

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
Slovakia	2024	Slovakia / Supreme Court / BB-3To/6/2023		Religion	Supreme Court (Najvyšší súd)	The case concerns production and online distribution of extremist materials, defamation of a religious group (Muslims), threat of serious harm and incitement to violence against Muslims. The defendant (N.N.) published a video online of her burning the Quran, threatened death to all Muslims and urged other people to join her.	In this case, the Supreme Court was deciding the defendant's appeal against the first instance decision of the Specialised Criminal Court. In the appeal, the defence argued that no account had been taken of the mental disorder which had rendered her unable to recognise the criminal dimension of her actions. However, the Supreme Court found that the defendant did not suffer from a disorder at the time of the offence and was able to recognise the danger of her actions and was able to control her actions. The Supreme Court found her to be fully criminally responsible. The defendant was sentenced to three years in prison.	The Supreme Court argued that the defendant's actions publicly defamed a group of persons because of their religious beliefs, thereby committing a crime with a special motive (§140 of the Law No. 300/2005 Coll. Criminal Law) and publicly incited hatred and violence against a group of persons because of their religious beliefs.	§422a (1) of the Criminal Code - production of extremist materials §140(e) of the Criminal Code - offence committed out of hatred against a group of persons or an individual because of their actual or perceived religious affiliation §423 - defamation of race, nation and beliefs §424 - incitement to racial, national and ethnic hatred	"Spoločným konaním sa podieľala na výrobe extrémistických materiálov, skupine obyvateľov sa vyhrážala inou ťažkou ujmom, a spáchala taký čin z osobitného motívu - z nenávisťi voči skupine osôb pre ich náboženské vyznanie, uvádzala do obehu a rozširovala extrémistické materiály, a spáchala taký čin závažnejším spôsobom konania - po dlhší čas a verejne, verejne hanobila skupinu osôb pre ich náboženské vyznanie, verejne podnecovala k násiliu alebo nenávisťi voči skupine osôb pre ich náboženské vyznanie, čím sa páčila zločin výroby extrémistických materiálov podľa § 422a ods. 1 Trestného zákona účinného do 31.12.2016 spáchaný formou spolupáchateľstva podľa § 20 Trestného zákona účinného do 31.12.2016, v súbehu s prečinom násilia proti skupine obyvateľov podľa § 359 ods. 1, ods. 2 písm. a), písm. c) Trestného zákona s poukazom na § 140 písm. e) Trestného zákona, v súbehu so zločinom rozširovania extrémistických materiálov podľa § 422b ods. 1, ods. 2 písm. a) Trestného zákona s poukazom na § 138 písm. b) Trestného zákona, v súbehu s prečinom hanobenia národa, rasy a presvedčenia podľa § 423 ods. 1 písm. b) Trestného zákona, a v súbehu s prečinom podnecovania k národnostnej, rasovej a etnickej nenávisťi podľa § 424 ods. 1 Trestného zákona." "She participated in the production of extremist materials, threatened a group of people with serious harm, and committed such an act with a specific motive - hatred of a group of people because of their religion, and put into circulation and distributed extremist materials, and committed such an act in a more serious manner - for a prolonged period of time and publicly, publicly defamed a group of persons for their religious beliefs, publicly incited to violence or hatred against a group of persons for their religious beliefs, thereby committing the crime of production of extremist materials pursuant to § 422a par. 1 of the Criminal Code in force until 31.12.2016, in concurrence with the offence of violence against a group of the population under Section 359 (1), (2) (a), (c) of the Criminal Code with reference to Section 140 (e) of the Criminal Code, in concurrence with the crime of dissemination of extremist materials under Section 422b (1), (2) (a), (c) of the Criminal Code with reference to Section 140 (e) of the Criminal Code. 1, paragraph 2 (a) of the Criminal Code with reference to Section 138 (b) of the Criminal Code, in concurrence with the offence of defamation of nation, race and beliefs under Section 423 (1) (b) of the Criminal Code, and in concurrence with the offence of incitement to national, racial and ethnic hatred under Section 424 (1) of the Criminal Code."

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