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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**CONSTITUTION OF THE SLOVAK REPUBLIC**

**approved 1 September 1992  
by the Slovak National Council**

**and signed 3 September 1992**



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**CONSTITUTION**  
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We, the Slovak people, remembering the political and cultural heritage of our forefathers and the long experience gained in the struggles for national existence and statehood, guided by spiritual inheritance of Cyril and Methodius, from the historical legacy of Greater Moravia, stemming from the natural right of every nation to self-determination, together with the members of national minorities and ethnic groups living in the territory of the Slovak Republic, in the interest of permanent peaceful cooperation with other democratic countries, endeavouring to exercise a democratic form of government, guarantees of free existence, development of spiritual culture and economic prosperity, so we, the citizens of the Slovak Republic agree through our representatives to accept the following Constitution:

**CLAUSE ONE**

**Section One**  
**GENERAL PROVISIONS**

**Article 1**

The Slovak Republic is a sovereign, democratic and legal State. It is not tied to any ideology or religion.

**Article 2**

- (1) The State power stems from the citizens who exercise it directly or through their elected representatives.
- (2) State bodies may act only on the basis of the Constitution, within its limits and to the extent and methods specified by the Law.
- (3) Everyone may act in any way not forbidden by Law and no one may be forced to act in a way not specified by Law.

### Article 3

- (1) The territory of the Slovak Republic is united and indivisible.
- (2) The boundaries of the Slovak Republic may be altered only by constitutional Acts.

### Article 4

The mineral wealth, underground water, natural medicinal resources and surface water is owned by the Slovak Republic.

### Article 5

- (1) Acquisition and loss of state citizenship of the Slovak Republic is determined by Law.
- (2) No one may lose their state citizenship of the Slovak Republic against their will.

### Article 6

- (1) Within the territory of the Slovak Republic, Slovak is the state language.
- (2) The use of languages other than the state language in official contact with authorities is specified by Law.

### Article 7

The Slovak Republic may, on the basis of a free decision, enter into a State relationship with other States. The right to terminate such a relationship may not be limited. A commencement or a termination of a State relationship with other States is determined by constitutional Acts followed by a referendum.

### Article 8

The State symbol, State flag, State seal and the State anthem constitute the State insignia of the Slovak Republic.

### Article 9

- (1) The State symbol of the Slovak Republic is represented by a silver double cross erected above the middle of a triple blue hill in a red early gothic field.
- (2) The State flag of the Slovak Republic is composed of three longitudinal stripes: white, blue and red. The first part of the State flag contains the State symbol of the Slovak Republic.

- (3) The State seal of the Slovak Republic consists of the State symbol of the Slovak Republic, placed in a circle formed by the letters "Slovenská Republika".
- (4) The State anthem of the Slovak Republic are the first two verses of the song "Nad Tatrou sa blýska".
- (5) Details concerning the State symbols of the Slovak Republic and their use are specified by Law.

#### Article 10

- (1) The capital of the Slovak Republic is Bratislava.
- (2) The status of Bratislava as the State capital is specified by Law.

### CLAUSE TWO

#### *Basic rights and freedom*

#### Section One

#### GENERAL PROVISIONS

#### Article 11

International agreements concerning human rights and basic freedom, ratified by the Slovak Republic and proclaimed in accordance with approved Law, take precedence over her constitutional Acts, if they guarantee greater constitutional rights and freedom.

#### Article 12

- (1) People are free and equal in their dignity and rights. Basic rights and freedom cannot be taken away, cannot be withdrawn, cannot be prescribed and cannot be abolished.
- (2) Basic rights and freedom are guaranteed on the territory of the Slovak Republic to all regardless of sex, race, colour, language, beliefs and religion, political or other views, national or state origin, nationality or ethnic group, property, family or other status. No one may be harmed, advantaged or disadvantaged for these reasons.
- (3) Everyone has the right to decide freely on their nationality. Any influence exercised over this decision and all forms of pressure directed towards a loss of nationality are forbidden.
- (4) No person must suffer a loss of rights because they exercise their basic rights and freedom.

### Article 13

- (1) Obligations may be imposed only on the basis of the Law, within its limits, guaranteeing basic rights and freedom.
- (2) Limitations of basic rights and freedom may be specified subject to conditions given by this Constitution only by Law.
- (3) Lawful limitations of constitutional rights and freedom must apply equally in all cases which fulfil specified conditions.
- (4) Limitations of constitutional rights and freedom must take into consideration their spirit and meaning. Such limitations may be imposed only for a specified reason.

## Section Two BASIC HUMAN RIGHTS AND FREEDOM

### Article 14

Everyone is entitled to rights.

### Article 15

- (1) Everyone has the right to live. Human life is worth protecting even prior to birth.
- (2) No person may be deprived of life.
- (3) A death sentence is not admissible.
- (4) In accordance with this Article it is not a breach of the rights if the life of a person is lost when engaged in an activity which is not against Law.

### Article 16

- (1) The inviolability of a person and their privacy is guaranteed. They can be limited only in cases specified by Law.
- (2) No person may be subjected to torture or cruel, inhuman or degrading treatment or punishment.

### Article 17

- (1) Personal freedom is guaranteed.
- (2) No person may be prosecuted or deprived of freedom other than for reasons and by methods specified by Law. No person may be deprived of freedom solely through inability to keep a binding obligation.

- (3) A person accused or suspected of a criminal act may be detained only in cases specified by Law. A detained person must be informed immediately of the reasons for detention, must be heard, and not later than within 24 hours must be freed or handed over to the Court. A judge must hear the detained person within 24 hours from the time of transfer to Court and decide upon custody or freedom.
- (4) The accused may be arrested only on the basis of a reasoned written court order. The arrested person must be handed over to Court within 24 hours. A judge must hear the arrested person within 24 hours from the transfer to Court and decide upon custody or freedom.
- (5) Custody may be imposed only for reasons and period specified by Law and on the basis of a court decision.
- (6) Circumstances under which a person may be taken into compulsory State health care or be detained under such care without their agreement, are specified by Law. Such measures must be announced to a court within 24 hours; the Court will decide upon such compulsory care within 5 days.
- (7) An assessment of the mental status of a person accused from committing a criminal act may be made only upon a written court order.

#### Article 18

- (1) No person may be sent to perform forced labour or forced services.
- (2) Provisions of item (1) do not apply
  - a) to work imposed, in accordance with the Law, on persons under punishment of the loss of freedom or under punishment in lieu of the loss of freedom;
  - b) to military service or other service specified by the Law as in lieu of the military service;
  - c) service required in accordance with the Law in cases of natural disasters, accidents or other danger which threatens life, health or considerable property;
  - d) activity imposed by the Law to protect life, health or rights of others.

#### Article 19

- (1) Everyone has the right to have their human dignity, personal honour, good reputation and name protected.
- (2) Everyone has the right to be protected against unjustified interference with their private and family life.
- (3) Everyone has the right to be protected against illegal collection, publicising and other misuse of personal data.

## Article 20

- (1) Everyone has the right to own property. Ownership rights of all owners are equal in the face of Law and are protected. Inheritance is guaranteed.
- (2) The Law specifies which other property in addition to property specified by Article 4 of this Constitution, necessary to protect the needs of the society, development of the national economy and public interest, may be held only in the ownership of the State, society of legal bodies. The Law may also specify that certain possessions may be in the ownership only of citizens or legal bodies residing in the Slovak Republic.
- (3) Ownership is binding. It may not be used to impair rights of others, or to antagonise general interests protected by Law. The enforcement of ownership rights may not impair human health, nature, cultural inheritance or the environment more than the Law permits.
- (4) Dispossession or an enforced limitation of ownership rights is permitted only if absolutely unavoidable and in the public interest, and this in accordance with the Law and for a reasonable compensation.

## Article 21

- (1) A home is inviolable. No entry may be gained without the consent of the inhabitant.
- (2) A house may be searched only when criminal activity is suspected, and then only upon a written reasoned court order. The method of house search is specified by Law.
- (3) Other infringement of the inviolability of a home may be permitted by law only if this is necessary, in a democratic society, to protect life, health or personal property, to protect rights and freedom of others or to prevent a serious threat to public order. If a home is used for a business activity or to perform other economic activities, such infringement may be permitted by Law also when this is necessary for the fulfilment of the role of public administration.

## Article 22

- (1) Confidentiality of mail, transferred reports and other written material, as well as the protection of personal data, is guaranteed.
- (2) Nobody must break the confidentiality of mail or other written messages and documents, whether kept privately or sent by post or by any other means except in cases specified by Law. Equally guaranteed is the confidentiality of messages sent by telephone, telegraph or any other means.

### Article 23

- (1) The freedom of movement and residence is guaranteed.
- (2) Any person who is legally present on the territory of the Slovak Republic, has the right to leave this territory freely.
- (3) The freedom specified by items 1 and 2 may be restricted by Law, if this is necessary for State security, maintenance of public order, health protection or for the protection of rights and freedom of others and, in specified areas, also in the interest of nature protection.
- (4) Every citizen has the right to freely enter the territory of the Slovak Republic. No citizen may be forced to leave his country, to be expelled or handed over to another State.
- (5) Foreigners may be expelled only in cases specified by Law.

### Article 24

- (1) The freedom of opinion, conscience, religion and belief is guaranteed. This right includes the right to change religion or beliefs. Everyone has the right not to have religious beliefs. Everyone has the right to publicly express their views.
- (2) Everyone has the right to freely express their religion or beliefs either individually, or with others, privately or publicly, through the mass, religious services or by rites, and participate in religious teaching.
- (3) Churches and religious societies manage their own affairs, namely they create their own bodies, appoint their representatives, ensure religious teaching and found religious orders and other church institutions independently of State authorities.
- (4) Assertion of rights specified by items 1-3 may be limited only by Law if it is necessary, in a democratic society, for the protection of public order, health and morals or rights and freedom of others.

### Article 25

- (1) Protection of the Slovak Republic is a matter of honour to every citizen.
- (2) No person may be forced to perform military service if this is against their conscience or religious beliefs. Details are specified by Law.



**Section Three  
POLITICAL RIGHTS**

**Article 26**

- (1) Freedom of opinion and the right to information are guaranteed.
- (2) Everyone has the right to express their opinion by word, writing, press, picture or by other means, as well as freely seek, receive and disseminate ideas and information regardless of the State boundaries. Publication is not subject to permission. Business activity in the area of radio and television may be subject to State approval. Conditions are specified by Law.
- (3) Censorship is forbidden.
- (4) The freedom of expression and the right to seek and disseminate information may be limited by Law if it is necessary, in a democratic society, for the protection of rights and freedom of others, for State security, public order, or for the protection of public health and morality.
- (5) State authorities and regional administration are obliged to provide reasonable information about their activities in the official language. Conditions and methods of access to information are specified by Law.

**Article 27**

- (1) The right of appeal is guaranteed. Everyone has the right either individually, or with others, to appeal to State authorities or regional administration regarding public or other common interest matters, and present to them applications, proposals or complaints.
- (2) A petition may not call for breach of basic rights and freedom.
- (3) A petition may not interfere with Court independence.

**Article 28**

- (1) The right to a peaceful assembly is guaranteed.
- (2) The conditions for asserting this right are specified by Law in the case of assembly in a public place, if it is necessary, in a democratic society, to do so for the protection of rights and freedom of others, for the protection of public order, health and morality, property, or for State security. The right to assemble must not be subject to permission of a public administration authority.

### Article 29

- (1) The rights to form associations freely is guaranteed. Everyone has the right to form, with others, associations, societies or other groups.
- (2) Citizens have the right to form political parties and political movements and join them.
- (3) Assertion of rights specified in items 1 and 2 may be limited only in cases specified by Law, if it is necessary in a democratic society, for State security, for the protection of public order, the prevention of criminal acts or for the protection of rights and freedom of others.
- (4) Political parties and political movements, as well as associations, societies or other groups, are independent of the State.

### Article 30

- (1) Citizens have the right to participate in matters of public administration directly or through free elections of their representatives.
- (2) Elections must be held within periods not exceeding regular election period specified by Law.
- (3) The right to vote is general, equal and direct and is exercised by a secret ballot. Conditions concerning the assertion of the right to vote are specified by Law.
- (4) Citizens are equally eligible for elected and other public offices.

### Article 31

Legal regulation of all political rights and freedom, its interpretation and use must facilitate and protect free competition of political forces in a democratic society.

### Article 32

Citizens have the right to oppose anyone who would try to take away the democratic order of human rights and basic freedom specified in this Constitution, if the activity of constitutional authorities and effective use of legal means is impossible.

**Section Four**  
**RIGHTS OF NATIONAL MINORITIES AND ETHNIC GROUPS**

**Article 33**

Membership of a national minority or ethnic group must not harm anyone.

**Article 34**

- (1) Citizens forming national minorities or ethnic groups in the Slovak Republic are guaranteed general development, namely the right, together with other members of minorities or ethnic groups, to develop their own culture, to disseminate and obtain information in their mother tongue, to associate in national societies, and to create and maintain educational and cultural institutions. Details are specified by Law.
- (2) Citizens belonging to national minorities or ethnic groups are, in accordance with the conditions specified by Law, guaranteed in addition to the right of learning the official language, also the following:
  - a) the right to education in their own language;
  - b) the right to use their own language in official communications;
  - c) the right to participate in the making of decisions concerning national minorities and ethnic groups.
- (3) Assertion of rights of citizens belonging to national minorities and ethnic groups, guaranteed by this Constitution, must not lead to a threat to the sovereignty and territorial integrity of the Slovak Republic and to discrimination of her other citizens.

**Section Five**  
**ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Article 35**

- (1) Everyone has the right to choose their profession freely and prepare for it, as well as the right to undertake business enterprises or any other business activity.
- (2) The Law may specify conditions and limit certain professions or activities.
- (3) Citizens have the right to work. The State grants a reasonable material existence to citizens who for no fault of their own cannot exercise this right. Conditions are specified by Law.
- (4) The Law may specify different conditions for the assertion of rights given in items 1-3 regarding foreigners.

### Article 36

Employees have the right to just and satisfactory working conditions. The Law guarantees particularly

- a) the right to remuneration for work accomplished, sufficient to maintain a reasonable standard of living;
- b) the protection against wilful dismissal and discrimination in employment;
- c) work safety and health protection;
- d) maximum permissible number of working hours;
- e) adequate rest after work;
- f) minimum permissible period of a paid annual leave;
- g) the right to collective bargaining.

### Article 37

- (1) Everyone has the right to associate freely with others in order to protect their economic and social interests.
- (2) Trade unions are created independent of the State. To limit the number of trade unions as well as to grant advantages to some within a company or industry is not permitted.
- (3) Activities of trade unions and the creation and activities of other associations designed to protect economic and social interests may be limited by Law, if these measures are necessary in a democratic society, to protect State security, public order or rights and freedom of others.
- (4) The right to strike is guaranteed. Conditions are specified by Law. This right may not be exercised by the judges, prosecutors, members of the armed forces and the militia and members of the Fire Brigade.

### Article 38

- (1) Women, juveniles and persons of impaired health have the right to increased health protection at work and to special working conditions.
- (2) Juveniles and persons of impaired health have the right to special protection in work relationships and to assistance with the preparation for employment.
- (3) Details concerning the rights specified by items 1 and 2 are defined by Law.

### Article 39

- (1) Citizens have the right to a reasonable material existence in old age and when incapable of work, as well as after the loss of a provider.

- (2) Everyone who is in material need is entitled to such assistance as is necessary to provide basic living conditions.
- (3) Details concerning the rights specified by items 1 and 2 are defined by Law.

#### Article 40

Everyone has the right to health protection. On the basis of health insurance, citizens are entitled to free health care and health aids specified by Law.

#### Article 41

- (1) Marriage, parenthood and family are protected by Law. The protection of children and juveniles is particularly guaranteed.
- (2) Pregnant women are guaranteed special care, protection of work relationships and corresponding work conditions.
- (3) Children born within a marriage and outside marriage have equal rights.
- (4) Child care and education is the right of the parents; children are entitled to parental education and care. Parental rights may be limited and under-age children may be separated from their parents against the parents' will only by a court decision in accordance with the Law.
- (5) Parents caring for children are entitled to State assistance.
- (6) Details concerning rights specified by items 1-5 are defined by Law.

#### Article 42

- (1) Everyone has the right to education. School attendance is compulsory. Its duration up to the age limit is specified by Law.
- (2) Citizens have the right to a free education in primary and secondary schools, and, according to their capabilities and society's ability, also to university education.
- (3) Schools other than state schools may be instituted and run only under the conditions specified by Law; such schools may charge for the provision of education.
- (4) The Law specifies under what conditions are students entitled to state assistance.

### Article 43

- (1) The freedom of scientific research and the freedom of art are guaranteed. The right to the results of mental activities is protected by Law.
- (2) The right of access to cultural heritage is guaranteed under the conditions specified by Law.

### Section Six THE RIGHT TO ENVIRONMENTAL PROTECTION AND CULTURAL HERITAGE

#### Article 44

- (1) Everyone has the right to favourable environment.
- (2) Everyone must protect and enhance the environment and cultural heritage.
- (3) No one must harm or damage the environment, natural resources and cultural heritage more than is permitted by Law.
- (4) The State ensures careful utilisation of natural resources, ecological equilibrium and efficient care of the environment.

#### Article 45

Everyone has the right to timely and complete information concerning the environment and its status and the causes and effects of this status.

### Section Seven THE RIGHT TO COURT AND OTHER LEGAL PROTECTION

#### Article 46

- (1) Everyone may demand their rights by a legally specified procedure in an independent and unbiased court, and in cases specified by Law, in another authority of the Slovak Republic.
- (2) Should anyone be convinced of an unjust decision made by a public authority, he may appeal to the court to re-examine the legality of a given decision, unless specified otherwise by Law. A re-examination of decisions concerning basic rights and freedom must not be excluded from the court's jurisdiction.
- (3) Everyone has the right to compensation for damage caused by an unlawful court decision, by another State authority or by a public authority, or caused by an incorrect official procedure.
- (4) Conditions and details concerning court and other legal protection are specified by Law.

#### Article 47

- (1) Everyone has the right to refuse testimony if this could precipitate criminal prosecution of himself or of a person close to himself.
- (2) From the commencement of the proceedings of the court, other State organisations or public authorities, everyone has the right to legal assistance under the conditions specified by Law.
- (3) All participants are equal in the proceedings specified by item 2.
- (4) Should anyone claim no knowledge of the language in which the proceedings specified by item 2 are conducted, he is entitled to an interpreter.

#### Article 48

- (1) No one may be denied their rightful judge. Attendance at a particular court is specified by Law.
- (2) Everyone has the right to have their case discussed in public without undue delay and in their presence; everyone has the right to comment upon all evidence presented. The public may be excluded only in cases specified by Law.

#### Article 49

Only the Law can specify which actions are criminal and what punishment, or which restrictions of freedom or loss of property, may be imposed.

#### Article 50

- (1) Only a court may decide upon guilt and punishment for criminal acts.
- (2) Everyone who is subject to criminal proceedings is considered innocent until the court decides, by a legal verdict, upon their guilt.
- (3) The accused has the right to be granted time and opportunity to prepare his defence; he has the right to conduct his defence personally or through a defence counsel.
- (4) The accused has the right to refuse testimony; this right cannot be removed by any means.
- (5) No one may be prosecuted for an act for which he has been already legally tried and freed or punished or for which accusation has been withdrawn. This principle does not exclude an imposition of special corrective measures imposed in accordance with Law.

- (6) A criminal act is judged and punishment is imposed in accordance with Law valid at the time at which the act was committed. Wording of a later Act is used if it is advantageous for the accused.

**Section Eight**  
**PROVISIONS COMMON TO THE FIRST AND SECOND CLAUSE**

**Article 51**

The rights specified in Articles 35, 36, 37 paragraph 4, Articles 38 to 42 and Articles 44 to 46 of this Constitution may be asserted only within the provisions of the respective Acts.

**Article 52**

- (1) For the purpose of the first and second Clause of this Constitution, a "citizen" means a citizen of the Slovak Republic.
- (2) Foreigners in the Slovak Republic have the same basic human rights and freedom guaranteed by this Constitution unless these are specifically granted only to citizens.
- (3) Where the term "citizen" is used in the existing legal regulations, every human being is meant where rights and freedom are concerned, which this Constitution guarantees regardless of state citizenship.

**Article 53**

The Slovak Republic grants asylum to foreigners persecuted for assertion of their political rights and freedom. Asylum may be refused to anyone acting in variance with basic human rights and freedom. Details are specified by Law.

**Article 54**

The Law may, in the person of a judge or a prosecutor, limit the right to engage in business or other economic activity, as well as the right specified by Article 29 paragraph 2, and the right specified by Article 37 paragraph 4 of an officer of the State or regional administration employed in certain functions; members of the armed forces and militia may have the rights specified by Articles 27 and 28 limited if these rights interfere with the performance of duty. Persons in occupations directly connected with the protection of life and health may have their right to strike curtailed.



## CLAUSE THREE

### Section One ECONOMY OF THE SLOVAK REPUBLIC

#### Article 55

- (1) The economy of the Slovak Republic is based on the principles of a market economy oriented towards the protection of society and the environment.
- (2) The Slovak Republic protects and supports economic competition. Details are specified by Law.

#### Article 56

The Slovak Republic has its own Bank of issue. Details are specified by Law.

#### Article 57

The Slovak Republic is an excise territory.

#### Article 58

- (1) Financial management of the Slovak Republic is regulated by a State budget. The State budget is approved by Law.
- (2) The income of the State budget, principles of budget economy, and the relationship between the State budget and regional budgets are specified by Law.
- (3) Special State funds which form part of the State budget of the Slovak Republic are constituted by Law.

#### Article 59

- (1) There may exist State and local taxes and charges.
- (2) Taxes and charges may be imposed by Law or in accordance with Law.

### Section Two THE SUPREME CONTROL OFFICE OF THE SLOVAK REPUBLIC

#### Article 60

The Supreme Control Office of the Slovak Republic is an independent organisation controlling the economy by budget means, with State assets, property rights and State claims.

#### Article 61

- (1) The Supreme Control Office is governed by its Chairman. The Chairman and Vice-Chairmen of the Supreme Control Office are elected and removed by the National Council of the Slovak Republic.
- (2) Any citizen of the Slovak Republic eligible for the National Council of the Slovak Republic may be elected the Chairman of the Supreme Control Office.
- (3) The same person may be elected a Chairman of the Supreme Control Office no more than twice in two consecutive five-year periods.
- (4) The offices of a Chairman and Vice-Chairmen of the Supreme Control Office may not be held simultaneously with any other office in the State administration, regional administration or in legal bodies engaged in business activities.

#### Article 62

The Supreme Control Office presents to the National Council of the Slovak Republic not less than once every year, and whenever the National Council of the Slovak Republic so requests, reports concerning the results of their control activities.

#### Article 63

The field of activity, jurisdiction and internal organisation of the Supreme Control Office are specified by Law.

### CLAUSE FOUR *Regional administration*

#### Article 64

- (1) The basic unit of a regional administration is a settlement.
- (2) A settlement is an independent territorial and administrative unit of the Slovak Republic, containing persons who have permanent residence within its territory.
- (3) Administration of larger territorial units and its organisation are specified by Law.

#### Article 65

- (1) A settlement is a legal body which, in accordance with the provisions of Law, independently manages its own property and its financial assets.
- (2) A settlement finances its needs primarily from its own income, as well as from the State grants. The Law specifies which taxes and

charges constitute a settlement's income. State grants may be requested only in accordance with provisions of the Law.

#### Article 66

A settlement has the right to associate with other settlements to secure matters of common interest.

#### Article 67

In matters of regional administration a settlement makes independent decisions; obligations and limitations may be imposed only by Law. Regional administration is enacted at meetings of local inhabitants, by means of a local referendum or through a settlement's organisational bodies.

#### Article 68

In matters of regional administration a settlement may issue generally binding regulations.

#### Article 69

- (1) Organisational bodies of a settlement are
  - a) a General Council;
  - b) a Mayor.
- (2) A General Council is formed by General Council representatives. General Council representatives are elected on the principle of a general, equal and direct vote by a secret ballot.
- (3) A Mayor is elected by inhabitants of a settlement on the basis of a general, equal and direct vote by a secret ballot. A Mayor is an executive officer of a settlement. A Mayor manages general administration and represents his settlement.

#### Article 70

The Law specifies the conditions and method of proclaiming a settlement as a town; it regulates also the names of town organisational bodies.

#### Article 71

- (1) The Law may transfer upon a settlement the execution of specified local State administration. The costs of such administrative tasks are born by the State.
- (2) In execution of State administration tasks a settlement may issue generally binding regulations in accordance with the Law and within its own territorial responsibility, if so authorised by Law. Execution of State administration transferred to a settlement is

regulated and controlled through Law by the Government. Details are specified by Law.

**CLAUSE FIVE**  
*Legislative power*

**Section One**  
**THE NATIONAL COUNCIL OF THE SLOVAK REPUBLIC**

**Article 72**

The National Council of the Slovak Republic is the sole constitutive and legislative authority of the Slovak Republic.

**Article 73**

- (1) The National Council of the Slovak Republic has 150 members who are elected for a four year period.
- (2) National Council members are representatives of the citizens. They perform their office according to their conscience and convictions and are not bound by orders.

**Article 74**

- (1) Representatives are elected in general, equal and direct elections by a secret ballot.
- (2) Any citizen who has the right to vote, is not younger than 21 years of age and who has a permanent residence in the Slovak Republic may be elected a representative.
- (3) Details concerning elections of representatives are specified by Law.

**Article 75**

- (1) At his first meeting of the National Council of the Slovak Republic, a new representative makes the following formal declaration:  
"I promise on my honour and conscience allegiance to the Slovak republic. I shall fulfil my duties in the interest of her citizens. I shall act in accordance with the Constitution and other Acts and I shall endeavour to apply them in practice."
- (2) A refusal to make this declaration or a pronouncement of the declaration with reservations results in a loss of mandate.

#### Article 76

The validity of elections of representatives is verified by the National Council of the Slovak Republic.

#### Article 77

- (1) The office of a representative may not be held simultaneously with the office of the President, a judge, a prosecutor, a member of the Police, a member of the prison and judicial guard and a professional soldier.
- (2) Should a representative be appointed a member of the Government of the Slovak Republic, his representative mandate does not cease during his period in the Government, but is suspended.

#### Article 78

- (1) A representative may not be prosecuted for his voting in the National Council of the Slovak Republic or its committees, not even after the termination of his mandate. For his statements made whilst in office in the National Council of the Slovak Republic or its bodies the representative is responsible to the disciplinary authority of the National Council of the Slovak Republic.
- (2) A representative may not be subjected to criminal prosecution or to disciplinary proceedings, and he may not be taken into custody without an agreement of the National Council of the Slovak Republic. Should the national Council of the Slovak Republic refuse to agree, prosecution is disallowed forever.
- (3) Should a representative be caught and detained whilst acting criminally, the relevant authority must inform the Chairman of the National Council of the Slovak Republic immediately. If the Mandate and Immunity Committee of the National Council of the Slovak Republic does not agree to a detention, the representative must be freed immediately.

#### Article 79

A representative may refuse to testify in matters which came to his notice during the execution of his office, and this even after the termination of his office.

#### Article 80

- (1) A representative may interpellate the Government of the Slovak Republic, a member of the Government of the Slovak Republic or any other leading member of the central authority of the State administration in matters of their responsibility. The representative must receive an answer within 30 days.

- (2) An answer to the interpellation is discussed by the National Council of the Slovak Republic; a vote of confidence can be taken after the discussion.

#### Article 81

- (1) A representative may resign his office.
- (2) A representative's mandate terminates if the representative was legally convicted of a particularly serious intended crime.

#### Article 82

- (1) The National Council of the Slovak Republic is in permanent session.
- (2) The constituting meeting of the National Council of the Slovak Republic is convened by the President of the Slovak Republic within 30 days after election results have been announced. Should he not do so, The National Council of the Slovak Republic will meet on the 30th day after the announcement of election results.
- (3) The National Council of the Slovak Republic may, by an approved resolution, call a recess. The period of recess must be no longer than four months in a year. During the recess the Chairman, Vice-Chairmen and committees of the National Council of the Slovak Republic continue in office.
- (4) During the recess the Chairman of the National Council of the Slovak Republic may recall the National Council of the Slovak Republic even before the scheduled re-opening. He will do so whenever the Government of the Slovak Republic, or not fewer than one fifth of the representatives, request him to do so.
- (5) The session of the National Council of the Slovak Republic is terminated by the end of an election period or by the dissolution of the Council.

#### Article 83

- (1) Meetings of the National Council of the Slovak Republic are convened by its Chairman.
- (2) The Chairman of the National Council of the Slovak Republic also convenes a meeting of the National Council of the Slovak Republic if not fewer than one fifth of the representatives request him to do so. In this case he will convene a meeting within 7 days.
- (3) Meetings of the National Council of the Slovak Republic are public.
- (4) Meetings closed to the public may take place only in cases specified by Law or if the National Council of the Slovak Republic decides to do so by a three-fifth majority of all representatives.

#### Article 84

- (1) The National Council of the Slovak Republic may approve resolutions if a majority of all representatives are present.
- (2) To approve a resolution proposed to the National Council of the Slovak Republic, an agreement of a majority of the representatives present is required, unless this Constitution specifies otherwise.
- (3) To approve the Constitution, to amend the Constitution or a statutory Act, to elect or dismiss the President or to proclaim a war on another State, an agreement of not fewer than three fifth of all representatives is required.

#### Article 85

Members of the Government of the Slovak Republic and leading members of other organisations of the State administration must be present at a meeting of the National Council of the Slovak Republic or at a meeting of its body if requested to do so by the National Council of the Slovak Republic or its body.

#### Article 86

Responsibilities of the National Council of the Slovak Republic include the following:

- a) to approve the Constitution, constitutional and other Acts and to supervise their implementation;
- b) to elect and remove the President of the Slovak Republic by a secret ballot;
- c) by a constitutional Act to approve agreements concerning a State alliance of the Slovak Republic with other States and to terminate such agreements;
- d) to decide upon proposals concerning the announcement of a referendum;
- e) prior to ratification to approve international political agreements, international economic agreements of a general nature, as well as international agreements whose ratification requires Law;
- f) to constitute by approved Acts Ministries and other organisations of the State administration;
- g) to discuss programmes of the Government of the Slovak Republic, control activities of the Government and discuss questions of confidence given to the Government or to its members;
- h) to approve a State budget, to control its implementation, and to audit the State annual accounts;
- i) to discuss principal questions of the domestic, international, economic, social and other policies;
- j) to elect judges, a Chairman and Vice-Chairman of the Supreme Court of the Slovak Republic, a Chairman and Vice-Chairman of the Constitutional Court of the Slovak Republic, and a Chairman and Vice-Chairman of the Supreme Control Office of the Slovak Republic;

- k) to decide upon the proclamation of war should the Slovak Republic be attacked, or if this arises from international agreements of mutual help against an aggressor;
- l) to approve sending of armed troops outside the territory of the Slovak Republic.

#### Article 87

- (1) Committees of the National Council of the Slovak Republic, the representatives and the Government of the Slovak Republic may propose Acts.
- (2) An Act issued by the National Council of the Slovak Republic is signed by the Chairman of the National Council of the Slovak Republic, by the President of the Slovak Republic and by the Chairman of the Government of the Slovak Republic.
- (3) Should the President of the Slovak Republic return a constitutional Act or another Act with reservations, the National Council of the Slovak Republic must discuss the Act in question again; if the Act is approved, it must be issued.
- (4) The President of the Slovak Republic must return an Act with reservations in accordance with paragraph 3 whenever requested to do so by the Government of the Slovak Republic.
- (5) An Act comes into effect on the day of its issue. Details are specified by Law.

#### Article 88

- (1) A proposal of no confidence in the Government of the Slovak Republic or its member will be discussed by the National Council of the Slovak Republic if no fewer than one fifth of the representatives request to do so.
- (2) An announcement of no confidence in the Government of the Slovak Republic or its member must be approved by a majority of all representatives.

#### Article 89

- (1) The Chairman of the National Council of the Slovak Republic is elected and removed by a majority of votes of all representatives voting in a secret ballot. The Chairman is responsible only to the National Council of the Slovak Republic.
- (2) The Chairman of the National Council of the Slovak Republic
  - a) convenes and directs meetings of the National Council of the Slovak Republic;
  - b) signs the Constitution, constitutional Acts and other Acts;
  - c) accepts the pledge given by the representatives of the National Council of the Slovak Republic;



- d) accepts the pledge given by the President of the Slovak Republic;
  - e) accepts the pledge given by judges, the Chairman of the Supreme Court of the Slovak Republic and the Chairman of the Constitutional Court of the Slovak Republic;
  - f) announces elections for the National Council of the Slovak Republic.
- (3) The Chairman of the National Council of the Slovak Republic remains in office even after the end of the election period, until a new Chairman is elected by the National Council of the Slovak Republic.

#### Article 90

- (1) The Chairman of the National Council of the Slovak Republic is deputised by his Vice-Chairmen. These are elected and removed in a secret ballot by a majority of all representatives to the National Council of the Slovak Republic. A Vice-Chairman of the National Council of the Slovak Republic is responsible to the National Council of the Slovak Republic.
- (2) The provision of Article 89 paragraph 3 applies also to the Vice-Chairman of the National Council of the Slovak Republic.

#### Article 91

Activities of the National Council of the Slovak Republic are directed and organised by the Chairman and Vice-Chairmen.

#### Article 92

- (1) The National Council of the Slovak Republic selects representatives into committees which form its research and control bodies; committee chairmen are elected by a secret ballot.
- (2) The sessions of the National Council of the Slovak Republic and the sessions of its committees are specified by Law.

### Section Two REFERENDUM

#### Article 93

- (1) A referendum approves the constitutional Act concerning a State alliance with other States or a termination of such an alliance.
- (2) A referendum may be announced to decide upon other important matters of public interest.
- (3) Basic rights and freedom, taxes, returns and the State budget may not be subject to referenda.

#### Article 94

Every citizen of the Slovak Republic with the right to elect representatives for the National Council of the Slovak Republic has the right to vote in a referendum.

#### Article 95

A referendum is announced by the President of the Slovak Republic if requested to do so in a petition signed by not fewer than 350 000 citizens, or if it is approved by the National Council of the Slovak Republic, and this within 30 days from the receipt of the petition or from the date of approval by the National Council of the Slovak Republic.

#### Article 96

- (1) A resolution of the National Council of the Slovak Republic to announce a referendum may be proposed by the representatives of the National Council of the Slovak Republic or by the Government of the Slovak Republic.
- (2) A referendum will take place within 90 days from its announcement by the President of the Slovak Republic.

#### Article 97

- (1) A referendum may not take place during a period of 90 days prior to the elections to the National Council of the Slovak Republic.
- (2) A referendum may take place on the day of the elections to the National Council of the Slovak Republic.

#### Article 98

- (1) Referendum results are valid if a majority of citizens with the right to vote took part in the voting and if the decision was approved by a majority of voters.
- (2) Resolutions approved by a referendum are issued by the National Council of the Slovak Republic as an Act.

#### Article 99

- (1) Referendum results may be amended or repealed by the National Council of the Slovak Republic by a constitutional Act after three years of its issue.
- (2) A referendum on the same subject may be repeated not less than after a three year period has passed from the original referendum.

## Article 100

A procedure of conducting a referendum is specified by Law.

### CLAUSE SIX *Executive power*

#### Section One THE PRESIDENT OF THE SLOVAK REPUBLIC

#### Article 101

- (1) The President is the head of the Slovak Republic.
- (2) The President is elected by the National Council of the Slovak Republic in a secret ballot for the period of five years.
- (3) The President requires a three-fifth majority of votes of all representatives to be elected.

#### Article 102

##### The President

- a) represents the Slovak Republic, negotiates and ratifies international agreements. Negotiations of such international agreements as do not require an approval of the National Council of the Slovak Republic, may be transferred by the President to the Government of the Slovak Republic or with the Government's agreement, to its individual members;
- b) accepts credentials of foreign ambassadors and appoints his ambassadors;
- c) convenes the constituting meeting of the National Council of the Slovak Republic;
- d) may dissolve the National Council of the Slovak Republic if three times within 6 months of the elections a programme of the Government of the Slovak Republic is not approved. The President must hear the views of the Chairman of the National Council of the Slovak Republic. New elections are announced by the Chairman of the National Council of the Slovak Republic within 30 days;
- e) signs Acts;
- f) appoints and removes the Chairman and other members of the Government of the Slovak Republic, appoints them to Ministries and accepts their resignations; the Chairman and other members of the Government are removed by him in accordance with provisions specified by Articles 115 and 116;
- g) appoints and removes the leading members of the central administration and high State officials in cases specified by Law; appoints university professors and rectors, appoints and promotes generals;
- h) grants awards or authorises other bodies to do so;
- i) grants amnesties and pardons, reduces sentences imposed by criminal courts and orders the non-commencement or a discontinuation of criminal procedures and nullifies sentences;

- j) is the Chief of Staff of the armed forces;
- k) upon the proposal of the Government of the Slovak Republic declares general mobilisation and upon the decision of the National Council of the Slovak Republic declares war, if the Slovak Republic is attacked or if this results from obligations given by international agreements concerning mutual assistance against an aggressor;
- l) in accordance with constitutional Acts declares a state of emergency;
- m) announces a referendum;
- n) may return to the National Council of the Slovak Republic constitutional Acts and other Acts with reservations, and this within fifteen days of their approval;
- o) presents to the National Council of the Slovak Republic reports concerning the status of the Slovak Republic and important political issues, presents proposals of Acts and other provisions;
- p) has the right to be present at meetings of the National Council of the Slovak Republic;
- r) has the right to be present at meetings of the Government of the Slovak Republic, to chair them and request reports from the Government or its members.

#### Article 103

- (1) Any citizen of the Slovak Republic with the right to vote who has reached 35 years of age may be elected President of the Slovak Republic.
- (2) The same person may not be elected President more than twice in consecutive terms of office.
- (3) The election of a President takes place in the last 60 days of the term in office of the existing President. Should the office of the President become vacant before the end of the term of office, the election of a new President takes place within 30 days.
- (4) Should a representative to the National Council of the Slovak Republic, a member of the Government of the Slovak Republic, a judge, a prosecutor, a member of the military or the militia, or a member of the Supreme Control Office of the Slovak Republic be elected President, he will end his initial office on the day of election.
- (5) The President may not perform another paid function, profession or a business activity; he may not be a member of a legal body engaged in a business activity.

#### Article 104

- (1) The President gives the National Council of the Slovak Republic the following pledge:  
 "I pledge upon my honour and conscience allegiance to the Slovak Republic. I shall take care of the wellbeing of the Slovak nation, of national minorities and ethnic groups living in the Slovak

Republic. I shall perform my duties in the interest of the citizens and I shall preserve and defend the Constitution and Law."

- (2) A refusal to make this pledge or a pledge with reservations will result in rendering the election of the President invalid.

#### Article 105

- (1) Should the President not be elected or should his office become vacant before a new President is elected, or if a new President has been elected but his pledge has not yet been given, or should the President not be able to perform his duties for serious reasons, the office of the President is transferred to the Government of the Slovak Republic, except for the President's authorisation in accordance with Article 102 items d) to g). In this case the Government may authorise its Chairman to perform certain functions of the President. During such period the Chairman takes over also the office of the Army's Chief of Staff.
- (2) Should the President not be able to perform his function for a period longer than one year, the National Council of the Slovak Republic will remove him from office and will elect a new President for a full term.

#### Article 106

The National Council of the Slovak Republic may remove a President from his office should the President act against the sovereignty and territorial integrity of the Slovak Republic or act for the removal of the democratic constitutional system of the Slovak Republic. A proposal to remove the President must be presented in these cases by a majority of all representatives. To remove the President from office, agreement of a three-fifth's majority of all representatives is required.

#### Article 107

The President may be prosecuted only for treason. Accusation of the President is presented by the National Council of the Slovak Republic; the accusation is subject to the decision by the Constitutional Court of the Slovak Republic.

### Section Two THE GOVERNMENT OF THE SLOVAK REPUBLIC

#### Article 108

The Government of the Slovak Republic represents the highest executive power.

#### Article 109

- (1) The Government consists of the Chairman, Vice-Chairmen and Ministers.
- (2) A member of the Government may not have a representative's mandate and he may not be a judge.
- (3) A member of the Government may not perform any other paid function, profession or business activity and he may not be a member of a legal body engaged in a business activity.

#### Article 110

- (1) The Chairman of the Government is appointed and removed by the President of the Slovak Republic.
- (2) Any citizen of the Slovak Republic eligible for the National Council of the Slovak Republic may be elected the Chairman of the Government.

#### Article 111

Upon the proposal of the Chairman of the Government, the President appoints and removes other members of the Government and appoints them as Ministers. Any citizen of the Slovak Republic eligible for the National Council of the Slovak Republic, may be appointed as a Vice-Chairman or a Minister.

#### Article 112

Members of the Government make the following pledge to the President of the Slovak Republic:

"I pledge upon my honour and conscience an allegiance to the Slovak Republic. I shall perform my duties in the interest of the citizens. I shall act in accordance with the Constitution and other Acts and I shall work to implement them in practice."

#### Article 113

The Government must, within 30 days of its appointment, come to the National Council of the Slovak Republic, present the Council its programme and request from the Council its expression of confidence.

#### Article 114

- (1) The Government is responsible for the performance of its office to the National Council of the Slovak Republic. The National Council of the Slovak Republic can, at any time, express no confidence in the Government.

- (2) The Government may request at any time from the National Council of the Slovak Republic an expression of confidence.
- (3) The Government may vote upon an approval of an Act or upon any other matter at the same time as it votes upon the matter of confidence.

#### Article 115

- (1) If the National Council of the Slovak Republic expresses no confidence in the Government or if it refuses to give the expression of confidence, the President of the Slovak Republic will dismiss the Government.
- (2) Upon the acceptance of the Government's resignation the President of the Slovak Republic will authorise the Government to perform its office until a new Government is appointed.

#### Article 116

- (1) A member of the Government is responsible for the execution of his office to the National Council of the Slovak Republic.
- (2) A member of the Government can offer his resignation to the President.
- (3) The National Council of the Slovak Republic can express no confidence also to individual members of the Government; in this case the President of the Slovak Republic will remove the relevant member of the Government from office.
- (4) A proposal to remove a member of the Government may be presented to the President of the Slovak Republic also by the Chairman of the Government.
- (5) If the Chairman of the Government offers his resignation, the entire Government will offer their resignation.
- (6) If the National Council of the Slovak Republic expresses no confidence in the Chairman of the Government, the President of the Slovak Republic will remove him. Removal of the Chairman of the Government results in resignation of the entire Government.
- (7) If the President of the Slovak Republic accepts the resignation or removes a member of the Government, he must appoint another member of the Government to manage the office of the resigned member temporarily.

#### Article 117

The Government will always hand in their resignation after the constitutional meeting of the newly elected National Council of the Slovak Republic; the Government will, however, continue in office until a new Government is formed.

#### Article 118

- (1) The Government can approve resolutions if a majority of its members is present.
- (2) An approval of a resolution requires the agreement of a majority of all members of the Government.

#### Article 119

The Government makes collective decisions upon the following:

- a) proposals of Acts;
- b) governmental regulations;
- c) programme of the Government and its implementation;
- d) principal measures concerning the implementation of the economic and social policies of the Slovak Republic;
- e) proposals of the State budget and the State annual accounts;
- f) international agreements signed by the Slovak Republic;
- g) principal issues of the domestic and international policies;
- h) proposals of Acts to the National Council of the Slovak Republic or any other important measure intended for public discussion;
- i) requests for the expression of confidence;
- j) granting amnesty for criminal acts;
- k) appointment and removal of State dignitaries in cases specified by Law;
- l) other matters as specified by Law.

#### Article 120

- (1) To implement Law and within the framework of the Law the Government may issue decrees.
- (2) Decrees of the Government are signed by the Chairman of the Government.
- (3) Decrees of the Government must be issued in a way specified by Law.

#### Article 121

The Government has the right to grant amnesty for criminal offences. Details are specified by Law.

#### Article 122

Central authorities of the State administration and local authorities of the State administration are created by Law.

#### Article 123

Ministries and other authorities of the State administration may issue, in accordance with Law and within its framework, generally binding legal



regulations, if authorised to do so by Law. Such generally binding legal regulations are issued in a way specified by Law.

**CLAUSE SEVEN**  
*Power of the courts*

**Section One**  
**CONSTITUTIONAL COURT OF THE SLOVAK REPUBLIC**

**Article 124**

The Constitutional Court of the Slovak Republic is an independent court with jurisdiction over constitutional issues.

**Article 125**

The Constitutional Court decides upon issues of harmony

- a) between Law and the Constitution and constitutional Acts;
- b) between Government Decrees, generally binding legal regulations issued by Ministries and other central authorities of the State administration and the Constitution, constitutional Acts and other Decrees;
- c) between generally binding regulations issued by authorities of regional administration and the Constitution and Law;
- d) between generally binding legal regulations issued by local authorities of the State administration and the Constitution, Law and other generally binding legal regulations;
- e) between generally binding legal regulations and international agreements issued in the same way as is specified for issuing the Acts.

**Article 126**

The Constitutional Court decides upon disputes between various central authorities of the State administration concerning responsibility, unless the Law authorises another State authority to do so.

**Article 127**

The Constitutional Court decides upon complaints against the legality of decisions made by the central authorities of the State administration, by local authorities of the State administration and by authorities of local administration, which may have breached basic rights and freedom of citizens, unless the protection of these rights and freedom is within jurisdiction of another court.

**Article 128**

- (1) The Constitutional Court interprets constitutional Acts in cases of dispute. Conditions are specified by Law.

- (2) The Constitutional Court is impartial in matters of harmony between proposed Acts and other generally binding legal regulations and the Constitution and constitutional Acts.

#### Article 129

- (1) The Constitutional Court decides upon complaints against a decision concerning the validity of the mandate of a representative of the National Council of the Slovak Republic.
- (2) The Constitutional Court decides upon matters of constitutional propriety and legality of elections to the National Council of the Slovak Republic and to authorities of local administration.
- (3) The Constitutional Court decides upon complaints against referenda results.
- (4) The Constitutional Court decides whether a decision to dissolve or to suspend the activities of a political party or a political movement is in accordance with constitutional Acts and other Decrees.
- (5) The Constitutional Court decides upon a charge of treason made by the National Council of the Slovak Republic against the President of the Slovak republic.

#### Article 130

- (1) The Constitutional Court commences proceedings if a request to do so is made
- a) by not fewer than one fifth of the representatives of the National Council of the Slovak Republic;
  - b) by the President of the Slovak Republic;
  - c) by the Government of the Slovak Republic;
  - d) by the court;
  - e) by the prosecutor general;
  - f) by anyone whose rights are to be under discussion in cases specified by provisions of Article 127.
- (2) The Law specifies who has the right to present proposals for the commencement of proceedings specified in Article 129.
- (3) The Constitutional Court may commence proceedings also upon the request of legal or physical bodies if their rights are impinged.

#### Article 131

The Constitutional Court decides through its General Assembly upon matters specified by Articles 107, 125 item a) and b), Article 129 paragraphs 2 and 4, Article 130 paragraph 2, Article 138 paragraphs 2 and 3 and upon its internal organisational matters.

#### Article 132

- (1) If the Constitutional Court decides that there is disharmony between legal regulations specified by Article 125, such regulations, their parts, or some of their provisions become ineffective. Authorities responsible for the issue of such regulations must, within 6 months from the announcement of the decision of the Constitutional Court, amend these regulations to bring them into accord with the Constitution and constitutional Acts, and, if regulations specified by Article 125 item b) are in question, also with other Acts. If regulations specified by Article 125 item c) are concerned, such regulations must be amended to bring them into accord also with other Acts, with international agreements, with Decrees issued by the Government of the Slovak Republic and with generally binding legal regulations issued by Ministries and by other central authorities of the State administration. If this is not done, such regulations, their parts or provisions become ineffective six months after the announcement of the relevant decision.
- (2) Decisions of the Constitutional Court made in accordance with paragraph 1 are announced in the same way as is specified for Acts.

#### Article 133

No appeal may be made against the decisions of the Constitutional Court.

#### Article 134

- (1) The Constitutional Court has 10 judges.
- (2) Judges of the Constitutional Court are appointed for the period of seven years by the President of the Slovak Republic from twenty individuals proposed by the National Council of the Slovak Republic.
- (3) Any citizen of the Slovak Republic who is eligible for the National Council of the Slovak Republic, who is at least 40 years old, who has a university degree in law and who has the minimum of 15 years experience in legal practice, may be appointed a judge of the Constitutional Court.
- (4) A judge of the Constitutional Court must make the following pledge to the President of the Slovak Republic:  
"I pledge upon my honour and conscience to protect the inviolability of the natural human rights and citizen rights, to protect the principles of a legal State, to act in accordance with the Constitution and other constitutional Acts, and to decide in accordance with my best convictions, independently and impartially."
- (5) A judge of the Constitutional Court is installed in his office upon making this pledge.

#### Article 135

A Chairman heads the Constitutional Court, deputised by a Vice-Chairman. The Chairman and Vice-Chairman are appointed from the judges of the Constitutional Court by the President of the Slovak Republic.

#### Article 136

- (1) Judges of the Constitutional Court enjoy the same immunity as is afforded to the representatives of the National Council of the Slovak Republic.
- (2) An agreement of the Constitutional Court is required for a criminal prosecution or taking into custody of a judge of the Constitutional Court.
- (3) An agreement of the Constitutional Court is required for a criminal prosecution or taking into custody of the Chairman and Vice-Chairmen of the Supreme Court of the Slovak Republic.

#### Article 137

- (1) If a judge appointed to the Constitutional Court is a member of a political party or a political movement, he must resign his membership prior to making his pledge.
- (2) Judges of the Constitutional Court must execute their office as their profession. Their office is incompatible
  - a) with a business activity or other economic or manufacturing activity, except management of their own property or a scientific, pedagogical, literary or artistic activity;
  - b) with a position or employment in another State organisation.
- (3) On the day of coming into office, a judge's mandate as a representative or a member of the Government of the Slovak Republic becomes ineffective.

#### Article 138

- (1) A judge of the Constitutional Court may resign his office.
- (2) The President of the Slovak Republic may remove a judge of the Constitutional Court on the basis of a legal verdict passed for an intentional criminal act or on the basis of a disciplinary decision made by the Constitutional Court for an act incompatible with the performance of duties as a judge of the Constitutional Court.
- (3) The President of the Slovak Republic removes a judge of the Constitutional Court from his office upon the Constitutional Court's advice concerning the judge's absence, lasting more than a year, from the Constitutional Court's proceedings, or if the judge of the Constitutional Court is proclaimed incapable of proper legal judgments by a court decision.

#### Article 139

If a judge of the Constitutional Court resigns his office or if he is removed from his office, the President of the Slovak Republic will appoint another judge for a new period of office from two persons proposed by the National Council of the Slovak Republic.

#### Article 140

Details concerning the organisation of the Constitutional Court, its proceedings and the status of its judges are specified by Law.

### Section Two COURTS OF THE SLOVAK REPUBLIC

#### Article 141

- (1) Legal proceedings in the Slovak Republic are conducted by independent and impartial courts.
- (2) Legal proceedings are conducted at all levels independently of other State organisations.

#### Article 142

- (1) The courts decide upon civil and criminal legal matters; the courts also examine the legality of decisions made by administrative organisations.
- (2) The courts decide in a senate unless specified by Law that the judgment of a single judge is required. The Law specifies when members of the public participate in senate decisions.
- (3) Sentences are passed in the name of the Slovak Republic, and always in public.

#### Article 143

- (1) The courts consist of the Supreme Court of the Slovak Republic and other courts.
- (2) Detailed regulations concerning the court structure, their responsibility, organisation and proceedings are specified by Law.

#### Article 144

- (1) The judges are independent in their decisions and are bound only by Law.
- (2) In cases specified by the Constitution or by Law, the judges are bound also by international agreements.

- (3) Should a judge believe that a generally binding legal regulation contravenes the Law, he will suspend the proceedings and propose to commence proceedings in the Constitutional Court. Findings of the Constitutional Court are binding for the judge and for other courts.

#### Article 145

- (1) Judges are first elected for four years by the National Council of the Slovak Republic upon the proposal of the Government of the Slovak Republic. After this period the National Council of the Slovak Republic upon the proposal of the Government of the Slovak Republic will re-elect judges without a time limit.
- (2) The Chairman and Vice-Chairmen of the Supreme Court are elected from judges of the Supreme Court by the National Council of the Slovak Republic for five years and for no more than two consecutive periods.

#### Article 146

A judge may resign his office.

#### Article 147

- (1) The National Council of the Slovak Republic will remove a judge from office
  - a) on the basis of a legal sentence passed for an intentional criminal act;
  - b) on the basis of a result of disciplinary proceedings concerning an act incompatible with his office.
- (2) The National Council of the Slovak Republic may remove a judge from his office
  - a) if he is prevented for reasons of health to perform his duties for more than a year;
  - b) if he has reached 65 years of age.
- (3) Prior to the decision to remove a judge from his office the National Council of the Slovak Republic must request the views of the relevant disciplinary court.

#### Article 148

- (1) The status, rights and obligations of judges are specified by Law.
- (2) The selection of associate judges is specified by Law.

**CLAUSE EIGHT**  
*Prosecution in the Slovak Republic*

**Article 149**

Prosecution in the Slovak Republic protects the rights and lawful interests of physical and legal bodies and of the State.

**Article 150**

The Chief Public Prosecutor heads the prosecution; he is appointed and removed by the President of the Slovak Republic upon the recommendation of the National Council of the Slovak Republic.

**Article 151**

Details concerning the appointment and removal, the rights and obligations of prosecutors and the organisation of prosecution are specified by Law.

**CLAUSE NINE**  
*Temporary and final provisions*

**Article 152**

- (1) Constitutional Acts, Decrees and other generally binding legal regulations remain valid in the Slovak Republic if they do not contravene this Constitution. They may be amended and repealed by the relevant authorities of the Slovak Republic.
- (2) The Acts and other generally binding legal regulations issued in the Czech and Slovak Federal Republic become invalid on the ninetieth day after the decision of the Constitutional Court of the Slovak Republic concerning their invalidity has been announced in a way specified for the issue of Acts.
- (3) Invalidity of legal regulations is decided upon by the Constitutional Court of the Slovak Republic in accordance with proposals of persons specified by Article 130.
- (4) The interpretation and implementation of constitutional Acts, Decrees and other generally binding legal regulations must be in accordance with this Constitution.

**Article 153**

The rights and obligations specified by international agreements binding for the Czech and Slovak Federal Republic are transferred to the Slovak Republic, and this in the extent specified by constitutional Law of the Czech and Slovak Federal Republic, or in the extent agreed between the Slovak Republic and the Czech Republic.

#### Article 154

- (1) The Slovak National Council elected in accordance with Article 103 of the constitutional Act no.143/1968, concerning the Czechoslovak federation, in the wording of later regulations, performs its duties as the National Council of the Slovak Republic in accordance with this Constitution. Term of office of the National Council of the Slovak Republic commences on the day of elections to the Slovak National Council.
- (2) The Government of the Slovak Republic appointed in accordance with Article 122 paragraph 1 item a) of the constitutional Act no.143/1968, concerning the Czechoslovak federation in the wording of later regulations, is considered the Government appointed in accordance with this Constitution.
- (3) The Chairman of the Supreme Court of the Slovak Republic and the Chief Prosecutor of the Slovak Republic, appointed to their office in accordance with the existing legal regulations remain in their office until appointments are made in accordance with this Constitution.
- (4) Judges in the courts of the Slovak Republic appointed to their office in accordance with existing legal regulations are considered appointed to their office without a time limit in accordance with this Constitution.

#### Article 155

The following are repealed:

1. The constitutional Act issued by the Slovak National Council no.50/1990 concerning the title, the State symbol, the State flag, the State seal and the State anthem of the Slovak Republic.
2. The constitutional Act issued by the Slovak National Council no.79/1990 concerning the number of representatives of the Slovak National Council, the wording of the pledge made by the representatives of the Slovak National Council, members of the Government of the Slovak Republic and the representatives of National Committees as well as the term of office of the Slovak National Council.
4. The constitutional Act issued by the Slovak National Council no.7/1992 concerning the Constitutional Court of the Slovak Republic.

#### Article 156

This Constitution of the Slovak Republic comes into effect on the day of its issue, excepting Article 3 paragraph 2; Article 23 paragraph 4 concerning expulsion or handing over of a citizen to another State; Article 53; Article 84 paragraph 3 concerning declaration of war on another State; Article 86 items k) and l); Article 102 item g) concerning the appointment of university professors and rectors, and the



appointment and promotion of generals, items j) and k); Article 152 paragraph 1 second sentence, concerning constitutional Acts, Decrees and other generally binding legal regulations issued by the authorities of the Czech and Slovak Federal Republic, which will come into effect at the same time as the relevant amendments of the constitutional status of the Czech and Slovak Federal Republic in accordance with this Constitution.

**The Chairman of the Slovak National Council**

**The Chairman of the Government of the Slovak Republic**

The Constitution of the Slovak Republic will come into effect as a whole on the day of its issue, i.e. on Thursday 3 September 1992, excepting the following provisions:

**Article 4 paragraph 2:** (boundaries of the Slovak Republic may be altered only by a constitutional Act);

**Article 23 paragraph 4:** (concerning expulsion or handing over of a citizen to another State);

**Article 54:** (the Law may limit the right of judges and prosecutors to participate in a business or other economic activity and the right specified in Article 29 paragraph 2, concerning the creation and joining of political parties; and of employees of the State and regional administration, who hold offices specified also by Article 37 paragraph 4, concerning the right to strike; and of the members of the armed forces and militia also the rights specified by Article 27, concerning petitions, and Article 28, concerning the right of assembly if this is connected with the performance of their duties; and of persons holding offices directly connected with the protection of life and health, who may have their right to strike curtailed);

**Article 84 paragraph 3:** (concerning declaration of war on another State);

**Article 56 item k:** (decide upon the declaration of war should the Slovak republic be attacked, or as arises from obligations specified by international agreements concerning mutual defence against an aggressor);

**item l:** (agree with sending of armed troops outside the territory of the Slovak Republic);

**Article 102 item g:** (concerning the appointment of university professors and rectors, and the appointment and promotion of generals);

**item j:** (the President is the Chief of Staff of the armed forces);

**item k:** (upon the proposal of the Government of the Slovak Republic declares general mobilisation and on the basis of the decision made by the National Council of the Slovak Republic declares war should the Slovak Republic be attacked or if this arises from obligations specified by international agreements concerning mutual defence against an aggressor);

**Article 152 paragraph 1 second sentence:** (concerning constitutional Acts, Decrees and other generally binding legal regulations issued by authorities of the ČSFR, which will come into effect at the same time as the respective amendments of the constitutional status of the ČSFR in accordance with this Constitution).