

Slovak Criminal Law and Fundamental Human Rights and Freedoms

**Prepared by Milan Karabin
President of the Supreme Court of the Slovak Republic**

Human rights and freedoms and particularly guarantees of and respect for these rights, alongside with the supremacy of Constitution, and law, legitimacy and constitutionality, separation of power, and the system of checks and balances are the main pillars of the state governed by the rule of law.

The protection of human rights and fundamental freedoms, in particular the right to personal liberty, life in dignity and inviolability of property (and, naturally, of many other rights) therefore is the major tasks of the State and its legal system. It is necessary to stress that the state should support the existing guarantees providing the means for all citizens to enjoy these rights.

From the point of view of respect of fundamental human rights and freedoms, criminal law, both substantial and procedural, have considerable impact on the protection of these rights against those who violate them, but also those who are confronted with the state power in criminal proceedings, that is the extent of restriction of fundamental human rights of persons suspected of and charged with a criminal offense.

The Slovak system of criminal justice operates on the principles laid down by the Constitution of the Slovak Republic and the Charter of Fundamental Rights and Freedoms of January 9, 1991, automatically transferred from the Czechoslovak legal system into the legal system of the Slovak Republic in pursuance of Article 132 par. 2 of the Constitution. These principles have further been defined by the Courts and Judges Act, and Section 2 of the Code of Criminal Procedure.

In the area of the protection of human rights, the Constitution of the Slovak Republic of September 1, 1992 respects all major instruments on human rights adopted by the United Nations and the Council of Europe. It is based on the International Covenant on Civil and Political Rights (ratified by Czechoslovakia in 1975 and succeeded by the Slovak Republic) and the European Convention on Human Rights and Fundamental Freedoms and its additional protocols. The extent of protection of human rights and fundamental freedoms as guaranteed by the Constitution of the Slovak Republic fully corresponds with Universal Declaration of Human Rights.

