

# CONSTITUTION OF THE SLOVAK REPUBLIC

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## **THE PREAMBLE**

We, the Slovak Nation,

Bearing in mind the political and cultural heritage of our predecessors and the experience gained through centuries of struggle for our national existence and statehood,

Mindful of the spiritual bequest of Cyril and Methodius and the historical legacy of Great Moravia,

Recognizing the natural right of nations to self-determination,

Together with members of national minorities and ethnic groups living on the territory of the Slovak Republic,

In the interest of continuous peaceful cooperation with other democratic countries,

Endeavouring to implement democratic form of government, to guarantee a life of freedom, and to promote spiritual culture and economic prosperity,

Thus we, the citizens of the Slovak Republic, have, herewith and through our representatives, adopted this Constitution:

# **TITLE ONE**

## **Section One**

### **GENERAL PROVISIONS**

#### **Article 1**

(1) The Slovak Republic is a sovereign, democratic state governed by the rule of law. It is not bound to any ideology or religion.

(2) The Slovak Republic acknowledges and adheres to general rules of international law, international treaties by which it is bound, and its other international obligations.

#### **Article 2**

(1) The state power derives from the citizens, who shall exercise it through their elected representatives or directly.

(2) State bodies may act solely on the basis of the Constitution, within its scope and their actions shall be governed by procedures laid down by a law.

(3) Everyone may do what is not forbidden by a law and no one may be forced to do what the law does not enjoin.

#### **Article 3**

(1) The territory of the Slovak Republic is integral and indivisible.

(2) Borders of the Slovak Republic may be changed only by a constitutional law.

#### **Article 4**

Mineral resources, caves, underground waters, natural healing sources and streams are a property of the Slovak Republic.

#### **Article 5**

(1) Acquisition and loss of citizenship of the Slovak Republic shall be regulated by a law.

(2) No one shall be deprived of citizenship of the Slovak Republic against his or her will.

## **Article 6**

(1) The Slovak language is the official language of the Slovak Republic.

(2) The use of languages other than the official language in official communications shall be laid down by a law.

## **Article 7**

(1) The Slovak Republic may, by its own discretion, enter into a state union with other states. A constitutional law, which shall be confirmed by a referendum, shall decide on the entry into a state union, or on the secession from such union.

(2) The Slovak Republic may, by an international treaty, which was ratified and promulgated in the way laid down by a law, or on the basis of such treaty, transfer the exercise of a part of its powers to the European Communities and the European Union. Legally binding acts of the European Communities and of the European Union shall have precedence over laws of the Slovak Republic. The transposition of legally binding acts which require implementation shall be realized through a law or a regulation of the Government according to Art. 120, para. 2.

(3) The Slovak Republic may for purpose of maintaining peace, security and democratic order, under conditions established by an international treaty, join an organization of mutual collective security.

(4) The validity of international treaties on human rights and fundamental freedoms, international political treaties, international treaties of a military character, international treaties from which a membership of the Slovak Republic in international organizations arises, international economic treaties of a general character, international treaties for whose exercise a law is necessary and international treaties which directly confer rights or impose duties on natural persons or legal persons, require the approval of the National Council of the Slovak Republic before ratification.

(5) International treaties on human rights and fundamental freedoms and international treaties for whose exercise a law is not necessary, and international treaties which directly confer rights or impose duties on natural persons or legal persons and which were ratified and promulgated in the way laid down by a law shall have precedence over laws.

## **Article 7a**

The Slovak Republic shall support the national consciousness and cultural identity of Slovaks living abroad, shall support their institutions established to achieve this goal and their relations with the homeland.

## **Section Two**

### **THE STATE SYMBOLS**

#### **Article 8**

The state symbols of the Slovak Republic are the state emblem, the state flag, the state seal and the national anthem.

#### **Article 9**

(1) The state emblem of the Slovak Republic consists of a red early Gothic shield with a silver double cross erected on the central, elevated hill of three blue hills.

(2) The state flag of the Slovak Republic has three lengthwise stripes: white, blue and red. The state emblem of the Slovak Republic appears in the front half of the flag.

(3) The state seal of the Slovak Republic consists of the state emblem encircled by the inscription “Slovenská republika”.

(4) The national anthem of the Slovak Republic is composed of the first two stanzas of the song, “Nad Tatrou sa blýska”.

(5) A law shall lay down the details and use of the state symbols.

### **Section Three**

## **THE CAPITAL OF THE SLOVAK REPUBLIC**

### **Article 10**

- (1) The capital of the Slovak Republic is Bratislava.
- (2) The status of Bratislava as the capital of the Slovak Republic shall be laid down by a law.

## **TITLE TWO**

### **FUNDAMENTAL RIGHTS AND FREEDOMS**

#### **Section One**

#### **GENERAL PROVISIONS**

##### **Article 11**

Repealed

##### **Article 12**

(1) All human beings are free and equal in dignity and in rights. Their fundamental rights and freedoms are sanctioned, inalienable, imprescriptible and irreversible.

(2) Fundamental rights shall be guaranteed in the Slovak Republic to everyone regardless of sex, race, colour, language, belief and religion, political affiliation or other conviction, national or social origin, nationality or ethnic origin, property, descent or any other status. No one shall be aggrieved, discriminated against or favoured on any of these grounds.

(3) Everyone has the right to decide freely which national group he or she is a member of. Any influence and all manners of pressure that may affect or lead to a denial of a person's original nationality shall be prohibited.

(4) No injury may be inflicted on anyone, because of exercising his or her fundamental rights and freedoms.

##### **Article 13**

(1) Duties can be imposed

- a) by a law or on the basis of a law, within its limitations and in maintaining of the fundamental rights and freedoms,
- b) by an international treaty according to Art. 7, para. 4 which directly confers rights and imposes duties on natural persons or legal persons, or
- c) by a regulation of the Government according to Art. 120, para. 2.

(2) Limitations of fundamental rights and freedoms shall be regulated only by a law and under the conditions set in this Constitution.

(3) Legal restrictions of fundamental rights and freedoms shall be applied equally in all cases fulfilling the specified conditions.

(4) When imposing restrictions on fundamental rights and freedoms, respect must be given to the essence and meaning of these rights and freedoms and such restrictions shall be used only for the specified purpose.



## **Section Two**

### **FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS**

#### **Article 14**

Every person shall be entitled to his or her rights.

#### **Article 15**

(1) Everyone has the right to life. Human life is worth protection even before birth.

(2) No one shall be deprived of life.

(3) The death penalty shall be inadmissible.

(4) No infringement of rights according to this Article shall occur if a person has been deprived of life in connection with an action not defined as unlawful under the law.

#### **Article 16**

(1) The right of every individual to integrity and privacy shall be guaranteed. This right may be restricted only in cases specifically provided by a law.

(2) No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.

#### **Article 17**

(1) Personal liberty of every individual shall be guaranteed.

(2) No one shall be prosecuted or deprived of liberty save for reasons and by means laid down by a law. No one shall be deprived of liberty merely for his or her inability to fulfil a contractual obligation.

(3) A person charged with or suspected of a criminal offence may be detained only in cases provided by a law. A detained person must be immediately informed of the grounds thereof, and after interrogation at the latest within 48 hours must be either released or brought before a court. A judge must within 48 hours and, for especially serious criminal offences within 72 hours from bringing the detained person before him or her, hear the person and decide on his or her detention or release.

(4) A person charged with a criminal offence may be arrested only upon a written order issued by a judge. An arrested person must be brought before a court within 24 hours. A judge must, within 48 hours and, for especially serious offences within 72 hours from bringing before court, hear the arrested person and decide on his or her detention or release.

(5) Pre-trial detention can be imposed only on the grounds and for the period

provided by a law and determined by the court.

(6) A law shall lay down in which cases a person may be committed to or held in a health care institution without his or her consent. Such cases shall be reported to the court within 24 hours and the court shall make a decision on such placement within five days.

(7) Examination of mental condition of a person charged with a criminal offence is permissible only upon a written court order.

### **Article 18**

(1) No one shall be sent to perform forced labour or forced services.

(2) Provisions of paragraph 1 of this Article shall not apply to:

- a) labour lawfully imposed on prisoners or on persons serving a sentence, which is replacing imprisonment,
- b) military service or other service performed instead of compulsory military service,
- c) service lawfully required in cases of natural disasters, accidents or other danger, which is threatening the lives, health or considerable property values,
- d) activity imposed by law for the protection of life, health or rights of other people,
- e) minor municipality services on the basis of a law.

### **Article 19**

(1) Everyone shall have the right to maintain and protect his or her dignity, honour, reputation and good name.

(2) Everyone shall have the right to be free from unjustified interference in his or her private and family life.

(3) Everyone shall have the right to be protected against unjustified collection, disclosure and other misuse of his or her personal data.

### **Article 20**

(1) Everyone shall have the right to own property. Property rights of all owners shall be uniformly construed and equally protected by law. The right of inheritance is guaranteed.

(2) , The law shall establish certain property, which is necessary for the purposes of safeguarding the needs of the society, the development of the national economy and the public interest, except the property defined in Art. 4 of this Constitution as the exclusive property of the State, the municipality or specific legal persons. A law may also lay down which property only individual citizens or legal persons residing in the Slovak Republic may own.

(3) The ownership is binding. It shall not be misused causing injury to others or in contradiction with the public interests protected by the law. The exercise of right in property must not be detrimental to the health of other people, nature, cultural sites or the environment beyond the margin laid down by a law.

(4) Expropriation or restrictions of right in property may be imposed only to the necessary extent and in public interest, based on the law and for a valuable consideration.

#### **Article 21**

(1) The home shall be inviolable. Entrance without consent of the person residing therein is not permitted.

(2) A search shall be allowed only in connection with criminal proceedings and only upon a reasoned written order issued by a judge. A law shall lay down the manner of execution of such search.

(3) Other infringements of the inviolability of the home shall be legally justified only if it is necessary in a democratic society to protect life, health, or property, to protect rights and freedoms of others, or to avert a serious threat to public order. If the home is used for entrepreneuring or other economic activities, such infringements may be allowed by the law also for the purposes of fulfilling the tasks of public administration.

#### **Article 22**

(1) Secrecy of letters, other communications and written messages delivered by post and of personal data shall be guaranteed.

(2) No one shall violate the secrecy of letters, neither the secrecy of other communications and written messages kept private or delivered by post or otherwise; save in cases laid down by a law. The same applies to communications delivered over telephone, telegraph or other similar equipment.

#### **Article 23**

(1) Freedom of movement and residence shall be guaranteed.

(2) Everyone residing legally on the territory of the Slovak Republic has the right to leave its territory freely.

(3) Freedoms defined in paragraphs 1 and 2 may be restricted by a law if it is necessary for national security, maintenance of public order, for the health protection or the protection of the rights and freedoms of others, and in the interest of the environment protection in specified territories.

(4) A citizen must not be forced to emigrate or to be expelled from his or her homeland.

(5) An alien may be expelled only in cases provided by a law.

#### **Article 24**

(1) Freedom of thought, conscience, religion and belief shall be guaranteed. This

right shall include the right to change religion or belief and the right to refrain from a religious affiliation. Everyone shall have the right to express his or her mind publicly.

(2) Everyone shall have the right to manifest freely his or her religion or belief either alone or in association with others, privately or publicly, in worship, religious acts, maintaining ceremonies or to participate in teaching.

(3) Churches and ecclesiastical communities shall administer their own affairs themselves; in particular, they shall establish their bodies, appoint clericals, provide for theological education and establish religious orders and other clerical institutions independent from the state authorities.

(4) The exercise of rights under paragraphs 1 to 3 may be restricted only by a law, if it is regarding a measure necessary in a democratic society for the protection of public order, health and morals or for the protection of the rights and freedoms of others.

### **Article 25**

(1) The defence of the Slovak Republic is a honourable privilege and duty of citizens. The law shall provide the extent of military duty.

(2) No one shall be forced to perform military service if it is contrary to his or her conscience or religion. A law shall lay down the details.

## **Section Three**

### **POLITICAL RIGHTS**

#### **Article 26**

(1) Freedom of expression and the right to information shall be guaranteed.

(2) Everyone has the right to express his or her opinion in words, writing, print, images or by other means and also to seek, receive and disseminate ideas and information freely, regardless of the state borders . No approval process shall be required for press publishing. Entrepreneurial activity in the field of radio and television broadcasting may be subject to permission from the State. The conditions shall be laid down by a law.

(3) Censorship shall be prohibited.

(4) Freedom of expression and the right to seek and disseminate information may be restricted by a law only if it is regarding measures necessary in a democratic society to protect the rights and freedoms of others, national security, public order, protection of health and morals.

(5) Public authority bodies shall be obliged to provide information about their activities in the appropriate manner in the official language. The terms and form of the execution thereof shall be laid down by a law.

#### **Article 27**

(1) The right to petition shall be guaranteed. Everyone shall have the right to address state bodies and local self-administration bodies in matters of public interest or of other common interest with petitions, proposals and complaints either individually or in association with others.

(2) Any petition must not call for the infringement of fundamental rights and freedoms.

(3) Any petition must not interfere in the independence of a court.

#### **Article 28**

(1) The right to peaceful assembly shall be guaranteed.

(2) The conditions under which this right may be exercised shall be provided by a law in cases of assemblies held in public places , if it is regarding measures necessary in a democratic society for the protection of the rights and freedoms of others, for the protection of public order, health and morals, property or of national security. An assembly shall not be subject to a permission of a body of public administration.

## **Article 29**

(1) The right of free association shall be guaranteed. Everyone has the right to associate freely with others in unions, societies or other associations.

(2) Citizens may establish political parties and political movements and associate therein.

(3) The exercise of rights pursuant to paragraphs 1 and 2 may be limited only in cases laid down by a law if it is necessary, in a democratic society for national security, for the protection of public order, for the prevention of crimes or for the protection of the rights and freedoms of others.

(4) Political parties and political movements, as well as unions, societies or other associations shall be separate from the State.

## **Article 30**

(1) Citizens shall have the right to participate in the administration of public affairs directly or through freely elected representatives. Aliens with permanent residence on the territory of the Slovak Republic shall have the right to vote and to be elected to self-administration bodies of municipalities and to self-administration bodies of higher territorial units.

(2) Elections shall be held within periods of time not exceeding the regular electoral term provided by a law.

(3) The right to vote shall be exercised through universal, equal and direct suffrage by secret ballot. The terms of exercise thereof shall be laid down by a law.

(4) Citizens shall have access to the elected and public offices under equal conditions.

## **Article 31**

Legal regulation of all political rights and freedoms and the interpretation and use thereof shall enable and protect free competition of political forces in a democratic society.

## **Article 32**

The citizens shall have the right to resist anyone who would abolish the democratic order of human rights and freedoms set in this Constitution, if the activities of constitutional authorities and the effective application of legal means are restrained.

## **Section Four**

### **THE RIGHTS OF NATIONAL MINORITIES AND ETHNIC GROUPS**

#### **Article 33**

Membership in any national minority or ethnic group may not be used to the detriment of any individual.

#### **Article 34**

(1) Citizens belonging to national minorities or ethnic groups in the Slovak Republic shall be guaranteed their universal development, particularly the rights to promote their culture together with other members of the minority or group, to disseminate and receive information in their mother tongues, to associate in national minority associations, to establish and maintain educational and cultural institutions. A law shall lay down details thereof.

(2) In addition to the right to learn the official language, the citizens belonging to national minorities or ethnic groups shall, under the conditions laid down by a law, also be guaranteed:

- a) the right to be educated in their language,
- b) the right to use their language in official communications,
- c) the right to participate in the decision making in matters affecting the national minorities and ethnic groups.

(3) The exercise of the rights of citizens belonging to national minorities and ethnic groups guaranteed by this Constitution must not lead to threat to the sovereignty and territorial integrity of the Slovak Republic and to discrimination of other population.

## **Section Five**

### **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

#### **Article 35**

(1) Everyone shall have the right to choose his or her profession and appropriate training freely, as well as the right to conduct entrepreneurial or other gainful activity.

(2) A law may lay down terms of, or restrictions on certain professions or activities.

(3) Citizens shall have the right to work. The State shall guarantee, within appropriate extent, the material welfare of those who cannot enjoy this right without their own fault. A law shall lay down the terms thereof.

(4) A law may provide different regulation of the rights specified in paragraphs 1 to 3 with regard to the aliens.

#### **Article 36**

Employees shall have the right to fair and satisfactory conditions of work. The law shall ensure, in particular:

- a) the right to wages for the work performed, sufficient to secure a dignified standard of life,
- b) the protection from arbitrary dismissal and discrimination at work,
- c) the protection of safety and health at work,
- d) the setting of maximum working hours,
- e) appropriate rest time after work,
- f) the minimum admissible length of paid vacation,
- g) the right to collective negotiations.

#### **Article 37**

(1) Everyone shall have the right to associate freely with others to protect their economic and social interests.

(2) Trade unions shall be independent of the State. Any restrictions on the number of trade unions, and privileges to any of them in a company or industry shall be illegal.

(3) The activities of trade unions and forming and activities of other associations aimed to protect economic and social interests may be restricted by a law only if it is regarding a measure necessary in a democratic society for the protection of the national security, public order, or for the protection of the rights and freedoms of others.



(4) The right to strike shall be guaranteed. A law shall lay down the terms thereof. Judges, prosecutors, members of the armed forces and armed corps, and members and employees of Fire and Rescue Squads shall not have this right.

### **Article 38**

(1) Women, minors and disabled persons shall enjoy more extensive health protection at work and special working conditions.

(2) Minors and disabled persons shall enjoy special protection in employment relations and special assistance in training.

(3) A law shall lay down details on the rights defined in paragraphs 1 and 2 .

### **Article 39**

(1) Citizens shall have the right to adequate material security in their old age, as well as in cases of incapability for work and death of the breadwinner of a family.

(2) Any person suffering material need shall have the right to such kind of assistance that is necessary to secure his or her basic standard of life.

(3) A law shall lay down details on the rights pursuant to paragraphs 1 and 2.

### **Article 40**

Everyone shall have the right to protection of his or her health. The citizens shall have the right to free health care and medical equipment for disabilities on the basis of medical insurance under the terms to be laid down by a law.

### **Article 41**

(1) Matrimony, parenthood, and family shall be protected by the law. Special protection of children and minors shall be guaranteed.

(2) A pregnant woman shall be guaranteed a special treatment, protection in employment, and adequate working conditions.

(3) Equal rights shall be guaranteed to children born both in a legitimate matrimony and those born out of lawful wedlock.

(4) Childcare shall be the right of parents; children shall have the right to parental upbringing and care. The rights of parents may be limited and minor children may be separated from their parents against the parents' will only by a court decision, based on the law.

(5) Parents taking care of their children shall have the right to assistance provided by the State.

(6) Details on the rights pursuant to paragraphs 1 to 5 shall be laid down by a law.

## **Article 42**

(1) Everyone shall have the right to education. School attendance is compulsory. A law shall lay down the length of attendance.

(2) Citizens shall have the right to free education at elementary and secondary schools and depending on the abilities of the individual and the potential of the society also at universities.

(3) The establishment of and teaching in schools other than public schools shall be possible only under the terms provided by a law; such schools may collect tuition fees.

(4) A law shall lay down eligibility for financial assistance for students from public funds.

## **Article 43**

(1) Freedom of scientific research and freedom of artistic expression shall be guaranteed. Intellectual property rights shall be protected by a law.

(2) The right to access to cultural heritage shall be guaranteed under the terms laid down by a law.

## **Section Six**

### **THE RIGHT TO PROTECTION OF THE ENVIRONMENT AND OF CULTURAL HERITAGE**

#### **Article 44**

(1) Everyone shall have the right to favourable environment.

(2) Everyone shall have a duty to protect and improve the environment and to foster cultural heritage.

(3) No one shall imperil or damage the environment, natural resources and cultural heritage beyond the limits laid down by a law.

(4) The State shall care for economical exploitation of natural resources, for ecological balance and on effective environmental policy, and shall secure protection of determined sorts of wild plants and wild animals.”.

(5) Details on the rights and duties according to paragraphs 1 to 4 shall be laid down by a law.

#### **Article 45**

Everyone shall have the right to full and timely information about the environmental situation and about the reasons and consequences thereof.

## **Section Seven**

### **RIGHT TO JUDICIAL AND OTHER LEGAL PROTECTION**

#### **Article 46**

(1) Everyone may claim his or her right by procedures laid down by a law at an independent and impartial court or, in cases provided by a law, at other public authority of the Slovak Republic.

(2) Any person who claims his or her rights to have been denied by a decision of a body of public administration may come to court to have the legality of the decision reviewed, save otherwise provided by a law. The review of decisions in matters regarding the fundamental rights and freedoms however shall not be excluded from the jurisdiction of courts .

(3) Everyone shall have the right to compensation of a damage caused by an unlawful decision of a court, of other public authority or of a body of public administration or by improper official procedure.

(4) A law shall lay down details and terms of the judicial and other legal protection.

#### **Article 47**

(1) Everyone shall have the right to refuse to give testimony, which might cause a danger of criminal proceedings against that person or a person akin.

(2) Everyone shall have the right to legal advice from the commencement of proceedings before courts, other public authorities or bodies of public administration, under the conditions laid down by a law.

(3) All parties to any legal proceedings under paragraph 2 shall be treated equally .

(4) A person who claims not to know the language used in the proceedings under paragraph 2 shall have the right to an interpreter.

#### **Article 48**

(1) No one shall be withdrawn from his or her judge. Jurisdiction of courts shall be laid down by a law.

(2) Everyone has the right to have his or her case tried publicly without undue delay, to be present at the proceedings and to comment on any evidences given therein. The public may be excluded only in cases laid down by a law.

#### **Article 49**

Only law shall lay down which conduct is a criminal offence and which punishment, eventually other restrictions on personal rights or property may be imposed for the committing thereof.

### **Article 50**

(1) The court alone shall decide about the guilt and punishment for criminal offences .

(2) Everyone, who is being prosecuted, shall be presumed innocent until proved guilty by a final judgement of the court .

(3) Everyone charged with a criminal offence shall be entitled to have time and facilities for the preparation of his or her defence and to defend himself or herself in person or through legal assistance.

(4) Everyone charged with a criminal offence shall have the right to refuse to give testimony; this right may not be denied to that person under any circumstances.

(5) When finally convicted or acquitted of a criminal offence, no one may be prosecuted for the same criminal offence again. This principle does not preclude an exceptional remedies, according to the law.

(6) The punishability of any criminal conduct shall be determined and the punishment imposed under the law effective at the time of the commitment of the offence . A law adopted after the commission of the criminal offence shall apply if it is more beneficial to the offender.

## **Section Eight**

### **JOINT PROVISIONS TO TITLE ONE AND TITLE TWO**

#### **Article 51**

(1) The rights defined in Arts. 35, 36, 37 para.4, Arts.38 to 42 and 44 to 46 of this Constitution may be claimed only within the restrictions of the laws implementing these provisions.

(2) The conditions and extent of restriction of the fundamental rights and freedoms and the extent of duties in a time of war, a war state, an exceptional state or an emergency state shall be laid down by a constitutional law.

#### **Article 52**

(1) Whenever the term “citizen” is used in Title One and Title Two of this Constitution, it means a citizen of the Slovak Republic.

(2) Save expressly granted only to citizens, aliens in the Slovak Republic shall enjoy the fundamental rights and freedoms guaranteed by this Constitution.

(3) Whenever the term “citizen” is used in any previous legal regulations, it means everyone, provided the rights and freedoms are guaranteed by this Constitution, irrespective of the citizenship.

#### **Article 53**

The Slovak Republic shall grant asylum to aliens persecuted for the exercise of political rights and freedoms. Such asylum may be denied to those who have acted in contradiction with fundamental human rights and freedoms. A law shall lay down the details.

#### **Article 54**

A law may restrict the right to conduct entrepreneurial activities and other economic activities and the right defined in Art. 29 para. 2 for judges and prosecutors, for civil servants and employees of the local self-administration holding offices laid down by the law also the right defined in Art. 37 para. 4, for members of the armed forces and armed corps also the rights defined in Arts. 27 and 28 may be restricted in cases where these rights are connected with the exercise of their duties. The right to strike may be limited by a law for those, working in professions directly involved in the protection of life and health.

## **TITLE THREE**

### **Section One**

#### **THE ECONOMY OF THE SLOVAK REPUBLIC**

##### **Article 55**

(1) The economy in the Slovak Republic shall be based on the principles of a socially and ecologically orientated market economy.

(2) The Slovak Republic shall protect and encourage economic competition. A law shall lay down the details.

##### **Article 56**

(1) The National Bank of Slovakia is an independent central bank of the Slovak Republic. The National Bank of Slovakia may, within its scope of power, issue generally binding legal regulations if it is so empowered by a law.

(2) The highest administration body of The National Bank of Slovakia is the Bank Council of the National Bank of Slovakia.

(3) Details according to paragraphs 1 and 2 shall be laid down by a law.

##### **Article 57**

The Slovak Republic is a customs bonded territory.

##### **Article 58**

(1) The financial management of the Slovak Republic shall be kept through the state budget. The state budget shall be adopted by a law.

(2) A law shall lay down budgetary revenues, procedures of budgetary management and the relationships between the state budget and the territorial units' budgets.

(3) A law shall establish specialized state funds attached to the state budget.

##### **Article 59**

(1) Taxes and duties shall be national and local .

(2) Taxes and duties may be levied by a law or on the basis of a law.

## **Section Two**

### **THE SUPREME AUDIT OFFICE OF THE SLOVAK REPUBLIC**

#### **Article 60**

- (1) the Supreme Audit Office of the Slovak Republic is an independent authority auditing the management of
- a) budget resources which according to law are approved by the National Council of the Slovak Republic or by the Government,
  - b) property, obligations, financial means, property rights and public debts, statutory institutions and The National Property Fund of the Slovak Republic,
  - c) property, financial means and property rights of municipalities and higher territorial units which they have gained for settlement of expenses for transferred exercise of state administration,
  - d) property, obligations, financial means, property rights and debts for which the Slovak Republic has accepted guarantee,
  - e) property, financial means, property rights and debts, and financial means which were provided to the Slovak Republic, to legal persons or natural persons who are enterprising with resources of the state budget or disposing of the state property within development programmes or for other similar reasons from abroad.
- (2) The auditing activity of the Supreme Audit Office is related, in the extent stated in paragraph 1, to:
- a) the Government of the Slovak Republic, ministries and other central bodies of the state administration of the Slovak Republic and bodies subordinate to them,
  - b) state bodies and legal persons if the function of a founder or an incorporator is pursued by a central body of the state administration or by other state body,
  - c) municipalities and higher territorial units, legal persons established by municipalities and legal persons established by higher territorial units,
  - d) state purpose funds, statutory institutions established by a law, , legal persons in which statutory institutions have a capital participation , legal persons with state capital participation,
  - e) The National Property Fund of the Slovak Republic, legal persons with determined capital participation of the National Property Fund of the Slovak Republic,
  - f) natural persons and legal persons.

#### **Article 61**

(1) The Chairman shall head the Supreme Audit Office. The Chairman and Vice-Chairmen shall be elected and recalled by the National Council of the Slovak Republic.

(2) Any citizen eligible for the election to the National Council of the Slovak Republic may be elected a Chairman and a Vice-Chairman of the Supreme



Audit Office.

(3) The same person may be elected to the office of Chairman and Vice-Chairman of the Supreme Audit Office for no more than two consecutive seven-year terms.

(4) The post of Chairman and Vice-Chairman of the Supreme Audit Office is incompatible with the discharge of a function in another public authority body, with an employment relation or with a similar labour relation, with an entrepreneurial activity, with a membership in the governing or control body of a legal person which performs an entrepreneurial activity, or with other economic or gainful activities, apart from the administration of his or her own property or scientific, pedagogical, literary or artistic activity.

### **Article 62**

The Supreme Audit Office shall submit reports on the results of its auditing activity to the National Council of the Slovak Republic at least once a year and at any time when requested to do so by the National Council of the Slovak Republic.

### **Article 63**

A law shall lay down the status, operation, internal organizational structure and basic rules of auditing activity of the Supreme Audit Office.

## **TITLE FOUR**

### **TERRITORIAL SELF-ADMINISTRATION**

#### **Article 64**

The basic unit of territorial self-administration shall be the municipality. Territorial self-administration shall be composed of a municipality and a higher territorial unit.

#### **Article 64a**

A municipality and a higher territorial unit are independent territorial and administrative units of the Slovak Republic, associating individuals permanently residing therein. A law shall lay down the details.

#### **Article 65**

(1) A municipality and a higher territorial unit are legal persons, which manage their own property and their financial means independently, under the conditions laid down by a law .

(2) A municipality and a higher territorial unit shall finance their needs primarily from their own revenues and also from state subsidies. It shall be laid down by a law, which taxes and fees are to be a municipality's revenue and which taxes and fees are to be a higher territorial unit's revenue. State subsidies can be claimed only within the limits laid down by a law.

#### **Article 66**

(1) A municipality shall have the right to associate with other municipalities for securing matters of common interest; higher territorial units shall likewise have the right to associate with other higher territorial units. A law shall lay down the conditions.

(2) The unification, division or cancellation of a municipality shall be regulated by a law.

#### **Article 67**

(1) Municipality inhabitants` assemblies shall realize a territorial self-administration by local referendum, by referendum on the territory of the higher territorial unit, by municipality authorities or by higher territorial unit authorities. The manner of carrying out the local referendum or referendum on the territory of a higher territorial unit shall be laid down by a law.

(2) The duties and limitations in realization of territorial self-administration may be imposed on a municipality and a higher territorial unit by a law and on the basis of an international treaty according to Art. 7, para. 5.

(3) The State may intervene in the activities of a municipality and a higher territorial unit only by means laid down by a law.

### **Article 68**

In matters of territorial self-administration and for securing the tasks of self-administration provided by a law, the municipality and the higher territorial unit may issue generally binding regulations.

### **Article 69**

- (1) Municipal authorities are
- a) the municipal representation,
  - b) the mayor of municipality.

(2) Municipal representation shall consist of representatives of municipal representation. The municipality inhabitants permanently residing therein elect the representatives for a four-year term. Elections of the representatives are performed on the basis of universal, equal and direct suffrage by secret ballot.

(3) The mayor of a municipality shall be elected by the municipality inhabitants permanently residing therein on the basis of a universal, equal and direct suffrage by secret ballot for a four-year term. The municipality mayor shall be the executive authority of the municipality; the mayor shall perform municipality administration, and shall represent the municipality externally. Reasons for and manner of recalling a mayor before expiration of his electoral term shall be laid down by a law.

- (4) The authorities of a higher territorial unit are
- a) the representation of the higher territorial unit,
  - b) the head of the higher territorial unit,

(5) The representation of a higher territorial unit shall consist of the representatives of the representation of the higher territorial unit. The inhabitants of the territorial district of the higher territorial unit permanently residing therein shall elect the representatives for a four-year term. Elections of the representatives are performed on the basis of universal, equal and direct suffrage by secret ballot.

(6) The head of a higher territorial unit shall be elected by the inhabitants of the territorial district of the higher territorial unit permanently residing therein, on the basis of universal, equal and direct suffrage by secret ballot for a four-year term. Reasons for and method of recalling the head of the higher territorial unit before expiration of the electoral term shall be laid down by a law. The head of a higher territorial unit shall be the executive authority of the higher territorial unit, shall perform administration of the higher territorial unit and represent the higher territorial unit externally.

## **Article 70**

A law shall lay down the terms and means of declaring municipality a town; it shall also regulate the designations of the town authorities.

## **Article 71**

(1) The exercise of the certain powers of local self-administration may be delegated on municipality and higher territorial unit by a law. The costs of the delegated exercise of state administration shall be covered by the State.

(2) When exercising the powers of state administration, a municipality and a higher territorial unit may also issue generally binding regulations within their territory upon authorization by a law and within its limitations. Exercise of state administration transferred to a municipality or to a higher territorial unit by a law shall be directed and controlled by the government. A law shall lay down the details.

## **TITLE FIVE**

### **LEGISLATIVE POWER**

#### **Section One**

#### **THE NATIONAL COUNCIL OF THE SLOVAK REPUBLIC**

##### **Article 72**

The National Council of the Slovak Republic shall be the sole constitutional and legislative body of the Slovak Republic.

##### **Article 73**

(1) The National Council of the Slovak Republic consists of 150 Members of Parliament, elected for a four-year period.

(2) The Members of Parliament are representatives of the citizens. They shall exercise their mandates individually and according to their best conscience and conviction. No orders bind them.

##### **Article 74**

(1) The Members of Parliament are elected by universal, equal and direct suffrage by secret ballot.

(2) Any citizen who has the right to vote, has attained 21 years of age and has permanent residency in the Slovak Republic is eligible to be elected to the National Council of the Slovak Republic.

(3) A law shall specify details relating to the election of the Members of Parliament.

##### **Article 75**

(1) A Member of Parliament participating in the meeting of the National Council of the Slovak Republic for the first time shall take the following oath: "I swear on my honour and conscience allegiance to the Slovak Republic. I will exercise my obligations dutifully in the interest of its citizens. I will abide by the Constitution and all other laws and I will make every effort to implement them."

(2) Any refusal to take the oath or any reservation thereof shall result in the loss of the mandate.

## **Article 76**

The National Council of the Slovak Republic shall verify the legitimacy of election of the Members of Parliament.

## **Article 77**

(1) The mandate of a Member of Parliament is incompatible with offices of the judge, public prosecutor, Public Defender of Rights, member of the armed forces and member of the armed corps.

(2) If a Member of Parliament has been appointed member of the Government, his mandate shall not terminate within this period but shall not be exercised.

## **Article 78**

(1) No Member of Parliament shall be prosecuted for his voting in the National Council of the Slovak Republic or in its committees, not even after expiration of his or her mandate.

(2) No Member of Parliament shall be prosecuted for statements presented in duration of the post in the National Council of the Slovak Republic or in its body, not even after expiration of his or her mandate. The Member of Parliament is subject to disciplinary powers of the National Council of the Slovak Republic. Civil responsibility of a Member of Parliament shall remain unaffected.

(3) No Member of Parliament shall be prosecuted, sanctioned by any disciplinary measure or held in pre-trial detention without approval of the National Council of the Slovak Republic. If the National Council of the Slovak Republic denies granting of such approval, the prosecution or pre-trial detention of a Member of Parliament shall be precluded during the term of his mandate. In such case, the period of limitation does not lapse in duration of the mandate.

(4) If a Member of Parliament has been detained while committing a criminal offence, the competent body shall be obliged to notify the President of the National Council of the Slovak Republic immediately. If the Mandate and Immunity Committee of the National Council of the Slovak Republic does not approve the arrest consequently, the Member of Parliament must be released immediately.

(5) In duration of the arrest, the mandate of a Member of Parliament is not terminated but shall not be exercised.

## **Article 79**

A Member of Parliament may refuse to give testimony in matters of which he or she has been informed while holding the office or even after the termination of his or

her mandate.

### **Article 80**

(1) A Member of Parliament may interpellate the Government of the Slovak Republic, any member of the Government or a principal official of any other central body of state administration in matters within their competence. A Member of Parliament shall receive the response within thirty days.

(2) The response to interpellation shall have the form of a debate in the National Council of the Slovak Republic, which may be followed by a vote of confidence.

### **Article 81**

A Member of Parliament may resign his or her mandate by personal statement at a meeting of the National Council of the Slovak Republic. If serious circumstances prevent a Member of Parliament from doing so, he or she may do so in written form to the hands of the President of the National Council of the Slovak Republic; in this case the mandate of Member of Parliament shall terminate on the date of delivery of the decision on resignation of the mandate of the Member of Parliament in writing to the President of the National Council of the Slovak Republic.

### **Article 81a**

A Member's of Parliament mandate terminates

- a) on the termination of his or her electoral term,
- b) by the resignation his or her mandate,
- c) by the loss of eligibility,
- d) by the dissolution of the National Council of the Slovak Republic,
- e) by the occurrence of incompatibility according to Art. 77, para. 1,
- f) on the date of effectiveness of a judgment under which a Member of Parliament was convicted of a wilful criminal offence or under which a Member of Parliament was convicted of a criminal offence and in his or her case the Court did not decide on a probationary suspension of the imprisonment sentence.

### **Article 82**

(1) The National Council of the Slovak Republic shall be continually in session.

(2) The opening session of the National Council shall be convened by the President of the Slovak Republic not later than thirty days following the announcement of the election results. Otherwise, the National Council of the Slovak

Republic shall meet on the thirtieth day after the announcement of the election results.

(3) The National Council may resolve to adjourn its session. The time of adjournment may not exceed four months within a period of one year. The President, the Vice-President and the Committees of the National Council shall continue to carry out their duties even during an adjournment.

(4) During an adjournment, the President of the National Council can convene a session, even before the designated date. He or she shall always do so upon a request submitted by the Government or one fifth of the Members of Parliament.

(5) A session of the National Council of the Slovak Republic shall end as a result of termination of the electoral period or its dissolution.

### **Article 83**

(1) The meetings of the National Council of the Slovak Republic shall be convened by its President.

(2) The President of the National Council of the Slovak Republic shall convene a meeting also when so requested by at least one fifth of the Members of Parliament. In this case the meeting shall be convened within seven days.

(3) Meetings of the National Council of the Slovak Republic are open to the public.

(4) Closed meetings may be held only in cases laid down by a law or when three fifths of all Members of Parliament have so resolved.

### **Article 84**

(1) The National Council of the Slovak Republic has a quorum, if more than half of all Members of Parliament are present.

(2) For a valid resolution, the consent of more than half of Members of Parliament present shall be required, save this Constitution provides otherwise.

(3) In approving an international treaty according to Art. 7 paras. 3 and 4, and in adopting a law returned by the President of the Slovak Republic according to Art. 102 letter o), the consent of the absolute majority of all Members of Parliament shall be required.

(4) For the purpose of adopting or amending the Constitution, a constitutional law, in approving an international treaty according to Art. 7, para. 2, for the adoption of a resolution on plebiscite on the recall of the President of the Slovak Republic, for bringing a prosecution of the President and for the declaration of war on another state, the consent of a three-fifths majority of all Members of Parliament shall be required.

### **Article 85**

Any member of the Government of the Slovak Republic, or a principal official of other central body of state administration shall be obliged to participate in a meeting of the National Council of the Slovak Republic or in a meeting of a body thereof, if so



requested by the National Council of the Slovak Republic or by a body thereof.

### **Article 86**

The powers of the National Council of the Slovak Republic shall be particularly to:

- a) adopt the Constitution, constitutional laws and other laws, and to supervise their implementation,
- b) approve the treaties on a union of the Slovak Republic with other states and the repudiation of such treaties by a constitutional law,
- c) decide on a proposal for declaration of a referendum,
- d) before ratification to approve international treaties on human rights and fundamental freedoms, international political treaties, international treaties of military nature, international treaties from which a membership of the Slovak Republic in international organizations arises, international economic treaties of general nature, international treaties for whose exercise a law is necessary, and international treaties which directly confer rights or impose duties on natural persons or legal persons, and at the same time to decide on whether they are international treaties according to Art. 7 para. 5,
- e) establish Ministries and other governmental bodies,
- f) debate on the Programme Proclamation of the Government of the Slovak Republic, monitor the activities of the Government, as well as debate on vote of confidence regarding the Government or its individual member,
- g) approve the state budget, supervise budgetary policy and approve the final state budgetary account,
- h) debate on basic issues relating to domestic, international, economic, social and other policies,
- i) elect and recall the Chairman and Vice-Chairman of the Supreme Audit Office of the Slovak Republic and three members of the Judicial Council of the Slovak Republic,
- j) declare war in the event of an act of aggression by parties hostile to the Slovak Republic or in the event that obligations under international joint defence treaties must be fulfilled, and after the end of war on concluding the peace,
- k) give consent for despatching the military forces outside of the territory of the Slovak Republic, if it does not concern a case stated in Art. 119, letter p),
- l) approve the presence of foreign military forces on the territory of the Slovak Republic.

### **Article 87**

(1) Draft laws may be introduced by the Committees of the National Council of the Slovak Republic, Members of Parliament and the Government of the Slovak Republic.

(2) If the President of the Slovak Republic returns an act with comments, the National Council of the Slovak Republic shall discuss the act repeatedly and in case it is adopted, the act must be promulgated.

(3) The Act shall be signed by the President of the Slovak Republic, the President of the National Council of the Slovak Republic and the Prime Minister of the Government of the Slovak Republic. If the National Council of the Slovak Republic, after repeated discussion, adopts the act even despite the comments of the President of the Slovak Republic, and the President of the Slovak Republic does not sign the act, the act shall be promulgated even without the signature of the President of the Slovak Republic.

(4) An act shall enter into effect on its promulgation. Details on the promulgation of acts, of international treaties and legally binding acts of an international organization pursuant to Art. 7, para. 2 shall be laid down by a law.

### **Article 88**

(1) A proposal for a vote of no confidence in the Government of the Slovak Republic or in a member thereof shall be discussed by the National Council of the Slovak Republic, provided one fifth of its Members of Parliament so requires.

(2) For vote of no confidence in the Government of the Slovak Republic or in a member thereof an absolute majority of all Members of Parliament shall be required.

### **Article 89**

(1) The President of the National Council of the Slovak Republic shall be elected or recalled by secret ballot with the consent of an absolute majority of all Members of Parliament. The President shall be responsible exclusively to the National Council of the Slovak Republic.

(2) The President of the National Council of the Slovak Republic shall

- a) convene and direct the meetings of the National Council of the Slovak Republic,
- b) sign the Constitution, constitutional laws and other laws,
- c) accept the oath taken by Members of Parliament,
- d) announce elections to the National Council of the Slovak Republic, the election of the President of the Slovak Republic and elections to bodies of territorial self-administration,
- e) declare plebiscite on the recall of the President of the Slovak Republic.
- f) carry out other tasks if provided by a law.

(3) The President of the Slovak National Council shall remain in office even after the expiry of the electoral term until the National Council of the Slovak Republic elects a new President.

### **Article 90**

(1) The Vice-Presidents may substitute the President of the National Council of

the Slovak Republic. The Vice-Presidents are elected and recalled by the National Council of the Slovak Republic with the assent of an absolute majority of all Members of Parliament voting by secret ballot. The Vice-Presidents shall be responsible to the National Council of the Slovak Republic.

(2) The provision of Art. 89, para. 3 shall apply also to the Vice-President of the National Council of the Slovak Republic.

### **Article 91**

The work of the National Council of the Slovak Republic shall be under the direction and organisation of the President and the Vice-Presidents.

### **Article 92**

(1) The National Council of the Slovak Republic shall establish Committees composed of its Members of Parliament initiative and supervision bodies; their chairmen shall be elected by secret ballot.

(2) A law shall provide the procedures governing the debates in the National Council of the Slovak Republic and its Committees.

## **Section Two**

### **REFERENDUM**

#### **Article 93**

(1) A constitutional law on joining a union with other states or the secession from it, shall be confirmed by a referendum.

(2) A referendum may also be used to decide on other crucial issues of the public interest.

(3) No issues of fundamental rights, freedoms, taxes, duties or state budget may be decided by a referendum.

#### **Article 94**

Every citizen of the Slovak Republic, qualified to elect the Members of Parliament of the National Council of the Slovak Republic, shall have the right to vote in a referendum.

#### **Article 95**

(1) A referendum shall be declared by the President of the Slovak Republic upon a petition submitted by at least 350,000 citizens, or upon a resolution of the National Council of the Slovak Republic within thirty days after acceptance of the petition of citizens or the resolution of the National Council of the Slovak Republic had been received.

(2) The President of the Slovak Republic may, before declaring a referendum, submit to the Constitutional Court of the Slovak Republic a proposal for a decision on whether the subject of a referendum which shall be declared upon a petition of citizens or a resolution of the National Council of the Slovak Republic according to paragraph 1 is in conformity with the Constitution or a constitutional law. If the President of the Slovak Republic submits to the Constitutional Court of the Slovak Republic a proposal for a decision on whether a subject of referendum which shall be declared upon a petition of citizens or a resolution of the National Council of the Slovak Republic is in conformity with the Constitution or a constitutional law, from the submission date of the proposal of the President of the Slovak Republic to the date of effectuality of the decision by the Constitutional Court of the Slovak Republic, the term according to paragraph 1 shall not lapse.

#### **Article 96**

(1) Members of Parliament may submit the proposals for the adoption of a

resolution by the National Council of the Slovak Republic on the declaration of a referendum.

(2) A referendum shall be held not later than ninety days after the President of the Slovak Republic has declared it.

#### **Article 97**

(1) A referendum shall not be held less than ninety days before the date of the election to the National Council of the Slovak Republic.

(2) A referendum may be held on the date of the election to the National Council of the Slovak Republic.

#### **Article 98**

(1) The results of a referendum shall be valid provided an absolute majority of eligible voters have participated and the issue has been decided by an absolute majority of votes.

(2) The National Council of the Slovak Republic shall promulgate the proposals adopted by a referendum as a law.

#### **Article 99**

(1) The result of a referendum may be amended or repealed by a constitutional law adopted by the National Council of the Slovak Republic once a period of three years since effectuality of the results has elapsed.

(2) The referendum on the same issue may be repeated not earlier than three years after the previous referendum held.

#### **Article 100**

The procedures for holding a referendum shall be laid down by a law.

## **TITLE SIX**

### **EXECUTIVE POWER**

#### **Section One**

#### **THE PRESIDENT OF THE SLOVAK REPUBLIC**

##### **Article 101**

(1) The Head of the Slovak Republic shall be the President. The President shall represent the Slovak Republic externally and internally, shall ensure the regular operation of Constitutional bodies by his or her decisions. The President shall perform the office according to his or her conscience and convictions, and shall not be bound by orders.

(2) Citizens of the Slovak Republic shall elect the President by secret ballot for a five-year term in direct elections. Citizens who have the right to vote for the National Council of the Slovak Republic shall have the right to vote for a President.

(3) Candidates for President shall be proposed by at least 15 Members of Parliament or by citizens who have the right to vote for the National Council of the Slovak Republic on the basis of a petition signed by at least 15,000 citizens. Proposals for elections shall be delivered to the President of the National Council of the Slovak Republic at the latest within 21 days of the announcement of elections.

(4) A candidate shall be elected a President, if he or she receives an absolute majority of valid votes of legitimate voters. If none of the candidates receives the necessary majority of votes, a second round shall be held within 14 days of the voting. The two candidates who gained the greatest number of valid votes shall proceed to the second round. In the second round, the candidate who gained the greatest number of valid votes from participating voters shall be elected President.

(5) If one of the two candidates who gained the most of the valid votes in the first round ceases to be eligible for election as President before the second round of voting or resigns his or her right as a candidate, the candidate who received the next greatest number of valid votes shall proceed to the second round of voting. If there are not two candidates for the second round of voting, the second round shall not be held, and the President of the National Council of the Slovak Republic shall announce new elections so that they take place within 60 days of their announcement.

(6) If only one candidate applies for the post of President, the elections shall be held; he or she shall be elected President if he or she gains an absolute majority of the valid votes of participating voters.

(7) The elected candidate shall take up the post of President on taking an oath. The oath shall be taken before the National Council of the Slovak Republic to the President of the Constitutional Court of the Slovak Republic at noon of the day on which the term of office of the previous President is to terminate.

(8) If the term in office of the President ends prematurely, the elected candidate shall take the oath and take up the post of President at noon of the day following the

day when the results of the election are announced.

(9) The Constitutional Court of the Slovak Republic shall decide whether Presidential elections have been held in conformity with the Constitution and the law.

(10) A law shall lay down further details on presidential elections.

## Article 102

### (1) The President

a) shall represent the Slovak Republic externally, negotiate and ratify international treaties. He may delegate the negotiating of international treaties to the Government of the Slovak Republic or, upon the consent of the Government, to its individual members,

b) may submit to the Constitutional Court of the Slovak Republic a proposal for a decision on the conformity of a negotiated international treaty, for which the consent of the National Council of the Slovak Republic is necessary, with the Constitution or with a constitutional law,

c) shall receive, appoint and recall heads of diplomatic missions,

d) shall convene the opening session of the National Council of the Slovak Republic,

e) may dissolve the National Council of the Slovak Republic if the National Council of the Slovak Republic, within a period of six months from the nomination of a Government of the Slovak Republic, has not passed its Programme Proclamation, if the National Council of the Slovak Republic has not passed within three months of the formation of a Government a draft law with which the Government has combined a vote of confidence, if the National Council of the Slovak Republic has not managed to hold a session for longer than three months although its sitting has not been adjourned and it has during this time been repeatedly called for a meeting, or if a session of the National Council of the Slovak Republic has been adjourned for a longer time than is allowed by the Constitution. This right may not be applied during the last six months of his or her term of office. The President shall dissolve the National Council of the Slovak Republic in the case that after a plebiscite on the recall of the President, the President has not been recalled, during war, a war state or exceptional state,

f) shall sign laws,

g) shall appoint and remove the Prime Minister and other members of Government of the Slovak Republic, charge them with direction of Ministries and accept their resignation; he shall recall the Prime Minister and other Ministers in cases defined in Arts. 115 and 116,

h) shall appoint and recall principal officials of central bodies, and higher state officials and other officials in cases laid down by a law; shall appoint and recall rectors of universities, shall appoint university professors and shall appoint and promote generals,

i) shall confer decorations unless another authority has been delegated by him to do so,

j) remits and mitigates sentences imposed by criminal courts in criminal proceedings and expunges sentences in the form of individual pardon or amnesty,

- k) shall be the Commander in Chief of the armed forces,
- l) shall declare war on the basis of a decision of the National Council of the Slovak Republic if the Slovak Republic is attacked or if it follows from obligations from international treaties and collective defence against attack, and conclude peace,
- m) may, upon a proposition of the Government of the Slovak Republic, order a mobilization of the military forces, declare a state of war or declare an exceptional state and their termination,
- n) shall declare referendum,
- o) may return to the National Council of the Slovak Republic an act with comments up to 15 days of delivery of an adopted act,
- p) shall inform the National Council of the Slovak Republic of the state of the Slovak Republic and of major political issues;
- r) shall have the right to request of the Government of the Slovak Republic and of its members information necessary for the accomplishment of his tasks and
- s) shall appoint and recall judges of the Constitutional Court of the Slovak Republic, the President and Vice-President of the Constitutional Court of the Slovak Republic; shall accept the oath of judges of the Constitutional Court of the Slovak Republic and the oath of the General Prosecutor
- t) shall appoint and recall judges, the Chief Justice and the Deputy Chief Justice of the Slovak Republic, General Prosecutor and three members of the Judicial Council of the Slovak Republic; shall accept the oath of judges.

(2) A decision of the President issued pursuant to Art. 102, para. 1 letter c) and letter j) if it concerns the granting of amnesty, and to letter k), is valid if signed by the Prime Minister of the Government of the Slovak Republic or a Minister authorized by him; in these cases, the Government of the Slovak Republic is responsible for the decision of the President.

(3) Conditions for declaring war, declaring a state of war, declaring an exceptional state, declaring an emergency state and the manner of exercising public authority during war, a state of war, an exceptional state, shall be laid down by a constitutional law.

(4) Details of exercising the constitutional powers of the President according to paragraph 1 may be laid down by a law.

### **Article 103**

(1) A citizen of the Slovak Republic eligible to vote, who has attained thirty-five years of age, may be elected President of the Slovak Republic.

(2) The same person may be elected President for not more than two consecutive terms.

(3) The President of the National Council of the Slovak Republic shall announce presidential election in such a way, that the first round of the election shall take place at the latest within 60 days before the end of the function of the incumbent President. If the office of President becomes vacant before the end of the term of office, the President of the National Council of the Slovak Republic shall announce the election of a President within seven days so that the first round of the election for President



shall take place at the latest within 60 days of the day of the announcement of the election of a President.

(4) If the President elect is a Member of Parliament, a member of the Government of the Slovak Republic, a judge, a public prosecutor, a member of the armed forces or the armed corps, or a member of the Supreme Audit Office of the Slovak Republic, he or she must resign from his previous office on the day of the election.

(5) The President shall hold no other paid position in any profession, business or shall not be a member of executive board of a legal entity conducting entrepreneurial activity.

(6) The President may resign from his post at any time; his term of office shall terminate on the day of delivery of a written announcement of this decision to the President of the Constitutional Court of the Slovak Republic.

(7) The President of the Constitutional Court of the Slovak Republic shall announce in writing the resignation from the function of President to the President of the National Council of the Slovak Republic.

#### **Article 104**

(1) The President shall take before the President of the Constitutional Court of the Slovak Republic before the National Council this oath:

“I swear on my honour and conscience allegiance to the Slovak Republic. I will attend to the welfare of the Slovak people, and members of national minorities and ethnic groups living in the Slovak Republic. I will perform my duties in the interest of citizens, uphold and defend the Constitution and other laws.”

(2) A refusal to take the oath or expression of reservations thereto shall annul the presidential election.

#### **Article 105**

(1) If the President is not elected, or if the office of the President is vacant and a new president is not elected yet, or if a new President is elected but before taking the oath, or if the President is unable to discharge his or her office for serious reasons, the powers of the President pursuant to Art. 102, para. 1, letters a), b), c), k), n) and o) shall pass to the Government of the Slovak Republic. In these cases the Government may vest some of the powers of the President in the Prime Minister. During such time the Prime Minister shall act as Commander-in-Chief of the armed forces. Powers of the President according to Art. 102, para. 1, letters d), g), h), l), m), s) and t) shall pass to the President of the National Council of the Slovak Republic at such time.

(2) In the event that the President is unable to perform the duties of his or her office for more than 6 months, the Constitutional Court of the Slovak Republic shall declare that the post of President has become vacant. The function period of the

incumbent President shall terminate on the day of this declaration.

#### **Article 106**

(1) The President may be recalled from his post before the end of his term of office by a plebiscite. A plebiscite on the recall of a President shall be declared by the President of the National Council of the Slovak Republic on the basis of a resolution of the National Council of the Slovak Republic adopted by at least a three-fifths majority of all Members of Parliament within 30 days of the adoption of a resolution so that the plebiscite shall be held within 60 days of its declaration.

(2) The President shall be recalled if an absolute majority of all legitimate voters votes for his or her recall in a plebiscite.

(3) If the President was not recalled in a plebiscite, the President shall dissolve the National Council of the Slovak Republic within 30 days of the announcement of the results of the plebiscite. In such a case, a new presidential electoral term shall begin. The President of the National Council of the Slovak Republic shall announce elections to the National Council of the Slovak Republic within seven days of its dissolution.

(4) Further details on the recall of President shall be laid down by a law.

#### **Article 107**

The President may be prosecuted only for a wilful infringement of the Constitution or for treason. The National Council of the Slovak Republic shall decide on the bringing of a prosecution on a President by a three-fifth majority of all Members of Parliament. The National Council of the Slovak Republic shall file the prosecution to the Constitutional Court of the Slovak Republic, which shall decide on it in plenary session. A condemning decision of the Constitutional Court of the Slovak Republic shall mean the loss of the presidential post and of the eligibility to regain this post.

## **Section Two**

### **THE GOVERNMENT OF THE SLOVAK REPUBLIC**

#### **Article 108**

The Government of the Slovak Republic shall be the supreme executive body.

#### **Article 109**

(1) The Government shall consist of the Prime Minister, Deputy Prime Ministers and Ministers.

(2) The discharge of the post of a member of the Government shall be incompatible with discharge of a Member's of Parliament mandate, with discharge of a post in another public authority, with public service relationship, with employment or with a similar labour relation, with an entrepreneurial activity, with membership in governing or control body of a legal person, which pursues an entrepreneurial activity or with another economic or gainful activities apart from the administration of his or her own property and scientific, pedagogical, literary or artistic activity.

#### **Article 110**

(1) The Prime Minister shall be appointed and recalled by the President of the Slovak Republic.

(2) Any citizen of the Slovak Republic eligible for election to the Slovak National Council may be appointed Prime Minister.

#### **Article 111**

On a proposal of the Prime Minister of the Government, the President of the Slovak Republic shall appoint and recall other members of the Government and empower them with the administration of Ministries. As Vice-Prime Minister of the Government may be appointed a citizen who is eligible for election a Member of Parliament.

#### **Article 112**

The members of the Government shall take before the President the following oath:

“I swear on my honour and conscience allegiance to the Slovak Republic. I will perform my duties in the interest of the citizens. I will uphold the Constitution and the other laws and will do my best to contribute to their implementation.”

### **Article 113**

The Government shall be obliged, within thirty days of its nomination, to present itself to the National Council of the Slovak Republic, submit its Government Programme and ask for a vote of confidence.

### **Article 114**

(1) The Government shall be responsible for the exercise of governmental powers to the National Council of the Slovak Republic. The National Council of the Slovak Republic may take a vote of no confidence at any time.

(2) The Government may, at any time, invite the National Council of the Slovak Republic to take a vote of confidence.

(3) The Government may initiate voting on a draft law or on another matter combined with a vote of confidence.

### **Article 115**

(1) In the event that the National Council has passed a vote of no confidence or overrules its motion for a vote of confidence, the President shall recall the Government.

(2) In case the President has accepted resignation of the Government, he shall delegate all powers to be exercised continuously until a new Government is appointed.

### **Article 116**

(1) Member of the Government shall be individually accountable for the discharge of his or her function to the National Council of the Slovak Republic.

(2) A member of the Government may submit his or her resignation to the President of the Slovak Republic.

(3) The National Council of the Slovak Republic may also take vote of no confidence in an individual member of the Government; in such case the President of the Slovak Republic shall recall the member of the Government.

(4) A motion for the recall of a member of the Government may also be presented by the Prime Minister.

(5) In the event of the Prime Minister's resignation, the whole Government shall resign.

(6) If the National Council of the Slovak Republic has passed a vote of no confidence in an individual member of the Government, the President of the Slovak Republic shall recall the member. The recall of the Prime Minister shall result in the resignation of the Government.

(7) If the President has accepted the resignation of a member of the Government, or if he has recalled a member of the Government, he shall designate another member to be temporarily responsible for fulfilling the duties of the resigning member.

#### **Article 117**

The incumbent Government shall submit its resignation after the opening session of the newly elected National Council of the Slovak Republic; the incumbent Government shall, however, remain in office until the new Government is formed.

#### **Article 118**

- (1) The Government has a quorum if more than half of its members is present.
- (2) Adoption of a resolution by the Government shall require the consent of an absolute majority of all members of the Government.

#### **Article 119**

The Government shall decide as a body:

- a) on draft laws,
- b) on government regulations,
- c) on the Government Programme and its implementation,
- d) on principal measures to be taken to guarantee the economic and social programmes of the Slovak Republic,
- e) on draft state budget and final state budgetary account,
- f) on international treaties entered into by the Slovak Republic whose negotiation the President of the Slovak Republic has delegated to the Government,
- g) on the consent with delegation of negotiation of international treaties according to Art. 102, para. 1, letter a) to its individual members,
- h) on submitting to the Constitutional Court of the Slovak Republic a proposal to decide on the conformity with the Constitution and constitutional law of a negotiated international treaty for which the approval of the National Council of the Slovak Republic is necessary,
- i) on fundamental issues of internal and foreign policy,
- j) on submitting a draft law or a draft of other binding measure for public discussion,
- k) , on submitting request for a vote of confidence,
- l) on granting amnesty in cases of offences,
- m) on the appointment and recall of other state officials in cases laid down by a law and three members of the Judicial Council of the Slovak Republic,
- n) on a proposal for declaring a state of war, on proposal for ordering a mobilization of the military forces, on proposal for declaring an exceptional state and on a proposal for their termination, on declaring and on termination of a state of emergency,

- o) on despatching the military forces outside of the territory of the Slovak Republic for the purpose of humanitarian aid, military exercises or peace observing missions, on the consent with the presence of foreign military forces on the territory of the Slovak Republic for the purpose of humanitarian aid, military exercises or peace observer missions, on consent with the passing of the territory of the Slovak Republic by foreign military forces,
- p) on despatching the military forces outside of the territory of the Slovak Republic if it regards performance of obligations resulting from international treaties on joint defence against attack for a maximum period of 60 days; the Government shall announce this decision without undue delay to the National Council of the Slovak Republic,
- r) on other issues if the law provides so.

#### **Article 120**

(1) The Government shall have the power to issue regulations to implement laws within limits laid down by the law.

(2) If laid down by a law, the Government shall also be authorized to issue regulations on the implementation of the Europe Agreement Establishing an Association between the European Communities and their Member States on the one part, and the Slovak Republic on the other part, and on execution of international treaties according to Art. 7, para. 2.

(3) The Prime Minister shall sign government regulations.

(4) A government regulation shall be promulgated in the manner laid down by a law.

#### **Article 121**

The Government shall have the power to grant amnesty in cases of offences.

#### **Article 122**

A law shall establish the central state administration bodies and local state administration bodies.

#### **Article 123**

Ministries and other state administration bodies shall, under the laws and within their limits, adopt generally binding legal regulations provided they are empowered to do so by a law. These generally binding legal regulations shall be promulgated in a manner laid down by a law.

## **TITLE SEVEN**

### **JUDICIAL POWER**

#### **Section One**

#### **THE CONSTITUTIONAL COURT OF THE SLOVAK REPUBLIC**

##### **Article 124**

The Constitutional Court shall be an independent judicial authority vested with the mandate to protect the constitutionality.

##### **Article 125**

(1) The Constitutional Court shall decide on the conformity of

- a) laws with the Constitution, constitutional laws and international treaties to which the National Council of the Slovak Republic has expressed its assent and which were ratified and promulgated in the manner laid down by a law,
- b) government regulations, generally binding legal regulations of Ministries and other central state administration bodies with the Constitution, with constitutional laws, with international treaties to which the National Council of the Slovak Republic has expressed its assent and which were ratified and promulgated in the manner laid down by a law and with laws,
- c) generally binding regulations pursuant to Art. 68, with the Constitution, with constitutional laws and with international treaties to which the National Council of the Slovak Republic has expressed its assent and which were ratified and promulgated in the manner laid down by a law, save another court shall decide on them,
- d) generally binding legal regulations of the local bodies of state administration and generally binding regulations of the bodies of territorial self-administration pursuant to Art. 71 para. 2, with the Constitution, with constitutional laws, with international treaties promulgated in the manner laid down by a law, with laws, with government regulations and with generally binding legal regulations of Ministries and other central state administration bodies, save another court shall decide on them.

(2) If the Constitutional Court accepts the proposal for proceedings pursuant to paragraph 1, it can suspend the effect of challenged legal regulations, their parts, or some of their provisions, if fundamental rights and freedoms may be threatened by their further application, if there is a risk of serious economic damage or other serious irreparable consequence.

(3) If the Constitutional Court holds by its decision that there is inconformity between legal regulations stated in paragraph 1, the respective regulations, their parts or some of their provisions shall lose effect. The bodies that issued these legal regulations shall be obliged to harmonize them with the Constitution, with constitutional laws and with international treaties promulgated in the manner laid down by a law, and if it regards regulations stated in paragraph 1 letters b) and c) also with other laws, if it regards regulations stated in paragraph 1 letter d) also with government regulations and with generally binding legal regulations of Ministries and other central state administration bodies within six month from the promulgation of the decision of the Constitutional Court. If they fail to do so, these regulations, their parts or their provisions shall lose effect after six months from the promulgation of the decision.

(4) The Constitutional Court shall not decide on conformity of a draft law or a proposal of other generally binding legal regulation with the Constitution, with an international treaty that was promulgated in the manner laid down by a law or with the constitutional law.

(5) The validity of a decision on the suspension of effect of the challenged legal regulations, their parts or some of their provisions shall terminate at the promulgation of the decision of the Constitutional Court in the case, if the Constitutional Court has not already cancelled the decision on suspension of the effect of the challenged legal regulation because the reasons for which it was adopted have terminated.

(6) A decision of the Constitutional Court issued pursuant to paragraphs 1, 2 and 5 shall be promulgated in the manner laid down for the promulgation of laws. The valid judgement of the Constitutional Court shall be generally binding.

#### **Article 125a**

(1) The Constitutional Court shall decide on the conformity of negotiated international treaties to which the assent of the National Council of the Slovak Republic with the Constitution and constitutional law is necessary.

(2) The President of the Slovak Republic or the Government may submit a proposal for a decision pursuant to paragraph 1 to the Constitutional Court prior to the presentation of a negotiated international treaty for discussion of the National Council of the Slovak Republic.

(3) The Constitutional Court shall decide on a proposal pursuant to paragraph 2 within a period laid down by a law; if the Constitutional Court holds in its decision that the international treaty is not in conformity with the Constitution or constitutional law, such international treaty cannot be ratified.

#### **Article 125b**

(1) The Constitutional Court shall decide on whether the subject of a referendum



to be declared upon a petition of citizens or a resolution of the National Council of the Slovak Republic according to Art. 95, para. 1 is in conformity with the Constitution or constitutional law.

(2) The proposal for a decision according to paragraph 1 may be submitted to the Constitutional Court by the President of the Slovak Republic prior to declaring a referendum, if he or she has doubts on whether the subject of referendum, which is to be declared upon a petition of citizens or a resolution of the National Council of the Slovak Republic according to Art. 95 para. 1 is in conformity with the Constitution or a constitutional law.

(3) The Constitutional Court shall decide on a proposal pursuant to paragraph 2 within 60 days from the date of its delivery; if the Constitutional Court holds in its decision that the subject of referendum to be declared upon a petition of citizens or a resolution of the National Council of the Slovak Republic according to Art. 95, para. 1 is not in conformity with the Constitution or constitutional law, the referendum cannot be declared.

### **Article 126**

The Constitutional Court shall decide disputes over competency between the central state administration bodies save a law provides, that these disputes are to be decided by another state authority.

### **Article 127**

(1) The Constitutional Court shall decide on complaints of natural persons or legal persons if they are pleading the infringement of their fundamental rights or freedoms, or human rights and fundamental freedoms resulting from the international treaty which has been ratified by the Slovak Republic and promulgated in the manner laid down by a law, save another court shall decide on protection of these rights and freedoms.

(2) If the Constitutional Court accepts a complaint, it shall hold in its decision that the rights or freedoms according to paragraph 1 were infringed by a valid decision, measure or by other action and it shall cancel such a decision, measure or other action. If the infringement of rights or freedoms according to paragraph 1 emerges from inactivity, the Constitutional Court may order the one who has infringed these rights or freedoms to act in the matter. The Constitutional Court may at the same time remand the matter for further proceedings, prohibit continuing in the infringement of fundamental rights and freedoms or human rights and fundamental freedoms resulting from the international treaty which has been ratified by the Slovak Republic and promulgated in the manner laid down by a law, or if possible, to order the one who has infringed the rights or freedoms according to paragraph 1 to reinstate the status before the infringement.

(3) The Constitutional Court may, by the decision by which it allows a complaint, award the one whose rights according to paragraph were infringed an adequate financial satisfaction.

(4) The responsibility of the one who has infringed the rights or freedoms

according to paragraph 1, for the damage or other injury shall not be affected by the judgement of the Court.

#### **Article 127a**

(1) The Constitutional Court shall decide on complaints of the bodies of territorial self-administration against unconstitutional or unlawful decision or against other unconstitutional or unlawful action into the matters of self-administration, save another court shall decide on its protection.

(2) If the Constitutional Court allows a complaint of a body of territorial self-administration, it shall hold in what lies the unconstitutional or unlawful decision or other unconstitutional or unlawful action into the matters of self-administration, which constitutional law or law has been infringed and by which decision or action this infringement took place. The Constitutional Court shall cancel the challenged decision, or if the infringement of the right lay in an action different than in a decision, it shall prohibit continuing of infringement of the right and shall order, if it is possible, to reinstate the status before the infringement.

#### **Article 128**

The Constitutional Court shall give an interpretation of the Constitution or constitutional law if the matter is disputable. The judgement of the Constitutional Court on the interpretation of the Constitution or constitutional law shall be promulgated in the manner laid down for the promulgation of laws. The interpretation is generally binding from the date of its promulgation.

#### **Article 129**

(1) The Constitutional Court shall decide on a complaint against decision verifying or rejecting verification of the mandate of a Member of Parliament.

(2) The Constitutional Court shall decide whether the election of the President of the Slovak Republic, the elections to the National Council of the Slovak Republic, and the elections to local self-administration bodies have been held in conformity with the Constitution and the law.

(3) The Constitutional Court shall decide on complaints against the result of a referendum and complaint against the result of a plebiscite on the recall of President of the Slovak Republic.

(4) The Constitutional Court shall decide whether a decision dissolving a political party or movement or suspending political activities thereof is in conformity with the constitutional laws and other laws.

(5) The Constitutional Court shall decide on a prosecution by the National Council of the Slovak Republic against the President of the Slovak Republic in matters of wilful infringement of the Constitution or treason.

(6) The Constitutional Court shall decide on whether a decision on declaring an

exceptional state or an emergency state and other decisions connected to this decision were issued in conformity with the Constitution and constitutional law.

(7) The decisions of the Constitutional Court according to the preceding paragraphs shall be binding for all bodies of public authority, natural persons or legal persons whom they concern. The respective body of public authority shall be obliged, without undue delay, to ensure their enforcement. Details shall be laid down by a law.

### **Article 130**

(1) The Constitutional Court shall commence proceedings upon a motion submitted by:

- a) at least one-fifth of all Members of Parliament,
- b) the President of the Slovak Republic,
- c) the Government of the Slovak Republic,
- d) a court,
- e) the Attorney General and
- f) everyone whose right is to be adjudicated in cases as provided in Arts. 127 and 127a,

(2) A law shall lay down who is entitled to submit a motion for commencing the proceedings under Art. 129.

### **Article 131**

(1) The Constitutional Court shall decide on plenary session in matters listed in Art. 105 para. 2, Art. 107, Art. 125 para. 1 letters a) and b), Art. 125a para. 1, Art. 125b para. 1, Art. 128, Art. 129 paras. 2 to 6, Art. 136 paras. 2 and 3, Art. 138 para. 2 letters b) and c), on unification of legal opinions of the panels of judges, on regulations of its internal relations and on draft budget of the Constitutional Court. Plenary session of the Constitutional Court shall decide by absolute majority of all judges. . If this majority is not reached, the proposal shall be rejected.

(2) The Constitutional Court shall decide on other matters in panels of three members . A panel shall decide by absolute majority of its members.

### **Article 132**

Repealed

### **Article 133**

There is no possibility of lodging an appeal against a decision of the Constitutional Court.

### **Article 134**

(1) The Constitutional Court shall be composed of thirteen judges.

(2) The judges of the Constitutional Court shall be appointed by the President of the Slovak Republic for a twelve-year term on a proposal of the National Council of the Slovak Republic. The National Council of the Slovak Republic shall propose double the number of candidates for judges that shall be appointed by the President of the Slovak Republic.

(3) A judge of the Constitutional Court must be a citizen of the Slovak Republic, eligible to be elected to the National Council of the Slovak Republic, not younger than forty years and a law-school graduate with fifteen years of experience in the legal profession. The same person cannot be re-appointed as a judge of the Constitutional Court again.

(4) A judge of the Constitutional Court shall take the following oath before the President of the Slovak Republic:

“I swear on my honour and conscience that I will protect the inviolability of natural human rights and rights of a citizen, the principles of rule of law, uphold the Constitution, constitutional laws and international treaties that were ratified by the Slovak Republic and were promulgated in the manner laid down by a law and decide cases to the best of my abilities and conscience independently and impartially.”

(5) Having taken this oath, the judge shall assume the judicial office.

### **Article 135**

The head of the Constitutional Court shall be the President, he or she may be substituted by the Vice President. The President and the Vice President shall be appointed by the President of the Slovak Republic from among the judges of the Constitutional Court.

### **Article 136**

(1) The judges of the Constitutional Court shall enjoy the same immunity as Members of Parliament.

(2) The judges of the Constitutional Court may be prosecuted and held in a pre-trial detention only with assent of the Constitutional Court.

(3) The Constitutional Court shall give its assent to the criminal prosecution or a pre-trial detention of a judge and of the General Prosecutor. The Constitutional Court shall convene disciplinary proceedings regarding the Chief Justice of the Slovak Republic, the Deputy Chief Justice of the Slovak Republic and the General Prosecutor.

(4) If the Constitutional Court refuses its consent, the prosecution or the pre-trial detention shall be precluded for the duration of the function of a Constitutional Court judge, the function of a judge or the function of the General Prosecutor.

### **Article 137**

(1) An appointed judge of the Constitutional Court shall renounce his or her membership in a political party or a political movement prior to taking the oath.

(2) The judges of the Constitutional Court shall hold their offices as a profession. The performance of this profession shall be incompatible with the post in another body of public authority, with public service relationship, with employment, with the similar labour relation, with an entrepreneurial activity, with membership in governing or control body of a legal person, which pursues an entrepreneurial activity or with another economic or gainful activities apart from the administration of his or her own property .”, and scientific, pedagogical, literary or artistic activity.

(3) On the day when a judge assumes his or her judicial office, his or her mandate of a Member of Parliament and membership in the Government of the Slovak Republic shall terminate.

### **Article 138**

(1) A judge of the Constitutional Court may resign from his or her office by written notice addressed to the President of the Constitutional Court. In such case his or her function expires at the elapse of the month in which the written notice of his resignation has been delivered.

(2) The President of the Slovak Republic shall recall a judge of the Constitutional Court

- a) on the basis of a final condemning judgement for a wilful criminal offence or if he or she was lawfully convicted of a criminal offence and the court did not decide in his or her case on probationary suspension of the imprisonment sentence,
- b) on the basis of disciplinary decision made by the Constitutional Court for a conduct which is incompatible with holding the office of a judge of the Constitutional Court,
- c) if the Constitutional Court has announced that the judge does not participate in proceedings of the Constitutional Court for over one year, or
- d) if he or she is not eligible for the National Council of the Slovak Republic.

### **Article 139**

In the case a judge of the Constitutional Court resigns from the office, or he or she is recalled, the President of the Slovak Republic shall appoint another judge for a new term from two nominees presented by the National Council of the Slovak Republic.

## **Article 140**

The details of the structure of and of proceedings before the Constitutional Court and the status of its judges shall be laid down by a law.

## **Section Two**

### **THE COURTS OF THE SLOVAK REPUBLIC**

#### **Article 141**

(1) The judiciary in the Slovak Republic shall be administered by independent and impartial courts .

(2) The judiciary shall be independent of other state authorities at all levels.

#### **Article 141a**

##### **The Judiciary Council of the Slovak Republic**

(1) The Chairman of the Judiciary Council of the Slovak Republic is the Chief Justice of the Slovak Republic. Its other members are

- a) eight judges, who are elected and recalled by judges of the Slovak Republic,
- b) three members who are appointed and recalled by the National Council of the Slovak Republic,
- c) three members who are appointed and recalled by the President of the Slovak Republic,
- d) three members who are appointed and recalled by the Government of the Slovak Republic

(2) As a member of the Judiciary Council of the Slovak Republic according to paragraph 1, letters b) to d) may be appointed person who is of impeccable character and has university education in law and at least 15 years of professional practice.

(3) The term of office of members of the Judicial Council of the Slovak Republic shall be five years. The same person may be elected or appointed as a member of the Judiciary Council for a maximum of two consecutive terms.

(4) Under the authority of the Judiciary Council falls:

- a) to present to the President of the Slovak Republic proposals for candidates for appointment as judges, and proposals for recall of judges,
- b) to decide on the assignment or transfer of judges,
- c) to present to the President of the Slovak Republic proposals for appointment of the Chief Justice of the Slovak Republic and the Deputy Chief Justice of the Slovak Republic, and proposals for their recall,

- d) to present to the Government of the Slovak Republic proposals of candidates for judges who should act for the Slovak Republic in international judicial bodies,
- e) to elect and recall members of disciplinary senates and elect and recall chairmen of disciplinary senates,
- f) to comment on a proposal for the budget of courts of the Slovak Republic during the preparation of the proposal for the state budget,
- g) other activities if laid down by a law.

(5) The adoption of a resolution of the Judicial Council of the Slovak Republic requires consent of an absolute majority of all its members.

(6) Details on the means of establishing members of the Judicial Council of the Slovak Republic, on its scope of powers, on organisation and on relations to bodies of judicial administration and to bodies of judicial self-administration shall be laid down by a law.

#### **Article 142**

(1) The courts shall rule on civil and criminal matters and also review the legitimacy of decisions made by bodies of public administration and legality of decisions, measures or other actions of bodies of public authority, if laid down by a law.

(2) The courts shall decide in panels save a law provides that a single judge shall decide on the matter. A law shall lay down in which cases the lay judges from the citizenry shall participate in decision making of the panels and in which cases a court employee authorised by a judge can decide. A judicial remedy is admissible against a decision made by a court employee authorized by a judge, on which a judge shall always decide.

(3) Judgements shall be announced in the name of the Slovak Republic and always publicly.

#### **Article 143**

(1) The judicial system shall be composed of the Supreme Court of the Slovak Republic and other courts.

(2) Further details of the judicial system, jurisdiction of the courts, their structure, and procedural rules shall be laid down by a law.

(3) In an extent laid down by a law, the bodies of judicial self-administration shall participate in the management and administration of Courts.

#### **Article 144**

(1) Judges, in the performance of their function, shall be independent and, in decision making shall be bound by the Constitution, by constitutional law, by international treaty pursuant to Art. 7, paras. 2 and 5, and by law.



(2) If a Court assumes that other generally binding legal regulation, its part, or its individual provisions which concern a pending matter contradicts the Constitution, constitutional law, international treaty pursuant to Art. 7, para. 5 or law, it shall suspend the proceedings and shall submit a proposal for the commence of proceedings according to Art. 125, para. 1. Legal opinion of the Constitutional Court of the Slovak Republic contained in the decision shall be binding for the Court.

### **Article 145**

(1) The President of the Slovak Republic shall appoint and recall judges on the basis of a proposal of the Judiciary Council of the Slovak Republic; they are appointed without time restrictions.

(2) A citizen of the Slovak Republic who is eligible for election to the National Council of the Slovak Republic, has attained the age of 30 years and has a university education in law may be appointed a judge. A law shall lay down other conditions for appointment a judge and his or her promotion and also on the scope of immunity of judges.

(3) The President of the Slovak Republic shall appoint the Chief Justice of the Slovak Republic and the Deputy Chief Justice of the Slovak Republic on a proposal of the Judiciary Council of the Slovak Republic from judges of the Supreme Court of the Slovak Republic for five years. The same person may only be appointed a Chief Justice of the Slovak Republic or a Deputy Chief Justice of the Slovak Republic for two consecutive terms. Before the expiry of the term of office, the President of the Slovak Republic may recall the Chief Justice of the Slovak Republic or Deputy Chief Justice of the Slovak Republic for reasons set in Art.147.

(4) A judge takes this oath before the President of the Slovak Republic: "I swear on my honour and conscience that I shall abide by the Constitution, constitutional laws, international treaties, which were ratified by the Slovak Republic and were promulgated in the manner laid down by a law , and by laws; I shall interpret laws and decide according to my profound convictions, independently and impartially."

(5) Upon taking this oath, a judge assumes his or her function.

### **Article 145a**

(1) If an appointed judge is a member of a political party or a political movement, he or she shall be obliged to resign his or her membership in them prior to taking the oath.

(2) A judge shall perform the post as a profession. The discharge of a function of a judge is incompatible with a post in any other public authority body, with a state service relationship, with an employment, or with a similar labour relation, with an entrepreneurial activity, with a membership in the governing or control body of a legal person, which performs an entrepreneurial activity, or with other economic or gainful activity, other than the administration of his or her own property, scientific,

pedagogical, literary or artistic activity, and with membership in the Judiciary Council of the Slovak Republic.”.

#### **Article 146**

A judge may resign from his or her post by written notice to the President of the Slovak Republic. His or her function, in such a case, shall expire at the elapse of the calendar month in which the notice of resignation from the function is delivered.

#### **Article 147**

(1) The President of the Slovak Republic, on a proposal of the Judicial Council of the Slovak Republic shall recall a judge on the basis of a final condemning judgement for a wilful criminal offence, or if he or she was lawfully convicted of a criminal offence and the court did not decide in his or her case on probationary suspension of serving of the imprisonment sentence, on the basis of a decision by a disciplinary senate for an activity which is incompatible with the discharge of the function of judge, or if his or her eligibility for election to the National Council of the Slovak Republic has terminated.

(2) The President of the Slovak Republic, on a proposal of the Judicial Council of the Slovak Republic may recall a judge

- a) if his long-term health condition does not, for at least one year, allow him to perform his duties as a judge,
- b) if he has attained the age of 65 years.

#### **Article 148**

(1) A judge may be transferred to another court only with his consent or on the basis of a decision of the disciplinary senate.

(2) The reasons for suspension of discharge of a judicial office, and conditions for temporary suspension of the post of a judge or the temporary assignment of a judge shall be laid down by a law.

(3) The manner of establishing the lay judges shall be laid down by a law.

## **TITLE EIGHT**

### **THE OFFICE OF THE PUBLIC PROSECUTION OF THE SLOVAK REPUBLIC AND THE PUBLIC DEFENDER OF RIGHTS**

#### **Section One**

### **THE OFFICE OF THE PUBLIC PROSECUTION OF THE SLOVAK REPUBLIC**

#### **Article 149**

Public prosecution shall protect rights and interests protected by law of natural and legal persons and of the State.

#### **Article 150**

The Office of the public prosecution shall be headed by the Attorney General who shall be appointed and recalled by the President of the Slovak Republic on the proposal of the National Council of the Slovak Republic.

#### **Article 151**

Further details of the appointment, recall, powers and duties of public prosecutors, as well as the structure of the public prosecution shall be laid down by a law.

## **Section Two**

### **PUBLIC DEFENDER OF RIGHTS**

#### **Article 151a**

(1) The Public Defender of Rights is an independent body which in the scope and in manner laid down by a law shall participate in the protection of the fundamental rights and freedoms of natural persons and legal persons in the proceedings, decision making or inactivity of public administration bodies, if their proceedings, decision making or inactivity is inconsistent with legal order or with principles of a democratic state and rule of law.

(2) The Public Defender of Rights shall be elected by the National Council of the Slovak Republic from among candidates proposed by at least 15 Members of Parliament for a term of five years. As Public Defender of Rights may be elected any citizen of the Slovak Republic, who is eligible for election as a Member of Parliament and has attained the age of 35 by the date of election. A Public Defender of Rights cannot be a member of a political party or a political movement.

(3) The function of Public Defender of Rights shall terminate on the day of finality of a judgement, by which the Public Defender of Rights was convicted of a wilful criminal offence or by which he or she was convicted of a criminal offence and in his or her case the court did not decide on a probationary suspension of the imprisonment sentence, or he or she lost eligibility for election.

(4) The National Council of the Slovak Republic may recall Public Defender of Rights if his or her long-term health condition, for at least three months, does not allow him or her to duly perform the duties following from the function.

(5) Details on the election and recall of the public defender of rights, on the scope of powers of the Public Defender of Rights, on the conditions of discharging of the function, on the manner of legal protection and on asserting rights of natural persons and legal persons shall be laid down by a law.

## **TITLE NINE**

### **TRANSITORY AND FINAL PROVISIONS**

#### **Article 152**

(1) Constitutional laws, laws and other generally binding legal regulations shall remain in force in the Slovak Republic unless they are in contradiction with this Constitution. They can be amended and repealed by the appropriate authorities of the Slovak Republic.

(2) Laws and other generally binding legal regulations promulgated in the Czech and Slovak Federal Republic shall become void on the ninetieth day after the publication of a decision made by the Constitutional Court of the Slovak Republic on their invalidity and according to promulgation procedures laid down by a law.

(3) The Constitutional Court of the Slovak Republic shall decide on invalidity of legal regulations upon motion of persons laid down in Art. 130.

(4) Constitutional laws, laws and other generally binding legal regulations shall be interpreted and applied in conformity with this Constitution.

#### **Article 153**

The Slovak Republic shall be the successor to all the rights and duties resulting from international treaties binding on the Czech and Slovak Federal Republic to the extent laid down by a constitutional law of the Czech and Slovak Federal Republic or to the extent agreed between the Slovak Republic and the Czech Republic.

#### **Article 154**

(1) The Slovak National Council elected under Art. 103 of the constitutional act No. 143/1968 Coll. on Czecho-Slovak federation in the wording of later regulations, shall discharge its function under the new name of the National Council of the Slovak Republic according to this Constitution. Its electoral term begins on the election date of the Slovak National Council.

(2) The Government of the Slovak Republic appointed under Art.122, para. 1 letter a) of the constitutional act No. 143/1968 Coll. on Czecho-Slovak federation in the wording of later regulations shall be deemed to be the Government appointed under this Constitution.

(3) The Chief Justice of the Slovak Republic and the Attorney General of the Slovak Republic appointed under the previous legislation shall remain in offices until being appointed under this Constitution.

(4) Judges elected under the previous legislation, shall be deemed to have been elected to office without a time restriction under this Constitution.

#### **Article 154a**

According to this constitutional act, the President of the National Council of the Slovak Republic shall announce the election of a President of the Slovak Republic within 30 days of the taking effect of a law promulgated pursuant to Art. 101, para.10.

#### **Article 154b**

(1) The President of the Slovak Republic shall, on a proposal from the Judiciary Council, appoint a judge elected for four years before time of taking effect of this constitutional act, a judge without time restriction on the expiration of his or her term of office, even if he had, not attained the age of 30 years on the date of his or her appointment.

(2) Judges elected according to present regulations without time restriction shall be considered judges appointed according to this constitutional act.

(3) The provisions of Art. 134, para. 2, first sentence, and para. 3, second sentence shall not apply to Constitutional Court judges appointed before taking effect of this constitutional act.

#### **Article 154c**

(1) International treaties on human rights and fundamental freedoms which the Slovak Republic has ratified and were promulgated in the manner laid down by a law before taking effect of this constitutional act, shall be a part of its legal order and shall have precedence over laws if they provide a greater scope of constitutional rights and freedoms.

(2) Other international treaties which the Slovak Republic has ratified and were promulgated in the manner laid down by a law before taking effect of this constitutional act, shall be a part of its legal order, if so provided by a law.

#### **Article 155**

The following laws are hereby repealed:

1. The Slovak National Council constitutional act No. 50/1990 Coll. concerning the name, the state emblem, and the state flag, the state seal and the national anthem of the Slovak Republic,

2. The Slovak National Council constitutional act No. 79/1990 Coll. concerning the number of deputies in the Slovak National Council, the solemn oath taken by the deputies of the Slovak National Council, members of the Government of the Slovak Republic and the representatives in the National Committees and the official electoral term of the Slovak National Council.

3. The Slovak National Council constitutional act No. 7/1992 Coll. on the Constitutional Court of the Slovak Republic.

## **Article 156**

The Constitution of the Slovak Republic No. 466/1992 Coll. has entered into force on the 1<sup>st</sup> of October 1992 except Art.3 para.2, Art. 23 para. 4 in the cases of expelling or extraditing an alien, Art. 53, 84 para. 3 in the case of war against another state, Art. 86 letter k) and l), Art. 102 letter g) in the case of academic appointments of university professors, rectors of universities, appointment and promotion of military generals, letters j) and k), Art. 152 para. 1 second sentence, in the case of constitutional laws, laws and other generally binding legal regulations issued by the competent authorities in the Czech and Slovak Federal Republic which shall enter into force concurrently with the appropriate constitutional changes in the Czech and Slovak Republic in accordance with this Constitution.

Constitutional act No. 244/1998 Coll. has entered into force on the 5<sup>th</sup> of August 1998.

Constitutional act No. 9/1999 Coll. has entered into force on the 27<sup>th</sup> of January 1999.

Constitutional act No. 90/2001 Coll. shall enter into force on the 1<sup>st</sup> of July 2001 except Art.125a, Art. 127, Art.127a, Art. 134 paras. 1 and 3 and Art. 151a, which shall enter into force on the 1<sup>st</sup> of January 2002.