



## WHAT IS HATE SPEECH?

Hate speech covers many forms of expressions which spread, incite, promote or justify hatred, violence and discrimination against a person or group of persons for a variety of reasons (ECRI).

Incitement to violence is part of a hate crime. In instances where speech creates public disorder or constitute imminent threat of violence the hate crime concept can and should apply. Moreover, hate speech can be a precursor.

## WHAT IS HATE CRIME?

The term “hate crime” or “bias crime” describes a type of crime, rather than a specific offense within a penal code. The term describes a phenomenology, rather than a legal definition. Hate crimes always comprise two elements: **a criminal offense committed with a bias motive.**

The **first element** of a hate crime is that an act is committed that constitutes an offense under ordinary criminal law. Hate crimes always require a base offense to have occurred. If there is no base offense, there is no hate crime.

The **second element** of a hate crime is that the criminal act is committed with a particular motive, referred to as “bias”. It is this element of bias motive that differentiates hate crimes from ordinary crimes. This means that the perpetrator intentionally chose the target of the crime because of some protected characteristic.

**The target may be one or more people, or it may be property associated with a group that shares a particular characteristic. The perpetrator might target the victim because of actual or even perceived affiliation with the group.** 

## PROTECTED CHARACTERISTICS

Protected characteristics are markers of a group identity. **They are a common features shared by a group, such as “race”, language, religion, ethnicity, nationality, gender, gender identity, sexual orientation or any other similar common factor that is fundamental for the identity.**

Protected characteristics generally cannot be changed and are fundamental such as the skin color. But not all unchangeable or fundamental characteristics are markers of group identity. For example, blue eyes may be described as an immutable characteristic, but blue-eyed people do not usually identify together as a group, nor do others see them as a cohesive group, and eye color is not typically a marker of group identity.

Conversely, there are a few characteristics which are changeable but are nevertheless fundamental to a person’s sense of self. For example, even though it is possible to change one’s religion, it is a widely-recognized marker of group identity, which a person should not be forced to surrender or conceal.

Source: ODIHR (OSCE) <http://hatecrime.osce.org/>

# RELEVANT COMPARATIVE GRAPHICS

TYPE OF CRIMINAL BEHAVIOR	SLOVAKIA	CZECH REPUBLIC	MALTA	LITHUANIA	HUNGARY
<b>HATE CRIME</b>					
Violence and physical attack	☑	☑	☑	☑	☑
Attack against property	☑	☑	☑	☑	☑
Any crime with bias motive (aggravating circumstance)	☑	☑	☑	☑	☑
<b>HATE SPEECH</b>					
Threat of attack	☑	☑	☑	☑	☑
Defamation of race, nationality, or religion	☑	☑	☑	☑	☑
Incitement to hatred, call to violence	☑	☑	☑	☑	☑
Denial of the Holocaust or crimes against humanity	☑	☑	☑	☑	☑
Production and distribution of hate materials	☑	☑	☑	☑	☑
Approval of totalitarian regimes	☑	☑	☑	☑	☑
Setting up or supporting hate groups	☑	☑		☑	☑

## PROTECTED CHARACTERISTICS AND GROUPS

### SLOVAK REPUBLIC

The list of protected characteristics of individuals and population groups for which the Criminal Code recognises hatred as a specific motivation includes the following:

- Race;
- Nationality;
- Ethnicity;
- Religious beliefs or the lack thereof;
- Sexual orientation;
- Genus;
- Origin;
- Complexion.

The amendment that took effect in 2017 better summarised the “protected characteristics”. At the same time, it has been extended to include supposed affiliation and political beliefs. Effective from January 1, 2017, the Criminal Code recognises crimes that are perpetrated because of hatred against a group of persons or an individual because of their actual or alleged:

- Race;
- Nation;
- Nationality;
- Ethnic group;
- Actual or putative origins;
- Skin colour;
- Sexual orientation;
- Political beliefs;
- Religious belief.

Source: [http://nohate.zone/wp-content/uploads/2018/11/Tackling-Hate-Crime-and-Hate-Speech-in-Europe\\_EN.pdf](http://nohate.zone/wp-content/uploads/2018/11/Tackling-Hate-Crime-and-Hate-Speech-in-Europe_EN.pdf) \*

\*The Comparative Report on Hate Crimes in Select European Countries was elaborated as one of the outputs of the project titled Tackling Hate Crime and Hate Speech (JUST/2015/RRAC/AG/VICT/8991) that has been jointly implemented by non-governmental organizations from Slovakia (People in Need), Czech Republic (In IUSTITIA), Hungary (Subjective Values Foundation), Lithuania (Human Rights Monitoring Institute), and Malta (The People for Change Foundation). The key ambition of the project financially supported by the European Commission is to create an effective online tool to report the so-called crimes motivated by hate (hereinafter “hate crime”) and illegal statements motivated by specific hate (hereinafter “hate speech”).

## RELEVANT RESOURCES

- No Hate Reporting Tool: <https://nenavistnyskutok.sk/> Reporting only available in Slovak.
- Reporting online incidents – available tools in Slovakia: [extrem@minv.sk](mailto:extrem@minv.sk) email address, which belongs to police to report extremism.
  - <https://stopline.sk/sk/uvod/> hate incidents, child abuse, other crime (form in Slovak and English)
  - <https://nenavistnyskutok.sk/> online tool developed by NGO to report both online and offline hate incidents
- Police:
  - National Criminal Agency <http://www.minv.sk/?narodna-protiteroristicka-jednotka>
  - City Police of Bratislava : <http://mestskapolicia.bratislava.sk/kontakty/os-10/p1=1380>
- Discrimination cases (Slovak National Centre for Human Rights\*): <http://www.snslp.sk/?locale=en>

\*The Slovak National Centre for Human Rights is a State-funded institution, which provides free legal counseling and representation in cases related to discrimination and human rights violations.