ÚSTAVNÝ SÚD
SLOVENSKEJ REPUBLIKY

YEARBOOK 2024

CONSTITUTIONAL COURT
OF THE SLOVAK REPUBLIC

CONTENT


ÚSTAVA
SLOVENSKEJ
REPUBLIKY

CONSTITUTIONAL COURT OF THE SLOVAK REPUBLIC

INTRODUCTION

Miloš Maďar

Dear esteemed readers, ladies and gentlemen,

The year 2024 once again presented the Constitutional Court of the Slovak Republic (hereinafter referred to as the "Constitutional Court") with numerous compelling challenges and opportunities, resulting in several thoughtful and impactful decisions. In retrospect, I view the year positively. Throughout 2024, the Constitutional Court consistently upheld its role as a steadfast guardian of human rights and freedoms, constitutional norms, and the core values and principles that form the foundation of the Slovak Republic as a democratic state governed by the rule of law.

In this introductory address, I will not delve into individual landmark decisions or specific statistical data–these are more appropriately covered in the analytical section of the yearbook itself. Instead, I would like to offer a more personal reflection: a brief contemplation of the current challenges that a judge of the Constitutional Court must face.

A Constitutional Court judge today operates in an increasingly complex and multi-layered legal environment. This dynamic landscape demands continuous education and the ability to interpret the law within a context that often extends beyond the traditional boundaries of the national legal system. Such circumstances place particular demands on the preparedness of judges–demands that each of us must be ready to meet with determination. This challenge is further intensified by the volume of motions submitted to the Constitutional Court each year, which pushes the judges' workload to the limits of what is objectively manageable.

Resisting pressure from the public, the media, or political actors remains one of the most significant challenges faced by judges of the Constitutional Court. These courts often rule on the most sensitive and divisive issues in society–matters that naturally spark passionate debate, both within professional circles and across the broader public, frequently amplified through media channels. Many landmark decisions become the subject of public commentary, criticism, or polemics. However, regardless of the validity, correctness, or truthfulness of such reactions, a judge must not yield to the pressures they generate. The notion that a court decision should satisfy everyone is, at best, naive. Striving to please all parties is a perilous path–a road to ruin paved with good intentions–and reflects a fundamental misunderstanding of the judiciary's role in a democratic society. A judge must possess the strength of character to face such pressures daily, with dignity and professionalism, while steadfastly upholding the independence and integrity of the judiciary. One of the major challenges for the Constitutional Court continues to be finding the balance between, on the one hand, learning from constructive and valuable feedback, and on the other, responding to erroneous or sometimes misleading commentary in a manner that is dignified, factual, and appropriately restrained.

A contagious issue in today's society is the growing distrust in institutions, including the judiciary. It is therefore essential that efforts to reinforce the legitimacy of the Constitutional Court's decisions become an integral part of our daily work.

There are several tools available. Foremost among them are high-quality, clear, and well-reasoned decisions. To further enhance their legitimacy, it is essential that judicial decisions are communicated to the public in a persuasive and comprehensible manner–an area in which the Constitutional Court has performed admirably through its dedicated communication channels. It is equally vital to highlight, for example, the annual active participation of Constitutional Court judges as lecturers in various educational activities within the legal community in Slovakia. This consistent initiative serves as a clear signal that the Constitutional Court is dedicated to fostering trustworthy professional relationships.

A standard challenge for a Constitutional Court judge is finding a balance between formal justice, which emphasizes equality before the law under all circumstances, and material justice, which aims to achieve a fair outcome based on the specific circumstances of the case at hand. In their decision-making, Constitutional Court judges must constantly assess whether the normative text of the law can truly reflect the spirit of the legal norm in the context of contemporary realities. In this regard, they face numerous dilemmas related to value pluralism in modern society. While in the past there was generally a consensus on fundamental ethical values and principles, today judges must operate in an environment where various cultural, religious, and ideological systems compete for legitimacy. The judge's task, therefore, is to find a solution that is legally sound while also being acceptable within the framework of current societal values. Throughout this process, they must be extremely cautious to effectively exercise the authority entrusted to them without overstepping the traditional role of a judge through an overly activist approach.

Therefore, another challenge faced by every Constitutional Court judge is the effort to resist the temptation of excessive judicial activism. While it is not inherently harmful in every instance, judicial activism can sometimes play a crucial role in addressing gaps in the law when seeking justice or act as a meaningful catalyst for significant societal change. However, Constitutional Courts (and, of course, European courts as well) must, in general, be capable of distinguishing–though this is no easy task–when activism is beneficial and when it encroaches upon matters that should be resolved through standard political discourse and decisions made by directly elected bodies in a democratic society. I wish us the wisdom to always make this distinction.

I also perceive, as part of our long-term goals, the challenge of addressing how negative societal moods increasingly influence the tone and content of official communication in proceedings before the Constitutional Court. In 2024, the Court took a clear stance by committing to foster and uphold mutual respect among all parties involved in constitutional proceedings. It did so by recognizing courtesy in official communication as an implicit requirement of constitutional complaints. In this way, the Constitutional Court explicitly expressed its ambition to act as a safeguard against forms of communication that aim not to present facts, but to provoke hostility and contempt toward differing opinions.

I consider the cultivation of a confident identity–both personal and institutional–to be an important and ongoing challenge. Naturally, this identity is shaped primarily by the quality of judicial decisions, consistent and predictable jurisprudence, the Court's openness to the public, and a thoughtfully designed communication strategy.

However, our relationships with other constitutional and European courts–nurtured through regular working meetings–also play an important role in helping us better understand and define our own identity.

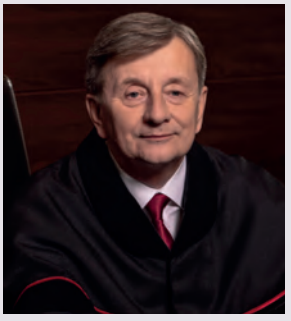
I can confidently affirm that we are an equal partner, and in this context, I am inclined to echo our current national promotional slogan: *"Slovakia Will Surprise."*

Much more could be written, but this is probably enough. It is not an easy topic, and exhausting the reader who has patiently made it this far would serve neither of us well. In any case, 2024 was marked by a number of complex and compelling constitutional challenges–challenges which, from my perspective, we met successfully. With humility for all that we have experienced and all that still lies ahead, I dare say that the Constitutional Court steps into 2025 with the same commitment and ambition.

MILOŠ MAĎAR
Judge of the Constitutional Court of the Slovak Republic

PLENUM
OF THE CONSTITUTIONAL COURT OF THE SLOVAK REPUBLIC

JUDr. IVAN FIAČAN, PhD.
President of the Constitutional Court of the Slovak Republic
from 2019



JUDr. ĽUBOŠ SZIGETI
Vice-President of the Constitutional Court of the Slovak Republic
from 2019

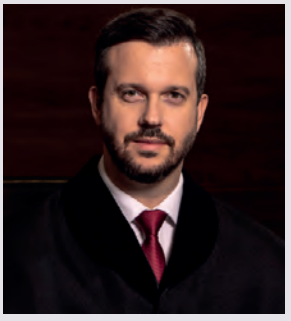
JUDr. JANA BARICOVÁ
Judge of the Constitutional Court of the Slovak Republic
from 2014

JUDr. LADISLAV DUDITŠ, PhD.
Judge of the Constitutional Court of the Slovak Republic
from 2019

JUDr. LIBOR DUĽA
Judge of the Constitutional Court of the Slovak Republic
from 2019

JUDr. MIROSLAV DURIŠ, PhD.
Judge of the Constitutional Court of the Slovak Republic
from 2019

JUDr. RASTISLAV KAŠŠÁK, PhD.
Judge of the Constitutional Court of the Slovak Republic
from 2019



JUDr. MILOŠ MAĎAR, PhD., LL.M.
Judge of the Constitutional Court of the Slovak Republic
from 2019

doc. JUDr. PETER MOLNÁR, PhD.
Judge of the Constitutional Court of the Slovak Republic
from 2019

JUDr. PETER STRAKA
Judge of the Constitutional Court of the Slovak Republic
from 2019

JUDr. ROBERT ŠORL, PhD.
Judge of the Constitutional Court of the Slovak Republic
from 2020

doc. JUDr. MARTIN VERNARSKÝ, PhD.
Judge of the Constitutional Court of the Slovak Republic
from 2019

WORDS FROM THE BENCH

LADISLAV DUDITŠ
Judge of the Constitutional Court of the Slovak Republic

HOW BINDING ARE THE RULINGS OF THE CONSTITUTIONAL COURT?

At first glance, the question posed in the title of this paper may seem simple. However, simple questions do not always have simple answers. A legal layperson typically does not question the binding nature of a court decision–after all, it would make little sense for the law to grant courts the authority to issue decisions devoid of legal effect or purpose. This is especially true of decisions issued by the Constitutional Court. For legal practitioners, however, even a seemingly straightforward question gives rise to further sub-questions that add complexity: When is a decision binding? Which part of the decision is binding? Who is bound by it, and to what extent? The ambition of this paper is not to provide a comprehensive and exhaustive analysis of every detail surrounding this issue. Rather, it seeks to highlight selected aspects of the binding nature of court decisions–an area that has attracted increasing attention in both legal theory and practice in recent years[1]. The title of the section for which this paper is intended also helps define its scope: to examine some dimensions of the question through the lens of recent Constitutional Court case law.

When considering the binding nature of Constitutional Court rulings, it is natural to look for an answer in the Constitution. Upon examining the first section of the seventh chapter, we find that the constitution addresses this issue only partially. In the context of proceedings concerning the conformity of legal regulations, Article 125(6) of the Constitution specifies that final decisions of the Constitutional Court (rendered in this procedure) are generally binding. Similarly, in proceedings related to the interpretation of the Constitution or constitutional laws, Article 128 states that such interpretations are generally binding. The consequences of Constitutional Court rulings in proceedings concerning the conformity of international treaties or the subject of a referendum are also specifically regulated. Depending on the outcome of the decision, an international treaty may either be ratified or not, and a referendum may either be called or not. Finally, in proceedings outlined in Article 129(1) to (6) of the Constitution, it is stated that decisions are binding on all public authorities, individuals, or legal entities to whom they apply (as specified in Article 129(7)). These proceedings are part of the regular agenda of Constitutional Courts, and their potential impact on the functioning of the state is undeniable. However, they are not the primary focus of this paper.

In terms of the impact of Constitutional Court decisions on legal relationships of "everyday life" and judicial practice, decisions issued by the chambers of the Constitutional Court in proceedings concerning constitutional complaints by individuals and legal entities are undoubtedly the most frequently monitored. This is the most commonly exercised competence of the Constitutional Court, consistently accounting for over ninety percent of the court's annual caseload[2]. While the Constitution does not explicitly regulate the legal effects or binding nature of decisions issued in constitutional complaint proceedings, it is undisputed that, by the very nature of court decisions, a decision is binding primarily on the participants in the specific proceeding. This premise is more thoroughly legislatively addressed in the Act on the Constitutional Court. A public authority to whom the Constitutional Court's decision is addressed is bound by the decision and is obligated to comply with its ruling (§134(2) of the Act on the Constitutional Court). Furthermore, the authority is required to respect the legal opinion of the Constitutional Court in subsequent proceedings and decisions following the annulment of an earlier decision, injunction, or other intervention that violated the complainant's fundamental rights and freedoms (§134(1) of the Act on the Constitutional Court). The cassation binding effect of

1 *For those interested in a more detailed practical and scientific view of this topic, here are just a few of the many publications:*
Káčer, M. Prečo zotrvať pri rozhodnutom. Teória záväznosti precedent (Why Remain with What Has Been Decided: The Theory of Precedent's Binding Nature.) Prague: Leges, 2013. 168 p.
Kühn, Z., Bobek, M., et al. Judikatura a právní argumentace (Case Law and Legal Argumentation). Prague: Auditorium, 2013. 496 p.
Šámal, P. et al. Závaznost soudních rozhodnutí – vnitrostátní a mezinárodní náhledy (The Binding Nature of Court Decisions – National and International Perspectives). Wolters Kluwer ČR, 2018. 292 p.

2 *More detailed statistical data are available in the Constitutional Court's yearbooks at https://www.ustavnysud.sk/informacie-pre-verejnost-a-media/ro%C4%8Denka*

the ruling and legal opinions of the Constitutional Court represents the immediate effect of individual constitutional protection (*inter partes*), impacting solely the case in which the Constitutional Court determined that the complainant's rights, protected by the constitution or a qualified international treaty, had been violated. The specific role of Constitutional Court case law in legal practice allows the legal opinion expressed in a particular case to serve as a guiding precedent in other cases as well. This is linked to the precedential effect of its case law, which is similar to the case law of other highest judicial authorities, and is closely associated with the horizontal impact effect of case law.

Cassation Binding Force of the Constitutional Court's Ruling

The cassation binding force of a decision is a characteristic feature of decisions made by courts exercising jurisdiction in appellate proceedings. According to P. Holländer, without the binding force of legal opinions, the cassation role of higher courts would be rendered meaningless and would need to be replaced by an appellate role[3]. The cassation binding force of an appellate court's legal opinion does not conflict with the principle of judicial independence, as it ensures the realization of the basic right to judicial protection through binding norms of sub-constitutional law (Article 51(1) of the Constitution). The Constitutional Court consistently emphasizes that it is not an appellate court for decisions made by general courts (including the supreme ones) and is separate from their hierarchical structure. Therefore, the cassation binding force of its decisions does not arise from procedural norms governing proceedings before general courts, but from the Act on the Constitutional Court. This law specifically regulates the constitutional competence to annul decisions that unlawfully violate rights protected by the Constitution or a qualified international treaty. To prevent repeated violations of such rights, it is crucial that the opinion of the constitutional body responsible for their protection be respected.

The binding effect of the Constitutional Court's legal opinion obligates all judicial instances, including the court of cassation, in the specific case. Despite the apparent self-evidence of this rule, the Constitutional Court must remind the highest judicial authorities of it. In the ruling with the case ref. no. IV. ÚS 588/2021[4], The Constitutional Court criticized the Supreme Court for imposing, through its legally binding legal opinion expressed in the cassation decision, the obligation on lower courts to effectively ignore the legal opinions expressed in the earlier ruling of the Constitutional Court in the same case, without considering the cassation binding force of that decision and without engaging in a reasonable argumentative dialogue with the legal opinions of the previous Constitutional Court ruling. This effectively excluded the legal effects of the Constitutional Court's ruling, the conclusions of which were fully in line with cassation binding force and were respected by the lower courts. Similarly, as in case ref. no. II. ÚS 342/2021[5], the Constitutional Court annulled the judgment of the Supreme Court, which, without justification, failed to respect the binding effect of the previous Constitutional Court ruling in the same case. This approach was referred to as the "nihilization" of the previously expressed binding legal opinion of the Constitutional Court.

The Constitutional Court also concluded that, in this particular case, the binding force of its decision is stronger than the potential precedential effect of its other rulings in similar matters (I. ÚS 89/2017)[6]. However, this does not imply that the decision is absolutely binding. A divergence from it is generally permissible–for instance, in the event of changes in the factual circumstances of the case, amendments to the applicable legal framework, or significant subsequent shifts in the case law of domestic or international judicial bodies with precedential authority. Nonetheless, in order to safeguard the rights of the parties involved, any such divergence must be properly and thoroughly justified by the court.

Precedential Binding Force of Constitutional Court Decisions

I am convinced that current legal practice is no longer burdened by doubts regarding the precedential binding effect of judicial decisions rendered by the supreme judicial authorities. The notion that case law cannot have binding force simply because judicial decisions are not formal sources of law in our legal system has been reasonably abandoned. To those who remain sceptical, I refer once again to the extensive body of scholarly work already published on this topic[7]. In short, attributing a specific effect to a judicial decision through its precedential function reflects a fundamental legal principle that similar cases should be decided similarly, while different cases should be decided differently. The expectation of consistent judicial outcomes in cases with identical or not substantially different factual circumstances is seen as a proper expression of judicial protection and a reflection of the

3 *Holländer, P. Filosofie práva (Philosophy of Law). 2nd edition. Plzeň: Aleš Čeněk, 2012, p. 199.*

4 *Judgment of the Constitutional Court dated 1 February 2022, case ref. no. IV. ÚS 588/2021-53, ZNaU 7/2022.*

5 *Judgment of the Constitutional Court dated 28 October 2021, case ref. no. II. ÚS 342/2021-72.*

6 *Judgment of the Constitutional Court dated 15 February 2017, case ref. no. I. ÚS 89/2017, ZNaU 56/2017.*

7 *See footnote 1.*

guarantees embedded in the right to a fair trial. This principle is a cornerstone of a material rule of law, specifically the principle of legal certainty, which is closely linked to the principles of equality before the law and legal predictability.

The Constitutional Court itself has never questioned the precedent effect or binding force of its own case law in constitutional complaint proceedings. On the contrary, it frequently relies on its earlier decisions when reasoning its judgments. At this point, I would like to add a brief remark: in proceedings involving constitutional complaints, the existing case law of the Constitutional Court constitutes a virtually mandatory component of any legal argument. In some cases, references to that case law even form the sole substantial argument of the complaint. However, if those references are made without a specific and critical connection to the contested decision or procedure, the complaint may paradoxically be rejected for failing to provide constitutionally relevant legal reasoning.

The case law of the Constitutional Court, through its precedential effect, influences the decision-making of all bodies applying the law, as it stems from its role as the concentrated authority for the protection of constitutionality. The Constitutional Court is tasked with interpreting the provisions of the Constitution, including the content of fundamental rights and freedoms, which are specifically protected in constitutional complaint proceedings. Therefore, when the Constitutional Court materially assesses a decision, injunction, or intervention from the perspective of its interference with constitutionally protected rights and freedoms, the legitimate expectations of the participants in the proceedings are fulfilled when the applying authority acts in a manner that does not violate the Constitution in similar cases. On the other hand, the effort to apply the law uniformly should not lead to rigidity or impede the further development of the law. Consequently, the requirement to proceed similarly in similar cases should not be understood as absolute. Since a judicial decision is not a source of law, its change, influenced by social or technical developments, is possible. The evolution of case law is not in conflict with the proper administration of justice[8], and the reinterpretation of the same legal norm in changed decisive circumstances may be justified, ultimately excluding the precedential force not only of earlier decisions of the supreme courts but also of existing decisions of the Constitutional Court. The shift in case law at the highest judicial instances is institutionally processed through the decision-making of the Grand Chamber[9], the specific effect of which is horizontal binding force of its decision for all chambers of the same panel. Therefore, according to the Constitutional Court, the application of a latter, current legal opinion[10] is not an interference with the fundamental right according to Article 46(1) of the Constitution. The failure to submit a case for decision by the Grand Chamber when the legal conditions are met was considered by the Constitutional Court a violation of the fundamental right to a lawful judge[11]. Decisions of the Grand Chamber may become subject to review by the Constitutional Court based on an individual constitutional complaint[12]. For the Constitutional Court, an intervention in constitutional rights does not amount to a "reversal" of an existing decision by the Grand Chamber on a particular issue through a newer ruling, which would have the consequence of its binding force for all chambers of the affected court or panel[13].

Ensuring the Uniform Application of the Law and the Horizontal Impact of Case Law

Several years ago, the Constitutional Court stated in one of its rulings that a general court must be aware of its own case law, meaning the decisions of other judges (panels) of the same court, which must be taken into account regardless of whether the parties point to them. On the other hand, a stance by general courts characterized by a differing approach to cases that are essentially identical, without justifying their deviation, is an expression of arbitrariness contrary to the principles of a material rule of law, a violation of the right to judicial protection, and the right to a fair trial[14]. When referring to the case law of the same court in similar cases or to the case law of courts of the same level, it involves the horizontal impact of case law (as opposed to the vertical nature of the precedential effect of higher courts' case law).

8 Similarly, the European Court of Human Rights in the Grand Chamber judgment Nejdet Sahin and Perihan Sahin v. Turkey, 2011, par. 58.

9 § 48 CSP, § 22 SSP.

10 Ruling of the Constitutional Court dated 11November 2021, case ref. no. II. ÚS 527/2021, ZNaU 104/2021.

11 Judgment of the Constitutional Court dated 20 October 2021, case ref. no. I. ÚS 189/2021, ZNaU 52/2021.

12 From recent decisions, for example, the Ruling of the Constitutional Court dated 8 September 2022, case ref. no. III. ÚS 516/2022-15, the Ruling of the Constitutional Court dated 19 October 2022, case ref. no. I. ÚS 545/2022-20, and the Judgment of the Constitutional Court dated 11 December 2024, case ref. no. II. ÚS 481/2024-47.

13 Ruling of the Constitutional Court dated 20 March 2024, case ref. no. IV ÚS 137/2024, ZNaU 4/2024.

14 Judgment of the Constitutional Court dated 21 November 2017, case ref. no. III. ÚS 289/2017, ZNaU 43/2017.

An absolutely consistent decision-making process by general courts may be seen as an ideal in ensuring judicial protection. However, achieving such consistency is naturally limited by the very nature of judicial activity as a human decision making endeavour. It is difficult to imagine judges being perfectly aware of all decisions made in parallel proceedings within the same court–let alone across different courts. Even when higher courts have established stable case law, slight variations in the factual circumstances or other decisive factors can raise legitimate questions about whether a case warrants adherence to or divergence from precedent. This is all the more true in situations where no settled case law yet exists on a particular issue. The European Court of Human Rights does not regard ordinary discrepancies in judicial decisions as a violation of the right to a fair trial, recognizing them as a natural feature of judicial systems composed of first-instance and appellate courts operating within their respective territorial jurisdictions[15]. Such differences may understandably arise even within the same court. According to the ECtHR, a breach of the right protected under Article 6(1) of the Convention occurs only in cases of profound and long-standing inconsistencies in case law–and only where national law provides mechanisms to address such divergences. In such instances, it is necessary to examine whether those mechanisms have been employed and with what outcome.[16]

The Constitutional Court is mindful of its role within the system of fundamental rights protection, which is grounded in the principle of subsidiarity of its jurisdiction. The interpretation and application of subconstitutional law fall within the competence of the general courts, with responsibility for ensuring its consistent application entrusted to the supreme judicial authorities–namely, the Supreme Court and the Supreme Administrative Court. This is primarily achieved through procedural mechanisms for extraordinary remedies aimed at correcting legal errors, such as extraordinary appeals in criminal and civil matters or cassation complaints in administrative proceedings. Furthermore, both the Supreme Court and the Supreme Administrative Court have at their disposal a special mechanism for ensuring consistency in case law, namely the adoption of unifying opinions. These serve to standardize the interpretation of legislation and other generally binding legal regulations at both plenary and panel[17] levels, not only in response to conflicting case law at the highest judicial levels but also when divergent decision-making practices emerge among lower courts[18].

Although the Constitutional Court, in its numerous decisions, resists the role of unifying the case law of the general courts, its "intervention" in assessing the compatibility of subconstitutional law with the Constitution is regularly triggered through individual constitutional complaints. In this process, a constitutional test is typically conducted by evaluating the "constitutional sustainability" or "constitutional conformity" of the challenged court decision, based on the arguments presented in the complaint. Assessing these aspects is not straightforward, as these concepts are difficult to define with precision. The Constitutional Court's task is to determine whether the specific decision and the process leading to it respected the rights and freedoms protected by the Constitution and applicable international treaties. In doing so, the Court interprets relatively vague legal terms such as "fair trial" or "fair process" and applies them to the specific case at hand. While the content of these terms can be shaped by the extensive case law of the Constitutional Court or the ECtHR, factors such as a judge's individual inclination toward judicial restraint or activism also influence the decision-making process. The final judgment results from a careful balancing of relevant rights.

If we continue with considerations about the potential intervention of the Constitutional Court in cases of a clearly arbitrary or capricious legal assessment of the case (a defect with constitutional relevance[19]), the Court's role is somewhat limited by whether there is established practice on the disputed issue and whether it is applicable to the case at hand. If the contested decision does not contradict established legal practice, it is challenging to categorize it as arbitrary. On the other hand, the Constitutional Court's intervention becomes necessary when there is no established case law, in order to guide the developing case law in a constitutionally conforming direction.

It is particularly important to address the issue of consistency in the case law of the panels of the Constitutional Court. This is especially important for the consistent interpretation of legal norms directly within the Constitutional Court's jurisdiction, such as the Constitution itself, constitutional Act No. 357/2004 Coll. on the protection of public interest in the performance of duties of public

15 *Judgment of the ECtHR of 6 December 2007, Beian v. Romania (no. 1), application no. 30658/05, par. 37.*

16 *Judgment of the Grand Chamber of the ECtHR of 29 November 2016, Greek-Catholic Parish of Lupeni v. Romania, application no. 76943/11, par. 116–135.*

17 *§ 20(1)(b), § 21(3)(a), and, respectively, § 24d(1)(b), § 24e(3)(a) of Act No. 757/2004 Coll. on courts and on amendments and supplements to certain acts, as amended.*

18 *§ 21(3)(b) or § 24e(3)(b) of Act No. 757/2004 Coll. on courts and on amendments and supplements to certain acts, as amended.*

19 *Regarding this topic, I would like to draw attention to the article: Gešková, K. "On whether arbitrary legal assessment constitutes a defect of confusion under § 420(b) of the Code of Civil Litigious Procedure." Súkromné právo 1/2023, pp. 14–19.*

officials, and the Act on the Constitutional Court. To ensure legal certainty and equality of the parties involved in proceedings, it is reasonable to expect mutual compatibility in the decisions of the individual panels of the Constitutional Court when exercising their decision-making powers.

Despite this expectation, it must be emphasized that the same principle applies to the Constitutional Court concerning the horizontal effect of case law at courts of the same level. Even with the maximum concentration of judges, their supporting staff, and ongoing communication, achieving complete consistency in decisions in similar cases is constrained by various factors. One such factor is the ever-increasing caseload of constitutional complaints, which imposes a heavy burden on the judges of the Constitutional Court and their advisors, making–if not outright preventing–the "continuous" alignment of legal opinions in concurrently decided cases. Another limitation arises from the "sensitivity" of individual judges and panels in determining the acceptable degree of divergence in the interpretation and application of subconstitutional norms as still constitutionally compliant. If the European Court of Human Rights regards a discrepancy in case law as an issue warranting intervention only when there is a long-standing and significant difference in decisions at the highest judicial levels, it is reasonable to adopt a similar approach when assessing decisions in constitutional complaint proceedings.

A particularly specific case arises in the unification of decisions by panels in the constitutional review of decisions made by general courts, where procedural rules exclude the use of even ordinary appeals[20]. This typically concerns decisions rendered by courts staffed with a senior judicial officer, with appeals against these decisions being directed to a district court judge. Since complainants generally lack other appeals in the general courts, they often view the constitutional complaint as a means of challenging the district court's decision. In such cases, the Constitutional Court finds itself in a position that is difficult to reconcile with its role as a protector of fundamental rights. It is not that a district court judge's decision in such a procedural context could not (exceptionally) affect rights protected by the Constitution. However, the challenge lies in the fact that the Constitutional Court becomes the creator of fundamental case law, a role traditionally held by the general judiciary, while simultaneously being tasked with ensuring the uniform application of that case law in its capacity as the guardian of constitutionality.

If different panels hold differing views on how general courts should apply the law in such cases, the need for unification may not stem from an intervention in the substance of the right to a fair trial. According to the previously mentioned case law of the European Court of Human Rights, such intervention arises only in the case of "long-term and significant discrepancies in case law," and in the absence of or inefficiency in the legal mechanisms for unifying case law in lower courts within the general judicial system. In this context, the unification of decisions by panels of the Constitutional Court can help eliminate future constitutional complaints based on arguments drawn from either of the differing legal opinions. An illustrative example is the Constitutional Court's review of the conformity of decisions by general courts regarding court costs in a complaint against a decision of a senior court officer. While one panel clearly supported decisions concerning such costs[21], another panel upheld as constitutionally compliant a decision not to award costs in the complaint proceedings, citing reasons that warranted special consideration[22]. A third panel accepted the constitutionally permissible divergence in case law among general courts on this issue[23]. Ultimately, this situation culminated in the adoption of a unifying decision by the full panel of the Constitutional Court[24].

On one hand, this confirms the functionality of the mechanism for unifying case law among panels of the Constitutional Court, as outlined in Section 13 of the Act on Constitutional Court. On the other hand, given the aforementioned authority of the Supreme Court to unify the legal opinions of lower courts, the Constitutional Court could have referred the case directly to the relevant panel of the Supreme Court for unification of the differing decisions. However, such an approach would not have had an immediate effect on the decisions concerning other (submitted in the interim) constitutional complaints. Although practical unification was achieved in the case mentioned above, the Constitutional Court prefers to retain its position at the pinnacle of fundamental rights protection, avoiding the burden of addressing issues that other competent public authorities can fully handle. From this vantage point, the Constitutional Court can effectively fulfill its role as both the creator and guardian of the proper application of case law, including its own.

20 For example, decisions of the civil court regarding the amount of court costs, decisions of the enforcement court, and decisions in default proceedings.

21 Ruling of the Constitutional Court dated 1 December 2020, case ref. no. I. ÚS 533/2020-7.

22 Ruling of the Constitutional Court dated 18 August 2023, case ref. no. III. ÚS 420/2023-15, for the sake of completeness, an opinion was expressed as an obiter dictum in the ruling regarding the absence of a legal basis for such a decision.

23 Rulings of the Constitutional Court dated 18 March 2024, case ref. no. IV. ÚS 130/2024-12, and May 28, 2024, Case No. IV. ÚS 267/2024-10.

24 Ruling of the plenary of the Constitutional Court dated 18 December 2024, case ref. no. PLz. ÚS 2/2024-8.

DECISION-MAKING ACTIVITY OF THE CONSTITUTIONAL COURT OF THE SLOVAK REPUBLIC

REVIEW OF THE CONSTITUTIONALITY OF LAWS

REJECTION OF OBJECTION IN DEFAULT PROCEEDINGS DUE TO FAILURE TO COMPLY WITH FORM (PL. ÚS 10/2023)

Shortly after the 2016 recodification of civil procedure, the legislature adopted a law on default proceedings, introducing an electronic alternative to the traditional payment order regime under general procedural rules. Jurisdiction for this new type of proceeding was centrally vested with the District Court of Banská Bystrica, with nationwide authority. The primary goal was to expedite and simplify the resolution of less complex civil disputes by requiring claimants to submit their claims electronically using a prescribed form, with the entire process designed to favour electronic handling.

Under this law, if the court issues a payment order based on the claim, the defendant may file an objection with substantiated reasoning, thereby triggering regular court proceedings. While the objection may be submitted either in paper form or electronically, if submitted electronically, it must be done using the official form. Failure to do so results in mandatory rejection of the objection, as required by law–leading to the defendant's automatic loss of the case. The District Court of Banská Bystrica challenged these statutory provisions before the Constitutional Court, asserting that they lack a rational foundation, are unduly formalistic, and infringe upon the principle of the rule of law. According to the District Court, this legal mechanism leads to a loss on procedural grounds without any substantive examination of the defendant's arguments, thereby violating the right to a fair trial. Moreover, such a ruling creates an enforceable title that can subsequently be used in enforcement proceedings, thus impacting the defendant's right to property protection.

The District Court further argued that the contested provisions require the rejection of even substantively reasoned objections if they are submitted electronically but not in the prescribed form. In contrast to the claim form used to initiate a payment order–where the form allows for automated data processing–the objection form provides no such benefit. Therefore, its mandatory use fails to serve the intended efficiency purpose, undermining the justification for imposing such a strict formal requirement.

According to the Constitutional Court, the contested provisions serve a legitimate aim: to streamline, clarify, and accelerate proceedings before the general courts through electronic communication.

The explanatory report emphasizes that the primary objective is to facilitate communication between the parties and the court via electronic means, while still permitting the delivery of the payment order and the submission of objections in paper form.

The concept underlying the law on default proceedings is based on the normative assumption that electronic communication with the defendant is only possible if the defendant in the litigious proceedings has an activated electronic mailbox for receiving official notifications. To this mailbox, the defendant is served, together with the payment order and the relevant documents, a link to the published form for submitting a statement of objection, along with instructions on the permissible and legally recognized methods of submission, including information (guidance) on the consequences of incorrect or late filing of the opposition to the payment order.

According to the Constitutional Court, the contested provisions are suitable for achieving their legitimate aim–namely, to clarify and expedite proceedings before the general courts.

The mere fact that the regulation of rights in court proceedings may lead to certain negative externalities, such as the loss of rights, does not by itself raise a constitutionally relevant concern. Such outcomes are a natural and necessary part of regulating human conduct. A constitutionally significant issue would only arise if the method of regulation created fundamental systemic problems.

In the Court's view, there is no indication that the contested provisions result in such problems in practice–such as frequent procedural errors in electronically submitted objections in default proceedings. These mistakes are more plausibly attributable to the inattention or lack of diligence on the part of the defendants or their legal representatives. Moreover, there exists well-established case law–both from the District Court and the Constitutional Court–on how objections in default proceedings are assessed. This case law offers interpretive guidance that allows for certain procedural deficiencies to be accepted, depending on the specific circumstances of the case. For these reasons, the Constitutional Court considers the contested provisions to be constitutionally sustainable.

PROHIBITION ON TRADE UNION MEMBERSHIP FOR PROFESSIONAL SOLDIERS (PL. ÚS 6/2023)

The Act on association of citizens of 1990 originally stipulated that active-duty soldiers could neither establish nor join trade unions. A similar provision was later incorporated into the Act on the state service of professional soldiers of 2015. In 2021, both provisions were challenged by the then Public Defender of Rights, who argued that they violated Article 37 of the Constitution–guaranteeing the right to freely associate for the protection of economic and social interests–as well as Article 11 of the European Convention on Human Rights, which enshrines the freedom of association.

During the proceedings before the Constitutional Court, the government defended the contested provisions by emphasizing the unique status of members of the armed forces, where unity, hierarchy, and discipline are essential for fulfilling military duties. The government further contended that alternative forms of participation available to professional soldiers in improving their social and professional standing sufficiently compensated for the prohibition.

The Constitutional Court began by affirming that the right to freely associate for the protection of economic and social interests stems directly from Article 37 of the Constitution. This provision complements Article 29, which guarantees the political right to freedom of association. Under Article 37(1), the right to freedom of association for the purpose of protecting economic and social interests is granted to all individuals, including members of the armed forces and other armed bodies. While the Constitution allows for the restriction of trade union activities, it does not permit the restrictions on the establishment thereof. The Constitution permits restrictions on the creation of associations only in the case of other organizations aimed at protecting economic and social interests (e.g., employer associations). This is further supported by another provision of the Constitution, which establishes that trade unions are formed independently of the state, meaning they are not subject to its will.

This interpretation is reinforced by another constitutional provision, which declares that trade unions are established independently of the state. It follows that individuals must also be permitted to join them independently of the state's will. Otherwise, a paradoxical situation would arise where anyone could establish own trade union but would not be able to join an existing one. According to the Constitution, the legislator may restrict the activities of trade unions, including those of professional soldiers; however, professional soldiers' trade unions are created independently of the legislator's will directly under the Constitution. Therefore, the Constitutional Court found the contested provisions to be unconstitutional.

REFORM OF THE CRIMINAL JUSTICE SYSTEM (PL. ÚS 3/2024)

In early December 2023, the Government submitted a comprehensive reform of the criminal justice system to the National Council. The reform proposed, among other things, substantial reductions in penalties for numerous offenses–particularly property crimes, economic offenses, and corruption-related crimes. It also included provisions to shorten limitation periods, lower the thresholds for damage or benefit that determine the severity of criminal offenses, abolish the Special Prosecutor's Office, and introduce several other changes. Simultaneously, the Government requested that Parliament consider the reform through an expedited legislative process. This would bypass the standard deadlines set by the National Council's rules of procedure, which are designed to allow sufficient time for stakeholders to thoroughly review proposed legislation.

The parliamentary majority approved the proposal for an expedited legislative process, and despite the opposition's efforts to delay the adoption of the amendment, the criminal justice reform was passed on 8 February 2024, following the incorporation of proposed amendments. Most of the reform was scheduled to take effect on 15 March 2024, with the remaining provisions coming into force five days later. The entire amendment was subsequently challenged by the President of the Republic and two groups of parliamentarians, who raised concerns about potential violations of several constitutional provisions and principles, and also requested the suspension of the law's effectiveness.

The decision on whether to accept the petition for further proceedings and suspend the effectiveness of the law was among the most significant in the history of Slovak constitutional judiciary. The situation was highly unusual: although the amendment–approved under a declared state of urgency through an expedited legislative process–had already passed, its publication in the Collection of Laws was delayed by several weeks. As a result, the petitioners were challenging and seeking to suspend the application of a law that had been fully approved and substantively finalized, but had not yet entered into legal force. They argued

that the combined effect of drastic reductions in the upper limits of criminal penalties, substantial increases in damage thresholds, and shortened limitation periods would result in many criminal cases becoming irreversibly time-barred immediately upon the law's entry into force–even if only for a single day.

However, the Constitutional Court was faced with a critical technical question: Can it suspend the effectiveness of a law that has not yet been published in the Collection of Laws? Until then, legal scholarship had consistently held that this was not possible–that the Constitutional Court could only review laws that had already been officially published. However, this issue had never been examined in depth. For the first time in its history, the Constitutional Court found itself in a position where it had to carefully consider this question, as otherwise unlikely circumstances had arisen that made it directly relevant.

After careful analysis, the Constitutional Court concluded that the prevailing view among legal scholars was incorrect. The Constitution authorizes the Constitutional Court to assess the compatibility of "laws" with the Constitution–not "drafts of laws." The key question, therefore, was whether the contested law–approved by the National Council on 8 February 2024, in its third reading and subsequently signed by the Speaker of the National Council, the Prime Minister, and the President of the Republic, but not yet published in the official Collection of Laws–should still be regarded, for the purposes of constitutional review, as a "draft law" and thus outside the Court's jurisdiction, or whether it already constituted a "law" and therefore fell within the Court's authority.

The answer to this question is clearly found in another provision of the Constitution itself. According to the Constitution, "draft laws" may be submitted to the National Council by committees, individual deputies, or the Government. However, once a draft is approved by the National Council, the Constitution refers to it as a "law," not merely a draft. The President of the Republic signs the "law," and it is promulgated in the Collection of Laws as such. It is only upon publication that the law becomes effective–that is, it can be applied from the moment of its promulgation, unless a later effective date is specified. Importantly, there is a constitutional distinction between the application of a law and the review of its constitutionality. While an unpublished law cannot be applied because the public has not yet been officially informed of its content, its constitutional review is not dependent on publication. The function of publication is to ensure public awareness, not to determine whether a legal act qualifies as a "law" for constitutional scrutiny.

The Constitution logically excludes from the Constitutional Court's jurisdiction the review of the constitutionality of "draft laws," as the Court is not meant to rule on texts, the content of which is still unsettled, subject to parliamentary debate, and which may ultimately not be enacted. The Constitutional Court does not function as a consultative body like state councils in some other countries. However, that was not the situation in this case. The contested law had already been definitively approved, and its content was final. Therefore, the Constitutional Court found no constitutional obstacle to accepting all three petitions for further proceedings and to suspending the effectiveness of substantial parts of the challenged legislation.

The petitioners raised objections regarding multiple violations of legislative procedure. The Government justified the use of the expedited legislative process by invoking the need to transpose several European Union directives, the goal of humanizing criminal policy, the impact of inflation, and the necessity of aligning domestic law with the case law of the European Court of Human Rights. It also cited the alleged "misuse" of criminal law instruments by the Special Prosecutor's Office, referencing more than twenty Constitutional Court judgments purportedly supporting this claim. In response, the Constitutional Court noted that only five of the cited decisions actually concerned the Special Prosecutor's Office, and none involved fundamental violations. The Court emphasized that none of the reasons presented by the Government amounted to a sudden or unforeseen event necessitating urgent legislative action. Consequently, the formal conditions for invoking an expedited legislative procedure were not fulfilled. However, the Court clarified that this alone did not constitute a violation of the Constitution.

The Constitutional Court concluded its assessment of the legislative process by finding no constitutional violations that would have impeded parliamentary debate in the National Council. Members of the parliamentary minority had the opportunity to review the draft legislation, express their opinions, propose amendments, and participate in the parliamentary sessions during which the draft law was discussed. Accordingly, the parliamentary minority was able to exercise oversight over the majority. This conclusion was not altered by procedural irregularities–such as the failure to vote on a motion to repeat the second reading–as the substance of that motion echoed arguments already raised by the minority during the first and second readings. The Court emphasized that not every procedural breach rises to the level of a constitutional violation.

The petitioners argued that the contested law significantly reduces penalties for property and economic crimes, as well as corruption offenses, substantially increases damage thresholds, expands the possibility of imposing conditional imprisonment sentences (even for the most serious crimes committed by organized groups), and drastically shortens limitation periods. They contended that the combination of these fundamental changes and their interaction could lead to a breakdown in the effectiveness of criminal liability and sentencing.

The Constitutional Court first clarified that its role was not to evaluate whether the legal provisions were appropriate but solely to determine whether they remained within constitutional boundaries. In the realm of criminal policy, these boundaries are set quite broadly, and historically, the Constitutional Court has intervened only minimally in matters thereof.

Regarding the petitioners' objections about the expansion of the possibility for imposing conditional sentences and the reduction of minimum criminal penalties, the Constitutional Court ruled that constitutional concerns were not applicable in this case, as these provisions presented possibilities, not obligations. Criminal courts still have the duty to impose sentences that are appropriate based on the defendant's guilt, meaning they retain the discretion to impose non-conditional imprisonment sentences.

Regarding the shortening of limitation periods, the Constitutional Court emphasized that legislators have broad discretion in shaping criminal policy. It also noted that a similar approach to limitation periods exists in the Czech Republic. In comparing Slovakia's system with Italy's, the Court observed that Slovakia's system–following the amendment–was stricter, particularly regarding the suspension of the limitation period through actions by criminal justice authorities. Unlike Slovakia, where the limitation period can effectively be extended indefinitely, Italy allows for the total length of the limitation period to be extended by only a quarter.

The petitioners further argued that the contested provisions on limitation periods were inconsistent with European Union law regarding the protection of the EU's financial interests. However, the Constitutional Court found no legal situation in any of the three petitions where the contested regulation would provide less favourable protection for the EU's financial interests than for national interests. Regarding the ineffectiveness and lack of deterrent effect of the contested provisions on limitation periods, the Constitutional Court considered the petitions unfounded. These petitions only expressed a general concern that the reduction of criminal liability due to the shortening of the limitation period would result in the discontinuation of ongoing cases. The Constitutional Court clarified that the new limitation provisions remained in compliance with the European Parliament and Council Directive on combating fraud, which allows Member States to set a limitation period shorter than five years, but not less than three years, provided that the limitation period can be interrupted or suspended based on specific actions.

Concerning the abolition of the Special Prosecutor's Office, the Constitutional Court rejected the Government's argument that such an office was a rarity in Europe. In fact, most EU Member States have established similar nationwide prosecution offices specialized in prosecuting serious crimes, such as organized crime, corruption, drug trafficking, and terrorism. The Court noted that the Constitution grants the legislator broad discretion in determining the structure of the prosecution, with very few restrictions. Furthermore, according to the case law of the Court of Justice of the European Union, Member States are not exercising EU law when adjusting the structure of their prosecution services. Therefore, the abolition of the Special Prosecutor's Office did not violate EU law. Additionally, international anti-corruption treaties do not mandate the existence of specialized bodies, as the implementation of these treaties can be achieved through specialized individuals. Since the powers of the Special Prosecutor's Office were transferred to regional prosecutor's offices with specialized personnel handling such crimes, there was no violation of these treaties.

In the majority of cases, the Constitutional Court did not accept the petitions. It declared only certain provisions unconstitutional.

The Constitutional Court ruled that the transitional provisions concerning the confiscation of property were unconstitutional. These provisions stipulated that after the reopening of proceedings initiated by a prior annulment judgment by the Constitutional Court, the newly effective version of the contested law should apply, even if the current version of the Criminal Code–resulting from the earlier ruling–might be more favourable to the offender. This was found to be inconsistent with the constitutional directive under Article 50(6) and Article 1(1) of the Constitution, to the detriment of the offender.

For the same reasons, the Constitutional Court also found a transitional provision § 438k (5) of the Criminal Code unconstitutional. This provision allowed criminal prosecution to be considered time-barred under new, more favourable rules for the offender regarding the criminality of the act, but only if the reasons for the previous interruption of the limitation period occurred after the expiration of the newly established limitation period, for the first time, and not in any subsequent cases of such retroactive assessment of the interruption.

The Constitutional Court also declared unconstitutional a transitional provision regarding all plea bargain agreements approved before 15 March 2024. The ruling included a legal opinion on the constitutionally compliant interpretation of the contested law, stating that the provisions extending the deadline for filing an appeal in favour of the accused for three years and expanding the Minister of Justice's authority to appeal court judgments approving plea bargain agreements could only apply to decisions that became final on or after 15 March 2024. Finally, the Constitutional Court declared unconstitutional provisions related to the use of unlawfully obtained evidence in criminal proceedings, even when used exclusively in favour of the accused.

QUORUM IN LOCAL REFERENDUMS IN BRATISLAVA AND KOŠICE (PL. ÚS 13/2023)

In the spring of 2023, the National Council debated a comprehensive reform of construction legislation, impacting over 50 laws in the field. Among these were two laws under review by the Constitutional Court: the Act on the capital city of the Slovak Republic, Bratislava, and the Act on the city of Košice, both of which included amendments related to construction law.

During the second reading, a group of coalition MP´s proposed an amendment introducing significant changes to local referendum provisions in both laws. Specifically, the amendment introduced a floating quorum for local referendums at both the city level and within city districts. In the case of Košice and its districts, the amendment also lowered the number of voters required to initiate a local referendum, with the change set to take effect on 1 August 2023.

In Slovakia, local referendums have been regulated by the Act on municipal government since 1990. According to this act, a local referendum could always be initiated through a petition by the residents of a municipality. However, until the end of 2001, a petition only needed to be supported by 20% of eligible voters. Since 2002, the required support has increased to 30% of eligible voters. To ensure the validity of the referendum result, the law mandates that at least half of the eligible voters must participate. Until 2001, the law stipulated that a valid local referendum initiated by a petition would override decisions made by the municipal council concerning local taxes and fees.

The Act on municipal government applies to both Bratislava and Košice, unless specific provisions in the laws governing these cities provide otherwise. Since 1990, the Act on Bratislava has required that for a local referendum initiative, whether at the city or district level, a petition must be supported by at least 20% of eligible voters, but not fewer than 5,000 residents in the respective district. Until 31 July 2023, the result of a referendum in Bratislava or its districts replaced the decision of the relevant council (in district councils, this only applied to decisions regarding local fees) if at least 50% of eligible voters participated.

The Act on the city of Košice has undergone several amendments. Until 2012, a referendum petition at both the city and district levels required the support of 20% of eligible voters, and the result of the referendum would replace the council's decision if more than 50% of eligible voters participated. From 1 January 2013, the provision allowing a referendum result to replace the council's decision was removed, and the petition requirement increased to 30% of eligible voters.

The 2023 amendment effectively harmonized the provisions, requiring that a petition be supported by 20% of eligible voters in both cities and their districts–though in Košice's districts, at least 2,500 eligible voters must support the petition. The result of the referendum replaces the council's decision if at least the same percentage of eligible voters participates as in the most recent municipal elections. This introduction of a floating quorum was justified by the desire to simplify decision-making in referendums, as municipal elections in Slovakia typically have lower voter turnout.

However, the then-President of the Republic challenged this new provision before the Constitutional Court, arguing that it created inequality both among the city districts and in comparison to other cities and municipalities in Slovakia. She argued that the varying voter turnout in the most recent municipal elections across different city districts and the two cities led to disparities. In some districts, voter turnout exceeded 50%, with some areas even surpassing 60% or 75%, which paradoxically made the conditions for holding a referendum more difficult. Consequently, the weight of a voter's vote varied depending on the district in which they were eligible to vote, which, according to the President, violated the constitutional principle of equality in voting. Additionally, the new provisions could be seen as penalizing higher voter turnout, as it would make decision-making in future local referendums more challenging, despite the Constitution's prohibition on causing harm to rights merely for exercising one's fundamental rights and freedoms.

The Constitutional Court, however, did not share the argumentation and rejected it. According to the Constitution, a local referendum is part of the exercise of local self-government, with the municipality being its foundation, and each municipality or city representing a single electoral district. Municipalities, cities, and districts have different populations, and it is natural that the weight of a voter's vote in a local referendum (or municipal election) may differ between cities and municipalities, regardless of the percentage-based quorum. When applying the principle of equality in voting rights within the context of local self-government, it is not appropriate to compare the legal position of voters in different local referendums or the effects of a valid referendum result across various cities and municipalities or electoral districts. The only relevant comparison is the legal position of voters within the same electoral district of a given city or municipality. Therefore, the contested provisions do not have a discriminatory effect.

EQUALIZATION OF CZECHOSLOVAK PENSIONS (PL. ÚS 1/2023)

In 2021, the Supreme Court challenged at the Constitutional Court provisions of the Social Insurance Act that were in effect from 2016 to 2020, which set the conditions for entitlement to a equalization supplement for old-age pension recipients who had worked for an employer based in the Czech Republic for less than 25 years before 1993. The Supreme Court argued that these provisions were too restrictive from 2016 to 2020, resulting in constitution-

al inequality in providing adequate material security in old age between individuals who met the conditions and those who, for objective reasons, had fewer years of work with such employers.

The legal regulation in question is directly linked to the dissolution of the Czech and Slovak Federative Republic (ČSFR). Social security law systems are primarily national. This means that eligibility for benefits was determined solely by periods an individual spent in employment, insurance, or equivalent periods in the respective state.

Due to international agreements–bilateral social security agreements–even before Slovakia's accession to the European Union, if an individual participated in pension insurance scheme in multiple countries, periods of work in other states were considered for pension eligibility once the conditions were met. Within the European Union, in such cases, European coordination regulations created entitlement to partial pension benefits. These benefits are calculated based on the theoretical or hypothetical pension amount the individual would have received if all pension periods were aggregated according to that system. A proportional pension is then calculated based on the years worked in that system. The same process is applied in the second state, allowing the pensioner to receive two or more partial pensions.

The ČSFR had a unified pension system regulated by federal legislation, meaning that during its existence, it was irrelevant in which part of the federation a citizen was employed or where their employer was based. From this perspective, following the dissolution of the federation, the adjustment could not follow the traditional system of partial benefits based on the years worked during the federation.

In connection with the dissolution of the ČSFR, it was necessary to modify several aspects of pension security to ensure legal certainty for citizens and to establish a balanced economic burden on the new systems, through clear and simple solutions. As a result, the successor states concluded the Treaty between the Slovak Republic and the Czech Republic on Social Security, along with an implementing agreement. This Treaty essentially created a legal fiction, as if, prior to the dissolution of the federation, an individual had accumulated the entire period of insurance in only one state, determined according to the specified criteria.

The chosen criteria could lead to situations where a citizen who had permanently lived in the Slovak Republic and worked for an employer with its registered office in the Czech Republic, according to the Company Register, would have their entire employment period considered as Czech insurance, even though they never actually left Slovakia. On the other hand, a citizen who lived permanently in Slovakia but worked in the Czech Republic for an employer not listed in the Company Register (e.g., a legally established enterprise or organization) would have their employment considered as Slovak insurance, even though they did not work in Slovakia. Naturally, the opposite situation could also apply. Due to the differing economic developments of the two successor states and changes in their pension systems, situations arose where an individual who spent their entire professional life in one country, held its citizenship, and was entitled to a pension in that country, might either not gain any entitlement from the second country or receive a lower pension than they would have if their entire employment had been considered as insurance periods only in the country of which they were a citizen and in which they worked within one system.

In the Slovak Republic, the pension system was fundamentally reformed by the 2003 Social Insurance Act. In the following years, situations might also have occurred where a pensioner from Slovakia, who was entitled to a pension from both Slovakia and the Czech Republic for their federal insurance periods, ended up with a lower total pension compared to the theoretical pension they would have been entitled to if the federal insurance periods had been considered Slovak insurance periods. As a result, the legislator introduced an equalization supplement, effective from January 1, 2016.

The amendment closely mirrored its Czech counterpart (the equalization supplement), including the condition of 26 years of insurance – 25 federal years, i.e., years earned before1 January1993, and one Slovak year. While the legislator responded to judicial rulings with the amendment, it adopted a stricter version of the equalization supplement, which is constitutionally permissible. The regulation of the equalization supplement for the years 2016–2020 was the subject of a constitutional compliance review. Subsequently, with effect from 1 January 2020, the legislator introduced a new equalization supplement, which equalizes the Czech pension with the Slovak pension irrespective of the duration of federal period.

Ultimately, the Constitutional Court rejected the proposal from the Supreme Court, which had been replaced by the newly established Supreme Administrative Court. The petitioner argued that the legal provisions from 2016 to 2020, which required 25 federal years of employment plus one Slovak year as a condition for the equalization supplement, caused an unconstitutional inequality in the provision of old-age pensions for those who met the condition. The petitioner emphasized that some citizens, due to their age, could not fulfill this requirement, as they had sufficient service or credited periods, but a significant portion of those years did not fall within the federal period.

Between 2016 and 2020, pensioners from both groups were recipients of old-age pensions from the Czech Republic. However, only the group with 25 years of service in the ČSFR and one year in the Slovak Republic was eligible for the equalization supplement, while the group with fewer years of service in the federation did

not qualify. The Constitutional Court thus found that there was an infringement of the principle of equality, resulting in a distinction and burden related to the right to adequate material security in old age.

However, regarding whether the distinction was based on an unjustifiable reason, the Constitutional Court ruled negatively. The basic criteria for differentiation in Article 12(2) of the Constitution are characteristics that are inherently part of the group and cannot be influenced by the individual or are intrinsic to the human identity of that group. Periods of insurance or security are not considered typical criteria. Consequently, distinguishing based on insurance periods is a weak criterion and is easily justifiable. Conversely, the period of insurance is a reasonable and standard criterion for entitlement to a pension and a legitimate reason for differentiation. The legal system must define clear temporal or quantitative criteria for entitlements; however, subjective perceptions of unfairness may still arise within those boundaries. The Constitutional Court held that the legal requirement of 25 "federal" years and one "post-federal" year is constitutionally justifiable..

LIFELONG PROHIBITION OF DRIVING (PL. ÚS 18/2020)

At the end of 2019, the Regional Court in Trnava referred a case to the Constitutional Court concerning a woman accused of causing death of another person. The indictment alleged that, while intoxicated, she drove a motor vehicle and caused a traffic accident in which a cyclist was killed. In such cases, in addition to a prison sentence of 4 to 10 years, which was not constitutionally disputed, the Criminal Code required the court to impose a lifetime driving prohibition, with no possibility of conditional suspension of the remainder of the sentence.

This provision in question was introduced into the Criminal Code in 2011 through an indirect amendment, following proposal to amend and supplement the law submitted by 20 members of the National Council, in connection with the Government's draft amendment to the Road Traffic Act.

The Constitutional Court upheld the regional court's position and declared the provision mandating the lifetime driving prohibition unconstitutional.

According to the Constitutional Court, driving a motor vehicle is a private activity, which, naturally, is regulated by sub-constitutional law. It is primarily a private activity and an immaterial value, and its daily practice in modern conditions significantly influences the quality of an individual's life. While a driving prohibition does not deprive anyone of life, health, personal freedom, or property, it directly affects the quality of an individual's private life. Therefore, prohibiting an individual from performing a common activity like driving constitutes an interference with their privacy.

Although the prohibition serves a legitimate purpose–preventing the loss of life and damage to human health–it aims to achieve this goal through criminal law, specifically by imposing a mandatory lifetime driving prohibition alongside an unconditional prison sentence. Criminal law generally assumes that the mere threat of punishment should deter individuals from committing such acts, while also expressing the immorality of the conduct. Furthermore, the punishment imposed on the offender should, in addition to deterring further criminal acts, aim at rehabilitation and reintegrating the offender into society. Some punishments, such as unconditional imprisonment, also serve to physically prevent the commission of further crimes by isolating the offender from society. This function, however, was overly emphasized in the case of the lifetime driving prohibition, according to the Constitutional Court.

The Constitutional Court found that the provision in question was excessively strict, as it required courts to impose a lifetime driving prohibitioin even on offenders whose actions were a one-time aberration. This disproportionality was further compounded by the fact that it was not possible to suspend the remainder of the sentence, even after decades. As a result, the lifetime driving prohibition was meant to be truly permanent in all circumstances. This also meant that anyone convicted of causing death by driving a motor vehicle while intoxicated could never have their conviction annulled, which significantly impeded their reintegration into society.

Following the Constitutional Court's judgment, it will still be possible to impose a driving prohibition for a period of one to ten years. The legislature may also adopt stricter regulations, but they must be proportionate.

CRIMINAL LIABILITY FOR REFUSING A BREATH AND BLOOD TEST (PL. ÚS 17/2023)

In October 2023, the Regional Court in Bratislava referred a case to the Constitutional Court, challenging § 289(2) of the Criminal Code. According to this provision, a person is considered to have committed the crime of endangering others while under the influence of an addictive substance if they "refuse to undergo an examination to detect the presence of an addictive substance, which can be conducted through a breath test or an orientation testing device, or refuse to submit to a medical examination involving the collection of blood or other biological material to determine whether they are under the influence, even if the examination does not pose a risk to their health." This provision applies to individuals performing jobs or activities where they could potentially endanger human life, health, or cause significant property damage.

According to the regional court, this provision is in conflict with the constitutional prohibition on forcing self-incrimination and

the presumption of innocence. In its view, the challenged provision presumes not only that the perpetrator, for example, drove a vehicle after consuming alcohol, but also that the concentration of alcohol in their blood was at least 1 g/kg. These are factual circumstances that can be difficult to prove in some cases and typically require expert or forensic procedures. The assumption of these facts appears to contradict the constitutional principle of the presumption of innocence, i.e., it creates a presumption of guilt.

Moreover, when the law automatically links the refusal to provide evidence of guilt, such as a biological sample or a breath sample, to the imposition of criminal liability, the petitioner raises the question of whether the law is deriving criminal liability from the exercise of the right to refuse to provide evidence of one's own guilt.

According to the Constitutional Court, the application of the principle prohibiting forced self-incrimination is intended to protect the accused from unlawful coercion by state authorities, thereby helping to prevent judicial errors and ensuring a fair process. However, the right to remain silent and the right not to incriminate oneself are not absolute rights, and their exercise may be restricted by a certain degree of pressure, which must not be abusive.

The right to remain silent in criminal proceedings does not apply to evidence that, although obtained from the accused through coercion, exists independently of their will. This includes, for example, documents obtained through a search, breath tests, blood, urine, hair samples, or recordings of voice and human tissue for DNA testing. What is considered inadmissible is the requirement for the accused to actively contribute to the gathering of such evidence.

The contested legislative provision does not address obtaining evidence from the suspect about their guilt through coercion but links the refusal to provide a breath sample, blood sample, or other biological material for detecting the presence of a addictive substance to fulfilling the objective elements of the crime of endangerment under the influence of a substance. The obligation to undergo a procedure that results in the collection of evidence, regardless of the individual's will, in this case, a test for the presence of an addictive substance in the body, does not conflict with the prohibition on self-incrimination.

The Constitutional Court concluded that the contested provision does not infringe upon the fundamental right not to self-incriminate, nor does it violate the presumption of innocence. It constitutes a sanction for failing to comply with the legal obligation to undergo an examination to detect the presence of an addictive substance in the blood. Therefore, the Constitutional Court did not support the regional court's proposal.

THE STATE BUDGET ACT (PL. ÚS 7/2024).

In 2024, the Constitutional Court of Slovakia reviewed the State Budget Act for the first time in its history, following a petition from a group of opposition MPs. The petition focused on the State Budget Act for the year 2024. The petitioners argued that the act was adopted in violation of legislative process principles and that its provisions posed a threat to the long-term sustainability of Slovakia's public finances. However, the Constitutional Court rejected the petition, concluding that the State Budget Act was adopted in accordance with the constitutional framework established by the Constitution and the Constitutional Act on budgetary responsibility.

The petitioners argued that the process of adopting the the State Budget Act did not meet constitutional requirements. They contended that the time allocated for discussing the budget proposal was too short, parliamentary debate was cut off before all MPs had an opportunity to speak, the expert discussion and review of the budget proposal were insufficient, and that obstruction by the government majority hindered proper parliamentary debate.

The Constitutional Court acknowledged the limited time and content of discussions in the relevant parliamentary committees. However, it concluded that these limitations did not, by themselves, elevate the issue to a constitutional-legal matter. The submitted documents indicated that, despite the time constraints, the relevant committees had reviewed the contested law and expressed their approval, recommending the passage of the State Budget Act without any objections. While the Court recognized that the actual time for discussion was significantly constrained, it found no evidence that these limitations, in the specific context of this case (temporal and material), prevented meaningful debate or the raising of relevant objections.

However, the Constitutional Court concluded that, although the legislative process was expedited and may have contained some controversial elements, it was not demonstrated that these violations reached a constitutional level of severity. While the use of immediate closure of the debate could raise concerns about the democratic nature of the procedure, its application in this case remained within the constitutional boundaries.

The petitioners also argued that the the State Budget Act for the year 2024 did not respect the established limits on public spending, which could lead to long-term unsustainability of public finances. They claimed that the budget exceeded the set public spending limits, lacked adequate measures to ensure fiscal stability, and could result in public debt rising to unsustainable levels.

While the Constitutional Court acknowledged the importance of budgetary responsibility and long-term fiscal sustainability, it stated that the content of the budget itself was not within the scope

of constitutional review. The Court emphasized that economic decisions made by the Government and Parliament should be evaluated politically rather than judicially, unless they violate explicit constitutional norms.

Another key issue considered was the impact of the law's adoption on the constitutional separation of powers. The petitioners argued that the expedited consideration of the budget limited the rights of the opposition and interfered with the principle of parliamentary democracy.

However, the Constitutional Court held that the constitutional framework does not require unlimited debate or prevent the use of procedural tools to shorten it. As long as the decision-making process was reasonably facilitated and there was an opportunity for differing opinions to be expressed, the Court found no grounds for intervention. It further noted that protecting parliamentary minorities does not entail guaranteeing their ability to block decisions made by the majority, but ensuring their right to present their views during the legislative process.

Based on these considerations, the Constitutional Court ruled that the contested law did not conflict with the Constitution or the Constitutional Act on Budgetary Responsibility. The Court stressed that although certain aspects of the law's adoption may have been problematic, these issues did not raise constitutional concerns to the extent that would justify its annulment.

DISPUTES OVER THE INTERPRETATION OF THE CONSTITUTION

THE DUTY OF THE ATTORNEY GENERAL TO PROVIDE ASSISTANCE TO THE PRESIDENT OF THE REPUBLIC

One of the most traditional and undoubtedly oldest powers of constitutional courts in Europe is the resolution of competence disputes between constitutional bodies. This includes a diverse range of powers, such as the procedure under Article 128 of the Slovak Constitution regarding the interpretation of the Constitution and constitutional laws, "if the case is disputed." The Constitutional Court interprets this last clause to mean that the dispute must not be purely academic; it requires a dispute between two bodies regarding how their constitutionally granted powers should be applied.

In March 2023, the former President of the Republic sent a request to the Attorney General asking for all decisions made under § 363 et seq. of the Criminal Procedure Code that had been issued by the Attorney General or the First Deputy Attorney General acting on behalf of the Attorney General since their appointment. The President suspected that the Attorney General had been exercising his powers unlawfully and was considering filing a disciplinary motion against him before the Supreme Administrative Court. Therefore, the President's request aimed at obtaining materials for a potential disciplinary motion.

The Attorney General disagreed with the request. In response, he stated that he could not comply because doing so would violate the law. He argued that the President was not authorized to conduct a broad review of the Attorney General's decision-making. The Attorney General pointed out that there is no explicit legal obligation for the Attorney General to assist the President in this way.

In response, the President turned to the Constitutional Court, seeking an interpretation of the Constitution. The question was whether the President, in fulfilling their duty to ensure the proper functioning of constitutional bodies, has the constitutional authority to request the Attorney General's cooperation in providing specific information, and whether the Attorney General is required to comply with such a request from the President.

Article 101(1) of the Constitution states in its second sentence that the President, through their decisions, ensures the proper functioning of constitutional bodies. In accordance with Article 102(1), s) and t), the President administers the oath of office to the Attorney General, whom they appoint and dismiss. Article 150 of the Constitution further clarifies that the President appoints and dismisses the Attorney General based on a proposal from the National Council, with the Attorney General leading the prosecution service. The President requested an interpretation in connection with Article 1(1) of the Constitution, which declares that the Slovak Republic is a sovereign, democratic, and rule-of-law state.

The Constitution vests the responsibility for deciding disciplinary matters concerning prosecutors to the Supreme Administrative Court, and this authority unquestionably extends to the Attorney General. Given the position of the Attorney General at the head of the prosecution structure, it is clear that the power to propose disciplinary proceedings against the Attorney General must, in line with constitutional principles of mutual control and cooperation among constitutional bodies, be vested in an entity external to the prosecution service's organizational structure. The rational connection between the position and authority of the body tasked with initiating disciplinary proceedings against the Attorney General, and the position and constitutional responsibility of the Attorney General, would primarily lie with the National Council and the President, due to their roles in the creation of the Attorney General's office. The disciplinary procedure grants this authority to the President of the Republic and to three-fifths of the members of the National Council.

In this context, and in light of the subject of the proceedings, it was necessary to address the question of whether the President's authority to propose the initiation of disciplinary proceed-

ings against the Attorney General is of a constitutional nature or whether it falls within the jurisdiction of the National Council as the legislative body.

The Constitutional Court concluded that the President's authority to propose the initiation of disciplinary proceedings against the Attorney General is not a constitutional norm and does not implicitly arise from the President's duty to ensure the proper functioning of constitutional bodies in connection with the appointment, dismissal, and taking of the oath of the Attorney General, nor from the constitutional principle of the separation of powers. This authority was granted to the President by the legislator through its inclusion in the disciplinary procedure, but the legislator could have also made a different decision; the Constitution does not mandate the adoption of such a provision. The provision stating that the President "ensures the proper functioning of constitutional bodies through their decisions" does not, by itself, create new, implicit powers. It must be understood exclusively in connection with the powers the Constitution grants the President elsewhere. It outlines how the President should exercise their powers and what they must take into consideration, but it does not grant new powers.

The Constitutional Court acknowledged that the current situation effectively leads to a paralysis of disciplinary proceedings against the Attorney General. However, it is up to the legislator to correct its legislative inaction, as the Constitutional Court cannot rectify this on its behalf in the constitutional interpretation proceedings.

CONSTITUTIONAL COMPLAINTS

THE LIMITS OF THE JUDGE'S FREEDOM OF EXPRESSION (IV. SECTION 221/2023)

The complainant is a judge and an expert in criminal law. As a disciplinary sanction, the Chair of the Judicial Council of the Slovak Republic imposed a written reprimand on him for publishing the full transcript of a piece of evidence known as Threema 1 on his relatively well-known law blog. The transcript was part of the case file in proceedings before the Specialised Criminal Court. Given his position, expertise, and experience as a judge, he should have been aware that the full transcript contained information capable of unlawfully infringing upon the personality rights of several individuals. He published the transcript without citing the source and removed it himself two days later.

The Threema 1 transcript published by the complainant allegedly captured private communications between the accused businessman and other individuals via an encrypted messaging app. Since 2019, various segments of the transcript had already been selectively published and commented on in the media, coinciding with the launch of criminal investigations involving the accused and other connected individuals. The contents of these leaks raised suspicions of corruption, including within the judiciary, and contributed to the perception of an organised criminal scheme. Over a longer period of time, the media released partial messages suggesting the commission of criminal activity by specific persons. While the additional individuals involved in the communication were not directly identified in the transcript published by the complainant–they were labelled only with numerical codes–their identities could be inferred from the context. The media progressively published portions of the transcript, often accompanied by commentary and references to the individuals involved in the communication or those mentioned therein.

The complainant justified his actions by arguing that in a non-public pre-trial criminal proceeding, evidence should not be leaked from the case file. However, since a selective leak had already occurred and was publicly justified as being in the public interest, he believed that releasing the full transcript was likewise in the public interest, enabling the public to access the complete context. The Chair of the Judicial Council viewed the complainant's conduct as an unjustified interference with the personality rights of several individuals named in the transcript who were unconnected to the criminal proceedings. According to the Chair, such conduct could objectively undermine the seriousness and dignity of the judicial office or damage public trust in the independence, impartiality, and fairness of the judiciary–thus warranting the imposition of a reprimand.

The complainant filed a petition with the Supreme Administrative Court seeking a declaration that the reprimand issued by the Chair of the Judicial Council was invalid. The court rejected the petition in the part concerning the publication of the full transcript of the evidence referred to as Threema 1.

In his constitutional complaint, the complainant argued that he was exercising his right to freedom of expression, acted outside his judicial capacity, and sought to draw attention to the improper leaking of selective information from a court file. He claimed this matter was of public interest and that the interference with his freedom of expression was disproportionate.

The Constitutional Court dismissed the complaint. While acknowledging that judges have the right to express their civic and political views publicly–even critically, including criticism of the judiciary–it held that the state may require judges and other judicial officials to exercise this right with restraint. Such restraint is necessary to avoid undermining the authority and impartiality of the judiciary and to protect the right to a fair trial of those involved in judicial proceedings.

The Constitutional Court concurred with the conclusion of the Supreme Administrative Court that criticizing the leakage of evidentiary material from case files and its subsequent commentary

by the media constitutes an expression of public interest. Such criticism contributes to public debate on the non-public nature of pre-trial proceedings, which falls within matters concerning the judiciary. In voicing such criticism, the complainant–acting in his capacity as a judge–did not undermine the authority or impartiality of the judiciary; rather, he highlighted the inappropriateness of such leaks.

The problematic aspect of the complainant's public expression lies in the publication of the complete transcript of private communication that was originally encrypted and had the potential to serve as evidence in an ongoing criminal proceeding.

The complainant disputes the conclusion that he acted in the exercise of his judicial office, describing his actions instead as a form of civic activism. However, the distinction between the complainant and the media is significant. The complainant holds legal decision-making authority, and his public statements carry a qualitatively different impact on the public than those made by journalists–an effect stemming from his position within one of the branches of state power. While journalism may employ some degree of exaggeration or sensationalism, a judge is expected to communicate with restraint, clarity, and responsibility, as their conduct also reflects on the judiciary as a whole.

Civic activism is not categorically excluded for judges. However, it must be assessed in light of the principle of judicial restraint. The complainant published his views on a website primarily focused on professional and judicial matters, where he identifies himself as a regional court judge. He does not present himself as a private individual expressing personal civic views. In this context, the Constitutional Court agreed with the finding that the complainant acted in his capacity as a judge–not as a judge deciding a specific case, but as a representative of the judicial branch, from whom a degree of restraint is reasonably expected.

The complainant's conduct had the potential to undermine the authority or impartiality of the judiciary, particularly given the manner of publication, which clearly associated the act with his position as a sitting judge rather than a private citizen. A judge represents the judiciary not only while performing judicial duties but also in public life outside working hours, and the expectation of restraint applies accordingly.

Furthermore, the sanction imposed on the complainant–the mildest available under the law–does not appear disproportionate. The Constitutional Court found that the publication of the transcript did not meaningfully contribute to public debate on the issue the complainant sought to address. Instead, it had the potential to compromise judicial authority and impartiality and infringe upon the rights of third parties.

EXPEDITED INVESTIGATION AND THE POSSIBILITY OF RESTRICTING PERSONAL LIBERTY (I. ÚS 337/2020)

While reversing his private motor vehicle in a parking lot, the complainant collided with a taxi vehicle. The taxi vehicle driver called the emergency line 158 and stated, among other things, that the complainant appeared to be "clearly under the influence of alcohol." Upon arrival, the police patrol requested that the complainant submit to a breath test to determine alcohol consumption, and he was informed of the procedure. According to the documents submitted to the Constitutional Court, the complainant refused to undergo the breath test despite repeated requests, and he also refused a medical examination that included a blood sample collection and laboratory testing. Before the Constitutional Court, the complainant argued that he declined the breath test because the police did not present a valid certificate confirming proper calibration of the device. In his constitutional complaint, he emphasized that he had agreed to a blood test and had even "insisted" on it.

The police officers detained the complainant on suspicion of committing a misdemeanor of endangerment under the influence of an intoxicating substance. Proceedings were then initiated against him under the provisions of the Criminal Procedure Code concerning so-called "super-fast" (expedited) proceedings–a form of summary investigation. This process allows for a person to be deprived of their liberty solely because the case is being handled through this simplified investigative procedure, even without other relevant reasons such as preventing further criminal activity or avoiding flight.

The Constitutional Court found that the conditions for expedited proceedings had been met and did not identify any violation of the complainant's fundamental rights at the initial stage. The responsible investigator immediately after issuing a resolution to initiate criminal prosecution and bring charges, conducted all available investigative actions.The complainant received the resolution on the charges during his questioning and was then allowed to review the investigation file. On the same day, an indictment was filed against him–all within the legal 48-hour timeframe from the moment his liberty was restricted.

Less than two days after the indictment was filed, a judge issued a penal order imposing a monetary fine of EUR 500 on the complainant. During this entire period, the complainant remained in police custody. He spent nearly 90 hours detained in police custody solely because the case was being handled through expedited proceedings. However, the prosecutor did not submit a request to the court for the complainant's pre-trial detention along with the indictment.

The Constitutional Court emphasized that in a rule-of-law state, personal liberty is the general rule, and any limitation of it con-

stitutes an exception, which must be justified and cannot be arbitrary. In the case of expedited proceedings, if the responsible prosecutor does not submit a motion for the detention of the accused along with the indictment, they are required to release the accused from detention by order, as further restriction of the accused's personal liberty loses its constitutional and legal basis. If the prosecutor fails to do so, the judge must release the accused from detention after the case and the accused have been transferred, following the "expedited" completion of actions under § 348(1), a) or b) of the Code of Criminal Procedure, or immediately, if these actions cannot be completed "expeditiously." This "expedited" process should not be confused with the 48-hour time period stipulated in the third sentence of Article 17(3) of the Constitution, which applies to decisions regarding pre-trial detention based on the prosecutor's motion.

Therefore, the complainant should have been released from police detention after the prosecutor filed the indictment. However, in reality, the complainant remained deprived of personal liberty, waiting for the issuance of a penal order for almost two additional days.

COLLISION OF A CAR WITH A PEDESTRIAN AND LIABILITY FOR DAMAGE (III. ÚS 184/2023)

The complainant, in adverse weather conditions, was walking near a pedestrian crossing on a road in a village close to a shopping center. At that moment, a collision occurred with a personal vehicle that was also passing through the area. As a result, the complainant sustained injuries and later sought compensation through a lawsuit against the driver's insurance company.

Both the district and regional courts rejected the lawsuit, concluding that the complainant was solely responsible for the traffic accident. The complainant was crossing the road outside the designated pedestrian crossing, creating a sudden obstacle for the driver, who could not prevent the accident.

The complainant subsequently appealed to the Supreme Court, which upheld the legal classification made by the lower courts. In her constitutional complaint, the complainant sought to challenge the legal assessment of liability for damage under the Civil Code, but the Constitutional Court sided with the legal opinions of the Supreme Court and the lower courts.

The situation was different, however, with regard to the factual findings of the district and regional courts, where the Constitutional Court identified several deficiencies. Both courts failed to adequately address several of the complainant's factual objections in the reasoning of their decisions.

The driver of the vehicle was acquitted in a separate criminal proceeding concerning the traffic accident, primarily based on an expert report conducted in that case. According to the expert, the accident occurred outside the pedestrian crossing, with two versions of the incident considered–1.5 meters or 6 meters from the crossing. In both versions, the complainant's crossing was deemed improper, and the complainant could have prevented the accident by yielding to the vehicle. The driver, traveling at 40 to 50 kilometers per hour, could not have avoided the accident, as he could not have predicted that the complainant would fail to yield and would step onto the road, thus creating a sudden obstacle. The expert did not find any technical defects in the vehicle or any improper driving techniques.Both the district and regional courts in the civil case relied on this expert report from the criminal case.

However, after reviewing the criminal case file, the Constitutional Court discovered that the expert had provided two supplementary reports, which were inexplicably missing from the civil case file. In these supplements, the expert answered negatively to the question of whether the complainant had created a sudden obstacle for the driver, stating that the complainant did not create such an obstacle.

The district court failed to explain why it did not consider the expert's conclusion in the supplement, which stated that if the accident occurred outside the pedestrian crossing, the complainant did not create a sudden obstacle for the driver. This was a crucial issue in the complainant's case because the district court's judgment clearly indicated that the finding that the complainant had created a "sudden obstacle" was crucial in concluding that the driver was not liable for the damage, and that the complainant was entirely at fault for the accident.

The Constitutional Court noted that the regional court did not correct the district court's errors and failed to address all relevant questions regarding the factual conclusions necessary to resolve the complainant's case. If the court had not considered the conclusion regarding the absence of a sudden obstacle created by the complainant–especially in light of weather conditions and their intensity, as well as other relevant factual findings–it is clear that the courts selectively gathered evidence, largely endorsing the conclusions from the criminal case. However, criminal proceedings are based on the principle of in dubio pro reo (presumption of innocence in case of doubt). The selective approach to evidence gathering in the civil case, focusing solely on the findings of the criminal case, has a constitutional dimension, violating the complainant's fundamental right to judicial protection.

STASTISTICAL DATA
ON THE DECISION-MAKING ACTIVITY OF THE CONSTITUTIONAL COURT

SUBMISSIONS AND COMPLAINTS RECEIVED IN 2024	3 290
PLENUM SUBMISSIONS	**18**
Proceedings on the conformity of legal regulations under Article 125(1)(a) of the Constitution	18
CHAMBER COMPLAINTS	**3 272**

SUBMISSIONS AND COMPLAINTS DECIDED IN 2024	3 157
PLENUM SUBMISSIONS	**16**
Proceedings on the conformity of legal regulations under Article 125(1)(a) and (b) of the Constitution	15
Proceedings under Article 128 of the Constitution	1
CHAMBER COMPLAINTS	**3 141**

SUBMISSIONS AND COMPLAINTS PENDING AS OF 31 DECEMBER 2024	1 031
PLENUM SUBMISSIONS	**21**
CHAMBER COMPLAINTS	**1010**

SUMMARY OF THE DECISION-MAKING ACTIVITY OF THE CONSTITUTIONAL COURT

Submissions and Complaints	Plenum	Chamber	Total
Received in 2024	18	3 272	**3 290**
Decided in 2024	16	3 141	**3 157**
Pending as of 31 December 2024	21	1 010	**1 031**

AS OF 31 DECEMBER 2024, THE CONSTITUTIONAL COURT RECORDED THE OLDEST PENDING SUBMISSIONS

FOR PLENUM DECISION **1** FROM 2020

FOR CHAMBER DECISION **4** Z FROM 2021

OVERVIEW OF THE OLDEST PENDING SUBMISSIONS AS OF 31 DECEMBER 2024 (YEARS 2020–2024)

Year	Pending Submissions for Plenum	Pending Submissions for Chambers	Total Pending
2020	1	0	**1**
2021	2	4	**6**
2022	2	10	**12**
2023	5	92	**97**
2024	11	904	**915**
Total	**21**	**1 010**	**1 031**

THE PROTOCOL AND INTERNATIONAL ACTIVITIES OF THE CONSTITUTIONAL COURT OF THE SLOVAK REPUBLIC

For the year 2024

The most significant protocol event of 2024 was the inauguration of the new President of the Slovak Republic, Peter Pellegrini, who officially assumed office at noon on 15 June by taking the oath of office before the President of the Constitutional Court, Ivan Fiačan. This responsibility is entrusted to the President of the Constitutional Court by Article 101(7) of the Constitution of the Slovak Republic. As tradition dictates, the inauguration ceremony was held at the Slovak Philharmonic (Reduta) as part of a special session of the National Council of the Slovak Republic, attended by top state officials, public figures, and members of the diplomatic corps. The ceremony concluded with a solemn Te Deum at St. Martin's Cathedral, attended by representatives of various churches. A new addition this year was the formal inauguration reception at Bratislava Castle.

In 2024, the Constitutional Court launched a new initiative to organize two annual seminars for judges and legal advisors, featuring distinguished Slovak and international guests. In March and November, the Court hosted Beatrix Ricziová, Judge of the General Court of the EU, and Miroslava Bálintová, the Slovak Government Representative before the ECtHR, who presented insights from their respective institutions.

To further increase awareness among students, the Court expanded its educational outreach as part of the "Constitution for Every Day" project. In 2024, visits by top-ranked secondary schools (based on INEKO rankings) were intensified. These visits included a guided tour of the Court, followed by discussions with judges on human rights protection. Due to overwhelmingly positive feedback, the program will continue to grow in the coming years.

As we correctly anticipated last year, the newly established award presented by President Ivan Fiačan for the best master's theses on constitutional law has become a valued tradition. Students of the Faculty of Law at Pavol Jozef Šafárik University greatly appreciated the opportunity to meet personally with one of the highest representatives of the Slovak judiciary. This year, the group of honourees was expanded to include for the first time also the winners of the Faculty's Student Scientific and Professional Activity competition. Additionally, the President recognized the winners of a university essay competition on the topic "The Principle of the Primacy of EU Law – Advantages and Disadvantages."

In March, Judge Ladislav Duditš represented the Court at an international conference in **Riga**, Latvia, titled The Role of Constitutional Courts in Specifying Common European Values. This addressed the harmonization of the constitutional identities of Member States with common European values, drawing attention to the challenges arising from the correct application of law within a complex, multilayered system encompassing national law, international law, and European Union law. The second one focused on the doctrine of European consensus as a formative element of European public order, with an emphasis on the case law of the European Court of Human Rights and the case law of national courts in EU Member States.

That same month, Mária Siegfriedová, Director of the Department of Foreign Relations and Protocol, participated in a prestigious three-week IVLP study program **in the United States of America**, sponsored by the U.S. Department of State. The IVLP (International Visitor Leadership Program) has been in existence for over 80 years and annually hosts around 5,000 participants from various

President of the Constitutional Court, Ivan Fiačan, welcomed the Speaker of the National Council of the Slovak Republic, Peter Pellegrini.
Source: Constitutional Court of the Slovak Republic

Working meeting of judges of the Constitutional Court and the Supreme Court of the Slovak Republic.
Source: Constitutional Court of the Slovak Republic

Seminar on "Constitutional Courts of Member States, European Union law and questions referred for a preliminary ruling" with the Judge of the General Court Beatrix Ricziová.
Source: Constitutional Court of the Slovak Republic

professional fields worldwide. During her visit, she toured the U.S. Supreme Court, the U.S. Senate Judiciary Committee, and the National Center for State Courts, the Department of State, as well as other federal courts in four U.S. states and detention facilities.

In May, President Ivan Fiačan attended an extraordinary judicial forum for the presidents of the highest judicial bodies of EU member states. The event was organized by the Court of Justice of the European Union in **Luxembourg** to commemorate the 20th anniversary of the EU's largest expansion, which included ten new member states, Slovakia among them. The program featured seminars on social policy, data protection, and the use of artificial intelligence in supporting judicial activities.

President Fiačan and Judge Peter Molnár also participated in the 19th Congress of the Conference of European Constitutional Courts (CECC) in **Chișinău, Moldova**. Topics included the interaction between constitutional and supranational courts, law and politics in decision-making, and the role of constitutional courts during states of emergencies. President Fiačan presented a speech titled Constitutional Challenges and the Pandemic Response in Slovakia. Slovakia has been a full CECC member since 1997.

In June, representatives from the Constitutional Court of Romania visited the Constitutional Court of Slovakia. Romanian Constitutional Court judges Cristian Deliorga and Gheorghe Stan engaged in a joint meeting with Slovak Constitutional Court judges, addressing topics such as judicial dialogue and the relationship between constitutional and general courts. A key subject of the meeting was the interaction between national law and European Union law, focusing on the scope of authority of various actors, national constitutional identity, and the level of protection of fundamental rights. In addition to the discussions, the Romanian representatives toured the premises of the Constitutional Court and the city of Košice.

As every year, Judge Jana Baricová and Judge Peter Molnár participated in the plenary sessions of the Venice Commission, held in June and December in **Venice**. Judge Baricová served as the rapporteur for several opinions of the **Venice Commission** regarding the judicial system of Bosnia and Herzegovina.

The annual classic "Constitutional Days" conference, held in October, focused on the theme "proceedings on the compliance of legal regulations – proposed measures and effects of Constitutional Court decisions." As always, the conference featured prominent international guests: Josef Baxa, President of the Constitutional Court of the Czech Republic, his colleague, Constitutional Judge Zdeněk Kühn, and Judge Tomáš Herc of the Supreme Administrative Court of the Czech Republic. The European Court of Justice was represented by Slovak judges Miroslav Gavalec and Juraj Schwarcz. The conference is regularly attended by top representatives of the Slovak judiciary, the academic community, as well as professionals from the fields of law, notaries, and legal enforcers.

In November, Judicial Advisor Tomáš Plško, as the liaison officer of the Venice Commission, attended the 21st meeting of the Joint Council for Constitutional Jurisprudence and the conference "Respecting Constitutional Court Decisions" in **Yerevan, Armenia**.

Also in November, Vice-President of the Constitutional Court Ľ. Szigeti participated in the international conference "Current Issues of Voting Rights and Representation in 2024" at the National University of Public Service in **Budapest**. Shortly after, he returned to Budapest for the international conference "Protection of the Rights of Hungarians and Roma" at the Department of Constitutional and Church Law at Károli Gáspár University of the Reformed Church.

The most significant bilateral visit of 2024 was the visit of the Federal **Constitutional Court of Germany**, led by its President Stephan Harbarth, which marked the highlight of the full protocol calendar for the year. The delegation of the German Constitutional Court held discussions with the judges of the Slovak Constitutional Court on the topics "The relationship between national law and European law," "Climate change," and "Recent case law in European constitutional law." In addition to the meetings, the delegation toured the city of Košice, where Constitutional Court Judge Martin Vernarský enriched the experience with a short organ concert at St. Elizabeth's Cathedral.

The final event of 2024 was a joint lunch for the judges and staff of the Constitutional Court's office, organized by the Department of Foreign Relations and Protocol in celebration of the upcoming Christmas season, which has now become a cherished tradition.

SOCIAL MEDIA

In 2024, the Constitutional Court continued its active engagement with the public through social media. It regularly shared updates about its decisions, activities, and key events, contributing to an increase in legal awareness among citizens. Thanks to interactive content and educational posts, the court successfully broadened its reach and strengthened public trust in constitutional justice.

The Constitutional Court's Facebook profile is followed by nearly 3,800 people, with 561 new followers joining in 2024. Instagram, active since August 2023, attracted almost 800 followers, primarily students. LinkedIn has become an essential platform for the legal community, with the number of followers growing to 743 since the beginning of the year.

The Constitutional Court engaged with various target groups through its posts. The most successful content included updates on student awards and recognitions, the Memorandum of Co-operation with Matej Bel University, and the assessment of the constitutionality of the Criminal Code amendment. On Instagram, short 90-second videos explaining court decisions gained popularity. During events like Open Day, conferences, and bilateral meetings, behind-the-scenes stories were shared in real-time.

We are working to make the Constitutional Court more accessible to the public and its decisions easier to understand. Social media plays a crucial role in enhancing the transparency and openness of this institution.

President of the Constitutional Court, Ivan Fiačan, attended the judges' meeting and the conference "20 Years Since the Accession of 10 Countries to the European Union: A New Constitutional Moment for Europe" at the Court of Justice of the European Union.
Source: Constitutional Court of the Slovak Republic

President of the Constitutional Court Ivan Fiačan and Judge Peter Molnár took part in the 19th Congress of the Conference of European Constitutional Courts.
Source: Constitutional Court of the Slovak Republic

Judge Ladislav Duditš welcomed judges and prosecutors from various EU countries as part of the European EJTN project.
Source: Constitutional Court of the Slovak Republic

Bilateral meeting with judges of the Constitutional Court of Romania.
Pictured from left: Judge of the Romanian Constitutional Court Cristian Deliorga, President of the Constitutional Court of the Slovak Republic Ivan Fiačan, and Judge of the Romanian Constitutional Court Gheorghe Stan.
Source: Constitutional Court of the Slovak Republic

President of the Constitutional Court Ivan Fiačan received the oath of office from the President of the Slovak Republic, Peter Pellegrini.
Source: Office of the President of the Slovak Republic

The President presented awards to the winners of the art and literary competitions during the Open Day.
Source: Constitutional Court of the Slovak Republic

Open Day 2024.
Source: Constitutional Court of the Slovak Republic

International conference "Proceedings on the Conformity of Legal Regulations – Standing to File Petitions and the Effects of Constitutional Court Decisions – XIII Constitutional Days." Pictured from left: President of the Czech Constitutional Court Josef Baxa, President of the Slovak Constitutional Court Ivan Fiačan, Dean of the Faculty of Law at UPJŠ Miroslav Štrkolec.
Source: Constitutional Court of the Slovak Republic

International conference "Proceedings on the Conformity of Legal Regulations – Standing to File Petitions and the Effects of Constitutional Court Decisions – XIII Constitutional Days."
Source: Constitutional Court of the Slovak Republic

Bilateral meeting of judges of the Constitutional Court of the Slovak Republic and the Constitutional Court of the Czech Republic in Brno.
Source: Constitutional Court of the Czech Republic

Bilateral meeting of judges of the Constitutional Court of the Slovak Republic and the Constitutional Court of the Czech Republic in Brno.
Source: Constitutional Court of the Czech Republic

A seminar was held in the courtroom of the Constitutional Court with Miroslava Bálintová, the Government Representative of the Slovak Republic before the European Court of Human Rights, focusing on the latest criminal cases brought against the Slovak Republic.
Source: Constitutional Court of the Slovak Republic

President of the Constitutional Court Ivan Fiačan and Dean of the Faculty of Law of Matej Bel University in Banská Bystrica, Adrián Vaško, signed a Memorandum of Cooperation.
Source: Constitutional Court of the Slovak Republic

President of the Constitutional Court Ivan Fiačan received H.E. Guna Japina, Ambassador of the Republic of Latvia to Slovakia.
Source: Constitutional Court of the Slovak Republic

Judges of the Constitutional Court of the Slovak Republic held a bilateral meeting with judges of the Federal Constitutional Court of Germany.
Source: Constitutional Court of the Slovak Republic

Judges of the Slovak Constitutional Court during the bilateral meeting with their German counterparts.
Source: Constitutional Court of the Slovak Republic

German Delegation in Košice President of the Federal Constitutional Court of Germany Stephan Harbarth and Vice-President Doris König during the bilateral meeting held in Košice.
Source: Constitutional Court of the Slovak Republic

ACTIVITIES OF THE CONSTITUTIONAL COURT OF THE SLOVAK REPUBLIC

January 12	Košice	President of the Constitutional Court, Mr. Ivan Fiačan, attended the jubilee celebration of former President Rudolf Schuster at the National Theatre Košice.
January 13	Košice	President of the Constitutional Court, Mr. Ivan Fiačan, welcomed the Speaker of the National Council of the Slovak Republic, Mr. Peter Pellegrini.
January 24	Bratislava	Representatives of the Constitutional Court met with OSCE/ODIHR election experts Mr. Vladimir Misev and Mr. Goran Petrov.
January 29	Bratislava	President of the Constitutional Court, Mr. Ivan Fiačan, held a meeting with the Minister of Justice, Mr. Boris Susko.
January 29	Bratislava	President of the Constitutional Court, Mr. Ivan Fiačan, also welcomed the Ambassador of Cuba, H.E. Mr. Rafael Paulino Pino Bécquer.
February 8	Bratislava	Vice President of the Constitutional Court, Mr. Ľuboš Szigeti, met with representatives of the Supreme Court of Hungary.
February 15	Košice	President of the Constitutional Court, Mr. Ivan Fiačan, welcomed the Mayor of Košice, Mr. Jaroslav Polaček.
February 20	Košice	President of the Constitutional Court, Mr. Ivan Fiačan, welcomed the Ambassador of the Czech Republic to Slovakia, H.E. Mr. Rudolf Jindrák.
February 22	Košice	A working meeting was held between judges of the Constitutional Court and the Supreme Court of the Slovak Republic.
March 1	Riga	Judge of the Constitutional Court, Mr. Ladislav Duditš, participated in the international conference "The Role of Constitutional Courts in Shaping Common European Values", organized by the Constitutional Court of Latvia.
March 4	Bratislava	The President and Vice President of the Constitutional Court met with the President of the European Court of Human Rights, Ms. Síofra O'Leary, during a working lunch hosted by the President of the Supreme Court of the Slovak Republic.
March 21	Košice	A seminar on "Constitutional Courts of EU Member States, European Union Law, and Preliminary Rulings" was held, featuring guest speaker Judge Beatrix Ricziová from the General Court of the European Union.

April 17–19	Košice	Judges of the Constitutional Court participated in the conference Košice Days of Private Law V.
April 26	Košice	President of the Constitutional Court, Mr. Ivan Fiačan, attended the Gala Evening of the Slovak Bar Association.
May 2–3	Luxembourg	President Ivan Fiačan attended a meeting of judges and the conference "20 Years Since the Accession of 10 States to the European Union: A New Constitutional Moment for Europe" at the Court of Justice of the European Union.
May 21–23	Chișinău	President Ivan Fiačan and Judge Peter Molnár took part in the 19th Congress of the Conference of European Constitutional Courts.
May 31	Košice	President Ivan Fiačan welcomed analytical researchers from the Ministry of Justice of the Slovak Republic.
June 3	Košice	Judge Ladislav Duditš received judges and prosecutors from various EU member states as part of a European Judicial Training Network (EJTN) project.
June 4–6	Košice	Bilateral meeting with judges of the Constitutional Court of Romania.
June 15	Bratislava	President Ivan Fiačan accepted the oath of the newly elected President of the Slovak Republic, Mr. Peter Pellegrini.
June 18–20	Venice	Judge Jana Baricová and Judge Peter Molnár participated in the 139th Plenary Session of the Venice Commission.
August 23	Košice	President Ivan Fiačan received the President of the Slovak Bar Association, Mr. Martin Puchalla.
September 26	Košice	Open Day of the Constitutional Court of the Slovak Republic.
October 3–4	Košice	International conference: "Proceedings on the Conformity of Legal Regulations – Right of Initiative and the Effects of Constitutional Court Decisions" held as part of the 13th Constitutional Days.
October 15–16	Brno	Bilateral meeting between judges of the Constitutional Court of the Slovak Republic and the Constitutional Court of the Czech Republic.
November 7	Košice	Seminar with the Agent of the Government of the Slovak Republic before the European Court of Human Rights, Ms. Miroslava Bálintová, focused on recent criminal law cases against the Slovak Republic.
November 14	Omšenie	President Ivan Fiačan attended a ceremonial conference marking the 20th anniversary of the establishment of the Judicial Academy of the Slovak Republic.
November 14–15	Yerevan	Judicial Advisor Tomáš Plško participated in the 21st meeting of the Joint Council on Constitutional Justice (Venice Commission) and the conference "Respect for the Decisions of Constitutional Courts."

November 19	Košice	President Ivan Fiačan and the Dean of the Faculty of Law at Matej Bel University in Banská Bystrica, Mr. Adrián Vaško, signed a Memorandum of Cooperation.
November 28	Košice	President Ivan Fiačan received the Ambassador of Latvia to Slovakia, H.E. Ms. Guna Japiņa.
November 28	Budapest	Vice President Ľuboš Szigeti participated in the international conference "Current Issues in Voting Rights and Representation in 2024" at the National University of Public Service.
December 3–4	Košice	Bilateral meeting between judges of the Constitutional Court of the Slovak Republic and the Federal Constitutional Court of Germany.
December 5–7	Venice	Judge Jana Baricová and Judge Peter Molnár participated in the 141st Plenary Session of the Venice Commission.
December 12	Budapest	Vice President Ľuboš Szigeti attended the international conference "Protection of the Rights of Hungarians and Roma" hosted by the Department of Constitutional and Ecclesiastical Law at Károli Gáspár University of the Reformed Church.

ACTIVITIES FOR STUDENTS

March 7	Košice	Judge Ladislav Duditš welcomed students from secondary grammar school Gymnázium sv. Edity Steinovej in Košice as part of the educational project "The Constitution for Every Day."
March 14	Košice	Judge Peter Straka hosted students from the secondary grammar school Evanjelické kolegiálne gymnázium Prešov within the framework of the "The Constitution for Every Day" initiative.
May 14	Košice	Judge Martin Vernarský welcomed award-winning students from the Student Scientific and Professional Activity competition, representing the Faculty of Public Administration at Pavol Jozef Šafárik University in Košice.
May 16	Košice	Judge Martin Vernarský welcomed pupils from primary school Základná škola sv. Cyrila a Metoda in Košice as part of the "The Constitution for Every Day" program.
May 23	Košice	Director of the Judicial and Analytical Activities Department, Mr. Miloslav Babják, welcomed students from the secondary grammar school at Šrobárova street in Košice.
June 27	Košice	President of the Constitutional Court, Mr. Ivan Fiačan, presented awards to students for the best final theses and to the winners of the Student Scientific and Professional Activity competition from the Faculty of Law at Pavol Jozef Šafárik University in Košice.
October 29	Košice	Judge Martin Vernarský hosted students of Public Administration from the Faculty of Social Sciences at the University of St. Cyril and Methodius in Trnava.
November 6	Košice	President Ivan Fiačan awarded the winners of a university-level literary competition on the topic "The Principle of the Primacy of EU Law – Advantages and Disadvantages."

THE 2024 OPEN DAY OF THE CONSTITUTIONAL COURT OF THE SLOVAK REPUBLIC

The Open Day of the Constitutional Court is a major public event, as demonstrated by the high level of attendance. **In 2024, more than 920 visitors from Košice and the surrounding areas, spanning all age groups, explored the premises of the Constitutional Court**. The largest group of participants consisted of primary and secondary school pupils accompanied by their teachers.

Guided tours were led by staff members of the Constitutional Court Office, and additional information was made accessible through video tours available via QR codes. These codes, along with descriptive information for each stop, were placed throughout the Court's interior and exterior areas. The guides' explanations and the QR video tours received highly positive feedback. The program featured the screening of *The Most Powerful Institution*, the first and only documentary film about the Constitutional Court, along with a presentation designed for school audiences. A new addition in 2024 was an exhibition of artwork submitted by pupils and students during previous Open Days. Visitors also enjoyed participating in knowledge-based quizzes. At the Constitutional Court's booth, guests could test their knowledge gained during the tour, while at the booth of the European Commission Representation in Slovakia, they could test their knowledge of the European Union. Successful participants were rewarded with promotional materials.

The Constitutional Court's Office launched nationwide competitions in March 2024, attracting entries from municipalities across Slovakia. Students and pupils from Michalovce, Zemplínske Hámre, Humenné, Trebišov, Košice, Malá Ida, Prešov, Prakovce, Červenica, Krompachy, Hrabušice, Spišská Nová Ves, Stará Ľubovňa, Poprad, Žiar nad Hronom, Nové Zámky, Bánovce nad Bebravou, Nitra, and Bratislava took part. In their creative submissions, children and young people expressed their perspectives on current societal issues, the state of the rule of law in Slovakia, poverty, discrimination, volunteering, solidarity, and the importance of empathy toward others and their differences. Many emphasized the need for personal growth, equal opportunities, and adherence to the law. The topics often explored family dynamics with broader relevance to school, workplace, and society at large.

President of the Constitutional Court, Ivan Fiačan, presented awards to the winners of the literary competition on the topic ***What Can I Do for a Fairer World?*** and the art competition ***The Constitutional Court Through My Eyes*** in the courtroom, in the presence of teachers, classmates, and family members. Winning entries are available on the Constitutional Court's new website, in the "Information

for the Public and Media" section under "Open Day," in the "Open Day Competitions 2024 Results" subsection. The selected non-awarded artworks that stood out for their creativity were published as well. Each submission reflects the student's worldview and interpretation of the theme, shaped by the encouragement of teachers and parents who recognize the role of the Constitutional Court within the judiciary. **The competitions for primary and secondary schools, held annually as part of the Open Day, are supported by the European Commission Representation in Slovakia and the European Commission for the Efficiency of Justice (CEPEJ).**

Since 2022, the Constitutional Court has also organized a university-level literary competition. In 2024, the topic was *The Principle of the Primacy of EU Law – Advantages and Disadvantages*. University students from across Slovakia explored the historical development of EU law and its application in national legislation. Their essays referenced legal scholars and discussed the challenges of the principle's implementation in real cases. The most valuable contribution was the students' ability to articulate their own well-reasoned views on the topic.

Winners of the university competition and their teachers met with the President of the Constitutional Court to discuss the insights gained from exploring the topic. The President praised their proactive approach, analytical depth, and perspective. The top two winners received an exceptional award—a visit to Brussels supported by the European Commission Representation in Slovakia, scheduled for the first half of 2025. There, they will visit key institutions of the European Union.

The results of the competition attracted considerable attention on the Constitutional Court's social media, especially on Instagram, where reactions from the winners were shared shortly after their visit.

The Open Day aims to introduce the public to the Constitutional Court–its status, competencies, and decision-making–in an engaging way that appeals not only to legal professionals but also to students and the general public. Another key objective is to support the broader mission of bringing the judiciary closer to citizens, a vision promoted by the European Commission for the Efficiency of Justice (CEPEJ) through initiatives like the European Day of Justice.

Through this activity, the Constitutional Court seeks to enhance public trust in the judiciary. Another Open Day is planned for 2025.

CHANCELLARY ORGANISATION OF THE CONSTITUTIONAL COURT OF THE SLOVAK REPUBLIC

EDUCATION

In the calendar year 2024, the Constitutional Court Chancellery provided public employees with access to all types of competency-based training, offering a total of 60 educational activities. These trainings covered a wide range of topics, including first aid courses, effective team management, practical communication, time management, travel reimbursements, proper procedures, the Charter of Fundamental Rights of the European Union, the European Court of Human Rights jurisdiction, appeals in civil proceedings, labour law, workplace safety, cyber security, and more.

COOPERATION WITH THE JUDICIAL ACADEMY OF THE SLOVAK REPUBLIC IN TRAINING AND OTHER ACTIVITIES

As part of a memorandum with the Judicial Academy of the Slovak Republic, aimed at educating advisors and analysts within the Constitutional Court Chancellery, over 26 educational events were offered by the Judicial Academy in 2024. These included training sessions on topics such as the limits of freedom of expression in the online space based on case law from Slovak courts and the European Court of Human Rights, specialized training in French, prevention of secondary victimization among vulnerable victims of crime, current issues in labour law, litigation costs and reimbursement, the application of the Charter of Fundamental Rights of the European Union in a member state context, the normative prohibition of discrimination in line with international human rights standards, and more.

In 2024, cooperation between the Constitutional Court of the Slovak Republic and the Judicial Academy of the Slovak Republic continued to develop successfully. Judges of the Constitutional Court participated as lecturers at various educational events organized and hosted by the Academy, contributing meaningfully to the ongoing education and professional development of the judiciary in Slovakia. Equally important is the participation of Constitutional Court judges in examination panels that assess the expertise of candidates for judicial and prosecutorial positions.

INTERNSHIPS AT THE CONSTITUTIONAL COURT CHANCELLERY

As part of the internship clinic programme, the Constitutional Court Chancellery continued its collaboration with the Faculty of Law of Pavol Jozef Šafárik University in Košice and the Faculty of Law of Comenius University in Bratislava. Through these agreements, four interns were admitted in 2024.

Additionally, based on a new internal directive, the Chancellery expanded internship opportunities more broadly. A total of ten interns completed placements across several departments, including International Relations and Protocol, Press and Information, and Judicial and Analytical Activities.

On 19 November 2024, the Chancellery signed a Memorandum of Cooperation with the Faculty of Law of Matej Bel University in Banská Bystrica. The agreement reflects a shared commitment to the development and modernisation of legal education and scholarship in Slovakia. It underscores the importance of linking academic learning with practical experience, and of fostering collaboration between academic and professional environments. The partnership also aims to promote values-based education, professional ethics, and legal awareness among students of Matej Bel University.

Feedback

"What I appreciated most was the opportunity to observe the real and practical functioning of the Constitutional Court – from the submission of a constitutional complaint or other motion to the final decision. This experience significantly enriched the theoretical knowledge I had gained during my studies. The most valuable part for me was preparing a case file analysis, which involved researching, and working with national, European, and international legislation and case law. Based on this, I formulated recommendations on how the Constitutional Court could proceed and decide the case."

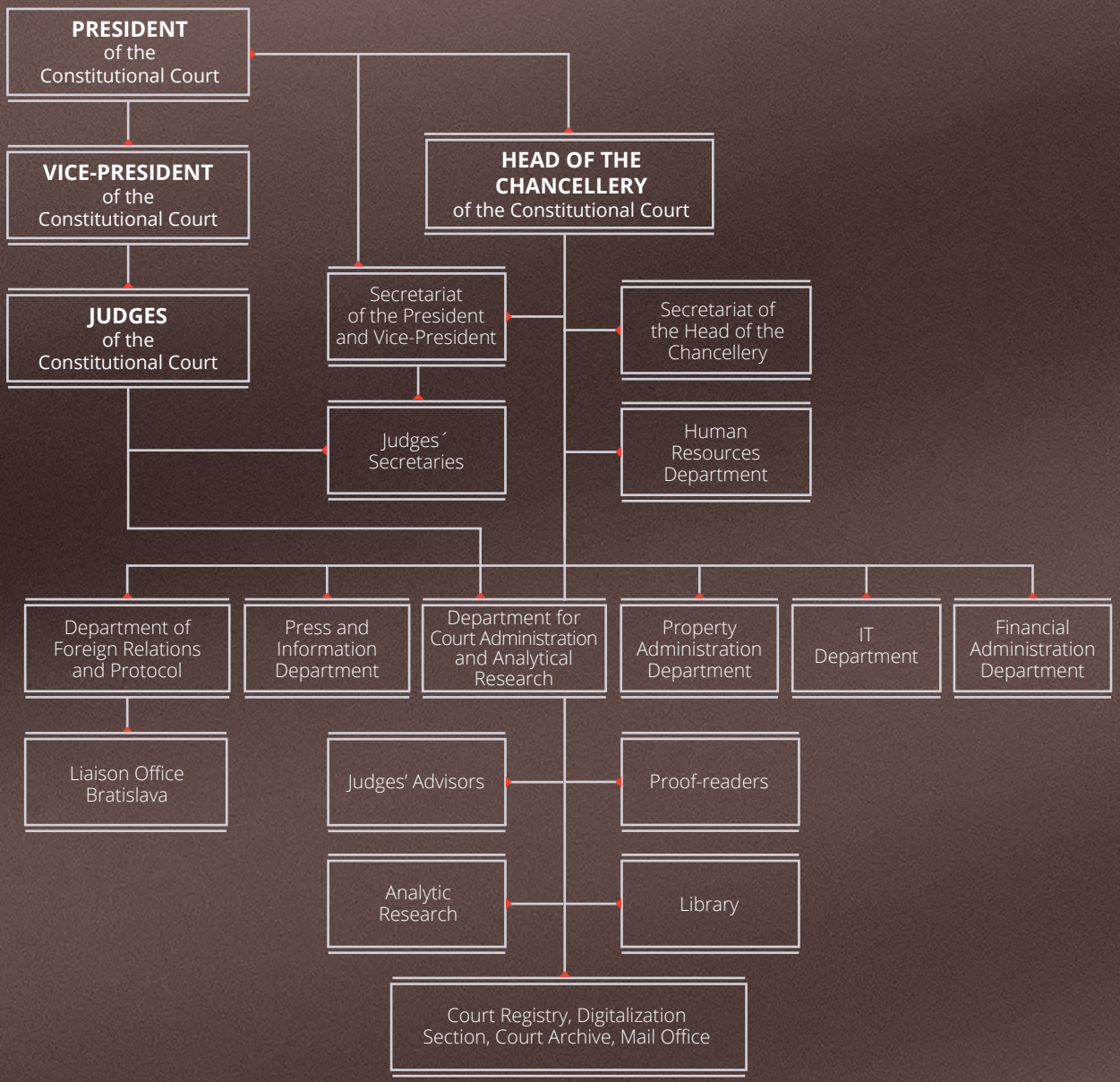
Bc. Diana Rabatinová / Internship at the Analytical Department

"The internship at the Constitutional Court of the Slovak Republic was a unique opportunity to gain hands-on experience in constitutional law. I focused on analyzing legal materials, studying case law, and drafting proposed solutions to assigned matters. This experience significantly enhanced my analytical thinking, sharpened my legal writing, and deepened my understanding of the importance of upholding constitutionality and protecting citizens' rights. I consider the knowledge and skills I acquired to be essential for my future legal career. I'm truly grateful for this valuable opportunity."

Július Illés / Internship at the Analytical Department

ORGANIZATIONAL STRUCTURE

of the Constitutional Court of the Slovak Republic
is approved at 116 staff (of which 106 civil servants
and 10 employees in the performance of public work).



Approved limit of the number of staff of the Constitutional Court Chancellery for the year 2024 of 129 persons (13 Constitutional Court judges, 10 staff public service posts and 106 civil servant posts) were not exceeded.

Feedback

"The internship was an excellent opportunity to combine the theoretical knowledge acquired during my studies with practical skills gained from professionals in both legal and non-legal fields. It allowed me to deepen my understanding of law, mass media communication, and other social sciences. Most importantly, I gained invaluable experience that will significantly benefit my future professional development."

Bc. Martin Konár / Internship at the Press and Information Department

DATA ON CIVIL SERVANTS AS OF 31 DECEMBER 2024

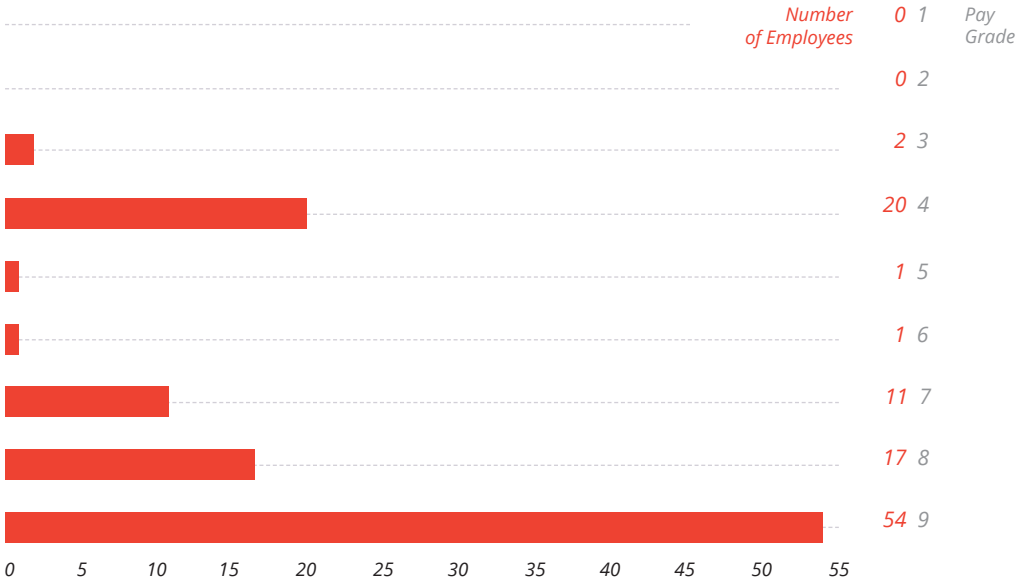
ACTUAL NUMBER OF CIVIL SERVANTS **102**

NUMBER OF VACANT CIVIL SERVICE POSITIONS **4**

NUMBER OF NEWLY RECRUITED CIVIL SERVANTS ENTERING CIVIL SERVICE **2**

EMPLOYEE TURNOVER RATE IN THE GIVEN YEAR (IN %)
(Number of terminated civil service employments / average number of civil servants in the given year × 100)

NUMBER OF CIVIL SERVANTS BY PAY GRADE AS OF 31 DECEMBER 2024



EMPLOYEES IN TOTAL ***106***

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OF THE SLOVAK REPUBLIC
2024

IMPRINT

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