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SLOVAK REPUBLIC: AMNESTY INTERNATIONAL URGES MEMBERS OF THE
NATIONAL COUNCIL TO REJECT PROPOSED AMENDMENTS TO THE PENAL CODE

Amnesty International today is calling on members of the National Council to reject the proposed provisions of Articles 92a, 92b and 98 of the Draft Law to Amend the Penal Code.

“The wording of the proposed articles is vague and ambiguous and could result in people being persecuted solely for expressing their ideas freely or for creating non-violent associations,” Amnesty International said today in a letter to Ivan Gašparovič, Chairman of the National Council.

“We fear that this would lead to the imprisonment of people whom we would consider to be prisoners of conscience.”

Amnesty International is concerned that the proposed provisions would not conform to international human rights standards, including the International Covenant on Civil and Political Rights (ICCPR) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), which the Slovak Republic has ratified and is therefore committed to uphold.

BACKGROUND

On 9 April Mihál Kovač, President of Slovakia, refused to sign into force the Draft Law to Amend the Penal Code which had been adopted on 26 March 1996 by the Slovak National Council. Amnesty International is concerned that the Slovak National Council is about to debate the same text of the Draft Law for the second time.

The Draft Law contains the following proposals:

Article 92a¹

Anyone who, intending to subvert the constitutional system, territorial integrity or defence capability of the country or to destroy its independence, commits an assault on a state body (Article 154), a state official (Article 155, paragraph 1), or against a group of citizens or an individual (Article 196), or who defames the nation, race or faith (Article 198), incites national or racial hatred (Article 198a), disseminates alarmist information (Article 199, paragraphs 1 and 2), or commits an offence against the freedom of assembly and association (Article 238a), will be punished by imprisonment of one to five years or a fine.

¹ Articles 92a and 92b would replace Article 92 which states the following:
“Anyone who organizes public rallies in an effort to subvert the constitutional system, territorial integrity or defence capability of the country will be punished by a period of imprisonment of between six months and three years or by a fine.”

Article 92b

Anyone who organizes public rallies in an effort to subvert the constitutional system, territorial integrity or defence capability of the country will be sentenced from six months' to three years' imprisonment or a fine.

The perpetrator will be sentenced to one to five years if the act described in paragraph 1 is committed:

- a. as a member of an organized group.
- b. during a state of military alert
- c. in conjunction with a foreign power or official.

Article 98

Any Slovak citizen, or a non-citizen residing in Slovakia, who deliberately spreads abroad untrue information which can damage state interests can be punished with imprisonment of up to two years or a fine.

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