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	2017	Slovakia / Regional Court Bratislava/1To/68/2017	https://www.justice.gov.sk/sudy-a-rozhodnutia/sudy/rozhodnutia/12599733-7d81-48f3-a0a6-93420f918d5f:32267d0e-c4a4-4719-a0c4-3d93711ca3b8/	Religion	Regional Court Bratislava	The case concerns a verbal attack on a Muslim woman in a public space. Perpetrator tried to pull down her hijab while shouting that "scarves do not belong in Slovakia". District Court Bratislava assessed the case as a misdemeanour rather than a criminal offense and referred the case to the District Office Bratislava (case 2T-8-2017). This resolution was appealed by the District Prosecutor´s Office arguing that the act was clearly an ethnically and racially motivated hate crime. The present case concerns the decision of the Regional Court Bratislava concluding that the Prosecutor´s complaint is unfounded.	The Regional Court Bratislava decided that the complaint lodged against the decision of the District Court Bratislava by the District Prosecutor's Office Bratislava was unfounded. The decision is final and cannot be appealed.	Regional Court argued that the District Court sufficiently clarified why the case was referred to District Office as a misdemeanour. Criminal law should only be used in the most serious offenses against societal relations, interests and values. The case cannot be assessed as a criminal act of disorderly conduct as there was no physical contact between the offender and the victim. It could not be proved whether the offender wanted to pull the victim´s hijab down or he merely wanted to let her know not to wear it as scarves do not belong in Slovakia. The regional Court further argued it was not possible to prove the motive of ethnical or racially motivated hatred as the offender claimed he was motivated by security concerns and occurrence of terrorist attacks and he did not find it appropriate for a veiled woman to stand on a bus stop.	The case did not bring any new clarifications or interpretations.	"Nebolo preukázané, či skutočne (..) chcel strhnúť z hlavy šatku alebo ju inak fyzicky napadnúť alebo ju chcel iba upozorniť, i keď nevhodným spôsobom, aby nenosila šatku. (..) je zrejmé, že obvinený (..) nekričal (..), iba požadoval, aby si poškodená dala šatku z hlavy dole, nakoľko na Slovensko šatky nepatria. (..) nemá krajský súd za preukázané, že obvinený sa dopustil hrubej neslušnosti alebo výtržnosti tým, že fyzicky alebo slovne napadol poškodenú." "It was not proved (..) whether the offender really intended to pull down the hijab from her head or attack her otherwise or whether he merely wanted to warn her, albeit inappropriately, not to wear it. It was clear (..) he had not shouted (..) but merely requested the victim to take off her hijab as it does not belong in Slovakia. (..) the Regional Court does not find it proved that the offender committed gross indecency or disturbance by physically or verbally attacking the victim."

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