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
Czechia	2024	Czechia/Constitutional Court/II. ÚS 1335/24 ECLI:CZ:US:2024:2.US.1335.24.1	https://nalus.usoud.cz/Search/ResultDetail.aspx?id=129897&pos=1&cnt=1&typ=result	Religion	Constitutional Corurt (Ústavní soud)	The case concerns a lawsuit brought by a Czech doctor (plaintiff) in the UK against a Czech journalist (defendant). The doctor (plaintiff) has publicly published his views in texts, internet blogs, and interviews, in which he warned against so-called "Islamisation" in the sense of the ongoing cultural change. The journalist (defendant) reported the doctor's (plaintiff's) anti-Muslim behaviour to his employer (a hospital in Sheffield) and wrote an article about it in a Czech online media outlet, of which he is the editor-in-chief. The doctor (plaintiff) sought protection of his personality and asked the court to order the journalist (defendant) to remove the texts from the website and to compensate him for non-pecuniary damage caused by the published articles and the report made to his employer in the sum of 23,800 EUR (600,000 CZK). The District and Regional Courts upheld the doctor's (plaintiff's) claim, and the journalist (defendant) appealed to the Supreme Court requesting a review of the legality of the judgment of the lower courts. The journalist (as complainant before the Constitutional Court)) claims that the matter fell outside of the jurisdiction of Czech Courts, and that the courts had assessed the case in breach of the previously established interpretation of freedom of expression."	The Constitutional Court annulled the lower court rulings that ordered the removal of the articles written by the journalist (defendant) and the payment of non-pecuniary damages. The decision reinforces stricter scrutiny of causal claims in defamation and personality rights cases, ensuring that free speech is not unduly restricted without clear evidence of direct harm. It sets a precedent for requiring a robust assessment of causality in similar cases.	The Constitutional Court found that lower courts failed to establish a direct causal link between the publication of an article pointing at anti-Muslim behaviour and anti-muslim hate-speech and the alleged harm suffered by the doctor (plaintiff) as the author of the hate-speech. Courts improperly assumed causality from the broader context without assessing whether the article itself directly caused the damage. The ruling emphasized the necessity of distinguishing between harm caused by the article and harm resulting from the journalist's (defendant) prior complaint to the employer.	The key issue of the case is the extent to which individuals can exercise their freedom of expression which potentially infringes personality rights of the authors of anti-Muslim hate speech. The Constitutional Court based its argumentation on two aspects: firstly the necessary causality between the allegedly defamatory article and the consequences and secondly the aim of the allegedly defamatory article which was to state disagreement with hate speech.	"34. Nad rámec uvedeného je vhodné uvést, že z napadených rozhodnutí vyplývá, že soudy při vážení základních práv vůbec nevzaly v potaz skutečnost, že smyslem předmětného článku nebyl úmysl zdiskreditovat vedlejšího účastníka v zaměstnání či pouze jej zákeřně dehonestovat, ale byl především vyjádřením nesouhlasu s tzv. hate speech, tedy s výroky představujícími nenávistný projev vůči skupině osob. Touto perspektivou by obecné soudy měly při hodnocení konfliktu svobody projevu a ochrany osobnosti také nahlížet." "34. Beyond the above, it should be noted that it is clear from the contested decisions that the courts in weighing the fundamental rights did not take into account the fact that the purpose of the of the article in question was not to discredit the intervener's employment or merely to insidiously disparage the intervener, but was primarily an expression of disagreement with so-called hate speech, i.e. statements representing hate speech against a group of persons. In this perspective, the general the courts should also take when assessing the conflict between freedom of expression and protection of personality."

DISCLAIMER The information presented here is collected under contract by the FRA's research network FRANET. The information and views contained do not necessarily reflect the views or the official position of the FRA.

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

Copyright © 2025 European Union Agency for Fundamental Rights