

CONSTITUTION OF THE SLOVAK REPUBLIC

COURTS OF THE SLOVAK REPUBLIC

Article 141

(1)

Justice in the Slovak Republic is administered by independent and impartial courts.

(2)

Justice at all levels is administered independently of other state bodies.

Article 141a

The Judicial Council of the Slovak Republic

(1)

The Judicial Council of the Slovak Republic is a constitutional body of judicial legitimacy.

(2)

The chairman and deputy chairman of the Judicial Council of the Slovak Republic shall be elected and recalled by the Judicial Council of the Slovak Republic from among its members. The members of the Judicial Council of the Slovak Republic are

a)

one judge elected and recalled by the judges of the Supreme Court of the Slovak Republic and the judges of the Supreme Administrative Court of the Slovak Republic from among the judges of these courts,

b)

eight judges elected and recalled by the judges of the other courts in several electoral circuits, which are formed in such manner that a comparable number of votes of the judges is required for their election or recall,

c)

three members elected and recalled by the National Council of the Slovak Republic,

d)

three members appointed and recalled by the President of the Slovak Republic,

e)

three members appointed and recalled by the Government of the Slovak Republic.

(3)

A person that is irreproachable, has completed a university law education and has been practicing law for at least 15 years may be constituted a chairman, deputy chairman and member of the Judicial Council of the Slovak Republic pursuant to paragraph 2(c) to (e); furthermore, only a person that is not a judge may be constituted a member of the Judicial Council of the Slovak Republic pursuant to paragraph 2(c) to (e).

(4)

The execution of the function of the chairman and deputy chairman of the Judicial Council of the Slovak Republic is incompatible with the execution of a post in any other public authority body, a post or contract of employment in a state body, any contract of employment or similar employment relation, entrepreneurial activity, membership in a management or control body of a legal person engaged in an entrepreneurial activity or another economic or gainful activity, with the exception of the administration of their own property and scientific, teaching, literary or artistic activity.

(5)

The term of office of the members of the Judicial Council of the Slovak Republic is five years. The same person may be elected a chairman of the Judicial Council of the Slovak Republic, elected or appointed a member of the Judicial Council of the Slovak Republic for a maximum of two consecutive terms. The chairman, deputy chairman and a member of the Judicial Council of the Slovak Republic may be recalled at any time before their term of office elapses.

(6)

The competence of the Judicial Council of the Slovak Republic includes

a)

provide for the performance of the tasks of public control of the judiciary,

b)

adopt an opinion as to whether a candidate for appointment to the post of judge meets the prerequisites of judicial eligibility that give assurance that they will discharge the duties of a judge properly,

c)

submit to the President of the Slovak Republic names of candidates proposed to be appointed judges and proposed names of judges to be removed,

d)

decide on assignment and transfer of judges,

e)

submit to the President of the Slovak Republic proposals to appoint the chairman and deputy chairman of the Supreme Court of the Slovak Republic, the chairman and deputy chairman of the Supreme Administrative Court of the Slovak Republic and for their recall,

f)

submit to the Government of the Slovak Republic proposals of candidates for judges who should represent the Slovak Republic in international judicial bodies,

g)

comment on a draft budget of the Slovak Republic courts in the process of drafting of the state budget and submit to the National Council of the Slovak Republic an opinion on the draft budget of the Slovak Republic courts,

h)

supervise whether a judge meets the prerequisites of judicial eligibility that give assurance that they will discharge the duties of a judge properly for the entire duration of the judicial function,

i)

supervise and act in matters of property of a judge,

j)

issue the principles of judicial ethics in cooperation with the bodies of judicial self-administration,

k)

other competence, if so provided by law.

(7)

A consent of a simple majority of all members is required to adopt a resolution of the Judicial Council of the Slovak Republic.

(8)

Activity of the Judicial Council of the Slovak Republic is managed and organised by its chairman.

(9)

Chairman of the Judicial Council of the Slovak Republic may submit to the Constitutional Court a proposal to initiate proceedings on matters of compatibility of legal regulations pursuant to [Article 125\(1\)](#) relating to the administration of justice.

(10)

Details on the election and recall of the chairman and deputy chairman of the Judicial Council of the Slovak Republic, on the manner of appointment and recall of members of the Judicial Council of the Slovak Republic, on its competence, on the representation of the chairman of the Judicial Council of the Slovak Republic, on the organisation of and relations to the bodies of the administration of the judiciary and the bodies of judicial self-government, as well as on the performance of duties pursuant to [Article 141b](#) will be stipulated by law. The law will also stipulate the circuits for the election and recall of members of the Judicial Council of the Slovak Republic pursuant to paragraph 2(b).

Article 141b

(1)

The Judicial Council of the Slovak Republic shall adopt opinions pursuant to [Article 141a\(6\)\(b, h\)](#) and [i](#) on the basis of its own examination, documents procured by it or obtained from the state authorities and the statement of the person concerned.

(2)

The loss of the prerequisites of judicial competence of a judge, which provide a guarantee that they will execute the post of a judge properly throughout the term of office of a judge, shall be decided in disciplinary proceedings.

Article 142

(1)

Courts decide on civil law and criminal law matters; re-examine the legitimacy of public administration bodies' decisions and legitimacy of decisions, measures or other acts of the public authority bodies, if so stipulated by law.

(2)

The Supreme Administrative Court of the Slovak Republic also decides

a)

on the constitutionality and legality of elections to local self-government bodies,

b)

the dissolution or suspension of a political party or political movement,

c)

on the disciplinary liability of judges, prosecutors and, where stipulated by law, other persons.

(3)

Court decisions are made by tribunals of judges, unless the law specifies that the matter is to be decided by a single judge. A law will specify in which cases decisions by tribunals of judges are attended by accessory judges from the ranks of citizens and which matters may be decided also by a court's employee authorized by a judge. There exists a legal recourse against a decision made by the court's employee authorized by the judge, which is always decided by a judge.

(4)

Verdicts are proclaimed in the name of the Slovak Republic. They are always proclaimed publicly.

Article 143

(1)

The system of courts consists of the Supreme Court of the Slovak Republic, the Supreme Administrative Court of the Slovak Republic and other courts.

(2)

The detailed arrangement of the court system, the courts' sphere of competence and organisation, and the manner of court proceedings will be set out in a law.

(3)

The bodies of the judicial self-administration also participate in the management and administration of courts in the extent stipulated by law..

Article 144

(1)

Judges are independent in execution of their function and bound solely by the Constitution, constitutional laws, international treaties stipulated in [Article 7 sections 2](#) and [5](#) and laws.

(2)

If the court is of the opinion that another generally binding legal regulation, its part or a particular provision related to the subject-matter of the proceeding contravenes the Constitution, constitutional laws, international treaties stipulated in [Article 7 section 5](#) or laws, it will interrupt its deliberations and propose that a proceeding under [Article 125 section 1](#) is initiated. The finding of the Constitutional Court of the Slovak Republic is binding for all courts.

Article 145

(1)

Judges are appointed and recalled by the president of the Slovak Republic at the proposal of the Judicial Council of the Slovak Republic for an unlimited period of time..

(2)

Any citizen of the Slovak Republic who can be elected to the National Council of the Slovak Republic, has reached the age of 30 and completed a legal education may be appointed a judge. Other prerequisites for appointment to the post of judge and his promotion, as well as the scope of immunity of judges will be determined by law.

(3)

The chairman and deputy chairman of the Supreme Court of the Slovak Republic are appointed by the President of the Slovak Republic from the ranks of judges of the Supreme Court of the Slovak Republic for a period of five years upon a proposal of the Judicial Council of the Slovak Republic. The chairman and the deputy chairman of the Supreme Administrative Court of the Slovak Republic are appointed by the President of the Slovak Republic from the ranks of judges of the Supreme Administrative Court of the Slovak Republic for a period of five years upon a proposal of the Judicial Council of the Slovak Republic. The same person may be appointed the chairman and deputy chairman of the Supreme Court of the Slovak Republic or the chairman and the deputy chairman of the Supreme Administrative Court of the Slovak Republic for a maximum of two consecutive terms. Prior to the end of the term of their office, the President of the Slovak Republic may recall the chairman and deputy chairman of the Supreme Court of the Slovak Republic or the chairman and the deputy chairman of the Supreme Administrative Court of the Slovak Republic for reasons stipulated in [Article 147](#).

(4)

A judge is sworn in by the president of the Slovak Republic as follows: "I promise on my honour and conscience that I will abide by the Constitution, constitutional laws and international treaties that the Slovak Republic ratified and were promulgated as required by law, and laws, I will interpret laws and decide independently and impartially, according to my best conscience."

(5)

A judge shall take up the office upon taking the oath.

Article 145a

(1)

If the appointed judge is a member of a political party or a political movement, he is obliged to give up the membership in them before taking the oath.

(2)

A judge executes its function as a profession. The execution of the post of a judge is incompatible with the execution of a post in any other public authority body, including the function of the chairman and deputy chairman of the Judicial Council of the Slovak Republic, a post or contract of employment in a state body, any contract of employment or similar employment relation, entrepreneurial activity, membership in a management or control body of a juridical person engaged in an entrepreneurial activity, nor any other economic or gainful activity, with the exception of the administration of their own property and scientific, teaching, literary or artistic activity and membership in the Judicial Board of the Slovak Republic.

Article 146

(1)

A judge may surrender his post by a written notice to the President of the Slovak Republic. His post terminates at the end of the calendar month when the written notice of surrendering was delivered.

(2)

The post of a judge terminates on the last day of the calendar month when the judge reached the age of 67 years.

Article 147

(1)

The President of the Slovak Republic will recall a judge forthwith

a)

on the basis of a legally effective sentence passed for a deliberate criminal offense,

b)

if he was sentenced by a legally effective sentence for a criminal act and the court did not rule in his case on a conditional suspended execution of the prison sentence,

c)

on the basis of a decision of disciplinary verdict for a deed that is incompatible with the execution of the post of a judge,

d)

on the basis of a decision pursuant to [Article 141b\(2\)](#), or

e)

if his eligibility to be elected in the National Council of the Slovak Republic ceased.

(2)

The President of the Slovak Republic may recall a judge upon the motion of the Judicial Council of the Slovak Republic, if his state of health does not allow him over the long term, for a period of at least one year, to properly discharge his duties as judge.

Article 148

(1)

A judge may be transferred to another court only with his consent or on the basis of a disciplinary decision. The consent of a judge to a transfer will not be required in the event of a change in the court system if this is necessary to ensure the proper administration of justice; the details will be stipulated by law.

(2)

Temporary suspension of execution of the post of judge may not interfere with independent administration of justice.

The reasons for suspension of execution of the post of judge and conditions for a temporary stay of the post of judge or a temporary assignment of a judge will be stipulated by law.

(3)

The method of constituting accessory judges will be stipulated by law.

(4)

A judge or an accessory judge may not be prosecuted for a legal opinion expressed in execution of their function, even after the post of a judge terminates, unless a criminal offence has been thus committed; the disciplinary liability of the judge shall not be affected thereby.

(5)

The judge concerned may lodge a complaint against the decision to prosecute the judge, which shall be decided by the Prosecutor General.