

SLOVAKIA

Law
of 27 March 1990
Concerning the Right of Association
As Amended by later Acts up to Act No. 274/2009.

In this law the Federal Assembly of the Czechoslovak Socialist Republic resolves that:

Introductory Provisions

§ 1

- (1) Citizens have the right to freely associate.
- (2) It is not necessary to have the approval of a state organ in order to exercise this right.
- (3) This law does not relate to the associating of citizens
 - (a) in political parties and political movements,
 - (b) for profitable activity or for securing the regular exercise of specific occupations,
 - (c) in churches and religious societies,
 - (d) for exercising the right of hunting.

§ 2

- (1) Citizens may established societies, companies, leagues, movements, clubs and other associations of citizens as well as labour union organizations (henceforth only associations) and to join them.
- (2) Legal persons also may be members of associations.
- (3) Associations are legal persons. State organs may interfere in their formation and activity only within the limits established by law.
- (4) Soldiers in active service may not create trade union organizations or to join them. The provisions of specific laws determine the extent of the rights of trade union organizations, which associate members of national security units and units for reform training, to assert and defend their social interests.

§ 3

- (1) No one may be forced to associate, be a member in an association or to take part in its activities. Everyone may freely leave an association.
- (2) No one, as a citizen, can be at a detriment because of associating, being a member of an association, taking part in its activities or supporting it nor because they remain apart from it.
- (3) The statute of an association regulates the rights and responsibilities of a member of an association.

§ 4

Associations not allowed are those

- a) whose goal is to subvert or limit the personal, political or other rights of citizens because of their nationality, sex, race, origin, political or other opinions, religious faith or social situation, kindle hatred or intolerance for these reasons, support the use of force or in other ways violate the constitution and laws;
- b) who seek to attain their goals in ways that are incompatible with the constitution and the laws;
- c) armies or armed unit; this does not include associations whose members maintain or use ire-arms for sport purposes.

§ 5

Associations are not allowed to perform the functions of state organs in so far as specific laws do not otherwise stipulate. They are not allowed to govern state organs and impose responsibilities on citizens who are not their members.

Registration and Origin of Associations

§ 6

(1) Associations originate through registration.

(2) A proposal for registration may be submitted by a minimum of three citizens of whom at least one must be older than 18 years (henceforth only "preparatory committee"). The proposal is to be signed by the members of the preparatory committee and indicate their first and last names, birth registration number and residence. Further it should show which of the members, older than 18 years of age, is legally empowered to act in their name. Two copies of the statute must accompany the proposal. The statute must provide for:

- a) the name of the association,
- b) its headquarters,
- c) the goal of its activities,
- d) the organs of the association, the manner of their constituting, specific organs and officials authorized to act legally in the name of the association,
- e) stipulations about organizational units, in so far as they will be established and in so far as they will act in their own name,
- f) principles of economic management.

(3) In so far as the statute does not indicate otherwise, the preparatory committee acts in the name of the association until the creation of the organs indicated in section 2, letter d.

(4) The name of the association must distinguish it from the names of legal persons which already have developed activities on the territory of the Czechoslovak Socialist Republic.

§ 7

(1) The proposal for registration is to be submitted to the Ministry of Interior of the Slovak Republic (henceforth only "Ministry").

(2) If the proposal does not have essentials required according to § 6, sections 2 and 4 (or if there are incomplete or imprecise data in it) the Ministry shall immediately, within 5 days from the submission of the proposal, inform the preparatory committee that as long as these defects are not removed the registration procedures will not be open.

(3) The registration opens on the day on which the Ministry has received the proposal free of omissions as mentioned in section 2. The Ministry shall inform the authorized representative of the preparatory committee about the date of opening the registration procedures.

§ 8

(1) The Ministry shall refuse the registration if it follows from the submitted statute of the association that

- a) it is an organization described in § 1 section 3
- b) its statute is not in agreement with § 3, sections 1 a 2,
- c) it is the case of an forbidden association (§ 4),
- d) the goals of the association are incompatible with the requirements stipulated in § 5.

(2) The Ministry shall decide about refusal of registration within 10 days from opening of the registration procedures. The decision shall be delivered to the authorized representative of the preparatory committee.

(3) The members of the preparatory committee may appeal to the Highest Court of the Republic against the decision to refuse registration within 60 days from the day when this decision was delivered to the authorized representative.

(4) The court may invalidate a decision of the Ministry if there were not grounds given for the refusal of the registration. The day when this decision of the court comes into effect is deemed to be the day of the registration of the association. Upon request of the authorized representative of the preparatory committee, the Ministry shall send to him one copy of the statute on which shall be indicated the date of registration.

(5) If the authorized representative of the preparatory committee does not receive, within 40 days from the day of opening the registration procedures, a notice of the decision of the Ministry concerning the refusal of the registration, the association is deemed to enter into existence on the first calendar day following termination of this term; this day is deemed to be the day of registration. Upon request of the authorized representative of the preparatory committee the Ministry shall send him one copy of the statute on which the date of registration is duly indicated.

§ 9

(1) In so far as the Ministry does not identify a reason for the refusal of a registration, it shall complete the registration procedure within 10 days of its opening and in the same term it shall provide the authorized representative of the preparatory committee with a copy of the statute on which the date of registration is duly indicated; it is the day of dispatching the copy. About the registration act there are not issued legally formal administrative decisions

(2) Within 7 days of its registration the Ministry shall report about the establishment of the association, its name and its headquarters to the Statistical Office maintaining the register of associations who are active on the territory of the Republic; this shall be applied also for the establishment of associations according to § 8, sections 4 and 5.

§ 9a

(1) Trade union organizations and organizations of employers acquire the status of a juridical person on the day following the day in which the proposal for their incorporation (see § 7, section 1) has been delivered to the appropriate Ministry.

(2) As regards the entry into register of associations, for the trade union organizations and organizations of employers shall apply the provisions of § 6, section 2, § 7 section 1 and § 9, section 2; the provisions of § 6, sections 1, § 7 sections 2 and 3, § 8 and § 9, section 1, shall not apply to the trade union organizations and organizations of employers.

§ 10

Canceled

§ 11

(1) The association is to inform the Ministry in writing about amendments of its statute within 15 days following the approval of such amendments and attach to it two copies of the changed text.

(2) If the amendments of the statute are not in accordance with the provisions of §6, sections 2 and 4, or if the information provided is incomplete or imprecise, or if there are valid reasons to refuse the registration according to § 8, section 1, the Ministry shall immediately inform the association about this. The association is responsible for removal of such defects within 60 days of receiving this notice and within a term of a further 10 days for informing the Ministry about this. If this is not done, the Ministry shall dissolve the association; it is possible to appeal the decision of the Ministry at the Highest Courts of the Republic.

(3) If there is no reason for a process according to section 2, the Ministry dispatches to the association within 10 days of the receipt of the announcement according to section 1 one copy of the changed statute on which it is indicated that the changes have been taken into account.

Termination of an Association

§ 12

(1) An association terminates [its existence as a juridical person]
a) by a voluntary dissolution or by merger with another association,
b) by a lawful decision of the Ministry on dissolution of the association.

(2) If the statutes of the association do not provide for the manner of its voluntary dissolution or merger with another association, the decision shall be made by its highest body. This body shall inform the appropriate Ministry about the terminations of the association within 15 days.

(3) If the Ministry ascertains that the association is conducting an activity
a) that is predominantly reserved to political parties and political movements or to organizations associating citizens for the profit making purposes, or for practicing religious activities within churches or religious communities (§ 1, section 3);
b) that violates principles stated in § 3, sections 1 and 2;
c) that is in contradiction with § 4 or § 5;

it shall without delay notice the association about the findings and ask it to stop such activities. If the association continues to conduct these activities, the Ministry shall dissolve the association. It is possible to appeal against this decision to the Highest Court of the Republic.

(4) In evaluating decision made according to § 11, section 2 and § 12 section 3 the court shall proceed according to regulations of the Civic Judicial Code concerning the scrutiny of the decisions of other organs. The appeal process has a deferring effect; if there is serious cause, the court may enforce termination of activities of the association during the lawful period of time in order to make a final decision. During this period the association can carry out only such activities that are necessary to fulfil its obligations according to the law. The court will rescind the decision of the Ministry if the reasons given for the dissolution of the association were not found valid.

(5) If the Ministry ascertains (§ 7) that an organizational unit of the association authorized to act independently in its own name operates in a manner described in § 12, section 3, the Ministry shall apply the same regulations as provided in that section. Also, the provisions of section 4 shall be applied accordingly.

§ 13

(1) Section cancelled

(2) At the termination of an association there shall be made property settlement..

(3) At the dissolution of an association according to § 12, section 1, subsection b the liquidating officer appointed by the Ministry shall manage the property settlement..

(4) The procedure stated in section 3 shall be applied also when the association is dissolved according to § 12, section 1, subsection a, if there is no body that would administer the property settlement.

§ 14

The Ministry shall report about termination of the association to the Statistical Office within 7 days following the day when the Ministry was informed about the termination.

§ 15

Legal Protection

(1) If a member of an association considers illegal a decision of some of association's bodies, against which, according to the statute, it is not possible to appeal within the association or maintains it as violating the statute, that member may, within 30 days from the day he/she learned about the decision, but not later than 6 months from the decision, request the relevant district court to investigate validity of such a decision.

(2) The proposal to open the investigation does not have a deferring effect. The court, however, in justifiable cases may suspend the implementation of the challenged decision.

§ 16

Agreements about Co-operation

(1) Associations may conclude agreements among themselves about co-operation for attaining specific goals, namely for fulfilling other common interests. In order to be valid, such an agreement must be in a written form.

(2) An agreement about co-operation delimits the goal of co-operation, the manner of its implementation, the rights and responsibilities of participating associations and the means which they contribute to co-operation. For an union of associations are the provisions of this Act applied accordingly; when it is the case of trade unions or a union of employers, the provisions of the § 9a are applied accordingly.

(3) Section cancelled.

(4) An agreement on co-operation may stipulate that the agreement ceases its force upon another agreement of the participating associations, after the objective of creating the union has been accomplished or due to another circumstances indicated in the agreement.

Common Regulations

§ 17

If meetings or other assemblies of an association are open to the public, the citizens present have the responsibilities of participants in the assembly. They may not interfere in the negotiations unless the presiding officers decide otherwise.

§ 18

In accord with the goals of their activity, associations have the right of recourse to state organs through petitions.

Temporary and Concluding Provisions

§ 19

(1) Associations established after 30 September 1951 or which were voluntary organizations declared according to the Act No. 68/1951 Coll., on voluntary organizations and assemblies, which were not dissolved are considered as being established in accordance to this law. These organizations are only responsible to inform by 30 June 1990 the Ministry indicated in § 7, section 1 or § 11 of their name, headquarters and statute.

(2) Societies, syndicates, clubs and similar membership organizations established prior to 1 October 1951 are considered to be associations established according to this law if they have not been dissolved. They are responsible to inform by 30 June 1990 the Ministry indicated in § 7, section 1 or § 11 of their name, headquarters. If they do not do this, the Ministry shall enquire whether they intend further to pursue activities. If a society does not fulfil its responsibilities according to the second sentence by 31.12.1990, it will be assumed as if dissolved to this date.

(3) Ministry (§ 7 paragraph 1) shall provide information about associations (§ 9, section 2) indicated in sections 1 and 2 to the Statistical Office for being filed in the registers.

(4) Associations active according to § 10 on the territory of the Slovak Republic after 31.12.1992 shall terminate their activities by 30.4.1993, unless they did so already according to the provisions of the § 12, section 1.

§ 20

Act N. 116/1985 Coll., on conditions for the activity of organizations with international aspect in the Czechoslovak Socialist Republic remains intact.

(2§ Organizations effected by the Act No. 16/1985, whose activities were allowed until December 31, 1992 to operate on the territory of the Slovak Republic by the Federal Ministry of Interior are deemed to be considered as organizations allowed to operate by the Ministry of Interior of the Slovak Republic.

§ 21

Abrogated are:

- 1) Act No. 68 / 1951 Coll. , on voluntary organizations and assemblies in the text of later regulations in so far as they deal with voluntary organizations;
- 2) The Regulation of the Ministry of Interior No. 320 / 1951 Off.J. (No.. 348 / 1951 Off. J.), on voluntary organizations and associations in the text of the Regulation of the Minister of Interior No. 158 / 1957 Of. J., in so far as it concerns voluntary organizations;
- 3) The government decree No. 30 / 1939 Coll. , on creation of special associations not subjected to valid regulations on associating and on supervision over them;
- 4) § 2 of the Act No. 126 / 1968 Coll., on certain temporary measures for securing public order;
- 5) § 2, section 8, letter c) of the Act No. 128 / 1970 Coll., on the demarcation of the activity of the Czechoslovak Socialist Republic in matters of domestic order and security;
- 6) § 45, section 1, letter c) of the Act No. 194 / 1988 Coll., on activities of the Federal Central Bodies of the State Administration.

§ 22

This law enters into effect on 1 May 1990.

Signed by
Havel
Dubček