Senate of the Parliament of the Czech Republic
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Dear readers,

you are holding in your hands an updated brochure with basic facts about the upper chamber of the Czech Parliament – Senate. The following pages will inform you about everything you need to know about how the Senate works, what is its position in the Czech constitutional and political system, its composition and system of elections. What you will not find in the text is a fact that its real role and position have been constantly disputed on the background of current political events. Each plenary session, each committee meeting, each trip abroad, each resolution of the Senate are subject to inquisitive look of media, politicians and experts who assess whether the Senate has done this or that properly and by the book. It is undeniable that year by year, term by term, the number of those who tend to assess the upper chamber of our Parliament negatively or even question its existence has been going down. Public space is thus gradually filling up with a conviction that the importance of the Senate may sometimes be a bit hidden but in fact it is great.

I do believe that the following information will be a good springboard for understanding what the Senate means for the Czech political system.

Jaroslav Kubera
President of the Senate of the Parliament of the Czech Republic
Constitution of the Senate
of the Parliament
of the Czech Republic
Under the Constitution of the Czech Republic which came into force on January 1, 1993, legislative power is entrusted to the Parliament of the Czech Republic which has two chambers: the Senate and the Chamber of Deputies.

The Senate is a permanent institution, it cannot be dissolved and every two years one-third of its members stand for re-election.

The seat of the Senate is in Prague, Malá Strana (Lesser Town) at the Waldstein, Kolowrat and Small Fürstenberg Palaces.

The first elections to the Senate were held in 1996 and on December 18 of that year the first constituting plenary session took place in the Main Hall of the Waldstein Palace. It was presided over by Jaroslav Musial, doyen of the body. Petr Pithart was elected the first President of the Senate.

**Senate elections**

The upper parliamentary chamber has 81 members, the mandate lasting for six years.

Every citizen of the Czech Republic who has the right to vote and is aged 40 or over may be elected a Senator. Candidates may be proposed by a political party or a movement or may run as independent.

Every other year, elections are held in one-third of the constituencies. Elections take place in one-mandate constituencies, have two rounds and are based on the majority system.

A Senator may be elected in the first round if he or she gets more than 50% of the votes cast. Otherwise, the two most successful candidates advance to the second round. If the mandate of any Senator is cancelled during his/her term of office, by-elections are held in his/her constituency.

There are some offices which are incompatible with the Senators’ mandates, e.g. the President of the Czech Republic, a member of the Chamber of Deputies or a judge. However, Senators may be ministers, presidents of self-governing regions or mayors.

**The Senatorial oath of office**

“I pledge loyalty to the Czech Republic. I pledge that I will uphold its Constitution and laws. I pledge on my honour that I will carry out my duties in the interest of all the people, to the best of my knowledge and conscience.”

This is the wording of the oath of office provided for by the Constitution that Senators take at the first meeting of the Senate after the elections. If a Senator declines to take the oath of office or takes it with reservation, his/her mandate is cancelled.

During the ceremony, the oath of office is read by one, usually the youngest, Senator. The other Senators utter the phrase “I promise” and shake hands with the President of the Senate or with the Senator presiding over the session. Each Senator confirms the promise with his or her signature.
Picture of the senatorial corps taken on the day of the constitutive session of the 12th term of the Senate on November 14, 2018.
Powers of the Senate of the Parliament of the Czech Republic
The main role of the Senate is its legislative activity. The Senate debates bills tabled by the Chamber of Deputies and is entitled to approve them, reject them or return them with amendments to the lower chamber.

Constitutional and election laws cannot be passed without the explicit approval of the Senate.

The Senate as a whole has law-making initiative.

If the Chamber of Deputies is dissolved, the Senate adopts statutory measures for matters that cannot be deferred and would otherwise require the passing of an act. Such measures may be tabled only by the Government. The statutory measures adopted by the Senate must be approved by the Chamber of Deputies at the first session of a newly constituted chamber, otherwise they cease to be valid.

The Senate expresses its consent to the ratification of international treaties and, in conjunction with the Chamber of Deputies, declares war, approves the deployment of foreign troops in the territory of the Czech Republic and the sending of Czech troops abroad.

The Senate comments on proposed EU legislation and other EU documents. It may instigate proceedings for violation of the principle of subsidiarity by an EU act.

Powers of the Senate in relation to other institutions of the Czech Republic

The Senate has a range of powers relating to other institutions in the Czech Republic.

The President of the Senate announces the election of the President of the Czech Republic. The President of the Senate administers the oath of office to the President-elect at a joint meeting of both chambers and the president’s possible resignation. It is the exclusive power of the Senate, with the approval of the Chamber of Deputies, to bring a charge against the President before the Constitutional Court.

Approving the appointment of judges to the Constitutional Court who are proposed by the President of the Czech Republic is also within the remit of the Senate.

The Senate presents to the President of the Czech Republic proposals for the conferring or awarding of state honours. It also puts forward candidate for the position of the President of the Office for Personal Data Protection.

Senators have the right to elect members to the Council of the Institute for the Study of Totalitarian Regimes.

The Senate puts forward two candidates for the position of Public Defender of Rights and two candidates for the position of Deputy of the Public Defender of Rights to the Chamber of Deputies.

The President appoints members of the Authority on the supervision of economic activities of political parties and movements out of the candidates elected by the Senate. Both the Senate and the Chamber of Deputies also nominate candidates for the Chairman of the Authority to the President of the Czech Republic.
Plenary sessions of the Senate have been held at the Plenary Session Hall of the Waldstein Palace since 1998, when its reconstruction was completed.
Legislative process

Bills are introduced at the Chamber of Deputies. A deputy, a group of deputies, the Senate, the Government or a regional authority may table bills. All bills except the Act on the State Budget, which is debated solely by the Chamber of Deputies, are submitted to the Senate once they have been passed by the Chamber of Deputies.

The Senate Committee on Agenda and Procedure assigns those bills to committees for discussion and recommends the schedule and agenda for the session to the President of the Senate. The Senate has a limit of only thirty days to discuss bills, with the exception of constitutional or election bills.

The Senate may approve the bill, reject it, return it with amendments to the Chamber of Deputies or express its will not to examine the bill. If the Senate does not adopt resolution within thirty days, the bill is considered to have been adopted.

If a bill is returned with amendments to the Chamber of Deputies, deputies vote on it again. They vote on all amendments and cannot select only some of them. To pass a bill in the wording approved by the Senate, the majority of those deputies present is required. To override Senate amendments and pass a bill in its original wording, the majority of all deputies, i.e. at least 101 votes, is required.

If the Senate rejects a bill, the Chamber of Deputies votes on it again. To override the Senate and pass a bill, the approval of the majority of all deputies, i.e. at least 101, is again required. If there are insufficient votes, the bill is not passed.

Constitutional bills and amendments to the Constitution of the Czech Republic must be approved by both chambers with the votes of three-fifths of all deputies and three-fifths of those Senators present. In this case, the Chamber of Deputies cannot override the Senate. The situation is similar for election acts, the Act on the Rules of Procedure of the Senate and the Act on Relations between the Chambers. The limit of thirty days does not apply to the Senate for those bills.

Legislative initiative of the Senate

The Senate as a whole also has legislative initiative. A bill may be tabled at the Senate by a Senator, a group of Senators or a Senate committee or commission. Such a bill is debated in two readings. If the bill is approved by the plenary, the President of the Senate is authorised by a resolution to submit it to the Chamber of Deputies and a Senator is delegated to provide the reasoning for the bill in the Chamber of Deputies.
Course of the legislative process

THE CHAMBER OF DEPUTIES

THE PRESIDENT OF THE SENATE

COMMITTEE ON AGENDA AND PROCEDURE

refers

COMMITTEES

recommends

THE SENATE AFTER A DEBATE

- Expresses the will not to consider the bill
- Approves
- Returns with amendments
- Rejects
- Does not consider in 30 days, the bill is approved

THE PRESIDENT

THE ACT IS APPROVED AND PROMULGATED IN THE COLLECTION OF LAWS

THE CHAMBER OF DEPUTIES

VOTES AGAIN on its initial wording (absolute majority of all – 101)

returns within 15 days

VOTES AGAIN

1. On the Senate wording (majority of those present)
2. On its initial wording (absolute majority of all – 101)
Officials and bodies of the Senate of the Parliament of the Czech Republic
Each term of office of the Senate lasts for two years and it is opened by a constituting plenary session. At the beginning, the plenary elect the President and Vice-Presidents of the Senate.

**Committees, commissions and permanent delegations**

In addition to the Committee on Agenda and Procedure and the Committee on Mandate and Parliamentary Privilege which are required by law, the Senate establishes other committees and commissions during its first plenary session. Their number, names and agendas are not defined by law.

The following committees have been established in the 12th term of office.
- Committee on Agenda and Procedure (required by law)
- Committee on Mandate and Parliamentary Privilege (required by law)
- Committee on Legal and Constitutional Affairs
- Committee on National Economy, Agriculture and Transport
- Committee on Public Administration, Regional Development and the Environment
- Committee on Education, Science, Culture, Human Rights and Petitions
- Committee on Foreign Affairs, Defence and Security
- Committee on EU Affairs
- Committee on Health and Social Policy

The committees discuss matters that are assigned to them and matters they agree to discuss. With the exception of the Committee on Agenda and Procedure and the Committee on Mandate and Parliamentary Privilege, a Senator may be a member of only one committee. The President and Vice-Presidents of the Senate are members solely of the Committee on Agenda and Procedure. Members of the Government may also be deputies or Senators but they cannot hold the office of the President of a Vice-President of the Senate, nor can they be members of Senate committees or commissions.

A committee may set up subcommittees to resolve particular issues. Even Senators from other committees may be members of those subcommittees.

Commissions are established primarily to discuss issues that are covered by several bodies of the Senate or issues that are not covered by any of them. Temporary commissions may also be established. Commission membership is not limited only to Senators. At the beginning of a term of office, the Senate first makes arrangements to set up the Commission on Election.

The following commissions have been established in the 12th term of office.
- Standing Senate Commission on Compatriots Living Abroad
- Standing Senate Commission on Senate Chancellery Activities
- Standing Senate Commission on Rural Development
- Standing Senate Commission on Media
- Standing Senate Commission on the Constitution of the Czech Republic and Parliamentary Procedures
- Commission on Election
- Standing Senate Commission WATER - DROUGHT

The plenary of the Senate elects its representatives in interparliamentary organisations. The permanent delegations to those organisations are composed of members of both chambers of the Parliament.

**Caucuses**

Senators may form caucuses. A Senator may only be a member of one caucus. At least five Senators are required to set up a caucus.
Miloš Vystrčil, Petr Vicha and Václav Láska – Chairmen of their respective Caucuses – discussing with Vice-Presidents of the Senate Jiří Oberfalzer and Jan Horník and Senator Ladislav Faktor before opening a plenary session of the Senate.
Foreign policy and European agenda
The upper chamber of the Czech Parliament is an important player in the foreign policy of the Czech Republic. Meetings with foreign partners at the Senate and the active participation of Senators in permanent parliamentary delegations and multilateral platforms all contribute to the development of international relations.

Senate representatives use their foreign trips, usually accompanied by business delegations, to seek new opportunities for Czech exporters and to strengthen the relations Czech companies already have.

Foreign trips are approved by the Committee on Agenda and Procedure. The choice of countries which Senate delegations plan to visit is usually discussed with the Ministry of Foreign Affairs and the Ministry of Industry and Trade so that an official visit to a particular country is as beneficial as possible to the development of the economy, the travel and tourist industry and other sectors.

The first country the new President of the Senate Jaroslav Kubera visited was as usual Slovakia. The visit took place at the beginning of February 2019. President of the Senate together with the Speaker of the National Council of the Slovak Republic Andrej Danko in the picture.
European agenda

The Senate is one of the most active parliamentary chambers in all EU Member States as regards debating EU legislation.

The Government informs the upper chamber of the Parliament about the outcomes of European Council meetings and other key activities relating to the European agenda.

The Committee on EU Affairs deals regularly with European legislative proposals, the Government’s position on them, communication or other EU papers.

Resolutions of the Senate dealing with European affairs aim primarily at the government, which should take them into consideration when formulating the position of the Czech Republic in the Council. Furthermore, they are forwarded as political contributions to the European Commission and the European Parliament.
Conferences, seminars and discussions with experts at the Senate
Conferences and seminars held on Senate premises help find solutions or clarify problems relating to law-making. Intensive dialogue with professionals enables Senators to have as complex a view as possible of upcoming and debated legislation.

Organising conferences that commemorate important national or international anniversaries contributes to preserving the nation’s historical memory, reflecting on national traditions and enhancing the people’s knowledge of the most important historical moments that concern them either directly or indirectly.

In 2011, the Senate of the Parliament of the Czech Republic and the Academy of Sciences signed a Memorandum about Permanent Conference in order to intensify cooperation between lawmakers and academics. Senate, in cooperation with the Czech Academy of Sciences, organize annually many specialized conferences, seminars and public events. A Vice-President of the Senate Miluše Horská, a Vice-President of the Czech Academy of Sciences Pavel Baran and Ass. Prof. Jan Němeček from the Institute of History of CAS during the opening of one of educational exhibitions held for general public at the seat of the Senate.
Silver commemorative medals of the Senate

The President of the Senate awards Silver commemorative medals to outstanding personalities from the world of science and the sphere of economics, culture, sport and social life who are deserving of recognition in their profession or have contributed to the Czech Republic’s positive reputation abroad. Those who have bravely saved a human life are also acknowledged.

Since 2012, the President of the Senate has regularly organised a gala social event on the eve of the Day of Czech Statehood, during which laureates receive Silver commemorative medals in front of distinguished guests and TV cameras that broadcast the event.

Many distinguished academics, experts, artists and athletes have already received the Silver commemorative medal from the President of the Senate. Among them Antonín Holý, scientist and world-famous chemist, historian Milena Lenderová, athletes Jarmila Kratochvílová and Ludmila Formanová, actors Lubomír Lipský and Jiří Bartoška or musician Petr Janda.
Senate of the Parliament of the Czech Republic and the public
Senate plenary sessions are open to the public, who may follow them from the gallery that is reserved for them at the Plenary Session Hall of the Waldstein Palace. Those who are interested have the opportunity to visit the Senate website, www.senat.cz, and watch the session live or look for Senate documents or for verbatim reports of all plenaries.

The Senate may resolve to hold a session in camera if the agenda contains classified information relating to the defence or security of the State.

Debates on bills and statutory measures of the Senate shall always be held in public.

**Public hearings**

If supported by five or more Senators or by a Senate committee, the plenary may resolve to hold a public hearing. Public hearings are intended for debating issues within the Senate scope of competence with experts and people able to give more information about the issue debated. Even Senate Committees may hold public hearings.

**Petitions**

Petitions addressed to the Senate are served on the Committee in charge of dealing with petitions, usually in the presence of the petitioners and parties involved. Where a petition delivered has been signed by 10,000 persons or more, the Committee in charge shall table it for debate at the plenary. The purpose of debating petitions and holding public hearings is to seek consensus among groups of citizens, administrative authorities and other parties concerned by the particular issue.

At the very beginning of 2019, a public hearing on the topic of structurally affected regions was held at the Senate. A picture taken during a press conference showing the Chairman of the Committee on Public Administration, Regional Development and the Environment Zbyněk Linhart, Chairman of the Caucus of the Civic Democratic Party Miloš Vystrčil and the Minister of Regional Development Klára Dostálová.
Events for the public

The Senate opens its seat to the public as often as possible. People may visit the Waldstein Garden every day from April till October. The historical premises of the Waldstein Palace are open from April till October on weekends, during winter months on the first weekend in the month and on public holidays. It is possible to arrange guided tours for organised school groups. The Information Centre is open on weekdays.

Meetings between Senators and citizens in the Waldstein Garden, Open Doors Days, Folklore Festivals, the Night of Castles and Chateaux and concerts as part of Cultural Summer are among the regular events that the public are invited to.

Information about events for the public can be found at the Senate webpage, www.senat.cz, or on Facebook and Twitter of the Senate.

Pictures showing Castle Bonfire Night at the seat of the Senate held as usual under the auspices of the 1st Vice-President of the Senate Jiří Růžička and one of the concerts of the Cultural Summer where the Brass Band Rakovník performed under the patronage of Zdeňka Hamousová, Chair of the ANO Caucus.
Senators in their constituencies

Apart from decision-making during plenary sessions and expert work in their committees and commissions, Senators are intensively engaged in supporting, developing and promoting their regions. The range of regional activities in which Senators are involved includes economics, often aimed at improving the infrastructure and supporting small and medium-sized enterprises, and social aspects, usually emphasising improved services for the youth and elderly people, cultural aspects etc.

Citizens may use either contact details published on the Senate web page or web pages of individual senators to contact them.
A Vice-President of the Senate Milan Štěch and the Chairman of the Standing Senate Commission on Rural Development Miroslav Nenutil welcome laureates and organizers of the annual Historical contest for secondary schools students from the Czech Republic and Slovakia.

Photo: Senators do not forget about their oldest fellow citizens. Senator Jitka Seitlová visiting a home for the elderly people in Pavlovice by Přerov.
Senate of the Parliament of the Czech Republic in an international and historical context
Bicameral parliaments are not exceptional in Europe and throughout the world. The main purpose of bicameral parliaments generally lies in improving the quality of legislation, representing specific interests (e.g. regional) and realising the principle of distribution of power and the principle of checks and balances. Parliamentary chambers therefore have specific powers and limiting and checking powers in relation to each other and other institutions.

Some other countries with bicameral parliaments

Australia, Austria, Belgium, Brazil, Canada, France, Germany, India, Ireland, Italy, Japan, Netherlands, Poland, Romania, Russian Federation, Slovenia, South Africa, Spain, United Kingdom, USA
Historical consequences

The Senate of the Parliament of the Czech Republic had a predecessor during the era of Austria-Hungary. The Austro-Hungarian chamber of peers and nobility was composed of e.g. members of noble families, church dignitaries and appointed members. Czech noble families were also represented there, for example the Kinský family, the Šlik family or the Chotek family. Outstanding Czechs appointed by the emperor sat there from the 2nd half of the 19th century, were sitting there. The first Czech appointed in this way was František Palacký in the 1860’s. He was followed by Emil Škoda, František Ringhoffer, Josef Hlávka, František Křižík, Josef Václav Myslbek, Jaroslav Vrchlický, and Antonín Dvořák at the turn of the 19th and 20th centuries.

The first constitution of the independent Czechoslovak state from 1920 also stipulated a bicameral parliament. The authors of the constitution took their inspiration from the Austrian constitution, as well as the French and American constitutions. The National Assembly of the Czechoslovak Republic was composed of a 300-member Chamber of Deputies and a 150-member Senate. A proportional system was used in elections to both chambers. Senators were elected for eight years and they were required to be 45 years of age or older. The seat of the Senate was in Thunovský Palace, the current seat of the Chamber of Deputies. The then Chamber of Deputies had its seat in Rudolfinum.

The first election to the Czechoslovak Senate took place in 1920. After the Protectorate of Bohemia and Moravia had been declared, the Senate was dissolved in March 1939 and it never met again after WWII.

A bicameral parliament was established again after the constitutional Act on the Czechoslovak Federation was passed. A Federal Assembly replaced the unicameral National Assembly, and was composed of two equal chambers – the House of People with 200 members and the House of Nations with 150 members. While the number of mandates in the House of People was derived from the population, the number of mandates in the House of Nations was equal for both Czechs and Slovaks. The bicameral Federal Assembly existed from 1969 till the break-up of the federation in 1992.