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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
OF THE COUNCIL OF EUROPE
(VENICE COMMISSION)

SLOVAK REPUBLIC

GOVERNMENT PROPOSAL 733
CONSTITUTIONAL LAW
Z 2025
AMENDING THE CONSTITUTION OF THE SLOVAK REPUBLIC
NO 460/1992 COLL. AS AMENDED
AND EXPLANTORY MEMORANDUM

N A T I O N A L C O U N C I L O F S L O V A K R E P U B L I C
Ninth parliamentary term

733

GOVERNMENT PROPOSAL

CONSTITUTIONAL LAW

z 2025,

**amending the Constitution of the Slovak Republic
No 460/1992 Coll. as amended**

The National Council of the Slovak Republic has agreed on the following constitutional law:

Art. I

The Constitution of the Slovak Republic No. 460/1992 Coll. as amended by Constitutional Act No. 244/1998 Coll., Constitutional Act No. 9/1999 Coll., Constitutional Act No. 90/2001 Coll., Constitutional Act No. 140/2004 Coll., Constitutional Act No. 323/2004 Coll., Constitutional Act No. 463/2005 Coll., Constitutional Act No. 92/2006 Coll., Constitutional Act No. 210/2006 Coll., Constitutional Act No. 100/2010 Coll., Constitutional Act No. 356/2011 Coll., Constitutional Act No. 232/2012 Coll., Constitutional Act No. 161/2014 Coll., Constitutional Act No. 306/2014 Coll., Constitutional Act No. 427/2015 Coll., Constitutional Act No. 44/2017 Coll., Constitutional Act No. 71/2017 Coll., Constitutional Act No. 137/2017 Coll., Constitutional Act No. 40/2019 Coll., Constitutional Act No. 99/2019 Coll., Constitutional Act No. 422/2020 Coll., Constitutional Act No. 378/2022 Coll., Constitutional Act No. 24/2023 Coll. and Constitutional Act No. 241/2023 Coll. are amended as follows:

1. the following paragraphs 6 and 7 shall be added to Article 7:

"(6) The Slovak Republic retains its sovereignty, in particular in matters of national identity, consisting in particular of fundamental cultural and ethical issues relating to the protection of life and human dignity, private and family life, marriage, parenthood and family, public morality, personal status, culture and language, as well as decision-making on related matters in the fields of health, science, education, education, personal status and inheritance.

(7) Nothing in this Constitution and the Constitutional Laws shall be construed as an approval of the Slovak Republic for the transfer of the exercise of part of its rights in matters constituting national identity."

2. Article 36 shall be supplemented by the following paragraph 3:

"(3) Equality between men and women in remuneration for work performed shall be guaranteed."

3. In Article 41, a new paragraph 4 shall be inserted after paragraph 3 to read as follows:

"(4) A minor child may be adopted by a spouse or by a spouse who is married to either of the parents of the child or by the surviving spouse of the parent or adoptive parent of the minor child. Exceptionally, a single person may also adopt a minor child if the adoption is in the best interests of the child. The adoption shall be decided by the court.

Paragraphs 4 to 6 shall be renumbered as paragraphs 5 to 7.

4. In Article 41, a new paragraph 6 shall be inserted after paragraph 5 and shall read as follows:

"(6) Parents shall have the right to decide on the participation of children in the educational process provided by schools and educational establishments if it is beyond the scope of the State educational programme. Education and training of children in the area of intimate life formation and sexual behaviour may be provided only with the consent of the legal representative. "

Paragraphs 6 and 7 are renumbered as paragraphs 7 and 8.

5. In Article 41, paragraph 8 reads:

"(8) Details of the rights under paragraphs 1 to 7 shall be laid down by law."

6. In Article 42, a new paragraph 2 is inserted after paragraph 1 to read as follows:

"(2) The national curriculum shall be in accordance with this Constitution."

Paragraphs 2 to 4 shall be renumbered as paragraphs 3 to 5.

7. After Article 52, the following Article 52a shall be inserted:

"Art. 52a

The Slovak Republic shall recognise only the sexes male and female.

Art. II

This Constitutional Law shall enter into force on 1 July 2025.

EXPLANATORY MEMORANDUM

A. General part

The Government of the Slovak Republic submits a draft constitutional law amending the Constitution of the Slovak Republic No. 460/1992 Coll. as amended to the National Council of the Slovak Republic.

Strengthening the protection of traditional values is key to preserving the cultural heritage of the Slovak Republic and ensuring legal stability. The draft constitutional law therefore responds to the need to protect the cultural heritage enshrined in the preamble to the Constitution of the Slovak Republic, which is specifically linked to the recognition of marriage between a man and a woman as a unique union.

Accordingly, the Constitution of the Slovak Republic proposes to emphasize the sovereignty of the Slovak Republic in fundamental cultural and ethical matters concerning the protection of life and human dignity, private and family life, marriage, parenthood and the family, culture and language, as well as related matters, particularly in the areas of health, education and training.

The draft constitutional law also seeks to extend the constitutional regulation of social rights in terms of the status of the family and the anchoring of parental rights. It is proposed that the basic range of persons who may adopt a minor child be regulated in the Constitution of the Slovak Republic. At the same time, it is proposed to extend the constitutional definition of parental rights, among which it is proposed to add the right of parents to decide on their children's participation in the educational process, which is beyond the scope of the State educational programme. In this connection, it is also stipulated that the State educational programme must be in accordance with the Constitution of the Slovak Republic. It is also proposed to enshrine that the Slovak Republic recognises only male and female gender. In connection with the extension of the constitutional regulation of social rights, it is proposed to provide for equality between men and women in remuneration for work performed.

These proposed changes are based on the existing and effective legal provisions, but given the importance of these topics, it is proposed to elevate their regulation to the constitutional level. More detailed legal provisions will remain in individual laws, for example Act No 36/2005 Coll. on the Family and on Amendments and Additions to Certain Acts, as amended, or Act No 245/2008 Coll. on Upbringing and Education (School Act) and on Amendments and Additions to Certain Acts, as amended.

The draft Constitutional Act is in accordance with the Constitution of the Slovak Republic, constitutional laws, findings of the Constitutional Court of the Slovak Republic, international treaties and other international documents to which the Slovak Republic is bound, and at the same time it is in accordance with the law of the European Union.

The submitted material will have no impact on the budget of the public administration, impact on the limit of public expenditure, impact on the business environment, informatisation of society, marriage, parenthood and family, social impacts, impacts on the environment and impacts on public administration services for the citizen.

The draft Constitutional Law is not subject to an intra-community comment procedure.

Clause on selected impacts

1. Background	
Title of the material	
Draft Constitutional Act amending and supplementing the Constitution of the Slovak Republic No 460/1992 Coll. as amended	
Submitter (and co-sponsor)	
Government of the Slovak Republic	
Nature of the submitted material	<input type="checkbox"/> Material of a non-legislative nature <input checked="" type="checkbox"/> Material of a legislative nature <input type="checkbox"/> Transposition/implementation of EU law
<i>In case of transposition/implementation, please list the transposed/implemented provisions:</i>	
Start and end date of the PPC	
Expected date of submission for comments	
Estimated date of start and completion of the CP**	
Expected date of submission to the Government of the Slovak Republic*	March 2025

2. Problem definition
Strengthening the protection of traditional values is key to preserving the cultural heritage of the Slovak Republic and ensuring legal stability. The draft Constitutional Law therefore responds to the need to protect the cultural heritage enshrined in the preamble of the Constitution of the Slovak Republic, which is specifically linked to the recognition of marriage between a man and a woman as a unique union.
3. Objectives and outcome
<p>Accordingly, the Constitution of the Slovak Republic proposes to emphasise the sovereignty of the Slovak Republic in fundamental cultural and ethical matters concerning the protection of life and human dignity, private and family life, marriage, parenthood and the family, culture and language, as well as related matters, in particular in the fields of health, education and training.</p> <p>The draft constitutional law also seeks to extend the constitutional regulation of social rights in terms of the status of the family and the anchoring of parental rights. It is proposed that the basic range of persons who may adopt a minor child be regulated in the Constitution of the Slovak Republic. At the same time, it is proposed to extend the constitutional definition of parental rights, among which it is proposed to add the right of parents to decide on their children's participation in the educational process, which is beyond the scope of the state educational programme. In this connection, it is also stipulated that the State educational programme must be in accordance with the Constitution of the Slovak Republic. It is also proposed to enshrine that the Slovak Republic recognises only male and female gender. In connection with the extension of the constitutional regulation of social rights, it is proposed to provide for equality between men and women in remuneration for work performed.</p>
4. Bodies concerned
natural persons, public authorities
5. Alternative solutions
<p><i>What alternative solutions leading to the stated objective have been identified and considered to address the defined problem?</i></p> <p><i>Zero Option - please indicate the consequences of not making the modifications in the submission and the alternative solutions/means of achieving the objectives set out in point 3.</i></p> <p>Given the nature of the draft Constitutional Law, alternative solutions have not been considered.</p>
6. Implementing rules
<i>Is it envisaged to adopt/amend implementing legislation?</i> <div style="float: right;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div>

If yes, please indicate which areas will be regulated by them or which implementing rules will be affected by the change:

7. Transposition/implementation of EU law

Please indicate whether there is gold plating in the proposed draft legislation according to the correlation table or whether gold plating occurs in the implementation of EU law.

☐ Yes ☒ No

If yes, please indicate which impacts under point 9 goldplating refers to:

8. Expediency review

Please indicate the date when the review of the effectiveness and efficiency of the submitted material should take place.

Please indicate the criteria against which the review will be carried out.

Effectiveness will be reviewed on an ongoing basis.

* to be completed only if the material is not included in the Work Plan of the Government of the Slovak Republic or the Plan of Legislative Tasks of the Government of the Slovak Republic.

** to be filled in only if the final assessment of the selected impacts has been carried out in accordance with point 9.1 of the Unified Methodology.

*** the assessment concerns only changes in Pillar I and Pillar II of the universal pension system with an identified impact from 0.1% of GDP (inclusive) onwards in the long term.

9. Selected impacts of the material			
Impacts on the general government budget of which budgeted impacts, in case of identified negative impact identified	<input type="checkbox"/> Positive	<input checked="" type="checkbox"/> None	<input type="checkbox"/> Negative
	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Partially
of which impacts on the budgets of municipalities and higher territorial units of which budgeted impacts, in case of identified negative impact	<input type="checkbox"/> Positive	<input checked="" type="checkbox"/> None	<input type="checkbox"/> Negative
	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Partially
Impact on the long-term sustainability of public finances for selected measures ***	<input type="checkbox"/> Yes		<input type="checkbox"/> No
Impacts on the public expenditure limit	<input type="checkbox"/> Positive	<input checked="" type="checkbox"/> None	<input type="checkbox"/> Negative
Impacts on the business environment of which impacts on SMEs Red tape reduction mechanism and costs applies:	<input type="checkbox"/> Positive	<input checked="" type="checkbox"/> None	<input type="checkbox"/> Negative
	<input type="checkbox"/> Positive	<input type="checkbox"/> None	<input type="checkbox"/> Negative
	<input type="checkbox"/> Yes		<input type="checkbox"/> No
Social impacts	<input type="checkbox"/> Positive	<input checked="" type="checkbox"/> None	<input type="checkbox"/> Negative
Environmental impacts The material is assessed according to Act No 24/2006 Coll. on Environmental Impact Assessment and on Amendments and Additions to Certain Acts, as amended	<input type="checkbox"/> Positive	<input checked="" type="checkbox"/> None	<input type="checkbox"/> Negative
	<input type="checkbox"/> Yes		<input type="checkbox"/> No
Impacts on the computerisation of society	<input type="checkbox"/> Positive	<input checked="" type="checkbox"/> None	<input type="checkbox"/> Negative
Impacts on public services to the citizen, of which impacts of public services on the citizen impacts on public service processes	<input type="checkbox"/> Positive	<input checked="" type="checkbox"/> None	<input type="checkbox"/> Negative
	<input type="checkbox"/> Positive	<input checked="" type="checkbox"/> None	<input type="checkbox"/> Negative

Impacts on marriage, parenthood and family	<input type="checkbox"/> Positive	<input checked="" type="checkbox"/> None	<input type="checkbox"/> Negative
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<p>10. Notes</p> <p><i>Please provide additional information on the identified impacts and their analyses, if necessary.</i></p> <p><i>If the submission has a marginal (negligible) impact on any of the areas under consideration in point 9 and therefore the impact is identified as no impact, please provide the facts explaining why the impact is marginal (negligible).</i></p> <p><i>The information in this section is intended to summarise the impacts or even to comment on marginal impacts and not as a substitute for the preparation of the relevant analyses of the selected impacts.</i></p> <p><i>If the material is assessed under Act No 24/2006 Coll. on Environmental Impact Assessment and on Amendments and Additions to Certain Acts, as amended, please provide a web link to this process.</i></p>
<p>11. Contact details of the processor</p> <p>Government Legislation Section of the Office of the Government of the Slovak Republic zmena.ustavy@vlada.gov.sk</p>
<p>12. Resources</p> <p><i>Please indicate the sources (statistics, surveys, cooperation with experts, etc.) on which you have relied in the preparation of the material and the elaboration of the clause, impact analyses. In case of unavailability of the necessary data for the elaboration of the relevant analyses of the selected impacts, please indicate this fact.</i></p>
<p>13. Opinion of the Commission for the assessment of selected impacts from the PPC No (if carried out in accordance with point 8.1 of the Unified Methodology)</p> <p> <input type="checkbox"/> Agreed <input type="checkbox"/> Agreed with the proposal for elaboration <input type="checkbox"/> Disagree </p> <p>Please provide the comments from the Commission's Part II opinion together with your assessment:</p>
<p>14. Opinion of the Commission for the assessment of selected impacts from the final assessment No (if carried out in accordance with point 9.1 of the Unified Methodology)</p> <p> <input type="checkbox"/> Agreed <input type="checkbox"/> Agreed with the proposal for elaboration <input type="checkbox"/> Disagree </p> <p>Please provide the comments from the Commission's Part II opinion together with your assessment:</p>

COMPATIBILITY CLAUSE
of the draft Constitutional Law with the law of the European Union

1. **Proposer of the bill:** Government of the Slovak Republic
2. **Title of the draft law:** Draft Constitutional Act amending the Constitution of the Slovak Republic No. 460/1992 Coll. as amended
3. **The subject matter of the draft law is regulated by the law of the European Union:**

- a) is regulated in primary law:

*Articles 4 and 5 of the Treaty on European Union (Ú. V. ES C 202, 7.6.2016),
Articles 3 to 6 of the Treaty on the Functioning of the European Union (Ú. V. ES C 202, 7.6.2016),
Article 23 of the Charter of Fundamental Rights of the European Union (Ú. V. ES C 202, 7.6.2016).*

- b) is regulated in secondary law,

Directive 2006/54/ES of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) (Ú. V. EÚ L 204, 26.7.2006), rapporteur: Ministry of Labour, Social Affairs and Family of the Slovak Republic.

- c) is contained in the case-law of the Court of Justice of the European Union

Judgments concerning cultural-ethical (value) issues such as same-sex marriage, same-sex parenthood or gender reassignment, for example:

- the judgment in case Richards, [C-423/04](#)
(21) As a preliminary point, it should be borne in mind that it is for the Member States to lay down the conditions for the legal recognition of a person's change of sex (see, to that effect, K.B., cited above, paragraph 35).
- Judgment in case Parris, [C-443/15](#)
(59) Member States may therefore provide or not provide for same-sex marriage or for an alternative form of legal recognition of their relationship, as well as, where appropriate, for the date from which such marriage or such alternative form will produce its effects.
- Judgment in case Coman and Others, [C-673/16](#)

(37) *The personal situation of individuals, which is covered by the rules on marriage, falls within the competence of the Member States and Union law does not interfere with that competence* (see, to that effect, the judgments of 2 October 2003, *Garcia Avello*, [C-148/02](#), paragraph 25; of 1 April 2008, *Maruko*, [C-267/06](#), paragraph 59, and of 14 October 2008, *Grunkin and Paul*, [C-353/06](#), paragraph 16).

- in Case C-490/20 *Stolična občina, Rajon 'Pančarevo'*
(52) *In this context, under the current state of Union law, the personal status of individuals, under which the rules on marriage and parenthood fall, falls within the competence of the Member States and Union law does not interfere with that competence. The Member States may therefore decide in their national law to regulate or not to regulate same-sex marriage and same-sex parenthood. However, in exercising that competence, each Member State must comply with Union law and, in particular, with the provisions of the Treaty on the European Union, which grant every citizen of the Union the right to move and reside freely within the territory of the Member States, recognising for that purpose the personal status established in another Member State in accordance with the law of that State* (see, to that effect, *Coman and Others*, judgment of 5 June 2018, [C-673/16](#), paragraphs 36 to 38).

4. Obligations of the Slovak Republic in relation to the European Union:

- (a) State the time-limit for transposition of the relevant European Union act, including, where appropriate, the specific time-limit for the entry into force of its provisions:

The deadline for transposition of Directive 2006/54/EC has been set at 15 August 2008 at the latest.

- (b) provide information on the initiation of the 'EU Pilot' procedure or the initiation of a procedure by the European Commission or the Court of Justice of the European Union against the Slovak Republic pursuant to Articles 258 and 260 of the Treaty on the Functioning of the European Union, as amended, together with an indication of the specific deficiencies complained of and the requirements for remedial action in the light of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents:

There are no proceedings pending against the Slovak Republic in respect of Directive 2006/54/EC.

- (c) provide information on the legislation in which the European Union legal acts referred to are already transposed, together with an indication of the extent of their transposition and, where appropriate, the need to adopt further amendments:

Directive 2006/54/EC is transposed, e.g. in the following legislation:

- Act No 311/2001 Coll., the Labour Code,
- Act No 552/2003 Coll. on the performance of work in the public interest,
- Act No. 55/2017 Coll. on the Civil Service and on Amendments and Additions to Certain Acts.

5. The draft law is compatible with the law of the European Union:

fully

B. Specific part

On Article I

On point 1

It is proposed to add new paragraphs 6 and 7 to Article 7, the purpose of which is to emphasise the sovereignty of the Slovak Republic in the Constitution of the Slovak Republic, in particular in fundamental cultural and ethical matters, with regard to the protection of life and human dignity, private and family life, marriage, parenthood and the family, culture and language, as well as related matters, in particular in the fields of health, education and training. The proposed wording is intended to declare at the constitutional level the sovereignty of the Slovak Republic, especially in matters of national identity, and to emphasise interpretively that the provisions of the Constitution of the Slovak Republic or other constitutional laws cannot be interpreted as an acceptance by the Slovak Republic of the delegation of the exercise of part of its rights in the above-mentioned fundamental cultural and ethical issues. This regulation is intended to address the issues of the relationship of the Slovak Republic's national legal order to the law of the European Union, as well as to the international obligations of the Slovak Republic in general. The starting point of the proposed solution in relation to the law of the European Union is, first of all, the provision of Article 7(2), first sentence, of the Constitution of the Slovak Republic, according to which *"the Slovak Republic may, by an international treaty which has been ratified and promulgated in the manner prescribed by law, or on the basis of such a treaty, transfer the exercise of part of its rights to the European Communities and the European Union."* In this context, it should be stressed that the Slovak Republic may, on the basis of the quoted constitutional provision, transfer to the European Union only the exercise of part of its rights, not the rights themselves. The cession of the exercise of part of its rights must be seen as an expression of sovereignty, which includes the possibility of exercising its sovereignty, for example, by transferring certain competences to the European Union. At the same time, the primary treaty law of the European Union distinguishes between exclusive competences of the European Union (e.g. customs union, the establishment of competition rules necessary for the functioning of the internal market, monetary policy for Member States whose currency is the euro, common commercial policy), joint competences of the European Union and the Member States (e.g. internal market, consumer protection, energy, trans-European networks) and exclusive competences of the Member States (other competences which have not been delegated to the European Union by the Treaties). In this connection, it is particularly important to emphasise the provision in Article 4 of the Treaty on European Union *that 'the competences not conferred on the Union by the Treaties shall remain the competence of the Member States. The Union respects the equality of the Member States before the Treaties, as well as their national identities, as embodied in their fundamental political and constitutional systems, including regional and local self-government. It shall respect their essential state functions, in particular ensuring the territorial integrity of the State, maintaining public order and safeguarding national security. In particular, national security shall remain the exclusive responsibility of each Member State'.* It follows from the foregoing that, in the case of rights the exercise of which has not been transferred by the Slovak Republic to the European Union and which fall within the exclusive competence of the Member States, their exercise remains entirely at the disposal of the sovereign and independent Slovak Republic. For this reason, the

principle of primacy should not apply in areas where the Member States have not transferred competence to the European Union. Such rights, the exercise of which the Slovak Republic has not delegated to the European Union, or the exclusive rights of the Member States of the European Union, include issues of a cultural and ethical nature.

In relation to the principle of the primacy of European Union law over the national law of the Member States, it should also be pointed out that the decisions of the constitutional courts of the Member States of the European Union (e.g. Italy, Germany, Ireland, Denmark, the Czech Republic, Poland and Hungary) show that there are Member States of the European Union which have not accepted the principle of the primacy of European Union law as regards the democratic state, the rule of law and the protection of fundamental rights and freedoms.

As regards international treaties under Article 7(5) and 154c(1) of the Constitution of the Slovak Republic, these international treaties have precedence over laws, but not over the Constitution of the Slovak Republic, which is also clear from the case law of the Constitutional Court of the Slovak Republic: *"International human rights conventions have a special status in the system of sources of law of the Slovak Republic. Under the conditions laid down in Article 11 of the Constitution, they take precedence over the laws of the Slovak Republic. Even if they take precedence over laws, they do not take precedence over the Constitution."* (II. ÚS 91/1999).

The interpretive significance of the proposed provision of paragraph 7 is also important in relation to the potential or existing activism of international courts and institutions encroaching on the exclusive powers of nation-states, or rights the exercise of which has not been delegated to international institutions. Such decisions could not be interpreted as binding on the Slovak Republic under the proposed provision if they would interfere with fundamental cultural and ethical issues such as the definition of marriage, the protection of life or human dignity.

On point 2

Article 36(1) of the Constitution of the Slovak Republic enshrines the right of employees to fair and satisfactory working conditions. The content of this right is then set out in Article 36(1)(a) to (g). One of the fundamental components of this fundamental right is the right to remuneration for work performed, as set out in point (a). At the same time, Article 38(1) of the Constitution of the Slovak Republic grants women the right to increased protection of health at work and special working conditions. Article 12(2) of the Constitution of the Slovak Republic enshrines the principle of equality and protection against discrimination also on grounds of sex.

In view of the above provisions of the current and effective version of the Constitution of the Slovak Republic and in view of the persistent social problem of unequal remuneration of men and women, it is proposed that the Constitution of the Slovak Republic explicitly provide that equality between men and women in remuneration for work performed shall be guaranteed, thereby also giving constitutional expression to the principle of equal remuneration for equal work.

On point 3

It is proposed to add a new paragraph to Article 41, which will regulate the range of persons who may adopt a minor child. The spouses, a spouse who is married to the parent of a minor child or the surviving spouse of the parent or adoptive parent of a minor child are to be included. In exceptional cases, a single person may also adopt a minor child if it is in the best interests of that child. The aforementioned range of persons is based on the current legal regulation defined by Act No 36/2005 Coll. on the Family and on Amendments and Additions to Certain Acts, as amended. The aim of upgrading this legislation from statutory to constitutional is to emphasise the legitimacy of marriage as an irreplaceable union of one man and one woman in the

performance of the important social task of bringing up children. At the same time, it is proposed to provide, at constitutional level, that adoption is to be decided by a court.

On point 4

It is proposed to strengthen and extend the constitutional regulation of parental rights as regards the content of education and training provided in schools and educational establishments. Parents should have the right to decide on their children's participation in the educational process beyond the scope of the State educational programme. The proposed provision reflects the provision of Article 7(11) of the School Act and is based on the constitutional principle that the care and education of children is the right of parents (Article 41(4) of the Constitution of the Slovak Republic.

The school curriculum provides the school with a certain degree of autonomy in matters of children's education. Although the principles on which the school curriculum is based must, on the one hand, be consistent with the principles of the national curriculum, on the other hand, it may go beyond the national curriculum. The autonomy of the school as an educational institution is manifested above all in the fact that the school's educational programme is issued by the school's statutory body. Although the control over its compliance with the State educational programme is given by the control of the State School Inspectorate, in practice it is unrealistic for this state body to provide a permanent control mechanism in relation to all schools at all times. It is therefore essential that control of education should be exercised not only by the State, as guarantor of the principles on which the education of children is based, but also, in specific cases, by the parents of the child, through the right to decide whether their child will take part in a form of education and training that goes beyond the framework of the State's educational programme. Where parents refuse to allow their children to participate in such an educational process, it may be, for example, an education that is not in accordance with the parents' religious and philosophical beliefs or their moral and ethical values.

At the same time, it is proposed that education and training for children in the areas of intimacy and sexual behaviour should only be provided with the consent of the legal guardian, as these are sensitive and value-driven areas in which parents should have a decisive say. In these areas, it will not be a matter of whether the educational process in question is within or outside the framework of the national curriculum, but the content of such education and training, in which the parents' right will be decisive. The effective fulfilment of this parental right will require further regulation at the statutory level, in particular the details of the notification to parents of the planned provision of such education and training, as well as the details of parental informed consent.

On point 5

This is a legislative and technical amendment. In view of the addition of new paragraphs to Article 41, it is proposed to modify the internal reference in the last paragraph of Article 41, which provides that the details of the rights under the preceding paragraphs shall be laid down by law.

On point 6

Further to the fourth amendment point, which extends parental rights, it is proposed to provide that the State educational programme must be in accordance with the Constitution of the Slovak Republic.

The proposed amendment follows from the theory of constitutionalism, according to which the basic value orientation of the state and society is reflected in each constitution. This focus should also be reflected in the content of education and training provided in schools.

The proposed Article 41(6) will also imply that parents will have the right to decide on the participation of children in the educational process provided in schools, which will be beyond the state educational programme. These changes will also enshrine at the constitutional level that education and training provided in schools will not be allowed to contradict the basic value setting of society as expressed in the Constitution of the Slovak Republic.

On point 7

It is proposed to stipulate that the Slovak Republic recognises only male and female gender, which corresponds to the biological understanding of gender that is reflected throughout the legal order of the Slovak Republic. Recognition of the existence of two sexes is also implied by the current text of the Constitution of the Slovak Republic, in particular with regard to marriage and the need to protect women. According to Article 41(1) of the Constitution of the Slovak Republic, marriage is defined as a unique union between a man and a woman. At the same time, Article 38(1) of the Constitution of the Slovak Republic grants women the right to increased protection of health at work and special working conditions, and Article 41(2) guarantees women during pregnancy special care, protection in labour relations and appropriate working conditions.

From the point of view of systematics, it is proposed to insert this provision as a new article in the eighth section of the second title of the Constitution of the Slovak Republic, which contains the provisions common to the first and second titles.

On Article II

Due to the length of the legislative process and the need for adequate legislative input, the proposed constitutional amendment is proposed to take effect from 1 July 2025.

Done at Bratislava, 5 March 2025.

Robert Fico, v. r.
Prime Minister of the Slovak Republic