

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	2017	Slovakia / Supreme Court of the Slovak Republic	http://www.supcourt.gov.sk/data/att/63195_subor.pdf	Racial or ethnic origin, Racial or ethnic origin	The Supreme Court of the Slovak Republic (Najvyšší súd Slovenskej Republiky)	The defendant in this case was accused of attacking a French citizen of migrant origin, constituting a criminal offence of damage on health with a specific racially-biased motive. The racial motivation of the attack was also considered by reference to additional evidence - by "liking" the Facebook page of a certain group. The Supreme Court revoked the decision of the lower court for lack of evidence.	The accused was found guilty of a criminal offence of damage on health, with a specific motive (Hatred to a group of persons or an individual for their actual or alleged membership to any race, nation, nationality, ethnic group, their true or presumed origin, color, sexual orientation, political belief or religion) according to Art. 156/1,2/b and Art. 140/e of the Criminal Code and riotous conduct (Art. 364/1/a, 2/a and art. 140/e). The accused was sentenced to prison by a Specialized Criminal Court in February 2017. The Supreme Court revoked the decision and released the defendant in March 2017.	The Supreme Court examined the formal and material conditions of the imprisonment and concluded there is a low intensity of reasonability and merits of the suspicion of a crime, absence of evidence for a specific motive - a racial motive. The Supreme Court therefore ordered defendant's release from prison.	"liking" of a Facebook page as evidence for race-biased motivation: The Specialized Criminal Court argued that by liking a Facebook page, the defendant showed sympathy towards groups that do not respect the values of liberal democracy, which plays a substantial role in assessing the crimes with specific motives. The Supreme Court countered by telling there is no possibility to ascertain the accused liked the page, or the motivation for liking the page.	"Lajknutie samo osebe, bez neprípustnej a účelovo-špekulatívnej doplňujúcej úvahy a výkladu sudcu, nezakladá ani dôvodné podozrenie z naplnenia formálneho znaku „osobitný motív z rasovej nenávisťi“ podľa § 140 písm. e) Tr. zák.“ "Liking alone, without an inadmissible and purpose-speculative supplementary consideration and the interpretation of the judge does not establish a reasonable suspicion that fulfill formal sign of a 'special motive of racial hatred' according to § 140 let. e) of the Criminal Code."

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<http://fra.europa.eu/en/databases/anti-muslim-hatred/>

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