

SLOVAKIA

Criminal Code, Act No. 300/2005, Effective 1 January 2006. Last amendments added sexual orientation (in May 2013, in force 31 July 2013).

Section 140 – (Definitions) Specific Motivation

Specific motivation shall mean that a criminal offence was committed

(...)

d) with the intention to publicly incite to violence or hatred directed against a group of persons or individuals because of their affiliation to any race, nation, nationality, skin colour, ethnicity, gender or

origin of their religion, if it is a pretext for threatening to the foregoing considerations,

(...)

f) **because of national, ethnic or racial hatred, or hatred caused by the colour of complexion or sexual orientation, or**

(...).

THE FOLLOWING PROVISIONS CONTAIN AN ENHANCED PENALTY IN CASE AN OFFENCE REFERRED TO HAS BEEN COMMITTED “BY REASON OF SPECIFIC MOTIVATION”:

Section 144/2/e - First Degree Murder

Section 145/2/d - Second Degree Murder

Section 147/2/b - Killing

Section 148/2/b

Section 154/2/c - Participating in a Suicide

Section 155/2/c - Bodily Harm

Section 156/2/b

Section 159/3/b - Wrongful Taking of Organs, Tissues and Cells and Criminal Sterilization

Section 160/2/b

Section 170/2/c - Endangering Health due to Unauthorized Pharmaceuticals, Health Care Aids and Equipment

Section 179/3/c - Trafficking in Human Beings

Section 182/2/a - Deprivation of Personal Freedom

Section 183/2/b - Restriction of Personal Freedom

Section 184/2/b - Restricting the Freedom of Residence

Section 185/2/c - Taking a Hostage

Section 186/2/d - Kidnapping for Ransom

Section 187/2/c - Abduction to a Foreign Country

Section 188/2/e - Robbery

Section 189/2/c - Extortion

Section 190/3/c - Gross Coercion

Section 191/2/c

Section 192/2/c - Duress

Section 193/2/c - Restricting the Freedom of Worship

Section 194/2/d - Forcible Entry into Dwelling

Section 196/3/b - Breach of Mailing Secrets

Section 197/3/b

Section 199/2/c - Rape

Section 200/2/c - Sexual Violence

Section 201/2/c - Sexual Abuse

Section 208/2/b - Battering a Close Person and a Person Entrusted into one's Care
Section 209/2/b - Kidnapping
Section 210/2/b
Section 211/3/b - Corrupting Morals of Youth
Section 212/3/c - Theft
Section 213/2/b - Embezzlement
Section 214/2/b - Failure to Pay Wages and Redundancy Payment
Section 215/2/b - Unlawful Enjoyment of a Thing of Another
Section 216/2/b - Unlawful Enjoyment of a Motor Vehicle of Another
Section 217/2/b
Section 218/3/b - Unlawful Interference with a Title to a House, Dwelling or Non-residential Premises
Section 219/3/c - Unlawful Manufacturing and Enjoyment of Payment Means, Electronic Money or Other Payment Card
Section 220/2/c - Falsification and Fraudulent Alteration of Motor Vehicle Identification Numbers
Section 221/3/b - Fraud
Section 222/3/b - Credit Fraud
Section 223/3/b - Insurance Fraud
Section 224/2/b - Capital Fraud
Section 225/4/b - Subsidy Fraud
Section 226/2/b - Unjust Enrichment
Section 229/2/b - Illegal Gambling and Wagers
Section 230/2/b - Illegal Lotteries and Similar Games
Section 231/2/b - Sharing
Section 233/2/a - Legalisation of the Proceeds of Crime
Section 235/2/c - Usury
Section 237/2/b - Breach of Trust by Maladministration of Estates of Another
Section 239/3/b - Harm Done to a Creditor
Section 241/3/a - Deceitful Practices in Bankruptcy and Composition Proceedings
Section 242/2/b - Obstructing Bankruptcy or Composition Proceedings
Section 245/2/b - Harm Done to a Thing of Another
Section 246/2/b
Section 249/2/b - Damaging and Devaluation of Cultural Heritage
Section 250/2/c - Abusing Participation in Economic Competition Distortion of Data in Financial and Commercial Records
Section 259/3/c - Distortion of Data in Financial and Commercial Records
Section 261/2/b - Damaging Financial Interests of the European Communities
Section 264/2/b - Endangering Trade, Bank, Postal, Telecommunication and Tax Secrets
Section 265/3/b - Insider Trading
Section 266/2/b - Deceitful Practices in Public Procurement and Public Auction
Section 274/2/b - Forgery, Fraudulent Alteration and Illicit Manufacturing of Duty Stamps, Postage Stamps, Stickers and Postmarks
Section 275/2/b - Forgery and Fraudulent Alteration of Control Technical Measures for Labelling Goods
Section 279/2/b - Breach of Regulations Governing State Technical Measures for Labelling Goods
Section 281/3/b - Infringing Trademark, Registered Apellation of Origin and Trade Name Rights
Section 283/2/c - Infringement of Copyright
Section 284/2/c - Endangering Public Safety
Section 290/2/c - Breach of Duty under Imminent Danger Situation
Section 294/4/b - Prohibited Acquisition and Possession of Firearms and Trafficking in them
Section 295/3/b
Section 298/2/b - Nuclear Materials, Radioactive Substances, Hazardous Chemicals and Hazardous Biological Agents and Toxins
Section 305/4/b - Breach of Plant and Animal Species Protection Regulations
Section 309/2/b - Escape of Genetically Modified Organisms
Section 326/2/c - Abuse of Power by a Public Official
Section 342/2/a - Interfering with Judicial Independence

Section 344/2/c - Obstruction of Justice

Section 345/2/a - False Accusation

Section 346/3/b - False Testimony and Perjury

Section 347/2/b - False Expert Opinion, Interpreting and Translation

Section 351/3/c - Obstructing the Preparation for and Holding of Elections or Referendum

Section 355/3/b - Smuggling of Migrants

Section 359 - Violence against a Group of Citizens and against an Individual

(1) Any person who threatens a group of citizens with killing, inflicting grievous bodily harm or other aggravated harm, or with causing large-scale damage, or who uses violence against a group of citizens, shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraph 1

a) by reason of **specific motivation**,

(...)

Section 360 - Serious Threats

(1) Any person who threatens another with killing, inflicting grievous bodily harm or other aggravated harm to an extent which may give rise to justifiable fears shall be liable to a term of imprisonment of up to one year.

(2) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraph 1

(...)

d) by reason of **specific motivation**, or

(...)

Section 364 - Disorderly Conduct

(1) Any person who, either verbally or physically, commits gross indecency or disturbs peace in public or in a place accessible to public, in particular by

a) assaulting another,

b) desecrating the state symbol,

c) desecrating a historical or cultural monument,

d) grossly disturbing a citizens' assembly or the course of sporting or cultural event, or

e) causing public nuisance through performing a sexual intercourse, sexual exhibitionism or other pathological sexual practices,

shall be liable to a term of imprisonment of up to three years.

(2) The offender shall be liable to a term of imprisonment of between six months and three years if he commits the offence referred to in paragraph 1

a) by reason of **specific motivation**,

(...)

Section 365 - Desecrating a Place of Eternal Rest

(1) Any person who destroys, damages or desecrates a grave, urn with the ashes of a deceased person, memorial or tombstone, or destroys or damages things at a burial ground or at other place of eternal rest, or who commits other gross indecency or beaches peace at a burial ground or at other place of eternal rest, shall be liable to a term of imprisonment of up to two years.

(2) The offender shall be punished imprisonment for six months to three years, if he commits the act referred to in paragraph 1

(...)

(b) by reason of a **specific motivation**.

Section 366/2/b - Improper and Indecent Interference with a Dead Human Body

(1) Any person who abuses or desecrates a dead human body, or unlawfully carries out the exhumation of mortal remains, or who, without authorisation, takes mortal remains away from the place where they are put to rest, or handles mortal remains in breach of a generally binding legal regulation, shall be liable to a term of imprisonment of up to three years.

(2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1

- a) acting in a more serious manner, or
- b) by reason of **specific motivation**.

Section 420 - Torture and Other Inhuman or Cruel Treatment

(1) Any person who, in connection with the exercise of his powers of the public authority official, from his motion or with his explicit or implicit approval, causes another person physical or mental suffering by ill-treatment, torture or other inhuman and cruel treatment shall be liable to a term of imprisonment of two to six years.

(2) The offender shall be liable to a term of imprisonment of three to ten years if he commits the offence referred to in paragraph 1

(...)

d) by reason of **specific motivation**, or

e) against a person whose personal liberty was restricted in compliance with the law.

Section 424a - Incitement, Defamation and Threatening to Persons because of their Affiliation to Race, Nation, Nationality, Complexion, Ethnic Group or Family Origin

(1) Any person who publicly

a) **incites to violence** or hatred against a group of persons or an individual because of their affiliation to any race, nation, nationality, complexion, ethnic group, family origin or their religion, if they constitute a pretext for the incitement on the aforementioned grounds, or

b) defames such group or individual, or threatens them by exonerating an offence that is deemed to be genocide, a crime against humanity or a war crime under Articles 6, 7 and 8 of the Rome Statute of the International Criminal Court, or an offence that is deemed to be a crime against peace, a war crime or a crime against humanity under Article 6 of the Statute of the International Military Tribunal annexed to the Agreement of 8 August 1945 for the Prosecution and Punishment of the Major War Criminals of the European Axis, if such crime was committed against such group of persons or individual, or if a perpetrator of or abettor to such crime was convicted by a final and conclusive judgment rendered by an international court, unless it was made null and void in lawful proceedings, publicly denies or grossly derogates such offence, if it has been committed against such person or individual,

shall be liable to a term of imprisonment of one to three years.

(2) The offender shall be liable to a term of imprisonment of two to five years if he commits the offence referred to in paragraph 1 by reason of **specific motivation**.

...

For the full version of the Criminal Code please see here:

<http://www.legislationline.org/documents/section/criminal-codes>