

Drept administrativ și constituțional Culegere de texte constituționale selectate pentru seminar

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I. INTRODUCERE

În studiul ramurii dreptului constituțional, cunoașterea prevederilor actelor juridice fundamentale care sunt situate la baza sistemului de drept al oricărui stat, este esențială.

În vederea aderării, în anul 2007, la Uniunea Europeană, nu numai Constituția României adoptată în anul 1991 a suferit unele modificări, care să asigure compatibilitatea acesteia cu participarea în această organizație internațională. Intrarea efectivă a României în Uniunea Europeană este de natură să modifice radical parametrii în care se formulează ecuația constituțională autohtonă. Pe de o parte, perioada obiectivelor de anvergură precum integrarea euro-atlantică este, în mod efectiv, încheiată. Din acest moment, România este parte a unei familii democratice, iar invocarea unei ținte precum aderarea este irelevantă. Pe de altă parte, România, ca membru al Uniunii Europene, devine parte a unui proces amplu de reflecție, proces care privește atât natura cât și funcțiile Uniunii Europene. În această ecuație, România nu mai este martor, ci actor instituțional.¹

Prezentul îndreptar conține textele unor acte fundamentale, relevante pentru studiul și înțelegerea unor prevederi de ordin constituțional, acte care fac parte atât din sistemul național de drept, cât și din cel al dreptului Uniunii Europene și ale celorlalte state membre. Compararea selectivă a unor anumite prevederi din actele înaintea menționate are ca scop contextualizarea unor norme deosebit de importante cuprinse în actuala Constituție a României. Îndreptarul prezintă normele constituționale și normele echivalente din sistemele de drept menționate care sunt relevante în raportul dintre stat respectiv Uniune și cetățenii acestora, și anume normele privind:

- forma de stat și guvernământ;
- drepturile și libertățile fundamentale de care se bucură cetățenii, drepturi și libertăți opozabile întotdeauna statului care le conferă și le garantează.

Forma de stat și de guvernământ sunt relevante atât în privința participării cetățenilor la funcționarea și guvernarea statului, respectiv a exercitării suveranității deținute de ei dar

¹ A se vedea și raportul Comisiei Prezidențiale de Analiză a Regimului Politic și Constituțional din România – Pentru consolidarea statului de drept, pp. 15

exercitate prin reprezentanți, cât și în privința conferirii, garantării și respectării drepturilor și libertăților fundamentale.

În ceea ce privește drepturile și libertățile fundamentale, se pot urmări prin prezentarea textelor selectate, asemănările în ceea ce privește și conținutul acestor drepturi și întinderea lor. Se poate remarca astfel că la nivelul Uniunii Europene, care este un nivel supraordonat din punct de vedere sistemic, ordinilor de drept naționale, și-a găsit exprimarea un consens supranațional în ceea ce privește aceste drepturi. Este de reținut, că deși Carta drepturilor fundamentale ale UE nu este parte integrantă a Tratatelor (TUE și TFUE), ea reprezintă, prin referirile făcute de aceste Tratatate din același nivel constituțional.

Studiul acestor texte relevă o anumită omogenitate sau standardizare a acestei categorii de drepturi și reguli în rândul statelor membre ale Uniunii și implicit în rândul unei anumite categorii de state. Este vorba de statele care în ziua de astăzi formează majoritatea în comunitatea internațională și anume cea a democrațiilor libere. Pentru comparație, este inclusă la finalul prezentei culegeri și o selecție de prevederi din Constituția Republicii Socialiste România din anul 1965, cu modificările ulterioare, din anul 1986. Prin includerea acestui din urmă text poate fi observată mai ușor diferența considerabilă între concepțiile juridice predominante în rândul statelor care sunt democrații libere și un tip de concepție totalitară nu numai a ordinii juridice ci și sociale.

1. Constituția României

Constituția României a fost adoptată în ședința Adunării Constituante din 21 noiembrie 1991 și a intrat în vigoare în urma aprobării ei prin referendumul național din 8 decembrie 1991. Constituția a fost revizuită în anul 2003 prin adoptarea Legii de revizuire a Constituției României (o **lege de rang constituțional**), aprobată prin referendumul național din 18-19 octombrie 2003, lege intrată în vigoare la data de 29 octombrie 2003, data publicării în Monitorul Oficial al României.

TITLUL I

Principii generale

ARTICOLUL 1

Statul român

(1) România este stat național, suveran și independent, unitar și indivizibil.

(2) Forma de guvernământ a statului român este republica.

(3) România este stat de drept, democratic și social, în care demnitatea omului, drepturile și libertățile cetățenilor, libera dezvoltare a personalității umane, dreptatea și pluralismul politic reprezintă valori supreme, în spiritul tradițiilor democratice ale poporului român și idealurilor Revoluției din decembrie 1989, și sunt garantate.

(4) Statul se organizează potrivit principiului separației și echilibrului puterilor – legislativă, executivă și judecătorească – în cadrul democrației constituționale.

(5) În România, respectarea Constituției, a supremației sale și a legilor este obligatorie.

ARTICOLUL 2 Suveranitatea

(1) Suveranitatea națională aparține poporului român, care o exercită prin organele sale reprezentative, constituite prin alegeri libere, periodice și corecte, precum și prin referendum.

(2) Nici un grup și nici o persoană nu pot exercita suveranitatea în nume propriu.

ARTICOLUL 3 Teritoriul

(1) Teritoriul României este inalienabil.

(2) Frontierele țării sunt consfințite prin lege organică, cu respectarea principiilor și a celorlalte norme general admise ale dreptului internațional.

(3) Teritoriul este organizat, sub aspect administrativ, în comune, orașe și județe. În condițiile legii, unele orașe sunt declarate municipii.

(4) Pe teritoriul statului român nu pot fi strămutate sau colonizate populații străine.

ARTICOLUL 4 Unitatea poporului și egalitatea între cetățeni

(1) Statul are ca fundament unitatea poporului român și solidaritatea cetățenilor săi.

(2) România este patria comună și indivizibilă a tuturor cetățenilor săi, fără deosebire de rasă, de naționalitate, de origine etnică, de limbă, de religie, de sex, de opinie, de apartenență politică, de avere sau de origine socială.

ARTICOLUL 5 Cetățenia

(1) Cetățenia română se dobândește, se păstrează sau se pierde în condițiile prevăzute de legea organică.

(2) Cetățenia română nu poate fi retrasă aceluia care a dobândit-o prin naștere.

ARTICOLUL 6 Dreptul la identitate

(1) Statul recunoaște și garantează persoanelor aparținând minorităților naționale dreptul la păstrarea, la dezvoltarea și la exprimarea identității lor etnice, culturale, lingvistice și religioase.

(2) Măsurile de protecție luate de stat pentru păstrarea, dezvoltarea și exprimarea identității persoanelor aparținând minorităților naționale trebuie să fie conforme cu principiile de egalitate și de nediscriminare în raport cu ceilalți cetățeni români.

ARTICOLUL 7 Românii din străinătate

Statul sprijină întărirea legăturilor cu românii din afara frontierelor țării și acționează pentru păstrarea, dezvoltarea și exprimarea identității lor etnice, culturale, lingvistice și religioase, cu respectarea legislației statului ai cărui cetățeni sunt.

ARTICOLUL 8 Pluralismul și partidele politice

(1) Pluralismul în societatea românească este o condiție și o garanție a democrației constituționale.

(2) Partidele politice se constituie și își desfășoară activitatea în condițiile legii. Ele contribuie la definirea și la exprimarea voinței politice a cetățenilor, respectând suveranitatea națională, integritatea teritorială, ordinea de drept și principiile democrației.

ARTICOLUL 9 Sindicatelor, patronatele și asociațiile profesionale

Sindicatelor, patronatele și asociațiile profesionale se constituie și își desfășoară activitatea potrivit statutelor lor, în condițiile legii. Ele contribuie la apărarea drepturilor și la promovarea intereselor profesionale, economice și sociale ale membrilor lor.

ARTICOLUL 10 Relații internaționale

România întreține și dezvoltă relații pașnice cu toate statele și, în acest cadru, relații de bună vecinătate, întemeiate pe principiile și pe celelalte norme general admise ale dreptului internațional.

ARTICOLUL 11 Dreptul internațional și dreptul intern

(1) Statul român se obligă să îndeplinească întocmai și cu bună-credință obligațiile ce-i revin din tratatele la care este parte.

(2) Tratatele ratificate de Parlament, potrivit legii, fac parte din dreptul intern.

(3) În cazul în care un tratat la care România urmează să devină parte cuprinde dispoziții contrare Constituției, ratificarea lui poate avea loc numai după revizuirea Constituției.

ARTICOLUL 12 Simboluri naționale

(1) Drapelul României este tricolor; culorile sunt așezate vertical, în ordinea următoare începând de la lance: albastru, galben, roșu.

- (2) Ziua națională a României este 1 Decembrie.
- (3) Imnul național al României este „Deșteaptă-te române“.
- (4) Stema țării și sigiliul statului sunt stabilite prin legi organice.

Notă: o astfel de prevedere, precum cea a articolului 12 este specifică unui stat. Incluziunea unor norme asemănătoare, care fixau simbolurile Uniunii Europene a fost considerat ca fiind o dezvoltare negativă a acestei organizații internaționale. Prin diferite campanii în anii 2003-2005 a fost promovată o teamă în rândul populației din mai multe state membre ale UE, că organizația s-ar transforma într-un „super-stat”, care implică să ducă la dizolvarea statelor constituante și pierderea identității, libertății și suveranității acestor state. Din punct de vedere juridic însă, o astfel de intenție nu poate fi dedusă din prevederile incriminate. Proiectul de Constituție nu prevedea transformarea UE într-un stat și nici desființarea statelor membre și pierderea suveranității popoarelor statelor membre.

ARTICOLUL 13 Limba oficială

În România, limba oficială este limba română.

ARTICOLUL 14 Capitala

Capitala României este municipiul București.

TITLUL II Drepturile, libertățile și îndatoririle fundamentale

CAPITOLUL I Dispoziții comune

ARTICOLUL 15 Universalitatea

(1) Cetățenii beneficiază de drepturile și de libertățile consacrate prin Constituție și prin alte legi și au obligațiile prevăzute de acestea.

(2) Legea dispune numai pentru viitor, cu excepția legii penale sau contravenționale mai favorabile.

ARTICOLUL 16 Egalitatea în drepturi

(1) Cetățenii sunt egali în fața legii și a autorităților publice, fără privilegii și fără discriminări.

(2) Nimeni nu este mai presus de lege.

(3) Funcțiile și demnitățile publice, civile sau militare, pot fi ocupate, în condițiile legii, de persoanele care au cetățenia română și domiciliul în țară. Statul român garantează egalitatea de șanse între femei și bărbați pentru ocuparea acestor funcții și demnități.

(4) În condițiile aderării României la Uniunea Europeană, cetățenii Uniunii care îndeplinesc cerințele legii organice au dreptul de a alege și de a fi aleși în autoritățile administrației publice locale.

ARTICOLUL 17 Cetățenii români în străinătate

Cetățenii români se bucură în străinătate de protecția statului român și trebuie să-și îndeplinească obligațiile, cu excepția acelor care nu sunt compatibile cu absența lor din țară.

ARTICOLUL 18 Cetățenii străini și apatrizii

(1) Cetățenii străini și apatrizii care locuiesc în România se bucură de protecția generală a persoanelor și a averilor, garantată de Constituție și de alte legi.

(2) Dreptul de azil se acordă și se retrage în condițiile legii, cu respectarea tratatelor și a convențiilor internaționale la care România este parte.

ARTICOLUL 19 Extrădarea și expulzarea

(1) Cetățeanul român nu poate fi extrădat sau expulzat din România.

(2) Prin derogare de la prevederile alineatului (1), cetățenii români pot fi extrădați în baza convențiilor internaționale la care România este parte, în condițiile legii și pe bază de reciprocitate.

(3) Cetățenii străini și apatrizii pot fi extrădați numai în baza unei convenții internaționale sau în condiții de reciprocitate.

(4) Expulzarea sau extrădarea se hotărăște de justiție.

ARTICOLUL 20 Tratatele internaționale privind drepturile omului

(1) Dispozițiile constituționale privind drepturile și libertățile cetățenilor vor fi interpretate și aplicate în concordanță cu Declarația Universală a Drepturilor Omului, cu pactele și cu celelalte tratate la care România este parte.

(2) Dacă există neconcordanțe între pactele și tratatele privitoare la drepturile fundamentale ale omului, la care România este parte, și legile interne, au prioritate reglementările internaționale, cu excepția cazului în care Constituția sau legile interne

ARTICOLUL 21 Accesul liber la justiție

(1) Orice persoană se poate adresa justiției pentru apărarea drepturilor, a libertăților și a intereselor sale legitime.

(2) Nici o lege nu poate îngreuna exercitarea acestui drept.

(3) Părțile au dreptul la un proces echitabil și la soluționarea cauzelor într-un termen rezonabil.

(4) Jurisdicțiile speciale administrative sunt facultative și gratuite.

CAPITOLUL II Drepturile și libertățile fundamentale

ARTICOLUL 22 Dreptul la viață și la integritate fizică și psihică

(1) Dreptul la viață, precum și dreptul la integritate fizică și psihică ale persoanei sunt garantate.

(2) Nimeni nu poate fi supus torturii și nici unui fel de pedeapsă sau de tratament inuman ori degradant.

(3) Pedeapsa cu moartea este interzisă.

ARTICOLUL 23 Libertatea individuală

(1) Libertatea individuală și siguranța persoanei sunt inviolabile.

(2) Percheziționarea, reținerea sau arestarea unei persoane sunt permise numai în cazurile și cu procedura prevăzute de lege.

(3) Reținerea nu poate depăși 24 de ore.

(4) Arestarea preventivă se dispune de judecător și numai în cursul procesului penal.

(5) În cursul urmăririi penale arestarea preventivă se poate dispune pentru cel mult 30 de zile și se poate prelungi cu câte cel mult 30 de zile, fără ca durata totală să depășească un termen rezonabil, și nu mai mult de 180 de zile.

(6) În faza de judecată instanța este obligată, în condițiile legii, să verifice periodic, și nu mai târziu de 60 de zile, legalitatea și temeinicia arestării preventive și să dispună, de îndată, punerea în libertate a inculpatului, dacă temeiurile care au determinat arestarea preventivă au încetat sau dacă instanța constată că nu există temeiuri noi care să justifice

(7) Încheierile instanței privind măsura arestării preventive sunt supuse căilor de atac prevăzute de lege.

(8) Celui reținut sau arestat i se aduc de îndată la cunoștință, în limba pe care o înțelege, motivele reținerii sau ale arestării, iar învinuirea, în cel mai scurt termen; învinuirea se aduce la cunoștință numai în prezența unui avocat, ales sau numit din oficiu.

(9) Punerea în libertate a celui reținut sau arestat este obligatorie, dacă motivele acestor măsuri au dispărut, precum și în alte situații prevăzute de lege.

(10) Persoana arestată preventiv are dreptul să ceară punerea sa în libertate provizorie, sub control judiciar sau pe cauțiune.

(11) Până la rămânerea definitivă a hotărârii judecătorești de condamnare, persoana este considerată nevinovată.

(12) Nici o pedeapsă nu poate fi stabilită sau aplicată decât în condițiile și în temeiul legii.

(13) Sancțiunea privativă de libertate nu poate fi decât de natură penală.

ARTICOLUL 24 Dreptul la apărare

(1) Dreptul la apărare este garantat.

(2) În tot cursul procesului, părțile au dreptul să fie asistate de un avocat, ales sau numit din oficiu.

ARTICOLUL 25 Libera circulație

(1) Dreptul la liberă circulație, în țară și în străinătate, este garantat. Legea stabilește condițiile exercitării acestui drept.

(2) Fiecărui cetățean îi este asigurat dreptul de a-și stabili domiciliul sau reședința în orice localitate din țară, de a emigra, precum și de a reveni în țară.

ARTICOLUL 26 Viața intimă, familială și privată

(1) Autoritățile publice respectă și ocrotesc viața intimă, familială și privată.

(2) Persoana fizică are dreptul să dispună de ea însăși, dacă nu încalcă drepturile și libertățile altora, ordinea publică sau bunele moravuri.

ARTICOLUL 27

Inviolabilitatea domiciliului

(1) Domiciliul și reședința sunt inviolabile. Nimeni nu poate pătrunde sau rămâne în domiciliul ori în reședința unei persoane fără învoirea acesteia.

(2) De la prevederile alineatului (1) se poate deroga prin lege pentru următoarele situații:

a) executarea unui mandat de arestare sau a unei hotărâri judecătorești;

b) înlăturarea unei primejdii privind viața, integritatea fizică sau bunurile unei persoane;

c) apărarea securității naționale sau a ordinii publice;

d) prevenirea răspândirii unei epidemii.

(3) Percheziția se dispune de judecător și se efectuează în condițiile și în formele prevăzute de lege.

(4) Perchezițiile în timpul nopții sunt interzise, în afară de cazul infracțiunilor flagrante.

ARTICOLUL 28

Secretul corespondenței

Secretul scrisorilor, al telegramelor, al altor trimiteri poștale, al convorbirilor telefonice și al celorlalte mijloace legale de comunicare este inviolabil.

ARTICOLUL 29

Libertatea conștiinței

(1) Libertatea gândirii și a opiniilor, precum și libertatea credințelor religioase nu pot fi îngărdite sub nici o formă. Nimeni nu poate fi constrâns să adopte o opinie ori să adere la o credință religioasă, contrare convingerilor sale.

(2) Libertatea conștiinței este garantată; ea trebuie să se manifeste în spirit de toleranță și de respect reciproc.

(3) Cultele religioase sunt libere și se organizează potrivit statutelor proprii, în condițiile legii.

(4) În relațiile dintre culte sunt interzise orice forme, mijloace, acte sau acțiuni de învrăjbire religioasă.

(5) Cultele religioase sunt autonome față de stat și se bucură de sprijinul acestuia, inclusiv prin înlesnirea asistenței religioase în armată, în spitale, în penitenciare, în azile și în orfelinate.

(6) Părinții sau tutorii au dreptul de a asigura, potrivit propriilor convingeri, educația copiilor minori a căror răspundere le revine.

ARTICOLUL 30 Libertatea de exprimare

(1) Libertatea de exprimare a gândurilor, a opiniilor sau a credințelor și libertatea creațiilor de orice fel, prin viu grai, prin scris, prin imagini, prin sunete sau prin alte mijloace de comunicare în public, sunt inviolabile.

(2) Cenzura de orice fel este interzisă.

(3) Libertatea presei implică și libertatea de a înființa publicații.

(4) Nici o publicație nu poate fi suprimată.

(5) Legea poate impune mijloacelor de comunicare în masă obligația de a face publică sursa finanțării.

(6) Libertatea de exprimare nu poate prejudicia demnitatea, onoarea, viața particulară a persoanei și nici dreptul la propria imagine.

(7) Sunt interzise de lege defăimarea țării și a națiunii, îndemnul la război de agresiune, la ură națională, rasială, de clasă sau religioasă, incitarea la discriminare, la separatism teritorial sau la violență publică, precum și manifestările obscene, contrare bunelor moravuri.

(8) Răspunderea civilă pentru informația sau pentru creația adusă la cunoștință publică revine editorului sau realizatorului, autorului, organizatorului manifestării artistice, proprietarului mijlocului de multiplicare, al postului de radio sau de televiziune, în condițiile legii. Delictelor de presă se stabilesc prin lege.

ARTICOLUL 31 Dreptul la informație

(1) Dreptul persoanei de a avea acces la orice informație de interes public nu poate fi îngrădit.

(2) Autoritățile publice, potrivit competențelor ce le revin, sunt obligate să asigure informarea corectă a cetățenilor asupra treburilor publice și asupra problemelor de interes personal.

(3) Dreptul la informație nu trebuie să prejudicieze măsurile de protecție a tinerilor sau securitatea națională.

(4) Mijloacele de informare în masă, publice și private, sunt obligate să asigure informarea corectă a opiniei publice.

(5) Serviciile publice de radio și de televiziune sunt autonome. Ele trebuie să garanteze

grupurilor sociale și politice importante exercitarea dreptului la antenă. Organizarea acestor servicii și controlul parlamentar asupra activității lor se reglementează prin lege organică.

ARTICOLUL 32 Dreptul la învățătură

(1) Dreptul la învățătură este asigurat prin învățământul general obligatoriu, prin învățământul liceal și prin cel profesional, prin învățământul superior, precum și prin alte forme de instrucție și de perfecționare.

(2) Învățământul de toate gradele se desfășoară în limba română. În condițiile legii, învățământul se poate desfășura și într-o limbă de circulație internațională.

(3) Dreptul persoanelor aparținând minorităților naționale de a învăța limba lor maternă și dreptul de a putea fi instruite în această limbă sunt garantate; modalitățile de exercitare a acestor drepturi se stabilesc prin lege.

(4) Învățământul de stat este gratuit, potrivit legii. Statul acordă burse sociale de studii copiilor și tinerilor proveniți din familii defavorizate și celor instituționalizați, în condițiile legii.

(5) Învățământul de toate gradele se desfășoară în unități de stat, particulare și confesionale, în condițiile legii.

(6) Autonomia universitară este garantată.

(7) Statul asigură libertatea învățământului religios, potrivit cerințelor specifice fiecărui cult. În școlile de stat, învățământul religios este organizat și garantat prin lege.

ARTICOLUL 33 Accesul la cultură

(1) Accesul la cultură este garantat, în condițiile legii.

(2) Libertatea persoanei de a-și dezvolta spiritualitatea și de a accede la valorile culturii naționale și universale nu poate fi îngrădită.

(3) Statul trebuie să asigure păstrarea identității spirituale, sprijinirea culturii naționale, stimularea artelor, protejarea și conservarea moștenirii culturale, dezvoltarea creativității contemporane, promovarea valorilor culturale și artistice ale României în lume.

ARTICOLUL 34 Dreptul la ocrotirea sănătății

(1) Dreptul la ocrotirea sănătății este garantat.

(2) Statul este obligat să ia măsuri pentru asigurarea igienei și a sănătății publice.

(3) Organizarea asistenței medicale și a sistemului de asigurări sociale pentru boală, accidente, maternitate și recuperare, controlul exercitării profesiilor medicale și a activităților paramedicale, precum și alte măsuri de protecție a sănătății fizice și mentale a persoanei se stabilesc potrivit legii.

ARTICOLUL 35 Dreptul la mediu sănătos

(1) Statul recunoaște dreptul oricărei persoane la un mediu înconjurător sănătos și echilibrat ecologic.

(2) Statul asigură cadrul legislativ pentru exercitarea acestui drept.

(3) Persoanele fizice și juridice au îndatorirea de a proteja și a ameliora mediul înconjurător.

ARTICOLUL 36 Dreptul de vot

(1) Cetățenii au drept de vot de la vârsta de 18 ani, împliniți până în ziua alegerilor inclusiv.

(2) Nu au drept de vot debilii sau alienații mintal, puși sub interdicție, și nici persoanele condamnate, prin hotărâre judecătorească definitivă, la pierderea drepturilor electorale.

ARTICOLUL 37 Dreptul de a fi ales

(1) Au dreptul de a fi aleși cetățenii cu drept de vot care îndeplinesc condițiile prevăzute în articolul 16 alineatul (3), dacă nu le este interzisă asocierea în partide politice, potrivit articolului 40 alineatul (3).

(2) Candidații trebuie să fi împlinit, până în ziua alegerilor inclusiv, vârsta de cel puțin 23 de ani pentru a fi aleși în Camera Deputaților sau în organele administrației publice locale, vârsta de cel puțin 33 de ani pentru a fi aleși în Senat și vârsta de cel puțin 35 de ani pentru a fi aleși în funcția de Președinte al României.

ARTICOLUL 38 Dreptul de a fi ales în Parlamentul European

În condițiile aderării României la Uniunea Europeană, cetățenii români au dreptul de a alege și de a fi aleși în Parlamentul European.

ARTICOLUL 39 Libertatea întrunirilor

Mitingurile, demonstrațiile, procesiunile sau orice alte întruniri sunt libere și se pot organiza și desfășura numai în mod pașnic, fără nici un fel de arme.

ARTICOLUL 40 Dreptul de asociere

(1) Cetățenii se pot asocia liber în partide politice, în sindicate, în patronate și în alte forme de asociere.

(2) Partidele sau organizațiile care, prin scopurile ori prin activitatea lor, militează împotriva pluralismului politic, a principiilor statului de drept ori a suveranității, a integrității sau a independenței României sunt neconstituționale.

(3) Nu pot face parte din partide politice judecătoria Curții Constituționale, avocații poporului, magistrații, membrii activi ai armatei, poliștii și alte categorii de funcționari publici stabilite prin lege organică.

(4) Asociațiile cu caracter secret sunt interzise.

ARTICOLUL 41 Munca și protecția socială a muncii

(1) Dreptul la muncă nu poate fi îngrădit. Alegerea profesiei, a meseriei sau a ocupației, precum și a locului de muncă este liberă.

(2) Salariații au dreptul la măsuri de protecție socială. Acestea privesc securitatea și sănătatea salariaților, regimul de muncă al femeilor și al tinerilor, instituirea unui salariu minim brut pe țară, repausul săptămânal, concediul de odihnă plătit, prestarea muncii în condiții deosebite sau speciale, formarea profesională, precum și alte situații specifice, stabilite prin lege.

(3) Durata normală a zilei de lucru este, în medie, de cel mult 8 ore.

(4) La muncă egală, femeile au salariu egal cu bărbații.

(5) Dreptul la negocieri colective în materie de muncă și caracterul obligatoriu al convențiilor colective sunt garantate.

ARTICOLUL 42 Interzicerea muncii forțate

(1) Munca forțată este interzisă.

(2) Nu constituie muncă forțată:

a) activitățile pentru îndeplinirea îndatoririlor militare, precum și cele desfășurate, potrivit legii, în locul acestora, din motive religioase sau de conștiință;

b) munca unei persoane condamnate, prestată în condiții normale, în perioada de detenție sau de libertate condiționată;

c) prestațiile impuse în situația creată de calamități ori de alt pericol, precum și cele care fac parte din obligațiile civile normale stabilite de lege.

ARTICOLUL 43 Dreptul la grevă

(1) Salariații au dreptul la grevă pentru apărarea intereselor profesionale, economice și sociale.

(2) Legea stabilește condițiile și limitele exercitării acestui drept, precum și garanțiile necesare asigurării serviciilor esențiale pentru societate.

ARTICOLUL 44 Dreptul de proprietate privată

(1) Dreptul de proprietate, precum și creanțele asupra statului, sunt garantate. Conținutul și limitele acestor drepturi sunt stabilite de lege.

(2) Proprietatea privată este garantată și ocrotită în mod egal de lege, indiferent de titular. Cetățenii străini și apatrizii pot dobândi dreptul de proprietate privată asupra terenurilor numai în condițiile rezultate din aderarea României la Uniunea Europeană și din alte tratate internaționale la care România este parte, pe bază de reciprocitate, în condițiile prevăzute prin lege organică, precum și prin moștenire legală.

(3) Nimeni nu poate fi expropriat decât pentru o cauză de utilitate publică, stabilită potrivit legii, cu dreaptă și prealabilă despăgubire.

(4) Sunt interzise naționalizarea sau orice alte măsuri de trecere silită în proprietate publică a unor bunuri pe baza apartenenței sociale, etnice, religioase, politice sau de altă natură discriminatorie a titularilor.

(5) Pentru lucrări de interes general, autoritatea publică poate folosi subsolul oricărei proprietăți imobiliare, cu obligația de a despăgubi proprietarul pentru daunele aduse solului, plantațiilor sau construcțiilor, precum și pentru alte daune imputabile autorității.

(6) Despăgubirile prevăzute în alineatele (3) și (5) se stabilesc de comun acord cu proprietarul sau, în caz de divergență, prin justiție.

(7) Dreptul de proprietate obligă la respectarea sarcinilor privind protecția mediului și asigurarea bunei vecinătăți, precum și la respectarea celorlalte sarcini care, potrivit legii sau obiceiului, revin proprietarului.

(8) Averea dobândită licit nu poate fi confiscată. Caracterul licit al dobândirii se prezumă.

(9) Bunurile destinate, folosite sau rezultate din infracțiuni ori contravenții pot fi confiscate numai în condițiile legii.

ARTICOLUL 45

Libertatea economică

Accesul liber al persoanei la o activitate economică, libera inițiativă și exercitarea acestora în condițiile legii sunt garantate.

ARTICOLUL 46 Dreptul la moștenire

Dreptul la moștenire este garantat.

ARTICOLUL 47 Nivelul de trai

(1) Statul este obligat să ia măsuri de dezvoltare economică și de protecție socială, de natură să asigure cetățenilor un nivel de trai decent.

(2) Cetățenii au dreptul la pensie, la concediu de maternitate plătit, la asistență medicală în unitățile sanitare de stat, la ajutor de șomaj și la alte forme de asigurări sociale publice sau private, prevăzute de lege. Cetățenii au dreptul și la măsuri de asistență socială, potrivit legii.

ARTICOLUL 48 Familia

(1) Familia se întemeiază pe căsătoria liber consimțită între soți, pe egalitatea acestora și pe dreptul și îndatorirea părinților de a asigura creșterea, educația și instruirea copiilor.

(2) Condițiile de încheiere, de desfacere și de nulitate a căsătoriei se stabilesc prin lege. Căsătoria religioasă poate fi celebrată numai după căsătoria civilă.

(3) Copiii din afara căsătoriei sunt egali în fața legii cu cei din căsătorie.

ARTICOLUL 49 Protecția copiilor și a tinerilor

(1) Copiii și tinerii se bucură de un regim special de protecție și de asistență în realizarea drepturilor lor.

(2) Statul acordă alocații pentru copii și ajutoare pentru îngrijirea copilului bolnav ori cu handicap. Alte forme de protecție socială a copiilor și a tinerilor se stabilesc prin lege.

(3) Exploatarea minorilor, folosirea lor în activități care le-ar dăuna sănătății, moralității sau care le-ar pune în primejdie viața ori dezvoltarea normală sunt interzise.

(4) Minorii sub vârsta de 15 ani nu pot fi angajați ca salariați.

(5) Autoritățile publice au obligația să contribuie la asigurarea condițiilor pentru participarea liberă a tinerilor la viața politică, socială, economică, culturală și sportivă a țării.

ARTICOLUL 50 Protecția persoanelor cu handicap

Persoanele cu handicap se bucură de protecție specială. Statul asigură realizarea unei politici naționale de egalitate a șanselor, de prevenire și de tratament ale handicapului, în vederea participării efective a persoanelor cu handicap în viața comunității, respectând drepturile și îndatoririle ce revin părinților și tutorilor.

ARTICOLUL 51 Dreptul de petiționare

(1) Cetățenii au dreptul să se adreseze autorităților publice prin petiții formulate numai în numele semnatarilor.

(2) Organizațiile legal constituite au dreptul să adreseze petiții exclusiv în numele colectivelor pe care le reprezintă.

(3) Exercițarea dreptului de petiționare este scutită de taxă.

(4) Autoritățile publice au obligația să răspundă la petiții în termenele și în condițiile stabilite potrivit legii.

ARTICOLUL 52 Dreptul persoanei vătămate de o autoritate publică

(1) Persoana vătămată într-un drept al său ori într-un interes legitim, de o autoritate publică, printr-un act administrativ sau prin nesoluționarea în termenul legal a unei cereri, este îndreptățită să obțină recunoașterea dreptului pretins sau a interesului legitim, anularea actului și repararea pagubei.

(2) Condițiile și limitele exercitării acestui drept se stabilesc prin lege organică.

(3) Statul răspunde patrimonial pentru prejudiciile cauzate prin erorile judiciare. Răspunderea statului este stabilită în condițiile legii și nu înlătură răspunderea magistraților care și-au exercitat funcția cu rea-credință sau gravă neglijență.

ARTICOLUL 53 Restrângerea exercițiului unor drepturi sau al unor libertăți

(1) Exercițiul unor drepturi sau al unor libertăți poate fi restrâns numai prin lege și numai dacă se impune, după caz, pentru: apărarea securității naționale, a ordinii, a sănătății ori a moralei publice, a drepturilor și a libertăților cetățenilor; desfășurarea instrucției penale; prevenirea consecințelor unei calamități naturale, ale unui dezastru ori ale unui sinistru deosebit de grav.

(2) Restrângerea poate fi dispusă numai dacă este necesară într-o societate democratică. Măsura trebuie să fie proporțională cu situația care a determinat-o, să fie aplicată în mod nediscriminatoriu și fără a aduce atingere existenței dreptului sau a

2. Carta Drepturilor Fundamentale A Uniunii Europene

Parlamentul European, Consiliul și Comisia au proclamat în anul 2010 în mod solemn textul următor ca fiind Carta drepturilor fundamentale a Uniunii Europene. (documentul 2010/C 83/02) Carta, la care face referire și Tratatul privind Uniunea Europeană, face parte, împreună cu acesta din proiectul de Constituție a Uniunii Europene din anul 2003, care a fost respins prin referendumurile de adoptare din Franța și Olanda în urma unei vaste campanii lansate de o parte din partidele politice din acele țări la acel moment.

Preambul

Popoarele Europei, stabilind între ele o uniune tot mai strânsă, au hotărât să împărtășească un viitor pașnic întemeiat pe valori comune.

Conștientă de patrimoniul său spiritual și moral, Uniunea este întemeiată pe valorile indivizibile și universale ale demnității umane, libertății, egalității și solidarității; aceasta se întemeiază pe principiile democrației și statului de drept. Uniunea situează persoana în centrul acțiunii sale, instituind cetățenia Uniunii și creând un spațiu de libertate, securitate și justiție.

Uniunea contribuie la păstrarea și la dezvoltarea acestor valori comune, respectând diversitatea culturilor și tradițiilor popoarelor Europei, precum și identitatea națională a statelor membre și organizarea autorităților lor publice la nivel național, regional și local; Uniunea caută să promoveze o dezvoltare echilibrată și durabilă și asigură libera circulație a persoanelor, serviciilor, mărfurilor și capitalurilor, precum și libertatea de stabilire.

În acest scop, este necesară consolidarea protecției drepturilor fundamentale, făcându-le mai vizibile prin cartă, în spiritul evoluției societății, a progresului social și a dezvoltărilor științifice și tehnologice.

Prezenta cartă reafirmă, cu respectarea competențelor și sarcinilor Uniunii, precum și a principiului subsidiarității, drepturile care rezultă în principal din tradițiile constituționale și din obligațiile inter-naționale comune statelor membre, din Convenția europeană pentru apărarea drepturilor omului și a libertăților fundamentale, din Cartele sociale adoptate de Uniune și de către Consiliul Europei, precum și din jurisprudența Curții de Justiție a Uniunii Europene și a Curții Europene a Drepturilor Omului. În acest context, cartă va fi interpretată de către instanțele judecătorești ale Uniunii și ale statelor membre, acordând atenția cuvenită explicațiilor redactate sub autoritatea

Facultatea de Management în Producție și Transporturi
Departamentul de Management
prezidiului Convenției care a elaborat cartea și actualizate sub răspunderea prezidiului
Convenției Europene.

Beneficiul acestor drepturi implică responsabilități și îndatoriri atât față de terți,
precum și față de comunitatea umană în general și față de generațiile viitoare.

În consecință, Uniunea recunoaște drepturile, libertățile și principiile enunțate în
continuare.

TITLUL I DEMNITATEA

Articolul 1

Demnitatea umană

Demnitatea umană este inviolabilă. Aceasta trebuie respectată și protejată.

Articolul 2 **Dreptul la viață**

- (1) Orice persoană are dreptul la viață.
- (2) Nimeni nu poate fi condamnat la pedeapsa cu moartea sau executat.

Articolul 3

Dreptul la integritate al persoanei

- (1) Orice persoană are dreptul la integritate fizică și psihică.
- (2) În domeniile medicinei și biologiei trebuie respectate în special:
 - (a) consimțământul liber și în cunoștință de cauză al persoanei interesate, în conformitate cu procedurile prevăzute de lege;
 - (b) interzicerea practicilor de eugenie, în special a celor care au drept scop selecția persoanelor; (c) interzicerea utilizării corpului uman și a părților sale, ca atare, ca sursă de profit;
 - (d) interzicerea clonării ființelor umane în scopul reproducerii.

Articolul 4

Interzicerea torturii și a pedepselor sau tratamentelor inumane sau degradante

Nimeni nu poate fi supus torturii și nici pedepselor sau tratamentelor inumane sau degradante.

Articolul 5

Interzicerea sclaviei și a muncii forțate

- (1) Nimeni nu poate fi ținut în sclavie sau în servitute.
- (2) Nimeni nu poate fi constrâns să efectueze o muncă forțată sau obligatorie. (3)

Traficul de ființe umane este interzis.

TITLUL II LIBERTĂȚILE

Articolul 6

Dreptul la libertate și la siguranță

Orice persoană are dreptul la libertate și la siguranță.

Articolul 7

Respectarea vieții private și de familie

Orice persoană are dreptul la respectarea vieții private și de familie, a domiciliului și a secretului comunicațiilor.

Articolul 8

Protecția datelor cu caracter personal

- (1) Orice persoană are dreptul la protecția datelor cu caracter personal care o privesc.
- (2) Asemenea date trebuie tratate în mod corect, în scopurile precizate și pe baza consimțământului persoanei interesate sau în temeiul unui alt motiv legitim prevăzut de lege. Orice persoană are dreptul de acces la datele colectate care o privesc, precum și dreptul de a obține rectificarea acestora.
- (3) Respectarea acestor norme se supune controlului unei autorități independente.

Articolul 9

Dreptul la căsătorie și dreptul de a întemeia o familie

Dreptul la căsătorie și dreptul de a întemeia o familie sunt garantate în conformitate cu legile interne care reglementează exercitarea acestor drepturi.

Articolul 10

Libertatea de gândire, de conștiință și de religie

(1) Orice persoană are dreptul la libertatea de gândire, de conștiință și de religie. Acest drept implică libertatea de a-și schimba religia sau convingerea, precum și libertatea de a-și manifesta religia sau convingerea individual sau colectiv, în public sau în particular, prin intermediul cultului, învățământului, practicilor și îndeplinirii riturilor.

(2) Dreptul la obiecție pe motive de conștiință este recunoscut în conformitate cu legile interne care reglementează exercitarea acestui drept.

Articolul 11

Libertatea de exprimare și de informare

(1) Orice persoană are dreptul la libertatea de exprimare. Acest drept cuprinde libertatea de opinie și libertatea de a primi sau de a transmite informații sau idei fără amestecul autorităților publice și fără a ține seama de frontiere.

(2) Libertatea și pluralismul mijloacelor de informare în masă sunt respectate.

Articolul 12

Libertatea de întrunire și de asociere

(1) Orice persoană are dreptul la libertatea de întrunire pașnică și la libertatea de asociere la toate nivelurile și în special în domeniile politic, sindical și civic, ceea ce implică dreptul oricărei persoane de a înființa împreună cu alte persoane sindicate și de a se afilia la acestea pentru apărarea intereselor sale.

(2) Partidele politice la nivelul Uniunii contribuie la exprimarea voinței politice a cetățenilor Uniunii.

Articolul 13

Libertatea artelor și științelor

Artele și cercetarea științifică sunt libere. Libertatea universitară este respectată.

Articolul 14

Dreptul la educație

- (1) Orice persoană are dreptul la educație, precum și la accesul la formare profesională și formare continuă
- (2) Acest drept include posibilitatea de a urma gratuit învățământul obligatoriu.
- (3) Libertatea de a înființa instituții de învățământ cu respectarea principiilor democratice, precum și dreptul părinților de a asigura educarea și instruirea copiilor lor, potrivit propriilor convingeri religioase, filozofice și pedagogice, sunt respectate în conformitate cu legile interne care reglementează exercitarea acestora.

Articolul 15

Libertatea de alegere a ocupației și dreptul la muncă

- (1) Orice persoană are dreptul la muncă și dreptul de a exercita o ocupație aleasă sau acceptată în mod liber.
- (2) Orice cetățean al Uniunii are libertatea de a-și căuta un loc de muncă, de a lucra, de a se stabili sau de a presta servicii în orice stat membru.
- (3) Resortisanții țărilor terțe care sunt autorizați să lucreze pe teritoriul statelor membre au dreptul la condiții de muncă echivalente acelorora de care beneficiază cetățenii Uniunii.

Articolul 16

Libertatea de a desfășura o activitate comercială

Libertatea de a desfășura o activitate comercială este recunoscută în conformitate cu dreptul Uniunii și cu legislațiile și practicile naționale.

Articolul 17

Dreptul de proprietate

- (1) Orice persoană are dreptul de a deține în proprietate, de a folosi, de a dispune și de a lăsa moștenire bunurile pe care le-a dobândit în mod legal. Nimeni nu poate fi lipsit de bunurile sale decât pentru o cauză de utilitate publică, în cazurile și condițiile prevăzute de lege și în schimbul unei despăgubiri juste acordate în timp util pentru pierderea pe care a suferit-o. Folosința bunurilor poate fi reglementată prin lege în limitele impuse de interesul general.
- (2) Proprietatea intelectuală este protejată.

Articolul 18

Dreptul de azil

Dreptul de azil este garantat cu respectarea normelor prevăzute de Convenția de la Geneva din 28 iulie 1951 și de Protocolul din 31 ianuarie 1967 privind statutul refugiaților și în conformitate cu Tratatul privind Uniunea Europeană și cu Tratatul privind funcționarea Uniunii Europene (denumite în continuare „tratatele”).

Articolul 19

Protecția în caz de strămutare, expulzare sau extrădare

(1) Expulzările colective sunt interzise.

(2) Nimeni nu poate fi strămutat, expulzat sau extrădat către un stat unde există un risc serios de a fi supus pedepsei cu moartea, torturii sau altor pedepse sau tratamente inumane sau degradante.

TITLUL III

EGALITATEA

Articolul 20

Egalitatea în fața legii

Toate persoanele sunt egale în fața legii.

Articolul 21

Nediscriminarea

(1) Se interzice discriminarea de orice fel, bazată pe motive precum sexul, rasa, culoarea, originea etnică sau socială, caracteristicile genetice, limba, religia sau convingerile, opiniile politice sau de orice altă natură, apartenența la o minoritate națională, averea, nașterea, un handicap, vârsta sau orientarea sexuală.

(2) În domeniul de aplicare a tratatelor și fără a aduce atingere dispozițiilor speciale ale acestora, se interzice orice discriminare pe motiv de cetățenie.

Articolul 22

Diversitatea culturală, religioasă și lingvistică

Uniunea respectă diversitatea culturală, religioasă și lingvistică.

Articolul 23

Egalitatea între femei și bărbați

Egalitatea între femei și bărbați trebuie asigurată în toate domeniile, inclusiv în ceea ce privește încadrarea în muncă, munca și remunerarea.

Principiul egalității nu exclude menținerea sau adoptarea de măsuri care să prevadă avantaje specifice în favoarea sexului sub-reprezentat.

Articolul 24

Drepturile copilului

(1) Copiii au dreptul la protecția și îngrijirile necesare pentru asigurarea bunăstării lor. Ei își pot exprima în mod liber opinia. Aceasta se ia în considerare în problemele care îi privesc, în funcție de vârsta și gradul lor de maturitate.

(2) În toate acțiunile referitoare la copii, indiferent dacă sunt realizate de autorități publice sau de instituții private, interesul superior al copilului trebuie să fie considerat primordial.

(3) Orice copil are dreptul de a întreține cu regularitate relații personale și contacte directe cu ambii părinți, cu excepția cazului în care acestea sunt contrare interesului său.

Articolul 25

Drepturile persoanelor în vârstă

Uniunea recunoaște și respectă dreptul persoanelor în vârstă de a duce o viață demnă și independentă și de a participa la viața socială și culturală.

Articolul 26

Integrarea persoanelor cu handicap

Uniunea recunoaște și respectă dreptul persoanelor cu handicap de a beneficia de măsuri care să le asigure autonomia, integrarea socială și profesională, precum și participarea la viața comunității.

TITLUL IV

SOLIDARITATEA

Articolul 27

Dreptul lucrătorilor la informare și la consultare în cadrul întreprinderii

Lucrătorilor sau reprezentanților acestora li se garantează, la nivelurile corespunzătoare, informarea și consultarea în timp util, în cazurile și în condițiile prevăzute de dreptul Uniunii și de legislațiile și practicile naționale.

Articolul 28

Dreptul de negociere și de acțiune colectivă

Lucrătorii și angajatorii sau organizațiile lor au dreptul, în conformitate cu dreptul Uniunii și cu legislațiile și practicile naționale, de a negocia și de a încheia convenții colective la nivelurile corespunzătoare și de a recurge, în caz de conflicte de interese, la acțiuni colective pentru apărarea intereselor lor, inclusiv la grevă.

Articolul 29

Dreptul de acces la serviciile de plasament

Orice persoană are dreptul de acces la un serviciu gratuit de plasament.

Articolul 30

Protecția în cazul concedierii nejustificate

Orice lucrător are dreptul la protecție împotriva oricărei concedieri nejustificate, în conformitate cu dreptul Uniunii și cu legislațiile și practicile naționale.

Articolul 31

Condiții de muncă echitabile și corecte

(1) Orice lucrător are dreptul la condiții de muncă care să respecte sănătatea, securitatea și demnitatea sa.

(2) Orice lucrător are dreptul la o limitare a duratei maxime de muncă și la perioade de odihnă zilnică și săptămânală, precum și la o perioadă anuală de concediu plătit.

Articolul 32

Interzicerea muncii copiilor și protecția tinerilor la locul de muncă

Încadrarea în muncă a copiilor este interzisă. Vârsta minimă de încadrare în muncă nu poate fi inferioară celei la care încetează perioada de școlarizare obligatorie, fără a aduce atingere normelor mai favorabile tinerilor și cu excepția unor derogări limitate.

Tinerii acceptați să lucreze trebuie să beneficieze de condiții de muncă adaptate vârstei și să fie protejați împotriva exploatarei economice sau a oricărei activități care ar putea pune în pericol securitatea, sănătatea, dezvoltarea lor fizică, psihică, morală sau socială sau care le-ar putea compromite educația.

Articolul 33

Viața de familie și viața profesională

- (1) Familia se bucură de protecție juridică, economică și socială.
- (2) Pentru a putea concilia viața de familie și viața profesională, orice persoană are dreptul de a fi protejată împotriva oricărei concedieri din motive de maternitate, precum și dreptul la un concediu de maternitate plătit și la un concediu parental acordat în urma nașterii sau adopției unui copil.

Articolul 34

Securitatea socială și asistența socială

- (1) Uniunea recunoaște și respectă dreptul de acces la prestațiile de securitate socială și la serviciile sociale care acordă protecție în caz de maternitate, boală, accident de muncă, dependență de alte persoane sau bătrânețe, precum și în caz de pierdere a locului de muncă, în conformitate cu normele stabilite de dreptul Uniunii și de legislațiile și practicile naționale.
- (2) Orice persoană care are reședința și se deplasează în mod legal în cadrul Uniunii are dreptul la prestații de securitate socială și la avantaje sociale, în conformitate cu dreptul Uniunii și cu legislațiile și practicile naționale.
- (3) Pentru a combate marginalizarea socială și sărăcia, Uniunea recunoaște și respectă dreptul la asistență socială și la asistență în ceea ce privește locuința, destinate să asigure o viață demnă tuturor celor care nu dispun de resurse suficiente, în conformitate cu normele stabilite de dreptul Uniunii și de legislațiile și practicile naționale.

Articolul 35

Protecția sănătății

Orice persoană are dreptul de acces la asistența medicală preventivă și de a beneficia de îngrijiri medicale în condițiile stabilite de legislațiile și practicile naționale. În definirea și punerea în aplicare a tuturor politicilor și acțiunilor Uniunii se asigură un nivel ridicat de protecție a sănătății umane.

Articolul 36

Accesul la serviciile de interes economic general

Uniunea recunoaște și respectă accesul la serviciile de interes economic general, astfel cum se prevede în legislațiile și practicile naționale, în conformitate cu tratatele, în scopul promovării coeziunii sociale și teritoriale a Uniunii.

Articolul 37

Protecția mediului

Politicile Uniunii trebuie să prevadă un nivel ridicat de protecție a mediului și de îmbunătățire a calității acestuia, care să fie asigurat în conformitate cu principiul dezvoltării durabile.

Articolul 38

Protecția consumatorilor

Politicile Uniunii asigură un nivel ridicat de protecție a consumatorilor.

TITLUL V

DREPTURILE CETĂȚENILOR

Articolul 39

Dreptul de a alege și de a fi ales în Parlamentul European

(1) Orice cetățean al Uniunii are dreptul de a alege și de a fi ales în cadrul alegerilor pentru Parlamentul European, în statul membru în care acesta își are reședința, în aceleași condiții ca și resortisanții acestui stat.

(2) Membrii Parlamentului European sunt aleși prin vot universal direct, liber și secret.

Articolul 40

Dreptul de a alege și de a fi ales în cadrul alegerilor locale

Orice cetățean al Uniunii are dreptul de a alege și de a fi ales în cadrul alegerilor locale în statul membru în care acesta își are reședința, în aceleași condiții ca și resortisanții acestui stat.

Articolul 41

Dreptul la bună administrare

(1) Orice persoană are dreptul de a beneficia, în ce privește problemele sale, de un tratament imparțial, echitabil și într-un termen rezonabil din partea instituțiilor, organelor, oficiilor și agențiilor Uniunii.

(2) Acest drept include în principal:

- (a) dreptul oricărei persoane de a fi ascultată înainte de luarea oricărei măsuri individuale care ar putea să îi aducă atingere;
- (b) dreptul oricărei persoane de acces la dosarul propriu, cu respectarea intereselor legitime legate de confidențialitate și de secretul profesional și comercial;
- (c) obligația administrației de a-și motiva deciziile.

(3) Orice persoană are dreptul la repararea de către Uniune a prejudiciilor cauzate de către instituțiile sau agenții acesteia în exercitarea funcțiilor lor, în conformitate cu principiile generale comune legislațiilor statelor membre.

(4) Orice persoană se poate adresa în scris instituțiilor Uniunii în una dintre limbile tratatelor și trebuie să primească răspuns în aceeași limbă.

Articolul 42

Dreptul de acces la documente

Orice cetățean al Uniunii și orice persoană fizică sau juridică care are reședința sau sediul social într-un stat membru are dreptul de acces la documentele instituțiilor, organelor, oficiilor și agențiilor Uniunii, indiferent de suportul pe care se află aceste documente.

Articolul 43

Ombudsmanul European

Orice cetățean al Uniunii, precum și orice persoană fizică sau juridică care are reședința sau sediul social într-un stat membru au dreptul de a sesiza Ombudsmanul European cu privire la cazurile de administrare defectuoasă în activitatea instituțiilor, organelor, oficiilor sau agențiilor Uniunii, cu excepția Curții de Justiție a Uniunii Europene în exercitarea funcției sale jurisdicționale.

Articolul 44

Dreptul de petiționare

Orice cetățean al Uniunii și orice persoană fizică sau juridică care are reședința sau sediul social într-un stat membru are dreptul de a adresa petiții Parlamentului European.

Articolul 45

Libertatea de circulație și de ședere

- (1) Orice cetățean al Uniunii are dreptul de circulație și de ședere liberă pe teritoriul statelor membre.
- (2) Libertatea de circulație și de ședere poate fi acordată, în conformitate cu

Articolul 46

Protecția diplomatică și consulară

Orice cetățean al Uniunii beneficiază, pe teritoriul unei țări terțe în care statul membru, al cărui resortisant este, nu este reprezentat, de protecția autorităților diplomatice sau consulare ale oricărui stat membru, în aceleași condiții ca și resortisanții aceluși stat.

TITLUL VI

JUSTIȚIA

Articolul 47

Dreptul la o cale de atac eficientă și la un proces echitabil

Orice persoană ale cărei drepturi și libertăți garantate de dreptul Uniunii sunt încălcate are dreptul la o cale de atac eficientă în fața unei instanțe judecătorești, în conformitate cu condițiile stabilite de prezentul articol.

Orice persoană are dreptul la un proces echitabil, public și într-un termen rezonabil, în fața unei instanțe judecătorești independente și imparțiale, constituită în prealabil prin lege. Orice persoană are posibilitatea de a fi consiliată, apărută și reprezentată.

Asistența juridică gratuită se acordă celor care nu dispun de resurse suficiente, în măsura în care aceasta este necesară pentru a-i asigura accesul efectiv la justiție.

Articolul 48

Prezumția de nevinovăție și dreptul la apărare

(1) Orice persoană acuzată este prezumată nevinovată până ce vinovăția va fi stabilită în conformitate cu legea.

(2) Oricărei persoane acuzate îi este garantată respectarea dreptului la apărare.

Articolul 49

Principiile legalității și proporționalității infracțiunilor și pedepselor

(1) Nimeni nu poate fi condamnat pentru o acțiune sau omisiune care, în momentul săvârșirii, nu constituia infracțiune potrivit dreptului intern sau dreptului internațional. De asemenea, nu se poate aplica o pedeapsă mai mare decât cea aplicabilă la momentul săvârșirii infracțiunii. În cazul în care, ulterior săvârșirii infracțiunii, legea prevede o pedeapsă mai ușoară, se aplică aceasta din urmă.

(2) Prezentul articol nu aduce atingere judecării și pedepsirii unei persoane care s-a

făcut vinovată de o acțiune sau omisiune care, în momentul săvârșirii, era incriminată pe baza principiilor generale recunoscute de comunitatea națiunilor.

(3) Pedepsele nu trebuie să fie disproporționate față de infracțiune.

Articolul 50

Dreptul de a nu fi judecat sau condamnat de două ori pentru aceeași infracțiune

Nimeni nu poate fi judecat sau condamnat pentru o infracțiune pentru care a fost deja achitat sau condamnat în cadrul Uniunii, prin hotărâre judecătorească definitivă, în conformitate cu legea.

TITLUL VII

DISPOZIȚII GENERALE CARE REGLEMENTEAZĂ INTERPRETAREA ȘI APLICAREA CARTEI

Articolul 51

Domeniul de aplicare

(1) Dispozițiile prezentei carte se adresează instituțiilor, organelor, oficiilor și agențiilor Uniunii, cu respectarea principiului subsidiarității, precum și statelor membre numai în cazul în care acestea pun în aplicare dreptul Uniunii. Prin urmare, acestea respectă drepturile și principiile și promovează aplicarea lor în conformitate cu atribuțiile pe care le au în acest sens și cu respectarea limitelor competențelor conferite Uniunii de tratate.

(2) Prezenta carte nu extinde domeniul de aplicare a dreptului Uniunii în afara competențelor Uniunii, nu creează nicio competență sau sarcină nouă pentru Uniune și nu modifică competențele și sarcinile stabilite de tratate.

Articolul 52

Întinderea și interpretarea drepturilor și principiilor

(1) Orice restrângere a exercițiului drepturilor și libertăților recunoscute prin prezenta carte trebuie să fie prevăzută de lege și să respecte substanța acestor drepturi și libertăți. Prin respectarea principiului proporționalității, pot fi impuse restrângeri numai în cazul în care acestea sunt necesare și numai dacă răspund efectiv obiectivelor de interes general recunoscute de Uniune sau necesității protejării drepturilor și libertăților celorlalți.

(2) Drepturile recunoscute prin prezenta carte care fac obiectul unor dispoziții prevăzute de tratate se exercită în condițiile și cu respectarea limitelor stabilite de acestea.

(3) În măsura în care prezenta carte conține drepturi ce corespund unor drepturi garantate prin Convenția europeană pentru apărarea drepturilor omului și a libertăților fundamentale, înțelesul și întinderea lor sunt aceleași ca și cele prevăzute de convenția menționată. Această dispoziție nu împiedică dreptul Uniunii să confere o protecție mai largă.

(4) În măsura în care prezenta carte recunoaște drepturi fundamentale, așa cum rezultă acestea din tradițiile constituționale comune statelor membre, aceste drepturi sunt interpretate în conformitate cu tradițiile menționate.

(5) Dispozițiile prezentei carte care conțin principii pot fi puse în aplicare prin acte legislative și de punere în aplicare adoptate de instituțiile, organele, oficiile și agențiile Uniunii, precum și prin acte ale statelor membre în cazurile în care acestea pun în aplicare dreptul Uniunii, în exercitarea competențelor lor respective. Invocarea lor în fața instanței judecătorești se admite numai în scopul interpretării și controlului legalității unor astfel de acte.

(6) Legislațiile și practicile naționale trebuie să fie luate în considerare pe deplin, după cum se precizează în prezenta carte.

(7) Instanțele judecătorești ale Uniunii și ale statelor membre țin seama de explicațiile redactate în vederea orientării interpretării prezentei carte.

Articolul 53

Nivelul de protecție

Nici una dintre dispozițiile prezentei carte nu poate fi interpretată ca restrângând sau aducând atingere drepturilor omului și libertăților fundamentale recunoscute, în domeniile de aplicare corespunzătoare, de dreptul Uniunii și dreptul internațional, precum și de convențiile internaționale la care Uniunea sau toate statele membre sunt părți, și în special Convenția europeană pentru apărarea drepturilor omului și a libertăților fundamentale, precum și prin constituțiile statelor membre.

Articolul 54

Interzicerea abuzului de drept

Nici una dintre dispozițiile prezentei carte nu trebuie să fie interpretată ca implicând vreun drept de a desfășura orice activitate sau de a îndeplini orice act îndreptat împotriva oricăruia dintre drepturile și libertățile recunoscute prin prezenta carte sau de a le impune restrângeri mai ample decât cele prevăzute prin prezenta carte.

II. Constituții ale statelor din Uniunea Europeană (extrase)

1. Austria (republică, stat federal)

Chapter I
General Provisions. European Union
A. General Provisions

Art. 1. Austria is a democratic republic. Its law emanates from the people.

Art. 2.

(1) Austria is a federal state.

(2) The Federal State is composed of the autonomous Laender of Burgenland, Carinthia, Lower Austria, Upper Austria, Salzburg, Styria, Tirol, Vorarlberg and Vienna.

(3) Changes in the composition of the Laender or a restriction of the involvement of the Laender provided for in this para and in Art 3 also require constitutional regulations of the Laender.

Art. 3.

(1) The Federal territory comprises the territories of the Federal Laender.

(2) State treaties changing the Federal boundaries may only be concluded with the approval of the Laender affected.

(3) Modifications of boundaries within the Federal territory require concurrent laws of the Federation and the Laender affected. Ratifications of boundaries within the Federal territory only require concurrent laws of the Laender affected.

(4) Resolutions of the National Council on modifications of boundaries according to para 2 and 3, to the extent they do not concern retification of boundaries, require at least the votes of half of the members and the majority of two thirds of the votes cast.

Art. 4.

(1) The Federal territory is a uniform currency, economic and customs area.

(2) Intermediate customs barriers or other traffic restrictions may not be established within Federal territory. Art. 5. (1) The Federal capital and seat of the highest Federal authorities is Vienna.

(2) For the duration of extraordinary circumstances the Federal President can, at the request of the Federal Government, relocate the seat of the highest Federal authorities to another location in the Federal territory. Art. 6. (1) For the Republic of Austria there prevails a uniform nationality.

(2) Nationals are citizens of the Land where they have their principal domicile; Land laws can however stipulate that also nationals who have a domicile, but not their principal domicile, in the Land are citizens of that Land.

(3) A person's principal domicile is established in the place where he has settled with the intention, provable or emerging from the circumstances, of setting up there the centre of his relations of life. If this requirement is, on the basis of an overall consideration of a person's professional, economic and social relations of life, met by more than one domicile, this person has to designate as his principal domicile the one which he has the closest relationship to.

Art. 7.

(1) All nationals are equal before the law. Privileges based upon birth, sex, estate, class or religion are excluded. No one shall be discriminated against because of his disability. The Republic (Federation, Laender and municipalities) commits itself to ensuring the equal treatment of disabled and non-disabled persons in all spheres of everyday life.

(2) The Federation, Laender and municipalities subscribe to the de-facto equality of men and women. Measures to promote factual equality of women and men, particularly by

eliminating actually existing inequalities, are admissible.

(3) Official designations can be applied in such a way as to indicate the sex of the officer holder. The same holds good for titles, academic degrees and descriptions of occupations.

(4) Public employees, including members of the Federal Army, are guaranteed the unrestricted exercise of their political rights.

Art. 8.

(1) German is the official language of the Republic without prejudice to the rights provided by Federal law for linguistic minorities.

(2) The Republic (Federation, Laender and municipalities) subscribe to its linguistic and cultural multiplicity having grown, expressed in the autochthonous ethnic groups. Language and culture, existence and preservation of these ethnic groups are to be respected, safeguarded and to be supported.

...

2. Belgia (regat, stat federal)

TITLE I

On federal Belgium, its components and its territory

Article 1

Belgium is a federal State composed of Communities and Regions.

Article 2

Belgium comprises three Communities: the Flemish Community, the French Community and the German-speaking Community.

Article 3

Belgium comprises three Regions: the Flemish Region, the Walloon Region and the Brussels Region.

Article 4

Belgium comprises four linguistic regions: the Dutch-speaking region, the Frenchspeaking region, the bilingual region of Brussels-Capital and the German-speaking region. Each municipality of the Kingdom forms part of one of these linguistic regions. The boundaries of the four linguistic regions can only be changed or corrected by a law passed by a majority of the votes cast in each linguistic group in each House, on condition that a majority of the members of each group is present and provided that the total number of votes in favour that are cast in the two linguistic groups is equal to at least two thirds of the votes cast.

Article 5

The Flemish Region comprises the following provinces: Antwerp, Flemish Brabant, West Flanders, East Flanders and Limburg. The Walloon Region comprises the following provinces: Walloon Brabant, Hainaut, Liege, Luxembourg and Namur. A law is required, if it is found necessary, to further divide the territory to create more provinces. A law can exclude certain territories, of which it establishes the boundaries, from division into provinces, bring them directly under the federal executive power and subject them to a specific statute. This law must be passed by a majority as described in Article 4, last paragraph.

Article 6

Provincial subdivisions can only be established by virtue of a law.

Article 7

The boundaries of the State, the provinces and the municipalities can only be changed or corrected by virtue of a law.

TITLE II

On Belgians and their rights

Article 8

The status as a Belgian citizen is acquired, kept and lost according to rules established by civil law. The Constitution and the other laws concerning political rights, establish, apart from this status, the necessary conditions for the exercising of these rights. In a departure from the second paragraph, the law can, in accordance with Belgium's international and supranational obligations, establish a right to vote for citizens of the European Union who are not Belgian citizens.

The right to vote referred to in the preceding paragraph can be extended by a law to Belgian residents who are not citizens of a Member State of the European Union, under the conditions and in accordance with the terms specified in such a law.

...

Article 9

Naturalisation is granted by the federal legislative power.

Article 10

No class distinctions exist in the State.

Belgians are equal before the law; they alone are eligible for civil and military service, but for the exceptions that can be created by a law for particular cases.

Equality between women and men is guaranteed.

Article 11

Enjoyment of the rights and freedoms recognised for Belgians must be provided without discrimination. To this end, laws and federate laws* guarantee among others the rights and freedoms of ideological and philosophical minorities.

* In the whole text of the Constitution, "law" refers to a legislative act adopted by the federal legislative assemblies (House of Representatives and Senate) and "federate law" refers to a legislative act adopted by the legislative assemblies of the Regions and Communities (Flemish Parliament, Parliament of the French Community, Parliament of the German-speaking Community and Parliament of the Walloon Region).

Article 11bis

The law, federate law or rule referred to in Article 134 guarantees that women and men may equally exercise their rights and freedoms, and in particular promotes their equal access to elective and public mandates.

The Council of Ministers and the Governments of the Communities and the Regions include both women and men.

The law, federate law or rule referred to in Article 134 provides for women and men to sit on the permanent deputations of the provincial councils, the colleges of the burgomasters and aldermen, the councils and permanent committees of the public centres for social welfare and on the executives of any other inter-provincial, inter-municipal or intra-

municipal territorial body.

The preceding paragraph does not apply when the law, federate law or rule referred to in Article 134 provides for the direct election of the members of the permanent deputations of the provincial councils, of aldermen, of the members of the councils and permanent committees of the social welfare centres or of the members of the executives of any other inter-provincial, inter-municipal or intra-municipal territorial body.

Article 12

The freedom of the individual is guaranteed.

No one can be prosecuted except in the cases provided for by the law, and in the form prescribed by the law.

Except in the case of a flagrant offence, no one can be arrested except on the strength of a reasoned judge's order, which must be served at the time of arrest or at the latest within twenty-four hours.

Article 13

No one can be separated, against his will, from the judge that the law has assigned to him.

Article 14

No punishment can be introduced or administered except by virtue of the law.

Article 14bis

Capital punishment is abolished.

Article 15

One's home is inviolable; no house search may take place except in the cases provided for by the law and in the form prescribed by the law.

Article 16

No one can be deprived of his property except in the case of expropriation for a public purpose, in the cases and manner established by the law and in return for fair compensation paid beforehand.

Article 17

Assets may not be confiscated as a means of punishment.

Article 18

Civil death is abolished; it cannot be re-introduced.

Article 19

Freedom of worship, its public practice and freedom to demonstrate one's opinions on all matters are guaranteed, but offences committed when this freedom is used may be punished.

Article 20

No one can be obliged to contribute in any way whatsoever to the acts and ceremonies of a religion or to observe its days of rest.

Article 21

The State does not have the right to intervene either in the appointment or in the

installation of ministers of any religion whatsoever or to forbid these ministers from corresponding with their superiors, from publishing the acts of these superiors, but, in this latter case, normal responsibilities as regards the press and publishing apply. A civil wedding should always precede the blessing of the marriage, apart from the exceptions to be established by the law if needed.

Article 22

Everyone has the right to the respect of his private and family life, except in the cases and conditions determined by the law.

The laws, federate laws and rules referred to in Article 134 guarantee the protection of this right.

Article 22bis

Each child is entitled to have his or her moral, physical, mental and sexual integrity respected.

Each child has the right to express his or her views in all matters affecting him or her, the views of the child being given due weight in accordance with his or her age and maturity.

Each child has the right to benefit from measures and facilities which promote his or her development.

In all decisions concerning children, the interest of the child is a primary consideration.

The law, federate law or rule referred to in Article 134 ensures these rights of the child.

Article 23

Everyone has the right to lead a life in keeping with human dignity.

To this end, the laws, federate laws and rules referred to in Article 134 guarantee economic, social and cultural rights, taking into account corresponding obligations, and determine the conditions for exercising them.

These rights include among others:

- 1° the right to employment and to the free choice of an occupation within the context of a general employment policy, aimed among others at ensuring a level of employment that is as stable and high as possible, the right to fair terms of employment and to fair remuneration, as well as the right to information, consultation and collective negotiation;
- 2° the right to social security, to health care and to social, medical and legal aid;
- 3° the right to decent accommodation;
- 4° the right to the protection of a healthy environment;
- 5° the right to cultural and social fulfilment.

Article 24

§ 1. Education is free; any preventive measure is forbidden; the punishment of offences is regulated only by the law or federate law.

The community offers free choice to parents.

The community organises non-denominational education. This implies in particular the respect of the philosophical, ideological or religious beliefs of parents and pupils. Schools run by the public authorities offer, until the end of compulsory education, the choice between the teaching of one of the recognised religions and non-denominational ethics teaching.

§ 2. If a community, in its capacity as an organising authority, wishes to delegate powers to one or several autonomous bodies, it can only do so by federate law adopted by a two-thirds majority of the votes cast.

§ 3. Everyone has the right to education with the respect of fundamental rights and freedoms. Access to education is free until the end of compulsory education. All pupils of school age have the right to moral or religious education at the community's expense.

§ 4. All pupils or students, parents, teaching staff or institutions are equal before the law or federate law. The law and federate law take into account objective differences, in particular the characteristics of each organising authority that warrant appropriate treatment.

§ 5. The organisation, the recognition and the subsidising of education by the community are regulated by the law or federate law.

Article 25

The press is free; censorship can never be introduced; no security can be demanded from authors, publishers or printers.

When the author is known and resident in Belgium, neither the publisher, the printer nor the distributor can be prosecuted.

Article 26

Belgians have the right to gather peaceably and without arms, in accordance with the laws that can regulate the exercise of this right, without submitting it to prior authorisation.

This provision does not apply to open air meetings, which are entirely subject to police regulations.

Article 27

Belgians have the right to enter into association or partnership; this right cannot be subject to any preventative measure.

Article 28

Everyone has the right to address petitions signed by one or more persons to the public authorities.

Constituted bodies are alone entitled to address petitions under a collective name.

Article 29

The confidentiality of letters is inviolable.

The law determines which officials may violate the confidentiality of letters entrusted to the postal service.

Article 30

The use of languages spoken in Belgium is optional; only the law can rule on this matter, and only for acts of the public authorities and for judicial affairs.

Article 31

No authorisation is necessary prior to taking legal action against civil servants for offences resulting from their administration, except with regard to what has been ruled on concerning ministers and members of the Community and Regional Governments.

Article 32

Everyone has the right to consult any administrative document and to obtain a copy, except in the cases and conditions stipulated by the laws, federate laws or rules referred to in Article 134.

TITLE III

On Powers

Article 33

All powers emanate from the Nation.

These powers are exercised in the manner laid down by the Constitution.

...

3. Bulgaria (republică, stat unitar)

We, the Members of the Seventh Grand National Assembly, guided by our desire to express the will of the people of Bulgaria, by pledging our loyalty to the universal human values of liberty, peace, humanism, equality, justice and tolerance;

by holding as the highest principle the rights, dignity and security of the individual;

in awareness of our irrevocable duty to guard the national and state integrity of Bulgaria, hereby proclaim our resolve to create a democratic and social state, governed by the rule of law, by establishing this

CONSTITUTION

Chapter one

FUNDAMENTAL PRINCIPLES

Art. 1.

(1) Bulgaria shall be a republic with a parliamentary form of government.

(2) The entire power of the State shall derive from the people. The people shall exercise this power directly and through the bodies established by this Constitution.

(3) No part of the people, no political party nor any other organization, state institution or individual shall usurp the expression of the popular sovereignty.

Art. 2.

(1) The Republic of Bulgaria shall be an unitary State with local self-government. No autonomous territorial formations shall be allowed to exist therein.

(2) The territorial integrity of the Republic of Bulgaria shall be inviolable.

Art. 3.

Bulgarian shall be the official language of the Republic.

Art. 4.

(1) The Republic of Bulgaria shall be a State governed by the rule of law. It shall be governed by the Constitution and the laws of the country.

(2) The Republic of Bulgaria shall guarantee the life, dignity and rights of the individual and shall create conditions conducive to the free development of the individual and of civil society.

(3) (new, SG 18/05) Republic of Bulgaria shall participate in the building and development of the European Union.

Art. 5.

- (1) The Constitution shall be the supreme law, and no other law shall contravene it.
- (2) The provisions of the Constitution shall apply directly.
- (3) No one shall be convicted for action or inaction which at the time it was committed, did not constitute a crime.
- (4) International treaties which have been ratified in accordance with the constitutional procedure, promulgated and having come into force with respect to the Republic of Bulgaria, shall be part of the legislation of the State. They shall have primacy over any conflicting provision of the domestic legislation.
- (5) All legislative acts shall be promulgated and shall come into force three days after the date of their publication unless otherwise envisaged by the acts themselves.

Art. 6.

- (1) All persons are born free and equal in dignity and rights.
 - (2) All citizens* shall be equal before the law. There shall be no privileges or restriction of rights on the grounds of race, national or social origin, ethnic self-identity, sex, religion, education, opinion, political affiliation, personal or social status or property status.
- * The term "citizens" refers to all individuals to whom this Constitution applies.

Art. 7.

The State shall be held liable for any damages caused by unlawful acts or actions on the part of its agencies and officials.

Art. 8.

The power of the State shall be divided between legislative, executive and judicial branches.

Art. 9.

- (1) (Prev. text of art. 9- SG 12/07, in force from 1 January 2008) The armed forces shall guarantee the sovereignty, security and independence of the country and shall defend its territorial integrity.
- (2) (New-SG 12/07, in force from 1 January 2008) The activity of the armed forces shall be established by law.

Art. 10.

All elections, and national and local referendums shall be held on the basis of universal, equal and direct suffrage by secret ballot.

Art. 11.

- (1) Political activity in the Republic of Bulgaria shall be founded on the principle of political pluralism.
- (2) No political party or ideology shall be proclaimed or affirmed as a party or ideology of the State.
- (3) All parties shall facilitate the formation and expression of the citizens' political will. The procedure applying to the formation and dissolution of political parties and the conditions pertaining to their activity shall be established by law.
- (4) There shall be no political parties on ethnic, racial or religious lines, nor parties which seek the violent seizure of state power.

Art. 12.

(1) Associations of citizens shall serve to meet and safeguard their interests.

(2) Associations, including trade unions, shall not pursue any political objectives, nor shall they engage in any political activity which is in the domain of the political parties.

Art. 13.

(1) The practicing of any religion shall be unrestricted.

(2) Religious institutions shall be separate from the State.

(3) Eastern Orthodox Christianity shall be considered the traditional religion in the Republic of Bulgaria.

(4) Religious institutions and communities, and religious beliefs shall not be used to political ends.

Art. 14.

The family, motherhood and children shall enjoy the protection of the State and society.

Art. 15.

The Republic of Bulgaria shall ensure the protection and reproduction of the environment, the conservation of living Nature in all its variety, and the sensible utilization of the country's natural and other resources.

Art. 16.

Labour shall be guaranteed and protected by law.

Art. 17.

(1) The right to property and inheritance shall be guaranteed and protected by law.

(2) Property shall be private and public.

(3) Private property shall be inviolable.

(4) The regime applying to the different units of State and municipal property shall be established by law.

(5) Forcible expropriation of property in the name of State or municipal needs shall be effected only by virtue of a law, provided that these needs cannot be otherwise met, and after fair compensation has been ensured in advance.

Art. 18.

(1) The State shall enjoy exclusive ownership rights over the underground resources; beaches and national thoroughfares, as well as over waters, forests and parks of national importance, and the natural and archaeological reserves established by law.

(2) The State shall exercise sovereign rights in prospecting, developing, utilizing, protecting and managing the continental shelf and the exclusive off-shore economic zone, and the biological, mineral and energy resources therein.

(3) The State shall exercise sovereign rights with respect to radio frequency spectrum and the geostationary orbital positions allocated by international agreements to the Republic of Bulgaria.

(4) A state monopoly shall be establishable by law over railway transport, the national postal and telecommunications networks, the use of nuclear energy, the manufacturing of radioactive products, armaments and explosive and powerful toxic substances.

(5) The conditions and procedure by which the State shall grant concessions over units of

property and licences for the activities enumerated in the preceding two paragraphs shall be established by law.

(6) The State shall utilize and manage all the state's assets to the benefit of individual and society.

Art. 19.

(1) The economy of the Republic of Bulgaria shall be based on free economic initiative.

(2) The State shall establish and guarantee equal legal conditions for economic activity to all citizens and legal entities by preventing any abuse of a monopoly status and unfair competition, and by protecting the consumer.

(3) All investments and economic activity by citizens and legal entities shall enjoy the protection of the law.

(4) The law shall establish conditions conducive to the setting up of cooperatives and other forms of association of citizens and legal entities in the pursuit of economic and social prosperity.

Art. 20.

The State shall establish conditions conducive to the balanced development of the different regions of the country, and shall assist the territorial bodies and activities through its fiscal, credit and investment policies.

Art. 21.

(1) Land, as a chief national asset, shall enjoy particular protection on the part of the State and society.

(2) Arable land shall be used for agricultural purposes only. Any change in purposes shall be allowed only in exceptional circumstances, when necessity has been proven, and on terms and by a procedure established by a law.

Art. 22

(1) (amend., SG 18/05, in force from 1 January 2007) Foreigners and foreign legal entities may acquire property over land under the conditions ensuing from Bulgaria's accession to the European Union, or by virtue of an international treaty that has been ratified, promulgated and entered into force for the Republic of Bulgaria, as well as through inheritance by operation of the law.

(2) The law ratifying the international treaty referred to in para 1 shall be adopted by a majority of two thirds of all members of the Parliament.

(3) The land regime shall be established by law.

Art. 23.

The State shall establish conditions conducive to the free development of science, education and the arts, and shall assist that development. It shall organize the conservation of all national monuments of history and culture.

Art. 24.

(1) The Republic of Bulgaria shall conduct its foreign policy in accordance with the principles and norms of international law.

(2) The foreign policy of the Republic of Bulgaria shall have as its highest objective the national security and independence of the country, the well-being and the fundamental rights and freedoms of the Bulgarian citizens, and the promotion of a just international

Chapter two
FUNDAMENTAL RIGHTS
AND DUTIES OF CITIZENS

Art. 25.

(1) A Bulgarian citizen shall be anyone born of at least one parent holding a Bulgarian citizenship, or born on the territory of the Republic of Bulgaria, should he not be entitled to any other citizenship by virtue of origin. Bulgarian citizenship shall further be acquirable through naturalization.

(2) A citizens of Bulgarian origin shall acquire Bulgarian citizenship through a facilitated procedure.

(3) No one shall be deprived of Bulgarian citizenship acquired by birth.

(4) (amend., SG 18/05) No Bulgarian citizen may be surrendered to another State or to an international tribunal for the purposes of criminal prosecution, unless the opposite is provided for by international treaty that has been ratified, published and entered into force for the Republic of Bulgaria.

(5) Any Bulgarian citizen abroad shall be accorded the protection of the Republic of Bulgaria.

(6) The conditions and procedure for the acquiring, preservation or loss of Bulgarian citizenship shall be established by law.

Art. 26.

(1) Irrespective of where they are, all citizens of the Republic of Bulgaria shall be vested with all rights and duties proceeding from this Constitution.

(2) Foreigners residing in the Republic of Bulgaria shall be vested with all rights and obligations proceeding from this Constitution, except those rights and duties for which Bulgarian citizenship is required by this Constitution or by another law.

Art. 27.

(1) Foreigners residing legally in the country shall not be expelled or extradited to another State against their will, except in accordance with the provisions and the procedures established by law.

(2) The Republic of Bulgaria shall grant asylum to foreigners persecuted for their opinions or activity in the defence of internationally recognized rights and freedoms.

(3) The conditions and procedure for the granting of asylum shall be established by law.

Art. 28.

Everyone shall have the right to life. Any attempt upon a human life shall be punished as a most severe crime.

Art. 29.

(1) No one shall be subjected to torture or to cruel, inhuman or degrading treatment, or to forcible assimilation.

(2) No one shall be subjected to medical, scientific or other experimentation without his voluntary written consent.

Art. 30.

- (1) Everyone shall be entitled to personal freedom and inviolability.
- (2) No one shall be detained or subjected to inspection, search or any other infringement of his personal inviolability except on the conditions and in a manner established by law.
- (3) The State authorities shall be free to detain citizens only in the urgent circumstances expressly stipulated by law, and shall immediately advise the judicial authorities accordingly. The judicial authorities shall rule on the legality of a detention within the next 24 hours.
- (4) Everyone shall be entitled to legal counsel from the moment of detention or from the moment of being charged.
- (5) Everyone shall be entitled to meet his legal counsel in private. The confidentiality of such communication shall be inviolable.

Art. 31.

- (1) Anyone charged with a crime shall be brought before a court within the time established by law.
- (2) No one shall be forced to plead guilty, and no one shall be convicted solely by virtue of confession.
- (3) A defendant shall be considered innocent until proven otherwise by a final verdict.
- (4) The rights of a defendant shall not be restricted beyond what is necessary for the purposes of a fair trial.
- (5) Prisoners shall be kept in conditions conducive to the exercise of those of their fundamental rights which are not restricted by virtue of their sentence.
- (6) Prison sentences shall be served only at the facilities established by law.
- (7) There shall be no limitation to the prosecution and the execution of a sentence for crimes against peace and humanity.

Art. 32.

- (1) The privacy of citizens shall be inviolable. Everyone shall be entitled to protection against any unlawful interference in his private or family affairs and against encroachments on his honour, dignity and reputation.
- (2) No one shall be followed, photographed, filmed, recorded or subjected to any other similar activity without his knowledge or despite his express disapproval, except when such actions are permitted by law.

Art. 33.

- (1) The home shall be inviolable. No one shall enter or stay inside a home without its occupant's consent, except in the cases expressly stipulated by law.
- (2) Entry or stay inside a home without the consent of its occupant or without the judicial authorities' permission shall be allowed only for the purposes of preventing an immediately impending crime or a crime in progress, for the capture of a criminal, or in extreme necessity.

Art. 34.

- (1) The freedom and confidentiality of correspondence and all other communications shall be inviolable.
- (2) Exceptions to this provision shall be allowed only with the permission of the judicial authorities for the purpose of discovering or preventing a grave crime.

Art. 35.

(1) Everyone shall be free to choose a place of residence and shall have the right to freedom of movement in the territory of the country and to leave the country. This right shall be restricted only by virtue of law in the name of national security, public health, and the rights and freedoms of other citizens.

(2) Every Bulgarian citizen shall have the right to return to the country.

Art. 36.

(1) The study and use of the Bulgarian language shall be a right and an obligation of every Bulgarian citizen.

(2) Citizens whose mother tongue is not Bulgarian shall have the right to study and use their own language alongside the compulsory study of the Bulgarian language.

(3) The situations in which only the official language shall be used shall be established by law.

Art. 37.

(1) The freedom of conscience, the freedom of thought and the choice of religion and of religious or atheistic views shall be inviolable. The State shall assist the maintenance of tolerance and respect among the believers from different denominations, and among believers and non-believers.

(2) The freedom of conscience and religion shall not be practised to the detriment of national security, public order, public health and morals, or of the rights and freedoms of others.

Art. 38.

No one shall be persecuted or restricted in his rights because of his views, nor shall be obligated or forced to provide information about his own or another person's views.

Art. 39. (1) Everyone shall be entitled to express an opinion or to publicize it through words, written or oral, sound or image, or in any other way.

(2) This right shall not be used to the detriment of the rights and reputation of others, or for the incitement of a forcible change of the constitutionally established order, the perpetration of a crime, or the incitement of enmity or violence against anyone.

Art. 40.

(1) The press and the other mass information media shall be free and shall not be subjected to censorship.

(2) An injunction on or a confiscation of printed matter or another information medium shall be allowed only through an act of the judicial authorities in the case of an encroachment on public decency or incitement of a forcible change of the constitutionally established order, the perpetration of a crime, or the incitement of violence against anyone. An injunction suspension shall lose force if not followed by a confiscation within 24 hours.

Art. 41.

(1) Everyone shall be entitled to seek, obtain and disseminate information. This right shall not be exercised to the detriment of the rights and reputation of others, or to the detriment of national security, public order, public health and morality.

(2) Everyone shall be entitled to obtain information from state bodies and agencies on any matter of legitimate interest to them which is not a state or official secret and does not affect the rights of others.

Art. 42.

(1) Every citizen above the age of 18, with the exception of those placed under judicial interdiction or serving a prison sentence, shall be free to elect state and local authorities and vote in referendums.

(2) The organization and procedure for the holding of elections and referendums shall be established by law.

(3) (new, SG 18/05) The elections for Members of the European Parliament and the participation of European Union citizens in the elections for local authorities shall be regulated by law.

Art. 43.

(1) All citizens shall have the right to peaceful and unarmed assembly for meetings and demonstrations.

(2) The procedure for the organizing and holding of meetings and demonstrations shall be established by law.

(3) No notice to the municipal authorities shall be required for meetings held indoors.

Art. 44.

(1) All citizens shall be free to associate.

(2) The organization/s activity shall not be contrary to the country's sovereignty and national integrity, or the unity of the nation, nor shall it incite racial, national, ethnic or religious enmity or an encroachment on the rights and freedoms of citizens; no organization shall establish clandestine or paramilitary structures or shall seek to attain its aims through violence.

(3) The law shall establish which organizations shall be subject to registration, the procedure for their termination, and their relationships with the State.

Art. 45.

All citizens shall have the right to lodge complaints, proposals and petitions with the state authorities.

Art. 46.

(1) Matrimony shall be a free union between a man and a woman. Only a civil marriage shall be legal.

(2) Spouses shall have equal rights and obligations in matrimony and the family.

(3) The form of a marriage, the conditions and procedure for its conclusion and termination, and all private and material relations between the spouses shall be established by law.

Art. 47.

(1) The raising and upbringing of children until they come of legal age shall be a right and obligation of their parents and shall be assisted by the State.

(2) Mothers shall be the object of special protection on the part of the State and shall be guaranteed prenatal and postnatal leave, free obstetric care, alleviated working conditions and other social assistance.

- (3) Children born out of wedlock shall enjoy equal rights with those born in wedlock.
- (4) Abandoned children shall enjoy the protection of the State and society.
- (5) The conditions and procedure for the restriction or suspension of parental rights shall be established by law.

Art. 48.

- (1) Citizens shall have the right to work. The State shall take care to provide conditions for the exercising of this right.
- (2) The State shall create conditions conducive to the exercising of the right to work by the physically or mentally handicapped.
- (3) Everyone shall be free to choose an occupation and place of work.
- (4) No one shall be compelled to do forced labour.
- (5) Workers and employees shall be entitled to healthy and non-hazardous working conditions, to guaranteed minimum pay and remuneration for the actual work performed, and to rest and leave, in accordance with conditions and procedures established by law.

Art. 49.

- (1) Workers and employees shall be free to form trade union organizations and alliances in defence of their interests related to work and social security.
- (2) Employers shall be free to associate in defence of their economic interests.

Art. 50.

Workers and employees shall have the right to strike in defence of their collective economic and social interests. This right shall be exercised in accordance with conditions and procedures established by law.

Art. 51.

- (1) Citizens shall have the right to social security and social assistance.
- (2) The State shall provide social security for the temporarily unemployed in accordance with conditions and procedures established by law.
- (3) The aged without relatives and unable to support themselves, as well as invalids and the socially weak shall receive special protection from the State and society.

Art. 52.

- (1) Citizens shall have the right to medical insurance guaranteeing them affordable medical care, and to free medical care in accordance with conditions and procedures established by law.
- (2) Medical care shall be financed from the state budget, by employers, through private and collective health-insurance schemes, and from other sources in accordance with conditions and procedures established by law.
- (3) The State shall protect the health of all citizens and shall promote the development of sports and tourism.
- (4) No one shall be subjected to forcible medical treatment or sanitary measures except in circumstances established by law.
- (5) The State shall exercise control over all medical facilities and over the production and trade in pharmaceuticals, biologically active substances and medical equipment.

Art. 53.

- (1) Everyone shall have the right to education.

(2) School attendance up to the age of 16 shall be compulsory.

(3) Primary and secondary education in state and municipal schools shall be free. In circumstances established by law, the higher educational establishments shall provide education free of charge.

(4) Higher educational establishments shall enjoy academic autonomy.

(5) Citizens and organizations shall be free to found schools in accordance with conditions and procedures established by law. The education they provide shall fit the requirements of the State.

(6) The State shall promote education by opening and financing schools, by supporting capable school and university students, and by providing opportunities for occupational training and retraining. It shall exercise control over all kinds and levels of schooling.

Art. 54.

(1) Everyone shall have the right to avail himself of the national and universal human cultural values and to develop his own culture in accordance with his ethnic self-identification, which shall be recognized and guaranteed by the law.

(2) Artistic, scientific and technological creativity shall be recognized and guaranteed by the law.

(3) The State shall protect all inventors' rights, copyrights and related rights.

Art. 55.

Everyone shall have the right to a healthy and favorable environment corresponding to established standards and norms. They shall protect the environment.

Art. 56.

Everyone shall have the right to legal defence whenever his rights or legitimate interests are violated or endangered. He shall have the right to be accompanied by legal counsel when appearing before an agency of the State.

Art. 57.

(1) The fundamental civil rights shall be irrevocable.

(2) Rights shall not be abused, nor shall they be exercised to the detriment of the rights or the legitimate interests of others.

(3) Following a proclamation of war, martial law or a state of emergency the exercise of individual civil rights may be temporarily curtailed by law, except for the rights established by Art. 28, Art. 29, Art. 31 paras 1, 2 and 3, Art. 32 para 1, and Art. 37.

Art. 58.

(1) All citizens shall observe and implement the Constitution and the laws. They shall respect the rights and the legitimate interests of others.

(2) Obligations established by the Constitution and the law shall not be defaulted upon on grounds of religious or other convictions.

Art. 59.

(1) To defend the country shall be a duty and a matter of honour of every Bulgarian citizen. High treason and betrayal of the country shall be treated as crimes of utmost gravity and shall be punished with all the severity of the law.

(2) (Amend. - SG 12/07, in force from 1 January 2008) The training of the citizens to defend the country shall be established by law.

Art. 60.

(1) Citizens shall pay taxes and duties established by law proportionately to their income and property.

(2) Any tax concession or surtax shall be established by law.

Art. 61.

Citizens shall assist the State and society in the case of a natural or other disaster, on conditions and in a manner established by law.

4. Republica Cehă

Preamble

We, the citizens of the Czech Republic in Bohemia, Moravia and Silesia, at this time of the reconstitution of an independent Czech State, true to all the sound traditions of the ancient statehood of the Lands of the Crown of Bohemia as well as of Czechoslovak statehood, resolute to build, protect and develop the Czech Republic in the spirit of the inalienable values of human dignity and freedom as the home of and free citizens who are aware of their obligations towards others and of their responsibility to the community, as a free and democratic State founded on respect for human rights and on principles of civil society, as a member of the family of European and World democracies, resolute to protect and develop their natural, cultural, material and spiritual heritage, resolute to take heed to all the well-proven tenets of law-abiding state, have adopted this Constitution of the Czech Republic through our freely elected representatives.

Chapter One - Fundamental Provisions

Art. 1

(1) The Czech Republic is a sovereign, unitary and democratic, law-abiding State, based on respect for the rights and freedoms of man and citizen.

(2) The Czech Republic shall observe its obligations under international law.

Art. 2

(1) The people are the source of all power in the State; they exercise it through bodies of legislative, executive and judiciary powers.

(2) A Constitutional Act may define when the people exercise state power directly.

(3) State power shall serve all citizens and may be applied only in cases, within limits and by methods defined by law.

(4) Every citizen may do what is not prohibited by law and nobody may be forced to do what the law does not instruct them to do.

Art. 3

An integral component of the constitutional system of the Czech Republic is the Charter of Fundamental Rights and Freedoms.

Art. 4

The fundamental rights and freedoms shall be protected by the judiciary power.

Art. 5

The political system is based on free and voluntary formation of and free competition between political parties respecting the basic democratic principles and rejecting violence as a means of asserting their interests.

Art. 6

Political decisions shall proceed from the will of the majority, expressed by free vote. Majority decisions shall respect protection of minorities.

Art. 7

The State shall attend to a prudent utilization of natural resources and to protection of natural wealth.

Art. 8

Self-government of territorial self-governing units is guaranteed.

Art. 9

(1) Constitution may be supplemented or amended only by Constitutional Acts.

(2) The substantive requisites of the democratic, law-abiding State may not be amended.

(3) Interpretation of legal rules may not be used as authorization to eliminate or imperil the foundations of the democratic State.

Art. 10

Promulgated international agreements, the ratification of which has been approved by the Parliament and which are binding on the Czech Republic, shall constitute a part of the legal order; should an international agreement make provision contrary to a law, the international agreement shall be applied.

Art. 10a

(1) An international agreement may provide for a transfer of certain powers of bodies of the Czech Republic to an international organization or institution.

(2) An approval of the Parliament is required to ratify an international agreement stipulated in Subsection 1 unless a constitutional law requires an approval from a referendum.

Art. 10b

(1) The Government shall inform the Parliament regularly and in advance on issues related to obligations arising for the Czech Republic from its membership in an international organization or institution stipulated in Section 10a.

(2) The Chambers of Parliament express their opinions on the decisions of such an international organization or institution in a form provided for by their rules of procedure.

(3) An Act on the principles of conduct and relations between both Chambers and in their external relations, may entrust the exercise of the competence of the Chambers under Subsection 2 to a joint body of the Chambers.

Art. 11

The territory of the Czech Republic constitutes an indivisible entity the state frontiers whereof may be changed only by a Constitutional Act.

Art. 12

(1) Acquisition and loss of citizenship of the Czech Republic shall be governed by law.

(2) Nobody may be deprived of his or her citizenship against his or her will.

...

Dreptul de vot:

Art. 18

(1) Elections to the Chamber of Deputies shall be held by secret ballot on the basis of universal, equal and direct suffrage and under the principles of proportional representation.

(2) Elections to the Senate shall be held by secret ballot on the basis of universal, equal and direct suffrage and under the principles of the majority system.

(3) Every citizen of the Czech Republic who has attained the age of eighteen years shall have the right to vote.

Art. 19

(1) Every citizen of the Czech Republic who has the right to vote and who has attained the age of twenty-one years may be elected to the Chamber of Deputies.

(2) Every citizen of the Czech Republic who has the right to vote and who has attained the age of forty years may be elected to the Senate.

(3) The mandate of a Deputy or a Senator shall be established on his or her election.

Art. 20

Other conditions of the exercise of the right to vote, the organization of elections and the scope of judicial review shall be set by law.

Art. 21

Nobody may be at the same time member of both chambers of the Parliament.

5. Estonia

"With unwavering faith and a steadfast will to strengthen and develop the state, which is established on the inextinguishable right of the people of Estonia to national self-determination and which was proclaimed on 24 February 1918, which is founded on liberty, justice and law, which shall protect internal and external peace, and is a pledge to present and future generations for their social progress and welfare, which shall guarantee the preservation of the Estonian nation, language and culture through the ages, the people of Estonia, on the basis of § 1 of the Constitution which entered into force in 1938, and by a referendum held on 28 June 1992, adopted the following Constitution."

Chapter I

GENERAL PROVISIONS

§ 1. Estonia is an independent and sovereign democratic republic wherein the supreme power of state is vested in the people.

The independence and sovereignty of Estonia are timeless and inalienable.

§ 2. The land, territorial waters and airspace of the Estonian state are an inseparable and indivisible whole.

Estonia is politically a unitary state wherein the division of territory into administrative units shall be provided by law.

§ 3. The powers of state shall be exercised solely pursuant to the Constitution and laws which are in conformity therewith. Generally recognised principles and rules of international law are an inseparable part of the Estonian legal system.

Laws shall be published in the prescribed manner. Only published laws have obligatory force.

§ 4. The activities of the Riigikogu (**Notă:** Parlamentul estonian), the President of the Republic, the Government of the Republic, and the courts shall be organised on the

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principle of separation and balance of powers.

§ 5. The natural wealth and resources of Estonia are national riches which shall be used economically.

§ 6. The official language of Estonia is Estonian.

§ 7. The national colours of Estonia are blue, black and white. The design of the national flag and the national coat of arms shall be provided by law.

Chapter II

FUNDAMENTAL RIGHTS, FREEDOMS AND DUTIES

§ 8. Every child of whose parents one is an Estonian citizen has the right to Estonian citizenship by birth.

Everyone who has lost his or her Estonian citizenship as a minor has the right to its restoration.

No one shall be deprived of Estonian citizenship acquired by birth.

No one shall be deprived of Estonian citizenship because of his or her beliefs.

The conditions and procedures for the acquisition, loss and restoration of Estonian citizenship shall be provided by the Citizenship Act.

§ 9. The rights, freedoms and duties of each and every person, as set out in the Constitution, shall be equal for Estonian citizens and for citizens of foreign states and stateless persons in Estonia.

The rights, freedoms and duties set out in the Constitution shall extend to legal persons in so far as this is in accordance with the general aims of legal persons and with the nature of such rights, freedoms and duties.

§ 10. The rights, freedoms and duties set out in this Chapter shall not preclude other rights, freedoms and duties which arise from the spirit of the Constitution or are in accordance therewith, and conform to the principles of human dignity and of a state based on social justice, democracy, and the rule of law.

§ 11. Rights and freedoms may be restricted only in accordance with the Constitution. Such restrictions must be necessary in a democratic society and shall not distort the nature of the rights and freedoms restricted.

§ 12. Everyone is equal before the law. No one shall be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other opinion, property or social status, or on other grounds.

The incitement of national, racial, religious or political hatred, violence or discrimination

shall, by law, be prohibited and punishable. The incitement of hatred, violence or discrimination between social strata shall, by law, also be prohibited and punishable.

§ 13. Everyone has the right to the protection of the state and of the law. The Estonian state shall also protect its citizens abroad.

The law shall protect everyone from the arbitrary exercise of state authority.

§ 14. The guarantee of rights and freedoms is the duty of the legislative, executive and judicial powers, and of local governments.

§ 15. Everyone whose rights and freedoms are violated has the right of recourse to the courts. Everyone has the right, while his or her case is before the court, to petition for any relevant law, other legislation or procedure to be declared unconstitutional.

The courts shall observe the Constitution and shall declare unconstitutional any law, other legislation or procedure which violates the rights and freedoms provided by the Constitution or which is otherwise in conflict with the Constitution.

§ 16. Everyone has the right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his or her life.

§ 17. No one's honour or good name shall be defamed.

§ 18. No one shall be subjected to torture or to cruel or degrading treatment or punishment.

No one shall be subjected to medical or scientific experiments against his or her free will.

§ 19. Everyone has the right to free self-realisation.

Everyone shall honour and consider the rights and freedoms of others, and shall observe the law, in exercising his or her rights and freedoms and in fulfilling his or her duties.

§ 20. Everyone has the right to liberty and security of person.

No one shall be deprived of his or her liberty except in the cases and pursuant to procedure provided by law:

- 1) to execute a conviction or detention ordered by a court;
- 2) in the case of non-compliance with a court order or to ensure the fulfilment of a duty provided by law;
- 3) to prevent a criminal or administrative offence, to bring a person who is reasonably suspected of such an offence before a competent state authority, or to prevent his or her escape;
- 4) to place a minor under disciplinary supervision or to bring him or her before a

competent state authority to determine whether to impose such supervision;

5) to detain a person suffering from an infectious disease, a person of unsound mind, an alcoholic or a drug addict, if such person is dangerous to himself or herself or to others;

6) to prevent illegal settlement in Estonia and to expel a person from Estonia or to extradite a person to a foreign state.

No one shall be deprived of his or her liberty merely on the ground of inability to fulfil a contractual obligation.

§ 21. Everyone who is deprived of his or her liberty shall be informed promptly, in a language and manner which he or she understands, of the reason for the deprivation of liberty and of his or her rights, and shall be given the opportunity to notify those closest to him or her. A person suspected of a criminal offence shall also be promptly given the opportunity to choose and confer with counsel. The right of a person suspected of a criminal offence to notify those closest to him or her of the deprivation of liberty may be restricted only in the cases and pursuant to procedure provided by law to prevent a criminal offence or in the interests of ascertaining the truth in a criminal proceeding.

No one shall be held in custody for more than forty-eight hours without the specific authorisation of a court. The decision of the court shall be promptly communicated to the person in custody in a language and manner which he or she understands.

§ 22. No one shall be presumed guilty of a criminal offence until a conviction by a court against him or her enters into force.

No one has the duty to prove his or her innocence in a criminal proceeding.

No one shall be compelled to testify against himself or herself, or against those closest to him or her.

§ 23. No one shall be convicted of an act which did not constitute a criminal offence under the law in force at the time the act was committed.

No one shall have a more severe punishment imposed on him or her than the one that was applicable at the time the offence was committed. If, subsequent to the commission of an offence, the law provides for a lesser punishment, the lesser punishment shall apply.

No one shall be tried or punished again for an act of which he or she has been finally convicted or acquitted pursuant to law.

§ 24. No one shall be transferred, against his or her free will, from the jurisdiction of the court specified by law to the jurisdiction of another court.

Everyone has the right to be tried in his or her presence.

Court sessions shall be public. A court may, in the cases and pursuant to procedure provided by law, declare that a session or a part thereof be held in camera to protect a state

or business secret, morals or the private and family life of a person, or where the interests of a minor, a victim, or justice so require.

Judgment shall be pronounced publicly, except in cases where the interests of a minor, a spouse, or a victim require otherwise.

Everyone has the right of appeal to a higher court against the judgment in his or her case pursuant to procedure provided by law.

§ 25. Everyone has the right to compensation for moral and material damage caused by the unlawful action of any person.

§ 26. Everyone has the right to the inviolability of private and family life. State agencies, local governments, and their officials shall not interfere with the private or family life of any person, except in the cases and pursuant to procedure provided by law to protect health, morals, public order, or the rights and freedoms of others, to prevent a criminal offence, or to apprehend a criminal offender.

§ 27. The family, being fundamental to the preservation and growth of the nation and as the basis of society shall be protected by the state.

Spouses have equal rights.

Parents have the right and the duty to raise and care for their children.

The protection of parents and children shall be provided by law.

The family has a duty to care for its needy members.

§ 28. Everyone has the right to the protection of health.

An Estonian citizen has the right to state assistance in the case of old age, inability to work, loss of a provider, or need. The categories and extent of assistance, and the conditions and procedure for the receipt of assistance shall be provided by law. Citizens of foreign states and stateless persons who are in Estonia have this right equally with Estonian citizens, unless otherwise provided by law.

The state shall promote voluntary and local government welfare services.

Families with many children and persons with disabilities shall be under the special care of the state and local governments.

§ 29. An Estonian citizen has the right to freely choose his or her sphere of activity, profession and place of work. Conditions and procedure for the exercise of this right may be provided by law. Citizens of foreign states and stateless persons who are in Estonia have this right equally with Estonian citizens, unless otherwise provided by law.

No one shall be compelled to perform work or service against his or her free will, except service in the Defence Forces or alternative service, work to prevent the spread of an

infectious disease, work in the case of a natural disaster or a catastrophe, and work which a convict must perform on the basis of and pursuant to procedure established by law.

The state shall organise vocational training and shall assist persons who seek employment in finding work.

Working conditions shall be under state supervision.

Everyone may freely belong to associations and unions of employees and employers. Associations and unions of employees and employers may uphold their rights and lawful interests by means which are not prohibited by law. The conditions and procedure for the exercise of the right to strike shall be provided by law.

The procedure for the settlement of labour disputes shall be provided by law.

§ 30. Offices in state agencies and local governments shall be filled by Estonian citizens, on the basis of and pursuant to procedure established by law. These offices may, as an exception, be filled by citizens of foreign states or stateless persons, in accordance with law.

The right of some categories of civil servants to engage in enterprise and to form commercial associations (§ 31), as well as the right to belong to political parties and some types of non-profit associations (§ 48) may be restricted by law.

§ 31. Estonian citizens have the right to engage in enterprise and to form commercial undertakings and unions. Conditions and procedure for the exercise of this right may be provided by law. Citizens of foreign states and stateless persons who are in Estonia have this right equally with Estonian citizens, unless otherwise provided by law.

§ 32. The property of every person is inviolable and equally protected. Property may be expropriated without the consent of the owner only in the public interest, in the cases and pursuant to procedure provided by law, and for fair and immediate compensation. Everyone whose property is expropriated without his or her consent has the right of recourse to the courts and to contest the expropriation, the compensation, or the amount thereof.

Everyone has the right to freely possess, use, and dispose of his or her property. Restrictions shall be provided by law. Property shall not be used contrary to the public interest.

Classes of property which, in the public interest, may be acquired in Estonia only by Estonian citizens, some categories of legal persons, local governments, or the Estonian state may be provided by law.

The right of succession is guaranteed.

§ 33. The home is inviolable. No one's dwelling, real or personal property under his or her control, or place of employment shall be forcibly entered or searched, except in the cases and pursuant to procedure provided by law, to protect public order, health or the rights and

freedoms of others, to prevent a criminal offence, to apprehend a criminal offender, or to ascertain the truth in a criminal proceeding.

§ 34. Everyone who is legally in Estonia has the right to freedom of movement and to choice of residence. The right to freedom of movement may be restricted in the cases and pursuant to procedure provided by law to protect the rights and freedoms of others, in the interests of national defence, in the case of a natural disaster or a catastrophe, to prevent the spread of an infectious disease, to protect the natural environment, to prevent the leaving of a minor or a person of unsound mind without supervision, or to ensure the administration of a criminal proceeding.

§ 35. Everyone has the right to leave Estonia. This right may be restricted in the cases and pursuant to procedure provided by law to ensure the administration of court or pre-trial procedure, or to execute a court judgment.

§ 36. No Estonian citizen shall be expelled from Estonia or prevented from settling in Estonia.

No Estonian citizen shall be extradited to a foreign state, except under conditions prescribed by an international treaty and pursuant to procedure provided by such treaty and by law. Extradition shall be decided by the Government of the Republic. Everyone who is under an extradition order has the right to contest the extradition in an Estonian court.

Every Estonian has the right to settle in Estonia.

§ 37. Everyone has the right to education. Education is compulsory for school-age children to the extent specified by law, and shall be free of charge in state and local government general education schools.

In order to make education accessible, the state and local governments shall maintain the requisite number of educational institutions. Other educational institutions, including private schools, may also be established and maintained pursuant to law.

Parents shall have the final decision in the choice of education for their children.

Everyone has the right to receive instruction in Estonian. The language of instruction in national minority educational institutions shall be chosen by the educational institution.

The provision of education shall be supervised by the state.

§ 38. Science and art and their instruction are free.

Universities and research institutions are autonomous within the restrictions prescribed by law.

§ 39. An author has the inalienable right to his or her work. The state shall protect the rights of the author.

§ 40. Everyone has freedom of conscience, religion and thought.

Everyone may freely belong to churches and religious societies. There is no state church.

Everyone has the freedom to exercise his or her religion, both alone and in community with others, in public or in private, unless this is detrimental to public order, health or morals.

§ 41. Everyone has the right to remain faithful to his or her opinions and beliefs. No one shall be compelled to change them.

Beliefs shall not excuse a violation of the law.

No one shall be held legally responsible because of his or her beliefs.

§ 42. State agencies, local governments, and their officials shall not gather or store information about the beliefs of an Estonian citizen against the citizen's free will.

§ 43. Everyone has the right to confidentiality of messages sent or received by him or her by post, telegraph, telephone or other commonly used means. Exceptions may be made by court authorisation to prevent a criminal offence, or to ascertain the truth in a criminal proceeding, in the cases and pursuant to procedure provided by law.

§ 44. Everyone has the right to freely obtain information disseminated for public use.

All state agencies, local governments, and their officials have a duty to provide information about their activities, pursuant to procedure provided by law, to an Estonian citizen at his or her request, except information the disclosure of which is prohibited by law, and information intended exclusively for internal use.

An Estonian citizen has the right to access information about himself or herself held in state agencies and local governments and in state and local government archives, pursuant to procedure provided by law. This right may be restricted pursuant to law to protect the rights and freedoms of others or the confidentiality of a child's parentage, and in the interests of preventing a criminal offence, apprehending a criminal offender, or ascertaining the truth in a criminal proceeding.

Citizens of foreign states and stateless persons who are in Estonia have the rights specified in paragraphs two and three of this section equally with Estonian citizens, unless otherwise provided by law.

§ 45. Everyone has the right to freely disseminate ideas, opinions, beliefs and other information by word, print, picture or other means. This right may be restricted by law to protect public order, morals, and the rights and freedoms, health, honour and good name of others. This right may also be restricted by law for state and local government civil servants, to protect a state or business secret or information received in confidence, which has become known to them by reason of their office, and the family and private life of others, as well as in the interests of justice.

There is no censorship.

§ 46. Everyone has the right to address state agencies, local governments, and their officials with memoranda and petitions. The procedure for responding shall be provided by law.

§ 47. Everyone has the right, without prior permission, to assemble peacefully and to conduct meetings. This right may be restricted in the cases and pursuant to procedure provided by law to ensure national security, public order, morals, traffic safety, and the safety of participants in a meeting, or to prevent the spread of an infectious disease.

§ 48. Everyone has the right to form non-profit undertakings and unions. Only Estonian citizens may belong to political parties.

The establishment of organisations and unions which possess weapons, are militarily organised or perform military exercises requires prior permission, for which the conditions and procedure of issuance shall be provided by law.

Organisations, unions, and political parties whose aims or activities are directed at changing the constitutional order of Estonia by force, or are otherwise in conflict with the law providing for criminal responsibility, are prohibited.

Only a court may terminate or suspend the activities of, or fine, an organisation, union or political party, for a violation of the law.

§ 49. Everyone has the right to preserve his or her national identity.

§ 50. National minorities have the right, in the interests of national culture, to establish self-governing agencies under conditions and pursuant to procedure provided by the National Minorities Cultural Autonomy Act.

§ 51. Everyone has the right to address state agencies, local governments, and their officials in Estonian and to receive responses in Estonian.

In localities where at least one-half of the permanent residents belong to a national minority, everyone has the right to also receive responses from state agencies, local governments, and their officials in the language of the national minority.

§ 52. The official language of state agencies and local governments shall be Estonian.

In localities where the language of the majority of the residents is not Estonian, local governments may, to the extent and pursuant to procedure provided by law, use the language of the majority of the permanent residents of the locality as an internal working language.

The use of foreign languages, including the languages of national minorities, in state agencies and in court and pre-trial procedure shall be provided by law.

§ 53. Everyone has a duty to preserve the human and natural environment and to

compensate for damage caused to the environment by him or her. The procedure for compensation shall be provided by law.

§ 54. An Estonian citizen has a duty to be loyal to the constitutional order and to defend the independence of Estonia.

If no other means are available, every Estonian citizen has the right to initiate resistance against a forcible change of the constitutional order.

§ 55. constitutional order of Estonia.

Chapter III

THE PEOPLE

§ 56. The supreme power of state shall be exercised by the people through citizens with the right to vote:

1) by electing the Riigikogu; (**Notă:** Parlamentul estonian)

2) through a referendum.

§ 57. An Estonian citizen who has attained eighteen years of age has the right to vote.

An Estonian citizen who has been divested of his or her legal capacity by a court does not have the right to vote.

§ 58. Participation in voting may be restricted by law for Estonian citizens who have been convicted by a court and are serving sentences in penal institutions.

...

6. Franța

The Government of the Republic, in accordance with the Constitutional statute of June 3rd 1958, has proposed,

The French people have adopted,

The President of the Republic hereby promulgates
the Constitutional statute worded as follows :

PREAMBLE

The French people solemnly proclaim **their attachment to the Rights of Man and the principles of national sovereignty as defined by the Declaration of 1789, confirmed and complemented by the Preamble to the Constitution of 1946, and to the rights and duties as defined in the Charter for the Environment of 2004.** By virtue of these principles and that of the self-determination of peoples, the Republic offers to the overseas

territories which have expressed the will to adhere to them new institutions founded on the common ideal of liberty, equality and fraternity and conceived for the purpose of their democratic development.

ARTICLE 1. France shall be an indivisible, secular, democratic and social Republic. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. It shall respect all beliefs. It shall be organised on a decentralised basis. Statutes shall promote equal access by women and men to elective offices and posts as well as to professional and social positions.

Title I ON SOVEREIGNTY

ARTICLE 2. The language of the Republic shall be French.
The national emblem shall be the blue, white and red tricolour flag.
The national anthem shall be La Marseillaise.
The maxim of the Republic shall be “Liberty, Equality, Fraternity”.
The principle of the Republic shall be: government of the people, by the people and for the people.

ARTICLE 3. National sovereignty shall vest in the people, who shall exercise it through their representatives and by means of referendum. No section of the people nor any individual may arrogate to itself, or to himself, the exercise thereof. Suffrage may be direct or indirect as provided for by the Constitution. It shall always be universal, equal and secret. All French citizens of either sex who have reached their majority and are in possession of their civil and political rights may vote as provided for by statute.

ARTICLE 4. Political parties and groups shall contribute to the exercise of suffrage. They shall be formed and carry on their activities freely. They shall respect the principles of national sovereignty and democracy.
They shall contribute to the implementation of the principle set out in the second paragraph of article 1 as provided for by statute.
Statutes guarantee the pluralistic expression of opinions and the equitable participation of political parties and groups in the democratic life of the Nation.

...

7. Republica Federală Germania (republică, stat federal, legea constituțională poartă denumirea de „Lege Fundamentală”, înlocuind constituția germană antebelică)

Preamble

Conscious of their responsibility before God and man, Inspired by the determination to promote world peace as an equal partner in a united Europe, the German people, in the exercise of their constituent power, have adopted this Basic Law. Germans in the Länder of Baden-Württemberg, Bavaria, Berlin, Brandenburg, Bremen, Hamburg, Hesse, Lower Saxony, Mecklenburg-Western Pomerania, North Rhine-Westphalia, Rhineland-Palatinate, Saarland, Saxony, Saxony-Anhalt, Schleswig-Holstein and Thuringia have achieved the unity and freedom of Germany in free self-determination. This Basic Law

I. Basic Rights

Article 1

[Human dignity – Human rights – Legally binding force of basic rights]

(1) Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority.

(2) The German people therefore acknowledge inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world.

(3) The following basic rights shall bind the legislature, the executive and the judiciary as directly applicable law.

Article 2

[Personal freedoms]

(1) Every person shall have the right to free development of his personality insofar as he does not violate the rights of others or offend against the constitutional order or the moral law.

(2) Every person shall have the right to life and physical integrity. Freedom of the person shall be inviolable. These rights may be interfered with only pursuant to a law.

Article 3

[Equality before the law]

(1) All persons shall be equal before the law.

(2) Men and women shall have equal rights. The state shall promote the actual implementation of equal rights for women and men and take steps to eliminate disadvantages that now exist.

(3) No person shall be favoured or disfavoured because of sex, parentage, race, language, homeland and origin, faith, or religious or political opinions. No person shall be disfavoured because of disability.

Article 4

[Freedom of faith and conscience]

(1) Freedom of faith and of conscience, and freedom to profess a religious or philosophical creed, shall be inviolable.

(2) The undisturbed practice of religion shall be guaranteed.

(3) No person shall be compelled against his conscience to render military service involving the use of arms. Details shall be regulated by a federal law.

Article 5

[Freedom of expression, arts and sciences]

(1) Every person shall have the right freely to express and disseminate his opinions in speech, writing and pictures, and to inform himself without hindrance from generally accessible sources. Freedom of the press and freedom of reporting by means of broadcasts and films shall be guaranteed. There shall be no censorship.

(2) These rights shall find their limits in the provisions of general laws, in provisions for the protection of young persons, and in the right to personal honour.

(3) Arts and sciences, research and teaching shall be free. The freedom of teaching shall not release any person from allegiance to the constitution.

Article 6

[Marriage – Family – Children]

(1) Marriage and the family shall enjoy the special protection of the state.

(2) The care and upbringing of children is the natural right of parents and a duty primarily incumbent upon them. The state shall watch over them in the performance of this duty.

(3) Children may be separated from their families against the will of their parents or guardians only pursuant to a law, and only if the parents or guardians fail in their duties or the children are otherwise in danger of serious neglect.

(4) Every mother shall be entitled to the protection and care of the community.

(5) Children born outside of marriage shall be provided by legislation with the same opportunities for physical and mental development and for their position in society as are enjoyed by those born within marriage.

Article 7

[School system]

(1) The entire school system shall be under the supervision of the state.

(2) Parents and guardians shall have the right to decide whether children shall receive religious instruction.

(3) Religious instruction shall form part of the regular curriculum in state schools, with the exception of non-denominational schools. Without prejudice to the state's right of supervision, religious instruction shall be given in accordance with the tenets of the religious community concerned. Teachers may not be obliged against their will to give religious instruction.

(4) The right to establish private schools shall be guaranteed. Private schools that serve as alternatives to state schools shall require the approval of the state and shall be subject to

the laws of the Länder. Such approval shall be given when private schools are not inferior to the state schools in terms of their educational aims, their facilities, or the professional training of their teaching staff, and when segregation of pupils according to the means of their parents will not be encouraged thereby. Approval shall be withheld if the economic and legal position of the teaching staff is not adequately assured.

(5) A private elementary school shall be approved only if the educational authority finds that it serves a special pedagogical interest or if, on the application of parents or guardians, it is to be established as a denominational or interdenominational school or as a school based on a particular philosophy and no state elementary school of that type exists in the municipality.

(6) Preparatory schools shall remain abolished.

Article 8

[Freedom of assembly]

(1) All Germans shall have the right to assemble peacefully and unarmed without prior notification or permission.

(2) In the case of outdoor assemblies, this right may be restricted by or pursuant to a law.

Article 9

[Freedom of association]

(1) All Germans shall have the right to form corporations and other associations.

(2) Associations whose aims or activities contravene the criminal laws, or that are directed against the constitutional order or the concept of international understanding, shall be prohibited.

(3) The right to form associations to safeguard and improve working and economic conditions shall be guaranteed to every individual and to every occupation or profession. Agreements that restrict or seek to impair this right shall be null and void; measures directed to this end shall be unlawful. Measures taken pursuant to Article 12a, to paragraphs (2) and (3) of Article 35, to paragraph (4) of Article 87a, or to Article 91 may not be directed against industrial disputes engaged in by associations within the meaning of the first sentence of this paragraph in order to safeguard and improve working and economic conditions.

Article 10

[Privacy of correspondence, posts and telecommunications]

(1) The privacy of correspondence, posts and telecommunications shall be inviolable.

(2) Restrictions may be ordered only pursuant to a law. If the restriction serves to protect the free democratic basic order or the existence or security of the Federation or of a Land, the law may provide that the person affected shall not be informed of the restriction and that recourse to the courts shall be replaced by a review of the case by agencies and

Article 11
[Freedom of movement]

- (1) All Germans shall have the right to move freely throughout the federal territory.
- (2) This right may be restricted only by or pursuant to a law, and only in cases in which the absence of adequate means of support would result in a particular burden for the community, or in which such restriction is necessary to avert an imminent danger to the existence or the free democratic basic order of the Federation or of a Land, to combat the danger of an epidemic, to respond to a grave accident or natural disaster, to protect young persons from serious neglect, or to prevent crime.

Article 12
[Occupational freedom]

- (1) All Germans shall have the right freely to choose their occupation or profession, their place of work and their place of training. The practice of an occupation or profession may be regulated by or pursuant to a law.
- (2) No person may be required to perform work of a particular kind except within the framework of a traditional duty of community service that applies generally and equally to all.
- (3) Forced labour may be imposed only on persons deprived of their liberty by the judgment of a court.

Article 12a
[Compulsory military and alternative civilian service]

- (1) Men who have attained the age of eighteen may be required to serve in the Armed Forces, in the Federal Border Police, or in a civil defence organisation.
- (2) Any person who, on grounds of conscience, refuses to render military service involving the use of arms may be required to perform alternative service. The duration of alternative service shall not exceed that of military service. Details shall be regulated by a law, which shall not interfere with the freedom to make a decision in accordance with the dictates of conscience, and which shall also provide for the possibility of alternative service not connected with units of the Armed Forces or of the Federal Border Police.
- (3) Persons liable to compulsory military service who are not called upon to render service pursuant to paragraph (1) or (2) of this Article may, when a state of defence is in effect, be assigned by or pursuant to a law to employment involving civilian services for defence purposes, including the protection of the civilian population; they may be assigned to public employment only for the purpose of discharging police functions or such other sovereign functions of public administration as can be discharged only by persons employed in the public service. The employment contemplated by the first sentence of this paragraph may include services within the Armed Forces, in the provision of military

supplies, or with public administrative authorities; assignments to employment connected with supplying and servicing the civilian population shall be permissible only to meet their basic requirements or to guarantee their safety.

(4) If, during a state of defence, the need for civilian services in the civilian health system or in stationary military hospitals cannot be met on a voluntary basis, women between the age of eighteen and fifty-five may be called upon to render such services by or pursuant to a law. Under no circumstances may they be required to render service involving the use of arms.

(5) Prior to the existence of a state of defence, assignments under paragraph (3) of this Article may be made only if the requirements of paragraph (1) of Article 80a are met. In preparation for the provision of services under paragraph (3) of this Article that demand special knowledge or skills, participation in training courses may be required by or pursuant to a law. In this case the first sentence of this paragraph shall not apply.

(6) If, during a state of defence, the need for workers in the areas specified in the second sentence of paragraph (3) of this Article cannot be met on a voluntary basis, the right of German citizens to abandon their occupation or place of employment may be restricted by or pursuant to a law in order to meet this need. Prior to the existence of a state of defence, the first sentence of paragraph (5) of this Article shall apply *mutatis mutandis*.

Article 13

[Inviolability of the home]

(1) The home is inviolable.

(2) Searches may be authorised only by a judge or, when time is of the essence, by other authorities designated by the laws, and may be carried out only in the manner therein prescribed.

(3) If particular facts justify the suspicion that any person has committed an especially serious crime specifically defined by a law, technical means of acoustical surveillance of any home in which the suspect is supposedly staying may be employed pursuant to judicial order for the purpose of prosecuting the offence, provided that alternative methods of investigating the matter would be disproportionately difficult or unproductive. The authorisation shall be for a limited time. The order shall be issued by a panel composed of three judges. When time is of the essence, it may also be issued by a single judge.

(4) To avert acute dangers to public safety, especially dangers to life or to the public, technical means of surveillance of the home may be employed only pursuant to judicial order. When time is of the essence, such measures may also be ordered by other authorities designated by a law; a judicial decision shall subsequently be obtained without delay.

(5) If technical means are contemplated solely for the protection of persons officially deployed in a home, the measure may be ordered by an authority designated by a law. The information thereby obtained may be otherwise used only for purposes of criminal prosecution or to avert danger and only if the legality of the measure has been previously

determined by a judge; when time is of the essence, a judicial decision shall subsequently be obtained without delay.

(6) The Federal Government shall report to the Bundestag annually as to the employment of technical means pursuant to paragraph (3) and, within the jurisdiction of the Federation, pursuant to paragraph (4) and, insofar as judicial approval is required, pursuant to paragraph (5) of this Article. A panel elected by the Bundestag shall exercise parliamentary oversight on the basis of this report. A comparable parliamentary oversight shall be afforded by the Länder.

(7) Interferences and restrictions shall otherwise only be permissible to avert a danger to the public or to the life of an individual, or, pursuant to a law, to confront an acute danger to public safety and order, in particular to relieve a housing shortage, to combat the danger of an epidemic, or to protect young persons at risk.

Article 14

[Property – Inheritance – Expropriation]

(1) Property and the right of inheritance shall be guaranteed. Their content and limits shall be defined by the laws.

(2) Property entails obligations. Its use shall also serve the public good.

(3) Expropriation shall only be permissible for the public good. It may only be ordered by or pursuant to a law that determines the nature and extent of compensation. Such compensation shall be determined by establishing an equitable balance between the public interest and the interests of those affected. In case of dispute concerning the amount of compensation, recourse may be had to the ordinary courts.

Article 15

[Socialisation]

Land, natural resources and means of production may for the purpose of socialisation be transferred to public ownership or other forms of public enterprise by a law that determines the nature and extent of compensation. With respect to such compensation the third and fourth sentences of paragraph (3) of Article 14 shall apply *mutatis mutandis*.

Article 16

[Citizenship – Extradition]

(1) No German may be deprived of his citizenship. Citizenship may be lost only pursuant to a law, and against the will of the person affected only if he does not become stateless as a result.

(2) No German may be extradited to a foreign country. The law may provide otherwise for extraditions to a member state of the European Union or to an international court, provided that the rule of law is observed.

Article 16a

(1) Persons persecuted on political grounds shall have the right of asylum.

(2) Paragraph (1) of this Article may not be invoked by a person who enters the federal territory from a member state of the European Communities or from another third state in which application of the Convention Relating to the Status of Refugees and of the Convention for the Protection of Human Rights and Fundamental Freedoms is assured. The states outside the European Communities to which the criteria of the first sentence of this paragraph apply shall be specified by a law requiring the consent of the Bundesrat. In the cases specified in the first sentence of this paragraph, measures to terminate an applicant's stay may be implemented without regard to any legal challenge that may have been instituted against them.

(3) By a law requiring the consent of the Bundesrat, states may be specified in which, on the basis of their laws, enforcement practices and general political conditions, it can be safely concluded that neither political persecution nor inhuman or degrading punishment or treatment exists. It shall be presumed that a foreigner from such a state is not persecuted, unless he presents evidence justifying the conclusion that, contrary to this presumption, he is persecuted on political grounds.

(4) In the cases specified by paragraph (3) of this Article and in other cases that are plainly unfounded or considered to be plainly unfounded, the implementation of measures to terminate an applicant's stay may be suspended by a court only if serious doubts exist as to their legality; the scope of review may be limited, and tardy objections may be disregarded. Details shall be determined by a law.

(5) Paragraphs (1) to (4) of this Article shall not preclude the conclusion of international agreements of member states of the European Communities with each other or with those third states which, with due regard for the obligations arising from the Convention Relating to the Status of Refugees and the Convention for the Protection of Human Rights and Fundamental Freedoms, whose enforcement must be assured in the contracting states, adopt rules conferring jurisdiction to decide on applications for asylum, including the reciprocal recognition of asylum decisions.

Article 17

[Right of petition]

Every person shall have the right individually or jointly with others to address written requests or complaints to competent authorities and to the legislature.

Article 17a

[Restriction of basic rights in specific instances]

(1) Laws regarding military and alternative service may provide that the basic right of members of the Armed Forces and of alternative service freely to express and disseminate their opinions in speech, writing and pictures (first clause of paragraph (1) of Article 5), the basic right of assembly (Article 8), and the right of petition (Article 17) insofar as it permits the submission of requests or complaints jointly with others, be restricted during

(2) Laws regarding defence, including protection of the civilian population, may provide for restriction of the basic rights of freedom of movement (Article 11) and inviolability of the home (Article 13).

Article 18

[Forfeiture of basic rights]

Whoever abuses the freedom of expression, in particular the freedom of the press (paragraph (1) of Article 5), the freedom of teaching (paragraph (3) of Article 5), the freedom of assembly (Article 8), the freedom of association (Article 9), the privacy of correspondence, posts and telecommunications (Article 10), the rights of property (Article 14), or the right of asylum (Article 16a) in order to combat the free democratic basic order shall forfeit these basic rights. This forfeiture and its extent shall be declared by the Federal Constitutional Court.

Article 19

[Restriction of basic rights – Legal remedies]

(1) Insofar as, under this Basic Law, a basic right may be restricted by or pursuant to a law, such law must apply generally and not merely to a single case. In addition, the law must specify the basic right affected and the Article in which it appears.

(2) In no case may the essence of a basic right be affected.

(3) The basic rights shall also apply to domestic artificial persons to the extent that the nature of such rights permits.

(4) Should any person's rights be violated by public authority, he may have recourse to the courts. If no other jurisdiction has been established, recourse shall be to the ordinary courts. The second sentence of paragraph (2) of Article 10 shall not be affected by this paragraph.

II. The Federation and the Länder

(Notă: „Land”, pl. „Länder” este denumirea pe care o poartă statele federate RFG)

Article 20

[Constitutional principles – Right of resistance]

(1) The Federal Republic of Germany is a democratic and social federal state.

(2) **All state authority is derived from the people.** It shall be exercised by the people through elections and other votes and through specific legislative, executive and judicial bodies.

(3) The legislature shall be bound by the constitutional order, the executive and the judiciary by law and justice.

(4) All Germans shall have the right to resist any person seeking to abolish this constitutional order, if no other remedy is available.

...

8. Luxembourg (ducat, monarhie constituțională, stat democratic)

Chapter I The State, its Territory, and the Grand Duke

Article 1 [Independent State]

The Grand Duchy of Luxembourg is a democratic, free, independent, and indivisible State.

Article 2 [Boundaries]

The boundaries and chief towns of judicial or administrative districts and of cantons and communes may only be changed pursuant to a law.

Article 3 [Hereditary Crown]

The Crown of the Grand Duchy is hereditary in the Nassau family in accordance with the Pact of 30 June 1783, Article 71 of the Treaty of Vienna of 9 June 1815, and Article 1 of the Treaty of London of 11 May 1867.

Article 4 [Grand Duke]

The person of the Grand Duke is inviolable.

Article 5 [Majority and Oath of the Grand Duke]

(1) The Grand Duke of Luxembourg attains his majority on the completion of eighteen years of age. On assuming the reins of government, he shall take the following oath as soon as possible, in the presence of the Chamber of Deputies or of a deputation appointed by it:

(2) "I swear to observe the Constitution and the laws of the Grand Duchy of Luxembourg, to maintain the national independence and integrity of the territory, as well as public and individual liberties."

Article 6 [Succession of Minors]

If on the death of the Grand Duke his successor is a minor the regency shall be exercised in accordance with the Family Pact.

Article 7 [Inability]

(1) If the Grand Duke finds he is unable to reign, the regency shall be ensured as in the case of minority.

(2) Should the Throne become vacant, the Chamber shall make temporary arrangements for the regency. A new Chamber, to be summoned with double the customary number of members within thirty days, shall take the final steps to fill the vacancy.

Article 8 [Oath of the Regent]

(1) On taking up his functions the Regent shall take the following oath:

(2) "I swear to be faithful to the Grand Duke; I swear to observe the Constitution and the laws of the country."

Chapter II Luxembourgers and Their Rights

Article 9 [Citizenship, Political Rights]

- (1) The status of Luxembourger shall be acquired, retained, and lost in accordance with the rules determined by civil law.
- (2) The Constitution and the other laws relating to political rights determine what conditions in addition to this status are necessary for the exercise of these rights.
- (3) By way of derogation from the preceding paragraph, the law may confer the exercise of political rights to non-Luxembourgers.

Article 10 [Naturalization]

- (1) Naturalization is granted by the legislature.
- (2) The law determines the effects of naturalization.

Article 11 [Basic Rights]

- (1) There is no distinction of orders in the State.
- (2) Luxembourgers are equal before the law; they alone are eligible for civil and military service, save as the law may in particular cases otherwise provide.
- (3) The State guarantees the natural rights of the individual and of the family.
- (4) The law guarantees the right to work and assure to every citizen the exercise of this right.
- (5) The law organizes the social security, health protection, and rest of workers and guarantee the freedom of trade unions.
- (6) The law guarantees freedom of trade and industry, the exercise of the professions and of agricultural labor, subject to any restrictions that may be imposed by the legislature.

Article 12 [Individual Freedom]

Individual freedom shall be guaranteed. No one may be prosecuted except for the cases and according to the procedure laid down by the law. Except in flagrante delicto, no one may be arrested without the reasoned order of the judge served at the time of arrest or within twenty four hours at the latest.

Article 13 [Legal Judge]

No one may be deprived, against his will, of the Judge assigned to him by the law.

Article 14 [Nulla Poena Sine Lege]

No penalty may be fixed or applied except in pursuance of the law.

Article 15 [Home]

The home is inviolable. No domiciliary visit may be made except in cases and according to the procedure laid down by the law.

Article 16 [Property, Compensation]

No one may be deprived of his property except on grounds of public interest in cases and in the manner laid down by the law and in consideration of prior and just compensation.

Article 17 [No Confiscation]

Confiscation of property as a penalty may not be instituted.

Article 18 [Abolished Penalties]

The death penalty on political grounds and civil death and branding are hereby abolished.

Article 19 [Freedom of Religion]

Freedom of religion and of public worship as well as freedom to express one's religious opinions are guaranteed, subject to the repression of offenses committed in the exercise of such freedoms.

Article 20 [No Forced Religion]

No one may be forced to take part in any way whatsoever in the acts and ceremonies of a religion or to observe its days of rest.

Article 21 [Civil Marriage]

Civil marriage must always precede the nuptial benediction.

Article 22 [State and Church]

The State's intervention in the appointment and installation of heads of religions, the mode of appointing and dismissing other ministers of religion, the right of any of them to correspond with their superiors and to publish their acts and decisions, as well as the Church's relations with the State shall be made the subject of conventions to be submitted to the Chamber of Deputies for the provisions governing its intervention.

Article 23 [Education, Health]

(1) The State ensures that every Luxembourger receives primary education which is compulsory and provided free of charge. Medical and social assistance is regulated by the law.

(2) The State sets up secondary educational establishments and the necessary courses of higher education. It also establishes free vocational training courses.

(3) The law determines the means of supporting State education and the conditions under which it is to be supervised by the Government and the communes; it also regulates all educational matters and creates a fund for the exceptionally gifted.

(4) Every Luxembourger is free to pursue his studies in the Grand Duchy or abroad and to attend universities of his own choosing, subject to the provisions of the law concerning admission to employment and the exercise of certain callings.

Article 24 [Expression]

Freedom of speech in all matters and freedom of the press is guaranteed, subject to the repression of offenses committed in the exercise of these freedoms. No censorship may ever be introduced. Security may not be demanded of writers, publishers, or printers. Stamp duty on native journals and periodicals is hereby abolished. No publisher, printer, or distributor may be prosecuted if the author is known, if he is a Luxembourger, and resident in the Grand Duchy.

Article 25 [Assembly]

Luxembourgers have the right to assemble peaceably and unarmed in compliance with the

laws governing the exercise of this right which may not require prior authorization. This provision does not apply to open-air political, religious, or other meetings which are fully governed by laws and police regulations.

Article 26 [Association]

Luxembourgers enjoy freedom of association. This right shall not be made subject to any prior authorization.

Article 27 [Petition]

Everyone has the right to address petitions signed by one or more persons to the public authorities. Only constituted authorities have the right to address petitions collectively.

Article 28 [Correspondence]

(1) The secrecy of correspondence is inviolable. The law determines the agents responsible for the violation of the secrecy of correspondence entrusted to the postal services.

(2) The law determines the guarantee to be afforded to the secrecy of telegrams.

Article 29 [Language]

The law shall regulate the use of languages in administrative and judicial matters.

Article 30 [Proceedings Against Public Officials]

No prior authorization is required for instituting proceedings against public officials for their administrative acts, except as provided for in respect of members of the Government.

Article 31 [Punishment of Public Officials]

Public officials, to whatever order they may belong, members of the Government excepted, may be deprived of their office, honors, and pensions only in the manner laid down by law.

Chapter III Sovereign Power

[Section 0 General Provision]

Article 32 [Sovereign Power]

(1) The sovereign power resides in the Nation.

(2) The Grand Duke exercises it in compliance with this Constitution and the laws of the country.

(3) He shall have no powers other than those formally vested in him by the Constitution and the special laws passed pursuant to the Constitution, without prejudice to Article 3.

Section 1 The Grand Duke's Prerogative

Article 33 [Executive Power]

The Grand Duke is the head of the State, the symbol of its unity and the guarantee of national independence. He exercises the executive power in conformity with the Constitution and the laws of the country.

...

9. Polonia (republică, stat unitar)

Having regard for the existence and future of our Homeland,

Which recovered, in 1989, the possibility of a sovereign and democratic determination of its fate,

We, the Polish Nation - all citizens of the Republic,

Both those who believe in God as the source of truth, justice, good and beauty,

As well as those not sharing such faith but respecting those universal values as arising from other sources,

Equal in rights and obligations towards the common good - Poland,

Beholden to our ancestors for their labours, their struggle for independence achieved at great sacrifice, for our culture rooted in the Christian heritage of the Nation and in universal human values,

Recalling the best traditions of the First and the Second Republic,

Obliged to bequeath to future generations all that is valuable from our over one thousand years' heritage,

Bound in community with our compatriots dispersed throughout the world,

Aware of the need for cooperation with all countries for the good of the Human Family,

Mindful of the bitter experiences of the times when fundamental freedoms and human rights were violated in our Homeland,

Desiring to guarantee the rights of the citizens for all time, and to ensure diligence and efficiency in the work of public bodies,

Recognizing our responsibility before God or our own consciences,

Hereby establish this Constitution of the Republic of Poland as the basic law for the State, based on respect for freedom and justice, cooperation between the public powers, social dialogue as well as on the principle of subsidiarity in the strengthening the powers of citizens and their communities.

We call upon all those who will apply this Constitution for the good of the Third Republic to do so paying respect to the inherent dignity of the person, his or her right to freedom, the obligation of solidarity with others, and respect for these principles as the unshakeable foundation of the Republic of Poland.

Chapter I THE REPUBLIC

Article 1

The Republic of Poland shall be the common good of all its citizens.

Article 2

The Republic of Poland shall be a democratic state ruled by law and implementing the principles of social justice.

Article 3

The Republic of Poland shall be a unitary State.

Article 4

Supreme power in the Republic of Poland shall be vested in the Nation.

The Nation shall exercise such power directly or through their representatives.

Article 5

The Republic of Poland shall safeguard the independence and integrity of its territory and ensure the freedoms and rights of persons and citizens, the security of the citizens, safeguard the national heritage and shall ensure the protection of the natural environment pursuant to the principles of sustainable development.

Article 6

The Republic of Poland shall provide conditions for the people's equal access to the products of culture which are the source of the Nation's identity, continuity and development.

The Republic of Poland shall provide assistance to Poles living abroad to maintain their links with the national cultural heritage.

Article 7

The organs of public authority shall function on the basis of, and within the limits of, the law.

Article 8

The Constitution shall be the supreme law of the Republic of Poland.

The provisions of the Constitution shall apply directly, unless the Constitution provides

Article 9

The Republic of Poland shall respect international law binding upon it.

Article 10

The system of government of the Republic of Poland shall be based on the separation of and balance between the legislative, executive and judicial powers.

Legislative power shall be vested in the Sejm and the Senate, executive power shall be vested in the President of the Republic of Poland and the Council of Ministers, and the judicial power shall be vested in courts and tribunals.

Article 11

The Republic of Poland shall ensure freedom for the creation and functioning of political parties. Political parties shall be founded on the principle of voluntariness and upon the equality of Polish citizens, and their purpose shall be to influence the formulation of the policy of the State by democratic means.

The financing of political parties shall be open to public inspection.

Article 12

The Republic of Poland shall ensure freedom for the creation and functioning of trade unions, socio-occupational organizations of farmers, societies, citizens' movements, other voluntary associations and foundations.

Article 13

Political parties and other organizations whose programmes are based upon totalitarian methods and the modes of activity of nazism, fascism and communism, as well as those whose programmes or activities sanction racial or national hatred, the application of violence for the purpose of obtaining power or to influence the State policy, or provide for the secrecy of their own structure or membership, shall be prohibited.

Article 14

The Republic of Poland shall ensure freedom of the press and other means of social communication.

Article 15

The territorial system of the Republic of Poland shall ensure the decentralization of public power.

The basic territorial division of the State shall be determined by statute, allowing for the

social, economic and cultural ties which ensure to the territorial units the capacity to perform their public duties.

Article 16

The inhabitants of the units of basic territorial division shall form a self-governing community in accordance with law.

Local government shall participate in the exercise of public power. The substantial part of public duties which local government is empowered to discharge by statute shall be done in its own name and under its own responsibility.

Article 17

By means of a statute, self-governments may be created within a profession in which the public repose confidence, and such self-governments shall concern themselves with the proper practice of such professions in accordance with, and for the purpose of protecting, the public interest.

Other forms of self-government shall also be created by means of statute. Such self-governments shall not infringe the freedom to practice a profession nor limit the freedom to undertake economic activity.

Article 18

Marriage, being a union of a man and a woman, as well as the family, motherhood and parenthood, shall be placed under the protection and care of the Republic of Poland.

Article 19

The Republic of Poland shall take special care of veterans of the struggle for independence, particularly war invalids.

Article 20

A social market economy, based on the freedom of economic activity, private ownership, and solidarity, dialogue and cooperation between social partners, shall be the basis of the economic system of the Republic of Poland.

Article 21

The Republic of Poland shall protect ownership and the right of succession.

Expropriation may be allowed solely for public purposes and for just compensation.

Article 22

Limitations upon the freedom of economic activity may be imposed only by means of statute and only for important public reasons.

Article 23

The basis of the agricultural system of the State shall be the family farm. This principle shall not infringe the provisions of Articles 21 and 22.

Article 24

Work shall be protected by the Republic of Poland. The State shall exercise supervision over the conditions of work.

Article 25

Churches and other religious organizations shall have equal rights.

Public authorities in the Republic of Poland shall be impartial in matters of personal conviction, whether religious or philosophical, or in relation to outlooks on life, and shall ensure their freedom of expression within public life.

The relationship between the State and churches and other religious organizations shall be based on the principle of respect for their autonomy and the mutual independence of each in its own sphere, as well as on the principle of cooperation for the individual and the common good.

The relations between the Republic of Poland and the Roman Catholic Church shall be determined by international treaty concluded with the Holy See, and by statute.

The relations between the Republic of Poland and other churches and religious organizations shall be determined by statutes adopted pursuant to agreements concluded between their appropriate representatives and the Council of Ministers.

Article 26

The Armed Forces of the Republic of Poland shall safeguard the independence and territorial integrity of the State, and shall ensure the security and inviolability of its borders.

The Armed Forces shall observe neutrality regarding political matters and shall be subject to civil and democratic control.

Article 27

Polish shall be the official language in the Republic of Poland. This provision shall not infringe upon national minority rights resulting from ratified international agreements.

Article 28

The image of a crowned white eagle upon a red field shall be the coat-of-arms of the Republic of Poland.

White and red shall be the colours of the Republic of Poland.

"Dąbrowski's Mazurka" shall be the national anthem of the Republic of Poland.

The coat-of-arms, colours and national anthem of the Republic of Poland shall be subject to legal protection.

Details concerning the coat-of-arms, colours and national anthem shall be specified by statute.

Article 29

Warsaw shall be the capital of the Republic of Poland.

Chapter II

THE FREEDOMS, RIGHTS AND OBLIGATIONS OF PERSONS AND CITIZENS

GENERAL PRINCIPLES

Article 30

The inherent and inalienable dignity of the person shall constitute a source of freedoms and rights of persons and citizens. It shall be inviolable. The respect and protection thereof shall be the obligation of public authorities.

Article 31

Freedom of the person shall receive legal protection.

Everyone shall respect the freedoms and rights of others. No one shall be compelled to do that which is not required by law.

Any limitation upon the exercise of constitutional freedoms and rights may be imposed only by statute, and only when necessary in a democratic state for the protection of its security or public order, or to protect the natural environment, health or public morals, or the freedoms and rights of other persons. Such limitations shall not violate the essence of freedoms and rights.

Article 32

All persons shall be equal before the law. All persons shall have the right to equal treatment by public authorities.

No one shall be discriminated against in political, social or economic life for any reason whatsoever.

Article 33

Men and women shall have equal rights in family, political, social and economic life in the Republic of Poland.

Men and women shall have equal rights, in particular, regarding education, employment and promotion, and shall have the right to equal compensation for work of similar value, to social security, to hold offices, and to receive public honours and decorations.

Article 34

Polish citizenship shall be acquired by birth to parents being Polish citizens. Other methods of acquiring Polish citizenship shall be specified by statute.

A Polish citizen shall not lose Polish citizenship except by renunciation thereof.

Article 35

The Republic of Poland shall ensure Polish citizens belonging to national or ethnic minorities the freedom to maintain and develop their own language, to maintain customs and traditions, and to develop their own culture.

National and ethnic minorities shall have the right to establish educational and cultural institutions, institutions designed to protect religious identity, as well as to participate in the resolution of matters connected with their cultural identity.

Article 36

A Polish citizen shall, during a stay abroad, have the right to protection by the Polish State.

Article 37

Anyone, being under the authority of the Polish State, shall enjoy the freedoms and rights ensured by the Constitution.

Exemptions from this principle with respect to foreigners shall be specified by statute.

PERSONAL FREEDOMS AND RIGHTS

Article 38

The Republic of Poland shall ensure the legal protection of the life of every human being.

Article 39

No one shall be subjected to scientific experimentation, including medical experimentation, without his voluntary consent.

Article 40

No one may be subjected to torture or cruel, inhuman, or degrading treatment or punishment. The application of corporal punishment shall be prohibited.

Article 41

Personal inviolability and security shall be ensured to everyone. Any deprivation or limitation of liberty may be imposed only in accordance with principles and under procedures specified by statute.

Anyone deprived of liberty, except by sentence of a court, shall have the right to appeal to a court for immediate decision upon the lawfulness of such deprivation. Any deprivation of liberty shall be immediately made known to the family of, or a person indicated by, the person deprived of liberty.

Every detained person shall be informed, immediately and in a manner comprehensible to him, of the reasons for such detention. The person shall, within 48 hours of detention, be given over to a court for consideration of the case. The detained person shall be set free unless a warrant of temporary arrest issued by a court, along with specification of the charges laid, has been served on him within 24 hours of the time of being given over to the court's disposal.

Anyone deprived of liberty shall be treated in a humane manner.

Anyone who has been unlawfully deprived of liberty shall have a right to compensation.

Article 42

Only a person who has committed an act prohibited by a statute in force at the moment of commission thereof, and which is subject to a penalty, shall be held criminally responsible. This principle shall not prevent punishment of any act which, at the moment of its commission, constituted an offence within the meaning of international law.

Anyone against whom criminal proceedings have been brought shall have the right to defence at all stages of such proceedings. He may, in particular, choose counsel or avail himself - in accordance with principles specified by statute - of counsel appointed by the court.

Everyone shall be presumed innocent of a charge until his guilt is determined by the final judgment of a court.

Article 43

There shall be no statute of limitation regarding war crimes and crimes against humanity.

Article 44

The statute of limitation regarding actions connected with offences committed by, or by order of, public officials and which have not been prosecuted for political reasons, shall be extended for the period during which such reasons existed.

Article 45

Everyone shall have the right to a fair and public hearing of his case, without undue delay, before a competent, impartial and independent court.

Exceptions to the public nature of hearings may be made for reasons of morality, State security, public order or protection of the private life of a party, or other important private interest. Judgments shall be announced publicly.

Article 46

Property may be forfeited only in cases specified by statute, and only by virtue of a final judgment of a court.

Article 47

Everyone shall have the right to legal protection of his private and family life, of his honour and good reputation and to make decisions about his personal life.

Article 48

Parents shall have the right to rear their children in accordance with their own convictions. Such upbringing shall respect the degree of maturity of a child as well as his freedom of conscience and belief and also his convictions.

Limitation or deprivation of parental rights may be effected only in the instances specified by statute and only on the basis of a final court judgment.

Article 49

The freedom and privacy of communication shall be ensured. Any limitations thereon may be imposed only in cases and in a manner specified by statute.

Article 50

The inviolability of the home shall be ensured. Any search of a home, premises or vehicles may be made only in cases and in a manner specified by statute.

Article 51

No one may be obliged, except on the basis of statute, to disclose information concerning his person.

Public authorities shall not acquire, collect nor make accessible information on citizens other than that which is necessary in a democratic state ruled by law.

Everyone shall have a right of access to official documents and data collections concerning himself. Limitations upon such rights may be established by statute.

Everyone shall have the right to demand the correction or deletion of untrue or incomplete

information, or information acquired by means contrary to statute.

Principles and procedures for collection of and access to information shall be specified by statute.

Article 52

Freedom of movement as well as the choice of place of residence and sojourn within the territory of the Republic of Poland shall be ensured to everyone.

Everyone may freely leave the territory of the Republic of Poland.

The freedoms specified in paras. 1 and 2 above may be subject to limitations specified by statute.

A Polish citizen may not be expelled from the country nor forbidden to return to it.

Anyone whose Polish origin has been confirmed in accordance with statute may settle permanently in Poland.

Article 53

Freedom of conscience and religion shall be ensured to everyone.

Freedom of religion shall include the freedom to profess or to accept a religion by personal choice as well as to manifest such religion, either individually or collectively, publicly or privately, by worshipping, praying, participating in ceremonies, performing of rites or teaching. Freedom of religion shall also include possession of sanctuaries and other places of worship for the satisfaction of the needs of believers as well as the right of individuals, wherever they may be, to benefit from religious services.

Parents shall have the right to ensure their children a moral and religious upbringing and teaching in accordance with their convictions. The provisions of Article 48, para. 1 shall apply as appropriate.

The religion of a church or other legally recognized religious organization may be taught in schools, but other peoples' freedom of religion and conscience shall not be infringed thereby.

The freedom to publicly express religion may be limited only by means of statute and only where this is necessary for the defence of State security, public order, health, morals or the freedoms and rights of others.

No one shall be compelled to participate or not participate in religious practices.

No one may be compelled by organs of public authority to disclose his philosophy of life, religious convictions or belief.

Article 54

The freedom to express opinions, to acquire and to disseminate information shall be ensured to everyone.

Preventive censorship of the means of social communication and the licensing of the press shall be prohibited. Statutes may require the receipt of a permit for the operation of a radio or television station.

Article 55

The extradition of a Polish citizen shall be prohibited, except in cases specified in paras 2 and 3.

Extradition of a Polish citizen may be granted upon a request made by a foreign state or an international judicial body if such a possibility stems from an international treaty ratified by Poland or a statute implementing a legal instrument enacted by an international organisation of which the Republic of Poland is a member, provided that the act covered by a request for extradition:

- 1) was committed outside the territory of the Republic of Poland, and
- 2) constituted an offence under the law in force in the Republic of Poland or would have constituted an offence under the law in force in the Republic of Poland if it had been committed within the territory of the Republic of Poland, both at the time of its commitment and at the time of the making of the request.

Compliance with the conditions specified in para. 2 subparas 1 and 2 shall not be required if an extradition request is made by an international judicial body established under an international treaty ratified by Poland, in connection with a crime of genocide, crime against humanity, war crime or a crime of aggression, covered by the jurisdiction of that body.

The extradition of a person suspected of the commission of a crime for political reasons but without the use of force shall be forbidden, so as an extradition which would violate rights and freedoms of persons and citizens.

The courts shall adjudicate on the admissibility of extradition.

Article 56

Foreigners shall have a right of asylum in the Republic of Poland in accordance with principles specified by statute.

Foreigners who, in the Republic of Poland, seek protection from persecution, may be granted the status of a refugee in accordance with international agreements to which the Republic of Poland is a party.

POLITICAL FREEDOMS AND RIGHTS

Article 57

The freedom of peaceful assembly and participation in such assemblies shall be ensured to everyone. Limitations upon such freedoms may be imposed by statute.

Article 58

The freedom of association shall be guaranteed to everyone.

Associations whose purposes or activities are contrary to the Constitution or statutes shall be prohibited. The courts shall adjudicate whether to permit an association to register or to prohibit an association from such activities.

Statutes shall specify types of associations requiring court registration, a procedure for such registration and the forms of supervision of such associations.

Article 59

The freedom of association in trade unions, socio-occupational organizations of farmers, and in employers' organizations shall be ensured.

Trade unions and employers and their organizations shall have the right to bargain, particularly for the purpose of resolving collective disputes, and to conclude collective labour agreements and other arrangements.

Trade unions shall have the right to organize workers' strikes or other forms of protest subject to limitations specified by statute. For protection of the public interest, statutes may limit or forbid the conduct of strikes by specified categories of employees or in specific fields.

The scope of freedom of association in trade unions and in employers' organizations may only be subject to such statutory limitations as are permissible in accordance with international agreements to which the Republic of Poland is a party.

Article 60

Polish citizens enjoying full public rights shall have a right of access to the public service based on the principle of equality.

Article 61

A citizen shall have the right to obtain information on the activities of organs of public authority as well as persons discharging public functions. Such right shall also include receipt of information on the activities of self-governing economic or professional organs and other persons or organizational units relating to the field in which they perform the duties of public authorities and manage communal assets or property of the State Treasury.

The right to obtain information shall ensure access to documents and entry to sittings of collective organs of public authority formed by universal elections, with the opportunity to

Limitations upon the rights referred to in paras. 1 and 2 above, may be imposed by statute solely to protect freedoms and rights of other persons and economic subjects, public order, security or important economic interests of the State.

The procedure for the provision of information, referred to in paras. 1 and 2 above shall be specified by statute, and regarding the Sejm and the Senate by their rules of procedure.

Article 62

If, no later than on the day of vote, he has attained 18 years of age, Polish citizen shall have the right to participate in a referendum and the right to vote for the President of the Republic of Poland as well as representatives to the Sejm and Senate and organs of local government.

Persons who, by a final judgment of a court, have been subjected to legal incapacitation or deprived of public or electoral rights, shall have no right to participate in a referendum nor a right to vote.

Article 63

Everyone shall have the right to submit petitions, proposals and complaints in the public interest, in his own interest or in the interests of another person - with his consent - to organs of public authority, as well as to organizations and social institutions in connection with the performance of their prescribed duties within the field of public administration. The procedures for considering petitions, proposals and complaints shall be specified by statute.

ECONOMIC, SOCIAL AND CULTURAL FREEDOMS AND RIGHTS

Article 64

Everyone shall have the right to ownership, other property rights and the right of succession.

Everyone, on an equal basis, shall receive legal protection regarding ownership, other property rights and the right of succession.

The right of ownership may only be limited by means of a statute and only to the extent that it does not violate the substance of such right.

Article 65

Everyone shall have the freedom to choose and to pursue his occupation and to choose his place of work. Exceptions shall be specified by statute.

An obligation to work may be imposed only by statute.

The permanent employment of children under 16 years of age shall be prohibited. The types and nature of admissible employment shall be specified by statute.

A minimum level of remuneration for work, or the manner of setting its levels shall be specified by statute.

Public authorities shall pursue policies aiming at full, productive employment by implementing programmes to combat unemployment, including the organization of and support for occupational advice and training, as well as public works and economic intervention.

Article 66

Everyone shall have the right to safe and hygienic conditions of work. The methods of implementing this right and the obligations of employers shall be specified by statute.

An employee shall have the right to statutorily specified days free from work as well as annual paid holidays; the maximum permissible hours of work shall be specified by statute.

Article 67

A citizen shall have the right to social security whenever incapacitated for work by reason of sickness or invalidism as well as having attained retirement age. The scope and forms of social security shall be specified by statute.

A citizen who is involuntarily without work and has no other means of support, shall have the right to social security, the scope of which shall be specified by statute.

Article 68

Everyone shall have the right to have his health protected.

Equal access to health care services, financed from public funds, shall be ensured by public authorities to citizens, irrespective of their material situation. The conditions for, and scope of, the provision of services shall be established by statute.

Public authorities shall ensure special health care to children, pregnant women, handicapped people and persons of advanced age.

Public authorities shall combat epidemic illnesses and prevent the negative health consequences of degradation of the environment.

Public authorities shall support the development of physical culture, particularly amongst children and young persons.

Article 69

Public authorities shall provide, in accordance with statute, aid to disabled persons to ensure their subsistence, adaptation to work and social communication.

Article 70

Everyone shall have the right to education. Education to 18 years of age shall be compulsory. The manner of fulfilment of schooling obligations shall be specified by

statute.

Education in public schools shall be without payment. Statutes may allow for payments for certain services provided by public institutions of higher education.

Parents shall have the right to choose schools other than public for their children. Citizens and institutions shall have the right to establish primary and secondary schools and institutions of higher education and educational development institutions. The conditions for establishing and operating non-public schools, the participation of public authorities in their financing, as well as the principles of educational supervision of such schools and educational development institutions, shall be specified by statute.

Public authorities shall ensure universal and equal access to education for citizens. To this end, they shall establish and support systems for individual financial and organizational assistance to pupils and students. The conditions for providing of such assistance shall be specified by statute.

The autonomy of the institutions of higher education shall be ensured in accordance with principles specified by statute.

Article 71

The State, in its social and economic policy, shall take into account the good of the family. Families, finding themselves in difficult material and social circumstances - particularly those with many children or a single parent - shall have the right to special assistance from public authorities.

A mother, before and after birth, shall have the right to special assistance from public authorities, to the extent specified by statute.

Article 72

The Republic of Poland shall ensure protection of the rights of the child. Everyone shall have the right to demand of organs of public authority that they defend children against violence, cruelty, exploitation and actions which undermine their moral sense.

A child deprived of parental care shall have the right to care and assistance provided by public authorities.

Organs of public authority and persons responsible for children, in the course of establishing the rights of a child, shall consider and, insofar as possible, give priority to the views of the child.

The competence and procedure for appointment of the Commissioner for Children's Rights shall be specified by statute.

Article 73

The freedom of artistic creation and scientific research as well as dissemination of the fruits thereof, the freedom to teach and to enjoy the products of culture, shall be ensured to everyone.

Article 74

Public authorities shall pursue policies ensuring the ecological security of current and future generations.

Protection of the environment shall be the duty of public authorities.

Everyone shall have the right to be informed of the quality of the environment and its protection.

Public authorities shall support the activities of citizens to protect and improve the quality of the environment.

Article 75

Public authorities shall pursue policies conducive to satisfying the housing needs of citizens, in particular combating homelessness, promoting the development of low-income housing and supporting activities aimed at acquisition of a home by each citizen.

Protection of the rights of tenants shall be established by statute.

Article 76

Public authorities shall protect consumers, customers, hirers or lessees against activities threatening their health, privacy and safety, as well as against dishonest market practices. The scope of such protection shall be specified by statute.

MEANS FOR THE DEFENCE OF FREEDOMS AND RIGHTS

Article 77

Everyone shall have the right to compensation for any harm done to him by any action of an organ of public authority contrary to law.

Statutes shall not bar the recourse by any person to the courts in pursuit of claims alleging infringement of freedoms or rights.

Article 78

Each party shall have the right to appeal against judgments and decisions made at first stage. Exceptions to this principle and the procedure for such appeals shall be specified by statute.

Article 79

In accordance with principles specified by statute, everyone whose constitutional freedoms or rights have been infringed, shall have the right to appeal to the Constitutional Tribunal for its judgment on the conformity to the Constitution of a statute or another normative act upon which basis a court or organ of public administration has made a final decision on his freedoms or rights or on his obligations specified in the Constitution.

The provisions of para. 1 above shall not relate to the rights specified in Article 56.

Article 80

In accordance with principles specified by statute, everyone shall have the right to apply to the Commissioner for Citizens' Rights for assistance in protection of his freedoms or rights infringed by organs of public authority.

Article 81

The rights specified in Article 65, paras. 4 and 5, Article 66, Article 69, Article 71 and Articles 74-76, may be asserted subject to limitations specified by statute.

OBLIGATIONS

Article 82

Loyalty to the Republic of Poland, as well as concern for the common good, shall be the duty of every Polish citizen.

Article 83

Everyone shall observe the law of the Republic of Poland.

Article 84

Everyone shall comply with his responsibilities and public duties, including the payment of taxes, as specified by statute.

Article 85

It shall be the duty of every Polish citizen to defend the Homeland.

The nature of military service shall be specified by statute.

Any citizen whose religious convictions or moral principles do not allow him to perform military service may be obliged to perform substitute service in accordance with principles specified by statute.

Article 86

Everyone shall care for the quality of the environment and shall be held responsible for causing its degradation. The principles of such responsibility shall be specified by statute.

...

10.Slovenia

PREAMBLE

Proceeding from the Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia, and from fundamental human rights and freedoms, and the fundamental and permanent right of the Slovene nation to self-determination; and from the historical fact that in a centuries-long struggle for national liberation we Slovenes have established our national identity and asserted our statehood, the Assembly of the Republic of Slovenia hereby adopts

I. GENERAL PROVISIONS

Article 1

Slovenia is a democratic republic.

Article 2

Slovenia is a state governed by the rule of law and a social state.

Article 3

Slovenia is a state of all its citizens and is founded on the permanent and inalienable right of the Slovene nation to self-determination.

In Slovenia power is vested in the people. Citizens exercise this power directly and through elections, consistent with the principle of the separation of legislative, executive and judicial powers.

Article 3a

(added in year 2003, Official Gazette of the Republic of Slovenia, No. 24/03)

Pursuant to a treaty ratified by the National Assembly by a two-thirds majority vote of all deputies, Slovenia may transfer the exercise of part of its sovereign rights to international organisations which are based on respect for human rights and fundamental freedoms, democracy and the principles of the rule of law and may enter into a defensive alliance with states which are based on respect for these values.

Before ratifying a treaty referred to in the preceding paragraph, the National Assembly may call a referendum. A proposal shall pass at the referendum if a majority of voters who have cast valid votes vote in favour of such. The National Assembly is bound by the result of such referendum. If such referendum has been held, a referendum regarding the law on the ratification of the treaty concerned may not be called.

Legal acts and decisions adopted within international organisations to which Slovenia has transferred the exercise of part of its sovereign rights shall be applied in Slovenia in accordance with the legal regulation of these organisations.

In procedures for the adoption of legal acts and decisions in international organisations to which Slovenia has transferred the exercise of part of its sovereign rights, the Government shall promptly inform the National Assembly of proposals for such acts and decisions as well as of its own activities. The National Assembly may adopt positions thereon, which the Government shall take into consideration in its activities. The relationship between the National Assembly and the Government arising from this paragraph shall be regulated in detail by a law adopted by a two-thirds majority vote of deputies present.

Article 4

Slovenia is a territorially unified and indivisible state.

Article 5

In its own territory, the state shall protect human rights and fundamental freedoms. It shall protect and guarantee the rights of the autochthonous Italian and Hungarian national communities. It shall maintain concern for autochthonous Slovene national minorities in neighbouring countries and for Slovene emigrants and workers abroad and shall foster their contacts with the homeland. It shall provide for the preservation of the natural wealth and cultural heritage and create opportunities for the harmonious development of society and culture in Slovenia.

Slovenes not holding Slovene citizenship may enjoy special rights and privileges in Slovenia. The nature and extent of such rights and privileges shall be regulated by law.

Article 6

The coat-of-arms of Slovenia has the form of a shield. In the middle of the shield, on a blue background, is a representation of Mount Triglav in white, under which there are two undulating blue lines symbolising the sea and rivers and above which there are three golden, six-pointed stars forming a downward-pointing triangle. The shield is bordered in red. The coat-of-arms is designed in accordance with a set standard of geometry and colour.

The flag of Slovenia is the white-blue-red Slovene national flag with the coat-of-arms of Slovenia. The ratio of the width of the flag to the length thereof is one to two. The colours of the flag are in the following order: white, blue and red. Each colour occupies a horizontal band covering one third of the area of the flag. The coat-of-arms is positioned in the upper left portion of the flag such that it lies with one half in the white field and the other in the blue field.

The national anthem of Slovenia is "Zdravljica".

The use of the coat-of-arms, the flag and the national anthem shall be provided by law.

Article 7

The state and religious communities shall be separate.

Religious communities shall enjoy equal rights; they shall pursue their activities freely.

Article 8

Laws and regulations must comply with generally accepted principles of international law and with treaties that are binding on Slovenia. Ratified and published treaties shall be applied directly.

Article 9

Local self-government in Slovenia is guaranteed.

Article 10

The capital of Slovenia is Ljubljana.

Article 11

The official language in Slovenia is Slovene. In those municipalities where Italian or Hungarian national communities reside, Italian or Hungarian shall also be official languages.

Article 12

Slovene citizenship shall be regulated by law.

Article 13

In accordance with treaties, aliens in Slovenia enjoy all the rights guaranteed by this Constitution and laws, except for those rights that pursuant to this Constitution or law only citizens of Slovenia enjoy.

II. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Article 14*

(Equality before the Law)

In Slovenia everyone shall be guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political or other conviction, material standing, birth, education, social status, disability or any other personal circumstance.

All are equal before the law.

* As amended by the Constitutional Act Amending Article 14 of the Constitution of the Republic of Slovenia, 15 June 2004 (Official Gazette of the Republic of Slovenia, No. 69/04).

The original text of Article 14 read as follows:

In Slovenia everyone shall be guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political or other conviction, material standing, birth, education, social status or any other personal circumstance.

All are equal before the law.

Article 15

(Exercise and Limitation of Rights)

Human rights and fundamental freedoms shall be exercised directly on the basis of the Constitution.

The manner in which human rights and fundamental freedoms are exercised may be regulated by law whenever the Constitution so provides or where this is necessary due to the particular nature of an individual right or freedom.

Human rights and fundamental freedoms shall be limited only by the rights of others and in such cases as are provided by this Constitution.

Judicial protection of human rights and fundamental freedoms, and the right to obtain redress for the violation of such rights and freedoms, shall be guaranteed.

No human right or fundamental freedom regulated by legal acts in force in Slovenia may be restricted on the grounds that this Constitution does not recognise that right or freedom or recognises it to a lesser extent.

Article 16 (Temporary Suspension and Restriction of Rights)

Human rights and fundamental freedoms provided by this Constitution may exceptionally be temporarily suspended or restricted during a war and state of emergency. Human rights and fundamental freedoms may be suspended or restricted only for the duration of the war or state of emergency, but only to the extent required by such circumstances and inasmuch as the measures adopted do not create inequality based solely on race, national origin, sex, language, religion, political or other conviction, material standing, birth, education, social status or any other personal circumstance.

The provision of the preceding paragraph does not allow any temporary suspension or restriction of the rights provided by Articles 17, 18, 21, 27, 28, 29 and 41.

Article 17 (Inviolability of Human Life)

Human life is inviolable. There is no capital punishment in Slovenia.

Article 18 (Prohibition of Torture)

No one may be subjected to torture, inhuman or degrading punishment or treatment. The conducting of medical or other scientific experiments on any person without his free consent is prohibited.

Article 19 (Protection of Personal Liberty)

Everyone has the right to personal liberty.

No one may be deprived of his liberty except in such cases and pursuant to such procedures as are provided by law.

Anyone deprived of his liberty must be immediately informed in his mother tongue, or in

a language which he understands, of the reasons for being deprived of his liberty. Within the shortest possible time thereafter, he must also be informed in writing of why he has been deprived of his liberty. He must be instructed immediately that he is not obliged to make any statement, that he has the right to immediate legal representation of his own free choice and that the competent authority must, on his request, notify his relatives or those close to him of the deprivation of his liberty.

Article 20
(Orders for and Duration of Detention)

A person reasonably suspected of having committed a criminal offence may be detained only on the basis of a court order when this is absolutely necessary for the course of criminal proceedings or for reasons of public safety.

Upon detention, but not later than twenty-four hours thereafter, the person detained must be handed the written court order with a statement of reasons. The person detained has the right to appeal against the court order, and such appeal must be decided by a court within forty-eight hours. Detention may last only as long as there are legal reasons for such, but no longer than three months from the day of the deprivation of liberty. The Supreme Court may extend the detention a further three months.

If no charges are brought by the end of these terms, the suspected person shall be released.

Article 21
(Protection of Human Personality and Dignity)

Respect for human personality and dignity shall be guaranteed in criminal and in all other legal proceedings, as well as during the deprivation of liberty and enforcement of punitive sanctions.

Violence of any form on any person whose liberty has been restricted in any way is prohibited, as is the use of any form of coercion in obtaining confessions and statements.

Article 22
(Equal Protection of Rights)

Everyone shall be guaranteed equal protection of rights in any proceeding before a court and before other state authorities, local community authorities and bearers of public authority that decide on his rights, duties or legal interests.

Article 23
(Right to Judicial Protection)

Everyone has the right to have any decision regarding his rights, duties and any charges brought against him made without undue delay by an independent, impartial court constituted by law.

Only a judge duly appointed pursuant to rules previously established by law and by judicial regulations may judge such an individual.

Article 24
(Public Nature of Court Proceedings)

Court hearings shall be public. Judgements shall be pronounced publicly. Exceptions shall be provided by law.

Article 25
(Right to Legal Remedies)

Everyone shall be guaranteed the right to appeal or to any other legal remedy against the decisions of courts and other state authorities, local community authorities and bearers of public authority by which his rights, duties or legal interests are determined.

Article 26
(Right to Compensation)

Everyone has the right to compensation for damage caused through unlawful actions in connection with the performance of any function or other activity by a person or body performing such function or activity under state authority, local community authority or as a bearer of public authority.

Any person suffering damage has the right to demand, in accordance with the law, compensation also directly from the person or body that has caused damage.

Article 27
(Presumption of Innocence)

Any person charged with a criminal offence shall be presumed innocent until found guilty in a final judgement.

Article 28
(Principle of Legality in Criminal Law)

No one may be punished for an act which had not been declared a criminal offence under law, or for which a penalty had not been prescribed, at the time the act was performed.

Acts that are criminal shall be established and the resulting penalties pronounced according to the law that was in force at the time the act was performed, save where a more recent law adopted is more lenient towards the offender.

Article 29
(Legal Guarantees in Criminal Proceedings)

Anyone charged with a criminal offence must, in addition to absolute equality, be guaranteed the following rights:

- the right to have adequate time and facilities to prepare his defence;
- the right to be present at his trial and to conduct his own defence or to be defended by a

legal representative;

- the right to present all evidence to his benefit;
- the right not to incriminate himself or his relatives or those close to him, or to admit guilt.

Article 30

(Right to Rehabilitation and Compensation)

Any person unjustly convicted of a criminal offence or deprived of his liberty without due cause has the right to rehabilitation and compensation, and other rights provided by law.

Article 31

(Prohibition of Double Jeopardy)

No one may be sentenced or punished twice for the same criminal offence for which criminal proceedings were dismissed finally, or for which the charge was finally rejected, or for which the person was acquitted or convicted by final judgement.

Article 32

(Freedom of Movement)

Everyone has the right to freedom of movement, to choose his place of residence, to leave the country and to return at any time.

This right may be limited by law, but only where this is necessary to ensure the course of criminal proceedings, to prevent the spread of infectious diseases, to protect public order or if the defence of the state so demands.

Entry into the country by aliens, and the duration of their stay in the country, may be limited on the basis of law.

Article 33

(Right to Private Property and Inheritance)

The right to private property and inheritance shall be guaranteed.

Article 34

(Right to Personal Dignity and Safety)

Everyone has the right to personal dignity and safety.

Article 35

(Protection of Right to Privacy and Personality Rights)

The inviolability of the physical and mental integrity of every person, his privacy and personality rights shall be guaranteed.

Article 36

(Inviolability of Dwellings)

Dwellings are inviolable.

No one may, without a court order, enter the dwelling or other premises of another person, nor may he search the same, against the will of the resident.

Any person whose dwelling or other premises are searched has the right to be present or to have a representative present.

Such a search may only be conducted in the presence of two witnesses.

Subject to conditions provided by law, an official may enter the dwelling or other premises of another person without a court order, and may in exceptional circumstances conduct a search in the absence of witnesses, where this is absolutely necessary for the direct apprehension of a person who has committed a criminal offence or to protect people or property.

Article 37

(Protection of the Privacy of Correspondence and Other Means of Communication)

The privacy of correspondence and other means of communication shall be guaranteed.

Only a law may prescribe that on the basis of a court order the protection of the privacy of correspondence and other means of communication and the inviolability of personal privacy be suspended for a set time where such is necessary for the institution or course of criminal proceedings or for reasons of national security.

Article 38

(Protection of Personal Data)

The protection of personal data shall be guaranteed. The use of personal data contrary to the purpose for which it was collected is prohibited.

The collection, processing, designated use, supervision and protection of the confidentiality of personal data shall be provided by law.

Everyone has the right of access to the collected personal data that relates to him and the right to judicial protection in the event of any abuse of such data.

Article 39

(Freedom of Expression)

Freedom of expression of thought, freedom of speech and public appearance, of the press and other forms of public communication and expression shall be guaranteed. Everyone may freely collect, receive and disseminate information and opinions.

Except in such cases as are provided by law, everyone has the right to obtain information of a public nature in which he has a well founded legal interest under law.

Article 40

(Right to Correction and Reply)

The right to correct published information which has damaged a right or interest of an individual, organisation or body shall be guaranteed, as shall be the right to reply to such published information.

Article 41

(Freedom of Conscience)

Religious and other beliefs may be freely professed in private and public life.

No one shall be obliged to declare his religious or other beliefs.

Parents have the right to provide their children with a religious and moral upbringing in accordance with their beliefs. The religious and moral guidance given to children must be appropriate to their age and maturity, and be consistent with their free conscience and religious and other beliefs or convictions.

Article 42

(Right of Assembly and Association)

The right of peaceful assembly and public meeting shall be guaranteed.

Everyone has the right to freedom of association with others.

Legal restrictions of these rights shall be permissible where so required for national security or public safety and for protection against the spread of infectious diseases.

Professional members of the defence forces and the police may not be members of political parties.

Article 43*

(Right to Vote)

The right to vote shall be universal and equal.

Every citizen who has attained the age of eighteen years has the right to vote and be elected.

The law may provide in which cases and under what conditions aliens have the right to vote.

The law shall provide measures for encouraging the equal opportunity of men and women in standing for election to state authorities and local community authorities.

* As amended by the Constitutional Act Amending Article 43 of the Constitution of the Republic of Slovenia, 15 June 2004 (Official Gazette of the Republic of Slovenia, No. 69/04).

The original text of Article 43 read as follows:

The right to vote shall be universal and equal.

Every citizen who has attained the age of eighteen years has the right to vote and be elected.

The law may provide in which cases and under what conditions aliens have the right to vote.

Article 44
(Participation in the Management of Public Affairs)

Every citizen has the right, in accordance with the law, to participate either directly or through elected representatives in the management of public affairs.

Article 45
(Right to Petition)

Every citizen has the right to file petitions and to pursue other initiatives of general significance.

Article 46
(Right to Conscientious Objection)

Conscientious objection shall be permissible in cases provided by law where this does not limit the rights and freedoms of others.

Article 47
(Extradition)

No citizen of Slovenia may be extradited to a foreign country. The extradition of aliens shall only be permitted in cases covered by treaties that are binding on Slovenia.
(amended in 2003, Official Gazette of the Republic of Slovenia, No. 24/03)

No citizen of Slovenia may be extradited or surrendered unless such obligation to extradite or surrender arises from a treaty by which, in accordance with the provisions of the first paragraph of Article 3a, Slovenia has transferred the exercise of part of its sovereign rights to an international organisation.

Article 48
(Asylum)

Within the limits of the law, the right of asylum shall be recognised for foreign nationals and stateless persons who are subject to persecution for their commitment to human rights and fundamental freedoms.

Article 49
(Freedom of Work)

Freedom of work shall be guaranteed.

Everyone shall choose his employment freely.

Everyone shall have access under equal conditions to any position of employment.
Forced labour shall be prohibited.

Article 50*
(Right to Social Security)

Citizens have the right to social security, including the right to a pension, under conditions provided by law.

The state shall regulate compulsory health, pension, disability and other social insurance, and shall ensure its proper functioning.

Special protection in accordance with the law shall be guaranteed to war veterans and victims of war.

* As amended by the Constitutional Act Amending Article 50 of the Constitution of the Republic of Slovenia, 15 June 2004 (Official Gazette of the Republic of Slovenia, No. 69/04).

The original text of Article 50 read as follows:

Citizens have the right to social security under conditions provided by law.

The state shall regulate compulsory health, pension, disability and other social insurance, and shall ensure its proper functioning.

Special protection in accordance with the law shall be guaranteed to war veterans and victims of war.

Article 51
(Right to Health Care)

Everyone has the right to health care under conditions provided by law.

The rights to health care from public funds shall be provided by law.

No one may be compelled to undergo medical treatment except in cases provided by law.

Article 52
(Rights of Disabled Persons)

Disabled persons shall be guaranteed protection and work-training in accordance with the law.

Physically or mentally handicapped children and other severely disabled persons have the right to education and training for an active life in society.

The education and training referred to in the preceding paragraph shall be financed from public funds.

Article 53
(Marriage and the Family)

Marriage is based on the equality of spouses. Marriages shall be solemnised before an empowered state authority.

Marriage and the legal relations within it and the family, as well as those within an extramarital union, shall be regulated by law.

The state shall protect the family, motherhood, fatherhood, children and young people and shall create the necessary conditions for such protection.

Article 54
(Rights and Duties of Parents)

Parents have the right and duty to maintain, educate and raise their children. This right and duty may be revoked or restricted only for such reasons as are provided by law in order to protect the child's interests.

Children born out of wedlock have the same rights as children born within it.

Article 55
(Freedom of Choice in Childbearing)

Everyone shall be free to decide whether to bear children.

The state shall guarantee the opportunities for exercising this freedom and shall create such conditions as will enable parents to decide to bear children.

Article 56
(Rights of Children)

Children shall enjoy special protection and care. Children shall enjoy human rights and fundamental freedoms consistent with their age and maturity.

Children shall be guaranteed special protection from economic, social, physical, mental or other exploitation and abuse. Such protection shall be regulated by law.

Children and minors who are not cared for by their parents, who have no parents or who are without proper family care shall enjoy the special protection of the state. Their position shall be regulated by law.

Article 57

Freedom of education shall be guaranteed.

Primary education is compulsory and shall be financed from public funds.

The state shall create the opportunities for citizens to obtain a proper education.

Article 58

(Autonomy of Universities and Other Institutions of Higher Education)

State universities and state institutions of higher education shall be autonomous.

The manner of their financing shall be regulated by law.

Article 59

(Freedom of Science and the Arts)

The freedom of scientific and artistic endeavour shall be guaranteed.

Article 60

(Intellectual Property Rights)

The protection of copyright and other rights deriving from artistic, scientific, research and invention activities shall be guaranteed.

Article 61

(Expression of National Affiliation)

Everyone has the right to freely express affiliation with his nation or national community, to foster and give expression to his culture and to use his language and script.

Article 62

(Right to Use One's Language and Script)

Everyone has the right to use his language and script in a manner provided by law in the exercise of his rights and duties and in procedures before state and other bodies performing a public function.

Article 63

(Prohibition of Incitement to Discrimination and Intolerance and Prohibition of Incitement to Violence and War)

Any incitement to national, racial, religious or other discrimination, and the inflaming of national, racial, religious or other hatred and intolerance are unconstitutional.

Any incitement to violence and war is unconstitutional.

Article 64

The autochthonous Italian and Hungarian national communities and their members shall be guaranteed the right to use their national symbols freely and, in order to preserve their national identity, the right to establish organisations and develop economic, cultural, scientific and research activities, as well as activities in the field of public media and publishing. In accordance with laws, these two national communities and their members have the right to education and schooling in their own languages, as well as the right to establish and develop such education and schooling. The geographic areas in which bilingual schools are compulsory shall be established by law. These national communities and their members shall be guaranteed the right to foster relations with their nations of origin and their respective countries. The state shall provide material and moral support for the exercise of these rights.

In order to exercise their rights, the members of these communities shall establish their own self-governing communities in the geographic areas where they live. On the proposal of these self-governing national communities, the state may authorise them to perform certain functions under national jurisdiction, and shall provide funds for the performing of such functions.

The two national communities shall be directly represented in representative bodies of local self-government and in the National Assembly.

The position of the Italian and Hungarian national communities and the manner in which their rights are exercised in the geographic areas where they live, the obligations of the self-governing local communities for the exercise of these rights, and those rights which the members of these national communities exercise also outside these areas, shall all be regulated by law. The rights of both national communities and their members shall be guaranteed irrespective of the number of members of these communities.

Laws, regulations and other general acts that concern the exercise of the constitutionally provided rights and the position of the national communities exclusively, may not be adopted without the consent of representatives of these national communities.

Article 65

(Status and Special Rights of the Romany Community in Slovenia)

The status and special rights of the Romany community living in Slovenia shall be regulated by law.

III. ECONOMIC AND SOCIAL RELATIONS

Article 66

(Security of Employment)

The state shall create opportunities for employment and work, and shall ensure the protection of both by law.

Facultatea de Management în Producție și Transporturi
Departamentul de Management
Article 67
(Property)

The manner in which property is acquired and enjoyed shall be established by law so as to ensure its economic, social and environmental function.

The manner and conditions of inheritance shall be established by law.

Article 68
(Property Rights of Aliens)

Aliens may acquire ownership rights to real estate under conditions provided by law.

Aliens may not acquire title to land except by inheritance, under the condition of reciprocity.
(amended in 1997, Official Gazette of the Republic of Slovenia No. 42/97)

Aliens may acquire ownership rights to real estate under conditions provided by law or if so provided by a treaty ratified by the National Assembly, under the condition of reciprocity.
Such law and treaty from the preceding paragraph shall be adopted by the National Assembly by a two-thirds majority vote of all deputies.
(amended in 2003, Official Gazette of the Republic of Slovenia No. 24/03)

Aliens may acquire ownership rights to real estate under conditions provided by law or a treaty ratified by the National Assembly.

Article 69
(Expropriation)

Ownership rights to real estate may be revoked or limited in the public interest with the provision of compensation in kind or monetary compensation under conditions established by law.

Article 70
(National Assets and Natural Resources)

Special rights to use national assets may be acquired, subject to conditions established by law.

The conditions under which natural resources may be exploited shall be established by law.

The law may provide that natural resources may also be exploited by foreign persons and shall establish the conditions for such exploitation.

Article 71
(Protection of Land)

The law shall establish special conditions for land utilisation in order to ensure its proper use.

Special protection of agricultural land shall be provided by law.

The state shall promote the economic, cultural and social advancement of the population living in mountain and hill areas.

Article 72

(Healthy Living Environment)

Everyone has the right in accordance with the law to a healthy living environment.

The state shall promote a healthy living environment. To this end, the conditions and manner in which economic and other activities are pursued shall be established by law.

The law shall establish under which conditions and to what extent a person who has damaged the living environment is obliged to provide compensation.

The protection of animals from cruelty shall be regulated by law.

Article 73

(Protection of Natural and Cultural Heritage)

Everyone is obliged in accordance with the law to protect natural sites of special interest, rarities and cultural monuments.

The state and local communities shall promote the preservation of the natural and cultural heritage.

Article 74

(Free Enterprise)

Free economic initiative shall be guaranteed.

The conditions for establishing commercial organisations shall be established by law. Commercial activities may not be pursued in a manner contrary to the public interest.

Unfair competition practices and practices which restrict competition in a manner contrary to the law are prohibited.

Article 75

(Participation in Management)

Employees shall participate in the management of commercial organisations and institutions in a manner and under conditions provided by law.

Article 76

(Freedom of Trade Unions)

The freedom to establish, operate and join trade unions shall be guaranteed.

Article 77
(Right to Strike)

Employees have the right to strike.

Where required by the public interest, the right to strike may be restricted by law, with due consideration given to the type and nature of activity involved.

Article 78
(Proper Housing)

The state shall create opportunities for citizens to obtain proper housing.

Article 79
(Aliens Employed in Slovenia)

Aliens employed in Slovenia and members of their families have special rights provided by law.

11. Constituția Republicii Socialiste România (1965, republicată)

TITLUL I Republica Socialistă România

Art. 1. Romania este republica socialista. Republica Socialista Romania este stat al oamenilor muncii de la orașe și sate, suveran, independent și unitar. Teritoriul său este inalienabil și indivizibil.

Art. 2. Întreaga putere în Republica Socialista Romania aparține poporului, liber și stăpân pe soarta sa. Puterea poporului se întemeiază pe alianța muncitorească-tărăneasca. În strinsa uniune, clasa muncitoare - clasa conducătoare în societate -, tărâna, intelighitalitatea, celelalte categorii de oameni ai muncii, fara deosebire de nationalitate, construiesc orînduirea socialista, creînd condițiile trecerii la comunism.

Art. 3. În Republica Socialista Romania forța politica conducătoare a întregii societăți este Partidul Comunist Roman.

Art. 4. Detinator suveran al puterii, poporul o exercita prin Marea Adunare Nationala și prin consiliile populare, organe alese prin vot universal, egal, direct și secret. Marea Adunare Nationala și consiliile populare constituie baza întregului sistem de organe ale statului. Marea Adunare Nationala este organul suprem al puterii de stat, sub conducerea și controlul caruia își desfășoară activitatea toate celelalte organe ale statului.

Notă: pentru înțelegerea mai completă a acestei prevederi, precum și a sistemului de stat și de drept includem în acest punct articolele referitoare la rolul Marii Adunări și anume cel de a concentra toate prerogativele puterii de stat, neavând loc nici o separație a

acestora, deschizând numeroase posibilități de abuz de putere.

Art. 42. Marea Adunare Nationala, organul suprem al puterii de stat, este unicul organ legiuitor al Republicii Socialiste Romania.

Art. 43. Marea Adunare Nationala are urmatoarele atributii principale: 1. Adopta si modifica Constitutia Republicii Socialiste Romania; 2. Reglementeaza sistemul electoral; 3. **Hotaraste consultarea poporului, prin referendum, asupra masurilor de importanta deosebita care privesc interese supreme ale tarii;** 4. Adopta planul national unic de dezvoltare economico-sociala, bugetul de stat si contul general de incheiere a exercitiului bugetar; 5. **Organizeaza Consiliul de Ministri; stabileste normele generale de organizare si functionare a ministerelor si celorlalte organe centrale de stat;** 6. **Reglementeaza organizarea judecatoreasca si a Procuraturii;** 7. Stabileste normele de organizare si functionare a consiliilor populare; 8. Stabileste organizarea administrativa a teritoriului; 9. Acorda amnistia; 10. Ratifica si denunta tratatele internationale care implica modificarea legilor; 11. **Alege si revoca pe Presedintele Republicii Socialiste Romania;** 12. **Alege si revoca Consiliul de Stat;** 13. **Alege si revoca Consiliul de Ministri;** 14. **Alege si revoca Tribunalul Suprem si procurorul general;** 15. **Exercita controlul general al aplicarii Constitutiei. Numai Marea Adunare Nationala hotaraste asupra constitutionalitatii legilor;** 16. **Controleaza activitatea Presedintelui Republicii Socialiste Romania si a Consiliului de Stat;** 17. **Controleaza activitatea Consiliului de Ministri, a ministerelor si a celorlalte organe centrale ale administratiei de stat;** 18. **Asculta dari de seama cu privire la activitatea Tribunalului Suprem si controleaza deciziile sale de indrumare;** 19. **Controleaza activitatea Procuraturii;** 20. **Exercita controlul general asupra activitatii consiliilor populare;** 21. Stabileste linia generala a politicii externe; 22. Proclama, in interesul apararii tarii, a ordinii publice sau a securitatii statului, starea de necesitate, in unele localitati sau pe intreg teritoriul tarii; 23. Declara mobilizarea partiala sau generala; 24. Declara starea de razboi. Starea de razboi poate fi declarata numai in cazul unei agresiuni armate impotriva Republicii Socialiste Romania sau impotriva unui alt stat fata de care Republica Socialista Romania are obligatii de aparare mutuala asumate prin tratate internationale, daca s-a produs situatia pentru care obligatia de declarare a starii de razboi este statornicita.

Art. 5. Economia nationala a Romaniei este o economie socialista, bazata pe proprietatea socialista asupra mijloacelor de productie. In Republica Socialista Romania, exploatarea omului de catre om este pentru totdeauna desfiintata si se infaptuieste principiul socialist al repartitiei dupa cantitatea si calitatea muncii. Munca este o indatorire de onoare pentru fiecare cetatean al tarii.

Art. 6. Proprietatea socialista asupra mijloacelor de productie este fie proprietate de stat - asupra bunurilor apartinand intregului popor, fie proprietate cooperatista - asupra bunurilor apartinand fiecărei organizatii cooperatiste.

Art. 7. Bogatiile de orice natura ale subsolului, minele, terenurile din fondul funciar de stat, padurile, apele, izvoarele de energie naturala, fabricile si uzinele, bancile,

intreprinderile agricole de stat, stațiunile pentru mecanizarea agriculturii, caile de comunicație, mijloacele de transport și telecomunicațiile de stat, fondul de stat de clădiri și locuințe, baza materială a instituțiilor social-culturale de stat, aparțin întregului popor, sunt proprietate de stat.

Art. 8. Comerțul exterior este monopol de stat.

Art. 9. Pământul cooperativelor agricole de producție, animalele, uneltele, instalațiile și construcțiile ce le aparțin sunt proprietate cooperatistă. Lotul de pământ aflat, potrivit statutului cooperativelor agricole de producție, în folosința gospodăriilor familiale ale țăranilor cooperatori, constituie proprietate cooperatistă. Casa de locuit și construcțiile gospodărești, terenul pe care acestea se află, precum și, potrivit statutului cooperativelor agricole, animalele de producție și inventarul agricol marunt, constituie proprietate personală a țăranilor cooperatori. Uneltele, mașinile, instalațiile și construcțiile cooperativelor meșteșugărești și ale cooperativelor de producție, achiziții și desfacere a marfurilor sunt proprietate cooperatistă.

Art. 10. Cooperativele agricole de producție, forma socialistă de organizare a agriculturii, asigură condiții pentru cultivarea intensivă a pământului și aplicarea științei înaintate, contribuie, prin sporirea producției, la dezvoltarea economiei naționale, la ridicarea continuă a nivelului de viață al țăranimii și al întregului popor. Statul sprijină cooperativele agricole de producție și ocroteste proprietatea lor. De asemenea, statul sprijină celelalte organizații cooperatiste și ocroteste proprietatea lor.

Art. 11. În condițiile agriculturii cooperativizate, statul garantează țăranilor care nu se pot asocia în cooperative agricole de producție proprietatea asupra pământului pe care îl lucrează ei însșiși și familiile lor, asupra uneltelor folosite în acest scop, ca și proprietatea asupra animalelor de muncă și de producție. Este garantată, de asemenea, proprietatea meșteșugarilor asupra atelierelor proprii.

Art. 12. Terenurile și construcțiile pot fi expropriate numai pentru lucrări de interes obștească și cu plata unei juste despăgubiri.

Art. 13. În Republica Socialistă România, întreaga activitate de stat are drept scop dezvoltarea orânduirii și înflorirea națiunii socialiste, creșterea continuă a bunăstării materiale și culturale a poporului, asigurarea libertății și demnității omului, afirmarea multilaterală a personalității umane. Pentru aceasta, statul socialist român: Organizează, planifică și conduce economia națională; Apără proprietatea socialistă; Garantează exercitarea deplină a drepturilor cetățenilor, asigură legalitatea socialistă și apără ordinea de drept; Dezvoltă învățământul de toate gradele, asigură condițiile pentru dezvoltarea științei, artei și culturii, înfaptuiește ocrotirea sănătății; Asigură apărarea țării și organizează forțele sale armate; Organizează relațiile cu celelalte state.

Art. 14. Republica Socialistă România întretine și dezvoltă relații de prietenie și colaborare cu țările socialiste în spiritul internaționalismului socialist, promovează relații de colaborare cu țările având altă orânduire social-politică, activează în organizații internaționale în scopul asigurării păcii și înțelegerii între popoare. Relațiile externe ale Republicii Socialiste România se bazează pe principiile respectării suveranității și independenței naționale, egalității în drepturi și avantajului reciproc, neamestecului în

Art. 15. Teritoriul Republicii Socialiste Romania este organizat in unitati administrativ-teritoriale: judetul, orasul si comuna. Capitala Republicii Socialiste Romania este municipiul Bucuresti, care este organizat pe sectoare. Orasele mai importante pot fi organizate ca municipii.

Art. 16. Cetatenia romana se dobindeste si se pierde potrivit legii.

TITLUL II Drepturile și îndatoririle fundamentale ale cetățenilor

Art. 17. Cetatenii Republicii Socialiste Romania, fara deosebire de nationalitate, rasa, sex sau religie, sint egali in drepturi in toate domeniile vietii economice, politice, juridice, sociale si culturale. Statul garanteaza egalitatea in drepturi a cetatenilor. Nici o ingradire a acestor drepturi si nici o deosebire in exercitarea lor pe temeiul nationalitatii, rasei, sexului sau religiei nu sint ingaduite. Orice manifestare avind ca scop stabilirea unor asemenea ingradiri, propaganda nationalist-sovina, atitarea urii de rasa sau nationale, sint pedepsite prin lege.

Art. 18. In Republica Socialista Romania, cetatenii au dreptul la munca. Fiecarui cetatean i se asigura posibilitatea de a desfasura, potrivit pregatirii sale, o activitate in domeniul economic, administrativ, social sau cultural, remunerata dupa cantitatea si calitatea ei. La munca egala retributia este egala. Prin lege se stabilesc masurile de protectie si securitate a muncii, precum si masuri speciale de ocrotire a muncii femeilor si tineretului.

Art. 19. Cetatenii Republicii Socialiste Romania au dreptul la odihna. Dreptul la odihna este garantat celor ce muncesc prin stabilirea duratei maxime a zilei de munca la 8 ore, a unui repaus saptaminal si prin concedii anuale platite. In sectoarele de munca grea si foarte grea, durata zilei de munca este redusa sub 8 ore, fara scaderea retributiei.

Art. 20. Cetatenii Republicii Socialiste Romania au dreptul la asigurare materiala de batrinete, boala sau incapacitate de munca. Dreptul la asigurare materiala se realizeaza pentru muncitori si functionari prin pensii si ajutoare de boala acordate in cadrul sistemului asigurarilor sociale de stat, iar pentru membrii organizatiilor cooperatiste sau ai altor organizatii obstesti, prin formele de asigurare organizate de acestea. Statul asigura asistenta medicala prin institutiile sale sanitare. Concediul de maternitate platit este garantat.

Art. 21. Cetatenii Republicii Socialiste Romania au dreptul la invatatura. Dreptul la invatatura este asigurat prin invatamintul general obligatoriu, prin gratuitatea invatamintului de toate gradele, precum si prin sistemul burselor de stat. Invatamintul in Republica Socialista Romania este invatamint de stat.

Art. 22. In Republica Socialista Romania, nationalitatilor conlocuitoare li se asigura folosirea libera a limbii materne, precum si carti, ziare, reviste, teatre, invatamintul de toate gradele, in limba proprie. In unitatile administrativ-teritoriale locuite si de populatie de alta nationalitate decit cea romana, toate organele si institutiile folosesc oral si scris si limba nationalitatii respective si fac numiri de functionari din rindul acesteia sau al altor cetateni care cunosc limba si felul de trai al populatiei locale.

Art. 23. În Republica Socialistă România, femeia are drepturi egale cu bărbatul. Statul ocroteste căsătoria și familia și apără interesele mamei și copilului.

Art. 24. Republica Socialistă România asigură tinerilor condițiile necesare dezvoltării aptitudinilor lor fizice și intelectuale.

Art. 25. Cetățenii Republicii Socialiste România au dreptul de a alege și de a fi aleși în Marea Adunare Națională și în consiliile populare. Votul este universal, egal, direct și secret. Au drept de vot toți cetățenii care au împlinit vârsta de 18 ani. Cetățenii cu drept de vot care au împlinit vârsta de 23 de ani pot fi aleși deputați în Marea Adunare Națională și în consiliile populare. Dreptul de a depune candidaturi aparține Frontului Democratiei și Unității Socialiste, cel mai larg organism politic permanent, revoluționar, democratic, cu caracter reprezentativ, care constituie cadrul organizatoric de unire, sub conducerea Partidului Comunist Român, a forțelor politice și sociale ale națiunii noastre socialiste, a tuturor organizațiilor de masă și obștești, pentru participarea întregului popor la îndeplinirea politicii interne și externe a partidului și statului, la conducerea tuturor domeniilor de activitate. Alegătorii au dreptul de a revoca oricând pe deputat potrivit procedurii prevăzute de lege. Nu au dreptul de a alege și de a fi aleși alienații și debili mintali, precum și persoanele lipsite de aceste drepturi pe durata stabilită prin hotărâre judecătorească de condamnare.

Art. 26. Cetățenii cei mai înaintați și mai conștienți din rindurile muncitorilor, tărânilor, intelectualilor și ale celorlalte categorii de oameni ai muncii se unesc în Partidul Comunist Român, cea mai înaltă formă de organizare a clasei muncitoare, detașamentul ei de avangardă. Partidul Comunist Român exprimă și slujește cu fidelitate năzuințele și interesele vitale ale poporului, îndeplinește rolul conducător în toate domeniile construcției socialiste, îndrumă activitatea organizațiilor de masă și obștești, precum și a organelor de stat.

Art. 27. Cetățenii Republicii Socialiste România au dreptul de a se asocia în organizații sindicale, cooperatiste, de tineret, de femei, social-culturale, în uniuni de creație, asociații științifice, tehnice, sportive, precum și în alte organizații obștești. Statul sprijină activitatea organizațiilor de masă și obștești, creează condiții pentru dezvoltarea bazei materiale a acestor organizații și ocroteste patrimoniul lor. Organizațiile de masă și obștești asigură largă participare a maselor populare la viața politică, economică, socială, culturală a Republicii Socialiste România și la exercitarea controlului obșteșc - expresie a democratismului orândurii socialiste. Prin organizațiile de masă și obștești, Partidul Comunist Român îndeplinește o legătură organizată cu clasa muncitoare, tărâna, intelectualitatea și celelalte categorii de oameni ai muncii, le mobilizează în luptă pentru desăvârșirea construcției socialismului.

Art. 28. Cetățenilor Republicii Socialiste România li se garantează libertatea cuvântului, a presei, a întrunirilor, a mitingurilor și a demonstrațiilor.

Art. 29. Libertatea cuvântului, presei, întrunirilor, mitingurilor și demonstrațiilor nu pot fi folosite în scopuri potrivnice orândurii socialiste și intereselor celor ce muncesc. Orice asociație cu caracter fascist sau antidemocratic este interzisă. Participarea la astfel de asociații și propagandă cu caracter fascist sau antidemocratic sunt pedepsite prin lege.

Art. 30. Libertatea conștiinței este garantată tuturor cetățenilor Republicii Socialiste România. Oricine este liber să împărtășească sau nu o credință religioasă. Libertatea exercitării cultului religios este garantată. Cultele religioase se organizează și funcționează liber. Modul de organizare și funcționare a cultelor religioase este reglementat prin lege. Școala este despartită de biserică. Nici o confesiune, congregație sau comunitate religioasă nu poate deschide sau întreține alte instituții de învățământ decât școli speciale pentru pregătirea personalului de cult.

Art. 31. Cetățenilor Republicii Socialiste România le este garantată inviolabilitatea persoanei. Nici o persoană nu poate fi reținută sau arestată dacă împotriva ei nu există probe sau indicii temeinice că a săvârșit o faptă prevăzută și pedepsită prin lege. Organele de cercetare pot dispune reținerea unei persoane pe o durată de cel mult 24 de ore. Nimeni nu poate fi arestat decât pe baza unui mandat de arestare emis de tribunal sau de procuror. Dreptul de apărare este garantat în tot cursul procesului.

Art. 32. Domiciliul este inviolabil. Nimeni nu poate pătrunde în locuința unei persoane fără învoirea acesteia, decât în cazurile și în condițiile anume prevăzute de lege.

Art. 33. Secretul corespondenței și al convorbirilor telefonice este garantat.

Art. 34. Dreptul de petiționare este garantat. Organele de stat au obligația de a rezolva petițiile cetățenilor privind drepturi și interese personale sau obștești.

Art. 35. Cel vătămat într-un drept al său printr-un act ilegal al unui organ de stat poate cere organelor competente, în condițiile prevăzute de lege, anularea actului și repararea pagubei.

Art. 36. Dreptul de proprietate personală este **ocrotit** de lege. **Pot constitui obiect al dreptului de proprietate personală veniturile și economiile provenite din munca, casa de locuit, gospodăria de pe lângă ea și terenul pe care ele se afla, precum și bunurile de uz și confort personal.**

Art. 37. Dreptul de moștenire este **ocrotit** de lege.

Art. 38. Republica Socialistă România acordă drept de azil cetățenilor străini urmăriți pentru activitatea lor în apărarea intereselor celor ce muncesc, pentru participarea la lupta de eliberare națională sau de apărare a păcii.

Art. 39. Fiecare cetățean al Republicii Socialiste România este dator să respecte Constituția și legile, să apere proprietatea socialistă, să contribuie la întărirea și dezvoltarea orânduirii socialiste.

Art. 40. Serviciul militar în rândurile forțelor armate ale Republicii Socialiste România este obligatoriu și constituie o îndatorire de onoare a cetățenilor Republicii Socialiste România.

Art. 41. Apărarea patriei este datoria sfântă a fiecărui cetățean al Republicii Socialiste România. Calcarea jurământului militar, trădarea de patrie, trecerea de partea inamicului,

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aducerea de prejudicii capacității de apărare a statului, constituie crimele cele mai grave față de popor și sunt pedepsite prin lege cu toată asprimea.