



**International Human Rights
Instruments**

Distr.: General
22 July 2020

Original: English

**Common core document forming part
of the reports of States parties**


Slovakia*

[Date received: 19 December 2019]

* The present document is being issued without formal editing.

GE.20-09890(E)



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Introduction

1. This document is a revised Core document on the Slovak Republic (hereinafter referred to as “SR”), following the first basic document No. HRI/CORE/SVK/2002 prepared and submitted to the United Nations High Commissioner for Human Rights in June 2002 and the second document HRI/CORE/SVK/2014 presented in January 2014.
2. The submitted, revised Core document is the third document on the Slovak Republic, prepared in accordance with the Harmonized Guidelines for the Reporting on the Implementation of International Human Rights Treaties, including the Guidelines on the Framework Document No. HRI/GEN/2/Rev.6, the individual human rights documents adopted by the United Nations as well as with the UN General Assembly Resolution No. 68/268 of 9 April 2014.
3. The revised Core document, together with the periodic reports on the implementation of obligations under the UN human rights conventions¹, informs about particular steps taken by the Slovak Republic to improve the level of support and protection of human rights.
4. The revised Core document was prepared by the Ministry of Foreign and European Affairs of the SR in cooperation with the Ministry of Justice of the SR, the Ministry of Interior of the SR, the Ministry of Education, Science, Research and Sport of the SR, the Ministry of Labour, Social Affairs and Family of the SR, the Ministry of Health of the SR, the Constitutional Court of the SR, the General Prosecutor’s Office of the SR, the Office of the Plenipotentiary of the Government for the Roma Communities of the SR, the Office of the Plenipotentiary of the Government for National Minorities of the SR and the Statistical Office of the SR.

I. General information on the Slovak Republic

5. The Slovak Republic was established on 1 January 1993 on the basis of Constitutional Act No. 542/1992 Coll. on the dissolution of the Czech and Slovak Federal Republic. It was preceded by the adoption of the Declaration of the Slovak National Council on the Sovereignty of the Slovak Republic, which declared the sovereignty of the Slovak Republic as the basis of a sovereign nation on the basis of the internationally recognized natural right of nations to self-determination. The capital is Bratislava. The currency unit is the euro.
6. The Slovak Republic is a landlocked country, neighbouring the Czech Republic, Poland, Ukraine, Hungary and Austria. The Slovak Republic is a country with a Christian tradition, with the highest number of inhabitants (approx. 62%) claiming to be a Roman Catholic religion. However, the Constitution of the Slovak Republic (hereinafter referred to as the “Constitution”) declares that the Slovak Republic is not bound by any ideology or religion.
7. The geographical position of the Slovak Republic and its historical development significantly influenced the diversity of the national structure of its population. According to the results of the Population and Housing Census in 2011, 5,397,036 inhabitants lived in Slovakia. 80.7% of the population claimed the Slovak nationality; the Hungarian nationality 8.5%; the Roma nationality 2%; the Ruthenian nationality 0.6%; the Czech nationality 0.6%; the Ukrainian nationality 0.1%; the German nationality 0.1%; the Moravian nationality 0.1%; the Polish nationality 0.1%; the Russian nationality 0.04%; the Croatian nationality 0.02%; the Bulgarian nationality 0.02%; the Serbian nationality 0.01% and the Jewish nationality 0.01% of the population. Other nationalities were reported by 0.2% and

¹ International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, International Convention on the Elimination of All Forms of Racial Discrimination, International Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Rights of the Child, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Rights of Persons with Disabilities and International Convention on the Protection of All Persons from Enforced Disappearance.

no nationality was found in 7% of the population. The census fully respected the right of everyone to freely decide on their nationality enshrined in the Constitution.

8. During the establishment of the Slovak Republic, special attention was paid to ensuring the continuity and stability of the legal order as a prerequisite for the stability of state institutions and the respect for human rights. Constitutional laws, laws and other generally binding legal regulations remained in force in the Slovak Republic after the dissolution of the Czech and Slovak Federal Republic, if they did not contradict the Constitution.² All basic standards guaranteeing democracy, legality, human rights and freedoms, including international conventions to which the Czech and Slovak Federal Republic was a party as at the date of its dissolution, have been incorporated into the Slovak legal order. Since 19 January 1993, Slovakia has been a member of the United Nations.

A. Country and population

9. Statistical data concerning the population of the Slovak Republic are based on data from population and housing censuses. The census takes place every ten years, and the selected data are updated annually in the inter-census period on the basis of the population demographic survey. The next census will take place in 2021.

Country and population: basic statistical data as at 31 December 2018

1. Area	49,034 km ²
2. Number of inhabitants	5.45 mil.
3. Population density	111.1 inhabitants per 1 km ²
4. Population structure by nationality	81.549% Slovak (4,444,758) 8.291% Hungarian (451,914) 2.053% Roma (111,889) 0.683% Czech (37,219) 0.553% Ruthenian (30,153) 0.193% Ukrainian (10,501) 0.138% German (7,543) 0.124% Polish (6,779) 0.104% Romanian (5,657) 0.059% Russian (3,192) 0.055% Moravian (2,979) 0.052% Vietnamese (2,842) 0.049% Bulgarian (2,646) 0.031% Austrian (1,666) 0.011% Jewish (601) 6.056% other and undetected (330,082)
5. Population structure by religion*	62.0% Roman Catholic Church (3,347,277) 5.9% Evangelical Church of the Augsburg Confession (316,250) 3.8% Greek-Catholic Church (206,871) 1.8% Reformed Christian Church (98,797)

² Art. 152 para. 1 of the Constitution.

	0.9% Orthodox Church (49,133)
	13.4% Non-Religious (725,362)
6. Gender share	48.8% men 51.2% women
7. Age structure of the population	15.7% pre-productive age (0–4) (men – 51.3%; women – 48.7%) 68.2% productive age (15 – 64) (men – 50.4%; women – 49.6%) 16.0% post-productive age (65+) (men – 39.6%; women – 60.4%)
8. Economically active persons*	48.7% (2,630,052 inhabitants) (men – 54.1%; women – 45.9%)
9. Number of births per 1,000 inhabitants	10.6‰
10. Number of deaths per 1,000 inhabitants	10.0‰
11. Percentage of population living in cities and in the countryside	53.5% in cities 46.5% in the countryside

* Data from the Population and Housing Census in 2011.

B. Territorial and administrative arrangement – higher territorial units

10. The territory of the Slovak Republic is unified and indivisible.³ Pursuant to Act No. 221/1996 Coll. on territorial and administrative arrangement of the SR, as amended, territorial and administrative units are created for the execution of administration.

11. Self-governing territorial units of the SR are municipalities and higher territorial units. The territorial district of the higher territorial unit is identical only with the territorial district of the region; the position, competence and self-governing bodies of a higher territorial unit are laid down in Act No. 302/2001 Coll. on the self-government of higher territorial units, as amended.

12. The administrative units of the SR are regions and districts. Regions are divided into districts. The territorial district of the region and the territorial district of the district are territorial districts for the exercise of competences of state authorities, unless special legislation provides otherwise.

13. According to the act⁴ the territory of the Slovak Republic is divided into 8 self-governing regions, independent territorial self-governing and administrative units. A self-governing region is a legal person that, under the conditions laid down by law, independently manages its own property and income, secures and protects the rights and interests of its inhabitants. In the matters of territorial self-government, the self-governing region may be imposed obligations and restrictions only by law and on the basis of an international treaty. The bodies of the self-governing region are the council of self-governing region and the president of the self-governing region.

14. In the exercise of their powers, self-governing regions cooperate with state authorities, other self-governing regions, municipalities and other legal persons. Certain tasks of local state administration can be transferred by law to the self-governing region.

³ Art. 3 para. 1 of the Constitution.

⁴ Act No. 302/2001 Coll. on the self-government of higher territorial units, as amended.

Within the scope of its competence, the self-governing region may cooperate with territorial and administrative units or with authorities of other states performing regional functions. It has the right to become a member of an international association of territorial units or territorial bodies.

15. The self-governing region may issue generally binding regulations in matters of territorial self-government. In matters in which the self-governing region fulfils the tasks of state administration, it may issue regulations only on the basis of the authorization by law and within its limits.

C. Territorial and administrative arrangement – municipalities

16. The municipality is an independent territorial self-governing and administrative unit of the SR associating persons with permanent residence in its territory. The municipality is a legal person that, under the conditions laid down by law, independently manages its own property and its own income.

17. The territory of a municipality is a territorial unit that makes up one cadastral territory or several cadastral territories. A municipality is established, abolished, divided or merged with other municipalities by the Government with its regulation. This can be decided only with the consent of the municipality and on the basis of the opinion of the district office in the registered office of the region in which the municipality is located.

18. The municipal authorities are the municipal council and the mayor. The municipal council consists of members of the municipal council. The members are elected for four years by the residents of the municipality who have permanent residence in the municipality. The election of members shall be by universal, equal and direct suffrage by secret ballot. The mayor of the municipality is elected by the residents of the municipality who have permanent residence in its territory on the basis of universal, equal and direct suffrage by secret ballot for a four-year period. The mayor of the municipality is the executive body of the municipality, administers the municipality and represents the municipality externally.

19. The performance of designated tasks of local state administration can be transferred to the municipality by law. In the performance of state administration, a municipality may issue generally binding regulations within its territorial competence on the basis of the authorization by law and within its limits. The performance of state administration transferred to the municipality is governed and controlled by the Government by operation of law.

D. Economic, social and cultural indicators

20. The rate of economic activity of the population aged 15 and over reached 59.8% in 2018 and decreased by 0.1 pp compared to 2017. However, it decreased only for women (to 52.3%); on the contrary, for men it increased (to 67.8%).⁵

21. In the year-to-year comparison (compared to 2017), in 2018 the number of employed persons increased by 1.4%, i.e. by 36.0 thousand to 2,566.7 thousand, while the employment growth slowed slightly compared to 2017.

22. In 2018, the employment rate of persons aged 20–64 increased in the year-to-year comparison to 72.4% in both genders (79.2% for men and 65.5% for women).

23. In 2018, the specific employment rate of young people aged 15–24 reached 27.5%. The specific employment rate of older people aged 55–64 reached 54.2%. It increased in both genders, but more markedly in men (to 58.4%) than in women (to 50.4%).

24. The average number of persons employed in the economy in 2018 amounted to 2,392,806 persons. Compared to 2017, it increased by 1.9%. Of the total number of persons employed in 2018, 3.6% worked in agriculture, 23.4% in industry, 7.0% in construction and 66.0% in services. Within the sector of services, the largest share in the total employment

⁵ Source: Statistical Office of the Slovak Republic, Labour Force Survey (LFS).

was seen in wholesale and retail trade, repairs of motor vehicles (15.7%). In 2018, according to statistical reporting, on average 25,088 vacancies were available in the Slovak economy.

Unemployment rate in 2012–2018 in %⁶

2012	2013	2014	2015	2016	2017	2018
14.0%	14.2%	13.2%	11.5%	9.7%	8.1%	6.6%

25. Reducing poverty and social exclusion is one of the long-term priorities of Slovak public policies. As a welfare state, Slovakia has set up a system of social protection that significantly reduces the risk of poverty, both through the setting up and provision of social transfers, through the social insurance system and via the presence of available assistance services (extensive social assistance system, state social support system). Addressing poverty and social exclusion are treated comprehensively as a multi-thematic, multi-level problem. Measures are therefore being taken to improve labour market opportunities, providing job opportunities and other key aspects, such as measures for work and family life reconciliation, support for pre-school education, housing support and the like.

26. Protecting people from falling into poverty is one of the pillars of the social protection system. In the case of a household in an unfavourable social situation with a low income or without income, it is provided by the state with assistance in material need⁷ to ensure the basic living conditions of its members and to help them, through their active participation, to overcome their unfavourable financial situation.

27. The material need allowance is determined for ensuring the basic living conditions. Assistance in material need, in addition to the material need allowance, also includes a protection allowance, activation allowance, dependent child allowance and housing allowance. The purpose of the individual contributions is to help resolve the state of material need.

28. Any person whose income does not reach the statutory minimum subsistence level laid down by law⁸ and cannot increase his/her own income is eligible for assistance in material need.

29. The current system of assistance to persons in material need includes measures of a motivational and activating character in order to support the citizen's efforts to resolve their unfavourable social situation as soon as possible. The measures are aimed primarily at supporting economic activity within households and supporting their active participation in the labour market. The aim of assistance in material need is not to compensate long-term household income, but to provide current assistance in need at the level of ensuring the basic living conditions. In the system of assistance in material need, there are integrated elements motivating to accept and maintain a job, activity, education and preparation for the labour market. In particular, promoting active participation in the labour market leads to an increase in household income, a reduction in its economic burden and helps reduce the risk of poverty.

30. The provision of assistance in material need shall be assessed on an individual and targeted basis. When assessing the entitlement, the group of persons assessed jointly, their income as well as property, asserting legal entitlements, fulfilling school attendance in the case that the groups includes any children obliged to perform the compulsory school attendance, etc. are considered. The amount of assistance in material need shall be determined as the difference between the amount of entitlements and income. Recently, there has been a significant decrease in the number of beneficiaries of assistance in material need.

31. On 1 May 2018, the Social Economy and Social Enterprises Act came into effect, which aims to legislate in the social economy sector and create the right conditions for the

⁶ Source: Statistical Office of the Slovak Republic, Labour Force Survey (LFS).

⁷ Act No. 417/2013 Coll. on assistance in material need, as amended.

⁸ Act No. 601/2003 Coll. on the subsistence minimum, as amended.

social economy to develop and not only contribute to increasing employment, but also to regulate the support system that will be socially acceptable and will fully respect state aid rules.

32. With effect from 1 July 2015, the Social Insurance Act introduced the institute of the so-called minimum pension, the purpose of which is to provide insured persons who, during the majority of their working lives, were engaged in gainful activities and who fulfilled the statutory conditions, with pension income at such level that they do not have to, as individuals, to rely on assistance in material need. Entitlement to a minimum pension may arise for old-age pensioners or disability pensioners after reaching the retirement age and at least 30 qualifying years of the pension insurance period provided for in the Social Insurance Act, provided that the amount of the basic pension or the sum of pension income do not exceed the threshold laid down for the award of the minimum pension.

E. Education and training

33. The Constitution guarantees everyone the right to education. Education and training are governed by Act No. 245/2008 Coll. on education and training (Education Act) and on amendments to certain acts, as amended, which regulates the principles, objectives, conditions, scope, content, forms and organization of education and training in schools and school facilities. School attendance is compulsory; its length to the age limit is stipulated by law.⁹ Citizens have the right to free education in primary and secondary schools, depending on the citizens' abilities and the possibilities of society also at universities. The establishment of schools other than state schools and teaching in them is possible only under the conditions laid down by law; in such schools, education may be provided against payment. The law lays down the conditions under which citizens have the right to state assistance during their studies.

34. Education and training within the meaning of the Education Act is based on the principles¹⁰ of free education in kindergartens one year before compulsory education; free education in primary and secondary schools set up by a local state administration body in the education system, central state administration body or territorial self-government body; equality of access to education and training, taking into account the individual's educational-training needs and his/her co-responsibility for his/her education; the prohibition of all forms of discrimination and especially segregation; the equivalence and inseparability of education and training in the educational-training process; lifelong learning; educational counselling; the free choice of education, taking into account the expectations and assumptions of children and pupils in accordance with the educational system possibilities; preparing for a responsible life in a free society in a spirit of understanding and tolerance, gender equality; friendship between peoples, national and ethnic groups and religious tolerance; control and evaluation of the quality of education and training and the quality of the educational-training system; integration of the educational-training system of the Slovak Republic into the European educational area with regard to own experience and traditions; strengthening the educational aspect of the educational-training process through all subjects, but also by specific educational jobs aimed at developing feelings and emotions, motivation and interests, socialization and communication, self-control and self-regulation, moral values and creativity; balanced development of all aspects of child's and pupil's personality in the school education; the prohibition of the provision or disclosure of information or the misuse of information means that could lead to moral violations or incite national, racial and ethnic hatred or any other forms of intolerance; equality of status between schools and school facilities without distinction between the founder; the equivalence of education obtained in public schools, in schools set up by a state-recognized church or religious society (church school) and in schools set up by another natural or legal person (private school); prohibition of using all forms of corporal punishment and sanctions in education.

35. A school or school facility may be set up by a municipality, self-governing region, district office in the registered office of the region, a state-recognized church or religious

⁹ Section 19 of the Education Act.

¹⁰ principles of education and training (Section 3 of the Education Act).

society, another legal or natural person only after its inclusion in the network. The application for inclusion of a school or school facility in the network shall be submitted to the Ministry of Education, Science, Research and Sport of the Slovak Republic by the founder. National minority language schools are also included in the school network, and there are also schools teaching national minority languages¹¹. There are 49,161 children and pupils in 690 Hungarian-language schools. There are 346 pupils in four Ukrainian-language schools and 75 pupils in one school teaching the Ukrainian language. There are 94 pupils in 5 Ruthenian-language schools and 23 pupils in 2 schools teaching the Ruthenian-language. There are 408 pupils in four German-language schools and 886 pupils in 4 schools teaching the German language. There are 163 pupils in 3 Bulgarian-language schools. There are 10 pupils in one Slovak-Russian school.

36. Pursuant to the Education Act, rights are equally guaranteed to every applicant, child, pupil and listener in accordance with the principle of equal treatment in education established by the Anti-Discrimination Act.¹²

37. In the area of education and training of pupils with health disadvantages, the education of these pupils shall be equal to the education of pupils without disabilities. Disabled pupils, with the exception of pupils with intellectual disabilities, have the opportunity to receive the same level of education as other pupils. Special education support for pupils with health disadvantages in the educational process is guaranteed by the relevant educational programmes and the applicable legislation.

38. In the area of higher education, education is regulated by Act No. 131/2002 Coll. on higher education and on amendments to certain acts, as amended. Pursuant to the aforementioned Act, everyone has the right to study at a higher education institution of the selected study programme, if they meet the basic conditions for admission to study pursuant to Section 56 of the Act; other conditions determined by the higher education institution providing the selected study programme pursuant to Section 57 para. 1 of the Act, conditions specified in the agreement pursuant to Section 54a para. 2 of the Act and conditions pursuant to Section 58a para. 4 of the Act.

39. Pursuant to the Higher Education Act, rights are equally guaranteed to all applicants and students in accordance with the principle of equal treatment in education established by the Anti-Discrimination Act.

II. State Authorities under the constitution of the Slovak Republic

40. Pursuant to Article 1 para. 1 of the Constitution, the Slovak Republic is a sovereign, democratic and legal state. There is no ideology or religion. Pursuant to Art. 2 para. 1 of the Constitution, state power comes from citizens who exercise it through their elected representatives or directly. Anyone can do under the Constitution what is not prohibited by law and no one can be forced to do anything that the law does not impose. State authorities may act only on the basis of the Constitution, within its limits and to the extent and in the manner prescribed by law.

A. Electoral system in the Slovak Republic

Conditions for the exercise of the right to vote:

41. Citizens have the right to participate in the administration of public affairs directly or by the free choice of their representatives. Foreigners with permanent residence in the Slovak Republic have the right to vote and to be elected to municipal self-government bodies and to self-government bodies of higher territorial units¹³. Citizens of other EU

¹¹ Educational language Section 12 of the Education Act.

¹² Sections 2 and 8 of Act No. 365/2004 Coll. on equal treatment in certain areas and protection against discrimination and on amendments to certain acts (Anti-Discrimination Act).

¹³ Art. 30 para. 1 of the Constitution.

Member States with permanent residence in the Slovak Republic have the right to vote and to be elected to the European Parliament.

42. The right to vote is universal, equal and direct and is exercised by secret ballot¹⁴. The conditions for the exercise of the right to vote for each type of election are laid down by Act No. 180/2014 Coll. on the conditions for the exercise of the right to vote and on amendments to certain acts, as amended.

43. The general condition for the exercise of an active right to vote is the age of 18 years at the latest on the day of the elections.

44. Under the same conditions, citizens have access to elected and other public functions.¹⁵

45. In elections to the National Council of the SR, elections to the European Parliament and elections of the President of the Slovak Republic, the SR constitutes one constituency.

B. Legislative Power

i. National Council of the Slovak Republic

46. The National Council of the Slovak Republic (hereinafter referred to as “Parliament”) is the only constitutional and legislative body of the Slovak Republic. It has 150 members who are elected for 4 years. They exercise their mandate personally according to their conscience and belief and are not bound by any orders.

47. The minimum age for election as a member of Parliament is 21 years. Members shall be elected by universal, equal and direct suffrage by secret ballot. The office of a member of Parliament is incompatible with the performance of the office of a judge, prosecutor, ombudsman, member of the armed forces, member of the armed corps and member of the European Parliament.

48. The Parliament’s meetings are public. Non-public meetings may only be held in cases provided for by law or if a parliamentary resolution of 3/5 is adopted by a majority of all members. The Parliament’s activities are managed and organized by the President and Vice-Presidents. The Parliament has a quorum if an absolute majority of all members is present. A valid resolution of the Parliament requires the consent of an absolute majority of the members present, unless the Constitution provides for a higher quorum.

49. In particular, the Parliament shall be responsible for:

- Making a resolution on the Constitution, the constitutional laws and other laws and checking how they are observed;
- By the constitutional law, approving a contract on entry into the state union of the Slovak Republic with other states and on termination of such a contract;
- Deciding to announce a referendum;
- Before ratification, agreeing to international treaties on human rights and fundamental freedoms, international political treaties, international treaties of a military nature, international treaties giving rise to membership of the Slovak Republic in the international organizations, international economic treaties of a general nature, international treaties the implementation of which is required by law as well as with international treaties which directly establish the rights or obligations of natural or legal persons, and at the same time deciding whether they are international treaties pursuant to Article 7 para. 5 of the Constitution;
- Establishing by law the ministries and other state administration bodies;
- Discussing the Government’s policy statement, reviewing the Government’s activities and negotiating confidence in the Government or its members;

¹⁴ Art. 30 para. 3 of the Constitution.

¹⁵ Art. 30 para. 4 of the Constitution.

- Approving the state budget, verifying its fulfilment and approving the state's final account;
- Discussing fundamental issues of internal, international, economic, social and other policy;
- Electing and dismissing the President and Vice-President of the Supreme Audit Office and three members of the Judicial Council;
- Making a resolution on the declaration of a war if the Slovak Republic is attacked or if it results from obligations under international treaties on common defence against attacking and, after the end of the war, on the concluding of peace;
- Agreeing to the deployment of the armed forces outside the territory of the Slovak Republic, except in the case referred to in Article 119 (p) of the Constitution;¹⁶ and
- Agreeing to the presence of foreign armed forces in the territory of the Slovak Republic.

50. Within the Parliament, MEPs work in various committees. The Human Rights and National Minorities Committee deals with the human rights agenda.

ii. Referendum

51. The referendum confirms the constitutional law on entering into or withdrawing from a state union with other states. The referendum may also decide on other important issues of public interest. The fundamental rights and freedoms, taxes, levies and the state budget cannot be the subject of a referendum.¹⁷

52. A referendum shall be announced by the President if at least 350,000 citizens request it, or if the Parliament so decides, within 30 days of receipt of the citizens' petition or resolution of the Parliament.¹⁸

53. The outcomes of the referendum are valid if an absolute majority of eligible voters participated in it and if the decision was taken by an absolute majority of the participants in the referendum. Proposals adopted in a referendum shall be announced by the Parliament in the same way as an act.¹⁹

54. The outcome of the referendum may be amended or repealed by the Parliament through its constitutional law after three years from its coming into effect. A referendum on the same matter may be repeated at the earliest three years after its implementation.²⁰

C. Executive Power

i. The President of the Slovak Republic

55. The President represents the Slovak Republic both externally and internally, and through his/ her decision-making ensures the proper functioning of the constitutional bodies. The President is elected by the Slovak citizens in direct elections by secret ballot for 5 years. Any citizen of the Slovak Republic who can be elected to the Parliament and who has reached the age of 40 years on the day of the election can be elected as the President. The same person may be elected the President for no more than two consecutive terms.

56. The President's most important powers include:

- Representation of the Slovak Republic externally;

¹⁶ Article 119 (p) of the Constitution: "The Government decides in the Corps on sending armed forces outside the territory of the Slovak Republic in the case of fulfilment of obligations under international treaties on common defence against attacking, for a maximum period of 60 days; the Government shall immediately notify the Parliament of this decision."

¹⁷ Art. 93 of the Constitution.

¹⁸ Art. 95 of the Constitution.

¹⁹ Art. 98 of the Constitution.

²⁰ Art. 99 of the Constitution.

- Negotiation and ratification of international treaties;
- The right to file a motion with the Constitutional Court of the Slovak Republic for a decision on the conformity of a negotiated international treaty for which the Parliament's consent is required with the Constitution or the constitutional law;
- The reception, commissioning and removal of heads of diplomatic missions;
- Convening the constituent part-session of the Parliament;
- The right to dissolve the Parliament under the conditions laid down in Article 102 para. 1 (e) of the Constitution;
- Signing of acts;
- The appointment and dismissal of the Prime Minister and other members of the Government, their delegation to the management of ministries and the acceptance of their resignation;
- The appointment and dismissal of heads of central authorities, senior state officials and other officials in cases provided for by law;
- The appointment and dismissal of rectors of higher education institutions, appointment of university professors;
- The appointment and promotion of generals;
- The awarding of decorations, unless the President authorizes another authority for that;
- Forgiveness and mitigation of penalties imposed by the courts in criminal proceedings;
- Dispossession of conviction by individual grace or amnesty;
- Proclamation of a referendum;
- The right to return an act to the Parliament with comments within 15 days of receipt of the approved act;
- The right to request information from the Government and its members necessary to carry out his/her tasks;
- The appointment and dismissal of judges of the Constitutional Court of the Slovak Republic, the President and Vice-President of the Constitutional Court of the Slovak Republic, taking the oath of judges of the Constitutional Court of the Slovak Republic and the oath of the Attorney General;
- The appointment and dismissal of judges, the President and Vice-President of the Supreme Court of the Slovak Republic, the Attorney General and three members of the Judicial Council of the Slovak Republic; taking the oath of judges.

57. The President is also the chief commander of the armed forces, declares a war on the basis of a parliamentary decision if the Slovak Republic is attacked or if it results from obligations under international treaties on common defence against attacking and concludes peace. On the Government proposal, he /she may order the mobilization of the armed forces, declare a state of war or declare a state of emergency and end them.

58. The President reports to the Parliament on the state of the Slovak Republic and on serious political issues.

ii. Government of the Slovak Republic

59. The Government of the Slovak Republic (hereinafter referred to as the "Government") is the supreme executive body. It consists of the Prime Minister, Deputy Prime Minister and Ministers. The Government is accountable to the Parliament for the performance of its office, which may at any time distrust it.

60. The Government is a collective body and its most important powers include deciding on bills, government regulations, the Government's programme and its implementation, fundamental measures to ensure the country's economic and social policy, drafts of the state budget and the state final account.

61. The Government also decides on fundamental issues of internal and foreign policy, submitting a bill or other serious measure for public discussion, asking for a vote of confidence, granting an amnesty in respect of offences, appointing and dismissing other state officials in cases prescribed by law and three members of the Judicial Council of the Slovak Republic. The Government decides on a proposal to declare a state of war, a proposal to order the mobilization of the armed forces, a proposal to declare a state of emergency and a proposal to end them, declare and end an emergency state, on the deployment of the armed forces outside the territory of the SR for the purpose of humanitarian aid, military exercises or peace observation missions, on the consent to the presence of foreign armed forces in the territory of the SR for humanitarian aid, military exercises or peace observation missions; on the approval of the passage of foreign armed forces through the territory of the Slovak Republic and on the dispatch of the armed forces outside the territory of the Slovak Republic in respect of the fulfilment of obligations under international treaties on common defence against attacking, for a maximum period of 60 days, the Government shall immediately notify the Parliament of this decision.

62. Under the Constitution, the Government also decides on international treaties of the Slovak Republic, the negotiation of which has been transferred to the Government by the President of the Slovak Republic, on the consent to the transfer of a negotiation of international treaties pursuant to Article 102 para. 1 (a) of the Constitution to its individual members and on the filing of a motion to the Constitutional Court of the Slovak Republic to decide on the conformity of a negotiated international treaty, which requires the consent of the Parliament, with the Constitution and the constitutional law.

D. Judicial Power

i. Courts

63. The judicial power in the Slovak Republic is exercised by the Constitutional Court of the Slovak Republic and the general courts. The system of the general courts consists of 54 district courts, 8 regional courts, the Supreme Court of the Slovak Republic and the Specialized Criminal Court. The judiciary is two-tier and is administered separately from any other state authorities by independent and impartial courts.

64. The general courts decide on civil and criminal matters.²¹ They also act and decide on actions or legal remedies against decisions, interventions, other measures or inaction in the area of public administration, decide on the legality of decisions and the procedure of public authorities and on protection against unlawful interference or measures of public authority, in electoral matters, in matters of referendum and in matters of political parties and movements.²² They also decide on other matters stipulated by law, by a legally binding act of the European Communities and the European Union or an international treaty by which the Slovak Republic is bound.²³ They decide in the Senate unless law stipulates that a single judge or chairperson of the Senate decides on a case.²⁴

65. The performance of the function of a judge is incompatible with that of another public authority, including the function of the President of the Judicial Council of the Slovak Republic, a civil servant, employment relationship, similar employment relationship, business activity with membership of the governing or controlling body of a legal person carrying on a business activity or with any other economic or gainful activity other than the administration of his/her own property, scientific, educational, literary or artistic activity and membership of the Judicial Council of the Slovak Republic.²⁵ A judge cannot be a member of any political party or political movement.²⁶

66. In accordance with the applicable legal order, judges are independent in the performance of their duties and are only bound by the Constitution, the constitutional law,

²¹ Section 2 para. 1, (a), (b) of Act No. 757/2004 Coll., on courts, as amended.

²² Section 2 para. 1 (c) of Act No. 757/2004 Coll. on courts, as amended.

²³ Section 2 para. 1 (d) of Act No. 757/2004 Coll. on courts, as amended.

²⁴ Section 11 para. 3 of Act No. 757/2004 Coll. on courts, as amended.

²⁵ Art. 145a para. 2 of the Constitution.

²⁶ Art. 145a para. 1 of the Constitution.

statute, international treaty pursuant to Article 7 para. 2 and 5 of the Constitution, by the decision of the Constitutional Court of the Slovak Republic under the conditions laid down by law and by the legal opinion of a higher level court.²⁷ The Act on Judges and Lay Judges lays down the scope of immunity and the conditions for prosecution of judges and lay judges. A judge and lay judge cannot be prosecuted for their decisions, even after their functions have ceased.²⁸ A lay judge may only be prosecuted or taken into custody for acts committed in the performance of a judge's function or in connection with the performance of such a function only with the consent of the Judicial Council of the Slovak Republic.²⁹

67. Judges are appointed and recalled by the President on a proposal of the Judicial Council of the Slovak Republic. Judges are appointed without time limit. A citizen of the Slovak Republic who can be elected to the Parliament, has reached the age of 30 years, has a university degree in law and meets the prerequisites for judicial competence can be appointed as a judge.³⁰ The President and Vice-President of the Supreme Court of the Slovak Republic are appointed by the President of the Slovak Republic for a term of five years from the judges of the Supreme Court of the Slovak Republic on a proposal of the Judicial Council of the Slovak Republic. The same person may be appointed the President or Vice-President of the Supreme Court of the Slovak Republic for a maximum of two consecutive terms.³¹

68. The Judicial Council of the Slovak Republic consists of 18 members (9 members elected and recalled by judges, 3 members elected and recalled by the Parliament and 3 members appointed and recalled by the Government and the President each).³² Such a person may be designated as the President of the Judicial Council and a member of the Judicial Council elected/appointed by the Parliament, the Government and the President, who has good reputation and a university degree in law and at least 15 years of professional experience.³³ The term of office of the members of the Judicial Council of the Slovak Republic is five years and the same person may be elected or appointed for a maximum of two consecutive terms.³⁴ The adoption of a resolution of the Judicial Council requires an absolute majority of all its members.³⁵

69. The jurisdiction of the Judicial Council of the Slovak Republic includes:

- Submit to the President proposals of candidates for the nomination and dismissal of judges;
- Decide on the assignment and transfer of judges;
- Submit to the President proposals for the appointment of the President and Vice-President of the Supreme Court of the Slovak Republic and proposals for their dismissal;
- Submit to the Government proposals of candidates for judges who should work for the Slovak Republic in international judicial bodies;
- Elect and dismiss the members of the Disciplinary Boards and elect and dismiss the Presidents of the Disciplinary Boards;
- Comment on the draft budget of the courts when drawing up the draft state budget;
- Further jurisdiction if so provided by law.³⁶

²⁷ Section 2, para. 2, 3 of Act No. 385/2000 Coll. on judges and lay judges and on amendments to certain acts.

²⁸ Section 29a para. 1 of Act No. 385/2000 Coll. on judges and lay judges and on amendments to certain acts.

²⁹ Section 29a para. 2 of Act No. 385/2000 Coll. on judges and lay judges and on amendments to certain acts.

³⁰ Art. 145 para. 1, 2 of the Constitution.

³¹ Art. 145 para. 3 of the Constitution.

³² Art. 141a para. 1 of the Constitution.

³³ Art. 141a para. 2 of the Constitution.

³⁴ Art. 141a para. 4 of the Constitution.

³⁵ Art. 141a para. 6 of the Constitution.

³⁶ Art. 141a para. 5 of the Constitution.

70. Pursuant to Article 147 of the Constitution, the President dismisses a judge or has the duty to dismiss a judge on a proposal of the Judicial Council of the Slovak Republic:

- On the basis of a final conviction of an intentional crime; or
- If he/she has been lawfully convicted of an offence and the court has not ruled in his/her case on the conditional postponement of imprisonment;
- On the basis of a decision taken by the Disciplinary Board for an act incompatible with the performance of the office of judge;
- If his/her election to the Parliament ceases.

71. On a proposal of the Judicial Council of the Slovak Republic, the President may dismiss a judge pursuant to Article 147 para. 2 of the Constitution if the state of health does not allow him/her for a long term, at least for one year, to properly perform judicial duties or if he/she has reached the age of 65 years. Pursuant to Article 146 of the Constitution, a judge may resign from his/her office by notifying the President in writing. The Judicial Council of the Slovak Republic may transfer a judge to another court only with his/her consent, at his/her request or following a decision of the Disciplinary Board. A judge may be transferred only to a vacancy of a judge designated by the Minister of Justice of the Slovak Republic under special legislation. The Judiciary Council of the Slovak Republic shall notify the Minister of Justice of the Slovak Republic of any transfer of a judge within three days of the transfer of the judge to another court.³⁷

72. The management and administration of the courts shall be ensured by the President and Vice-President of the Court pursuant to Act No. 757/2004 Coll. on courts and on amendments to certain acts. The President of the Court (except for the President of the Supreme Court of the Slovak Republic) is appointed by the Minister of Justice of the Slovak Republic for five years from judges who were successful in the selection procedure and who are not members of the Judicial Council of the Slovak Republic.³⁸

The number of acting judges in 2012–2017

<i>Year</i>	<i>Number of inhabitants in SR</i>	<i>Number of judges</i>	<i>Number of acting judges per 100,000 inhabitants</i>
2012	5 410 836	1 208	22.32557
2013	5 415 949	1 229	22.69224
2014	5 421 349	1 214	22.39295
2015	5 426 252	1 185	21.83828
2016	5 435 343	1 197	22.02253
2017	5 443 120	1 255	23.05663

ii. Constitutional Court of the Slovak Republic

73. The Constitutional Court of the Slovak Republic (hereinafter referred to as the “Constitutional Court”) is the judicial authority for the protection of constitutionality. The Constitutional Court consists of 13 judges, appointed by the President on a proposal of the Parliament for 12 years. A citizen of the Slovak Republic who can be elected to the Parliament, has reached the age of 40 years, has a university degree in law and has been active in the legal profession for at least 15 years can be appointed as a judge of the Constitutional Court. The same person cannot be reappointed as a judge of the Constitutional Court.³⁹

74. A judge of the Constitutional Court cannot be a member of a political party or political movement. The judges of the Constitutional Court perform their duties as their profession. The performance of this office is incompatible with that of another public authority, civil servant, employment relationship, similar employment relation, business

³⁷ Section 14 of Act No. 385/2000 Coll. on judges and lay judges and on amendments to certain acts.

³⁸ Section 36 of Act No. 757/2004 Coll. on courts as amended.

³⁹ Art. 134 para. 1, 2 and 3 of the Constitution.

activity, membership in a governing or controlling body of a legal person which performs entrepreneurial activity, or other economic or gainful activity, except for the management of his/her own property, scientific, pedagogical, literary or artistic activities.⁴⁰

75. The Constitutional Court shall decide:

- On the compliance of:⁴¹
 - Laws with the Constitution, the constitutional laws and international treaties to which the Parliament has expressed its assent and which were ratified and promulgated in the manner laid down by law;
 - Government regulations, generally binding legal regulations of ministries and other central state administration bodies with the Constitution, the constitutional laws, international treaties to which the Parliament has expressed its assent and which were ratified and promulgated in the manner laid down by law and with laws;
 - Generally binding regulations pursuant to Article 68 with the Constitution, the constitutional laws, international treaties to which the Parliament has expressed its assent and which were ratified and promulgated in the manner laid down by law and with laws unless they are decided by another court;
 - Generally binding legal regulations of local state administration bodies and generally binding regulations of territorial self-government bodies pursuant to Art. 71 para. 2, with the Constitution, the constitutional laws, international treaties promulgated in the manner laid down by law, laws, government regulations and generally binding legal regulations of ministries and other central state administration bodies, unless they are decided by another court.
- On the conformity of negotiated international treaties, which require the consent of the Parliament, with the Constitution or the constitutional law;⁴²
- Whether the subject of a referendum to be declared on the basis of a citizens' petition or a resolution of the Parliament pursuant to Art. 95 para. 1 is in conformity with the Constitution or the constitutional law;⁴³
- Questions of jurisdiction among central state administration bodies, unless the law specifies that these questions are decided by another state authority;⁴⁴
- In disputed cases, whether the controlling power of the Supreme Audit Office of the SR is given;⁴⁵
- On complaints of natural or legal persons if they object to violation of their fundamental rights or freedoms, or human rights and fundamental freedoms arising from an international treaty ratified by the Slovak Republic and promulgated in the manner established by law, unless another court decides on the protection of these rights and freedoms;⁴⁶
- On complaints of territorial self-government bodies against an unconstitutional or unlawful decision or other unconstitutional or unlawful interference with matters of territorial self-government, unless its protection is decided by another court;⁴⁷
- Shall give an interpretation of the Constitution or the constitutional law if the matter is in dispute;⁴⁸

⁴⁰ Art. 137 para. 2 of the Constitution.

⁴¹ Art. 125 para. 1 of the Constitution.

⁴² Art. 125a of the Constitution.

⁴³ Art. 125b of the Constitution.

⁴⁴ Art. 126 para. 1 of the Constitution.

⁴⁵ Art. 126 para. 2 of the Constitution.

⁴⁶ Art. 127 para. 1 of the Constitution.

⁴⁷ Art. 127a para. 1 of the Constitution.

⁴⁸ Art. 128 of the Constitution.

- On a complaint against a decision verifying or not verifying the mandate of a member of the Parliament;⁴⁹
- Whether the election of the President of the Slovak Republic, the elections to the Parliament and the elections to territorial self-government bodies and the elections to the European Parliament have been held in conformity with the Constitution and the law;⁵⁰
- On complaints against the outcome of a referendum and on complaints against the outcome of a plebiscite on the recall of President of the Slovak Republic;⁵¹
- Whether a decision dissolving a political party or political movement or suspending political activities thereof is in conformity with the constitutional laws and other laws;⁵²
- On the impeachment of the Parliament against the President of the Slovak Republic in the matter of intentional violation of the Constitution or treason;⁵³
- Whether the decision to declare a state of emergency or emergency and subsequent decisions were issued in accordance with the Constitution or the constitutional law;⁵⁴
- On granting consent to custody of a judge of the Constitutional Court, a judge of the General Court and the Attorney General;⁵⁵
- On legal remedies against decisions of the Constitutional Court, if the decision of a body of an international organization established for the application of an international treaty by which the Slovak Republic is bound will result in the Slovak Republic's obligation to review the Constitutional Court decision already taken in the proceedings before the Constitutional Court;⁵⁶
- In matters of the protection of public interest pursuant to the Constitutional Act No. 357/2004 Coll. on the protection of public interest in the performance of offices by public officials, as amended.

76. The Constitutional Court also exercises disciplinary authority in which it has been given the power to conduct:

- Disciplinary proceedings against the President and Vice-President of the Supreme Court of the Slovak Republic and the Attorney General;⁵⁷
- Disciplinary proceedings against a judge of the Constitutional Court.⁵⁸

E. Public Prosecutor's Office

77. Pursuant to Article 149 of the Constitution, the role of the Public Prosecutor's Office is to protect the rights and legally protected interests of natural or legal persons and the state. Pursuant to Act No. 153/2001 Coll. on the Public Prosecutor (hereinafter referred to as the "Act on the Public Prosecutor"), in the public interest the Public Prosecutor is required, within the scope of its competence, to take measures to prevent, detect and remedy infringements of legality, to restore infringed rights and to hold persons liable for their infringement. In the exercise of its competence, the Public Prosecutor is obliged to use all legal means in such a way as to ensure, without any influences, consistent, effective and

⁴⁹ Art. 129 para. 1 of the Constitution.

⁵⁰ Art. 129 para. 2 of the Constitution.

⁵¹ Art. 129 para. 3 of the Constitution.

⁵² Art. 129 para. 4 of the Constitution.

⁵³ Art. 129 para. 5 of the Constitution.

⁵⁴ Art. 129 para. 6 of the Constitution.

⁵⁵ Art. 136 para. 2, last sentence of the Constitution and Art. 136, para. 3, first sentence of the Constitution.

⁵⁶ Article 133 of the Constitution.

⁵⁷ Art. 136 para. 3, second sentence of the Constitution.

⁵⁸ Section 27 et seq. of Act No. 314/2018 Coll. on the Constitutional Court of the Slovak Republic and on amendments to certain acts.

rapid protection of the rights and legally protected interests of natural or legal persons and the state.

78. From an organizational structure point of view, the Public Prosecutor's Office is an independent hierarchically organized unified system of state authorities, in which public prosecutors operate in relations of subordination and superiority, however, the subordinated prosecutor is not obliged to comply with an instruction of the superior prosecutor that he/she considers inconsistent with a legal regulation or his/her legal opinion. The Public Prosecutor's Office consists of: the General Prosecutor's Office of the Slovak Republic (hereinafter referred to as the "General Prosecutor's Office"), of which the Office of Special Prosecutor's Office, Regional Prosecutor's Offices and District Prosecutor's Offices are a special part. The prosecutor's office activities are managed by the Attorney General, who is appointed and dismissed by the President on a proposal of the Parliament.

79. The public prosecutor carries out criminal prosecution of persons suspected of committing crimes, supervision of legality in pre-trial proceedings and, to the extent under special legislation, also before the prosecution is commenced, also in places where detained persons are deprived of their liberty or whose personal freedom is limited by a decision of a court or other competent state authority.

80. The public prosecutor also asserts his/her authorizations in court proceedings, represents the state in court proceedings, if so provided by special legislation, submits proposals to a judge for pre-trial proceedings, concludes a guilty and punishment agreement with the accused person and submits a proposal for its approval of the court, files a charge with the court, in the proceedings before the court he/she performs other tasks to the extent and in the manner laid down by the Code of Criminal Procedure, ensures the protection of the rights of the injured party to the extent provided by special laws, and ensures the performance of international cooperation in criminal matters to the extent stipulated by special laws, international treaties promulgated in the manner established by law and legally binding acts of the European Union.

81. He/she participates in the preparation and implementation of preventive measures aimed at preventing violations of laws and other generally binding legal regulations as well as in eliminating the causes and conditions of crime, in preventing and suppressing crime and in developing legal regulations. The Public Prosecutor performs other tasks, if so stipulated by special legislation or international treaty promulgated in the manner stipulated by law.⁵⁹

82. In civil proceedings, the Public Prosecutor is entitled, if special legislation so provides, to submit a proposal or action to a court and enter into an already initiated procedure.⁶⁰ Under special legislation⁶¹, the Public Prosecutor is also entitled to file legal remedies against a court decision, and the Attorney General has the authorization to file an appellate review of the Attorney General.

83. The Public Prosecutor also supervises the observance of laws and other generally binding legal regulations by public administration bodies to the extent stipulated by the Public Prosecutor's Office Act through protest of the Public Prosecutor, notice of the Public Prosecutor, administrative action, action against the Administrative Court or through access to proceedings before the Administrative Court⁶² under special legislation.⁶³ The legal means of the supervision of compliance with laws and other generally binding legal regulations issued by public administration bodies are also the motion of the Attorney General to initiate proceedings before the Constitutional Court on the compliance of legal regulations.⁶⁴ In addition, pursuant to Section 15 para. 1 of the Act on the Public Prosecutor's Office, the Attorney General is also entitled to file a proposal for initiating proceedings for the interpretation of the Constitution or the constitutional law if the matter

⁵⁹ Section 4 of Act No. 153/2001 Coll. on the Public Prosecutor.

⁶⁰ Section 19 of Act No. 153/2001 Coll. on the Public Prosecutor.

⁶¹ Act No. 160/2015 Coll. Civil Procedure Code, Act No. 161/2015 Coll. Non-Contentious Civil Procedure Code.

⁶² Sections 20–22 of Act No. 153/2001 Coll. on the Public Prosecutor.

⁶³ Act No. 162/2015 Coll., Administrative Procedure Code.

⁶⁴ Art. 130 para. 1 (e) of the Constitution.

is disputed; a proposal to initiate proceedings on the constitutionality and legality of the Presidential election, parliamentary elections, local self-government elections and the European Parliament elections; a complaint against the outcome of a referendum and against the outcome of a plebiscite on the dismissal of the President, a motion to declare a decision to vacate the President, a motion to review a decision to dissolve or suspend activities of a political party or political movement; a motion to initiate proceedings for compliance of a decision to declare a state of emergency or emergency and a motion to initiate proceedings for the invalidity of legal regulations.

F. Public Defender of Rights (Ombudsman)

84. Pursuant to Article 151a para. 1 of the Constitution, the public defender of rights (ombudsman)⁶⁵ is an independent body which, to the extent and in the manner laid down by law, participates in the protection of the fundamental rights and freedoms of natural and legal persons in the conduct, decision-making or inaction of public administration bodies, if their actions, decision-making or inactions are contrary to the legal order or principles of the democratic and legal state.

85. Pursuant to Section 3 of Act No. 564/2001 Coll. on the Public Defender of Rights, as amended (hereinafter referred to as the “Ombudsman Act”), the Ombudsman’s competence applies to state administration bodies, territorial self-government bodies and legal and natural persons, which, under special legislation, decide on the rights and obligations of natural and legal persons in the area of public administration. The Act also specifies to which bodies the Ombudsman’s competence does not apply.

86. The Ombudsman may be contacted by anyone who believes that the fundamental rights and freedoms have been violated in the conduct, decision-making or inaction of a public administration body in violation of the legal order or the principles of a democratic and legal state. Natural persons may use their mother tongue in contact with the Ombudsman, with the costs of the interpreter being borne by the state. The Ombudsman shall act pursuant to Section 13 para. 1 of the Ombudsman Act on the initiative of a natural or legal person or on its own initiative. The initiative must be clear as to what matter it concerns and what the claimant is seeking. The Ombudsman shall examine the motion. If he/she finds out that the motion constitutes, by its content, a legal remedy under the regulations on administrative or judicial proceedings, an action or a legal remedy in administrative judiciary or a constitutional complaint, he/she shall immediately inform the complainant and inform him/her of the correct procedure. If the Ombudsman finds out that a person is illegally held in the place of custody, imprisonment, disciplinary punishments of soldiers, protective treatment, protective custody, institutional treatment or institutional custody, or in a police detention cell, he/she shall immediately notify the prosecutor concerned of this fact as a motion to act under special legislation and shall notify the administration of such a place and the person concerned.

⁶⁵ An Ombudsman can be elected a citizen of the Slovak Republic who on the election day has reached the age of 35 years, has full legal capacity, has an integrity and his/her education, skills, experience and moral qualities give a guarantee that he/she will perform the Ombudsman function properly; is not a member of any political party or political movement, has permanent residence in the territory of the Slovak Republic and agrees to be elected as the Ombudsman. He/she shall be elected by the Parliament from candidates nominated by at least 15 members. The Ombudsman’s term of office is 5 years. The same person may be elected as the Ombudsman for a maximum of two consecutive terms. The performance of the Ombudsman’s office is incompatible with the duties of the President, a member of the Parliament, a member of the Government, the chairman of the central state administration body, Chairman and Vice-Chairman of the Supreme Audit Office, a judge of the Constitutional Court, a judge, the public prosecutor, a member of the Slovak Information Service, a police officer and a member of other armed corps and with the function in public administration bodies. The Ombudsman may not perform any other paid function, do business or be engaged in any other gainful activity other than in the performance of his/her duties, except to manage his/her own property or property of his/her minors, scientific, educational, literary and artistic activities, provided that this activity does not undermine the proper performance of the function and the dignity of the function and does not jeopardize confidence in the Ombudsman’s impartiality and independence.

87. If the motion concerns a review of a final decision of a public administration body, or if the Ombudsman concludes that a decision of a public administration body is contrary to law or other generally binding legal regulation, he/she shall refer the case to the competent public prosecutor or, where appropriate, he/she shall take other action of which he/she shall notify the claimant. The same can be done with a motion that proposes measures that fall within the competence of the Public Prosecutor's Office. The public prosecutor is obliged to notify the Ombudsman of the measures he/she has taken to remedy the illegality within the time limits laid down by law.

88. The Ombudsman will defer a motion if the matter to which the motion relates does not fall within his/her competence; if the prescribed essentials have not been completed or specified in detail within the determined deadline; if he/she finds out that the matter to which the motion relates is dealt with by a court and there are no delays in the proceedings or if the court has already made a decision on the matter; if the matter to which the motion relates is being examined by the public prosecutor, or the matter to which the motion relates has already been examined by the public prosecutor; if on the matter to which the motion relates the competent public administration body is acting or making decisions that does not fall within the competence of the public defender of rights, or if the matter to which the motion relates has already been decided by the competent public administration body that does not fall within the competence of the public defender of rights; if the claimant withdraws his/her motion or announces that he/she will not continue in further examination.

89. The Ombudsman may defer a motion if he/she finds out that the motion does not concern the person who has filed it, unless he/she has submitted the written consent of the person affected to filing a motion or a written authorization in the matter; if on the date of delivery of the motion a period of time longer than three years elapsed from a measure or incident to which the motion relates or, if the motion is manifestly unsubstantiated, anonymous or it is a motion in a matter that the Ombudsman has already settled and the recurring motion does not contain any new facts; if in the matter to which the motion relates the Commissioner for Children or the Commissioner for Disabled Persons is or was acting.

90. If the outcomes of the settlement of a motion prove a violation of the fundamental rights and freedoms, the Ombudsman shall report the outcomes of the settlement of the motion, together with a draft measure, to the public administration body against whose action, decision-making or inaction the motion is directed. The public administration body shall, within twenty days of the date of delivery of the draft measure, notify the Ombudsman of its opinion on the outcomes of the settlement of the motion and of the measures taken. If the Ombudsman disagrees with the opinion of the public administration body or if he/she considers the measures taken to be insufficient, he/she shall inform the body superior to the public administration body against which the motion is directed and, if there is no such authority, he/she shall inform the Government of the Slovak Republic. Details of the procedure for handling motions of natural and legal persons are regulated by law.⁶⁶

91. If the Ombudsman fails to comply with Points 83 to 86, he/she shall notify the claimant that he/she has received a motion for handling. If the outcomes of handling of the motion do not prove a violation of fundamental rights and freedoms, the Ombudsman shall notify the claimant in writing and the public administration body against whose action, decision or inaction the motion is directed.

92. In the exercise of his/her competence, the Ombudsman cooperates with competent public administration bodies, public prosecutors, foundations, civic associations, civil society organizations, civic initiatives and other entities active in the field of the protection of fundamental rights and freedoms.

⁶⁶ Act 564/2001 Coll. on the Public Defender of Rights, as amended.

G. Supreme Audit Office of the Slovak Republic

93. The Supreme Audit Office of the Slovak Republic is an independent authority carrying out control of the management of budget resources, property, property rights, funds, liabilities and receivables of the state.⁶⁷

94. The controlling power of the Supreme Audit Office of the Slovak Republic applies to the Government, the ministries and other central state administration bodies and their subordinated bodies, state authorities as well as legal persons in which the function of the founder or establisher is performed by the central state administration bodies or other state authorities, municipalities and higher territorial units, legal persons constituted by municipalities, legal persons constituted by higher territorial units, it applies to legal persons with ownership interest of municipalities and legal persons with ownership interest of higher territorial units, state-specific funds, public-law institutions established by law, legal persons with ownership interest held by public-law institutions, it applies to legal persons with ownership interest of the state, the National Property Fund of the Slovak Republic, legal persons with determined ownership interest of the National Property Fund of the Slovak Republic, natural and legal persons.

95. The Supreme Audit Office of the Slovak Republic is headed by the President. The President and Vice-Presidents shall be elected and removed by Parliament. Any citizen of the Slovak Republic, who can be elected to the Parliament, may be elected as the President and Vice-President. The same person may be elected the President and Vice-President for a maximum of two consecutive seven-year terms.

96. The functions of the President and Vice-Presidents is incompatible with the performance of the office in another public authority, employment or any similar labour relationship, business activity, membership of the management or supervisory body of a legal person carrying on business, or other economic or gainful activity except for the management of own property, scientific, educational, literary or artistic activities.

III. Legal Framework for the Protection of Human Rights

97. In Slovak Republic, the fundamental rights and freedoms are primarily protected by the Constitution. The most important legal document containing fundamental human rights and freedoms is the Constitution (published in the Collection of Laws of the Slovak Republic under No. 460/1992 Coll., as amended).

98. The fundamental rights and freedoms enshrined in the Constitution are based on the Charter of Fundamental Rights and Freedoms, which was adopted during the existence of the former Czech and Slovak Federal Republic by the Constitutional Act No. 23/1991 Coll. and this Charter remained part of the legal order of the Slovak Republic. The general provisions of the Constitution lay down the equal status of all persons in dignity and in rights; while specifically Articles 12 para. 1 and 2 stipulate: "People are free and equal in dignity and in rights. The fundamental rights and freedoms are inviolable, inalienable, imprescriptible and inderogable. The fundamental rights and freedoms are guaranteed in the territory of the Slovak Republic to everyone regardless of sex, race, colour of skin, language, faith and religion, political or other thoughts, national or social origin, belonging to a nationality or ethnic group, property, descent, or any other status. No one may be harmed, preferred, or discriminated against on these grounds." The above-mentioned provision positively defines the reasons why there should be no differentiation of persons or ensures the equal status of all persons. The Constitution further specifies that the scope of fundamental rights and freedoms can only be regulated by law under the conditions laid down by the Constitution. The statutory restrictions on fundamental rights and freedoms apply to all cases that meet the conditions laid down, i.e. to all without any distinction.

99. The fundamental human rights and freedoms enshrined in the Constitution are generally granted to all, but some of them concern only Slovak citizens. These include some political rights (e.g. the creation of public authorities) as well as part of economic, social and cultural rights (e.g. the right to work).

⁶⁷ Art. 60 of the Constitution.

100. The limits of fundamental rights and freedoms can be regulated under the conditions laid down by the Constitution only by law. Legal limitations on fundamental rights and freedoms must apply equally to all cases that meet the conditions laid down. In restricting fundamental rights and freedoms, their substance and meaning must be taken into account. Such restrictions may be applied only to the objective pursued.

A. Constitutional Protection of Human Rights and Fundamental Freedoms

101. In particular, the Constitution guarantees the following fundamental rights and freedoms:

- Fundamental human rights and freedoms – the right to life, the prohibition of the death penalty, the inviolability of a person and his/her privacy, the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, personal liberty; the maximum period for releasing a detained person or his/her handing over to a court is 48 hours and 96 hours for offences of terrorism, the maximum period for a judge's decision on detaining a detainee or releasing him/her is 48 hours and 72 hours for particularly severe offences from taking him/her into custody, the possibility of arresting an accused person only on the basis of a justified written order of a judge, the maximum period for handing over an arrested person to a court is 24 hours, with the obligation of the judge to decide on detaining the arrested person within 48 hours or within 72 hours from taking into custody in the case of particularly severe crimes, taking into custody only for statutory reasons, for a period stipulated by law and on the basis of a court decision, taking a person into institutional health care or holding in institutional health care only in cases established by law with the obligation to notify a court of such a measure within 24 hours that shall decide on placement within five days and examination of the mental state of the person accused of the offence only on the basis of a written order of a court, the prohibition of forced labour or forced services, the right to respect for human dignity, personal honour, good repute and the protection of one's name, the right to protection against unauthorized interference with private and family life, the right to protection against the unauthorized gathering, disclosure or other misuse of data about one's person, the property right, the right to the inviolability of the dwelling, the secrecy of one's letters, the secret of transported messages and other documents and the protection of personal data, freedom of movement and residence, freedom of thought, conscience, religion and faith, the prohibition of conscripted military service in the event of a conflict with conscience or religion;
- Political rights – freedom of speech and right to information, publishing of press is not subject to authorization procedure, censorship ban, petition right, right of assembly, right of associate, right to participate in governance, right of opposition;
- The rights of persons belonging to national minorities and ethnic groups – the right to develop one's own culture, the right to receive and disseminate information in one's mother tongue, the right to assemble in national associations, the right to establish and maintain educational and cultural institutions, the right to education in one's language, the right to use one's language in official relationships, the right to participate in the resolution of matters relating to national minorities and ethnic groups;
- Economic, social and cultural rights – the right to freedom of choice of a profession and training for it, the right to conduct business and pursue other gainful activity, the right to work, the right to citizens' adequate material security in case they cannot work (not out of one's own fault), the right of employees to fair and satisfactory working conditions, mainly the right to remuneration for performed work, protection against arbitrary dismissal from employment and discrimination at work, protection of occupational safety and health, the maximum allowable working time, adequate rest after work, the shortest allowable duration of paid leave for recovery, the right to collective bargaining, the right to free association with others in order to protect their economic and social interests, the right to strike, the right of women, young people and the disabled to greater protection of health at work, and special working conditions, the right of youth and persons with disabilities to special care in employment relationships and help in preparing for a profession, the right to

adequate material security in old age and during inability to work, as well as the loss of the breadwinner, right to protection of health, the right of citizens to receive free health care and medical aids on the basis of health insurance under the conditions stipulated by law, protection of marriage, parenthood and family, special protection of children and youth, special care for pregnant women, equal rights of children born in and outside marriage and the right of parents caring for children to receive assistance from the state, the right to education, the protection of the freedom of scientific research and art, and the rights to the results of creative intellectual activity, the right of access to cultural wealth under the conditions stipulated by law;

- The right to the protection of the environment and cultural heritage – the right to a favourable environment, the right to timely and complete information on the state of the environment and on the causes and consequences of that state;
- The right to judicial and other legal protection – the right to seek one’s right from an independent and impartial court and, in the cases stipulated by law, from another body of the Slovak Republic, the right to examine the legality of a decision of a public administration body by a court, the right to compensation for damages caused by an unlawful decision of the court, other state authority or public administration body or improper official procedure, the right to refuse to testify in the event of a threat of criminal prosecution against one’s self or a close person, the right to legal assistance in proceedings before courts, other state authorities or public administration bodies from the beginning of the proceedings, the right to have an interpreter, the equality of parties to proceedings, the right to have a statutory judge, the right to a public hearing without undue delay in his/her presence, the right to comment on all presented evidence, the lawfulness of the prosecution, the presumption of innocence, the right of the accused to defence, the right of the accused to refuse to testify, the principle of *non bis in idem*, the prohibition of retroactivity.

B. Incorporation of international treaties on human rights and fundamental freedoms into national law

102. Slovakia is a party to the following key international treaties on human rights and fundamental freedoms:

- International Covenant on Civil and Political Rights.
- Optional Protocol to the International Covenant on Civil and Political Rights.
- Second Optional Protocol to the International Covenant on Civil and Political Rights on the Prohibition of the Death Penalty.
- International Covenant on Economic, Social and Cultural Rights.
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
- International Convention on the Elimination of All Forms of Racial Discrimination.
- International Convention on the Elimination of All Forms of Racial Discrimination against Women.
- Optional Protocol to the International Convention on the Elimination of All Forms of Discrimination against Women.
- Convention on the Rights of the Child.
- Optional Protocol to the Convention on the Rights of the Child on Trafficking in Children, Child Prostitution and Child Pornography.
- Optional Protocol to the Convention on the Rights of the Child on the Participation of Children in Armed Conflicts.
- Optional Protocol to the Convention on the Rights of the Child on the Notice Procedure.

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Convention on the Rights of Persons with Disabilities.
- Optional Protocol to the Convention on the Rights of Persons with Disabilities.
- International Convention on the Protection of All Persons from Enforced Disappearance.

103. The Slovak Republic fully cooperates with special procedures of the UN Human Rights Council and as one of the first countries it issued a permanent invitation for special procedures missions already in 2001. Slovakia is actively involved in the universal evaluation of other states.

104. Slovakia is a party to the Rome Statute; supports a constructive dialogue with contracting and non-contracting parties to the Rome Statute in order to strengthen international criminal justice and the universality of the International Criminal Court (ICC) system.

105. In its Article 154c para. 1, the Constitution ensured continuity in the field of international obligations relating to human rights and fundamental freedoms, as under this provision the Slovak legal order also includes those international treaties on human rights and fundamental freedoms that were ratified and promulgated before the Constitution entered into force. They are basically the majority of the key international treaties on human rights and fundamental freedoms, which the SR joined as a successor state after the dissolution of the former Czech and Slovak Federative Republic and became a party to them. Among these international treaties the following can be specially referred to: the Convention on the Protection of Human Rights and Fundamental Freedoms, which, together with the case-law of the European Court of Human Rights, is an important instrument for the protection of human rights and fundamental freedoms in the Slovak Republic.

106. In connection with the accession of the Slovak Republic to the European Union, which took place on 1 May 2004, the Charter of Fundamental Rights of the European Union, which applies in all areas governed by European Union law, plays a very important role in the protection of fundamental rights. Pursuant to Article 7 para. 2 of the Constitution, legally binding acts of the European Union take precedence over the laws of the Slovak Republic.

107. Pursuant to Article 7 para. 5 of the Constitution, international treaties on human rights and fundamental freedoms, international treaties the implementation of which is not required by law, and international treaties which directly establish rights or obligations of natural or legal persons and which have been ratified and promulgated in the manner prescribed by law shall take preference over the laws of the Slovak Republic.

108. The President or the Government may, before submitting a negotiated treaty for parliamentary meetings, file a motion with the Constitutional Court for a decision on the conformity of the negotiated international treaty with the Constitution or constitutional law. In this case, it is the so-called preventive control of constitutionality, the purpose of which is to prevent possible contradictions, or conflicts between the application of national law and the provisions of an international treaty.

C. Application of rights enshrined in international treaties on human rights and fundamental freedoms before national courts

109. Pursuant to Article 7 para. 5 of the Constitution, international human rights treaties are part of the national legal order and a binding source of law for national entities if they have been ratified and promulgated in the manner prescribed by law. On the basis of the mentioned provision, international human rights treaties have been incorporated into national law. This means that Slovak citizens have the possibility to invoke directly the rights provided for in these treaties and the national authorities are obliged to apply them directly. In his/her decision-making, the judge shall be bound by international human rights treaties under Art. 7 para. 5 and Art. 154c para. 1 of the Constitution, and if another generally binding legal regulation is presumably contrary to an international treaty pursuant

to Art. 7 para. 5 or Art. 154c para. 1 of the Constitution, he/she shall suspend the proceedings and submit the matter to the Constitutional Court.

110. Slovakia as an EU Member State also in accordance with Art. 7 para. 2 of the Constitution is bound by the legal order of the European Union, its fundamental treaties and the Charter of Fundamental Rights of the European Union, guaranteeing respect for human rights, including the rights of persons belonging to minorities. Primarily, the EU law establishes the Court of Justice of the EU and its jurisdiction, while the Slovak courts, even under national law, are entitled to refer to the Court of Justice of the EU for an interpretation of European Union law.

111. In accordance with the above, the Slovak legal order imposes an obligation on courts to interpret the law also in accordance with the case-law of the European Court of Human Rights and the Court of Justice of the EU, with a permanent regard to the values protected by them.

D. Proceedings before Judicial Authorities

112. Article 47 para. 3 of the Constitution guarantees the equal status of all parties to the proceedings before courts, other state authorities or public administration bodies from the beginning of the proceedings. The principle of equality of the parties to proceedings is reaffirmed in Act No. 757/2004 Coll., on courts and on amendments to certain acts, and in the Civil Procedure Code. The principle of equality of the parties to proceedings is also consistently applied in criminal proceedings.

113. Article 48 para. 2 of the Constitution regulates the right of everyone to hear his/her case publicly without undue delay and in his/her presence, and to be able to comment on all the evidence made. Pursuant to the provisions of the Code of Criminal Procedure, the public may be excluded at the main hearing and the public appeal session only if the public hearing of the case would jeopardize the secrecy protected by a special law, undisturbed conduct of proceedings or moral or security or other important interest of witnesses. Judgements are made on behalf of the Slovak Republic and always in public.

i. General Courts

Civil proceedings

114. Basically, it is the task of the courts to protect civil relations and discuss disputes arising from the threat or violation of subjective rights. On 1 July 2016, Act No. 160/2015 Coll., Civil Procedure Code, Act No. 161/2015 Coll. Non-Contentious Civil Procedure Code and Act No. 162/2015 Coll. Administrative Procedure Code. These replaced the previous legislation contained in Act No. 99/1963 Coll. the Code of Civil Procedure and thus constitute a fundamental formal source of civil procedural law. The Civil Procedure Code regulates the procedure of the court and the parties in the civil litigation so as to ensure fair protection of the rights and legitimate interests of all parties to the proceedings. Under the Code of Civil Procedure, private-law litigation and other private matters, including anti-discrimination litigation (disputes concerning violation of the principle of equal treatment), labour litigation or industrial property litigation are dealt with. The Non-Contentious Civil Procedure Code governs the procedure of courts and parties in the case of non-contentious proceedings, in particular those relating to family matters, inheritance, status cases concerning natural persons or the business register.

115. The right to judicial protection is normally exercised by the motion initiating proceedings. Proceedings begin with the delivery of an action or motion to order an emergency or precautionary measure to a court.⁶⁸ In the case of non-contentious proceedings, the court may also initiate proceedings of its own motion.⁶⁹ The application shall be submitted to the court competent in terms of subject-matter, locally and causally. District courts are, in principle, competent for proceedings at first instance.⁷⁰ Regional

⁶⁸ Section 156 of Act No. 160/2015 Coll., Civil Procedure Code, as amended.

⁶⁹ Section 23 para. 2 of Act No. 161/2015 Coll. Non-Contentious Civil Procedure Code, as amended.

⁷⁰ Section 12 of Act No. 160/2015 Coll., Civil Procedure Code, as amended.

courts decide as courts of first instance only in exhaustively listed cases, otherwise in the second instance they decide on appeals.⁷¹

116. The provisions of the Civil Procedure Code and the Non-Contentious Civil Procedure Code regulate the possibility to file a regular legal remedy, i.e. Appeal, that is brought against an unlawful decision of a court of first instance. The court of appeal is the competent regional court, or the Supreme Court of the SR, if the regional court ruled in the first instance. The decision of the court of second instance shall be final and, subject to the statutory conditions, can be challenged by an action for re-trial, by appellate review and by appellate review of the Attorney General.⁷² The appeal against a final decision of the Court of Appeal may be used in particular in cases where the basic principles of court proceedings have not been respected (e.g. lack of competence of courts, impediment “lis pendens”, lack of procedural subjectivity, incorrect procedural procedure).⁷³ The Prosecutor General’s appellate review is filed by the Prosecutor General on the initiative of a party if the protection of rights so requires and cannot be ensured otherwise (e.g. violation of the right to a fair trial).⁷⁴ An action for re-trial can also be brought against a final decision, but only if the statutory conditions have been met and if any of the grounds exists (e.g. a European Court of Human Rights decision, the existence of facts or evidence which could not be used in the main proceedings or the possibility of taking evidence which could not be made in the main proceedings).⁷⁵

Administrative judicial proceedings

117. The Constitution lays down that anyone who claims to have been deprived of their rights by a decision of a public administration body may turn to the court to have the lawfulness of such decision re-examined, unless laid down otherwise by law. However, review of decisions relating to fundamental rights and freedoms must not be excluded from the jurisdiction of the court, since proceedings before the administrative court are one of the guarantees of the protection of fundamental human rights and freedoms and of the protection of rights and legitimate interests of the parties to administrative proceedings. The power to review the legality of decisions taken by public administration bodies and public authorities is conferred in Article 142 para. 1 of the Constitution by the courts, if so provided by law. The issue of reviewing the legality of decisions of public administration bodies and public authorities or other interventions of public administration bodies by courts is regulated by Act No. 162/2015 Coll. Administrative Procedure Code.

118. In administrative judiciary, the courts review the legality of decisions of public administration bodies, measures of public administration bodies and other interventions of public administration bodies, provide protection against inaction of public administration bodies and decide on other matters stipulated by law.⁷⁶ Public administration bodies are understood to mean state administration bodies, territorial and interest self-government bodies, as well as all legal and natural persons to whom special regulation has entrusted a decision-making process on the rights, legally protected interests and responsibilities of a natural person and a legal entity in the field of public administration.⁷⁷ Decision shall mean an administrative act issued by a public administration body in an administrative procedure, which establishes, amends, revokes or declares the rights, legally protected interests or obligations of a natural or legal person or directly affects such a person.⁷⁸ Competent courts in terms of subject-matter in the administrative judiciary are regional courts,⁷⁹ or the Supreme Court of the Slovak Republic in exhaustively defined cases (e.g. questions of jurisdiction).⁸⁰ Similarly, district courts have subject-matter jurisdiction only in cases

⁷¹ Sections 31, 34 of Act No. 160/2015 Coll., Civil Procedure Code, as amended.

⁷² Act No. 161/2015 Coll., Non-Contentious Civil Procedure Code regulates the specifics of the use of these legal remedies in certain proceedings/decisions (Sections 59 – 86).

⁷³ Sections 419–457 of Act No. 160/2015 Coll., Civil Procedure Code, as amended.

⁷⁴ Sections 458–465 of Act No. 160/2015 Coll., Civil Procedure Code, as amended.

⁷⁵ Sections 397–418 of Act No. 160/2015 Coll., Civil Procedure Code, as amended.

⁷⁶ Section 6 of Act No. 162/2015 Coll., Administrative Procedure Code, as amended.

⁷⁷ Section 4 of Act No. 162/2015 Coll., Administrative Procedure Code, as amended.

⁷⁸ Section 3 para. 1 (b) of Act No. 162/2015 Coll., Administrative Procedure Code, as amended.

⁷⁹ Section 10 of Act No. 162/2015 Coll., Administrative Procedure Code, as amended.

⁸⁰ Section 11 of Act No. 162/2015 Coll., Administrative Procedure Code, as amended.

defined by law (e.g. in cases concerning the registration of lists of candidates for elections to bodies of self-governing region).⁸¹

Criminal Proceedings

119. The course of criminal proceedings is regulated by Act No. 301/2005 Coll., the Code of Criminal Procedure, as amended (hereinafter referred to as the “Code of Criminal Procedure”). No one can be prosecuted as accused other than for statutory reasons and in the manner regulated by law.⁸² The prohibition of prosecution for non-statutory reasons stems from the wording of Article 17 para. 2 of the Constitution. Criminal facts and types of punishments are regulated by Act No. 300/2005 Coll., the Criminal Code, as amended.

120. Criminal proceedings before the courts are only possible on the basis of the prosecution brought by the prosecutor. The prosecutor is obliged to prosecute all offences of which he/she has learnt, exceptions are allowed only by law or under a promulgated international treaty.⁸³ Criminal proceedings strictly observe the principle of the presumption of innocence, according to which, as long as the final conviction of the court has not pronounced guilt, the person against whom the criminal proceedings are conducted cannot be regarded as guilty. According to Section 34 para. 5 of the Code of Criminal Procedure, investigative, prosecuting and adjudicating bodies are always obliged to instruct the accused about his/her rights, including the importance of the confession, and to give him/her full opportunity to exercise them. An accused who does not have sufficient funds to cover the costs of the defence is entitled to a free defence or a defence for a reduced fee.⁸⁴

121. Pursuant to Section 15 of the Code of Criminal Procedure, the proceedings at first instance are carried out by the district court, unless the law provides otherwise. The district court at the registered office of the regional court conducts at first instance proceedings of particularly serious crimes for which the law provides for a penalty of imprisonment of at least twelve years or if an act was committed by an organized group, criminal group or terrorist group.⁸⁵

122. Investigative, prosecuting and adjudicating bodies proceed ex officio unless the Code of Criminal Procedure, an international treaty promulgated in the manner prescribed by law or a decision of an international organization by which the Slovak Republic is bound stipulates otherwise, they have to negotiate criminal matters as quickly and as possible and consistently preserve the civil rights guaranteed by the Constitution. They shall proceed in such a way that the facts of the case are duly established, to the extent necessary for their decision. They clarify with the same care the circumstances giving evidence against and in favour of the accused and make evidence in both directions, not awaiting the proposal of the parties. The confession of the accused does not relieve investigative, prosecuting and adjudicating bodies of the obligation to examine all the circumstances of the case. The criminal proceedings must be conducted with due regard to the injured party. After the end of the pre-trial proceedings, according to its results, the prosecutor shall refer the matter to another competent authority, stop the prosecution, stop the prosecution conditionally, decide on the approval of the conciliation and stop the prosecution, interrupt the prosecution, initiate the guilty and punishment proceedings, or file a charge with the court.⁸⁶

123. Unless the law provides otherwise, a judge decides for pre-trial proceedings before commencing the criminal prosecution or in the pre-trial proceedings on interference with fundamental rights and freedoms. Proceedings before the courts shall be oral and public. At the main hearing and public session, the public may be excluded only in cases expressly provided for in the Code of Criminal Procedure.

124. Pursuant to Section 278 para. 1 of the Code of Criminal Procedure, the court may decide only on the act specified in the charge motion. In its ruling, the court may only take

⁸¹ Section 12 of Act No. 162/2015 Coll., Administrative Procedure Code, as amended.

⁸² Section 2 para. 1 of Act No. 301/2005 Coll., the Code of Criminal Procedure, as amended.

⁸³ Section 2 para. 5 of Act No. 301/2005 Coll. Code of Criminal Procedure, as amended.

⁸⁴ Section 34 para. 3 of Act No. 301/2005 Coll. Code of Criminal Procedure, as amended.

⁸⁵ Section 16 of Act No. 301/2005 Coll. Code of Criminal Procedure, as amended.

⁸⁶ Sections 214 to 234 of Act No. 301/2005 Coll., the Code of Criminal Procedure as amended.

into account facts which have been taken at the main hearing and rely on evidence which has been made at the main hearing. The court is not bound by the legal assessment of the act in the charge.⁸⁷ The court decides by a judgement or a criminal order where the law expressly stipulates so; in other cases it decides, unless the law provides otherwise, by a resolution.⁸⁸

125. A legal remedy against a judgement of the court of first instance shall be the appeal filed with the court against whose judgement it is directed, within 15 days of notification of the judgement. The appeal has the suspensory effect.⁸⁹ A legal remedy against a resolution is a complaint. A complaint has a suspensory effect only where expressly provided for by law.⁹⁰ It shall be lodged with the body against whose resolution the complaint is directed, within three working days of notification of the resolution, with the exception of the complaint against the non-custodial resolution, which shall be lodged immediately after the resolution has been declared.⁹¹ The Code of Criminal Procedure regulates three extraordinary legal remedies – the annulment of final decisions in the pre-trial proceedings by the Attorney General,⁹² appellate review⁹³ and re-trial.⁹⁴ The Code of Criminal Procedure specifies exactly the particulars of the admissibility of these remedies.

126. In relation to the regulation of the rights of victims of crime, the Code of Criminal Procedure was amended by Act No. 274/2017 Coll. on Victims of Crime and on Amendments to Certain Acts (hereinafter referred to as the “Victims Act”). This amendment introduced legislative changes to the Code of Criminal Procedure, especially instructing the injured party, preventing secondary victimization (adjusting the psychologist’s recruitment to carry out an act, conducting the hearing considerately when using technical equipment designed to record sound and images so that the hearing does not have to be repeated) or the victim’s participation in proceedings on the guilt and punishment agreement. The Victims Act also regulated the responsibilities of investigative, prosecuting and adjudicating bodies regarding the provision of information, entities providing assistance to victims of crime and providing assistance to victims in making claims.

Number of persons convicted for violent crimes for the years 2012–2017

<i>Year</i>	<i>Number of persons convicted for violent crimes</i>	<i>Number of inhabitants in SR</i>	<i>Number of crimes per 100,000 inhabitants</i>
2012	4 373	5 410 836	80.81930
2013	4 520	5 415 949	83.45721
2014	4 164	5 421 349	76.80745
2015	3 945	5 426 252	72.70212
2016	4 272	5 435 343	78.59670
2017	4 408	5 443 120	80.98297

ii. Constitutional Court

Proceedings before the Constitutional Court of the Slovak Republic

127. On the basis of Art. 127 of the Constitution, the Constitutional Court decides on complaints of natural or legal persons if they object to violation of their fundamental rights or freedoms, or human rights and fundamental freedoms arising from an international treaty ratified by the Slovak Republic and promulgated in the manner established by law, unless another court decides to protect these rights and freedoms.

⁸⁷ Section 278 para. 2 of Act No. 301/2005 Coll. Code of Criminal Procedure, as amended.

⁸⁸ Section 162 para. 1 of Act No. 301/2005 Coll. Code of Criminal Procedure, as amended.

⁸⁹ Section 306 et seq. of Act No. 301/2005 Coll. Code of Criminal Procedure, as amended.

⁹⁰ Section 185 para. 6 of Act No. 301/2005 Coll. Code of Criminal Procedure, as amended.

⁹¹ Section 83 para. 2 of Act No. 301/2005 Coll. Code of Criminal Procedure, as amended.

⁹² Sections 363 to 367 of Act No. 301/2005 Coll. Code of Criminal Procedure, as amended.

⁹³ Sections 366 to 392 of Act No. 301/2005 Coll. Code of Criminal Procedure, as amended.

⁹⁴ Sections 393 to 405 of Act No. 301/2005 Coll. Code of Criminal Procedure, as amended.

128. If the Constitutional Court upholds the complaint, it declares in its decision that the fundamental rights or freedoms were violated by a final decision, measure or other interference, it shall also cancel such a decision, measure or other interference. If the violation of rights or freedoms was caused by inaction, the Constitutional Court may order the person who violated these rights or freedoms to act in the matter. The Constitutional Court may also refer the case back for further proceedings, prohibit the continuation of violations of fundamental rights and freedoms or human rights and fundamental freedoms arising from an international treaty ratified by the Slovak Republic and promulgated in the manner prescribed by law or, if possible, order the person who violated the rights or freedoms to restore the situation before the violation. The Constitutional Court may, by its decision granting a complaint, grant to the person whose rights have been violated adequate financial satisfaction.⁹⁵ No legal remedy may be filed against the Constitutional Court's decision; this does not apply if the decision of a body of an international organization established for the application of an international treaty by which the Slovak Republic is bound results in the SR's obligation to review the decision of the Constitutional Court already adopted in the proceedings before the Constitutional Court,⁹⁶ In such a case, the final decision of the Constitutional Court may be challenged by a motion for re-trial before the Constitutional Court.⁹⁷

129. If the Constitutional Court finds out that a decision of a body of an international organization implies the obligation to re-examine the contested decision of the Constitutional Court, its decision shall permit the re-trial and annul the contested decision of the Constitutional Court. The Constitutional Court may also annul other decisions of the Constitutional Court issued in the main proceedings if it arises from the legal opinion expressed in the decision of a body of an international organization and if it is necessary for achieving the purpose of re-trial. If on the basis of a motion for re-trial, the Constitutional Court authorizes the re-trial, it re-negotiates the original motion for commencement of proceedings under the relevant provisions of the Constitutional Court Act, based on the legal opinion expressed in the decision of the body of an international organization.⁹⁸

130. The constitutional complaint of a natural or legal person filed under Art. 127 of the Constitution is inadmissible if the complainant has not exhausted the legal means afforded to him/her by law for the protection of his fundamental rights or freedoms. The Constitutional Court will not refuse to accept a constitutional complaint on the ground that it is inadmissible if the complainant proves that he/she has not exhausted the legal means accorded to him/her by law for the protection of his/her fundamental rights and freedoms for reasons worthy of special consideration. A complaint may be lodged within two months of the decision becoming final, notification of the measure or notification of any other intervention.⁹⁹

131. If the Constitutional Court at the preliminary hearing accepts a constitutional complaint for further proceedings, it shall deliver the constitutional complaint to the other parties to the proceedings and to the interested party with a request for a statement within the time limit set by the Constitutional Court.¹⁰⁰

132. If the Constitutional Court upholds the complaint, it will state in its decision which fundamental rights or freedoms have been violated and which provision of the Constitution, constitutional law or international treaty has been violated, and what legal decision, measure or other interference has violated fundamental rights and freedoms. The Constitutional Court shall annul the decision or measure which violated the applicant's fundamental rights and freedoms. The Constitutional Court shall also annul another interference in violation of the complainant's fundamental rights and freedoms, if the nature

⁹⁵ Art. 127 para. 2 and 3 of the Constitution.

⁹⁶ Art. 133 of the Constitution.

⁹⁷ Section 214 et seq. of Act No. 314/2018 Coll. on the Constitutional Court of the Slovak Republic and on amendments to certain acts.

⁹⁸ Section 220 para. 2 and 3 of Act No. 314/2018 Coll. on the Constitutional Court of the Slovak Republic and on amendments to certain acts.

⁹⁹ Section 124 of Act No. 314/2018 Coll. on the Constitutional Court of the Slovak Republic and on amendments to certain acts.

¹⁰⁰ Section 56 para. 6 of Act No. 314/2018 Coll. on the Constitutional Court of the Slovak Republic and on amendments to certain acts.

of the interference so permits.¹⁰¹ If the Constitutional Court revokes a final decision, measure or other intervention and returns the case for further proceedings, the person who issued the decision in the matter, decided on the measure or performed another intervention, is obliged to discuss the case again and decide. In these proceedings or procedure he/she is bound by the legal opinion of the Constitutional Court.¹⁰² Proceedings before the Constitutional Court are regulated by Act No. 314/2018 Coll. on the Constitutional Court and on amendments to certain acts, as amended.

133. In the event of infringement of human rights and fundamental freedoms, the possibility to lodge a complaint on the condition of exhaustion of all national legal remedies, whether by the United Nations Expert Committee or with the European Court of Human Rights, is also contemplated.

E. Right to compensation for damage

134. Pursuant to Article 46 para. 3 of the Constitution, everyone is entitled to compensation for damage incurred as a result of an unlawful decision by a court, another state or public administration body, or as a result of an incorrect official procedure. The issue of compensation is regulated by a special regulation, i.e. Act No. 514/2003 Coll. on liability for damage caused in the exercise of public authority and on amendments to certain acts, as amended (hereinafter referred to as the “Liability Act”).

135. Under the conditions laid down by the Liability Act, the state shall be liable for damage caused by public authorities in the exercise of official authority by an unlawful decision, unlawful arrest, detention or other deprivation of personal liberty, decision on punishment, protective measure or detention, or as a result of an incorrect official procedure.¹⁰³ Responsibilities cannot be relieved.

136. In its provisions, the Code of Criminal Procedure provides for a number of means to ensure that custody is not ordered or extended unreasonably. Should this happen exceptionally, the person to whom such custody has been made has the right to compensation for unlawful custody.

137. If a damage was caused by a crime, then pursuant to Section 46 et seq. of the Code of Criminal Procedure. The injured party (a person who has been injured by a crime, property, moral or other damage or has been violated or endangered by his/her other legally protected rights or freedoms) has a claim against the accused for damages caused to him/her by the crime. He/she is also entitled to propose that the court imposes an obligation on the defendant to compensate the damages in the conviction. A proposal cannot be filed if it has already been decided in civil proceedings or other relevant proceedings.

138. If a victim of the intentional violent crime was not compensated otherwise, he/she can ask the Ministry of Justice of the Slovak Republic with a written request for the compensation, and the Ministry of Justice of the Slovak Republic shall decide on the compensation. The Victims Act defines the conditions for submitting an application for compensation as well as determining the amount of compensation.¹⁰⁴ Entitlement to compensation for a victim of a violent crime arises when a judgement or a criminal order has come into force in criminal proceedings by which the offender is found guilty of a criminal offence causing injury to the victim or a judgement acquitting the defendant for lack of age or insanity and the injury to the victim of the violent crime has not been fully reimbursed otherwise.¹⁰⁵ The condition for claiming compensation is to claim damages in criminal proceedings (at the latest until the end of the investigation or summary investigation); this condition does not apply to compensation for personal injury caused by

¹⁰¹ Section 133 para. 1 and 2 of Act No. 314/2018 Coll. on the Constitutional Court of the Slovak Republic and on amendments to certain acts.

¹⁰² Section 134 para. 1 of Act No. 314/2018 Coll. on the Constitutional Court of the Slovak Republic and on amendments to certain acts.

¹⁰³ Section 3 of Act No. 514/2003 Coll. on liability for damage, as amended.

¹⁰⁴ Sections 10–22 of Act No. 274/2017 Coll. on Victims of Crime, as amended.

¹⁰⁵ Section 11, para. 1 of Act No. 274/2017 Coll. on Victims of Crime.

the crime of human trafficking, rape, sexual violence or sexual abuse.¹⁰⁶ An application for compensation must be made within one year of the judgement or the criminal order coming into force, after which time the right to compensation ceases.¹⁰⁷

139. In civil proceedings, the injured party should, in the event of unauthorized interference with the right to the protection of his/her personality under the Civil Code, require from the court to eliminate the consequences of such interventions and to be given adequate satisfaction. If the above-mentioned satisfaction, in particular because the dignity of the natural person or his or her seriousness in society has been greatly reduced, the injured (natural person) also has the right to compensation for non-pecuniary damage in cash, if it is not sufficient. The amount of the compensation shall be determined by the court having regard to the seriousness of the damage suffered and the circumstances in which the infringement was committed.¹⁰⁸

F. Other bodies with human rights competences

i. Commissioner for Children

140. The Commissioner for Children participates in the protection of children's rights by supporting and enforcing the rights granted to the child through the Convention on the Rights of the Child and international treaties by which the Slovak Republic is bound. The Commissioner for Children is an independent body which performs its tasks separately from other bodies for which a special regulation provides for competences in the field of human rights protection. Its competences include assessing respect for the rights of the child, promoting the interests of children in society, communicating with children and identifying their views, promoting awareness of the rights of the child, and working with foreign and international entities involved in exercising or protecting children's rights. Its scope also applies to legal and natural persons of entrepreneurs. Everyone has the right to refer to the Commissioner for Children about violating the rights of the child or endangering the rights of the child.

141. Pursuant to the wording of the provision of Section 2 of Act No. 176/2015 Coll. on the Commissioner for Children and the Commissioner for Persons with Disabilities, as amended, the child has the right to contact the Commissioner for Children, directly or through another person, without the knowledge of his/her parents, guardian or another person to whom the child has been entrusted in the care replacing the care of parents.

ii. National Coordination Centre for Solving Issues related to Violence against Children

142. The amendment to Act No. 453/2003 Coll. on state administration bodies in the area of social affairs, family and employment services and on amendments to certain acts, effective from 1 November 2019, the competence of the Ministry of Labour, Social Affairs and Family of the Slovak Republic as the central body of state administration for coordination of the state policy on the protection of children against violence and the coordination of task fulfilment in this area was enshrined in legislation.

143. Through its specialized department, the National Coordination Centre for the Solution of Violence against Children, which was established on the basis of the Government Resolution No. 24 of 15 January 2014, the Ministry of Labour directs and methodically manages the coordination of the protection of children against violence, creates conditions for mutual cooperation and exchange of information between state administration bodies, police, schools, school facilities, municipalities, higher territorial units, health care providers and other actors in the field of protecting children against violence. The aim of the aforementioned legislation is to strengthen legal certainty in mutual cooperation of entities, as well as significantly improve access to high-quality assistance services for children at risk of violence throughout the Slovak Republic. In cooperation with relevant partners, i.e. representatives of the Ministries of Interior, Health, Education, Research and Sport, Culture, Justice and representatives of non-governmental

¹⁰⁶ Section 11, para. 4 of Act No. 274/2017 Coll. on Victims of Crime.

¹⁰⁷ Section 15, para. 2 of Act No. 274/2017 Coll. on Victims of Crime.

¹⁰⁸ Section 13 of Act No. 40/1964 Coll. Civil Code. as amended.

organizations as well as others involved in the issues of child protection, a uniform procedure is created for all subjects in this area.

iii. Commissioner for Persons with Disabilities

144. The Commissioner for Persons with Disabilities participates in the protection of the rights of persons with disabilities by supporting and enforcing the rights granted to persons with disabilities through international treaties by which Slovakia is bound. The Commissioner for Persons with Disabilities is an independent body which performs its tasks separately from other bodies for which a special regulation provides for competences in the field of human rights protection.

145. Pursuant to the wording of Section 8 of Act No. 176/2015 Coll. on the Commissioner for Children and the Commissioner for Persons with Disabilities, as amended, everyone has the right to refer to the Commissioner for Persons with Disabilities regarding the violation of the rights of a person with disabilities or threatening the rights of a person with disabilities. A natural person who does not have full legal capacity or who has been deprived of legal capacity has the right to contact the Commissioner for persons with disabilities, directly or through another person, without the knowledge of the legal representative.

iv. Slovak National Centre for Human Rights

146. The Slovak National Centre for Human Rights was established in 1994 in accordance with Act No. 308/1993 Coll. on the establishment of the Slovak National Centre for Human Rights, as amended. The Centre performs the tasks of the National Human Rights Institution (NHRI). Under its mandate, it monitors and evaluates respect for human rights, conducts research and surveys to provide data on human rights and fundamental freedoms, collects and disseminates human rights information, and carries out documentary work. It has the right to ask the courts, the public prosecutor's office, other state authorities, local and interest self-government bodies and other institutions to provide information on the respect for human rights.

147. In 2004 it became the Slovak anti-discrimination body (equality body), i.e. a body for assessing compliance with the principle of equal treatment under the Anti-Discrimination Act.¹⁰⁹ It carries out independent surveys on discrimination, provides expert opinions on discrimination, has the authorization to represent parties to proceedings in matters of violations of the principle of equal treatment, provides legal assistance to victims of discrimination and intolerance, collects and provides information on racism, xenophobia and anti-Semitism.

148. The Ministry of Justice of the Slovak Republic has prepared an in-depth analysis of the Paris Principles and Recommendations of the GANHRI (Global Alliance of National Human Rights Institutions) and their compliance with the legislation of the Slovak National Centre for Human Rights (SNCHR) and the Public Defender of Rights. The analysis included recommendations from international monitoring bodies. Subsequently, the Ministry of Justice of the Slovak Republic held a public discussion on the possibilities of legislative changes and specifically negotiated with the SNCHR, which was directly involved in the drafting of the legislative proposal. In December 2018, the Ministry of Justice of the Slovak Republic submitted to the Government of the Slovak Republic a draft amendment to the Act on the Establishment of the SNCHR, the aim of which was to comply as much as possible with the Paris Principles and GANHRI Recommendations. The bill was approved by the Slovak Government on 9 January 2019. Together with this regulation, an agreement was reached on increasing the staff and material capacities of the SNCHR, while the budget has been increased by 40% since 2019 and it foresees the creation of 7 new jobs. However, the National Council of the Slovak Republic did not approve the government bill at its meeting on 26 June 2019. The Ministry of Justice of the Slovak Republic will negotiate with the SNCHR on other possibilities in the new parliamentary term from 2020.

¹⁰⁹ Act No. 365/2004 Coll. on equal treatment in certain areas and protection against discrimination and on amendments of certain acts (Anti-Discrimination Act).

G. Human Rights Advisory Bodies of the Government of the Slovak Republic

i. The Council of the Government of the Slovak Republic for Human Rights, National Minorities and Gender Equality

149. The Council of the Government of the Slovak Republic for Human Rights, National Minorities and Gender Equality (hereinafter referred to as the “Human Rights Council”) is one of three permanent, advisory, professional, coordinating and consulting bodies of the Government in the field of the protection of fundamental human rights and freedoms. It is chaired by the Minister of Justice of the Slovak Republic who within his/her competence, among other things, appoints or dismisses all its members. The composition of the members of the Human Rights Council complies with the principle of proportional representation, i.e. within the meaning of the Statute of the Human Rights Council its members are representatives of state bodies (ministers, state secretaries, the Plenipotentiary of the Government of the Slovak Republic), as well as leading experts in theory and practice from NGOs and institutions, representatives of towns and municipalities, self-governing regions, vice-chairmen of committees operating at the Human Rights Council, the Public Defender of Rights, the Executive Director of the Slovak National Centre for Human Rights.

150. Within its remit, the Human Rights Council focuses on the rights of persons belonging to national minorities and ethnic groups (Committee on National Minorities and Ethnic Groups), economic, social and cultural rights (Committee on Research, Education and Training in Human Rights and Development Education), the rights of the child and the promotion of the best interests of the child (Committee on Children and Youth), the rights of persons with disabilities (Committee on Persons with Disabilities), the rights of lesbian, gay, bisexual, transgender and intersex persons (LGBTI Committee), promoting the principle of equal treatment, equal opportunities and gender equality (Gender Equality Committee), political and civil rights, rights of the elderly, the right to environmental protection and cultural heritage. The committees have a nature of the permanent expert bodies of the Human Rights Council, which make proposals to the Human Rights Council to increase the level of promotion, protection and respect for human rights.

151. The Human Rights Council adopts opinions on the national fulfilment of Slovakia’s international obligations in the area of human rights protection, in particular obligations arising from international conventions and treaties on human rights and fundamental freedoms by which the Slovak Republic is bound. It discusses draft reports on the implementation of international conventions, submits proposals to the government on strategies and concepts in the field of human rights protection, as well as initiatives to improve the respect for human rights.

ii. Plenipotentiary of the Government of the Slovak Republic for National Minorities

152. The Plenipotentiary of the Government of the Slovak Republic for National Minorities (hereinafter referred to as the “Plenipotentiary for National Minorities”) is an advisory body of the Government, which performs tasks in the area of preserving, developing and promoting the rights of persons belonging to national minorities. The Plenipotentiary for National Minorities is appointed and recalled by the Government on the proposal of the Prime Minister.

153. The Plenipotentiary for National Minorities shall, in particular, monitor, analyse and evaluate the respect for the rights of persons belonging to national minorities by state administration bodies, local self-government authorities and other relevant entities and report to the Government every two years on the status and rights of persons belonging to national minorities.

154. The Plenipotentiary for National Minorities participates in the drafting of reports on the implementation of international treaties by which the Slovak Republic is bound in the field of status and rights of persons belonging to national minorities, prepares opinions and proposals for legislative and non-legislative measures related to the status and rights of persons belonging to national minorities and submits proposals as part of the creation of legislative and non-legislative measures related to the use of languages of national minorities. The Plenipotentiary for National Minorities also provides assistance to public

authorities, local authorities and other relevant bodies, on request, in the implementation of public policies regarding the status and rights of persons belonging to national minorities and cooperates with international organizations on the rights of persons belonging to national minorities.

155. The Plenipotentiary for National Minorities shall chair the Committee on National Minorities and Ethnic Groups, which shall be the permanent advisory body of the Human Rights Council on issues relating to national minorities and ethnic groups and their members and on the implementation of the European Charter for Regional or Minority Languages and the Framework Convention on the Protection of National Minorities. It shall act as a consultative body on the participation of persons belonging to national minorities and ethnic groups in the settlement of matters relating to national minorities and ethnic groups. The Committee for National Minorities and Ethnic Groups consists of two chambers. One chamber consists of representatives for national minorities; the other chamber consists of representatives for central state administration bodies. All members of the Committee for National Minorities and Ethnic Groups, i.e. members of both Chambers, have the right to vote. Members of national minorities who are nominated by organizations demonstrably committed to promoting the preservation and development of the identity and cultures of persons belonging to national minorities are appointed and removed by the Chairman of the Committee on National Minorities and Ethnic Groups on the basis of election results for four years. The Committee for National Minorities and Ethnic Groups has a designated circle of permanently invited non-voting members who are appointed and removed by the Chairperson of the Committee on National Minorities and Ethnic Groups.

156. An Office was established at the Office of the Government to ensure the work of the Plenipotentiary for National Minorities. The Office's activities are managed, directed and supervised by the Plenipotentiary for National Minorities. The internal organizational structure of the Office, functions, activities and scope of tasks of individual organizational units are determined by the organizational rules of the Office issued by the Head of the Office of the Government on the proposal of the representative for national minorities. The Office is organized into the Office of the Plenipotentiary for National Minorities and the Department of the Status and Rights of National Minorities.

157. In 2017, the Act on the Fund for the Support of National Minorities Culture was passed.¹¹⁰ The Fund for the Support of National Minorities Culture (hereinafter referred to as the "Fund") as a public-law institution was established to preserve, express, protect and develop the identity and cultural values of national minorities, education and training to the rights of persons belonging to national minorities and ethnic groups, ensuring the intercultural dialogue and understanding between citizens of Slovak nationality and citizens belonging to national minorities and ethnic groups. Following this change, the competence in the area of supporting the culture of national minorities was transferred from the Office of the Government to the Fund.

158. The agenda of the national minorities culture was also delimited from the Office of the Government to the Ministry of Culture of the Slovak Republic. As at 1 January 2018, the Department of National Minorities Culture was set up that has established itself as an effective and systematically operating organizational department. Within this framework, all important tools for implementing the objectives of the state cultural policy in the field of national minorities culture were fully developed and the systematic care for the culture of national minorities and their sustainable development was fully promoted. In particular, the Department prepares basic papers for documents in the field of national minorities culture, local and regional culture, cooperates on a wide range and provides cooperation with state and public administration bodies, professional institutions and other entities of national minorities culture. The most important goals of the newly established department are the analysis, monitoring and presentation of the culture of national minorities and regional culture in the Slovak Republic and abroad. By conceptual and methodological activities, the Department cooperates in developing the concept of the Strategy of Development of Local and Regional Culture and National Minorities Culture of the SR until 2030 implemented by

¹¹⁰ Act No 138/2017 of 10 May 2017 on the Fund for the Support of National Minorities Culture, as amended.

the Ministry of Culture of the Slovak Republic, which leads to the cultivation of the value system of society in relation to increasing the level of understanding and solidarity.

iii. Plenipotentiary of the Government of the Slovak Republic for the Roma Communities

159. The Plenipotentiary of the Government for the Roma Communities (hereinafter referred to as the “Plenipotentiary for the Roma Communities”) has the status of an advisory body of the Government of the Roma communities in the Slovak Republic. He/she performs tasks aimed at addressing Roma community affairs and implements systemic measures to improve their position and integration into society, especially in the field of designing, implementing and coordinating more effective policies and implementing systemic measures aimed at preventing social exclusion of Roma communities and promoting their social inclusion. The Plenipotentiary for the Roma Communities establishes the Inter-Ministerial Commission for Roma Community Affairs, presides over it, convenes and directs the meetings of the Commission and is accountable to the Government for its activities.

160. Within the scope of his/her competence, he/she proposes and implements measures in cooperation with central state administration bodies, local state administration bodies, local self-government authorities and non-governmental organizations, prepares documents and standpoints for government meetings, consults the Office’s activities with the Prime Minister and the Minister of Interior of the Slovak Republic, coordinates the Office’s activities with the activities of the other departments of the Ministry of Interior of the Slovak Republic and other central state administration bodies, in cooperation with interested institutions and competent authorities he/she prepares, assigns, coordinates, monitors and evaluates programmes aimed at improving the status of members of Roma communities, organizes meetings of interested bodies and institutions and, in agreement with them, proposes the relevant measures and conclusions, and he/she comments on the concepts developed by state administration bodies, local self-government authorities and other interested institutions concerning the addressing of the Roma communities matters, proposes the use of state budget funds and resources to help and support provided from the European Union funds allocated to address the issues of Roma communities. The Plenipotentiary for the Roma Communities, together with the relevant ministers, coordinates the implementation of the Strategy of the Slovak Republic for the Integration of the Roma in the areas of employment, education, health care, housing, non-discrimination, financial inclusion and accesses to the mainstream society, with an aim of mutually positive perception of the process of the Roma emancipation by all citizens of the Slovak Republic.

161. An Office was established at the Ministry of Interior of the Slovak Republic to ensure the activities of the Plenipotentiary for the Roma Communities. The Plenipotentiary for the Roma Communities manages, directs and oversees the Office’s activities, participates in the formulation, implementation and coordination of the Government and European Union policies, including the implementation of assistance provided by the European Union, in the improvement of the position of Roma communities, in particular in the processes of involving and integrating the Roma in society in the context of the Europe 2020 strategy. To a limited extent, he/she fulfils the duty to inform the European Union institutions and other international organizations. The internal organizational structure of the Office, functions, activities and competences are determined by the Office’s organizational rules, which will be issued by the Minister of Interior of the Slovak Republic on the proposal of the Plenipotentiary.

H. Advisory bodies of the Government of the Slovak Republic related to the protection of human rights

i. Legislative Council of the Government of the Slovak Republic

162. 163. The Legislative Council of the Government of the Slovak Republic (hereinafter referred to as the “Legislative Council”) is a permanent advisory and coordinating body of the Government in the field of legislation in which the Minister of Justice of the Slovak Republic performs the function of the Chairman. Within the meaning of the Statute, the members of the Legislative Council are appointed and recalled by the Government on the proposal of the Chairman of the Legislative Council. Permanent working commissions are

established within the Legislative Council (Permanent Working Commission on Financial Law; on Administrative Law; on Civil, Commercial and Criminal Law; on Technical Legislation; to assess selected impacts).

163. 164. In terms of its powers, the Legislative Council mainly discusses the draft plan of legislative tasks of the Government, coordinates and directs the activities of ministries and other central state administration bodies in the preparation of bills and government regulations, adopts opinions for the Government's meetings on draft constitutional laws, statutes, government regulations, draft legislative intentions, on parliamentary bills; assesses compliance of bills, government regulations and draft legislative intentions with European Union law, Council of Europe conventions and international treaties by which Slovakia is bound.

ii. The Economic and Social Council of the Slovak Republic

164. 165. Tripartism has had a history in Slovakia since 1990, when the Council of Economic and Social Agreement of the Slovak Republic was established by agreement of three parties – government, employers and trade unions. Social dialogue has been a permanent process since its inception in 1990 to the present day.

165. With effect from 1 April 2007, Act No. 103/2007 Coll. on trilateral consultations at national level and on amendments to certain acts (the Tripartite Act) was adopted. This Act also established the Economic and Social Council of the Slovak Republic as a consulting and conciliation body of the Government and social partners at the national level. The Council has 21 members, 7 members appointed by the Government, employers and trade unions.¹¹¹

166. Within its competence in the areas of economic, social and employment development, the Council shall agree on opinions and recommendations, conclude agreements, agree on opinions and recommendations in the field of the state budget and opinions on proposals for generally binding legal regulations concerning the important interests of employees and employers, mainly economic, social, labour and wage conditions, employment and business conditions, supports all forms of collective bargaining, establishes its advisory bodies.¹¹²

iii. The Council of the Government of the Slovak Republic for the Elderly Citizens' Rights and Adapting Public Policies to the Population Ageing Process

167. The Council of the Government of the Slovak Republic for Elderly Citizens' Rights and Adapting Public Policies to the Population Ageing Process (hereinafter referred to as the "Elderly Citizens' Rights Council") is a permanent expert, advisory, coordinating and initiative body of the Government in the area of elderly citizens' rights, in addressing issues of living conditions, equal opportunities and equal treatment of elderly citizens and in ensuring closer cooperation of stakeholders to address the consequences of the population ageing. The Elderly Citizens' Rights Council consists of representatives of both the state and non-state sectors (civil society). The Chairman of the Elderly Citizens' Rights Council is the Minister of Labour, Social Affairs and Family of the Slovak Republic, who can set up permanent or temporary working groups.¹¹³

168. The responsibilities of the Elderly Citizens' Rights Council include in particular the elimination of negative effects of the population ageing process, the promotion, protection and respect for elderly citizens' rights, promoting elderly citizens' interests in addressing issues of living conditions, equal opportunities and equal treatment of elderly citizens, the development of living conditions of elderly citizens in all spheres of life and their integration into society.¹¹⁴

¹¹¹ Section 5 of Act No. 103/2007 Coll. on trilogue/tripartite consultations at national level and on amendments to certain acts (Tripartite Act).

¹¹² Section 4, para. 3 of the Tripartite Act.

¹¹³ Article 5 para. 2 and Article 8 para. 1 of the Statute of the Elderly Citizens' Right Council

¹¹⁴ Article 4 of the Statute of the Elderly Citizens' Rights Council.

iv. The Council of the Government of the Slovak Republic for Non-Governmental Non-Profit Organizations

169. The Council of the Government of the Slovak Republic for Non-Governmental Non-Profit Organizations (hereinafter referred to as the “NGO Council”) is a permanent expert, advisory, coordinating and consultative body of the Government in the field of civil society development in Slovakia. It consists of two separate chambers – a chamber for public administration and a chamber for non-profit organizations. It may set up temporary expert working groups as appropriate.

170. The NGO Council is designed to contribute to the strengthening of participatory democracy in society, so that the public policy governmental material adopted is not only effective, fair and democratic, but also received with broad consensus of the governmental and non-governmental sectors, while at the same time controlled by civil society.

171. The NGO Council concentrates, discusses and, through its President or the Vice-Presidents submits to the Government proposals, resolutions and opinions concerning the development of civil society, non-governmental non-profit organizations and relating to the creation of an appropriate environment for their existence and operation. The NGO Council cooperates with the Plenipotentiary of the Government of the Slovak Republic for Civil Society.

v. The Council of the Government of the Slovak Republic for Crime Prevention

172. The Council of the Government of the Slovak Republic for Crime Prevention is an advisory, initiative, coordinating and expert body of the Government for the area of crime prevention and other anti-social activities. It creates expert groups from selected experts, especially for solving specific problems of prevention, for preparing materials for Council or Government meetings and for solving tasks related to the cooperation of the Slovak Republic with foreign countries. One of these groups is dedicated to the prevention of violence against women and in families.

173. The Council fulfils four functions: a) advisory – it discusses analyses of the state and development of crime in the SR, assesses materials and proposals related to prevention and proposes appropriate solutions, submits to the Government for approval the evaluation report on the fulfilment of tasks arising from the Crime Prevention Strategy; b) initiative – it submits suggestions, proposals and recommendations in the field of prevention, initiates preparation of legislative measures in the field of prevention, facilitates the transfer and exchange of information on prevention, supports scientific research in the field of prevention, c) coordination and d) expert – it submits to the Government for approval the proposal of the prevention strategy, publishes calls for submitting projects, approves projects and approves providing subsidies, cooperates with international organizations and other foreign institutions dealing with prevention.

vi. The Council of the Government of the Slovak Republic for the 2030 Agenda for Sustainable Development

174. The Council of the Government of the Slovak Republic for the 2030 Agenda for Sustainable Development (hereinafter referred to as the “Council for the Agenda 2030”) is an expert advisory, coordinating and initiative body of the Government of the Slovak Republic for issues related to the implementation of the 2030 Agenda for Sustainable Development and especially for sustainable regional and territorial development in both national and international environments. It guarantees professionally the development of the vision and cross-cutting strategies of the Slovak Republic’s development and the related national priorities for the implementation of the 2030 Agenda, as well as monitoring progress in the implementation of the 2030 Agenda and the related cross-cutting documents at the national level, including the National Strategy for Regional and Territorial Development by 2030.

175. The Agenda 2030 Council’s activities are governed by the Constitution, constitutional laws, laws, other generally binding legal regulations, legally binding acts of the European Union, international treaties, government policy statements and government resolutions.

I. The role and position of civil society

176. Based on international treaties and Article 29 para. 1 of the Constitution, the civil society in the territory of the Slovak Republic is represented by non-governmental non-profit organizations, which are non-investment funds and non-profit organizations providing services of general interest. and No. 213/1997 Coll., as well as organizations with an international element, civic associations, trade union organizations, employers' organizations and foundations registered and listed by the Ministry of Interior of the Slovak Republic pursuant to Act No. 116/1985 Coll., Act No. 83/1990 Coll. and Act No. 34/2002 Coll.

177. The principle reflected in the provisions of Article 52 para. 1 shall of the Constitution apply to the registration procedures of non-governmental non-profit organizations governed by that legislation before 1993, according to which, where the term 'citizen' is used in previous legislation, every person is to be understood as regards the rights and freedoms granted by the Constitution, irrespective of citizenship.

178. Trade union and employers' organizations in Slovakia are established independently of the state. For trade union and employers' organizations (as well as their federations or confederations) registered by the Ministry of Interior of the Slovak Republic, formally according to Act No. 83/1990 Coll., in accordance with the Convention on Freedom of Association and the Protection of the Right to Organize, 1948 (No 87) ('the Convention'), their registration principle applies exclusively, i.e. trade union and employers' organizations, as well as their organizational units, may perform their activity on the day after the proposal for entry in the register was delivered to the Ministry of Interior of the Slovak Republic, which reflects the requirement of Article 2 of the Convention that employees and employers have the right to appoint organizations of their choice without prior approval. Likewise, Article 4 of the Convention shall apply in their case and therefore they shall not be subject to dissolution or suspension of their activities in an administrative way.

179. In accordance with Article 9 para. 1 of the Convention, Act No. 83/1990 Coll. specifies that soldiers in active service cannot form trade union organizations and associate in them, and it has also defined that the scope of the powers of trade union organizations associating members of the Police Force of the Slovak Republic and of the Corps of Prison and Judicial Guard of the Slovak Republic to enforce and protect their social interests is stipulated by a special law.

180. Civic associations cannot be political parties and political movements, profit-making organizations, churches and religious societies or perform such activities reserved to others, and the aim of association cannot be the exercise of hunting rights, since all these rights are governed by specific legislation.

181. As part of the registration of civic associations, the legal principle applies that no one must be compelled to associate, join associations or participate in their activities and everyone is free to leave an association. It must not be to the detriment to anybody in the position of a citizen that he/she associates, is a member of an association, participates in its activities or supports it, or that he/she stands outside it. Likewise, the Ministry of Interior of the Slovak Republic refuses to register associations whose aim is to deny or limit personal, political or other rights of citizens due to their nationality, gender, race, origin, political or other thoughts, religion and social status, incite hatred and intolerance for these reasons, promote violence or otherwise violate the Constitution and the law; and which pursue their objectives in ways that are contrary to the Constitution and the law. Civic associations may also not perform the function of state authorities, unless a special law provides otherwise, and may not govern state authorities and impose obligations on non-member citizens. For this purpose, the Ministry of Interior of the Slovak Republic may, if such facts are proved, dissolve a civic association after its failure to comply with the request for abandonment of the respective conduct.

182. On 1 January 2019, Act No. 346/2018 Coll. came into effect, introducing a single register of the aforementioned non-governmental non-profit organizations within two years of its entry into effect, i.e. until 1 January 2021. For example, the Act reflected the absence of basic data on statutory bodies authorized to act on behalf of civil associations, trade union organizations, employers' organizations (including their organizational units

authorized to act on their behalf) and organizations with an international element, thus introducing for the first time the duty of legal reporting and subsequent updating of data on these persons representing these non-governmental non-profit organizations, which are required in terms of increasing legal certainty in legal relations, as well as for the purposes of application of e-Government legislation in the conditions of the Slovak Republic. At the same time, the creation of a single register will create an option for the superstructure (the use of which by NGOs will have a purely voluntary basis), adapting to the requirements of NGOs, such as the space for self-presentation.

183. The right to associate in non-governmental non-profit organizations is protected as follows in the event of unauthorized intervention by state authorities. If the district office at the registered office of the region refuses registration and does not register a non-investment fund or non-profit organization providing services of general interest in the register under the legal system of the SR, it is possible to appeal against such decision of the district office with the Ministry of Interior of the Slovak Republic as an appellate body. If the Ministry of Interior of the Slovak Republic refuses the registration of a civic association (outside trade union or employers' organizations) or does not permit to operate or establish a registered office of an organization with an international element, it is possible to file an administrative action against such a decision to the administrative court pursuant to Act No. 162/2015 Coll. Administrative Procedure Code.

184. The following are the numbers of recognized NGOs in the Slovak Republic (as at 7 June 2019):

- Non-investment funds – 759
- Non-profit organizations providing services of generally beneficial service – 3,840
- Organizations with an international element – 194
- Civic associations – 57,205
- Trade union and employers' organizations – 3,298
- Foundations – 1,212

IV. Publication of texts of international treaties on human rights and fundamental freedoms

185. Constitution, constitutional laws and other laws, government regulations and public notices, decrees and measures of ministries and other central state administration bodies of the Slovak Republic, other state administration bodies, the National Bank of Slovakia, Constitutional Court decisions, proposals adopted in a referendum, international treaties, other legal acts and acts of the international law are promulgated by publishing in the Collection of Laws of the Slovak Republic.¹¹⁵

186. The website of the Ministry of Foreign and European Affairs of the Slovak Republic contains texts of all the implementation reports of the Slovak Republic on the United Nations international treaties on human rights and fundamental freedoms, the list of UN expert committees, the list of websites providing information on issues of human rights protection and the list of international treaties on human rights and fundamental freedoms by which the Slovak Republic is bound.

¹¹⁵ Sections 12–21 of Act No. 400/2015 Coll., on law-making and on the Collection of Laws of the Slovak Republic, as amended.

187. In accordance with Act No. 211/2000 Coll., on free access to information, as amended, natural and legal persons have the right to access information available to state authorities and municipalities. The information shall be disclosed without demonstrating the legal or other reason or interest for which the information is requested. Restrictions on access to information in specific cases are governed by this Act. Pursuant to the aforementioned Act, anyone can apply to state authorities for information on human rights and fundamental freedoms. At the same time, disclosure of information is guaranteed by the general courts of the Slovak Republic. The Slovak Republic has adopted a number of public policies that make information available to citizens in bulk in electronic form, in particular public administration information and information obtained for public funds.
