

THE CONSTITUTION OF THE SLOVAK REPUBLIC

THE PREAMBLE

We, the Slovak People

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

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

Recognizing the natural right of nations to self-determination,

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

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

Endeavoring to implement democratic forms of government, guarantee a life of freedom, and promote spiritual, cultural and economic prosperity,

We, the citizens of the Slovak Republic, have, herewith and by our representatives, adopted this Constitution:

PART ONE

Chapter One - GENERAL PROVISIONS

Article 1

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

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

Article 2

(1) The power of the state is vested in the citizens who shall exercise it directly or through their elected representatives.

(2) State bodies may act solely in conformity with the Constitution. Their actions shall be subject to its limits, within its scope and governed by procedures determined by law.

(3) Anyone may act in a way not forbidden by law and no one may be forced to act in a way not prescribed by law.

Article 3

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

(2) The border of the Slovak Republic may be changed only by a constitutional statute.

Article 4

(1) Raw materials, caves, underground water, natural and thermal springs and streams are the property of the Slovak Republic. The Slovak Republic protects and develops these resources, and makes careful and effective use of mineral resources and natural heritage to the benefit of its citizens and subsequent generations.

(2) The transport of water taken from water bodies located within the territory of the Slovak Republic outside the borders of the Slovak Republic by vehicles or pipeline is prohibited. This prohibition does not apply to water intended for personal use, drinking water put into consumer containers within the territory of the Slovak Republic and natural mineral water put into consumer containers within the territory of the Slovak Republic; nor to water provided for humanitarian help or assistance in states of emergency.

Details of conditions for transporting water for personal use or water provided for humanitarian help and assistance in states of emergency shall be stated in a specific Law.

Article 5

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

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

Article 6

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

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

Article 7

1) The Slovak Republic may, on the basis of a freely-taken decision, enter into a relation of State with other States. The entry into a relation of State with other States or the withdrawal from these relations shall be decided by constitutional law which shall be confirmed by a referendum.

2) The Slovak Republic may, by an international agreement ratified and published in a manner specified by constitutional law, or on the basis of such an agreement, delegate the implementation of a part of its rights to the European Community and the European Union. Legally binding acts of the European Community and the European Union have priority over the laws of the Slovak Republic. The delegation of legally binding acts requiring implementation is effected by a law or a directive of the Government according to art. 119, paragr. 2.

3) The Slovak Republic may, for the purpose of preserving peace, security and democratic order, take a place in the organisations of mutual collective security, under the conditions specified by an international agreement.

4) For the validity of international agreements on human rights and fundamental liberties, of international political agreements, of international agreements of a military nature, of international agreements resulting in the membership of the Slovak Republic in international organisations, international business agreements of a general nature, of international agreements requiring a law to be implemented and of international agreements directly determining the rights or obligations of physical or legal persons, ratification must be subject to the agreement of the National Council of the Slovak Republic.

5) International agreements on human rights and fundamental liberties, international agreements which do not require a law for their implementation and international agreements which directly determine the rights or obligations of physical or legal persons and which have been ratified and published by means of an established law, take precedence over laws.

Article 7a

The Slovak Republic promotes national awareness and cultural identity of Slovaks living abroad, supports their institutions intended to achieve this aim and their relations with the mother country.

Chapter Two - THE STATE SYMBOLS

Article 8

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

Article 9

(1) The state emblem of the Slovak Republic consists of an early Gothic shield with a silver double cross erected on the central and highest of the three blue hills.

(2) The state flag of the Slovak Republic as three horizontal stripes: white, blue and red. The state emblem of the Slovak Republic appears in the left half of the flag.

(3) The state seal of the Slovak Republic consists of the state emblem encircled by the inscription "Slovensk republika".

(4) The national anthem of the Slovak Republic is composed of the first two stanzas of the hymn "Nad Tatrou sa blska".

(5) Modifications and use of the state symbols shall be determined by law.

Chapter Three - THE CAPITAL OF THE SLOVAK REPUBLIC

Article 10

(1) The capital of the Slovak Republic is the city of Bratislava.

(2) The status of Bratislava as the capital of the Slovak Republic shall be defined by law.

PART TWO - FUNDAMENTAL RIGHTS AND FREEDOMS

Chapter One - GENERAL PROVISIONS

Article 11

Repealed

Article 12

(1) All human beings are free and equal in dignity and rights. Their fundamental rights and freedoms are inalienable, irrevocable, and absolutely perpetual.

(2) Fundamental rights shall be guaranteed in the Slovak Republic to every person regardless of sex, race, colour, language, faith, religion, political affiliation or conviction, national or social origin, nationality or ethnic origin, property, birth or any other status, and no person shall be denied their legal rights, discriminated against or favoured on any of these grounds.

(3) Every person has the right to freely decide which national group he or she is a member of. All manner of influence or coercion that may affect or lead to a denial of a person's original nationality shall be prohibited.

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

Article 13

(1) Obligations can only be imposed :

- a) by the law or on the basis of a law, within its limits and in the respect of fundamental rights and liberties.
- b) by international agreement according to art. 7, paragr. 4, which directly determines the rights and obligations of physical and legal persons, or
- c) by directive of the Government according to art. 119, paragr. 2.

(2) Limitation of fundamental rights and freedoms shall be imposed only under the conditions set forth in this Constitution.

(3) Restrictions of constitutional rights and freedoms shall be applied equally and consistently in all similar cases.

(4) When imposing restrictions on constitutional rights and freedoms, respect must be given to the essence and meaning of these rights and freedoms and such restrictions shall be used only for specifically defined purposes.

Chapter Two - FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

Article 14

Every person shall be entitled to his or her rights.

Article 15

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

(2) No person may be deprived of life.

(3) The death penalty shall be inadmissible.

(4) No infringement of rights shall occur if a person has been deprived of life as a result of an act not defined as unlawful.

Article 16

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

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

Article 17

- (1) Personal liberty of every individual shall be guaranteed.
- (2) No one shall be prosecuted or deprived of liberty unless for reasons and by methods set by law. No person shall be deprived of liberty merely for his or her inability to fulfill contractual obligations.
- (3) A person accused or suspected of a criminal act may be detained only in the cases specified by the law. The detained person must be immediately informed of the reasons for detention, questioned and either freed or handed over for trial within 48 hours, in cases of criminal offences of terrorism within 96 hours. The judge must interrogate the detained person within 48 hours and in cases of particularly serious criminal acts within 72 hours, and must decide whether to detain or free the person.
- (4) A person accused may be arrested only on the basis of a written and substantiated order of the judge. The arrested person must be brought before the tribunal within 24 hours of being referred to the tribunal. The judge must question the arrested person within 48 hours and in cases of particularly serious criminal acts within 72 hours from the time of arrest and must decide whether to imprison or to free the person.
- (5) Pre-trial detention can be imposed only on the grounds and for the period provided by law and determined by the court.
- (6) A person may be committed to or held in a medical institution without his or her consent only in cases stipulated by law. Such cases shall be reported to the court within twenty-four hours and the court shall make a decision on such placement within five days.
- (7) A psychological examination of the person charged with an offence is permissible only on a written court order.

Article 18

- (1) No one may be subjected to forced labour or services.
- (2) Section (1) of this Article shall not apply to:
 - a) prisoners or persons sentenced to alternatives of imprisonment,
 - b) military service or other services performed in lieu of compulsory service in the armed forces,
 - c) services lawfully required in cases of natural disasters, calamities and other events threatening the lives, health or valuable property of citizens,
 - d) activities lawfully required for the protection of life, health and rights of other people.
 - e) minor municipality services on the basis of a law.

Article 19

- (1) Every person shall have the right to maintain and protect his or her dignity, honor, reputation and good name.
- (2) Everyone shall have the right to be free from unjustified interference in his or her privacy and family life.
- (3) Anyone has the right to be protected against unwarranted collection, disclosure, and other misuse of personal information.

Article 20

- (1) Everyone has the right to own property. The ownership right of all owners has the same legal content and protection. Property acquired in any way which is contrary to the legal order shall not enjoy such protection.
- (2) For the purposes of safeguarding the needs of the society, the interests of the general public, and the advancement of the national economy, the law shall establish certain property (including that defined in Article 4) as the exclusive property of the State, the municipality or specific corporate bodies. In addition, the law can specify which property may be owned only by individual citizens or corporations residing in the Slovak Republic.
- (3) Ownership limits. Property may not be misused to cause injury to another person or in contradiction to the public interests protected by law. The exercise of property rights must not be detrimental to the health of other people, wild life, cultural sites or the environment beyond the standards fixed by law.
- (4) Expropriation or restrictions on property rights shall be imposed only to the extent legally justified for the protection of the public interest and shall be justly compensated.
- 5) Other interference with property rights may be permitted only in the case of property acquired in an illegal manner or from illegal earnings, and if it is necessary in a democratic society in the interests of national security, preservation of public order, good morals or the rights and freedoms of others. Conditions shall be stipulated by law.

Article 21

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

is used for business and other enterprising activities, such infringement may be legally justified for the purposes of public administration.

Article 22

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

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

Article 23

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

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

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

(4) Every citizen is free to enter the Slovak Republic. A citizen must not be forced to emigrate or to be expelled from his or her homeland.

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

Article 24

(1) Freedom of thought, conscience, religion and belief shall be guaranteed. This right shall include the right to change religion or belief and the right to refrain from a religious affiliation. Everyone shall have the right to express his or her mind publicly.

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

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

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

Article 25

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

(2) No one shall be forced to perform military service if it is contrary to his or her conscience or religion. Further details shall be provided by law.

Chapter Three - POLITICAL RIGHTS

Article 26

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

(2) Every person has the right to express his or her opinion in words, writing, print, images and any other means, and also to seek, receive and disseminate ideas and information both nationally and internationally. No approval process shall be required for publication of the press. Radio and television companies may be required to seek permission from the State authorities to set up private businesses. Further details shall be provided by law.

(3) Censorship shall be prohibited.

(4) Freedom of expression and the right to receive and disseminate information may be lawfully limited only where, in a democratic society, it is necessary to protect rights and freedoms of others, state security, law and order, health and morality.

(5) Public authorities shall be obliged to provide reasonable access to the information in the official language about their work and activities. The terms and procedures of the execution thereof shall be specified by law.

Article 27

(1) The right to petition shall be guaranteed. Every person shall have the right to address governmental authorities and public administration in individual and public matters with petitions, proposals, and complaints either individually or in association with other persons.

(2) No petition may involve the infringement of fundamental rights and freedoms.

(3) No petition may interfere with the independence of the judiciary.

Article 28

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

(2) The conditions under which this right may be exercised shall be provided by law in cases of meetings held in public places where, in a democratic society, it is necessary to protect rights and freedoms of other persons, public order, health and morality, property or state security. No approval by public administration shall be required for such meetings.

Article 29

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

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

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

(3) The exercise of rights in sections (1) and (2) of this Article may be limited only in cases justified by law where, in a democratic society, it is necessary to protect national security and public order, prevent crime and protect rights and freedoms of other persons.

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

Article 30

(1) Citizens shall have the right to participate in the administration of public affairs directly or by freely elected representatives. Foreigners residing permanently on the territory of the Slovak Republic have the right to vote for and to be elected in the organs of self-government of communes and in the organs of self-government of higher territorial entities.

(2) Elections shall be held within periods of time not exceeding the terms fixed by law.

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

(4) All citizens shall have equal access to elected or public offices.

Article 31

The regulation of political rights and freedoms, and the interpretation and usage thereof shall facilitate and protect political competition in a democratic society.

Article 32

If the activities of constitutional authorities or the application of legal rules have become ineffective, every citizen shall have the right to resist anyone who would abolish the democratic functioning of human rights and fundamental freedoms set forth in this Constitution.

Chapter Four - THE RIGHTS OF NATIONAL MINORITIES AND ETHNIC GROUPS

Article 33

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

Article 34

(1) Citizens of national minorities or ethnic groups in the Slovak Republic shall be guaranteed their full development, particularly the rights to promote their cultural heritage with other citizens of the same national minority or ethnic group, receive and disseminate information in their mother tongues, form associations, and create and maintain educational and cultural institutions. Details thereof shall be fixed by law.

(2) In addition to the right to learn the official language, the citizens of national minorities or ethnic groups shall, under provisions fixed by law, also be guaranteed:

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

(3) The exercise of rights by citizens of a national minority guaranteed by this Constitution may not threaten the sovereignty and territorial integrity of the Slovak Republic or discriminate against other citizens.

Chapter Five - ECONOMIC, SOCIAL AND CULTURAL RIGHTS -

Article 35

(1) Every person shall have the right to choose freely his or her profession and to receive appropriate training, as well as the right to earn his or her living through entrepreneurial activities.

(2) Terms of, or restrictions on, specific professions, trades or activities may be regulated by law.

(3) Citizens shall have the right to work. The State shall guarantee, within reasonable limits, the material welfare of those who cannot enjoy this right through no fault of their own. The terms thereof shall be specified by law.

(4) The rights of aliens provided in sections (1) to (3) of this Article, as concerns aliens, may be governed under a separate law.

Article 36

All employees shall have the right to fair and satisfactory conditions at work. The law shall provide in particular for:

- a) the right to compensation for the work performed to secure a dignified standard of life,

- b) the security from arbitrary dismissal and discrimination at work,
- c) the protection of health and safety at work,
- d) the setting of maximum working hours,
- e) reasonable rest time after work,
- f) a minimum amount of paid vacation,
- g) the right of collective bargaining.

Article 37

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

(2) Trade unions shall be independent of the State. There shall be no restrictions on the number of trade unions, and no encouragement of specific unions in certain companies or industries.

(3) The activities of trade unions and other associations formed to protect economic and social interests may be limited by law only where, in a democratic society, such measures may be necessary for the protection of the national security, public order, and rights and freedoms of other persons.

(4) The right to strike shall be guaranteed. The terms thereof shall be provided by law. Judges, prosecutors, members of the armed forces, and members and employees of fire and rescue squads shall be disqualified from the exercise of this right.

Article 38

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

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

(3) Further details of the rights defined in sections (1) and (2) of this Article shall be specified by law.

Article 39

(1) Citizens shall be entitled to adequate material security in their old age, as well as in cases of disability, and death of the family's principal provider.

(2) Any person suffering material hardship, shall have the right to such assistance as may be necessary to secure his or her fundamental standard of life.

(3) Further details of rights defined in sections (1) and (2) of this Article shall be provided by law.

Article 40

Every person shall have the right to protect his or her health. Through medical insurance, the citizens shall have the right to free health care and medical equipment for disabilities under the terms to be provided by law.

Article 41

(1) Marriage is a unique union between a man and a woman. The Slovak Republic comprehensively protects and cherishes marriage for its own good.

(2) Pregnant women shall be entitled to special treatment, terms of employment, and working conditions.

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

(4) Child care and upbringing shall be the right of parents; children shall have the right to parental care and upbringing. The rights of parents may be limited and minor children may be separated from parents against the parents' will only by a court order as provided by law.

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

(6) Further details of the rights defined in sections (1) to (5) of this Article shall be set by law.

Article 42

(1) Every person shall have the right to education. School attendance is compulsory. Length of attendance shall be fixed by law.

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

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

(4) Eligibility for financial assistance for students from public funds shall be provided by law.

Article 43

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

(2) The right of access to cultural heritage shall be guaranteed under the terms fixed by law.

Chapter Six - THE RIGHT TO PROTECT THE ENVIRONMENT AND CULTURAL HERITAGE

Article 44

- (1) Every person shall have the right to favorable environment.
- (2) Every person shall have a duty to protect and improve the environment and foster cultural heritage.
- (3) No person shall imperil or damage the environment, natural wealth and cultural heritage beyond the limits set by law.
- (4) The State shall be responsible for the economical use of natural resources, for ecological balance and an effective environmental policy, and shall ensure protection of determined species of wild plants and wild animals.
- (5) Details on the rights and duties according to paragraphs 1 to 4 shall be laid down by a law.

Article 45

Every person shall have the right to full and timely information on the environmental situation, and reasons and consequences thereof.

Chapter Seven - RIGHT TO JUDICIAL AND OTHER LEGAL PROTECTION

Article 46

- (1) Every person may claim his or her right by procedures established by law at an independent and impartial court of law or other public authority of the Slovak Republic in cases specified by law.
- (2) Any person who claims to have been denied his or her rights through a decision made by a public authority may turn to a court of law to have the legality of the decision reviewed, unless otherwise provided by law. The review of decisions in matters of fundamental rights and freedoms shall not be excluded from the jurisdiction of courts of law.
- (3) Every person shall have the right to recover damages for a loss caused by an unlawful decision of the court, a governmental or public authority or by improper official procedure.
- (4) Details and terms of the judicial and other legal protection shall be regulated by law.

Article 47

- (1) Every person shall have the right to refuse to give testimony which might incriminate that person or another person close to him or her.

(2) Every person shall have the right to counsel from the outset of proceedings before any court of law, or a governmental or public authority as provided by law.

(3) All parties to any proceedings under section (2) of this Article shall be treated equally under the law.

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

Article 48

(1) No one may be taken out of the competence of his or her judge. The jurisdiction of courts shall be defined by law.

(2) Every person has the right to have his or her case tried publicly without unreasonable delay, to be present at the proceedings, and to object to any evidence given therein. The public can be excluded only in cases specified by law.

Article 49

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

Article 50

(1) The courts of law alone shall decide the guilt of, and punishment for, the offender.

(2) Any person charged with an offense shall be presumed innocent until proven guilty as finally adjudged by the court.

(3) Any person charged with an offense shall have the possibility to prepare his or her defense during such time as may be deemed necessary and shall have the right to defend the case by himself or herself and by a counsel.

(4) Any person charged with an offense shall have the right to refuse to give testimony. This right may not be denied to that person under any circumstances.

(5) When finally convicted or acquitted of an offense, no person may be prosecuted for that same offense again. This principle does not preclude an exceptional remedy provided by law.

(6) Any criminal conduct shall be determined by, and punished under, the law effective at the time of the act. The law passed after the commission of the offense shall apply only if the law is more beneficial to the offender.

Chapter Eight - PART ONE AND PART TWO JOINT PROVISIONS

Article 51

(1) The rights defined in articles 35, 36, 37 section (4), 38 to 42 and 44 to 46 of this Constitution may be claimed only within the limits of the law providing for the exercise thereof.

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

Article 52

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

(2) Unless expressly designated only for the citizens of the Slovak Republic, aliens shall enjoy the same fundamental rights and freedoms guaranteed by this Constitution.

(3) Whenever the term "citizen" is used in any previous rules, it means any person provided the rights and freedoms are guaranteed by this Constitution, irrespective of the citizenship.

Article 53

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

Article 54

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

PART THREE

Chapter One - THE ECONOMY IN THE SLOVAK REPUBLIC

Article 55

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

(2) The Slovak Republic shall protect and encourage competition. Details shall be provided by law.

Article 56

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

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

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

Article 57

The Slovak Republic is a customs bonded territory.

Article 58

(1) The fiscal matters of the Slovak Republic shall be managed through the national budget. The national budget shall be adopted by an enactment.

(2) Budgetary revenues, procedures of budgetary management and the relationships between the national and local budgets shall be regulated by law.

(3) Specialized state funds linked with the national budget can be established by law.

Article 59

(1) Taxes and duties shall be collected on the national and local levels.

(2) Taxes and duties can be levied by and under the law.

Chapter Two - THE SUPREME AUDIT OFFICE OF THE SLOVAK REPUBLIC

Article 60

(1) The Supreme Audit Office of the Slovak Republic is an independent body auditing the management of

- a) financial resources, the budgeting of which is approved by the National Council of the Slovak Republic in accordance with the Law,
- b) the property, property rights, financial resources, credit and debts of the state, of public entities, of the National Property Fund of the Slovak Republic, of municipalities and higher territorial units, and of legal entities involving capital interest of the state, legal entities involving capital interest of public entities, legal entities involving capital interest of the National Property Fund of the Slovak Republic, legal entities involving capital interest of municipalities or higher territorial units, and legal entities established by municipalities or by higher territorial units,
- c) the property, property rights, financial resources and credit provided from abroad to Slovak Republic, legal entities and natural persons as part of development programs and for other similar reasons,
- d) the property, property rights, financial resources, credit and debts, for which the Slovak republic has undertaken to guarantee,

e) the property, property rights, financial resources, credit and debts of legal entities carrying out activities in the public interest.

(2) The auditing activity of the Supreme Audit Office is related, in the extent stated in paragraph 1, to:

- a) the Government of the Slovak Republic, ministries and other central bodies of the state administration of the Slovak Republic and bodies subordinate to them,
- b) state bodies and legal persons if the function of a founder or an incorporator is pursued by a central body of the state administration or by other state body,
- c) municipalities and higher territorial units, legal entities established by municipalities or by higher territorial units, legal entities involving capital interest of municipalities or higher territorial units
- d) state purpose funds, statutory institutions established by a law, , legal persons in which statutory institutions have a capital participation , legal persons with state capital participation,
- e) The National Property Fund of the Slovak Republic, legal persons with determined capital participation of the National Property Fund of the Slovak Republic,
- f) natural persons and legal persons.

Article 61

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

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

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

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

Article 62

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

Article 63

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

PART FOUR - LOCAL SELF-GOVERNING BODIES

Article 64

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

Article 64a

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

Article 65

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

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

Article 66

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

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

Article 67

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

referendum or referendum on the territory of a higher territorial unit shall be laid down by law.

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

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

Article 68

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

Article 69

(1) Municipal authorities are

- a) the municipal representation,
- b) the mayor of municipality.

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

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

(4) The authorities of a higher territorial unit are

- a) the representation of the higher territorial unit,
- b) the head of the higher territorial unit,

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

(6) The head of a higher territorial unit shall be elected by the inhabitants of the territorial district of the higher territorial unit permanently residing therein, on the basis of universal, equal and direct suffrage by secret ballot for a four-year term. Reasons for and method of

recalling the head of the higher territorial unit before expiration of the electoral term shall be laid down by a law. The head of a higher territorial unit shall be the executive authority of the higher territorial unit, shall perform administration of the higher territorial unit and represent the higher territorial unit externally.

Article 70

The municipality can acquire the status of a town or a city under the procedures and terms prescribed by law which also determine the structure of municipal authorities.

Article 71

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

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

PART FIVE - LEGISLATIVE POWER

Chapter One - THE NATIONAL COUNCIL OF THE SLOVAK REPUBLIC

Article 72

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

Article 73

(1) The National Council of the Slovak Republic shall consist of 150 members elected for a four-year term.

(2) The members shall be the representatives of the citizens, and shall be elected to exercise their mandates individually and according to their best conscience and conviction. They are bound by no directives.

Article 74

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

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

(3) Details relating to the election of the representatives shall be fixed by law.

Article 75

(1) A representative elected to the National Council of the Slovak Republic for the first time shall take the following vow:

"I do solemnly pledge allegiance to the Slovak Republic to the best of my ability to exercise dutifully my obligations in the interests of all citizens. I will abide by the Constitution and all other laws and I will make every effort to implement them in everyday life."

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

Article 76

The legitimacy of the elected representatives shall be confirmed by the National Council of the Slovak Republic.

Article 77

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

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

Article 78

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

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

(3) No Member of Parliament shall be taken into custody without the consent of the National Council of the Slovak Republic.

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

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

Article 79

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

Article 80

(1) A member may interpellate the Government of the Slovak Republic, any member of the Government or any principal governmental official in matters within their official powers. Any interpellation must be answered within thirty days.

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

Article 81

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

Article 81a

A Member's of Parliament mandate terminates

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

Article 82

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

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

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

(4) During a recess or adjournment, a session can be convened by the President of the National Council before the designated date. He can do so upon a request submitted by the Government or one fifth of the members.

(5) A session of the National Council of the Slovak Republic shall end as a result of lapse of time or dissolution.

Article 83

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

(2) The President of the National Council of the Slovak Republic shall convene a session also when so requested by no less than one fifth of the members. In this case the session shall be convened within seven days.

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

(4) Closed sessions may be held only in cases defined by law or when three fifths of all members have so resolved.

Article 84

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

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

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

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

Article 85

Any member of the Government of the Slovak Republic, or any principal official of any other body of governmental administration shall be obliged to participate in a session of the

National Council of the Slovak Republic or in a meeting of a body thereof, when requested to do so by the National Council of the Slovak Republic.

Article 86

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

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

Article 87

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

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

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

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

Article 88

(1) A vote of no-confidence in the Government of the Slovak Republic or a member thereof may be submitted to, and considered by, the National Council of the Slovak Republic provided one fifth of the members so require.

(2) A no-confidence vote in the Government of the Slovak Republic or a member thereof shall be passed provided an absolute majority of all members concur.

Article 89

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

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

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

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

Article 90

(1) The President of the National Council of the Slovak Republic may be substituted by the Vice-Presidents. The Vice-Presidents are elected or replaced by the National Council of the Slovak Republic with the consent of an absolute majority of all members voting by secret ballot. The Vice-Presidents shall be responsible to the National Council of the Slovak Republic.

(2) The provisions of Article 89, section (3) shall apply also to the Vice-Presidents of the National Council of the Slovak Republic.

Article 91

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

Article 92

(1) The National Council of the Slovak Republic shall establish Committees composed of its own members for purposes of the introduction of legislation and supervision with chairmen elected by secret ballot.

(2) The procedures governing the debates and deliberations in the National Council of the Slovak Republic and its Committees shall be fixed by law.

Chapter Two - REFERENDUM

Article 93

(1) A constitutional statute on the formation of a union with other states or a secession therefrom shall be confirmed by a public referendum.

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

(3) No issues of fundamental rights, freedoms, taxes, duties or national budgetary matters may be decided by a public referendum.

Article 94

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

Article 95

(1) A referendum shall be announced by the President of the Slovak Republic upon a petition submitted by no less than 350,000 citizens, or upon a resolution of the National Council of the Slovak Republic not later than thirty days after the petition or the resolution have been submitted by the citizens or by the National Council of the Slovak Republic, as the case may be.

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

Article 96

(1) The proposals for the adoption of a resolution by the National Council of the Slovak Republic on the holding of a referendum may be submitted by members of the National Council or the Government of the Slovak Republic.

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

Article 97

(1) No referendum shall be held less than ninety days before the date of the election of the National Council of the Slovak Republic.

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

Article 98

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

(2) The proposals adopted by a referendum shall be promulgated by the National Council of the Slovak Republic and shall become law.

Article 99

(1) The results of a referendum may be derogated or abrogated by a constitutional statute passed by the National Council of the Slovak Republic once a period of three years has passed since the date the outcome took effect.

(2) The referendum can be repeated no sooner than three years after the previous referendum held on the same issue.

Article 100

The procedures for holding a referendum shall be defined by law.

PART SIX - EXECUTIVE POWER

Chapter One - THE PRESIDENT OF THE SLOVAK REPUBLIC

Article 101

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

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

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

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

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

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

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

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

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

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

Article 102

(1) The President

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

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

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

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

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

f) shall sign laws,

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

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

- i) shall confer decorations unless another authority has been delegated by him to do so,
- j) remits and mitigates sentences imposed by criminal courts in criminal proceedings and expunges sentences in the form of individual pardon or amnesty,
- k) shall be the Commander in Chief of the armed forces,
- l) shall declare war on the basis of a decision of the National Council of the Slovak Republic if the Slovak Republic is attacked or if it follows from obligations from international treaties and collective defence against attack, and conclude peace,
- m) may, upon a proposition of the Government of the Slovak Republic, order a mobilization of the military forces, declare a state of war or declare an exceptional state and their termination,
- n) shall declare referendum,
- o) may return to the National Council of the Slovak Republic an act with comments up to 15 days of delivery of an adopted act,
- p) shall inform the National Council of the Slovak Republic of the state of the Slovak Republic and of major political issues;
- r) shall have the right to request of the Government of the Slovak Republic and of its members information necessary for the accomplishment of his tasks and
- s) shall appoint and recall judges of the Constitutional Court of the Slovak Republic, the President and Vice-President of the Constitutional Court of the Slovak Republic; shall accept the oath of judges of the Constitutional Court of the Slovak Republic and the oath of the General Prosecutor
- t) shall appoint and recall judges, the Chief Justice and the Deputy Chief Justice of the Slovak Republic, General Prosecutor and three members of the Judicial Council of the Slovak Republic; shall accept the oath of judges.
- u) shall decide on delegation of powers to the government and give approval for the exercising of its competences in accordance with Article 115.3. (*added by the Constitutional Law 356/2011 Coll. (effective from 25 October 2011)*)

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

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

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

Article 103

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

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

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

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

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

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

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

Article 104

(1) The President shall be sworn before the National Council by the President of the Constitutional Court as follows:

"I do solemnly pledge allegiance to the Slovak Republic. I will protect the welfare of the Slovak people, and members of national minorities and ethnic groups living in the Slovak Republic. I will perform my duties in the best interests of all citizens, and abide by and defend the Constitution and other laws."

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

Article 105

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

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

Article 106

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

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

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

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

Article 107

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

of the Constitutional Court of the Slovak Republic shall mean the loss of the presidential post and of the eligibility to regain this post.

Chapter Two - THE GOVERNMENT OF THE SLOVAK REPUBLIC

Article 108

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

Article 109

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

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

Article 110

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

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

Article 111

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

Article 112

The members of the Government shall be sworn in by the President by taking the following vow:

"I do solemnly pledge allegiance to the Slovak Republic. I will perform my duties in the best interests of the citizens. I will abide by the Constitution and all laws and will do my best to provide for their implementation."

Article 113

The Government shall be obliged, within thirty days of its formation, to present itself to all members of the National Council of the Slovak Republic and to submit to them its Government Program and thus initiate a vote of confidence.

Article 114

(1) The Government shall be collectively responsible for the exercise of governmental powers to the National Council of the Slovak Republic which may take a vote of confidence at anytime.

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

(3) The Government may initiate voting on a bill concerning any matter concurrently with a vote of confidence.

Article 115

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

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

(3) If the President of the Slovak Republic recalls the government in accordance with section (1), then by a decision promulgated in the Collection of Laws, the President shall charge that government with further performing its competences until a new government is appointed, but solely those competences set out in Article 119.a.b.e.f.m.n.o.p.r; in addition, however, the performance of government competences set out in Article 119.m.r requires the prior approval of the President in each individual case.

Article 116

(1) Members of the Government shall be individually accountable to the National Council of the Slovak Republic.

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

(3) The National Council of the Slovak Republic may also pass a vote of no-confidence in an individual member of the Government; in such case the member shall be dismissed by the President of the Slovak Republic;

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

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

(6) In a case where the National Council of the Slovak Republic has passed a vote of no-confidence in the Prime Minister, the Prime Minister shall be dismissed by the President of the Republic. The dismissal of the Prime Minister shall result in the resignation of the Government.

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

Article 117

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

Article 118

(1) The quorum of the Government shall consist of the majority of the members present.

(2) Adoption of a resolution by the Government shall require the consent of an absolute majority of all members of the Government.

Article 119

The Government shall decide as a body:

- a) on draft laws,
- b) on government regulations,
- c) on the Government Programme and its implementation,
- d) on principal measures to be taken to guarantee the economic and social programmes of the Slovak Republic,
- e) on draft state budget and final state budgetary account,
- f) on international treaties entered into by the Slovak Republic whose negotiation the President of the Slovak Republic has delegated to the Government,
- g) on the consent with delegation of negotiation of international treaties according to Art. 102, para. 1, letter a) to its individual members,
- h) on submitting to the Constitutional Court of the Slovak Republic a proposal to decide on the conformity with the Constitution and constitutional law of a negotiated international treaty for which the approval of the National Council of the Slovak Republic is necessary,
- i) on fundamental issues of internal and foreign policy,
- j) on submitting a draft law or a draft of other binding measure for public discussion,
- k) , on submitting request for a vote of confidence,

l) on granting amnesty in cases of offences,

m) on the appointment and recall of other state officials in cases laid down by a law and three members of the Judicial Council of the Slovak Republic,

n) on a proposal for declaring a state of war, on proposal for ordering a mobilization of the military forces, on proposal for declaring an exceptional state and on a proposal for their termination, on declaring and on termination of a state of emergency,

o) on despatching the military forces outside of the territory of the Slovak Republic for the purpose of humanitarian aid, military exercises or peace observing missions, on the consent with the presence of foreign military forces on the territory of the Slovak Republic for the purpose of humanitarian aid, military exercises or peace observer missions, on consent with the passing of the territory of the Slovak Republic by foreign military forces,

p) on despatching the military forces outside of the territory of the Slovak Republic if it regards performance of obligations resulting from international treaties on joint defence against attack for a maximum period of 60 days; the Government shall announce this decision without undue delay to the National Council of the Slovak Republic,

r) on other issues if the law provides so.

Article 120

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

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

(3) The Prime Minister shall sign government regulations.

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

Article 121

The Government shall have the power to grant pardons in matters of administrative infringements.

Article 122

The Central and local government bodies shall be established by law.

Article 123

Ministries and other governmental bodies shall, by and under the law and within its limits, pass generally binding regulations provided they are empowered to do so by law. These generally binding rules shall be promulgated in a manner specified by law.

PART SEVEN - THE JUDICIAL POWER

Chapter One - THE CONSTITUTIONAL COURT OF THE SLOVAK REPUBLIC

Article 124

The Constitutional Court shall be an independent judicial authority vested with the mandate to protect the integrity of constitutional principles.

Article 125

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

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

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

(3) If the Constitutional Court holds by its decision that there is inconformity between legal regulations stated in paragraph 1, the respective regulations, their parts or some of their provisions shall lose effect. The bodies that issued these legal regulations shall be obliged to harmonize them with the Constitution, with constitutional laws and with international treaties promulgated in the manner laid down by a law, and if it regards regulations stated in paragraph 1 letters b) and c) also with other laws, if it regards regulations stated in paragraph

1 letter d) also with government regulations and with generally binding legal regulations of Ministries and other central state administration bodies within six month from the promulgation of the decision of the Constitutional Court. If they fail to do so, these regulations, their parts or their provisions shall lose effect after six months from the promulgation of the decision.

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

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

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

Article 125a

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

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

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

Article 125b

(1) The Constitutional Court shall decide on whether the subject of a referendum to be declared upon a petition of citizens or a resolution of the National Council of the Slovak Republic according to Art. 95, para. 1 is in conformity with the Constitution or constitutional law.

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

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

Article 126

(1) The Constitutional Court shall decide on disputes over powers distributed among central government authorities, unless these disputes are to be decided by another governmental authority as provided by law.

(2) The Constitutional Court shall decide on cases of dispute as to whether the Supreme Audit Office has the power to inspect another entity.

Article 127

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

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

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

(4) The responsibility of the one who has infringed the rights or freedoms according to paragraph 1, for the damage or other injury shall not be affected by the judgement of the Court.

Article 127a

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

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

Article 128

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

Article 129

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

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

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

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

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

(6) The Constitutional Court shall decide on whether a decision on declaring an exceptional state or an emergency state and other decisions connected to this decision were issued in conformity with the Constitution and constitutional law.

(7) The Constitutional Court decides on complaint against resolution of the Judicial Council of the Slovak Republic pursuant to Article 154d.2.

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

Article 130

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

- a) not less than one-fifth of all members of the National Council of the Slovak Republic;
- b) the President of the Slovak Republic;
- c) the Government of the Slovak Republic;
- d) any court;
- e) the Attorney-General, and

f) The Chair of the Judicial Council in cases of conformity of legal regulations pursuant to Article 125.1, if these regulations relate to the judiciary.

g) The Public Defender of Rights in cases of conformity of legal regulations pursuant to Article 125.1, if their further application could threaten the basic rights and freedoms ensuing from an international treaty ratified by the Slovak Republic and promulgated in the manner laid down by law.

h) The Supreme Audit Office in cases set out in Article 126.c

i) in cases listed under Article 127 and 127a, anyone whose rights are to become the subject of inquiry,

j) any entity, which challenges the power to inspect of the Supreme Audit Office in cases set out in Article 126.2.

(2) The law shall specify who can commence the proceedings under Article 129.

Article 131

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

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

Article 132

Repealed

Article 133

There shall be no appeal against a decision of the Constitutional Court; this however does not apply if due to a decision by a body of an international organization set up to ensure the observance of international agreements binding for the Slovak Republic, the Slovak Republic has the obligation in proceedings before the Constitutional Court to reopen a final decision of the Constitutional Court.

Article 134

(1) The Constitutional Court shall consist of thirteen judges.

(2) The President of the Slovak Republic shall, on the nomination of the National Council of the Slovak Republic, appoint the judges of the Constitutional Court for a period of twelve years. The National Council of the Slovak Republic shall propose a double number of candidates who are to be appointed by the President of the Slovak Republic.

(3) Any citizen of the Slovak Republic who is illegible for election to the National Council of the Slovak Republic, has reached his 40 years of age, is a law school graduate, and has been practicing law for at least 15 years may be appointed judge of the Constitutional Court. One person may not be illegible for re-appointment as a judge of the Constitutional Court.

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

"I promise on my honor and conscience that I will protect the inviolability of the natural rights of man and civic rights, protect the principles of the rule of law, abide by the Constitution, constitutional laws and international agreements ratified by the Slovak Republic and which were declared in a manner provided by the law and decide to my best conscience, independently and impartially."

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

Article 135

The Constitutional Court shall be headed by a President who may be substituted by a Vice President. The President and the Vice President shall be appointed by the President of the Slovak Republic from among the judges of the Constitutional Court.

Article 136

- (1) No judge of the Constitutional Court shall be criminally prosecuted for his/her decision-making, not even after expiration of his/her office.
- (2) Should a judge of the Constitutional Court be apprehended while committing a criminal offence and then arrested, the authority concerned shall be obliged to notify the President if the Constitutional Court immediately, and should it be the President of the Constitutional Court him/herself, then the vice-president of the Constitutional Court must be notified. No judge of the Constitutional Court shall be remanded without the consent of the Constitutional Court.
- (3) The Constitutional Court may consent to the remanding into custody of any judge or the Prosecutor General. The Constitutional Court convenes disciplinary proceedings against the Chief Justice of the Slovak Republic, deputy-Chief Justice of the Slovak Republic or the Prosecutor General.

Article 137

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

Article 138

- (1) A judge of the Constitutional Court may resign from his or her office by written notice addressed to the President of the Constitutional Court. In such case his or her function expires at the elapse of the month in which the written notice of his resignation has been delivered.
- (2) The President of the Slovak Republic shall recall a judge of the Constitutional Court
 - a) on the basis of a final condemning judgement for a wilful criminal offence or if he or she was lawfully convicted of a criminal offence and the court did not decide in his or her case on probationary suspension of the imprisonment sentence,
 - b) on the basis of disciplinary decision made by the Constitutional Court for a conduct which is incompatible with holding the office of a judge of the Constitutional Court,
 - c) if the Constitutional Court has announced that the judge does not participate in proceedings of the Constitutional Court for over one year, or
 - d) if he or she is not eligible for the National Council of the Slovak Republic.

Article 139

In the case of a vacancy resulting from a resignation of, or removal from, office of the judge of the Constitutional court, the President of the Slovak Republic shall appoint an other judge for a new term from two nominees approved by the National Council of the Slovak Republic.

Article 140

The details of the structure of, and proceedings before, the Constitutional Court, and the status of judges therein shall be specified by law.

Chapter Two - THE JUDICIARY OF THE SLOVAK REPUBLIC

Article 141

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

(2) The judiciary shall be independent of other branches of government at all levels.

Article 141a

The Judicial Council of the Slovak Republic

(1) The Chair of the Judicial Council is elected from the members of the Judicial and is recalled by the Judicial Council.

Its members are

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

(2) In order to become the Chair or a member of the Judicial Council of the Slovak Republic according to sections 1 b) to 1 d) above, a candidate shall be of impeccable character with a university qualification in law and at least 15 years of professional practice.

(3) Performance of the office of the Chair of the Judicial Council of the Slovak Republic is incompatible with holding a position in any other body of public authority; with state service employment; with gainful employment based on contract or otherwise; with entrepreneurial activity; with membership in the executive or supervisory boards of a legal entity engaged in entrepreneurial activity; or with any other economic or gainful activity other than administration of personal property and research, pedagogical, literary or artistic activity.

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

(5) The competences of the Judicial Council include:

- a) ensuring fulfilment of the responsibilities of public supervision of the judicial system,
- b) adopting a standpoint on whether a candidate for appointment as a judge fulfils the criteria for judicial capacity which provide a guarantee that s/he will properly perform the office of judge,
- c) submitting proposals to the President of the Slovak Republic concerning candidates for appointment as judges, and proposals for recall of judges,
- d) deciding on the assignment or transfer of judges,
- e) submitting proposals to the President of the Slovak Republic for appointment of the President and the Vice President of the Supreme Court of the Slovak Republic, and proposals for their recall,
- f) submitting proposals to the Government of the Slovak Republic concerning candidates for judges who should act for the Slovak Republic in international judicial bodies,
- g) electing and recalling members and chairs of disciplinary senates,
- h) commenting on the draft budget of the courts of the Slovak Republic during preparation of the draft of the state budget, and submitting a standpoint to the National Council of the Slovak Republic regarding the draft budget of the courts,
- i) monitoring whether a judge fulfils the criteria for judicial capacity which provide a guarantee that the judge will properly perform his/her office throughout the duration of that office,
- j) publishing the principles of judicial ethics in cooperation with the bodies of self-administration of the judiciary,
- k) other competences if laid down by law.

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

(7) The activity of the Judicial Council of the Slovak Republic is organized and managed by the Chair.

(8) The Chair of the Judicial Council of the Slovak Republic may submit a motion for commencement of proceedings before the Constitutional Court of the Slovak Republic concerning compliance of legal regulations regarding the performance of the judiciary according to Art. 125.1.

(9) The Judicial Council of the Slovak Republic adopts standpoints according to sec. 5 b) on the basis of documents from the state authority vested with the task of protecting classified materials, and of statements from candidates for appointment to the position of judge; details shall be laid down by law.

(10) Loss of criteria for judicial capacity, which provide a guarantee that the judge will properly perform his/her office throughout the duration of that office, shall be decided on by a disciplinary senate; the provisions of Art. 154d.1 to 154d.3 remains unaffected.

(11) Details of the election and recall of the Chair of the Judicial Council of the Slovak Republic, the manner of establishing members of the Judicial Council of the Slovak Republic, its scope of powers, deputising for the Chair of the Judicial Council of the Slovak Republic, its organisation and its relations with bodies of administration and self-administration of the judiciary, as well as of the method of scrutinising whether a judge fulfils

the criteria for judicial capacity which guarantee that the judge will properly perform his/her office throughout the duration of that office, shall be laid down by law.

Article 142

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

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

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

Article 143

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

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

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

Article 144

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

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

Article 145

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

(2) A citizen of the Slovak Republic who is eligible for election to the National Council of the Slovak Republic, has attained the age of 30 years, has a university education in law and fulfils the criteria for judicial capacity which provide a guarantee that s/he will properly perform the office of judge may be appointed a judge. A law shall lay down other conditions for appointment a judge and his or her promotion and also on the scope of immunity of judges.

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

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

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

Article 145a

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

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

Article 146

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

Article 147

(1) The President of the Slovak Republic, on the proposal of the Judicial Council of the Slovak Republic, recalls a judge, who does not fulfil the criteria for judicial capacity which provide a guarantee that s/he will properly perform the office of according to the final resolution of the Judicial Council of the Slovak Republic based on Article 154d.1, or the final decision of the Constitutional Court by which a complaint based on Article 154.2 has been rejected.

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

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

Article 148

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

(2) Temporary suspension of the judge must not interfere into, with the independence of the judiciary. The reasons for suspension of discharge of a judicial office, and conditions for temporary suspension of the post of a judge or the temporary assignment of a judge shall be laid down by a law.

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

(4) A judge and a lay-judge may not be criminally prosecuted even after end of their office.

(5) A judge may submit a complaint against the decision on commencing the criminal prosecution against him/her and the prosecutor general decides on this complaint.

PART EIGHT - THE OFFICE OF THE PUBLIC PROSECUTION OF THE SLOVAK REPUBLIC AND THE PUBLIC DEFENDER OF RIGHTS

Section One - OFFICE OF THE PUBLIC PROSECUTORS IN THE SLOVAK REPUBLIC

Article 149

Public prosecutors shall protect the legal rights and interests of the State, individuals, and corporations.

Article 150

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

Article 151

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

Section Two

PUBLIC DEFENDER OF RIGHTS

Article 151a

(1) The Public Defender of Rights is an independent body of the Slovak Republic which, in the scope and manner down by law, protects basic rights and freedoms of natural persons and legal entities in proceedings before public administration bodies and other bodies of public authority, if their conduct, decision-making or inaction is in conflict with the legal order. In cases specified by law, the Public Defender of Rights may be involved in holding accountable the persons working in the public administration bodies, if those persons violated a basic human right or freedom of natural persons or legal entities. All bodies of public authority shall give the Public Defender of Rights the required assistance.

(2) The Public Defender of Rights may file a motion with the Constitutional Court of the Slovak Republic to initiate proceedings pursuant to Article 125, if a generally - binding regulation violates a basic human right or freedom granted to natural persons or legal entities.

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

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

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

(6) Details on the election and recall of the public defender of rights, on the scope of powers of the Public Defender of Rights, on the conditions of discharging of the function, on the manner of legal protection, on the filing of motions to initiate proceedings before the Constitutional Court pursuant to Article 130.1.f and on asserting rights of natural persons and legal persons shall be laid down by a law.

PART NINE - TRANSITORY AND FINAL PROVISIONS

Article 152

(1) The constitutional statutes, laws and other generally binding rules shall remain in force in the Slovak Republic unless they are in contradiction with this Constitution. They can be derogated and abrogated by the appropriate authorities of the Slovak Republic.

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

(3) The power to invalidate legislation shall be vested in the decision of the Constitutional Court of the Slovak Republic under the provisions defined in Article 130.

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

Article 153

The Slovak Republic shall be the successor to all the rights and duties ensuing from international treaties and agreements binding on the Czech and Slovak Federal Republic to the extent fixed by a constitutional statute issued in the Czech and Slovak Federal Republic or to the extent specified in an agreement made between the Slovak Republic and the Czech Republic.

Article 154

(1) The criteria for judicial capacity which provide a guarantee that a judge will properly perform the office of judge apply also to judges who were already in office before 1st September 2014. The Judicial Council of the Slovak Republic adopts a standpoint on the criteria for judicial capacity mentioned in the previous sentence applied to each judge who was already in office before 1st September 2014 on the basis of documents from the state authority vested with the task of protecting classified materials, and of statements from the judge him/herself. Details of the decision-making on adopting a standpoint whether a judge fulfils the criteria for judicial capacity which provide a guarantee that the judge will properly

perform his/her office, incl. the way of presenting his/her statements regarding those documents, shall be laid down by law

(2) A judge may submit a complaint against a resolution based on Article 154.1 and the Constitutional Court decides on this complaint.

(3) If a judge who was already in office before 1st September 2014 is held not to fulfil the criteria for judicial capacity which provide a guarantee that s/he will properly perform the office of judge, according to the final resolution of the Judicial Council of the Slovak Republic based on Article 154d.1, or the final decision of the Constitutional Court by which a complaint based on Article 154.2 has been rejected, the Judicial Council of the Slovak Republic shall propose that the President recall that judge. Non-fulfilment of the criteria for judicial capacity which provide a guarantee that a judge will properly perform the office of judge is sufficient reason for recalling a judge.

(4) The position of the President of the Judicial Council appointed on the basis of previous legislation lapsed on 1st September 2014. The Chief Justice of the Slovak Republic remains a member of the Judicial Council until the membership of those judges who were elected to the Judicial Council together with him according previous legislation also lapses.

(5) The members of the Judicial Council who were elected by the judges of the Slovak Republic, who were elected by the National Council of the Slovak republic, who were appointed by the President of the Slovak republic and who were appointed by the government of the Slovak republic on the basis of previous legislation are considered as members of the Judicial Council of the Slovak republic according to this amendment; their membership is regulated by the previous legislation.

Article 154a

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

Article 154b

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

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

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

Article 154c

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

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

Article 154d

(1) The Slovak National Council elected under Article 103 of the Czecho-Slovak Federation Constitutional Act 143/1968 and its amendments shall operate under the new name of the National Council of the Slovak Republic as provided by this Constitution. Its term begins on the election date of the Slovak National Council.

(2) The Government of the Slovak Republic appointed under Article 122, section (1) a) of the Czecho-Slovak Federation Constitutional Act 143/1968 and its amendments shall be deemed to be the government appointed under this Constitution.

(3) The President of the Supreme Court of the Slovak Republic and the Attorney-General of the Slovak Republic appointed under the previous legislation shall remain in office until appointed under this Constitution.

(4) Judges elected under the previous statutory enactments shall be deemed to have been elected to office for indefinite term under this Constitution.

Article 155

The following laws are hereby abrogated:

(1) The Slovak National Council Constitutional Statute 50/1990 concerning the name, the state emblem, the state flag, the state seal and the state anthem of the Slovak Republic;

(2) The Slovak National Council Constitutional Statute 79/1990 concerning the number of representatives in the Slovak National Council, the solemn vow taken by the representatives to the Slovak National Council, members of the Government of the Slovak Republic and the local government representatives in the National Committees and the official term of the Slovak National Council.

(3) The Slovak National Council Constitutional Statute 7/1992 on the Constitutional Court of the Slovak Republic.

Article 156

This Constitution of the Slovak Republic shall enter into effect on the day of its Proclamation except for the following: Article 3, section (2), Article 23, section (4) in the cases of expelling or extraditing an alien; Articles 53 and 84, section (3) in the case of war against

another state, Article 86 subsection k) and 1) and Article 102 subsection g) in the case of academic appointments of university professors, presidents of universities, and promotions of military generals, Article 102, subsections j) and k) and Article 152 section 1, second clause in the case of constitutional statutes, laws and other general binding rules issued by the appropriate authorities in the Czech and Slovak Federal Republic which shall become operative concurrently with the appropriate constitutional changes in the Czech and Slovak Republic under the provisions of this Constitution.

Text of the Constitution (No. 460/1992 Coll. - Official Journal "Collection of Laws") of 1 September 1992, as amended by the following Constitutional Laws:

- No. 244/1998 Coll. of 14 July 1998,
- No. 9/1999 Coll. of 14 January 1999,
- No. 90/2001 Coll. of 23 February 2001,
- No.140/2004 Coll.
- No.343/2004 Coll.
- 356/2011 Coll. (effective from 25 October 2011
- 232/2012 Coll. of 26 July 2012 (effective from 1 September 2012);
- 161/2014 Coll. of 4 June 2014 (effective from 1 September 2014);
- 306/2014 Coll. from 21 October 2014 (effective from 1 December 2014);
- Constitutional Law No. 427/2015 effective from 1 January 2016.