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# **Slovakia's Constitution of 1992 with Amendments through 2001**

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# Preamble

We, the Slovak Nation,

mindful of the political and cultural heritage of our ancestors and of hundreds of years experience in the struggle for our national existence and our own statehood,

in the spirit of St. Cyril and St. Metod, and the spiritual heritage of the legacy of the Great Moravian Empire, based on the natural right of nations to their self-determination,

together with the members of national minorities and ethnic groups living on the territory of the Slovak Republic, in the interest of lasting and peaceful cooperation with other democratic states,

striving for the realization of a democratic form of government, guarantee a life freedom and development of our spiritual culture and economic prosperity,

Therefore We, the Citizens of the Slovak Republic

herewith resolve,

through our representatives,

to establish

this Constitution:

## Part One

### Chapter One: Fundamental Provisions

#### Article 1

1. The Slovak Republic is a sovereign, democratic and law governed states. It is not bound by any ideology or religion.
2. The Slovak Republic recognizes and observes the general principles of international law, international treaties, by which it is bound, and its further international obligations.

#### Article 2

1. The power of the state derives from its citizens who exercise it directly or through their elected representatives.
2. State organs may act solely in conformity with the Constitution, within the limits established by law.
3. Anyone may act in a way not forbidden by law and no one may be forced to act in a way not established by law.

#### Article 3

1. The territory of the Slovak Republic is unitary and indivisible.
2. The border of the Slovak Republic may be changed only by a constitutional law.

## Article 4

Raw materials, caves (jaskyne) , underground water, natural and thermal springs and streams are the property of the Slovak Republic.

## Article 5

1. Acquisition and loss of citizenship of the Slovak Republic are regulated by law.
2. No person can be deprived of state citizenship of the Slovak Republic against his or her will.

## Article 6

1. On the territory of the Slovak Republic, the Slovak language is the official language.
2. The use of languages other than the official language in official communications shall be determined by law.

## Article 7

1. The Slovak Republic may, on the basis of its own decision, enter into a union with other states. The entry and withdrawal is decided by a constitutional law, which is confirmed by referendum.
2. The Slovak Republic may, by international treaty, which was ratified in the manner specified by law, or on the basis of this treaty transfer the implementation of its rights to the European Communities and the European Union. Legally binding acts of the European Communities and the European Union have precedence over the laws of the Slovak Republic. The cession of legally binding acts, which require implementation, is executed by law or by Government decree in accordance with Article 120 (2) .
3. The Slovak Republic can, with the aim of maintaining peace, security and the democratic order, enter an organization of mutual collective security under conditions established by international treaty.
4. For the validity of international treaties concerning human rights and international treaties, international political treaties, international treaties of a military nature, from which arises the membership in international organizations, international economic treaties of a general nature, international treaties, for whose implementation a law is required, and international treaties, which directly establish rights or obligations of physical persons or juridical persons, the consent of the National Council of a Slovak Republic is required.
5. International treaties concerning human rights and fundamental freedoms, international treaties, for whose implementation a law is required, and international treaties, which directly establish rights or obligations of physical persons or juridical persons and which were ratified and promulgated in the manner established by law, have precedence before those (established) by laws.

## Article 7a

The Slovak Republic supports the national consciousness and cultural identity of Slovaks living abroad, supports its institutions created for the attainment of this purpose and relations with the motherland (s materskou Krajinou) .

## Chapter 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 state anthem.

### Article 9

1. The state emblem of the Slovak Republic consists of an early Gothic shield with a silver double cross erected on the central and highest of the three blue hills.
2. The state flag of the Slovak Republic has three horizontal stripes: white, blue and red. The state emblem of the Slovak Republic appears in the left 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 hymn "Nad Tatrou sa blýska."
5. Details concerning the State symbols of the Slovak Republic and their use are established by law.

## Chapter Three: The Capital of the Slovak Republic

### Article 10

1. The capital of the Slovak Republic is the city of Bratislava.
2. The status of Bratislava as the capital of the Slovak Republic is defined by law.

## Part Two: Fundamental Rights and Freedoms

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### Chapter One: General Provisions

#### Article 11

Abrogated.

#### Article 12

1. All human beings are free and equal in dignity and rights. Their fundamental rights and freedoms are inalienable, irrevocable, and perpetual.
2. Fundamental rights shall be guaranteed in the Slovak Republic to every person regardless of gender, race, color, language, faith, religion, political affiliation or conviction, national or social origin, nationality or ethnic origin, property, birth or any other status. No one may be disadvantaged in legal rights, discriminated against or favored on any of these grounds.
3. Every person has the right to freely decide his or her nationality. All manner of influence or coercion that may affect or lead to a denial of a person's original nationality shall be prohibited.

4. No person shall be prevented from exercising his or her fundamental rights and freedoms.

## Article 13

1. Obligations can be imposed—
  - a. by a law or on the basis of a law, within its limits and with the preservation of fundamental rights and freedoms,
  - b. by international treaty according to Art. 7 paragraph 4, which directly established rights and obligations of physical persons or juridical persons, or
  - c. by Government decree according to Art. 120 paragraph 2.
2. Limitations on fundamental rights and freedoms shall be imposed only under the conditions set forth in this Constitution.
3. Restrictions of constitutional rights and freedoms shall be applied equally and consistently in all similar cases.
4. When imposing restrictions on constitutional 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 specifically defined purposes.

## Chapter Two: Fundamental Rights and Freedoms

### Article 14

Every person has the capacity to possess rights.

### Article 15

1. Everyone has the right to life. Human life is worthy of protection even before birth.
2. No person may be deprived of life.
3. The death penalty shall be inadmissible.
4. No infringement of rights shall occur if a person has been deprived of life as a result of an act not defined as unlawful.

### Article 16

1. The right of every individual to integrity and privacy shall be guaranteed. This right may be limited only in cases specifically provided for by law.
2. No person 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 unless for reasons and by methods set by law. No person shall be deprived of liberty merely for his or her inability to fulfill contractual obligations.

- Protection from unjustified restraint

3. The (person) accused or suspected of a criminal offense may be arrested under circumstances established by law. The arrested person must be immediately informed of the reasons for the arrest and after interrogation within at most 48 hours set free or turned over to the court. The judge must within 48 hours, and in particularly serious criminal acts, within 72 hours from the transfer, decide on his detention or release (propusteni na slobodu).

- Protection from unjustified restraint
- Right to pre-trial release

4. the accused can be detained only on a written reasoned order of a judge. The detained person must be within 24 hours turned over to a judge. The judge must, within 48 hours, and in specially serious criminal offences, in 72 hours hear the detained person and decide on (pre-trial) detention or release (propusteni na slobodu).

5. A person can only be taken into custody for reasons established by law and on the basis of a court decision.

6. The law specifies, in what cases it is permissible (možno) to transfer (prevziat') a person to a mental hospital and to keep him [her] there without the person's consent. This arrangement must be reported to a court within 24 hours, which decides on his placement within five days.

7. An investigation of the mental condition of a person accused of a criminal act, is possible only on the written permission (príkaz) of the court.

- Prohibition of slavery

## Article 18

1. No one may be subjected to forced labor or services.

2. Paragraph (1) of this Article shall not apply to:

- prisoners or persons sentenced to alternatives of imprisonment,
- military service or other services performed in lieu of compulsory service in the armed forces,
- services lawfully required in cases of natural disasters, calamities and other events threatening the lives, health or valuable property of citizens,
- activities lawfully required for the protection of life, health and rights of other people,
- smaller communal services on the basis of the law.

- Duty to serve in the military

## Article 19

1. Every person shall have the right to maintain and protect his or her dignity, honor, reputation and good name.

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

3. Everyone has the right to be protected against unwarranted collection, disclosure, and other misuse of personal information.

- Right to protect one's reputation

- Regulation of evidence collection
- Right to privacy

- Regulation of evidence collection

## Article 20

1. Everyone has 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. For the purposes of safeguarding the needs of the society, the interests of the general public, and the advancement of the national economy, the law shall establish certain property (including that defined in Article 4) of this Constitution as the exclusive property of the State, the municipality or specific juridical persons. In addition, the law can specify which property may be owned only by individual citizens or juridical persons residing in the Slovak Republic.

- Right to own property
- Right to transfer property

3. Ownership obligates. Property may not be misused to cause injury to another person or in contradiction to the public interests protected by law. The exercise of property rights must not be detrimental to the health of other people, wild life, cultural sites or the environment beyond the standards fixed by law.
4. Expropriation or restrictions on property rights shall be imposed only to the extent legally justified for the protection of the public interest and shall be justly compensated.

## Article 21

1. The sanctity of the home shall be inviolable. Entrance without permission of the person residing therein is unlawful.
2. A search shall be justified only in circumstances connected with criminal proceedings and warranted by a written order issued by a judge. The methods of such a search shall be specified by law.
3. Other infringements upon the inviolability of the home shall be legally justified only in circumstances where, in a democratic society, it is necessary to protect life, health, property, civil rights and freedoms or to avert a serious threat to public order. In cases where the home is used for business and other enterprising activities, such infringement may be legally justified for the purposes of public administration.

## Article 22

1. Secrecy of letters, other communications and written messages delivered by post and personal information shall be guaranteed.
2. No one shall violate the secrecy of letters, other communications and written messages kept private or delivered by post or otherwise, except in cases specified by law. This provision applies to communications delivered by telephone, telegraph and other similar means.

## Article 23

1. Freedom of movement and residence shall be guaranteed.
2. Everyone residing legally in the Slovak Republic has the right to leave the country.
3. Freedoms defined in paragraphs (1) and (2) of this Article may be limited by law only if such limits are necessary in order to protect national security, public order, the health, rights and freedoms of other people, or in order to protect the environment in designated areas.
4. Every citizen has the right to enter the Slovak Republic. No citizen may be forced to emigrate or be expelled from his or her native country or be extradited to a foreign country. A citizen cannot be forced to leave the country and he cannot be expelled.
5. Aliens may be expelled only in cases provided by law.

## Article 24

1. Freedom of thought, conscience, religion and faith are guaranteed. This right includes the right to change religion or faith and the right to refrain from a religious affiliation. Every person has the right to publicly express his or her opinion.
2. Every person has the right to express freely his or her own religious conviction or faith alone or in association with others, privately or publicly, by worship, religious services or ceremonies and participation in religious instruction.

- Separation of church and state

3. Churches and religious societies administer their own affairs. All ecclesiastic authorities and appointments, religious instruction, establishment of religious orders and other religious institutions shall be separate from the state organs.
4. The rights under paragraphs (1) to (3) of this Article can be legally restricted only as a measure taken in a democratic society for the protection of the public order, health, morality or rights and freedoms of others.

- Duty to serve in the military

## Article 25

1. The defense of the Slovak Republic is the duty and matter of honor of citizens. The law establishes the scope of military duty.
2. No person may be forced to perform military duties if it is contrary to his or her conscience or religious faith or conviction. Further details shall be specified by law.

- Right to conscientious objection

## Chapter Three: Political Rights

### Article 26

1. Freedom of expression and the right to information shall be guaranteed.
2. Every person has the right to express his or her opinion in words, writing, print, images and any other means, and also to seek, receive and disseminate ideas and information both nationally and internationally. No approval process shall be required for publication of the press. Radio and television companies may be required to seek permission from governmental authorities to set up private businesses. Further details shall be provided by law.
3. Censorship shall be prohibited.
4. Freedom of expression and the right to receive and disseminate information may be lawfully limited only where, in a democratic society, it is necessary to protect rights and freedoms of others, state security, law and order, health and morality.
5. The organs of public power are obligated to provide information in a reasonable manner about their activities in the state language. The conditions and the manner of implementation are established by law.

- Freedom of expression

- State operation of the media
- Freedom of press
- Radio
- Television

- Freedom of press

### Article 27

1. The right to petition is guaranteed. Every person has the right to address state organs or organs of territorial self-administration in individual and public matters with petitions, proposals, and complaints either individually or in association with other persons.
2. No petition may involve the infringement of fundamental rights and freedoms.
3. No petition may interfere with the independence of the judiciary.

- Right of petition

### Article 28

1. the right to peaceful assembly is guaranteed.
2. The conditions under which this right may be exercised are provided by law in cases of meetings held in public places where, in a democratic society, it is necessary to protect rights and freedoms of others, public order, health and morality, property or state security. (Peaceful) assembly may not be subject to conditions by organs of public administration.

- Freedom of assembly

## Article 29

1. The right of free association is guaranteed. Everyone has the right to associate freely with other persons in unions, societies and other associations.
2. Citizens may form political parties and political movements and associate in them.
3. The exercise of rights in paragraphs (1) and (2) of this article may be limited only in cases justified by law where, in a democratic society, it is necessary to protect national security and public order, prevent crime and protect rights and freedoms of others.
4. Political parties and political movements, as well as clubs, societies or associations are separate from the State.

## Article 30

1. Citizens have the right to participate in the administration of public affairs directly or by freely elected representatives. Foreigners with permanent residence on the territory of the Slovak Republic have the right to vote and be elected to the organs of self- administration of the municipalities and to the organs of higher territorial entities.
2. Elections shall be held within periods of time not exceeding the terms fixed by law.
3. The right to vote shall be exercised through equal, universal and direct suffrage by secret ballot. The terms shall be specified by law.
4. All citizens shall have equal access to elected or public offices.

## Article 31

The legal regulation of all political rights and freedoms, and their interpretation and usage must facilitate and protect political competition in a democratic society.

## Article 32

Citizens have the right to resist anyone who would abolish the democratic order of human rights and fundamental freedoms set forth in this Constitution, if the activities of constitutional organs or the application of legal rules have become ineffective.

## Chapter Four: The Rights of National Minorities and Ethnic Groups

## Article 33

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

## Article 34

1. Citizens of national minorities or ethnic groups in the Slovak Republic are guaranteed their full development, particularly the rights to promote their cultural heritage with other citizens of the same national minority or ethnic group, receive and disseminate information in their mother tongues, form associations, and create and maintain educational and cultural institutions. Details are established by law.
2. In addition to the right to learn the official language, the citizens of national minorities or ethnic groups shall, under conditions provided by law, also be guaranteed:
  - a. the right to be educated in a minority language,
  - b. the right to use a minority language in official communications,
  - c. the right to participate in decision-making in matters concerning national minorities and ethnic groups.
3. The exercise of rights by citizens of a national minority guaranteed by this Constitution may not threaten the sovereignty and territorial integrity of the Slovak Republic or discriminate against other citizens.

## Chapter Five: Economic, Social and Cultural Rights

### Article 35

1. Every person has the right to choose freely his or her profession and to receive appropriate preparation, as well as the right to earn his or her living through entrepreneurial activity.
2. The law may establish terms of, or restrictions on, specific professions, trades or activities.
3. Citizens have the right to work. The State shall guarantee, within reasonable limits, the material welfare of those who cannot exercise this right through no fault of their own. The terms are specified by law.
4. The law may establish a different arrangement of rights other than provided in paragraphs (1) to (3) for foreigners.

### Article 36

Employees have the right to fair and satisfactory conditions at work. The law provides in particular for them:

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

### Article 37

1. Every person shall have the right to associate freely with other persons to protect their economic and social interests.

2. Trade unions shall be independent of the State. There shall be no restrictions on the number of trade unions, and no encouragement of specific unions in certain companies or industries.
3. The activities of trade unions and other associations formed to protect economic and social interests may be limited by law only where, in a democratic society, such measures may be necessary for the protection of the national security, public order, and rights and freedoms of other persons.
4. The right to strike is guaranteed. The terms shall be provided by law. Judges, prosecutors, members of the armed forces, and members and employees of the fire and protection squads are disqualified from the exercise of this right.

## Article 38

1. Women, minors, and disabled persons have a right to more extensive health protection and special working conditions.
2. Minors and disabled persons have a right to special protection in employment relations and special assistance in training for a profession.
3. Details of the rights defined in paragraphs (1) and (2) are specified by law.

## Article 39

1. Citizens have the right to adequate material security in their old age, as in cases of disability, and the loss of the family's principal provider.
2. Anyone suffering material hardship, has the right to such assistance as may be necessary to secure his or her fundamental standard of life.
3. Details of rights pursuant to paragraphs (1) and (2) are provided by law.

## Article 40

Everyone has a right to protect his or her health. Through medical insurance, the citizens have the right to free health care under the terms provided by law.

## Article 41

1. Matrimony, parentage, and family are protected by law. Special protection shall be enjoyed by children and young persons.
2. Pregnant women shall be entitled to special treatment, terms of employment, and working conditions.
3. Children born of matrimony and those born out of lawful wedlock shall be guaranteed equal rights.
4. Child care and upbringing are the rights of parents; children shall have the right to parental care and upbringing. The rights of parents may be limited and minor children may be separated from parents against the parents' will only by a court order as provided by law.
5. Parents taking care of their children shall have the right to assistance provided by the State.
6. Details of the rights pursuant to paragraphs (1) to (5) are provided by law.

## Article 42

1. Everyone has the right to education. School attendance is compulsory. Their length of attendance are fixed by law.

• Right to strike

• Rights of children guaranteed  
 • Limits in the employment of children  
 • State support for the elderly  
 • State support for the unemployed  
 • State support for the disabled  
 • State support for children

• State support for the elderly  
 • State support for the unemployed  
 • State support for the disabled  
 • State support for children

• Right to reasonable standard of living

• Right to health care

• Right to marry

• Rights of children guaranteed

• Compulsory education

- Free education

2. Citizens have the right to free education in elementary and secondary schools, and, depending on the abilities of the individual and the potential of the society, also in institutions of higher education.
3. The establishment of, and instruction in, schools other than state (public) schools shall be possible only under the terms provided by law; such schools may collect tuition fees.
4. The law specifies under what circumstances citizens have for their study the right to assistance by the state.

### Article 43

- Reference to art
- Provisions for intellectual property
- Reference to science

1. Freedom of scientific research and freedom of artistic expression are guaranteed. Intellectual property rights shall be protected by law.
2. The right of access to cultural heritage is guaranteed under the terms fixed by law.

## Chapter Six: The Right to Protect the Environment and Cultural Heritage

### Article 44

- Protection of environment

- Protection of environment

1. Every person has the right to favorable environment.
2. Every person has a duty to protect and improve the environment and foster cultural heritage.
3. No person shall imperil or damage the environment, natural wealth and cultural heritage beyond the limits set by law.
4. The State sees to the economical use of the natural resources and the economical balance and active care of the life environment and safeguards the protection of certain kinds of plants and freely living animals.
5. The details concerning the rights and duties pertaining to paragraphs (1) to (4) are established by law.

- Protection of environment

### Article 45

Everyone has the right to full and timely information on the environmental situation, and reasons and consequences thereof.

## Chapter Seven: Right to Judicial and Other Legal Protection

### Article 46

- Right to appeal judicial decisions
- Right to fair trial

1. Everyone may claim his or her right by procedures established by law at an independent and impartial court of law or other public organ of the Slovak Republic in cases specified by law.
2. Any person who claims to have been denied his or her rights through a decision made by a public organ may turn to a court of law to have the legality of the decision reviewed, unless otherwise provided by law. The review of decisions in matters of fundamental rights and freedoms may not be excluded from the jurisdiction of courts of law.

- Protection from false imprisonment
- Ultra-vires administrative actions

3. Every person shall have the right to recover damages for a loss caused by an unlawful decision of the court, a governmental or public authority or by improper official procedure.
4. Details and terms of the judicial and other legal protection shall be regulated by law.

## Article 47

- Protection from self-incrimination

1. Every person had the right to refuse to give testimony which might incriminate that person or another person close to him or her.
2. Every person has the right to counsel from the outset of proceedings before any court of law, or a governmental or public organ as provided by law.
3. All parties to any proceedings under paragraph (2) shall be treated equally under the law.
4. A person who claims not to know the language used in the proceedings under paragraph (2) shall have the right to an interpreter.

- Right to counsel

- Trial in native language of accused

- Right to fair trial

## Article 48

1. No one may be taken out of the competence of his legal judge. The jurisdiction of courts shall be defined by law.
2. Every person has the right to have his or her case tried publicly without unreasonable delay, to be present at the proceedings, so as to be able to object to any evidence given therein. The public can be excluded only in cases specified by law.

- Right to public trial

- Principle of no punishment without law

## Article 49

The law shall define all offenses, the punishment or the measure restricting personal or property rights to be imposed on the offender in particular cases.

## Article 50

1. Only the courts of law decide the guilt of, and punishment for, the offender.
2. anyone charged with an offense shall be presumed innocent until proven guilty as finally adjudged by the court.
3. The accused has the right to be given time to prepare his or her defense during such time as may be deemed necessary and shall have the right to defend the case by himself or herself or by a counsel.
4. The accused shall have the right to refuse to give testimony. This right may not be denied to that person under any circumstances.
5. No one may be prosecuted for an offense, for which he was lawfully sentenced or acquitted of an offense. This principle does not preclude an exceptional remedy provided by law.
6. Any criminal act shall be judged by, and punished under, the law effective at the time of the act. The law passed after the commission of the offense shall apply only if the law is more favorable to the offender.

- Presumption of innocence in trials

- Prohibition of double jeopardy

- Protection from ex post facto laws

## Chapter Eight: Joint Provisions for Part One and Part Two

### Article 51

1. The rights defined in Articles 35, 36, 37 paragraph (4), 38 to 42 and 44 to 46 of this Constitution may be claimed only within the limits of the law provided for their exercise.
2. The conditions and scope of limitation of fundamental rights and duties in times of war, martial law, exceptional state and state of emergency, are established by a constitutional law.

• Emergency provisions

### Article 52

1. Whenever the term “citizen” is used in Part One and Part Two of this Constitution, it means a citizen of the Slovak Republic.
2. Foreigners shall enjoy the same fundamental rights and freedoms guaranteed by this Constitution, unless expressly designated only for the citizens of the Slovak Republic.
3. Whenever the term “citizen” is used in any previous provisions, it means any person provided the rights and freedoms which this Constitution guaranteed, irrespective of state citizenship.

• Protection of stateless persons

### Article 53

The Slovak Republic grants asylum to aliens persecuted for the exercise of political rights and freedoms. Such asylum may be denied to those who have acted to violate the fundamental human rights and freedoms. Details shall be provided by law.

### Article 54

Judges and prosecutors may be denied the right of free enterprise and other business activities and the right defined in Article 29, paragraph (2), civil servants holding offices specified by law may also be denied the right defined in Article 37 paragraph (4), members of the armed forces may also be denied. The rights defined in Articles 27 and 28 in cases where these rights interfere with the exercise of their duties. The right to strike may be denied to those working in professions immediately involved in the protection of life and health.

## Part Three

### Chapter One: The Economy in the Slovak Republic

#### Article 55

1. The economy in the Slovak Republic is based on the principles of a socially and ecologically oriented market economy.
2. The Slovak Republic protects and encourages competition. Details are provided by law.

• Right to competitive marketplace

## Article 56

1. The National Bank of Slovakia is the independent central bank of the Slovak Republic.
2. The Supreme directing organ of the National Bank of Slovakia is the Bank Council of the National Bank of Slovakia.
3. The details pursuant to Paragraphs (1) and (2) are established by law.

## Article 57

The Slovak Republic is one customs territory.

## Article 58

1. The fiscal matters of the Slovak Republic are managed through the national budget. The national budget is adopted by a law.
2. Budgetary revenues, procedures of budgetary management and the relationships between the national and local budgets shall be regulated by law.
3. Specialized state funds linked with the national budget may be established by law.

## Article 59

1. Taxes and duties are collected on the national and local levels.
2. Taxes and duties can be levied by or under the law.

## Chapter Two: The Supreme Control Office of the Slovak Republic

### Article 60

1. The Supreme Control Office of the Slovak Republic is an independent control organ of economic management (hospodárenia) with—
  - a. budgetary means, 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 liabilities to the State, institutions of public law and the fund of the national property of the Slovak Republic,
  - c. property, financial means and property rights of municipalities and the higher territorial entities, which they received to cover expenses of the transferred execution of the State management (administration),
  - d. property, obligations, financial means, property rights and liabilities, for which the Slovak Republic assumed a guarantee,
  - e. property, financial means, property rights and liabilities and financial means that were provided to the Slovak Republic, legal persons or physical persons managing means of the state budget or managing the state property within development programs or other similar reasons from abroad.

2. The control jurisdiction of the Supreme Control Office pertains in scope listed in Part 1 to—
  - a. the government of the Slovak Republic, ministries and the rest of the central organs of state management (administration) of the Slovak Republic and their subordinate organs,
  - b. state organs, as well as, legal persons for which the function of the founder or establisher is exercised by central organs of the state administration or other state organs,
  - c. municipalities and higher territorial entities, juridical persons established by municipalities, and to legal persons established by higher territorial entities,
  - d. state purpose funds, public law institutions established by law, legal persons in which public law institutions have property participation (interest), legal persons with property participation of the State,
  - e. fund of national property of the Slovak Republic, legal persons with determined property participation of the fund of the national property of the Slovak Republic,
  - f. physical persons and juridical persons.

## Article 61

1. The Supreme Control Office is headed by the Chairman. The Chairman and Vice-Chairman are elected and recalled by the National Council of the Slovak Republic.
2. Any citizen qualified to be elected to the National Council of the Slovak Republic may be elected to the office of Chairman or Vice-Chairman of the Supreme Control Office.
3. The same person may be elected to the office of Chairman and Vice-Chairman of the Supreme Control Office for no more than two consecutive seven-year terms.
4. The function of Chairman of the Supreme Control Office and the function of the Vice Chairman of the Supreme Control Office are incompatible with the exercise of another organ of the public power, with a working condition or a temporary working relationship, with enterprising activity, with membership in directing or earning activity, except the administration of personal property, scientific, pedagogical, literary or artistic activity.

## Article 62

The Supreme Control Office shall submit annual reports of its work to the National Council of the Slovak Republic at least once a year or at any time when requested to do so by the National Council of the Slovak Republic.

## Article 63

The status, activity and internal organizational structure on basic rules of control activity of the Supreme Control Office are established by law.

## Part Four: Territorial Self-Administration

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### Article 64

The basic (unit) of the territorial self-administration is the municipality. The territorial self-administration is formed by the municipality and the higher territorial entity.

### Article 64a

The municipality and the higher territorial entity are independent territorial self-administrative and administrative entities of the Slovak Republic extending to all persons, who have permanent residence in them. Details are established by law.

### Article 65

1. The municipality and the higher territorial entity are juridical persons, that operate independently under conditions established by the law, with their own property and their financial resources.
2. The municipality and the higher territorial entity finance their needs primarily from their own revenues as well as from state subsidies. The law determines which taxes and duties are raised by the municipality and which are raised by the higher territorial entity. State subsidies can be available only within the limits of the law.

### Article 66

1. The municipality has the right to associate with other communities (obcami) for the safeguarding of common interest. The higher territorial entity has a similar right to associate with other higher territorial entities. The conditions are established by law.
2. The combination, division and termination of the municipality are regulated by law.

### Article 67

1. The territorial self-administration is realized by the assembly of the inhabitants of the municipality, local referendum, referendum on the territory of the higher territorial entity, organs of the municipality or organs of a higher territorial entity. The manner of conducting municipal referenda and referenda on the territory of a higher territorial entity is regulated by law.
2. The duties and limitations in the exercise of territorial self-administration can be imposed on the municipalities and the higher territorial entities by law and on the basis of an international treaty pursuant to Art. 7 paragraph 5.
3. The State can intervene into the activities of a municipality or a higher territorial entity only in the manner established by law.

### Article 68

In matters of territorial self-administration and for the safeguarding of tasks resulting from the law for the self-administration the municipality and the higher territorial entity can enact generally binding decisions (nariadenia) .

## Article 69

1. Municipal authorities include:
  - a. the municipal council,
  - b. the mayor's office.
2. The municipal council is made up of councillors. The councillors are elected for four- year terms by the inhabitants of the municipality who have permanent residence in it. The election of councillors is realized on the basis of universal, equal and direct suffrage by secret ballot.
3. The Mayor is elected by the inhabitants of the municipality, who have permanent residence in it, on the basis of universal, equal and direct suffrage for a four-year term. The Mayor of the municipality is the executive organ of the municipality. The Mayor conducts the administration of the municipality and represents the municipality toward the outside. The reasons and manner of recall of the Mayor before the expiration of the electoral period is established by law.
4. The organs of the higher territorial entity are—
  - a. the council of the higher territorial entity,
  - b. the chairman of the higher territorial entity.
5. The council of the higher territorial entity is formed by the deputies of the higher territorial entity. The deputies are elected by the inhabitants, who have permanent residence in the territorial area of the higher territorial entity, for a four-year term. The elections are realized on the basis of universal, equal and direct electoral rights by secret ballot.
6. The chairman of the higher territorial entity is elected by the inhabitants of the higher territorial entity, on the basis of universal, equal and direct electoral rights by secret ballot for a four-year term. The reasons and manner of recall of the chairman of the higher territorial entity before the expiration of the electoral period is established by law. The chairman of the higher territorial entity is the executive organ of the higher territorial entity, conducts the administration of the administration of the higher territorial entity and represents the higher territorial entity toward the outside.

## Article 70

The law specifies the requirements and the manner of announcement by which the municipality can acquire the status of a town or a city, or arranges the denominations of the organs of the city.

## Article 71

1. To the municipality and higher territorial entity may be delegated by law the exercise the powers of state administration. All expenses relating to such delegation of state administration are borne by the state.
2. When exercising the powers of state administration, the municipality and the higher territorial entity may, within their territorial jurisdiction on the basis of authority delegated by law, issue generally binding ordinances. The exercise of state administration transferred by law, to the municipality or its higher territorial entity, are directed and controlled by the Government. Details are provided by law.

# Part Five: The Legislative Power

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## Chapter One: The National Council of the Slovak Republic

### Article 72

The National Council of the Slovak Republic is the only constitutional and legislative organ of the Slovak Republic.

### Article 73

1. The National Council of the Slovak Republic consists of 150 deputies who are elected for four years.
2. The deputies are the councillors of the citizens, and are elected to exercise their mandates personally according to their conscience and conviction and they are not bound by (any) directives.

### Article 74

1. The deputies 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 residence in the Slovak Republic is eligible to be elected to the National Council of the Slovak Republic.
3. Details relating to the election of the deputies are provided by law.

### Article 75

1. A deputy elected to the National Council of the Slovak Republic for the first time shall take the following vow: "I swear on my honor and conscience allegiance to the Slovak Republic. I shall perform my duties in the interest of all citizens. I will abide by the Constitution and all other laws and I will make every effort to implement them in everyday life."
2. Any refusal to take the pledge or any reservation shall result in the loss of the mandate.

### Article 76

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

### Article 77

1. The function of a deputy is incompatible with the exercise of the function of a judge, public prosecutor, public defender of rights, member of the armed forces and armed guard.
2. The mandate of a representative who has been appointed a member of the Government, though not exercised, does not become extinct.

- Structure of legislative chamber(s)
- Subsidiary unit government

- Head of government term length

- Size of first chamber
- Term length for first chamber

- Eligibility for cabinet
- Minimum age of head of government
- Eligibility for head of government
- Eligibility for head of state
- First chamber selection

- Minimum age for first chamber
- Eligibility for first chamber

- Restrictions on the armed forces

- Outside professions of legislators

## Article 78

1. No deputy shall be prosecuted for his vote in the national council or its committees, and this even after the expiration of his mandate.
2. For statements made in the National Council of the Slovak Republic in the exercise of the function of deputy, no deputy can be criminally prosecuted and this even after the expiration of his mandate. The deputy is subject to the disciplinary powers of the National Council of the Slovak Republic. The responsibility of the deputy under civil law is not affected thereby.
3. A deputy cannot be criminally or disciplinarily prosecuted, not taken into custody without the approval of the National Council of the Slovak Republic. If the National Council rejects a criminal prosecution or an arrest is excluded for the duration of the mandate of the deputy, in such a case the suspension of his mandate does not count.
4. If a deputy was apprehended and detained while committing a criminal offence, the competent organ is obligated to inform immediately the Chairman of the National Council of the Slovak Republic. If the mandate and community committee does not give the required approval for the arrest, the deputy must be immediately released.
5. If the deputy is in custody his mandate does not end, but it is not taken into account.

## Article 79

A deputy may refuse to give testimony in matters of which he or she has been informed while in office and even after the expiration of his or her mandate.

## Article 80

1. A deputy may interpellate the Government of the Slovak Republic, any member of the Government or any principal governmental official in matters within their official powers. Any 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.
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 deputy can give up his mandate by a personal announcement in a session of the National Council of the Slovak Republic. If serious circumstances impede him from doing this, he can also do this in writing to the Chairman of the National Council of the Slovak Republic; in such case the mandate of the deputy expires on the day of the receipt of the written decision of the relinquishment of the mandate of the deputy by the Chairman of the National Council of the Slovak Republic.

## Article 81a

The mandate of the deputy expires—

- a. by the expiry of the electoral period,
- b. by the resignation of the mandate,
- c. by the loss of voting capacity,
- d. by the dissolution of the National Council of the Slovak Republic,
- e. by the occurrence of incompatibility according to Art. 77 paragraph 1,

- Removal of individual legislators

- f. on the day of the effectiveness of legal validity of the decision, with which the deputy was sentenced for an international criminal act or by which the deputy was sentenced for a criminal act and the court did not decide in his case concerning the conditional execution of the punishment of deprivation of liberty.

- Extraordinary legislative sessions

## 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 or recess may not exceed four months within a period of one year. The Chairman, the Deputy-Chairman and the Committees of the National Council shall continue to carry out their duties even during a recess.
4. During a recess or adjournment, a session can be convened by the Chairman of the National Council before the designated date. He can do so upon a request submitted by the Government or one-fifth of the members.
5. A session of the National Council of the Slovak Republic shall end as a result of a lapse of time or dissolution.

- Length of legislative sessions

## Article 83

1. The sessions of the National of the Slovak Republic shall be convened by the Chairman of the National Council of the Slovak Republic.
2. The Chairman of the National Council of the Slovak Republic shall convene a session also when so requested by no less than one fifth of the deputies. In this case the session shall be convened within seven days.
3. Sessions of the National Council of the Slovak Republic are open to the public.
4. Closed sessions may be held only in cases established by law or when a three-fifths majority of all deputies of the National Council of the Slovak Republic agreed to it.

- Public or private sessions

## Article 84

1. A quorum of the National Council of the Slovak Republic shall consist of the majority of all deputies.
2. For an effective resolution, the consent of the majority of deputies present shall be required unless this Constitution stipulates otherwise.
3. For the expression of consent to an international treaty, according to Art. 7 paragraphs 3 and 4 and the acceptance of a law returned by the President of the Slovak Republic according to Art. 102 letter o), the consent of more than one half of all deputies is necessary.
4. For adopting the Constitution, amending the Constitution, a constitutional law for the expression of consent to an international treaty, pursuant to Art. 7 paragraph (2), for the adoption of a resolution on a referendum, on the recall of the President of the Slovak Republic, on the presentation for an impeachment of the President and for declaring war on another state, the consent of at least a three-fifths majority of all deputies is required.

- Quorum for legislative sessions

- Veto override procedure

- Constitution amendment procedure
- Referenda
- Power to declare/approve war

## Article 85

A member of the government of the Slovak Republic, or any principal official of any other body of governmental administration shall be obligated to participate in a session of the National Council of the Slovak Republic or its organ, when requested to do so by the National Council of the Slovak Republic.

## Article 86

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

- a. make resolutions concerning the adoption of the Constitution, constitutional laws and other laws, and to supervise their implementation;
- b. give consent to treaties of the union of the Slovak Republic with other states and to the termination of such treaties by means of constitutional laws;
- c. propose the holding of a referendum;
- d. prior to their ratification, give consent to international treaties concerning human rights and fundamental freedoms, international political treaties, international treaties of a military nature, from which arise for the Slovak Republic membership in international organizations, international economic treaties of a general nature, international treaties for whose implementation a law is required, as well as from international treaties, which directly establish rights and obligations of physical persons or juridical persons, and also to decide whether it concerns international treaties according to Art. 7 paragraph (5) ;
- e. establish governmental departments and other governmental bodies;
- f. debate on the governmental policy proclaimed in the Program of the Government of the Slovak Republic, monitor the activities of the Government, as well as debate votes of confidence regarding the Government or an individual member of the Government;
- g. approve the national budget, supervise budgetary policy and approve the final national revenue balance;
- h. debate basic issues relating to domestic, international, economic, social and other policies;
- i. to elect and recall the chairman and vice chairman of the Supreme Control Office of the Slovak Republic and three members of the Judicial Council of the Slovak Republic;
- j. to resolve to declare war, if the Slovak Republic is attacked or if a declaration ensues from obligations of international treaties of common defense against attack and after the end of war and conclusion of peace;
- k. express consent to the sending of military forces outside the territory of the Slovak Republic according to Art. 119 letter p;
- l. to express consent to the presence of foreign armed forces on the territory of the Slovak Republic.

## Article 87

1. Bills may be introduced by the Committees of the National Council of the Slovak Republic, members of the National Council and the Government of the Slovak Republic.
2. If the President of the Slovak Republic returns a bill (zákon) with comments, the National Council shall reconsider it and in case of its approval such a law must be promulgated.

3. The law is signed by the President of the Slovak Republic, the Chairman of the National Council and the Prime Minister of the Slovak Republic. If the National Council of the Slovak Republic after a reconsideration in spite of the comments of the President of the Slovak Republic, and the President of the Slovak Republic does not sign the law, the law is published without the signature of the President of the Slovak Republic.
4. The law comes into effect with its publication. The details concerning the publication of laws, of international treaties and legally binding acts of international organizations pursuant to Art. 7 paragraph (2) are established by law.

## Article 88

1. A proposal for a vote of no-confidence in the Government of the Slovak Republic or a member thereof may be submitted to, and considered by, the National Council of the Slovak Republic provided one-fifth of the deputies require it.
2. A no-confidence vote in the Government of the Slovak Republic or a member thereof shall be passed provided an absolute majority of all deputies concur.

## Article 89

1. The Chairman 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. The Chairman shall be responsible exclusively to the National Council of the Slovak Republic.
2. The Chairman of the National Council of the Slovak Republic shall:
  - a. convene and direct the sessions of the National Council of the Slovak Republic;
  - b. sign the Constitution, constitutional laws and other laws;
  - c. authorize the pledge taken by any member of the National Council of the Slovak Republic;
  - d. announce the election of the National Council of the Slovak Republic, election of the President of the Slovak Republic and elections to local self-government organs;
  - e. announce a referendum on the recall of the President of the Slovak Republic;
  - f. exercise other tasks, as the law provides.
3. the Chairman of the National Council of the Slovak Republic shall remain in office after the expiry of the electoral term until the National Council of the Slovak Republic elects a new Chairman.

## Article 90

1. The Chairman of the National Council of the Slovak Republic is deputized by the Deputy-Chairman. The Chairman and Deputy-Chairman are elected or replaced by the National Council of the Slovak Republic with the consent of an absolute majority of all deputies voting by secret ballot. The Deputy-Chairman shall be responsible to the National Council of the Slovak Republic.
2. The provisions of Article 89, paragraph (3) shall apply also to the Deputy-Chairman 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 of the Chairman and the Deputy-Chairman.

## Article 92

1. The National Council of the Slovak Republic establishes Committees composed of its own deputies as its initiating and controlling organs, and its chairmen are elected by secret ballot.
2. The procedures governing the debates and deliberations in the National Council of the Slovak Republic and its Committees are established by law.

## Chapter Two: Referendum

### Article 93

1. A constitutional law on the information of a union with other states or a secession therefrom shall be confirmed by a public referendum.
2. A referendum may also be used to decide on other crucial issues in the public interest.
3. No issues of fundamental rights, freedoms, taxes, duties or national budgetary matters may be decided by a public referendum.

### Article 94

Every citizen qualified to elect the deputies of the National Council of the Slovak Republic has the right to vote in a referendum.

### Article 95

1. A referendum shall be announced by the President of the Slovak Republic upon a petition submitted by no less than 350,000 citizens, or upon a resolution of the National Council of the Slovak Republic not later than thirty days after the petition or the resolution have been submitted by the citizens or by the National Council of the Slovak Republic, as the case may be.
2. The President of the Slovak Republic may before the announcement of the referendum present to the Constitutional Court a draft for a decision, whether the subject of the referendum, which is to be announced on the basis of a petition of citizens or a resolution of the National Council of the Slovak Republic according to paragraph 1, is in treaty with the Constitution or a constitutional law. If the President of the Slovak Republic presents to the Constitutional Court a draft for a decision, if the subject of the referendum, which is to be announced on the basis of a petition of citizens or a resolution of the National Council of the Slovak Republic, is in treaty with the Constitution or a constitutional law, from the presentation of the draft of the President of the Slovak Republic to the time of effectiveness of the decision of the Constitutional Court, the time period according to paragraph 1 does not apply.

### Article 96

1. A proposal for the adoption of a resolution by the National Council of the Slovak Republic on the holding of a referendum may be submitted by deputies of the National Council of the Slovak Republic or by the Government of the Slovak Republic.

2. A referendum shall be held not later than ninety days after it has been announced by the President of the Slovak Republic.

## Article 97

1. No referendum shall be held less than ninety days before the date of the election of the National Council of the Slovak Republic.
2. A referendum may be held on the day of the election to the National Council of the Slovak Republic.

## Article 98

1. The results of the referendum shall be valid if an absolute majority of eligible voters participated and the issue was decided by an absolute majority of votes.
2. The proposals adopted by a referendum are promulgated by the National Council of the Slovak Republic like a law.

## Article 99

1. The results of a referendum may be amended or abrogated by a constitutional law passed by the National Council of the Slovak Republic after three years have passed since the date the outcome took effect.
2. The referendum, on the same issue, can be repeated no sooner than three years after the previous referendum was held.

## Article 100

The procedure for holding a referendum is defined by law.

# Part Six: The Executive Power

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## Chapter One: The President of the Slovak Republic

### Article 101

1. The Head of the Slovak Republic is the President. The President represents the Slovak Republic externally and internally and by his decisions safeguards the orderly conduct of the Constitutional organs. The President conducts his office according to his conscience and convictions and is not bound by any orders.
2. The President is elected by the citizens of the Slovak Republic in direct elections by secret voting for five years. (All) citizens who have the right to vote for the National Council have the right to vote for the President.
3. Candidates for the President are proposed by at least 15 Deputies of the National Council of the Slovak Republic or citizens who have the right to vote for the National Council of the Slovak Republic, and this on the basis of a petition signed by at least 15,000 citizens. Proposals for the election are presented to the Chairman of the National Council of the Slovak Republic at the latest up to 21 days from the announcement of the elections.

- Name/structure of executive(s)
- Oaths to abide by constitution
- Foreign affairs representative

- Head of state selection
- Head of state term length

- Head of state selection

4. Elected to the President is the candidate who attained an absolute majority of the valid votes of qualified voters. If no single candidate obtains the required majority of the votes, a second round of voting is conducted within 14 days. Into the second round of voting, enter the two candidates who obtained the greatest number of valid votes. In the second round of voting, the candidate who obtained the greatest number of valid votes of the participating voters, is elected President.
5. If one of the two candidates who obtained the greatest number of valid votes in the first round of voting ceases to be electable to be President before the second round of voting, or if he gives up his right to be a candidate, (then) the candidate who, in the first round of voting, obtained the second highest number of valid votes enters into the second round of voting. If in the second round of voting there are not two candidates, the second round is not realized and the Chairman of the National Council of the Slovak Republic announces new elections within seven days so that they can be implemented within 60 days of their announcement.
6. If only one candidate presents himself for the function of President, the election is conducted so that he is elected President, if he obtains an absolute majority of the valid votes of the participating voters.
7. The elected candidate assumes the functions of President by taking an oath. The oath is placed into the hands of the Chairman of the Constitutional Court of the Slovak Republic at noon of the day on which the electoral term of the preceding President ends.
8. If the electoral term of the President ended prematurely, the elected candidate takes his oath and assumes the functions of the President at noon of the day following the day on which the results of the election were announced.
9. The Constitutional Court of the Slovak Republic decides on the constitutionality or legality of the elections of the President.

(10) Details concerning the elections of the President are established by law.

## Article 102

1. The President:
  - a. represents the Slovak Republic externally, negotiates and ratifies international treaties. He can delegate negotiation of international treaties to the Government of the Slovak Republic or, with the consent of the Government, to individual members thereof,
  - b. can present a proposal to the Constitutional Court for a decision on the compatibility of negotiated international treaties, which requires the consent of the National Council of the Slovak Republic, with the Constitution or with a constitutional law,
  - c. receives, accredits and recalls the heads the diplomatic missions,
  - d. convenes the opening session of the National Council of the Slovak Republic,

- Deputy executive
- Foreign affairs representative
- Head of government removal

- Treaty ratification

- Head of state powers

- Head of state powers

- Emergency provisions
- Dismissal of the legislature

- e. may dissolve the National Council of the Slovak Republic within six months of the appointment of the Government of the Slovak Republic, if it did not approve its announced program, if the National Council of the Slovak Republic did not agree within three months on a proposed Government law which the Government connected with a vote of confidence, if the National Council of the Slovak Republic was not able within no more than three months to agree either that its session was interrupted or that it was, during this period, repeatedly called into session, or that the session of the National Council of the Slovak Republic was interrupted for a longer period than the Constitution permits. (The President) cannot make use of this right during the last six months of his electoral term, in times of war, martial law or a state of exception. (The President) dissolves the National Council of the Slovak Republic in case of a popular voting on the recall of the President, the President was not recalled,
- f. signs laws;
- g. appoints and remove the Prime Minister and other members of Government of the Slovak Republic, commissions the heads of governmental departments and accepts their resignation; he shall remove the Prime Minister and other Ministers in cases defined in Articles 115 and 116;
- h. appoints and recalls the heads of the central organs, the higher state functionaries in cases specified by law, appoints and recalls the rectors of the universities, appoints university professors, appoints and promotes generals,
- i. confers orders, if he does not empower another organ,
- j. pardons and commutes sentences imposed by courts in criminal proceedings and mitigates sentences in the form of individual grace or amnesty,
- k. is the Commander-in-Chief of the armed forces,
- l. declares war on the basis of a resolution by the National Council of the Slovak Republic when the Slovak Republic is attacked or when this ensues from obligations of international treaties concerning joint defense against assault, and concludes peace,
- m. may, on the proposal of the Government, order the mobilization of the armed forces, proclaim martial law or proclaim a state of exception and their termination,
- n. announces a referendum,
- o. may return to the National Council a bill (zákon) with comments within 15 days of the delivery of the approved bills,
- p. has the right to demand from the Government of the Slovak Republic and from its members information necessary for the fulfillment of his tasks,
- r. has the right to require from the Government of the Slovak Republic and from its members information needed for the fulfilment of his duties,
- s. appoints and recalls the judges of the Constitutional Court of the Slovak Republic, the President and Vice President of the Constitutional Court; receives the oath of the judges of the Constitutional Court of the Slovak Republic and the oath of the general procurator,
- t. appoints and recalls the judges, the President and Vice President of the Supreme Court of the Slovak Republic, the general procurator and three members of the Judicial Council of the Slovak Republic; receives the oath of the judges.

- Cabinet removal
- Head of government selection

- Central bank
- Selection of active-duty commanders

- Power to pardon

- Designation of commander in chief

- Power to declare/approve war

2. The decisions of the President issued pursuant to Art. 102(1) c) and j) if it concerns the granting of amnesty, and according to letter k) shall be valid, if signed by the Prime Minister of the Slovak Republic or by a Minister, entrusted by him; in these cases the Government of the Slovak Republic shall be responsible for the decision of the President.
3. The conditions for the declaration of war, the proclamation of martial law, the proclamation of a state of exception, the proclamation of a state of emergency and the manner of the execution of the public power in time of war, proclamation of martial law, the proclamation of a state of exception, is established by a constitutional law.
4. The details of the exercise of the constitutional powers according to paragraph 1 can be established by (a) law.

## Article 103

1. Any citizen of the Slovak Republic who is eligible to be a deputy of the National Council of the Slovak Republic, who, on the day of the election, has attained the age of forty years can be elected President.
2. This person cannot be elected President for more than two consecutive terms.
3. The election for the President is announced by the Chairman of the National Council so that the first round of the elections can be realized at the latest 60 days before the expiration of the functional term of the President in office. When the office of the President becomes vacant before the end of the functional term, the Chairman of the National Council of the Slovak Republic announces the election of the President within 7 days so that the first round can be realized at the latest 60 days after the announcement of the election for the President.
4. In the event the President-elect is a deputy of the National Council of the Slovak Republic, a member of the Government of the Slovak Republic, procurator, member of the armed forces, member of the Supreme Control Office of the Slovak Republic, he ceases to exercise his previous function.
5. The President must not have any other paid function, profession or business activity and must not be a member of any organ of a juridical person, which conducts a business activity.
6. The President can relinquish his function at any time; his functioning period ends on the day of the delivery of the written announcement to the President of the Constitutional Court of the Slovak Republic.
7. The President of the Constitutional Court shall announce in writing the relinquishment of the functions of the President to the President of the National Council of the Slovak Republic.

## Article 104

1. The President (of the Slovak Republic) presents before the National Council of the Slovak Republic to the President of the Constitutional Court of the Slovak Republic this oath: "I swear on my honor and conscience allegiance to the Slovak Republic. I will protect the welfare of the Slovak people, the national minorities and ethnic groups living in the Slovak Republic. I will perform my duties in the interest of the citizens and preserve and defend the Constitution and other laws."
2. A refusal to take the oath or an oath with a reservation results in the invalidation (neplatnosť) of the election of the President.

• Head of state replacement

## Article 105

1. If the President has not been elected, or if the function of the President becomes vacant and the new President has not been elected, or if the new President was elected, but has not yet taken the oath, or if the President cannot for serious reasons execute his function, the powers of the President, pursuant to Art. 102 letters a), b), c), n) and o) pass to the Government of the Slovak Republic. The Government may, in this case entrust to the Prime Minister the exercise of some of the powers of the President. To the Prime Minister pass in such a time the chief commanding of the armed forces. The competences (oprávnenia) of the President pursuant to Art. 102 paragraph 1 letters d), g), h), l), m), s) and t) pass at such time to the President of the National Council of the Slovak Republic.
2. If the President cannot perform his function for a period longer than six months, the Constitutional Court of the Slovak Republic announces that the function of the President has become vacant and on the day of this announcement the functional term of the heretofore President ends.

• Head of state removal

## Article 106

1. the President can be recalled from his function before the completion of the electoral term by a popular vote. The popular vote pertaining to the recall of the President is announced by the Chairman of the National Council of the Slovak Republic on the basis of a resolution by the National Council of the Slovak Republic, and this within 30 days of the adoption of the resolution so that the popular voting can take place within 60 days of its announcement.
2. The President is recalled if his recall in the popular voting was voted by an absolute majority of all qualified voters.
3. If the President was not recalled in the popular voting, the President dissolves the National Council of the Slovak Republic within 30 days of the announcement of the results of the popular voting. In such a case, a new presidential term commences for the President. The Chairman of the National Council of the Slovak Republic announces elections to the National Council of the Slovak Republic within seven days of its dissolution.
4. The details concerning the recall of the President are established by law.

• Head of state removal  
• Head of state immunity

## Article 107

The President can be prosecuted only for the intentional violation of the Constitution or for treason. The issuance of an accusation against the President of the Republic is decided by the National Council of the Slovak Republic by a three-fifths majority of the votes of all Deputies. The accusation is presented by the National Council of the Slovak Republic to the Constitutional Court of the Slovak Republic, which decides on it in its plenary session. The sentencing decision of the Constitutional Court of the Slovak Republic results in the loss of the function of the President and the capacity to seek this function again.

## Chapter Two: The Government of the Slovak Republic

### Article 108

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

## Article 109

1. The Government is composed of the Prime Minister, Deputy Prime Minister and Ministers.
2. The exercise of the function of a member of the Government is incompatible with the exercise of the mandate of a deputy, with the exercise of the function of another organ of the public power, state employment relationship, with a working relationship or enterprising activity, with membership in a directing or controlling organ of a juridical person, which is engaged in enterprising activity, or in another economic or gainful activity, except the management of personal property and scientific, pedagogical, literary or artistic 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 is eligible for election to the National Council of the Slovak Republic can be appointed Prime Minister.

## Article 111

On the proposal of the Prime Minister of the Government, the President of the Slovak Republic appoints and recalls the other members of the Government and entrusts them with the direction of the Ministries. To Deputy Prime Minister he can appoint a citizen, who is eligible to be a Deputy of the National Council of the Slovak Republic.

## Article 112

The members of the Government are sworn in by the President of the Slovak Republic with this oath: "I swear on my honor and conscience allegiance to the Slovak Republic. I shall perform my duties in the interest of the citizens. I shall maintain the Constitution and other laws and work so as to implement them."

## Article 113

The Government is obligated to present itself within 30 days to the National Council of the Slovak Republic, to submit to them its program and ask it for a vote of confidence.

## Article 114

1. The Government is accountable for the exercise of its functions to the National Council of the Slovak Republic. The National Council of the Slovak may at any time express its lack of confidence.
2. The Government may at any time ask the National Council of the Slovak Republic for an expression of a vote of confidence.
3. The Government may link the voting with the acceptance of a bill (zákona) or the voting on any other matter.

## Article 115

1. When the National Council of the Slovak Republic expresses (a vote of) no confidence, or when it rejects a motion for an expression of confidence, the President of the Slovak Republic (shall) dismiss the Government.

- Head of government replacement
2. When the President of the Slovak Republic accepts the resignation of the Government, he entrusts it with the exercise of its functions until the appointment of a new Government.

## Article 116

- Cabinet removal
  - Head of government removal
1. A member of the Government is (individually) accountable for the exercise of his function to the National Council of the Slovak Republic.
  2. A member of Government may submit his or her resignation to the President of the Slovak Republic.
  3. The National Council of the Slovak Republic may express lack of confidence in an individual member of the Government; in such case the President of the Slovak Republic dismisses the member.
  4. The motion for the dismissal of a member of the Government to the President of the Slovak Republic may also be made by the Prime Minister.
  5. If the resignation is submitted by the Prime Minister, the entire Government (shall) resign.
  6. If the National Council of the Slovak Republic expresses no confidence in the Prime Minister, the President of the Slovak Republic dismisses him. The dismissal of the Prime Minister has as its result, the resignation of the Government.
  7. If the President of the Slovak Republic accepts the resignation of a member of the Government or he dismisses him, he (shall) designate which member of the Government shall temporarily assume the functions of the member whose resignation be accepted.

## Article 117

The Government always presents its resignation at the opening session of the newly elected National Council of the Slovak Republic; however the Government continues its functions until the formation of a new Government.

## Article 118

- Head of government term length
1. The Government is ready to act if at least one-half of its members are present.
  2. For the adoption of a resolution by the government the consent of an absolute majority is necessary.

## Article 119

The Government decides collectively:

- Powers of cabinet
- a. on bills,
  - b. on decrees of the Government,
  - c. on the program of the Government and its implementation,
  - d. on fundamental measures for the safeguarding of the economic and social policy of the Slovak Republic,
  - e. on drafts of the national budget and the closing accounts,
  - f. concerning international treaties of the Slovak Republic, whose negotiation was delegated to the Government by the President of the Slovak Republic,
  - g. concerning the delegation of the negotiation of international treaties according to Art. 102 paragraph (1) letter a) to individual members,

- Budget bills
- Treaty ratification

- h. on the presentation of a draft to the Constitutional Court of the Slovak Republic, to decide on the consonance of a negotiated international treaty, for which the consent of National Council of the Slovak Republic is required, with the Constitution and constitutional law,
- i. on fundamental questions of internal and foreign policy,
- j. on the submission of draft bill or another important measure to public discussion,
- k. about the request for a vote of confidence,
- l. on granting amnesty in off-court offenses,
- m. on the appointment and recall of other state functionaries in matters specified by law or three members of the Judicial Council of the Slovak Republic,
- n. on the proposal of a proclamation of martial law, on the proposal to order the mobilization of the armed forces, on the proposal of the proclamation of an exceptional state and its termination, on the proclamation of a state of emergency,
- o. on the sending of armed forces outside the territory of the Slovak Republic for the purpose of humanitarian, and military exercises, or peaceful observatory missions, on the consent to the presence of foreign armed forces on the territory of the Slovak Republic for the purpose of humanitarian and, military exercises or observatory missions, on the consent to the crossing of foreign armed forces onto the territory of the Slovak Republic,
- p. on the sending of armed forces outside the territory of the Slovak Republic when it concerns the fulfillment of obligations (ensuing) from international treaties on common defense against attacks and thus, at most, for a period of 60 days; this decision (must be) communicated without delay to the National Council of the Slovak Republic,
- r. on other questions, as the law provides.

## Article 120

1. For the execution of a law and within its limits the Government may issue decrees.
2. When the law so provides, the Government is authorized to issue decrees on the implementation of the European treaty on association between European communities and its member States on one side and the Slovak Republic on the other side and on the implementation of international treaties pursuant to Art. 7 paragraph 2.
3. Decrees of the government are signed by the Prime Minister.
4. Decrees of the government must be promulgated in the manner specified by law.

## Article 121

The Government has the power to grant amnesty in matters of infringement. The details are provided by law.

## Article 122

The central organs of state administration and the local organs of state administration are established by law.

• Emergency provisions

• Powers of cabinet  
• Head of government decree power

## Article 123

The Ministries and other organs of the state administration may, on the basis of the laws and within their limits, issue generally binding legal regulations, if they are empowered by law to do so. Then generally binding legal regulations shall be promulgated in the manner established by law.

# Part Seven: Judicial Power

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## Chapter One: The Constitutional Court of the Slovak Republic

### Article 124

The Constitutional Court of the Slovak Republic is an independent judicial organ for the protection of constitutionality.

### Article 125

1. The Constitutional Court rules on the consonance—
  - a. of laws with the Constitution, constitutional laws with international treaties, with which the National Council of the Slovak Republic has expressed its treaty and which were ratified and promulgated in the manner established by law,
  - b. decrees of the Government, the generally binding legal regulations of the ministries and the other central organs of the state administration with the Constitution, constitutional laws, with international treaties, with which the National Council of the Slovak Republic has expressed consent and which were ratified and promulgated in the manner established by a law or laws,
  - c. generally binding ordinances, pursuant to Art. 68 with the Constitution, with constitutional laws, with international treaties, with which the National Council of the Slovak Republic expressed its treaty and that were ratified and promulgated in the manner established by a law or with laws, if no other court rules on them,
  - d. generally binding legal regulations of local organs of state administration and general binding regulations of the organs of the local self-administration pursuant to Art. 71 paragraph 2 with the Constitution, with constitutional laws, with laws and decrees of the Government, and with generally binding legal regulations of the ministries and other central organs of state administration, if no other court rules on them.
2. When the Constitutional Court accepts the motion for a proceeding according to paragraph 1, it can stop the application of the contested (napadnotých) legal provisions, parts thereof, the impact of some of their provisions, if its further application can threaten fundamental rights and freedoms, if considerable economic damage is threatened, or another serious unjust consequence.

3. when the Constitutional Court with its decision states that there is a conflict between the legal regulations referred to in paragraph 1, the pertinent regulations, its parts, some of their provisions lose their effectiveness. The organs, who issued these (il) legal regulations, are obligated to bring them into accord, within six months from the ruling of the Constitutional Court, with the Constitution, constitutional laws and international treaties with the promulgation in the manner established by law, and if it concerns provisions referred to in paragraph 1 letter d) with the decrees of the Government and with the generally binding legal regulations of the ministries and the other central organs of state administration. If this is not done, these regulations, their parts or provisions lose their validity after six months from the publications of the ruling.
4. The Constitutional Court does not rule on the consonance of a draft law or a draft of a generally binding legal provision with the Constitution, with an international treaty, which was published in a manner established by a law or by a constitutional law.
5. The validity of the decision on the suspension of effectiveness of the challenged legal provisions, parts thereof, or some of its provisions ends with the publication of a decision of the Constitutional Court in the same matter the suspension of effectiveness of the challenged of a legal provision, which the Constitutional already did not disturb, because the reasons for accepting them ceased.
6. The decisions of the Constitutional Court issued pursuant to paragraphs 1, 2 and 5 are announced in the manner established for the publication of laws. The valid decision of the Constitutional Court is generally binding.

## Article 125a

1. The Constitutional Court decides on consonance of negotiated international treaties, for which the consent of the National Council of the Slovak Republic is required, with the Constitution or with a constitutional law.
2. The request for a decision pursuant to paragraph 1 can be presented to the Constitutional Court by the President of the Slovak Republic or the Government.
3. The Constitutional Court decides on the request pursuant to paragraph 2 within the time limit specified by law; when the Constitutional Court pronounces, with its decision that the international treaty is not in accord with the Constitution or a constitutional law, such an international treaty cannot be ratified.

## Article 125b

1. The Constitutional Court decides on whether the subject of a referendum, which is to be announced, on the basis of a petition by citizens or a resolution of the National Council of the Slovak Republic, pursuant to Art. 95 paragraph 1, is in accord with the Constitution or with a constitutional law.
2. The proposal for a decision, pursuant to paragraph 1, can be presented to the Constitutional Court by the President of the Slovak Republic before the announcement of the referendum, if he has doubts, whether the subject of the referendum, which is to be announced on the basis of a petition by citizens or a resolution of the National Council of the Slovak Republic pursuant to Art. 95 paragraph 1 is in accord with the Constitution or with a constitutional law.

3. The Constitutional Court decides on the proposal pursuant to paragraph 2 within 60 days from its delivery; if the Constitutional Court declares with its decision that the subject of the referendum, which is to be announced on the basis of a petition by citizens or by a resolution of the National Council of the Slovak Republic, pursuant to Art. 95 paragraph 1, is not in accord with the Constitution or a constitutional law, the referendum cannot be announced.

## Article 126

The Constitutional Court decides disputes over competence between central organs of state administration if the law does not provide that these disputes are decided by another state organ.

## Article 127

1. The Constitutional Court decides about complaints by physical or juridical persons, when they protest violations of their fundamental rights or freedoms, resulting from international treaties, which was ratified by the Slovak Republic and promulgated in the manner specified by law, and if no other court decides about the protection of these rights and freedoms.
2. If the Constitutional Court responds to the complaint, by its decision pronounces that by a valid decision, measure or other intrusion, rights or freedoms, pursuant to paragraph 1 were violated, it also cancels the decision, measure or other intrusion. If the violation of rights or freedoms, pursuant to paragraph 1, rose from inaction, the Constitutional Court can also order that the one who violated these rights and freedoms, act in the matter. The Constitutional Court can also return the matter for further proceeding, prohibit the continuation in violation of fundamental rights and freedoms or human rights and fundamental freedoms emanating from an international treaty, which was ratified by the Slovak Republic and promulgated in the manner specified by law, or, if it is possible, to order that the one who violated these rights or freedoms pursuant to paragraph 1 restore the condition before the violation.
3. The Constitutional Court can, with its decision, with which it responds to a complaint, award to the one, whose rights, pursuant to paragraph (1) were infringed upon, appropriate financial compensation.
4. The responsibility of the one who violated rights or freedoms, pursuant to paragraph 1, for the damage or other interference is not affected by the decision of the Constitutional Court.

## Article 127a

1. The Constitutional Court decides concerning complaints by organs of the territorial self-administration against an unconstitutional or illegal interference in a matter of territorial self-administration, if no other court decides it.
2. If the Constitutional Court responds to the complaint by the organ of territorial self-administration, it pronounces, in what consists the unconstitutional or illegal decision in the matter of territorial self-administration, which constitutional law or law was violated and by which decision or interference the violation arose. The Constitutional Court voids the contested decision, and if the violation of the law consisted in another interference, than is decided, it forbids the continuation of the interference and orders, if it is possible, to have the previous condition restored.

## Article 128

The Constitutional Court provides an interpretation of the Constitution or the constitutional law if the matter is in dispute. The decision of the Constitutional Court concerning the interpretation of the Constitution or a constitutional law is promulgated in the same manner as the promulgation of laws. The interpretation is generally binding from the day of its promulgation.

## Article 129

1. The Constitutional Court decides about complaints against a decision on the verification or non-verification of the mandate of a deputy of the National Council of the Slovak Republic.
2. The Constitutional Court decides about the constitutionality and legality of presidential elections, elections to the National Council of the Slovak Republic and to the organs of territorial self-administration.
3. The Constitutional Court decides on complaints against the results of a referendum or the result of plebiscite on the recall of the President of the Slovak Republic.
4. The Constitutional Court decides on whether a decision on the dissolution or suspension of activity of a political party or political movement is in accord with constitutional laws or other laws.
5. The Constitutional Court decides on the accusation by the National Council of the Slovak Republic against the President of the Slovak Republic in the matter of intentional violation of the Constitution or high treason.
6. The Constitutional Court decides on whether the decision on the proclamation of a state of exception or a state of emergency were promulgated in accord with the Constitution or a constitutional law.
7. The decisions of the Constitutional Court, pursuant to the preceding paragraphs are binding on all organs of the public power, physical persons or juridical persons, that effect them. The competent organ of public power is obligated to ensure its implementation without unnecessary delay. The details are established by law.

## Article 130

1. The Constitutional Court begins the proceeding upon a petition presented by:
  - a. not less than one-fifth of the deputies of the National Council of the Slovak Republic,
  - b. the President of the Slovak Republic,
  - c. the Government of the Slovak Republic,
  - d. (a) court,
  - e. the Procurator-General
  - f. anyone, whose rights shall be adjudicated in cases specified in Arts., 127 and 127a.
2. The law shall specify, who has the right to present a petition to begin the proceeding pursuant to Art. 129.

## Article 131

1. The Constitutional Court shall decide in plenary session in matters referred to in Art. 105 paragraph 2, Art. 107, Art. 125 paragraph 1 letters a) and b), Art. 125a paragraph 1, Art. 125b paragraph 1, Art. 128, Art. 129 paragraph 2 to 6, Art. 136 paragraphs 2 and 3, Art. 138 paragraph 2 letters b) and c), on the harmonization (zjednocovaní) of the legal opinions of the senates, on the organization of internal relations and on the draft budget. The plenum of the Constitutional Court is attained by an absolute majority of all judges. If this majority is not attained, the petition is rejected.
2. On other matters the Constitutional Court decides in three-member senates. The senates decide by absolute majority of their members.

## Article 132

Abrogated

## Article 133

Against the decision of the Constitutional Court it is impossible to present a correcting remedy (opravný prostriedok).

## Article 134

1. The Constitutional Court is composed of thirteen judges.
2. The judges of the Constitutional Court are appointed for twelve years by the President of the Slovak Republic. The National Council of the Slovak Republic nominates a twofold number of candidates for judgeships, which the President shall appoint.
3. For a judgeship of the Constitutional Court can be nominated a citizen of the Slovak Republic, who is electable to the National Council of the Slovak Republic, has attained 40 years of age, has a university legal education and at least 15 years experience in the legal profession. Such a person cannot be appointed again as a judge of the Constitutional Court.
4. A judge of the Constitutional Court places into the hands of the President of the Slovak Republic this oath: "I swear on my honor and conscience, that I will protect the inviolability of the natural (prirodzených) rights of man and rights of citizen, protect the principles of the law-governed state, be guided by the Constitution, constitutional laws and international treaties, which the Slovak Republic ratified and which were promulgated in the manner specified by law and that (I shall) decide according to my best convictions, independently and impartially."
5. With the taking of this oath the judge of the Constitutional Court assume (his) functions.

## Article 135

At the head of the Constitutional Court is its president, who is substituted by a Vice President. The President and Vice President are 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 have the same immunities as the deputies of the National Council of the Slovak Republic.

2. The consent for a criminal prosecution of a judge or for a pre-trial detention is given by the Constitutional Court.
3. The Constitutional Court gives consent to a criminal prosecution or taking into pretrial detention of judges and the general prosecutor. The Constitutional Court conducts disciplinary proceedings against the President of the Supreme Court of the Slovak Republic, the Vice President of the Supreme Court of the Slovak Republic and the general prosecutor.
4. If the Constitutional Court refuses (its) consent, the criminal prosecution or the pretrial detention (then), for the duration, the function of the Judge of the Constitutional Court, the function of a judge or the function of the general procurator, is excluded.

## Article 137

1. If an appointed judge of the Constitutional Court is a member of a political party or a political movement, he must give up his membership prior to taking the oath.
2. The judges of the Constitutional Court perform their function as a profession. The exercise of this function is incompatible with a function in another organ of public power, with a state employment relationship, with a work relationship, with temporary working relationship, with a business activity, with membership in a directing or controlling organ of a juridical person, which is engaged in a business activity, as for any other economic or gainful activity, with the exception of the management of personal property, scientific, pedagogical, literary or artistic activity.
3. On the day that the judge assumes his function his mandate as a deputy or membership in the Government of the Slovak Republic expires.

## Article 138

1. A judge of the Constitutional Court may resign from his or her function by a written notification to the President of the Constitutional Court. His function, in such a case, ends with the passing of the calendar month in which the written notification of resignation of his function was delivered.
2. The President of the Slovak Republic recalls a judge of the Constitutional Court—
  - a. on the basis of a valid judgement for an intentional criminal act, or if he was validly convicted for a criminal act, and the court has not decided, in his case, on the conditional postponement of the execution of the punishment of deprivation of liberty,
  - b. on the basis of a disciplinary judgement of the Constitutional for an act, that is incompatible with the exercise of the function of a judge of the Constitutional Court,
  - c. if the Constitutional Court has announced that the judge has not participated in the work of the Constitutional Court for a period longer than one year,
  - d. if his eligibility into the National Council of the Slovak Republic has ceased.

## Article 139

If a judge of the Constitutional Court resigns from his function as a judge of the Constitutional Court, or if he was recalled, the President of the Slovak Republic appoints another judge for a new judicial term from two persons nominated by the National Council of the Slovak Republic.

## Article 140

The details of the organization of the Constitutional Court, the manner of proceedings before it and the status of the judges are provided by law.

## Chapter Two: The Courts of the Slovak Republic

### Article 141

1. In the Slovak Republic justice is administered by independent and impartial courts.
2. Justice is administered at all levels separately from other state organs.

### Article 141a

The Judicial Council of the Slovak Republic

1. The President of the Judicial Council of the Slovak Republic is the President of the Supreme Court 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 elected 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 Judicial Council of the Slovak Republic pursuant to paragraph 1 letters b) to d), it is possible to designate a person, who is irreproachable and has a university legal education and at least 15 years of professional practice.
3. The functional terms of the members of the Judicial Council of the Slovak Republic is five years. Such a person can be elected or appointed to be a member of the Judicial Council of the Slovak Republic at the most two consecutive terms.
4. To the competence of the Judicial Council of the Slovak Republic of the Slovak Republic belong—
  - a. to present to the President of the Slovak Republic proposals for candidates for the appointment of judges and proposals for the recall of judges,
  - b. to decide about the assignment and the transferring of judges,
  - c. to present to the President of the Slovak Republic proposals for the appointment of the President of the Supreme Court of the Slovak Republic and the Vice President of the Supreme Court of the Slovak Republic and their recall,
  - d. to present to Government of the Slovak Republic proposals for candidates who would work for the Slovak Republic in international judicial organs,
  - e. to elect and recall the members of the disciplinary senates and to elect and recall the chairpersons of the disciplinary senates,
  - f. to express themselves concerning the draft budget of the courts of the Slovak Republic at the framing of the draft state budget,
  - g. other activity, as established by law.
5. For the acceptance of a resolution of the Judicial Council of the Slovak Republic an absolute majority of all its members is necessary.

- The details concerning the manner of establishing the members of the Slovak Republic, of their activity, organization and relationship to the organs of the administration of justice and to the organs of judicial self-administration are established by law.

## Article 142

- The courts decide matters concerning civil and criminal law; they examine the legality of the decisions of organs of public administration and the legality of decisions, measures and other interventions by organs of public power, as the law provides.
- The courts decide in senates, if the law does not stipulate that the case is decided by a single judge. The law specifies the cases in which judicial assessors (prisediaci sudcovia) from the ranks of citizens participate and in which cases an employee of the court, who is entrusted by a judge, may decide. Against the decision of an employee, entrusted by a judge, as legal remedy is admissible, about which always, a judge decides.
- The decisions are always pronounced in the name of the Slovak Republic and are always public.

## Article 143

- The system of the courts consists of the Supreme Court of the Slovak Republic and other courts.
- The details of the structure of the courts, their competence, organization and procedure before them are specified by law.
- Within the scope established by law, the ordering and the administration of the courts the organs of judicial self-administration participate.

## Article 144

- Judges are independent in the exercise of their functions and in deciding they are only bound by the Constitution, constitutional law, international treaty pursuant to Art. 7 paragraphs 2 and 5 and by law.
- If the court believes (domnieva) that another generally binding legal rule, a part of it or a single provision, which concerns the pending matter, is in conflict with the Constitution, a constitutional law, international treaty pursuant to Art. 7 paragraph 5 or a law, it interrupts the proceeding and presents a proposal for beginning a proceeding on the basis of Art. 125 paragraph 1. The legal opinion of the Constitutional Court contained in the opinion is binding on the Court.

## Article 145

- The judges are appointed and recalled by the President of the Slovak Republic on the proposal of the Judicial Council of the Slovak Republic; he appoints them without time limits.
- To a judgeship can be appointed a citizen, who can be elected to the National Council of the Slovak Republic, has attained the age of 30 years and has a university legal education. Further requirements for appointment to a judgeship and his functional advancement, as well as the scope of the immunity of judges, are provided by law.

• Structure of the courts

• Oaths to abide by constitution

• Judicial independence

• Constitutional court opinions

• Supreme court selection  
 • Supreme/ordinary court judge removal  
 • Ordinary court selection  
 • Supreme court term length

• Minimum age of supreme court judges  
 • Eligibility for supreme court judges

- Eligibility for supreme court judges
- Supreme court term length
- Supreme court term limits

3. The President of the Supreme Court of the Slovak Republic and the Vice President of the Supreme Court of the Slovak Republic are appointed from the judges of the Supreme Court of the Slovak Republic by the President of the Republic for five years. Such person can be reappointed to be President of the Supreme Court of the Slovak Republic and to be Vice President of the Supreme Court of the Slovak Republic at the most for two consecutive terms. The President of the Slovak Republic may recall the President or the Vice President of the Supreme Court of the Slovak Republic for reasons specified in Art. 147.
4. The judge places into the hands of the President of the Slovak Republic this oath: "I swear on my honor and conscience, that I will abide by the Constitution, constitutional laws, international treaties which the Slovak Republic has ratified and promulgated in the manner specified by the law and laws, interpret the laws according to my best conviction, independently and impartially."
5. With the taking of the oath the judge assumes his function.

## Article 145a

1. If the nominated judge is a member of a political party or political movement he is obligated to give up his membership in them even before the taking of the oath.
2. The judge performs his function as his profession. The exercise of this function is incompatible with the function of another organ of public power, state employment relationship, with a temporary working relationship, with a business activity, with membership in a directing or controlling organ of a juridical person, which is engaged in a business activity, or any other economic or gainful activity, with the exception of the management of personal property, scientific, pedagogical, literary or artistic activity and membership with Judicial Council of the Slovak Republic.

## Article 146

A Judge can give up his function by a written announcement to the President of the Slovak Republic. His function in such case ends with the passing of a calendar month, in which the written announcement of the resignation of his function was delivered.

## Article 147

1. The President of the Slovak Republic recalls a judge on the proposal of the Judicial Council of the Slovak Republic on the basis of a valid judgement for an intentional criminal act or he was validly convicted for a criminal act and the court has not yet decided in his case on the conditional postponement of the execution of the punishment of deprivation of liberty, on the basis of a decision by the disciplinary senate for an act, which is incompatible with the exercise of the function of a judge, or if his eligibility into the National Council of the Slovak Republic has ceased.
2. The President of the Slovak Republic may recall the judge on the proposal of the Judicial Council of the Slovak Republic,
  - a. if his state of health does not allow him, at least for one year, to properly perform his judicial duties,
  - b. if he has reached the age of 65 years.

## Article 148

- Supreme/ordinary court judge removal

- Mandatory retirement age for judges

1. A judge can be transferred to another court only with his consent or on the basis of a decision by the disciplinary senate.
2. The reasons for an interruption of the exercise of the judicial function and the conditions of a temporary interruption of the exercise of the function of a judge or a temporary assignment of a judge are established by law.
3. The manner of establishment of assessor judges (prísediacich sudcov) is established by law.

## Part Eight: The Procuratura of the Slovak Republic and the Public Defender of Rights

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### Chapter One: The Procuratura of the Slovak Republic

#### Article 149

The Procuratura of the Slovak Republic defends the rights and legally protected interests of physical and juridical persons and the state.

#### Article 150

At the head of the Procuratura is the general procurator, who is appointed and recalled by the President of the Slovak Republic on the proposal of the National Council of the Slovak Republic.

#### Article 151

The details concerning the appointment and recall, the rights and duties of the procurator and the organization of the Procuratura are established by law.

### Chapter Two: The Public Defender of Rights

#### Article 151a

1. The public defender of rights is an independent organ, who, within the limits and manner established by law participates in the defense of fundamental rights and freedoms of physical persons and juridical persons in the decision-making or inactivity of the organs of the public administration, if its conduct, decision-making or inactivity (are) in conflict with the legal order or the principles of democratic and law-governed state.
2. The public defender of rights is elected by the National Council of the Slovak Republic for a period of five years from candidates, proposed by at least 15 deputies of the National Council of the Slovak Republic. Any citizen who can be elected to be a deputy to the National Council of the Slovak Republic, and who has attained the age of 35 years on the day of the elections. The public defender of rights cannot be a member of a political party or a political movement.

3. The function of the public defender ends on the day of the effectiveness of a legally valid decision, by which the public defender was sentenced for an intentional criminal act, or if the court did not decide in his case on the conditional postponement of the execution of the sentence, or the loss of eligibility.
4. The National Council can recall the public defender of rights, if for a long time, but at least three months, his health does not allow him to properly carry out the duties emanating from his function.
5. The details concerning the election and the recall of the public defender of rights, his work, on the conditions of the exercise of his function, on the manner of public defense and on the realization of the rights of physical persons and juridical persons, are established by law.

## Part Nine: Transitory and Concluding Provisions

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### Article 152

1. The constitutional laws, laws and other generally binding legal provisions remain in force in the Slovak Republic, if they are not in conflict with the Constitution. They can be amended or abrogated by the competent organs of the Slovak Republic.
2. The ineffectiveness of laws and other generally binding legal regulations issued in the Czech and Slovak Federative Republic arises ninety days from the verification by the Constitutional Court of Slovak Republic of their invalidity in the manner established for the promulgation of laws.
3. Concerning the ineffectiveness of legal regulations the Constitutional Court decides, pursuant to the proposal of persons referred to in Art. 130.
4. The interpretation and enforcement of constitutional laws, laws and other generally binding legal regulations must be in accord with this Constitution.

### Article 153

To the Slovak Republic pass the rights and obligations from international treaties, by which the Czech and Slovak Federative Republic was bound, and this to the extent established by a constitutional law of the Czech and Slovak Federative Republic or to the extent agreed to between the Slovak Republic and the Czech Republic.

### Article 154

1. The Slovak National Council elected pursuant to Art. 103 of the Constitutional Law No. 143/1968 Zb. concerning the Czech-Slovak Federation in the wording of later regulations continues its activity as the National Council of the Slovak Republic according to this Constitution. The election term is counted from the day of the elections to the Slovak National Council.
2. The Government of the Slovak Republic appointed pursuant to Art. 122 paragraph 1 letter a) of the Constitutional Law No. 143/1968 Zb. on the Czech-Slovak Federation in the wording of later regulations, is considered to be the Government, appointed according to this Constitution.

3. The President of the Supreme Court of the Slovak Republic and the general procurator of the Slovak Republic appointed to their functions according to then prevailing legal regulations remain in their functions until they are appointed to their functions by this Constitution.
4. The judges of the courts of the Slovak Republic, appointed to their functions according to then prevailing legal regulations, are considered appointed to their functions without time limits according to this Constitution.

## Article 154a

The election of the President of the Slovak Republic according to this constitutional law is announced by the chairman of the National Council of the Slovak Republic within 30 days from the coming into effect of the law published according to Art. 101 paragraph 10.

## Article 154b

1. A judge elected for four years before the coming into effect of this constitutional law is appointed, after the completion of his election period by the President of the Slovak Republic on the proposal of the Judicial Council of the Slovak Republic, to a judgeship without time limitations, even if on the day of his nomination he had not attained the age of 30 years.
2. Judges elected according to then prevailing regulations without time limitations are considered to be judges appointed according to this constitutional law.
3. To the judges of the Constitutional Court, who were appointed before this constitutional law attained effectiveness, the provision of Art. 134 paragraph 2 of the first sentence and the second sentence of paragraph 3 do not apply.

## Article 154c

1. International treaties on human rights and fundamental freedoms, which were ratified by the Slovak Republic, and which were promulgated in the manner established by law before the attainment of effectiveness of this constitutional law, are part of the legal order and have precedence before the law, if they guarantee a greater range of constitutional rights and freedoms.
2. Other international treaties, which the Slovak Republic ratified and which were promulgated in the manner established by law, before the effectiveness of this constitutional law, are a part of its legal order if the law so provides.

## Article 155

Abrogated are:

1. The Constitutional Law of the Slovak National Council No. 50/1990 Zb. on the name, state banner, state flag, state seal and the state anthem of the Slovak Republic.
2. The Constitutional Law of the Slovak National Council No. 79/1990 Zb. on the number of deputies of the Slovak National Council, on the wording of the oath of the deputies of the Slovak National Council, the members of the Government and the deputies of the national committees and the electoral period of the Slovak National Council.
3. The Constitutional Law of the Slovak National Council No. 7/1992 Zb. on the Constitutional Court of the Slovak Republic.

## Article 156

The Constitution of the Slovak Republic No. 460/1992 Zb. attained effectiveness on October 1, 1992 with the exception of Art. 3 paragraph 2, Art. 23 paragraph 4 with respect to the expulsion or extradition of a citizen to another state, Art.53, Art. 84 paragraph 3 with respect to the declaration of war to another state, Art. 86 letters k) and l), Art. 102 letter g), with respect to the appointment and promotion of generals, letters j) and k), Art. 152 paragraph 1 second sentence if they concern constitutional laws, laws and other generally binding legal regulations issued by organs of the Czech and Slovak Federative Republic which came into effect simultaneously with the relevant changes of the constitutional relations of the Czech and Slovak Federative Republic in accord with this Constitution.

Constitutional Law No. 244/1998 Z.z. came into effect on August 5, 1998.

Constitutional Law No. 9/1999 Z.z. came into effect on January 27, 1999.

Constitutional Law No. 90/2001 Z.z. shall come into effect on July 1, 2001, except Art. 125a, Art. 127, Art. 127a, Art. 134 paragraphs 1 and 3, and Art. 151a which shall come into effect on January 1, 2002.

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