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Slovak

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National courts and other non-judicial bodies

Slovakia

National Courts

Zoznam súdov

The legal framework for the protection of human rights and fundamental freedoms in Slovakia is the Constitution of the Slovak Republic (Act No 460/1992 as amended). The Slovak Constitution is Slovakia's basic act and takes precedence over any other legislative act. The second Chapter of the Slovak Constitution (Articles 11 to 54) provides **general protection of fundamental rights and freedoms**, these being fundamental human rights and freedoms (known as civil rights in international documents), political rights, the rights of national minorities and ethnic groups, economic, social and cultural rights, the right to the protection of the environment and cultural heritage and the right to judicial and other forms of protection. Fundamental rights and freedoms are guaranteed for all in Slovakia, irrespective of sex, race, skin colour, language, faith or religion, political or other belief, national or social origin, membership of national or ethnic group, property ownership, family or other standing. No one may be harmed, favoured or disadvantaged on any of these grounds. No one's rights may be infringed because they have decided to exercise their fundamental rights and freedoms (Article 12(2) and (4) of the Slovak Constitution). Unless explicitly granted only to citizens of the Slovak Republic, foreigners in Slovakia are entitled to the fundamental human rights and freedoms guaranteed in the Slovak Constitution, including the right to asylum (Article 52(2) and Article 53 of the Slovak Constitution). The conditions of, and limits to, fundamental rights and freedoms and the scope of duties at times of war, hostilities, exceptional circumstances or emergency are laid down in a constitutional act on State security in times of war, hostilities, exceptional circumstances or emergency (Act No 227/2002).

In accordance with Article 46 of the Slovak Constitution, **any person may, in accordance with the procedure laid down by law, enforce their rights** in an independent and impartial **court** and, in cases determined by law, before a different authority of the Slovak Republic. In practice there can be a whole range of human rights, i.e. human rights and fundamental freedoms which can be defined in law, and human rights and fundamental freedoms which cannot be defined in law. The content of such rights and freedoms can include civic, political, economic, social, cultural and other rights guaranteed by the Slovak Constitution, by other constitutional acts, by acts and by other legislation, and by international treaties on human rights and fundamental freedoms (international human rights law) by which Slovakia is bound. The power to scrutinise decisions concerning fundamental rights and freedoms cannot be excluded from the powers of the courts.

Anyone who claims that **his or her rights have been infringed by a decision taken by a public authority** may ask a court to review the decision, unless the law stipulates otherwise. The Slovak Constitution and other relevant laws guarantee the **right of all to compensation for damage caused by an unlawful decision taken by a court, any other state body or public authority or caused by any incorrect official procedure**. The details of this are laid down in Act No 514/2003 on liability for damage caused in the exercise of public authority and amending certain other acts. This act governs the liability of the State for damage caused by public bodies when exercising public authority, the liability of municipalities and higher territorial units for damage caused by local authority bodies in the exercise of their powers, the preliminary hearing of damages claims and the right to regressive compensation.

In accordance with Article 46 of the Slovak Constitution, cited above, Section 3 of the Code of Civil Procedure **guarantees the right to enforce, in court, the protection of a right which has been threatened or infringed**. The Code of Civil Procedure lays down the procedures to be followed by the court and participants in civil court proceedings in order to ensure the **just protection of rights and legitimate interests** of participants and to ensure law-abiding behaviour, the honest discharging of duties and respect for the rights of others. In civil court proceedings courts hear and rule on disputes and other legal cases, they enforce the application of decisions that have not been applied voluntarily and they ensure that there is **no infringement of the rights or legally protected interests** of natural and legal persons, and that these rights are not abused to the detriment of such persons.

In accordance with Section 7(1) and (2) of the Code of Civil Procedure, in civil court proceedings courts hear and rule on **disputes and other legal cases relating to civil law, employment law, family law, commercial law and economic law**, unless these are heard and ruled on by other bodies according to law. In civil court proceedings, courts also review the legality of decisions taken by public authorities and the legality of decisions, measures and other interventions by public authorities, and rule on the consistency with the law of legal measures adopted by local authorities on local authority matters and, for the implementation with of state authority tasks, consistency with Government regulations and with ministerial orders and orders by other central state authorities, unless the law stipulates that other bodies shall hear and rule on these matters. Other cases are heard and ruled on by courts in civil court proceedings only when stipulated by the law.

Ordinary courts in Slovakia

In Slovakia judicial affairs are carried out by independent and impartial courts. At all levels, judicial matters are separated from those of state bodies. Proceedings before the courts are based on the principle of two instances, under which it is possible to submit an appeal against rulings of courts made in the first instance (by district courts). Appeals, which constitute a proper legal remedy, are heard by higher courts in the second instance (regional courts). The system of ordinary courts is composed of the Supreme Court of the Slovak Republic, the Specialised Criminal Court, 8 regional courts and 45 district courts which rule on all cases which are not the exclusive preserve of the Constitutional Court of the Slovak Republic; i.e. they rule on civil and criminal cases and also review the legality of decisions taken and procedures followed by state bodies (administrative justice), if so stipulated by law. Slovakia currently has no military courts established by law.

Administrative justice

The **review of the legality of decisions taken and procedures followed by public authorities** is governed by the provisions of the fifth part of Code of Civil Procedure (Act No 99/1963, as amended).

In administrative justice, courts carry out reviews based on complaints or appeals relating to the legality of decisions made or procedures followed by public authorities. In administrative justice, courts review the legality of decisions and procedures by public authorities, local authorities and authorities of interested

local entities and other legal persons as well as natural persons, provided they are entitled by law to make decisions on the rights and responsibilities of natural and legal persons in the area of public administration ('decisions and procedures of administrative bodies'). 'Decisions by administrative authorities' means decisions issued by them in administrative proceedings and other decisions establishing, altering or annulling the rights and obligations of natural or legal persons or by which the rights, legally protected interests or obligations of natural persons or legal persons may be directly affected. 'Procedure followed by an administrative authority' also includes inaction. Courts involved in administrative justice rule on proposals to impose obligations on public authorities to act on the rights and responsibilities of natural and legal persons in the field of public administration and on measures to enforce the application of decisions through the procedure set out in Sections 250b and 250u. Courts involved in administrative justice act to protect against illegal interventions by public authorities and on the enforceability of decisions by foreign administrative bodies. In electoral matters and cases concerning the registration of political parties and political movements, courts act and make rulings in accordance with the provisions of this part and to the extent defined by specific rules. As appropriate, and in accordance with the provisions of this part, courts also act and make rulings when this is prescribed by specific provisions or when the review of decisions made by public authorities is required by international treaties by which Slovakia is bound.

These particular cases may involve the following:

actions, or decisions, regarding complaints lodged against decisions taken or procedures followed by administrative bodies;

actions, or decisions, regarding appeals lodged against decisions taken by administrative bodies that are not yet final;

actions against the inaction of public authorities;

actions taken to protect against illegal interventions by public authorities;

special types of action (such as actions in electoral matters).

The details are governed by Sections 244 to 250zg of the Code of Civil Procedure.

Courts do not have the power to amend legislation adopted by executive power (secondary legislation). However, under Article 144(2) of the Slovak Constitution, if the court believes that any other **legislation**, or part thereof or individual provision thereof relating to the case being heard, **infringes the Constitution, a constitutional act, a 'priority' international treaty** (under Article 7(5) of the Constitution) **or an act, it shall suspend the action and launch an action to begin proceedings before the Constitutional Court** (under Article 125(1)). The legal opinion of the Constitutional Court, as contained in its decision, will be binding on the court. However, the lodging of an action to begin proceedings before the Constitutional Court does not relieve the court of its duty to take a decision in the case in the manner laid down by law.

Constitutional Court of the Slovak Republic

Constitutional Court of the Slovak Republic

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SLOVAKIA

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The Constitutional Court of the Slovak Republic ('the Constitutional Court') was established by the [Constitution of the Slovak Republic, No 460/1992](#), as an independent judicial body to protect constitutionality. Its powers and competence are governed by Articles 124 to 140 of the Constitution of the Slovak Republic, as amended. The details of organisation of the Constitutional Court, the procedure to be followed before the Court and the status of its judges are laid down in [Act No 38/1993](#), as amended.

Pursuant to Section 79 of [Act No 38/1993](#), the Plenary Session of the Constitutional Court approved the

[Rules of Procedure of the Constitutional Court, No 114/1993](#), as amended, which regulate in greater detail: the internal workings of the Constitutional Court in its preparations for proceedings and decision-making; matters relating to the status of the Plenary Session, senates, judge-rapporteurs, assessors and other persons participating in the activity of the Constitutional Court; and disciplinary proceedings against judges.

The Constitutional Court begins proceedings if an application is submitted by:

at least one-fifth of the members of the National Council of the Slovak Republic;

the President of the Slovak Republic;

the Government of the Slovak Republic;

a court, in connection with its decision-making activity;

the Prosecutor General of the Slovak Republic;

the Public Defender of Rights (Ombudsman) in matters of conformity of laws with the legislation referred to in Article 125(1), if their continued enforcement may endanger fundamental rights or freedoms, or human rights and fundamental freedoms arising from an international convention which the Slovak Republic has ratified and which has been promulgated in the legally prescribed manner;

any person whose rights are adjudicated as laid down in Article 127 and Article 127a of the Constitution.

Proceedings commence on the day of delivery of the application to the Constitutional Court.

Article 127a of the Constitution of the Slovak Republic regulates the institution of the 'constitutional complaint', which may be lodged by an individual or by a legal entity (the 'complainant') which asserts that its fundamental rights or freedoms have been violated by a final decision, measure or other intervention, save in cases where another court decides on the protection of these fundamental rights and freedoms.

In addition to the general particulars, a complaint must indicate:

which fundamental rights or freedoms have, according to the complainant, been violated;

the final decision, measure or other intervention which has violated fundamental rights or freedoms;

the person against whom the complaint is directed.

A copy of the final decision or the document describing the measure, or proof of some other intervention, is attached to the complaint. If the complainant is claiming commensurate financial satisfaction, he must state the amount claimed and the reasons for which it is claimed. The participants in the proceedings are the complainant and the party against which the complaint is directed. The submission of a complaint has no suspensory effect.

At the complainant's suggestion, the Constitutional Court may decide upon a temporary measure and postpone the enforceability of the contested final decision, measure or other intervention, if this course of action is not in conflict with an important public interest and if enforcement of the contested decision, measure or other intervention would not entail greater damage for the complainant than would arise for other persons in the event of postponement of enforceability; in particular, it orders the body which, according to the complainant, violated the complainant's fundamental rights or freedoms, to refrain temporarily from implementing the final decision, measure or other intervention, and orders third parties to refrain temporarily from making use of the authorisation granted to them by the final decision, measure or other intervention. The temporary measure expires, at the latest, upon entry into force of the

decision on the main issue, unless the Constitutional Court decides to terminate it sooner. The temporary measure may also be terminated upon the Court's own motion if the reasons for which it was imposed cease to exist.

A complaint is not admissible unless the complainant has exhausted the legal remedies or other legal means which the law effectively grants him for the protection of his fundamental rights or freedoms, and which the complainant is entitled to use pursuant to special legislation. The Constitutional Court will not refuse to accept a complaint even where this condition has not been met, provided the complainant proves that the reasons for which it has not been met are worthy of special consideration. A complaint can be submitted within a period of two months from the effective date of the decision or date of notification of the measure or other intervention. In the case of a measure or other intervention, this period is reckoned from the day when the complainant was in a position to learn of the measure or other intervention.

If the complainant withdraws his complaint, the Constitutional Court stops the proceedings relating thereto, except in cases where it decides that the withdrawal is inadmissible, and especially where the complaint is directed against a final decision, measure or other intervention which is an exceptionally grave violation of fundamental rights or freedoms of the complainant.

The Constitutional Court proceeds on the basis of the facts ascertained during previous proceedings, unless it decides otherwise.

If the Constitutional Court allows the complaint, it states in its findings: the fundamental right or freedom, and the provisions of the Constitution or constitutional law or of an international convention that have been violated; and the final decision, measure or other intervention that has violated the fundamental right or freedom. If the fundamental right or freedom has been violated by a decision or measure, the Constitutional Court overrules such decision or measure. The Constitutional Court also overrules any other intervention that has violated a fundamental right or freedom, if the nature of such other intervention allows this.

If the Constitutional Court allows the complaint, it may

order that the party which, by its inactivity, violated a fundamental right or freedom, should act in this matter in accordance with the special legislation; remit the case for further proceedings;

prohibit the continuation of the violation of the fundamental right or freedom; or

order the party that violated the fundamental right or freedom to restore the situation that existed prior to violation of the fundamental right or freedom.

The Constitutional Court may award reasonable financial satisfaction to the party whose fundamental right or freedom was violated. If the Constitutional Court decides to award reasonable financial satisfaction, the body which violated the fundamental right or freedom is responsible for paying it to the complainant within two months of the effective date of the Constitutional Court's decision. If the Constitutional Court overrules a final decision, measure or other intervention and remits the case for further proceedings, the party which issued the decision in this matter or decided upon the measure, or made some other intervention, shall be required to discuss the matter again and reach a decision. In these proceedings or during this process, the party is bound by the legal opinion of the Constitutional Court. The party which issued the decision in this matter, or decided upon the measure, or made some other intervention is bound by the decision, which becomes enforceable when delivered.

National Human Rights Institutions

Slovak National Centre for Human Rights

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The Slovak National Centre for Human Rights, established pursuant to Act No 308/1993 of the National Council of the Slovak Republic on the establishment of the Slovak National Centre for Human Rights, as amended, has been in operation in Slovakia with effect from 1 January 1994. The draft law was presented by the government of the Slovak Republic on the basis of Slovak Government Resolution No 430 of 15 June 1993, whereby the government consented to the implementation of 'a project to establish a Slovak National Centre for Human Rights' based in Bratislava, following an initiative from the United Nations Organisation. With the adoption of Act No 136/2003 amending and supplementing Act No 308/1993 of the National Council of the Slovak Republic on the establishment of the Slovak National Centre for Human Rights, and Act No 365/2004 on equal treatment in certain areas, on protection against discrimination and on amendment and supplementation of certain acts (Anti-Discrimination Act), the tasks of the Centre were broadened. It is an independent legal entity in the field of protection of human rights and fundamental freedoms, including children's rights.

The Centre, as an independent legal entity, performs an irreplaceable role in the field of human rights and fundamental freedoms, including children's rights and observance of the principle of equal treatment. The Centre is the only Slovak institution for equal rights (the designated 'national equality body'), i.e. for assessing observance of the principle of equal treatment in accordance with the Anti-Discrimination Act.

Competence

The legal status and competence of the Centre are governed by Act No 308/1993 of the National Council of the Slovak Republic on establishment of the Slovak National Centre for Human Rights ('the Centre'), as amended. In particular, pursuant to Section 1(2) of the Act, the Centre:

monitors and assesses the observance of human rights and compliance with the principle of equal treatment pursuant to special legislation;

gathers and, on request, provides information on racism, xenophobia and anti-Semitism in the Slovak Republic;

carries out investigations and surveys on the provision of information in the field of human rights, and gathers and disseminates information in this field;

prepares educational activities and participates in information campaigns to increase tolerance within society;

provides legal assistance for victims of discrimination and manifestations of intolerance;

at the request of individuals or legal entities, or on its own initiative, issues expert opinions in matters of observance of the principle of equal treatment pursuant to special legislation;

carries out independent surveys concerning discrimination;

prepares and publishes reports and recommendations on questions relating to discrimination;

provides library services;

provides services in the field of human rights.

The Centre is engaged in the provision of legal advice on questions of discrimination, manifestations of intolerance, and violation of the principle of equal treatment for all residents in the Slovak Republic; it is also legally empowered to represent, on request, parties in proceedings relating to violation of the principle of equal treatment. Every year, the Centre publishes a report on the observance of human rights in the Slovak Republic.

Powers

provision of legal assistance for victims of discrimination and intolerance;
representation on the basis of a power of attorney in proceedings relating to violation of the principle of equal treatment;
the right to request that the courts or the Public Prosecutor's Office or other state authorities, local government authorities, special-interest bodies and other institutions provide the Centre with information on the observance of human rights, within a set time.

Assistance granted

Any individual or legal entity which feels itself to be discriminated against by the action or inaction of any of the above institutions may apply to the Centre. When lodging a complaint, the complainant should include all the necessary information and submit all relevant documents.

Cooperation

The Centre may also request information on the observance of human rights from non-governmental organisations operating in the field of human rights and fundamental freedoms, including children's rights, and may reach an agreement with them on the method and extent of provision of such information.

Procedure for submitting a complaint

Citizens may deliver complaints:

in writing (on a [form](#) and with document sent by post, fax or e-mail);

in person.

Ombudsperson

Ombudsman

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Under Article 151a(1) of the Constitution of the Slovak Republic, 'the Public Defender of Rights is an **independent body of the Slovak Republic** which, within the scope and as laid down by law, **protects the fundamental rights and freedoms** of individuals and legal entities in proceedings before public administration bodies and other public authorities, if their action, decision-making or inaction is in conflict with the law. In cases laid down by law, the Public Defender of Rights may play a role in holding to account any persons working in public administration bodies, if such persons have violated basic human rights or freedoms of individuals or legal entities. All public authorities shall give the Public Defender of Rights necessary assistance.'

The Public Defender of Rights **may be contacted by any person** who considers that fundamental rights and freedoms have been violated as a consequence of the action, decision-making or inaction of a public authority, in a manner which is contrary to the law or the principles of a democratic, law-governed state. The fundamental rights and freedoms which the Public Defender of Rights plays a part in protecting are laid down in Title 2 of the Constitution of the Slovak Republic (i.e. fundamental human rights and freedoms in Articles 14 to 25, political rights in Articles 26 to 32, rights of national minorities and ethnic groups in Articles 33 to 34, economic, social and cultural rights in Articles 35 to 43, the right to protection of the environment and cultural heritage in Articles 44 to 45, the right to judicial and other legal protection in Articles 46 to 50, the right to asylum of foreign nationals persecuted for the exercise of political rights and freedoms), and also in international conventions on human rights and fundamental freedoms.

The Public Defender of Rights **acts on the basis of a complaint** by an individual or legal entity or on his own initiative. The Public Defender of Rights cannot interfere in the decision-making activity of courts, is not a participant in the proceedings, cannot submit an application to institute proceedings before a court; court decisions are not delivered to him, and he does not have the right to exercise legal remedies. The Public Defender of Rights does not have the authority to resolve disputes between individuals.

Any person has the right to apply to the Public Defender of Rights:

in writing (by post, fax, e-mail, or using the electronic form) to the Office of the Public Defender of Rights

in person or with a written record of an oral complaint

at the central Office of the Public Defender of Rights on any working day between 8 a.m. and 4 p.m., without the need for an appointment;

on working days in the regions of Slovakia. For regional offices, an appointment must be made in advance, using one of the contact numbers.

The complaint must clearly indicate the matter at issue, the public authority against which the claim is directed, and what the submitter of the complaint is claiming.

To expedite investigation of the complaint, it is recommended that copies of all documents available to the submitter should also be enclosed as proof of his /her complaints. If the complaint does not concern the person who submits it, the affected party's written consent to submission of the complaint, or a written power of attorney for this purpose, must also be submitted.

If the person submitting the complaint does not give his or her first name, surname and address (in the case of a legal entity, its name and head office) in the complaint addressed to the Public Defender of Rights, this will be an anonymous complaint which the Public Defender of Rights is not obliged to attend to. The person submitting the complaint may request the Public Defender of Rights not to reveal his/her identity. In such cases, the Public Defender of Rights will proceed solely on the basis of a copy of the complaint in which no personal details are given. If the person submitting the complaint has requested that his /her identity be withheld, but the nature of the complaint is such that it cannot be dealt with unless some personal details are included, the person concerned must be informed of this without delay.

The person concerned must also be warned that processing of the complaint will only continue if he/she gives written consent, within a set time, to the inclusion of some necessary personal information.

The Public Defender of Rights examines the complaint

If the Public Defender of Rights finds that the complaint, in view of its contents, is a legal remedy in accordance with the legislation on procedure in administrative or judicial matters, or a petition or legal remedy under administrative judicature, or a constitutional complaint, he will immediately make this known to the submitter of the complaint and will give instructions on the correct procedure.

If the Public Defender of Rights learns of circumstances suggesting that a person is being unlawfully held in a place of detention, imprisonment, disciplinary punishment for soldiers, preventive treatment, preventive education, institutional treatment or institutional education, or in a police cell, he shall immediately make this known to the relevant Public Prosecutor as a complaint calling for action pursuant to the special legislation, and shall notify the administration of the place in question, and also the person concerned.

If the complaint concerns investigation of a public authority's final decision, or if the Public Defender of Rights comes to the conclusion that a public authority's decision is contrary to the law or to some other generally binding legal regulation, he may refer the matter to the relevant Public Prosecutor for action, or may take some other measure, duly notifying the submitter of the complaint. He may do the same in the case of a complaint containing proposals for measures which fall within the authority of the Public Prosecutor's Office. The Public Prosecutor is required, within the time prescribed by law, to notify the Public Defender of Rights of the measure which he has taken to eliminate the illegality.

The Public Defender of Rights will set aside the complaint, if

the matter to which the complaint refers does not lie within his authority;

the matter to which the complaint refers is being heard by a court and the proceedings cannot be adjourned, or the court has already given its decision in the matter;

the matter to which the complaint refers is being or has already been examined by the Public Prosecutor's Office;

in the matter to which the complaint refers, action is being taken or a decision is being reached by a competent public authority which does not fall within the competence of the Public Defender of Rights; or, in the matter to which the complaint refers, a decision has already been given by a public authority which does not fall within the competence of the Public Defender of Rights;

the submitter of the complaint withdraws his complaint or indicates that he/she does not insist on further investigation; or

the particulars referred to in Section 13(4) have not been provided or specified within the prescribed time.

The Public Defender of Rights may set the matter aside if he finds that:

the complaint does not concern the person who submitted it, unless that person has submitted the affected party's written consent to submission of the complaint, or a written power of attorney for this purpose;

at the date of delivery of the complaint, more than three years have elapsed since the measure or event to which the complaint refers;

the claim is manifestly unfounded;

the complaint is anonymous;

it is a complaint concerning a matter which the Public Defender of Rights has already attended to, and the repeated complaint contains no new facts.

The Public Defender of Rights informs the submitter of the complaint of the setting aside of the complaint and the reasons for setting it aside; this does not apply to anonymous complaints.

If the investigation of the complaint does not prove that fundamental rights and freedoms have been violated, the Public Defender of Rights reports this in writing to the submitter of the complaint and to the public authority against whose procedure, decision-making or inactivity the complaint is directed.

If the investigation of the complaint proves that fundamental rights and freedoms have been violated, the Public Defender of Rights reports the findings of the investigation, together with the proposed measure, to the public authority against whose procedure, decision-making or inactivity the complaint is directed.

The public authority is required, within 20 days of receiving notice, to advise the Public Defender of Rights of its opinion on the findings of the investigation and of the measures taken.

If the Public Defender of Rights does not agree with the opinion of the public authority, or if he considers that the measure taken is inadequate, he makes this known to the body with authority over the public authority against which the complaint is directed or, if there is no such body, to the government of the Slovak Republic.

The body with authority over the public authority against which the complaint is directed or, if there is no such body, the government of the Slovak Republic is required under paragraph 3 to inform the Public Defender of Rights, within 20 days of receiving notice, of the measures which it has taken in this matter.

If the Public Defender of Rights considers that the measures taken are inadequate, he makes this known to the National Council of the Slovak Republic or to a body authorised by it.

Written notification of the results of the investigation and the measures taken is sent by the Public Defender of Rights to the submitter of the complaint and to the person whose fundamental rights and freedoms were violated by the action, decision-making or inactivity of public authorities.

Specialised human rights bodies

Equality Body

Slovak National Centre for Human Rights

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Data Protection Body

The Personal Data Protection Office of the Slovak Republic ('the Office'), as a state body, plays a part in protecting the fundamental rights and freedoms of individuals during the processing of their personal data. It performs its tasks and duties independently and in accordance with the law. Its tasks are primarily the following:

it continuously monitors the personal data protection situation, the registration of information systems and the keeping of records about information systems;

it recommends to operators measures for protecting personal data in information systems; to this end and to the extent permitted by its powers, it issues recommendations for operators;

in the event of doubt over whether the scope, content and methods of processing and using personal data are commensurate with the purpose for which they are being processed, are compatible with this purpose or are chronologically or materially relevant to this purpose, it issues binding opinions;

it issues binding opinions in the event of doubts over cross-border personal data flows;

it issues binding opinions in the event of doubts over the registration of an information system;

it investigates notifications submitted under Section 45, or acts when requested or on its own initiative on the basis of Section 44a, and orders remedial measures to resolve shortcomings;

upon suspicion of a breach of the obligations imposed by this Act, it may summon an operator or processor to request an explanation;

it checks the processing of personal data in information systems;
it imposes penalties when a breach of the obligations set out in this Act is found;
it submits a notification to the criminal authorities when there is a suspicion that a criminal act has been committed;
it registers information systems and discloses registration status;
it participates in the drafting of personal data protection legislation;
it issues legislation to the extent permitted by its powers;
it takes up positions on draft laws and other draft legislation governing the processing of personal data;
it submits reports to the National Council of the Slovak Republic at least once every two years on the state of personal data protection.

Other

Centre for Legal Aid

Námestie slobody 12

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Since 1 January 2006, the **Centre for Legal Aid** has been in operation in the Slovak Republic. It was established as a state-budget organisation with its headquarters in Bratislava pursuant to Act No 327/2005 on the provision of legal aid to persons in material need. The Centre has offices or branches in almost all the regional cities of the Slovak Republic, with the exception of Nitra and Trnava (i.e. in Bratislava, Banská Bystrica, Žilina, Košice and Prešov), and in other Slovak municipalities (Liptovský Mikuláš, Tvrdošín, Humenné, Hlohovec, Rimavská Sobota, Nové Zámky and Svidník).

The Centre ensures that legal aid is given to individuals who, owing to their material need, cannot make use of legal services for the proper assertion and protection of their rights. The Centre ensures that legal aid is provided in civil, labour and family-law matters for any individual meeting the legal requirements (disputes within Slovakia). In cross-border disputes, it provides legal aid in civil, labour and family-law matters and commercial-law matters, pursuant to this law, for all individuals meeting the legal requirements who have their place of residence or usual place of residence on the territory of an EU Member State. For legal aid applicants in cases where there is an element of discrimination, the Centre for Legal Aid ('the Centre') plays an overlapping role with the Slovak National Centre for Human Rights, with which it communicates on issues relating to such applicants. The lawyers at the Centre encounter the issue of discrimination primarily in the context of discrimination in employment on grounds of ethnicity.

An individual **is entitled to receive legal aid** if he/she is in material need and if the dispute is not manifestly futile and the value of the claim exceeds the value of the minimum wage, except in disputes where the value of the claim cannot be calculated in money. The individual must meet the above legal aid requirements throughout the period of legal aid. If the applicant's income exceeds the legally prescribed limit for material need, the Centre may grant legal aid if this is appropriate to the circumstances of the requested legal aid.

The procedure for claiming legal aid ('the proceedings') begins with the submission of a written application supported by documents proving the facts stated in the application, which the applicant submits on a printed form. Documents proving that the applicant is in a state of material need must not be more than three months old. The application must contain the applicant's first name and surname and his/her permanent or temporary place of residence and birth registration number. When called upon by the Centre, the applicant, within a reasonable time set by the Centre, must add further information and documents concerning crucial facts for assessment of the claim; the time allowed for this must not be less than ten days. The applicant is a party to the proceedings. The application is submitted to the appropriate office of the Centre, according to the applicant's place of permanent or temporary residence. The applicant is required to give full and correct information in the application and in the preliminary consultation. Within 30 days of delivery of an application which includes the particulars required by law, the Centre reaches a decision on the application; this time cannot be extended. Appeals against the decision are not admissible. In a decision allowing a claim for legal aid, the Centre appoints a lawyer to represent the entitled person in court, if this is necessary for the protection of his/her interests. A decision which does not allow a claim for legal aid must, in addition to the particulars required by special legislation, include an explanation that if the reasons for not allowing the claim cease to exist, the applicant may resubmit an application regarding the same matter. If, as a result of the entitled person's failure to provide assistance, the provision of legal aid was denied to the entitled person by decision of the Centre, or if the entitled person has unjustifiably brought the proceedings to a halt, the Centre may on these grounds, by its decision, refuse to re-allow a claim for provision of legal aid.

Sections 17 to 21 of Act No 327/2005 regulate **the provision of legal aid in cross-border disputes where the competent court of law is a court in the Slovak Republic**, and Sections 22 to 24c of Act No 327/2005, regulate **the provision of legal aid in cross-border disputes where the competent court of law is a court in a Member State other than the Slovak Republic**.

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The Centre for International Legal Protection of Children and Young People ('the Centre') is a public authority with competence in the territory of the Slovak Republic. The Centre was established by the Ministry of Labour, Social Affairs and the Family of the Slovak Republic with effect from 1 February 1993 as its directly managed budget organisation for securing and providing legal aid for children and young people in relation to foreign countries.

The competence of the Centre is defined in Act No 305/2005 on the social protection of children and on social guardianship, amending and supplementing certain acts. The Centre performs the tasks of a body appointed to implement international agreements and legal acts of the European Union, i.e.:

it acts as the receiving body and dispatching body in the field of maintenance claims in accordance with international conventions;
it acts as the central body concerned with international abductions of children in accordance with international conventions and legal acts of the European Union;
it performs the role of central body in the field of international adoptions in accordance with the international convention;

it issues certificates in accordance with the international convention;

it performs other tasks in the field of social protection of children where a foreign country is involved, in accordance with special legislation;

it provides free legal advice in the field of family law where there is a foreign aspect, especially in connection with maintenance and care for minors, and in the field of adoption;

it works with the receiving bodies and dispatching bodies of other contracting states, with the central authorities of other contracting states, and with representative offices, central agencies of state administration, banks, branches of foreign banks, local government bodies, territorial self-government bodies, and accredited bodies.

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