DATABASE 2012-2024 ON ANTI-MUSLIM HATRED

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	2016	Slovakia / Regional Court in Bratislava Šamko, P. (2016), 'Prime Minister, Freedom of Speech and a Compact Muslim Community' (Predseda vlády, sloboda prejavu a ucelená moslimská komunita), Právne listy	http://www.pravnelisty.sk/rozhodnutia/a452-predseda-vlady-sloboda-prejavu-a-ucelena-moslimska-komunita	Religion	Regional Court in Bratislava	The complainant in the criminal complaint brought to the Prosecutor´s Office argued that the Slovak Prime Minister committed a crime of public defamation; incitement to hatred and intimidation. The complaint referred to public statements of the PM calling for preventing the formation of a "compact Muslim community" and stating "we do not want our women to be harassed in public space". The Regional Prosecutor refused the criminal complaint.	No sanctions. The initiation of prosecution has been refused.	The Regional Prosecutor refused the criminal complaint for the lack of grounds to initiate prosecution. The Prosecutor´s reasoned by assessment of the context of the whole PM´s speech (migration crisis and terrorist attacks) and assessing the limits of freedom of speech. The Prosecutor concluded that even if the speech might be perceived as degrading to some, it is still within the limits of freedom of expression (as also according to jurisprudence of the ECtHR or Federal Constitutional Court of Germany)	Freedom of expression - even if the PM´s speech might be seen as degrading to some people, it is still within the limits of freedom of expression.	"Sloboda prejavu je teda chránená nezávisle na tom, či je vyjadrenie racionálne alebo emotívne, odôvodnené alebo bezdôvodné, respektíve, či je ostatnými prijímané ako užitočné alebo škodlivé, hodnotné alebo bezcenné. Ústavná ochrana sa neobmedzuje iba na cenné názory, respektíve iba na názory, ktoré sú politicky korektné, prípadne, ktoré zdieľa väčšina obyvateľstva alebo väčšinová časť mediálneho priestoru." "Freedom of speech is thus protected independently of whether the statement is rational or emotional, justified or unreasonable, or whether it is considered by others to be useful or harmful, valuable or worthless. Constitutional protection is not limited to only valuable opinions, or views that are politically correct, or eventually shared by the majority of the population or the majority in the media space. " (Slovakia, Šamko, P. (2016), 'Predseda vlády, sloboda prejavu a ucelená moslimská komunita', Právne listy, 06 April 2016, p. 3, available at http://www.pravnelisty.sk/rozhodnutia/a452-predseda-vlady-sloboda-preja...

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