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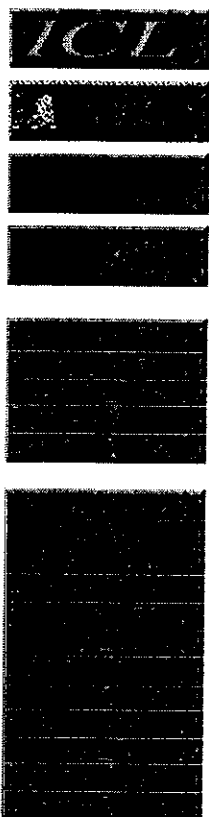
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## Slovenia

## Constitution



{ Adopted on: 23 Dec 1991 }  
 { ICL Document Status: 23 Dec 1991 }

**Preamble**

Whereas it is in keeping with the Basic Constitutional Charter on Independence and Sovereignty of the Republic of Slovenia, and  
 Acknowledging that we Slovenians created our own national identity and attained our nationhood based on the protection of human rights and freedoms, on the fundamental and permanent right of the Slovenian people to self-determination and as a result of our historical and centuries-long struggle for the liberation of our people.

Be it hereby enacted by the Parliament of the Republic of Slovenia.

**Part 1 Introduction****Article 1 [Democratic Republic]**

Slovenia is a democratic republic.

**Article 2 [Rule of Law, Social State]**

Slovenia is a state governed by the rule of law and is a social state.

**Article 3 [Self-Determination, Sovereignty]**

(1) Slovenia is a state of all its citizens and is based on the permanent and inalienable right of the Slovenian people to self-determination.

(2) In Slovenia, supreme power is vested in the people. Citizens exercise that power directly, and most notably, at elections, and consistently with the principle of the separation of legislative, executive and judicial powers.

**Article 4 [Territorial Integrity]**

Slovenia is a territorially indivisible state.

**Article 5 [State Objectives]**

(1) Within its own territory, Slovenia shall protect human rights and fundamental freedoms. It shall uphold and guarantee the right of the autochthonous Italian and Hungarian ethnic communities. It shall attend to the welfare of the Slovenian minorities in neighbouring countries and of Slovenian emigrants and migrant workers abroad and shall promote their contacts with their homeland. It shall assist the preservation of the natural and cultural heritage of Slovenia in harmony with the creation of opportunities for the development of civilized society and cultural life in Slovenia.

(2) Slovenians not holding Slovenian citizenship shall enjoy special rights and privileges in Slovenia. The nature and extent of those rights and privileges shall be determined by statute.

**Article 6 [State Symbols]**

(1) The national coat-of-arms of Slovenia shall be a shield in the middle of which, on a blue background, is a representation of Mt. Triglav in white, under which are two undulating blue lines which represent the sea and rivers and above which are located three golden, six-pointed stars forming a downward-pointing triangle.

(2) The shield shall be bordered in red. The design of the shield shall be in accordance with accepted principles of geometry and colour.

(3) The Slovenian flag shall be the white-blue-red national flag of Slovenia with the national coat-of-arms of Slovenia. The proportions of the width of the flag to the length thereof shall be of one to two. The colours of the flag shall be in the following order; white, blue and red. Each colour shall occupy one third of the width of the flag. The national coat-of-arms shall be located on the upper lefthand portion of the flag such that the top half of the shield shall cover the white stripe while the lower half shall cover the blue stripe.

(4) The Slovenian national anthem shall be "Zdravljica."

(5) The use of the national coat-of-arms, of the national flag and of the national anthem shall be regulated by statute.

**Article 7 [Secularity]**

(1) The State and religious groups shall be separate.

(2) Religious groups shall enjoy equal rights under the law and shall be guaranteed freedom of activity.

**Article 8 [International Law]**

Statutes and other legislative measures shall comply with generally accepted principles of international law and shall accord with international agreements which bind Slovenia from time to time. Proclaimed international agreements to which Slovenia adheres shall take immediate effect.

**Article 9 [Local Autonomy]**

The autonomy of local government in Slovenia shall be guaranteed.

**Article 10 [Capital]**

The capital of Slovenia shall be Ljubljana.

**Article 11 [Language]**

The official language of Slovenia shall be Slovenian. In those areas where autochthonous Italian or Hungarian ethnic communities reside, the official language shall also be Italian or Hungarian.

#### **Article 12 [Citizenship]**

Citizenship of Slovenia shall be regulated by statute.

#### **Article 13 [Foreigners]**

Foreigners shall, in accordance with international agreements, enjoy all those rights which are guaranteed by this Constitution and by the law, with the exception of those rights which only citizens of Slovenia may enjoy pursuant to this Constitution or the law.

### **Part 2 Human Rights and Fundamental Freedoms**

#### **Article 14 Equality before the Law**

(1) In Slovenia each individual shall be guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political or other beliefs, financial status, birth, education, social status or whatever other personal circumstance.

(2) All persons shall be equal before the law.

#### **Article 15 Exercise of and Limitations on Rights**

(1) The direct exercise of human rights and fundamental freedoms shall be guaranteed by this Constitution.

(2) The manner in which human rights and fundamental freedoms shall be exercised may be regulated, but only by statute, whenever such regulations is authorized by this Constitution or whenever such regulation is necessary by reason of the particular nature of the individual rights or freedoms.

(3) Human rights and fundamental freedoms shall only be limited by the rights of others and in such cases as are determined by this Constitution.

(4) Human rights and fundamental freedoms shall be guaranteed judicial protection. Moreover, this protection shall extend to the right to obtain redress for the abuse of such rights and freedoms.

(5) It shall not be permissible to restrict any human right or fundamental freedom exercisable by acts which would otherwise be legal in Slovenia, on the basis that this Constitution does not recognize that right or freedom or only recognizes it to a limited extent.

#### **Article 16 Temporary Revocation or Restriction of Rights**

(1) It shall be permissible to temporarily revoke restrict the human rights and fundamental freedoms guaranteed by this Constitution, but only in exceptional circumstances of war or a state of emergency. Human rights and fundamental freedoms may only be revoked or restricted for the duration of the war or of the state of emergency, only to the extent required by the same and only inasmuch as the revocation or restriction does not create inequality of treatment based only on national origin, sex, language, religion, political or other beliefs, financial status, birth, education, social or any other personal circumstance.

(2) Notwithstanding the previous paragraph, there shall be no temporary revocation or restriction of the rights guaranteed by Articles 17, 18, 21, 28, 29 and 41 of this Constitution.

#### **Article 17 Inviolability of Human Life**

Human life shall be inviolable. There shall be no capital punishment in Slovenia.

#### **Article 18 Prohibition against Torture**

No person may be subjected to torture, inhuman or humiliating punishment or treatment. It shall be forbidden to conduct any medical or scientific experiment on any person without his free consent.

#### **Article 19 Protection of Personal Liberty**

(1) The right of each individual to personal liberty shall be guaranteed.

(2) No person may be deprived of his liberty except in such cases, and pursuant to such procedures, as are laid down by statute. Any person deprived of his liberty must be immediately informed in his mother tongue, or in a language which he understands, of the reasons for his arrest.

(3) Within the shortest possible time thereafter, the person arrested must be informed in writing of why he has been arrested. He must be informed immediately that he is not obliged to make any statement, that he has the right to immediately obtain legal representation of his own free choice and also that the authority responsible for his arrest must, on his demand, advise his family or friends of his arrest.

#### **Article 20 Orders for and Duration of Arrest**

(1) A person, reasonably believed to have committed a criminal offence, may be arrested, but only by order of a court and only where such an arrest is absolutely unavoidable for the proper course of criminal proceedings or for the protection of society.

(2) When a person is arrested, or at the latest within 24 hours thereafter, the person so arrested must be handed a notice in writing of the order of the Court, with the reasons for his arrest. A person so arrested has the right to appeal against the order so made, and his appeal must be determined by a court within 48 hours thereafter. The duration of any detention so ordered shall only be for such period as is allowed by statute, with the longest allowable period being three months from the day of arrest. The Supreme Court may extend the period of detention for a further period of up to three months.

(3) If no charges are laid by the end of this period, the accused person must be released.

#### **Article 21 Protection of Human Personality and Dignity**

(1) Respect for the humanity of the individual and for the dignity of the person shall be guaranteed in all criminal and other proceedings, upon the arrest or detention of any person, whenever any person is detained or arrested and in the carrying out of any penalty.

(2) The use of violence of any sort on any person, whose liberty has been restricted in any way, shall be forbidden, as shall be the use of all forms of force in obtaining confessions and admissions.

#### **Article 22 Equality in the Protection of Rights**

Each person shall be guaranteed equality in the protection of his rights in any proceeding before a

court, as well as before any government body, local government body or statutory authority which determines the rights, obligations or legal entitlements of such person.

**Article 23 Due Process of the Law**

(1) Each person shall be entitled to have all issues relating to his rights and obligations and to have any criminal charges laid against him decided without undue delay by an independent, impartial court constituted according to statute.

(2) Only a judge duly appointed pursuant to principles established by statute and in accordance with normal judicial practices shall be empowered to try any such person.

**Article 24 Public Court Proceedings**

Save where expressly provided by statute, all court proceedings shall be conducted in public and all judgements shall be delivered in open court.

**Article 25 Legal Remedies**

Each person shall be guaranteed a right of appeal and a right to any other legal redress in relation to the decision of any court, government body, local government body or statutory authority which determines the rights, obligations or legal entitlements of such person.

**Article 26 Compensation**

(1) Each person shall have the right to compensation for any damage suffered by him by reason of the wrongful performance by any person or body carrying out any function or other activity of any government body, local government body or statutory authority.

(2) Any such person suffering damage shall have the right, consistent with statute, to also demand compensation directly from the person or body causing him such damage.

**Article 27 Presumption of Innocence**

Any person charged with a criminal offence shall be presumed innocent until he is proven guilty by due process of the law.

**Article 28 Legality of the Criminal Law**

(1) No person may be punished for an offence which was unknown to the criminal law, or which attracted no penalty, at the time the offence was allegedly committed.

(2) A criminal offence shall be tried and penalties ascribed according to the law which was in force at the time the offence in question was allegedly committed, save where a new statute which carries a lesser penalty for the offence has subsequently been enacted.

**Article 29 Legal Guarantees in Criminal Proceedings**

Any person charged with a criminal offence must be afforded absolute equality in implementation of the following additional rights:

- the right to have sufficient time and opportunity to prepare his defence;
- the right to be tried in his own presence and to conduct his own defence or to be defended by a legal representative;
- the right to produce all evidence assisting his case;
- the right not to be compelled to incriminate himself or his family or friends, or not to be compelled to plead guilty.

**Article 30 The Right to Rehabilitation and Compensation**

Any person unjustly convicted of a criminal offence or arrested without due cause shall be entitled to rehabilitation, to compensation for damage and to such other rights as are afforded by statute.

**Article 31 Prohibition against Double Jeopardy**

No person shall be sentenced or punished, or face sentence or punishment, twice for the same criminal act where the first proceeding was legally halted or where the charge or charges arising from such criminal act against the person was or were dismissed in the first proceeding, or where the person was acquitted or was convicted in the first proceeding.

**Article 32 Freedom of Movement**

(1) Each person has the right to freedom of movement, to choose his place of residence, to leave the country and to return at any time he wishes.

(2) This right may only be limited by statute and only in cases where it is deemed necessary to ensure the proper processes of the criminal law, to prevent the spread of infectious disease, to ensure the protection of public order or if the defence of the Statute so demands.

(3) Entry into the country by foreigners, and the duration of their stay in the country, may be limited by statute.

**Article 33 Owning and Inheriting Property**

The right to own and to inherit property shall be guaranteed.

**Article 34 Personal Dignity and Personal Safety**

The dignity and security of the individual shall be guaranteed.

**Article 35 Privacy and Personal Rights**

The physical and mental integrity of each person shall be guaranteed, as shall be his right to privacy and his other personal rights.

**Article 36 Inviolability of Dwellings**

(1) No person may enter the dwelling or any other premises of another person nor may he search the same against the will of that person without a court order.

(2) Any person whose dwelling or other premises are searched has the right to be present in person or to have a representative present.

(3) Any such search may only be conducted in the presence of two witnesses.

(4) An official may enter the dwelling or other premises of another person without a court order should such entry be absolutely necessary and, subject to compliance with statutory requirements, such

official may, in exceptional circumstances, conduct a search in the absence of witnesses should the same be necessary to apprehend a person who has committed a criminal offence or in order to protect persons or property.

#### **Article 37 Privacy of Post and Other Means of Communication**

(1) The privacy of the post and of other means of communication shall be guaranteed.  
 (2) In accordance with statute, a court may authorize action infringing on the privacy of the post or of other means of communication, or on the inviolability of individual privacy, where such actions are deemed necessary for the institution or continuance of criminal proceedings or for reasons of national security.

#### **Article 38 Personal Data**

(1) The protection of personal data relating to an individual shall be guaranteed.  
 (2) Any use of personal data shall be forbidden where that use conflicts with the original purpose for which it was collected.  
 (3) The collection, processing and the end-use of such data, as well as the supervision and protection of the confidentiality of such data, shall be regulated by statute.  
 (4) Each person has the right to be informed of the personal data relating to him which has been collected and has the right to legal remedy in the event of any misuse of same.

#### **Article 39 Freedom of Expression**

(1) Freedom of expression of thought, freedom of speech and freedom to associate in public, together with freedom of the press and of other forms of public communication and expression, shall be guaranteed. Each person may freely collect, receive and circulate information and opinions.  
 (2) Except in such circumstances as are laid down by statute, each person shall have the right to obtain information of a public nature, provided he can show sufficient legal interest as determined by statute.

#### **Article 40 Right to Correction and of Reply**

The right to correct published information which has caused damage to the rights or interests of an individual, organization or official body shall be guaranteed, as shall be the right to reply to such published information.

#### **Article 41 Freedom of Conscience**

(1) The profession of the religious and other beliefs of any person in private and in public shall be free.  
 (2) No person shall be compelled to admit his religious or other beliefs.  
 (3) Parents shall be entitled to give their children a moral and religious upbringing which accords with the beliefs of the parents. The religious and moral training given to a child shall be such as is appropriate to his age and to his level of maturity as well as being in accordance with the child's free conscience and religious and other beliefs or convictions.

#### **Article 42 Right of Assembly and Association**

(1) The right of peaceful assembly and the right to participate in public meetings shall be guaranteed.  
 (2) Each person shall have the right to freely associate with others.  
 (3) It shall be lawful to restrict these rights by statute in circumstances involving national security, public safety or the protection of the public against the spread of infectious disease.  
 (4) Permanent defence and police personnel may not be members of political parties.

#### **Article 43 Voting Rights**

(1) The right to vote shall be universal and equal.  
 (2) Each citizen who has attained the age of 18 years shall be eligible to vote and to stand for election.  
 (3) Voting rights of foreigners may be determined by statute.

#### **Article 44 Participation in Public Affairs**

Each citizen shall be entitled, subject to statute, to participate, either directly or through his elected representatives, in public affairs.

#### **Article 45 Right to Petition**

Each citizen shall have the right to present petitions and to initiate other activity of a general nature.

#### **Article 46 The Right of Conscientious Objection**

The right of conscientious objection shall be permitted in such circumstances as are determined by statute, to the extent that the rights and freedoms of others are not affected.

#### **Article 47 Extradition**

No citizen of Slovenia may be extradited to a foreign country. The extradition of foreigners shall only be permitted in those cases which are covered by international agreements binding on Slovenia.

#### **Article 48 Political Asylum**

Within such limits as are laid down by statute, the right of foreign nationals and of persons without citizenship, who are subject to persecution for their stand on human rights and fundamental freedoms, to asylum shall be guaranteed.

#### **Article 49 Freedom of Work**

(1) The freedom of work shall be guaranteed.  
 (2) Each person shall freely choose his employment.  
 (3) There shall be no unjust discrimination in work opportunities available to each person.  
 (4) Forced labour shall be forbidden.

#### **Article 50 Social Security**

(1) All citizen, who fulfil such conditions as may be laid down by statute shall have the right to social

security.

(2) The Statute shall regulate compulsory health, pension, disability and other social insurance, and shall ensure the proper administration thereof.

(3) War veterans and civilian casualties of war shall be guaranteed special benefits as provided by statute.

#### **Article 51 Health Care**

(1) Each person shall have the right to health care as determined by statute.

(2) Rights to government-financed health care shall be regulated by statute.

(3) No person shall be compelled to undergo medical treatment except in such cases as are determined by statute.

#### **Article 52 Rights of the Disabled**

(1) The disabled shall be guaranteed security and the right to vocational training as determined by statute.

(2) Mentally or physically handicapped children and other severely disabled persons shall have the right to education and vocational training in order that they may lead an active life in society.

(3) The education and vocational training referred to in the last preceding paragraph shall be financed out of public revenue.

#### **Article 53 Marriage and the Family**

(1) Marriage is based on the equality of each spouse. The ceremony of marriage shall be performed by the appropriate civil authority.

(2) Marriage, the legal rights and obligations flowing from marriage, the legal rights and obligations within the family, together with the legal rights and obligations arising by reason of relationships outside marriage, shall be determined by statute.

(3) The State shall protect the family, motherhood, fatherhood, children and young people and shall provide proper conditions for effecting such protection.

#### **Article 54 Rights and Obligations of Parents**

(1) Parents shall have the right and obligation to maintain, educate and guide their children. In accordance with statute, such right or obligation may be abrogated in whole or in part, but only insofar as is necessary to protect the interests of such children.

(2) Children born out of wedlock shall have the same rights as children born within marriage.

#### **Article 55 Freedom of Choice In Childbearing**

(1) Persons shall be free to decide whether to bear children.

(2) The State shall ensure that persons have every opportunity to exercise this freedom and shall create such conditions as enable parents to freely choose whether or not to bear children.

#### **Article 56 Rights of Children**

(1) Children shall enjoy special protection and care.

(2) Children shall enjoy human rights and fundamental freedoms consistent with their age and level of maturity.

(3) Children shall be guaranteed such special protection from economic, social, physical, mental and other exploitation and maltreatment as shall be determined by statute.

(4) Children and minors who are not properly cared for by their parents, who have no parents or who are without proper family care, shall enjoy the special protection of the State as provided by statute.

#### **Article 57 Education and Schooling**

(1) Education shall be free.

(2) Primary education shall be compulsory and shall be financed from public revenue.

(3) The State shall provide the opportunity for all citizens to obtain a proper education.

#### **Article 58 Autonomy of Universities and Other Institutions of Higher Education**

(1) State universities and other institutions of higher education shall be autonomous.

(2) The funding of these institutions shall be regulated by statute.

#### **Article 59 Freedom of Science and the Arts**

Scientific and artistic endeavour shall be free.

#### **Article 60 Intellectual Property Rights**

Copyright and other rights flowing from artistic, scientific, research and innovative endeavour shall be guaranteed.

#### **Article 61 Profession of National Allegiance**

Each person shall be entitled to freely identify with his national grouping or autochthonous ethnic community, to foster and give expression to his culture and to use his own language and script.

#### **Article 62 Use of Language and Script**

In order to give effect to his rights and obligations, and in all dealings with State bodies and other bodies having official functions, each person shall have the right to use his own language and script in such a manner as shall be determined by statute.

#### **Article 63 Incitement to Discrimination, Intolerance, Incitement to Violence and War**

(1) All incitement to ethnic, racial, religious or other discrimination, as well as the inflaming of ethnic, racial, religious or other hatred or intolerance, shall be unconstitutional.

(2) All incitement to violence or to war shall be unconstitutional.

#### **Article 64 Special Rights of the Italian and Hungarian Ethnic Communities In Slovenia**

(1) The autochthonous Italian and Hungarian ethnic communities and their members shall be guaranteed the right to freely use their national symbols and, in order to preserve their national identity, the right to establish organizations, to foster economic, cultural, scientific and research activities, as well as activities associated with the mass media and publishing. Those two ethnic

communities and their members shall have, consistent with statute, the right to education and schooling in their own languages, as well as the right to plan and develop their own curricular. The State shall determine by statute those geographical areas in which bilingual education shall be compulsory. The Italian and Hungarian ethnic communities and their members shall enjoy the right to foster contacts with the wider Italian and Hungarian communities living outside Slovenia, and with Italy and Hungary respectively. Slovenia shall give financial support and encouragement to the implementation of these rights.

(2) In those areas where the Italian and Hungarian ethnic communities live, their members shall be entitled to establish autonomous organizations in order to give effect to their rights. At the request of the Italian and Hungarian ethnic communities, the State may authorize their respective autonomous organizations to carry out specific functions which are presently within the jurisdiction of the State, and the State shall ensure the provision of the Means for those functions to be effected.

(3) The Italian and Hungarian ethnic communities shall be directly represented at the local level and shall also be represented in the National Assembly.

(4) The status of the Italian and the Hungarian ethnic communities and the manner in which their rights may be exercised in those areas where the two ethnic communities live, shall be determined by statute. In addition, the obligations of the local self-governing communities which represent the two ethnic communities to promote the exercise of their rights, together with the rights of the members of the two ethnic communities living outside their autonomous areas, shall be determined by statute. The rights of both ethnic communities and of their members shall be guaranteed without regard for the numerical strength of either community.

(5) Statues, regulations and other legislative enactments which exclusively affect the exercise of specific rights enjoyed by the Italian or Hungarian ethnic communities under this Constitution, or affecting the status of these communities, may not be enacted without the consent of the representatives of the ethnic community or communities affected.

#### **Article 65 Status and Special Rights of Gypsy Communities in Slovenia**

The status and special rights of Gypsy communities living in Slovenia shall be such as are determined by statute.

### **Part 3 Economic and Social Relations**

#### **Article 66 Security of Employment**

The State shall be responsible for the creation of opportunities for employment and for work, and shall ensure the protection thereof by statute.

#### **Article 67 Property**

(1) The manner in which property is acquired and enjoyed shall be regulated by statute so as to ensure the economic, social and environmental benefit of such property.

(2) The manner in which property may be inherited, as well as the conditions under which it may be inherited, shall be determined by statute.

#### **Article 68 Property Rights of Foreigners**

(1) Foreigners may only acquire title to property affixed to land under such conditions as are determined by statute.

(2) Foreigners may not acquire title to land except by inheritance in circumstances where reciprocity of such rights of acquisition are recognized. *{ Note dated June 1996: This provision will soon be changed to give foreigners full property rights after three years of residence. }*

#### **Article 69 Compulsory Acquisition**

Land and property affixed to land may be compulsorily acquired, or ownership thereof may be limited by the State in the public interest and subject to a right to such compensation in kind or monetary compensation from the State as shall be determined by statute.

#### **Article 70 National Assets and National Resources**

(1) Special rights to utilize national assets may be acquired subject to such conditions as are determined by statute.

(2) The conditions governing the exploitation of natural resources shall be determined by statute.

(3) The rights of foreigners to exploit natural resources, and the conditions under which any such exploitation may take place, may only be determined by statute.

#### **Article 71 Protection of Land**

(1) The State shall regulate land use by statute.

(2) Agricultural land shall be afforded special protection by statute. The State shall have a special responsibility to foster the economic, cultural and social advancement of those members of the population living in mountainous areas.

#### **Article 72 Healthy Living Environment**

(1) Each person shall have the right in accordance with statute to a healthy environment in which to live.

(2) The State shall be responsible for such an environment. To this end, the conditions and the manner in which economic and other activities shall take place shall be regulated by statute.

(3) The conditions under which any person damaging the environment shall be obliged to make compensation shall be determined by statute.

(4) The protection of animals from cruelty shall be regulated by statute.

#### **Article 73 Protection of the Natural and Cultural Heritage**

(1) Each person shall be obliged, in accordance with statute to protect rare and precious natural areas, as well as structures and objects forming part of the national and cultural heritage.

(2) State and local government bodies shall be responsible for the preservation of the natural and cultural heritage.

#### **Article 74 Business Sector**

(1) Free enterprise shall be guaranteed.

(2) The establishment of businesses shall be regulated by statute. Any business activity in conflict with the public interest may not be pursued.

(3) Restrictive trading practices and other practices which restrict free competition, as specified by statute, shall be forbidden.

#### **Article 75 Participation in Management**

Workers may participate in the management of businesses and in government enterprises and instrumentalities in such manner and under such conditions as shall be determined by statute.

#### **Article 76 Freedom of Trade Unions**

The establishment of trade unions, their operation and membership thereof shall be free.

#### **Article 77 Right to Strike**

(1) Workers shall enjoy the right to strike.

(2) This right may be restricted by statute where such restriction is in the public interest, having regard to the type and nature of the enterprise or instrumentality affected.

#### **Article 78 Provision of Proper Housing**

The State shall create the conditions necessary to enable each citizen to obtain proper housing.

#### **Article 79 Foreigners Employed in Slovenia**

Foreigners employed in Slovenia, together with members of their families, shall enjoy such special rights as may be determined by statute.

### **Part 4 Administration of the State**

#### **Section A The National Assembly**

##### **Article 80 Composition and Election of the National Assembly**

(1) The National Assembly shall consist of 90 Deputies, representing the citizens of Slovenia.

(2) Deputies must be directly elected by secret ballot on the basis of a universal, adult franchise.

(3) The autochthonous Italian and Hungarian ethnic communities shall always be entitled to elect one Deputy each to the National Assembly.

(4) The electoral system shall be regulated by statute passed by the National Assembly by a two-thirds majority of all elected Deputies casting their votes in favour of the same.

##### **Article 81 Duration of Term of the National Assembly**

(1) The term of the National Assembly shall be four years.

(2) If the term of the National Assembly would otherwise expire during a war or state of emergency, that term shall expire six months after the cessation of hostilities or six months after the end of the state of emergency, or at such earlier time as the National Assembly decides.

(3) The President of the Republic shall call elections for the National Assembly. Deputies of the new National Assembly shall be elected thereto no more than two months, and no less than 15 days, before the expiration of four years from the date of the first sitting of the previous National Assembly. If the National Assembly is dissolved, Deputies of the new National Assembly shall be elected no more than 2 months after the dissolution of the previous National Assembly. The term of each succeeding National Assembly shall terminate with the first session of the new National Assembly, such session to be called by the President of the Republic no more than 20 days after the election of the new National Assembly.

##### **Article 82 Deputies of the National Assembly**

(1) Deputies of the National Assembly are the elected representatives of all the people and they shall not submit to undue influence from any source.

(2) The eligibility of persons to be elected as Deputies shall be regulated by statute. Statute may also determine that the office of Deputy shall be incompatible with the pursuit of other vocations or activities.

(3) The National Assembly shall confirm the election of Deputies thereof. An appeal against a decision of the National Assembly relating to such confirmation of election of any Deputy may be made, pursuant to statute, to the Constitutional Court.

##### **Article 83 Immunity of Deputies of the National Assembly**

(1) A Deputy of the National Assembly shall not be held liable under the criminal law for any opinion expressed or for any vote cast at any sitting of the National Assembly or of any of its Committees or duly constituted organs.

(2) A Deputy relying on such parliamentary immunity may not be arrested or detained, nor have any criminal proceedings instituted against him, without the consent of the National Assembly, except where he has been found committing a criminal offence for which a penalty of over five years' goal is prescribed.

(3) The National Assembly may grant immunity to a Deputy notwithstanding that such immunity has not been claimed by him or notwithstanding that he has been found committing a criminal offence of the sort referred to in the last preceding paragraph.

##### **Article 84 President of the National Assembly**

The President of the National Assembly shall be elected by the vote of a majority of all elected Deputies of the National Assembly.

##### **Article 85 Sessions of the National Assembly**

(1) The National Assembly shall meet in ordinary and extraordinary sessions.

(2) Ordinary and extraordinary sessions shall be convened by the President of the National Assembly. Before an extraordinary session may be convened, either one quarter of the Deputies of the National Assembly or the President of the Republic must require same.

##### **Article 86 Voting in the National Assembly**

The National Assembly may only vote on a matter if a majority of its Deputies are present at the time



the vote is taken. The National Assembly shall enact laws and make other decisions and shall authorize adherence to international agreements by the vote of a majority of those Deputies present and voting, save where otherwise stipulated by this Constitution or by statute.

**Article 87 Power of the National Assembly to Enact Legislation**

The rights and obligations of citizens and of other persons may be delineated by the National Assembly solely by statute.

**Article 88 Initiatives to Enact Statutes**

The enactment of statutes by the National Assembly may be initiated by the Government, by individual Deputies of the National Assembly or by no less than five thousand voters.

**Article 89 Legislative Procedure**

The National Assembly shall enact statutes after considering the same in stages or otherwise consistently with its Standing Orders.

**Article 90 Referenda Relating to Statutes**

(1) The National Assembly may call a referendum on any issue which is the subject of regulation by statute. The National Assembly shall be bound by the results of such a referendum.

(2) The National Assembly may call such referendum on its own initiative, but it must call such a referendum if the same is demanded by no less than one third of all elected Deputies of National Assembly, by the National Council or by no less than forty thousand voters.

(3) All citizens, who are eligible to vote generally, shall have the right to vote in a referendum.

(4) Any proposal put to a referendum shall be deemed to have been accepted if a simple majority of the voters voting at the referendum vote in favour of the same.

(5) The procedure for holding referenda shall be regulated by statute passed by a two-thirds majority of those Deputies present and voting.

**Article 91 Proclamation of Statutes**

(1) A statute shall be proclaimed by the President of the Republic no later than 8 days after its enactment.

(2) The National Council may require the National Assembly to reconsider any statute within 7 days of the same being enacted and prior to its proclamation. On the reconsideration of any statute, the same shall be deemed to be enacted if a majority of all elected Deputies of the National Assembly votes in favour of it, save where this Constitution requires a greater number of votes for enactment. Any such reconsideration of a statute by the National Assembly shall be final.

(3) The National Assembly may call such referendum on its own initiative, but it must call such a referendum if the same is demanded by no less than one third of all elected Deputies of National Assembly, by the National Council or by no less than forty thousand voters.

(4) All citizens, who are eligible to vote generally, shall have the right to vote in a referendum.

(5) Any proposal put to a referendum shall be deemed to have been accepted if a simple majority of the voters voting at the referendum vote in favour of the same.

(6) The procedure for holding referenda shall be regulated by statute passed by a two-thirds majority of those Deputies present and voting.

**Article 92 War and State of Emergency**

(1) A state of emergency shall be proclaimed if the existence of the Statute is threatened by a great and general danger. The proclamation of a state of war or a state of emergency, and the introduction and repeal of measures necessitated by such proclamation, shall be effected by the National Assembly at the initiative of the Government.

(2) The National Assembly shall determine the deployment of the defence forces.

(3) In the event that the National Assembly is unable to convene, the matters referred to in paragraphs one and two of this Article may be effected by the President of the Republic. Any such action effected by the President of the Republic must be referred to the National Assembly for its ratification when the National Assembly next convenes.

**Article 93 Parliamentary Inquiries**

The National Assembly may establish Parliamentary Inquiries with respect to matters of public importance. However, such inquiry must be established when demanded by no less than one third of all elected Deputies of the National Assembly or when demanded by the National Council. A Parliamentary Inquiry so established shall have similar and comparable the same powers of investigation and examination as a court.

**Article 94 Standing Orders of the National Assembly**

The proceedings of the National Assembly shall be conducted according to Standing Orders adopted by no less than a two-thirds majority of those Deputies present and voting.

**Article 95 Remuneration of Deputies of the National Assembly**

A Deputy of the National Assembly shall be paid such salary and benefits as are determined by statute.

**Section B The National Council**

**Article 96 Composition of the National Council**

(1) The National Council shall represent social, economic, trade and professional, and local interests.

(2) The National Council shall be composed of 40 Councillors as follows:

- 4 Councillors representing employers;
- 4 Councillors representing employees;
- 4 Councillors representing farmers, small business persons and independent professional persons;
- 6 Councillors representing non-profit making organizations;
- 22 Councillors representing local interests.

(3) The organization of the National Council shall be regulated by statute.

**Article 97 Powers of the National Council**

- (1) The National Council may:
- propose the enactment of statutes by the National Assembly;
  - transmit to the National Assembly the National Council's opinion as to matters within the jurisdiction of the National Assembly;
  - require that the National Assembly reconsider statutes prior to their proclamation;
  - require that a referendum be called in accordance with of Article 90 (2);
  - call for the establishment of a Parliamentary Inquiry into a matter of public importance in accordance with Article 93.
- (2) The National Assembly may require the National Council to provide its opinions on specific matters.

#### **Article 98 Election of the National Council**

- (1) The election of Councillors of the National Council shall be regulated by statute passed by the National Assembly by no less than a two-thirds majority of all elected Deputies of the National Assembly.
- (2) Councillors of the National Council shall each be elected for a five-year term.

#### **Article 99 Voting in the National Council**

- (1) A vote may only be taken in the National Council where a majority of all elected Councillors of the National Council are present to cast their vote.
- (2) The National Council shall reach decisions upon the of a majority of those Councillors present and voting. A majority of all elected Councillors may vote to require the calling of a referendum.

#### **Article 100 Incompatibility of Office and Immunities**

- (1) A Councillor of the National Council may not be simultaneously a Deputy of the National Assembly.
- (2) Councillors of the national Council shall enjoy the same immunities as do Deputies of the National Assembly. The National Council shall determine questions relating to the immunity of its Councillors.

#### **Article 101 Standing Orders of the National Council**

The proceedings of the National Council shall be conducted according to its Standing Orders adopted by a majority of all elected Councillors of the National Council.

### **Section C The President of the Republic**

#### **Article 102 Functions of the President of the Republic**

The President of the Republic of Slovenia is its Head of State and the Commander-in-Chief of the Defence Forces of Slovenia.

#### **Article 103 Election of the President of the Republic**

- (1) The President of the Republic shall be elected by a direct, general election conducted by secret ballot.
- (2) The candidate who receives a majority of the valid votes cast shall be elected to the office of the President of the Republic.
- (3) The President of the Republic shall be elected for a term of five years and may be elected for a maximum of two consecutive terms.
- (4) If the term of office of the President of the Republic would otherwise expire during a war or during a state of emergency, that term shall expire six months after the cessation of hostilities or six months after the end of the state of emergency.
- (5) Only a citizen of Slovenia may be elected President of the Republic.
- (6) Elections to the office of the President of the Republic shall be called by the President of the National Assembly. The President of the Republic must be elected no less than 15 days before the expiration of the term of the outgoing President of the Republic.

#### **Article 104 Oath of Office**

Before taking office, the President of the Republic shall swear the following oath before the National Assembly: *'I swear that I shall honour the Constitution, that I shall act according to my conscience and that I shall do all in my power for the good of Slovenia.'*

#### **Article 105 Incompatibility of Offices**

The office of the President of the Republic shall be incompatible with other public offices or other employment.

#### **Article 106 Replacement of the President of the Republic**

- (1) In the event that the President of the Republic is permanently incapacitated, dies, resigns or is otherwise permanently unable to perform his functions as President of the Republic, the President of the National Assembly shall temporarily occupy the office of the President of the Republic until such time as a new President of the Republic can be elected. In such a case, an election for a new President of the Republic shall be called no later than 15 days after the cessation of office of the previous President of the Republic.
- (2) In addition, the President of the National Assembly shall temporarily perform the functions of the President of the Republic during any temporary absence of the President of the Republic.

#### **Article 107 Powers of the President of the Republic**

- (1) The President of the Republic shall have the power:
- to call elections for the National Assembly;
  - to proclaim statutes;
  - to appoint State officers and functionaries in accordance with statute;
  - to accredit and revoke the accreditation of Slovenian ambassadors to foreign States and of consuls serving in such States, and to accept the credentials of foreign diplomatic representatives;
  - to publish adherence to international agreements;
  - to grant pardons;
  - to confer State honours, decorations and honorary titles and
  - and to perform such other duties as are determined by this Constitution.

(2) The National Assembly may require the President of the Republic to provide his opinion on specific matters.

#### **Article 108 Presidential Decrees**

(1) In the event that the National Assembly is unable to convene due to the existence of a state of war or a state of emergency, the President of the Republic may, at the request of the Government, issue decrees which have the binding force and effect of statute.

(2) A decree may, in exceptional circumstances, restrict the rights of the individual and fundamental freedoms consistently with Article 16.

(3) The President of the Republic must transmit any such decree to the National Assembly for ratification by the National Assembly immediately it reconvenes.

#### **Article 109 Accountability of the President of the Republic**

(1) If, in the course of carrying out his office, the President of the Republic acts in a manner contrary to this Constitution or commits a serious breach of the law, he may be brought before the Constitutional Court upon the complaint of the National Assembly.

(2) The Constitutional Court shall determine whether the complaint of the National Assembly is well-founded and, if not, shall dismiss the same. If the complaint is determined to be well-founded, the President of the Republic may be dismissed from office upon the vote of no less than two-thirds of all of the judges of the Constitutional Court.

(3) As soon as the Constitutional Court is advised of a reference by the National Assembly of a complaint to it, the Constitutional Court may determine that the President of the Republic shall not carry out the duties of his office until the Constitutional Court decides upon the complaint.

### **Section D The Government**

#### **Article 110 Composition of the Government**

The Government shall be composed of the Prime Minister and the Ministers of State. The Government shall be independent and individual Ministers shall be independent within their own particular portfolios: Ministers shall be accountable to the National Assembly.

#### **Article 111 Election of the Prime Minister**

(1) After consultations with the leaders of the various political groups within the National Assembly, the President of the Republic shall propose to the National Assembly a candidate for the office of Prime Minister.

(2) Save where otherwise stipulated by this Constitution, the Prime Minister shall be chosen by the National Assembly by a majority of the votes of all its Deputies. Voting shall be by secret ballot.

(3) If a candidate so proposed does not obtain the requisite majority of votes, the President of the Republic may renew consultations within 14 days of such vote and propose a new candidate, or the same candidate again, to the National Assembly. In addition, candidates may be proposed by the political groups within the National Assembly or by 10 or more Deputies of the National Assembly. In the event that more than one such candidate is nominated during this period, the National Assembly shall vote upon those nominated as follows: first, a vote shall be taken on the candidate nominated by the President of the Republic. If such a candidate is not elected, a vote will be taken in respect of each other candidate nominated in the order in which he was nominated.

(4) If no candidate is elected Prime Minister pursuant to the last preceding paragraph then, unless the National Assembly, within 48 hours, resolves by a majority of those Deputies present and voting to conduct a further vote for the office of Prime Minister, the President of the Republic shall dissolve the National Assembly and call new elections for the same. At any such further vote for the office of Prime Minister, a new prime Minister may be elected by a majority of those Deputies present and voting. A vote shall be taken in respect of each candidate earlier proposed pursuant to the last preceding paragraph, ranked according to the number of votes received by each such candidate in the earlier voting. If no such candidate is elected, a vote shall be taken in respect of each new candidate proposed prior to the voting conducted pursuant to this paragraph, with any candidate of the President of the Republic as the subject of the first vote.

(5) If, after all votes conducted pursuant to the last preceding paragraph, no candidate receives the requisite number of votes for election, the President of the Republic shall dissolve the National Assembly and call new elections for the National Assembly.

#### **Article 112 Appointment of Ministers of State**

(1) Ministers of State shall be appointed to office and be dismissed from office by the National Assembly upon the proposal of the Prime Minister.

(2) A person so proposed must, before his appointment, appear before a duly constituted commission of the National Assembly to answer such questions as may be put to him.

#### **Article 113 Oath of Office**

Prior to assuming office, the Prime Minister and each Minister of State shall swear the Oath of Office prescribed by Article 104 before the National Assembly.

#### **Article 114 Organization of the Government**

(1) The Prime Minister shall be responsible for the political unity, direction and administrative programme of the Government and for the coordination of the work of the various Ministers of State.

(2) The Ministers are collectively responsible for the work of the Government and each Minister is responsible for his own Ministry.

(3) The composition and functioning of the Government and the number, jurisdiction and organization of Ministries of State shall be regulated by statute.

#### **Article 115 Termination of Office of the Prime Minister and Ministers**

(1) The Prime Minister and Ministers of State shall cease to hold office when a new National Assembly convenes after an election.

(2) Ministers shall also cease to hold office whenever the Prime Minister ceases to hold office in any other circumstance. Further, a Minister shall cease to hold office upon his dismissal or resignation. However, in all such cases, the Minister concerned shall continue to perform his official duties until the election of a new Prime Minister or the appointment of a new Minister as the case may be.

**Article 116 Vote of No Confidence**

(1) The National Assembly may, upon the motion of no less than 10 Deputies and by the vote of a majority of all elected Deputies, elect a new Primer Minister. Such a vote shall be deemed to be a vote of no confidence in the Government carried by the National Assembly. Where such a vote is carried, the outgoing Prime Minister shall be deemed to have been relieved of his official duties, but shall, together with the Ministers of his Government, continue to perform their respective duties until after a new Government is sworn into office.

(2) Save where the National Assembly otherwise decides by the vote of a two-thirds majority of elected Deputies, where the State is at war or where a state of emergency has been proclaimed, no less than 48 hours must elapse between a motion to elect a new Prime Minister and any vote upon such motion.

(3) Where an incumbent Prime Minister has been elected to office in accordance with Article 111 (4), a majority of the Deputies of the National Assembly present and voting may, upon the motion of no less than 10 Deputies, elect a new Prime Minister and thereby carry a vote of no confidence in the incumbent Prime Minister.

**Article 117 Vote of Confidence in the Government**

(1) The Primer Minister may require a vote by the National Assembly upon a motion of confidence in the Government. If such a vote is not carried by a majority of all elected Deputies, the National Assembly must, within thirty days, either elect a new Primer Minister or express its confidence in the incumbent Prime Minister in a fresh vote. If this is not effected, the President of the Republic shall dissolve the National Assembly and call new elections. The Prime Minister may combine the vote on a motion of confidence in his Government with the vote on a particular statute or some other matter by the National Assembly. If such vote is lost, it shall be deemed to constitute a vote of no confidence in the Government.

(2) No less than forty-eight hours must elapse between the moving of a motion of no confidence and any vote on such matter.

**Article 118 Interpellation**

(1) An interpellation with respect to the work of the Government or of an individual Minister of State may be required by no less than 10 Deputies of the National Assembly.

(2) If, following such an interpellation, a majority of all elected Deputies carries a vote of no confidence in the Government or in the individual Minister concerned, the Government or such Minister, as the case may be, shall stand dismissed by the National Assembly.

**Article 119 Charges against the Prime Minister or against any Minister of State**

The National Assembly may bring the Prime Minister or any Minister of State before the Constitutional Court to answer charges relating to breaches of this Constitution or of statute committed during the performance of office. Any such charge shall be determined by the Constitutional Court pursuant to the provisions of Article 109.

**Section E The Public Administration****Article 120 Organization and Work of the Public Administration**

(1) The organization and extent of the public administration and the manner of appointment of public servants, shall be regulated by statute.

(2) Duties and functions associated with the public administration shall be conducted independently and at all times pursuant to, and consistently with, this Constitution and the law.

(3) The right to judicial review of the acts and decisions of all administrative bodies and statutory authorities which affect the rights and legal entitlements of individuals or organizations shall be guaranteed.

**Article 121 Duties and Functions of the Public Administration**

(1) The various Ministries of State shall directly exercise the duties and functions of public administration.

(2) Autonomous bodies and enterprises, other organizations and individuals may be empowered by statute to carry out specified functions of public administration.

**Article 122 Employment in Public Administration**

All appointments to public administration shall only be made pursuant to a public selection procedure, except in such cases as are determined by statute.

**Section F The National Defence****Article 123 Duty to Serve in the Defence Forces**

(1) Participation in the defence of the Statute shall be compulsory for each citizen within such limits and in such manner as shall be laid down by statute.

(2) Any citizen who, because of his religious, philosophical or humanitarian beliefs, is not willing to perform military duty, shall be given the opportunity of participating in the defence of the Statute in some other manner.

**Article 124 Defence of the State**

(1) The manner in which the territorial inviolability and integrity of the State shall be defended, and the extent and organization of such defence, shall be regulated by statute enacted by a two-thirds majority of those Deputies of the National Assembly present.

(2) The National Assembly shall be responsible for the supervision of national defence issues.

(3) National security shall be predicated primarily on policies designed to promote peace and an ethic of peace and nonaggression.

**Section G The Judiciary****Article 125 Independence of the Judges**

The Judges shall independently exercise their duties and functions in accordance with this

Constitution and with the law. [REDACTED]

#### **Article 126 Organization and Jurisdiction of the Courts**

- (1) The organization and jurisdiction of the courts shall be determined by statute. [REDACTED]
- (2) Extraordinary courts shall not be established. Further, military tribunals shall not be established in peacetime.

#### **Article 127 The Supreme Court**

- (1) The Supreme Court shall be the highest court in the State.
- (2) It shall be a court of appellate jurisdiction and shall deal with such other matters as are laid down by statute.

#### **Article 128 Participation of Citizens in the Performance of Judicial Functions**

The circumstances and the manner in which citizens may participate in the performance of judicial duties shall be regulated by statute.

#### **Article 129 Permanence of Office of Judges**

The office of a judge shall be permanent. The age and other conditions of election as well as the age of retirement of a judge shall be such as are determined by statute.

#### **Article 130 Election of Judges**

The National Assembly shall elect judges upon the recommendation of the Judicial Council.

#### **Article 131 Judicial Council**

There shall be a Judicial Council composed of eleven members. Five members shall be elected by the vote of the National Assembly on the nomination of the President of the Republic from amongst practising lawyers, professors of law and other lawyers. Six members shall be elected from amongst judges holding permanent judicial office. The President of the Judicial Council shall be chosen by the members of the Judicial Council from amongst their own number.

#### **Article 132 Termination and Dismissal from Office of a Judge**

- (1) The circumstances in which a judge shall no longer hold office shall be specified by statute.
- (2) Where a judge infringes this Constitution or commits a major breach of the law in the discharge of the duties and functions of his office, the National Assembly may, upon the recommendation of the Judicial Council, dismiss him.
- (3) Where a judge is found by a duly constituted court to have intentionally committed a criminal offence in the discharge of the duties and functions of his office, and thereby to have abused that office, he shall be dismissed from such office by the National Assembly.

#### **Article 133 Incompatibility of Judicial Office**

The office of a judge shall be incompatible with office in any other State body, local government body and any organ of any political party, and with such other offices and activities as may be specified by statute.

#### **Article 134 Judicial Immunity**

- (1) No person who takes part in the making of any judicial decision may be called to account for any opinion he has expressed in court in the course of reaching that decision.
- (2) Where a judge is suspected of criminal activity in the discharge of his judicial duties and functions, he may not be detained, nor may any proceeding be instituted against him, save with the permission of the National Assembly.

### **Section H The Office of the Public Prosecutor**

#### **Article 135 Office of the Public Prosecutor**

- (1) The Public Prosecutor shall be responsible for the preferment of criminal charges, for prosecuting criminal matters in court and for the performance of such other duties as are prescribed by statute.
- (2) The administration and powers of the Public Prosecutor's Office shall be regulated by statute.

#### **Article 136 Incompatibility of Office of Public Prosecutor**

The office of Public Prosecutor shall be incompatible with office in any other State body, local government body and any organ of any political party, and with such other offices and activities as may be specified by statute.

### **Section I The Practising Lawyers and Notaries Public**

#### **Article 137 Practising Lawyers and Notaries Public**

- (1) Practising lawyers shall function as an independent profession in the administration of justice, subject to regulation by statute.
- (2) The public services performed by notaries public in their professional capacity shall be such as are regulated by statute.

## **Part 5 Self-Government**

### **Section A Local Self-Government**

#### **Article 138 The Exercise of Local Government Powers and Functions**

Slovenians shall exercise local government powers and functions through self-governing municipalities and other local government organizations. [REDACTED]

#### **Article 139 Municipalities**

- (1) Municipality shall be self-governing local government bodies.
- (2) A municipality may comprise a single community or a number of communities whose inhabitants

are bound together by common needs and interests.

(3) A municipality may be established by statute following a vote in favour of its establishment at a referendum conducted to ascertain the will of the people in the area affected. The territorial boundaries of a municipality shall be such as are prescribed by statute.

#### **Article 140 Range of Duties and Functions of Self-Governing Local Government Bodies**

(1) The range of duties and functions performed by a municipality shall include such local matters affecting only the people of that municipality, as the municipality may independently determine.

(2) The State may, by statute, vest such duties and functions as fall within its jurisdiction in municipalities and wider self-governing local government bodies, subject to the prior consent of the municipalities and other bodies concerned and to the provision of the means for the performance of such duties and functions.

(3) The State shall supervise the proper and efficient performance by municipalities and wider self-governing local government bodies of all duties and functions vested in them by the Statute.

#### **Article 141 Urban Municipalities**

(1) A town or city may attain the status of an urban municipality in accordance with such procedures and under such conditions as may be prescribed by statute.

(2) Specific duties and functions relating to urban development may be vested by the State in urban municipalities by statute.

#### **Article 142 Municipal Revenue**

Municipalities shall raise their own revenue. Those financially disadvantaged municipalities which are unable to meet all expenditures required of them in the performance of their duties and functions shall be eligible to receive additional financial assistance from the State in accordance with principles and criteria prescribed by statute.

#### **Article 143 Wider Self-Governing Local Government Bodies**

(1) Municipalities shall be at liberty to join with other municipalities in establishing wider self-governing local government bodies or regional local government bodies to exercise administrative powers and to deal with matters of wider common interest. The State may, by agreement with wider self-governing local government bodies and regional local government bodies, vest within the original jurisdiction of such bodies specific duties and functions otherwise falling within the jurisdiction of the State. The State shall regulate the manner in which such bodies shall recommend the vesting of duties and functions by the State in them and the manner in which they shall perform such functions and duties.

(2) The principles and criteria governing the vesting of duties and functions in accordance with the last preceding paragraph shall be such as are determined by statute.

#### **Article 144 Supervision by State Authorities**

Duly constituted State authorities shall supervise the lawful performance by local government bodies of their duties and functions.

### **Section B Other Forms of Self-Government**

#### **Article 145 Self-Governing Local Bodies**

(1) Citizens may join together and form self-governing local bodies to further their common interests.

(2) Specific matters falling within the jurisdiction of the State may be left by statute to be realized by citizens joined together in self-governing local bodies.

### **Part 6 Public Finance**

#### **Article 146 Financing of the State and Local Government Bodies**

(1) The State and local government bodies shall fund the performance of their respective duties and functions from taxes and other mandatory charges levied by them and from such other income as they may derive from their assets.

(2) The State and local government bodies shall demonstrate the extent of their assets and liabilities by appropriate financial statements.

#### **Article 147 Taxes**

The State shall levy taxes, customs duties and other charges in accordance with statute. Local government bodies shall levy taxes and other charges in such circumstances as are determined by this Constitution and by statute.

#### **Article 148 Budgets**

(1) All revenues raised, and all monies expended, for public purposes by the State and by local government bodies shall be accounted for in their respective budgets.

(2) Where the budget of the State or of a local government body has not been officially adopted as and when due, the expenditures of the State or of the local government body shall be temporarily financed in accordance with the terms of the last preceding budget of the State or the body concerned.

#### **Article 149 State Borrowings**

The State shall only be permitted to borrow monies or to guarantee credit on such conditions as are determined by statute.

#### **Article 150 The Office of the Auditor General**

(1) The Auditor General's Office shall be the body with the ultimate responsibility for auditing State finances, the State Budget and monies expended for public purposes.

(2) The administration and powers of the Auditor General's Office shall be such as are determined by statute.

(3) The Auditor General's Office shall be independent in the performance of its functions subject only to this Constitution and statute.

#### **Article 151 Appointment of Officers of the Auditor General's Office**

Officers of the Auditor General's Office shall be appointed by the National Assembly.

**Article 152 The Central Bank**

- (1) Slovenia shall have a Central Bank which shall be independent in its operations and accountable to the National Assembly. The Central Bank shall be established by statute.
- (2) The Governor of the Central Bank shall be appointed by the National Assembly.

**Part 7 Constitutionality and Legality****Article 153 Conformity of Legislative Measures**

- (1) Statutes, regulations and other legislative measures must conform with the provisions of this Constitution.
- (2) Statutes must conform with generally accepted principles of international law and with international agreements currently in force and adopted by the National Assembly, and regulations and other legislative measures must also conform with other ratified international agreements.
- (3) Regulations and other legislative measures must conform with this Constitution and with statute.
- (4) Each and every act and activity of State bodies, local government bodies and statutory authorities must be founded in statute or in regulations made pursuant to statute.

**Article 154 Validity of Legislative Measures and their Proclamation**

- (1) Statutes, regulations and by-laws must be proclaimed before they come into effect. A statute, regulation or by-law shall come into effect fifteen days after its proclamation unless otherwise provided in the regulation or by-law itself.
- (2) Legislative measures shall be proclaimed in the national Government Gazette but local government by-laws shall be proclaimed in such official publication as is determined by the local government body concerned.

**Article 155 Prohibition against Retrospective Legislation**

- (1) No statute, regulation or other legislative measures shall, in general, be interpreted as having retrospective effect.
- (2) A particular statute shall only be given retrospective effect when so required by the statute concerned, when in the public interest and provided that no accrued rights are infringed thereby.

**Article 156 Procedure for Determining Constitutional Validity**

In the event that a court, in deciding upon any matter, concludes that a statute which it must apply is unconstitutional, it must stay the proceeding and refer the issue of the constitutional validity of the statute to the Constitutional Court. The original proceeding in the court may only be continued after the Constitutional Court has handed down its decision.

**Article 157 Disputes as to Administrative Matters**

- (1) Courts of competent jurisdiction shall be empowered to decide upon the legal validity of decisions of State bodies, local government bodies and statutory authorities made in relation to administrative disputes and concerning the rights, obligations and legal entitlements of individuals or organizations; but only where alternative legal redress is not specifically provided by statute.
- (2) If no other legal redress is provided, courts of competent jurisdiction shall also be empowered to decide upon the legal validity of individual activities and acts which infringe the constitutional rights of the individual.

**Article 158 Finality of Legal Decisions**

The legal consequences flowing from the final decision of a government body may be set aside, cancelled or amended only in such cases, and pursuant to such procedures, as are prescribed by statute.

**Article 159 The Office of the Ombudsman**

- (1) An Ombudsman, responsible for the protection of human rights and fundamental freedoms in matters involving State bodies, local government bodies and statutory authorities, shall be appointed pursuant to statute.
- (2) Special ombudsmen may be empowered by statute to make determinations on particular subjects.

**Part 8 The Constitutional Court****Article 160 Jurisdiction of the Constitutional Court**

- (1) The Constitutional Court shall be empowered to decide upon the following matters:
- matters relating to the conformity of statutes with this Constitution;
  - matters relating to the conformity of statutes, regulations and by-laws with international agreements adopted by the Statute and with general principles of international law;
  - matters relating to the conformity of regulations with this Constitution and with statute;
  - matters relating to the conformity of local government by-laws with this Constitution and with statute;
  - matters relating to the conformity of the proclaimed regulatory measures of statutory authorities with this Constitution, with statute and with regulations;
  - matters relating to complaints of breaches of this Constitution involving individual acts infringing human rights and fundamental freedoms;
  - matters relating to jurisdictional disputes between the State and local government bodies and to jurisdictional disputes among such local government bodies;
  - matters relating to jurisdictional disputes between the courts and other State bodies;
  - matters relating to jurisdictional disputes between the National Assembly the President of the Republic and the Government;
  - matters relating to unconstitutional acts and activities of political parties, and
  - such other matters are vested in the Constitutional Court by this Constitution or by statute.
- (2) At the instigation of the President of the Republic, of the Government or of no less than one third of the Deputies of the National Assembly, the Constitutional Court shall provide an opinion as to the conformity of an international agreement in the process of being adopted by the State, with this Constitution. The National Assembly shall be bound by any such opinion of the Constitutional Court.
- (3) Save where otherwise provided by statute, the Constitutional Court shall only decide upon a

constitutional complaint where all other legal redress has been exhausted. The Constitutional Court shall decide whether to adjudicate upon a constitutional complaint according to the criteria and procedures prescribed by statute.

#### **Article 161 Abrogation of Statutes**

(1) Should the Constitutional Court determine that a statute is unconstitutional, it shall abrogate that statute in whole or in part. Any such abrogation shall take effect immediately or within such period of time, not exceeding one year, as the Constitutional Court may decide. Regulations, by-laws and regulatory measures which are determined to be unconstitutional or unlawful shall be set aside or abrogated by the Constitutional Court. Until the Constitutional Court finally decides upon the constitutional or legal validity of a measure, it may, subject to such conditions as are prescribed by statute, stay any act implementing the measure, either in whole or in part.

(2) Should the Constitutional Court determine, in the course of adjudicating upon a complaint alleging a breach of this Constitution, that a regulation, by-law or other regulatory measure is unconstitutional, it may, in accordance with Paragraph (1), set aside such regulation, by-law or other regulatory measure or abrogate the same.

(3) Statute shall regulate the legal consequences flowing from decisions of the Constitutional Court.

#### **Article 162 Procedure of the Constitutional Court**

(1) The procedure of the Constitutional Court shall be regulated by statute.

(2) Statute shall determine who may require proceedings to be commenced in the Constitutional Court.

(3) Any person who can show a proper legal interest, as determined by statute, may initiate proceedings in the Constitutional Court.

(4) Save where otherwise specifically provided by this Constitution or by statute, the Constitutional Court shall reach decisions by a majority of all of its judges.

(5) The issue of whether or not a proceeding on a complaint of a breach of this Constitution shall be entertained by the Constitutional Court shall be decided by such lesser number of the judges of the Constitutional Court as may be determined by statute.

#### **Article 163 Composition and Election**

(1) The Constitutional Court shall be composed of nine judges, elected by the National Assembly in accordance with statute and on the nomination of the President of the Republic.

(2) Judges shall be elected from amongst those expert in the law.

(3) The President of the Constitutional Court shall be selected by the judges from amongst their own number to hold office for a period of three years.

#### **Article 164 Relief of a Judge of the Constitutional Court prior to the Expiration of his Term of Office**

A judge of the Constitutional Court may be relieved from office prior to the expiration of his term in such circumstances as are determined by statute, but only where:

- the judge himself so request;
- the judge is sentenced to a term of imprisonment for a criminal offence, or,
- the judge becomes permanently incapable of performing his duties.

#### **Article 165 Term of Office of a Judge**

(1) A judge of the Constitutional Court shall be elected for a term of nine years and shall not be eligible for re-election.

(2) Upon the expiration of his term of office, a judge of the Constitutional Court shall continue to perform his judicial functions until the election of his successor.

#### **Article 166 Incompatibility of Functions**

Office as a judge of the Constitutional Court shall be incompatible with office in any State body, local government body, and any organ of any political party, and with such other offices or activities as are deemed by statute to be incompatible with office as a judge of the Constitutional Court.

#### **Article 167 Immunity**

Judges of the Constitutional Court shall enjoy the same immunities as are enjoyed by the Deputies of the National Assembly. Issues relating to such immunities shall be determined by the National Assembly.

### **Part 9 Procedure for Amending this Constitution**

#### **Article 168 Proposal for the Initiation of Amendment**

(1) A proposal to amend this Constitution may be initiated by no less than twenty Deputies of the National Assembly, by the Government or by no less than thirty thousand voters.

(2) Any such proposal shall only proceed for determination in the National Assembly upon the vote of a two-thirds majority of those Deputies of the National Assembly present and voting.

#### **Article 169 Amendment of This Constitution**

The National Assembly may only enact legislation to amend this Constitution upon the vote of a two-thirds majority of all elected Deputies.

#### **Article 170 Ratification of Constitutional Amendment by Referendum**

(1) Any proposal for the amendment of this Constitution before the National Assembly must be presented to the electorate at a referendum if the same is demanded by no less than thirty of its Deputies.

(2) An amendment shall be deemed to have been carried at such a referendum if a majority of all voters eligible to vote, voted at the referendum and a majority of those voters who were voting voted in favour of same.

#### **Article 171 Proclamation of Amendments to this Constitution**

An amendment to this Constitution shall take effect upon its proclamation in the National Assembly.



**Part 10 Transitional and Final Provisions****Article 172 [Proclamation]**

This Constitution shall take effect upon its proclamation.

**Article 173 [Implementation Statutes]**

The individual provisions of this Constitution shall apply from the date of its proclamation, unless otherwise determined by such statute as is enacted to implement the same.

**Article 174 [Transitional Arrangements Statute]**

(1) A statute enabling the implementation of this Constitution shall be enacted so as to provide for proper transitional arrangements in relation to such implementation.

(2) Such an enabling statute must be passed by no less than a two-thirds majority of all Members of all Chambers of the Parliament of the Republic of Slovenia.

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For corrections please contact A. Tschentscher.

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