

Date Printed: 01/15/2009

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JTS Box Number: IFES\_30

Tab Number: 7

Document Title: FBIS: CONSTITUTION OF THE SLOVAK REPUBLIC

Document Date: 1992

Document Country: SLO

Document Language: ENG

IFES ID: CON00176



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# ***Daily Report***

## ***Supplement***

# **East Europe**

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## ***Constitution of the Slovak Republic***

FBIS-EEU-92-179-S  
Tuesday  
15 September 1992

Return to Resource Center  
International Foundation  
for Electoral Systems  
1620 I St. NW, Suite 611  
Washington, D.C. 20006

**Constitution of the Slovak Republic**

AU1409060192 Prague HOSPODARSKE NOVINY  
in Slovak 8 Sep 92 pp 15-18

["Constitution of the Slovak Republic," passed by the Slovak National Council on 1 September and signed on 3 September]

[Text]

**Preamble**

We, the Slovak nation, mindful of the political and cultural heritage of our forebears, and of the centuries of experience from the struggle for national existence and our own statehood, in the sense of the spiritual heritage of Cyril and Methodius and the historical legacy of the Great Moravian Empire, proceeding from 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 lasting peaceful cooperation with other democratic states, seeking the application of the democratic form of government and the guarantees of a free life and the development of spiritual culture and economic prosperity, that is, we, citizens of the Slovak Republic, adopt through our representatives the following Constitution:

**CHAPTER ONE**

**Part One**

**Basic Provisions**

**Article 1**

The Slovak Republic is a sovereign, democratic, and law-governed state. It is not linked to any ideology or religious belief.

**Article 2**

- (1) State power is derived from citizens, who execute it through their elected representatives or directly.
- (2) State bodies can act only on the basis of the Constitution, within its limits, and to the extent and in a manner defined by law.
- (3) Everyone can do what is not forbidden by law and no one must be forced to do anything that is not laid down by law.

**Article 3**

- (1) The territory of the Slovak Republic is united and indivisible.
- (2) The borders of the Slovak Republic can be changed only by a constitutional law.

**Article 4**

Natural wealth, underground water, natural medicinal springs, and waterways are in the ownership of the Slovak Republic.

**Article 5**

- (1) Conditions for the acquisition and loss of the citizenship of the Slovak Republic are determined by law.
- (2) No one must be deprived of the citizenship of the Slovak Republic against his will.

**Article 6**

- (1) Slovak is the state language on the territory of the Slovak Republic.
- (2) The use of other languages in dealings with the authorities will be regulated by law.

**Article 7**

On the basis of its free decision, the Slovak Republic can enter into a state alliance [zvazok] with other states. The right to secession from this alliance must not be restricted. The decision on entering into a state alliance with other states or on secession from this alliance will be made by a constitutional law and a subsequent referendum.

**Article 8**

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

**Article 9**

- (1) The state emblem of the Slovak Republic is represented by a red early Gothic shield featuring a silver double cross on the middle of three blue symbolic mountain peaks.
- (2) The national flag of the Slovak Republic consists of three long bands—white, blue, and red. The front side of the national flag of the Slovak Republic features the state emblem of the Slovak Republic.
- (3) The state seal of the Slovak Republic is represented by the state emblem of the Slovak Republic, with the inscription "Slovak Republic" positioned in a circle around it.
- (4) The national anthem of the Slovak Republic is the first two stanzas of the song "Nad Tatrou sa blýska" [Lightning Flashes Over the Tatra Mountains].
- (5) Details concerning the state emblem, the national flag, the state seal, and the national anthem and their use will be set out in a law.

**Article 10**

- (1) Bratislava is the capital of the Slovak Republic.
- (2) The status of Bratislava as the capital of the Slovak Republic will be set out in a law.

**CHAPTER TWO**

**Basic Rights and Freedoms**

**Part One**

**General Provisions**

**Article 11**

International treaties on human rights and basic liberties that were ratified by the Slovak Republic and promulgated in a manner determined by law take precedence over its own laws, provided that they secure a greater extent of constitutional rights and liberties.

**Article 12**

- (1) People are free and equal in dignity and their rights. Basic rights and liberties are inviolable, inalienable, secured by law, and unchallengeable.
- (2) Basic rights and liberties on the territory of the Slovak Republic are guaranteed to everyone regardless of sex, race, color of skin, language, creed and religion, political or other beliefs, national or social origin, affiliation to a nation or ethnic group, property, descent, or another status. No one must be harmed, preferred, or discriminated against on these grounds.
- (3) Everyone has the right to freely decide on his nationality. Any influence on this decision and any form of pressure aimed at assimilation are forbidden.
- (4) No one must be restricted in his rights because he upholds his basic rights and liberties.

**Article 13**

- (1) Duties can be imposed only on the basis of law, within its limits, and while complying with basic rights and liberties.
- (2) Limits to basic rights and liberties can be set only by law, under conditions laid down in this Constitution.
- (3) Legal restrictions of constitutional rights and liberties must apply equally to all cases that meet the set conditions.
- (4) When restricting constitutional rights and liberties, attention must be paid to their essence and meaning. These restrictions must not be used for any other than the set purpose.

**Part Two****Basic Human Rights and Liberties****Article 14**

Everyone is worthy of having rights.

**Article 15**

- (1) Everyone has the right to life. Human life is worthy of protection even prior to birth.
- (2) No one must be deprived of life.
- (3) Capital punishment is not permitted.
- (4) If someone was deprived of life as a result of an action that does not represent a criminal act, this does not constitute a violation of rights according to this article.

**Article 16**

- (1) The inviolability of the person and its privacy is guaranteed. It can be limited only in cases defined by law.
- (2) No one must be tortured or subjected to cruel, inhuman, or humiliating treatment or punishment.

**Article 17**

- (1) Personal freedom is guaranteed.
- (2) No one must be prosecuted or deprived of freedom other than for reasons and in a manner defined by law. No one must be deprived of freedom solely because of his inability to comply with a contractual obligation.
- (3) A person accused or suspected of a criminal act can be detained only in cases defined by law. The detained person must be immediately informed of the reasons for the detainment, interrogated, and either released or

brought before the court within 24 hours at the latest. The judge must question the detainee within 24 hours of taking over the case and decide on his or her custody or release.

- (4) An accused person may be arrested only on the basis of a written, substantiated court warrant. The arrested person must be brought before the court within 24 hours. The judge must question the arrested person within 24 hours of taking over the case and decide on his or her custody or release.

- (5) A person can be taken into custody only for reasons and for a period defined by law and on the basis of a court ruling.

- (6) The law will specify in which cases a person can be admitted to, or kept in, institutional health care without his or her consent. Such a measure must be reported within 24 hours to the court, which will then decide on this placement within five days.

- (7) The mental state of a person accused of criminal activity can be examined only on the basis of the court's written order.

**Article 18**

- (1) No one must be subjected to forced labor or services.
- (2) The provision of section 1 does not apply to
  - a) work assigned according to the law to persons serving a prison term or some other punishment substituting for a prison term,
  - b) military service or some other service assigned by law in lieu of compulsory military service,
  - c) services required on the basis of the law in the event of natural catastrophes, accidents, or other dangers posing a threat to life, health, or property of great value,
  - d) activities laid down by law to protect life, health, or the rights of others.

**Article 19**

- (1) Everyone has the right to the preservation of his human dignity and personal honor, and the protection of his good name.
- (2) Everyone has the right to protection against unwarranted interference in his private and family life.
- (3) Everyone has the right to protection against the unwarranted collection, publication, or other illicit use of his personal data.

**Article 20**

- (1) Everyone has the right to own property. The ownership right of all owners has the same legal content and deserves the same protection. Inheritance of property is guaranteed.
- (2) The law will specify which property other than property listed in Article 4 that is essential to meet the needs of society, the development of the national economy, and public interest can be owned only by the state, community, or designated juridical persons. The law can also specify that certain property can be owned only by citizens or juridical persons resident in the Slovak Republic.
- (3) Ownership is binding. It must not be misused to the detriment of others or at variance with general interests protected by law. By exercising ownership, no harm must

be done to human health, nature, cultural monuments, and the environment beyond limits set by law.

(4) Expropriation or enforced restriction of the ownership right is admissible only to the extent that it is unavoidable and in the public interest, on the basis of law, and in return for adequate compensation.

#### Article 21

(1) A person's home is inviolable. It must not be entered without the resident's consent.

(2) A house search is admissible only in connection with criminal proceedings and only on the basis of the judge's written and substantiated order. The method of carrying out a house search will be set out in a law.

(3) Other infringements upon the inviolability of one's home can be permitted by law only if this is inevitable in a democratic society in order to protect people's lives, health, or property, to protect the rights and liberties of others, or to ward off a serious threat to public order. If the home is used also for business or to perform some other economic activity, such infringements can be permitted by law also when this is unavoidable in meeting the tasks of public administration.

#### Article 22

(1) The privacy of correspondence and secrecy of mailed messages and other written documents and the protection of personal data are guaranteed.

(2) No one must violate the privacy of correspondence and the secrecy of other written documents and records, whether they are kept in privacy or sent by mail or in another way, with the exception of cases to be set out in a law. Equally guaranteed is the secrecy of messages conveyed by telephone, telegraph, or other similar means.

#### Article 23

(1) Freedom of movement and of abode are guaranteed.

(2) Everyone who is rightfully staying on the territory of the Slovak Republic has the right to freely leave this territory.

(3) Freedoms according to sections 1 and 2 can be restricted by law if it is unavoidable for the security of the state, to maintain public order, protect the health and the rights and liberties of others, and, in designated areas, also for reasons of environmental protection.

(4) Every citizen has the right to freely enter the territory of the Slovak Republic. A citizen must not be forced to leave his homeland and he must not be deported or extradited.

(5) A foreign national can be deported only in cases specified by law.

#### Article 24

(1) The freedoms of thought, conscience, religion, and faith are guaranteed. This right also comprises the possibility to change one's religious belief or faith. Everyone has the right to be without religious belief. Everyone has the right to publicly express his opinion.

(2) Everyone has the right to freely express his religion or faith on his own or together with others, privately or

publicly, by means of divine and religious services, by observing religious rites, or by participating in the teaching of religion.

(3) Churches and religious communities administer their own affairs. In particular, they constitute their own bodies, inaugurate their clergymen, organize the teaching of religion, and establish religious orders and other church institutions independently of state bodies.

(4) Conditions for exercising rights according to sections 1 to 3 can be limited only by law, if such a measure is unavoidable in a democratic society to protect public order, health, morality, or the rights and liberties of others.

#### Article 25

(1) The defense of the Slovak Republic is a matter of honor for each citizen.

(2) No one must be forced to perform military service if this runs counter to his conscience or religious belief. The details will be specified in a law.

### Part Three

#### Political Rights

#### Article 26

(1) The freedom of speech and the right to information are guaranteed.

(2) Everyone has the right to express his views in word, writing, print, picture, or other means as well as the right to freely seek out, receive, and spread ideas and information without regard for state borders. The issuing of press is not subject to licensing procedures. Enterprise in the fields of radio and television may be pegged to the awarding of an authorization from the state. The conditions will be specified by law.

(3) Censorship is banned.

(4) The freedom of speech and the right to seek out and spread information can be restricted by law if such a measure is unavoidable in a democratic society to protect the rights and liberties of others, state security, public order, or public health and morality.

(5) State bodies and territorial self-administration bodies are under an obligation to provide information on their activities in an appropriate manner and in the state language. The conditions and manner of execution will be specified by law.

#### Article 27

(1) The right of petition is guaranteed. Everyone has the right, alone or with others, to address requests, proposals, and complaints to state bodies and territorial self-administration bodies in matters of public or other common interest.

(2) A petition must not be used to call for the violation of basic rights and liberties.

(3) A petition must not interfere with the independence of a court.

#### Article 28

(1) The right to assemble peacefully is guaranteed.

(2) Conditions for exercising this right will be set out in a law in the event of assemblies in public places, if such a measure is unavoidable in a democratic society to protect the rights and liberties of others, public order, health and morality, property, or the security of the state. An assembly must not be made conditional on the issuance of an authorization by a state administration body.

#### Article 29

(1) The right to freely associate is guaranteed. Everyone has the right to associate with others in clubs, societies, or other associations.

(2) Citizens have the right to establish political parties and political movements and to associate in them.

(3) The enactment of rights according to sections 1 and 2 can be restricted only in cases specified by law, if this is unavoidable in a democratic society for reasons of state security, to protect public order, to forestall criminal acts, or to protect the rights and liberties of others.

(4) Political parties and political movements, as well as clubs, societies, and other associations are separated from the state.

#### Article 30

(1) Citizens have the right to participate in the administration of public affairs either directly or through the free election of their representatives.

(2) Elections must be held within deadlines that do not exceed the regular electoral period as defined by law.

(3) The right to vote is universal, equal, and direct and is exercised by means of secret ballot. Conditions for exercising the right to vote will be set out in a law.

(4) Citizens have access to elected and other public posts under equal conditions.

#### Article 31

The legal definition of all political rights and liberties and their interpretation and use must enable and protect the free competition of political forces in a democratic society.

#### Article 32

Citizens have the right to put up resistance to anyone who would eliminate the democratic order of human rights and basic liberties listed in this Constitution, if the activity of constitutional bodies and the effective use of legal means are rendered impossible.

### Part Four

#### The Rights of National Minorities and Ethnic Groups

#### Article 33

Membership of any national minority or ethnic group must not be to anyone's detriment.

#### Article 34

(1) The comprehensive development of citizens representing national minorities or ethnic groups in the Slovak Republic is guaranteed, particularly the right to develop their own culture, together with other members of the minority or ethnic group, the right to disseminate and receive information in their mother tongue, the right to

associate in national minority associations, and the right to set up and maintain educational and cultural institutions. Details will be set out in a law.

(2) In addition to the right to master the state language, citizens belonging to national minorities or ethnic groups also have, under conditions defined by law, a guaranteed

a) right to education in their own language,

b) right to use their language in dealings with the authorities,

c) right to participate in the solution of affairs concerning national minorities and ethnic groups.

(3) The enactment of the rights of citizens belonging to national minorities and ethnic groups that are guaranteed in this Constitution must not be conducive to jeopardizing the sovereignty and territorial integrity of the Slovak Republic or to discrimination against its other inhabitants.

### Part Five

#### Economic, Social, and Cultural Rights

#### Article 35

(1) Everyone has the right to a free choice of profession and to training for it, as well as the right to engage in entrepreneurial or other gainful activity.

(2) Conditions and restrictions with regard to the execution of certain professions or activities can be specified by law.

(3) Citizens have the right to work. Citizens who are unable to exercise this right through no fault of their own are provided for materially by the state to an appropriate extent. The conditions will be defined by law.

(4) A different regulation of rights listed under sections 1 through 3 can be specified by law for foreign nationals.

#### Article 36

Employees have the right to equitable and adequate working conditions. The law guarantees, above all

a) the right to remuneration for work done, sufficient to ensure the employee's dignified standard of living,

b) protection against arbitrary dismissal and discrimination at the place of work,

c) labor safety and the protection of health at work,

d) the longest admissible working time,

e) adequate rest after work,

f) the shortest admissible period of paid leave.

g) the right to collective bargaining.

#### Article 37

(1) Everyone has the right to freely associate with others in order to protect his economic and social interests.

(2) Trade union organizations are established independently of the state. It is inadmissible to limit the number of trade union organizations, in the same way as it is inadmissible to give some of them a preferential status, be it in an enterprise or a branch of the economy.

(3) The activity of trade union organizations and the founding and operation of other associations protecting economic and social interests can be restricted by law if such a measure is unavoidable in a democratic society to

protect the security of the state, public order, or the rights and liberties of others.

(4) The right to strike is guaranteed. The conditions will be defined by law. This right does not extend to judges, prosecutors, members of the armed forces and armed corps, and members of the fire brigades.

#### Article 38

(1) Women, minors, and persons with impaired health are entitled to an enhanced protection of their health at work as well as to special working conditions.

(2) Minors and persons with impaired health are entitled to special protection in labor relations as well as to assistance in professional training.

(3) Details concerning rights listed in sections 1 and 2 will be set out in a law.

#### Article 39

(1) Citizens have the right to adequate material provision in old age, in the event of work disability, as well as after losing their provider.

(2) Everyone who is in material need is entitled to assistance necessary to ensure basic living conditions.

(3) Details concerning rights listed in sections 1 and 2 will be set out in a law.

#### Article 40

Everyone has a right to the protection of his health. Based on public insurance, citizens have the right to free health care and to medical supplies under conditions defined by law.

#### Article 41

(1) Marriage, parenthood, and the family are under the protection of the law. The special protection of children and minors is guaranteed.

(2) Special care, protection in labor relations, and adequate working conditions are guaranteed to women during the period of pregnancy.

(3) Children born in and out of wedlock enjoy equal rights.

(4) Child care and the upbringing of children are among the rights of parents; children have the right to parental care and upbringing. Parents' rights can be restricted and minors can be separated from their parents against their will only by means of a court ruling based on the law.

(5) Parents caring for children are entitled to assistance from the state.

(6) Details concerning rights listed in sections 1 through 5 will be set out in a law.

#### Article 42

(1) Everyone has the right to education. School attendance is compulsory. Its period and age limit will be defined by law.

(2) Citizens have the right to free education at primary and secondary schools and, based on their abilities and society's resources, also at higher educational establishments.

(3) Schools other than state schools may be established, and instruction in them provided, only under conditions defined by law. Such schools may charge a tuition fee.

(4) A law will specify under which conditions citizens who are engaged in studies are entitled to assistance from the state.

#### Article 43

(1) Freedom of scientific research and in art are guaranteed. The rights to the results of creative intellectual activity are protected by law.

(2) The right of access to the cultural heritage is guaranteed under conditions defined by law.

### Part Six

#### The Right to the Protection of the Environment and the Cultural Heritage

#### Article 44

(1) Everyone has the right to an auspicious environment.

(2) Everyone is obliged to protect and enhance the environment and the cultural heritage.

(3) No one must endanger or damage the environment, natural resources, and the cultural heritage beyond the extent established by law.

(4) The state looks after an economical use of natural resources, ecological balance, and effective environmental care.

#### Article 45

Everyone has the right to timely and complete information about the state of the environment and the causes and consequences of its condition.

### Part Seven

#### The Right to Protection by the Court and Other Legal Protection

#### Article 46

(1) Everyone may claim by the established legal procedure his right to an independent and impartial court hearing and, in cases designated by law, to another body of the Slovak Republic.

(2) Anyone who claims to have been deprived of his rights by a decision of a public administration body may appeal to the court for it to reexamine the lawfulness of that decision, unless specified otherwise by law. The reexamination of decisions concerning basic rights and liberties must not, however, be excluded from the court's authority.

(3) Everyone is entitled to compensation for damage incurred as a result of an unlawful decision by a court or another state or public administration body, or as a result of an incorrect official procedure.

(4) Conditions and details concerning court and other legal protection will be set out in a law.

#### Article 47

(1) Everyone has the right to refuse to testify if, by doing so, he might expose himself or a person close to him to the risk of criminal prosecution.

(2) Everyone has the right to legal assistance in court proceedings or proceedings before other state or public

administration bodies. He has this right from the very start of the proceedings, under conditions defined by law.

(3) All participants in proceedings according to section 2 are equal.

(4) Anyone who declares that he does not have a command of the language in which the proceedings according to section 2 are conducted has the right to an interpreter.

#### Article 48

(1) No one must be removed from the jurisdiction of his law-assigned judge. The jurisdiction of the court is established by law.

(2) Everyone has the right to have his case tried in public, without needless procrastination, and in his presence and to deliver his opinion on all pieces of evidence. The public can be excluded only in cases specified by law.

#### Article 49

Only the law establishes which conduct constitutes a criminal act and what punishment or other form of deprivation of rights or property may be inflicted upon those who committed it.

#### Article 50

(1) Only the court shall decide on guilt and punishment for criminal acts.

(2) Every defendant is considered innocent until the court establishes his guilt by means of a legally valid verdict.

(3) The accused has the right to be granted the time and opportunity to prepare his defense, either himself or through a defense counsel.

(4) The defendant has the right to refuse to testify and must not be denied this right under any circumstances.

(5) No one must be made criminally liable for a deed for which he has already been sentenced or of which he has already been acquitted in a legally valid manner. This principle does not rule out the application of extraordinary corrective means in harmony with the law.

(6) The criminal liability of a deed is assessed, and punishment is meted out, according to the law valid at the time when the offense was committed. A more recent law will be applied if it is more favorable for the perpetrator.

### Part Eight

#### Common Provisions for Chapters One and Two

#### Article 51

The rights listed under Article 35, Article 36, Article 37 section 4, Articles 38 through 42, and Articles 44 through 46 of this Constitution can be claimed only within the limits of the laws that execute those provisions.

#### Article 52

(1) Wherever the term "citizen" is used in Chapters One and Two of this Constitution, this is understood to mean citizen of the Slovak Republic.

(2) Foreign nationals enjoy in the Slovak Republic basic human rights and liberties guaranteed by this Constitution, unless these are expressly granted only to citizens.

(3) Wherever the term "citizen" is used in previous legal regulations, this is understood to mean every person, wherever this concerns the rights and liberties that this Constitution extends regardless of citizenship.

#### Article 53

The Slovak Republic grants asylum to foreign nationals persecuted for upholding political rights and liberties. Asylum may be denied to those who acted at variance with basic human rights and liberties. Details will be defined by law.

#### Article 54

The law may restrict the right of judges and prosecutors to engage in entrepreneurial and other activity and the right listed under Article 29 section 2; the right of employees of state administration bodies and territorial self-administration bodies in designated functions listed under Article 37 section 4; and the rights of members of armed forces and armed corps listed under Articles 27 and 28, if these are related to the execution of their duties. The law may restrict the right to strike for persons in professions that are vital for the protection of life and health.

## CHAPTER THREE

### Part One

#### The Economy of the Slovak Republic

#### Article 55

(1) The economy of the Slovak Republic is based on the principles of a socially and ecologically oriented market economy.

(2) The Slovak Republic protects and promotes economic competition. Details will be set out in a law.

#### Article 56

The Slovak Republic establishes a bank of issue. Details will be set out in a law.

#### Article 57

The Slovak Republic is a customs territory.

#### Article 58

(1) The financial management of the Slovak Republic is administered by its state budget. The state budget is adopted by means of a law.

(2) State budget revenues, the rules of budget economy, and the relationship between the state budget and the budgets of territorial units will be set out in a law.

(3) Special-purpose funds linked to the state budget of the Slovak Republic are established by law.

#### Article 59

(1) There exist state and local taxes and fees.

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



**Part Two**

**Supreme Control Office of the Slovak Republic**

**Article 60**

The Supreme Control Office of the Slovak Republic is an independent body carrying out control of the management of budgetary resources, state property, property rights, and state claims.

**Article 61**

- (1) The Supreme Control Office is headed by a chairman. The chairman and deputy chairmen of the Supreme Control Office are elected and recalled by the National Council of the Slovak Republic.
- (2) Any citizen of the Slovak Republic who may be elected to the National Council of the Slovak Republic may be elected chairman of the Supreme Control Office.
- (3) The same person may be elected chairman of the Supreme Control Office for a maximum of two consecutive five-year terms.
- (4) The posts of chairman and deputy chairmen of the Supreme Control Office are incompatible with any other post in state bodies, territorial self-administration bodies, or bodies of juridical persons engaged in entrepreneurial activity.

**Article 62**

The Supreme Control Office submits reports on the results of its inquiries to the National Council of the Slovak Republic at least once a year and whenever requested to do so by the National Council of the Slovak Republic.

**Article 63**

The sphere of competence, powers, and internal organizational structure of the Supreme Control Office will be set out in a law.

**CHAPTER FOUR**

**Territorial Self-Administration**

**Article 64**

- (1) The community is the basic element of territorial self-administration.
- (2) The community is an independent territorial and administrative unit of the Slovak Republic comprising persons who are permanently resident on its territory.
- (3) The self-administration of higher territorial units and their bodies will be established by law.

**Article 65**

- (1) The community is a juridical person that, under conditions set out in a law, independently manages its own property and financial resources.
- (2) The community finances its needs, first and foremost, from its own revenues, as well as from state subsidies. The law specifies which taxes and fees represent communities' revenue. State subsidies may be claimed only within the limits of the law.

**Article 66**

The community has the right to pool its resources with those of other communities in the interest of ensuring matters of common interest.

**Article 67**

The community decides independently in matters of local self-administration. Duties and restrictions may be imposed on it only by the law. Territorial self-administration is enacted at meetings of community residents, by means of a local referendum, or through community bodies.

**Article 68**

The community may issue generally binding decrees in matters of local self-administration.

**Article 69**

- (1) Community bodies are
  - a) the community representative body
  - b) the mayor
- (2) The community representative body is composed of deputies to the community representative body. Elections of deputies to community representative bodies are held by secret ballot, on the basis of a general, equal, and direct right to vote.
- (3) The mayor is elected by citizens of the community by secret ballot, on the basis of a general, equal, and direct right to vote. The mayor of a community constitutes the community's executive body. He executes community administration and represents the community outwardly.

**Article 70**

The prerequisites for a community to be declared a town, and the method of doing so, will be defined by law, which will also designate the names of town bodies.

**Article 71**

- (1) The execution of designated tasks of local state administration can be transferred by law to the community. The cost of the execution of state administration transferred in this manner will be covered by the state.
- (2) In executing state administration, the community may, on the basis of the law, issue decrees that are generally binding within its area of jurisdiction, if empowered to do so by the law. The execution of state administration transferred to the community is steered by law and controlled by the Government. Details will be specified in a law.

**CHAPTER FIVE**

**Legislative Power**

**Part One**

**The National Council of the Slovak Republic**

**Article 72**

The National Council of the Slovak Republic is the sole constituent and legislative body of the Slovak Republic.

**Article 73**

- (1) The National Council of the Slovak Republic has 150 deputies who are elected for a four-year period.
- (2) Deputies are representatives of citizens. They execute their mandate personally according to their conscience and conviction and are not bound by orders.

**Article 74**

- (1) Deputies are elected by secret ballot in general, equal, and direct elections.
- (2) A citizen who has the right to vote, has reached the age of 21, and is permanently resident on the territory of the Slovak Republic can be elected deputy.
- (3) Details concerning the election of deputies will be set out in a law.

**Article 75**

- (1) The deputy is sworn in at the first meeting of the National Council of the Slovak Republic in which he participates, by taking the following oath:

"I promise by my honor and conscience to be faithful to the Slovak Republic. I will fulfill my duties in the interest of its citizens. I will observe the Constitution and other laws and work toward their translation into life."

- (2) Refusing to take this oath, or taking it with reservations, results in the loss of mandate.

**Article 76**

The validity of the election of deputies is verified by the National Council of the Slovak Republic.

**Article 77**

- (1) The post of deputy is incompatible with the post of president, judge, prosecutor, member of the Police Corps, member of the Prison Guard Corps, and professional soldier.
- (2) If a deputy is appointed member of the Government of the Slovak Republic, his mandate as a deputy does not cease while he executes the government post, but is just not being exercised.

**Article 78**

- (1) A deputy cannot be made criminally liable because of his voting in the National Council of the Slovak Republic or its bodies, which applies also to the period after the expiry of his mandate. For statements made in the National Council of the Slovak Republic or its bodies while discharging the functions of a deputy, a deputy is answerable to the disciplinary powers of the National Council of the Slovak Republic.
- (2) No criminal or disciplinary proceedings can be initiated against a deputy, and he cannot be taken into custody, without the consent of the National Council of the Slovak Republic. If the National Council of the Slovak Republic denies its consent, prosecution is ruled out forever.
- (3) If a deputy has been caught and detained while committing a criminal offense, the relevant authority is obliged to report this immediately to the chairman of the National Council of the Slovak Republic. Unless the

Mandate and Immunity Committee of the National Council of the Slovak Republic gives its consent to the detainment, the deputy must be released immediately.

**Article 79**

A deputy may refuse to testify in matters about which he learned while discharging his office, even after he ceases to be a deputy.

**Article 80**

- (1) A deputy may address an interpellation to the Government of the Slovak Republic, a member of the Government of the Slovak Republic, or the head of another central body of state administration concerning matters within their jurisdiction. The deputy must receive a reply within 30 days.
- (2) The reply to an interpellation shall become the subject of a debate in the National Council of the Slovak Republic that may be linked with a vote of confidence.

**Article 81**

- (1) A deputy may surrender the post of deputy.
- (2) The mandate of a deputy shall expire if the deputy is sentenced in a legally valid way for a particularly grave deliberate criminal act.

**Article 82**

- (1) The National Council of the Slovak Republic holds permanent sessions.
- (2) The constituent meeting of the National Council of the Slovak Republic is called by the president of the Slovak Republic within 30 days after the announcement of election results. If he fails to do so, the National Council of the Slovak Republic convenes on the 30th day after the announcement of the election results.
- (3) The National Council of the Slovak Republic may interrupt its session by means of a resolution. The length of interruption must not exceed four months in a year. The chairman, deputy chairmen, and bodies of the National Council of the Slovak Republic perform their duties while the National Council of the Slovak Republic is in recess.
- (4) While the session is interrupted, the chairman of the National Council of the Slovak Republic may call a meeting of the National Council of the Slovak Republic even prior to the set date. He will call a meeting whenever requested to do so by the Government of the Slovak Republic or at least one-fifth of the deputies.
- (5) The session of the National Council of the Slovak Republic ends with the expiration of the electoral term or with its dissolution.

**Article 83**

- (1) Meetings of the National Council of the Slovak Republic are called by its chairman.
- (2) The chairman of the National Council of the Slovak Republic shall call a meeting of the National Council of the Slovak Republic also when requested to do so by at least one-fifth of its deputies. In that case he will call a meeting within seven days.

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

(4) Non-public meetings can be held only in cases specified by law or on the basis of a decision by three-fifths of all deputies of the National Council of the Slovak Republic.

#### Article 84

(1) The National Council of the Slovak Republic has a quorum if more than one-half of all its deputies are present.

(2) For a resolution of the National Council of the Slovak Republic to be valid, it must be passed by more than one-half of the deputies present, unless specified otherwise by this Constitution.

(3) The agreement of at least a three-fifths majority of all deputies is required to pass and amend the Constitution and constitutional laws, to elect and recall the president, and to declare war on another state.

#### Article 85

At the request of the National Council of the Slovak Republic or its body, a member of the Government of the Slovak Republic or head of another body of state administration must participate in its meeting or in the meeting of its body.

#### Article 86

The jurisdiction of the National Council of the Slovak Republic comprises, above all:

- a) deciding upon the Constitution and constitutional and other laws and controlling compliance with them,
- b) electing and recalling the president of the Slovak Republic by secret ballot,
- c) approving by means of a constitutional law a treaty on the Slovak Republic's entering into an alliance with other states and on its abrogation of such a treaty,
- d) deciding on proposals to call a referendum,
- e) voicing consent, prior to ratification, with the conclusion of international political treaties, international economic treaties of a general nature, as well as with international treaties whose execution requires the passing of a law,
- f) establishing ministries and other state administration bodies by means of law,
- g) discussing the policy statement of the Government of the Slovak Republic, controlling the Government's activity, and passing a vote of confidence in the Government or its members,
- h) approving the state budget, checking on its fulfillment, and approving the state closing account,
- i) discussing basic domestic, international, economic, social, and other political issues,
- j) electing judges, the chairman and deputy chairman of the Supreme Court of the Slovak Republic, the chairman and deputy chairman of the Constitutional Court of the Slovak Republic, and the chairman and deputy chairman of the Supreme Control Office of the Slovak Republic.

k) deciding on the declaration of war if the Slovak Republic is attacked or as a result of commitments arising from international treaties on common defense against aggression,

l) expressing consent to sending armed forces outside the territory of the Slovak Republic.

#### Article 87

(1) Bills can be tabled by committees of the National Council of the Slovak Republic, deputies, and the Government of the Slovak Republic.

(2) Laws of the National Council of the Slovak Republic are signed by the chairman of the National Council of the Slovak Republic, the president of the Slovak Republic, and the prime minister of the Slovak Republic.

(3) If the president of the Slovak Republic returns a constitutional or other law with comments, the National Council of the Slovak Republic will discuss the constitutional or other law again and, in the event of its approval, such a law must be promulgated.

(4) The president of the Slovak Republic will return a law with comments, in line with section 3, whenever requested to do so by the Government of the Slovak Republic.

(5) A law becomes valid with its promulgation. Details will be set out in a law.

#### Article 88

(1) The motion to pass a vote of no-confidence in the Government of the Slovak Republic or a member of it will be discussed by the National Council of the Slovak Republic if requested by at least one-fifth of its deputies.

(2) The consent of more than 50 percent of all deputies is required to pass a vote of no-confidence in the Government of the Slovak Republic or a member of it.

#### Article 89

(1) The chairman of the National Council of the Slovak Republic is elected and recalled by the National Council of the Slovak Republic by secret ballot, by more than 50 percent of the votes of all deputies. The chairman is accountable only to the National Council of the Slovak Republic.

(2) The chairman of the National Council of the Slovak Republic

a) calls and chairs meetings of the National Council of the Slovak Republic,

b) signs the Constitution, constitutional laws, and other laws,

c) takes the oath from deputies of the National Council of the Slovak Republic,

d) takes the oath from the president of the Slovak Republic,

e) takes the oath from judges, the chairman of the Supreme Court of the Slovak Republic, and the chairman of the Constitutional Court of the Slovak Republic,

f) calls elections to the National Council of the Slovak Republic.

(3) The chairman of the National Council of the Slovak Republic remains in office after the electoral period expires, until the National Council of the Slovak Republic elects a new chairman.

#### Article 90

(1) The deputy chairmen of the National Council of the Slovak Republic act as substitutes for the chairman. They are elected and recalled by secret ballot by the National Council of the Slovak Republic, by the votes of more than 50 percent of all deputies. The deputy chairman of the National Council of the Slovak Republic is accountable to the National Council of the Slovak Republic.

(2) The provision of Article 89 section 3 applies also to the deputy chairman of the National Council of the Slovak Republic.

#### Article 91

The activity of the National Council of the Slovak Republic is steered and organized by the chairman and deputy chairmen.

#### Article 92

(1) The National Council of the Slovak Republic establishes from the ranks of deputies committees as its bodies having an initiating and control role and it elects their chairmen by secret ballot.

(2) The deliberations of the National Council of the Slovak Republic and its committees are regulated by law.

### Part Two

#### The Referendum

#### Article 93

(1) A referendum will be used to confirm a constitutional law on entering into an alliance with other states or on withdrawing from that alliance.

(2) A referendum can be used to decide also on other important issues of public interest.

(3) Basic rights and liberties, taxes, levies, and the state budget cannot be the subject of a referendum.

#### Article 94

Every citizen of the Slovak Republic who has the right to vote in elections to the National Council of the Slovak Republic is entitled to participate in the referendum.

#### Article 95

The referendum is called by the president of the Slovak Republic if requested by a petition signed by a minimum of 350,000 citizens or on the basis of a resolution of the National Council of the Slovak Republic, within 30 days after the receipt of the citizens' petition or the resolution of the National Council of the Slovak Republic.

#### Article 96

(1) The motion to pass a resolution of the National Council of the Slovak Republic on calling a referendum can be tabled by deputies of the National Council of the Slovak Republic or by the Government of the Slovak Republic.

(2) The referendum will be held within 90 days after it is called by the president of the Slovak Republic.

#### Article 97

(1) A referendum must not be held within 90 days prior to elections to the National Council of the Slovak Republic.

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

#### Article 98

(1) The results of the referendum are valid if more than 50 percent of eligible voters participated in it and if the decision was endorsed by more than 50 percent of the participants in the referendum.

(2) The proposals adopted in the referendum will be promulgated by the National Council of the Slovak Republic in the same way as it promulgates laws.

#### Article 99

(1) The National Council of the Slovak Republic can amend or annul the result of a referendum by means of a constitutional law, but it may not do so earlier than three years after the result of the referendum came into effect.

(2) A referendum on the same issue can be repeated after three years at the earliest.

#### Article 100

A law will establish the manner in which the referendum will be carried out.

## CHAPTER SIX

### Executive Power

#### Part One

#### The President of the Slovak Republic

#### Article 101

(1) The president is the head of state of the Slovak Republic.

(2) The president of the Slovak Republic is elected by the National Council of the Slovak Republic by secret ballot for a period of five years.

(3) A majority of three-fifths of all deputies' votes is required for the president to be elected.

#### Article 102

The president

a) represents the Slovak Republic outwardly and concludes and ratifies international treaties. He may delegate to the Government of the Slovak Republic or, with the Government's consent, to individual members of the Slovak Republic, the conclusion of international treaties that do not require approval by the National Council of the Slovak Republic,

b) receives and accredits ambassadors,

c) calls the constituent meeting of the National Council of the Slovak Republic,

d) may dissolve the National Council of the Slovak Republic if the policy statement of the Government of the Slovak Republic is not approved three times within six months after the elections. Prior to dissolving the National Council of the Slovak Republic, the president is obliged to hear the standpoint of the chairman of the National Council of the Slovak Republic. New elections

will be called by the chairman of the National Council of the Slovak Republic within 30 days,

e) signs laws,

f) appoints and recalls the prime minister and other members of the Government of the Slovak Republic, entrusts them with the management of ministries, and accepts their resignation. Recalls the prime minister and other members of the Government in the cases listed in Articles 115 and 116,

g) appoints and recalls the heads of central bodies and higher-level state officials in cases specified by law, appoints university professors and rectors, appoints and promotes generals,

h) awards distinctions, unless he empowers another body to perform this task,

i) grants amnesty and pardon, lowers punishments meted out by criminal courts, issues orders not to initiate or not to continue criminal proceedings, and nullifies punishments,

j) acts as supreme commander of the armed forces,

k) declares martial law at the recommendation of the Government of the Slovak Republic and declares war on the basis of a decision of the National Council of the Slovak Republic, if the Slovak Republic is attacked or as a result of commitments arising from international treaties on common defense against aggression,

l) declares a state of emergency on the basis of a constitutional law,

m) calls referendums,

n) can return to the National Council of the Slovak Republic constitutional and other laws with comments. He can do so within 15 days after their approval,

o) presents to the National Council of the Slovak Republic reports on the state of the Slovak Republic and on important political issues, submits to it draft laws and proposals for other measures.

p) has the right to be present at meetings of the National Council of the Slovak Republic,

r) [no q in accordance with Slovak usage] has the right to be present at meetings of the Government of the Slovak Republic, to chair them, and to demand reports from the Government or its members.

#### Article 103

(1) Any citizen of the Slovak Republic who is eligible to vote and has reached the age of 35 can be elected president.

(2) The same person can be elected president in two consecutive electoral periods at the most.

(3) The election of the president will be held in the last 60 days of the acting president's period of office. Should the office of the president become vacant prior to the end of the electoral period, the election of a new president will be held within 30 days.

(4) Should a deputy of the National Council of the Slovak Republic, member of the Government of the Slovak Republic, judge, prosecutor, member of the armed forces or another armed corps, or member of the Supreme Control Office of the Slovak Republic be elected president, he will cease executing his previous function from the day of his election.

(5) The president must not perform any other paid function, profession, or entrepreneurial activity and must not be a member of the body of a juridical person engaged in entrepreneurial activity.

#### Article 104

(1) The president is sworn in by the chairman of the National Council of the Slovak Republic, before the National Council of the Slovak Republic, by taking the following oath:

"I promise on my honor and conscience to be faithful to the Slovak Republic. I will attend to the well-being of the Slovak nation and the national minorities and ethnic groups living in the Slovak Republic. I will discharge my duties in the interest of citizens and will uphold and defend the Constitution and other laws."

(2) Refusing to take this oath, or taking it with reservations, results in the invalidity of the election of the president.

#### Article 105

(1) If no president is elected, or if the office of the president becomes vacant before a new president is elected or before the newly elected president has been sworn in, or if the president is unable to perform his function for serious reasons, the execution of the post of the president falls upon the Government of the Slovak Republic, with the exception of presidential powers listed in Article 102, letters d) through g). In that case the Government can entrust the prime minister with executing some presidential powers. The supreme command of the armed forces is also transferred to the prime minister in this period.

(2) If the president is unable to perform his function for more than one year, the National Council of the Slovak Republic will recall him from office and will elect a new president for a regular term of office.

#### Article 106

The National Council of the Slovak Republic can recall the president from his post if the president is engaged in activity directed against the sovereignty and territorial integrity of the Slovak Republic or in activity aimed at eliminating the Slovak Republic's democratic constitutional system. In such cases, the motion to recall the president may be tabled by more than one-half of all deputies. The consent of at least a three-fifths majority of all deputies is required for the president to be recalled.

#### Article 107

The president can be prosecuted only on charges of high treason. The indictment against the president is filed by the National Council of the Slovak Republic. The Constitutional Court of the Slovak Republic decides on the indictment.

### Part Two

#### The Government of the Slovak Republic

#### Article 108

The Government of the Slovak Republic is the supreme body of executive power.

**Article 109**

- (1) The Government consists of the prime minister, deputy prime ministers, and ministers.
- (2) A Government member must not exercise the mandate of a deputy or be a judge.
- (3) A Government member must not perform any other paid office, profession, or entrepreneurial activity and must not be a member of the body of a juridical person engaged in entrepreneurial activity.

**Article 110**

- (1) The prime minister is appointed and recalled by the president of the Slovak Republic.
- (2) Any citizen of the Slovak Republic who can be elected to the National Council of the Slovak Republic can be appointed prime minister.

**Article 111**

At the recommendation of the prime minister, the president of the Slovak Republic appoints and recalls other members of the Government and entrusts them with the management of ministries. The president can appoint as deputy prime minister and minister any citizen who can be elected to the National Council of the Slovak Republic.

**Article 112**

Members of the Government are sworn in by the president of the Slovak Republic and take the following oath:

"I swear by my honor and conscience to be faithful to the Slovak Republic. I will discharge my duties in the interest of the citizens. I will uphold the Constitution and other laws and work toward their translation into life."

**Article 113**

Within 30 days after its appointment, the Government is obliged to appear before the National Council of the Slovak Republic, to present to it its program, and to request the expression of its confidence.

**Article 114**

- (1) The Government is accountable for the execution of its duties to the National Council of the Slovak Republic, which can pass a vote of no-confidence in it at any time.
- (2) The Government can at any time request the National Council of the Slovak Republic to pass a vote of confidence in it.
- (3) The Government can link the vote on the adoption of a law or on another issue with a vote of confidence in the Government.

**Article 115**

- (1) The president of the Slovak Republic will recall the Government if the National Council of the Slovak Republic passes a vote of no-confidence in it or if it turns down the Government's request to pass a vote of confidence in it.
- (2) If the president of the Slovak Republic accepts the Government's resignation, he will entrust it with the execution of its duties until a new Government is appointed.

**Article 116**

- (1) A Government member is accountable for the execution of his duties to the National Council of the Slovak Republic.
- (2) A Government member may submit his resignation to the president of the Slovak Republic.
- (3) The National Council of the Slovak Republic may pass a vote of no-confidence also in an individual Government member. In this case, the president of the Slovak Republic will recall the Government member in question.
- (4) The proposal to recall a Government member may be submitted to the president of the Slovak Republic also by the prime minister.
- (5) If the prime minister submits his resignation, the entire Government will submit its resignation.
- (6) If the National Council of the Slovak Republic passes a vote of no-confidence in the prime minister, the president of the Slovak Republic will recall him. The recalling of the prime minister results in the stepping down of the Government.
- (7) If the president of the Slovak Republic accepts the resignation of, or recalls, a member of the Government, he will determine which Government member will temporarily be charged with the management of the department previously administered by the Government member whose resignation he accepted.

**Article 117**

The Government will always submit its resignation after the constituent meeting of a newly elected National Council of the Slovak Republic; however, the Government executes its duties until a new Government is formed.

**Article 118**

- (1) The Government has a quorum if more than one-half of its members are present.
- (2) The majority of votes of all Government members is needed to pass a Government resolution.

**Article 119**

The Government as a body decides on

- a) draft laws,
- b) Government decrees,
- c) the Government's program and its implementation,
- d) principal measures concerning the implementation of the Slovak Republic's economic and social policy,
- e) drafts of the state budget and the state closing account,
- f) international treaties of the Slovak Republic,
- g) principal questions of domestic and foreign policy,
- h) submitting a draft law of the National Council of the Slovak Republic or some other important measure to the public for discussion,
- i) requesting the passing of a vote of confidence,
- j) awarding amnesty for misdemeanors,
- k) appointing and recalling state officials in cases specified by law,
- l) other matters specified by law.

**Article 120**

- (1) The Government may issue decrees in order to execute laws within their limits.

(2) Government decrees are signed by the prime minister.

(3) A Government decree must be promulgated in a manner that will be specified by law.

#### **Article 121**

The Government has the right to award amnesty for misdemeanors. Details will be set out in a law.

#### **Article 122**

Central bodies of state administration and local bodies of state administration are established by means of a law.

#### **Article 123**

Ministries and other bodies of state administration may, on the basis of laws and within their limits, issue generally binding legal regulations if empowered to do so by the law. These generally binding legal regulations are promulgated in a manner that will be specified by law.

### **CHAPTER SEVEN**

#### **Judicial Power**

##### **Part One**

#### **The Constitutional Court of the Slovak Republic**

#### **Article 124**

The Constitutional Court of the Slovak Republic is an independent judicial body charged with protecting constitutionality.

#### **Article 125**

The Constitutional Court decides on the compatibility of

- a) laws with the Constitution and with constitutional laws,
- b) decrees issued by the Government and generally binding legal regulations issued by ministries and other central bodies of state administration with the Constitution and constitutional and other laws,
- c) generally binding decrees issued by territorial self-administration bodies with the Constitution and laws,
- d) generally binding legal regulations issued by local state administration bodies with the Constitution, laws, and other generally binding legal regulations,
- e) generally binding legal regulations with international treaties promulgated in a manner established for the promulgation of laws.

#### **Article 126**

The Constitutional Court decides on jurisdiction disputes among central bodies of state administration, unless the law specifies that these disputes are decided by another state body.

#### **Article 127**

The Constitutional Court decides on complaints filed against legally valid decisions of central state administration bodies, local state administration bodies, and territorial self-administration bodies violating basic rights and liberties of citizens, unless decisions on the protection of these rights and liberties are within the jurisdiction of another court.

#### **Article 128**

(1) The Constitutional Court provides an interpretation of constitutional laws in disputed matters. The conditions will be specified in a law.

(2) The Constitutional Court does not assume a stand on matters concerning the compatibility of draft laws and the drafts of other generally binding legal regulations with the Constitution and constitutional laws.

#### **Article 129**

(1) The Constitutional Court decides on complaints filed against the decision to verify or not to verify the mandate of a deputy of the National Council of the Slovak Republic.

(2) The Constitutional Court decides on the constitutionality and legitimacy of elections to the National Council of the Slovak Republic and territorial self-administration bodies.

(3) The Constitutional Court decides on complaints filed against referendum results.

(4) The Constitutional Court decides whether the decision to disband or suspend the activity of a political party or a political movement was in harmony with constitutional and other laws.

(5) The Constitutional Court decides on high treason charges filed by the National Council of the Slovak Republic against the president of the Slovak Republic.

#### **Article 130**

(1) The Constitutional Court initiates proceedings on the basis of a proposal by

- a) at least one-fifth of deputies of the National Council of the Slovak Republic,
- b) the president of the Slovak Republic,
- c) the Government of the Slovak Republic,
- d) the court,
- e) the general prosecutor,
- f) in cases listed under Article 127, anyone whose rights are to become the subject of inquiry.

(2) A law will specify who is entitled to submit a proposal to initiate proceedings according to Article 129.

(3) The Constitutional Court can initiate proceedings also at the suggestion of juridical or natural persons objecting to the violation of their rights.

#### **Article 131**

Matters listed under Article 107, Article 125 letters a) and b); Article 129 sections 2 and 4; Article 136 section 2; and Article 138 sections 2 and 3 as well as matters concerning the arrangement of the Constitutional Court's internal affairs are decided by plenary meetings of the Constitutional Court.

#### **Article 132**

(1) If the Constitutional Court establishes by its verdict that legal regulations listed under Article 125 are mutually incompatible, the relevant regulations, their parts, or, as the case may be, some of their provisions cease to be effective. Within six months after the announcement of the Constitutional Court's ruling, the bodies that issued those regulations must bring them into harmony with the Constitution and constitutional laws. If the incompatibility concerns

regulations listed under Article 125 letter b), they must also bring them into harmony with other laws and if the incompatibility concerns regulations listed under Article 125 letter c), they must also bring them into harmony with other laws, international treaties, Slovak Government decrees, and generally binding legal regulations issued by ministries and other central state administration bodies. If they fail to do so, such regulations or, as the case may be, their parts or provisions cease to be effective six months after the announcement of the ruling.

(2) Constitutional Court rulings issued according to section 1 are promulgated in a manner established for the promulgation of laws.

#### Article 133

There exists no legal recourse against a ruling of the Constitutional Court.

#### Article 134

(1) The Constitutional Court consists of 10 judges.

(2) Constitutional Court judges are appointed by the president of the Slovak Republic for a period of seven years out of 20 persons proposed to him by the National Council of the Slovak Republic.

(3) Any citizen of the Slovak Republic who may be elected to the National Council of the Slovak Republic, has reached the age of 40, is a law school graduate, and has been practicing law for at least 15 years may be appointed judge of the Constitutional Court.

(4) A judge of the Constitutional Court is sworn in by the president of the Slovak Republic by taking the following oath:

"I promise on my honor and conscience that I will protect the inviolability of the natural rights of man and civic rights, protect the principles of the law-governed state, abide by the Constitution and constitutional laws, and decide independently and impartially, according to my best conscience."

(5) A judge of the Constitutional Court takes up office upon taking his oath.

#### Article 135

The Constitutional Court is headed by its chairman, who is substituted for by the deputy chairman. The chairman and deputy chairman are appointed by the president of the Slovak Republic from among judges of the Constitutional Court.

#### Article 136

(1) Members of the Constitutional Court enjoy immunity in the same way as deputies of the National Council of the Slovak Republic.

(2) The consent to the criminal prosecution of a judge of the Constitutional Court, or to taking him into custody, is given by the Constitutional Court.

(3) The Constitutional Court gives consent to the criminal prosecution or to the taking into custody of the chairman and deputy chairmen of the Supreme Court of the Slovak Republic.

#### Article 137

(1) If an appointed judge of the Constitutional Court is a member of a political party or a political movement, he must surrender his membership prior to taking his oath.

(2) Judges of the Constitutional Court execute their post as their profession. The execution of this post is incompatible with

a) entrepreneurial or another economic or gainful activity, with the exception of the administration of their own property and scientific, teaching, literary, and artistic activity,

b) a post or contract of employment in another state body.

(3) The judge's mandate as a deputy and his membership of the Government of the Slovak Republic expire on the day when he takes up office.

#### Article 138

(1) A judge of the Constitutional Court can surrender the post of judge of the Constitutional Court.

(2) The president of the Slovak Republic can recall a judge of the Constitutional Court on the basis of a legally valid sentence passed for a deliberate criminal offense or on the basis of a disciplinary decision by the Constitutional Court passed because of a deed that is incompatible with the execution of his duties in the Constitutional Court.

(3) The president of the Slovak Republic will recall a judge of the Constitutional Court if the Constitutional Court announces that the judge has not been participating in Constitutional Court proceedings for over a year or if the judge of the Constitutional Court was barred from practicing law by a court verdict.

#### Article 139

If a judge of the Constitutional Court surrenders the post of judge of the Constitutional Court or if he is recalled from it, the president of the Slovak Republic will appoint, out of two persons proposed by the National Council of the Slovak Republic, another judge of the Constitutional Court for a new term of office.

#### Article 140

Details on the organization of the Constitutional Court, on the manner of Constitutional Court proceedings, and on the status of its judges will be specified by law.

### Part Two

#### Courts of the Slovak Republic

#### Article 141

(1) Justice in the Slovak Republic is administered by independent and impartial courts.

(2) Justice at all levels is administered independently of other state bodies.

#### Article 142

(1) Courts decide on civil law and criminal law matters and reexamine the legitimacy of administrative bodies' decisions.



(2) Court decisions are made by tribunals of judges, unless the law specifies that the matter is to be decided by a single judge. A law will specify in which cases decisions by tribunals of judges are attended by associate judges from the ranks of citizens.

(3) Verdicts are proclaimed in the name of the Slovak Republic. They are always proclaimed publicly.

#### Article 143

(1) The system of courts consists of the Supreme Court of the Slovak Republic and other courts.

**(2) The detailed arrangement of the court system, the courts' sphere of competence and organization, and the manner of court proceedings will be set out in a law.**

#### Article 144

(1) Judges are independent in making decisions and bound solely by the law.

(2) In cases specified by the Constitution or the law, judges are bound also by international treaties.

(3) If the court is of the opinion that another generally binding legal regulation is at variance with the law, it will interrupt its deliberations and propose that a proceeding before the Constitutional Court be initiated. The finding of the Constitutional Court of the Slovak Republic is binding for it, as well as for other courts.

#### Article 145

(1) Judges are elected by the National Council of the Slovak Republic at the recommendation of the Government of the Slovak Republic for four years. After the expiry of this term, at the recommendation of the Government of the Slovak Republic, the National Council of the Slovak Republic elects judges for an unlimited period of time.

(2) The chairman and deputy chairmen of the Supreme Court are elected by the National Council of the Slovak Republic from the ranks of judges of the Supreme Court for a period of five years, for a maximum of two consecutive terms.

#### Article 146

A judge may surrender his post.

#### Article 147

(1) The National Council of the Slovak Republic will recall a judge

a) on the basis of a legally valid sentence passed for a deliberate criminal offense,

b) on the basis of a disciplinary court decision made on account of a deed that is incompatible with the execution of his post.

(2) The National Council of the Slovak Republic may recall a judge

a) if his state of health does not allow him over the long term, for a period of at least one year, to properly discharge his duties as judge,

b) if he has reached the age of 65.

(3) Prior to recalling a judge from his post, the National Council of the Slovak Republic will ask the appropriate disciplinary court for its standpoint.

#### Article 148

(1) The status, rights, and duties of judges will be defined by law.

(2) The manner of appointing associate judges will be defined by law.

### CHAPTER EIGHT

#### The Prosecutor's Office of the Slovak Republic

#### Article 149

The Prosecutor's Office of the Slovak Republic protects rights and the legally protected interests of natural and juridical persons and the state.

#### Article 150

The Prosecutor's Office is headed by the prosecutor general. The prosecutor general is appointed and recalled by the president of the Slovak Republic at the recommendation of the National Council of the Slovak Republic.

#### Article 151

Details on appointing and recalling prosecutors and on their rights and duties, as well as on the organization of the Prosecutor's Office, will be set out in a law.

### CHAPTER NINE

#### Transitional and Final Provisions

#### Article 152

(1) Constitutional laws, laws, and other generally binding legal regulations remain in force in the Slovak Republic unless they conflict with this Constitution. They can be amended and abolished by the relevant bodies of the Slovak Republic.

(2) Laws and other generally binding legal regulations issued in the CSFR become invalid on the 90th day after the publication of the ruling on their invalidity by the Constitutional Court of the Slovak Republic. This ruling must be published in a manner established for the promulgation of laws.

(3) Decisions on the invalidity of legal regulations are made by the Constitutional Court of the Slovak Republic at the proposal of persons listed in Article 130.

(4) The interpretation and application of constitutional laws, laws, and other generally binding legal regulations must be in harmony with this Constitution.

#### Article 153

Rights and duties arising from international treaties by which the CSFR is bound are being transferred to the Slovak Republic to an extent established by a CSFR constitutional law or by an agreement between the Slovak Republic and the Czech Republic.

#### Article 154

(1) The Slovak National Council elected according to Article 103 of Constitutional Law No. 143/1968 on the Czechoslovak Federation in the wording of subsequent amendments will, in line with this Constitution, execute its duties

as the National Council of the Slovak Republic. The electoral term of the National Council of the Slovak Republic is counted from the day of elections to the Slovak National Council.

(2) The Government of the Slovak Republic appointed according to Article 122, section 1, letter a) of Constitutional Law No. 143/1968 on the Czechoslovak Federation in the wording of subsequent amendments is regarded as a government appointed according to this Constitution.

(3) The chairman of the Supreme Court of the Slovak Republic and the prosecutor general of the Slovak Republic, who have been appointed to their posts according to previous legal regulations, retain their posts until an appointment according to this Constitution is made.

(4) Judges of Slovak Republic courts appointed to their posts according to previous legal regulations are regarded as appointed to their posts according to this Constitution, without any time limit.

#### Article 155

The following are being abolished

(1) Constitutional Law of the Slovak National Council No. 50/1990 on the name, state emblem, national flag, state seal, and national anthem of the Slovak Republic.

(2) Constitutional Law of the Slovak National Council No. 79/1990 on the number of Slovak National Council deputies; on the text of the oath of Slovak National Council deputies, members of the Slovak Republic Government, and national committee deputies; and on the Slovak National Council electoral period.

(3) Constitutional Law of the Slovak National Council No. 7/1992 on the Constitutional Court of the Slovak Republic.

#### Article 156

This Constitution of the Slovak Republic comes into force on the day of its promulgation, with the exception of Article 3, section 2; Article 23, section 4, as regards the deportation or extradition of a citizen to another state; Article 54; Article 84, section 3, as regards declaration of war on another state; Article 86, letters k) and l); Article 102, letter g), as regards the appointment of university professors and rectors and the appointment and promotion of generals, and letters j) and k); Article 152, section 1, second sentence, as regards constitutional laws, laws, and other generally binding legal regulations issued by CSFR bodies, which will go into force simultaneously with the appropriate changes in the constitutional arrangement of the CSFR, in line with this Constitution. Chairman of the Slovak National Council  
Prime Minister of the Slovak Republic

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The Constitution of the Slovak Republic as a whole went into force on the day of its promulgation, that is, on Thursday, 3 September 1992, with the exception of the following provisions:

Article 3, section 2: (the borders of the Slovak Republic can be changed only by a constitutional law),

Article 23, section 4: (as regards the deportation or extradition of a citizen to another state),

Article 54: (the law may restrict the right of judges and prosecutors to engage in entrepreneurial and other activity and the right listed under Article 29 section 2, concerning the right to establish political parties and to associate in them; the right of employees of state administration bodies and territorial self-administration bodies in designated functions listed under Article 37 section 4, which refers to the right to strike; and the rights of members of armed forces and armed corps listed under Article 27, concerning the right of petition, and Article 28, concerning the right of assembly, if these are related to the execution of their duties. The law may restrict the right to strike for persons in professions that are vital for the protection of life and health),

Article 84, section 3: (as regards the declaration of war on another state),

Article 86:

Letter k): (deciding on the declaration of war if the Slovak Republic is attacked or as a result of commitments arising from international treaties on common defense against aggression),

Letter l): (expressing consent with sending armed forces outside the territory of the Slovak Republic),

Article 102:

Letter g): (as regards the appointment of university professors and rectors and the appointment and promotion of generals),

Letter j): (the president is the chief commander of armed forces),

Letter k): (declares martial law at the recommendation of the Government of the Slovak Republic and declares war on the basis of a decision of the National Council of the Slovak Republic, if the Slovak Republic is attacked or as a result of commitments arising from international treaties about common defense against aggression),

Article 152, section 1, second sentence: (as regards constitutional laws, laws, and other generally binding legal regulations issued by CSFR bodies, which will go into force simultaneously with the appropriate changes in the constitutional arrangement of the CSFR, in line with this Constitution).



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