Case number: AJB-666-4/2026
Subject: Request for action related to the provision of the Slovakian Penal Code entitled "denial of peaceful settlement after the Second World War" running counter to international treaties and certain treaties of the European Union, with a view to preventing criminal legal sanctioning based on the public denial or questioning of the legal documents referred to in the provision, which may also be applied against Hungarian citizens

Mr. Róbert Dobrovodský, PhD., LL.M.

Slovak Republic
Public Defender of Rights

Dear Sir,

I am turning to you on the basis of the provisions set out in Section 2(5) of Act CXI of 2011 on the Commissioner for Fundamental Rights, in which section it is stipulated that it is my responsibility to promote the enforcement and protection of fundamental rights, in cooperation with organisations aiming at the promotion of the protection of fundamental rights.
In my capacity as a national human rights institution, it is also my obligation to stand up against legislation that violates the fundamental rights of Hungarian nationals, as well as to protect the rights that they are guaranteed in the international treaties and the binding documents of the European Union.

I must also point it out that, as a result of the population exchange between Czechoslovakia and Hungary in 1947, there is a significant number of Hungarian citizens whose families and ancestors suffered a considerable deprivation of their rights on account of their Hungarian ethnicity, as a result of the measures taken by the Czechoslovakian state on the basis of the decrees of the President of the Republic of Czechoslovakia of 1945 and 1946 and the decrees and laws adopted by the Slovak National Council.

It is my innermost obligation to monitor the potential obstacles to the enforcement of the human rights of not only the Hungarian nationals who are directly affected by this situation but also, those that may affect those Slovakian citizens living in Slovakia who are ethnic Hungarians, as

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well as the measures that jeopardize the enforcement of their human rights. Furthermore, this is a constitutional obligation that stems from the Fundamental Law of Hungary and also refers to the Commissioner for Fundamental Rights of Hungary.

Although I am contacting you with a view to preventing any potential Slovakian criminal procedures that may be launched against Hungarian citizens living in Slovakia, Hungary or in any other country, this, in my opinion, does not mean that the protection of the constitutional rights of Slovak citizens and to some extent, that of the Hungarian citizens living in Slovakia against the measures taken by the authorities does not primarily belong to the responsibilities of the Public Defender of Rights based on the provision set out by Act 564/2001 determining your procedures.
In this context, I have to mention that your powers as the Public Defender of Rights are widely known, according to which you may propose that the Constitutional Court of the Slovak Republic launch a procedure. As you are aware, this may happen, pursuant to Section 21(3) of Act 564/200, if in any cases related to the observance of the provisions set out in Article 125(1) of the Constitution of the Slovak Republic, the further implementation of these laws may jeopardize those fundamental rights and freedoms, as well as human rights and fundamental freedoms that arise from the international treaties that have been ratified and lawfully promulgated by the Slovak Republic. I can only hope that, in agreement with the following justification, or the majority of the elements thereof, you will turn to the Constitutional Court of the Slovak Republic in order to launch a procedure for the annulment of Section 417f of the Slovak Penal Code.

Justification

1. As a result of the substantive amendment of the law, Chapter Twelve of the Slovak Penal Code, which orders that crimes against peace and humanity, terrorism, extremism and war crimes be punished, was supplemented by a new provision regulated in Section 417f. Based on the provision entitled "denial of peaceful settlement after the Second World War", those who publicly deny or question the peaceful settlement after the Second World War, which was the result of the laws adopted by the representative bodies of the Republic of Czechoslovakia and the Slovak National Council, may be liable to imprisonment for a term not exceeding six months.
From the place of this crime in the structure of the Slovak Penal Code and the justification provided by the legislator, it can clearly be concluded that its protected legal interests are Slovakia's external and internal security, as well as public order. This crime can be committed in public, thus an opinion expressed on the internet, or on any platform of the social media which is also accessible in Slovakia may also become punishable.
Pursuant to the special provision defining the territorial scope of the Slovak Penal Code [Section 3 (2) b)], those persons may also be punishable who have committed the crime in question outside the territory of Slovakia if the interests protected by this law were violated or jeopardized in the territory of this other country, at least partially. **Thus, the possibility of criminal liability, or at least the option of launching a criminal procedure may also arise** against all **those Hungarian nationals living outside the territory of Slovakia** who do not

think that the legal documents that served as the basis for the deprivation of the rights of ethnic Hungarians and Germans living in Czechoslovakia on the basis of nationality, which are now protected even by criminal law as a result of the amendment in question, can be incorporated into the European legal thinking of the 21st century.

It should be clarified that the amendment of the incriminated criminal law protects the "peaceful settlement" that was achieved on the basis of the laws adopted by the representative bodies of the Republic of Czechoslovakia or the Slovak National Council, an integral part of which are those 13 so-called Beneš decrees which basically deprived more than 4,000,000 ethnic Hungarians and Germans of their basic life conditions.

These decrees and the subsequent laws that confirmed them have not been formally repealed ever since.
The restriction of the debates on the assessment of these legal documents with criminal law instruments **raises concerns** all the more because **in Slovakia, there are continuing expropriation procedures against the current owners of land property**, in which those decisions on the confiscation of the land properties owned by ethnic Hungarian and German private individuals that were adopted after the closing of the Second World War but were not executed for administrative reasons for several decades, according to the official Slovak standpoint, are still deemed valid and are applied, by recalling these legal documents.

2. According to the general rule, declaring actions that are a threat to society punishable is the competence of the member states, even with the criminal legal harmonization in the European Union that is based on the Lisbon Treaty, however, **the new provision of the Slovakian Penal Code cannot be regarded as an internal matter of Slovakia, since it runs counter to international treaties, the fundamental principles and values of the European Union, as well as the impact that it exerts on the citizens of other countries, including Hungary.**
I would like to repeatedly stress that the legal interest of the disapproved provision of the Slovakian Penal Code that is declared one to be protected by calling for the sentence of imprisonment is the entirety of such legal documents which were built on the collective punishment of people who belonged to an ethnic minority and they served the foundation of the state's measures aimed at disenfranchisement.

With regard to all this, this criminal provision is not compatible

- **with Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms**, pursuant to which everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.
- **with the provision in the Final Act of the Conference on Security and Cooperation in Europe (CSCE) signed in Helsinki**, pursuant to which ensuring respect for human rights and fundamental freedoms, including the legal equality of nationalities, was put as the principle governing the mutual relations of the participating states.
- as a participant of the Helsinki process, which was also signed by Czechoslovakia, **with the spirit of the Charter of Paris for a New Europe**, which stipulates that the questions related to national minorities can only be solved satisfactorily in a democratic

political framework. The rights of persons of national minorities shall be fully respected as part of universal human rights.

- with regard to Slovakia's European Union membership, **with the content of Article 2 of the Treaty on European Union**,
- based on which the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail;
- **with Article 11 of the Charter of Fundamental Rights of the European Union**, according to which everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

Slovakia is a member state of the European Union, this is why I find it imperative to point out the following:
The anticipated criminal legal sanction may exert a chilling effect on the travelling of those citizens of the other member states of the European Union to Slovakia who question or deny the above-mentioned (Czecho)Slovakian legal documents that substantiated the disenfranchisement after the Second World War. This chilling effect may also affect the distribution of press products that are published in other members states of the European Union in Slovakia, as long as they question or deny the legal documents protected by criminal law. Thus, this provision of the Slovakian Penal Code acts against **the free movement of persons and goods, which is one of the fundamental freedoms on which the single market of the European Union rests.**

3. One of the key goals of criminal law is the protection of constitutional order, external and internal security, as well as public order. **The criminal conduct defined in the provision of the amendment of the Slovakian Penal Code** is based on the legislative approach according to which there is only one possible interpretation of the legal documents adopted as part of the Czechoslovakian settlement following the Second World War, i.e., one which does not challenge their constitutionality.
However, this provision orders the punishment of the questioning or denial of those legal documents based on which the citizens who belonged to the German and Hungarian minorities lost their jobs, were deprived of their pensions and healthcare services, their schools were closed, their land properties were confiscated, their associations were dissolved, their mother tongue religious services were prohibited and they were deprived of their citizenship. The anticipated criminal legal sanction is not in harmony with the fact that the assessment of these legal documents is disputed, there are ongoing legal disputes about them, also with regard to the traumas and mass-scale human tragedies that they have caused. It is a well-known fact that some critical opinions supported by meaningful arguments have been sent to the European Parliament in the form of a petition.

In my view, **the criminal legal restriction of the dialogue concerning the legal documents** adopted in Slovakia after the Second World War **with reference to peaceful settlement, the suppression of critical opinions is incompatible with the criteria of a democratic state with the rule of law built on the freedom and diversity of social and political debates.**

4. I also wish to quote that **it was stipulated by the Federal Union of European Nationalities (FUEN) in its position paper issued on 12 December 2025** that the repeated application of confiscations based on ethnic origin after the Second World War is incompatible with the principles of equality, non-discrimination and the rule of law, and it jeopardizes the confidence in Europe's minority protection framework, as well as the stability of property relations.
FUEN thinks that the amendment of the Slovakian Penal Code is highly concerning, as it calls for criminal liability, including imprisonment up to six months for those who publicly deny the settlement after the Second World War, including the then laws adopted by the National Council of Slovakia, on which today's confiscation practices rest.
This position paper draws attention to that **such laws jeopardize transparency and pose a serious threat to the freedom of speech by deterring public debates.**
The legitimacy of this point is also supported by the fact that **the President of the Slovak Republic himself,** in his statement made when signing the amendment of the Slovakian Penal Code, **reckoned with this deterrent effect** and declared that those who take legal action against the confiscations executed on the basis of the Beneš decrees do not commit the crime under the provision in question but they use their right to legal remedy.
However, the standpoint taken by the President of the Slovak Republic does not impose an obligation on the investigative authorities and it is questionable whether it could be enforceable in relation to the legal disputes on land expropriation cases.
As I have already mentioned above, after the Second World War, there were mass confiscations of agricultural lands owned by members of the Hungarian and German minorities on the basis of the decrees of the National Council of Slovakia, which had been amended several times.
Some of the confiscations were not registered in the land registry for administrative reasons, so there was a high number of families who lawfully owned and passed down these real estate properties to their heirs for several decades.

The case of **three settlements** (Oroszvár-Rusovce, Horvátjárfalu-Jarovce, Dunacsún-Čunovo) **should be** specifically **mentioned**, as these villages were annexed to the then state of Czechoslovakia, from Hungary, on the basis of the so-called Paris Peace Treaty that was entered into in 1947.
The inhabitants of these villages were Hungarian citizens at the time of the promulgation of the Beneš Decrees (and the laws confirming the latter, as well as the decrees of the National Council of Slovakia), thus **in the legal sense, it was inconceivable to take action against a country that did not have any public law relations with them at the time of the Second World War, i.e., Czechoslovakia, however, the measures that deprived them of their rights were still taken against them as well.** This also suggests the violation of the so-called Paris Peace Treaty that closed the Second World War for Hungary and Czechoslovakia not only in the past but also in the present, during the above-mentioned land expropriations.

The gravity of the situation is suggested not only by the case of these three villages but in general by the judgement adopted by the European Court of Human Rights on 19 May 2020 under No. 75041/17 in the case of Bosits v. Slovakia, which proves that the confiscation decisions adopted as part of the post-World War II "settlement" are still deemed as enforceable legal decisions and are used in some land expropriation procedures by the competent Slovakian authorities even after the accession of Slovakia to the European Union. **This means that this disenfranchisement is still ongoing these days.**

In the opinion of the National Motorway Company of Slovakia, there is no existing compensation obligation with regard to the land areas that are to be expropriated because of the construction of the motorway near Pozsony (Bratislava), as long as they were already transferred to state ownership before 1948, not even if the confiscations were not entered into the land registry. This means that the property rights of such private individuals are withdrawn with a retrospective effect who could not have ever been subject to the effect of the measures depriving them of their rights that were taken after the Second World War on account of their age as a start.

It should be added that such practice also raises concerns because pursuant to Article 20(4) of the Slovak Constitution, expropriation or restrictions of right in property may be imposed only to the necessary extent and in public interest, based on the law and for a valuable consideration.

Thus, based on all the above, there is a threat that **as a result of the chilling effect of the relevant provision of the Slovakian Penal Code, all those who wish to use domestic or international legal remedy because of the legal restrictions committed by the earlier Slovak state and the recent property expropriations committed by referring to the latter, may waive the available lawful instruments of enforcing their rights, in fear of the potential application of criminal legal sanctions**, even in case that the sentence of imprisonment for expressing critical opinions against the legal documents generated as part of the peaceful settlement after the Second World War does not become general practice.

With regard to the above, as well as due to the gravity of the problem, I request you to review the arguments laid out in this letter and, in addition to the above-mentioned initiation of a Constitutional Court procedure, to do everything in your power to ensure that the disapproved amendment of the Slovakian Penal Code be repealed / annulled as soon as possible.

I am simultaneously disclosing this letter on the Office's webpage.

Budapest 19 January 2026

Yours sincerely,

Dr. Imre Juhász

COMMISSIONER FOR FUNDAMENTAL RIGHTS OF HUNGARY 1.