

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	2021	Czech Republic / Supreme Court / ECU-CZ-NS-2021-8.TD0.1246.2020.1	https://www.nsoud.cz/judikatura/judikatura_ns.nsf/WebPrint/DB3A0EC852402DDC12586E0001858E4?openDocument	Religion	Supreme Court (Nejvyšší soud)	The defendant, a member of the Czech Police, was publicly defaming Muslims and publicly inciting hatred towards Islam by publishing defamatory and hateful posts on his personal profile on Facebook and was charged with the offence of defamation of a nation, race, or ethnic or other group of persons and the offence of incitement to hatred against a group of persons or to the restriction of their rights and freedoms.	According to the Supreme Court, the act was not severe enough to be dealt with by criminal law and only constituted a misdemeanour or a disciplinary offence.	The Supreme State Prosecutor emphasised that the lower courts did not evaluate the case individually, taking into consideration the specific social harm and the specific factual circumstances, including the fact that the defendant is a Police officer. The defendant stated that he did not publish the comments as a Police officer and that he had expressed his opinion based only on his observation of all events and publicly available opinions on the subject. He also stated that his perception of the Islamic religion is to a certain extent influenced by the views and opinions presented by the representatives of the State.	The main question of the case was whether the facts of the case meet the threshold of severity required for criminal prosecution. The Supreme State Prosecutor objected to the fact that the courts incorrectly referred the offence described in the indictment for consideration as a disciplinary offence because they did not find it to be so socially harmful that it reached the level of a criminal offence, according to which it was legally assessed in the proposal for punishment. The Supreme Court agreed with the lower courts and the defendant that his speech was motivated by the general sentiment towards Muslims in the media and of political representatives. The court also took into consideration that this was the defendant's first offence and he had a good reputation as a police officer.	"39. (...) kritika dopadala na příčinu přivlaku migrantů z oblastí ovládaných islámským státem, a tedy po zevšeobecnění i na skupinu větších muslimů, ale i v širším smyslu na „Araby“. Nelze tedy z obsahu sdělovaných příspěvků zjistit konkrétnější zaměření proti národu či určité etnické skupině. Jednalo se o hanlivé výrazy vůči arabské menšině a vyznačovaly islámského náboženství v tom nejširším a zcela obecném kontextu odpovídajícím tehdy převládajícím náladám." 39. (...) the criticism was directed at the cause of the influx of migrants from areas controlled by the Islamic State, and therefore, by generalisation, at Muslim believers as a group, but also, in a broader sense, at 'Arabs'. It is therefore not possible to ascertain from the content of the contributions communicated a more specific targeting of a particular nation or ethnic group. These were derogatory expressions against the Arab minority and followers of the Islamic religion in the broadest and most general context corresponding to the prevailing social mood at the time.

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