

Constitutional Bill

for a new constitution for the Republic of Iceland

From the majority of the Constitutional and Supervisory Committee

(VBj, ÁI, RM, LGeir, MSch, MT).

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 which upholds the rule of law, 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

Source and holders of state powers

All state powers spring from the nation, which wields them either directly, or via those who hold government powers.

The Althing holds legislative powers. 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 who have at birth a parent of Icelandic nationality shall have the right to Icelandic citizenship, as further provided by law. In other respects, citizenship shall be granted in accordance with law.

No one may be deprived of Icelandic citizenship. Provision may, however, be made by law to deprive a person of citizenship, if he/she has, or has acquired by consent, citizenship of another state.

An Icelandic citizen cannot be barred from entering Iceland nor deported from Iceland.

Article 5

Scope

The government is required to ensure that everyone has the opportunity to enjoy the rights and freedoms entailed by this Constitution.

Everyone shall observe this Constitution in all respects, as well as legislation that derives from the Constitution. Private persons shall, as applicable, respect the rights provided in Chapter II.

Chapter II.

Human rights and nature

Article 6

Equality

All people shall be equal before the law and 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 human rights

Government authorities at all times required to protect the public against violations of human rights, whether committed by holders of government power, or others.

Human rights guaranteed under this Constitution may only be restricted by means of legislation in the interests of the common good or for protection of others' rights, in accord with democratic traditions. Proportionality shall be maintained, and it shall be ensured that the restriction does not encroach on the core rights involved. Rights under art. 7, clause 1 art. 8, clauses 2 and 3 art. 28, and arts. 29 and 30 may, however, never be restricted on the basis of this provision.

Article 10

Protection against violence

Everyone shall be guaranteed 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 restriction of a person's right to privacy.

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 matters concerning the child.

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

Article 13

Right of ownership

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

Article 14

Freedom of expression and information

Everyone has the right to freedom of opinion and to the expression of their thoughts. Everyone is free to seek, receive and disseminate information and ideas.

Censorship or other similar restrictions on freedom of expression shall never be provided for by law, but people must take responsibility for the expression of their views in accord with the law.

Article 15

Right to information

Everyone has the right of access to public documents.

Handling of public authorities and interests 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.

In order to facilitate searches for information by the public, a register of cases and official documents, and their origins and content, shall be available, as further provided in law.

Decisions shall be made as quickly as possible regarding requests for information, and in case of refusal a reasoned justification shall be given. Provision shall be made in law for the duration of restrictions on certain categories of documents, and that time limit shall not be longer than necessary. Access to working documents may be restricted by law, provided that this restriction does not exceed the needs for protecting normal working conditions for public bodies.

In national and local government administration, a duty of confidentiality may only be required with respect to information on the basis of law, provided that is necessary in order to safeguard lawful public or private interests. Information regarding misconduct in office by government officials is not subject to confidentiality.

Article 16

Free and informed social debate

The freedom and autonomy of the media shall be guaranteed by law.

The confidential relationship between journalists and their sources shall be protected 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. Diversity and pluralism in the media shall be assured, together with transparency of ownership, and other conditions which are conducive to free and informed social debate.

Article 17

Freedom of culture and learning

Scientific and academic freedom, and freedom in the arts, shall be ensured by law.

Article 18

Freedom of religion and conviction

Everyone shall be guaranteed the right to belief, philosophy and conviction, including the right to change their religion or faith and remain independent of religious associations.

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

Article 19

Organisation of the Church

The Evangelical Lutheran Church shall be the national church of Iceland, and the government shall support and safeguard it accordingly.

This provision may be changed by law.

Should the Althing approve a change in the church organisation under clause 2, the matter shall be submitted to a vote for approval or rejection by the entire electorate of the country, by a secret ballot.

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 decision of a government authority.

No one may be obliged to be a member of any association.

Article 21

Freedom of assembly

Everyone shall be ensured the right to assemble without special permission, for instance for meetings and protests.

Article 22

Social rights

Everyone shall be ensured by law the right to means of subsistence and social security.

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

Article 23

Health and health services

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

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

Article 24

Education

Everyone shall be ensured by law the right to general education and training suitable to their needs and abilities.

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.

The right of parents to ensure that their children's education is in keeping with their religious or philosophical convictions shall be respected.

Article 25

Freedom of employment

Everyone is free to pursue the occupation of their choosing.

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 the right to negotiate employment terms and other rights relating to employment.

Article 26

Rights of residence and freedom of movement

All those who are lawfully resident in Iceland shall be free to choose their residence and shall be free to travel.

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.

Provision shall be made by law for the rights of foreigners to come to Iceland and to reside here, and also for the grounds on which they may be deported. right of refugees and asylum seekers who may be at risk of execution, torture or other inhumane or degrading treatment or punishment, to fair proceedings within a reasonable time.

Article 27

Deprivation of freedom

No one may be deprived of his/her freedom except as permitted by law following conviction by a court or on other ground entailing imprisonment, or on other penal ground to uphold the law, or relating to child protection, control of infectious diseases, mental disorder, addiction to alcohol or other substances, border security, and extradition of criminals.

Any person deprived of his/her 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/she is not immediately released, the judge shall issue within 24 hours a reasoned decision as to whether he/she should be remanded in custody. Remand 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 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/she shall be released immediately.

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

Article 28

Fair process

All persons shall be entitled to fair process 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. Court proceedings shall be conducted in public .

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

Nobody shall be at risk of being subjected to criminal proceedings or punishment a second time for the same offence within the jurisdiction of Iceland of which he/she has previously been convicted or acquitted by a final verdict under the law. Cases may, however, be reopened in accord with law.

Article 29

Prohibition of inhumane treatment

The death penalty may never be stipulated by law.

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

No one shall be subjected to forced labour.

Article 30

Prohibition of provision for retroactive penalties

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 possession or permanent 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.

This means maintenance of diversity of land and biosphere, and protection of sites of natural interest, unpopulated wilderness, vegetation and soil. Prior damage shall be reversed as far as possible.

Everyone shall by law be ensured the right to a healthy environment, fresh water, clean air and unspoiled nature.

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

Article 34

Natural resources

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

Property of the nation under para. 1 includes harvestable fish stocks, other resources of the sea and sea bed within Icelandic jurisdiction, beyond coastal waters with private rights to net-fish, water and other natural resources not subject to private property rights, such as water power, geothermal resources and minerals in public lands. On privately-owned land, the owners' rights to resources under the surface of the earth shall be confined to normal utilisation of the property.

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, and other limited public assets, 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.

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 have a considerable impact on the environment and nature, as well as authority to seek the intervention of impartial adjudicating bodies, 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 fiscal powers of the State and shall monitor 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 electors everywhere in the country shall have equal weight.

The country may be divided into electoral districts, to number up to eight.

Political organisations shall be authorised to put forward slates for electoral districts, and a national slate. A candidate may be on the national slate and a district slate for the same organisation.

An elector shall be able to choose candidates from slates in his/her electoral district and from the national slates. Should he/she vote instead for a slate, he/she is voting for 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 political organisations to reflect as well as possible the number of votes cast for the organisation's slates and candidates.

Parliamentary seats shall be allocated to candidates on the basis of the strength of votes received.

Up to thirty parliamentary seats may be tied to electoral districts. The electors on the electoral register for each such tied seat may not, however, be fewer than the average number for parliamentary seats.

Electoral legislation shall promote as equal a proportion as possible of men and women in the Althing.

Electoral district boundaries, methods of allocating parliamentary seats and rules on candidature can be amended only by a two-thirds majority of the Althing. Such amendments do not take effect until six months after they were enacted.

Further rules on parliamentary elections shall be enacted in law.

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.

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 on whether a Member of the Althing has forfeited his/her eligibility. The work of the national electoral commission shall be subject to the further provisions of law.

Rulings of the national electoral commission on the validity of presidential or parliamentary elections may be appealed to the Supreme Court of Iceland, as further provided in law. Other rulings of the national electoral commission may be appealed to the courts of law in accord with the normal rules.

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 quarter 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.

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.

Neither a Member of the Althing nor a government Minister can be held accountable outside the Althing for anything said in the Althing except with the permission of the Althing.

Members of the Althing and government Ministers may renounce their immunity under paras. 1 and 2.

Article 50

Listing of interests and disqualification

A Member of the Althing is prohibited from participating in deliberations on parliamentary business which concerns his/her special and significant interests, or those of persons with close ties to him. The qualification of Members of the Althing shall be further 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 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/her alternates; together they form the Speaker's Committee. The election of Deputy Speakers shall be provided for by law.

The person elected 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 shall be provided for by law.

Article 55

Public sessions

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

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

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

Legislative bills which have not been finalised shall lapse at the end of an electoral term.

Article 58

Process of proposals for parliamentary resolutions and other parliamentary business

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 been finalised shall lapse at the end of a parliamentary session.

Proposals for dissolution of the Althing or motions of 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.

The President of Iceland can decide within one week from receiving a legislative bill to refuse to confirm it. 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, government directives and international agreements ratified by the State shall be published. Acts of law and government directives shall not be applied until after their publication. Unpublished laws are, however, binding on the government from their entry into force. The manner of publication and entry into force are subject to law.

Article 62

Lögrétta [Constitutional Advisory Body]

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

A parliamentary committee, or one quarter 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.

Provision for the *Lögrétta* shall be made in 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 must launch such a review at the request of one quarter of the Members of the Althing.

Article 64

Investigative committees

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

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 enactment of the legislation. The legislation shall become void if rejected by the electorate, but otherwise it shall 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.

Article 66

Parliamentary business on the initiative of voters

Two per cent of the electorate may submit a Bill or a draft resolution to the Althing.

Ten per cent of the electorate may submit a 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 collection of signatures and referenda

Any matter which is submitted 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.

Provision shall be made in law for the procedure of referrals or voter initiatives, including the form of the petition and accountability, the time permitted for the collection of signatures and the manner in which they are collected, the amount of expense permitted for publicity, the procedure for withdrawing the petition on receiving the response of the Althing and the procedure of the polling.

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 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 government authorities.

No tax may be levied unless authorised by law at the time when the conditions arose 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 may not 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 when the President announces the 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/her work. The Auditor General shall, under the authority of the Althing, audit the finances of the State, its agencies and State undertakings 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/her work. The Ombudsman shall safeguard 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 parliamentary Ombudsman and his/her role in other respects shall be further provided for by law, including the parliamentary procedure regarding notification by a Cabinet Minister or other government authority under para. 2.

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 the following oath to the Constitution when he/she takes office: I, the undersigned ..., who have been elected President of Iceland for the electoral terms which commences ... and ends ..., swear by my faith and honour to uphold the Constitution of the Republic of Iceland.

Article 81

Terms of employment

The President may not 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/her term of office. The President appoints the secretary-general of the presidential office.

Article 82

Deputy

In the event that the President is temporarily unable to perform his/her 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 die, become permanently incapable of fulfilling the office, or resign the post, before the end of the electoral term a new President shall be elected until 31 July of the fourth year from the election.

The Althing can demand by a two-thirds majority of votes that the Supreme Court of Iceland rule on whether the conditions provided in art. 82 and para 1 art. 83 are met. At the request of the President of Iceland, the Supreme Court will rule on whether the President may resume his/her duties, due to the conditions provided in art. 83 no longer applying.

Article 84

Release from office and liability

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/her office from the time that the Althing adopts its resolution until the results of the referendum are known.

The President bears legal responsibility for his/her official actions. Further provision shall be made in law for his/her responsibility regarding misconduct in office; and removal from office due to such misconduct is subject to para. 1 of this article. The President may not be prosecuted on a criminal charge except with the consent of the Althing.

Article 85

Pardons and amnesty

The President of Iceland can pardon people 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/her own field. 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 or otherwise perform his/her duties owing to disqualification other reasons, the Prime Minister shall appoint another Minister as a substitute. The Prime Minister determines by rules the procedure for substitution should he/she him/herself have to be disqualified, or be temporarily unable to perform his/her duties. 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 calls meetings of the Cabinet, presides at the meetings and coordinates the work of Cabinet Ministers.

Meetings of the Cabinet shall be held to discuss legislative bills and proposals to the Althing, other important government matters 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/her seat while in office, in which case his/her alternate shall take the 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 among 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 new Prime Minister has not been elected within ten weeks of the Prime Minister being released from office, the President shall dissolve the Althing and call a new election in accord with article 73. The Prime Minister shall decide on the organisation of ministries and the number of Ministers and allocate responsibilities among them; Ministers shall not number more than ten.

The President of Iceland shall appoint the Prime Minister to his/her post. At the same time, the Prime Minister shall appoint other government ministers. The President shall release the Prime Minister from his/her office after parliamentary elections, if a motion of no confidence is passed, or at the request of the Prime Minister. The Prime Minister shall release other ministers from office and make appointments to replace them.

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/her successor.

A Minister shall be released from 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 from office together with the Cabinet, the Cabinet shall remain in office as an interim government until a new Prime Minister is appointed. 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 must provide the Althing or a parliamentary committee with any information, documents and reports on matters that come under his/her 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 cabinet to the Althing

The cabinet 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/her authority by a report to the Althing.

Article 95

Ministerial responsibility

Cabinet Ministers are legally accountable for all government actions under their aegis.

Responsibility for ministerial misconduct in office shall be determined by law. However, if a Cabinet Minister has noted his/her opposition to a decision of the cabinet, that Minister shall not be held legally accountable for the decision.

The Constitutional and Supervisory Committee of the Althing shall decide, following a review, whether an investigation should be launched into alleged misconduct in office by a Cabinet

Minister. The Committee shall appoint a prosecutor to undertake the investigation. The prosecutor shall assess whether the findings of the investigation are sufficient or likely to obtain a conviction, in which case he/she 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 make appointments to those public offices for which such provision is made in law.

Appointments to public office shall be determined by competence and objectivity.

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/her 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 of highest authority 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 under para. 4. Further details of the composition of the committee and its work shall be provided for by law.

Provision may be made in law that only an Icelandic citizen may be appointed to certain posts, and a public official may be required to sign an oath to the Constitution.

Article 97

Autonomous state agencies

By legislation approved by a two-thirds majority of the Althing, 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 autonomy. 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 jurisdiction and number of judges, shall be decided by law.

Article 99

Independence of courts of law

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

Article 100

Jurisdiction of 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 rule on the constitutionality of law in so far as it may be an issue in court proceedings.

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, except in accord with authority provided in law, or by special decision of a government authority.

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 specialised court should make final rulings on disputes on wage agreements and the lawfulness of work stoppages, but in such a manner that any decisions of such a court on sanctions may be appealed 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 office except by a legal verdict, and only if the judge no longer fulfils the conditions to hold the office or does not perform the duties attached to the position.

Article 103

Independence of adjudicators

In the performance of their official duties, judges and other adjudicators shall be guided by the law alone.

Article 104

Prosecutorial authority and the State Prosecutor

The organisation of prosecutorial authority shall be decided by law.

The State Prosecutor is the supreme prosecuting authority. In the performance of his/her official duties, he/she shall be guided by the law alone.

The State Prosecutor is appointed and released from office by a Cabinet Minister. The State Prosecutor shall work independently and enjoy the same protection as judges in his/her 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 under their local governance, 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 a secret ballot by popular vote.

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

In preparation of legislation directly concerning the affairs of municipalities, local governments and their associations shall be consulted.

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 must 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 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. Should the Act entail a significant transfer of powers, it shall be submitted to a vote of all electors for approval or rejection. The results of such a referendum are binding.

Article 112

Obligations under international agreements

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

When ratified by the Althing, international human rights conventions and environmental conventions shall take precedence over statutory law.

Chapter IX

Various provisions

Article 113

Amendments to the Constitution

When the Althing has passed a bill to amend the Constitution, it shall be submitted to a vote by all the electorate in the country for approval or rejection. The referendum shall take place at the earliest one month and at the latest three months after the passing of the bill in the Althing. Should the Bill be approved by the referendum it shall be confirmed by the President of Iceland within two weeks, and shall then be deemed valid constitutional law.

Should the Althing approve a Bill to amend the provisions of Chapter II of the Constitution, the Althing shall immediately be dissolved, and new elections held. Should the Althing approve the Bill without amendments, it shall be submitted to a vote by all the electors in the country for approval or rejection as provided in para. 1. Should the Bill be approved by the Referendum, it shall be confirmed by the President of Iceland within two weeks, and shall then be deemed valid constitutional 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, with subsequent amendments.

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

Temporary provisions

Notwithstanding the provisions of para. 10 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.

Notwithstanding the provisions of article 39, parliamentary elections may be held on the basis of the present electoral law for up to two years after this Constitutional Act takes effect.

A judge who is in office when this Constitutional Act takes effect may be granted release from office if he/she has reached the age of 65 years. Should a judge of the Supreme Court of

Iceland be granted release from office under this provision, he/she shall, however, retain his/her full salary.

The commencement date for the provisions of clause 3 art. 79 and para. 3 art. 86 shall be the entry into force of this Constitutional Act.