utilisation of the resources shall be guided by sustainable development and the public interest.

Government authorities, together with those who utilise the resources, are responsible for their protection. On the basis of law, government authorities may grant permits for the use or utilisation of resources or other limited public goods against full consideration and for a reasonable period of time. Such permits shall be granted on a non-discriminatory basis and shall never entail ownership or irrevocable control of the resources.

Article 35: Information on the environment and legitimate interests

The government authorities are required to inform the public about the state of the environment and nature and the impact of development thereon. The government authorities and other parties shall provide information regarding any impending natural disasters, such as environmental pollution.

Public access to preparations for decisions which will impact the environment and nature, as well as permission to seek the intervention of impartial administrative agencies, shall be ensured by law.

Decisions made by government authorities on Iceland's nature and environment shall be grounded in the principles of environmental law.

Article 36: Protection of animals

The protection of animals against abuse and the protection of endangered species of animal shall be provided for by law.

Chapter III: The Althing

Article 37: Role

The Althing is vested with legislative powers and the budgetary powers of the State and shall oversee the executive branch as further provided in this Constitution and other acts of law.

Article 38: Inviolability

The Althing is inviolate. No person may disturb its peace or violate its freedom.

Article 39: Elections to the Althing

The Althing shall be composed of 63 Members, nationally elected by secret ballot for a term of four years.

The votes of voters everywhere in the country shall have equal weight.

The country may be divided into electoral districts. They shall be eight at the most.

Associations of candidates shall put forward slates, either district slates or national slates or both. Candidates may run simultaneously on a national slate and a single district slate of the same association.

A voter selects individual candidates from slates in his electoral district or from nationwide slates or both. A voter is also permitted instead to mark a single district slate or a single nationwide slate, in which case the voter will be understood to have selected all the candidates on the slate equally. It is permitted to provide by law that the selection should be limited to the district slate or nationwide slate of the same association.

Parliamentary seats shall be allocated to associations of candidates so that the number of Members representing each association is as close in proportion as possible to the total number of votes.

The manner of allocating parliamentary seats to candidates based on their strength of vote shall be provided for by law.

It is permitted to provide by law that a specified number of parliamentary seats should be tied to individual electoral districts, up to a maximum total of 30. The number of voters on the electoral register behind each tied seat shall not be lower than the average for all 63 seats.

The means of promoting as equal a proportion of men and women in the Althing shall be provided for in legislation on elections.

Provisions of law relating to electoral district boundaries, the methods of allocating parliamentary seats and rules on candidature can be amended only by a two-thirds majority of the Althing. Amendments of this kind may not be made when there are less than six months until the next election and their entry into force shall be postponed if an election is called within six months from their confirmation.

Article 40: Electoral terms

Regular elections to the Althing shall take place not later than at the end of the electoral term.

The electoral term is four years.

The beginning and end of the electoral term shall fall on the same day of the week in a month, counting from the beginning of the month.

Article 41: Suffrage

All persons who, on the date of an election to the Althing, are 18 years of age or older and are Icelandic citizens have the right to vote in elections to the Althing. Domicile in Iceland on the date of an election is also a requirement for voting, unless exceptions from this rule are provided for in legislation on elections to the Althing.

Further provisions regarding elections to the Althing shall be laid down in statutory law on elections.

- Secret ballot
- Size of first chamber
- Term length for first chamber

- Electoral districts

- First chamber representation quotas

- Supermajority required for legislation

- Scheduling of elections

- Term length for first chamber

- Eligibility for head of state
- Minimum age for first chamber
- Eligibility for first chamber
- Restrictions on voting
- Claim of universal suffrage

- First chamber selection

Article 42: Eligibility

Every citizen possessing the right to vote in elections to the Althing and an unblemished reputation is eligible for candidature in elections to the Althing.

Supreme Court judges, however, are not eligible.

The loss of eligibility by a Member of the Althing entails the forfeiture of any rights conferred by election to the Althing. The Member's alternate shall then take the Member's seat in the Althing.

Article 43: Validity of elections

The Althing shall elect a national electoral commission to rule on the on the validity of presidential elections, elections to the Althing and national referenda.

The national electoral commission shall issue the election credentials of the President and Members of the Althing and rule whether a Member of the Althing has forfeited his eligibility. The work of the national electoral commission shall be subject to the further provisions of law.

Rulings of the national electoral commission may be referred to the courts of law.

Article 44: Sessions

The Althing shall assemble no later than two weeks after each election to the Althing.

The date of assembly of regular sessions of the Althing and the division of its electoral term into legislative sessions shall be provided for by law.

Article 45: Place of assembly

The Althing shall normally assemble in Reykjavik, but may decide to assemble elsewhere.

Article 46: Inauguration of the Althing

The President of Iceland shall convene the Althing following parliamentary elections and inaugurate the regular session of the Althing each year.

The President shall also convene and inaugurate sessions of the Althing on the recommendation of its Speaker or one third of its Members.

Article 47: Oath

Each new Member of the Althing shall sign an oath to the Constitution when the Member's election has been confirmed as valid.

Article 48: Independence of Members of the Althing

Members of the Althing are bound only by their conviction and not by any instructions from others.

- Eligibility for head of state
- Minimum age for first chamber
- Eligibility for first chamber

- Replacement of legislators
- Removal of individual legislators

- Electoral commission

- Referenda

- Extraordinary legislative sessions

- Oaths to abide by constitution

Article 49: Immunity of Members of the Althing

A Member of the Althing may not be remanded in custody or subjected to criminal proceedings without the consent of the Althing unless caught in the commission of a crime.

A Member of the Althing cannot be held accountable outside the Althing for anything said in the Althing except with the permission of the Althing.

Members of the Althing are permitted to renounce their immunity.

Article 50: Listing of interests and disqualification

A Member of the Althing is prohibited from participating in deliberations on parliamentary business which concerns his special and significant interests, or those of persons with close ties to him. The qualifications of Members of the Althing shall be provided for by law. The disqualification of a Member of the Althing shall not have any effect on the validity of any legislated acts of law.

The obligation of Members of the Althing to disclose information on their financial interests shall be provided for by law.

Article 51: Contributions to candidates and their associations

The activities of political associations and candidates' finances shall be governed by law in order to keep costs at reasonable levels, ensure transparency and restrict advertisements in election campaigns.

Information on contributions exceeding a specified minimum amount shall be made public as they accrue pursuant to further provisions of law.

Article 52: Speaker of the Althing

The Althing shall elect a Speaker by a two-thirds majority vote at the beginning of each electoral term. If the Speaker does not complete an electoral term, a new Speaker shall be elected in the same manner.

The Speaker shall supervise the work of the Althing. The Speaker is responsible for the general management of the Althing and exercises the supreme authority in its administration. Deputy Speakers work with the Speaker and act as his alternates; together they form the Speakers' Committee. The election of Deputy Speakers shall be provided for by law.

The Speaker of the Althing shall withdraw from general parliamentary work and shall not have the right to vote. The Speaker's alternate member shall take a seat in the Althing while the Speaker holds office.

Article 53: Rules of order of the Althing

The rules of order of the Althing shall be established by law.

Article 54: Parliamentary committees

The Althing shall elect permanent committees to deliberate on parliamentary business.

The work of parliamentary committees of the Althing shall be provided for by law.

Article 55: Public meetings

Meetings of the Althing shall be held in public.

A parliamentary committee may decide to open its meeting to the public.

Article 56: Procedure of parliamentary business

Members of the Althing have the right to introduce legislative bills, draft resolutions and other parliamentary business.

Cabinet Ministers may submit to the Althing legislative bills and draft resolutions approved by the Cabinet.

Article 57: Process of legislative bills

Legislative bills submitted by Members of the Althing and the Cabinet shall be subjected to deliberation and process by parliamentary committees before they are debated in the Althing. The same applies to parliamentary business proposed by voters.

An assessment of the impact of legislation shall accompany legislative bills pursuant to further provisions of law.

A legislative bill may not pass until after at least two readings in the Althing.

Legislative bills which have not received final process shall lapse at the end of an electoral term.

Article 58: Process of proposals for parliamentary resolutions and other parliamentary business

Proposals for parliamentary resolutions submitted by the Cabinet shall be subjected to deliberation and process by parliamentary committees prior to discussion in the Althing.

A proposal for a parliamentary resolution may not pass until after at least two readings in the Althing.

Proposals for parliamentary resolutions which have not received final process shall lapse at the end of a parliamentary session.

Proposals for dissolution of the Althing or no confidence shall be debated and brought to a conclusion in a single debate.

In other respects, the process of parliamentary business shall be provided for by law.

Article 59: Quorum

The Althing can only resolve a matter of business if more than half of its Members are present at the meeting and participate in the voting.

Article 60: Confirmation of acts of law

When the Althing has passed a legislative bill, it is signed by the Speaker of the Althing, who submits it within two weeks for confirmation by the President of Iceland, whose signature gives it the status of law.

• Public or private sessions

• Legislative committees

• Initiation of general legislation

• Legislative committees

• Legislative committees

• Quorum for legislative sessions

• Approval of general legislation
• Veto override procedure
• Referenda

The President of Iceland can decide within one week from receiving a legislative bill to deny it confirmation. This decision shall be reasoned and notified to the Speaker of the Althing. The legislative bill shall nonetheless acquire the force of law, but the act shall be submitted to a referendum within three months for approval or rejection. A simple majority of votes shall decide whether the act of law remains in force. However, the referendum shall not take place if the Althing repeals the act within five days of its rejection by the President. The conduct of a referendum shall in other respects be provided for by law.

Article 61: Publication of acts of law

Acts of law, administrative orders and international agreements ratified by the State shall be published. Acts of law and administrative orders shall never be applied in an onerous manner until after their publication. The manner of publication and entry into force are subject to statutory law.

Article 62: Lögrétta [Constitutional Court]

The Althing shall elect five Members to a Constitutional Court [the Lögrétta] for a term of five years.

A parliamentary committee, or one fifth of the Members of the Althing, may request an opinion from the Lögrétta whether a legislative bill is constitutional and consistent with the international undertakings of the State. The legislative bill cannot be processed until the opinion of the Lögrétta has been made available.

The work of the Lögrétta shall be provided for by law.

Article 63: Constitutional and Supervisory Committee

The Constitutional and Supervisory Committee of the Althing shall review any actions and decisions of Cabinet Ministers or their administrative actions at its own discretion. The Committee is required to launch such a review at the request of one third of the Members of the Althing.

Article 64: Investigative committees

The Althing can appoint committees for the purpose of investigating important matters of public interest.

Further rules on the role, investigative powers and composition of investigative committees shall be established by law.

Article 65: Referral to the nation

Ten per cent of the electorate can petition for a referendum on legislation passed by the Althing. The petition shall be submitted within three months from the time that the legislation was passed. The legislation shall become void if rejected by the electorate, but shall otherwise remain in force. However, the Althing may decide to repeal the legislation before the referendum takes place.

The referendum shall take place within one year from the time that the request was submitted by voters.

- International law

- Establishment of constitutional court

- Constitutional court selection
- Constitutional court term length

- Legislative committees
- Constitutional interpretation
- Constitutionality of legislation

- Legislative committees
- Legislative oversight of the executive

- Legislative committees
- Legislative oversight of the executive

- Referenda

Article 66: Parliamentary business on the initiative of voters

Two per cent of the electorate may submit an item of business in the Althing.

Ten per cent of the electorate may submit a legislative bill in the Althing. The Althing can submit a counterproposal in the form of another legislative bill. If a voters' bill has not been withdrawn, it shall be submitted to a referendum, as well as the bill of the Althing, if introduced. The Althing can decide that the referendum should be binding.

Voting on a legislative bill at the proposal of voters shall take place within two years from the time that the proposal was delivered to the Althing.

Article 67: Conduct of collections of signatures and referenda

Any matter which is subjected to a referendum at the request or on the initiative of voters pursuant to Articles 65 and 66 shall concern the public interest. A referendum cannot be requested on the basis of these Articles concerning the State Fiscal Budget, the Supplementary Fiscal Budget, legislation enacted for the purpose of implementing undertakings under international law, nor concerning tax matters or citizenship. It shall be ensured that a legislative bill proposed by voters is in compliance with the Constitution. In the event of a dispute as to whether a matter meets the above conditions, the courts of law shall resolve the dispute.

The procedure of referrals or voter initiatives, including the form of the petition and accountability, the length of time for the collection of signatures and their arrangement, the amount of expense permitted for publicising, the procedure for withdrawing the petition on receiving the response of the Althing and the procedure of the polling, shall be governed by law.

Article 68: The fiscal budget bill

A budget bill for the coming fiscal year, containing a report on the revenue and expenditure of the State, as further provided by law, shall be submitted to each regular session of the Althing when it has been convened.

Article 69: Authorisation for disbursements

No disbursement is permitted without authorisation in the Fiscal Budget Act.

However, having obtained the consent of the Budget Committee of the Althing, the Minister of Finance can order a disbursement without such authorisation in order to meet a State payment obligation resulting from unforeseen events, or if the public interest so requires. Authorisation for such disbursement shall be sought in the Supplementary Fiscal Budget Act.

Article 70: Right of the Budget Committee to information

The Budget Committee of the Althing may require State agencies, State undertakings and other parties receiving allocations from the State Treasury to supply information on the use of such funds.

Article 71: Taxes

Tax matters shall be regulated by law. No tax may be imposed, altered or abolished except by law.

The decision whether to levy a tax, alter a tax or abolish a tax may not be delegated to administrative authorities.

No tax may be levied unless authorised by law at the time when the circumstances were in place that determine the tax liability.

Article 72: Assets and liabilities of the State

No loan may be taken or any guarantee undertaken that will bind the State except by law.

Government authorities are not permitted to guarantee the financial obligations of private persons. However, such State guarantee may be provided for by law in the public interest.

Real property belonging to the State may not be sold, nor the right of its use surrendered except by authorisation contained in law. The disposal of other assets of the State shall be subject to law.

Article 73: Dissolution of the Althing

The President of Iceland shall dissolve the Althing pursuant to its own resolution. In such an event a new election shall be called no earlier than six weeks and no later than nine weeks from the time of dissolution. Members of the Althing shall retain their mandate until Election Day.

Article 74: The National Audit Office

The Althing shall elect an Auditor General for a term of five years. The Auditor General shall be independent in his work. The Auditor General shall audit the finances of the State, its agencies and State undertakings under the authority of the Althing as further provided by law.

The audited State accounts for the preceding year, together with the notes of the Auditor General shall be submitted to the Althing for approval along with the State fiscal budget bill.

Article 75: The Ombudsman of the Althing

The Althing shall elect an Ombudsman for a term of five years. The Ombudsman shall be independent in his work. The Ombudsman shall look after the rights of the citizens and scrutinise the administration of the State and municipalities. The Ombudsman shall endeavour to ensure observance of non-discrimination in public administration and compliance with law and good administrative practices.

If a Cabinet Minister or other government authority decides not to observe a specific recommendation of the Ombudsman, the Speaker of the Althing shall be notified of the decision.

The work of the Ombudsman and his role in other respects shall be further provided for by law, including the parliamentary procedure regarding such notification by a Cabinet Minister or other government authority.

• Dismissal of the legislature

• Ombudsman

Chapter IV: The President of Iceland

Article 76: Title of office and national election

The President of Iceland is the Head of State of the Republic. The President is nationally elected.

Article 77: Eligibility

Any citizen who meets the conditions for eligibility in elections to the Althing and has reached the age of 35 is eligible as president.

Article 78: Presidential election

The President is elected by a secret ballot in a poll of all persons who have the right to vote in elections to the Althing. Presidential candidates shall have the endorsement of a minimum of one per cent and a maximum of two per cent of the electorate. Voters shall rank candidates, one or more, at their own choice in order of preference. The person who best meets the order of preference of voters, as further provided by law, is the rightfully elected President. If there is only one candidate, that candidate is duly elected without a poll being taken. In other respects, the candidacy and election of the President shall be decided by law.

Article 79: Electoral term

The President's term of office begins on 1 August and ends on 31 July four years later. The presidential election shall be held in June or July of the year in which a term of office ends. The President shall not serve for more than three electoral terms.

Article 80: Oath

The President of Iceland shall sign and oath to the Constitution when he takes office.

Article 81: Terms of employment

The President is not permitted to undertake any other paid employment while in office. The same applies to work in the interest of private undertakings and public agencies, even if unpaid. Payments to the President out of State funds shall be decided by law. Such payments to the President may not be reduced during his term of office.

Article 82: Deputy

In the event that the President is temporarily unable to perform his duties for reasons of health or for other reasons the Speaker of the Althing shall temporarily assume the powers of the presidency.

Article 83: Decease

Should the President decease or resign his post before the end of the electoral term a new President shall be elected until 31 July of the fourth year from the election.

- Name/structure of executive(s)
- Head of state selection

- Minimum age of head of state
- Eligibility for head of state

- Secret ballot
- Head of state selection

- Head of state term length
- Head of state term limits

- Oaths to abide by constitution

- Head of state replacement

Article 84: Liability

The President may not be prosecuted on a criminal charge except with the consent of the Althing.

The President may be released from office before the end of an electoral term with the support of a majority of votes in a referendum called by the Althing, provided that the referendum is supported by three quarters of the Members of the Althing. The referendum shall take place within two months from the time that the call for the referendum was approved by the Althing, and the President shall not serve in his office from the time that the Althing adopts its resolution until the results of the referendum are known.

Article 85: Pardons and amnesty

The President of Iceland has the power to pardon and grant general amnesty at the proposal of a Cabinet Minister. However, the President cannot pardon a Cabinet Minister convicted by the courts of law on the grounds of ministerial accountability except with the consent of the Althing.

Chapter V: Ministers and Cabinet

Article 86: Cabinet Ministers

Cabinet Ministers are the supreme holders of executive powers, each in his own area. They are each responsible for the affairs of the ministries and administrative affairs falling within their province.

If a Cabinet Minister is unable to address an issue owing to disqualification, absence or for other reasons, the Prime Minister shall entrust the matter to another Minister.

No one may retain the same ministerial post for more than eight years.

Article 87: The Cabinet

Ministers are members of the Cabinet. The Prime Minister shall call meetings of the Cabinet, preside at the meetings and oversee the work of Cabinet Ministers.

Meetings of the Cabinet shall be held to discuss legislative bills and proposals to the Althing, other important political affairs and for consultation on the work and policy affairs of the Cabinet. Meetings of the Cabinet shall also be held at the request of a Cabinet Minister.

The Cabinet shall make joint decisions on important matters or matters of policy pursuant to further provisions of law. A majority of the Cabinet Ministers must be present at the meetings when such decisions are made.

The Government Offices of Iceland shall be located in Reykjavik.

Article 88: Registration of interests and public service

A Cabinet Minister is not permitted to undertake any other paid employment while in office. The same applies to work in the interest of private undertakings and public agencies, even if unpaid.

The obligation of Cabinet Ministers to disclose information on their financial interests shall be provided for by law.

Article 89: Cabinet Ministers and the Althing

Ministers shall introduce legislative bills and motions from the Cabinet, respond to questions and participate in debates in the Althing when called upon, but must observe the parliamentary rules of order.

Cabinet Ministers shall not have voting rights in the Althing.

If a Member of the Althing is appointed to a ministerial post, the Member shall vacate his seat while in office, in which case his alternate shall take his seat.

Article 90: Formation of government

The Althing shall elect the Prime Minister.

Following consultation with parliamentary parties and Members of the Althing, the President of Iceland shall submit to the Althing a proposal for the post of Prime Minister. The Prime Minister is duly elected if the proposal is passed by a majority of the Althing. Otherwise, the President of Iceland shall make a new proposal in the same manner. If this proposal is not passed, an election shall take place in the Althing between those who are put forward by Members of the Althing, parliamentary parties or the President of Iceland. The candidate receiving the most votes is the duly elected Prime Minister.

If a Prime Minister has not been elected within ten weeks, the Althing shall be dissolved and a new election called.

The Prime Minister shall decide on the organisation of ministries and the number of Ministers and allocate responsibilities among them; however, Ministers shall not be more than ten.

The President of Iceland shall inaugurate the Prime Minister to his post. The President shall release the Prime Minister from his office after parliamentary elections, if a motion of no-confidence is passed or at the request of the Prime Minister. The Prime Minister shall appoint other Cabinet Ministers and release them from their posts.

Cabinet Ministers shall sign an oath to the Constitution when they assume their posts.

Article 91: Motions of no confidence

A motion of no confidence in a Cabinet Minister may be submitted in the Althing. A motion of no confidence in a Prime Minister shall include a proposal for his successor.

A Minister shall be released from his office if a majority of the Members of the Althing pass a motion of no confidence in him. The Cabinet shall be relieved of office if a majority of Members of the Althing pass a motion of no confidence in the Prime Minister.

Article 92: Interim government

After the Prime Minister has been released together with his Cabinet, the Cabinet shall remain in office as an interim government until a new government has been formed. The same applies if the Althing is dissolved. Ministers in an interim government shall take only such decisions as may be necessary for the discharge of their duties.

Article 93: Obligation of disclosure and truthfulness

A Cabinet Minister is under obligation to provide the Althing or a parliamentary committee with any information, documents and reports on matters that come under his authority unless classified as secret by law.

Members of the Althing are entitled to information from Cabinet Ministers by submitting a question on a matter or requesting a report, according to the further provisions of law.

Information provided by a Cabinet Minister to the Althing, its parliamentary committees and Members shall be correct, appropriate and sufficient.

Article 94: Report of the government to the Althing

The government shall submit an annual report to the Althing on its work and the implementation of resolutions of the Althing.

A Minister may provide an account of matters falling under his authority by a report to the Althing.

Article 95: Ministerial responsibility

Cabinet Ministers are legally accountable for all government actions. However, if a Cabinet Minister has noted his opposition to a decision of government, that Minister shall not be held accountable for the decision. Liability for their breach of duty shall be decided by law.

The Constitutional and Supervisory Committee of the Althing shall decide, following a review, whether an investigation should be launched into alleged breaches of duty by a Cabinet Minister. The Committee shall appoint a prosecutor to undertake the investigation. The prosecutor shall assess whether the conclusion of the investigation is sufficient or likely to obtain a conviction, in which case he shall issue an indictment and prosecute the case before the courts of law. The investigation and process of such cases shall be further provided for by law.

Article 96: Appointment of public officials

Cabinet Ministers and other government authorities shall grant public posts as provided by law.

Qualifications and objective viewpoints shall decide appointments to offices.

When a Cabinet Minister makes an appointment to the posts of judge and Director of Public Prosecutions, the appointment shall be submitted to the President of Iceland for confirmation. If the President withhold his confirmation, the Althing must approve the appointment by a two-thirds majority vote for the appointment to take effect.

Ministers shall make appointments to other posts as defined by law following recommendation by an independent committee. If a Minister does not appoint to such an office one of the persons regarded as most qualified, the appointment shall be subject to the approval of the Althing by a two-thirds majority vote.

The President of Iceland shall appoint the chairman of the committee. Further details of the composition of the committee and its work shall be provided for by law.

The exclusive appointment of Icelandic citizens to certain posts may be provided for by law. A public official may be required to take an oath to the Constitution.

Article 97: Independent state agencies

Certain agencies of the State which carry out important regulatory functions or gather information which is necessary in a democratic society may be granted special independence by law. The activities of such agencies cannot be discontinued, significantly changed or entrusted to other agencies except by an act of law passed by a two-thirds majority in the Althing.

Chapter VI: The judiciary

Article 98: Organisation of the judiciary

The organisation of the judiciary, including levels of court and number of judges, shall be decided by law.

Article 99: Independence of the courts of law

The independence of the courts of law shall be ensured by law.

Article 100: Jurisdictions of the courts of law

The courts of law shall have the final decision on rights and obligations under civil law, as well as guilt of criminal conduct, and decide on the penalty for such conduct.

The courts of law shall decide whether legislation complies with the Constitution.

The courts of law shall decide whether the government has complied with the law. A decision by a government authority cannot be temporarily evaded by referring its lawfulness to a court of law.

Article 101: The Supreme Court of Iceland

The Supreme Court of Iceland is the highest court of the State and it has the final power to resolve any cases brought before the courts of law.

However, it may be decided by law that a separate court should finally resolve disputes on wage contracts and the lawfulness of work stoppages, but in such a manner that any decisions of such a court on sanctions may be referred to other courts of law.

Article 102: Appointment of judges

Judges are persons who are permanently appointed to the office of judge, or acting judges appointed to serve in office for a specified time. The courts of law may hire or summon others to work or serve in the court as provided by law.

Judges are appointed and released from their office by a Cabinet Minister. A judge cannot be discharged permanently from his office except by a judgment and only if the judge no longer fulfils the conditions to hold the office or does not attend to the duties attached to the position.

Article 103: Independence of judges

In the performance of their official duties, judges shall observe only the law.

Article 104: Powers of prosecution and the Director of Public Prosecution

The organisation of the powers of prosecution shall be decided by law.

The Director of Public Prosecutions is the supreme prosecuting authority. In the performance of his official duties, he shall observe only the law.

The Director of Public Prosecutions is appointed and released from his office by a Cabinet Minister. The Director of Public Prosecutions shall work independently and enjoy the same protection as judges in his work.

Chapter VII: Municipalities

Article 105: Independence of municipalities

Municipalities shall manage their own affairs as laid down by law.

Municipalities shall have sufficient capacity and income to undertake their statutory responsibilities.

The sources of revenue of municipalities shall be decided by law, as well as their right to decide whether and how to use them.

Article 106: Subsidiarity

Municipalities, or associations acting for the municipalities, shall be charged with the aspects of public service that are regarded as best discharged locally, as further provided for by law.

Article 107: Election of local government and public participation

Municipalities are governed by local governments working under a mandate from residents and elected in by secret ballot in general elections.

The right of the residents of a municipality to request a referendum on its affairs shall be determined by law.

Article 108: Obligation to consult

Local governments and their associations shall be consulted in the course of the preparation of legislation concerning the affairs of municipalities

Chapter VIII: Foreign affairs

Article 109: Procedure in foreign affairs

Foreign policy and the general representation of the State in the area of foreign policy is the responsibility of a Cabinet Minister under the supervision of the Althing.

Cabinet Ministers are required to provide the Foreign Affairs Committee of the Althing with information on foreign affairs and defence. The Minister shall consult with the Committee before any decision is made on important foreign affairs.

Any decision on support for actions involving the use of armed force, other than those which are obligatory for Iceland under international law, shall be subject to the approval of the Althing.

Article 110: International agreements

International agreements are concluded by a Cabinet Minister on behalf of Iceland. However, a Cabinet Minister can enter into no such agreements if they involve any surrender of, or encumbrance on, land, inland waters, the territorial sea, economic jurisdiction or continental shelf, or require amendment of statutory law, or are important for other reasons, without the approval of the Althing.

Article 111: Transfer of State powers

International agreements involving a transfer of State powers to international organisations of which Iceland is a member in the interests of peace and economic co-operation are permitted. The transfer of State powers shall always be revocable.

The meaning of transfer of State powers under an international agreement shall be further defined by law.

If the Althing approves the ratification of an agreement that involves a transfer of State powers, the decision shall be subjected to a referendum for approval or rejection. The results of such a referendum are binding.

Article 112: Obligations under international agreements

All holders of State powers are required to respect rules on human rights which are binding for the State under international law and ensure their implementation and effectiveness, as may be consistent with their roles according to law and the limits of their powers.

The Althing is empowered to ratify international human rights conventions and environmental conventions, in which case they shall supersede statutory law.

Chapter IX: Final Provisions

Article 113: Amendments to the Constitution

When the Althing has passed a legislative bill to amend the Constitution, the bill shall be subjected to a vote by all the electorate in the country for approval or rejection. The vote shall take place at the earliest one month and at the latest three months after the passing of the bill in the Althing.

However, if five-sixths of the Members of the Althing have voted for the bill, the Althing may decide to abandon the vote, in which case the bill shall nonetheless pass into law.

Article 114: Entry into force

This constitutional act shall enter into force when the Althing has passed it in accordance with the provisions of the Constitutional Act No. 33 of 17 June 1944, as amended.

On the entry into force of this constitutional act, Constitutional Act No. 33 of 17 June 1944, as amended, shall be repealed.

• Transitional provisions

Interim provisions

Notwithstanding the provisions of the tenth paragraph of Article 39, the approval of a simple majority of the votes in the Althing shall suffice to amend the Act on elections to the Althing in accordance with this Constitutional Act after it enters into force.

When that amendment has been made, this provision shall be repealed.

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