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	2023	Czechia/Supreme Administrative Court/2 As 94/2020-23/ECLI:CZ:NSS:2023:2.As.94.2020.23	https://vyhledavac.nssoud.cz/DokumentOriginal/Html/708648	Racial or ethnic origin	Supreme Administrative Court (Nejvyšší správní soud)	The restaurant (the plaintiff) filed a lawsuit first with the Regional Court in Brno and then with the Supreme Administrative Court, seeking to annul the decision of the Czech Trade Inspection Authority (the defendant). By that decision, the Inspectorate (the defendant) imposed a fine of CZK 60,000 and an obligation to pay the costs of CZK 1,000 on the restaurant (the plaintiff) for discriminating against consumers, which it committed by placing on its Facebook site on 1 September 2016 the following text: 'We do not cook for immigrants in our restaurant!! STOPISLAM."	The Supreme Administrative Court confirmed the decision of a lower court which found that the imposed a fine of approximately EUR 2 525 (CZK 60 000) was in compliance with the law.	The plaintiff argues that the imposed fine is a disproportionate sanction for expressing their personal political opinion. The defendant, on the contrary, states that a restaurant has duties stemming from the public law on customer protection, and their acts of speech must be assessed more strictly than in relation between two individuals.	The case concerns the limits of freedom of expression of service providers in relation to (potential customers) and an assessment whether a written statement "We are not cooking for immigrants" constitutes discrimination in access to services.	„Deklaruje-li provozovatel restaurace na svých webových stránkách, že některé skupiny zákazníků neobslouží ve stejném rozsahu, a to na základě jejich původu („imigrantům nevaříme"), případně na základě náboženství („STOPISLAM"), případně na základě kombinace obou rozlišovacích důvodů, diskriminuje spotřebitele, jelikož svého ústavně zaručeného práva na svobodu politického projevu (čl. 17 Listiny základních práv a svobod) využívá v rozporu se zákonem." „If a restaurant owner declares on their website that they do not serve certain groups of customers to the same extent on the basis of their origin ("we do not cook for immigrants"), or on the basis of religion ("STOPISLAM"), or on the basis of a combination of both discriminatory grounds, they discriminate against consumers, since they are exercising their constitutionally guaranteed right to freedom of political expression (Article 17 of the Charter of Fundamental Rights and Freedoms) in violation of the law."

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