



IN IUSTITIA



Report on Bias Violence in the Czech Republic in 2017



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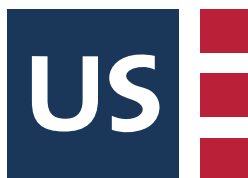
IN IUSTITIA

Report on Bias Violence in the Czech Republic in 2017

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List of abbreviations

BV – Bias violence

CR – Czech Republic

CESS – Crime Evidence Statistics System

CJA – Criminal Justice Authorities

CVA – Crime Victims Act

EU – European Union

FB – Facebook

IU – In IUSTITIA

NGO – Non-governmental organization

Introduction

The Report on Bias Violence in the Czech Republic in 2017 that you are reading is the fourth of its kind to be published since 2014. Just as in preceding years, it represents the outcome of extensive, long-term monitoring work by the In IUSTITIA (IU) organization, the aim of which is to map the state of bias crime in the Czech Republic (CR). It does so on the basis of working with different sources, including police statistics, thanks to which the resulting set of incidents is the **most complete overview of information about bias violence** available not just in the domestic context, but in the international context as well.

This Report, however, is different from the previous ones. **Instead of speaking in terms of hate violence, we have decided to discuss these incidents as *bias violence* (BV), because we consider that concept to be much more appropriate** when it comes to comprehending the nature of these assaults targeting individuals on the grounds of their otherness. It is exactly this specific motivation of the attacker that distinguishes this kind of crime from other types. As we explain in more detail in Chapter 1 *Bias violence – definition of concepts*, this motivation touches on prejudices and stereotypes aimed at the assaulted person, or rather, her affiliation with a social group. It is not, therefore, hatred in the sense of an adversarial emotion that is long-term in its orientation. It is the prejudices and stereotypes associated with them that determine the area of interest of the IU organization and of this Report.

Despite the fact that our organization has made a significant contribution to establishing the concept of “hate violence”, or

rather, “hate crime” in the Czech public debate, we consider letting go of this term to be yet another step on the road to increasing public awareness about the nature of such violence and its impacts on individual victims, social groups, and society as a whole. When aiding the victims of BV and in our research interviews with representatives of the criminal justice authorities (CJA)^{1/} we **constantly encounter misunderstanding based in the use of the term “hate” to characterize this violence**. While this is just a terminological adjustment, we believe that it is an essential one. Reducing the proportion of misleading interpretations of “hate violence” will doubtless contribute to a greater number of bias incidents being recorded as such and solved as such by the police.

Otherwise, this Report is not much different than from its predecessors in terms of content. Just as in previous years, it delivers not just **information about the nature and number of bias incidents recorded for the year** (see Chapter 5 – *Bias incidents*), but also **information about legislative developments in the area of bias crime and the position of crime victims** (see Chapter 2 – *Bias violence and the law*) as well as **events either strengthening or weakening prejudicial moods in society** (see Chapter 3 – *Societal atmosphere*).

All of the essential information is presented in the Report itself. Here we consider it important to draw attention to two trends that we have distinguished while working on it. First, in 2017 the **influence of the so-called refugee crisis^{2/} on public affairs contin-**

1/ From 2016 until 2017 IU performed interviews with judges, prosecutors, attorneys, perpetrators and victims as part of the international research project Lifecycle of a Hate Crime, supported by the European Commission. The aim of the project was to ascertain how BV is being prosecuted in the CR. The conclusions arrived at by this survey are available in the following publications: Kalibová, Klára; Walach, Václav; Divišová, Vendula; and Kupka, Petr. 2017. *Lifecycle of a Hate Crime. National Report - Czech Republic*. Praha: In IUSTITIA and Kalibová, Klára; Houžvová, Martina; and Kaňovská, Ester. 2017. *Předsudečné trestné činy. Příručka pro soudce a státní zástupce*. Praha: In IUSTITIA. Both publications are available for download here: <https://www.in-ius.cz/ke-stazeni/publikace/> (bit.ly/rbv17-01).

2/ See Tkaczyk, Michal; Pospěch, Pavel; and Macek, Jakub. 2015. *Analýza mediálního pokrytí uprchlické krize (výzkumná zpráva)*. Brno: Masarykova univerzita; and Lokšová, Terezie. 2016. *(Ne)přítomní uprchlíci: mediální obraz dění v Králikách a na Moldavě*. Praha: Multikulturní centrum.

ued to decline, above all in the area of bias attacks, of which fewer were recorded as being associated with that issue than during the preceding year. However, that does not mean the situation returned to the levels recorded prior to the “crisis”. Attacks against migrants or Muslims continue to be relatively more than were registered in 2014. Prejudices and stereotypes touching on migrants from predominantly Muslim countries and/or Arab countries continue to represent a serious social problem that requires an adequate response both from the stakeholders involved and from the wider public.

Second, **during the past two years an apparent growth in the number of bias attacks committed through the Internet has been recorded**. Rather than reflecting the number of incidents committed online, however, this fact is associated with the CJAs’ increased interest in this kind of crime. In this respect it is necessary to underline the efforts made by Radek Banga, a singer who became the target of BV after he criticized the success of the performer Tomáš Ortel in the *Český slavík* (“Czech Nightingale”) popular music competition in 2015. It seems that thanks to his determination to stand up to these attacks, the CJA have begun to take more interest in such displays online. Bias attacks online, nevertheless, are still not prosecuted here to the degree they should be. This creates the impression that not just some members of the public, but also some CJA believe that the Internet or social media are spaces where the law does not apply, and where victims must put up with anything that happens there. This interpretation, of course, cannot withstand scrutiny. Attacks committed through the Internet are just as serious as those committed offline.

We believe that this higher number of online attacks being prosecuted, as our analysis of BV presented below will demon-

strate, is a signal that the above-mentioned interpretation is weakening and that the work of the CJA in this area will also reduce bias attacks per se – and not just those committed through the Internet.

As is demonstrated by the case of a Romani man who was shot dead in Chomutov, the relative growth in Internet incidents does not mean BV is absolutely disappearing from the offline public space. Some attacks that happen face-to-face can have very serious consequences, including the death of the victim. The Chomutov case is also a reminder to all of the voices claiming that bias attacks against people of Romani nationality have declined. That has not happened. **The IU statistics demonstrate that Romani people have long represented the group that is most endangered by BV in Czech society**. The prevention and prosecution of BV must take this fact into account. In places where bias attacks arise from social tensions and distrust between non-Romani and Romani inhabitants, it is essential to invest resources into reducing that distrust. Otherwise we will find ourselves in a vicious circle where each assault is followed by another attack, as happened in Chomutov (see Chapter 5.1.8 – *Location and time*) all of which just contributes to the further growth of inter-group tensions.

As can be seen, **BV is a very complex social problem**, the solution to which requires not just enough knowledge about its specifics, but also orientation within the endangered groups and their living conditions. Addressing BV will not happen without involving the broader society, although the CJA remain a crucial force for prosecuting this violence. We thank all those who contribute to solving the BV problem. We hope this Report will aid not just them, but all who are not indifferent to this issue.

In IUSTITIA, o.p.s.

IU has dedicated itself to preventing BV and aiding its victims since 2009. It is the only organization that specifically focuses on this topic in the CR. Its aim is to contribute to addressing the topic of BV by aiding victims, educating the public, monitoring cases and analysing them. Since 2017 it has been a member of the European Network Against Racism (ENAR).

IU is a registered provider of social services and an accredited provider of legal information. In 2017 the organization had branches in Brno, Kladno and Prague. In addition, it implements field programs; during 2017 these were mainly in Olomouc and Ústí nad Labem. Depending on the clients' requirements, however, services are also provided in their homes. In 2017 the manager of IU's social work, Kateřina Baňacká, won the annual award of the Czech Streetwork Association, and our Justýna Counselling Centre team, which provided legal and social counselling in the first-ever traveling centre for reaching homeless women, was given an honourable mention in that competition.

Services are provided free of charge to BV victims all over the entire territory of the Czech Republic and include legal and social counselling by telephone, in person or online, as well as representation in court. In 2017, 466 persons contacted an IU counselling centre, of whom approximately one-third did so in a BV case. IU contributed to designing the Crime Victims Act and is currently focusing on the optimization of that law. In 2015, IU also published its Guide for Foreigners Encountering Crime in the Czech Republic.

Since 2010, IU has also thoroughly monitored BV, informing the public as to its causes, consequences and forms, which we consider one of our key roles as an NGO. We take a constructive, critical approach toward addressing BV. Among other matters, that means we also do empirical research. In 2017, this was mainly the international project "Lifecycle of a Hate Crime", which IU participated in along with the University of Limerick (IE), the University of Sussex (UK), the University of Umeå (SE) and the Latvian Centre for Human Rights (LV). On the basis of our monitoring and research we propose legislation and practical recommendations.

In the spring of 2017, IU also joined the second round of testing the effectiveness of the CJA and social media companies' efforts against hate speech in cyberspace. Along with representatives of 24 other EU Member States, we reported hateful content found on Facebook (FB), Microsoft, Twitter and YouTube. All of these IT companies had adopted a Code of Conduct on Countering Illegal Hate Speech Online, as part of which they pledged to take an effective approach against hate speech on their platforms. The organizations involved in the monitoring were also motivated to take advantage of local opportunities to report crimes committed through social media. In the CR the police reporting form was used for that purpose.

IU implements several education programs. We primarily concentrate on intensifying the knowledge and skills of professionals who come into contact with victims of BV and with particularly vulnerable victims. Our trainings are designed for police, social workers and teachers. In 2017 we trained social workers on the subject of BV, the basics of criminal proceedings, and in media contact and safety planning for crime victims. A course for educational workers was implemented about biased speech on social media and a course on BV was delivered to employees of the Czech Government Agency for Social Inclusion. In addition, during the 2016/2017 academic year, IU staffers designed and led a course entitled Journalists and Minority Subjects – Media and Criminal Procedure for students at Charles University's Faculty of Social Sciences in Prague.

Our program for victims, our education program and our monitoring can be supported by those interested in doing so through either a one-time or recurring gift to our fundraising account, number

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or by the provision to us of services free of charge. For more information, please visit

www.darujpomoc.cz

or contact us at

dary@in-ius.cz

Acknowledgements

We would like to thank all of those who made this Report possible.

First of all, we thank all of the people who have been impacted by BV and decided to report the incidents to us. We know that cannot have been easy for you. We believe that together we will succeed in drawing attention to the state of BV in the CR.

We thank the Police Presidium of the CR for providing us with essential statistical data about hate crimes. The representatives and press spokespersons of the police, selected state attorney's offices and courts willingly provided us with irreplaceable aid. We are aware that they invested no small amount of energy into answering our queries and primarily, thanks to their commitment and good will, we were able to track down most of these incidents and verify them.

Our thanks go to our colleagues from community organizations and the NGO sector who aid us with tracking down hate inci-

dents and bolster the awareness of our clients about how they can defend themselves against BV. An irreplaceable role in monitoring BV within the Romani community has been played for some time by the ROMEA organization, which dedicates itself not only to individual incidents, but also to refuting deceptive or erroneous information about the Romani community, as well as monitoring hate demonstrations. Another organization with whom we collaborated more intensively during 2017 is Trans*parent, which advocates for positive social change and the rights of genderqueer and transgender persons.

We thank our other colleagues who, as part of their regular responsibilities, have dedicated their time to completing our database and commenting on our reports.

Last but not least, we thank the Embassy of the United States of America in Prague, which supported the monitoring behind this Report and its creation.

Structure of this Report and its main findings

The Report is comprised of five chapters. The first defines BV and outlines the forms it takes. Because this concept is not a component of customary vocabulary usage, its meaning is always illustrated by a specific situation that a victim of BV has experienced. At the same time, for that purpose, BV is contextualized in terms of related concepts such as racism, xenophobia, antigypsyism, antisemitism, homophobia, transphobia, Islamophobia or political extremism.

The second chapter discusses the Czech legal order. It summarizes legislative developments during 2017 related to BV and presents selected important cases recorded by IU that are interesting from a legal perspective. Last but not least, the chapter focuses on important case law, not just at the level of the Czech Constitutional Court also that of the European Court of Human Rights.

The third chapter documents hateful sentiment in Czech society. Here the Report predominantly emphasizes incidents that do not fall into the category of BV but which, through their character and intensity, are closely related to it. Here the Report presumes that intra-group tensions and stigmatization of selected groups in society conditions the occurrence of BV. These incidents have been divided into six groups, each of which corresponds to a type of actor relevant to this issue. The groups are: Political representatives, local governments, the far right, the security forces, the media and the public.

Chapter Four describes the methodology for monitoring BV that IU uses. The sources for information about bias incidents are specifically described. The chapter then describes the procedure for reporting incidents and lastly, the way incidents are verified. The aim of IU's monitoring is to create the best possible data set on BV in the CR in terms of the quality of the information captured.

The final chapter presents conclusions from our analysis of the quantitative data and provides a brief narrative description of the

incidents registered during 2017. First, we analyse incidents from the perspective of information sources and verification. Next, we briefly express our view of the year-on-year growth in such incidents that this Report has once again recorded. The following subchapters are dedicated to the categories of motivation, the forms of attack, and the kinds of harms caused. Furthermore, the chapter describes when and where bias incidents have happened, as well as the characteristics of both assailants and victims. Last but not least, we analyse where these incidents ended up in the criminal justice process.

MAIN FINDINGS:

The main findings during 2017 are:

- A total of **142 bias incidents** were registered during 2017.
- **There were 33 fewer such incidents than in 2016, but one more than in 2015.**
- **During 2016–2017 there was a clear growth in the number of incidents recorded on the Internet.** Attacks on the Internet are the ones most motivated by the victim's ethnicity/nationality or political convictions, with Arab and Romani ethnicity/nationality being the most-represented targets.
- **Most bias attacks were motivated by ethnicity/nationality (71 incidents), skin colour (37 incidents), religion (35 incidents) and political conviction (22 incidents).**
- The structure of bias motivations corresponds to the **groups most endangered by BV**. Just as in previous years, those groups included **people of Romani nationality** (38 incidents), **people defined by their skin colour** (37 incidents), **people expressing political opinions** (22 incidents) and **Muslims** (21 incidents).

- **The refugee crisis, as in past years, has significantly influenced the structure of the bias violence incidents, but its importance continued to decline in 2017.** Incidents associated with the refugee crisis in 2014 totalled 12, rising to 61 in 2015, increasing to 65 in 2016 and falling to 44 in 2017.
- **Most bias incidents were registered in the City of Prague (57 incidents), followed by The Ústí Region (16 incidents) and the Southern Moravia Region (15 incidents).** Cities with the highest incidence of bias violence recorded included Brno, Chomutov and Prague.
- **Most attacks were committed either on the Internet or in publicly-accessible locations.**
- In 2017 we recorded a total of **190 individual victims**. Those most assaulted are **men (58%), Czech citizens (54%) and people between 26 and 35 years of age (32%)**. It is necessary to add that we recorded **30 victims aged 15 or younger**, for whom such attacks can have an especially high intensity of impact.
- **The identity of the assailant was ascertained in 69 % of incidents.** Attacks were committed more by individuals than by groups. **The perpetrator was a member of the ultra-right scene in just 20 % of incidents, at least according to the available information.**
- From the IU statistics it can be seen that the police learned of at least 108 of the cases in our database, which is 76 % of all incidents recorded.
- **A total of 56 incidents went to trial**, 16 of which (11 % of all cases) were not resolved before the year ended. **Decisions were handed down by the court in a total of 40 of the 108 incidents recorded, i.e., in 37 % of the cases reported to police.**
- Our analysis of the Police Presidium statistics corresponding to data from the crime statistics on criminal offenses with an extremist context has revealed that some of the **crimes cate-**

gorized according to Sections 403–405 Criminal Code that do not submit to the definition of BV could actually qualify as bias crimes. In 2017, as part of the creation of our database, we **recategorized 13 (19 %) of those 69 felonies designated by the police as falling just under Sections 403–405.**

Main findings in the area of law:

- In 2017, misdemeanour law underwent significant adjustment. Part of that legislation includes **defining a bias misdemeanour, which is more extensive in terms of protected characteristics than the definition of a bias felony in the Criminal Code.**
- From the standpoint of amendments to procedural law, what is essential is the innovation that **especially vulnerable victims are entitled, under the Crime Victims Act, to an attorney free of charge, irrespective of the victim's financial status.**
- In 2017 an **amendment to the Act on Attorney Services was adopted expanding the opportunity for attorneys to provide free legal aid.**
- The Crime Victims Act further establishes that even **in cases where it is unclear whether a victim is especially vulnerable, the victim must be so considered.**
- Application of these provisions in practice underwent problems in 2017. These concerned the prosecution of bias felonies committed through the Internet, where the approach taken by the CJA frequently suffered from many deficiencies. One of those deficiencies is that **currently, the justice system does not perform uniformly when it comes to addressing injured parties in these cases, with great geographic variation in performance across the CR.** In other words, lack of unity persists in how BV is to be categorized in legal terms, which results in CJA not bothering to protect injured parties in these cases.

- Another problem with application in practice is that the **CJA repeatedly negate the rights of injured parties in cases of where the facts rise to the level of bias crimes, for some cases of which the authorities have inferred the doctrine that their main objective is protecting the so-called public interest.** The Constitutional Court in this regard has agreed with the complaint filed by plaintiff R. B., whose rights as an injured party were curtailed by lower-instance courts because of this approach.
- **International case law also draws attention to the deficient approach taken by CJA in European countries as far as protecting parties harmed by BV.** From such decisions we highlight the European Court of Human Rights judgment of 28 March 2017 in Application No. 25536/14 **Škorjanec v Croatia**, which ruled that **a person can be the victim of a hate crime not just on the basis of his or her own affiliation with a certain ethnic or racial group, but also on the basis of his or her actual or perceived affiliation with another individual belonging to such a group.**

The main findings about the societal atmosphere during 2017 are as follows:

- The societal atmosphere was **influenced by anti-immigration, anti-Romani sentiment.** That was demonstrated, for example, by people engaging in collective blame against all Romani people over the case of Romani children killing a flamingo in a zoo, or the racist protests lodged against using the image of a dark-skinned man to advertise a chain of supermarkets.
- **Xenophobia in society was also accelerated by many politicians,** especially ahead of the autumn elections to the lower house.
- Several **campaigns in the media** drew attention to the public's animosity toward migrants and Roma. An iconic photograph of a young Girl Scout blockading a march by neo-Nazis became an example of civic bravery.
- **The work of the police was criticized for its inadequate sanctioning of attacks and threats made through social media.**
- **Some Czech media outlets very actively published hoaxes and news reporting that was not objective, contributing to the dissemination of moral panics.**

1



Bias violence -
definition of concepts

BV is any **attack motivated by the prejudices and stereotypes held by the assailant against a certain group of people**. Sometimes it is also referred to as hate crime, but that term is rather confusing because it gives the impression that what is crucial to the classification of this kind of crime is hate in the sense of an intense, long-lasting emotion. Actually, prejudices and stereotypes are also determinative in hate violence cases with respect to their classification.^{3/}

BV can be committed either physically or verbally, on the street or through the Internet, with or without weapons (see Table No. 1). Specific people or their property become targets for this

violence not because of any personal experience with the people assaulting them but based on their actual or perceived affiliation with the group against which the perpetrator holds prejudice. The perpetrators believe they recognize the victim's affiliation according to certain characteristics of the group that are often either unalterable or are characteristics that it would not be fair to require them to change (Table No. 2).^{4/} In that sense, BV is always symbolic. Through the assault on the victim, a message is sent to the broader society about which groups do not belong in society or which deserve, at most, to be considered in a second-class position, from the perpetrator's perspective.^{5/}

Table no. 1

Forms of bias incidents
Verbal assault
Intimidation or threats
Attacks through the Internet (including online social networks)
Attacks on property (damage to buildings and other items)
Graffiti (including graffiti at cemeteries or religious buildings)
Attacks using explosives
Physical attack
Rape or other sexual assault
Arson
Homicide/murder

Table no. 2

Motivation for committing bias violence
Skin colour
Nationality or ethnicity
Sexual orientation or identity
Religious faith (including agnosticism/atheism)
Age
Political convictions
Membership in a subculture
Disability
Drug use
HIV+ / AIDS
Homelessness

^{3/} See In IUSTITIA. 2016. *Face to Face with Bias Violence - Guidelines for Social Workers*. Prague: In IUSTITIA, Nomada Association for Multicultural Society Integration, Ludia proti rasismu, Vive Žene and International Aid Network. Available at: <http://www.in-ius.cz/dwn/brozury-bias/bias-eng-afterproof2.pdf> (bit.ly/rbv17-03).

^{4/} If these group characteristics are listed in the Criminal Code, they are termed protected characteristics of bias crimes.

^{5/} For more about BV conceptualization or hate crimes, see Hall, Nathan. 2013. *Hate Crime*. Second Edition. Routledge: London and New York.

Bias incidents do not happen in a cultural or societal vacuum. On the contrary, social context determines when they arise. Members of different groups hold various prejudices and stereotypes about others. While a certain group may be perceived negatively in one location, at another the same group might be accepted as a matter of course. What victims of BV frequently do have in common, however, is their **disadvantaged position in society**. Members of socially stigmatized groups are usually harmed by BV, and their greater vulnerability can support perpetrators' decisions to commit attacks because the perpetrators harbour the notion that nothing bad can happen to them if they do so.

The solving of bias incidents is complex, and problems persist with applying these principles in practice. Not all such incidents are identified as involving bias. This contributes to a significant distortion of our knowledge about bias crime. **In other words, statistically low official numbers do not necessarily indicate a low prevalence of bias attacks.** Some bias attacks may be recorded in the state statistics as simple felonies and their bias motivation may go unrecorded. Similarly, it is problematic when perpetrators are erroneously charged with such motivation.

Based on our many years of practical experience with such cases, we can conclude that **the CJA rely too frequently on verbal displays of intolerance when demonstrating bias motivation.** We believe it is important for other indicators testifying to bias motivation to be taken into consideration as is proposed by the Office for Democratic Institutions and Human rights of the Organization for Security and Cooperation in Europe and our own publications. These are indicators about the perpetrators themselves, the place of the incident, the time of the incident, the victims, the way the attack was performed, and how to exclude other potentially relevant motivations from consideration.^{6/}

In order to assess an incident as one of BV, it is not enough for the perpetrator and victim to come from different social

groups. While such information can aid with ascertaining whether the incident is one of BV, especially if the victim is affiliated with an at-risk group, or if the perpetrator espouses a movement aimed at suppressing human rights and freedoms, in and of itself such a fact cannot lead to a conclusion of bias motivation. This is illustrated in practice by the following case:

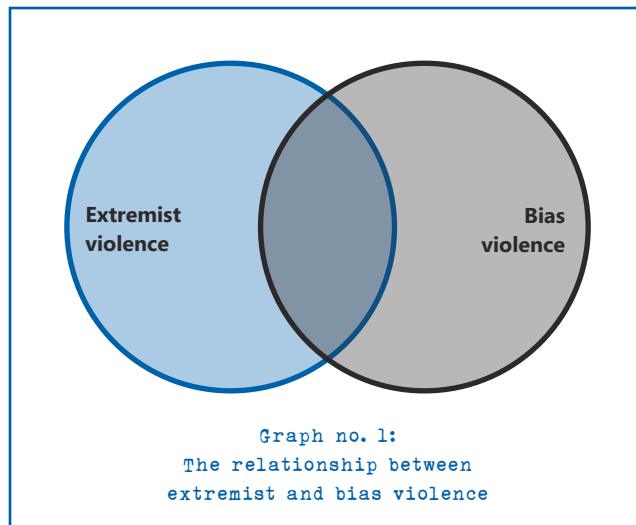
Example No. 1: An ethnic Czech man physically assaults a Romani man late at night on the street in order to rob his money. During the attack, the perpetrator shouts: "Give it to me, you black filth!," While this remark is racist, this is not a case of BV. According to the circumstances, this is felony robbery. It would have been BV if, for example, it could be proven that the perpetrator had robbed a randomly chosen Romani man, for example, because he wanted to revenge himself against the Romani group as a whole, because he believes they "abuse social welfare,," In that case, personal enrichment would not be the aim of his behaviour; rather, the aim would be to send a social message. In our original example, however, the crime was committed for a different motive, that of material gain.

Many concepts are related to BV. Terms such as **racism, xenophobia, antigypsyism, antisemitism, homophobia, transphobia** or **Islamophobia** are regularly used to explain the motives of BV perpetrators or the kind of social group against which this violence is aimed. These concepts, however, do not just include BV, but also **discrimination**. The difference between these two terms can be defined by their legal classification. While BV is a matter of criminal law and refers to individual attacks aimed at suppressing the human rights and freedoms of a group or individual, discrimination falls beneath antidiscrimination law and the relevant provisions of the Civil Code. This is demonstrated by the following specific example:

^{6/} For more details, see, for example, In IUSTITIA. 2016. *Face to Face with Bias Violence - Guidelines for Social Workers*. Prague: In IUSTITIA, Nomada Association for Multicultural Society Integration, L'udia proti rasismu, Vive Žene and International Aid Network. Available at: <http://www.in-ius.cz/dwn/brozury-bias/bias-eng-afterproof2.pdf> (bit.ly/rbv17-06).

Example No. 2: A group of gay people walk into a restaurant in a small town in South Bohemia. The waiter refuses to serve them, saying: "We don't serve fags.. Another customer adds his two cents' worth: "Get out of here, queers, before you get hurt.. Which of these remarks meets the definition of discrimination, and which meets the definition of BV? While the words of the attacking customer unequivocally refer to a threat of violence against the victims because of their sexual orientation, the waiter's statement contains nothing of the sort. What the waiter has done is discriminatory behaviour. Only the customer's behaviour qualifies as BV.

Another important concept is that of **political extremism**. Even though BV is frequently discussed as extremism, these concepts are not identical.^{7/} While extremist violence is committed in the interest of antidemocratic political ideologies, bias incidents do not necessarily pursue such aims. It is not, therefore, the case that all perpetrators of BV are also extremists and that any extremist also exclusively commits BV. **Extremists comprise just part of BV perpetrators.** Some sources point out that extremists even comprise a minority of such perpetrators.^{8/} The relationship between extremist violence and BV is captured by the following graph.



In the CR, information about BV is presented as part of the **statistics on criminal offenses with an extremist context**. Those statistics are published as part of the annual Report on Extremism on the Territory of the Czech Republic,^{9/} drawing from the Crime Evidence Statistics System (CESS) of the Police of the CR. This includes offenses for which criminal proceedings were begun during that year. Not all offenses included in the statistics, however, correspond to our definition of BV.

- 7/ Kalibová, Klára. 2012. *Stanovisko In IUSTITIA, o.s., k textu doc. JUDr. PhDr. Miroslava Mareše, PhD., Problematika Hate Crime. Zahraniční zkušenosti a možnost aplikace tohoto přístupu v ČR s důrazem na trestné činy z nenávisli proti cizincům*. Praha: In IUSTITIA, o.p.s. (available at: <https://www.in-ius.cz/dwn/tz-stanoviska/stanovisko-k-pojeti-hate-crime-a-extremismu.pdf>; bit.ly/rbv17-07a – in Czech); Mareš, Miroslav. 2011. *Problematika Hate Crime: Zahraniční zkušenosti a možnost aplikace tohoto přístupu v ČR s důrazem na trestné činy z nenávisli proti cizincům*. Praha: Ministerstvo vnitra ČR (dostupné z <http://www.mvcr.cz/soubor/problematika-hate-crime.aspx>; available at: bit.ly/rbv17-07b – in Czech).
- 8/ Several research studies undertaken in the CR have found that a minority of bias attack perpetrators are extremists. See, e.g., Štěchová, Markéta. 2004. *Interetnické konflikty (jejich příčiny a odpady z pohledu teorie a empirických sond*. Praha: Institut pro kriminologii a sociální prevenci.
- 9/ Czech Interior Ministry (undated). Annual Reports on Extremism and the Concept of Combating Extremism. Available at: <https://www.mvcr.cz/clanek/extremismus-vyrocní-zpravy-o-extremismu-a-strategie-boje-proti-extremismu.aspx> (bit.ly/rbv17-09 – in Czech).

Criminal offenses with an extremist context can be differentiated into three types:

The first type is crimes that correspond to our definition of BV. These felonies – bias crimes – may either have a bias motive in a basic substantive merit (e.g., Section 355 Defamation of a Nation, Race, Ethnic or Other Group of People) or in a qualified substantive merit (e.g., in the commission of Section 146 Bodily Harm).^{10/} For offenses with a bias motive in a basic substantive merit, it is necessary to prove the motive – otherwise it is not a criminal offense. On the other hand, offenses with a bias motive in a qualified substantive merit are criminal irrespective of motive; proving the motive functions as an aggravating circumstance, that is, it increases the possible penalty.

A second type are **offenses associated with the activity of antidemocratic movements or organizations**. These are the felonies of Establishment, Support and Promotion of Movements Aimed at Suppression of Human Rights and Freedoms (Section 403), Expressing Sympathies for Movements Seeking to Suppress Human Rights and Freedoms (Section 404) and Denial, Impugnation, Approval and Justification of genocide (Section 405). In the case of these crimes, they are not bias crimes in the classic sense, and in many countries such actions are not criminalized.^{11/} Nevertheless, these are the felonies that are customarily committed by extremists.

Similarly, crimes of a third type most probably privilege the perpetrator's extremist identity over his or her motivation. This category includes **felonies that do not include bias motivation in their definition, but that were committed by persons considered extremists**. Examples of such crimes are Disorderly Conduct (Section 358) or Theft (Section 205).

Table no. 3

Types of selected criminal offenses with an extremist context

Type I: Bias motivated crimes

Bias motive is part of the definition per se (basic substantive merit)

Section 352 Violence Against a Group of People and Individuals

Section 355 Defamation of a Nation, Race, Ethnic or Other Group of People

Section 356 Instigation of Hatred towards a Group of People or of Suppression of Their Rights and Freedoms

Bias motive may or may not be involved (qualified substantive merit)

Section 140 Murder

Section 145 Grievous Bodily Harm

Section 146 Bodily Harm

Section 175 Extortion

Section 225 Damage to a Thing of Another

Section 329 Abuse of Competence of Public Official

II. type: Crimes associated with the activities of antidemocratic movements or organizations

Section 403 Establishment, Support and Promotion of Movements Aimed at Suppression of Human Rights and Freedoms

^{10/} For the legal anchoring of hate crimes in legislation see Chapter 2 – *Bias violence and the law*.

^{11/} These are not considered hate crimes by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe. Nevertheless, it is necessary to add that according to the Office's definition, an incident is a hate crime only if the bias motivation is part of qualified substantive merit. In other words, the act itself must be punishable irrespective of whether prejudicial motivation is or is not proven. Cases of crimes that have such motivation as part of their very definition are considered differently. The Office typically categorizes those crimes as hate speech, but in the Czech legal context, that category is unusable. In the CR, verbalized displays of hatred are criminalized. See the Office for Democratic Institutions and Human Rights. 2009. *Preventing and Responding to Hate Crimes. A Resource Guide for NGOs in the OSCE Region*. Warsaw: OSCE/ODIHR, p. 15.

Section 404 Expressing Sympathies for Movements Seeking to Suppress Human Rights and Freedoms

Section 405 Denial, Impugnation, Approval and Justification of Genocide

III. type: Crimes committed by perpetrators considered political extremists
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Section 323 Violence Against Public Authority

Section 324 Threatening with Intention to Affect Public Authority

Section 325 Violence Against Public Official
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Section 326 Threatening with Intention to Affect Public Official
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Section 358 Disorderly Conduct

Section 205 Theft

Section 353 Dangerous Threatening

From the above it can be seen that just some of the criminal offenses with an extremist context can be considered bias crimes. Nevertheless, the situation in this respect is more complex. Our analysis of the statistics from the Police Presidium corresponding to data from the statistics on criminal offenses with an extremist context reveals that **some acts categorized under Sections 403–405 may also actually qualify as bias crimes**. It seems that officers prefer such qualifications over bias qualifications if the perpetrator accompanies his or her behaviour with some display of extremism, e.g., giving the Nazi salute, shouting various (neo)Nazi slogans, or referring to mass murder in the gas chambers of concentration camps. In 2015, of 84 criminal acts classified by police under Sections 403–405, 20 of them corresponded to our definition of BV (24

%),^{12/} and in 2016, of 63 such incidents, 22 met our definition of BV (35 %). In 2017, of 69 criminal acts classified by police under Sections 403–405, 13 of them met our definition of BV (19 %).

Another fact that distorts statistics about criminal offenses with an extremist context is the **use of the concurrence of criminal charges**. In the Czech legal system, it is possible to qualify a perpetrator's actions according to multiple charges. Our analysis of the statistics from the Police Presidium has demonstrated that officers may privilege the kind of concurrent charges in which a violent assault is categorized using the definition of a crime for which bias motivation is not inherent (e.g., Disorderly Conduct), and the bias motivation is then specifically addressed by charges associated with the activities of an antidemocratic movement or organization. The problem is that in practice, this reduces the proportion of violent bias crimes in the police statistics and makes it seem as if more of those crimes do not involve physical violence than is actually the case. If we just look at the concurrence of "Disorderly Conduct" with incidents categorized according to Sections 403–405, then in 2017, of the 133 criminal offenses with an extremist context, 17 of them involved such concurrences (13 %).

The IU organization selects from the police statistics all criminal acts meeting the definition of BV. IU's main analytical unit is that of a **bias incident** or bias attack that may have targeted one or more social groups and may or may not have been prosecuted according to the Criminal Code. Unlike the CJA, IU does not combine multiple attacks beneath a single criminal act or incident. If a perpetrator committed more than one bias attack against different persons or targets (e.g., at a Jewish cemetery), then IU counts each such attack separately. Similarly, if more than one perpetrator assaults the same person or target at different places and times, we also count each of those attacks separately.^{13/}

^{12/} In IUSTITIA. 2016. Report on Hate Violence in the Czech Republic in 2015. Praha: In IUSTITIA, p. 49. Available at: <https://www.in-ius.cz/dwn/zpravy-o-nzn/znn2015-eng-web.pdf> (bit.ly/rbv17-12).

^{13/} For more, see Chapter 4 – *Methodology for monitoring bias violence*.

2



Bias violence
and the law

2.1 Legislative developments in 2017

2.1.1. SUBSTANTIVE LAW

We find law on bias crimes in the different substantive merits enshrined in Act No. 40/2009, Coll., Criminal Code. **During 2017 a total of six amendments to the Criminal Code took effect, but none of them brought about any adjustment to bias crime law.**

However, misdemeanour law underwent a great adjustment in 2017 in terms of how several less serious bias offenses can be assessed as misdemeanours. As of 1 July 2017, two new laws including adjustments to misdemeanours had taken effect, Act No. 250/2016, Coll. liability for misdemeanours and proceedings about them, and Act No. 251/2016, Coll., on some kinds of misdemeanours. Those regulations replaced the previous Act No. 200/1990, Coll., on misdemeanours. Any misdemeanours committed before the new laws took effect will continue to be adjudicated according to the older law on misdemeanours, while misdemeanours committed as of 1 July 2017 will be adjudicated according to the new regulations with one exception: If it would be more favourable to the perpetrator to adjudicate a case under the new law, his or her culpability will be so adjudicated. The new legislation unifies the terminology, where misdemeanours and other administrative offenses committed by legal persons are uniformly termed “*misdemeanours*”.

An essential change here is that **according to these new arrangements, all misdemeanour proceedings are initiated *ex officio***, i.e., as an official duty. This has significantly narrowed the dispositional sphere of the persons affected by the misdemeanour in some cases. According to the original law on misdemeanours, proceedings about certain misdemeanours – specifically, libel and some offenses against civil coexistence committed against health and property among persons in a close relationship – had to be initiated through the injured party bringing a motion. This is no longer the case, and **proceedings about these misde-**

meanours are begun *ex officio* with the proviso that it is necessary to get the consent of the person directly affected by the commission of the misdemeanour. “*Person directly affected by the commission of the misdemeanour*” is, therefore, a new institution in misdemeanour law whereby such a person is involved in the proceedings with specific duties and rights described in Section 71 of Act No 250/2016, Coll., but does not have the right, for example, to appeal or to object that the decision-making body is biased. Proceedings conditioned by the consent of the person directly affected by the commission of the misdemeanour, however, are begun *ex officio*, which means there is no legal entitlement to their being initiated. We are speaking of persons directly affected by the commission of a misdemeanour in the sense of the previous offenses that required the person to make a motion for the misdemeanour to be dealt with – i.e., the types described above.

Significant change has occurred with respect to statutes of limitation. The general statute of limitation for beginning a misdemeanour proceeding is one year from the date of its commission (or three in cases where the misdemeanour would result in a fine with an upper limit of at least CZK 100 000 – EUR 4 000). After beginning a misdemeanour proceeding the administrative authority has one year to hear it, or rather, one year in which to issue a decision. Liability for the misdemeanour expires at the very latest by three years from the date of its commission (or five in cases where the misdemeanour would result in a fine with an upper limit of at least CZK 100 000 – EUR 4 000).

*At the level of BV, misdemeanours against civil coexistence according to this new legislation in Section 7 Paragraph 3 of the Act on Some Kinds of Misdemeanours are committed “by a physical person, a legal entity, or an individual doing business by preventing or restricting a member of a national minority from exercising the rights of national minority members, or by **causing a person other harm because of his or her affiliation with a national minority***

or because of his or her ethnic origin, race, skin colour, sex, sexual orientation, language, faith or religion, age, disability, political or other convictions, membership or activity in a political party or movement, union organization or other association, social origin, wealth, origin, state of health or marital status."

If found to have committed such a misdemeanour, a perpetrator can be fined up to CZK 20 000 [EUR 775] or up to CZK 30 000 [EUR 1 200] if this involves repeated commission of a misdemeanour; furthermore, restrictive measures can also be applied.^{14/} Another innovation is that according to the laws on misdemeanours, accomplices, assistants, instigators and organizers can also be considered perpetrators. The circumstances ruling out the illegality of such behaviour have also been expanded to include behaviour committed with the injured party's permission, the concept of allowable risk, legitimate use of a weapon and, for legal entities, acting upon orders.

The legal concept of "*sanctions*" for misdemeanours has been replaced by the designation of "*administrative punishments*". The previously controversial sanction of banning a person's residency has been abolished and a new punishment has been introduced, that of publishing the decision on the misdemeanour. The administrative body will also be authorized to task an accused or suspected perpetrator with posting bond (either in money or not) to guarantee the fulfilment of the duties he or she has been tasked with either during the proceeding or in the decision about the misdemeanour. Another innovation is legislation of the opportunity to declare (conditional) dropping of the punishment.

From a legal theory perspective, therefore, the law on misdemeanours has significantly come more into accordance with Criminal Code legislation, where it is possible, during the interpretation of several associated questions, to draw analogies with exactly that legal regulation. This expansion can be

assessed as positive, as it facilitates prosecuting a broader spectrum of persons who have contributed to the commission of a misdemeanour, and introducing restrictive measures offers the potential to deal more effectively with the consequences of BV. The opportunity to require a perpetrator to attend an appropriate program to learn deal with his or her aggression is especially interesting.

The law on misdemeanours also introduces the new institution of a review procedure (Section 100 of the Act on Liability for Misdemeanours and Proceedings about Them), where it states that "*if facts come to light that justify assessing the actions ruled a misdemeanour as a felony instead, the relevant administrative authority shall abolish its decision about the misdemeanour through a review procedure*".

2.1.2 PROCEDURAL DEVELOPMENTS

The Criminal Code, which legislates procedural questions in criminal proceedings, was amended more than once during 2017. A significant change is that **in connection with the amendment to the Crime Victims Act, it is now the case that especially vulnerable victims are entitled, according to the Crime Victims Act, to an attorney free of charge, irrespective of their financial status** (Section 51a Paragraph 2 Criminal Code).

The above-mentioned Act No. 250/2016, Coll., on liability for misdemeanours and proceedings about them, impacts the procedural law with respect to misdemeanour legislation and regulates specific aspects of misdemeanour proceedings. As a support for misdemeanour proceedings, another law is also used, Act No. 500/2004, Coll., the administrative code as amended, which was amended in association with the adoption of the new misdemeanour regulations by amendment no. 183/2017, Coll. Even the new law on misdemeanour proceedings, however, does not legislate the problematic position of injured parties who have suffered harm that does not involve property.

^{14/} "*Restrictive measures consist of banning the person from visiting designated publicly accessible locations or places where athletic, cultural and other social events happen, as well as requiring the person to refrain from contacting a designated individual or defined circle of persons, or the obligation to participate in an appropriate program to learn to manage aggression or violent behaviour*" (Section 52 Paragraph 1, Act on Liability for Misdemeanours and their Proceedings).

In 2017 an amendment to the Act on Attorney Services^{15/} was adopted that expanded the opportunity to provide free legal aid to include attorneys. The amendment took effect on 1 July 2018. According to it, clients who fulfil established conditions will be assigned attorneys by the Czech Bar Association for three different forms of legal aid: Providing legal advice, providing legal advice to foreign nations in detention facilities or reception centres, and the provision of legal services.^{16/} However, it is necessary to emphasise that this amendment does not replace the law on free legal aid that also exists. Free legal advice is provided to a single applicant for a minimum of 30 minutes, but for no more than 120 minutes per calendar year. The request to be assigned an attorney to provide this legal counselling is filed with the Czech Bar Association using a prescribed application for which a fee of CZK 100 [EUR 4] is charged.

2.1.3 CRIME VICTIMS ACT

Act No. 45/2013, Coll., on crime victims, is a crucial regulation of the rights of BV victims. It took effect on 1 April 2017,^{17/} and introduced important changes. **The basic change for victims of BV is that on the basis of implementing an EU directive, the category of especially vulnerable victims was expanded, first to specific victims of terrorism, and then on a case-by-case basis to also include victims of crimes committed because of the victim's affiliation with a nation, race, ethnic group, religion, class or other group of people, or the victim of a crime committed to benefit an organized criminal group.** Above and beyond the framework of that directive, the Czech law inclu-

des among especially vulnerable victims both senior citizens and persons who are victims of crimes involving compulsion (which should cover the area of domestic violence in particular). The category of “surviving relatives” in cases of a victim’s death now includes persons who had been supported by the victim on the day of his or her death or those whom the victim had the duty to support as of that day.

The law further establishes that “if it is unclear whether the victim is especially vulnerable, it is necessary to consider the victim so”. This presumption of the particular vulnerability of a victim means that if there are doubts, the victim must be considered especially vulnerable unless it can be proved otherwise. As part of the measures preventing the incidence of secondary victimisation, there is now the right for not just the victim, but also persons close to the victim, to ask for the perpetrator to be prevented from contacting them.

The extent of the duties of the CJA and entities providing aid to crime victims to inform them about the proceedings has also been broadened. This includes, e.g., information about the closest available accommodation services or providers of medical care, which were not explicitly legislated by the original working of the law, as well as providing written confirmation that a criminal report against an individual has been filed, that a motion for punishment of an individual has been filed, and that a motion to approve of an agreement as to culpability and punishment before a court has been filed, as well as information about measures adopted to ensure the safety of the victim, etc. At the same time, the victim is now given the opportunity to ask for information to be

^{15/} At No. 258/2017, Coll., which amends Act No. 85/1996, Coll., on attorney services, as amended; Act No. 358/1992, Coll., on notaries and their activities (the Notary Code), as amended; Act No. 120/2001, Coll., on court executors and collections activities (the Executors’ Code) and on a change to other laws, as amended; and Act No. 99/1963, Coll., the Code of Civil Procedure. Available at: <https://www.zakonyprolidi.cz/cs/2017-258> ([bit.ly/rbv17-15](https://www.zakonyprolidi.cz/cs/2017-258) – in Czech).

^{16/} For more, see Section 18a–18d of Act No. 85/1996, Coll., on attorney services. Available at: <https://www.zakonyprolidi.cz/cs/1996-85> ([bit.ly/rbv17-16](https://www.zakonyprolidi.cz/cs/1996-85) – in Czech).

^{17/} Act No. 56/2017, Coll, which amends Act No. 45/2013, Coll., on crime victims and on a change to other laws (Crime Victims Act), as worded by Act No. 77/2015, Coll., and other related laws. Available at: <https://www.zakonyprolidi.cz/cs/2017-56> ([bit.ly/znn-17](https://www.zakonyprolidi.cz/cs/2017-56) – in Czech).

given to her at a later moment when she will feel able to absorb it. Another innovation in the area of providing information is the duty of the CJA to deliver written confirmation to a victim that a criminal report about the incident at issue has been received.

The final significant innovation that the amendment to the Crime Victims Act has introduced is the establishment of the institution of re-opening proceedings should it be decided to provide financial aid to the victim.^{18/}

2.2 Applied practice

2.2.1 PUBLIC INTEREST VERSUS THE RIGHTS OF INJURED PARTIES – THE R.B. CASE

European developments in the area of criminal law policy have recently concentrated on the rights of injured parties and victims. This is demonstrated both by legislative efforts (e.g., the EU Directive establishing minimum standards on the rights, support and protection of crime victims),^{19/} as well as in the development of public policy.^{20/} Despite this, applied practice, both domestic and

2.1.4. ASSOCIATED LEGISLATIVE ADJUSTMENTS

Other legal instruments available to BV victims to enforce their rights fall in the area of civil law – especially legal actions for protection of personality and compensation of non-material damages. During 2017 there were no essential adjustments made to this area that would have influenced the rights of victims.

European, continues to reduce injured parties primarily to those role of those bearing witness or, in the best-case scenarios, to persons requiring care. The basic involvement of injured parties in criminal proceedings, or rather, into deciding the guilt or punishment of perpetrators, is not allowed either legislatively or in practice.^{21/}

In relation to bias crimes, the situation persists in which the **CJA repeatedly negate the rights of an injured party flowing from the substantive merits of bias crimes, following instead**

^{18/} Section 30 Paragraph 6, Crime Victims Act.

^{19/} Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. Available at: <http://data.europa.eu/eli/dir/2012/29/oj> (bit.ly/rbv17-19).

^{20/} See, e.g., Milquet, Joëlle. 2019. *Strengthening Victims' Rights: From Compensation to Reparation. For a New Victims' Rights Strategy 2020-2025*. Luxembourg: Publications Office of the European Union. Available at: https://ec.europa.eu/info/sites/info/files/strengthening_victims_rights_-_from_compensation_to_reparation_rev.pdf (bit.ly/rbv17-20).

^{21/} While an injured party can, for example, propose evidence, it is always up to the court whether such motions will be accepted. In practice we have recorded cases when motions by the injured party to document the extent of damage to her health were not accepted. Moreover, an injured party has no right to seek remedy with respect to a decision about culpability or punishment, just with respect to decisions about compensation for damages. If an injured party disagrees with a decision on culpability and punishment – e.g., with the fact that a perpetrator has not been convicted including his bias motivation – the injured party cannot appeal such a decision (see also the consistent case law of the Czech Constitutional Court in this regard).

the doctrine that their primary objective is to protect the so-called *public interest*. Specifically this concerns the substantive merits of crimes associated with the activities of anti-democratic movements or organizations (Sections 403–405 Criminal Code) and substantive merits for the offense of Defamation of a Nation, Race, Ethnic or Other Group of People (Section 355 Criminal Code) or the substantive merits for the offense of Instigation of Hatred towards a Group of People or of Suppression of their Rights and Freedoms (§ 356 Criminal Code). It is necessary to point out that there is no legal regulation establishing that an individual injured party cannot also be protected by the substantive merits that primarily protect the so-called *public interest*.

In an extreme case of the above-described practice, the rights of the injured party R. B. were violated in a case involving his having been attacked through social media, whereby he was denied the right to participate during the main hearing and subsequent filing of a constitutional complaint against the ruling in that case. R. B. was attacked by one perpetrator who made this general remark:

"Yes, that is how Nazism was applauded, now all we have to do is disseminate it as far as we can to all these dicks, these blacks, these Jews, etc. ... They must leave our homeland, a white homeland, Europe, and fuck off, or even better, they should be sent to the gas chambers like before :-),"

which, of course, was sent to R. B.'s personal profile. While police and the prosecutor dealt with the injured party in his procedural position as a party, the District Court excluded him from the proceeding prior to the main trial beginning by issuing a resolution to that effect. The court also significantly limited his procedural right to, for example, express his view of the matter, ask questions of the defendant, or claim damages. The injured party filed a constitu-

tional complaint in November 2017 in which he demanded recognition of the fact that his right to a fair trial had been curtailed. In his opinion, it was necessary to decide whether an apparently general attack against a group of persons could cause damage to the legal sphere of the plaintiff. If the Constitutional Court had upheld the opinion of the District Court, it would have given perpetrators of similar criminal acts the opportunity to commit such a "general-addressed" crime even when standing face-to-face with the injured party, who would then have remained without an opportunity to defend himself or herself within the framework of criminal law.

That constitutional complaint was found justified through a ruling dated 9 April 2019.^{22/} The Constitutional Court found that the criminal procedure regulations *"do not contain a list of crimes (or substantive merits) for which it would not be possible to allow the injured party to participate in the main hearing. While the private interest of a specific individual is not listed as a primary protected interest according to some of the substantive merits delineated in the Criminal Code (e.g. for criminal acts against the CR or exactly for the criminal act of Expressing Sympathies for Movements Seeking to Suppress Human Rights and Freedoms according to Section 404 Criminal Code), it cannot be ruled out that the specific commission of such a criminal act may not also involve damages, whether non-material or to property, or that the need will arise to change the legal categorization of the act itself. The legal classification of the behaviour being prosecuted cannot, therefore, pose a barrier to allowing an injured party to join the criminal proceedings, nota bene if that categorization is questionable in and of itself"*

Furthermore, the Constitutional Court expressed itself extensively regarding the position of an injured party in a criminal proceeding, the purpose of whose participation cannot be according to the court *"narrowed down to just claiming monetary satisfaction. The Criminal Code associates many procedural rights with the*

^{22/} Constitutional Court finding dated 9 April 2019, file no. III. ÚS 3439/17. Available at: https://www.usoud.cz/fileadmin/user_upload/Tiskova_mluvci/Publikovane_nalezky/2019/III._US_3439_17_an.pdf (bit.ly/rbv17-22 – in Czech).

position of an injured party (the right to file a motion to provide additional evidence, to view the case file, to attend negotiations on an agreement about culpability and punishment, to attend the main hearing and the public session held for appeals, etc.), the performance of which need not at all follow the awarding of claims to monetary satisfaction. An injured party who is also a crime victim has the right to make a declaration about the impact of the criminal act on his or her life (see Section 43 Paragraph 4 Criminal Procedure Code). The point of all these rights consists in the fastest possible establishment of legal security to all persons affected and the minimization of the harmful effects of victimisation that arise in areas protected by the Charter of Fundamental Rights and Basic Freedoms and include breaches of the victim's fundamental rights and freedoms, which customarily would represent a reason for the Constitutional Court to intervene. Among the important consequences of exercising these rights is the opportunity for the injured party to provide the court with his or her own insight into the entire criminal case (and not just as a witness)."

The Constitutional Court also, for the first time in its decision-making practice, expressed itself on the essence of bias crimes, or rather, hate crimes. The court believes that *"the special nature and variability of so-called hate crimes tasks the courts with a duty to assess the nature of each such attack from the perspective of its potential specific victims"*.

2.2.2 UNPREDICTABILITY OF DECISION-MAKING PRACTICE

Generally, **the application in practice in cases of BV is significantly dependent upon the approach taken by each local police force, prosecutor and court, and as such, therefore, is unpredictable with respect to what form it will take.** While on

the one hand certain behaviour can be perceived to be criminal in one part of the republic, in another location that same behaviour may be considered a misdemeanour at the most. The R. B. case is not the only one to clearly demonstrate how different decisions can be in what are essentially identical cases, depending on where they happen and are prosecuted. While some cases have ended up in misdemeanour proceedings with low fines being levied (such as for posting the remark: *"This black dick, if he didn't sing, he'd be on welfare just like all the black swine. They should have killed his grandparents in that camp, at least that way they wouldn't be running around here today spreading their sunshine."*),^{23/} in other cases conditional prison sentences of several months' duration were handed down (such as for posting the remark: *"Don't tar all the gypsies with the same brush, send them straight to the gas chambers."*)^{24/} This case also demonstrated the unwillingness of several prosecutors to pursue verbal hate crimes at all. The District Prosecutor in Ostrava, for example, repeatedly stated that the remark *"to call you a black swine is flattery, you're just ugly dirt, you motherfucker, and the gas chamber would be too easy for you, I'd slit your throat jihadi-style!!!!"* is just a misdemeanour. Only the repeated intervention of the supervising prosecutor could get her to accuse these perpetrators of felonies.

This state of affairs may be due to prosecutors having little experience with bias crime, the ambiguity of the concept of bias crime, the prevailing doctrine regarding extremism, and last but not least, the low level of orientation with respect to injured parties' needs.^{25/} However, the effect is clear: Currently it is impossible to guarantee uniform justice for injured parties attacked in various locations throughout the CR. The situation can be laconically summarized as *"there are as many legal opinions as there are districts."*

^{23/} KRPL-43420/PŘ-2017-10511.

^{24/} Verdict of the District Court in Kladno 2T116/2017.

^{25/} For more details, see Kalibová, Klára; Walach, Václav; Divišová, Vendula; and Kupka, Petr. 2017. Lifecycle of a Hate Crime. National Report - Czech Republic. Praha: In IUSTITIA, pp. 38–41. Available at: <https://www.in-ius.cz/dwn/prirucka-sz/lhc-national-report-aj-web.pdf> (bit.ly/rbv17-25).

2.2.3 VERBAL CRIMES AND SOCIAL MEDIA

Bias crimes committed through social media are absolutely underestimated. Prosecutors do not consider them criminal far too often. According to the Prague 6 District Prosecutor, it is necessary to consider the environment of the Internet a space of lawlessness. That prosecutor believes perpetrators act in a kind of protected bubble online and are just letting off steam and indulging themselves by using “colloquial vocabulary”. Among such “harmless” attacks the prosecutor has included, for example, this one:

“Who do you believe is gonna ask you about anything, you little Czech whore? When the time comes, I’ll smash your face in, I’ll kick you defenceless, and then I’ll do you from behind like a dog, so you won’t be able to sit down for a week.”^{26/}

This prosecutorial approach cannot be considered correct. The environment of the Internet is not a lawless space, but one where, on the contrary, criminal law applies even more strictly because the bias attacks committed there can be disseminated more intensively and remain available through social media for a long time, permanently harming the injured party. For that reason, legislators have established stricter punishments for crimes committed through a computer network (see, e.g., Section 356 Paragraph 1, 3 letter b Criminal Code).

An essential problem of the applied practice in cases committed by Internet is the low willingness of social media companies to collaborate with prosecutors. They have failed to cooperate with the CJA for a long time, or rather, their collaborations are very limited. CJA must take advantage of international judicial cooperation, which take a long time and is not always very effective. However, it must be pointed out that in practice, they tend not to

exploit that avenue in bias crime cases. It is interesting to note that in what has so far been the biggest case of bias cybercrime in the CR, the above-mentioned case of R. B., the police never contacted the social media companies with a request for collaboration on clarifying the identities of the perpetrators.

In the area of physical violence, criminal investigation practice also has significant limitations. When clarifying motivations, **CJA mainly focus on whether verbal remarks accompanied the attack, or on whether the perpetrators are involved with an extremist (antidemocratic) movement.**^{27/} However, it is possible consider as much more appropriate the approach proposed, for example, by the Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe, which identifies bias crimes by using several indicators with respect to the perpetrator, the injured party, the location and time the crime is committed, the way it is perpetrated, or the fact that a case was committed for no apparent reason.^{28/} This approach facilitates the CJA in identifying bias motivation even in cases where no verbal assault has been witnessed, but where other bias indicators are fulfilled.

2.2.4 THE RECIPROCAL EFFECT OF BIAS CRIMES

One side effect of bias crimes is their **potential to radicalise the community being affected or endangered, or to provoke a wave of reciprocal violence.** For example, in response to the murder of a Romani man in Chomutov, non-Romani people there were assaulted on public transit by a Romani perpetrator who said the following: *“Gadje [non-Roma] to the gas chambers, the Gypsies will rise up and kill the whites, all for that dead man, that Gypsy who was shot to death.”* The perpetrator was sentenced to eight months in prison, suspended conditionally for 18 months.

^{26/} Appendix No. 1ZN2194/2017-23 of 10 October. 2017.

^{27/} For more details, see Kalibová, Klára; Walach, Václav; Divišová, Vendula; and Kupka, Petr. 2017. Lifecycle of a Hate Crime. National Report - Czech Republic. Praha: In IUSTITIA, pp. 38–41. Available at: <https://www.in-ius.cz/dwn/prirucka-sz/lchc-national-report-aj-web.pdf> (bit.ly/rbv17-27).

^{28/} Kalibová, Klára; Houžvová, Martina; and Kaňovská, Ester. 2017. *Předsudečné trestné činy. Příručka pro soudce a státní zástupce.* Praha: In IUSTITIA, s. 13–18. Available at: <https://www.in-ius.cz/dwn/prirucka-sz/hc-prirucka-po-sz-a-soud-web.pdf> (bit.ly/rbv17-28 – in Czech).

2.3 Important cases

2.3.1 THE MURDER IN CHOMUTOV

Tense interethnic relationships at a housing estate in Chomutov reached a breaking point in May 2017 after a young Romani man was shot dead by his non-Romani neighbour. The Romani man was returning home late at night and, after a loud argument with his uncle, got into his car and drove away. From a nearby building, however, a non-Romani neighbour ran out and shot the Romani man behind the wheel dead. The perpetrator was initially convicted of second-degree murder by the Regional Court in Ústí nad Labem and sentenced to 12.5 years in prison; both the indictment and the Regional Court excluded any bias motivation.

IU believes this was a bias crime. We base this on the method for identifying bias crimes by using generally-acknowledged indicators with respect to the perpetrator, victim, location and time the crime was committed, and the absence of any other motive. First of all, the perpetrator spoke with his mother prior to beginning his attack, who told him that “*some Gypsies are arguing outside,*” so the perpetrator had the nationality of the victim identified to him. Then his mother told him that she had already called the police and there was no need to address the situation. The perpetrator, however, decided to act destructively and violently to deal with the situation. Some onlookers testified that they heard racist shouts during his attack. However, they were unable to identify who did the shouting. The attack was followed by many eyewitnesses from the windows of the adjacent buildings.

One BV indicator is how the injured parties perceive the situation in this case, the parents of the man who bled to death in their arms, as well as other eyewitnesses.^{29/} Another is the difference in nationality between the perpetrator and the victim, as well as the application of disproportionate force^{30/} when the situation could have been addressed in a different way, e.g., by calling the police or committing an attack that would have stopped the driver without killing him. We believe that bias indicators were fulfilled in this case. The perpetrator’s decision to fire a clip with 21 rounds directly at the driver was certainly enhanced by his awareness that the victim was Romani. He committed the attack in the apparent absence of any danger to himself or anybody else and with the awareness that the police had already been to address the case. His disassociation from the entire situation was apparent from the fact that he did not attempt to provide first aid to his victim, that he has never apologized to the victim’s surviving relatives in a believable way, and that he denied culpability for his behaviour throughout the main hearing.

It is necessary to note that the CJA were not in a situation where they could have demonstrated bias motivation, for example, through evidence such as the eyewitness testimonies of persons who were not the victim’s relatives. In such a situation, they tended to take a more certain approach, that of investigating the attack as intentional murder,^{31/} but without a bias motivation. The Regional Court in Ústí nad Labem consistently protected the rights of the injured parties through its ruling as well.

29/ Office for Democratic Institutions and Human Rights (ODIHR). 2009. *Preventing and Responding to Hate Crimes. A Resource Guide for NGOs in the OSCE Region*. Warsaw: the OSCE’s Office for Democratic Institutions and Human Rights, s. 21. Available at: <https://www.osce.org/odihr/39821?download=true> (bit.ly/bvr17-29).

30/ See, e.g., In IUSTITIA. 2015. Identifikace trestné činnosti z nenávisli: informace pro policisty a policistky. Praha: In IUSTITIA. s. 10. Available at: <https://www.in-ius.cz/dwn/prirucka-sz/hc-prirucka-pro-sz-a-soud-web.pdf> (bit.ly/bvr17-30 – in Czech).

31/ Czech media coverage: https://www.lidovky.cz/domov/nic-si-nezjistoval-a-auto-s-ridicem-rozstrilel-skrz-naskrz-rika-o-vrahovi-z-chomutova-soudce.A180419_100138_In_domov_jho?recommendationId=00000000-0000-5000-8000-000000000000 (bit.ly/rbv17-31 – in Czech)

The High Court in Prague then reduced the Regional Court verdict to benefit the defendant. That court recategorized the perpetrator's behaviour as simple murder and lowered the punishment to less than the minimum length allowed by law, i.e., to seven years without parole. At the same time, the court lowered the non-pecuniary damages to the father and mother of the victim. The decision of the High Court startled the prosecutor,^{32/} and the attorney for the injured parties assesses it as inhumane.^{33/}

As far as changes to the length of the sentence and its reduction below the lower limit prescribed by law, **the appeals court made the absolutely scandalous argument that the victim was responsible for his own murder by partially accepting the defendant's arguments.** The defendant argued that he acted to deter a terrorist attack, believing that the victim was planning to drive his car into other people. The premise that the victim was a "terrorist" was a running motif of the entire case and was communicated by the media. The endangerment or intention to jeopardize anybody else on the part of the victim was repeatedly refuted during the hearing before the Regional Court by expert testimony and eyewitness testimony. The only party to stand up for the victim in this case was the Centre for the Investigation of Hybrid Threats and Terrorism.^{34/} The High Court, moreover, lowered the amount of compensation to be paid to the mother of the victim with the explanation that she bore a share of responsibility for the entire matter as a consequence of having argued with her son before the whole incident transpired. In our opinion, the presentation of considerations of this sort, when there is no causal connection between the argument at issue and the murder, constitutes the unacceptable secondary victimisation of the injured party who is the mother of the victim.

The Supreme State Prosecutor filed an appeal against the decision by the High Court in November 2018.^{35/}

2.3.2 AWARDING COMPENSATION FOR NON-PECUNIARY DAMAGES TO BEREAVED PARTIES

Joining a criminal proceeding with a justified claim to compensation for non-pecuniary damages is the lawful right of injured parties and in the case of a victim's death it is also the right of bereaved parties who were close to the victim. Achieving the awarding of such a claim in an adequate amount, however, is frequently very complex and the Czech courts are reticent to make such awards, as was illustrated by the Chomutov case above. On the other hand, we managed to achieve success in this matter with a client from Nýrsko. What happened was that a young Romani man was killed in February 2016 when a non-Romani perpetrator, for no reason, assaulted him on the dance floor of a discotheque and struck him such that he fell to the ground, where he subsequently died as a consequence of brain haemorrhage.

The Regional Court in Plzeň found the defendant guilty of the crime of intentional battery resulting in death but referred the bereaved injured parties' (the victim's parents and siblings) claims for compensation to a civil proceeding. All parties to the case appealed that ruling, and while the High Court subsequently upheld the decision by the Regional Court with respect to culpability and punishment, it also agreed with the bereaved that *"it is necessary to admit regulation Section 228 Paragraph 1 Criminal Code, which facilitates an injured party having his or her claim for compensation of property damage, non-pecuniary damage, or the*

32/ Czech media: https://www.lidovky.cz/domov/vrazda-v-chomutove-snizeni-trestu-me-zaskocilo-obzalovany-neprojevil-litost-divi-se-zalobkyne.A180829_203735_In_domov_jho (bit.ly/rbv17-32 – in Czech)

33/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/in-iustitia-k-rozhodnuti-snizit-trest-strelci-z-chomutova-je-to-protipravni-a-nespravedlive-jakou-rolu-hraje> (bit.ly/rbv17-33 – in Czech)

34/ Czech media: <https://manipulatori.cz/teroristicky-utok-chomutove/> (bit.ly/rbv17-34 – in Czech)

35/ Czech media: https://www.idnes.cz/usti/zpravy/vrazda-roma-chomutov-strelec-odsouzeny-petr-benda-vyse-trestu-dovolani-k-nejvyssimu-soudu.A181108_095555_usti-zpravy_vac2 (bit.ly/rbv17-35 – in Czech)

settlement of unjust enrichment, should such have been caused by the substantive merits, clarified simultaneously during the criminal prosecution of the defendant. This approach is important to the injured party mainly from the standpoint of accelerating a decision on compensation for property damage, non-pecuniary damage, or the settlement of unjust enrichment such that it does not demand further expenditure by the injured party, does not encumber him or her with the burden of proof, and also fulfils the preventive/remedial requirement of the punishment handed down with respect to the defendant's duties."^{36/} The court based its decision on the fact that the relationship between close relatives in and of itself entitles the bereaved to their claim and awarded them compensation, although not in the full amount originally requested.

2.3.3 ATTACKS ON IN IUSTITIA

In August 2017, IU published a report about the results of its monitoring social media and the approach of the CJA to cybercrime. After the report was published, a discussion began on social media and in the discussion forums of some online dailies in which hundreds of posts were made of an intimidating or directly threatening nature. Some threats were of such an intensity that they directly called for the death of the director of IU. A total of 58 assailants were identified. Most of the attacks were assessed by police as protected by freedom of speech. Among those were the following remarks:

- "You should have spat into her mouth on the way ... Put her up against the wall."
- "A change to the system is coming. Enjoy swinging..."
- "So many cocks and so little ammunition."
- "The next time people make noise for change the lampposts will look like Christmas trees."
- "I want to join this blessed activity. Please send me the address of your headquarters, a list of the names of all of you, their home addresses, their relatives, and where their children go to school, I will visit you all in person and I will thank Allah, cheers"
- "She should get an award from a good sniper."

The Prague 6 District Prosecutor identified with the opinion of the police when she said the threats did not qualify, in the injured party's sphere, as causing her justified concern for her health and life, finding that they had been made in the specific, protected bubble of the Internet. In the prosecutor's opinion, "it is not possible to criminalise the behaviour described above; although it is highly immoral, it nevertheless does not attain the kind of societal intensity to be prosecutable either as a felony or a misdemeanour."

IU believes that both the opinion of the police force and the prosecutor is a display of their having decided not to protect persons who become targets in the course of their employment, or rather, in the course of protecting human rights. At the same time, IU believes the behaviour described is absolutely objectively able to spark concern in the average individual to whom it would be addressed, exactly for the reason that it is impossible to verify how determined the authors are to carry out their threats. It is appropriate to compare the attack on IU with the attack on R. B. or the attack on the academic M. S., where protection of the injured parties functioned, at least at some levels.

The actions of three perpetrators were submitted for an administrative proceeding. One was fined CZK 5 000 [EUR 200] for an insulting remark about the director of the organization and was instructed to attend the "Stop Violence" program organized by the SOS Centre of Diaconia for six months (12 meetings). He continued his attacks and escalated them. In May 2018 he was charged with committing felony Violence Against a Group of People and Individuals on the grounds of the victim's political convictions. He is said to have committed that crime by posting these remarks:

- "Maybe War will break out so we can **maim these swine with impunity!**"
- "... please take care to **punish this disgusting, stinking, professionally idiotic, stupidly vengeful and, in my opinion, deformed Kalibová**"
- "A certain, in my opinion, waste of existence, somebody named **Kalibová, the sub-director** from beneath that **little non-profit inlustria**, has fixated on me and is doing her best to cri-

^{36/} Verdict of the High Court in Prague dated 4 April 2017, file number 7 To 19/2017.

minalise my impeccable person just because I have described what she is with exaggerated humour and irony, as well as what she deserves for her subversive activity.”

- *“In other words, combating hate speech is essentially itself a pure display of hatred. It is to combat human nature. Any confused, absolutely degenerate and fucked-up individual deserves an extremely cruel form of death and I believe such a group includes, for example, **that smelly cunt Kalibová**, who fights hate speech and whom in my modest opinion, does not deserve anything but hate speech, saying “You shall not hate”. Hate what you like, maybe the president of your own colony, but **THIS you are not allowed to hate. Your emotions spark emotions in me.**”*
- *“It’s good, but what the fuck do I care that I have sparked some fucked-up emotions in some **fucking bilious cunt who sucks the dick of the American ambassador?!?!?** She should end her wasted existence, leave the galaxy and not shit herself here among the inhabitants of this universe and their abundant, full-fledged emotions. Emotions incite motions, that makes sense, right? But there’s a catch.”*
- *“These militant swine against hate speech feel no emotions. This is a business to them. Some **arch-swinery that the public doesn’t know about, she invented the primordial evil. Kentus, it’s called.**”*
- *“When I find a spaceship that’s a million years old or two, I’ll take it to the scrapyard and with the finder’s fee I get I’ll buy **10 decagrams of Novichok and poison that fucking, confused, shitty non-organization that is fucked square, absolutely, once and for all, along with their entire families.** Wish me luck.”*
- *“Or stick together and somehow [ungrammatical]. Friends, that’s how my friends and **attacked Miss Nonprofit KaliFat. I hope she’ll have a touch of migraine for at least 10 years.**”* – and beneath this post is attached an image depicting the head of a figure into which forks, knives and other objects are stuck in various places.

In June 2018, this perpetrator was fined CZK 30 000 [EUR 1 200] by court order. He appealed. The District Court for Prague 6 subsequently convicted him and fined him the same amount of money. The injured party was instructed to open a civil suit to pursue her claim for damages.^{37/} The perpetrator then appealed that decision and succeeded. The Municipal Court found that the remarks above are not criminal because the accused posted them to his public FB profile and therefore did not aim them at the injured party.

IU believes the decision by the Municipal Court in Prague is not correct and has no basis in law. First of all, the remarks were made publicly, albeit not directly to the injured party’s own profile, but they were certainly aimed at her personal sphere, as they included her surname or a variation thereon. In the second place, the attacks caused justifiable concern and fear for the injured party’s health and life because she has long dedicated herself to researching hate crime and knows that online remarks can be followed by physical assault. Last but not least, these attacks were unequivocally motivated by the injured party’s political – pro-democratic – convictions, or rather, her work in the non-profit sector. The Supreme State Prosecutor is considering appealing.

It is important to emphasize that **this was the first time that a politically motivated bias crime against an NGO defending human rights has been condemned by the courts, although that verdict has not yet prevailed.**

An administrative proceeding against two other perpetrators of such crimes is still underway. One has not ceased his attacks as of this writing.

2.3.4 ATTACK ON AN ACADEMIC

An historian and lecturer at a college, M. S., became the target of intimidation after giving an interview to the media on the subject of migration. He subsequently faced racist insults and death threats through social media.^{38/} Charles University expressed its

37/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/autor-vyhruzek-smrti-lidem-z-organizace-in-iustitia-by-l-odsouzen-za-trestne-ciny-z-nenavisti-s-politickym-podtextem> (bit.ly/rbv17-37 – in Czech)

38/ Czech media: https://www.lidovky.cz/domov/tato-zeme-neni-jen-pro-cechy-historik-celil-urazkam-univerzita-se-ho-zastala.A170111_125644_In_domov_rsa (bit.ly/rbv17-38 – in Czech)

support for the historian. The local police department in Prague and the local prosecutor's office refused to get involved in the case. The prosecutor said it was a case of coarsely vulgar colloquialisms that were not criminally relevant. Part of the case file, however, was sent to the South Bohemian Region for investigation, where it resulted in a conviction. For these remarks:

- *"I think the only good Muslim is a dead one. I hope I meet you somewhere someday so I can piss in your face. If there is ever a terrorist attack in the ČR, I will take care of you personally. I will hang you from a tree as a traitor";* and
- *"I already know how to meet S. - tick-tock – a tree, a branch, a rope and a little swing for one."*

he was convicted of the offense of Dangerous Threatening according to Section 353 Paragraph 1 Criminal Code. The court, in its decision, expressed its view of the defendant's argument that he had just committed *"trolling"*. The court found that speech involving hatred of this kind is not covered by the concept of freedom of speech and can itself lead to physical violence and therefore cannot possibly be underestimated. The defendant subsequently argued that in the past traitors were tarred and feathered and that it could not harm anybody to be hung by his suspenders somewhere. The court responded that "too many cases of physical lynching can be found in contemporary history for them not to be taken seriously".

The verdict also expresses an interesting perspective on the injured party's concerns. **The court stated that if the injured party's job description includes studying contemporary history, there is no doubt that he is very well aware of these associations (a connection to physical lynching) and that his fear for his health and life are absolutely justified.**^{39/} This argument by the District Court must certainly be compared with the way the Municipal Court in Prague belittled similar attacks on a representative of the non-profit sector as described above.

2.3.5 THE CASE OF R. B.

The singer R. B. left the auditorium during a popular music awards ceremony in order to protest the giving of an award to the music group Ortel and then posted a status update to his public FB profile explaining the reasons he had done so. Subsequently he became the target of an avalanche of bias attacks and threats.

The proceedings in this case, although they were not complex in terms of evidence, are ongoing as of this writing. Police have so far identified a total of 19 attackers out of the dozens who committed these crimes. Five of them have been found guilty of misdemeanours, while proceedings remain open in another five, e.g., for remarks such as *"Gypsies to the gas chambers"*. IU will publish a summary report of this case that will be more extensive than this Report allows.

^{39/} Verdict of the District Court in České Budějovice dated 20 June 2018, file no. 31T64/2018-129.

2.4 Case law

With the exception of the above-mentioned Constitutional Court finding in the case of R. B. there were no other breakthrough decisions in the area of BV during 2017. Below we present an interesting Constitutional Court finding in the matter of a judge's literary activity and several essential decisions by the European Court of Human Rights.

2.4.1 CZECH CONSTITUTIONAL COURT FINDING DATED 11 APRIL 2017, FILE NO. IV. ÚS 2609/16

In this finding the Constitutional Court stated that **the private literary activity of a judge is limited by his office as a judge**. This concerned a case in which a judge at the Liberec branch of the Regional Court headquartered in Ústí nad Labem was disciplined for publishing several satirical articles with a strongly political subtext. The Constitutional Court found that judges must not engage in speech that will disrupt the public's faith in their ability to decide cases in accordance with the basic principles of the democratic rule of law and faith in the impartiality and independence of the judiciary. Judges must, therefore, be reserved in speech about political competition. Furthermore, the Constitutional Court stated *inter alia* that a judge is meant to represent a certain authority in society and must, therefore, be aware that all of his or her actions will be perceived by the public with greater sensitivity than the actions of those who are not judges. If a judge publishes satirical writing that has a clear political subtext, he or she must consider that such speech can have a stronger impact on society than if he or she were not a judge. A judge is not just given exceptional powers but is also given privileges that facilitate his or her performance of this function fairly, impartially and independently. Of course, consequently that means there are increased requirements corresponding to those privileges in terms of his or her personal integrity and role in preserving the credibility of the entire judicial system which, among other matters, manifest themselves as certain res-

trictions on his or her personal life during the exercise of his or her political rights. If, therefore, somebody decides to be a judge, he or she voluntarily assumes these (absolutely legitimate) limitations. In the area of the right to freedom of speech, the principle expressed in Article 10 Paragraph 2 of the Charter applies even more, according to which the exercise of that freedom involves both duties and liability.

2.4.2 KIRÁLY AND DÖMÖTÖR V HUNGARY

The European Court for Human Rights has found **a violation of Article 8 of the Convention in its judgment dated 17 January 2017 in the matter of Application No. 10851/13, *Király and Dömötör v Hungary*, where the court found there to have been a cumulative harmful effect of deficiencies in the investigation of a report of a crime filed by two plaintiffs of Romani nationality in the matter of racist physical and verbal attacks committed at an anti-Romani demonstration**. The court awarded each plaintiff EUR 7 500 as compensation for non-pecuniary damages. On the other hand, the court did not subsequently find that Article 8 of the Convention had been violated by the approach taken by police when they decided not to disperse the demonstration at issue.

2.4.3 ŠKORJANEC V CROATIA

The European Court of Human Rights ruled in its judgment dated 28 March 2017 in the matter of Application No. 25536/14, *Škorjanec v Croatia*, that **the status of bias crime victim can be awarded not just to a person on the basis of his or her own affiliation with a certain ethnic or racial group, but also on the basis of his or her actual or perceived affiliation with another person of that group**. In this case, the European Court of Human Rights found a violation of the procedural component of Article 3 taken together with Article 14 of the Convention when domestic authorities failed to sufficiently investigate an assault motivated

by racism that was committed against the plaintiff who, while not herself Romani, had defended her boyfriend who is Romani against an attack motivated by racial hatred. The European Court of Human Rights found that if the state authorities do not provide effective protection to such persons, they are violating the ban on inhuman and degrading treatment and the ban on discrimination.

2.4.4 ALKOVIĆ V MONTENEGRO

In its judgment dated 5 December 2017 in the matter of Application No. 66895/10, *Alković v Montenegro*, the European Court of Human Rights found violation of the plaintiff's rights protected by Article 8 (the right to respect for private life) and Article 14 of the Convention (the ban on discrimination) because domestic autho-

rities did not undertake an effective investigation of attacks allegedly motivated by either racism or religious hatred against the plaintiff. The attacks against the plaintiff, who is of the Muslim creed and of Romani nationality, were repeatedly committed by his neighbours. Given the lack of police action, the plaintiff ended up with a lack of evidence and domestic courts also did not address the situation. As the European Court of Human Rights stated, the **plaintiff was not provided protection of his psychological integrity in the sense of Article 8 of the Convention and was denied the opportunity to effectively take advantage of the means of legal protection anchored in the legal order of the state being sued.** This was even more urgent given that the plaintiff is both a Muslim and a Romani man and that this was not an isolated incident, but a series of repeated attacks.

3



Societal
atmosphere

3.1 Political representatives

The atmosphere in society was quite significantly influenced at the beginning of the year by statements made by Czech President Miloš Zeman, who said that in the CR a *“person suspected of collaborating with Islamist terrorist organizations is hanging around”*. The President was given this information by means of one of four codes used by the security services and shared it during a live broadcast with a Czech Radio reporter. Through this remark, the President wanted to cast doubt on the importance of the planned Centre Against Terrorism and Hybrid Threats, whose staffers understandably are unable to access that type of information. When the reporter warned him that such a remark could frighten the public, the President responded: *“It is for exactly that reason that I have not said his name. That would already be a breach. If I just say he is from the Maghreb, then certainly you know that the Maghreb includes Morocco, Tunisia, Algeria, and even Libya, so that information is so imprecise that it poses no danger to anybody but this person, although I might even want him to be endangered.”*^{40/} Czech Prime Minister Bohuslav Sobotka (ČSSD), in association with Zeman’s remarks, then assured the public that *“the security services are functioning and doing all they can to arrange our maximum security”*.^{41/}

Surprising remarks were also made by the Deputy Public Defender of Rights, Stanislav Křeček. In an interview in January for

the weekly RESPEKT he cast doubt, for example, on the work done by the administrator of the blogs on news server iDNES.cz, consisting of the closing of accounts by users who published racist content. He said censorship was being conducted under the false pretext of combating xenophobia. When asked by the reporter whether he considered remarks such as *“I’d shoot them dead like a Gypsy using a machine gun”* to be racist, he refused to express his view of the issue.^{42/}

Deputy Industry and Trade Minister Karel Novotný, a candidate for the Czech Social Democratic Party (ČSSD), posted to social media that *“gypsies are like jellyfish – poisonous and useless”*. He later apologized for his remark and was docked three months’ pay.^{43/} At the end of November he then resigned. He never confirmed whether his departure was associated with his racist remark. News server Aktuálně.cz recalled that Novotný had used the following slogan on billboards during the 2010 election campaign: *“Why should I have to regret being the majority nationality in my homeland? One state, one set of rules!”*^{44/}

Prime Minister Sobotka also unexpectedly joined the list of politicians contributing to sparking fear of Muslims. Speaking in August to the Austrian Die Presse, he said that given the problems in other European countries *“we no longer want any more Muslims in the Czech Republic”*. An open letter was published in response to

40/ Czech media: http://m.rozhlas.cz/zpravy/domaci/_zprava/po-cesku-se-potlouka-clovek-spojovany-s-islamskymi-teroristy-prozradil-zeman--1687621 (bit.ly/rbv17-40 – in Czech)

41/ Czech media: http://zpravy.idnes.cz/milos-zeman-cesky-rozhlas-plus-terorismus-clovek-z-maghrebu-p5j-domaci.aspx?c=A170111_112703_domaci_fer (bit.ly/rbv17-41 – in Czech)

42/ Czech media: <https://www.respekt.cz/tydenik/2017/2/dnes-se-nazyva-rasismem-kdeco> (bit.ly/rbv17-42 – in Czech)

43/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/namestek-mpo-novotny-se-za-vyrok-ve- kterem-prirovnal-romy-k-meduzam-omluvil-prijde-o-odmeny-a-dostal-vytku> (bit.ly/rbv17-43 – in Czech)

44/ Czech media: <https://zpravy.aktualne.cz/domaci/namestek-ministra-prumyslu-ktery-prirovnal-romy-k-meduzam-od/r~5b885bd0d13a11e7af7dac1f6b220ee8/> (bit.ly/rbv17-44 – in Czech)

those words pointing out the fact that the PM's generalizing remark contravened international agreements and law.^{45/}

The Czech Government's rejection of the idea of EU quotas for migrant reception culminated in June when Czech Interior Minister Milan Chovanec (ČSSD) announced the CR would no longer receive any migrants from either Greece or Italy. According to the quotas, which the Czech Government called "*dysfunctional*", the CR was meant to receive about 2 600 individuals from reception centres in those countries. To date the Czech authorities have provided such aid to just 12 migrants from Greece.^{46/}

Even after the autumn elections to the Chamber of Deputies the situation did not calm down much. "*Jews, homosexuals and Gypsies should be sent to the gas chambers,*" declared the secretary of the "Freedom and Direct Democracy" (SPD) club in the lower house, Jaroslav Staník, according to eyewitnesses. He shouted that remark in a club in the lower house along with insults addressed to the outgoing Labour and Social Affairs Minister Michaela Marksová-Tominová.^{47/} Police opened an investigation of the incident.^{48/}

Czech President Zeman made a public appearance one month prior to the first round of the presidential elections at an SPD convention. News server Romea.cz warned that the SPD is an openly populist, xenophobic party.^{49/}

In mid-December, representatives of anti-immigration parties from elsewhere in Europe visited Prague. The SPD invitation was accepted by, for example, the chair of France's Front National party, Marine Le Pen, and the Dutch politician Geert Wilders. The chair of the SPD, Tomio Okamura, also made an appearance at the meeting. About 500 people demonstrated against the meeting. Those protesting condemned the prejudicial, nationalist, far-right, xenophobic opinions of the politicians gathering in Prague.^{50/}

At the beginning of 2016, a new Minister for Human Rights, Equal Opportunities and Legislation, Jan Chvojka (ČSSD), took office. In 2017 he said he wanted to focus on increasing the employment rate of Romani people and on the issue of indebtedness.^{51/} He also focused his attention at the beginning of the year on the Czech Government Campaign Against Hate Violence

45/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/skupina-obcanu-a-aktivistu-sepsala-otevreny-dopis-premierovi-pozadujio-mluvu-muslimum> (bit.ly/rbv17-45 – in Czech)

46/ Czech media: https://www.irozhlas.cz/zpravy-domov/vlada-cesko-uz-neprijme-zadneho-migranta-na-zaklade-kvot-zhorsila-se_1706051706_pj (bit.ly/rbv17-46 – in Czech)

47/ Czech media: https://zpravy.aktualne.cz/domaci/tajemnik-spd-posilal-ve-snemovne-zidy-a-homosexually-doplynu/r~14061f70c58411e7988aac1f6b220ee8/?_ga=2.115107524.2105762710.1516108586-161406893.1513940521 (bit.ly/rbv17-47 – in Czech)

48/ Czech media: https://zpravy.aktualne.cz/domaci/policie-vysetruje-stanika-z-spd-ktery-mel-posilat-zidy-dopl/r~611e6cd4da6211e7a4500cc47ab5f122/?_ga=2.118721482.2105762710.1516108586-161406893.1513940521 (bit.ly/rbv17-48 – in Czech)

49/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/zeman-vystoupi-na-celorepublikovem-sjezdu-spd> (bit.ly/rbv17-49 – in Czech)

50/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/proti-okamurove-schuzce-protiimigracnich-a-nenavistnych-stran-demonstrovalo-nekolik-stovek-lidi> (bit.ly/rbv17-50 – in Czech)

51/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/ministr-pro-lidska-prava-chvojka-se-v-roce-2017-zameri-na-zamestnavanilidi-z-ghett-ci-vykup-veprina> (bit.ly/rbv17-51 – in Czech)

and Racism, HateFree Culture. In February he announced that the project in its current form would close at the end of April.^{52/} After further negotiations, the Office of the Government then issued a statement saying that as of the spring of the following year another similarly focused campaign would be launched. From the outputs of the closing campaign it could be seen that Romani people remain the most frequent target of bias attacks in the CR.^{53/}

Czech Prime Minister Andrej Babiš (ANO) did not create a Human Rights Minister post in his new Government. NGOs therefore wrote a letter calling on him to reconsider abolishing the position because he would be limiting equal opportunities for all by doing so. The authors warned above all that the Human Rights Minister would have a very important role to play at a time of increasing xenophobic sentiments in society.^{54/}

The CR was again criticized for its approach toward minorities. The European Commission, in its analysis of the economic situation, warned, for example, that Romani people are not sufficiently represented on the labour market, along with persons with low levels of qualification, women with young children, and persons liv-

ing with disabilities. Romani people are up to six times more at risk of poverty compared to the majority society as a consequence.^{55/} The State Department of the United States of America again criticized discrimination against Romani people and the stigmatization of persons infected with HIV in the CR.^{56/} The Czech state has also not yet compensated women who have been sterilized without their informed consent. NGOs such as the Czech Helsinki Committee, the Czech Women's Lobby and the League of Human Rights drew the attention of the United Nations to this issue. The Czech Government had pledged to compensate the victims in the year 2012.^{57/} At the end of the year the Council of Europe also called for these victims to be compensated.^{58/}

European non-profits mentioned in a report entitled "Throwing Reality Aside" that some Central and Eastern European countries are making asylum-seeking procedures more difficult. According to those non-profits, the CR is one such state.^{59/}

Some political representatives demonstrated that they do not know how to work with information reported by the media. As news server Romea.cz pointed out, Czech Senator Jaroslav Doubrava (Severočeši.cz) shared an already-refuted hoax through

52/ Czech media: http://zpravy.idnes.cz/chvojka-potvrdil-konec-hatefree-culture-fd7-/domaci.aspx?c=A170207_165525_domaci_jol (bit.ly/rbv17-52 – in Czech)

53/ Czech media: http://zpravy.idnes.cz/kampan-hatefree-bude-mit-nastupce-dqw-/domaci.aspx?c=A170307_152400_domaci_kop (bit.ly/rbv17-53 – in Czech)

54/ Czech media: https://www.denik.cz/z_domova/neruste-ministra-pro-lidska-prava-vyzvaly-babise-organizace-20171206.html (bit.ly/rbv17-54 – in Czech)

55/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/zprava-evropske-komise-romove-jsou-v-cr-sokrat-vice-ohrozeni-chudobou-nez-ostatni-obyvatele> (bit.ly/rbv17-55 – in Czech)

56/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/zahranicni/americka-diplomacie-cesku-vytyka-diskriminaci-romu-a-korupci> (bit.ly/rbv17-56 – in Czech)

57/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/nevladni-organizace-upozornuji-osn-ze-ceska-vlada-neodskodnila-nedobrovolne-sterilizovane-zeny> (bit.ly/rbv17-57 – in Czech)

58/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/rada-evropy-vyzyva-ceskou-republiku-aby-odskodnila-obeti-vynucenych-sterilizaci> (bit.ly/rbv17-58 – in Czech)

59/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/neziskove-organizace-nektere-zeme-eu-ztezuji-moznost-zadat-o-azyl-tyka-se-to-i-ceske-republiky> (bit.ly/rbv17-59 – in Czech)

social media about an alleged (and non-existent) EU decision to abolish the letter “Ř” from the Czech alphabet.^{60/} Václav Klaus, Jr (ODS) published a photograph and claimed it was from the opening of the Women’s Global Chess Championship in Tehran. He pointed out that all of the women in the photograph were seated on the floor, while the men in the photograph were seated in chairs. The claim, however, was untrue in several regards, as the photograph dated to the year 2013 and was of the ceremony appointing Iran’s new Foreign Minister; news server Romea.cz found and re-published a different photograph from that same event in which it can clearly be seen that at least one woman was also seated on a chair along with the men. News server Romea.cz warned that it was not at all clear how the seating arrangements in that room had been allocated.^{61/}

Political representatives began a more intensive debate during 2017 about buying out the pig farm that occupied the site of a former concentration camp for Romani people in Lety u Písku. The main initiators of the discussion about the buyout during 2017 were Czech Human Rights Minister Chvojka and Prime Minister Sobotka and also Jiří Dienstbier (ČSSD) and Daniel Herman (Christian Democrats – KDU-ČSL).^{62/}

At the close of June, a commemorative ceremony was held at Lety and attended by activists from the CR and other countries to express dissatisfaction with the fact that the pig farm had not yet been removed. Among those attending was Czech Justice Minister Robert Pelikán (ANO).^{63/} Czech President Zeman also expressed his view of the issue. Speaking on his TV Barrandov program, he said that he was in favour of preserving the farm at the former concentration camp site and threatened that demolishing the farm would cost taxpayers a billion crowns [EUR 40 million]. The President never explained how he arrived at that number. In his view, building a dignified memorial site in that way would cause losses to the national economy. Zeman literally said: *“What will be created on that territory? An empty area, nothing more. Let’s let the agricultural, food production, industrial and other enterprises continue to operate and let’s not impose any useless barriers to that.”*^{64/}

The Czech Government Council for Romani Minority Affairs responded to the President’s words. Representatives of the council recalled that there are other “empty areas” at other locations on Czech territory where genocide was committed during the Second World War.^{65/} The archaeologists ascertained, among other matters, that most of the camp actually had been located on the current land occupied by the pig farm.^{66/}

60/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/trapas-a-ostuda-rasistickeho-senatora-doubravy-k-utoku-na-eu-pouzil-vymyslenou-zpravu-o-zruseni-pismena-r> (bit.ly/rbv17-60 – in Czech)

61/ Czech media: <http://www.romea.cz/cz/publicistika/komentare/vaclav-klaus-mladsi-siri-prostrednictvim-facebooku-fotku-s-manipulativnim-popiskem-s-cilem-vyvolavat-protiislamske-nalady> (bit.ly/rbv17-61 – in Czech)

62/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/ministr-jan-chvojka-k-mezinarodnimu-dni-romu-tradicni-romske-hodnoty-mohou-byt-prikladem-i-pro-nas> (bit.ly/rbv17-62 – in Czech)

63/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/primy-prenos-pietni-shromazdeni-v-miste-byvaleho-koncentracniho-tabora-v-letech-u-pisku> (bit.ly/rbv17-63 – in Czech)

64/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/prezident-zeman-je-pro-zachovani-prasecku-na-miste-byvaleho-koncentracniho-tabora-pro-romy-v-letech-u-pisku> (bit.ly/rbv17-64 – in Czech)

65/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/romska-rada-reaguje-na-vyrok-prezidenta-o-letech-a-pripomina-existenci-rozsahlych-prakticky-nevyuzitych-ploch-v-osvetimi> (bit.ly/rbv17-65 – in Czech)

66/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/potvrzeno-archeologickym-vyzkumem-koncentracni-tabor-v-letech-lezi-zdrtive-vetsiny-na-pozemku-veprina> (bit.ly/rbv17-66 – in Czech)

During the summer months, strategic negotiations were held on the state buying out the pig farm at Lety. At the end of August, the Government unanimously decided to buy the farm^{67/} and at

the end of November a purchase agreement was signed with its owner. The territory began to be administered by the Museum of Romani Culture.^{68/}

3.2 Local municipalities

The Municipal Court in Prague upheld a decision fining a former local councillor for the Civic Democratic Party (ODS) in the Letňany Municipal Department of Prague, Jan Mikulecký, CZK 100 000 [EUR 4 000] for blackmail associated with bribery. He committed that offense during local elections in 2014 when he blackmailed Petra Kavúrová (of the “For Prague” movement) to withdraw her candidacy, otherwise her husband would lose a local commission. Mikulecký promised money to Kavúrová’s husband, Dušan Kavúr, if he would arrange for voters from the local Romani community to vote for him.^{69/}

At the beginning of April, Czech Senator Jiří Čunek (KDU-ČSL), who at the time was also the Governor of the Zlín Region and the Mayor of Vsetín, once again attacked Romani people. In interviews for the media outlets DVTV and XTV, for example, he said Romani people have never been accustomed to working and rejected the notion that they are discriminated against in Czech society. Lucie Fuková, a member of the Czech Government Council of Romani Minority Affairs responded that she would strive to

make sure the Czech Government Agency for Social Inclusion ceased its cooperation with the town of Vsetín. Later in April Čunek resigned as Mayor, which he had announced he would do after being elected Governor.^{70/}

Roman Sedlačík (“Order of the Nation” – Řád Národa), Vice-Mayor and local assembly member in Hodonín, unintentionally showed the country how absurd it can be to fear foreigners. At the beginning of August, he published a photograph of two dark-skinned people to his FB profile, commenting that he had asked the man in the photo what he is doing here and whether he is Muslim. At the same time, he took offense at those of his fellow Czechs who are “growing accustomed” to foreigners in the country and who take no notice of them, adding that he had called local police on the foreign duo to check their identification. The Vice-Mayor completed his story by calling on all citizens to do the same. According to news server iDNES.cz, the man on whom the local councillor called the police was a soldier in the Army of the United States of America and the woman with him was the head of a foun-

67/ Czech media: http://zpravy.idnes.cz/vlada-se-rozhodla-koupit-veprin-v-letech-fdh-/domaci.aspx?c=A170821_133515_domaci_kop (bit.ly/rbv17-67 – in Czech)

68/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/bleskova-zprava-smlouva-o-odkupu-veprina-v-letech-u-pisku-byla-podepsana> (bit.ly/rbv17-68 – in Czech)

69/ Czech media: https://zpravy.aktualne.cz/domaci/exradni-z-letnan-vydiral-potvrdil-odvolaci-soud-rad-by-mu-zv/r~db6466a6f9b711e6bb37002590604f2e/?_ga=1.26919476.800741274.1459259534 (bit.ly/rbv17-69 – in Czech)

70/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/jiri-cunek-opet-utoci-na-romy-clenka-romske-rady-bude-zadat-okamzite-ukoncení-spoluprace-agentury-se-vsetinem> (bit.ly/rbv17-70 – in Czech)

dation; the couple were visiting Hodonín at the personal invitation of a local resident.^{71/}

The Vice-Mayor of the Bohunice Municipal Department in the city of Brno, Milan Hrdlička (ČSSD), wrote an anti-refugee article for the "Naše Bohunice" ("Our Bohunice") newspaper, published by the Municipal Department, in which he compared refugees to jihadis (using a slang term for Muslims) and warned that it is necessary to prevent them invading. His fellow party member Lubomír Zaorálek distanced himself from the piece, saying that somebody with such opinions should not be a Social Democrat. Hrdlička later claimed to not be an extremist and said he just wanted to open up a debate about migration.^{72/}

The head of the Institute for Social Inclusion, Martin Šimáček, expressed doubts about the approach taken by the public administration after a young Romani man was shot dead in Chomutov. In his view it was very likely that the shooting had been a hate crime, which could increase social tension in the area. He said he believed that neither the local leadership nor the Czech Government Agency for Social Inclusion had responded adequately to the incident despite this likelihood. Neither the surviving relatives

of the victim nor anybody else at the housing estate where the murder happened were offered aid by either institution in the immediate aftermath of the shooting.^{73/}

The City of Liberec and the Liberec Regional Authority both officially commemorated International Romani Day by flying the Romani flag.^{74/} Some politicians were criticized for taking that symbolic action. News server iDNES.cz reported that the Mayor of Liberec, Tibor Batthyány (previously for ANO) publicly rejected the gesture, saying a different flag might as well be flown in front of City Hall every day.^{75/}

The Constitutional Court overturned part of local ordinances adopted by the towns of Litvínov and Varnsdorf as part of their so-called "zero tolerance" policies. The court agreed with the Public Defender of Rights, Anna Šabatová, who criticized the ban on sitting in public spaces by any means other than that of a bench. The court found that in and of itself, sitting somewhere that is not designated for sitting cannot disrupt public order.^{76/}

Czech cities gradually began to take advantage of the opportunity to halt the disbursement of housing benefits in certain areas on their territory, which an amendment to the law on aid to those

71/ Czech media: https://brno.idnes.cz/zastupitel-hodonin-zavolal-hlidku-na-cernosky-par-fhu-/brno-zpravy.aspx?c=A170815_144433_brno-zpravy_vh (bit.ly/rbv17-71 – in Czech)

72/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/mistostarosta-za-cssd-prirovnanim-uprchliku-ke-slimakum-chtel-pry-vyvolat-diskuzi-neni-pry-zadny-xenofob-a-zaoralek-clanek> (bit.ly/rbv17-72 – in Czech)

73/ Czech media: <http://socialniinkluzce.cz/strelba-v-chomutove-kolik-jeste-musi-byt-obeti-nez-se-verejna-sprava-nauci-reagovat/> (bit.ly/rbv17-73 – in Czech)

74/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/mesto-liberec-i-liberecky-kraj-vyvesi-u-prilezitosti-mezinarodniho-dne-romske-vlajky> (bit.ly/rbv17-74 – in Czech)

75/ Czech media: http://liberec.idnes.cz/romska-vlajka-rozhadala-liberec-vyvesi-d9m-/liberec-zpravy.aspx?c=A170407_105522_liberec-zpravy_jape (bit.ly/rbv17-75 – in Czech)

76/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/nesmyslne-vyhlasaky-zakazujici-sezeni-mimo-lavicky-konci-rozhodl-o-tom-ustavni-soud> (bit.ly/rbv17-76 – in Czech)

in material distress made possible. Anybody newly concluding a rental contract in localities designated as under the housing benefit ban will lose their entitlement to benefits at that address. At the beginning of the year the town of Obrnice joined that group.^{77/}

The City of Ústí nad Labem also proposed zones where new renters would not be able to receive housing benefits. Its proposals were publicized including comments on them, with local and state police writing in about how many residents in the buildings proposed for inclusion under the ban had committed felonies and misdemeanours at each address and what the nature of their offenses were (e.g., rioting, alcohol consumption, etc.). Child welfare authorities added the sentence “*Include among the Buildings with Longstanding Undesirable Social Phenomena!*” to each individual building where, in their view, “unfavourable influences on minors occur”. The owners of the real estate had 30 days to express their views of the proposals.^{78/}

The leadership of the town of Kladno even designated the entire territory there a housing benefit-free zone. Critics of the

Kladno proposal, including, for example, Czech Senator Jiří Dienstbier, argued that this was a “*war against the poor*” and that by taking this step, the entire town would basically become a ghetto. According to the director of the local branch of the People in Need organization, moreover, the measure would impact many senior citizens and single mothers.^{79/} Twenty senators filed a motion with the Constitutional Court to overturn the section of the law on aid to those in material distress that addresses housing supplements and allows them to be banned in designated areas.^{80/}

The City of Brno received a subsidy for a project Prevention of School Dropout at Primary Schools in the City of Brno, which was meant to last from August 2017 through the end of 2020. The aim of the project is to support career counselling and tutoring for primary school pupils. In addition to schools, NGOs involved with the issue of education and support to pupils with some form of disadvantage will be included.^{81/}

77/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/obrnice-zastavi-doplatky-na-bydleni-na-casti-sidliste-vyuziji-novelu-zakona-o-hmotne-nouzi> (bit.ly/rbv17-77 – in Czech)

78/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/usti-nad-labem-vybralo-ulice-kde-zrusi-doplatky-na-bydleni-nove-prichozim-najemnikum> (bit.ly/rbv17-78 – in Czech)

79/ Czech media: <http://www.ceskatelevize.cz/ct24/regiony/2341426-cele-kladno-se-prohlasilo-za-socialne-vyloucenou-lokalitu-preventivne-rika-primator> (bit.ly/rbv17-79 – in Czech)

80/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/senatori-chteji-doplatky-na-bydleni-resit-pres-ustavni-soud> (bit.ly/rbv17-80 – in Czech)

81/ Czech media: <https://www.brno.cz/brno-aktualne/co-se-deje-v-brne/a/mesto-ziskalo-dotaci-50-milionu-korun-na-projekt-prevence-skolni-neuspesnosti-1/> (bit.ly/rbv17-81 – in Czech)

3.3 The far right

In February an indictment was filed against the chair of the National Democracy party, the extremist Adam B. Bartoš, for denying the Holocaust, inciting hatred, defamation, and approving of a crime. He was said to have committed all of these offenses in his writings.^{82/} According to the indictment, Bartoš has denied the existence of gas chambers in the Nazi concentration camps.^{83/} In March the Brno Regional Court upheld a conditional year-long prison sentence against him, suspended for two years, for inciting hatred of Jewish people. He was punished for leaving a sign at a memorial to 19th-century murder victim Anežka Hružová that read: *“The Jewish question has not yet been finally solved in a satisfying way.”*^{84/}

The police proposed indicting the perpetrators of attacks in April 2016 against self-declared “HateFree Zones” throughout the country. For spray-painting neo-Nazi symbols on cafés and shops, four people face accusations of property damage and displaying sympathy for a movement aimed at suppressing human rights and freedoms. The attackers chose the businesses targeted because they had joined the Government’s Campaign Against Racism and Hate Violence.^{85/}

Several cases of people publicly promoting neo-Nazism were reported by the media. At the end of April, a photograph was shared of a checkout clerk at a Kaufland supermarket branch with a clearly visible tattoo of a Nazi swastika on her right forearm while serving customers. The chair immediately fired the woman and a spokesperson for the business said its management was considering legal action against her.^{86/} A man from Plzeň who gave the Nazi salute, shouted a Nazi greeting while doing so and was wearing a sweatshirt with a Nazi swastika on it at the time faces four years in prison.^{87/} A 10-month conditional prison sentence, suspended for two years, was handed down by the Ústí nad Labem District Court against a woman who shared photographs and texts on social media promoting the Nazi ideology. Seven years ago the convicted woman had attempted to run for the Chamber of Deputies on behalf of the Workers Social Justice Party (Dělnická strana sociální spravedlnosti – DSSS) but was not elected.^{88/}

The “Our Army” (Naše vojsko) publishing house, which has previously published Hitler’s *Mein Kampf*, for example, began selling goods with neo-Nazi symbols at the beginning of April. Their prod-

82/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/extremista-bartos-podnecoval-nenavist-vuci-zidum-a-uprchlikum-policie-navrhla-obzalobu-hrozi-mu-3-roky-vezeni> (bit.ly/rbv17-82 – in Czech)

83/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/extremista-bartos-podle-obzaloby-vyvracel-existenci-plynovych-komor> (bit.ly/rbv17-83 – in Czech)

84/ Czech media: <http://www.ceskatelevize.cz/ct24/domaci/2051054-antisemita-bartos-volal-po-reseni-zidovske-otazky-odvolaci-soud-mu-potvrdil-podminený> (bit.ly/rbv17-84 – in Czech)

85/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/clen-letnanske-ods-si-chtel-koupit-hlasy-romu-soud-potvrdil-stotiscovou-pokutu-za-vydirani-a-podplaceni> (bit.ly/rbv17-85 – in Czech)

86/ Czech media: http://www.lidovky.cz/kvuli-hakovemu-krizi-na-ruce-pokladni-z-kauflandu-ihned-skoncila-retezec-zvazuje-pravni-postih-i9-/zpravy-domov.aspx?c=A170427_091515_In_domov_sk (bit.ly/rbv17-86 – in Czech)

87/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/hakovy-kriz-na-zadech-a-hajlovani-mladikovi-z-plzne-hrozi-tri-roky-vezeni> (bit.ly/rbv17-87 – in Czech)

88/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/nekdejsi-neuspesna-kandidatka-dsss-je-odsouzena-za-propagaci-nacismu> (bit.ly/rbv17-88 – in Czech)

uct line includes items featuring the portraits of Hitler, Reinhard Heydrich, and K. H. Frank.^{89/}

A documentary film by Vít Klusák, “The World According to Little Dalibor”, began to screen in cinemas; its central character is the neo-Nazi Dalibor K. The director was summoned by police before the film was completed to explain scenes capturing fans of the Ortel band giving the Nazi salute at a concert. After the film premiered, its producers were informed that a viewer had filed a crime report against the main character for promoting Nazism.^{90/}

Neo-Nazis did their best to make public appearances during the year. They were attracted by the traditional Prague Pride march, which, for example Pavel Matějný of the National Regeneration (Národní obroda) turned out to protest. He organized an event called No Way for Gay to protest the march. Several conflicts happened during Prague Pride during which police had to intervene.^{91/}

The DSSS convened a demonstration on St. Václav’s Day in the town of Svitavy. One of the conveners was the non-Romani man Vlastimil Pechanec, who has already been convicted of the racist murder of a Romani man there. The event did not enjoy much success, as fewer than 40 DSSS adherents made it there.^{92/}

During the events marking the state holiday on 17 November an assembly by DSSS adherents happened on Wenceslas Square in Prague. About 100 participants showed up there, two of whom

were arrested by police. Some of those assembling also assaulted Czech Television reporter Richard Samko, who is Romani. They cursed him with vulgarities, threatened him, and grabbed his mobile phone. The American neo-Nazi Matthew John Heimbach appeared at the assembly, whom news server Romea.cz reported is associated with the Ku-Klux-Klan and “white power” organizations. Those attending wanted to march down Národní třída and then to the Old Town Square, but the organizers cancelled the march.^{93/}

The “Decent People” group filed a lawsuit against the Ministry of the Interior over its quarterly report on extremism, which labelled their movement extremist. The report states that members of the movement, which arose in response to the current political leadership of the City of Brno, have pasts involving hooligan or neo-Nazi activity. The lawsuit is seeking to protect the group’s name and reputation.^{94/}

Due to repeated mentions in those extremism reports, the National Democracy party chaired by Bartoš had also previously sued the Ministry of the Interior. The leadership of the party is seeking a public apology for interfering with the legal entity’s reputation. In October, expert Josef Dolista testified in court, confirming through his opinion that National Democracy is extremist and is doing its best, through its speech, to divide domestic society. According to the expert, part of the population can be influenced by biased speech against some minorities.^{95/}

89/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/nakladatelstvi-prodava-predmety-s-portrety-nacistu-a-diktatoru-neni-to-propagace-jde-mi-o-zisk-rika-reditel> (bit.ly/rbv17-89 – in Czech)

90/ Czech media: https://www.tyden.cz/rubriky/kultura/film/v-prostejove-probehne-predpremiere-filmu-svet-podle-daliborka_437760.html (bit.ly/rbv17-90 – in Czech)

91/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/video-a-foto-verici-extremiste-a-neonaciste-protestovali-proti-pruvodu-prague-pride-musela-zasahovat-policie> (bit.ly/rbv17-91 – in Czech)

92/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/velka-akce-extremistu-z-dsss-ve-svitavach-prislo-jen-35-priznivcu-namiste-byli-i-odpurci-presilovku-hrala-policie> (bit.ly/rbv17-92 – in Czech)

93/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/priznivci-dsss-jebat-allaha-palit-mesity-cerna-svine-arabska-slovni-utokyna-redaktora-ct-richarda-samka> (bit.ly/rbv17-93 – in Czech)

94/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/brnenske-hnuti-slusni-lide-podalo-zalobu-na-ministerstvo-vnitra-za-to-ze-ho-oznacilo-za-extremisticko> (bit.ly/rbv17-94 – in Czech)

95/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/znalec-narodni-demokracie-je-extremistickou-stranou> (bit.ly/rbv17-95 – in Czech)

3.4 Security forces

During 2017 the investigation continued of the police intervention at a pizzeria in the town of Žatec in which a young Romani man died. Police shelved the case at the end of January, concluding no crime had been committed.^{96/} The legal representative for the injured parties responded by saying police had proceeded incorrectly because they had failed to secure evidence and had verified eyewitness testimonies in a less than adequate way. For that reason, the injured parties filed a complaint against the decision.^{97/} The Czech Government Council for Romani Minority Affairs also expressed its concern over the outcome of the investigation. Speaking at their February session, members of the council spoke of a growing feeling that their own safety is endangered.^{98/} The Ústí Regional Prosecutor, Andrea Janáková, rejected the complaint.^{99/}

The Constitutional Court agreed with the complaint filed by a family of immigrants from Kosovo who were held in a detention facility in Bělá-Jezová for 50 days. According to judge Jan Filip, there had been no legal basis for their detention. Currently the

criteria for detaining foreign nationals are described by law in more detail.^{100/}

The laxity of police in investigating and solving cases of attacks committed by social media became a target of criticism. Two crime reports of such activity filed by the ROMEA organization were shelved by police. The first was filed against a social media user under the name of Dieter Kammler, who wrote on FB: *“I, too, have decided to take justice into my own hands before I die. Yes, it will be two little Romani children.”* Another online discussor, David Krčmář, wrote on FB: *“Disgusting, useless black filth, aggressive from the time they’re children... Let’s be racists, we really don’t need this!!!!”* Police did not see either case as criminal.^{101/} The approach of police to investigating verbal crime on FB was criticized by IU. In our statement released in August we said that of the dozens of suspects who made threats against the singer Radek Banga on his FB profile, police had charged just two.^{102/}

96/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/vysetrovani-smrti-miroslava-demetera-policie-uzavrela-pripad-bylo-dlozen-nedoslo-ke-spachani-trestneho-cinu> (bit.ly/rbv17-96 – in Czech)

97/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/video-policie-postupovala-nespravne-nedostatecne-zajistila-stopy-rikapravni-zastupce-v-kauze-zatec> (bit.ly/rbv17-97 – in Czech)

98/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/romska-rada-jednala-o-kauze-zatec-zastupci-romu-romu-vyjadri-rostouci-pocit-ohrozeni-sve-bezpecnosti> (bit.ly/rbv17-98 – in Czech)

99/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/pripad-smrti-roma-v-zatecke-pizzerii-statni-zastupkyne-odmitla-stiznost-na-postup-pri-vysetrovani-jako-neduvodnou> (bit.ly/rbv17-99 – in Czech)

100/ Czech media: <https://domaci.ihned.cz/c1-65739390-rodina-migrantu-z-kosova-byla-v-bele-jezove-protiustavne-rozhodl-soud-spatne-podminky-v-detencnim-zarizeni-nepotvrdil> (bit.ly/rbv17-100 – in Czech)

101/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/vyhruzka-vykonanim-spravlnosti-na-malych-detech-podle-policie-nejde-o-trestny-cin> (bit.ly/rbv17-101 – in Czech)

102/ Czech media: https://www.facebook.com/permalink.php?story_fbid=10155441568250792&id=252375370791 (bit.ly/rbv17-102 – in Czech)

In November a police officer from Česká Lípa was indicted for using a collapsible truncheon to beat a Romani temporary worker who was harvesting legally cultivated cannabis. The incident had hap-

pened on 29 September 2015 and the officer was not charged by the General Inspectorate of the Security Forces until 9 June 2016. Despite the charges, he remained on the force through the end of 2017.^{103/}

3.5 Media and social networks

A textbook example of stereotypes about Romani people in the media was committed by a reporter for the daily Mladá fronta DNES when he set out to track down the relatives of two young Romani girls who had been hit by a car in Great Britain on New Year's Eve. The reporter attempted to describe the environment from which the tragically killed children came by telling the stories of their other family members. Readers of his work learned, for example, that on the street where the family of the girls live, *"some of the apartment buildings are maintained"*. Most of the local Roma *"work and their neighbours have no problems with them"*. It is difficult to imagine the reporter feeling the need to mention this kind of information about the bereaved relatives if the victims of this tragedy had come from the majority society.^{104/}

In the autumn, the media extensively covered the trial of a young Afghan man who was acquitted on charges of raping a nurse at the Bulovka Hospital. Despite the acquittal, the Mladá fronta DNES daily published a front-page article with the headline: *"Nurse from Bulovka: A Czech Guy Wouldn't Have Done This."* In the article, reporter Karel Hrubeš mainly gives room to the accusa-

tions of the nurse, who confided to him that she dislikes Muslims and that they are raised to commit violence against women. The reporter called the court's acquittal the *"official version of the truth"* in his piece.^{105/}

The Czech Council for Radio and Television Broadcasting ruled that the commercial TV Prima channel had manipulated its news reporting about the integration of Iraqi refugees in the CR. According to the Council, its four news reports had not been objective and had communicated the opinion of the management of the broadcaster to viewers as if it were fact. The manipulation of the broadcasts happened in its reportages broadcast in the spring of 2016.^{106/}

The Council also began reviewing TV Prima's evening news reportage about Muslim women swimming at an Aquapalace in Prague. The report was responding to debate as to whether the Muslim women had been wearing burkinis (designed for swimming) or abayas, which are simply outdoor wear. The reportage included a scene in which the reporter attempted to enter the swimming pool wearing a monk's habit in order to demonstrate

^{103/} Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/policistu-soudi-za-zmlaceni-romskeho-brigadnika-na-poli-u-ceske-lipy> (bit.ly/rbv17-103 – in Czech)

^{104/} Czech media: http://zpravy.idnes.cz/zabiti-dvou-romskych-divek-v-oldhamu-rodina-se-slozila-na-pohreb-p86-domaci.aspx?c=A170106_211211_domaci_jkk (bit.ly/rbv17-104 – in Czech)

^{105/} Czech media: <http://a2larm.cz/2017/10/znasilneni-nezna-narodnost/> (bit.ly/rbv17-105 – in Czech)

^{106/} Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/rrtv-televize-prima-porusila-zakon-manipulovala-v-reportazich-na-svou-obranu-v-kauze-irackych-uprchliku> (bit.ly/rbv17-106 – in Czech)

that, unlike the Muslim women, he would be ejected from the facility for doing so. The Council began reviewing complaints that the reporting was biased and did not uphold the rules of objectivity. The reproaches against it mainly concerned the fact that the reactions to the reportage posted to the Internet just cited negative aspects of it, as well as some doubts expressed about the choice of interviewees.^{107/} According to the Council the reportage “violated the duty to report the news in a balanced, objective fashion” and had suggested the opinion to viewers that the women had been swimming at the facility in regular clothing, not swimsuits. Currently an administrative proceeding is underway against TV Prima and the station faces a fine.^{108/}

The reportage in question unleashed many biased reactions against the two women photographed swimming at Aquapalace Čestlice. The management of the facility released a statement explaining that the women had been wearing burkinis made of material appropriate for swimming in and had not broken any rules.^{109/}

News server Romea.cz warned that untrue allegations were being disseminated about the case of an aggressive Romani man accused of physically assaulting two schoolgirls in Louny. The attack was investigated by police and the local leadership issued a statement about it. News server Deník.cz reported that the assailant was a member of a group that requires its members to threaten to beat up other children in order to extort money from

them. Petr Cirok of the local Centre for Minority Development refuted those allegations to news server Romea.cz. According to him the physical attack was the outcome of a dispute about a girl. The centre itself then began to face many attacks and discussions through the Internet accusing its employees, among other things, of instructing Romani children in boxing and thereby teaching them aggressive behaviour. Cirok explained that the opposite was the case, that the centre’s child clients are mainly taught the principles of sportsmanship and the rules of fair play.^{110/}

Romea.cz reported on manipulation in the case of a news report by the tabloid website Parlamentní listy, which informed its readers of the building of an asylum and immigration centre in Prague 6 by means of a very confrontationally worded piece accompanied by photographs of a refugee camp near Calais, France. Less informed readers could have received the impression that the image was from Prague, and the combination of the photographs and text could have sparked animosity against all who aid migrants and refugees.^{111/}

Two former journalists also drew attention to how that website works with information. Jan Binder and Karel Goldmann sent pieces to its editors based on fabricated conspiracy theories and the website republished them without making editorial interventions at all. The texts alleged, for example, that assassinations in European cities were being committed by “*cyclofascists*” and “*ecoterrorists*”, or that in Syria the USA is releasing chemicals

107/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/plavkovou-reportaz-tv-prima-resi-rada-pro-rozhlasove-a-televizni-vysilani> (bit.ly/rbv17-107 – in Czech)

108/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/plavkova-reportaz-tv-prima-porusila-pravidla-zpravodajstvi-podle-predsedy-rrtv-mohla-temer-podnecovat-nenavist> (bit.ly/rbv17-108 – in Czech)

109/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/slusne-cechy-pobourily-zeny-v-burkinach-v-bazenu-podle-aquaparku-vsak-muslimky-nic-neporusily> (bit.ly/rbv17-109 – in Czech)

110/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/mladik-zbil-v-lounech-dva-skolaky-kvuli-divce-denik-cz-lze-o-utoku-bandy-vybirajici-vypalne> (bit.ly/rbv17-110 – in Czech)

111/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/manipulace-parlamentnich-listu-na-uzemi-prahy-6-vyrostl-uprchlicky-tabor-jako-z-calais-nebo-ne> (bit.ly/rbv17-111 – in Czech)

in order to establish mind control (using so-called “*chemtrails*”).^{112/}

News server HlídacíPes.org noticed that the programs on TV Barrandov anchored by that station’s General Director, Jaromír Soukup, feature people from the extremist, pro-Russian scene. They demonstrated this by identifying those who pose questions while seated in the audience. Among the invited audience members was, for example, a man who had been previously prosecuted for expressing approval of the terrorist attacks committed against the USA on 11 September 2001, or a participant in extremist events who compared African children to monkeys and declared he wanted to shoot a Czech teacher dead.^{113/}

Hoaxes continued to circulate by e-mail and through social media, as did fabricated false alarms or otherwise dangerous allegations. One hoax involved the absurd information that a town was paying for Romani people’s taxi rides or washing machines. These invented allegations are most frequently disseminated as chain e-mail. In this case, however, they were also published as “news” by the Eportál and Parlamentní listy websites.^{114/}

The tabloid news server Expres.cz published a video capturing the theft of a television; while the footage was from Chile, editors

reported that it was from Ostrava. Readers attributed the crime to Romani people in the online discussions. The editor-in-chief later apologized for publishing false information.^{115/}

News server Aktualně.cz drew attention to a hoax alleging that Muslim men are allowed to eat their wives under certain conditions.^{116/} The server also reported that according to internal materials authored by the Ministry of the Interior, disinformation and hoaxes are appearing on as many as 40 websites monitored by them.^{117/}

The Seznam.cz Internet portal responded to the growing number of conspiracy theories and hoaxes by announcing in the summer that it was tightening the conditions for its Sklik advertising services. Any servers publishing deceptions would lose the money meant to come from that advertising. A similar strategy against conspiracy theory websites has already been introduced by other corporations abroad. Later, however, the management of Seznam abandoned the scheme, saying it would not be assessing whether news reporting is or is not objective.^{118/}

A campaign called “It’s Us” responded to hatred of migrants and refugees. Six videos were produced in which famous celebrities asked people questions about the phenomenon of refugees.

^{112/} Czech media: <http://mediahub.cz/media/945656-atentaty-v-evrope-jsou-dilo-prazskych-cyklistu-americane-chteli-v-syrii-vypustit-chemtrails-a-omylem-si-nalozili-sarin-recesiste-propasovali-do-parlamentnich-listu-clanky-plne-nesmyslu-editori-webu-to-nepoznali-a-tydali-je> (bit.ly/rbv17-112 – in Czech)

^{113/} Czech media: <https://hlidacipes.org/bezni-obcane-jaromira-soukupa-hemzeni-extremistu-priznivcu-zemana-okamury/> (bit.ly/rbv17-113 – in Czech)

^{114/} Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/eportal-zverejnil-letity-protiriromsky-hoax-romove-maji-zadarmo-taxika-hromadnou-dopravu-a-mesto-jim-kupuje-pracky> (bit.ly/rbv17-114 – in Czech)

^{115/} Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/bulvar-expres-cz-se-omluvil-za-falesnou-zpravu-s-chilskym-videem-tvrdil-ze-je-z-ostravy> (bit.ly/rbv17-115 – in Czech)

^{116/} Czech media: <https://zpravy.aktualne.cz/domaci/muslimove-jedi-zeny-lzou-hromadne-e-mailly-dezinformace-utoci/r~d76b78ce408811e7bdee002590604f2e/> (bit.ly/rbv17-116 – in Czech)

^{117/} Czech media: https://zpravy.aktualne.cz/domaci/az-sto-vlivnych-lidi-siri-myslenky-odporujici-zajmum-statutu/r~86622924568f11e7a83b0025900fea04/?_ga=2.89801496.2003622618.1498106377-1995071804.1495628891&redirected=1498211247 (bit.ly/rbv17-117 – in Czech)

^{118/} Czech media: <https://zpravy.aktualne.cz/domaci/seznam-couva-vboji-sdezinformatory-vedeni-spolecnosti-pryo/r~1d512abc7d1711e7bce3002590604f2e/> (bit.ly/rbv17-118 – in Czech)

People were asked to imagine that they had to leave their homelands because of war and were asked how far they would be able to walk, or what they would take with them. Some of the answers are quite startling – for example, respondents absolutely seriously try to distinguish between child migrants who must be protected and adult migrants whom it would be better to allow to drown, debating where to draw the age line.^{119/}

At the end of July, a website appeared called “Snap an Immigrant”. The aim of the website was to accumulate photographs of dark-skinned people or those in traditional Muslim clothing who, according to the photographers, appeared to be “illegal” immigrants. Biased comments were posted beneath the photos. The web host warned the operator of the legal risks posed by the site and administrators eventually closed it themselves, fearing prosecution.^{120/}

At the beginning of August, a video appeared on FB in which a man was shown urging his young daughter to use a baseball bat to beat a pillow that she was supposed to imagine was a “Gypsy or a Muslim”. The man was charged with felony Instigation of Hatred Towards a Group of People or of Suppression of Their Rights and Freedoms, as well as with Endangering the Moral Development of a Child.^{121/}

IU published the result of its social media monitoring. Analysts described the proportions of the kinds of posts that were removed by the most-used social media after being reported. All of the posts reported first were legally analysed and assessed as meeting

the definition of a felony. It was ascertained that FB removed just 67 % of the posts reported to it, while the YouTube site removed none.^{122/}

In the autumn of 2017, the election campaign for the Chamber of Deputies reached its climax and some political entities targeted their campaigns against refugees or in a xenophobic vein. For example, the “Bloc Against Islamization” published a biased, manipulative election advertisement, a brief video showing a large group of people in clothing reminiscent of traditional Muslim dress running toward an office with the absurd title of “*Social Welfare Outlet*”. On the way, the people push an elderly [non-Muslim] woman to the ground. The video is accompanied by a commentary that during the elections people will choose “*whether to give money to our own children and senior citizens, or to Africans and Muslims*”.^{123/} Czech Television asked the “Bloc Against Islamization” to provide a different video. When they did not, the public broadcaster was legally required to broadcast the existing advertisement. At the same time, however, the television management filed a crime report against the political movement and a motion for the ad to be reviewed by the Council on Radio and Television Broadcasting.^{124/}

Speaking on Czech Radio’s Radiožurnál station, the head of the SPD, Tomio Okamura, said he wants to abolish broadcast licensing fees and nationalize both Czech Radio and Czech Television. Both media outlets objected to this remark. According to the director of Czech Radio, René Zavoral, Okamura’s statement

^{119/} The website of the campaign is <http://jsmetomy.cz/> (bit.ly/rbv17-119 – in Czech)

^{120/} Czech media: https://www.lidovky.cz/chteli-vytvorit-seznam-podezrelych-imigrantu-pak-se-zalekli-a-sami-web-smazali-gcm-/zprav-domov.aspx?c=A170727_135213_In_domov_sk (bit.ly/rbv17-120 – in Czech)

^{121/} Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/policie-obvinila-muze-ktery-nabadal-dceru-aby-si-pri-mlaceni-palkou-predstavovala-romy-ci-muslimy> (bit.ly/rbv17-121 – in Czech).

^{122/} Czech media: <http://www.in-ius.cz/aktuality/nenavist-na-siti-youtube-selhal-policie-proveruje-tretinu.html> (bit.ly/rbv17-122 – in Czech)

^{123/} Czech media: <https://www.youtube.com/watch?v=d85sEAX3AQ> (bit.ly/rbv17-123 – in Czech)

^{124/} Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/xenofobni-volebni-spot-bloku-proti-islamizaci-ceska-televize-podalatrestni-oznameni> (bit.ly/rbv17-124 – in Czech)

endangers democratic principles. Okamura's words were also condemned by the Journalists' Syndicate of the CR on their website, a statement that was joined by the Association of Directors and Screenwriters.^{125/}

The organizers of the "Czech Nightingale" (Český slavík) popular singing competition drew attention to the fact that some fans

of the Ortel band had broken the rules of their audience survey. Organizers said that a FB profile called "Tomas Ortel Českým slavíkem 2017" ("Tomas Ortel for Czech Nightingale 2017") had agitated and organized voting so that the band would appear to qualify for the "Golden Nightingale" award. The profile advised people, for example, to cast more than one vote in the survey by using more than one mobile telephone number to do so.^{126/}

3.6 The public

An advertising circular released by the Lidl chain sparked reactions from the public which in turn also sparked a great deal of controversy. One of the models used was a dark-skinned man. The chain's FB profile was flooded with racist comments, curses and insults. The administrator of the profile condemned the racist comments and said the chain would not be changing anything about its promotion of goods. The racist discussions were condemned by other social media users.^{127/}

In the autumn, some Lidl customers expressed concern over the fact that in advertising materials for an event called "Greek Week", an illustration of Greek churches was altered to remove crosses from

their rooftops. Czech Archbishop Dominik Duka and Czech Agriculture Minister Marian Jurečka (KDU-ČSL) joined the offended reactions, with the minister calling for a boycott of the chain.^{128/} They complained that the advertisement was not faithful to reality and that the chain was attempting to attract Muslims to buy goods there by making the image neutral in terms of religion. Targeting advertising to other religious groups apparently does not matter to the indignant consumers, while other consumers perceived the advertisements as realistic enough depictions. Lidl management apologized for erasing the crosses and promised to remedy the situation.^{129/}

^{125/} Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/ct-cro-politici-okamura-ohrozuje-zakladni-principy-demokracie-v-cr> (bit.ly/rbv17-125 – in Czech)

^{126/} Czech media: <http://www.ceskyslavikmattoni.cz/wp-content/uploads/2017/11/Vysledky-CSM-2017-NA-WEB.pdf> (bit.ly/rbv17-126 – in Czech)

^{127/} Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/spravny-cech-kupuje-jen-svetly-chleba-a-bily-caj-lidl-dal-za-vyucenou-rasistum-ktere-rozlital-cernoch-v-letaku> (bit.ly/rbv17-127 – in Czech)

^{128/} Czech media: http://zpravy.idnes.cz/lidl-kauza-krize-recko-jurecka-del-domaci.aspx?c=A170902_191617_domaci_bur (bit.ly/rbv17-128 – in Czech)

^{129/} Czech media: http://zpravy.idnes.cz/lidl-krize-kostely-recko-nemecko-d4p-zahranicni.aspx?c=A170906_162801_zahranicni_fka (bit.ly/rbv17-129 – in Czech)

According to a report from the Ministry of Education, Youth and Sports, the number of Romani children educated according to reduced standards did not significantly change year-on-year.^{130/} In the matter of discrimination against Romani children in primary schools, a breakthrough verdict was handed down in Ostrava. The District Court sentenced the director of the Pěší Primary School in Ostrava-Muglinova to apologizing to two children for discriminating against them during enrolment. The judge justified the verdict by stating that the director had warned the Romani preschoolers not to enrol in the school because he was concerned that if more Romani people enrolled in the class, majority-society parents would remove their children from it.^{131/}

The Czech Trade Inspectorate published its annual report, according to which people encountered discrimination most frequently because of their nationality in 2016. This happened in situations such as, for example, English-speaking customers being charged higher prices than others. Of 1 412 inspections implemented, 19 cases of discrimination were discovered. Compared to the previous year, the situation did not make any significant improvement. Romani people were discriminated against in a total of five of those cases. Four of those cases involved discrimination by real estate agencies.^{132/} As of 2017 a new project, should

aid consumers with discrimination on the rental housing market, Ethnic Friendly Housing. This is a non-profit real estate agency that assists people who are customarily discriminated against with finding housing. The project is implemented by the R-Mosty organization.^{133/}

The Municipal Court in Prague rejected a lawsuit filed by a girl who sued a secondary-level medical school (nursing school) for not allowing her to wear her hijab during instruction. According to the judge, this was not discrimination and the lawsuit was therefore groundless. The verdict was justified by claiming that religion should not be practiced during instruction and that wearing a head covering is considered anti-social.^{134/}

News server Romea.cz published a story in July about a Romani family with three young children whose landlord decided to evict them despite the fact that they had paid their rent and service fees. When the injured party turned to the media and the police, the landlord brought forward the deadline for her eviction and refused to return her deposit to her.^{135/} Later, reporters discovered that the owner of the apartment, the A Property company, customarily discriminates against Romani people seeking to rent from them.^{136/}

^{130/} Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/pocty-romskych-zaku-vzdelavanych-podle-snizenych-standardu-se-odlonska-prakticky-nezmenily> (bit.ly/rbv17-130 – in Czech)

^{131/} Czech media: http://ostrava.idnes.cz/ostravska-skola-se-musi-omluvit-za-diskriminaci-romskych-zaku-pri-zapisu-152-/ostrava-zpravy.aspx?c=A170301_152557_ostrava-zpravy_jog#utm_source=rss&utm_medium=feed&utm_campaign=ostrava&utm_content=main (bit.ly/rbv17-131 – in Czech)

^{132/} Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/ceska-obchodni-inspekce-diskriminacni-chovani> (bit.ly/rbv17-132 – in Czech)

^{133/} Czech media: <http://www.hatefree.cz/blo/hf-zpravy/2038-ferove-bydleni> (bit.ly/rbv17-133 – in Czech)

^{134/} Czech media: http://zpravy.idnes.cz/soud-odvolani-spor-o-hidzab-stredni-skola-somalka-f79-/krimi.aspx?c=A170918_132859_krimi_jkk (bit.ly/rbv17-134 – in Czech)

^{135/} Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/byznys-s-chudobou-v-praze-romka-se-tremi-detmi-skoncila-ze-dne-naden-neopravnene-na-ulici-majitel-j-i-navic-zadrzuje-kauci> (bit.ly/rbv17-135 – in Czech)

^{136/} Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/pripad-romky-protipravne-vyhozene-z-bytu-ma-pokracovani-stejne-majitele-zachytila-nahravka-jak-odmitaji-pronajmout-bytu> (bit.ly/rbv17-136 – in Czech)

In Ostrava approximately 2 000 people assembled in mid-November on the occasion of the 10th anniversary of the European Court of Human Rights judgment finding that Romani children had been discriminated against in the Czech schools. Those attending the gathering demanded equal access to education for all children.^{137/}

A wave of hatred against Romani people was sparked by the case of young children throwing rocks at a flamingo in the Zoo in Jihlava and killing it. Zoologist Richard Viduna implied in his FB post about the incident that the perpetrators were Romani.^{138/} A march was even planned in support of the Zoo over the issue. Eventually the organizer of that event cancelled it over concerns that extremists might attend.^{139/} The case was followed by the tabloid Blesk, which reported on the entire matter in a confrontational style using stereotypes. The most extreme aspect of their detailed coverage was an interview with the head of the Social Services Department of the Vysočina Regional Authority, Věra Švarcová, who, among other things, expressed her conviction that Romani children have an “*inborn disposition*” to this kind of brutal behavior.^{140/}

The Centre for Public Opinion Research published the results of its March public opinion poll on the relationship between Czechs and other national groups living in the country. The data revealed that Arabs and Romani people spark the greatest antipathy. Three-quarters of those polled perceive Arabs and/or Roma as either “somewhat unlikeable” or “very unlikeable”.^{141/}

Neo-Nazis went to Brno for a 1 May march in 2017. Anti-racists there drowned them out using music and theatrical performances. The neo-Nazis eventually ended their march ahead of schedule.^{142/} A young Girl Scout, Lucie Myslíková, also stood up to the neo-Nazis there and a photograph of her doing so became world-famous, making it into prestigious media coverage abroad by outlets such as CNN, Huffington Post and The New York Times.^{143/}

The musician Radek Banga was given the František Kriegel Award by the Charter 77 Foundation for resisting racism. Banga demonstrated civic bravery by leaving the auditorium during the awards ceremony for the “Czech Nightingale” popular music competition when an award was given to the openly racist, xenophobic band Ortel.^{144/}

137/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/temer-2-tisice-romu-se-seslo-na-shromazdeni-v-ostrove-a-pozadovalo-pro-sve-deti-rovny-pristup-ke-kvalitnimu-vzdelani> (bit.ly/rbv17-137 – in Czech)

138/ Czech media: <http://www.romea.cz/cz/publicistika/analyzy/kauza-plamenak-vedouci-socialky-tvrdi-ze-agresivitu-maji-romove-v-genech-podle-odborniku-je-to-nesmysl> (bit.ly/rbv17-138 – in Czech)

139/ Czech media: http://www.lidovky.cz/jihlavou-mel-projit-pochod-za-plamenaka-kvuli-obavam-z-rasismu-byl-zrusen-1r8-/zpravy-domov.aspx?c=A170317_182344_In_domov_rsa#utm_source=rss&utm_medium=feed&utm_campaign=ln_domov&utm_content=main (bit.ly/rbv17-139 – in Czech)

140/ Czech media: http://www.lidovky.cz/jihlavou-mel-projit-pochod-za-plamenaka-kvuli-obavam-z-rasismu-byl-zrusen-1r8-/zpravy-domov.aspx?c=A170317_182344_In_domov_rsa#utm_source=rss&utm_medium=feed&utm_campaign=ln_domov&utm_content=main (bit.ly/rbv17-140 – in Czech)

141/ Czech media: <https://cvvm.soc.cas.cz/cz/tiskove-zpravy/ostatni/vztahy-a-zivotni-postoje/4272-vztah-ceske-verejnosti-k-narodnostnim-skupinam-zijicim-v-cr-brezen-2017> (bit.ly/rbv17-141 – in Czech)

142/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/neonaciste-provokuji-v-brne-lide-na-ne-reaguji-klidnym-protestem> (bit.ly/rbv17-142 – in Czech)

143/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/skautka-z-ikonicke-fotografie-z-brna-pro-romea-cz-citim-se-povinna-vymezit-se-fasistickym-ideologiim-a-nazorum> (bit.ly/rbv17-143 – in Czech)

In the Hradec Králové Region, people invited their neighbours to coffee to get to know each other better. The project called “Come to Our Place for Coffee” was organized by NGOs and its aim was to get non-Romani and Romani families to meet each other.^{145/}

In August the Prague Pride festival was attended by about 35 000 people. The week-long festival concluded with a traditional march through the centre of Prague that headed for the Letná Park, where the program continued with musical performances.^{146/}

At the beginning of October, the sixth annual Roma Pride festival took place, the main subject of which was the former concentration camp for Romani people at Lety u Písku. As part of the festival the archaeological research near the site of the former camp, on which an industrial pig farm has since been built, was presented.^{147/}

At the beginning of the new school year the ROMEA organization launched a fundraising campaign to support Romani students. The target amount of CZK 125 000 [EUR 4 800] was raised during the first 20 days of the campaign, and 65 % of the donations made to the scholarship program came from Romani people.^{148/} A similar campaign was launched by ROMEA in response to the verbal attacks and threats addressed to pupils in a first-grade class at a primary school in Teplice. The aim of the campaign, called “They want to gas them, we want to send them to school”, was to collect money for the Romani Scholarship Program. Of the amount raised, 50 % was donated to all pupils at the school irrespective of nationality. The initiator of the collection was the sociologist Ivan Gabal and people donated CZK 465 000 [EUR 18 000] to it total.^{149/}

144/ Czech media: <http://www.ceskatelevize.cz/ct24/kultura/2137308-radek-banga-prevzal-cenu-nadace-charty-77-za-bojkot-skupiny-ortel> (bit.ly/rbv17-144 – in Czech)

145/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/prijdte-k-nam-na-kafe-na-kralovehradecku-zvou-romove-na-navstevu-sve-sousedy-z-majority> (bit.ly/rbv17-145 – in Czech)

146/ Czech media: http://zpravy.idnes.cz/pochod-hrdosti-prague-pride-praha-dln-/domaci.aspx?c=A170812_083824_domaci_nub (bit.ly/rbv17-146 – in Czech)

147/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/domaci/v-praze-se-uskutecnil-sesty-rocnik-roma-pride> (bit.ly/rbv17-147 – in Czech)

148/ Czech media: <http://www.romea.cz/cz/zpravodajstvi/monika-mihalickova-kampan-na-podporu-romskych-studentu-byla-uspesna-vice-jak-65-daru-poslali-romove-jedem-ale-dal> (bit.ly/rbv17-148 – in Czech)

149/ Czech media: <https://www.darujme.cz/projekt/1200582> (bit.ly/rbv17-149 – in Czech)

4



Methodology for
monitoring bias violence

The monitoring of BV as done by IU is unique in the Czech national context, as it results in the most extensive, verified data set about BV in the CR. Several staffers contribute to it, and their work can be roughly divided into the tasks of data collection and data analysis. The staffers are tasked with finding incidents using different information sources, creating records of them in the database, and adding new information to them. Analysts check the information and add to the database the bias incidents provided by the Police Presidium from the CESS and ask the CJA for information about the incidents ascertained from all sources.

4.1 Sources of bias incidents

Information about each incident is acquired through different sources. Six in total can be distinguished: field work; online form; telephone hotline; collaboration with NGOs, community organizations and religious entities; cooperation with the CJA; and media monitoring, including online social networks.

Field work: Personal contact with people in their “natural” environments is considered by IU to be an irreplaceable approach to addressing problems associated with BV and the one that is the most effective. In an attempt to raise awareness about our activities, we attend many public events, from assemblies, to cultural festivals and discussions, to expert conferences and seminars. Persons from the endangered communities are intentionally sought out and addressed in the locales where they regularly spend time. Although anybody can become a victim of a bias assault, the degree of this risk is not the same for all social groups. The advantage of this information source is that it makes it possible to reach out to clients from endangered groups directly and to build long-term relationships and trust between them and the IU staffers.

Online form: A basic instrument for discovering bias incidents is the form available on the IU website. Victims or witnesses of BV can use it to provide detailed information about the circumstances and course of the incident. The completed form is automatically transferred to the database, where it is given priority attention by those staffers and, depending on the nature of the

incident, the next steps are taken. If possible, IU attempts to contact the injured party and offer them our services. The form can be completed in either Czech or English. The advantage of an online form is that is usually used by people who frequently otherwise would never report the fact that they have been assaulted to any institution. In the case of those contacting IU this mainly concerns those who have been attacked because of their sexual identity or orientation, or because of their health status.

Telephone hotline: Reporting incidents and asking for aid with addressing them can also be done by phone. There is a hard line (+420 212 242 300), a mobile number (+420 773 177 636) and a toll-free line (+420 800 922 922). Occasionally a special phone line is added during more risky public events, such as the annual Prague Pride parade. The phone line is the main way IU establishes contact with injured parties and identifies whether they have been victims of BV. The main advantage of this method is how easily accessible it is.

Collaboration with NGOs, community organizations and religious societies: Because the groups endangered by BV in the CR are rather diverse, IU uses the aid of organizations that work with potentially endangered communities in different contexts (providing them services, bringing them together) in order to reach out to them. The staffers of these organizations have lots of opportunities to learn about bias incidents. They are in frequent,

long-term, natural contact with the members of these endangered groups. The injured parties are used to addressing their problems with these organizations or to speak about their personal situations with them. For that reason, it can be anticipated that they will share information about having been attacked or threatened with such organizations. It is important that staffers have the competences necessary to identifying bias incidents and that they know about IU's services.^{150/} IU has established collaborations with many organizations in recent years.^{151/} The advantage of this cooperation is that organizations with access to endangered groups contribute to mapping incidents of BV.

Collaboration with the criminal justice authorities: The work of the CJA in mapping BV is irreplaceable. The Police of the CR above all have an extensive apparatus and instruments for acquiring information about BV across the country. At the same time, the Police have workplaces entrusted with informing the public and communicating information to civil society. In the context of the Police, the central role is played by the Police Presidium, the press department, and the crime prevention departments of the Regional Police Directorates and the Criminal Investigation Police Service, as well as state prosecutors and courts. The quality of the research findings depends on the quality of the data in the CESS and on the willingness of the CJA to collaborate with IU. As far as the quality of the data goes, follow-up questions reveal some discrepancies between the databases of the Police Presidium and the police units that have clarified these crimes. Data sometimes differs with respect to the location the crime was committed and the time. In some cases, it has been documented that the facts of the case have been recategorized, including incidents being initially identified as motivated by bias, but then categorized as ordinary crimes, without that information making it into

the CESS. In other cases, incidents logged in the CESS could not be found in the records of the various police departments through which they were supposedly handled. The degree of willingness among the authorities to cooperate with IU also differs. We greatly appreciate the willingness of local and regional police press spokespersons and other policemen and policewomen to provide follow-up data and information.

Media monitoring: The advantage of media monitoring is that it covers no small part of the violent crime committed nationwide, and frequently through the media we learn of cases that have not been categorized in the police statistics as bias crimes or that have not been reported by other information sources. The media reporting is analysed on an ongoing basis. The staff team weekly searches the crime columns, the "police blotter" and the regional sections of selected news servers associated with print newspapers/tabloids: Aktualne.cz, Blesk.cz, Denik.cz, iDnes.cz, and Novinky.cz. Staffers also occasionally monitor social media and the outputs of audio-visual media outlets, as well as the content of regional press and websites with regional subject matter. They also search the press releases published on the official web pages of the Police of the CR. IU is cautious about the information acquired from the media. The incidents have not always actually happened as they are described by reporters. Sometimes, they never even happened at all and the stories are inventions. In order to avoid reproducing half-truths and lies, we attempt to verify these incidents with the aid of other information sources. The most important position in this effort is held by the injured parties themselves. We attempt to contact them through the police, social workers, NGOs and activists. If we fail, or if the injured party is not interested in collaborating with IU, then we monitor the incident follow-up through the media and the development of the criminal proceedings for that case.

^{150/} For social workers IU implements trainings about BV and the rights of especially vulnerable victims. During 2014/15 a total of 211 persons from the helping professions were trained.

^{151/} Diakonie, Federace židovských obcí v ČR [The Federation of Jewish Communities in the Czech Republic], Integrační centrum Praha [Integration Center Prague], Integrační centrum Ústí nad Labem [Integration Center Ústí nad Labem], IQ Roma Servis, Jako doma [Make Yourself at Home], Meta, Naděje [Hope], Organizace pro pomoc uprchlíkům [Organization for Aid to Refugees], Prague Pride, PROUD, ROMEA, Romské muzeum [The Museum of Romani Culture], Sdružení pro integraci a migraci [Association for Integration and Migration], SOZE [Association of Citizens Involved with Emigrants], etc.

Table No. 4.

Limitations of the data sources for bias violence

Field work	<ul style="list-style-type: none"> ■ Victims do not have enough information about the issue of BV and therefore do not know how to react to it in practice when contacted about it. ■ Bias incidents in some communities are perceived as a common part of life. ■ There is no typical “field” for BV (persons endangered by it do not just spend time in a certain locality). ■ Communities are closed and there are not enough qualified staffers available from them (especially foreign nationals and LGBT+ representatives).
Online form	<ul style="list-style-type: none"> ■ Some people are very distrustful of submitted information through the web and prefer to use other communications methods. ■ The frequency of using forms online is significantly dependent upon promotion. ■ The form is, at first glance, quite extensive, which may deter some from using it to report incidents. ■ Finding the form on the IU web page is currently complicated. ■ The form can also be misused (IU has been sent several threats through the form).
Telephone hotline	<ul style="list-style-type: none"> ■ Some injured parties do not want to communicate their problems by telephone. ■ The phone line is not operated non-stop. ■ Staffers serving the line speak only Czech or English, so language barriers arise for those who speak neither language.
Collaboration with NGOs, community organizations and religious societies	<ul style="list-style-type: none"> ■ Staffers of these organizations do not necessarily pay attention to BV. ■ People endangered by BV are not used to addressing it through community organizations or others. ■ Organizations themselves sometimes function as barriers, deterring injured parties from addressing bias assaults, which has an impact on the injured parties’ trust in the NGOs, or they may not believe that anything can be done about BV.
Collaboration with the criminal justice authorities	<ul style="list-style-type: none"> ■ Inability or unwillingness of victims to report a bias incident to police. ■ Limited ability to recognize and record bias crime, or unwillingness to do so at the level of the police themselves. ■ Insufficient quality and robustness of the bias crime data provided by the CJA. ■ CJA being uninterested in collaborating with the non-profit sector or unwilling to cooperate with the sector. ■ The IU data collection system is different from that of the police.
Media monitoring	<ul style="list-style-type: none"> ■ The media pay little attention to less serious cases of BV. ■ Police do not collaborate sufficiently on verifying incidents acquired via media. ■ Injured parties do not collaborate sufficiently with IU on verifying incidents. ■ Media do not pay enough attention to BV and journalists do not have enough knowledge about the issue.

All sources of information have certain deficiencies, as described in Table No. 4 (on page 61). In our opinion, these deficiencies can impact the effectiveness of acquiring information about BV. On the other hand, combining these information sources can make up for the deficiencies of each particular kind of source. By using more than one source, they can augment each other and increase our ability to monitor BV. By using all these sources, we have a high capacity to monitor BV and we are able to overcome certain problems that are symptomatic of mapping it.

Combining more than one source of information is important, as what is typical of BV is a high degree of cases that remain unreported to the relevant institutions, primarily the CJA. **The collection of data from more than one source facilitates, to a certain degree, overcoming the problem of the police statistics, which do not reflect many bias incidents for various reasons.** For the victims, a bias assault is customarily such a frustrating experience that they do not want to speak about their victimization. Frequently, victims' low faith in the opportunity to achieve justice and their lack of information about whom they can turn to for aid play a role in this. Some injured parties also fear revenge by the perpetrator, or they do not want to undergo a protracted, traumatizing criminal proceedings. The relationship between persons endangered by or subjected to bias crime and the police plays an important role. Those who have been attacked do not necessarily trust the police or

could fear that police officers will take an insensitive approach toward them that could intensify their suffering (secondary victimization).^{152/}

Another benefit to taking advantage of more than one information source is the fact that these sources cover different populations. This is important, especially in the context of the way the CESS is set up which, as a consequence of the limited enumeration of protected characteristics in the Criminal Code, does not make it possible to follow any other bias motivations besides those of ethnicity, nationality, political convictions, race or religion.^{153/} The police are able to learn about crimes motivated by the victim's disability, homelessness, or sexual identity or orientation, but in the statistics on bias crimes this information does not appear. This is not, therefore, so much a problem of failure to report as it is rather the insufficient organization of the police database. Drawing on information from sources other than the police statistics addresses the problem at least partially.

The final significant advantage to the approach taken by IU is that it allows for information from different sources to be combined and verified. If we learn about a case from the media and subsequently the assaulted person becomes our client, we are able to take advantage of information from both sources. If, in such a case, a criminal proceeding begins, it is possible to also draw from police files and the decisions by prosecutors and judges. The resulting data set will be highly reliable, detailed infor-

^{152/} According to Nathan Hall, police officers do not commonly ascribe high importance to BV. It is not, therefore, perceived as "real" crime, which understandably can influence how officers approach solving them and their relationship to the victims of such crimes. Given that there are many victims of BV in the CR who come from socially stigmatized and, to a certain degree, even marginalized groups, it is appropriate to use Nils Christie's concept of the "ideal victim" in order to comprehend officers' relationship to such victims. One characteristic of the ideal victim is that he or she is easily distinguishable from the perpetrator. This, in the context of marginalized or stigmatized group members, is not always the rule, whether as a consequence of officers' own experiences with specific individuals or because of officers' prejudices and stereotypes about such group members. A graphic illustration of the perception of Romani people as those whose status as victims is problematic is presented by Markéta Vaňková's study. See: Hall, Nathan. 2013. *Hate Crime*. Second Edition. London and New York: Routledge, pp 129–130; Christie, Nils. 1986. "The Ideal Victim", in: *From Crime Policy to Victim Policy*. Ed. E. A. Fattah. London: The MacMillan Press, pp 17–30; Vaňková, Markéta. 2008. "Systém brána aneb Jak přispívá policie k reprodukci sociálního vyloučení" In: *Romové a Cikáni – známí i neznámí. Interdisciplinární pohled*. Ed. Jakoubek, M. and Budilová, L. (Voznice: Leda), pp. 125–130.

^{153/} The sole exception is the felony of Instigation of Hatred towards a Group of People or of Suppression of Their Rights and Freedoms (Section 356 Criminal Code), which allows the category of "other groups".

mation about BV. Moreover, it will specifically make it possible to follow the course of how such bias incidents are dealt with during criminal proceedings.

The collection of data about BV is, nevertheless, influenced by the **capacities of the organization**. Given the high degree of unreported incidents it is possible to assert that the more energy and financing is invested into monitoring, the more bias incidents will be identified. The overview below does not represent a definitive enumeration of all the bias crimes happening during this particular year nor is it a representative sample in statistical terms. Rather, it is possible to characterize it as a certain kind of probe of this phenomenon which has the following aims:

- 1) To draw attention to the issue of BV by publicizing various incidents;
- 2) To describe the state of BV in detail as captured by the incidents recorded;
- 3) To reveal unreported bias incidents, i.e., those that are either not registered in official crime statistics in the category of bias crimes, or not registered as having happened at all;
- 4) To identify the problematic aspects of BV from the standpoint of how they are addressed by various stakeholders, especially the reasons why members of some groups do not report these incidents to the authorities;
- 5) To record long-term trends in BV (endangered groups, the perpetrators' demographic structure, forms of violence, damages caused, etc.); and
- 6) To compare findings from analyses in the long-term perspective.

4.2 Reporting bias incidents

A basic instrument for the collection and preservation of data about bias incidents is our database. This makes it possible to create and manage information about individual incidents across the analytical team. **Each incident is registered separately. Each record contains many categories that aid us with specifying the incident in terms of statistical variables and also a field for a narrative description of the incident.** Specifically, data about the assault that has been committed are tracked, i.e., general information about the perpetrator and victim, the circumstances (place and time), the form of the attack, the type of damage caused by it, and the state of the incident from the perspective of the criminal proceeding (if any). The narrative field makes it possible to describe the course of the incident and to augment it with more detailed information, for example, how the bias motivation of the perpetrator was demonstrated (the phrasing of any terms of abuse used, the use of symbols, the testimony of the victim or witnesses, etc.).

Once the initial information about the incident is ascertained, and the responsible IU staffer believes it rises to the level of bias crime, a record of the incident is created in the database and the relevant information is input there. For each incident, over time, the responsible staffer adds and actively seeks out information from the above-described sources. The additional information drawn from other sources is then further assessed with regard to whether the incident still corresponds to our definition of BV, and the record is augmented to include other relevant information that had not been ascertained previously and is eventually used to verify the incident. This process is very demanding in terms of time and takes place over the course of two years, during which different activities are undertaken with the aim of achieving the highest-quality data set (see Table No. 5).

Table No. 5

Timeline for creating the annual Report on Bias Violence in the Czech Republic						
TWO-YEAR PERIOD						
Year under review				Year under review + 1		
Q1	Q2	Q3	Q4	Q1	Q2 + Q3	Q4
Quarterly monitoring and assessment of incidents	Quarterly monitoring and assessment of incidents	Quarterly monitoring and assessment of incidents	Quarterly monitoring and assessment of incidents	Requesting information from the CESS and the Regional Police Directories	Requesting information from the prosecutors' offices and the courts	Final monitoring of the incidents, closing of the database and analysis of BV for the previous year

The screenshot shows a web application interface for reporting bias incidents. It features several input fields: 'Název incidentu*' (Incident name), 'Datum*' (Date), 'Datum je odhad' (Date is estimated), 'Kraj' (Region), 'Počet napadených*' (Number of victims), 'Zdroj' (Source), 'Typ incidentu*' (Type of incident), 'Denní doba' (Time of day), 'Obec*' (Municipality), and 'Kontakt v terénu*' (Contact in the field). There is a large text area labeled 'Popis incidentu' (Description of incident) with a rich text editor toolbar. At the bottom, there are fields for 'Způsob vyřízení*' (Resolution method), 'Datum vyřízení*' (Resolution date), 'Archivace*' (Archiving), and 'Krátká veřejná zpráva' (Short public statement).

154/ PWhen determining whether an incident is a bias incident we use several indicators: The nature of the person subjected to the BV, the nature of the assailant, the way the attack was conducted, the place and time of the attack, and the absence of any other motivation. The indicators are described in detail in: In IUSTITIA. 2016. *Face to face with bias violence - guidelines for social workers*. Praha: In IUSTITIA, Nomada Association for Multicultural Society Integration, Lúdia proti rasismu, Vive Žene and International Aid Network, pp. 18–23. Available at: <https://www.in-ius.cz/dwn/brozury-bias/bias-eng-afterproof2.pdf> (bit.ly/rbv17-154).

All of the recorded incidents are audited. The main purpose is to ascertain whether all the available information has been input about the incident and whether it has been entered correctly. During the entering of the data in so many categories and sub-categories it can happen that some are forgotten or that the chosen options contradict each other. In addition, as part of the audit, we assess whether each incident still corresponds to the definition of a bias incident in the light of the new information (and in some cases, whether it actually happened). At the same time, we make sure incidents are not duplicated in the database. These across-the-board audits take place each quarter and yield the quarterly Reports on BV in the CR.^{155/}

At the close of a calendar year, all the incidents recorded that year are again audited, above all with the aim of ascertaining whether it will be meaningful to file a request for information about them with the CJA. At the same time, we process the statistical information provided by the Police Presidium from the CESS so that it will be possible, on the basis of the available data, to request the individual Regional Police Directorates for more data about each incident. These requests regularly are about both the cases recorded in the police statistics and the incidents registered in the IU database for which it is not apparent whether the police have dealt with them, or whether they have been dealt with, but not as bias crimes.

Acquiring additional information from the police is usually done in several phases during which forgotten information is requested and confusion that has arisen during the communications is resolved. If the cases investigated by police have been concluded with a motion to file an indictment, the relevant prosecutor and courts are contacted with a request for information. This procedure makes it possible not just to ascertain the current position of the case, but also to acquire more detailed information about the case and verify whether the qualification of the crime as involving bias has been retained by these authorities or changed.

Acquiring information from the CJA usually takes three-quarters of the second year of processing the Report. After acquiring all the necessary information, all of the incidents are audited again. Subsequently the database is closed, the incidents, including their categories, are exported into an Excel file, and then they are analysed using IBM SPSS software. The output of this analysis for the year 2017 comprises the contents of Chapter 5. All incidents are always published in anonymized form. One of the main principles of IU's work is to protect our clients' privacy and safety. For that reason, we always take care to make sure our clients and other injured parties cannot be identified on the basis of our output.^{156/}

^{155/} These Reports, like our annual Report, are available on the IU web pages here: <http://www.in-ius.cz/ke-stazeni/zprava-o-nasili-z-nenavisti/> (bit.ly/rbv17-154).

^{156/} The exception is cases where the victims were publicly known figures and the assault on them was widely publicized.

4.3 Verifying incidents

By verifying the incidents, we are expressing our answer to the question of whether an assault actually happened, or rather, the degree to which it is possible to consider each report credible. This is how we distinguish the three possible outcomes of verifying the incident: Strongly verified, weakly verified, not verified.

We consider an incident **strongly verified** first and foremost if the course of the incident and its bias motive was reported to us by the injured party or parties themselves (or if they directly made a statement about it to the media), and further, if information about the incident was also communicated by two or more sources. We therefore consider an incident to be strongly verified if the police investigation concluded with a motion to file an indictment and if it then continued with the arraignment of the alleged perpetrator and then with his or her eventual conviction.

We consider an incident **weakly verified** if information about it comes from one source only. Because that unique source is usually the police, we do not consider it appropriate for incidents identified in this way to be considered equivalent to the ones we call unverified.^{157/}

Lastly, we consider incidents **unverified** for which there exists a strong suspicion that they were motivated by bias, but the motivation could neither be convincingly confirmed or refuted. Usually such incidents are discovered as part of media monitoring. Another example can be a suspicion reported by a staffer from an organization providing social services who believes a client there was the victim of BV. If it is not possible to confirm bias motivation, it is not possible to verify the incident.

Table No. 6 shows the various phases of processing bias incidents as described above. It shows which activities are implemen-

ted by the IU organization as part of its BV monitoring and with what results.

Table No. 6

Procedure for processing bias incidents

Outcomes of the first phase – creation of incident descriptions:

1) Variables describing the basic characteristics of the incident:

- a) location and circumstances of the incident
- b) information about the victims
- c) information about the perpetrators
- d) form(s) of attack and damages caused
- e) motivation
- f) state of the incident from the standpoint of reporting to institutions
- g) verification of the sources of information about the incident
- h) state of the incident from the criminal proceeding perspective.

2) Brief publicized narrative (basic description of the incident published at the end of the Report):

- a) What, where, when and how did the incident happen? Who committed it and against whom?
- b) How was the bias motivation demonstrated?
- a) What is the current state of the incident from the criminal proceeding perspective?

^{157/} Generally the verification of the bias crimes reported by the CESS is handled by the rule that all of them should be considered bias crimes unless proven to be otherwise. For felonies classified as falling under Sections 403–404 Criminal Code the approach is the opposite. We consider bias crimes to just be those crimes for which we have managed to ascertain information demonstrating that the perpetrator was motivated by bias.

Outputs of the second phase – assessment of the incident and additional information:

- 1) Elimination of duplicate incidents
- 2) An audit as to whether all of the categories in the record of the incident are completed and whether they are completed correctly
- 3) An audit as to whether each incident actually happened and whether there is enough evidence to say it genuinely happened in the way described
- 4) An audit as to whether this really was an incident motivated by bias.

Outcomes of the third phase – verification categorization:**1) Verification of incidents as either:**

- a) Strongly verified
- b) Weakly verified
- c) Unverified

5



Bias incidents
in 2017

The bias incidents for the year 2017 were discovered and processed as described in the preceding chapter. However, it is necessary to add that, just as in the year 2016, this year we did not include any incidents from the Federation of Jewish Communities in the CR because it did not monitor bias incidents during 2017. At the same time, changes were made to the IU database, including the option of choosing between different types of skin colour. The existence of these sub-categories can be a reason why the number of incidents motivated by the victim's skin colour compared to previous years has grown significantly.

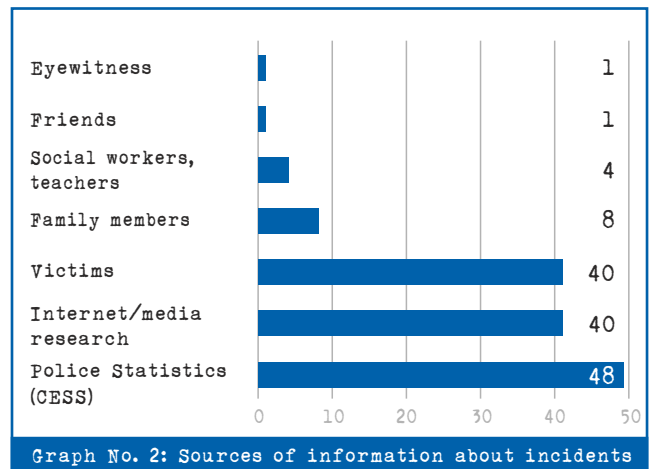
5.1 Quantitative analysis of incidents

In this sub-chapter, the findings of the quantitative assessment of the bias incidents recorded will be presented in 10 sub-sections. The first three subsections focus on sources, verification, and the year-on-year growth of incidents. The next three subsections describe the structure of motivations for these attacks and the influence of the "refugee crisis," on that structure. In the next two sub-sections, the forms of attacks will first be analysed along with the kinds of damage they caused, followed by forms of attacks in relation to the specific groups at risk of BV. After that, the circumstances of the attacks, i.e., the locations and times when they were committed, will be described in more detail. Finally, the characteristics of the assailants and victims will be presented, as well as where the incidents ended up within the criminal proceeding process, if any.

5.1.1 SOURCES OF INFORMATION ABOUT INCIDENTS

In 2017, IU recorded a total of 142 bias incidents. They were discovered on the basis of different sources (see Graph No. 2). From the police statistics (CESS) we received information about 48 incidents. Information about the other 94 incidents was obtained through victims reporting them to us (40 incidents), our own research on the Internet and in media reports (40 incidents), from family members of the victims (eight incidents), from social workers and teachers (four incidents), eyewitnesses (one incident) and from friends of the injured parties (one incident).

Incorporating incidents from the police statistics happens as follows: After eliminating duplicates,^{158/} the statistics contain



^{158/} The set of police statistics sent to us was structured such that one perpetrator of a felony was listed per line. Eliminating duplicities means that there is just one incident per line.

ned information about a total of 133 felonies for which criminal proceedings were begun in 2017.^{159/} Of those crimes, in accordance with our definition of BV, we chose a total of 48 to include in this Report. Of those, 35 (55 % of all incidents in this category) came from the category of bias crimes and 13 from the category of crimes associated with the activities of anti-democratic movements or organizations (19 % of the incidents in that category). For this, see Table No. 7.

Table No. 7

Number of incidents incorporated into the Report for 2017 from police statistics by category

	Total number of incidents incorporated from the CESS	Of those, how many incorporated into the Report for 2017	How many unincorporated
Category	Abs.	Abs.	Abs.
Bias crimes	65	35*	33
Crimes associated with the activities of anti-democratic movements or organizations	68	13	55

* One incident was separated into two and another was separated into three. As a result, there were 34 incidents added to our database that are considered 31 incidents by police. The total number of incidents, incorporated and not incorporated, therefore exceeds the total number by three.

For various reasons, therefore, 88 of 133 total felonies in the police statistics were not included in this Report. This happened for the following reasons:

- The felonies were already registered as incidents in the IU database (11 incidents, or 8 % of all the incidents from the CESS).
- The crimes had been committed prior to 2017 (22 incidents, 17% of all incidents from the CESS),
- The felonies were not categorized by IU as meeting our definition of BV (54 incidents, 41 % of all the incidents from the CESS). That means that on the basis of the information acquired, it was not possible to classify those incidents as BV (see Table No. 8).

Table No. 8

Reasons incidents from police statistics were not incorporated into the Report for 2017 according to category

	Incidents already in the IU database	Incidents committed before 2017	Incidents did not meet the definition of BV
Category	Abs.	Abs.	Abs.
Bias crimes	9	16	8
Crimes associated with the activities of anti-democratic movements or organizations	2	6	47

There were two ways in which an incident failed to meet our definition of BV. On the one hand, there were eight incidents in the police statistics in the category of bias crimes (12 % in the category) which, from our perspective, were assigned there erroneously. These involved, for example, cases where somebody

^{159/} Of these, 64 felonies were committed as bias crimes and 69 as felonies associated with the activities of anti-democratic movements of organizations (Sections 403–405 Criminal Code).

posed as a jihadist and was therefore pretending to be behaving with that motivation. There were two attacks where the perpetrator used insults about skin colour, but in association with a preceding conflict, or in defence of an acquaintance who had become involved in conflict not motivated by bias. Last but not least, there were graffiti attacks on political party banners where it was not demonstrated that the behaviour was motivated by a specific political characteristic of that party.

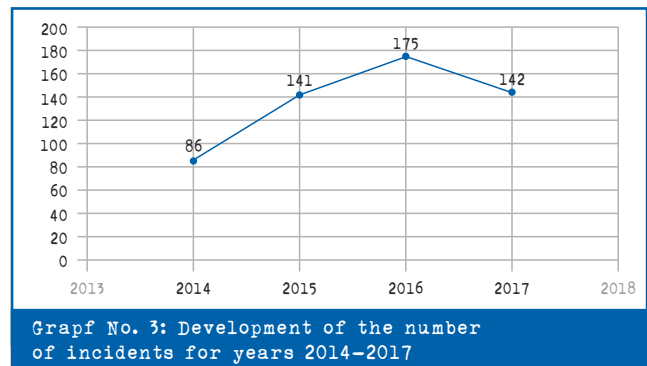
On the other hand, 13 incidents (19%) were identified among the felonies associated with the activities of anti-democratic movements or organizations that could be categorized as bias crimes and were therefore included in this Report. Another two cases were already in the IU database. Overall it is the case that the definition of BV was fulfilled by almost one-fourth of all the crimes listed in the police statistics under Sections 403–405 Criminal Code. This finding, in our opinion, testifies to the fact that the tendency continues in which the CJA prefer to categorize mainly Nazi and ultra-right symbols such as the Nazi salute and the Nazi swastika as involving these crimes only.

5.1.2 VERIFICATION OF INCIDENTS

Of the 142 recorded incidents, it is possible to consider 114 strongly verified, 26 as weakly verified and two as unverified. Half of the weakly-verified and unverified incidents (13 total) are from the CESS. That does not mean the police data are unreliable but that the police themselves do not have enough information about the incident and motivation, customarily for cases that end up being shelved or for which the criminal proceeding is halted. Investigations were halted or postponed in 12 out of 19 such incidents. One incident could not be verified because the police investigation was still underway when this Report was being compiled. The other weakly-verified and unverified incidents were discovered by our own research on the Internet and in media reports (10 incidents) and from other sources (five incidents). However, the opportunity to verify incidents was limited by the fact that the injured parties never reported the attacks to the CJA.

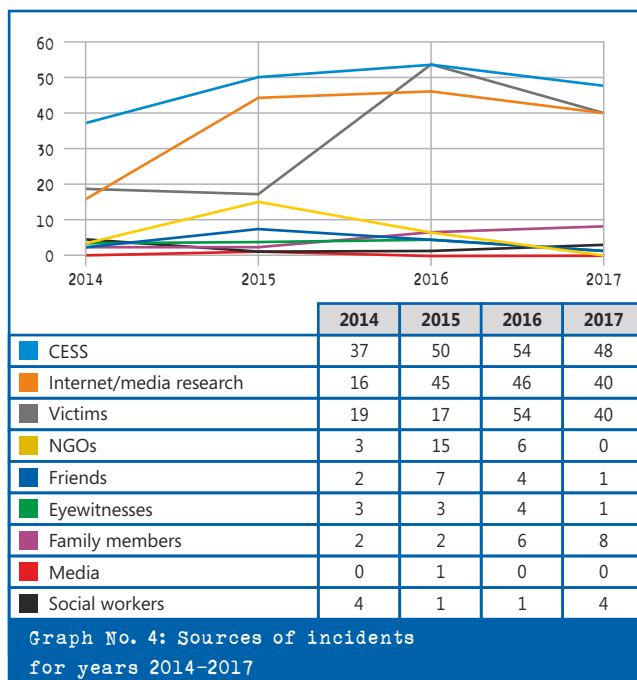
5.1.3 DECLINE IN THE NUMBER OF INCIDENTS?

In 2017, for the first time in the 2014–2017, a year-on-year decline in the number of incidents was recorded of 33 fewer incidents (see Graph No. 3). Nevertheless, it is necessary to add that this involves a return to the numbers for the year 2015. While in 2015 we recorded 64 % more incidents than the year before (growth from 86 incidents to 141), in 2016 it was just 24 % more than the year before (from 141 to 175), and in 2017 we recorded 19 % fewer incidents than the year before (a decline from 175 to 142 incidents).



The balance for the 2014–2017 period with respect to the source of information about the incidents is as follows (see Graph No. 4). A significant decline was recorded compared to 2016 in the category of victims reporting their attacks to IU. In comparison with 2016, there were 14 fewer incidents discovered this way. Nevertheless, even after such a decline, the number of such incidents remains significantly higher in 2017 than it was in 2016. If we consider the fact that the Romani singer's bias attacks (24 incidents) significantly influenced the statistics for 2016, we can believe that this apparent decline would not otherwise have happened. A decline was also discovered at the level of police statistics, of our own research on the Internet and in media reports, and at the level of NGOs reporting to us, with six fewer incidents in each category. Since the media, the non-profits and the police recorded fewer incidents or reported fewer incidents, the number registered by IU

declined. Furthermore, we received less information about incidents from friends of victims or from eyewitnesses, just three incidents per source. On the other hand, we received more information from family members of victims and from social workers.



Any answer to the question of what happened to cause this year-on-year change in the number of incidents will always be incomplete and speculative. Methodological changes on the part of IU, or changes at other institutions, could reduce the number of incidents recorded. Less willingness among victims to report cases to organizations could cause the overall decline in incident num-

bers, as could an absence of incidents committed as extensively as the attack on the Romani singer was in 2016.^{160/} Nevertheless, it can be stated that after 2015, a certain stabilisation of the trends in the BV recorded by us has happened that specifically applies to attacks associated with the “refugee crisis”.

5.1.4 BIAS MOTIVATIONS

For the 142 incidents recorded in 2017, 195 case motivations were identified. By using the term “case motivations”, we are drawing attention to the fact that in the IU database it is possible to assign more than one kind of bias motivation at once to an incident (e.g., bias against ethnicity or nationality plus religion), and therefore the total of all case motivations exceeds the number of incidents.^{161/} Here we remind readers that IU does not track actual nationality, ethnicity, religion, sexual orientation, gender identity, political convictions, or any other sensitive personal data. Information about motivation always concerns the attacker’s motivation only. It does not matter whether a victim assaulted, for example, because the perpetrator believed the victim to be Romani, is actually a person of that nationality. What is important is whether the perpetrator committed assault for that reason. In 2017, 49 incidents feature more than one type of motivation (35 % of all incidents registered in 2017).^{162/}

The structure of bias motivations in 2017 is depicted by Graph No. 5. **The most frequent motivation was bias against ethnicity or nationality, with 71 such cases, followed by skin colour, with 37 cases, and religion, with 35 cases.** Furthermore, the motivations of political conviction, migrant or refugee status, sexual orientation, sexual identity and homelessness appeared relatively frequently.^{163/} The motivations of disability, gender, or foot-

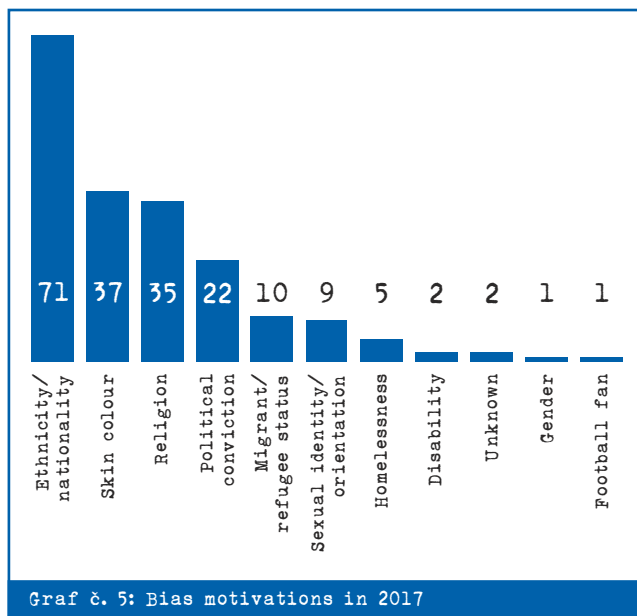
^{160/} More information about this case can be found in the Report on Hate Violence in the Czech Republic in 2016.

^{161/} For the refugee crisis impact on the structure of BV in 2017, see chapter 5.1.5 *Refugee crisis*.

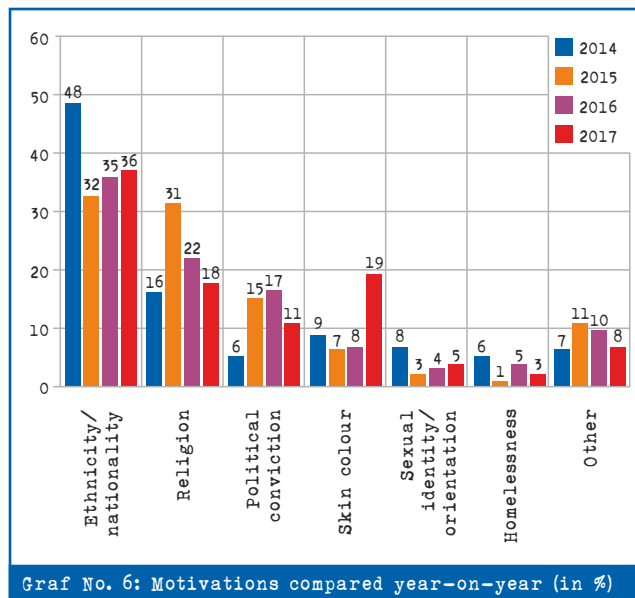
^{162/} Police statistics do not facilitate following more than one motivation.

^{163/} The subject of overlap between motivations is discussed in the 2016 Report. Those interested in it are referred to that publication.

ball club fan status were relatively infrequent. In two cases the motivation remains unspecified.



In Graph No. 6 these motivations are recalculated so as to be more easily compared with preceding years. On the one hand, they have been combined into the same categories as in recent years, while on the other hand, all of the categories have been recalculated for their relative values, i.e., the percentage share, which makes it possible to interpret the numbers of case motivations in the context of all incidents discovered for a particular year. In 2017 we can follow a growth of more than double in the proportion of motivations related to skin colour. After a decline in 2015, a repeated growth in the proportion of cases of bias against ethnicity or nationality has been recorded. On the other hand, in the case of bias against religion, we have noticed a decline following the growth in the proportion of cases with that motivation in 2015. In cases of sexual identity or orientation and homelessness, the proportion of such motivations is low and variable. In the case of “other” motivations it is relatively stable.



Attacks motivated by ethnicity/nationality and religion can be further divided into specific sub-categories (see Table No. 9). **Of the overall number of 71 cases in the category of ethnicity/nationality 54 % (38 case motivations) were attacks against Roma, followed by attacks against Arabs, which comprise 21 % (15 case motivations) of the overall number of cases of motivation in the category of ethnicity/nationality.** Other incidents with motivations against ethnicity/nationality appeared in fewer than five cases, including attacks against the Czech (four), Vietnamese (two), Russian (two) and Chinese (two) nationalities. There was one incident each against the Asian, Balkan, Jamaican, Kazakh, Cuban, German, Polish and Somali ethnicity/nationality/origin.

For anti-religious attacks, four sub-categories are represented. **Anti-Muslim attacks were the most numerous, representing 58 % (21 case motivations) of all religious incidents.** The rest were anti-Jewish (33 % – 12 case motivations), followed by anti-Christian (6 % – two incidents) and one targeting all the Abrahamic religions (3 %).

Table No. 9

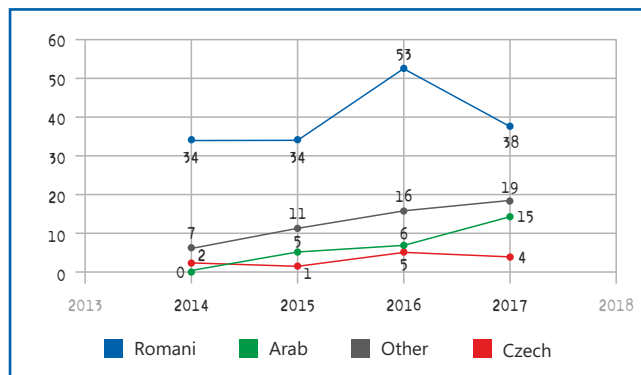
Number of cases of selected sub-categories of motivations in 2017

Ethnicity/nationality	Abs.	% of cases in the category
Romani	38	55 %
Arab	15	22 %
Czech	4	6 %
Vietnamese	2	3 %
Russian	2	3 %
Chinese	2	3 %
Asian	1	1 %
Balkan	1	1 %
Jamaican	1	1 %
Kazakh	1	1 %
Cuban	1	1 %
German	1	1 %
Polish	1	1 %
Somali	1	1 %
Total	71	100 %

Religion	Abs.	% of cases in the category
Islam	21	58 %
Judaism	12	33 %
Christianity	2	6 %
Abrahamic	1	3 %
Total	36	100 %

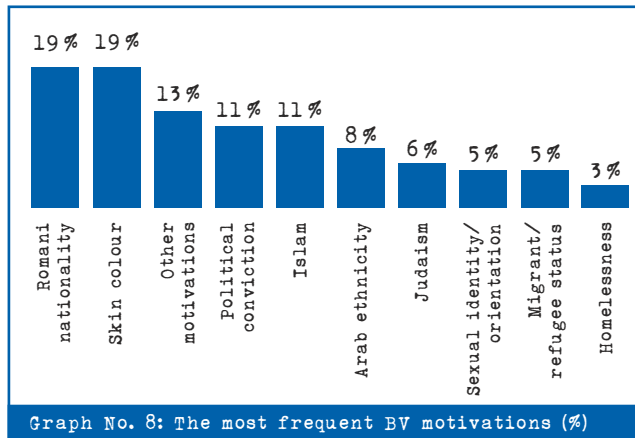
Skin colour	Abs.	% of cases in the category
Black	27	73 %
White	6	16 %
Yellow	3	8 %
Other	1	3 %
Total	37	

In terms of long-term developments for the number of ethnic/nationality motivated incidents, in Graph No. 7 we can follow a rather stable number of anti-Roma incidents, with the exception of 2016, which was marked, as we have mentioned, by the attacks on the Romani singer. The incidence of anti-Czech motivation has long been low. For other ethnicities/nationalities we can follow a gradual growth in the number of cases. In the case of Arab ethnicity, the growth is significant, from zero to 15 cases. For ethnicities/nationalities other than Czech, there was also growth (from seven to 19 cases). During this period, we can follow a relatively stable trend of anti-Romani attacks, which remains the group most endangered by bias violence. In addition, there is also a clear trend in the growth of anti-Arab incidents as well as in incidents against other ethnicities/nationalities with the exception of the Czech nationality.

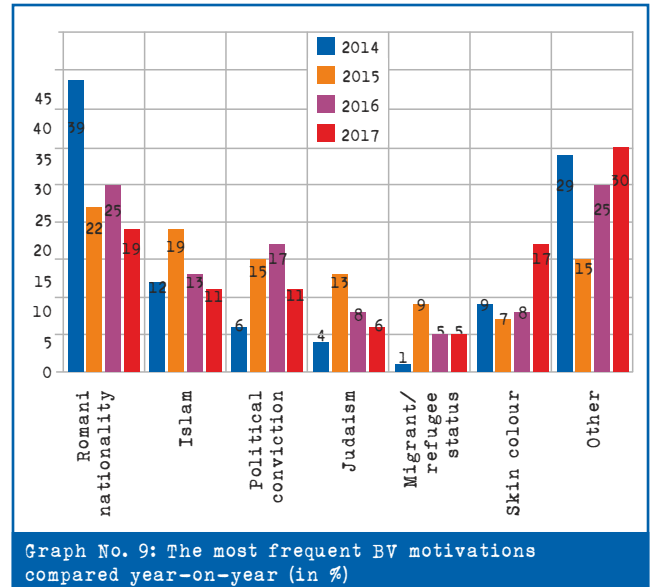


Graph No. 7: Development in the number of incidents motivated by nationality for years 2014-2017

Let's attempt to establish which **social groups were most endangered by BV in the CR during 2017** (see Graph No. 8). The number of case motivations will be inferred by combining both the general category of motivation and the specific sub-categories. From this perspective, the four groups most at risk are **Roma** (19 %, 38 incidents), **people defined by their skin colour** (19 %, 37 incidents), **people expressing certain political opinions** (11 %, 22 incidents) and **Muslims** (11 %, 21 incidents).^{164/} Attacks on these four groups comprise more than half of all case motivations. Other groups represented are Arabs, Jews, migrant-/refugees, people defined by their sexual identity or orientation, homeless people, and others.



After significant changes between 2014 and 2015, in 2016 there was a stabilisation and partial return to the previous structure of BV motivations (see Graph No. 9). In 2017 we can observe the continuing stabilisation of these trends. The only exception is the growth in the proportion of incidents motivated by skin colour and the proportion of "other" incidents. For the remaining categories of motivation there was a decline in their overall proportions, which is due to the growth in those two categories (skin colour and "other"). The only category to remain constant was the proportion of migrant/refugee status motivations.



5.1.5 INCIDENTS ASSOCIATED WITH THE REFUGEE CRISIS

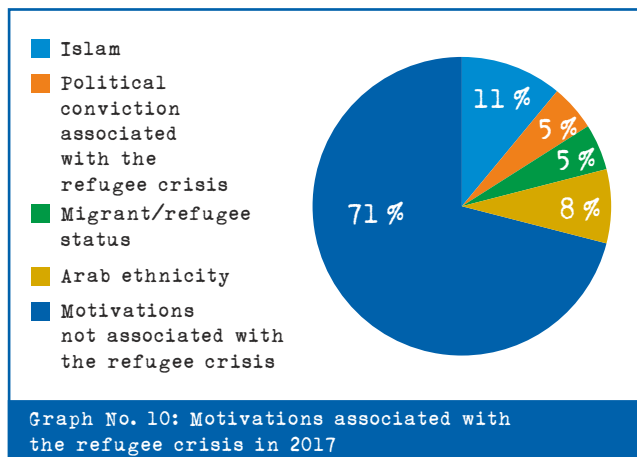
In 2017 the bias violence structure was significantly influenced by the so-called "refugee crisis", although its importance declined compared to the previous two years. As in previous years, we associated the following categories of bias motivation with that event: migrant/refugee status, Islamic faith, Arab ethnicity, and political convictions. When we add the attacks against Arabs, Muslims, and persons of a certain political conviction to the attacks on migrants/refugees in general, we consider the refugee crisis to have impacted the structure of the bias incidents for the following reasons:

First, refugees are frequently described in the public arena as followers of Islam despite the fact that not all of them are. Similarly, it cannot be ignored that the countries from which they come are frequently Arab ones. For that reason, we also count anti-Arab

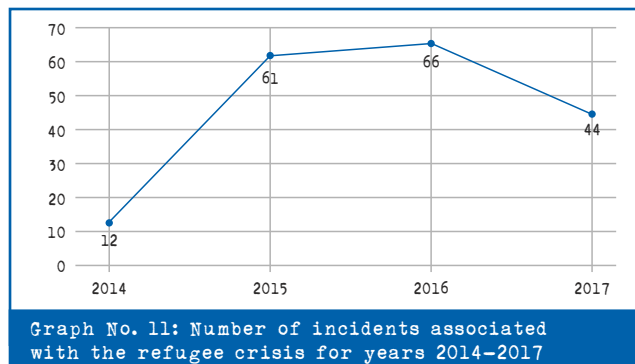
^{164/} In the IU monitoring, the category of attacks on migrants or refugees first appeared in 2014, when it was included among "Other motivations". We kept it there for 2015–2017. Given the rather high number of such attacks, however, we have decided to work with it as a separate category.

attacks as due to this crisis. Last but not least, we include attacks motivated by political conviction, where people associated with supporting refugees, ranging from the employees of NGOs working with foreign nationals to various kinds of activists, are targeted.

In 2017 we classified 44 incidents (31 % of all incidents) as associated with the refugee crisis. For these incidents we registered 56 case motivations associated with the refugee crisis. Of those, 10 case motivations involved attacks against migrants/refugees, 21 attacks against Muslims, 15 attacks against ethnic Arabs, and 10 attacks against political convictions. Graph No. 10 depicts the proportion of those incidents associated with the “refugee crisis” compared to the overall number of motivations.

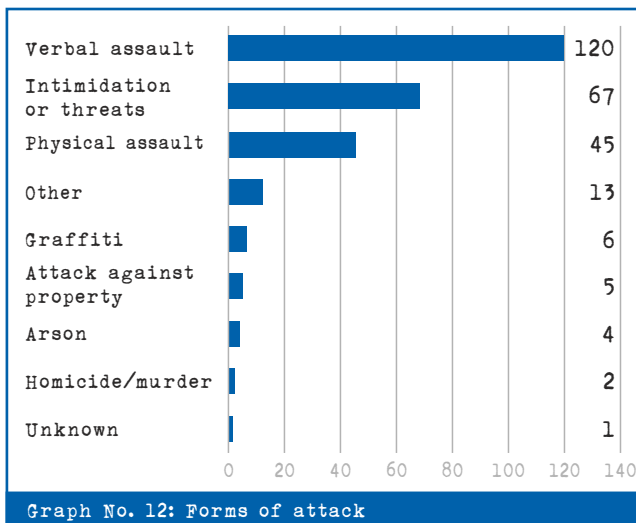


After a significant growth in the total number of such incidents in 2015, deceleration in that growth happened in 2016, followed by decline in 2017. We can, therefore, state that the bias violence recorded as associated with the “refugee crisis” has declined but has yet to return to the values recorded for such categories in 2014 (see Graph No. 11). Further developments in the number of such incidents will be tracked in the future.

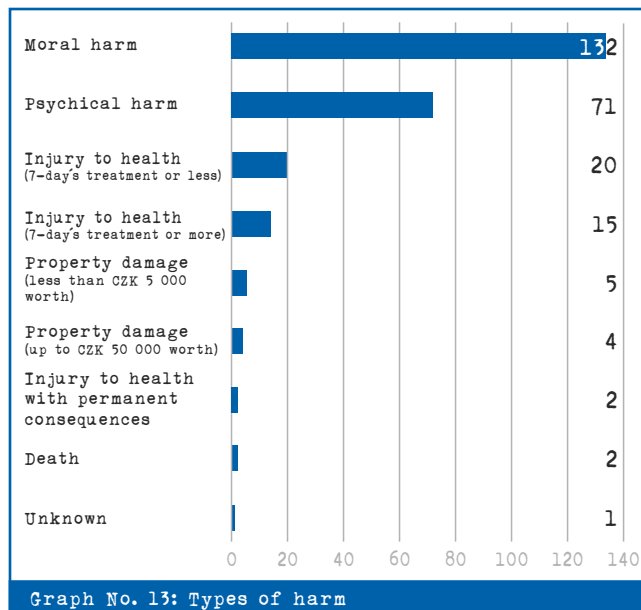


5.1.6 FORMS OF ASSAULTS AND THE DAMAGE CAUSED

The forms of attack greatly exceed the number of incidents, as one incident can involve different kinds of attack. **In 2017, for 142 incidents, 263 forms of attack were recorded.** Most were spoken or written (see Graph No. 12). Verbal attacks, curses and insults along with intimidation or threats comprise 71 % of all forms of attack. The third most numerous are physical attacks, which form 17 % (45 case forms). The next most numerous are attacks against property and graffiti, 4 % (11 case forms). Cases of arson and killing were also recorded. The form of attack remained unknown in one case, where police did not specify it. The relatively high number of “other” forms of attack is mainly due to cases of giving the Nazi salute (seven of 13 such case forms), which were customarily accompanied by other forms of attack (mainly verbal, intimidation and threats).



The structure of damages caused basically corresponds to the structure of the attack forms (see Graph No. 13). Of 252 cases of damages, most involved violation of human dignity (moral harm), 161 such cases (28 % of all damages recorded). Psychical harm manifesting as fear, increased anxiety or sleep disorder is in second place with 71 cases (28 % of all damages recorded). Harm to health, with varying degrees of gravity, comprises 15 % of recorded damages (35 cases). Property damage comprised 4 % of recorded cases (nine). In two cases the attack caused permanent damage to health and in another two it caused death. They type of damage was unknown in one case where police did not specify it.



In 2017, less serious forms of bias attacks were committed, with milder consequences. These statistical values, however, should not overshadow the fact that in some cases the attacks were performed especially brutally, with tragic endings. One attack against two homeless people was very aggressive and experts assessed the injuries as very serious, while in the case of one victim the injuries led to his death. The assailant pushed the victim to the ground, then lifted him up to knee-level and dropped him to the sidewalk before kicking him twice in the chest and head with great force, causing him head injuries with brain oedema and haemorrhage that led to his death despite his being hospitalized in an intensive care unit.

5.1.7 FORMS OF ASSAULTS AND MOTIVATIONS

We will now discuss the association between assault forms and motivations. Table No. 10 depicts the number of chosen attack forms associated with general categories of motivation such as

ethnicity/nationality or religion. Table No. 11 shows the same for specific sub-categories of motivations such as the Muslim faith or Romani nationality. Both tables contain not just absolute values of the number of case forms of attack for each type of motivation, but also the relative values of the attack forms. **Altogether, these indicators facilitate better researching the composition of the attack forms in relation to each category of motivation.**

For example, in Table 10 the category of religion has 35 incidents, of which 25 were verbal (71 %), 12 involved intimidation or threats (34 %), and seven involved physical assault (20 %), etc. The percentage listed expresses the proportion of each attack form present in the given number of incidents for that category of motivation.

Following the size of the proportional share is facilitated by using two shades of yellow. The light-yellow colour indicates the four most-frequently occurring attack forms. The dark-yellow colour expresses the percentage value in which a given attack form occurs. If we compare the category of religious motivation with that of skin colour, it can be seen that for attacks motivated by skin colour there is a higher proportion of physical attacks than for those motivated by religion. In the categories of homelessness and sexual identity or orientation, the proportion of physical assault is the highest of all, but here it is necessary to recall that we

are comparing very different sets from the perspective of absolute numbers. While 80 % of assaults against homeless persons involved physical violence, that number represents four cases out of a total of five. Each category of motivation can, therefore, just be compared to others in a limited way.

Verbal attacks appear in most incidents (85 %), which is also clear from the higher representation of that form of attack for different motivation categories (see Table No. 11). Verbal attacks represent the biggest share of all forms for all categories but homeless motivation. **Intimidation or threats are the second most represented form, occurring in 47 % of all incidents.** This is the second most frequently represent attack form for most categories with the exceptions of homelessness and sexual identity/orientation. An "other" form of assault (mostly giving the Nazi salute) occurs in the first four places for all forms of motivation. However, this most often occurs for attacks motivated by ethnicity/nationality, skin colour, and religion.

From the standpoint of chosen sub-categories in Table 11 it is clear that **all groups, with exception of Jewish people**, are endangered by physical assault. **For incidents against Jews, compared to those with other motivations, graffiti appears most frequently.**

Table No. 11

Structure of forms of attack with respect to selected sub-categories of motivation										
	Verbal assault	Intimidation or threats	Physical assault	Graffiti	Attack against property	Arson	Homicide/murder	Other	Unknown	Total
Romani nationality										
Abs.	35	20	10	2	0	0	1	6	0	38
% in this sub-category	92 %	53 %	26 %	5 %	0 %	0 %	3 %	16 %	0 %	
Judaism										
Abs.	10	5	1	2	0	0	0	2	0	12
% in this sub-category	83 %	42 %	8 %	17 %	0 %	0 %	0 %	17 %	0 %	
Islam										
Abs.	15	7	6	1	2	0	0	2	0	21
% in this sub-category	71 %	33 %	29 %	5 %	10 %	0 %	0 %	10 %	0 %	
Migrant/refugee status										
Abs.	9	8	3	0	1	0	0	2	0	10
% in this sub-category	90 %	80 %	30 %	0 %	10 %	0 %	0 %	20 %	0 %	
Arab ethnicity										
Abs.	13	6	4	0	0	1	0	0	0	15
% in this sub-category	87 %	40 %	27 %	0 %	0 %	7 %	0 %	0 %	0 %	
Political conviction associated with the refugee crisis										
Abs.	10	6	3	0	0	0	0	0	0	10
% in this sub-category	100 %	60 %	30 %	0 %	0 %	0 %	0 %	0 %	0 %	
Refugee crisis										
Abs.	37	21	13	1	2	1	0	2	0	44
% in this sub-category	84 %	48 %	30 %	3 %	5 %	3 %	0 %	5 %	0 %	

5.1.8 LOCATION AND TIME

The location of an incident is recorded at three levels, that of region, municipality and type of location. At regional level, most attacks are recorded in the City of Prague (57 incidents), The Ústí Region (16) and the Southern Moravia Region (15). Eight incidents each happened in the Central Bohemia and Moravian-Silesian Regions. In other regions, five or fewer incidents happened. One incident is listed as originating abroad because it happened on the

Internet and the perpetrator apparently committed it from the Federal Republic of Germany against a victim in the CR. No specific region could be identified for eight incidents.

Regional distribution correlates with municipal distribution. There were 57 incidents in Prague, 12 in Brno and seven in Chomutov. The incidents in Chomutov reflect the societal tensions that arose there after a non-Romani man shot dead a Romani man in his own car (see the incident called "Shot Dead", listed at num-



Number of incidents per municipality:

Prague: 57; Brno: 12; Unknown: 8; Chomutov: 7; Plzeň, Teplice, Vimperk, Prostějov, Přeboram, Rožnov pod Radhoštěm, Trutnov: 2 – 4

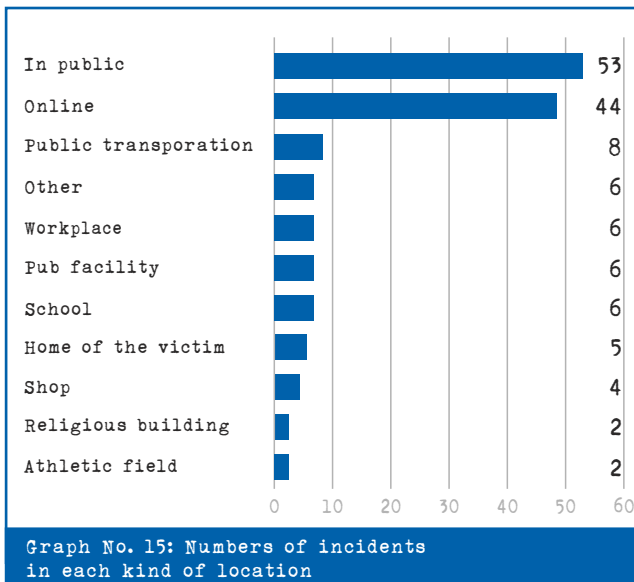
ber 22 below). Four of the seven Chomutov incidents happened in relatively close association to that incident. Three of those happened on the same day, 13 days after the “Shot Dead” incident. One assailant repeatedly attacked different victims, during which he shouted “The blacks will rise up, the whites will die out and go to the gas chambers. That’s for my brother!”, clearly associating himself with the Romani man who had been shot dead. The final incident of those four happened later, four days after the “Shot Dead” incident. In addition, we should take into consideration four other incidents, which happened elsewhere. Overall, therefore, we can associate eight incidents with the “Shot Dead” incident, four of which happened in Chomutov itself. In other towns there were between four and two incidents altogether. We are not listing towns where just one incident happened.

At regional level we can also differentiate **numbers of cases for each bias motivation category** (see Table No. 12). The first two regions where the most incidents happened for a particular motivation are distinguished by a certain colour. The categories are depicted in Table No. 12. **The dominant representation of the City of Prague and the Southern Moravia Region persists here.** Prague, the South Bohemian Region, and The Ústí Region are where most attacks associated with Romani nationality are concentrated.

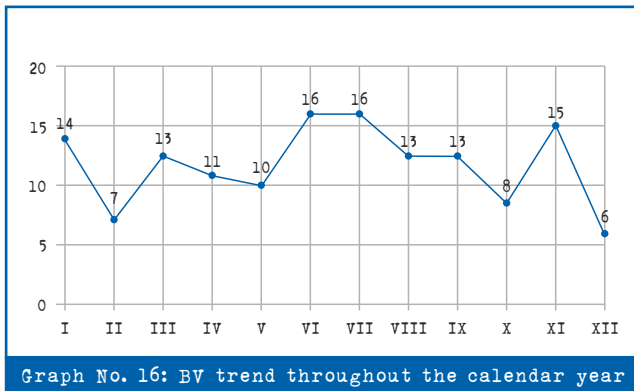
Table No. 12

Selected motivations per region													
Motivation	Region												
	City of Prague	South Bohemian R.	Southern Moravia R.	Karlovy Vary Region	Hradec Králové R.	Liberec Region	Moravian-Silesian R.	The Olomouc Region	The Pilsen Region	Central Bohemia R.	The Ústí Region	Zlín Region	Vysočina Region
Romani nationality	7	5	3	2	2	0	3	1	2	3	5	0	0
Judaism	8	0	0	0	0	1	0	2	0	0	1	0	0
Skin colour	14	0	3	1	4	0	3	0	1	0	10	1	0
Political conviction	14	1	2	0	0	0	0	1	0	2	1	0	1
Sexual identity or orientation	5	0	1	0	0	0	0	1	0	1	0	0	0
Homelessness	3	0	1	0	0	1	0	0	0	0	0	0	0
Incidents associated with the refugee crisis	23	0	6	1	2	0	0	0	1	2	3	1	3
Arab ethnicity	4	0	3	1	0	0	0	0	1	0	2	1	2
Islam	13	0	4	0	1	0	0	0	0	2	1	0	0
Migrant/refugee status	5	0	1	0	1	0	0	0	0	1	1	0	0
Political conviction associated with the refugee crisis	8	0	1	0	0	0	0	0	0	0	0	0	1

At the level of type of location, most of the incidents recorded happened in public (37 %) and on the Internet (31 %) (see Graph No. 15). Altogether, almost three-quarters of the locations where the incidents happened were one of those two types. Other locations featured fewer incidents. Graph No. 15 shows the structure of incidents by locations in absolute numbers.



The time distribution of incidents is tracked in terms of quarter, month, and time of day. In Q1 there were 24 % of the incidents, 26 % in Q2, 30 % in Q3 and 20 % in Q4. In that year, incidents happened most frequently in June, July and November. We can, therefore, assume that the **most dangerous months are the summer ones** when it comes to BV. On the other hand, the spring is the safest time (see Graph No. 16).



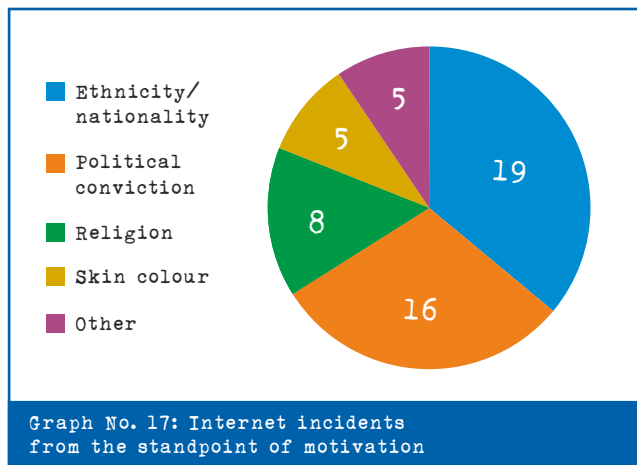
It is more difficult to distinguish the time of day of an attack, either because it is never ascertained (14 % of cases), or because the attack takes place over a longer period of time (18 %). **Certain differences are apparent between attacks committed during the day and those committed at night.** While between 6 AM and 6 PM 41 % happen, 27 % happen between 6 PM and 6 AM. For incidents committed offline it is easier to determine the time of the attack. There were 10 % for which no time was determined and another 12 % were conducted long-term. **Furthermore, the difference between day and night is reduced when it comes to the latter.** While 43 % happened between 6 AM and 6 PM, 34 % happened between 6 PM and 6 AM.

Since bias attacks on the Internet are being more and more discussed, we have included a brief summary of the cyber-incidents we recorded in this Report. As is clear from Table No. 13, during 2016–2017 there was a clear growth in the number of incidents recorded as happening on the Internet.

Table No. 13

Number of incidents on the Internet recorded in 2014–2017				
	2014	2015	2016	2017
Abs.	23	25	53	44
%	27	18	30	31

For the incidents in 2017 we have newly focused on the motivations of Internet incidents. Internet attacks are mostly motivated by ethnicity/nationality and by political convictions (see Graph No. 17). As far as ethnicity/nationality goes, it is the case that 10 of these incidents were motivated by Romani nationality, eight by Arab ethnicity and one by a different nationality.



5.1.9 ASSAILANTS AND VICTIMS

In 2017 we recorded a total of 190 individual victims of 108 incidents. For the remaining incidents there were either no specific victims,^{165/} or more detailed information about the victims was not captured. The characteristics tracked are age, citizenship and sex, some of which could just be ascertained for some victims, and therefore the numbers for each category differ (see Table No. 14). In the case of sex, we were the most successful. We determined the sex of the victim for all 190 persons, **noting that more men are victims than women (58 % versus 42 %)**. Citizenship was ascertained for 133 people. **Czech citizens predominated (103 assaulted), foreign nationals were represented by 30 cases (23 % of all victims whose citizenship was known)**. Of these, most were citizens of non-EU countries (22). As far as age goes, we managed to clarify it for 145 victims. **People between 26 and 35 (32 %) become victims most frequently, followed by people age 15 and younger (21 %)**.

Table No. 14

Victim characteristics		
Sex	Abs.	%
Male	111	58
Female	79	42
Total	190	100
Citizenship	Abs.	%
Czech citizen	103	77
Third-Country National	22	17
EU Citizen	8	6
Total	133	100
Age	Abs.	%
15 or below	30	21
16–18	10	7
19–25	5	3
26–35	46	32
36–45	28	19
46–55	21	14
56 and above	5	3
Total	145	100

We also tracked **assailant characteristics** (see Table No. 15). The identity of the assailant was known to the victim, the public, or the CJA in more than two-thirds of incidents (100). The number of people who contributed to each attack remained undiscovered in 15 % of incidents. From the available information, however, it can be inferred that these were **rather attacks committed by individuals than by groups (65 % versus 20 %)**. In 98 incidents authorities manage to identify whether the attacker was a far-right adherent or not. In most incidents (70 %) where this identification was made, the assailant was not a member of the far-right. It is necessary to add that whether an assailant was an adherent of the far-right could also be determined for incidents where the per-

^{165/} The CR is a state where the Criminal Code establishes political conviction as a protected characteristic. Victims of attacks against political convictions are not predominantly members of political parties. This is basically a much broader category including all who publicly display their political beliefs and take certain steps on that basis. An example can be that of human rights activists.

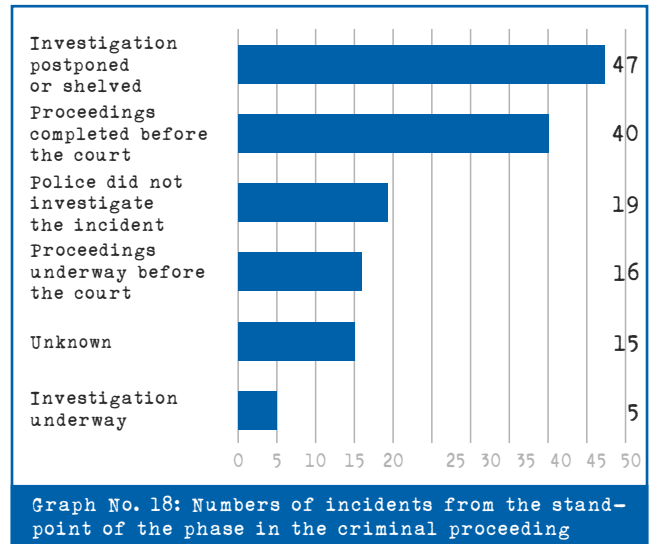
perpetrator remained further unidentified but displayed that political motivation during the attack (e.g., in the content of a verbal attack or graffiti).

Table No. 15

Characteristics of assailants		
Known assailants		
	Abs.	%
Yes	100	70
No	42	30
Total	142	100
Number of assailants		
	Abs.	%
One	92	65
Group	29	20
Unknown number	21	15
Total	142	100
Far-right adherents		
	Abs.	%
Yes	29	20
No	69	49
Unknown	34	31
Total	142	100

5.1.10 CRIMINAL PROCEEDINGS

From the IU statistics it follows that police learned of at least 108 of those incidents recorded in 2017 (76 %). Police, according to our information, did not learn of 19 of these cases; for 15 incidents we never managed to discover whether they had or had not learned of the incident (see Graph No. 18). As far as police-recorded incidents, as of the day this Report was completed, there were investigations still underway in five of them (4 %). Investigations were halted or postponed for 47 incidents (33 %). A total of 56 went to trial, of which 16 (11 %) are still in the process of holding hearings. Court decisions were therefore handed down in a total of 40 incidents (37 % of all the incidents the police came into contact with).



Graph No. 18: Numbers of incidents from the standpoint of the phase in the criminal proceeding

5.2 Characteristics of the incidents selected

In this sub-chapter, selected bias incidents are described. They have been chosen according to whether they proceeded to trial. They include incidents for which a verdict has already been issued. There was a total of 39 such incidents. We describe what happened during these attacks and the activity of the CJA.

1. ACADEMIC

January 2017, City of Prague

Status: First-instance verdict in effect

Bias motive: Political convictions

Form of incident: Verbal assault, intimidation or threats

An historian and lecturer at a college became the target of intimidation after being interviewed by the media on the subject of migration. He subsequently faced racist insults and death threats through social media. Charles University expressed support for him. The local police and prosecutor refused to address his case. The prosecutor said it was a case of coarsely vulgar colloquialisms that were not relevant in criminal law terms. However, part of the file was sent to the South Bohemian Region for investigation and ended in a motion to file an indictment. The case involved a man who wrote the following: "I believe the only good Muslim is a dead one. I hope I meet you somewhere so I can piss in your face. If there is ever a terrorist attack in the Czech Republic, I will take care of you personally, I'll hang you from a tree as a traitor...". Subsequently the perpetrator made the following threat beneath an invitation to a seminar given by the instructor: "I already know how to meet [XX – the name is anonymized] - tick-tock – a tree, a branch, a rope and a little swing for one." The perpetrator had been convicted of felonies previously and was on parole at the time; he was convicted of the offense of Dangerous Threatening according to Section 353 Paragraph 1 Criminal Code and of Instigation of Hatred towards a Group of People or of Suppression their Rights and Freedoms according to Sec-

tion 356 Paragraph 1 and Paragraph 3 letter a) Criminal Code along with the offense of Bodily Harm per Section 146 Paragraph 1 to a conditional punishment of 30 months in prison, with a probationary period of four years under the supervision of a parole officer. He was also tasked with attending an appropriate program for psychological counseling consistin especially of preventing aggressive behavior and dealing with stressful situations.

2. ASSAULT ON HOMELESS PEOPLE IN THE METRO

January 2017, City of Prague

Status: First-instance verdict in effect

Bias motive: Homelessness

Form of incident: Verbal and physical assault

Two men who had been drinking all night set out in the early morning hours to visit the brother of one of them. They encountered two homeless men later that morning in the vestibule of a bus and train station where they were waiting for their connection. According to the indictment, an eyewitness testified that they abused the homeless men by shouting "Homeless dicks! Stinking homeless!" One assailant then attacked physically. The assailant pushed the first victim, then turned to the second one, first pushing his body, then punching him twice in the head and shoving him to the ground. He then pushed the other homeless man to the ground and then began to leave the scene. After walking a couple of meters away he recon-

sidered, returned, and kicked one of the homeless men from behind before doing the same to the other, pushing him roughly to the ground and stomping on his head and hip more than once. As a consequence, that victim suffered fractures to his back and ribs that required him to be hospitalized for three days and severely restricted his movements for three weeks. Police charged that attacker only. The court convicted him of Bodily Harm per Section 146 Paragraph 1 and Disorderly Conduct according to Section 358 Paragraphs 1 and 2 Letter a) Criminal Code and sentenced him to two years in prison for both charges, suspended for a probationary period of four years with supervision. He was also tasked with paying compensation for the damages caused by the attack, with attending an appropriate program of psychological counselling, and with paying the health insurer CZK 18 333. Last but not least he was banned from residing on the territory of the Capital City of Prague for four years.

3. THREATS IN THE "BLOC AGAINST ISLAMIZATION" GROUP

February 2017, City of Prague

Status: First-instance verdict in effect

Bias motive: Religion (Islam)

Form of incident: Intimidation or threats

A discussion took place on FB beneath an article published in the "Bloc Against Islamization" group about criminal activity allegedly committed by a foreigner from Afghanistan. One participant posted the following: "... they're just fucking around, this is no longer fucking possible, let's kill these fuckers." The court found the assailant guilty of Violence Against a Group of People and Individuals per Section 352 Paragraph 2 Criminal Code and fined him CZK 30 000.

4. SHOOTING AT A RESIDENTIAL HOTEL

August 2017, City of Prague

Status: First-instance verdict in effect

Bias motive: Ethnicity/nationality (Romani)

Form of incident: Verbal and physical assault, intimidation or threats

"Gypsies, I'll kill you here!" a very drunk man threatened the tenants of a residential hotel in Prague. He was holding a gas pistol at the time that he had previously used to threaten two women he encountered on his way there. He told one of the women to "go calm down the residential hotel and the Gypsies." At the residential hotel he continued to shout that he would "fire" at everybody. One tenant told him that white people lived there too. He replied: "So you know I'm serious" and fired the pistol above her head into the ceiling and the wall. Then he ran into the nearby forest, followed by two tenants in whose direction he had fired the pistol once before. The first-instance court handed down a verdict with full effect, finding him guilty of the simultaneous commission of Dangerous Threatening per Section 353 Paragraphs 1 and 2 letter c) and Disorderly Conduct per Section 358 Paragraphs 1 and 2 letter a) Criminal Code and sentencing him to a conditional prison sentence of 18 months suspended for three years under supervision of a parole officer. He also had to refrain from using alcohol and undergo treatment for alcoholism (not in custody). Last but not least, the gas pistol he used was confiscated.

5. TWO AGAINST ONE

September 2017, City of Prague

Status: Trial was halted

Bias motive: Skin colour

Form of incident: Verbal and physical assault

Two assailants attacked a citizen of Nigeria in a park at 13:00. After agreeing on their course of action, they approached the man as he was seated on a bench. First they verbally assailed him, asking "What's your problem, you black fucker? You nigger fuck! What, you

nigger?" Then they attacked physically. The first assailant punched him in the face, followed by the second. The victim stood up and backed away from them toward the nearby train station. That did not deter the assailants, who kept yelling at him that "blacks will not hang around here". In the area in front of a restaurant the victim was again assaulted with physical force. He attempted to escape but one of the attackers followed him. By then police arrived at the scene. Both perpetrators were convicted of Violence Against a Group and Individuals per Section 352 Paragraph 2 as co-perpetrators, simultaneous with the offense of Defamation of a Nation, Race, Ethnic or Other Group per Section 355 Paragraph 1 letter a) Criminal Code, also as co-perpetrators. Each was sentenced to 18 months in prison, effective immediately.

6. NAZI SALUTE AND ABUSIVE LANGUAGE

October 2017, City of Prague

Status: First-instance verdict in effect

Bias motive: Skin colour, religion (Judaism)

Form of incident: Verbal assault, other (giving the Nazi salute)

A man near a bus stop repeatedly gave the Nazi salute while yelling "Sieg Heil! Heil Hitler!" He also struck the bus stop sign. Then he approached a young man unknown to him who was passing by and shouted, "You stinking kike!" at him. Next he yelled to at least two other passers-by: "You black mug, come here, come back here!" When police intervened, he threatened them. He was given an accelerated verdict by the court in full effect and found guilty of Defamation of a Nation, Race, Ethnic or Other Group per Section 355 Paragraph 1 letter a) together with Section 404 Expressing Sympathies for Movements Seeking to Suppress Human Rights and Freedoms. He was also found guilty of Threatening with Intention to Affect a Public Official per Section 326 Paragraph 1 letter a) Criminal Code. He was sentenced altogether to 200 hours of community service.

7. MORNING NAZI SALUTE

November 2017, City of Prague

Status: First-instance verdict in effect

Bias motive: Political convictions

Form of incident: Verbal and physical assault, intimidation or threats, other (giving the Nazi salute)

During the morning hours the assailant, who has German citizenship, gave the Nazi salute at the entry staircase to a McDonald's while shouting "NSDAP". After he was told by an onlooker, also from Germany, that he was making a racist gesture, he began to crudely abuse him, using the word "cunt" roughly 20 times. He then assaulted that man after he left the restaurant, punching him from behind and causing him oedema. The assailant then attacked another person in a group of friends when he was making a phone call, kicking him in the thigh and pushing his head. The victim fell into the display window of the restaurant, damaging it. The perpetrator was found guilty with full effect of Disorderly Conduct per Section 358 Paragraph 1 along with Section 404 Expressing Sympathies for Movements Seeking to Suppress Human Rights and Freedoms and was deported from the CR, to which he is forbidden to return for four years.

8. "ZERO"

February 2017, Central Bohemia Region

Status: First-instance verdict in effect

Bias motive: Ethnicity/nationality (Romani)

Form of incident: Verbal assault

The assailant posted various biased comments to FB, such as commenting on an article headlined "The number of Roma has doubled. How much this is costing us, [anonymized] shows in horrifying numbers", that "I think soon the state of the number of gypsies will return to normal, and that number is zero". He also commented on a video entitled "Clearance of a camp of illegal immigrants in Milan" as follows: "How can they allow themselves to behave that way!!! This is not their home and never will be, where is their gratitude for being allowed in!!! if it were up to me there would be a line of them with a bullet in their heads and whoever came by would con-

tinue on his way through the chimney!!!!" He posted to an article entitled "Director of ETP: First buildings at Lunik IX will begin at the start of 2018" that: "Once again the gypsy trash gets their houses for free even though they will be ruins within a year." Last but not least, he shared a video of the speech made by the singer R. B. in the Czech Senate with this comment: "This is the level of our politicians?-) a stinking gyppo is preaching to them there [ungrammatical]." For these and other posts made between 2015 and 2018 to social media he was found guilty of continually perpetrating Defamation of a Nation, Race, Ethnic or Other Group of People per Section 355 Paragraph 1 letter a), Paragraph 2 letter b) and Instigation of Hatred towards a Group of People or of Suppression of their Rights and Freedoms per Section 356 Paragraphs 1 and 3 letter a) and of Denial, Impugnation, Approval and Justification of Genocide per Section 405 as well as Expressing Sympathies for Movements Seeking to Suppress Human Rights and Freedoms per Section 404 Criminal Code. The verdict has taken effect; the perpetrator was sentenced to 12 months in prison, conditionally suspended for a probationary period of 36 months.

9. GIVING THE NAZI SALUTE AT ROMANI PEOPLE

May 2017, Central Bohemia Region

Status: First-instance verdict in effect

Bias motive: Ethnicity/nationality (Romani)

Form of incident: Verbal assault, other (giving the Nazi salute)

In the early morning hours at a bar the assailant stood across from a table where several persons of Romani nationality were seated and repeatedly gave the Nazi salute while shouting "Sieg Heil!" and "Heil Hitler!" The perpetrator was found guilty with full effect of Disorderly Conduct per Section 358 Paragraph 1 and Expressing Sympathies for Movements Seeking to Suppress Human Rights and Freedoms per Section 404 Criminal Code and sentenced on both counts to six months in prison, conditionally suspended for a probationary period of 15 months.

10. IMAGINARY BEATINGS

August 2017, Central Bohemia Region

Status: First-instance verdict in effect

Bias motive: Ethnicity/nationality (Romani), religion (Islam)

Form of incident: Verbal assault

A video was posted to the Internet of a father instructing his daughter to smash a pillow on a bed with a baseball bat while asking her whether she was pretending to hit a "Gypsy" or a Muslim. He also said: "Hit him good. Just break a few bones, don't kill him." He then urged her to say about the pillow that it was a "Gypsy" and that "Gypsies are motherfuckers". He then published the video to his personal FB profile. Police categorized his behaviour as having the substantive merits of Instigation of Hatred towards a Group of People or of Suppression of their Rights and Freedoms per Section 356 Paragraphs 1 and 3 Letter a) and Endangering a Child's Care per Section 201 Paragraph 1 Letter d) Criminal Code. The court found him guilty with full effect and sentenced him on both counts to 12 months in prison, conditionally suspended for a three-month probationary period under supervision.

11. "COMMANDO ON THE WAY"

August 2017, Central Bohemia Region

Status: First-instance verdict in effect

Bias motive: Ethnicity/nationality (Czech)

Form of incident: Verbal assault, intimidation or threats, attack on property

A man was led to threaten the food servers and other customers in a gaming room by his desire for revenge. He alleged that a food server had refused to give aid to a friend of his who had been assaulted in front of the gaming room because of his Slovak nationality. The man responded to that biased behaviour with biased behaviour of his own. He used two kitchen knives to threaten not just the food server, but others present including her father. He shouted that he would kill everybody in the gaming room and chop them to pieces, that he would kill all the Czechs and that a commando from Prague was on the way there to slit the throats of

everybody there. He constantly brandished the knives during this, as a consequence of which he knocked a glass from the bar counter to the floor. Then he stabbed one knife into the counter and headed for the slot machines, where he continued to make threats and damaged the machines, kicking one, throwing a bar stool at another. Eventually he left the crime scene and threw the second knife into the bushes. When police arrested him several hours later, he was found to have a blood alcohol level of 1.1. The court convicted him of Violence Against a Group of People and Individuals per Section 352 Paragraph 2 Criminal Code to one year in prison, conditionally suspended for two years and six months, and tasked him with paying damages in the amount of CZK 10 010 to the firms that owned the damaged property, referring them to a civil suit to collect other damages. The state confiscated both knives. The verdict has taken effect.

12. "GET OUT OF HERE"

March 2017, South Bohemian Region

Status: First-instance verdict in effect

Bias motive: Ethnicity/nationality (Romani)

Form of incident: Verbal assault, intimidation or threats, other (giving the Nazi salute)

A man assaulted two women and another man one afternoon in a park near a primary school by shouting at them "Black stinking mugs!", "Black swine!", "Go back to the forest!", "This is our country!", "We should have exterminated you all!", "Gypsies to the gas chambers!" while spitting at them and giving the Nazi salute. Others including minors were present. The court convicted him with full effect, along with other offenses, and sentenced him conditionally to one year in prison with a two-year probationary period. He was also ordered to refrain from consuming alcohol. For this and other racist attacks (see incidents 13 and 14) he was found guilty of committing Defamation of a Nation, Race, Ethnic or Other Group of People per Section 355 Paragraph 1 letter a), Disorderly Conduct per Section 358 Paragraphs 1 and 2 letter a), and Denial, Impugnation, Approval and Justification of Genocide per Section 405 Criminal Code.

13. "EEEUW TO YOU!"

March 2017, South Bohemian Region

Status: First-instance verdict in effect

Bias motive: Ethnicity/nationality (Romani)

Form of incident: Verbal assault, intimidation or threats

"EEUW to you!" is among the remarks shouted by the perpetrator at a young man standing at a bus station. He then spit in the youth's direction but hit the man standing next to him. According to police, the assault was motivated by bias against the Romani nationality. The perpetrator was convicted not just of this attack, but of other offenses, and given a 12-month prison sentence suspended for two years during which he was to refrain from consuming alcohol. This and other attacks by the assailant are listed here as incidents 12 and 14 and altogether categorized as Defamation of a Nation, Race, Ethnic or Other Group of People per Section 355 Paragraph 1 letter a), Disorderly Conduct per Section 358 Paragraphs 1 and 2 letter a), and Denial, Impugnation, Approval and Justification of Genocide per Section 405 Criminal Code.

14. "DO YOU HAVE A PROBLEM, YOU BLACK MUGS?"

March 2017, South Bohemian Region

Status: First-instance verdict in effect

Bias motive: Ethnicity/nationality (Romani)

Form of incident: Verbal and physical assault

These anti-Romani attacks happened at a bus station. The assailant first attacked two minors with the abusive remarks: "What are you doing here, you black fucks, why are you making a mess here?" and "Black swine!" Several minutes later at the same location he physically assaulted a blind man, pushing his companion with his own body and put his arm around the blind man's neck, after which he asked, "Do you have a problem, you black mugs?", and "What do you want here, what are you doing here, you black mug?" The perpetrator was found guilty with immediate effect and was also convicted of other offenses, Defamation of a Nation, Race, Ethnic or

Other Group of People per Section 355 Paragraph 1 letter a), Disorderly Conduct per Section 358 Paragraphs 1 and 2 letter a), and Denial, Impugnation, Approval and Justification of Genocide per Section 405 Criminal Code, and given a 12-month prison sentence suspended for two years during which he was to refrain from consuming alcohol. Police investigated this incident together with the attacks described in incidents 12 and 13.

15. HARASSMENT IN A GROCERY STORE

March 2017, The Pilsen Region

Status: First-instance verdict in effect

Bias motive: Ethnicity/nationality (Vietnamese)

Form of incident: Verbal assault

A 35-year-old man offered a younger man and woman, both of whom were foreign nationals, CZK 20 000 to have sex in front him when they were in a grocery store. He kept increasing the offer to CZK 30 000. The woman rejected the offer repeatedly. The man then began to attack them both, saying that Vietnamese people are "yellow swine" and "nothing in this country". "What do you all think of yourselves? You're the ones that moved here! What do you want here, you Vietnamese filth? You move here, God knows what you believe. You yellow whore, go back home!" he continued while insulting the couple with more abuse as "Vietnamese whores" and "dirty Vietnamese". He described himself as a wealthy man with money. Police categorized the attack as the simultaneous commission of Defamation of a Nation, Race, Ethnic or Other Group of People per Section 355 Paragraph 1 letter a), Disorderly Conduct per Section 358 Paragraph 1 Criminal Code. For these crimes the court convicted him and handed down a suspended 10-month prison sentence with a two-year probationary period that has taken effect.

16. "I'LL KILL YOU AND YOUR FAMILY"

April 2017, The Pilsen Region

Status: Juvenile court decision

Bias motive: Skin colour, ethnicity/nationality (Romani)

Form of incident: Verbal assault, intimidation or threats

A 14-year-old boy assaulted a classmate of his at primary school over a long period of time. The attacks gradually escalated from 2011 to 2017 until the girl decided to report the entire matter to police. The assailant verbally bullied her, insulted her as a "black mug", as "gypsy filth", and as a "black cunt". In addition, he threatened to kill her and her entire family, as well as saying he would push her and a friend of hers into the road so a bus would run over them. He would shout "Satan, kill her!" or "Hitler, kill her!" in front of his classmates either in class or in the corridors and drew a Nazi swastika on a bench. Police categorized the assailant's behaviour as Defamation of a Nation, Race, Ethnic or Other Group of People per Section 355 Paragraph 1 Letters a) and b), as well as Dangerous Threatening per Section 353 Paragraphs 1 and 2 Letter b) Criminal Code. The court decided to order remedial measures for the youth consisting of the duty to spend his free time in psychological or psychotherapeutic counselling and attend a personal development program. The verdict has taken effect.

17. NAZI SWASTIKA MADE OF ADHESIVE TAPE

June 2017, The Pilsen Region

Status: First-instance verdict in effect

Bias motive: Ethnicity/nationality (Romani)

Form of incident: Verbal assault, other (giving the Nazi salute)

In a bar, the assailant first used orange adhesive tape to put the symbol of a Nazi swastika on the back and front of a t-shirt, which he then wore. Then he went shopping at Penny Market. When he was walking through the parking lot, he saw what he called a "Gypsy" in

a car. He gave the Nazi salute in that direction with the words "Sieg Heil!" The verdict has taken effect, finding him guilty of Expressing Sympathies for Movements Seeking to Suppress Human Rights and Freedoms per Section 404 Criminal Code and sentencing him to nine months in maximum-security prison. His tape was confiscated. When deciding his punishment, the court concluded that given the fact that the perpetrator was on probation at the time of the crime and other circumstances, there was no other choice.

18. "DROWN IT IMMEDIATELY"

July 2017, The Pilsen Region

Status: First-instance verdict in effect

Bias motive: Ethnicity/nationality (Arab)

Form of incident: Verbal assault, intimidation or threats

A photograph of a baby was shared to the FB page called "WeAreHereAtHome" who had been born in the CR and was described as being of Kurdish and Vietnamese origin. The photo was copied from a regional daily that regularly publishes news of births. Beneath the post with the photo, many biased commentaries were posted, such as: "These monsters, get them out of here!!! The best would be to Africa.", and "Fuck, they're already multiplying, it's in the shitter now!" The child's mother was afraid for herself and her family as a consequence of the attacks and decided to move away from the small town where she had been living. She reported the threats to the police, who began criminal proceedings in the matter of a post that read "Drown it immediately!" and charged a man with committing Violence Against a Group of People and Individuals per Section 352 Paragraphs 2 and 3 letter b) Criminal Code. The prosecutor and the court agreed with that categorization. The perpetrator was sentenced to a fine of CZK 15 000 by court order; he did not object and the verdict has taken effect. The injured party was instructed to file a civil lawsuit for non-pecuniary damages.

19. "BURN THEM WITH GAS"

January 2017, Karlovy Vary Region

Status: Ethnicity/nationality (Romani)

Bias motive: Politické přesvědčení

Form of incident: Verbal assault, intimidation or threats, other (giving the Nazi salute)

The assailant walked down the street one afternoon shouting "We need to set this place on fire with gas!" at cars driving past and passers-by. He also shouted, "If Adolf Hitler were here, it would be better!", and repeatedly shouted "Gypsies to the gas chambers, die! Heil Hitler! Sieg Heil! Glory to Adolf Hitler!" During this shouting he stood at attention and repeatedly gave the Nazi salute. The perpetrator was found guilty of Defamation of a Nation, Race, Ethnic or Other Group of People per Section 355 Paragraph 1 letters a) and b) and Expressing Sympathies for Movements Seeking to Suppress Human Rights and Freedoms per Section 404 Criminal Code. The criminal proceeding ended with a court order with immediate effect. The perpetrator was sentenced to four months in prison, conditionally suspended for a probationary period of 15 months.

20. "STOMP ON HIS NECK"

July 2017, Karlovy Vary Region

Status: First-instance verdict in effect

Bias motive: Ethnicity/nationality (Arab)

Form of incident: Verbal assault, intimidation or threats

A photograph of a baby was shared to the FB page called "WeAreHereAtHome" who had been born in the CR and described as being of Kurdish and Vietnamese origin. The photo was copied from a regional daily that regularly publishes news of births. Beneath the post with the photo, many biased commentaries were posted, such as: "These monsters, get them out of here!!! The best would be to Africa.", and "Fuck, they're already multiplying, it's in the shitter now!" The child's mother was afraid for herself and her family as a consequence of the attacks and decided to move away from the small town where she had been living. She reported the threats to the police, who began criminal proceedings and charged

a 40-year-old man with committing *Instigation of Hatred towards a Group of People or of Suppression of their Rights and Freedoms per Section 356 Paragraphs 1 and 3 letter a) Criminal Code* for posting the following comment: "It's garbage, that what it has in its genes. It will just keep multiplying, how many offspring will a nigger like that have in 25 years. My advice is to stomp on its neck." The perpetrator was sentenced to 100 hours of community service work and required to pay the victim non-pecuniary damages of CZK 5 000. The court order has taken effect because the convict did not object to it. He has not yet paid the damages.

21. HE AIMED A PISTOL

December 2017, Karlovy Vary Region

Status: First-instance verdict in effect

Bias motive: Skin colour, ethnicity/nationality (Romani)

Form of incident: Verbal and physical assault, intimidation or threats

"I will kill all you black swine" shouted a 40-year-old man at the tenants of a prefabricated apartment building while pointing his gas pistol at them. He also shouted the Nazi greeting "Sieg Heil!". He threatened a passer-by with his weapon, vulgarly abused her, and threatened to shoot her. The court convicted him of *Dangerous Threatening per Section 353 Paragraphs 1 and 2 letter c), Disorderly Conduct per Section 358 Paragraph 1 and Expressing Sympathies for a Movement Aimed at Suppressing Human Rights and Freedoms per Section 404 Criminal Code*. He was conditionally sentenced to 10 months in prison, with a probationary period of 30 months. His gas pistol and 28 charges were confiscated.

22. SHOT DEAD

May 2017, The Ústí Region

Status: Second-instance (High Court) verdict in effect

Bias motive: Skin colour, ethnicity/nationality (Romani)

Form of incident: Homicide/murder

A man of Romani nationality was shot by at least 13 bullets as he was driving his van in between the buildings of a housing estate. One shot also hit his dog in the vehicle, which survived. The gunfire was preceded by an argument between the driver and his uncle, who, according to witnesses, threatened the driver and from whom the driver wanted to hide by driving away. During the argument, the perpetrator ran out from the next-door building with a legally licensed and loaded firearm and shot the entire magazine in the direction of the driver. Some eyewitnesses heard the attacker shout before he fired "Shut your black mouth you gypsy fucker!" The attacker's defence was that the man had been driving the van at people who were in front of the building. However, the investigation demonstrated that at the time of the shooting the automobile was not endangering anybody and the driver was, on the contrary, attempting to drive away from the location. The victim had been living for a long time in the Netherlands, where he had established and run a firm renovating marble and wooden floors. He had come home the day before to establish a bank account to which he could send money to help his parents buy an apartment. He supported his parents and siblings financially and frequently returned home. The shooter was sentenced to 12.5 years in prison by the first-instance Regional Court for homicide, but bias motivation was not demonstrated, or rather, was never part of the indictment. The bereaved survivors – the parents, partner, and siblings of the victim – were awarded compensation for damages in the total amount of CZK 2.5 million. The perpetrator appealed the verdict and the case was then dealt with by the High Court, which reassessed the crime as simple murder and reduced the sentence to seven years, also reducing the parents' entitlement to damages. The prosecutor appealed to the Supreme Court over the low sentence, which was three years shorter than the lowest possible sentence for such a crime.

23. "THAT'S FOR MY BROTHER!"

June 2017, The Ústí Region

Status: First-instance verdict in effect

Bias motive: Skin colour

Form of incident: Verbal assault, intimidation or threats

After a Romani man was shot dead by a non-Romani man in Chomutov (incident 22), interethnic tensions there significantly intensified. That was demonstrated by various bias attacks that can be considered revenge, given their targeting. Specifically, the assailant whose behaviour is described in incidents no. 24 and 25. In this final crime of his, he assaulted at least 12 persons who had just gotten onto a trolley bus. He shouted at them: "Gadje, you will die, the blacks will rise up!" and "The blacks will rise up, the whites will die and go to the gas chamber. That's for my brother!" He was convicted of Defamation of a Nation, Race, Ethnic or Other Group of People per Section 355 Paragraph 1 letter a), of Violence Against a Group and Individuals per Section 352 paragraph 1, of Disorderly Conduct per Section 358 Paragraphs 1 and 2 letter a), and Extortion per Section 175 Paragraph 1 Criminal Code. He was sentenced to eight months in prison, conditionally suspended for a probationary period of 18 months. The court order has taken effect.

24. "HOW DO YOU LIKE THAT?"

June 2017, The Ústí Region

Status: First-instance verdict in effect

Bias motive: Skin colour

Form of incident: Verbal assault

After a Romani man was shot dead by a non-Romani man in Chomutov (incident 22), interethnic tensions there significantly intensified. That was demonstrated by various bias attacks that can be considered revenge, given their targeting. In addition to an attack on a man unknown to him (see incident no. 25) this also involved verbal assaults on a woman unknown to him. When a trolley bus drove up to the stop where he was, the assailant began to yell "How do you like that, you white swine?", which terrified the victim, who attempted to leave the scene. The perpetrator repeatedly

caught up with her and shouted at her to come with him. Both these attacks and the incident no. 23 led to the assailant being convicted by court order with immediate effect. His behaviour was categorized as felony Defamation of a Nation, Race, Ethnic or Other Group of People per Section 355 Paragraph 1 letter a), of Violence Against a Group and Individuals per Section 352 paragraph 1, of Disorderly Conduct per Section 358 Paragraphs 1 and 2 letter a), and Extortion per Section 175 Paragraph 1 Criminal Code. He was given a suspended sentence of eight months in prison, suspended for a probationary period of 18 months.

25. "GADJE TO THE GAS CHAMBERS"

June 2017, The Ústí Region

Status: First-instance verdict in effect

Bias motive: Skin colour

Form of incident: Verbal assault, intimidation or threats

After a Romani man was shot dead by a non-Romani man in Chomutov (incident 22), interethnic tensions there significantly intensified. That was demonstrated by various bias attacks that can be considered revenge, given their targeting. Specifically, this involves an assailant shouting at a man unknown to him "Gadje [non-Roma] to the gas chambers!", and "The Gypsies will rise up and kill the whites! It's all for that dead Gypsy man, shot dead." Police investigated. For this and incidents number 23 and 24, the assailant was convicted by court order with immediate effect. His behaviour was categorized as felony Defamation of a Nation, Race, Ethnic or Other Group of People per Section 355 Paragraph 1 letter a), of Violence Against a Group and Individuals per Section 352 paragraph 1, of Disorderly Conduct per Section 358 Paragraphs 1 and 2 letter a), and Extortion per Section 175 Paragraph 1 Criminal Code. He was given a suspended sentence of eight months in prison, suspended for a probationary period of 18 months.

26. ASSAULT ON A POLICE OFFICER

August 2017, The Ústí Region

Status: First-instance verdict in effect

Bias motive: Skin colour

Form of incident: Verbal and physical assault, intimidation or threats

The assailant got drunk at a party and argued with his wife about infidelity. After that he assaulted police officers intervening against them in public by attempting to head-butt one of them. The officer avoided the blow and arrested the assailant. Prior to that the assailant had shouted racist abuse at the officers, such as “White fuckers” or “White swine”. He had been previously convicted of felonies more than once. The court order has taken effect and found the assailant guilty of Violence Against a Public Official per Section 325 Paragraph 1 letter a) and Defamation of [a] Nation, Race, Ethnic or Other Group of People per Section 355 Paragraph 1 letter a) Criminal Code. He was sentenced to eight months in prison, conditionally suspended for a probationary period of 18 months.

27. ABUSE AND THE NAZI SALUTE

December 2017, The Ústí Region

Status: First-instance verdict in effect

Bias motive: Skin colour, ethnicity/nationality (Romani)

Form of incident: Verbal assault, other (giving the Nazi salute)

A 23-year-old man assaulted a man and a woman, first on the street and then in front of a restaurant, by giving the Nazi salute and shouting abuse like “black swine” or “You black mug”, or “You black fucker, what’s your problem?” He was found guilty by court order which has taken effect; the substantive merits corresponded to Disorderly Conduct per Section 358 Paragraphs 1 and 2 letter a), Expressing Sympathies for a Movement Aiming to Suppress Human Rights and Freedoms per Section 404 and Menace under [the] Influence of [an] Addictive Substance per Section 274 Paragraphs 1 and 2 letter a) Criminal Code. The court sentenced him on all charges to

one year in prison with conditional suspension of five years under supervision of a parole officer.

28. ATTACK ON TWO MEN

May 2017, Liberec Region

Status: Second-instance verdict in effect

Bias motive: Homelessness

Form of incident: Verbal and physical assault, homicide/murder

A 28-year-old drunken man assaulted two homeless men. The attack was witnessed by a friend of the perpetrator whom police did not charge. We believe the perpetrator chose his victims on the basis of their social status and that this is therefore BV. There is no other motivation, as the verdict also mentions. Another fact is the eyewitness claim that the assailant disliked homeless people and that he had witnessed the defendant strike a homeless person before for no reason. That is confirmed by the fact, listed in the verdict, that the assailant was already suspected of having committed a misdemeanour when he shoved a homeless man and caused him a head injury. That matter was shelved. The man’s attack on the two homeless men was very aggressive, first punching one of them in the head, knocking him to the ground and then kicking him in the chest and head more than once, causing him fracture of the occipital bones, bruising of the frontal lobes, fracture of the orbit, spectacle hematoma and hematoma of the face, fractures of the ribs and abrasions on the lower back. These serious injuries were assessed by a medical expert as damage to a vital organ, requiring professional medical treatment and hospitalization of the victim for more than two weeks. The assailant next attacked the second victim by pushing him to the ground, lifting him up by his shoulders to knee-level and then abruptly striking him against the sidewalk, after which he kicked him twice with great force in the head and chest, causing him head injuries with trauma to the brain and bleeding under the dura mater and the omaculosa that required immediate medical intervention and hospitalization of the victim in intensive care where, despite all the aid provided him, he died as a consequence of the

injuries. The second-instance court handed down a verdict that has taken effect. The assailant was found guilty in the first attack of Grievous Bodily Harm per Section 145 Paragraph 1 and Disorderly Conduct per Section 358 Paragraph 1 Criminal Code and in the second attack was found guilty of Grievous Bodily Harm per Section 145 Paragraphs 1 and 2 letter g) and Paragraph 3, as well as Disorderly Conduct per 358 Paragraph 1 Criminal Code. He was sentenced to 11 years in prison."

29. "RIP IT OPEN"

August 2017, Hradec Králové Region

Status: First-instance verdict in effect

Bias motive: Skin colour, ethnicity/nationality (Czech)

Form of incident: Verbal assault, intimidation or threats

"No white swine will be allowed to do anything to the Gypsies," said a man whose son had allegedly assaulted another man, causing him facial injuries. The speaker also shouted racist threats to the effect that he should "stomp your head in or rip it open with a knife" speaking of the victim as a "white swine" or a "Czech fucker". The court convicted him of Instigation of Hatred towards a Group of People or of Suppression of their Rights and Freedoms per Section 356 Paragraph 1 Criminal Code to a conditional sentence of eight months in prison, suspended for a probationary period of 18 months.

30. BIASED SON-IN-LAW

November 2017, Hradec Králové Region

Status: First-instance verdict in effect

Bias motive: Skin colour, ethnicity/nationality (Romani)

Form of incident: Verbal assault, intimidation or threats

A son-in-law assaulted his father-in-law because of his Romani nationality, publicly and repeatedly insulting him in front of at least three people by saying: "Black fucker, black swine, black asshole, to the gas chambers with you, you black fucker." The assailant was convicted and the verdict has taken effect by court order for committing

Dangerous Pursuing per Section 354 Paragraph 1 letters b) and c), Breaking and Entering per Section 178 Paragraphs 1 and 2, Defamation of a Nation, Race, Ethnic or Other Group of People per Section 355 Paragraph 1 letter a) and Disorderly Conduct per Section 358 Paragraph 1 Criminal Code. He was sentenced on all counts to one year in prison, conditionally suspended for three years.

31. "FULL BUCKET"

July 2017, Southern Moravia Region

Status: First-instance verdict in effect

Bias motive: Ethnicity/nationality (Arab)

Form of incident: Verbal assault

A photograph of a baby was shared to the FB page called "WeAreHereAtHome" who had been born in the CR and was described as being of Kurdish and Vietnamese origin. The photo was copied from a regional daily that regularly publishes news of births. Beneath the post with the photo, many biased commentaries were posted, such as: "These monsters, get them out of here!!! The best would be to Africa.", and "Fuck, they're already multiplying, it's in the shitter now!" The child's mother was afraid for herself and her family as a consequence of the attacks and decided to move away from the small town where she had been living. She reported the threats to the police, who began criminal proceedings against a 61-year-old woman for committing Instigation of Hatred Against a Group of People or of Suppression of their Rights and Freedoms per Section 356 Paragraphs 1 and 3 letter a) Criminal Code. The prosecutor and court agreed with that charge. She was convicted for posting "He has no business being here, if I were the obstetrician, I'd have a full bucket by mid-morning," to a conditional sentence of 12 months in prison with a probationary period of four years and required to pay non-pecuniary damages of CZK 5 000. She did not object and the court order has taken effect. She has not yet paid the damages.

32. INSULTS ON A BUS

April 2017, The Olomouc Region

Status: Second-instance verdict in effect (acquittal)

Bias motive: Ethnicity/nationality (Romani)

Form of incident: Verbal assault

A group of Romani children was travelling with their chaperones and teachers on a bus provided as substitute transportation for a train line that was out of order as they were returning from celebrating International Romani Day. When the supervisor of the group politely asked the driver whether it would be possible to make a bathroom stop, the driver reacted by insulting them: "You're spoiled, you want everything for free, the entire Czech Republic has to work so you can be well off." He made these and other insults over the course of dozens of minutes so loudly that other passengers heard them. The entire situation was experienced by the Romani passengers as very stressful and undignified. After being repeatedly asked to stop, the driver did so 100 meters away from a gas station, commenting that "I hope you shit yourself on the way." Another passenger stood up for the small group of Romani children but the conductor on the bus did not respond. One of the victims addressed the matter first by filing a complaint with Czech Railways, which apologized for the bus driver's behaviour, but did not discipline him, claiming that there was no evidence against him and that he was an employee of a different transportation company. The injured party, therefor, decided to file a crime report against the assailant, who was charged with Defamation of a Nation, Race, Ethnic or Other Group of People per Section 355, Paragraph 1 letter b) Criminal Code and subsequently sentenced to a conditional prison sentence of four months, suspended for 15 months. He appealed to the Regional Court, which acquitted him, justifying the decision by claiming that the driver's actions did not constitute a felony.

33. CHURCH BURNED DOWN

August 2017, Moravian-Silesian Region

Status: Second-instance (High Court) verdict in effect

Bias motive: Religion (Christianity)

Form of incident: Arson attack

A wooden church was set on fire by three juveniles who used three PET bottles full of gasoline to commit the arson. The attack can be considered motivated by bias against Christianity. The attackers apparently were imitating arson attacks on churches committed in Norway 25 years ago. One perpetrator knew of those attacks and mentioned them, and an eyewitness said that one of the attackers had confided to him that he had been listening to a Swedish metal band singing about burning down churches and believed the perpetrator had been inspired by that fact. A court expert analysed these findings and associated the band identified with Satanism and the meaning of setting wooden churches on fire as being revenge against Christians for building them on holy pagan ground. According to the expert, it could not be ruled out that the accused was familiar with the issue and may have been inspired by those events, based on his answer to a direct question during expert investigation. Another expert witness further stated that the attacker was clearly interested in literature featuring extremist ideology. The notion that an inclination to extremist ideology could have been a motivating factor is also mentioned in the concluding assessment of the prosecutor, but neither a bias motivation nor the extremist nature of the crime was considered by either the charges or the verdict. The first attacker was convicted of especially serious felony Public Menace per Section 272 Paragraphs 1 and 2 letter c) Criminal Code and sentenced to nine years in prison without the possibility of parole. The second attacker was convicted of Public Menace per Section 272 Paragraphs 1 and 2 letter c) Criminal Code to three years and six months in prison without the possibility of parole. The third attacker was sentenced for abetting the especially serious Public Menace per Section 272 Paragraphs 1 and 2 letter c) Criminal Code to eight years in prison. All three were instructed to pay property damages totalling CZK 198 949.

34. FLASHING

October 2017, Moravian-Silesian Region

Status: First-instance verdict in effect

Bias motive: Skin colour, ethnicity/nationality (Romani)

Form of incident: Verbal assault, other (exposing genitals)

Three co-workers went to a Hruška shop to buy a snack and were waiting in front of their car afterward. A man staggered out of a pub, walked over to them and began to ask one of them what they were doing there. The assailant then joined the conversation and began speaking German. After a moment he focused on one of the colleagues whom eyewitnesses testified is Romani. The assailant spoke German to him and discussed the Nazi past while showing him symbols on his belt and ring. During the attack he shouted abuse such as "Gypsy!", "What do you want here you nigger, you black mug, you black filth?" The victims did not want to listen to him and got into their car. The attacker prevented them from driving away by jumping around the car, leaning on the hood, giving the Nazi salute and shouting more abuse. He topped it all off by pulling down his pants, taking out his penis and pressing it onto the driver's side window. One of the victims recorded this behaviour using his mobile telephone and called the police. One of the women present says she was offended and suffered psychological harm as a consequence of the attack. The assailant was convicted of committing this attack and another one and the verdict has taken effect. He was found guilty of Disorderly Conduct per Section 358 Paragraph 1, Bodily Harm per Section 146 Paragraph 1 Criminal Code and Dangerous Threatening per Section 353 Paragraphs 1 and 2 letter c) to a sentence of 22 months in prison without possibility of parole. Bias motivation was not taken into consideration by the court.

35. "SET THE ARAB GUYS ON FIRE"

March 2017, Zlín Region

Status: Second-instance (High Court) verdict in effect

Bias motive: Ethnicity/nationality (Arab)

Form of incident: Arson attack

A 26-year-old man was convicted of committing several attacks against foreign nationals, at least two of which involved bias motivation. The perpetrator is said to have first set down a 20-liter canister of gasoline near a fast-food outlet while carrying a kitchen stove lighter. He admitted to local police that he was there to "set the Arab guys on fire". The prosecutor indicted him for Violence Against a Group and Individuals per Section 352 Paragraph 2 Criminal Code. The next attack was committed three days later, when the attacker broke into a room occupied by a foreign national and used his fists and a metal bar to beat him on the body and head (further described below as incident 36). His final attack was the most serious but was most probably not committed with bias motivation. The perpetrator was in the role of accomplice when, along with a friend, they assaulted a foreign national who allegedly owed the friend money. As an accomplice, he filmed the interaction and encouraged his friend, who threw the victim into a fishpond, beat him up there, and held him underwater so long that he died as a consequence of his injuries. For that behaviour he was indicted by the prosecutor for Incitement to a Criminal Offense per Section 364 Criminal Code. The actions of the main perpetrator were categorized as felony Murder per Section 140 Paragraphs 2 and 3 Letters i) and j). The case was reviewed by the Olomouc branch of the Regional Court headquartered in Ostrava, where verdicts were handed down against both men. The appeals court (the High Court) handed down a verdict in the matter of the drowning in the fishpond and returned both of the bias crime cases to the Regional Court for further review. That court eventually decided to halt the criminal proceedings in both matters with the explanation that the punishment that could be handed down for those charges was absolutely meaningless compared to the punishment that had already taken effect against the defendant by the High Court ruling, which sentenced him for abetting attempted Murder to nine years in prison without the possibility of parole in a maximum-security prison. He was also instructed to attend anti-alcohol and anti-drug treatment while in custody.

36. NEIGHBOUR OF A FRIEND

March 2017, Zlín Region

Status: Second-instance verdict in effect

Bias motive: Ethnicity/nationality (Arab)

Form of incident: Verbal and physical assault, intimidation or threats

The assailant attacked a man who was staying in the home of a friend of his, in the living room. He broke into the room without permission, abused the man and demanded that he leave the house. While the man was still lying on the bed, the perpetrator repeatedly punched him in the head, as a consequence of which the victim fell to the floor, which did not deter the assailant from continuing the attack. The victim managed to exit the room and said he would call the police. Outside, in front of the house, he realized he had left his mobile telephones in the room, so he returned for them, first stopping by the room of the assailant's friend, where he was again attacked by the assailant, who ran at him without warning and kicked him downstairs, then grabbed a metal bar that had been used to dig up a boiler and beat the victim all over his body. The victim attempted to escape but was apprehended in front of the house, where the attacker beat him on his back and head and demanded the keys to the house from him because he said he was "not going to put up with Afghans, Turks and vermin". When the victim gave him the keys, the attacker stopped the beating. The victim sustained many bruises, abrasions and fractures of the nasal bones and ribs. The perpetrator's behaviour was categorized by the prosecutor in the indictment as Breaking and Entering per Section 178 Paragraph 1, Theft per Section 205 Paragraph 2 and felony attempted Extortion per Section 175 Paragraphs 1 and 2 Letters c) and f) and Paragraph 3 Letter a) Criminal Code. For these and other actions the perpetrator was sentenced to eight years in prison without the possibility of parole and to custodial treatment against using alcohol and drugs. The appeals court (the High Court) instructed that the proceeding in this case be returned to the Regional Court for review and that the perpetrator be sentenced for attempted murder to nine years in prison without the possibility of parole as described in more detail in incident No 35. The Regional Court then halted the perpe-

trator's prosecution for the above-described xenophobic attack and other bias crimes because the punishment that could have been handed down would have been insignificant compared to the sentencing already imposed.

37. THREATS AGAINST BEREAVED SURVIVORS (A)

June 2017, Unknown region

Status: First-instance verdict in effect

Bias motive: Ethnicity/nationality (Romani)

Form of incident: Verbal assault, intimidation or threats

The attacker participated in a public discussion online beneath a video recording that was posted by a bodybuilder to his personal profile on Instagram in which the bodybuilder approved of the commission of felony Murder and threatened "Gypsies" with death. The attacker wrote from his own profile as follows: "I'd give it to him, well, yeah, the fucking gyppos, I'd put them into a hole [ungrammatical] and fill it in with concrete." A court order has taken effect in this matter instructing the perpetrator to pay CZK 10 000 for committing Instigation of Hatred towards a Group of People or of Suppression of their Rights and Freedoms per Section 356 Paragraphs 1 and 3 Letter a) Criminal Code.

38. THREATS AGAINST BEREAVED SURVIVORS (B)

June 2017, Unknown region

Status: First-instance verdict in effect

Bias motive: Ethnicity/nationality (Romani)

Form of incident: Verbal assault, intimidation or threats

The attacker participated in a public discussion online beneath a video recording that was posted by a bodybuilder to his personal profile on Instagram in which the bodybuilder approved of the commission of felony Murder and threatened "Gypsies" with death. The attacker wrote from his own profile as follows: "We'll murder them with a double-edged blade, right?" A court order has taken effect in

this matter instructing the perpetrator to pay CZK 10 000 for committing Instigation of Hatred towards a Group of People or of Suppression of their Rights and Freedoms per Section 356 Paragraphs 1 and 3 Letter a) Criminal Code.

39. THREATS AGAINST BEREAVED SURVIVORS (C)

June 2017, Unknown region

Status: First-instance verdict in effect

Bias motive: Ethnicity/nationality (Romani)

Form of incident: Verbal assault, intimidation or threats

The attacker participated in a public discussion online beneath a video recording that was posted by a bodybuilder to his personal profile on Instagram in which the bodybuilder approved of the commission of felony Murder and threatened "Gypsies" with death. The attacker wrote from his own profile as follows: "I agree with you, I see what these black cunts do just here in our neighbourhood in just get 'em." A court order has taken effect in this matter instructing the perpetrator to pay CZK 10 000 for committing Instigation of Hatred towards a Group of People or of Suppression of their Rights and Freedoms per Section 356 Paragraphs 1 and 3 Letter a) Criminal Code.

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