

Centro de Información Jurídica en Línea
Convenio Colegio de Abogados – Universidad de Costa Rica

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INFORME DE INVESTIGACIÓN CIJUL

**TEMA: NORMAS CONSTITUCIONALES SOBRE PARTICIPACIÓN CIUDADANA EN
PAÍSES NORDICOS.**

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1. NORMATIVA

a) *Finlandia*

Constitución de Finlandia¹

Section 14 - Electoral and participatory rights Every Finnish citizen who has reached eighteen years of age has the right to vote in national elections and referendums. Specific provisions in this Constitution shall govern the eligibility to stand for office in national elections.

Every Finnish citizen and every foreigner permanently resident in Finland, having attained eighteen years of age, has the right to vote in municipal elections and municipal referendums, as provided by an Act. Provisions on the right to otherwise participate in municipal government are laid down by an Act.

The public authorities shall promote the opportunities for the individual to participate in societal activity and to influence the decisions that concern him or her.

b) *Dinamarca*

Constitución de Dinamarca²

§ 42

(1) Where a Bill has been passed by the Folketing, one-third of the members of the Folketing may, within three weekdays from the final passing of the Bill, request of the President that the Bill be submitted to a referendum. Such request shall be made in writing and signed by the members making the request.

(2) Except in the instance mentioned in subsection (7), no Bill which may be submitted to a referendum (see sub-section (6)), shall receive the Royal Assent before the expiration of the time limit stated in sub-section (1), or before a referendum requested as aforesaid has taken place.

(3) Where a referendum on a Bill has been requested the Folketing may, within a period of five weekdays from the final passing of the Bill, resolve that the Bill shall be withdrawn.

(4) Where the Folketing has made no resolution in accordance with sub-section (3), notice that the Bill is to be submitted to a referendum shall be given without delay to the Prime Minister, who shall then cause the Bill to be published together with a statement that a referendum is to be held.

The referendum shall be held, in accordance with the decision of the Prime Minister, not less than twelve and not more than eighteen weekdays after the publication of the Bill.

(5) At the referendum votes shall be cast for or against the Bill.

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For the Bill to be rejected, a majority of the electors who vote and not less than thirty per cent of all persons who are entitled to vote, shall have voted against the Bill.

(6) Finance Bills, Supplementary Appropriation Bills, Provisional Appropriation Bills, Government Loan Bills, Civil Servants (Amendment) Bills, Salaries and Pensions Bills, Naturalization Bills, Expropriation Bills, Taxation (Direct and Indirect) Bills, as well as Bills introduced for the purpose of discharging existing treaty obligations shall not be submitted to decision by referendum.

This provision shall also apply to the Bills referred to in sections 9, 8, 10, and 11, and to such resolutions as are provided for in section 19, if existing in the form of a law, unless it has been prescribed by a special Act that such resolutions shall be submitted to referendum. Amendments to the Constitutional Act shall be governed by the rules laid down in section 88.

(7) In an emergency a Bill which may be submitted to a referendum may receive the Royal Assent immediately after it has been passed, provided that the Bill contains a provision to this effect.

Where, under the rules of sub-section (1), one-third of the members of the Folketing request a referendum on the Bill or on the Act to which the Royal Assent has been given, such referendum shall be held in accordance with the above rules.

Where the Act is rejected by the referendum an announcement to that effect shall be made by the Prime Minister without undue delay, and not later than fourteen days after the referendum was held. From the date of such announcement the Act shall become ineffective.

(8) Rules for referenda, including the extent to which referenda shall be held in the Faroe Islands and in Greenland, shall be laid down by statute.

c) Noruega

Constitución Política de Noruega³

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C. RIGHTS OF CITIZENS AND THE LEGISLATIVE POWER

Article 49

The people exercise the Legislative Power through the Storting, which consists of two departments, the Lagting and the Odelsting.

Article 50

Those entitled to vote in elections to the Storting are Norwegian citizens, men and women, who, at the latest in the year when the election is held, have completed their eighteenth year.

The extent, however, to which Norwegian citizens who on Election Day are resident outside the Realm but who satisfy the aforementioned conditions are entitled to vote shall be determined by law.

Rules may be laid down by law concerning the right to vote of persons otherwise entitled to vote who on Election Day are manifestly suffering from a seriously weakened mental state or a reduced level of consciousness.

Article 51

The rules on the keeping of the electoral register and on the registration in the register of persons entitled to vote shall be determined by law.

Article 52

(Repealed)

Article 53

The right to vote is lost by persons:

- a) sentenced for criminal offences, in accordance with the relevant provisions laid down by law;
- b) entering the service of a foreign power without the consent of the Government.

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Article 54

The elections shall be held every fourth year. They shall be concluded by the end of September.

Article 55

The elections shall be conducted in the manner prescribed by law. Disputes regarding the right to vote shall be settled by the Electoral Committee, whose decision may be appealed to the Storting.

Article 56

(Repealed)

Article 57

The number of representatives to be elected to the Storting shall be one hundred and sixty-nine.

The Realm is divided into nineteen constituencies.

One hundred and fifty of the representatives to the Storting are elected as representatives of constituencies and the remaining nineteen representatives are elected as members at large.

Each constituency shall have one seat at large.

The number of representatives to the Storting to be chosen from each constituency is determined on the basis of a calculation of the ratio between the number of inhabitants and surface area of each constituency and the number of inhabitants and surface area of the entire Realm, in which each inhabitant counts as one point and each square kilometre counts as 1.8 points. This calculation shall be made every eighth year.

Specific provisions on the division of the Realm into constituencies and on the allotment of seats in the Storting to the constituencies shall be determined by law.

Article 58

The polls shall be held separately for each municipality. At the polls votes shall be cast directly for representatives to the Storting, together with their proxies, to represent the entire constituency.

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Article 59

The election of representatives of constituencies is based on proportional representation and the seats are distributed among the political parties in accordance with the following rules.

The total number of votes cast for each party within each separate constituency is divided by 1, 2, 3, 4, 5, 6, 7 and so on until the number of votes cast is divided as many times as the number of seats that the party in question may be expected to obtain. The party which in accordance with the foregoing obtains the largest quotient is allotted the first seat, while the second seat is allotted to the party with the second largest quotient, and so on until all the seats are distributed.

List alliances are not permitted.

The seats at large are distributed among the parties taking part in such distribution on the basis of the relation between the total number of votes cast for the individual parties in the entire Realm in order to achieve the highest possible degree of proportionality among the parties. The total number of seats in the Storting to be held by each party is determined by applying the rules concerning the distribution of constituency seats correspondingly to the entire Realm and to the parties taking part in the distribution of the seats at large. The parties are then allotted so many seats at large that these, together with the constituency seats already allotted, correspond to the number of seats in the Storting to which the party in question is entitled in accordance with the foregoing. If a party has already through the distribution of constituency seats obtained a greater number of seats than it is entitled to in accordance with the foregoing, a new distribution of the seats at large shall be carried out exclusively among the other parties, in such a way that no account is taken of the number of votes cast for and constituency seats obtained by the said party.

No party may be allotted a seat at large unless it has received at least four per cent of the total number of votes cast in the entire Realm.

Specific provisions concerning the distribution among the constituencies of the seats at large allotted to the parties shall be determined by law.

Article 60

Whether and in what manner those entitled to vote may deliver their ballot papers without personal attendance at the polls shall

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be determined by law.

Article 61

No one may be elected as a representative unless he or she is entitled to vote.

Article 62

Officials who are employed in government ministries, except however State Secretaries and political advisers, may not be elected as representatives. The same applies to Members of the Supreme Court and officials employed in the diplomatic or consular services.

Members of the Council of State may not attend meetings of the Storting as representatives while holding a seat in the Council of State. Nor may State Secretaries attend as representatives while holding their appointments, and political advisers in government ministries may not attend meetings of the Storting as long as they hold their positions.

Article 63

It is the duty of anyone who is elected as a representative to accept such election, unless:

- a) He is elected outside the constituency in which he is entitled to vote.
- b) He has as a representative attended all the sessions of the Storting following the previous election.
- d) He is a member of a political party and he is elected on a list of candidates which has not been issued by that party.

Rules for the time within which and the manner in which anyone who has the right to refuse election shall assert this right shall be prescribed by law.

It shall similarly be prescribed by law by what date and in which manner anyone who is elected as representative for two or more constituencies shall state which election he will accept.

Article 64

The representatives elected shall be furnished with credentials, the validity of which shall be adjudged by the Storting.

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Article 65

Every representative and proxy called to the Storting shall be entitled to receive from the Treasury such reimbursement as is prescribed by law for travelling expenses to and from the Storting, and from the Storting to his home and back again during vacations lasting at least fourteen days.

He shall further be entitled to remuneration, likewise prescribed by law, for attending the Storting.

Article 66

Representatives on their way to and from the Storting, as well as during their attendance there, shall be exempt from personal arrest, unless they are apprehended in public crimes, nor may they be called to account outside the meetings of the Storting for opinions expressed there. Every representative shall be bound to conform to the rules of procedure therein adopted.

Article 67

The representatives elected in the aforesaid manner shall constitute the Storting of the Kingdom of Norway.

Article 68

The Storting shall as a rule assemble on the first weekday in October every year in the capital of the Realm, unless the King, by reason of extraordinary circumstances, such as hostile invasion or infectious disease, designates another town in the Realm for the purpose. Such a decision must be publicly announced in good time.

Article 69

When the Storting is not assembled, it may be summoned by the King if he finds it necessary.

Article 70

(Repealed)

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Article 71

The Members of the Storting function as such for four successive years.

Article 72

(Repealed)

Article 73

The Storting nominates from among its Members one fourth to constitute the Lagting; the remaining three fourths constitute the Odelsting. This nomination shall take place at the first session of the Storting that assembles after a new General Election, whereafter the Lagting shall remain unchanged at all sessions of the Storting assembled after the same election, except insofar as any vacancy which may occur among its Members has to be filled by special nomination.

Each Ting holds its meetings separately and nominates its own President and Secretary. Neither Ting may hold a meeting unless at least half of its Members are present. However, Bills concerning amendments to the Constitution may not be dealt with unless at least two thirds of the Members of the Storting are present.

Article 74

As soon as the Storting is constituted, the King, or whoever he appoints for the purpose, shall open its proceedings with a speech, in which he shall inform it of the state of the Realm and of the issues to which he particularly desires to call the attention of the Storting. No deliberations may take place in the presence of the King.

When the proceedings of the Storting have been opened, the Prime Minister and the Members of the Council of State have the right to attend the Storting, as well as both departments of the Storting, and, like its Members, although without voting, to take part in any proceedings conducted in open session, while in matters discussed in closed session only insofar as permitted by the Ting concerned.

Article 75

It devolves upon the Storting:

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- a) to enact and repeal laws; to impose taxes, duties, customs and other public charges, which shall not, however, remain operative beyond 31 December of the succeeding year, unless they are expressly renewed by a new Storting;
- b) to raise loans in the name of the Realm;
- c) to supervise the economic affairs of the Realm;
- d) to appropriate the moneys necessary to meet government expenditure;
- e) to decide how much shall be paid annually to the King for the Royal Household, and to determine the Royal Family's appanage, which may not, however, consist of real property;
- f) to have submitted to it the records of the Council of State, and all public reports and documents;
- g) to have communicated to it the treaties which the King, on behalf of the State, has concluded with foreign powers;
- h) to have the right to require anyone, the King and the Royal Family excepted, to appear before it on matters of State; the exception does not, however, apply to the Royal Princes if they hold any public office;
- i) to review the provisional lists of salaries and pensions and to make therein such alterations as it deems necessary;
- k) to appoint five auditors, who shall annually examine the State Accounts and publish extracts of the same in print, for which purpose the Accounts shall be submitted to the auditors within six months of the end of the year for which the appropriations of the Storting have been made, and to adopt provisions concerning the procedure for authorising the accounts of government accounting officials;
- l) to appoint a person, not a member of the Storting, in a manner prescribed by law, to supervise the public administration and all who work in its service, to assure that no injustice is done against the individual citizen;
- m) to naturalise aliens.

Article 76

Every Bill shall first be proposed in the Odelsting, either by one of its own Members, or by the Government through a Member of the Council of State.

If the Bill is passed there, it is sent to the Lagting, which either approves or rejects it, and in the latter case returns it

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with appended comments. These are taken into consideration by the Odelsting, which either shelves the Bill or again sends it to the Lagting, with or without alteration.

When a Bill from the Odelsting has twice been presented to the Lagting and has been returned a second time as rejected, the Storting shall meet in plenary session, and the Bill is then decided by a majority of two thirds of its votes.

Between each such deliberation there shall be an interval of at least three days.

Article 77

When a Bill passed by the Odelsting has been approved by the Lagting or by the Storting in plenary session, it is sent to the King, with a request that it may receive the Royal Assent.

Article 78

If the King assents to the Bill, he appends his signature, whereby it becomes law.

If he does not assent to it, he returns it to the Odelsting with a statement that he does not for the time being find it expedient to give his assent. In that case the Bill must not again be submitted to the King by the Storting then assembled.

Article 79

If a Bill has been passed unaltered by two sessions of the Storting, constituted after two separate successive elections and separated from each other by at least two intervening sessions of the Storting, without a divergent Bill having been passed by any Storting in the period between the first and last adoption, and it is then submitted to the King with a petition that His Majesty shall not refuse his assent to a Bill which, after the most mature deliberation, the Storting considers to be beneficial, it shall become law even if the Royal Assent is not accorded before the Storting goes into recess.

Article 80

The Storting shall remain in session as long as it deems it necessary and shall terminate its proceedings when it has concluded its business.

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In accordance with the rules of procedure adopted by the Storting, the proceedings may be resumed, but they shall terminate not later than the last weekday in the month of September.

Within this time the King shall communicate his decision with regard to the Bills that have not already been decided (cf. Articles 77 to 79), by either confirming or rejecting them. All those which he does not expressly accept are deemed to have been rejected by him.

Article 81

All Acts (with the exception of those mentioned in Article 79) are drawn up in the name of the King, under the Seal of the Realm of Norway, and in the following terms: "We, X, make it publicly known: that the decision of the Storting of the date stated has been laid before Us: (here follows the decision). In consequence whereof We have assented to and confirmed, as We hereby do assent to and confirm the same as Law under Our Hand and the Seal of the Realm."

Article 82

(Repealed)

Article 83

The Storting may obtain the opinion of the Supreme Court on points of law.

Article 84

The Storting shall meet in open session, and its proceedings shall be published in print, except in those cases where a majority decides to the contrary.

Article 85

Any person who obeys an order the purpose of which is to disturb the liberty and security of the Storting is thereby guilty of treason against the Country.

d) Suecia

Constitución Política de Suecia⁴

Chapter 3. The Riksdag

Art. 1. The Riksdag is appointed by means of free, secret and direct elections. Voting in such elections is by party, with an option for the voter to express a preference for a particular candidate.

The Riksdag consists of a single chamber comprising three hundred and forty-nine members. Alternates shall be appointed for members.

Art. 2. Every Swedish citizen who is currently domiciled within the Realm or who has ever been domiciled within the Realm is entitled to vote in a Riksdag election. A person who has not attained the age of eighteen on or before election day is not entitled to vote.

The question of whether a right to vote exists under paragraph one is determined on the basis of an electoral roll drawn up prior to the election.

Art. 3. Ordinary elections for the Riksdag are held every four years.

Art. 4. The Government may order an extraordinary election for the Riksdag to be held between ordinary elections. An extraordinary election is held within three months from the issue of such an order.

After an election for the Riksdag has been held, the Government is debarred from calling an extraordinary election until three months from the date on which the newly-elected Riksdag first convened. Neither may the Government call an extraordinary election while ministers remain at their posts, after all have been formally discharged, pending assumption of office by a new Government.

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Rules for an extraordinary election in a particular case are set out in Chapter 6, Article 3.

Art. 5. A newly-elected Riksdag convenes on the fifteenth day following election day but no sooner than the fourth day after the result of the election has been declared.

Each election is valid for the period from the date on which the newly-elected Riksdag convenes to the date on which the Riksdag elected next thereafter convenes. This period is the electoral period of the Riksdag.

Art. 6. The Realm is divided up into constituencies for the purpose of elections for the Riksdag.

The Riksdag comprises three hundred and ten fixed constituency seats and thirty-nine adjustment seats.

The fixed constituency seats are distributed among the constituencies on the basis of a calculation of the relationship between the number of persons entitled to vote in each constituency, and the total number of persons entitled to vote throughout the whole of the Realm. The distribution of seats among the constituencies is determined for four years at a time.

Art. 7. The seats are distributed among parties. Party is understood to mean any association or group of voters which runs for election under a particular designation.

Only a party which receives at least four per cent of the votes cast throughout the whole of the Realm is entitled to share in the distribution of seats. A party receiving fewer votes however participates in the distribution of the fixed constituency seats in any constituency in which it receives at least twelve per cent of the votes cast.

Art. 8. The fixed constituency seats in each constituency are distributed proportionately among the parties on the basis of the election result in that constituency.

The adjustment seats are distributed among the parties in such a way that the distribution of all the seats in the Riksdag, other than those fixed constituency seats which have been allocated to a party polling less than four per cent of the national vote, is in

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proportion to the total number of votes cast throughout the whole of the Realm for the respective parties participating in the distribution of seats. If, in the distribution of the fixed constituency seats, a party obtains seats which exceed the number corresponding to the proportional representation of that party in the Riksdag, then that party and the fixed constituency seats which it has obtained are disregarded in distributing the adjustment seats. The adjustment seats are allocated to constituencies after they have been distributed among the parties.

The odd-number method is used to distribute the seats among the parties, with the first divisor adjusted to 1.4.

Art. 9. One member is appointed for each seat a party obtains, together with alternates for that member.

Art. 10. Only a person who is entitled to vote may be a member or alternate member of the Riksdag.

Art. 11. Appeals against elections for the Riksdag may be lodged with an Election Review Board appointed by the Riksdag. A person who has been elected a member of the Riksdag exercises his mandate regardless of any such appeal. If the result of the election is revised, a new member takes his seat immediately after the revised result has been declared. This applies in like manner to alternate members.

The Election Review Board consists of a chairman, who shall be currently, or shall have been previously, a permanent salaried judge and who may not be a member of the Riksdag, and six other members. The members are elected after each ordinary election, as soon as the result of the election becomes final, and serve until a new election for the Board is held. The chairman is elected separately. There is no right of appeal against a decision of the Board.

Art. 12. Further rules concerning matters under Articles 2 to 11 and concerning the appointment of alternates for Riksdag members are laid down in the Riksdag Act or in another act of law.

e) *Islandia*

Constitución Política de Islandia⁵

III.

Article 31

Althingi shall be composed of 63 members elected by the people by secret ballot on the basis of proportional representation for a term of four years.

Electoral districts shall be no fewer than six and no more than seven in number. Their boundaries shall be defined by law; however, the National Election Board may define the boundaries of the electoral districts in Reykjavik and its vicinity.

For each respective electoral district, six seats shall be allocated in accordance with the outcome of elections within that district. The number of parliamentary seats for each electoral district shall in other respects be defined by law, subject however to the provisions of the fifth paragraph.

Seats other than those allocated to the electoral districts shall be distributed within each respective electoral district with the purpose of providing individual political parties with representation reflecting to the fullest possible extent each party's total number of votes. However, only political parties having received at least five per cent of all valid votes cast nation-wide shall be eligible for such distribution.

If the number of voters on the voting register represented by each parliamentary seat, allocated or distributed, becomes in one electoral district one half of the number represented by each parliamentary seat in another electoral district, the National Election Board shall revise the number of seats representing each electoral district with the aim of reducing this difference. This shall be provided for in further detail by law.

Provisions of law relating to election district boundaries and the methods of allocating seats in Parliament can only be amended by a two-thirds majority in Althingi.

Article 32

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Sessions of Althingi are held in one chamber.

Article 33

All persons who, on the date of an election, are 18 years of age or older and have Icelandic nationality have the right to vote in elections to Althingi. Permanent domicile in Iceland, on the date of an election, is also a requirement for voting, unless exceptions from this rule are stipulated in the law on elections to Althingi.

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

Article 34

Every national having the right to vote in elections to Althingi and an unblemished reputation is eligible to be elected to Althingi.

Supreme Court Judges, however, are not eligible.

FUENTES CITADAS

1 Constitución de Finlandia. Página visitada el 13/02/2008. Disponible

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- en: <http://www.finlex.fi/en/laki/kaannokset/1999/en19990731>
- 2 Constitución de Dinamarca. Página visitada el 13/02/2008. Disponible en: <http://www.folketinget.dk/BAGGRUND/00000048/00440513.htm>
- 3 Constitución de Noruega. Página visitada el 13/02/2008. Disponible en: <http://www.stortinget.no/english/constitution.html#fulltext>
- 4 Constitución de Suecia. Página visitada el 13/02/2008. Disponible en: http://www.riksdagen.se/templates/R_PageExtended___6320.aspx
- 5 Constitución de Islandia. Página visitada el 13/02/2008. Disponible en: <http://www.government.is/constitution/>