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## CONSTITUTION

### OF THE REPUBLIC OF SLOVENIA

Proceeding from the will of the Slovene nation and residents of the Republic of Slovenia as expressed in the plebiscite on the sovereignty and independence of the Republic of Slovenia on 23 December 1990;

considering the fact that the Republic of Slovenia has been a state under the hitherto valid constitutional order and has exercised only a part of its sovereign rights within the Socialist Federal Republic of Yugoslavia;

with regard to the fact that the SFRY<sup>1</sup> does not function as a state governed by law and that within it human rights, national rights and the rights of the republics and autonomous provinces are grossly violated;

with regard to the fact that the federal system of Yugoslavia does not allow for the resolution of the political and economic crisis and that no agreement was reached between the Yugoslav republics which would enable the republics to gain independence concurrently with the transformation of the Yugoslav federal state into a union of sovereign states;

firmly determined that the Republic of Slovenia shall respect the equal rights of other Yugoslav republics, and together with them gradually regulate all issues arising from their hitherto common existence equally, democratically and peacefully, and respect their sovereignty and territorial integrity; and

willing to further negotiate institutional and other ties with other Yugoslav republics as a sovereign and independent state,

the Assembly of the Republic of Slovenia at the joint session of all three chambers held on 25 June 1991, on the basis of amendments LXVIII, LXXII and XCIX to the Constitution of the Republic of Slovenia and in accordance with Article 4 of the Plebiscite on the Sovereignty and Independence of the Republic of Slovenia Act,

hereby adopts

# **THE BASIC CONSTITUTIONAL CHARTER ON THE SOVEREIGNTY AND INDEPENDENCE OF THE REPUBLIC OF SLOVENIA \***

## **I**

The Republic of Slovenia is a sovereign and independent state.

The Constitution of the SFRY hereby ceases to be in force for the Republic of Slovenia.

The Republic of Slovenia assumes all the rights and duties which under the Constitution of the Republic of Slovenia and the Constitution of the SFRY were transferred to the authorities of the SFRY.

The assumption of the exercise of these rights and duties shall be regulated by constitutional act.

## **II**

The state borders of the Republic of Slovenia are the internationally recognised state borders between the hitherto SFRY and the Republic of Austria, the Republic of Italy and the Republic of Hungary in the part where these states border the Republic of Slovenia, and the border between the Republic of Slovenia and the Republic of Croatia within the hitherto SFRY.

## **III**

The Republic of Slovenia guarantees the protection of human rights and fundamental freedoms to all persons in the territory of the Republic of Slovenia irrespective of their national origin, without any discrimination whatsoever, in accordance with the Constitution of the Republic of Slovenia and the treaties in force.

The Italian and Hungarian national communities in the Republic of Slovenia and their members are guaranteed all rights deriving from the Constitution of the Republic of Slovenia and the treaties in force.

## **IV**

In order to implement this constitutional charter a constitutional act shall be passed at a joint session of all chambers of the Assembly of the Republic of Slovenia by a two-thirds majority of delegates of all chambers.

## V

This Constitutional Charter shall enter into force upon its promulgation at a joint session of all chambers of the Assembly of the Republic of Slovenia.

Proceeding from

the Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia, and from

fundamental human rights and freedoms, and the fundamental and permanent right of the Slovene nation to self-determination; and from the historical fact that in a centuries-long struggle for national liberation we Slovenes have established our national identity and asserted our statehood,

the Assembly of the Republic of Slovenia hereby adopts

# **THE CONSTITUTION OF THE REPUBLIC OF SLOVENIA\*\***

## **I. GENERAL PROVISIONS**

### Article 1

Slovenia is a democratic republic.

### Article 2

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

### Article 3

Slovenia is a state of all its citizens and is founded on the permanent and inalienable right of the Slovene nation to self-determination.

In Slovenia power is vested in the people. Citizens exercise this power directly and through elections, consistent with the principle of the separation of legislative, executive and judicial powers.

### Article 3a<sup>2</sup>

Pursuant to a treaty ratified by the National Assembly by a two-thirds majority vote of all deputies, Slovenia may transfer the exercise of part of its sovereign rights to international organisations which are based on respect for human rights and fundamental freedoms, democracy and the principles of the rule of law and may enter into a defensive alliance with states which are based on respect for these values.

Before ratifying a treaty referred to in the preceding paragraph, the National Assembly may call a referendum. A proposal is passed in the referendum if a majority of those voting have cast valid votes in favour of the same. The National Assembly is bound by the result of such referendum. If such referendum has been held, a referendum regarding the law on the ratification of the treaty concerned may not be called.

Legal acts and decisions adopted within international organisations to which Slovenia has transferred the exercise of part of its sovereign rights shall be applied in Slovenia in accordance with the legal regulation of these organisations.

In procedures for the adoption of legal acts and decisions in international organisations to which Slovenia has transferred the exercise of part of its sovereign rights, the Government shall promptly inform the National Assembly of proposals for such acts and decisions as well as of its own activities. The National Assembly may adopt positions thereon, which the Government shall take into consideration in its activities. The relationship between the National Assembly and the Government arising from this paragraph shall be regulated in detail by a law adopted by a two-thirds majority vote of deputies present.

### Article 4

Slovenia is a territorially unified and indivisible state.

#### Article 5

In its own territory, the state shall protect human rights and fundamental freedoms. It shall protect and guarantee the rights of the autochthonous Italian and Hungarian national communities. It shall maintain concern for autochthonous Slovene national minorities in neighbouring countries and for Slovene emigrants and workers abroad and shall foster their contacts with the homeland. It shall provide for the preservation of the natural wealth and cultural heritage and create opportunities for the harmonious development of society and culture in Slovenia.

Slovenes not holding Slovene citizenship may enjoy special rights and privileges in Slovenia. The nature and extent of such rights and privileges shall be regulated by law.

#### Article 6

The coat-of-arms of Slovenia has the form of a shield. In the middle of the shield, on a blue background, is a representation of Mount Triglav in white, under which there are two undulating blue lines symbolising the sea and rivers and above which there are three golden, six-pointed stars forming a downward-pointing triangle. The shield is bordered in red. The coat-of-arms is designed in accordance with a set standard of geometry and colour.

The flag of Slovenia is the white-blue-red Slovene national flag with the coat-of-arms of Slovenia. The ratio of the width of the flag to the length thereof is one to two. The colours of the flag are in the following order: white, blue and red. Each colour occupies a horizontal band covering one third of the area of the flag. The coat-of-arms is positioned in the upper left portion of the flag such that it lies with one half in the white field and the other in the blue field.

The national anthem of Slovenia is "Zdravljica".

The use of the coat-of-arms, the flag and the national anthem shall be provided by law.

#### Article 7

The state and religious communities shall be separate.

Religious communities shall enjoy equal rights; they shall pursue their activities freely.

#### Article 8

Laws and other regulations must comply with generally accepted principles of international law and with treaties that are binding on Slovenia. Ratified and published treaties shall be applied directly.

#### Article 9

Local self-government in Slovenia is guaranteed.

#### Article 10

The capital of Slovenia is Ljubljana.

#### Article 11

The official language in Slovenia is Slovene. In those municipalities where Italian or Hungarian national communities reside, Italian or Hungarian shall also be official languages.

#### Article 12

Slovene citizenship shall be regulated by law.

#### Article 13

In accordance with treaties, aliens in Slovenia enjoy all the rights guaranteed by this Constitution and laws, except for those rights that pursuant to this Constitution or law only citizens of Slovenia enjoy.

## II. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

#### Article 14<sup>3</sup>

(Equality before the Law)

In Slovenia everyone shall be guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political or other conviction, material standing, birth, education, social status, disability or any other personal circumstance.

All are equal before the law.

## Article 15

### (Exercise and Limitation of Rights)

Human rights and fundamental freedoms shall be exercised directly on the basis of the Constitution.

The manner in which human rights and fundamental freedoms are exercised may be regulated by law whenever the Constitution so provides or where this is necessary due to the particular nature of an individual right or freedom.

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

Judicial protection of human rights and fundamental freedoms, and the right to obtain redress for the violation of such rights and freedoms, shall be guaranteed.

No human right or fundamental freedom regulated by legal acts in force in Slovenia may be restricted on the grounds that this Constitution does not recognise that right or freedom or recognises it to a lesser extent.

## Article 16

### (Temporary Suspension and Restriction of Rights)

Human rights and fundamental freedoms provided by this Constitution may exceptionally be temporarily suspended or restricted during a war and state of emergency. Human rights and fundamental freedoms may be suspended or restricted only for the duration of the war or state of emergency, but only to the extent required by such circumstances and inasmuch as the measures adopted do not create inequality based solely on race, national origin, sex, language, religion, political or other conviction, material standing, birth, education, social status or any other

personal circumstance.

The provision of the preceding paragraph does not allow any temporary suspension or restriction of the rights provided by Articles 17, 18, 21, 27, 28, 29 and 41.

#### Article 17

##### (Inviolability of Human Life)

Human life is inviolable. There is no capital punishment in Slovenia.

#### Article 18

##### (Prohibition of Torture)

No one may be subjected to torture or to inhuman or degrading punishment or treatment. The conducting of medical or other scientific experiments on any person without his free consent is prohibited.

#### Article 19

##### (Protection of Personal Liberty)

Everyone has the right to personal liberty.

No one may be deprived of his liberty except in such cases and pursuant to such procedures as are provided by law.

Anyone deprived of his liberty must be immediately informed in his mother tongue, or in a language which he understands, of the reasons for being deprived of his liberty. Within the shortest possible time thereafter, he must also be informed in writing of why he has been deprived of his liberty. He must be instructed immediately that he is not obliged to make any statement, that he has the right to immediate legal representation of his own free choice and that the competent authority must, on his request, notify his relatives or those close to him of the deprivation of his liberty.

#### Article 20

### (Orders for and Duration of Detention)

A person reasonably suspected of having committed a criminal offence may be detained only on the basis of a court order when this is absolutely necessary for the course of criminal proceedings or for reasons of public safety.

Upon detention, but not later than twenty-four hours thereafter, the person detained must be handed the written court order with a statement of reasons. The person detained has the right to appeal against the court order, and such appeal must be decided by a court within forty-eight hours. Detention may last only as long as there are legal reasons for such, but no longer than three months from the day of the deprivation of liberty. The Supreme Court may extend the detention a further three months.

If no charges are brought by the end of these terms, the suspected person shall be released.

### Article 21

#### (Protection of Human Personality and Dignity)

Respect for human personality and dignity shall be guaranteed in criminal and in all other legal proceedings, as well as during the deprivation of liberty and enforcement of punitive sanctions.

Violence of any form against any person whose liberty has been restricted in any way is prohibited, as is the use of any form of coercion in obtaining confessions and statements.

### Article 22

#### (Equal Protection of Rights)

Everyone shall be guaranteed equal protection of rights in any proceeding before a court and before other state authorities, local community authorities and bearers of public authority that decide on his rights, duties or legal interests.

### Article 23

(Right to Judicial Protection)

Everyone has the right to have any decision regarding his rights, duties and any charges brought against him made without undue delay by an independent, impartial court constituted by law.

Only a judge duly appointed pursuant to rules previously established by law and by judicial regulations may judge such an individual.

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Article 39

(Freedom of Expression)

Freedom of expression of thought, freedom of speech and public appearance, of the press and other forms of public communication and expression shall be guaranteed. Everyone may freely collect, receive and disseminate information and opinions.

Except in such cases as are provided by law, everyone has the right to obtain information of a public nature in which he has a well founded legal interest under law.

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Article 61

(Expression of National Affiliation)

Everyone has the right to freely express affiliation with his nation or national community, to foster and give expression to his culture and to use his language and script.

Article 62

(Right to Use One's Language and Script)

Everyone has the right to use his language and script in a manner provided by law in the exercise of his rights and duties and in procedures before state and other bodies performing a public function.

## Article 63

### (Prohibition of Incitement to Discrimination and Intolerance and Prohibition of Incitement to Violence and War)

Any incitement to national, racial, religious or other discrimination, and the inflaming of national, racial, religious or other hatred and intolerance are unconstitutional.

Any incitement to violence and war is unconstitutional.

## Article 64

### (Special Rights of the Autochthonous Italian and Hungarian National Communities in Slovenia)

The autochthonous Italian and Hungarian national communities and their members shall be guaranteed the right to use their national symbols freely and, in order to preserve their national identity, the right to establish organisations and develop economic, cultural, scientific and research activities, as well as activities in the field of public media and publishing. In accordance with laws, these two national communities and their members have the right to education and schooling in their own languages, as well as the right to establish and develop such education and schooling. The geographic areas in which bilingual schools are compulsory shall be established by law. These national communities and their members shall be guaranteed the right to foster relations with their nations of origin and their respective countries. The state shall provide material and moral support for the exercise of these rights.

In order to exercise their rights, the members of these communities shall establish their own self-governing communities in the geographic areas where they live. On the proposal of these self-governing national communities, the state may authorise them to perform certain functions under national jurisdiction, and shall provide funds for the performing of such functions.

The two national communities shall be directly represented in representative bodies of local self-government and in the National Assembly.

The position of the Italian and Hungarian national communities and the manner in

which their rights are exercised in the geographic areas where they live, the obligations of the self-governing local communities for the exercise of these rights, and those rights which the members of these national communities exercise also outside these areas, shall all be regulated by law. The rights of both national communities and their members shall be guaranteed irrespective of the number of members of these communities.

Laws, regulations and other general acts that concern the exercise of the constitutionally provided rights and the position of the national communities exclusively, may not be adopted without the consent of representatives of these national communities.

#### Article 65

(Status and Special Rights of the Romany Community in Slovenia)

The status and special rights of the Romany community living in Slovenia shall be regulated by law.

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#### Article 73

(Protection of the Natural and Cultural Heritage)

Everyone is obliged in accordance with the law to protect natural sites of special interest, rarities and cultural monuments.

The state and local communities shall promote the preservation of the natural and cultural heritage.

### IV. ORGANISATION OF THE STATE

#### a) **The National Assembly**

Article 80<sup>8</sup>

## (Composition and Election)

The National Assembly is composed of deputies of the citizens of Slovenia and comprises ninety deputies.

Deputies are elected by universal, equal, direct and secret voting.

One deputy of the Italian and one deputy of the Hungarian national communities shall always be elected to the National Assembly.

The electoral system shall be regulated by a law passed by the National Assembly by a two-thirds majority vote of all deputies.

Deputies, except for the deputies of the national communities, are elected according to the principle of proportional representation with a four-percent threshold required for election to the National Assembly, with due consideration that voters have a decisive influence on the allocation of seats to the candidates.

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## Article 82

### (Deputies)

Deputies of the National Assembly are representatives of all the people and shall not be bound by any instructions.

The law shall establish who may not be elected a deputy, and the incompatibility of the office of deputy with other offices and activities.

The National Assembly confirms the election of deputies. An appeal may be made before the Constitutional Court, in accordance with the law, against a decision of the National Assembly.

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## V. SELF-GOVERNMENT

### a) **Local Self-Government**

#### Article 138

#### (Exercise of Local Self-Government)

Residents of Slovenia exercise local self-government in municipalities and other local communities.

#### Article 139

#### (Municipalities)

Municipalities are self-governing local communities.

The territory of a municipality comprises a settlement or several settlements bound together by the common needs and interests of the residents.

A municipality is established by law following a referendum by which the will of the residents in a given territory is determined. The territory of the municipality is also defined by law.

#### Article 140

#### (Scope of Local Self-Government)

The competencies of a municipality comprise local affairs which may be regulated by the municipality autonomously and which affect only the residents of the municipality.

With the prior consent of the municipality or wider self-governing local community, the state may by law vest specific duties within the state jurisdiction in the municipality or wider self-governing local community, if the state provides financial resources for this purpose.

State authorities shall supervise the proper and competent performance of work relating to matters vested in the local community bodies by the state.

#### Article 141

##### (Urban Municipalities)

A town may attain the status of an urban municipality in accordance with such procedure and under such conditions as provided by law.

An urban municipality performs, as being within its original competence, particular duties within the state competence relating to urban development as provided by law.

#### Article 142

##### (Municipal Revenue)

A municipality is financed from its own sources. Municipalities that are unable to completely provide for the performance of their duties due to insufficient economic development are assured additional funding by the state in accordance with principles and criteria provided by law.

#### Article 143

##### (Wider Self-Governing Local Communities)

Municipalities may independently decide to join into wider self-governing local communities, as well as regions, in order to regulate and manage local affairs of wider importance. In agreement with such communities, the state may transfer specific matters within the state competence into their original competence and determine the participation of such communities in proposing and performing particular matters within the state competence.

The principles and criteria regarding the transfer of competence from the preceding paragraph are regulated by law.

#### Article 144

(Supervision by State Authorities)

State authorities supervise the legality of the work of local community authorities.

**b) Other Forms of Self-Government**

Article 145

(Self-Government in the Field of Social Activities)

Citizens may form self-governing associations to promote their interests.

Citizens may be given the authority by law to manage through self-government particular matters within the state competence.

Article 159

(Ombudsman for Human Rights and Fundamental Freedoms)

In order to protect human rights and fundamental freedoms in relation to state authorities, local self-government authorities and bearers of public authority, the office of the ombudsman for the rights of citizens shall be established by law.

Special ombudsmen for the rights of citizens may also be established by law for particular fields.

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