



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Information received from Slovakia on follow-up to the  
concluding observations on its combined eleventh and twelfth  
periodic reports\***

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\* The present document is being issued without formal editing.



**Follow-up information relating to paragraph 14 (a) of the concluding observations (CERD/C/SVK/CO/11-12)**

1. The Ministry of Justice of the Slovak Republic has carried out extensive reforms in legislation and institutional protection for the prosecution of hate crimes, effective from 1 January 2017, which have been designated in the laws of the Slovak Republic as criminal offences of extremism.
2. These reforms have resulted in more effective investigation of extremism, with power vested in a specialised unit of the National Criminal Agency (Národná kriminálna agentúra) to investigate such crimes nationwide. National jurisdiction meant vesting the power to prosecute extremist crimes with the Special Prosecutor's Office (Úrad špeciálnej prokuratúry) and for such offences to be heard before the Specialised Criminal Court (Špecializovaný trestný súd). As part of quality assurance at these specialised authorities, training was conducted during 2017 in cooperation with the OSCE/ODIHR as part of TACKLE (for investigators) and PAHCT (for special prosecutors and judges) programmes. In order to effectively combat extremism, the Ministry of Justice additionally established a new court expert department under the name of Social Sciences and Humanities, which is divided into two branches: political extremism and religious extremism. The experts in this field assist in ensuring effective and qualified recognition of elements in extremism and hate motives.
3. From the legislative perspective, a number of amendments were made to the penal codes. Changes in the Criminal Code included new or revised offences in Section 421 for establishing, supporting and/or promoting a movement aimed at suppressing fundamental rights and freedoms; in Section 422 for expressing sympathy with a movement aimed at suppressing fundamental rights and freedoms; in Section 422a for the manufacture of extremist materials; in Section 422b for the dissemination of extremist materials; in Section 422c for the possession of extremist materials; in Section 422d for denial and condoning of the Holocaust, crimes committed by political regimes and crimes against humanity; in Section 423 for the defamation of a nation, race or conviction; in Section 424 for incitement to nationalistic, racial or ethnic hatred; in Section 424a for apartheid and discrimination against a group of people; and in Section 140 (e) for criminal offences committed with a special motive.
4. The definition of special motive, contingent on the application of the maximum criminal penalty and including the specific motive of hate provided in Section 140 (e), includes hatred directed against a group of people or an individual for their real or perceived classification in a race, nation, nationality or ethnic group; affiliation, or for their real or perceived origin, skin colour, sex, sexual orientation, political persuasion or religious belief. Any criminal offence committed for a special motive provided under Section 140 (e) is deemed to be the offence of extremism.
5. The reforms also criminalised the establishment of a movement aimed at suppressing fundamental rights and freedoms (previously only the support and promotion of such a movement had been punishable by law) and changed the definition of extremist material, whereas criminal liability for the manufacture, possession or dissemination of these materials had not required the intent to spread hate, violence or unjustifiably unequal treatment.
6. Public hate speech is particularly covered in the newly defined criminal offence of incitement to national, racial or ethnic hatred (Section 424), which includes public incitement to violence or hatred against a person or group of people for their real or perceived classification in any race, nation, nationality or ethnic group; or for their real or perceived origin, skin colour, sex, sexual orientation, political persuasion, religious belief or lack thereof; or of public incitement to limit their rights and freedoms. Public incitement also means incitement to hatred through the media or social networks on the Internet.
7. The defined offence of "apartheid and discrimination against a group of people" (Section 424a) was incorporated into the Criminal Code in order for it to be in line with the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Convention on the Elimination of All Forms of Racial Discrimination.

8. In the Slovak Republic, direct criminal liability was incorporated into the Corporate Responsibility Act in 2016 to cover legal entities established for the purpose of, or otherwise actively engaged in, the commission of criminal offences, including extremism.

9. The National Counter Terrorism Unit, a specialised unit of the National Criminal Agency concentrating on the detection and investigation of extremist crimes and terrorist offences, has set up an extremist screening centre whose primary tasks include searching for, monitoring and analysing any information, initiatives and hate speech on the Internet and social networks. An important activity of the centre is the collection, analysis and utilisation of information obtained from the Slovak security services and international security forces, including Europol, Interpol and other competent public authorities in the Slovak Republic, with bearing toward collecting information about people engaged in extremism in the Slovak Republic along with sponsors and supporters, as well as cooperating actively with non-governmental organisations addressing extremism issues.

10. The relevant departments within the Ministry of Interior (Department of Crime Prevention) are likewise participating in activities conducted by the Subgroup of the EU High Level Group on combating racism, xenophobia and other forms of intolerance focused on the fight against illegal hate speech. One of the task force's activities is the monitoring of compliance with the Code of Conduct agreed in 2016 for information technology between the European Commission and IT companies (Facebook, Twitter, YouTube, Instagram, Google+, Snapchat, Dailymotion, Jeuxvideo.com, Microsoft and other online platforms). The main objective of the Code is the timely removal (within 24 hours) or denial of access to content deemed illegal in any EU Member State. The fourth monitoring exercise is scheduled to take place between 5 November and 14 December 2018, with the Slovak Republic to be represented during the monitoring by Digital Intelligence (Digitálna inteligencia), a non-governmental organisation.

11. In addition to measures aimed at prosecuting extremists, there are other instruments available in the Slovak Republic to impede the spread of hate speech. Act No. 308/2000 Coll. on broadcasting and retransmission and on the amendment of Act No. 195/2000 Coll. on telecommunications, as amended (Broadcasting and Retransmission Act) states that on-demand audio-visual media services, programme services and their components are not allowed to promote violence and, in an overt or covert way, incite hatred, nor are they allowed to defame or disparage on grounds of sex, race, colour, language, belief and religion, political or any other opinion, national or social origin, nationality or ethnic group.

12. If the Broadcasting and Retransmission Act is infringed, the Council for Broadcasting and Retransmission is thereunder empowered to impose fines, require the broadcast of a message about the infringement and revoke broadcasting licences. It specifically provides, in accordance with obligations under international agreements by which the Slovak Republic is bound, for the Council to suspend the retransmission of a programme service whose content manifestly, seriously and gravely incites hatred on the basis of race, sex, religion or nationality.

13. In this context it is also important to mention Act No. 147/2001 Coll. on advertising and on the amendments to certain acts, as amended, whereunder no advertisement is allowed to contain anything that disparages human dignity; offends national or religious feelings; discriminates in any way on the basis of sex, race and social origin; promotes violence, vandalism or vulgarity; or either abets unlawful conduct or expresses agreement therewith.

14. Since February 2017, the temporary working group recasting audio-visual media service regulations has been reporting to the Ministry of Culture. The group was established at the Government Council for Culture (Rada vlády pre kultúru) and tasked to prepare new, comprehensive legislation to cover audio-visual media services in the context of the forthcoming transposition of a directive to be adopted by the European Parliament and the Council to amend Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audio-visual media services, in view of changing market realities. In preparing the new legislation, the Ministry of Culture and the working group are, inter alia, addressing the issue of transposing the commitment by the State to ensure that video sharing platforms take appropriate measures to protect the general public against programmes, user-generated

videos and audio-visual commercial communications with content whose dissemination constitutes a criminal offence under Union law and, inter alia, is also a racist and xenophobic offence provided in Article 1 of Council Framework Decision 2008/913/JHA.

15. Therefore, we believe that the competent authorities of the Slovak Republic have taken effective action in recent years to prevent and combat hate speech, in line with international standards.

### **Follow-up information relating to paragraph 22 (b) of the concluding observations**

16. The central state authorities are currently conducting intensive consultations and seeking options for implementing the recommendations made by the UN Committee on the Elimination of Racial Discrimination in the laws of the Slovak Republic as part of ongoing public policy aimed both at integrating the Roma and taking into account the interests and fundamental rights of other categories of vulnerable people.

17. In 2018, the competent government departments, following the procedures provided in Act No. 575/2001 Coll. on the organising of government activities and of the central state administration, as amended, or in Act No. 400/2015 Coll. on lawmaking and the Collection of Laws of the Slovak Republic and on the amendments to certain acts, as amended by Act No. 310/2016 Coll., started analysing the option of adopting the specific legislation mentioned in the second part of Recommendation 22 (b), as measures preventing the creation of new barriers. The legal conditions for three-step testing continue to be assessed in the analysis that was begun, particularly in respect of the requirement for a solution to the conflict of laws that conforms to the Constitution, as well as the constitutionally defined position of local government in the exercise of its primary competence.

18. Nevertheless, insufficient legislation was not the sole cause of the problematic construction of segregation walls recently occurring in the Slovak Republic, which is now receding, but rather it concerns a social problem. While addressing this issue, we consider it being important to focus on more systematical coordination local governments in practice and on continuation of adoption of integration policies and additional targeted instruments.

19. In setting up programmes to be financed from European Structural and Investment Funds during the 2014-20 programming period as part of the Human Resources Operational Programme, one of the prerequisites established by the Slovak Republic for the spending of public funds is the application of the 3D Principle (desegregation, de-ghettoizing and de-stigmatization).

20. For this purpose, the Office of the Plenipotentiary of the Slovak Government for Roma Communities has issued Methodological Guideline for Effective Application of the Principles of Desegregation, De-ghettoizing and De-stigmatization. This methodical guideline was issued in line with the Strategy of the Slovak Republic for Roma Integration by 2020. Main intentions in the strategy itself, alongside with the methodical guideline and operational programme are to end segregation of Roma communities, a significant upturn in the social inclusion of Roma communities, non-discrimination and a change in the attitude of the majority population toward the Roma minority. These are also reflected in the strategy's individual action plans.

21. The Slovak Government has approved Resolution 87/2017 – the updated action plans to the Strategy of the Slovak Republic for Roma Integration by 2020 covering the years 2016-18 for the following areas: D.2.1 Education; D.2.2 Employment; D.2.3 Health; D.2.4 Housing, plus a new action for D.2.5 Financial Inclusion. Concurrently it tasked the Office of the Plenipotentiary of the Slovak Government for Roma Communities to produce an Updated Action Plan for the Strategy of the Slovak Republic for Roma Integration by 2020 to cover the years 2019-20 for the following areas: D.2.1 Education; D.2.2 Employment; D.2.3 Health; D.2.4 Housing and D.2.5 Financial Inclusion by 31 December 2018. The new action plans have been discussed with the competent expert authorities drafting the strategy and they will be in a short time the subject of procedural arrangements for its adoption. The Slovak Government has also approved the action plans to the Strategy of the Slovak Republic for

Roma Integration by 2020 covering the years 2017-20 for the following areas: D.2.6 Non-discrimination and D.2.7 Approach toward the Majority Population – Roma Integration through Communication Initiative. Amount of € 392,633,541.50 has been budgeted for all updated action plans to the Strategy of the Slovak Republic for Roma Integration by 2020.

22. Considering that the methodical guideline calls for the elimination of segregation, identified as a process whose outcome will be the end of spatial and social segregation and isolation of members in the Roma communities from the majority population, it is justified that the procedure to be followed by the Slovak Government stems from awareness of the base parameter, where involuntary residential segregation as a consequence of historical developments cannot be effectively addressed just in government land-use planning and housing policies, but the problem requires a comprehensive solution that actively involves both the majority section of the population and members of the marginalised Roma community.

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