

**A Proposal for a new
Constitution
for the Republic of Iceland**

Drafted by Stjórnlagaráð,
a Constitutional Council,
appointed by an Althingi resolution
on March 24th 2011.

English translation

Preamble

We, the people who inhabit Iceland, wish to create a just society where every person has equal opportunity. Our diverse origin enriches our society and together we are responsible for the heritage of generations, our country and its history, nature, language and culture.

Iceland is a free and sovereign state with freedom, equality, democracy and human rights as its cornerstones.

The government shall endeavour to strengthen the welfare of the country's inhabitants, encourage their culture and respect the diversity of the life of the people, the country and its biosphere.

We wish to promote harmony, security and happiness amongst us and coming generations. We are determined to work towards peace with other nations and respect for the earth and all mankind.

In light thereof we set a new Constitution, the supreme law of the land that all must observe.

Chapter I. *Basic elements*

Article 1.

Form of government

Iceland is a parliamentary democracy.

Article 2.

Holders of governmental power

Althingi exercises the legislative power on behalf of the nation.

The President of Iceland, ministers and the cabinet as well as other government authorities exercise the executive power.

The Supreme Court and other courts exercise the judicial power.

Article 3.

Territory

Iceland's territory is indivisible. The limits of its territorial waters, air space and economic zone shall be determined by law.

Article 4.

Citizenship

Persons with a parent who is an Icelandic citizen have a right to be Icelandic citizens.

Citizenship shall in other respects be granted by law.

No one shall be deprived of the right to Icelandic citizenship.

An Icelandic citizen may not be prevented from entering the country nor can he be expelled from the country. The right of foreigners to enter the country and dwell there shall be determined by law as well as for what fault they may be expelled.

Article 5.

Duties of citizens

The government shall ensure that all be granted the rights and freedoms embodied in this Constitution.

All shall respect this Constitution in its every respect as well as the laws, duties and rights derived there from.

Chapter II.

Human rights and nature

Article 6.

Equal rights

We are all equal under the law and shall enjoy our human rights without discrimination, such as due to gender, age, genetic character, place of residence, economic status, disability, sexual orientation, race, colour, opinions, political affiliation, religion, language, origin, ancestry and position in other respects.

Men and women shall enjoy equal rights in every respect.

Article 7.

Right to life

All shall inherit the right to life at birth.

Article 8.

Human dignity

All shall be guaranteed a right to life with dignity. Human diversity shall be respected in every way.

Article 9.

Safeguarding of rights

The public authorities must at all times protect the citizens against human rights violations, whether committed by the holders of state power or by others.

Article 10.

Right to security

All shall have the right to the security of their person and protection against any kind of violence, such as sexual violence, inside the home or outside.

Article 11.

Inviolacy of private life

The inviolacy of private life, home and family shall be guaranteed.

A person's body may not be searched nor his residence or personal effects except with a court order or special authorisation by law. The same applies to a search of documents, postal transmissions, telephone calls or other communications as well as any other comparable curtailment of privacy.

The first paragraph notwithstanding, limits may be placed on the inviolacy of private life, home or family if urgently necessary due to the rights of others.

Article 12.

Rights of children

All children shall be assured by law of the protection and care that their welfare demands.

The best interest of the child shall always have priority in decisions regarding their affairs.

A child shall be guaranteed the right to express its opinions in all instances concerning it and due recognition shall be accorded to the child's opinions in concert with its age and maturity.

Article 13.

Right to property

The right to property is inviolate. No person shall be compelled to surrender property unless required by the public interest. In such a case, an act of law and full compensation shall be required.

The right to property is subject to duties as well as limitations in accordance with law.

Article 14.

Right to having and expressing opinions

All are free to have their opinions and convictions and shall have the right to express their thoughts.

Censorship and other comparable impediments to the freedom of opinion must never be enacted into law. Limits on the expression of opinion may, however, be stipulated by law to protect children, security, health, the rights or reputation of others, as necessary in a democratic society.

The public authorities shall guarantee the conditions for an open and informed discourse. The access to the Internet and information technology shall not be limited unless by a court verdict and subject to the same conditions as apply to the limits of the expression of opinion.

All persons shall be responsible for the expression of their opinions before a court.

Article 15.

Right to information

All persons shall be free to collect and disseminate information.

Public administration shall be transparent and shall preserve documentation, such as minutes of meetings, and shall register and document issues, their origin, record and final resolution. Such documentation may not be deleted unless according to law.

Information and documents held by public authorities shall be available without exception and the access of the public to all documents collected or paid for by public authorities shall be assured by law. A list of all cases and documents held by public authorities, their origin and content shall be open to all.

The collection, dissemination and delivery of documents, their preservation and publication may only be abridged by law for a democratic purpose, such as for the protection of personal privacy, the inviolacy of private life, the security of the state or the lawful activity of supervisory agencies. Limits of access to working documents may be enacted, provided that such limits are not more extensive than necessary in order to protect the normal working conditions of public authorities.

Information on the reasons and the time limits for secrecy shall be available for all documents under lawful secrecy.

Article 16.

Freedom of the media

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

The protection of journalists, sources and informants shall be ensured by law. Source confidentiality may not be abrogated without the consent of the informant except in criminal case proceedings and by a court verdict.

Article 17.

Freedom of culture and academia

The freedom of science, academia and art shall be ensured by law.

Article 18.

Freedom of religion

All shall be assured of the right to religion and a view of life, including the right to change their religion or personal convictions and the right to remain outside religious organisations.

All shall be free to pursue their religion, individually or in association with others, publicly or privately.

The freedom to pursue religion or personal convictions shall only be limited by law as necessary in a democratic society.

Article 19.

Church organisation

The church organisation of the state may be determined by law.

In cases where Althingi amends the status of the church of the state the matter shall be referred to the referendum of all qualified voters in the country for approval or rejection.

Article 20.

Right to association

All shall be assured of the right to establish associations for a lawful purpose, including political parties and unions, without having to apply for a licence. An association may not be dissolved through a government measure.

No one may be obligated to be a member of an association. Such obligation may be imposed by law if it proves necessary for an association to perform its lawful role due to the public interest or the rights of others.

Article 21.

Right of assembly

All shall be assured of the right to assemble without special permission, such as in meetings or to protest. This right shall not be abridged except by law and necessity in a democratic society.

Article 22.

Social rights

All shall be assured of the right to an adequate standard of living and social security.

All in such need shall be guaranteed a right by law to public social security and public assistance, such as due to unemployment, childbirth, old age, poverty, disability, illness, permanent impairment or similar circumstances.

Article 23.

Health services

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

All shall by law have the right to an accessible, appropriate and adequate health service.

Article 24.

Education

All shall by law have the right to a general education according to their ability.

All subject to compulsory education shall be offered such education without charge.

Education shall be adjusted to the general ability of each individual and be in line with critical awareness of human rights, democratic rights and duties.

Article 25.

Freedom of enterprise

All shall be free to pursue the employment they choose. This freedom may be limited by law in the public interest.

Adequate work conditions shall be stipulated by law, such as periods of rest, vacation and hours of leisure. All shall be accorded the right to fair pay and other work-related rights.

Article 26.

Right to residence and travel

All shall be free to choose their residence and be free to travel, subject to the limits of the law.

No one may be prevented from leaving the country except by a court verdict. A person's departure from the country may be halted with a lawful arrest.

The law shall set the right of refugees and asylum seekers to a just and speedy deliberation.

Article 27.

Deprivation of freedom

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

Anyone who has been deprived of freedom has without delay the right to be apprised of the reason.

Anyone who has been arrested for suspicion of having committed a punishable act shall without exception be brought before a judge. If the person is not released forthwith the judge shall, before 24 hours have passed, render a reasoned verdict whether the person shall be remanded into custody. Custody may only be applied for an offense punishable by a jail sentence. The right to appeal a remand into custody to a higher court shall be ensured by law. No one shall be remanded into custody longer than necessary. Anyone who for other reasons than a punishable offence is deprived of freedom has the right to have a court rule on its legality as soon as possible. Should a deprivation of freedom prove illegal the person shall be set free.

If a person has been deprived of freedom for no reason he shall have the right to compensation.

Article 28.

Due process of law

All shall have the right to a resolution of their rights and duties or to be subject to the due process of law in cases where they are prosecuted for a punishable offense within a reasonable period before an independent and impartial court. Court sessions shall be open unless the judge rules otherwise in accordance with law in order to guard public safety, the security of the state or the interests of the parties to the case and witnesses.

Anyone who is accused of a punishable offense shall be viewed as innocent until proven guilty.

Article 29.

Prohibition of inhumane treatment

The death penalty may never be introduced into law.

No one may be tortured or be otherwise subjected to inhumane or demeaning treatment or punishment.

No one may be subjected to compulsory labour.

Article 30.

Prohibition of retroactive punishment

No one shall be subjected to punishment unless having been found guilty of a punishable offense according to law at the time it took place or is deemed fully comparable to such an act. The punishment may not be more onerous than then allowed by law.

Article 31.

Prohibition of compulsory military service

A compulsory military service may never be introduced into law.

Article 32.

Cultural treasures

Valuable national treasures that belong to Iceland's cultural heritage, such as objects of national value and ancient manuscripts, may neither be destroyed nor delivered for permanent possession or use, be sold or pledged.

Article 33.

Nature and environment of Iceland

Iceland's nature constitutes the basis for life in the country. All shall respect and protect it.

All shall by law be accorded the right to a healthy environment, fresh water, unpolluted air and unspoiled nature. This means that the diversity of life and land must be maintained and nature's objects of value, uninhabited areas, vegetation and soil shall enjoy protection. Earlier damages shall be repaired as possible.

The use of natural resources shall be such that their depletion will be minimised in the long term and that the right of nature and coming generations be respected.

The right of the public to travel in 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 that are not private property shall be the joint and perpetual property of the nation. No one can acquire the natural resources, or rights connected thereto, as property or for permanent use and they may not be sold or pledged.

Publicly owned natural resources include resources such as marine stocks, other resources of the ocean and its bottom within Iceland's economic zone and the sources of water and water-harnessing rights, the rights to geothermal energy and mining. The public ownership of resources below a certain depth under the earth's surface may be determined by law.

In the use of natural resources, sustainable development and public interest shall be used for guidance.

The public authorities, along with those using the natural resources, shall be responsible for their protection. The public authorities may, on the basis of law, issue permits for the use of natural resources or other limited public goods, against full payment and for a modest period of time in each instance. Such permits shall be issued on an equal-opportunity basis and it shall never lead to a right of ownership or irrevocable control of the natural resources.

Article 35.

Information on the environment and the parties concerned

The public authorities shall inform the public on the state of the environment and nature and the impact of construction thereon. The public authorities and others shall provide information on an imminent danger to nature, such as environmental pollution.

The law shall secure the right of the public to have the opportunity to participate in the preparation of decisions that have an impact on the environment and nature as well as the possibility to seek independent verdicts thereon.

In taking decisions regarding Iceland's nature and environment, the public authorities shall base their decisions on the main principles of environmental law.

Article 36.

Protection of animals

The protection of animals against maltreatment as well as animal species in danger of extinction shall be ensured by law.

Chapter III.

Althingi

Article 37.

Role of Althingi

Althingi is vested with the legislative power and the power to manage the fiscal affairs of the state and oversees the executive branch as further specified in this Constitution and other laws.

Article 38.

Inviolacy

Althingi is inviolate. No one may disturb its peace or freedom.

Article 39.

Elections to Althingi

Althingi shall have 63 members elected by secret ballot for a period of four years.

The ballots 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 propose slates by district, for the whole country or both. Candidates may stand simultaneously on a country slate or a district slate of the same association.

A voter chooses individual candidates from slates in his district or from country slates or both. Alternatively, he may vote for one district slate or one country slate in which case he will have voted equally for all candidates on the slate. It may be stipulated by law that the choice is limited to the district slate or country slate of the same association.

Seats in Althingi shall be allocated to the associations of candidates so that each receives the number of members in full proportion to the total number of votes.

It shall be laid down by law how seats are allocated to candidates on the basis of their voting strength.

It may be laid down by law that a certain number of seats should be bound to individual districts, although no more than 30 in total. The number of voters on the voter registry behind each bound seat shall be no lower than the average based on the total of 63 seats.

In the electoral law it shall be laid down how the ratio of women members to men in Althingi can be made as equal as possible.

Changes in electoral districts, the allocation of seats in Althingi and rules on candidature as laid down by law can only be amended by the consent of two-thirds of votes in Althingi. Such amendments may not be passed if there are less than six months until the next election and they shall not take effect if an election is called within six months from their confirmation.

Article 40.

Period of office

Regular elections to Althingi shall take place no later than at the end of the period of office.

The period of office is four years.

The beginning and end of the period of office shall be on the same weekday in a month, counted from the beginning of the month.

Article 41.

Right to vote

All people 18 years or older at election time and being citizens of Iceland shall have the right to vote in an Althingi election. A legal residence in Iceland at the time of the election is also a condition for the right to vote, unless exceptions from this rule are laid down by the law on Althingi elections.

Further rules on Althingi elections shall be set by election law.

Article 42.

Eligibility of candidates

Every citizen with the right to vote and an unblemished reputation is eligible to be a candidate for elections to Althingi.

Justices of the Supreme Court are not eligible.

Should a member of Althingi lose his right to candidacy he loses the right granted by the election. An alternate shall then take his seat in Althingi.

Article 43.

Validity of elections

Althingi shall elect a national election commission to rule on the validity of an election of the President, elections to Althingi and national referendums.

The election commission issues letters of appointment to the President and members of Althingi and rules whether a member of Althingi has lost his right to candidacy. The work of the election commission shall be further prescribed by law.

The rulings of the election commission may be referred to the courts.

Article 44.

Sessions of Althingi

Althingi shall convene no later than two weeks after each Althingi election.

The date of convening of Althingi in regular session and the division of its period of office into individual sessions shall be laid down by law.

Article 45.

Seat of Althingi

Althingi normally convenes in Reykjavík but can also decide to convene elsewhere.

Article 46.

Convening of Althingi

The President of Iceland convenes Althingi following Althingi elections and opens Althingi each year.

The President also convenes and opens Althingi at the proposal of its President or one-third of Althingi members.

Article 47.

Oath of office

Each new Althingi member signs an oath to the Constitution after his election has been ruled valid.

Article 48.

Independence of members of Althingi

Members of Althingi are exclusively bound by their conviction and not by instructions from others.

Article 49.

Inviolacy of members of Althingi

Members of Althingi may not be remanded into custody or have a criminal case brought against them without the consent of Althingi, unless found to have committed a crime.

A member of Althingi shall not be held accountable outside Althingi for his words in Althingi unless Althingi so permits.

A member of Althingi can excuse himself from inviolacy.

Article 50.

Registration of interests and disqualification

A member of Althingi may not participate in the deliberation of a matter before Althingi that concerns him substantially or those closely connected to him. The qualification of members of Althingi shall be laid down by law. The disqualification of a member of Althingi shall not have an effect on the validity of laws passed.

The duty of members of Althingi to provide information on their financial interests shall be laid down by law.

Article 51.

Contributions to candidates and their associations

Rules governing the activity of political associations shall be laid down by law, as well as the finances of candidates for the purpose of keeping costs moderate, ensuring transparency and limiting advertising in an election campaign.

Information on contributions in excess of a certain minimum amount shall be published instantly according to further decrees by law.

Article 52.

The President of Althingi

Althingi elects its President with a two-thirds vote at the beginning of each period of office. If a President does not complete the term of office a new President shall be elected in the same manner.

The President manages the work of Althingi. He is responsible for the operation of Althingi and holds supreme power over its governance. Vice-Presidents work along with the President and act as his alternates and form a presidential committee with him. Their election shall be laid down by law.

The President of Althingi ceases to be a member of Althingi and shall not have the right to vote. His alternate shall take a seat in Althingi while he holds the office.

Article 53.

Althingi procedures

Althingi procedures shall be laid down by law.

Article 54.

Althingi committees

Althingi elects permanent committees to deliberate on parliamentary issues. The work of committees shall be laid down by law.

Article 55.

Open meetings

The meetings of Althingi shall be open to the public.
An Althingi committee may decide that its meeting be open to the public.

Article 56.

Introduction of issues to Althingi

Members of Althingi have the right to introduce bills, proposals for resolutions and other issues before Althingi.

Ministers can introduce bills and draft resolutions to Althingi that the Cabinet has agreed to.

Article 57.

Handling of bills

Bills introduced by members of Althingi and by the Cabinet are referred for deliberation to Althingi committees before being debated by Althingi. The same applies to Althingi issues introduced by voters.

An evaluation of the impact of passing a law shall accompany bills pursuant to further provisions of law.

Bills may not be approved until after at least two readings in Althingi.

Bills that have not been finalised shall be void at the end of the term of office.

Article 58.

Handling of parliamentary resolutions and other issues before Althingi

The Cabinet proposals for parliamentary resolutions shall be referred for deliberation in Althingi committees before being debated by Althingi.

Parliamentary resolutions may not be passed until after two readings by Althingi.

Proposals for parliamentary resolutions that have not been finalised shall be void at the end of the term of office.

Proposals for dissolving Althingi or no confidence in ministers shall be debated and voted on after one reading.

The handling of issues before the Althingi shall in all other respects be laid down by law.

Article 59.

Ability to resolve

Althingi can only resolve on an issue if more than half of members are present in a meeting and participates in a vote.

Article 60.

Confirmation of laws

Once Althingi has passed a bill into law the President of Althingi signs it and within two weeks presents it to the President of Iceland for confirmation. His signature confirms it into law. Within one week from receiving a bill, the President of Iceland can refuse to confirm it. Such a decision shall be reasoned and communicated to the President of the Althingi. The bill shall nonetheless become law, but the law shall within three months be put up for a referendum for confirmation or refusal. A simple majority shall apply whether the law retains its validity. The referendum shall not take place if the Althingi voids the law within five days of the President's refusal. The implementation of a referendum shall in other respects take place in accordance with law.

Article 61.

Publication of laws

Laws, government decrees and international agreements that the state has ratified shall be published. Laws and government decrees may never be applied in an encumbering manner until after their publication. The manner of publication and entry into effect shall be in accordance with law.

Article 62.

The Constitutional Committee

Althingi elects the Constitutional Committee for a period of five years. An Althingi committee or one-fifth of Althingi members can request the opinion of the Constitutional Committee as to whether a bill is in conformity with the Constitution and the international obligations of the state. A bill may not be passed before the opinion of the Constitutional Committee is at hand.

The work of the Constitutional Committee shall be laid down by law.

Article 63.

The Committee of Governance and Overseers

The Committee of Governance and Overseers of Althingi shall investigate all measures and decisions of ministers and their governance as it deems appropriate. The Committee is obligated to initiate such an investigation at the demand of one-third of Althingi members.

Article 64.

Committees of investigation

Althingi can appoint committees to investigate important issues of concern to the public.

Further rules on the role, powers of investigation and the appointment of committees of investigation shall be laid down by law.

Article 65.

Right of referral to the nation

Ten per cent of voters may demand a national referendum on laws passed by Althingi. The demand shall be presented within three months from the passage of the law. The law is void if voters reject it, otherwise it retains its validity. Althingi may void the law before the referendum takes place.

The referendum shall take place within a year from the time the demand of voters was presented.

Article 66.

Issues before the Althingi at the initiative of voters

Two per cent of voters may present an issue to Althingi. Ten per cent of voters may present a bill to Althingi. Althingi may present a counter-proposal in the form of another bill. If the bill of the voters has not been withdrawn it shall be presented to a referendum as well as the bill of the Althingi if that appears. Althingi may decide that the referendum shall be binding.

A vote on the bill proposed by voters shall take place within two years from the time the issue was presented to Althingi.

Article 67.

Implementation of the collection of signatures and a referendum

Issues presented before a referendum at the demand or initiative of voters according to Articles 65 and 66 shall concern the public interest. On their basis, a vote may not be demanded on fiscal budgets, supplementary fiscal budgets, laws enacted to enforce international obligations as well as laws concerning tax issues or the right to citizenship. Care shall be taken that a bill at the initiative of the voters shall be in accordance with the Constitution. Should a disagreement arise whether issues fulfil the above conditions the courts shall decide.

The implementation of referrals or the initiative of voters shall be laid down by law, such as the form and representation of the demand, the length of time for the collection of signatures and their arrangement, how much may be spent on publicising, how the issue may be withdrawn after learning of the response of Althingi and how such a vote may be arranged.

Article 68.

Fiscal budget proposal

A budget proposal for the coming fiscal year, containing a report on the revenue and expenditure of the state as further stipulated by law, shall be submitted to each regular session of Althingi upon it being convened.

Article 69.

Payment authority

No payment shall be rendered unless authorised in the fiscal budget.

After having received the consent of the fiscal budget committee of Althingi the minister of finance may render payment without such an authorisation in order to meet the payment obligations of the state due to unforeseen circumstances or if the public interest so dictates. Authorisation for such payments must be sought in a supplementary fiscal budget.

Article 70.

Right of the fiscal budget committee to information

The fiscal budget committee of Althingi can demand information from state agencies, state enterprises and others receiving appropriations from the Treasury that are related to the disposal of such funds.

Article 71.

Taxes

Taxes shall be set by law. No tax may be levied, amended or abolished except by law. Administrative authorities shall not be entrusted with the decision to levy a tax, amend or abolish it. No tax shall be levied unless so authorised by law at the time when circumstances arose that determined tax liability.

Article 72.

Assets and commitments of the state

No loans may be taken or guarantees issued that commit the state except by law.

The administrative authorities are not permitted to guarantee the financial commitments of private entities. Such state guarantees may however be issued due to the public interest.

The real property of the state or the use thereof may not be sold or otherwise disposed of except by the authority of the law. The disposal of other assets of the state shall be governed by law.

Article 73.

Dissolution of Althingi

The President of Iceland dissolves Althingi upon its resolution. New elections shall be held no earlier than six weeks and no later than nine weeks from the dissolution. Members of Althingi retain their power of office until election day.

Article 74.

The National Audit Office

Althingi elects the National Auditor for a term of five years. He shall be independent in his work. He audits the fiscal finances of the state, its agencies and state enterprises by authority of Althingi as further stipulated by law.

The audited state accounts for the previous year along with the report of the National Auditor shall be presented to Althingi for approval along with the fiscal budget proposal.

Article 75.

The Ombudsman of Althingi

Althingi elects the Ombudsman of Althingi for a period of five years. He shall be independent in his work. He shall safeguard the rights of citizens and monitor the governance of the state and local governments. He shall see to it that equality is honoured in public administration and that it is otherwise conducted in accordance with law and good governance practices.

Should a minister or other administrative body decide to disregard the special recommendations of the Ombudsman the President of Althingi shall be apprised of the decision.

The work and role of the Ombudsman shall be further laid down by law, inter alia the parliamentary procedure of such communications from a minister or another administrative body.

Chapter IV.

The President of Iceland

Article 76.

Name of the office and a national election

The President of Iceland is the head of the Republic. He shall be elected by the people.

Article 77.

Eligibility of office

Each citizen who fulfils the conditions necessary for becoming a member of Althingi and has reached the age of thirty-five years is eligible to be elected President.

Article 78.

Election of the President

The President shall be elected by secret ballot of those having the right to vote in Althingi elections. A candidate for President shall have the endorsements of not less than one per cent of eligible voters and not more than two per cent. The voters shall list candidates, one

or more by their own choice, by order of priority. The candidate who best fulfils the priority order of the voters, as further stipulated by law, shall be the duly elected President. If only one candidate stands for office, he shall be deemed duly elected without a vote. In all other respects, the candidature and election of the President shall be laid down by law.

Article 79.

Period of office

The period of office of the President commences on August 1st and ends on July 31st after four years. The presidential election takes place in June or July in the year when the period of office expires. No President shall remain in office longer than three terms.

Article 80.

Oath of office

The President of Iceland signs an oath to the Constitution upon taking office.

Article 81.

Conditions for holding office

The President of Iceland may not undertake other paid tasks while in office. The same applies to tasks for private companies and public agencies even if unpaid. Payments to the President from the public purse shall be determined by law. Such payments to the President may not be reduced during his period of office.

Article 82.

Proxy for the President

Should the President of Iceland become unable to perform his duties due to health or other reasons the President of the Althingi shall assume the powers of the presidency in the meantime.

Article 83.

Cessation

Should the President decease or resign his post before the end of the term of office a new President shall be elected for a term ending on July 31st in the fourth year from the election.

Article 84.

Responsibility

The President will not be criminally charged except with the consent of Althingi.

The President may be removed from office before the end of the term of office provided that this is agreed to by a majority of votes in a referendum at the initiative of Althingi and that three-quarters of the members of Althingi had voted for it. The referendum shall take place within two months from the time of the vote in Althingi and the President

shall not perform the duties of his office from the time of the Althingi vote until the results of the referendum are known.

Article 85.

Pardons and amnesties

The President of Iceland can pardon persons and issue general amnesties at the proposal of a minister. He cannot however exonerate a minister from punishment that the courts have imposed due to ministerial responsibility except by the consent of Althingi.

Chapter V.

Ministers and the Cabinet

Article 86.

Ministers

Ministers are the supreme holders of executive power, each in their own area. Each is responsible for the issues before their ministries and the governance in their domain.

Should ministers prove unable to deal with issues due to a conflict of interest, absence or another reason the Prime Minister shall entrust the task to another minister.

No one can remain in the same ministerial post for a period longer than eight years.

Article 87.

The Cabinet

Ministers are members of the Cabinet. The Prime Minister convenes the meetings of the Cabinet, chairs them and oversees the work of other ministers.

Cabinet meetings shall be held to consider bills and draft resolutions for Althingi, other important government issues and for consultation on the work and policies of the Cabinet. A Cabinet meeting shall be convened if a minister so requests.

The Cabinet takes joint decisions on policies and important issues pursuant to further provisions in law. A majority of ministers must be present when such decisions are taken. The Government of Iceland shall have its seat in Reykjavík.

Article 88.

Registration of conflicts of interest and public duties

A minister is not permitted to perform other paid tasks while in office. The same applies to tasks for private companies and public agencies even if unpaid.

The duty of ministers to disclose information on their financial interests shall be laid down by law.

Article 89.

Ministers and Althingi

Ministers introduce bills and draft resolutions from the Cabinet, respond to queries and participate in debates at Althingi as they are requested, provided they adhere to the rules of parliamentary procedure.

Minister shall not have the right to vote in Althingi.

Should a member of Althingi be appointed minister he must vacate his seat while in his post in which case his alternate member assumes his seat.

Article 90.

Formation of the Cabinet

Althingi elects the Prime Minister.

After having consulted parliamentary parties and members of Althingi the President shall present a candidate for the post of Prime Minister. He shall become duly elected if the majority of members consent to the proposal. If not, the President of Iceland presents a new proposal in the same manner. Should this proposal not be accepted an election shall take place amongst those candidates proposed by members of Althingi, parliamentary parties or the President of Iceland. The candidate with the most votes shall be the duly elected Prime Minister.

Should a Prime Minister not be elected within ten weeks, Althingi shall be dissolved and new elections called.

The Prime Minister decides the organisation of ministries and the number of ministers and divides tasks among them, but ministers shall not be more than ten.

The President of Iceland appoints the Prime Minister to his office. The President releases the Prime Minister from his duties following the Althingi elections, should he be censured by a vote in Althingi or if the minister so wishes. The Prime Minister appoints other ministers and releases them from their duties.

Ministers sign an oath to the Constitution as they assume their post.

Article 91.

Censure

A motion of censure of a minister may be presented at Althingi. A motion of censure on a Prime Minister must include a motion proposing his successor.

Article 92.

Provisional Cabinet

Following the release of the Prime Minister from his duties along with his Cabinet, it shall remain in office as a provisional Cabinet until a new Cabinet has been appointed. The same applies if Althingi is dissolved. Ministers in a provisional Cabinet shall only take decisions that are necessary for the performance of their duties.

Article 93.

Duty to provide information and truth

A minister is obligated to provide Althingi or its committees with all information, documents and reports on issues under his authority, unless classified as secret by law.

Members of Althingi have a right to information from a minister by tabling a parliamentary question on issues or request a report, as further laid down by law.

Information provided by a minister to Althingi, its committees and members shall be correct, relevant and adequate.

Article 94.

Report by the Cabinet to Althingi

The Cabinet shall each year present to Althingi a report on its activity and the implementation of the resolutions of Althingi.

A minister can report on an issue under his authority to Althingi.

Article 95.

Responsibility of ministers

Ministers bear the legal responsibility for all administrative activity. Should a minister note in minutes his opposition to a Cabinet decision he is not responsible therefor. The responsibility for their infractions in office shall be laid down by law.

The Committee of Governance and Overseers of Althingi shall decide, following an inquiry, whether an investigation shall be initiated into the alleged infractions of a minister. The Committee appoints a prosecutor who conducts the investigation. He shall assess whether the conclusion of the investigation is adequate or likely to lead to a conviction upon which he issues an indictment and prosecutes the case before the courts. The investigation and handling of such cases shall be further laid down by law.

Article 96.

Appointment of civil servants

Ministers and other administrative bodies shall appoint persons to such posts as provided by law.

Qualifications and issues of substance shall govern the appointment to office.

When a minister appoints a judge or state prosecutor the appointment shall be presented to the President of Iceland for confirmation. Should the President refuse confirmation, Althingi needs to confirm the appointment with a two-thirds vote for it to take effect.

A minister appoints persons to other senior posts as they are defined by law, following the recommendations of an independent committee. Should the minister not appoint someone that the committee considers most qualified the appointment shall be subject to the approval of Althingi by a two-thirds vote.

The President of Iceland appoints the chairman of the committee. Its scope of appointment and activity shall be laid down by law.

It may be laid down by law that certain posts shall only be filled by Icelandic citizens. Civil servants may be required to swear an oath to the Constitution.

Article 97.

Independent state agencies

It may be laid down by law that certain agencies of the state that perform an important monitoring function or collect information necessary for a democratic society shall enjoy certain independence. The activity of such agencies may not be abolished, substantially altered or transferred to other agencies except by law and passed by a two-thirds vote in Althingi.

Chapter VI.

The judiciary

Article 98.

Organisation of the judiciary

The organisation of the judiciary, inter alia the levels of courts and the number of judges, shall be laid down by law.

Article 99.

Independence of the courts

The independence of the courts shall be ensured by law.

Article 100.

Jurisdiction of the courts

The courts shall render final verdicts on the rights and obligations under civil law as well as on guilt for a punishable act and decide penalties therefor.

Courts shall decide whether laws are in conformity with the Constitution.

Courts shall decide whether the public authorities have complied with the law. An administrative decision cannot be evaded in the short term by referring it to the courts.

Article 101.

The Supreme Court

The Supreme Court is the highest court of the state and has the final power to resolve all cases presented to the courts.

Nonetheless it may be decided by law that a special court may finally resolve disputes on wage agreements and the legality of strikes, although a verdict on penalties will be appealed to other courts.

Article 102.

Appointment of judges

Judges are either appointed permanently or for a certain term. Courts can hire or convene others as stipulated by law.

The minister appoints judges and releases them from their duties. A judge will not be finally removed from his post except by a court verdict and only then if he no longer fulfils the conditions for performing the duties of his post or no longer performs the duties related to his task.

Article 103.

Independence of judges

In their duties, judges shall only be guided by the law.

Article 104.

Power to prosecute and the State Prosecutor

The organisation of the power to prosecute shall be laid down by law.

The State Prosecutor is the highest prosecutorial authority. In performing his duties he shall only be guided by the law.

A minister appoints the State Prosecutor and releases him from his duties. The State Prosecutor is independent in the performance of his duties and enjoys the same protection in his work as judges do.

Chapter VII.

Local governments

Article 105.

Independence of local governments

Local governments are in charge of their own affairs as laid down by law. Local governments shall have sufficient ability and revenue to perform legally bound tasks.

The revenue sources of local governments shall be determined by law as well as their right to determine whether and how they will be utilised.

Article 106.

Subsidiarity rule

Local governments, or associations acting on their behalf, shall perform those tasks of public service that are best situated in a home district, as further laid down by law.

Article 107.

Election of local administrations and residential democracy

Local governments shall be governed by local government councils that govern on behalf of the residents and are elected by general and secret ballots.

The right of the residents of a local government to request a vote on certain issues shall be laid down by law.

Article 108.

Duty to consult

In the drafting of laws concerning local governments, they and their association shall be consulted.

Chapter VIII.

Foreign affairs

Article 109.

Procedures in foreign affairs

Foreign policy and the general representation of the state in that area shall be vested in the hands of a minister on behalf and under the observation of Althingi.

Ministers are obligated to provide the foreign affairs committee of Althingi with information on foreign affairs and defence issues. The minister shall consult the committee before an important decision is made regarding foreign affairs.

A decision on support for measures that include the deployment of armed force, other than those to which Iceland is bound by international law, shall be subject to the consent of the Althingi.

Article 110.

International agreements

A minister concludes international agreements on behalf of Iceland. However, he can conclude no such agreements if they imply the devolution of or encumbrance on land, inland waters, the economic zone or the land basin, or if they call for an amendment of laws or are material in other respects, unless the consent of Althingi is at hand.

Article 111.

Devolution of state power

The entry into international agreements that include the devolution of state power to international institutions where Iceland is a member for the purpose of peace and economic cooperation shall be allowed. The devolution of state power shall always be withdrawable.

The devolution of state power by entry into international agreements shall be further defined by law. Should Althingi ratify an agreement that contains the devolution of state power the decision shall be referred to a referendum for approval or rejection. The result of such a referendum is binding.

Article 112.

Duties according to international agreements

All the holders of state power must observe the human rights rules to which the state is bound by international law and ensure their implementation in concert with their role according to law and their limits of power.

Althingi is authorised to ratify international human rights agreements and environmental agreements and they shall thereby supersede general laws.

Chapter IX.
Final provisions

Article 113.

Amendments to the Constitution

When Althingi has passed a bill amending the Constitution it shall be referred to the vote of all eligible voters in the country for approval or rejection. The vote shall take place no earlier than one month and no later than three months following the passage by Althingi.

However, if five-sixth of the members of Althingi has passed the bill, Althingi can decide to cancel the vote and the bill will nonetheless become law.

Article 114.

Entry into effect

This Act of the Constitution shall enter into effect when Althingi has approved it in accordance with the provisions of the Act of the Constitution no. 33 of June 17th 1944 with subsequent amendments.

Upon the entry into effect of this Act of the Constitution, the Act of the Constitution no. 33 of June 17th 1944 with subsequent amendments shall become void.

Temporary provision

Despite the provisions of paragraph 10, article 39, a simple majority of votes in Althingi shall suffice to amend the law on elections to Althingi to align it with this Act of the Constitution after it enters into effect.

When such an amendment has been passed this provision becomes void.