

**Delegation of the Slovak Republic**

PC.DEL/494/04

16 June 2004

ENGLISH only

**Statement**

**on the legislative changes adopted by Slovak Republic to combat Racism,  
Xenophobia and Antisemitism**

***OSCE MEETING ON THE RELATIONSHIP BETWEEN RACIST XENOPHOBIC  
AND ANTISEMITIC PROPAGANDA ON THE INTERNET AND HATE CRIME  
16. – 17. JUNE 2003, PARIS***

**SESSION 1**

Slovakia considers the internet one of the most important communication infrastructures that has almost inexhaustible possibilities for the distribution and exchange of information throughout the world. This information may be, however, abused. Therefore it is necessary for the international community to be aware of this threat and to search for regulatory mechanisms which would protect the world against the hatred coming from the internet. At the same time, we are also aware of the fact that the internet's international (global) context and its diversity render a unified regulation impossible, and that with regard to a free flow of information limitation is not even suitable. It is thus necessary to find such ways of protection which would help filter out hateful contents, but not limit the free flow of information through censorship.

Let me briefly introduce to you latest legislative changes adopted by the Slovak Republic in order to strengthen the protection against racism and other forms of discrimination.

## **Constitution**

A primary interest of Slovakia is to improve constitutional and state mechanisms in the field of human rights protection and prevention of all forms of discrimination. Therefore the Constitution also undergoes a permanent development, especially in relation to the harmonisation of the Slovak legal system with the legislation of the European Union countries. Its amendment entered into force in July 2001; it had a direct impact on the improvement of the protection of human rights and strengthened priority in the application of international human-legal conventions before laws.

## **Adoption of the Antidiscrimination Act**

On 20 May 2004 the National Council of the Slovak Republic approved Antidiscrimination Act which applies, in a complex way, principles of equal treatment. The Act has not yet been signed by the President of the Slovak Republic, but it is expected to enter into force on 1 July 2004. The Act has a real chance of becoming a model also for remaining member states. Its strong points lie in the fact that it contains a provision about positive steps with regard to race and ethnicity as well. As positive could also be seen the fact that the Act was passed by a constitutional majority (of the total of 150 MPs, the Act was supported by 107).

Until recently, the ban on discrimination was dealt with in several regulations. The new Act defines such basic concepts as discrimination, direct and indirect discrimination, harassment or unauthorised penalty. This norm defines application of the principle of equal treatment in labour relations and similar legal relations, in the field of social security, health care or education. The Act lays down areas in which different treatment is tolerable. Discrimination on the basis of sexual orientation is banned as well. The Act does not address the problem of entering into a relationship between homosexual partners, or the adoption of children by such partners. Through an amending proposal, the MPs also allowed a positive discrimination on the basis of racial or ethnic origin.

The adoption of the Act was preceded by several years of preparation and negotiations. A relatively long preparatory time was affected by different legal opinions of experts dealing with the form of implementation of the EU antidiscrimination directives into the legal system of Slovakia. However, during this time Slovakia has been making efforts to implement principles of the EU antidiscrimination directives and thus to meet criteria for the Slovak legal system to contain definitions of discrimination, which have been absent so far, and to identify, on a wider

scale, reasons of discrimination. In this context, the Slovak Republic already in October 2000 signed Protocol no. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms which contains a general antidiscrimination clause.

### **Slovak National Centre for Human Rights**

A new Antidiscrimination Act augments tasks of the Slovak Antidiscrimination Centre for Human Rights, giving it the authority to represent citizens in the proceedings regarding the violations of the principle of equal treatment. The Centre will also monitor and evaluate the observance of the equal treatment principle.

The Act contains a provision about the changing and supplementing the tasks of the Slovak Human Rights Centre. The Centre should also be active, among other things, as a monitoring centre in the area of discrimination, including the monitoring of the observance of children's rights. The Centre is obliged to prepare and annually, by 31 January, publish a report on the situation in the observance of human rights and freedoms in the country.

### **Action Plan for the Prevention of all Forms of Discrimination, Racism, Xenophobia, Anti-Semitism, and Other Expressions of Intolerance.**

In harmony with the International Convention on the Elimination of all Forms of Racial Discrimination and in order to prevent all forms of discrimination, the Government prepares short-term (two-year) strategies for the elimination of this phenomenon in our society labelled as the Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism, and Other Expressions of Intolerance; this is in accordance with the conclusions of the World Conference Against Racism of September 2001 and 2003. The aim of the action plans is, among other things, to review the extent and efficiency of legislative measures in the struggle against discrimination and other expressions of intolerance in the society. The Government is informed about the observance of activities of the second Action Plan for the years 2002 – 2003 twice a year. The aim of the last material the Government was acquainted with in May 2004 was to inform about the activities focused on the increase of tolerance in the society and the prevention of all forms of discrimination through various activities of individual resorts, non-governmental organisations, and other bodies dealing with the questions.

### **Criminal law**

Slovakia is in an extensive process of re-codifying its criminal law and Criminal Code, which are expected to enter into force in 2005. Their aim is, above all, to achieve the most consistent observance of fundamental civil and human rights and to ensure an efficient struggle with crime. The proposed legislation is in harmony with international conventions to which the Slovak Republic has committed itself.

Following individual provisions of the Constitution, criminal law lays down penalties for actions which incur violation of human rights committed by means of various kinds of violence, discrimination, non-respecting civil and political rights and freedoms, etc. Criminal law has extended characteristics which constitute legal offence of racially motivated criminal acts, strengthened the constitution of legal offence in the case of support and promotion of movements leading to the suppression of rights and freedoms of citizens. Pursuant to the wording of article 7 of the Status of International Criminal Court, a new criminal offence, "crime against humanity", was included into criminal law. Slovakia has strengthened the concept of the criminal offence of trafficking in persons and children. The content of the new law is a response to the Protocol on the Prevention, Suppression and Punishment of Trafficking in Persons,

Women and Children, which is part of the UN convention against trans-national crime; Slovakia signed it on 15 November 2001. Legislation in the field of criminal law takes into account the EU measures related to the struggle against illegal trafficking in persons and sexual abuse of children. Slovak legislation attempts to create conditions for effective and most efficient punishment of all forms of trafficking in persons, comparable with the legislation in place in western European countries. With regard to the mentioned documents, the criminal act of trafficking in women has been changed to cover trafficking in persons with the aim of sexual intercourse or other sexual abuse, irrespective of whether it is a woman, man, or child. The criminal law has been augmented by a provision which imposes penalty on the offenders and, at the same time, protects victims of home violence. Last but not least, the criminal law penalises also the so-called economic violence, caused by unjustified approach to property.

As far as Slovakia is concerned, a great significance for the development of antidiscrimination legislation lies in the adoption of the **Optional Protocol to the UN Convention on the Elimination of all Forms of Discrimination against Women** which became binding for the Slovak Republic on 17 February 2001 and which recognises the authority of the respective committee of the UN to judge the notifications and compliances of individuals falling under its jurisdiction and, consequently, both **Optional Protocols to the UN Convention on the Rights of the Child**.

### **The character and extent of the relation between a racist, xenophobic, anti-Semitic propaganda on the internet and criminal acts motivated by intolerance**

There is a relationship between a racist, xenophobic and anti-Semitic propaganda on the internet and racially motivated criminal acts and the Slovak Republic is no exception to this principle. Therefore within the Ministry of Interior a Commission for the dealing with racially motivated violence was established through a ministerial order. The Ministry of Interior set aside specialised staff for the monitoring of extremism and established commissions consisting of the members of non-governmental organisations focusing on human rights and racism. Members of the Commission have several times provided information about internet pages promoting racist ideas. One of the areas of activity of this Commission for the near future will also be the problem of the elimination of racially motivated criminal activity committed through the internet.

The first web site engaged in neo-Nazism was a web site named White front. It was promoting neo-Nazism for over two years. The civil association called People Against Racism contacted police and drew their attention to the site in the autumn 2000. They submitted to the police officers a printed version of the web site, consisting of a complete translation of „Mein Kampf“ with many anti-Semitic, racist, neo-Nazi and fascist articles. At the time when TV and newspapers warned about internet-based neo-Nazi activities, the front page of the web site gave a photo of the activist from the association People Against Racism with a subtitle „Wanted live or dead“. Since March 2004, this American administered website is non-functional.

So far there has been documented no racially motivated criminal act committed by an offender who would be directly encouraged to it by means of racist internet sites. However, there undoubtedly exist indirect circumstances, since the majority of rightwing extremists search such pages and through them obtain new information about the activities of other rightwing extremists; they embrace their ideas and opinions, which may, consequently, contribute to a decision to commit a racially motivated criminal act.

There are no exact data with regard to this topic. The following table gives a statistics of racially motivated activity for the period of 1997-2003. Detailed records of which of these criminal acts have been committed through the internet are not kept yet.

<b>Year</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>
<b>Identified criminal acts</b>	19	21	15	35	40	109	119
<b>Solved criminal acts</b>	8	15	11	25	23	76	77

Our effort is to cooperate on the national and international levels and help convict persons developing such internet sites or contributing to them. So far there have been two cases in which the persons creating such web sites on the internet were convicted of such criminal offence in Slovakia:

1/ On 2 April 2003 the road police stopped a vehicle, driven by I. M. from Košice, and found in it 9 pieces of black colour T-shirts, having tabs with symbols promoting racial intolerance. After the inspection of the vehicle criminal prosecution was begun in re commitment of criminal offence of supporting and promotion of movements leading to the suppression of the rights and freedoms of citizens in accordance with § 260 /1, 2 item a of the Criminal Act.

Based on further information about the person of I. M. submitted by the criminal police officers, the Prešov Police Department prepared a motion for the house search. The motion was submitted to a judge by the Prešov District Prosecutor's Office and it was approved.

Consequently, a house search was carried out in the place of I. M.'s permanent residence on 3 April 2003 at 1 a.m. The search secured a larger number of materials promoting racial intolerance, fascism, etc. (T-shirts, various printing matter) as well as a larger number of CD carriers and a computer hard disk which was used by the person. Authorities also secured materials which, according to criminal police sources, I. M. offers in his catalogue on the internet site [www.bloodandhonour.org](http://www.bloodandhonour.org) of which he was a co-author.

On 3 April 2003 the OÚJP PZ investigator in Prešov brought accusation against I. M. for the commitment of a criminal offence of supporting and promotion of movements leading to the suppression of rights and freedoms of citizens under the § 260 /1,2 item a of the Criminal Act and prepared a motion for his imprisonment. On 5 April 2003 the judge in charge approved the imprisonment of I. M.

With regard to an international level, presented especially by an organised participation in international activities of rightwing extremists, establishing contacts important for further development of rightwing extremist movement in Slovakia, and an effort for a more relevant engagement in an international distribution net connected with the production of printed matter and materials with rightwing extremist themes distributed in Slovakia and abroad, the person of I. M. may be considered to be one of the leading personalities of rightwing extremists in Slovakia.

His activities have been developed under the heading of an international rightwing extremist organisation Blood and Honour, with the centre in the USA. He is a founding member and a main personality of the Blood & Honour CASSOVIA organisation in the region of Eastern Slovakia. According to the criminal police information, I. M. created the internet site <http://>

[www.bloodandhonour.org](http://www.bloodandhonour.org) during the year of 2002. The site has an English and Slovak versions and serves for a mutual communication among rightwing extremists within Slovakia and abroad. I. M. was one of the main distributors of materials with rightwing extremist themes (T-shirts, sweatshirts, tabs, etc.) within Slovakia, offering them through an online catalogue placed on the mentioned internet site.

2/ On 24 May 2002, R. S. was accused of the commitment of a criminal offence of „supporting and promotion of movements leading to the suppression of rights and freedoms of citizens“ in accordance with § 260, paragraph 1,2 item a/ of the Criminal Act. R. S. committed the above mentioned criminal act by leaving, on an exactly unspecified day in July and August 2001, for the city of Kodak, Tennessee, USA, at an invitation of the Christian Separatist Church Society, where he took part in the Slovak translations of foreign authors dealing with historical revisionism. The mentioned articles with the revision of the Bible and with strongly anti-Jewish and racial undertone were published in the Slovak language on the internet site [www.christianseparatist.org](http://www.christianseparatist.org). At the same time, he also published various printed matter focused on the revision of the Bible and the Holocaust in which he presented ideas of anti-Semitism and National Socialism. The materials were also published on the internet address <http://www.members.odinsrage.com/defense83/index.html>. That site promoted national, racial and religious hatred and supported movements leading to the suppression of rights and freedoms of citizens.

The Slovak Republic is aware of the need for and significance of an international cooperation in the area of punishing criminal acts related to the promotion of fascism, as well as of the fact that effective punishment in one country is not possible, especially because of a possibility to move the site from one server to another one in a short time (for example from Argentina to Afghanistan, etc.). A server administrator does not even have to be aware of the nature of the site placed on the server. The web administrator may be, and often is, in a totally different country. This is the reason why the Slovakia recommends emphasising, through conference conclusions, a need of international cooperation on a global level, since the problem cannot be solved locally (in the www context even the EU or the OSCE can be considered as local). Primarily, there should be cooperation especially in the area of the prevention of organised crime, making use of international, especially police organisations.