

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
Czechia	2019	Czech Republic / Regional Court	http://kraken.slv.cz/6Tdo674/2019	Religion	Supreme Court	The case concerns both online and offline incitement to hatred and violence against an ethnic and religious group (Jews and Muslims). The defendant for a long period of time publicly published, spoke, and wrote speeches and comments that deliberately expressed and promoted a negative view of immigrants, predominantly those of Muslim faith, coming from areas mainly in the Middle East and North Africa, precisely because of their Muslim faith, but also because of their diversity as an ethnic group.	The District Court for Prague 1 found the defendant guilty of several crimes including the defamation of a nation, race, ethnic or other group of persons, incitement of hatred against a group of persons, or the denial, questioning, approval and justifying of genocide. The defendant was sentenced to a total sentence of two years' imprisonment, which was conditionally suspended for a probationary period of three years, while providing for the supervision of a probation and mediation officer. The appellate court confirmed the judgment for the most part and only annulled the sentence by which the defendant was sentenced to relinquish his copyright.	The defendant was invoking the right to a fair trial as well as freedom of expression. The Court emphasised that manifestations of freedom of expression have to be interpreted in their context and that hate speech does not enjoy protection under freedom of expression.	The Supreme Court came to the conclusion that the interference with his freedom of expression occurred in accordance with the conditions set out in Article 10 (2) of the Convention for the Protection of Human Rights and Fundamental Freedoms. The Court emphasised that the European Court of Human Rights had repeatedly ruled that expressions that evoke or justify violence, hatred, or intolerance (eg anti-Semitic expressions or Holocaust denial) do not enjoy protection under freedom of expression.	"41. (Obžalovaný) je po právu trestně postihován za to, že a jak svou extrémní animozitu zejména k židům a muslimům projevoval, totiž ve vyhrčeně nenávislné a vulgární dikci, daleko za hranicí toho, co je v civilizované společnosti přípustné, přitom zároveň takto působil mnohočetnými kanály zvláště aktivně a ofenzivně." "41. (The defendant) is rightly punished for the fact that and how he manifested his extreme animosity, especially towards Jews and Muslims, namely in intensely hateful and vulgar diction, far beyond what is permissible in civilized society, he also acted particularly actively through multiple channels and in an offensive manner."

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

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