



## Report on Hate Violence in the Czech Republic during 2014

### In IUSTITIA

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In IUSTITIA, o.p.s.

In IUSTITIA, o.p.s. has dedicated itself to aiding hate crime victims and preventing hate crime since 2009. It is the only counseling center specifically devoted to this topic in the Czech Republic. The organization currently works in four cities: Brno, České Budějovice, Kladno and Prague. It implements a fieldwork program and its services may be provided to clients at home upon request. In 2015 In IUSTITIA began providing legal and social counseling in the country's first-ever mobile counseling center to homeless women. The organization currently employs 15 men and women.

Victim services are provided free of charge anywhere in the Czech Republic and include legal and social work consultations by telephone, in person and online, as well as representation before the courts. In IUSTITIA is a registered social services provider and is accredited to provide legal information. In IUSTITIA contributed to the creation of the Crime Victims Act and currently is focusing on optimizing this legislation. In July 2015 the organization commented on an amendment to the law.

Since 2010 In IUSTITIA has consistently also dedicated itself to monitoring hate crime. The group informs the public of the causes, consequences and forms of hate crime and considers this to be one of its crucial roles as an NGO. Its approach to the state of affairs with respect to hate crimes is constructive, but critical. The group proposes both legislative and practical recommendations on hate crime to the Government.

In IUSTITIA is implementing several educational programs. The group is concentrating primarily on deepening the knowledge and skills of the professionals who come into contact with hate crime victims, especially particularly vulnerable victims. These trainings are designed for police, social workers and teachers. In IUSTITIA has published several expert publications. In 2014 it released a collection on the topic of sexual violence entitled *Sexuální násilí. Proč se nikdo neptá?* (Sexual Violence: Why is Nobody Asking?)

The activity of In IUSTITIA was awarded the prize of the ERSTE Foundation for Social Integration in 2013 and the SozialMarie Prize in 2014 for contributions to social innovation. The founder of the organization, Klára Kalibová, was given the Alice G. Masaryk Award for contributions to human rights in 2014.

The organization's education program, monitoring work and victims' program can be supported through one-time or ongoing gifts to account number 440 660 440/2010 or by providing free services to the group. For more information, please visit [www.darujpomoc.cz](http://www.darujpomoc.cz) or write to [dary@in-ius.cz](mailto:dary@in-ius.cz).

## **Acknowledgments**

We would like to thank everyone who made this report possible.

First and foremost we thank everyone who has been affected by hate crime and decided to report these incidents to us. We know it was not easy for you. We believe that together we will succeed in drawing attention to the state of prejudicial violence in the Czech Republic.

We thank the Police Presidium of the Czech Republic for providing essential statistical data on hate crime. Irreplaceable aid was provided to us by the very willing press spokespeople and representatives of the courts, police, and selected state prosecutors. We are aware that they invested no small amount of energy into answering our inquiries and that it is primarily due to their engagement and willingness that we have been able to trace and verify most of the incidents reported to us.

Thanks go to our colleagues from community organizations and the NGO sector who aid us in tracking down hate crime incidents and raise awareness among their clients that they can defend themselves against hate crime. An irreplaceable role in monitoring hate crime within the Romani community has long been played by the ROMEA organization which, in addition to individual incidents, also dedicates itself to clarifying erroneous or false information about the Romani community and monitoring hate demonstrations.

We thank all our colleagues who as part of their usual responsibilities have spent time augmenting our database and commenting on our reports.

Last but not least we thank the Erinnerung, Verantwortung und Zukunft Stiftung, which has supported our monitoring work and the creation of this report.

## Structure of the report, main findings

This report is comprised of five chapters. In the first chapter we define hate crime and describe the forms it takes. Because this concept is not part of the customary vocabulary in the Czech language, we will illustrate its meaning using examples of the specific situations that the victims of hate violence experience. Hate crime is related to other concepts such as anti-Semitism, homophobia, Islamophobia, political extremism, racism, transphobia and xenophobia.

The second chapter discusses how hate crime is anchored in the Czech legal order. It touches on its conceptualization and specific problems that make victims' access to justice more difficult, as well as the overuse of the hate crime concept by criminal justice authorities. Last but not least, significant court decisions related to hate crime in the Czech Republic are reflected on.

The third chapter documents the hateful mood of Czech society today. Here we are primarily emphasizing incidents that do not fall under the category of hate crime but which are closely related to it given their character and intensity. Here we presume that inter-group tensions and the stigmatization of certain groups in society conditions the occurrence of hate crime. These incidents have been divided into six groups, each of which corresponds to the type of actor relevant to the issue. Those are: Local governments, the media, ordinary citizens, political representatives, the security forces, the far-right and the media.

The remaining two chapters are fully dedicated to hate crime monitoring in the Czech Republic for 2014. We first illuminate the methodology governing our identification and verification of incidents. The main sources of data are described, as are the analytical tools appropriate to them and the limitations evaluated as significant for these procedures. In the following chapter we present our conclusions from our analysis of the qualitative and quantitative data including a description of individual incidents.

### Main findings:

- During 2014 a total of **86 hate incidents were recorded**. Of these, 47 were strongly verified, 35 were weakly verified, and four were never verified.
- **In IUSTITIA identified 49 incidents total, while police identified a total of 71 for 2014**. Some of the incidents from police sources, however, have not been included in the database for various reasons.
- In IUSTITIA most frequently learned of hate violence **from the victims themselves** (19 incidents) or through **their own online research** (16 incidents). Prosecutors did not report any hate crime incidents for 2014.
- Of all the recorded incidents, **police demonstrably clarified a hate motivation only in 51 % cases** (44 incidents).

- **In 11 cases the police were informed of a hate motivation without investigating the incidents as hate incidents for various reasons.**
- From the standpoint of age, citizenship and gender, **the typical hate crime victim is a man between 25 and 45 who is a Czech citizen.**
- **Most hate assaults were motivated by ethnicity/nationality (41 incidents) in 2014.** The next most frequent motivation was religious affiliation (14), skin color (8) and a minority sexual identity (7).
- **Those most at risk of becoming hate crime targets in 2014, based on the incidents reported, are persons of Romani ethnicity/nationality (34) and persons of the Muslim religion (10).** Together, they comprise a total of 51 % of the victims of all hate incidents. This confirms the hypothesis that the more stigmatized a certain social group is the more hate attacks will target its members.
- Especially for Muslims there is a strong warning trend at work. **There is no doubt that the growth of Islamophobia is one of the most significant trends of 2014.**
- **The situation of Romani victims and homeless victims is, however, no less important.** While in the former case the public's attention has been overshadowed by the topic of migration from Arab countries, and in the second case the number of reported attacks did not exceed five incidents, these are both very endangered groups when it comes to hate crimes.
- For all three kinds of victims there is a **strongly alarming trend on the part of some local administrations and political representatives to use repressive 'solutions'** which not only fail to address hate crime but have the tendency to increase the likelihood it will occur.
- The identity of the perpetrator was ascertained in just 40 of these incidents. **The perpetrator was demonstrable a member of the far-right in a mere 17 cases.**
- **The most frequent forms of hate violence are verbal attacks (present in all 47 incidents), physical attacks (in 27 incidents) and intimidation or threats (in 20 incidents).** Frequently these forms occur in the same case.
- **Most hate incidents occurred in the capital, Prague (27), the Ústí Region (10 incidents) and the Moravian-Silesian Region (10 incidents).**
- **The cities most afflicted by hate violence, besides Prague, are Brno (six incidents) and Havířov (five incidents).**
- **Most of these hate attacks occurred either in publicly accessible places (30 incidents) or online (23 incidents).**
- **Most of these incidents occurred during the second quarter (32) and the fewest occurred during the first quarter (14).**

- **Setting aside the attacks perpetrated online, most attacks are perpetrated between 18:00 and 06:00 of the following day (39 %).** For almost one-third of these incidents, however, the specific time remains unknown.

## 1. Introduction

Hate violence poses a **basic challenge to any democratic society**. Attacks sparked by prejudices and stereotypes do not just endanger their immediate victims, but all of society, which is based on the idea of human rights and the values of equality, freedom and solidarity.

For victims, hate violence is particularly damaging and stressful as it directly involves their personal identity. The perpetrators have chosen to attack the victims not because of their actions or deeds but because of who they are or what group the perpetrator believes they belong to. Hate violence generates **fear**. Not only does it frighten the direct victims and their loved ones, but frequently other members of the group attacked live in fear that more harm will be caused to them.

For society as a whole, such fear is malignant because it destroys mutual trust between communities. When incidents of hate violence are not properly investigated and punished, the ties between the attacked community and the broader society are weakened, including ties with state institutions. Mutual estrangement presents **fertile ground for the growth of the prejudices and stereotypes that condition hate violence**. If tensions are not resolved between groups in time, they can escalate into a state of open violence.

In the Czech Republic, while there has not been an active, serious extremist movement for some time, **hate crime rates are not decreasing**. There is a need to acknowledge that the people responsible for hate violence are no longer extremists or neo-Nazis from a subculture. The number of assailants from the ranks of the ordinary population is growing. The public, through its apathy or its open agreement, provides these attackers with the necessary energy they need to perpetrate their assaults. Intolerance gradually becomes good currency among the dissatisfied and unsuccessful.

The year 2014 did not feature any large-scale attacks or violence that would have shaken the public. We encountered a hard-to-grasp, subtle animosity and bullying apparent primarily in the campaign prior to the European Parliamentary elections, through the media's depiction of Romani people and, a new occurrence, of Muslims, and in the amount of verbal incidents that persons at risk of hate crime were forced to face. It is this precisely this atmosphere however that is the fertile ground for concrete, physical assaults. Another component of this state of affairs is the widespread societal disrespect for decisions made by the EU institutions and the European Court of Human Rights.

**Media and social networking sites** continue to wield an increasingly significant influence over the development of hate crimes that shift the borders, in an important way, of what is acceptable in society. The media customarily defend themselves through the false argument that they are just depicting reality. It is apparent that this reality is defined by what a specific journalist wants to communicate to listeners or viewers. An example of how far the media are capable of pushing the envelope on public

debate is not just the topic of accepting refugees (which has escalated in particular during mid-2015) but primarily the topic of coexistence between the majority and Roma.

The victims and the very topic of hate crime are subjected to the **bystander effect** - with few exceptions, no one else is interested in them or these incidents. Hate violence is not a topic investigated by any research institutions; the academic sphere is failing to produce original research on this topic and primarily does not consistently introduce the topic of hate crime into compulsory education, as it also fails to introduce the topics of diversity, respect and tolerance. The general acknowledgment of the causes, manifestations and repercussions of hate crime is insufficient.

For communities and their hate crime victims, **law enforcement** remains invisible, with a few exceptions. By contrast the feeling of injustice that accompanies each unprosecuted or unsolved case of prejudicial violence significantly influences the trust felt by groups at risk of hate crimes in the justice system and the public administration. It is crucial that representatives of the public administration always make it apparent that there is no place for hate crime in the Czech Republic. The topic of criminal activity committed out of hatred must permeate the practice of criminal justice authorities in the form of applied trainings, expert debates and research - otherwise it will be difficult to expect any correction of this situation.

**The role of police** is irreplaceable in relation to hate crime. Besides performing effective investigations, police have been tasked with performing a support role by the Crime Victims Act. An example of good practice in this regard is the activity of crisis interveners. It is crucial that the police promote a multidisciplinary approach to aiding hate crime victims and take advantage of the services offered to victims by the non-governmental sector.

Apparent limits, however, are also evident from the side of **civil society**. The Czech Republic lacks organizations that would systematically dedicate themselves to long-range hate crime prevention and watchdog activities.

In 2014 this role was partially taken up by the Czech Government's **Hate Free Culture campaign**, which focuses on raising the topic of hate crime and on educational activities and hate crime prevention activities designed for professionals. It is also necessary to appreciate the many local groups who block displays of intolerance.

Hate crime victims' access to justice is limited. First and foremost there is an apparent **lack of service providers** specifically dedicated to this issue. The only provider of services to hate crime victims specifically focused on the topic of hate violence is In IUSTITIA. The extent of the services provided is restricted by financial resources and legal limitations. In 2014 it was possible, for the first time ever, to make use of a subsidy scheme to benefit crime victims managed by the Justice Ministry. Currently,

however, the majority of domestic and European subsidy programs do not facilitate the provision of legal aid or representation for hate crime victims before the courts. This limits in a significant way the rights of those who have become hate crime victims but do not have enough resources to access legal aid.

The topic of hate crime deserves intensive attention from us all. The unequivocal **challenge for the upcoming period** is to answer the questions of to how we are going to live together in a changing world, how we will prevent hate crime, how we will respond to it, and how we will help those targeted by it. Each and every one of us can influence whether we go down the path of hatred or the road of respect. Initially all it takes is to think critically about each display of animosity and intolerance, those that are available at every turn here in the form of supposedly 'reliable information' about hated groups. We wish you all courage, persistence, and steady nerves.

## 2. Hate violence – definition of concepts

Hate violence is **any attack motivated by prejudices and stereotypes about a certain group of people**. This violence can be perpetrated either physically or verbally, online or on the street, with or without weapons (see Table 1). A specific person or his/her property becomes the target of this violence not because of personal experience with the individual perpetrator(s), but on the basis of an actual or perceived affiliation with a group. This affiliation is recognized by the perpetrator according to certain group characteristics that are either unchangeable or for which it would not be fair to require that the person change them (Table 2). In this sense, hate violence is always symbolic. Through the choice of victims, a message is sent to the broader society about which groups do not belong in that society.

**Table 1 Forms of hate incidents**

Verbal attack
Intimidation or threats
Attacks online (including through social networking)
Physical assault
Rape or sexual assault
Homicide/murder
Arson attack
Attack with explosives
Attack on property (damaging buildings or things)

**Table 2 Motivation for perpetrating hate violence**

Skin color
Ethnicity or nationality
Sexual identity or orientation
Religious faith (including having no such faith)
Age

Political conviction
Membership in a subculture
Disability
Drug use
AIDS/HIV positivity
Homelessness

Hate incidents do not occur in a cultural or social vacuum. On the contrary, the social context determines their occurrence. Various groups have various prejudices and stereotypes about other groups. While in one place a group may be perceived negatively, in another place the same group may be perceived as ordinary. What hate crime victims frequently have in common, however, is a **disadvantaged position in society**. Hate violence customarily harms those who are members of socially stigmatized groups. Their greater vulnerability can support potential perpetrators in their decision to perpetrate an attack because they believe they will enjoy impunity for so doing.

Hate violence flows from a deeply-rooted intolerance of difference in Czech society. Discrimination against certain social groups is generally accepted or ignored to such an extent that some people involved in the investigation and prosecution of hate crime are frequently not themselves aware of the inappropriateness of their own actions in this respect. They cannot discern when they themselves are treating the hate crime victim inappropriately, and this negatively impacts the willingness of victims to report these assaults. Given the important role played by those involved in criminal proceedings when it comes to mapping the state of hate violence in Czech society, this fact is especially serious and requires a comprehensive, immediate response.

This limited capacity to investigate certain incidents with respect to hate motivation and to adequately classify them according to that motivation not only contributes to a lack of familiarity on the part of civil society, interested citizens and the public administration with the character and extent of hate violence, it also undermines law enforcement in this area. This is not just about cases where a hate motivation is not recognized and therefore not taken into account during indictment, prosecution and sentencing. It is equally problematic when such motivation is erroneously attributed to a perpetrator (see Chapter 2: Hate violence and the law).

When evaluating an incident as one of hate violence it is not enough for the perpetrator and the victim to come from different social groups. While this information may aid in ascertaining whether hate

violence is at issue, especially when the victim might be affiliated with an endangered group or when the perpetrator espouses a movement aiming to suppress human rights and freedoms, in and of itself this fact does not mean anything. In practice, such a case is illustrated by this example:

- **Example No. 1:** *An ethnic Czech physically assaults a Romani man on the street late in the evening to take his money. During the mugging he says: 'Hand it over, you black filth!' While this remark is racist, this is not a case of hate violence. The circumstantial evidence indicates that this is felony robbery. This would be hate violence if it could be proven that the perpetrator had randomly mugged this particular Romani man, for example, in order to revenge the 'welfare fraud' he attributes to the Roma as a whole. In such case his personal enrichment would not have been the aim, just a means to an end. The perpetration of this crime was conducted out of a different motivation than hatred, i.e., a mercenary one.*

Many concepts are related to that of hate violence. Terms such as **anti-Semitism, homophobia, Islamophobia, transphobia, racism** or **xenophobia** are regularly used to explain the motivations of perpetrators of hate violence, or the kind of social group targeted by the violence. These concepts, however, include not just hate violence but also **discrimination**. The difference between these two expressions can be defined with respect to their legal classification. While hate violence is especially a matter related to criminal law, which describes individual attacks aiming to suppress the human rights and freedoms of a group or individual members of the group, discrimination falls under anti-discrimination law and the relevant statutes of civil law proceedings.<sup>1</sup> This is specifically demonstrated by the following example:

- **Example No. 2:** *A small group of gays enters a restaurant in a small town in South Bohemia. The waiter refuses to serve them, saying: 'We don't serve faggots.' Another customer joins in, saying: 'Get out of here, fags, or you're going to get hurt!' Which of these remarks meets the definition of discrimination and which meets the definition of hate violence? While the words of the customer unequivocally threaten violence which the victims are being subjected to because of their sexual orientation, the waiter's statement includes no such threat. In his case, this is discriminatory treatment. Only the customer's behavior constitutes hate violence.*

Another important concept is that of **political extremism**. Even though hate violence is frequently spoken of as extremism, these concepts are not identical (see Kalibová 2012, 2010; Mareš 2011). While extremist violence is perpetrated in the interest of non-democratic political ideologies, hate incidents do not necessarily follow such aims. It does not apply, therefore, that every perpetrator of hate violence is also an extremist and every extremist is a perpetrator exclusively of hate violence. Extremists comprise

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<sup>1</sup> The Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe also defines hate crime as a criminal law matter (see ODIHR 2009: 15).

just some of the perpetrators of hate violence. Some sources point out that extremists are a minority of such perpetrators.<sup>2</sup>

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<sup>2</sup> Several pieces of research undertaken in the Czech Republic show that extremists are a minority of those who perpetrate hate attacks; see, e.g., Štěchová 2004.

### 3. Hate violence and the law

In this chapter we focus on the framework introduction of the legal norms demarcating the substantive framework for hate violence, the procedural position of hate crime victims, and rights of the victims over and above that process. This chapter is also dedicated to identifying barriers in practice that restrict victims' access to justice. These obstacles have been identified on the basis of In IUSTITIA's extensive work. Last but not least, we discuss significant court decisions in matters of hate crime. Two of the three decisions on such cases handed down by the Czech Constitutional Court are cases that were brought by In IUSTITIA.

#### 3.1 The conceptualization of hate violence in Czech law

##### 3.1.1 Criminal Code

Hate crimes in the Czech Republic are defined by the individual merits of a case as prescribed by Act No. 40/2009, **Criminal Code**. During 2014 no changes were made to that law.<sup>3</sup> According to the applicable legislation, those who are to be **explicitly protected** from hate violence are only persons attacked on the grounds of their 'race'<sup>4</sup>, **ethnicity, faith** (or lack thereof) **nationality** or **political convictions**. The crime per Section 356 of 'Inciting hatred against a group or the restriction of their rights and freedoms' also protects **any other group** from attack. This regulation covers groups defined by health status, lifestyle, sexual orientation, etc. The provision for considering such motivation as a generally aggravating circumstance also counts on the notion of 'any other group'. At the level of qualifying facts, however, we do not find the concept of 'any other group' mentioned. This gives rise to an obvious disproportion between the protection afforded to persons attacked on the basis of their real or perceived ethnicity, faith, nationality or political convictions and the **lack of protection for persons attacked on the basis of their real or perceived health status, sexual orientation or social position**.

The concept of prosecuting prejudicially motivated behavior rests on three pillars:

##### A) Basic merits

The applicable Criminal Code recognizes three crimes with the basic merits of bias motivation. Should bias motivation be proven, the defendant can be found guilty of these crimes. Should it not be proven,

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<sup>3</sup> There is an extensive chapter on hate crime legislation in our Report on Hate Violence in 2011, which is available at: <http://www.in-ius.cz/dwn/zprava-o-nzn2011/report-web.pdf>.

<sup>4</sup> In Czech Police statistics, the following terms are used: 'black race', 'tan race', 'white race'. These are generally understood biologically or as a matter of typical appearance. Given the unsustainable nature of such concepts, In IUSTITIA is introducing the category of skin color instead of 'race', even though there are objections to that term as well. If there is the option to replace this category with another one such as ethnicity, nationality, or religious faith, In IUSTITIA will always prefer that variation.

the perpetrator will be acquitted or the behavior can be re-qualified as a different felony (most frequently disorderly conduct).

- Section 352 Violence against a group or individuals
- Section 355 Defamation of an ethnic, national, racial or other group of persons
- Section 356 Incitement to hatred of a group or incitement to restrict the group's rights and freedoms

Comparison of identical examples from the standpoint of motivation:

- *A group called 'Colorful World' is created for young gays in a small town. The office of the group has already been spray-painted with homophobic slurs several times. That all culminates in three members of the group being attacked as they take a trip together. Fortunately no one is physically injured. Police apprehend the assailants, but later shelve the case, saying there is no suspicion of a crime because there is no regulation that would facilitate their prosecution.*
- *A group called 'Hakoach' is created for young Jewish athletes in a small town. The office of the group has already been spray-painted with anti-Semitic slurs several times. That all culminates in three members of the group being attacked as they take a trip together. Fortunately no one is physically injured. Police apprehend the assailants and within three months have charged them with the criminal offense of 'Violence against a group or individuals'. The perpetrators face up to three years in prison.*

## **B) Particularly aggravating circumstances**

For selected crimes (e.g., the crimes of Murder, Grievous Bodily Harm, Property Damage, Abuse of the Powers of Public Official, etc.) the motivation of hatred is considered an aggravating circumstance. Should this motivation be proven, the length of sentencing is automatically increased by approximately one-third. The court is obliged to sentence the convict within that increased sentencing range. Should bias motivation not be proven, the defendant can only be convicted of the crime at issue.

Comparing identical examples from the standpoint of motivation:

- *Jan uses a wheelchair. Today he was attacked on his way to work by a band of teenagers who shouted: 'You cripple, try to catch us' and 'You're handicapped and belong in the gas chambers.' They then pushed him out of his wheelchair and kicked him. He has suffered a broken arm and serious psychological harm. Police evaluate the attack as Grievous Bodily Harm. The assailants face a maximum of between three and 10 years in prison.*
- *Jan is chair of the local Social Democratic Youth association. Today, on his way to work, he was assaulted by a band of teenagers who shouted 'You SocDem, stop doing politics and get a job'*

*and 'People like you belong in the gas chambers.' Then they knocked him over and kicked him. He has suffered a broken arm and serious psychological harm. Police evaluate the attack as Grievous Bodily Harm committed on the basis of political conviction. The assailants face a maximum of between five and 12 years in prison.*

### **C) Generally aggravating circumstance**

A generally aggravating circumstance is applied in cases where the merits of the specific crime do not involve any particular aggravating circumstance. The motivation of hatred cannot be attributed to the defendant more than once. The application of a generally aggravating circumstance involves the court sentencing the defendant to the full extent of the basic criminal sanctions allowed. The court takes into consideration any aggravating (or mitigating) circumstances and, according to its findings, hands down a punishment toward the upper limit of the basic sanctions allowed.

#### **3.1.2 Misdemeanor Act**

Less serious misdemeanors motivated by this behavior can be investigated as misdemeanors against civil coexistence. Act No. 200/1990 Coll., on misdemeanors, facilitates the assessing of a fine of up to CZK 5,000 against a person who causes someone else harm on the basis of the victim's real or perceived affiliation with a national minority, his or her ethnic origin, race, skin color, sex, sexual orientation, language, faith or religion, political or other sensibility, membership or activity in political parties or movements, labor organizations or other associations, social origins, wealth, family background, health status, marital or family status.

#### **3.1.3 Civil Code**

Victims of hate violence can also seek legal protection through a civil procedure. As of 1 January 2014, Act No. 89/2012, Coll. of the Civil Code took effect. The victims may, according to this new legislation, take advantage of the protections afforded for their natural rights to personality, life, health, dignity and freedom to decide to live as they choose. Everyone has the right to make sure that unauthorized interference with his or life is stopped and that the consequences of such interference are redressed.

The scope for suing for protection of personality and compensation for **non-pecuniary damages** caused by an interference with personality rights is defined by Section 2956. The amount and payment method of adequate compensation must be designated so as to expiate any circumstances worthy of special consideration (§ 2957 NOZ). In relation to victims of hate violence, intention to cause that particular harm is primarily considered such a circumstance, as is the causing of harm as a consequence of discrimination against the victim because of his or her actual or perceived sex, health status, ethnic origin, faith, or other similarly serious reasons.

Through the adoption of this new civil code, the **position of victims whose health has been damaged** as a result of a crime **has deteriorated**. According to the original legislation, damage to one's health and the harm caused by social impairment were established through the so-called 'points decree' (Decree on compensation for pain and social impairment)<sup>5</sup>, which set a certain number of 'points' for various injuries and health restrictions. The number of points was defined by the treating physician. As of 31 December 2013 each point was worth CZK 120. The 'points decree' was abolished with the old civil code. The main motivation for doing this was to make it possible for victims to claim compensation for harm to their health and non-pecuniary harm in the form of social impairment above and beyond the framework of the 'points' limits, essentially unrestrictedly (Section 2958 NOZ). This freedom of victims to apply for compensation for damages of any extent, however, was soon limited by the justice system.

In the Supreme Court's Methodology on Compensation for Non-Pecuniary Harm to Health,<sup>6</sup> which is, unlike the previous decree, binding only because of the decision-making powers of the Supreme Court, newly establishes a mechanism for calculating the points when assessing non-pecuniary damages. This mechanism is much more complex than the original concept, and as a consequence the **victim must always arrange for a court expert's assessment** to prove the extent of the damage arising. The victim is forced to pay for this assessment (see below). There are very few court experts in the Czech Republic and there are some regions where there is no court expert. This lack of experts has a negative impact on victims. The benefit of the new Methodology is solely that the value of a single point was increased in 2014 to CZK 251.28 and is derived from the average wage, i.e., it is subject to valorization.

#### 3.1.4 Crime Victims Act

The rights of hate crime victims are set forth in Act No. 45/2013, Coll., **on crime victims**. The victims of hate violence in the sense of Section 2, paragraph 4, letter d) are considered particularly vulnerable victims, i.e., persons who, given their personal disposition and the nature of the crime, are more at risk of secondary harm. **Secondary victimization** arises during the work of the various institutions and organizations a victim comes into contact with after a crime is committed. Secondary victimization can arise as a consequence of the work of police, the state prosecutor, the courts, the media, attorneys, social service providers, health care workers, etc.<sup>7</sup> Here we must point out that according to the applicable legislation, only some victims of hate violence enjoy the position of particularly vulnerable victims, including those facing violence or the threat of violence. This should be changed by an amendment being prepared by the Justice Ministry in 2015. All victims of hate violence should be considered particularly vulnerable victims once the amendment is adopted.

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<sup>5</sup> [http://www.mpsv.cz/ppropo.php?ID=v440\\_2001](http://www.mpsv.cz/ppropo.php?ID=v440_2001)

<sup>6</sup> [http://www.nsoud.cz/JudikaturaNS\\_new/ns\\_web.nsf/Metodika](http://www.nsoud.cz/JudikaturaNS_new/ns_web.nsf/Metodika)

<sup>7</sup> Typical examples are biased, racist jokes made in the interrogation room, comments about the money a victim might be awarded, blaming the victim instead of the perpetrator for the attack, etc.

According to the legislation, particularly vulnerable victims have the right to **sensitive treatment, services free of charge, gently guided questioning and protection from the alleged perpetrator**. The interrogation of such victims must be conducted with particular sensitivity and questions should not be posed which are intimate or to which the victim is especially vulnerable. Interrogation about the incident may only be repeated in exceptional cases. The victims have the right to have a loved one with them during the interrogation and to representation by an attorney. In 2011/2012, In IUSTITIA participated in the preparatory work on the Crime Victims Act and achieved the addition of the option for particularly vulnerable victims to choose the sex of their interrogator. The original proposal was for interrogation to be conducted by a police officer of the same sex as the victim. When pushing for this change we were primarily keeping in mind the interests of people who have been subjected to homophobic violence and the interests of transgender persons for whom interrogation by a person of the 'same sex' might be as traumatizing as it would be for a heterosexually oriented victim to be interrogated by a person of the opposite sex.

In practice, the **application of the Crime Victims Act is causing difficulties**. The law is perceived primarily as an administrative burden by some criminal justice authorities. We have also encountered some police officers who do not know how to apply it. Some of the police, primarily the Criminal Detective Police Service and Crisis Interveners, apply the law completely in accordance with its requirements. An example of good practice is the **Crisis Interveners System**, which makes it possible for police to provide basic psychological interventions in serious cases (large-scale accidents, murders, suicides). Crisis Interveners are police trained to provide first aid in a psychological sense to victims and to then provide contacts to follow-up services. The Crisis Interveners System is provided 24 hours a day and requires the constant readiness of the Crisis Interveners.

### **3.1.5 The Criminal Procedure Code**

The Criminal Procedure Code was updated in a significant way in 2013 as a result of the adoption of the Crime Victims Act. Primarily this concerned enhancing protection for victims. Should victims request it, their address and the address of their employment and other data unrelated to the prosecution can be hidden in the protocol. Victims, or rather their attorneys, also have the new option of participating at every step of the criminal proceeding, which is significant for their asserting their claims and receiving compensation for damages. Previously victims participated only by being interrogated as witnesses and then not until the main hearing, which frequently had the consequence of their losing their entitlement to compensation for damages. Victims can be accompanied by a loved one during the criminal proceedings or represented by an attorney, and another innovation is that the attorney can now also be a legal entity.

### 3.2 Victims' access to justice

In IUSTITIA is the only organization in the Czech Republic to provide legal and social services specifically to victims of hate violence. Our long-term collaboration with such victims has made it possible for us to identify both good practices and poor ones when it comes to the approach taken toward hate crime victims.

The first problem consists of the **unwillingness** not just of the police, but also of the courts and of state prosecutors, **to explain hate crimes as hate crimes**. As Chapter 4 – Methodology for monitoring hate crimes - discusses, many hate incidents are re-categorized during a criminal proceedings to lesser felony charges or even as misdemeanors. It is also apparent that the state prosecutors are unwilling to explain that verbal hate crimes committed by politicians are actually hate crimes. The hesitation of state prosecutors in this regard influences police practice. When police officers know the practices of 'their' state attorney and know the prosecutor to be against prosecuting certain behavior, they either delay or never even initiate criminal proceedings.

*In the autumn of 2014 the police shelved a criminal report made against the politician Tomio Okamura for minimizing the suffering of Romani people at the Lety concentration camp as follows: '...For most of the time before the camp closed the guards were not armed and the camp commander took his servant, who was evidently also his lover, to the cinema. No one was killed at the camp - people died there as a result of old age and the diseases they brought with them as a result of their previous travelling lifestyle. However, there was a basic problem with the camp commander, who on the one hand did really beat the prisoners and on the other hand covered up the poor state of the camp, but he was removed and medical aid was sent to the camp. The victims of the camp definitely were not victims of any kind of Holocaust.' According to police, however, this was not illegal behavior. The police based their justification for that decision on the fact that in 2005 (!) the use of the term 'concentration' to refer to the Lety camp had been denied by MEP Miroslav Ransdorf (Communist Party) and criminal justice authorities arrived at the conclusion in 2005 that this did not rise to the level of a felony.<sup>8</sup>*

Verbal **hate violence** and harassment **are frequently minimized**. Despite the fact that Czech criminal law makes it possible to prosecute verbal incitement to hatred or defamation of a race, national, ethnic or religious group, it is precisely such verbal displays of intolerance that the responsible authorities ignore or minimize the gravity of. For the victims, verbal harassment and long-term persecution on the basis of their perceived or actual difference is frequently a much more searing experience than physical violence is.

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<sup>8</sup> <http://www.romea.cz/en/news/czech/czech-police-say-mp-s-remarks-about-concentration-camp-for-roma-not-criminal>

A specific example of such minimization, or rather the invisibility of the law in this respect, is that of **hate demonstrations**. The state administration has partially resigned itself when it comes to thoroughly applying Act No. 84/1990, Coll., on the right to assembly. The administration lets obviously hateful demonstrations, which could be dispersed on the spot according to this law, go on<sup>9</sup> and either never prosecutes the perpetrators of verbal violence or does so as an afterthought and ‘invisibly’, that is, without adequate media coverage.<sup>10</sup> Recently the authorities have also behaved restrictively towards non-violence counter-demonstrators.<sup>11</sup> The impact of hate demonstrations on all persons at risk of such hate violence is obvious nevertheless – fear, stress, the development of post-traumatic stress disorder, lack of faith in the public administration because it cannot prevent the hatred, a feeling of isolation flowing from the fact that for a very long time no one has stood on the side of those endangered by hate violence and from the fact that those who do take their side are then prosecuted, etc.

We also encounter the **neutralization of bias motivation** in the practice of the criminal justice authorities during criminal proceedings. This occurs when, despite the victims being convinced they were attacked because of their difference and presenting evidence to that effect, the criminal justice authorities ignore their version of events or persist in a rigid explanation of the perpetrator’s motivation consisting of the belief that an attack is only be motivated by hatred in cases where the perpetrator actually states that he was motivated by prejudice. Understandably, there are not many such cases. We also frequently encounter cases where an incident is first explained by police as motivated by bias but is then re-categorized as an ordinary felony during the course of investigation.

*A physical assault on a Romani family in their own home was accompanied by the perpetrators telling the victims ‘Die you black mugs’. Police charged the perpetrator with Aggravated Grievous Bodily Harm motivated by hatred and the District Court convicted the perpetrator of that charge. However, the High Court in Prague ruled in an appeals proceeding in July 2015 that it agreed with the defense’s argument that the perpetrator could not have committed a hate attack because he is a) not a member of an extremist movement b) this was the first time he had ever assaulted a Romani family c) the only witnesses testifying to his hate motivation were the victims themselves. The perpetrator was convicted of the reduced charge of Grievous Bodily Harm.*

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<sup>9</sup> See, e.g., the series of demonstrations by the group called ‘We Don’t Want Islam in the Czech Republic’ held at the close of 2014 and the demonstrations against the Czech Republic receiving refugees in June 2015 ([http://zpravy.idnes.cz/policie-nechybovala-na-demonstraci-se-sibenicemi-f69-/domaci.aspx?c=A150717\\_165948\\_domaci\\_cen](http://zpravy.idnes.cz/policie-nechybovala-na-demonstraci-se-sibenicemi-f69-/domaci.aspx?c=A150717_165948_domaci_cen)).

<sup>10</sup> E.g., see: [http://zpravy.idnes.cz/stanovisko-policie-k-sibenicim-na-demonstraci-f44-/domaci.aspx?c=A150707\\_125045\\_domaci\\_jw](http://zpravy.idnes.cz/stanovisko-policie-k-sibenicim-na-demonstraci-f44-/domaci.aspx?c=A150707_125045_domaci_jw).

<sup>11</sup> E.g., see: <http://www.romea.cz/en/news/czech/czech-police-acted-unlawfully-when-intervening-against-activists-holding-czech-romani-flag>, <http://www.romea.cz/en/news/czech/commentary-are-the-czech-police-not-bothered-by-death-threats-and-a-gallows>.

Neutralization of bias motivation has a negative impact on victims. When victims are convinced they were attacked on the basis of their difference and when the perpetrator is not found guilty of bias motivation, the victims experience feelings of grievance and injustice, a loss of trust in the criminal justice system, post-traumatic stress disorder, and self-recrimination. We also typically encounter the neutralization of bias motivation in cases of attacks on property. Even when such attacks include evident hate motivation (e.g., a noose being strung up at a synagogue), they are usually explained merely as felony Property Damage.

Findings from the In IUSTITIA database are also a testament to the neutralization of bias motivation (see Chapter 4: *Methodology of monitoring hate violence*). Here it has been determined that police and other criminal justice authorities recognized hate motivation in 75 % of the cases reported to police as hate incidents. In other words, when victims decide to report the assault they have experienced to police and believe that the motivation of hatred will be revealed, their expectations are met in three-fourths of cases.

A specific court practice appears during the proving of bias motivation **through psychological evaluations**. The courts are relying ever more frequently on expert evaluations of a defendant's prejudicial attitudes. A psychological evaluation finding that a defendant has not held such attitudes for a long time leads to acquittal as far as bias motivation is concerned. The question is whether these attitudinal tests, which investigate a perpetrator's long-held internal positions, should be determinative when it comes to explaining the perpetrator's motivation for acting in the heat of passion at a particular moment. For the commission of a hate crime it is not essential whether the perpetrator has long held a negative attitude toward a certain group, but what is determinative is the perpetrator's immediate motivation at the time the crime was committed.

**The dogma of extremist violence** (see Chapter 1: *Hate violence – Definition of concepts*) has permeated criminal proceedings. The application of the merits of a hate crime is more probably when criminal justice authorities are convinced a perpetrator is a member of an extremist group or holds an extremist ideology. The doctrine of extremism prevents the application of the hate crime concept to perpetrators unaffiliated with such groups or ideology.

Another problem is the **conceptualization of hate violence victims as particularly vulnerable**. The Czech legal order also considers children, victims of human trafficking, and victims of sexual violence to be particularly vulnerable. In practice it is not difficult for police to identify those groups as particularly vulnerable. The police recognize the need for these victims to avoid encountering the alleged perpetrator, to not be asked to give repeated testimony, and to be interrogated in a sensitive way. In the case of victims of hate violence, however, the situation is the reverse. The status of particularly vulnerable victim was not awarded to any of the 54 victims that In IUSTITIA represented in 2014/2015

without representatives of the victims directly requesting it. In some cases the awarding of this status involved intense debate. From this it can be inferred that victims without representation may find it very difficult to access their rights as particularly vulnerable persons. From the statements made by some police officers it is also evident that they consider this status to be a privileging of the victim which they believe some hate violence victims (especially foreign nationals and Romani people) do not deserve.

Decisions by criminal justice authorities in hate crime matters are significantly influenced by **established practice**. Such practice is then multiplied in jurisprudence and the professional literature, which is significantly resistant to reviewing findings from the area of the hate violence issue. This is reflected, e.g., in the biological interpretation of the concept of race discussed above or an inability to use the term 'migrant' when discussing the merits of a case of incitement of hatred against persons of a different ethnicity or nationality.

In practice, this means that some groups of hate violence victims are perceived as **second-class witnesses**, i.e., their testimony is not taken seriously, doubted, or even completely ignored. When defense attorneys adopt this strategy it is understandable, but when the court or other criminal justice authorities go along with it that means the equality of all parties to the proceeding is not guaranteed and primarily that the trust of victims in the criminal justice system rapidly falls. Frequently evidence is also permitted that is intended to cast a witness as unreliable. We do not doubt that the defense has the right to point out discrepancies in a witness's testimony or the dubious character of a witness. At the same time, however, we believe questions about education, income, residential status, previous criminal activity, etc., clash in a significant way with the right of particularly vulnerable victims to be interrogated in a dignified, gentle way.

Some groups of victims face actual barriers in accessing justice. The most frequent barrier is a **lack of legal aid**. Particularly vulnerable victims are entitled to a court-appointed attorney, either free of charge or at a reduced rate, upon demonstrating lack of means. In practice this regulation is interpreted to mean that a victim must be entirely without either an income or savings. That is why most victims cannot access an attorney free of charge. Services are provided to victims free of charge by some nonprofit organizations, but only In IUSTITIA systematically dedicates its work to hate violence victims. Aid to victims is significantly limited by the Crime Victims Act, or rather, by the Justice Ministry's subsidy system. An organization that meets the condition of expertise and becomes accredited to provide victims with services can apply to the ministry for a subsidy, but only to finance the provision of so-called 'legal information'. The follow-up services that victims primarily need – to be accompanied by and represented by an attorney – cannot be covered by state subsidies. The financial mechanism of the European Social Fund and that of the Norwegian Funds also do not facilitate representing victims before the courts. The options to fund such victim aid are, therefore, very restricted.

**The problematic status of hate violence victims** and an absence of documentation are other barriers to their accessing justice. In IUSTITIA has encountered concerns expressed by some foreign nationals that reporting a crime might endanger their residency status. Generally speaking, we presume that migrants without documentation will not turn to the police or service providers for aid even in cases of serious felonies. Homeless persons, even when they are EU citizens, frequently lack documents and the absence of identification may result in limiting their options during criminal proceedings.

A **language barrier** may also be a certain limitation to accessing justice. According to the Crime Victims Act, all necessary information must be provided to victims in their native language or a language they understand. Foreign nationals who have lived on the territory of the Czech Republic for a longer time sometimes underestimate their own knowledge of Czech and do not request an interpreter when they become hate crime victims. That then negatively influences their ability to understand the criminal process and encumbers the proceedings. Some hate crime victims may be functionally illiterate, i.e., unable to comprehend the meaning of more complex words. We have, for example, encountered situations in which a victim has not understood the term ‘damages’ – when asked by the court whether any damages had arisen for the victim as a consequence of the assault, the victim answered in the negative due to a misunderstanding. In reality, the victim had suffered from post-traumatic stress disorder.

As we have already noted, a high degree of latency is typical of hate incidents. This is, among other things, caused by the **unwillingness** of the criminal justice authorities to **review victims’ reports of hate crime**. We repeatedly encounter the fact that victims are deterred from filing such reports and are told that the behavior they have suffered is not a crime (even when it is) or are referred to other departments of the police. The willingness of hate crime victims to report crime declines in future as a result. Hate crime victims share these negative experiences with their social surroundings, which secondarily influences the willingness of other people to report criminal activity at all.

According to the Crime Victims Act, police and other institutions are obligated to provide crime victims with **sufficient information** about who to turn to for **aid and support**. However, in the case of hate crime victims, this either does not happen, only happens in a formalistic sense, or the victims do receive information but do not take advantage of it. In the Czech Republic there has long existed a system of intervention centers for domestic violence victims established which make it possible for police, with the agreement of the victim, to provide a domestic violence victim’s contact information to service providers. The service providers then contact the domestic violence victim directly. It is appropriate to consider whether such measures might also be realized to benefit other particularly vulnerable victims.

Victims of hate violence, as particularly vulnerable victims, enjoy the legal right **not to encounter their alleged perpetrator** during the course of the entire criminal proceedings. Some courts, however, link

this right to proof of psychological harm which must be demonstrated through either a medical opinion or report. However, according to the law, all that is required is that person be a hate violence victim.

According to the applicable law, victims are entitled to compensation for damages directly as an outcome of any criminal proceedings. They are, however, encumbered by the obligation to document the amount of damages and the reason for them. This is interpreted by the courts to mean that it is up to the victims to **collect sufficient evidence at their own expense**. Given that health damages and non-pecuniary damages must now be documented through an expert assessment, which usually costs at least CZK 10,000, the obligation to provide an expert assessment is extremely burdensome. For victims of hate violence whose economic situation is frequently very complex, the road to just compensation is further complicated by this requirement.

Criminal courts frequently claim, in a formalistic way, that the presentation of what are 'civil' damages during criminal proceedings would excessively prolong those proceedings. Often, however, this is done irrespective of the interests of the victims. Almost none of the victims represented by In IUSTITIA during 2014 and 2015 received a decision on their entitlement to damages from a criminal court and the victims were instructed to **file a civil suit to receive compensation**.

*A woman suffered post-traumatic stress disorder as a consequence of becoming a crime victim, which was confirmed by an expert assessment. However, the assessment did not include an evaluation of the 'points' to which she was entitled for compensation of the damages. The first-instance court did not, therefore, award her compensation. In her appeal, the victim proposed that she provide a new expert assessment to the criminal court. The court rejected that motion, informing the woman of its rejection just two weeks prior to the appeal hearing. The woman then requested that the appeals court postpone the opening session by approximately one month, again so that she could obtain an expert assessment for submission. Again the appeals court rejected her motion, saying that to grant it would delay the proceedings. The woman then filed a constitutional complaint in which she claimed that her procedural rights had been violated and asked the Constitutional Court to decide whether the right of a defendant to a speedy criminal trial outweighed a victim's right to protection by the courts. The Constitutional Court rejected her complaint, stating that crime victims' option of claiming compensation for damages through a civil proceeding is sufficient protection of their interests. The Constitutional Court did not take into consideration the fact that the woman was still suffering from post-traumatic stress disorder, which actually prevented her from continuing with a civil suit. The victim decided not to continue pursuing compensation. She will also not file a complaint with the European Court of Human Rights.*

In a civil proceeding, the introduction of evidence must start over, which means victims are once again interrogated about the same matter and primarily are not protected under the Crime Victims Act. They may, therefore, be forced to encounter the perpetrator during the proceedings and their address will

usually be published in the court record. This contributes to their secondary victimization. Most hate crime victims who are not awarded compensation for damages directly as a result of a criminal proceeding will not seek them by filing a civil suit. Besides the reasons given above, this is also because if they lose the civil suit, they will be forced to reimburse their attacker for the costs of the civil proceeding.

### 3.3 Overuse of the hate violence concept

We believe the concept of hate violence is not being thoroughly used where it should be, but is being overused in cases where hate violence is not actually at issue. Criminal justice authorities in some cases consider primarily the difference between the ethnicity of the alleged perpetrator and the victim as the main indicator of whether an incident is hate crime. In other cases, verbal displays by perpetrators are too-simplistically interpreted as evidence of intolerant motivation without taking the entire context of the situation into consideration, which contravenes the Criminal Code, as it tasks the authorities with assessing the context of the whole incident.

The Crime Statistics Inventory System (ESSK) includes cases that evidently should not be categorized as hate violence. Hateful motivation is frequently ascribed whenever the alleged perpetrator is a minority member or when the alleged perpetrator uses a racist expression during the incident without the criminal justice authorities investigating what the actual motivation was. On the basis of a detailed analysis of these cases, we found seven that should not have been included as hate crimes in the inventory (see sub-chapter 4.1 Accumulation and analysis of data).

We succeeded in identifying a certain formula according to which this ‘incorrect’ identification of crimes as hate crimes occurs. First it is possible to divide them into two basic groups. **The first group** is comprised of cases, or rather, one case, where the court completely erroneously categorized **certain behavior** as behavior rising to the level of hate crime. **The second group** is comprised of cases (six) in which the incidents were accompanied by displays of intolerance but **did not primarily involve bias motivation** – the primary motivation for these crimes was something else. We based our assessment of these erroneous qualifications directly on the facts as stated in the verdicts.

In one case we found the incorrect qualification of an offence as a felony per Section 355 – ‘Defamation of a nation, race, ethnic or other group’. The essence of such a crime is that the perpetrator commits defamatory speech about a nation, its language, a race, an ethnic group, or any group on the basis of its actual or perceived race, ethnic affiliation, nationality, political convictions or religion.

*A 20-year-old woman was charged with the offence of defamation of a nation, race, ethnic or other group and of disorderly conduct, which she committed together with two other persons. On the day in question, the three perpetrators set out for a certain shop in a town in the Hradec Králové area. The male*

*perpetrator of the trio left the shop with stolen goods and was followed by the two female perpetrators. The sales clerk set off after them and was then attacked by the people she was following. The woman charged with disorderly conduct pushed the sales clerk to the ground, kicked her in the abdomen and punched her several times, during which she shouted 'Now you'll see what it tastes like from a Gypsy!' When the security guard ran to aid the sales clerk, the perpetrator attacked the guard as well, punching him twice in the face, tearing his uniform and removing his headphones.*

In this case it is clear that while the perpetrator committed a felony, it was not an offense under Section 355. In order to have committed such an offense, she would have had to make a negative statement about the ethnicity or the nationality of the sales clerk, but she did not. During her physical assault, which has been assessed as the offense of disorderly conduct, she apparently used the sentence at issue (*'Now you'll see what it tastes like from a Gypsy!'*) to distinguish her own nationality from that of the victim and to intimidate the victim. In no way, therefore, did she make a defamatory statement about the nationality of the victim, nor did she diminish the dignity of any other nation, and she did not, therefore, commit the crime of which she was convicted.

The other group, i.e., the group of criminal behavior that did not primarily involve bias motivation, can be divided into two subcategories. There are crimes the essence of which is a disproportionate reaction by perpetrators to minority dissatisfaction with the provision of services or lack thereof, or to minority stress, and crimes that involve attempting to influence the performance of a certain profession, especially in the area of security.

Minority stress can be defined as stress flowing from structural racism and visible difference. Its essence is a gradual rise in tension as a result of experiencing a series of lesser injustices and slights during the entire course of one's life or for a very long time. Another source of such stress is labeling, i.e., the attribution of pathological characteristics or phenomena to persons of a certain ethnicity, nationality or religion (e.g., 'Gypsies steal', 'Muslims are terrorists', 'Lesbians are butch'). These kinds of structural grudges are a frequent daily reality for members of minorities living in the Czech Republic. It is complicated for them to defend themselves against them. This experience is difficult to describe to others and difficult for others to grasp, but it is experienced very intensely by those whom it concerns. In a situation where an intense one-off event adds to this long-term stress, those who have long been under stress react disproportionately and may themselves perpetrate crimes as a result.

Of the six cases we identified as erroneously categorized from the standpoint of motivation, five were committed as a consequence of the perpetrator being dissatisfied with the quality of a service being provided, or with the outright refusal of a service, or as a result of the perpetrator being bullied and treated disproportionately compared to others. These cases are as follows:

In the first case the primary motivation of the assailant was the fact that staff at a gaming room refused to pay a customer her winnings.

*A woman approximately 30 years old assaulted the manager of a gaming room in the Hradec Králové who was about 15 years older than her. The conflict was sparked by the victim telling a customer that his winnings would not be paid until the following day and calling on the customers who were not playing the slot machines to leave that part of the establishment. That group of customers became upset. The perpetrator headed toward the manager and vulgarly attacked her by saying 'You cunt, you white cunt, you white swine!' Then she punched the manager with her right fist on the left part of the manager's face in such a way as to cause a laceration in the area above her eyes. For these deeds the relevant District Court gave her a nine-month sentence, suspended for two years.*

The dominant motivation in the other three cases was the perpetrators' dissatisfaction with not being provided medical services. Here the minority stress was evidently sparked by the perpetrators' state of health, or in one case fear for the life of a perpetrator's minor daughter, as well as previous traumatic experiences and institutional bullying.

*A man from an Arab country repeatedly made threats against a doctor and nurse in their Prague office. The pretext for his behavior was his suspicion that they were privileging 'white' patients over him. The perpetrator was very aggressive in his actions. First he announced he was going to get a license and a firearm and begin going to a shooting range. During a second visit he announced that all Czechs are racists and that he would not be leaving their office 'easily'. He also declared that he would shoot anyone, even the Police President. According to information from the district state prosecutor, the perpetrator had been subjected to psychological trauma after being detained during a police raid in April on the headquarters of the Islamic Foundation. He was convicted of felony violence against a group and individuals and sentenced to six months in prison and a fine.*

*Dissatisfaction with the medical services provided by Emergency Medical Technicians culminates in verbal attacks on them. A woman who is afraid for the life of her minor daughter loudly and repeatedly shouts 'White fuckers, white dicks, white pigs' at the ambulance crew. She also threatens them by saying 'I'll rip your stomachs open, I'll cut off your heads, I'll shove your dicks in your mouths!' The victims feared for their safety and called a police patrol to the scene. The District Court convicted the perpetrator of the offense of making dangerous threats, disorderly conduct, and defamation of a nation, race, ethnic or other group, giving her a 10 month sentence suspended for two years.*

*A man approximately 30 years old was convicted in the Ústí Region of defamation of a nation, race, ethnic or other group and of another offense for which he received a one-year sentence, suspended for three years, and was required to reimburse his victims for the damages he caused. The District Court found him guilty of picking up a bench intended for patients in the outpatient reception department of a*

*hospital and banging it against the wall and the door leading to the orderlies' service room. While doing so he shouted 'You white swine, I won't work for you Czech whores!' As a security guard was leading him out of the waiting room, he punched the guard in the face. According to the court the perpetrator had attacked another person because of her Czech nationality several hours before the hospital incident. For reasons that were never clarified, he punched her on the right cheek in a public space.*

The perpetrator of the following incident addressed a situation in which her partner was subjected to labeling in a completely disproportionate way, but also without hatred as the primary motivation.

*A verbal assault with a racist subtext culminated in a dispute between the customers and the salespeople in a supermarket in northern Bohemia. The assailant believed disproportionate attention was being paid to her partner, who had allegedly previously committed shoplifting in the store, and responded by hurling insults such as 'White swine, fuckers and cunts'. The perpetrator was brought to trial for committing disorderly conduct and defamation of a nation, race, ethnic or other group, but the prosecution was suspended because she was sentenced to prison without the possibility of parole for a different offense.*

In our opinion it is not possible to consider behavior in which the primary motivation of the perpetrator is to get the victim to provide services differently as bias motivation for a crime. In these incidents, the aim of the perpetrator is not to attack someone else because of her difference, but to get the victim to behave a certain way or refrain from behaving a certain way. The following incident also should not be considered a hate crime because it was not considered a felony.

*A woman was asked to show her identification by municipal police officers and responded with defamatory remarks against Vietnamese people intended to disrespect the relatives of the police. The perpetrator, accompanied by three others, had first disturbed nighttime quiet, during which all of them were using alcoholic beverages. It was proposed that an indictment be filed for the offenses of disorderly conduct and defamation of a nation, race, ethnic or other group. According to information from the North Moravian Police, the court subsequently made the decision that the case did not rise to the level of a felony. The relevant state bodies were unable to verify that information.*

### **3.4 Significant court decisions**

#### **3.4.1 Assault on a Romani family<sup>12</sup>**

In May 2014 the Constitutional Court rejected a complaint of violation of the right to a fair trial. The plaintiffs had been assaulted because of their Romani origin by two supporters of the Workers' Party and asked the Constitutional Court to overturn the lower-level decisions that they should seek

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<sup>12</sup> Decision of the Constitutional Court III. ÚS 936/13, dated 7 May 2014, available at: <http://kraken.slv.cz/III.US936/13>.

compensation for their damages through a civil proceeding. The plaintiffs pointed out that the lower-level court had failed to review the evidence they proposed for introduction, especially an expert assessment documenting the extent and intensity of the trauma they had suffered during the attack.

The plaintiffs had been assaulted in front of their home in July 2011. The criminal proceedings were completed in November 2012 but did not decide on compensation for the damage caused either to their physical or psychological health. The plaintiffs used their own resources to accumulate evidentiary material, an expert evaluation that the lower-level courts refused to act upon even though the assessment succinctly estimated the damage to their health. In their arguments before the Constitutional Court, the plaintiffs connected this inadequate approach taken by the lower-level courts with the principle of non-discrimination and their right to equal treatment before the courts. As a consequence of the lower-level courts' behavior, the plaintiffs are now forced to pursue their claims through a civil proceedings, which as of this writing (i.e., four years later) has yet to be brought to a close.

The Constitutional Court insisted on its customary, disproportionately conservative, rigid interpretation of a victim's rights in this case. The court is of the opinion that the victims' claims to compensation for damages are sufficiently covered when they have the option of pursuing their claims through civil proceedings. The Constitutional Court therefore has absolutely ignored the legitimate entitlement of victims to rapid, single-instance decisions of their cases.

### **3.4.2 Attack on a human rights activist<sup>13</sup>**

The Constitutional Court also closed the case of an assault on human rights activist Ondřej Cakl with a negative decision. The victim had long dedicated himself to monitoring the activities of the far-right and the criminal activities of members of hate movements. In November 2008, Cakl was attacked at a Workers' Party demonstration in Litvínov-Janov. Even though footage<sup>14</sup> of the assault was immediately broadcast by most of the main television stations, police did not initiate criminal proceedings until May 2009 after the victim publicly mentioned the police were failing to act. Cakl had been attacked directly in front of a police vehicle. The victim documented the entire demonstration using his own video camera which was destroyed during the assault. The police did not make sure the camera became evidence, but placed it in the 'Lost and Found' area of the station. The digital card with the footage recorded by the victim's camera has never been found.

Of the five alleged assailants police identified two, primarily on the basis of findings and information provided by the victim himself. During the course of the proceedings he continued to provide

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<sup>13</sup> Decision of the Constitutional Court I. ÚS 4019/13 dated 26 March 2014, available at: <http://nalus.usoud.cz/Search/ResultDetail.aspx?id=83249&pos=1&cnt=1&typ=result>.

<sup>14</sup> Video footage of the attack is accessible here: <https://www.youtube.com/watch?v=BKxEtgZRxw8>.

information about the three other suspects, including the initiator of the attack. Three proceedings were held in the matter. Through an expedited proceeding in December 2009, the first assailant, Martin Loskot, was found guilty of the crime of disorderly conduct on the basis of footage of the attack. He appealed, an appeals hearing was set, and on the basis of the same (!) evidence, he was acquitted in November 2011 because the same judge who had originally found the defendant guilty now decided it had not been proven that the crime was committed by the man charged with it. Cakl appealed that decision of the District Court, the higher court agreed, and returned the matter to the lower courts for a new decision. The District Court essentially just repeated its acquittal. The victim filed another appeal, but the matter was halted without a decision on the merits, because the statute of limitations expired for the criminal prosecution on 26 January 2013. The plaintiff to the Constitutional Court had repeatedly, albeit unsuccessfully, pointed out the risk that the statute of limitations for the holding a hearing of his appeal might expire if the matter were not expedited, but to no avail.

The prosecution of another alleged assailant, František Brávek, began in November 2009. The victim sought damages from him to compensate for his destroyed video camera. According to the applicable law at the time, the victim was unable to pursue a claim for compensation for non-pecuniary damages directly during a criminal proceeding. In January 2011 the defendant was found guilty and the plaintiff was instructed to pursue his claim for compensation through a civil suit. He did not do so. During both of these proceedings the victim asked the criminal justice authorities to find a motivation of hatred consisting of the fact that he had been attacked for his political convictions, i.e., that human rights should be protected. Even though Czech law makes it possible to prosecute the behavior of one person attacking another because of the victim's political convictions, hate motivation was not found.

In February 2013, after the plaintiff determined that, despite his having repeatedly identified other suspects to the authorities during the course of these other criminal proceedings, they had not undertaken any steps leading to clarifying their participation in his assault, the plaintiff filed a criminal report against suspects Pavel Anderle, Petr Anderle and Filip Vávra. In July 2013 that criminal matter was shelved. A review performed by the state attorney did not correct the situation. Under those circumstances the plaintiff then filed his constitutional complaint, based on his right to a fair trial, to the inviolability of his person, and to his personal freedom and security. He pointed out that while five persons perpetrated the attack, only one was convicted of it. In one case the criminal prosecution became statute-barred and in the case of the other three assailants, police simply shelved the matter.

The Constitutional Court devoted a lengthy response to the complaint. While it expressed appreciation for the usefulness of the plaintiff's work, it also stated that the plaintiff had voluntarily subjected himself to the risk of attending the demonstration. That, in and of itself, could not, in the opinion of the Constitutional Court, lead to the plaintiff being able to be assaulted with impunity. The court found that

the attack had been an effort *'to intimidate the plaintiff, who performs the above-mentioned desirable activity, and to dissuade him from monitoring other illegal activities of right-wing radicals'*.<sup>15</sup>

However, the Constitutional Court persisted in its long-held position that there is no subjective, third-party right to seeing the perpetrator of a crime be prosecuted, although it is not possible to resign ourselves when it comes to protecting third-party interests that are protected by law. The court then researched whether such protection had been fulfilled and concluded that it had. Firstly, in defense of the lower-level courts, the Constitutional Courts stated that criminal proceedings had at least been conducted against two alleged perpetrators, one of whom was even convicted. The plaintiff's reproach that the detectives had not sufficiently investigated the identity of the other suspects whom he had pointed out to them in 2010 during course of his own interrogation was considered relevant by the court but not so essential as to constitute a violation of the plaintiff's rights.

### **3.4.3 The Vítkov arson attack<sup>16</sup>**

The Constitutional Court also rejected as unfounded a complaint from two of the convicted perpetrators in the matter of the **Vítkov arson attack, David Vaculík and Jaromír Lukeš**. The defendants objected to the lower-level court decisions primarily because they believed the introduction of evidence had proceeded incorrectly, because their sentencing was strict, and because they believed the courts made their decision under pressure from the media, which was allegedly caused, among other things, by the court facilitating the presence of media representatives in the courtroom during the trial. The Constitutional Court decided the evidence had been properly introduced. With respect to the length of the sentences, the Constitutional Court essentially expressed itself in favor of stricter sentencing for hate crimes:

*'It is precisely such a motivation as the mere fact that the victims belonged to a different ethnicity, that the defendants did not know them at all and had never had any conflict with them, that was one of the pivotal reasons for establishing the very grave danger this crime poses to society and the awarding of extraordinary punishment. The presence of such motivation also distinguishes the crime perpetrated by the defendants from other cases of felony murder.'*<sup>17</sup>

### **3.4.4 Hitler's speeches**

Another significant case of 2014 was the acquittal of the publisher of a book containing the speeches of Adolf Hitler. This was a compilation of the Nazi leader's speeches that was assembled in such a way as to significantly distort the nature of Hitler's propaganda. The Municipal Court in Brno did not take into

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<sup>15</sup> Decision of the Constitutional Court I. ÚS 4019/13 dated 26 March 2014, point 40, available at: <http://nalus.usoud.cz/Search/ResultDetail.aspx?id=83249&pos=1&cnt=1&typ=result>.

<sup>16</sup> Decision IV. ÚS 1418/12 dated 14 October 2014, available at: <http://nalus.usoud.cz/Search/ResultDetail.aspx?id=85957&pos=1&cnt=6&typ=result>.

<sup>17</sup> Ibid., point 31.

consideration an expert assessment by historian Jan Uhlíř, who stated that after reading the preface, the speeches, and the texts connecting them, ‘any child who reads this book will receive the impression that Hitler was just a nice little uncle’.<sup>18</sup> In January 2015 that decision was upheld by the Regional Court upon appeal. The decision of that court, among other things, disputed whether the publisher was linked to the far-right scene.<sup>19</sup> The publisher himself denied that he was ‘a supporter of National Socialism’.<sup>20</sup>

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<sup>18</sup> <http://www.ceskatelevize.cz/ct24/regiony/285750-vydani-hitlerovych-projevu-neni-trestnym-cinem-rozhodl-soud/>

<sup>19</sup> <http://www.antifa.cz/content/prazske-protiislamske-demonstrace-abb-okamura-vsichni-jejich-fasiste>

<sup>20</sup> <http://hitlerovyprojevy.cz/vydani-hitlerovych-projevu-neni-trestne-potvrdil-soud/>

## 4. Societal atmosphere

This chapter reflects on societal event from the perspective of incidents which, while most of them do not fall into the category of hate violence, contribute to the growth of societal tensions and inter-group intolerance. It is structured according to the actors relevant to this field: Political representatives, local administrations, the far-right, the state security forces, the media, and so-called ordinary citizens. Our choice of the events to present here is based on the regular media monitoring performed by the staff of In IUSTITIA, which is described further below in the first part of Chapter Six of this report.

### 4.1 Political representatives

The participation of elected representatives in inciting hateful sentiments is a **longstanding problem of Czech society**. Especially in cases of election campaigns, assaults against socially stigmatized groups repeatedly occur, further intensifying the vulnerability of members of those groups. Such bellicose rhetoric is not used just by the representatives of fringe groups that are unelectable, but also by members of parties seated in Parliament and by the Czech President. Adequate condemnation of this behavior is the exception, not the rule. Intolerance and xenophobia are therefore gradually taking up more and more room in the political culture of the Czech Republic.

From the perspective of themes significant to the issue of hate violence, a **negative position toward Islam and Muslims** dominates the rhetoric of Czech political representatives. Islamophobia is not a new phenomenon in the Czech Republic. While in the past this was primarily concentrated in specialized tabloid news servers such as Eurabia.cz and in the activities of obscure organizations such as AntiMešita (AntiMosque), currently this is permeating the ordinary blogosphere and news reporting to a greater extent. Opposition to Islam or Muslims has become a basic theme of society, despite the fact (or precisely because of the fact) that the Czech Republic is one of the countries with the lowest proportion of Muslims in the world.<sup>21</sup>

Czech President Miloš Zeman, who is famous for his remarks about the Islamic world as ‘anti-civilization’<sup>22</sup>, declared during the celebrations of the State of Israel’s Independence Day at the Hilton Hotel in Prague that the anti-Semitism, racism and xenophobia of international terrorists ‘flows from the same basic ideology that these fanatical groups depend upon’.<sup>23</sup> His remarks were condemned by

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<sup>21</sup> See, e.g., <http://www.pewresearch.org/fact-tank/2015/01/15/5-facts-about-the-muslim-population-in-europe/>.

<sup>22</sup> [http://www.lidovky.cz/islam-je-anticivilizace-mini-zeman-dt0-/zpravy-domov.aspx?c=A110707\\_153002\\_In\\_domov\\_ogo](http://www.lidovky.cz/islam-je-anticivilizace-mini-zeman-dt0-/zpravy-domov.aspx?c=A110707_153002_In_domov_ogo)

<sup>23</sup> <http://www.novinky.cz/domaci/338818-zeman-by-se-mel-omluvit-muslimum-pozaduje-mezinarodni-organizace.html>

the Organization for Islamic Cooperation, which said they reinforced existing stereotypes and constituted incitement to discrimination, hatred, and violence against Muslims because of their faith.

A case that received much more media attention nationwide was that of two female students at a nursing college in Prague who withdrew from studies there because they were told they could not wear the *hijab*. This incident became famous in November 2013, but discussion of it was strongly determined by reactions to the official standpoint on the matter published by the Czech Public Defender of Rights (the ombud), Anna Šabatová. In that standpoint the ombud came to the conclusion that the school had perpetrated indirect discrimination and called on its representatives to redress the victims, as well as criticizing the Czech School Inspection Authority for its inadequate assessment of the matter.<sup>24</sup> The director of the school objected to the standpoint and said the Public Defender of Rights was exceeding the limits of her powers.

An interesting moment in this case was the commentary on it by high-level politicians. Zeman, for example, declared: 'It begins with the *hijab* and ends with the *burqa* and it's a slippery slope. Once you start down that path you won't be able to stop.'<sup>25</sup> The Vice-Chair of the lower house, Czech MP Petr Gazdík (TOP 09), expressed similar objections: 'Madame Ombud has probably lost her mind, she should try walking in a bikini on a beach in Saudi Arabia and see how the Muslims there explain it to her.'<sup>26</sup> He also referred to the cultural conventions of the Czech Republic that every foreigner should accept. Other politicians charged the Public Defender of Rights with 'inciting more hatred against various communities' though the 'artificially-induced scandal', such as Czech MP Jana Černochová (Civic Democratic Party – ODS).<sup>27</sup>

Czech MEP Stanislav Polčák (TOP 09 and Stan) mentioned a decision by the European Court of Human Rights that rejected complaints about the so-called 'headscarf laws' in Belgium and France, adding: 'I am surprised why Madame Ombud did not base her assessment on the same civilized human rights framework and why she arrived at this standpoint. This is just her opinion, not a binding decision, and I am convinced that if the Czech Republic and its authorities were to ban headscarves that entirely cover the face it would not violate anyone's human rights.'<sup>28</sup>

Other Czech politicians also spoke of 'scarves that completely cover the face'. What is remarkable is that this case did not at all concern such scarves. The students discriminated against were not wearing the *burqa*, but the *hijab*. Despite this fact, difficulty in identifying a staffer was given as one of the most

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<sup>24</sup> [http://www.ochrance.cz/fileadmin/user\\_upload/DISKRIMINACE/Kauzy/vzdelavani/173-13-DIS-EN.pdf](http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Kauzy/vzdelavani/173-13-DIS-EN.pdf)

<sup>25</sup> [http://zpravy.idnes.cz/zahalovani-muslimek-v-cesku-prezident-zeman-fm8-/domaci.aspx?c=A141015\\_205333\\_domaci\\_hro](http://zpravy.idnes.cz/zahalovani-muslimek-v-cesku-prezident-zeman-fm8-/domaci.aspx?c=A141015_205333_domaci_hro)

<sup>26</sup> [http://www.lidovky.cz/at-se-zkusi-ombudsmanka-projit-v-bikinach-po-saudske-arabii-vzkazal-gazdik-1tc-/zpravy-domov.aspx?c=A140827\\_160507\\_ln\\_domov\\_ml](http://www.lidovky.cz/at-se-zkusi-ombudsmanka-projit-v-bikinach-po-saudske-arabii-vzkazal-gazdik-1tc-/zpravy-domov.aspx?c=A140827_160507_ln_domov_ml)

<sup>27</sup> Ibid.

<sup>28</sup> Op cit note 26.

important reasons for preventing the wearing of Muslim and other headscarves. For example, the director of Motol Hospital, Miloslav Ludvík, who is also a Prague city councilor for the Czech Social Democratic Party (ČSSD), justified the discrimination against the Muslim nurses with hygienic and security reasons.<sup>29</sup>

However this incident eventually turns out, it highlights a **tendency to defend indirect discrimination through formal regulations**, which actually masks a deeper lack of willingness to acknowledge Muslims' freedom of religion. This is indicated by the generally-known fact that Christian nuns customarily serve in Czech hospitals wearing clothing that also covers their hair and part of their face. In the sub-chapter dedicated to the media we will demonstrate how this tendency has also manifested itself in the hate violence area.

Hateful rhetoric in the Czech Republic was noted primarily during last year's **elections to the European Parliament** (EP). Some parliamentary parties abandoned it after being criticized for it, while others persisted in it until the end. The Christian Democrats (KDU-ČSL) decided to reach out to their voters with the following slogan: 'We don't want a Europe full of inadaptable<sup>30</sup> immigrants who set cars on fire in the suburbs, sell drugs, and clog up our country with radical Islamism, among other things.'<sup>31</sup> Even after that xenophobic slogan was officially abandoned, the leaders of the European candidate list defended it in subsequent media discussions, including Pavel Svoboda and Tomáš Zdechovský, who went on to be elected as MEPs.<sup>32</sup>

The Dawn of Direct Democracy (Úsvit přímé demokracie) movement<sup>33</sup> promoted itself through election posters reading: 'Work for our guys, NOT for immigrants' and exploiting a visual motif originally developed by the Swiss People's Party of a white herd of sheep kicking out a black sheep. In the Czech

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<sup>29</sup> [http://zpravy.idnes.cz/motol-odmita-sestry-v-muslimskem-satku-fc5-domaci.aspx?c=A140930\\_230849\\_domaci\\_jj](http://zpravy.idnes.cz/motol-odmita-sestry-v-muslimskem-satku-fc5-domaci.aspx?c=A140930_230849_domaci_jj)

<sup>30</sup> In the Czech context, the concept of 'inadaptable' generally serves to label groups which, because of their allegedly asocial behavior, have allegedly renounced their entitlement to any aid from the larger society. When someone calls someone else 'inadaptable', this means that those concerned are responsible for their difficult situations because of their immoral, irresponsible behavior, and they therefore should rely on themselves alone for aid. The most visible display of this rhetoric has been an effort to restrict the welfare benefits provided by the state. Quite frequently, however, this term is used as a synonym for stigmatized social groups such as homeless people or Romani people.

<sup>31</sup> [http://zpravy.idnes.cz/lidovci-potichu-z-programu-stahli-vetu-proti-imigrantum-pes-domaci.aspx?c=A140410\\_135633\\_domaci\\_kop](http://zpravy.idnes.cz/lidovci-potichu-z-programu-stahli-vetu-proti-imigrantum-pes-domaci.aspx?c=A140410_135633_domaci_kop)

<sup>32</sup> Ibid.

<sup>33</sup> The Dawn of Direct Democracy was established by Tomio Okamura, an entrepreneur in the travel industry, in May 2013. It was registered as a political movement by the Czech Interior Ministry a month later. In the elections to the Chamber of Deputies of the Parliament of the Czech Republic, the party won 14 seats with a total of 6.88 % of the vote. According to the most recent information, the party is currently in a crisis sparked by the removal of Okamura as chair. The subsequent dispute among party members culminated in the creation of two new political entities: the Freedom and Direct Democracy party and the National Interests party. While Okamura and his promoters have joined the former party, his opponents have joined the second one. The future existence of the Dawn of Direct Democracy itself remains unclear.

environment that same image had previously been used by the far-right National Party. The Dawn of Direct Democracy's invective against foreigners continued through the words of Czech Senator Tomio Okamura, then the party chair, and its leading candidate in the elections to the European Parliament, Klára Samková. The party proposed an absolute ban on immigration into the European Union, the rescinding of unemployment benefits for foreigners living in European countries, and the deportation of foreigners.<sup>34</sup>

Another significant theme for the party was **invective against Romani people**. Okamura offended Romani people by declaring that the targeted liquidation of the Romani population did not occur at the Lety concentration camp. He described it instead as follows: 'There was a labor camp there for people who avoided proper work, including Czechs and Germans in the Protectorate. They were not interned on the basis of ethnicity but on the basis of the Gypsy way of life, which means that no working Roma were there.'<sup>35</sup> In contravention of the historical record, he also claimed that 'No one was killed at the camp - people died there as a result of old age and the diseases they brought with them as a result of their previous travelling lifestyle.'<sup>36</sup> Many politicians, including cabinet members, condemned him for these remarks.<sup>37</sup>

It is also worth mentioning Okamura's abuse of the publicized assault perpetrated by some residents of a village in Domažlice district against two men. In a piece entitled 'No to a Czech Romanistan', Senator Okamura described the entire situation in way that evoked the application of the principle of collective blame. 'Roma are terrorizing the village of Strýčkovice in Domažlice district and the local residents have received police protection,' reads the first sentence of the piece, which proceeds to develop a thesis about the danger of so-called political correctness, or rather, to blame Romani people for causing their own disadvantaged position in Czech society through their incompetence and laziness.<sup>38</sup>

Otto Chaloupka,<sup>39</sup> chair of the Republika party, which has yet to be seated in Parliament, and a former MP for the Public Affairs (Věcí veřejných - VV) party, also expressed reservations about Islam in Europe,

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<sup>34</sup> [http://www.rozhlas.cz/radiozurnal/dvacetminut/\\_zprava/1310042,http://www.parlamentnilisty.cz/politika/poslanecka-snemovna/Cizince-nemas-praci-jedes-domu-Okamurova-smrst-na-Prime-ma-dohru-312632](http://www.rozhlas.cz/radiozurnal/dvacetminut/_zprava/1310042,http://www.parlamentnilisty.cz/politika/poslanecka-snemovna/Cizince-nemas-praci-jedes-domu-Okamurova-smrst-na-Prime-ma-dohru-312632)

<sup>35</sup> <http://www.romea.cz/en/news/czech/czech-mp-okamura-insults-romani-victims-of-the-holocaust-media-and-politicians-sharply-criticize-him>.

<sup>36</sup> Ibid.

<sup>37</sup> Czech-Romani coexistence is one of Okamura's most-discussed political themes. In the past, for example, he sued journalist Barbora Tachecí for using the words 'final solution to the Gypsy question' in the context of reporting on Okamura's remark that the opinion that 'the Gypsies should establish their own state and the Czech Republic should support their emigrating back to the country from which their ancestors came' is not an extreme one. See <http://okamura.blog.idnes.cz/c/177377/Budme-politicky-nekorektni.html>

<sup>38</sup> <http://okamura.blog.idnes.cz/c/402092/Ne-ceskemu-Romanistanu.html>

<sup>39</sup> The VV party was in government from 2010 to 2012 under Czech Prime Minister Petr Nečas. In the subsequent elections to the Parliament of the Czech Republic it did not win the number of votes needed to stay in Parliament and has grappled with that loss of voter support ever since.

or rather ‘the import of cultures and religions incompatible with the European tradition.’<sup>40</sup> However, he devoted much more attention to ‘inadaptables’. In his television advertisement entitled ‘How far will it go?’<sup>41</sup> he used this term to refer to Romani people, blaming them across the board for a lifestyle that costs the majority society and doing his best to present the topic of Czech-Roma coexistence as an economic one requiring a ‘rational’ solution.

Chaloupka was convicted for similar remarks that same year and given a sentence of six months, suspended for one year. According to the Prague 1 District Court he committed the offense of inciting hatred against a group or suppressing their rights and freedoms in June 2013 when he published on Facebook his response to a letter addressed to the mayor of Duchcov by the father of a woman charged with the much-publicized physical assault on a married couple (see Chapter 5). The politician appealed that verdict to the Municipal Court in Prague, which upheld the sentence and, according to journalists present for the reading of the verdict, likened Chaloupka’s behavior to inciting a lynching.<sup>42</sup>

Lukáš Kohout, a candidate for the Caucus of Independent Citizens party (ANEŮ), also joined the competition for European Parliamentary seats by using anti-Romani rhetoric.<sup>43</sup> This former organizer of the anti-Romani demonstrations in the Šluknov foothills presented his candidacy through an election video entitled ‘Will the monkeys vote?’<sup>44</sup> In the video, Kohout bribes a Romani man (who is demonstrating that he ‘shits on the elections’ by sitting on a toilet bowl) to vote for his party and given him a preferential vote.

The No to Brussels – National Democracy (NBND) party, advocating for the Czech Republic’s withdrawal from the EU, based its campaign on open condemnation of Jews, LGBT people, Muslims and Roma. In its campaign video, the party characterized the project of European integration as ‘an evil producing more evil’, which, judging by the visual accompaniment to that verbal commentary, is a reference to all of the above-mentioned groups. The party is led by Adam B. Bartoš, who the Czech public knows as an author of a list of so-called ‘truth-lovers’, the ideological followers of former Czech President Václav Havel, and ‘famous Czech Jews’, which was published on a website called ‘Bohemia for the Czechs’, subtitled ‘Let’s not let our homeland become a new Israel’.<sup>45</sup>

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<sup>40</sup> <http://www.prvnizpravy.cz/zpravy/politika/Chaloupka-strana-republika-neopisuje-volebni-hesla-od-jinych/>

<sup>41</sup> <https://www.youtube.com/watch?v=a0zX4Sp0UZs&feature=youtu.be>

<sup>42</sup> <http://www.romea.cz/cz/zpravodajstvi/domaci/markus-pape-soudnicka-podnecovani-k-lynci-je-trestne>

<sup>43</sup> The other members of ANEŮ distanced themselves from Kohout and called on him to resign from his party post; see <http://www.parlamentnilisty.cz/politika/politici-volicum/ANEŮ-Lukas-Kohout-by-mel-neprodlene-rezignovat-316069>.

<sup>44</sup> <http://www.romea.cz/cz/zpravodajstvi/volebni-uskupeni-republika-a-aneo-hanobi-romy-aneb-podvodnici-vsech-stran-spojte-se>

<sup>45</sup> The Office for the Protection of Personal Information reviewed this list but did not find its creation and publication illegal.

With the exception of the KDU-ČSL, none of the parties mentioned above made it into the EP. One possible explanation is the mainstreaming of intolerance and xenophobia, a process through which themes accentuated by fringe hate groups are co-opted by traditional civil society organizations. For political parties not seated in Parliament, this means voters cast ballots for established parties for whom there was a greater likelihood they would exceed the voting threshold to win seats. On the other hand, it must be pointed out that some representatives of Czech Parliamentary parties running for the EP objected to the anti-immigration rhetoric, including Miroslav Poche (ČSSD), Jiří Šír and Tomáš Prekop (ANO 2011) and Jan Zahradil (ODS).<sup>46</sup>

A partial success in prosecuting hate violence perpetrated by political representatives is the sanctioning of Vladimír Dryml, who today is a former Senator for the Citizens' Rights Party – ZEMAN (SPO–Z).<sup>47</sup> The Senate of the Czech Republic fined him CZK 20,000 for remarks he made in his capacity as director of a hospital in Vrchlabí, a post he held simultaneously with his seat in the Senate. Dryml told a subordinate doctor at the hospital who was originally from Yemen to 'Go back where you came from!' Dryml defended himself by saying his remark had not been racially motivated, but that he was reacting to the doctor's allegedly dangerous, irresponsible behavior during the landing of a helicopter at the hospital. He also declared that such sanctions would be abused in the future by foreign nationals reproached for professional misconduct. Dryml has paid the fine. The Constitutional Court refused to review his complaint to them over the fine. Previously Dryml had faced criticism for his racially-motivated remarks about Romani people.<sup>48</sup>

## 4.2 Local municipalities

The situation with respect to hate violence is very diverse at the local level. In addition to examples of good practice we also encounter many cases that, in our opinion, contribute to the deterioration of coexistence among various social groups. Local politics and public administration are not immune to the tendencies noted at the national level. Hateful invective by representatives of local municipalities goes hand in hand with the introduction of discriminatory, repressive measures and occurs primarily in relation to Muslims and Roma. Compared to national politics, however, the **issue of homeless people** takes on much more significance locally. Especially during local elections in big cities, this topic has become one of the most important in general.<sup>49</sup> Czech Finance Minister Andrej Babiš, the chair of the

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<sup>46</sup> [http://ceskapozice.lidovky.cz/drimajici-tema-eurovoleb-imigranti-duw-tema.aspx?c=A140425\\_101800\\_pozice-tema\\_kasa](http://ceskapozice.lidovky.cz/drimajici-tema-eurovoleb-imigranti-duw-tema.aspx?c=A140425_101800_pozice-tema_kasa)

<sup>47</sup> As its name indicates, the party is closely connected with the person of current Czech President Miloš Zeman.

<sup>48</sup> [http://www.helcom.cz/dokumenty/zpravy-SLP/CHV\\_ZSLP\\_2012\\_CZ.pdf](http://www.helcom.cz/dokumenty/zpravy-SLP/CHV_ZSLP_2012_CZ.pdf)

<sup>49</sup> <http://nazory.ihned.cz/komentare/c1-62895170-bezdomovci-pred-nasimi-dvermi>, <http://www.romea.cz/cz/zpravodajstvi/ondrej-mrazek-vycistit-a-vyhnat-aneb-ceske-volby-2014>

ANO 2011 party, got involved with the issue when he called homeless people on Wenceslas Square in Prague a reason the 'shame' of the Czech capital.<sup>50</sup>

'Homeless out of residential zones', 'Homeless won't be at home in Prague 14', 'Less drug addicts and homeless = more security' – these are some of the campaign slogans used by Prague candidates for the ODS party, the Civic Conservative Party (OKS) and the Public Interest (VZ) party.<sup>51</sup> A plan was dusted off that was originally created by Jiří Janeček (a former Prague councilor for ODS who is the chair of the OKS today) for building a special center where the municipal police might displace 'homeless who have chosen homelessness as a lifestyle'.<sup>52</sup> (It is of interest to note that a man who attempted to murder two homeless men in Prague described them in a similar way – see Chapter 5). Janeček's proposal was approved in 2010 by the City Council but never implemented, among other reasons because no municipal department wanted such a center on its territory.<sup>53</sup>

The plan to remove homeless people from the center of the capital, nevertheless, was partially implemented. A key role was played by the legal option of banning residency which was introduced into the law on misdemeanors by a former Czech MP for the ODS party, Ivana Řápková.<sup>54</sup> The ban on residency may be enacted for three months at the most against those perpetrators of misdemeanors who do not have permanent residency in the place where they have committed their misdemeanor. Should the perpetrator violate the ban, he or she can be sentenced to up to two years in prison for the felony of Obstruction of Justice. According to some sources, in Prague 1 alone 160 persons were prosecuted for that crime between January 2013 (when the law took effect) and January 2015.<sup>55</sup> This means the way out of the center of the capital, for many homeless people, leads directly to prison.

Martin Zrzavecký, the winning candidate for the Social Democrats in the mayoral race in Plzeň, approached the solution of homelessness in a similar fashion. In a survey before the election conducted by the news server Aktuálně.cz, he declared: 'One option is to remove [homeless people without permanent residency] from the town. Not to neighborhoods on the outskirts, that would just be moving the problem elsewhere, but completely outside the town limits. If you transport them away more than once, they will think twice about returning.'<sup>56</sup> After taking office, he set up a special unit of the municipal police and entrusted it with removing homeless persons from public transportation and from the town

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<sup>50</sup> [http://zpravy.idnes.cz/ano-zahajilo-kampan-pred-komunalnimi-a-senatnimi-volbami-peg-domaci.aspx?c=A140901\\_123527\\_domaci\\_kop](http://zpravy.idnes.cz/ano-zahajilo-kampan-pred-komunalnimi-a-senatnimi-volbami-peg-domaci.aspx?c=A140901_123527_domaci_kop)

<sup>51</sup> <http://denikreferendum.cz/clanek/18919-a-proc-bezdomovci>

<sup>52</sup> <http://www.stalo-se.cz/?p=19719>

<sup>53</sup> [http://www.rozhlas.cz/zpravy/politika/\\_zprava/772055](http://www.rozhlas.cz/zpravy/politika/_zprava/772055)

<sup>54</sup> <http://www.cak.cz/scripts/detail.php?id=8490>

<sup>55</sup> <http://denikreferendum.cz/clanek/20019-zakaz-pobytu-dva-roky-pote-jak-se-nam-represe-ne-vyplatila>

<sup>56</sup> <http://zpravy.aktualne.cz/domaci/anketa-chteji-vest-plzen-jak-by-vyresili-jej-problemy/r~c95c9d1e4af711e4ba15002590604f2e/v~sl:37ffc8624cbd48fa8c5e8f0f2c4364ce/>

center.<sup>57</sup> The residency ban has also been used there in this regard, although to a lesser extent than in Prague.<sup>58</sup>

Repressive measures against homeless people were also introduced in the city of Brno during the past year. At the main train station, barriers were installed making it impossible to lie down on benches, and on Moravské Square, benches with such barriers were also installed. The municipal police understood the residency ban to be an effective tool given the social situations of homeless people. 'We have never before had an option for effectively affecting the behavior of such people. Many of them are completely insolvent, they give us fake addresses, and it is practically impossible to enforce sanctions against them,' local police press Jakub Ghan said.<sup>59</sup>

The issue of homelessness and 'inadaptables' generally has long been among the main points on the agenda of the Union of Cities and Municipalities of the Czech Republic.<sup>60</sup> In August 2014 the Union initiated a petition calling on the Government and Parliament to address 'the deteriorating state of security in most of our cities and municipalities and the growth of social tensions among various groups'.<sup>61</sup> As the most appropriate measure, they proposed introducing a Central Misdemeanor Registry and qualifying the repetition of misdemeanors as a felony. The authors of the petition also demanded the revival of so-called 'community service' which conditions the disbursal of welfare on the performance of work. That program was abolished in 2012 by the Constitutional Court because it violated many regulations of the Charter of Fundamental Rights and Freedoms.<sup>62</sup>

We consider the above-described trend toward repressive 'solutions' to the situation of homeless people to be alarming. Transferring homeless people from the streets to the prisons not only fails to resolve the problems connected to their lack of housing, but on the contrary contributes to worsening those problems. A criminal record significantly complicates hiring and makes it difficult for homeless men and women to reintegrate into normal life. A repressive approach also obscures the fact that homeless people are among the most vulnerable group of persons at risk of hate violence. Improving security for homeless people is an important task that cannot be accomplished without stopping the stigmatization of this group.

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<sup>57</sup> <http://www.ceskatelevize.cz:8099/ct24/regiony/295201-plzensky-primator-bojuje-s-bezdomovci-obcane-s-jeho-nacistickymi-metodami/>, <http://www.denik.cz/plzensky-kraj/foto-video-v-plzni-zacal-hon-na-bezdomovce-20140616-kw7m.html>

<sup>58</sup> [http://plzensky.denik.cz/zpravy\\_region/zakaz-pobytu-v-plzni-dvakrat-20140627.html](http://plzensky.denik.cz/zpravy_region/zakaz-pobytu-v-plzni-dvakrat-20140627.html)

<sup>59</sup> [http://brno.idnes.cz/bezdomovci-v-brne-a-zakazy-pobytu-dle-/brno-zpravy.aspx?c=A141204\\_104230\\_brno-zpravy\\_daj](http://brno.idnes.cz/bezdomovci-v-brne-a-zakazy-pobytu-dle-/brno-zpravy.aspx?c=A141204_104230_brno-zpravy_daj)

<sup>60</sup> This is an interest group that brings together the leaders of local administrations and contributes to the creation and design of legislative and non-legislative measures that concern their competencies.

<sup>61</sup> <http://www.smocr.cz/cz/nase-akce/jine/petice-ve-veci-reseni-problematiky-verejneho-poradku-a-socialnich-zalezitosti.aspx>

<sup>62</sup> [http://www.usoud.cz/aktualne/?tx\\_ttnews\[tt\\_news\]=175&cHash=0b63d8ae3e](http://www.usoud.cz/aktualne/?tx_ttnews[tt_news]=175&cHash=0b63d8ae3e)

Probably the most-discussed case of **Islamophobia** at local level was a municipal ordinance proposed by the municipality of Teplice. This spa town has hosted visitors from Arab countries for years. Some locals complain of visitors disturbing nighttime quiet, littering in public spaces, driving dangerously in rented cars and last but not least have been bothered by a plan to building houses for Muslim visitors. All of this became the pretext for spreading a story about the ‘Arab colonization’<sup>63</sup> of Teplice, which has already resulted in specific consequences.

Some residents have taken revenge against Muslim tourists by refusing to serve them in restaurants.<sup>64</sup> Town councilor Iva Dvořáková (ODS) initiated a proposal to adopt an ordinance banning covering one’s face in public in order to support ‘European values’. Explaining the idea in a newspaper interview, she said: ‘I presume that those who will be capable of respecting our rules and who reveal their faces will be more amenable to other rules concerning order and safety. The extremely conservative ones who refuse to respect our rules should simply not come here.’<sup>65</sup> The Interior Ministry rejected the ordinance as failing to uphold the principles of the Charter of Fundamental Rights and Freedoms.<sup>66</sup>

We see the same logic used in the justification for refusing the construction of a private Muslim cemetery in the Prague 8 municipal department by Vice-Mayor Vladimíra Ludková (ODS). She compared Muslims to cartoon characters and went on to say: ‘I don’t want Prague 8 to become the same as the city of Marseille in France, where even police are afraid to go into some quarters. Our cultural-historical area has a Judeo-Christian basis. Even though most of our nation does not actively espouse any faith, I am convinced that we can’t just discard several thousand years of the development of our culture in the interest of a hard-to-grasp multiculturalism and tell everyone “You are welcome here”.’<sup>67</sup> The Prague 8 town hall subsequently distanced itself from this remark, saying that the application for a cemetery had been rejected because it did not fit the land-use plan. Nevertheless, Ludková insisted on her version and added the following: ‘I am of the opinion that Islamic culture is not compatible with the culture and habits of Western civilization.’<sup>68</sup>

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<sup>63</sup> <http://euro.e15.cz/archiv/arabove-si-oblibili-teplicko-lazne-vzkvetaji-patrioti-strasi-islamizaci-1163366>.

<sup>64</sup> [http://usti.idnes.cz/stret-kultur-v-teplicich-resi-jak-vyjit-s-arabskymi-hosty-p3b-/usti-zpravy.aspx?c=A140807\\_195025\\_usti-zpravy\\_js](http://usti.idnes.cz/stret-kultur-v-teplicich-resi-jak-vyjit-s-arabskymi-hosty-p3b-/usti-zpravy.aspx?c=A140807_195025_usti-zpravy_js)

<sup>65</sup> [http://usti.idnes.cz/vyhlaska-teplic-o-zakazu-zahalovani-tvare-fib-/usti-zpravy.aspx?c=A140829\\_163615\\_usti-zpravy\\_alh](http://usti.idnes.cz/vyhlaska-teplic-o-zakazu-zahalovani-tvare-fib-/usti-zpravy.aspx?c=A140829_163615_usti-zpravy_alh)

<sup>66</sup> [http://usti.idnes.cz/lazensky-poplatek-a-vyhlaska-o-zahalovani-tvare-v-teplicich-plf-/usti-zpravy.aspx?c=A141007\\_161033\\_usti-zpravy\\_alh](http://usti.idnes.cz/lazensky-poplatek-a-vyhlaska-o-zahalovani-tvare-v-teplicich-plf-/usti-zpravy.aspx?c=A141007_161033_usti-zpravy_alh)

<sup>67</sup> The point of the cartoon is that one must not back down in the face of Evil, otherwise it will completely take one over. In the story, Evil is represented by nymphs who deceive the main hero by saying they want to warm ‘just three fingers’ inside his open door before leaving again. That does not happen – once the hero opens the door, the nymphs push their way inside and kidnap the confused hero. See also: <http://www.vasepraha8.cz/aktuality/neverejny-hrbitov-pouze-pro-muslimy-ne>.

<sup>68</sup> [http://praha.idnes.cz/mistostarostka-se-vyjadruje-k-muslimskemu-pohrebisti-pgk-/praha-zpravy.aspx?c=A140716\\_2082561\\_praha-zpravy\\_bur](http://praha.idnes.cz/mistostarostka-se-vyjadruje-k-muslimskemu-pohrebisti-pgk-/praha-zpravy.aspx?c=A140716_2082561_praha-zpravy_bur)

**The exploitation of measures that are neutral on their face in order to discriminate** against certain groups is a rather widespread strategy among local administrations. In the past, many were implemented under the rubric of so-called 'zero tolerance' or 'combating welfare abuse'. While such actions are justified by the principle of 'everyone must follow the rules', in reality they frequently result in the selective prosecution of members of stigmatized social groups. For example, the town hall of Most decided to accede to the alleged wishes of some residents of the Stovka housing estate and did not install any benches as part of the renovation of the public spaces there. 'They came to us and said for God's sake, do not put any benches there, because the Gypsies sit on them and yell,' Vice-Mayor Hana Jeníčková of the 'Most Residents for Most Association' told the Most Daily.<sup>69</sup> What is remarkable is that this renovation was part of a DEMOS project financed with EU social inclusion subsidies. The original proposal had included the installation of benches.

When it comes to Czech-Roma coexistence, the most important event of last year was the creation of the **local coalition government after elections in the town of Duchcov** featuring the Czech Social Democrats, the Communist Party of Bohemia and Moravia (KSČM) and the Workers' Social Justice Party (DSSS).<sup>70</sup> The electoral success of this last party can be attributed to the social tensions that escalated after a non-Romani married couple was assaulted by a group of Romani people in May 2013. This was followed by anti-Romani marches on the Romani neighborhood in Duchcov. The members of the DSSS were deeply involve in these marches and organized one of the demonstrations. 'Finally these people are going to rise up and murder them all' commented party member Jan Dufek on the purpose of the demonstrations, and his words were echoed by the chair of the local DSSS, Jindřich Svoboda, who is now a local councillor.<sup>71</sup>

The leadership of the ČSSD and KSČM distanced themselves from this local coalition government and called on their members to withdraw from it.<sup>72</sup> Since the Social Democratic members did not do so, the national leadership of the ČSSD instructed the regional-level committee of the party to close the local organization in Duchcov. The regional-level committee refused to do so and its chair, Radek Scherfer, justified his refusal by saying the DSSS had not been banned by the courts and he therefore saw no reason to dissolve the local coalition. Ultimately the ČSSD national leadership closed down its local organization in Duchcov on its own on 13 December 2014. Czech Prime Minister Bohuslav Sobotka, the

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<sup>69</sup> [http://mostecky.denik.cz/zpravy\\_region/mostecka-radnice-nedala-kvuli-romum-lavicky-ke-stovce-20140918.html](http://mostecky.denik.cz/zpravy_region/mostecka-radnice-nedala-kvuli-romum-lavicky-ke-stovce-20140918.html)

<sup>70</sup> The DSSS came about as the successor to the far-right Workers' Party (DS) which was dissolved by the Supreme Administrative Court on 17 February 2010 after it was found to pose a threat to the constitutional order of the Czech state.

<sup>71</sup> <http://www.romea.cz/en/news/czech/czech-organizer-of-anti-roma-demonstrations-doesn-t-recall-expressing-a-desire-for-mass-murder>

<sup>72</sup> <http://www.ceskatelevize.cz/ct24/regiony/293501-s-koalici-v-duchcove-nesouhlasí-vedení-čssd-ani-teplicka-kscm/>, [http://usti.idnes.cz/kscm-chce-kvuli-dsss-vylucovat-dmf-/usti-zpravy.aspx?c=A141217\\_143742\\_usti-zpravy\\_hrk](http://usti.idnes.cz/kscm-chce-kvuli-dsss-vylucovat-dmf-/usti-zpravy.aspx?c=A141217_143742_usti-zpravy_hrk)

party chair, is unequivocally opposed to 'ČSSD forming a coalition with parties at any level that have a Fascist or racist character'.<sup>73</sup>

Some in the ČSSD leadership also objected to a **sexist campaign poster** used by its local organization in Zlín. The local Young Social Democrats organization decided to target first-time voters using the following slogan: 'It will be the first time for many of us. Don't be embarrassed to give us a chance' with a photograph of a naked woman's lap covered by her hand.<sup>74</sup> Local party chair Vladimír Drtil defended the news, saying he did not believe the poster was sexist. He went on to say: 'Some might consider it that way, but it's nothing garish. It might bother some Puritans, but others might laugh and say it's funny.'<sup>75</sup> Ultimately, however, the poster was removed from public spaces. The ad won first place in the sixth annual Sexist Piggy contest in the 'public voting' category; the contest is run by the nonprofit organization NESEHNUTÍ in collaboration with the Norwegian Funds and the Open Society Foundations.<sup>76</sup>

### 4.3 The far-right

The decline in activity by far-right entities in the Czech Republic is a longstanding trend. This has to do both with their public appearances, their organizing of demonstrations and participation rates among their followers, and with their covert, illegal activities. Despite this, the proportion of far-right members in the perpetration of hate violence is not negligible. Whether this takes the form of direct physical assaults or the fomenting of social unrest that is also joined by people not involved with such structures, the far-right occupies a firm position on the map of hate violence.

A certain specific characteristic not just of 2014 but of several years before that has been the **boom in far-right hacking**. These so-called 'national hackers', associated with the White Media website, focus on attack the e-mail accounts, social media accounts (especially Facebook) and websites of certain figures for the purpose of changing their content and/or stealing private information in order to blackmail them. Targets have included journalists, left-wing politicians, nonprofit sector employees, social activists and well-known public figures. Victims have filed criminal reports of such matters more than once, but the police investigations of them have yet to be completed.

While in 2013 the themes of 'Romani crime' and 'welfare abuse' unequivocally dominated the agenda of far-right groups, the apparent trend for 2014 was a shift toward the alleged 'Islamization of the Czech Republic'. The DSSS convened a public assembly on this subject in Teplice (see above). Growing tensions

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<sup>73</sup> <http://www.ceskenoviny.cz/zpravy/cssd-zrusila-mistni-bunku-v-duchcove-ktera-je-v-koalici-s-dsss/1158428>

<sup>74</sup> [http://zpravy.idnes.cz/cssd-stahla-kontroverzni-plakat-s-zenskym-klinem-fv0-domaci.aspx?c=A140905\\_101749\\_domaci\\_kop](http://zpravy.idnes.cz/cssd-stahla-kontroverzni-plakat-s-zenskym-klinem-fv0-domaci.aspx?c=A140905_101749_domaci_kop)

<sup>75</sup> Ibid.

<sup>76</sup> <http://prasatecko.cz/>

between local residents and spa visitors from Arab countries have been reported from that North Bohemian town. Approximately 100 people attended the DSSS demonstration there.

The DSSS scored much more of a success in the towns of Děčín and Duchcov, where the party attempted to exploit the predominantly anti-Romani sentiment after Romani people physically assaulted ethnic Czechs. However, none of the assemblies they organized there were attended by more than 200 people, and Interior Ministry estimates reported that less than half of those participating in them were locals. A noted lack of interest met a demonstration convened by the far-right **Czech Lions** in the town of Budišov nad Budišovkou, where a local Romani person was convicted of the death of a local non-Romani youth. That organization had held an anti-Romani tour of more than 10 towns in 2013, and some of their events were attended by several hundred people. No more than 60 turned out for the 2014 event in Budišov.

A traditional neo-Nazi 'happening' called 'Light for Dresden' has been blockaded several times in Germany itself and was therefore moved to Karlovy Vary in the Czech Republic, but the move did not increase turnout. An estimated 150 persons participated, the vast majority of them from Germany. Perhaps for this reason the promoters of the far-right have decided to focus their activities on the 'more mainstream' anti-Islam public assemblies such as those held under the auspices of the 'We Don't Want Islam in the Czech Republic' initiative (IVČRN). Some far-right activists also contributed through the Pro-Vlast ('For the Homeland') organization to convening a demonstration against receiving Syrian refugees on 18 December 2014 in front of the Office of the Government.<sup>77</sup>

This inability to mobilize the public is also reflected in low voter support. The single success of the far-right in this respect remains the 9.26 % of the vote it scored in the local elections in Duchcov, which made the DSSS one of the parties in that town's local governing coalition. In an attempt to better their lot, the DSSS joined the National Democracy party in a National Congress coalition in the summer of 2014, which was joined three more similarly marginal groups several months later.<sup>78</sup> Given recent developments (a conflict between Adam B. Bartoš and Tomáš Vandas, the DSSS chair) the existence of that coalition remains uncertain.<sup>79</sup>

**An initiative by Adam B. Bartoš and six fellow-travelers from far-right circles to blockade the Prague Pride march** was similarly unsuccessful. They sat down in the middle of the road near a hospital and were then carried away by police officers. Prior to that, approximately 30 people had demonstrated on Wenceslas Square against the march. Some of them were supporters of 'Akce D.O.S.T.', and those participating regaled LGBT community members with vulgar insults. Police did not intervene against the counter-demonstration because it was officially held as a religious gathering, which provided it with

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<sup>77</sup> <http://www.antifa.cz/content/ivcrn-pro-vlast-na-demonstraci-proti-prijeti-syrskych-utecencu>

<sup>78</sup> Those parties are the Republican Party of Bohemia, Moravia and Silesia (RSCMS), the Conservative and Social Movement (KSH) and National Prosperity (NP).

<sup>79</sup> <http://www.romea.cz/en/news/czech/czech-republic-vandas-re-elected-dsss-chair>

special legal protection under the Assembly Act.<sup>80</sup> In the past, former Czech President Václav Klaus was one of the most significant critics of Prague Pride. In 2014 the only person to take up the agenda of combating 'homosexuality', as Klaus's followers call what they allege is an ideological indoctrination aiming to bankrupt traditional values, was Czech MP Marek Benda (ODS).<sup>81</sup>

#### 4.4 Security forces

The security apparatus of the state and local administrations has a significant influence on the state of hate violence. Through their work, they contribute both to preventing hate incidents and to solving and prosecuting such cases. However, they can also function as a **catalyst for disseminating hatred and the growth of societal tensions**. This especially applies to the police, who are usually the first state body that victims of hate violence come into contact with. In the eyes of the victims, police officers are not just individuals performing a profession, but the state *per se*. For that reason, the approach taken by police officers towards victims of hate violence is especially important. As was stated above, without sensitive treatment, including respecting cultural differences, trust in the police is disrupted, especially among victims who are members of minorities that are discriminated against and stigmatized in the public sphere.

Apparently the most significant example of the police taking a culturally insensitive approach in 2014 was the **raid by the Organized Crime Detection Union on centers run by the Islamic Foundation in Prague**. On 25 April, a unit of armed and masked riot police entered buildings serving as Muslim prayer halls during Friday noon prayers. That time occupies a particular place in the religious life of Muslims, as it is when the Muslim community gathers for their weekly service. The reason for the raid was to arrest a Czech person suspected of having published and distributed a book called *Bases of the Tauhid: the Islamic Conception of God* (Czech title *Základy tauhídu – Islámský koncept Boha*) by Bilal Philips, a book that was allegedly disseminating 'anti-Semitism, racism, violence and xenophobia against so-called inferior races'<sup>82</sup>, and to prevent its further distribution. Both locations raided were serving between 70 and 100 adults and children at the time. The vast majority were foreigners, including tourists and workers from the Indonesian Embassy in Prague. The police raid lasted more than four hours. The result was the detention of approximately 20 persons for interrogation including the main suspect, Vladimír Sářka, director of the Islamic Foundation, whom police later charged. Administrative proceedings aiming to deport several foreign nationals were then initiated as a result of the raid.

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<sup>80</sup> <http://www.romea.cz/en/news/czech/czech-republic-prague-pride-attended-by-17-000-including-roma>;  
<http://www.antifa.cz/content/zbytky-ultrapravice-proti-prague-pride>

<sup>81</sup> <http://www.parlamentnilisty.cz/arena/rozhovory/Marek-Benda-natvrdo-Prague-Pride-je-demonstrace-homosexualismu-330854>

<sup>82</sup> [http://praha.idnes.cz/razie-kvuli-muslimske-knize-d1h-/praha-zpravy.aspx?c=A140426\\_143938\\_praha-zpravy\\_jw](http://praha.idnes.cz/razie-kvuli-muslimske-knize-d1h-/praha-zpravy.aspx?c=A140426_143938_praha-zpravy_jw)

The performance of the raid was criticized not just by those detained, but also by Muslims contacted by the media. They complained that police were not sufficiently communicative and had detained them in place for several hours. The published video footage of the raid points out the failures committed by officers who threatened to shoot local worshipers unless they obeyed their orders, which were communicated in simple English with a strong Czech accent. The proportionality of the raid was questioned, given that the monograph that was the subject of the raid had first been published in Czech translation in 2012 and was freely available for purchase from the largest domestic bookseller online. Muslim prayer rooms are places for believers to demonstrate their piety and mutual respect in accordance with established rules. For some of them the sight of officers moving around the mosque with their shoes on was an enormous outrage.<sup>83</sup>

A public assembly was held outside the Interior Ministry in Prague to protest the raid and was attended by approximately 300 people.<sup>84</sup> The First Secretary of the Indonesian Embassy, Wahono Yulianto, filed an official complaint against the police with the Foreign Affairs Ministry claiming the officers violated the Vienna Convention on diplomatic relations.<sup>85</sup> The Foreign Affairs Ministry found the police had not violated that convention during the raid.<sup>86</sup>

The media did not report on the problems that the police raid caused for those who were detained. According to information provided to In IUSTITIA, one of the men detained was fired after photographs capturing his arrest were published in a local newspaper called 'Strašničák', distributed free of charge in Prague 10, in the context of a report alleging that Muslim crime was rising.<sup>87</sup> A second detainee developed psychological trauma as a result of the raid. He was subsequently charged by police with making threats against the personnel of a doctor's office, declaring that he would shoot the Police President, that all Czechs are racists, and that the Czech Republic is a racist state. Understandably it remains a question to what degree the raid on the Islamic Foundation contributed to his behavior and whether he would have perpetrated something like that had he not been caught up in the raid. In any event, the cases described above are a warning to Czech society. When state authorities do not respect cultural specifics, that in and of itself can become a reason for minority groups to feel alienated.

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<sup>83</sup> [http://zpravy.idnes.cz/policie-uz-tri-mesice-vysetruje-muslimskou-knihu-a-zadava-posudky-1dq-/krimi.aspx?c=A140725\\_172908\\_krimi\\_jp](http://zpravy.idnes.cz/policie-uz-tri-mesice-vysetruje-muslimskou-knihu-a-zadava-posudky-1dq-/krimi.aspx?c=A140725_172908_krimi_jp)

<sup>84</sup> [http://www.lidovky.cz/modlitby-na-protest-proti-zasahu-v-mesite-se-zucastnilo-300-muslimu-1dr-/zpravy-domov.aspx?c=A140502\\_140849\\_in\\_domov\\_mct](http://www.lidovky.cz/modlitby-na-protest-proti-zasahu-v-mesite-se-zucastnilo-300-muslimu-1dr-/zpravy-domov.aspx?c=A140502_140849_in_domov_mct)

<sup>85</sup> <http://www.ceskatelevize.cz/ct24/domaci/271169-ministerstvo-dostalo-kvuli-razii-v-mesite-notu-z-indoneske-ambasady/>

<sup>86</sup> [http://www.tyden.cz/rubriky/domaci/policie-zasahem-v-mesitach-neporusila-umluvu\\_307956.html](http://www.tyden.cz/rubriky/domaci/policie-zasahem-v-mesitach-neporusila-umluvu_307956.html)

<sup>87</sup> According to one article, he was not fired because his photo was in the newspaper, but because he was distributing a campaign leaflet promoting a coalition between the ČSSD and the Green Party – that information was never verified, though. See <http://www.piratskelisty.cz/clanek-1371-proc-zeleni-spolu-s-cssd-podvadi-v-kampani-na-praze-10>.

A similarly inappropriate example of police procedure was the **confiscation of the Czech-Romani flags** from the Art Space Gallery, which is run by Anglo-American University in Prague. The creator of the flags, Tomáš Rafa, decided to use art to respond to the rising interethnic tensions in Czech society. Several criminal reports were filed against him for defacing a state symbol, some of which were filed by members of the DSSS. Because the flags had been previously exhibited in the Artwall Gallery in Prague 7, that municipal department fined Rafa CZK 2,000 in a misdemeanor proceeding. Prague City Hall subsequently overturned that decision and returned the confiscated flags to the artist.<sup>88</sup> While police did not directly break the law by proceeding as they did, their activity was, at a minimum, the application of a double standard. It is customary to see altered Czech flags during sports matches without either the police or the public taking any interest in them whatsoever. According to the artist, that fact is evidence of 'xenophobia being apparent even in the apparatus of state power, among bureaucrats'.<sup>89</sup> Abuse of the law in order to disseminate hatred represents a significant problem to any democratic society.

The **Security Information Services (BIS)**<sup>90</sup> annual report for the year 2013 can also be considered problematic, especially its section on Protection of Constitutionality and the Democratic Basis of the State, which discusses the anti-Romani demonstrations of that year. That section reproduces as fact the perspective of those who attended the demonstrations, whether recruited from the ranks of so-called 'ordinary people' or from the far-right part of the spectrum, and who describe 'Roma' as a source of danger for the 'majority society'. The notion that Romani people themselves are to blame for these anti-Romani demonstrations corresponds to the logic of collective blame, which contravenes the spirit of the law in a democratic society. This concept is not just refuted by the available information about the reality of crime in socially excluded localities (according to which Romani people are frequently victims and 'majority society' members are perpetrators), but also contributes to stigmatizing those activists and NGOs considered to 'lack objectivity' because they oppose such a biased perspective.

#### 4.5 Media

The stereotypical presentation of selected stigmatized groups is used by the media in particular because it represents a guaranteed hook for the attention of their listeners, readers and viewers. Even though this trend, powered by the economic logic of media operations, is sometimes irresistible to the national or public broadcasting media, in recent years it has primarily been a tactic of local and regional periodicals. A specific role in this issue is played by discussion posts beneath articles published by online

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<sup>88</sup> [http://praha.idnes.cz/prazsky-magistrat-zrusil-pokutu-za-vystaveni-cesko-romske-vlajky-1f1-/praha-zpravy.aspx?c=A150123\\_171843\\_domaci\\_fer](http://praha.idnes.cz/prazsky-magistrat-zrusil-pokutu-za-vystaveni-cesko-romske-vlajky-1f1-/praha-zpravy.aspx?c=A150123_171843_domaci_fer)

<sup>89</sup> [http://praha.idnes.cz/umelci-vratili-zabavenou-cesko-romskou-vlajku-fl1-/praha-zpravy.aspx?c=A150126\\_2134351\\_praha-zpravy\\_bur](http://praha.idnes.cz/umelci-vratili-zabavenou-cesko-romskou-vlajku-fl1-/praha-zpravy.aspx?c=A150126_2134351_praha-zpravy_bur)

<sup>90</sup> BIS is the domestic counter-intelligence service of the Czech state.

news portals. These frequently serve as a platform for disseminating hatred despite certain attempts by operators to regulate them.

A textbook negative example is the discussions conducted online beneath articles about the first-ever quintuplets in the Czech Republic who were born to Alexandra Kiňová and Antonín Kroščen at the beginning of June 2013. While the family had become a target for hatred because of their Romani ethnicity from the start, they became a target again in connection with the broadcast of a 13-part documentary series 'Quintuplets: That was a year!', filmed by Alena Dersziová for Czech Television.<sup>91</sup> Not all online media operators, however, are interested in seeing their discussions flooded with hateful commentary. The *Mostecký deník* daily, for example, decided to close its discussion spaces beneath its online articles to prevent that.<sup>92</sup>

Another television documentary – or rather, a reality show – 'Class 8A', the first episode of which was broadcast by Czech Television on 23 October 2014, is having a somewhat problematic reception. The program is inspired by one called 'Class 9A' from Swedish public broadcasting television and maps six months of teachers from prestigious elementary schools working with a class at a 'Romani' school in Brno. The Czech Republic has long been criticized by international organizations for segregating Romani pupils in the primary level of the education system. Even though 'Class 8A' is framed by that phenomenon, it takes almost no notice of those causes and suggests the notion that the relatively worse results of Romani pupils can primarily be explained by their low motivation.<sup>93</sup> However, if that is actually the main problem, it begs the question as to why the screenplay is being enacted at a 'Romani' school and not at a 'mainstream' school that also has to grapple with pupils' low motivation.

Some of the documentary techniques used by the filmmakers are extremely unethical if not illegal. These include the use of hidden cameras during instruction, the publishing of information that participants did not wish publicized, the turning of the topic mapped into a scandal and the vilification of those filmed. We should add that according to representatives of the primary school concerned, the parents of the children who participated in the documentary film responded 'rather dismissively' to it and the teachers were 'embarrassed' by it, as they believe it represents them in a one-sided, unflattering light.<sup>94</sup>

The Council for Radio and Television Broadcasting (RRTV) called on the commercial television station TV Prima to make amends for having broken the law in the matter of its broadcasting a news series called 'Where Others Fear to Go'. The program was comprised of reportages from socially excluded localities

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<sup>91</sup> <http://www.ahaonline.cz/clanek/zhave-drby/101983/mama-patercat-v-diskuzi-s-televiznimi-divaky-takovou-sprchu-zavisti-a-nenavisti-nikdo-necekal.html>

<sup>92</sup> [http://mostecky.denik.cz/zpravy\\_region/mostecky-denik-rusi-diskuse-na-webu-prekrocily-meze-unosnosti-20141222.html](http://mostecky.denik.cz/zpravy_region/mostecky-denik-rusi-diskuse-na-webu-prekrocily-meze-unosnosti-20141222.html)

<sup>93</sup> <http://respekt.ihned.cz/c1-63143570-opravdu-rika-trida-8-a-ze-jsou-romove-nevzdelavatelni>

<sup>94</sup> <http://www.eduin.cz/clanky/libor-tomanek-sami-jsme-zvedavi-jak-dopadne-trida-8-a/>

where impoverished Romani people are concentrated. The RRTV stated that a stereotypical identification of Romani people with 'inadaptables' and 'rent defaulters' whose neighbors should fear them regularly occurred in the programs. Often the principle of collective blame is applied during the programs, with Romani people blamed across the board for the growth of crime and social tensions, including violent anti-Romani demonstrations involving the far-right. 'Such depictions of persons of Romani origin can potentially result in reaffirming stereotypical prejudices, enhancing the xenophobic atmosphere of ethnic tensions in society, and contributing to discriminatory behavior by the majority population,' the RRTV concludes its statement.<sup>95</sup> If the television station does not respond it could face an administrative proceedings resulting in a fine.

The NESEHNUTÍ nonprofit organization decided to respond to the publishing of anti-Romani articles by the Prostějovský deník daily by filing criminal reports. In a press release the organization describes an unacceptable linkage of theft with a perpetrator's ethnicity, creating the impression that 'the ethnic group of Roma, as a whole, is a group of characterless violent thugs, i.e., that "Gypsies" are "hyenas"', a reference to the headline of one article, 'GYPSY HYENAS rob woman of her crutches!'<sup>96</sup> As in the previous case, the police closed this matter by saying that no facts could be ascertained that would justify initiating a criminal proceeding.

There are also cases of the media basing hateful articles on unconfirmed information. News server Romea.cz reported on the publicizing of a case of robbery allegedly involving knife-wielding Romani people in Jihlava that was fabricated by a young non-Romani man. A press release about the alleged incident from the Czech Police was reprinted not just by local media, but nationwide. Even though police later corrected the information, that does not change the fact that this unverified information was published as fact.<sup>97</sup> The public responds with great sensitivity to reports of Romani people committing crimes against ethnic Czechs. In 2012 a similarly invented story of a mugging resulted in anti-Romani demonstrations attended by as many as 2 000 people.<sup>98</sup>

#### **4.6 'Ordinary citizens'**

This category is very broad. It includes a diverse spectrum of actors in business, civil society, sports and other fields. What is predominantly at issue here are everyday slights that may never be reflected upon, but even in the case of those incidents that have been publicized it will not be easy to choose the most important of them. For that reason, this section is just a limited sample of the social problems that influence the state of hate violence in the Czech Republic to a greater or lesser extent. As with the

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<sup>95</sup> [http://www.rrtv.cz/cz/files/memo/z%C3%A1pis\\_13\\_14.pdf](http://www.rrtv.cz/cz/files/memo/z%C3%A1pis_13_14.pdf)

<sup>96</sup> <http://nesehnuti.cz/vystupy/cikanske-hyeny-nepripustne/>

<sup>97</sup> <http://www.romea.cz/en/news/czech/czech-police-again-report-fabricated-attack-by-dark-skinned-person-as-real>; <http://www.i-vysocina.cz/zpravodajstvi-jihlavsko/student-si-loupezne-prepadeni-vymyslel>

<sup>98</sup> <http://www.romea.cz/en/news/czech/czech-prosecutor-to-ask-police-whether-minor-who-lied-to-them-broke-the-law>

previous cases, attention here has primarily been paid to those of the **Muslim religion** and **Romani nationality**. Xenophobic assault is also reported.

The 'We Don't Want Islam in the Czech Republic' (IVČRN) initiative began to lead the domestic anti-Islam movement in 2014. The group originally began in 2009 as a Facebook page. Currently that page is followed by as many as 120 000 users. Previously the initiative predominantly restricted its activity to the Internet.<sup>99</sup> The group initiated a petition against the Center of Muslim Communities being granted access to a second level of registration that would make it possible for the religious organization to expand some of its powers. IVČRN then began to show up more frequently in public spaces starting at the end of 2014. In addition to demonstrations, the group drew attention by sending an open letter to the President of the Czech Republic expressing appreciation for his resistance to Islamic 'anti-civilization'. The purpose of the letter was to appeal for the prevention of a Government-drafted bill expanding the powers of the Public Defender of Rights. The letter was published on the blog of Martin Konvička, one of the best-known representatives of IVČRN, a college educator who calls himself 'an eternal rebel, provocateur and amateur de-Islamizer'.<sup>100</sup>

The most significant activities of the IVČRN in 2014 were their **protests against the presence of tourists from Arab countries** in Teplice and their **demonstration against the reception of Syrian refugees** held on 18 December in front of the Office of the Government of the Czech Republic. As far as the former incident goes, the IVČRN was reacting to the buying of land and real estate for the purpose of accommodating Arab guests, publicizing their response to that news by releasing video footage of pigs' heads being buried on the land in question, accompanied by a caption reading 'Our plump porkers will set the Islamists' plans awry.'<sup>101</sup> Jiří Barták, the IVČRN member whose YouTube profile was used to post the video, commented on it as follows: 'Teplice is facing an attempted Islamic colonization that will not bring the indigenous population development and progress, but medieval obscurantism and a security risk. The residents of Teplice are defending themselves with the weapons at their disposal.'<sup>102</sup>

**A demonstration against receiving refugees** was held in reaction to an assembly supporting their reception that was organized by the Consortium of NGOs Working with Migrants in the Czech Republic.

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<sup>99</sup> The Czech Interior Ministry's Summary Situational Report for the third quarter of 2014 on extremism (MV ČR 2014: 4) refers to IVČRN as a 'virtual Islamophobic entity'. However, the initiative was not mentioned in the annual report on extremism for 2014. However, that report does mention the Islamophobic group Czech Defense League, which used the Facebook page of IVČRN as its own communications channel and shares personnel with them (MV ČR 2015: 2–13).

<sup>100</sup> <http://martinkonvicka.blog.idnes.cz/>

<sup>101</sup> This paraphrases a Czech film, *The Black Barons* (Černí baroni), based on the book of the same name by Miloslav Švandrlík. The film portrays members of the Technical Relief Battalion, which is where so-called class enemies were sent instead of to classic military services during the Czechoslovak communist regime of the 1950s. The original line ('Our plump porkers will set the revanchists' plans awry') was part of the conscious political decoration of their training camp.

<sup>102</sup> [http://usti.idnes.cz/video-praseci-hlava-na-pozemcich-pro-araby-u-modlan-na-teplicku-pby-/usti-zpravy.aspx?c=A140909\\_160831\\_usti-zpravy\\_alh](http://usti.idnes.cz/video-praseci-hlava-na-pozemcich-pro-araby-u-modlan-na-teplicku-pby-/usti-zpravy.aspx?c=A140909_160831_usti-zpravy_alh)

About 60 IVČRN adherents, standing side by side with promoters of the far-right, protested carrying signs in Czech (e.g., 'Support for Muslim immigration is not humanism but treason', 'Multi-culti has failed', or 'Government, don't let yourselves be emotionally blackmailed!') and in English ('Ban any form of Islam [sic]' or 'Czech [sic] for our kids').<sup>103</sup> Subsequently someone from their ranks threw a smoke bomb at the supporters of receiving refugees. This demonstration was a breakthrough, in a certain sense. It can be considered the beginning of a series of protests that were held at the beginning of 2015 and continued throughout the year.

The tendency of **anti-Romani demonstrations**, on the other hand, has weakened. The wave that crested in recent years was followed only by an August assembly in Děčín. It was organized by Lukáš Kohout, who was also behind the hate demonstrations against Roma in the Šluknov foothills, as a reaction to four Romani men assaulting non-Romani guests in a local gaming room. Approximately 200 people gathered for the demonstration, of which 25 % were allegedly neo-Nazis. Roughly 20 of them then marched on a local residential hotel, where they shouted insults and threats at the occupants. During that incident they shouted slogans such as 'A Gypsy is not a person, a gypsy is a thing' or 'We will pave the sidewalks with Gypsies'.<sup>104</sup>

Denunciations of Romani men and women also take on more subtle forms. The authors of **hoaxes** have long focused on Roma, usually by attempting to depict them as members of a minority that is privileged by the state. Whether this concerns claims that Roma are receiving disproportionately high welfare, that they do not have to pay for medicines at the pharmacy, or that they use public transportation for free, these hoaxes are disseminated through e-mails, online discussion forums and social networking sites. They are based on downright fictional or untrue information. One example is that of the hoaxes entitled 'If you're not afraid, share this!!!', based on fake statistics purporting to be from the Czech Statistical Bureau, or the non-existent piece of writing supposedly entitled 'About the People of Prague' by 15<sup>th</sup>-century religious reformer Jan Hus.<sup>105</sup> In both cases Roma are blamed for the commission of crime, for allegedly avoiding work, and for what is supposedly a generally immoral lifestyle. The sharing of such hoaxes, which has even been done by Parliamentary politicians such as Czech Senator Jozef Regec (first elected for ČSSD before switching to SPO–Z),<sup>106</sup> bolsters prejudices and stereotypes about Romani citizens that also recur in other areas of society.<sup>107</sup>

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<sup>103</sup> <http://antifa.cz/content/ivcrn-pro-vlast-na-demonstraci-proti-prijeti-syrskych-utecencu>

<sup>104</sup> <http://www.romea.cz/en/news/czech/czech-con-artist-gets-conned-by-volunteer-during-anti-romani-demonstration>

<sup>105</sup> <https://www.czso.cz/csu/czso/dementi-statistika-o-romske-narodnosti-je-hoax>, <http://www.romea.cz/en/news/czech/czech-senator-racially-insults-roma-with-fake-15th-century-quote>

<sup>106</sup> <http://www.ceska-justice.cz/2014/04/senator-regec-rasisticky-urazil-romy-za-svymi-slovy-si-stoji/>

<sup>107</sup> <http://www.ceskatelevize.cz/ct24/domaci/294034-hoaxy-siri-lzi-mladi-lide-jim-ale-snadno-uveri/>

A typical example of such prejudice is discrimination against Romani men and women on the **housing market**. In 2014, this problem became a part of the public discussion after a report on the work of the Public Defender of Rights during the fourth quarter of 2013 was published describing the results of a so-called situational testing that was initiated on the basis of a complaint from 2012. During that testing, staffers with the Counseling Center for Citizenship, Civil and Human Rights posed as prospective tenants.<sup>108</sup> Whenever they answered affirmatively to the direct question of the real estate broker as to whether or not they were Romani, they were told that the unit they were interested in could not be leased to them because the owner did not want to lease to members of the Romani minority. The ombudsman warned the real estate association that this practice is discrimination; it is perpetrated not just by landlords, but also indirectly by real estate brokers.<sup>109</sup>

Another case of discrimination against citizens because of their Romani nationality was the **refusal of third-class football clubs to compete against the FK Junior Roma Děčín team in the district championship**. According to representatives of the clubs who refused to play the Romani team, the alleged aggression of its fans was the reason why. The teams referred to a conflict three years prior in which the players of rival teams got into a fight over racist insults hurled at the Romani players.<sup>110</sup> Subsequently, however, the refusing teams changed their reasons, referencing instead allegations that FK Junior Roma had been provided with financial advantages by the town leadership. Nothing could change their unwillingness to compete with the team, not even the involvement of embassy staff members who played a friendly match against FK Junior Roma<sup>111</sup>, and not calls from the chair of the Football Association of the Czech Republic (FAČR) Miroslav Pelta to play the team. Fines and a loss through forfeit were more acceptable to them.<sup>112</sup>

The world of football also produced a highly-publicized case of the **allegedly racist insulting** of a player from Cape Verde by the trainer of the Premiere League team he was competing against, who reportedly called him an 'African pig'. The trainer denied the allegations and charged the player with having assaulted him. The disciplinary commission of the FAČR has reviewed the case but refused to give In IUSTITIA information about the current state of the dispute.<sup>113</sup>

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<sup>108</sup> For more information about the background to this situational testing, see the Office of the Public Defender of Rights, 2015.

<sup>109</sup> <http://www.ceska-justice.cz/2015/03/ombudsmanka-testovala-hranou-provokaci-realitni-kancelare-romka-podala-zalobu-za-ujmu/>

<sup>110</sup> [http://www.ochrance.cz/fileadmin/user\\_upload/zpravy\\_pro\\_poslaneckou\\_snemovnu/Souhrnna-zprava\\_VOP\\_2014.pdf](http://www.ochrance.cz/fileadmin/user_upload/zpravy_pro_poslaneckou_snemovnu/Souhrnna-zprava_VOP_2014.pdf)

<sup>111</sup> [http://usti.idnes.cz/ambasady-hraly-s-romy-fotbal-a-vyhraly-dx8-/usti-zpravy.aspx?c=A140921\\_145824\\_usti-zpravy\\_aba](http://usti.idnes.cz/ambasady-hraly-s-romy-fotbal-a-vyhraly-dx8-/usti-zpravy.aspx?c=A140921_145824_usti-zpravy_aba)

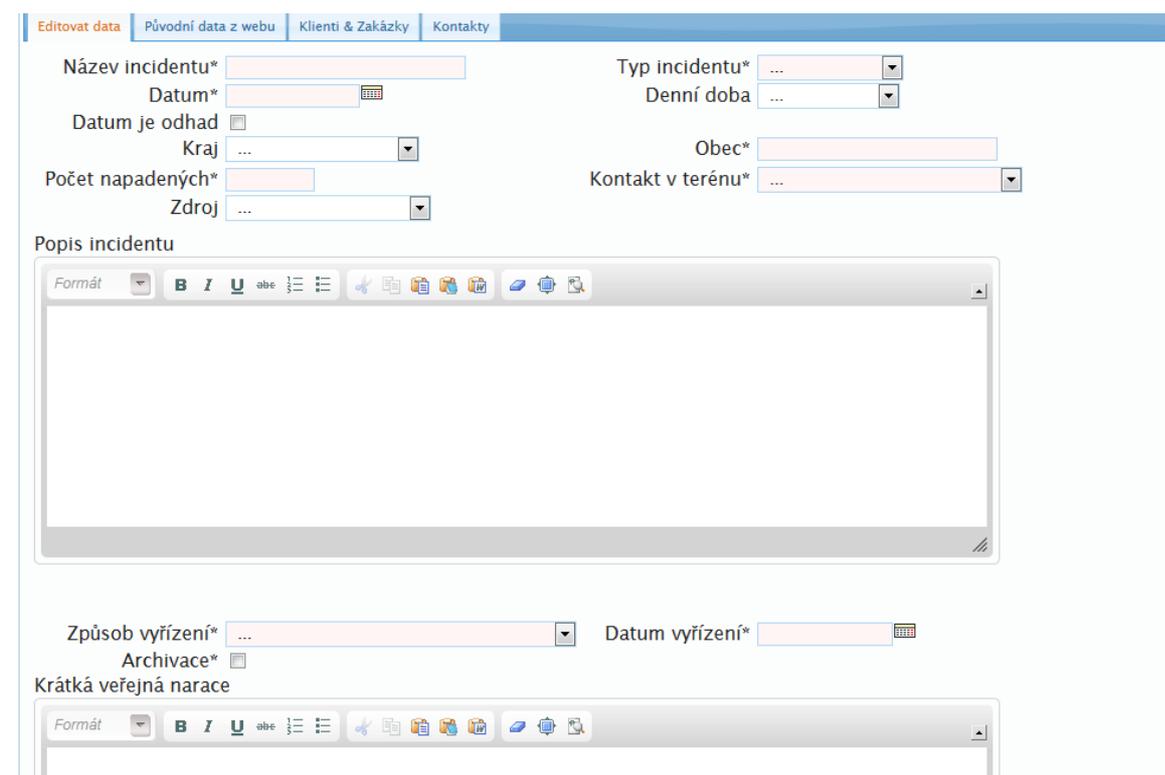
<sup>112</sup> [http://usti.idnes.cz/romsti-fotbaliste-decin-0wm-/usti-sport.aspx?c=A150403\\_2152830\\_usti-sport\\_alh](http://usti.idnes.cz/romsti-fotbaliste-decin-0wm-/usti-sport.aspx?c=A150403_2152830_usti-sport_alh)

<sup>113</sup> <http://www.ceskatelevize.cz/sport/fotbal/270784-kauza-uhrin-neves-beze-zmeny-disciplinarka-chce-vyjadreni-vsech-stran/>

## 5. Methodology of monitoring hate violence

In IUSTITIA has dedicated itself to systematically monitoring hate violence since 2010. Individual incidents are input into a **database**, where the basic data on assaults perpetrated, the course of the incidents, their circumstances and their consequences, as well as other significant characteristics from a criminological perspective, are tracked. We also ascertain whether the incident has been investigated by police and if so, how the case was concluded and what the outcome of any eventual trial was.

### Sample record in the database<sup>114</sup>



The screenshot shows a web interface for entering incident data. At the top, there are tabs: "Editovat data", "Původní data z webu", "Klienti & Zakázky", and "Kontakty". The form contains the following fields:

- Název incidentu\* (text input)
- Datum\* (calendar icon)
- Datum je odhad (checkbox)
- Kraj (dropdown menu)
- Počet napadených\* (text input)
- Zdroj (dropdown menu)
- Typ incidentu\* (dropdown menu)
- Denní doba (dropdown menu)
- Obec\* (text input)
- Kontakt v terénu\* (dropdown menu)

Below these fields is a section titled "Popis incidentu" with a rich text editor. At the bottom, there are more fields:

- Způsob vyřízení\* (dropdown menu)
- Datum vyřízení\* (calendar icon)
- Archivace\* (checkbox)
- Krátká veřejná narace (text input)

The **high number of unreported incidents** typical of hate violence has many causes. For victims, a hateful assault is such a frustrating experience that they do not want to talk about their victimization. Frequently there is a low level of trust in the possibility of seeing justice done and too little information available about where to turn for aid. Some victims are also afraid of revenge on the part of the perpetrator or don't want to subject themselves to a lengthy, traumatizing criminal proceedings. **The relationship between those who are at risk of/subjected to hate violence and the police** plays an important role. Unfortunately, that relationship cannot be called one of trust. The mere fact that the Czech Police force is homogenous in terms of nationality (there are only several dozen minority officers in the whole

<sup>114</sup> Název incidentu = Name of incident. Typ incidentu = Type of incident. Datum = Date. Denní doba: Time of Day. Datum je odhad = Date is an estimate. Kraj = Region. Obec = Municipality. Počet napadených = Number of victims. Kontakt v terénu = Contact in the field. Zdroj = Source. Popis incidentu = Description of the incident. Způsob vyřízení = How handled. Datum vyřízení = Date handled. Archivace = Archived. Krátká veřejná narace = Brief narrative for the public.

country) creates barriers for minority victims. The Police of the Czech Republic have also never declared, in any way whatsoever, that they are prepared to solve hate crimes.<sup>115</sup> In publicized scandals like that of the raid by the Czech Organized Crime Detection Unit on centers of the Islamic Foundation in Prague, the approach of the police rather prompts the impression of disproportionate repression (see Chapter 4). Such an image of the police only further underlines the determination of minority victims not to turn to that institution.

When it comes to the police themselves, they generally assign hate incidents **low relevance**.<sup>116</sup> When we add to that the prejudices and stereotypes that are so widespread in Czech society about some groups (often without those holding such beliefs even being aware of it), it is the investigating officers themselves who might be the reason so few hate attacks are reported. Their approach might not only dissuade victims, but any other members of at-risk groups from reporting such crimes. Sometimes such behavior is even intentional. The professional literature discusses a defense mechanism that consists of intentionally dissuading victims who come from minority groups considered 'unreliable' from even filing criminal reports (see Vaňková 2008). Hate violence victims are especially affected by this system.

In IUSTITIA, therefore, uses other ways to monitor hate crime than just using the state's data. Information about hate incidents is acquired **directly from victims and their loved ones or witnesses to incidents**, as well as indirectly – especially from **media reports** and **NGOs**. Each of these sources is unique in its own way, so the analysis of the data provided requires the use of the specific instruments described below.

The analysis of these hate incidents is influenced not just by the methodology established for recording them, but also by **organizational capacity**. Given the high degree of latency for hate violence, it is possible to claim that the more energy and means invested into its monitoring, the more it will be identified. The overview below does not represent a definitive calculation of all the hate violence committed in 2014, nor does it represent a statistically representative sample. Rather, it can be characterized as a probe of this phenomenon that followed these aims:

- a. To point out the issue of hate violence by publicizing individual incidents;

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<sup>115</sup> For example, the London Metropolitan Police ([https://secure.met.police.uk/hatecrime\\_national/index.php?rid=2924](https://secure.met.police.uk/hatecrime_national/index.php?rid=2924)) demonstrates its interest in the issue of hate violence right on its website. In Berlin the police have assigned a contact officer for the LGBT community. In Sweden the rate at which hate crimes were clarified increased exponentially after a special unit was established dedicated to this topic, etc.

<sup>116</sup> Research from abroad points out that police officers usually do not perceive hate crimes as 'actual' crimes compared to classic crimes against property or involving violence (Hall 2013: 128–132). This is closely related to the notion of the 'ideal victim' (Christie 1986), who is primarily characterized by moral integrity, likeability and trustworthiness. Because minority groups are usually stigmatized in Czech society, it is apparent that their members are frequently *a priori* excluded from playing that role. This manifests itself in officers' behavior through less attention being paid to hate cases. Where the status of the victim is problematic, the status of the crime is problematic also.

- b. To describe the state of hate violence as captured by the incidents recorded;
- c. To discover latent hate incidents, i.e., those that are either not described as hate violence in official crime statistics or are not recorded at all;
- d. To identify problematic aspects of hate violence from the standpoint of solving these crimes, especially the reasons why certain groups do not report hate incidents;
- e. To record long-term trends in the area of hate violence (groups at risk, the structure of perpetrator profiles, forms of violence used, damages caused, etc.); and
- f. To compare the findings of these analyses over time.

## **5.1 Accumulation and analysis of data**

In IUSTITIA systematically accumulates information about hate incidents using six instruments, which are: Field work, an online questionnaire, a telephone hotline, collaboration with community/NNO/religious organizations, collaboration with criminal justice authorities, and media monitoring. We will present each instrument and evaluate its limits. In our opinion, such deficiencies cause a lower rate of effectiveness when it comes to acquiring information about hate violence.

### *Field work*

In IUSTITIA considers personal contact with people in their 'natural' environments to be an irreplaceable and most effective approach to addressing the problems related to hate violence. In an effort to spread awareness about our work we participate in many public events, from assemblies and cultural festivals to discussions, expert conferences and seminars. We also intentionally seek out and call upon persons from at-risk communities in the places they regularly frequent. Even though anyone can become the victim of a hate assault anywhere, the degree of such a risk is not the same for all social groups. For that reason, the field work of In IUSTITIA focuses in particular on foreign nationals, homeless people, the LGBT community, residents of socially excluded localities and Romani people.

### Limits:

- a. A lack of information on the part of those at risk: These groups are not informed about the issue of hate violence, so even as they are grappling with it they do not know how to react to it in practice.
- b. Acceptance of hate incidents as an ordinary part of life: Some displays of intolerance (minor scuffles, verbal incidents) occur so frequently in some communities endangered by hate violence that the persons affected by them ignore them and never report them. Foreign nationals especially consider them a necessary 'tax' paid for residing in a foreign country.

- c. The lack of a typical 'field': When monitoring hate violence, findings from field work can only be applied elsewhere to a certain extent; persons at risk of hate violence do not live only in certain localities where a staffer could work long-term in order to earn the trust of the group concerned.
- d. Closed communities and a lack of qualified staffers from within them: Both foreign nationals' communities and the LGBT community are especially closed to outsiders.

#### *Online questionnaire*

A basic instrument for accumulating information about hate incidents is the questionnaire available on the website of In IUSTITIA. Victims of or witnesses to hate violence can input specific data about the circumstances and course of a particular incident. The completed form is then automatically transferred to the database where staffers give it precedence and choose what to do next depending on the nature of the incident. If possible, In IUSTITIA does its best to contact the victim and offer its services. The form can be completed in either Czech or English. During 2014, 10 relevant reports of hate assaults were filed through the website.

#### Limits:

- a. People are extremely distrustful of online forms and prefer to communicate differently. This will also depend on whether the reporter of the incident has an urgent need for aid.
- b. The frequency of the use of the online form is significantly dependent on its promotion. Usually its use increases after we introduce the form to the public at a conference, training or workshop.
- c. The form is quite extensive at first glance. Even though only some of the data is mandatory, some items requested (the damage caused, the presumed motive, the place and time) may dissuade people from completing the form.
- d. The form is currently difficult to find on our website.
- e. The form also involves a certain potential for abuse. In IUSTITIA has received several threats through it.

#### *Telephone hotline*

A telephone hotline has also been set up for reporting incidents and requesting aid. There is both a land line (+420 212 242 300) and a mobile line (+420 773 177 636) that are regularly available from Monday through Friday, 9 AM to 5 PM. Occasionally we introduce a special hotline when more risky public events are being held, such as the annual Prague Pride march. The hotline is the main channel through which In IUSTITIA establishes contact with persons harmed and identifies whether they are hate violence

victims. If the person is not calling about a hate incident and requires a different form of aid, In IUSTITIA provides one-time counseling or refers the victim to a different aid institution, organization, or public administration body.

Limits:

- a. Some victims do not trust the staffer who answers the hotline. They do not want to communicate their problems by telephone and request a personal meeting. These are almost always cases that are not ultimately assessed as hate incidents.
- b. The hotline is not a non-stop line. It is possible that some hate incidents are not reported because victims want to report them after 5 PM or before 9 AM or on the weekend, when only an answering machine is available.
- c. The hotline is not free of charge. The price of a call may deter some people from calling. In 2015 In IUSTITIA will introduce a free hotline for hate violence victims who are either homeless or foreign nationals. For Romani victims of discrimination and hate violence the ROMEA, o.p.s. organization already offers a toll-free hotline.
- d. The staffers of the hotline speak only Czech or English. A victim's language barrier can be one of the limitations for not using the hotline.

#### *Collaboration with community/NNO/religious organizations*

Because the groups at risk of hate violence are rather diverse in the Czech Republic, In IUSTITIA uses the aid of organizations working in other contexts with potentially at-risk persons (bringing them together, providing them services) in order to reach them. The staffers of these organizations have an enormous opportunity to learn about any hate incidents that have occurred. They are in frequent, long-term, natural contact with the members of at-risk groups. The victims are used to solving their problems within the framework of these organizations or to talking about their situations within that framework, which is why it can be anticipated that they will also share information about any eventual assaults or threats there. It is important for their staffers to have the competencies needed to identify hate incidents and that they know about In IUSTITIA's services.<sup>117</sup> In IUSTITIA has established collaborations with many organizations in recent years; the following were most important during 2014:

- ROMEA
- Integrační centrum Praha (Prague Integration Center)
- Sdružení pro integraci a migraci (Association for Integration and Migration)

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<sup>117</sup> In IUSTITIA holds trainings for social workers about hate violence and the rights of particularly vulnerable victims. In 2014/2015 In IUSTITIA trained 211 persons from the helping professions.

- Slovo 21
- Český helsinský výbor (Czech Helsinki Committee)
- Židovská obec v Praze (the Jewish Community in Prague)
- Muslimská unie (the Muslim Union)
- Islámská komunita sester (The Islamic Community of Sisters)
- PROUD

#### Limits:

The staffers of these organizations are not mainly focused on the issue of hate violence. It may happen that they might ignore an incident and fail to provide the persons involved with enough information and support. People at risk of hate violence are also not used to addressing prejudicial violence in community organizations (or other organizations). They do not know that this is a subject they can raise with social workers or others and that they can confide in them about it. The organizations themselves sometimes pose barriers to communication. We have encountered cases where organizations dissuaded victims from their efforts to report a hate incident to In IUSTITIA, another institution, or the police. In community-led organizations the feeling persists that nothing can be done about hate violence. Some organizations keep information about hate violence to themselves or address it in their own way.

#### *Cooperation with criminal justice authorities*

In IUSTITIA is trying very hard to collaborate with the criminal justice authorities, whose work is irreplaceable with respect to mapping hate violence. Here the central role is played by the Police of the Czech Republic, the Crime Prevention and Press Departments of the Regional Police Directorates, and the Criminal Detective Investigation Services. In IUSTITIA requested hate violence statistics from the Police Presidium for 2014, and the statistics received included general data about selected felonies with a bias motivation and about the perpetrators of hate crime. Since from the information provided it was not possible to ascertain the number of facts essential to adequately classify each incident from the perspective of our own criteria, the necessary additional information was requested from the relevant regional-level police departments. If a case had already been closed by police, we requested information about the actual state of the processing of the incident from the courts and the state prosecutor.

The quality of the output for this research was dependent on the **quality of the data in the official statistics** and the **willingness of the criminal justice authorities to collaborate** with the In IUSTITIA organization. As far as the quality of the data is concerned, the additional queries revealed many inconsistencies between the Police Presidium database and that of the police units that solved the felonies. The specific data were different in terms of their description of the crime scene (different municipalities were listed for the same incident) and the time (different years were listed for the same

incident). In some cases local police recategorized the merits of a crime, but that information did not reach the national database. For example, an ‘offense motivated by intolerance or hatred’ which was perpetrated ‘against the followers of various musical styles, as well as other activities against other citizens’ was later categorized as an offense of incitement to hatred or to suppress the rights and freedoms of a group, specifically, persons of minority sexual orientation. In other cases, the incidents in the national statistics could not be identified at all by the individual police units when we followed up.

These facts point to deficiencies in the inventorying of hate incidents by state institutions. With respect to monitoring, In IUSTITIA believes that a much more serious problem is the insufficient collaboration on this issue provided by the Regional Police Directorates. This especially applies to the Regional Police Directorates of the Liberec Region and the Capital City of Prague. While we received only a small part of the information requested from Prague, the Liberec Police never even answered us at all, not even after their press spokesperson promised us by telephone that they would. The consequence of this is that there are incidents in our database about which we only know the legal qualification, the scene of the crime, and the presumed type of group identity motivating the assault. The potential of this resource, therefore, remains far from exhausted.

### *Media monitoring*

The news reporting on hate violence performed by the media has been analyzed in three ways. First and foremost, we do a keyword search every two weeks in the NewtonMedia database about hate violence. This is done by searching on keywords to do with at-risk groups or hate categories (e.g.: anti-Semitism, blacks, gays, homeless, lesbians, Muslims, Roma, Romanians, Vietnamese, Ukrainians) or types of incidents (arson, assault, mugging, etc.). This makes it possible to analyze not only the national and regional-level media, but also online articles and print articles, as well as transcripts of audiovisual reports. Even though this is a rather effective process, it does not always make it possible to discover all the hate incidents that the media have reported. Therefore, a second method is used, and that is following crime sections on a weekly basis, the ‘police blotter’ and regional sections of selected news servers such as Aktualne.cz, Blesk.cz, Denik.cz, iDNES.cz, and Novinky.cz. This last method is performed through the Google Alerts service, which regularly sends news reports to a gmail address according to a keyword search.

In IUSTITIA takes a very cautious approach to the information acquired through the media. The incidents have not actually always taken place as the media describes them. Some reported incidents actually never occurred at all. In order to avoid reproducing half-truths and lies, we attempt to verify these incidents through other sources. The most important position here is occupied by the victims themselves. We attempt to contact them through activists, NNOs, police or social workers. When we

fail, or if the victim is not interested in collaborating with In IUSTITIA, we monitor the incident through the media with respect to how or whether a criminal proceeding then develops.

## 5.2 Verification and publicizing of incidents

All incidents ascertained are then verified. In IUSTITIA distinguishes three assessments of a hate violence incident: A strongly-verified incident, a weakly-verified incident or an unverified incident.

We consider an incident **strongly verified** when we have been informed by the victim of its course and bias motivation (or when the victim has directly informed the public of the course and motivation through the media) or when this information has been provided simultaneously by two or more actors.

An incident is assessed as **weakly verified** when information about it came from only one source. Given that this source is frequently the police, we consider it appropriate for incidents identified in this way not to be placed in the category of those we consider unverified.<sup>118</sup>

Finally, we consider **unverified** those incidents for which there is a strong suspicion that their bias motivation could be neither convincingly confirmed nor refuted.

The incidents in this report are published in **anonymized form**. One of the main principles of the work of In IUSTITIA is to protect our clients' privacy and safety. Some of these incidents did not turn up in police statistics, or if they did they were not identified as hate crimes (i.e., they were handled, for example, as disorderly conduct instead of as racially-motivated bodily harm). In the descriptive section the publicized incidents are classified by their verification method.

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<sup>118</sup> The general rule applies to incidents found in the national statistics that they should all be considered hate violence unless there is evidence to the contrary. We have tended toward this approach because some of the incidents listed nationally could not be found again in the records of the Regional Police Directorates – which of course does not necessarily mean they did not happen. In IUSTITIA was informally informed by police that for cases where the perpetrator is unknown, bias motivation is removed from the statistics irrespective of whether other indications exist that bias motivation was involved.

## 6. Incidents of hate violence

### 6.1 Quantitative analysis of incidents

In IUSTITIA recorded a **total of 86 hate violence incidents in 2014**. Of those, 47 are considered strongly verified, 35 are considered weakly verified, and four are considered unverified. It is appropriate to point out that the category of weakly verified incidents is dominated by 27 incidents that were verified through the police alone. There are several main reasons for this fact: First and foremost, incidents are included here which the investigating police shelved, most frequently because they failed to determine who the specific perpetrator was. Secondly, these may be incidents for which investigations are ongoing which means it was not possible to verify them with the aid of the courts or the state prosecutor yet. The final reason is that the criminal justice authorities did not collaborate with us when it came to acquiring more detailed information about the incidents that In IUSTITIA learned of from the Police Presidium.

According to the national statistics, police reviewed 71 cases of hate violence in 2014. For the needs of this report, only some of them were used. We primarily removed **22 incidents** that occurred in previous years but were not prosecuted until 2014. All incidents were removed for which it was apparent that they had not been correctly categorized according to our methodology. Those were a total of six incidents targeting officials and police. Because five of them had been committed during previous years, only **one** was excluded. We decided to combine four separate felonies from the national statistics into **two incidents** in our database, as they evidently concerned the same cases although they were listed under different merits or perpetrated by two perpetrators. At the same we eliminated any duplication between the national statistics and the incidents that In IUSTITIA learned of through other sources (**two incidents in all**). Finally, we did not include statistics from the Police Presidium of the Czech Republic in the In IUSTITIA database for **seven incidents** where we do not identify with their categorization as hate violence by either the courts or the state prosecutor.<sup>119</sup>

As a final result, 37 incidents from the national statistics were added to the hate violence statistics kept by IUSTITIA for 2014. The other **49 incidents** we registered on the basis of victims contacting us (19 incidents), social workers contacting us (four), community/NNO/religious organizations affiliated with us (three), eyewitnesses contacting us (three), friends of the victims contacting us (two) or family members of the victims contacting us (two). We discovered 16 of the incidents through our own research online. We did not learn in real time of any incident through the police or any other criminal justice authority.<sup>120</sup> Of these 49 cases, the victims reported six of them to the police prior to contacting our

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<sup>119</sup> The justification for this is found in Chapter 3.

<sup>120</sup> See Chapter 3.

organization, incidents for which there were indications of the perpetrators' hateful motivation beyond any doubt.

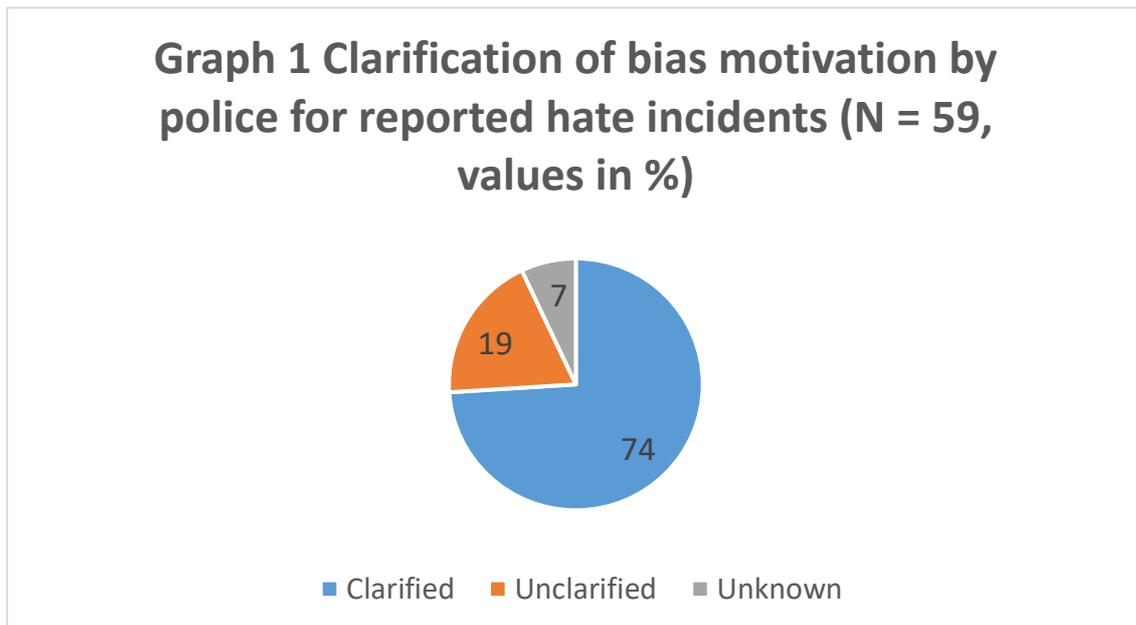
This fact helps explain why victims of hate violence do not receive the aid they need in the Czech Republic. If the police do not know to inform victims that they can seek out helping organizations such as In IUSTITIA, then they significantly restrict the options of the victims to find aid with claiming their rights and seeing justice done. The following graph is of the data corpus comprised of incidents inventoried by the police and by our organization. By analyzing this we have identified the final number of hate incidents recorded for 2014:

**Table 3 Incidents registered by In IUSTITIA and the Police Presidium**

	In IUSTITIA	The Police Presidium
A number of incidents identified:	49	71
Added to the In IUSTITIA database:	49	37
A number of incidents identified by both institutions:	2	
A number of incidents added to the In IUSTITIA database	86	

The police dealt with 64 of a total of 86 incidents in a very broad range of ways. Five of these were ultimately qualified as misdemeanors by police. It was further determined that of 59 hate incidents, bias motivation was clarified in 44 cases, while it was not acknowledged for four of them. That means a total of 11 incidents which In IUSTITIA consider to have corresponded to the definition of hate violence but which police did not at all investigate as hate crimes (see Graph 1). The spectrum of these incidents is rather diverse. While five of them were physical assaults, in a certain sense it is more serious that incidents connected to election campaign agitation and political competition were ignored. This form of hate violence is especially dangerous because it gives the impression that hate violence is a normal

part of public life. The inability of police to adequately categorize such behavior understandably contributes to its perpetuation.<sup>121</sup>

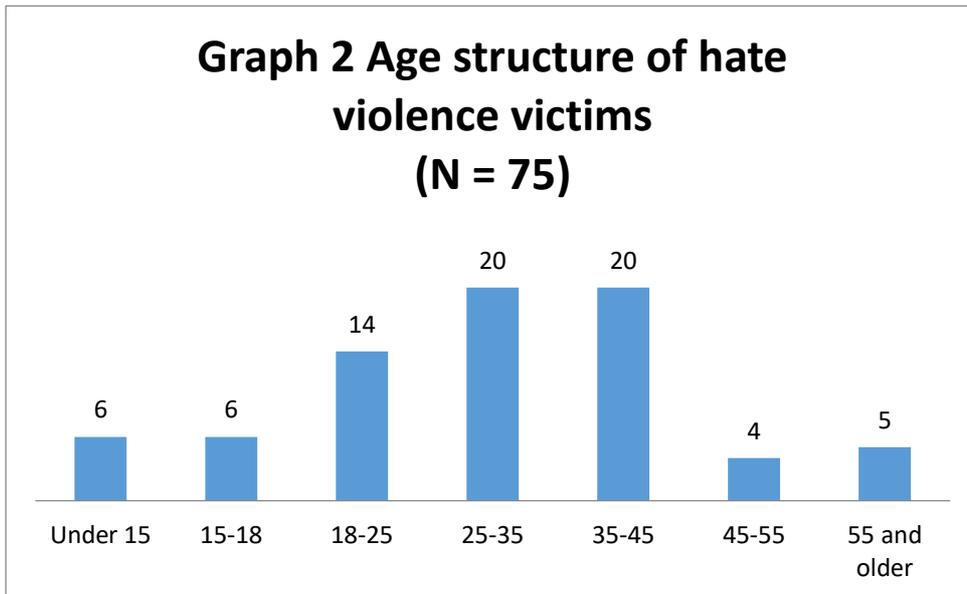


Specifically this concerns three incidents that happened within the framework of the election campaign for the European Parliament and municipal councils. As an example we will mention an incident from Olomouc Region in which an unidentified perpetrator wrote ‘Black mug’ or ‘Don’t vote for a nigger’ on a candidate’s campaign posters. Police investigated the incident as property damage. Even though the wording of that offense facilitates taking bias motivation into consideration, the officers investigating did not do so.

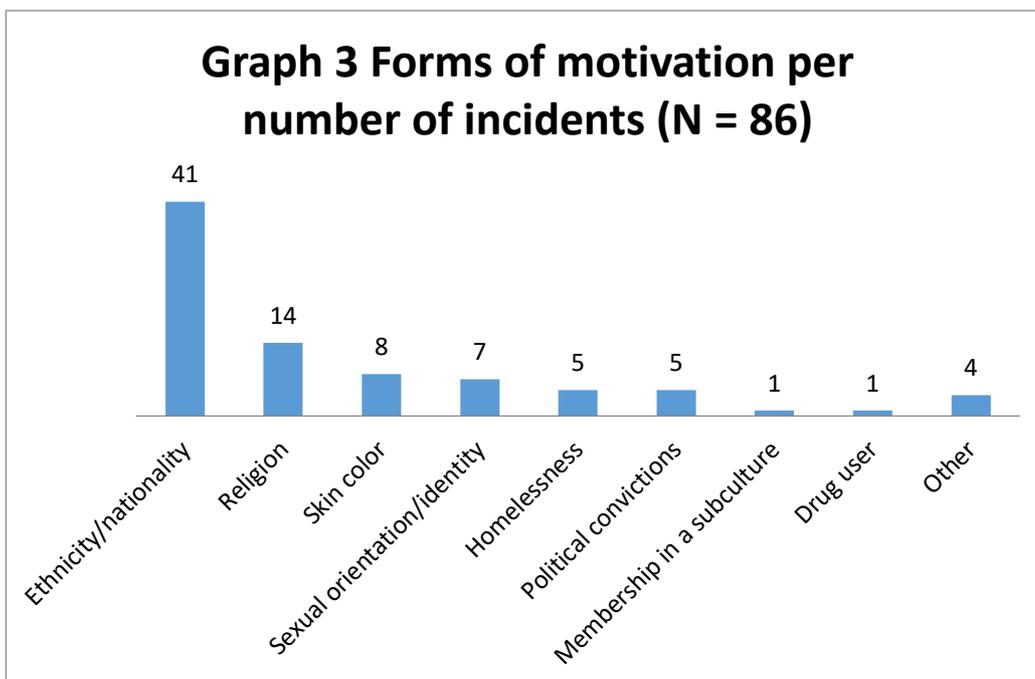
These 86 hate incidents involved 99 individual victims. Most of them were male (63), fewer of them were female (36). The age of the victim was identified for 75 of them, and people of all ages were relatively broadly represented. Most of the victims (40) were between 25 and 45 years old. A more detailed analysis of the age of the perpetrators is depicted by the graph below (see Graph 2). The victims are also mostly persons with Czech citizenship. In only nine incidents were the victims from other countries. These were 12 men and women, six of whom were from EU countries and six of whom were from a third country.

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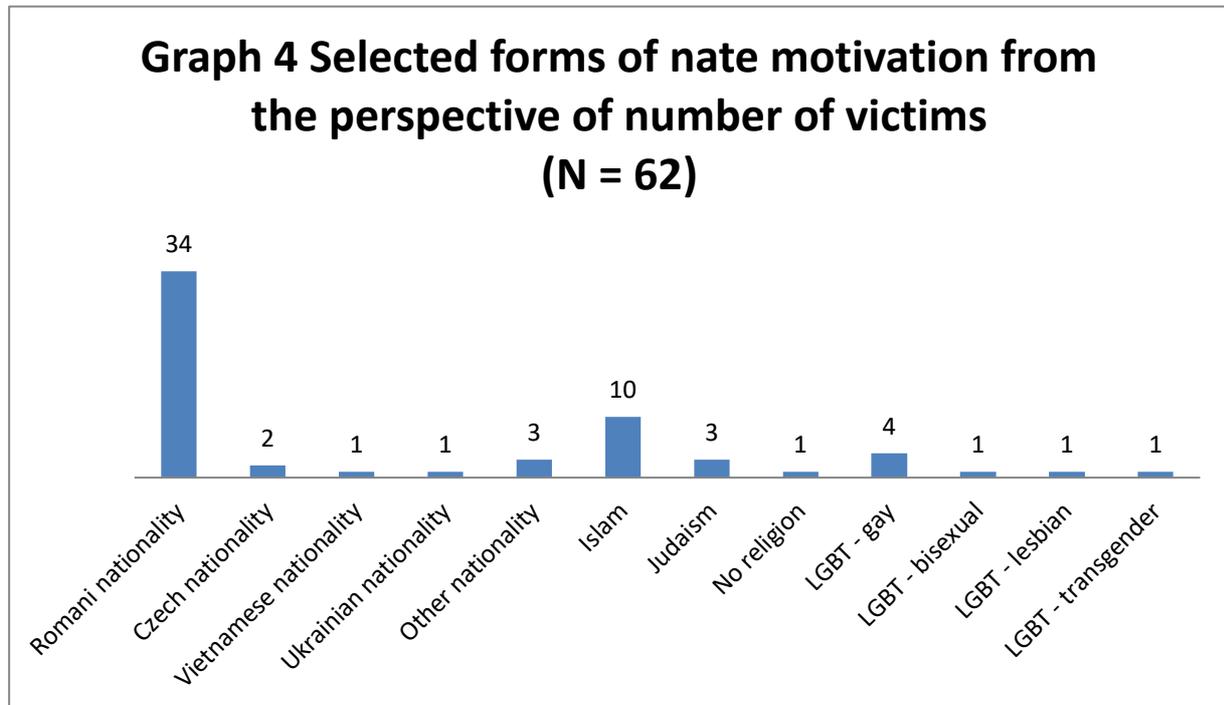
<sup>121</sup> When it comes to the total number of hate incidents it is the case that the proportion of incidents for which bias motivation was not clarified is 44 %, while 51 % did involve clarifying bias motivation. The status of the remaining 5 % is unknown.



Among the forms of bias motivation clarified, ethnicity or nationality unequivocally dominated. With a total number of 41 incidents, that motivation exceeds the second and third most frequent motivations by 27 and 33 incidents respectively. The second motivation was religious bias (14 incidents) and the third was skin color (eight). The fourth most-frequent motivation was sexual orientation, with seven incidents ascertained, while homelessness and political conviction tied for fifth place with five incidents each. Other forms of motivation comprised less than four incidents (see Graph 3).



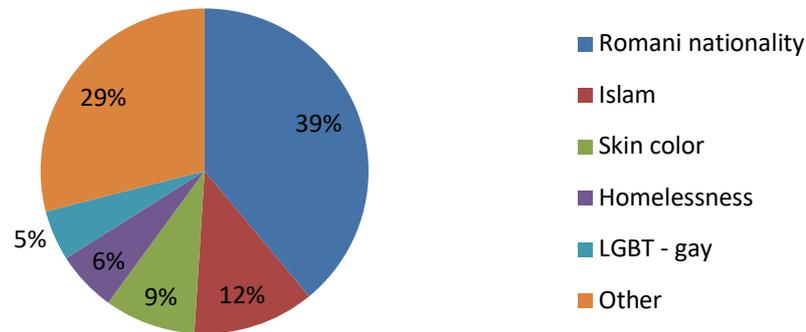
As far as the first two most numerous categories are concerned (ethnicity/nationality and religion) we separated them further by subcategories and found the most frequent bias motivations to be the Romani ethnicity/nationality specifically and the Muslim religion specifically.<sup>122</sup> When we analyzed subcategories of sexual orientation, we found that the most frequently assaulted members of the LGBT community are men who were actually gay or perceived as gay (see Graph 4).



As a result, we can end this passage with the following conclusion – from the standpoint of monitoring, In IUSTITIA found that the group most at risk in 2014 in the Czech Republic was that of Romani people. Together with Muslims, bias motivations against Roma comprise more than half of all the incidents recorded (see Graph 5).

<sup>122</sup> In IUSTITIA registered three assaults perpetrated because of actual or perceived Jewish religious affiliation. It is useful to compare this value with the number reported by the Jewish Community in Prague in its *Annual Report on Displays of Anti-Semitism in the Czech Republic for 2014*. That report identified a total of 43 hate incidents and 191 anti-Semitic images, texts and videos posted online. Even though our organizations each use a different methodology, this comparison of our findings, in our view, confirms the high degree of latency (failure to report) for hate violence in the Czech Republic.

**Graph 5 Most frequent motivation for hate violence (N = 86)**

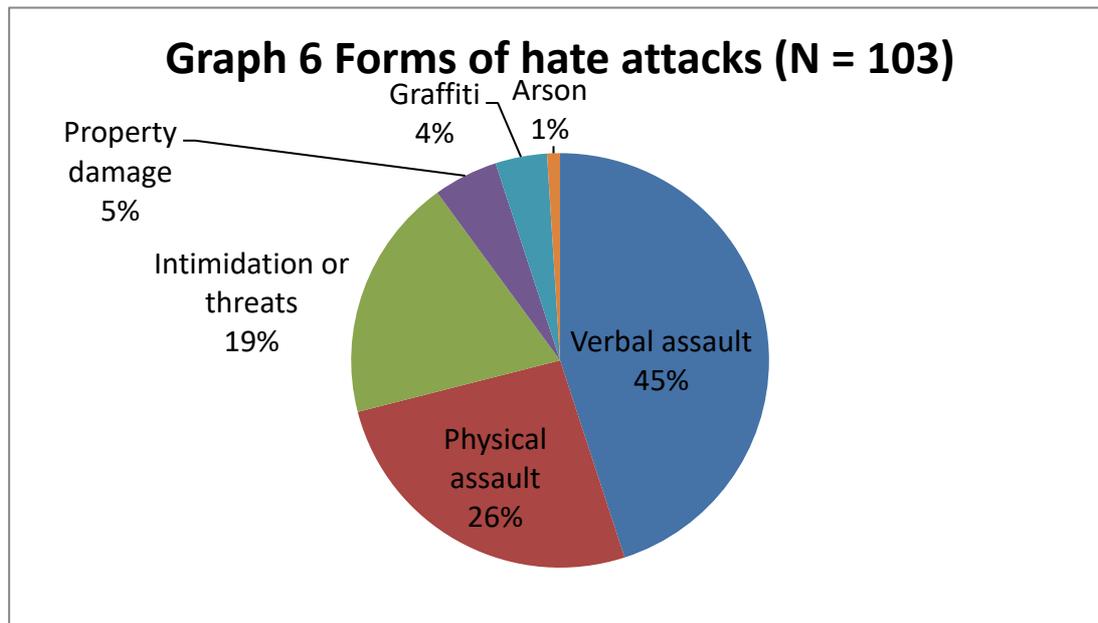


A comparison of our data with the police data points out several interesting facts. In both data sets, actual or perceived ethnicity/nationality dominates as a bias motivation. While In IUSTITIA noted 17 such incidents, police inventoried 24. Next, police seem more informed about violence motivated by hatred of actual or perceived Romani nationality than In IUSTITIA is. While our organization noted 12 such incidents, police registered 22. Nevertheless, the police are not capturing violence against people of other nationalities (not Romani), while our organization recorded three (concerning Belarusian, Moldavian and Romanian nationalities respectively). The category of skin color is also more represented in the police data, with five such cases noted in their data set for every three noted in ours.<sup>123</sup> On the other hand, homophobic, religiously motivated or transphobic violence is more represented in the In IUSTITIA data. Our organizations registered 12 religiously motivated incidents and six homophobic and transphobic incidents in 2014, while police registered just one homophobic incident and two religiously motivated ones. The police did not record any incidents of hate violence targeting Muslims. That is a sharp contrast with the 10 incidents we documented, five of which were reported to us through our online questionnaire.

The most frequent form of hate assault in 2014 was a verbal attack. There were 47 such incidents recorded, 29 of which were accompanied by another form of hate violence, primarily physical violence (14) and intimidation or threats (12). The second-most frequent form was physical assault (27 incidents) and intimidation or threats (20 incidents). There were five recorded incidents of property damage and

<sup>123</sup> This fact, nevertheless, may be influenced to a significant degree by the lack of cooperation from some Regional Police Directorates when it came to ascertaining additional information. Some incidents have apparently been recategorized for a different type of motivation.

four of graffiti. One arson attack was also recorded but we have classified its motivation as unverified. These findings are presented in their percentage proportions in the graph below.



In IUSTITIA recorded twice as many physical attacks as the police did. There were a total of 18 such attacks recorded by us, six of which were perpetrated with the aid of the weapon *útoků*, compared to nine attacks recorded by police, just three of which were performed with a weapon. Generally, most of the physical violence targeted people because of their actual or apparent ethnicity/nationality or skin color. Of 27 incidents total, 19 were perpetrated with that motivation.

The proportion of forms that these hate assaults took partially correspond to the forms of damage caused. Moral damage dominates at 54 incidents. There was damage to physical health caused in 22 incidents and property damage in 10. There was psychological damage caused in nine incidents. The identity of the perpetrator was ascertained in 40 incidents, and the perpetrator was proved to be an far-right member in just 17 of those. For the sake of clarity we must add that these categories overlap in just six cases. Of all 86 incidents, more of them were committed by an individual (38 incidents) than by a group of perpetrators (27 incidents), but doubt is cast on this ration by the fact that for 21 incidents it is not apparent how many people contributed to the assault.

There are three levels at which we follow hate crime scene data. The highest level is that of the Regions (see Table 2). As in the past, in 2014 hate incidents happened most frequent in the Capital City of Prague (28 incidents), *Ústí* Region (10 incidents) and the Moravian-Silesian Region (10). These are also the regions with the highest proportion of attacks perpetrated because of a victim’s actual or apparent Muslim religion or Romani nationality. There were five hate incidents against Roma in Prague, six in *Ústí* and seven in Moravia-Silesia – which means that region can be perceived as the most dangerous for

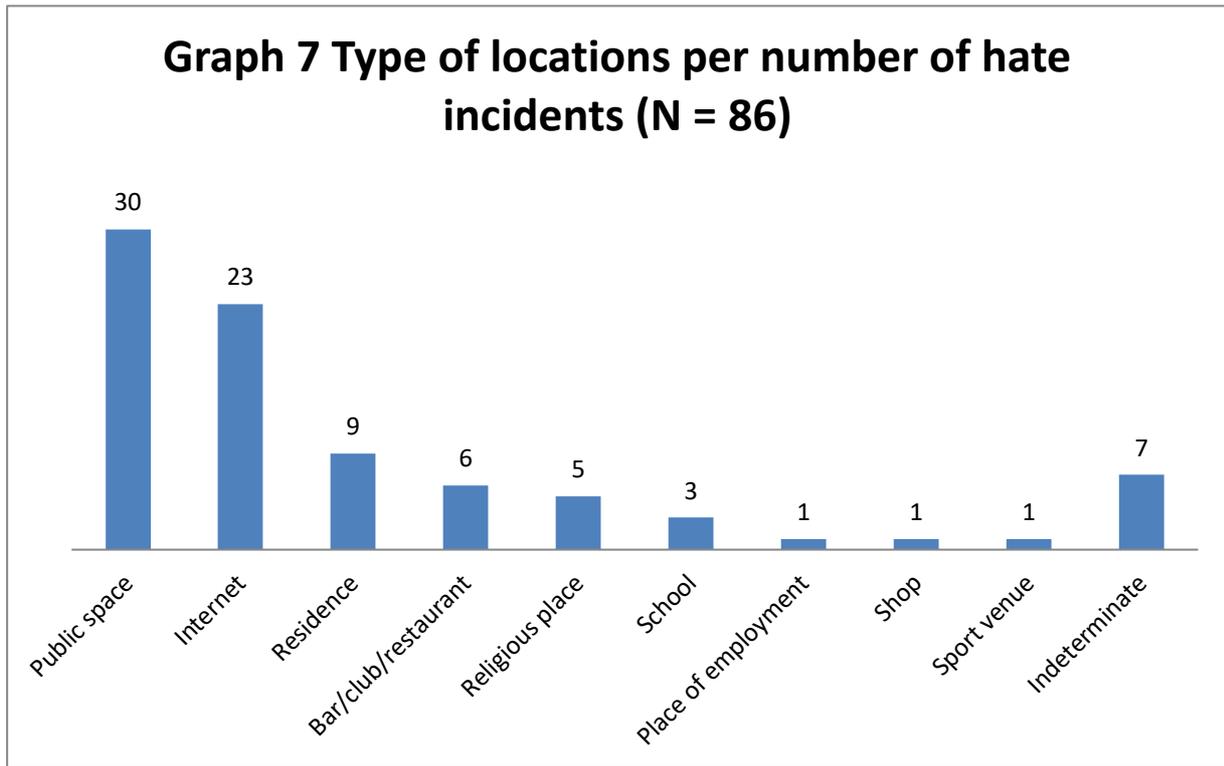
Romani people, as two-thirds of the hate assaults committed there targeted them. On the other hand, in a certain sense the most risky place for Muslim people in the Czech Republic is in the capital, where seven of a total of 11 assaults were perpetrated. What is interesting about the Ústí Region is that both of the incidents registered in the database as constituting the felony of support for a movement aimed at suppressing human rights and freedoms (which were not accompanied by any other offenses) took place there.

**Table 4 Number of the victims of hate violence in Czech regions (number of Romani victims)**

<b>Region</b>	<b>Number of victims (Romani victims)</b>
Capital City of Prague	27 (5)
Ústí nad Labem	10 (6)
Moravian-Silesian	10 (7)
South Moravia	7 (3)
Central Bohemian	6 (3)
Hradec Králové	3 (0)
South Bohemia	3 (1)
Liberec	2 (1)
Olomouc	2 (1)
Plzeň	2 (0)
Zlín	2 (2)
Karlovy Vary	1 (0)
Pardubice	0
Vysočina	0
Unknown	11

The next level when it comes to hate crime scenes involves municipalities. The three municipalities with the most extensive occurrence of hate incidents are Prague (27 incidents), Brno (6) and Havířov (5). In the overall statistics, the town of Varnsdorf also holds a relatively leading position. All three of the incidents there, nevertheless, were the work of a single person, Lukáš Kohout.

As far as types of localities go, hate violence was most frequently perpetrated in a parking lot, public space or out on the street, with a total of 30 such incidents. The Internet as a crime scene was recorded in 23 incidents. We consider indeterminate locations to be those that are either unknown or those for which more than one place was reported (see Graph 7).

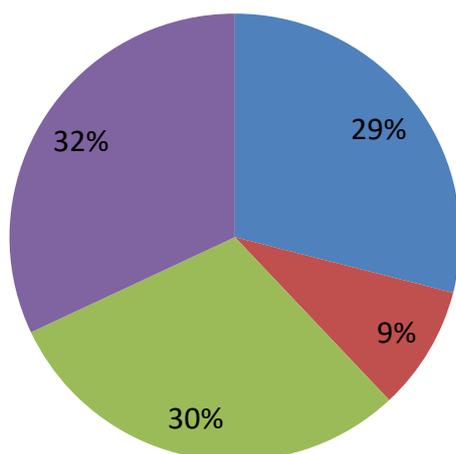


We analyze the time at which hate incidents were perpetrated at three levels: Quarter, month, and time of day. The most attacks were perpetrated during the second quarter (32 incidents). There were 23 incidents in the third quarter, 17 in the fourth, and 14 in the first quarter. Attacks targeting persons of the Muslim religion or the Romani nationality were also most frequent in the second quarter. Of the 14 anti-Romani incidents, eight occurred in April alone. When we consider that of a total number of 34 anti-Romani incidents this is almost 25 %, we can say that April was generally the most dangerous month for Roma in 2014. For Muslims the most dangerous month was June. Of a total of 10 anti-Muslim assaults, four were perpetrated in June and a total of six were perpetrated in that season of the year.

It was possible to determine the specific time of day during which hate violence was perpetrated in 45 of 86 incidents. However, if we remove the category of 'Internet' from the list of location types, we have 20 fewer incidents unspecified with respect to time of day as well as one incident less in the time period of 22:00 to 06:00 and two incidents less than the time period of 06:00 to 18:00. In the final result this means that of those 63 incidents, i.e., 39 %, happened between 18:00 and 06:00 (see Graph 8).

## Time of day at which hate violence was perpetrated, after removing the category of 'Internet' from the types of locations (N = 64)

■ 6-18 ■ 18-22 ■ 22-6 ■ Unknown



### 6.2 Characteristics of individual incidents

#### 1 The Nazi salute and a broken nose

January, Prague, the Capital

A conflict that started with anti-Semitic yelling and Nazi salutes ended in a broken nose. Shortly after midnight, a man started shooting out insults, and when a passer-by protested, the offender struck him in the face. He then insulted the police officers that were called to the scene, even after being detained and taken to the police department. According to the police, the detained man had already served a few terms of imprisonment for similar behavior; in the hearing, he defended himself by claiming he has long-term problems with alcohol abuse. In the end, he was sentenced for the criminal offenses of denying, questioning, approving of and justifying genocide, the manifestation of sympathies towards a movement aimed at suppressing human rights and freedoms and disorderly conduct to imprisonment in the length of 12 months, imposed conditionally for a probationary period of 48 months. He was also ordered to attend a program of correctional social training and refrain from using alcohol and other addictive substances.

Criminal proceedings: Final judgement of the Court of First Instance

Motivation: Political beliefs

Form: Verbal abuse, physical assault

## **2 The teenage brawl**

January, The Central Bohemian Region

A man aged 18 was physically assaulted by a man aged 15 and, as a result, forced to seek medical assistance at the hospital. The public prosecutor has brought charges against the attacker for disorderly conduct. In IUSTITIA was informed of a hate motive connected to the alleged Roma ethnicity of the victim by the information from the police statistics; the hate motive, however, was not taken into consideration. The final judgement has not been announced yet and the Public Prosecutor's Office has refused to provide any further information due to the juvenile age of the offender. In IUSTITIA asked the police to pass the organization's contact details to the victim.

Criminal proceedings: Reported to the police – a trial by court is taking place at the moment (March 2015)

Motivation: Nationality / ethnicity

Form: Physical assault

## **3 An attack on the homeless**

January, The Central Bohemian Region

An unknown offender incited hate against the homeless in a small Central Bohemia town. The incident took place over the Internet – the offender published an article on the discussion server Nerátky.cz, claiming that in Ostrava, ticket controllers will return to public transport for safety reasons. He commented on the article in such a way that the police suspected that a crime had been committed. However, as the offender was not found, the police deferred the case.

Criminal proceedings: Reported to the police, deferred – unknown offender

Motivation: Homelessness

Form: Verbal abuse, intimidation or threatening

## **4 The conflict in front of the house**

February, The Hradec Králové Region

‘What are you doing here, whiteheads, we’ll bust your brains out!’ yelled two men in a smaller town in the Hradec Králové Region at a group of five other men. Then they attacked two of them with their fists and caused one of them small injuries. The offenders were, for this incident and for other acts, sentenced by the district court for disorderly conduct. A hate motive was not considered.

Criminal proceedings: Final judgement of the Court of First Instance

Motivation: Skin color

Form: Intimidation or harassment, physical assault

## **5 The note on the noticeboard**

February, Prague, the Capital

A note notifying the inhabitants of a certain apartment building of basement break-ins appeared on the noticeboard one day. Within a few hours, an unknown offender had added a handwritten addendum: ‘Drive out all the Gypsies and everything’ll be OK!’ The Roma family living in the house has been worried about their safety ever since; In IUSTITIA offered consultation services through the social worker who had informed the organization about the incident.

Criminal proceedings: Not reported to the police

Motivation: Nationality / ethnicity

Form: Verbal abuse

## **6 Public execution**

February, Prague, the Capital

A group of unknown offenders created a Facebook page requesting the death of a pro-Roma activist. The contributors threatened both the man and his family, and the victim lodged a complaint. In IUSTITIA attempted to contact Facebook, requesting the company to actively deal with the situation and co-operate with the police of the Czech Republic. A representative of the website responded, saying that while hate prevention is their priority, they will co-operate only on the basis of a court order. The company refused to provide the offender’s identifying information, preventing the victim from taking the advantage of his right for personal protection by means of a civil suit. As Facebook was not willing to co-operate, the case was deferred.

Criminal proceedings: Reported to the police, deferred – unknown offender

Motivation: Political beliefs

Form: Intimidation or threatening

### **7 A tent on fire**

February, Prague, the Capital

Two unknown offenders intentionally poured a combustible substance over a homeless man's tent and proceeded to set it on fire. The victim, who was sleeping inside, managed to escape without any graver injuries, although some of his clothing got burnt. According to his words, the offenders spoke Czech without an accent and were 30 to 35 years old. The police refused to provide any further details.

Criminal proceedings: Reported to the police

Motivation: Homelessness

Form: Arson

### **8 Homophobic harassment**

March, Unknown

A boy belonging to a sexual minority was repeatedly subjected to a classmate's hateful comments at school. 'My mental health has suffered as a consequence. I have been on antidepressants ever since the insults and humiliation started.' The victim contacted In IUSTITIA through the form on the organization's website and was immediately contacted back. Meanwhile, the school's management dealt with the issue by expelling the offender.

Criminal proceedings: Not reported to the police – not a criminal offense

Motivation: Sexual orientation / identity

Form: Verbal abuse

### **9 Attacked at home by a neighbor**

March, The Central Bohemian Region

A Roma family living in a smaller town in the Central Bohemian Region was attacked in their home. The offender entered their house and brutally assaulted the oldest man and his daughter while shouting racist insults. The pregnant granddaughter managed to escape through the window. The offender was placed in a psychiatric institution on the suspicion of suffering from a mental health illness and the prosecution lasted for over a year. The – as of yet not final – judgement finds the offender guilty of grievous bodily harm inflicted on the older man and his daughter, as well as of other criminal offenses of which the police were notified when investigating the attack. The offender was sentenced to

unconditional imprisonment in the length of six years. Furthermore, in the guilty verdict, he was also ordered to reimburse the beaten woman, who has been suffering from a post-traumatic stress disorder since the attack, and her pregnant relative (both were to receive a sum of CZK 10,000). The older man's attorney demanded a compensation of several millions Czech crowns, but as there were no grounds for this sum, the attorney was advised to take the claim to civil proceedings. The appellate court re-classified the offender's motive and stated that it was not a hate crime. According to the High Court, the offender could not commit a crime motivated by hate if it was a one-time incident, he was motivated by previous bad experience with the victims, he is not a member of an extremist group and the expert opinion did not confirm that he has long-term hateful opinions. The court also lowered the damage compensation amount. The victims are considering resorting to an extraordinary legal remedy and a constitutional complaint.

Criminal proceedings: Final judgement of the Court of Second Instance (High Court)

Motivation: Nationality / ethnicity

Form: Attack on property, physical assault

### **10 Arguing about property boundaries**

March, The Moravian-Silesian Region

A man in retirement age, according to his own words of German nationality, has been vulgarly insulting his neighbors due to a long-term conflict about property boundaries. He threatened to kill and maim them, called them 'Czech swines' and told them that 'Hitler should've gotten rid of them all'. He also threatened the victims' grandson, using a gesture that suggested he was planning to cut his throat. To demonstrate his determination, the offender threw various objects at the victims, such as stones, roof tiles, bricks or wooden boards. He was found guilty by the district court and sentenced to imprisonment of 10 months, with a conditional period of two years. The regional court confirmed the judgement.

Criminal proceedings: Final judgement of the Court of First Instance confirmed by the Court of Second Instance

Motivation: Nationality / ethnicity

Form: Verbal abuse, attack on property and physical assault

### **11 'Die and rot, you black swines!'**

March, The Ústí nad Labem Region

An unknown offender spray-painted a sign on the wall of a hall in an apartment building in Ústí nad Labem: 'Die and rot, you black swines! Gas the blacks, long live the Czechs!' A swastika had also been drawn onto the wall. The case was reported to the police by the owners' association and the damage caused was estimated to be CZK 15,000.

Criminal proceedings: Reported to the police, deferred – unknown offender

Motivation: Nationality / ethnicity

Form: Graffiti

### **12 A warning against 'the Purging'**

March, The Ústí nad Labem Region

'!!! Warning!!! On 21 March 2014, this street will be purged from black atrocities. Nothing will help you!!!' This warning, printed on several sheets of paper, was found in the streets of a North Bohemian town. The police initiated prosecution for incitement to hate against a group of persons or for restricting their rights and freedoms, but had to defer the case as the offender was not found.

Criminal proceedings: Reported to the police, deferred – unknown offender

Motivation: Nationality / ethnicity

Form: Intimidation or threatening

### **13 Threatening with knife in hand**

March, The Pilsen Region

A local employer in the building industry was threatened by a man and his family members, who arrived intoxicated to the victim's property one night, yelling: 'White shit, we'll cut your head off!' The offenders had knives and broke several windows, both in the victim's house and in surrounding homes. They also threatened to rape the victim's wife. The incident was abused by Tomio Okamura (member of the political party Úsvit přímé demokracie [Dawn of Direct Democracy]), who exhibits a long-term focus on the topic of inter-ethnic tension (for more information, please see the Societal Atmosphere section). In IUSTITIA helped the client file a complaint through which he wanted to put a stop to being marked as the attacker by the offenders; in the end, however, he decided not to pursue it. In the meantime, the regional court sentenced two of the offenders for a previous attack on the client to 26 and 10 months of unconditional imprisonment (in this first attack, the victims had knocked the client down from his motorcycle and beat him with a square wooden bat). In the hearing, the offenders defended themselves

by claiming they had been subjected to long-term harassment and violence by the victim and other neighbors.

Criminal proceedings: Court order of the Court of Second Instance, May 2015

Motivation: Skin color

Form: Physical assault

#### **14 Abuse of social network photos**

March, Unknown

An unknown offender or offenders abused the personal photographs of a Roma family on the Internet, labelling the family members as parasites. In IUSTITIA provided a one-time consultation to the client who reported the incident.

Criminal proceedings: Not reported to the police

Motivation: Nationality / ethnicity

Form: Abuse of personal photographs

#### **15 A hacked e-mail account and Facebook profile**

April, The Ústí nad Labem Region

A social worker became the victim of the extremist right-wing organization Nacionální hackeři [Nationalist Hackers] due to being of Roma nationality. The group publicized information taken from the victim's e-mail account and Facebook profile, and this information was later also published by several local print media. The Czech right-wing party DSSS [Workers' Party of Social Justice] immediately requested the social worker to be fired, claiming that she was publishing her clients' personal information. The social worker was not fired for this reason, but the assault did injure her significantly. She is now afraid to leave her home and suffers from mental health problems.

Criminal proceedings: Unknown

Motivation: Nationality / ethnicity

Form: Verbal abuse

#### **16 A book of hate**

April, Prague, the Capital

The police charged a man aged 55 of publishing and distributing a hateful book written by Bilal Philips. The book was translated and published in 2012 by the Ústředí muslimských obcí [Muslim Community Centre] and was sold by well-known online shops such as Kosmas.cz. According to the police, Philips' The Fundamentals of Tawheed disseminate racism, anti-Semitism and xenophobia, including violence. The media have mentioned that this view is shared by the expert opinion. The charged person faces an imprisonment of 10 years.

Criminal proceedings: Reported to the police

Motivation: Skin color

Form: The book

### **17 A hateful appeal on Facebook**

April, Unknown

An unknown offender set up a Facebook page called 'We Want to Wipe Out the Gypsies Without Being Prosecuted'. A woman insulted by this appeal turned to In IUSTITIA for help after unsuccessfully trying to remove the Facebook page by reporting its abusive content to the website's administrators. A one-time consultation was provided and, in the end, Facebook removed the page.

Criminal proceedings: Not reported to the police

Motivation: Nationality / ethnicity

Form: Verbal abuse

### **18 Anti-Roma notes in the house**

April, The Moravian-Silesian Region

An unknown offender left vulgar messages on the postbox and the walls of the hall in an apartment building in the Moravian-Silesian Region. According to the police, the insults were aimed against the Roma, but as the offender was not found, the case was deferred.

Criminal proceedings: Reported to the police, deferred – unknown offender

Motivation: Nationality / ethnicity

Form: Graffiti

### **19 A racist article**

April, The Central Bohemian Region

The reputation of a Roma family living in a small Central Bohemian town was damaged by an article filled with lies and insults, published by a journalist writing for a local newspaper. The article led to hateful attacks being directed at the family: unknown offenders attacked their house several times, once even breaking the windows. IUSTITIA mediated a meeting at the town hall, where the family's representative met with representatives of the town, the police and the school. At the meeting, it was decided that a camera will be placed in the street where the family lives, and the attacks ceased as soon as it was installed. The journalist was asked to remove the article and apologize, but she did not react. The attacks by the journalist were not taken to court.

Criminal proceedings: Not reported to the police – not a criminal offense

Motivation: Nationality / ethnicity

Form: An article in the local newspaper

## **20 Verbal abuse of Roma people**

April, The South Bohemian Region

The police of South Bohemia proposed the prosecution of a middle-aged man, who was verbally abusing passers-by in the street for their Roma origin. The proposal was based on the suspicion of the criminal offense of the defamation of a nation, race, ethnic or other group of persons and has not yet been brought to a close; it is in the gestion of the relevant public council. The public prosecutor is also investigating the suspect for committing a similar attack in July 2013.

Criminal proceedings: Final judgement

Motivation: Nationality / ethnicity

Form: Verbal abuse

## **21 Anti-Roma hatred on the Internet**

April, Prague, the Capital

The police investigated an incident of dissemination of anti-Roma hate over the Internet. As nothing requiring prosecution was discovered, the case was deferred and no further information is available.

Criminal proceedings: Reported to the police, deferred – unknown offender

Motivation: Nationality / ethnicity

Form: Verbal abuse

## **22 Insulting the Roma and Nazi salutes**

April, The Moravian-Silesian Region

This particular attack was beyond the understanding of everyone involved. It was initiated by an intoxicated neighbor, who started shouting insults at the victims – who were sitting in front of the house – from the window and balcony of his apartment: ‘Gypsies are black swines and black whores, they do nothing, you should all be gassed, I’m gonna kill you all!’ In addition to these insults, the offender also kept performing the Nazi salute and yelling Nazi exclamations, such as ‘Sieg heil’ and ‘Heil Hitler’ to emphasize his determination. What is most confusing about the offender’s behavior is the fact that he has always co-existed with his neighbors peacefully and that he currently lives with a Roma spouse. The public prosecutor decided on a conditional discontinuation of prosecution initiated for committing the criminal offense of the defamation of a nation, race, ethnic or other group of persons, and the criminal offense of manifestation of sympathies towards a movement aimed at suppressing human rights and freedoms. The probationary period was settled at 12 months.

Criminal proceedings: Conditional discontinuation of prosecution

Motivation: Nationality / ethnicity

Form: Verbal abuse, intimidation or threatening

## **23 An Attack on a Roma man**

April, The Liberec Region

A man aged 21 was attacked by a woman aged approximately 40 for his Roma nationality. The attack took place in the Liberec region and the police-initiated prosecution. Further information regarding the case is not available. The relevant police authority has been repeatedly requested to provide more details. Although they promised to supply the requested information, in the end they did not do so.

Criminal proceedings: Reported to the police

Motivation: Nationality / ethnicity

Form: Unknown

## **24 The flag at the game**

April, Prague, the Capital

A man from Belarus with long-term residency in the Czech Republic was not allowed to watch an ice-hockey game with the old Belarus flag. The new red-green flag, which is the official symbol of Belarus

today, was voted in by the 1995 referendum, right after the current president Alexander Lukashenko came to power; the old flag is used by those opposing Lukashenko's regime. While the symbol is illegal in Belarus, it is not so in the Czech Republic – however, the hired security guards at the game led the victim out of the venue and physically assaulted him. The client reported the incident to a cooperating organization and filed a complaint; through this cooperating organization, In IUSTITIA provided a one-time legal consultation.

Criminal proceedings: Reported to the police

Motivation: Nationality / ethnicity

Form: Verbal abuse, physical assault

## **25 The round-up at the Islamic Foundation**

April, Prague, the Capital

Not reported to the police

Muslims in Prague protested against a round-up run by the Organized Crime Combating Unit at the time of the Friday prayer. The round-up targeted two Prague-based centers of the Islamic Foundation and the protesting Muslims are claiming that it breached the freedom of religion. A relative of one of the men apprehended at the meeting house contacted In IUSTITIA due to suspected hate violence and the organization provided a one-time consultation.

Criminal proceedings: Not reported to the police

Motivation: Religion

Form: Physical assault

## **26 Anti-Semitism at school**

May, Unknown

An elementary-school pupil is repeatedly humiliated by a classmate due to her Jewish origin. The offender also claims that anti-Semitism is 'the right way' and tries to persuade the rest of the class to support him. The victim ignores the abuse and the teacher doesn't know about it. In IUSTITIA provided e-mail consultation to the witness who reported the case.

Criminal proceedings: Not reported to the police

Motivation: Religion

Form: Verbal abuse

## **27 Other hate motivation**

May, The Liberec Region

This particular crime was discovered through information provided by the police statistics. The police of Liberec promised to send In IUSTITIA more detailed information about the given incident. It has, however, not done so by the day of the closing of the database.

Criminal proceedings: Reported to the police

Motivation: Other

Form: Unknown

## **28 European Parliament Campaign**

May, Prague, the Capital

A foreigner residing long-term in the Czech Republic was insulted by Tomio Okamura's hateful election campaign. Aside from posters claiming 'Work to our own, NOT to immigrants', the campaign also proposed a ban on immigration into the EU, the removal of unemployment benefits from foreigners residing in the country, and their deportation. The client therefore decided to contact In IUSTITIA and receive assistance in lodging a complaint; the police, however, deferred the case, as did the public prosecutor. A constitutional complaint was filed, but the Constitutional Court of the Czech Republic refused to investigate it, forwarding it to the police, the competent agency in assessing the legality of political campaigns. At the moment, In IUSTITIA and the client are working on publicizing the case.

Criminal proceedings: Reported to the police, deferred – not a criminal offense

Motivation: Nationality / ethnicity

Form: Verbal abuse, election campaign materials

## **29 The attack at KFC**

May, Prague, the Capital

In the night hours, a Roma man was attacked by five men at a fast-food restaurant in Prague. The offenders knocked the victim to the ground without any incentive and struck him in the face several times before the victim's spouse, who was also present at the scene, managed to drag him away. When the police arrived, they treated the victim as an offender as he had actively defended himself, and detained all participants of the conflict. As the offenders were drunk, they were released without

interrogation, and although the victim was allowed to give a statement, he was treated disrespectfully. As a result of the attack, the victim suffered moderate injuries to his face and his arms, as well as a light concussion. Both he and his spouse are now afraid to go out into public spaces. The police classified the attack as a misdemeanor, and when In IUSTITIA filed a complaint, re-classified it as a criminal offense. Then, however, without any explanation, the classification was changed back to a misdemeanor. The victim is afraid of being charged by the police and does not wish to take the case further – he claims that a potential criminal record would further disadvantage him on the job market. The victim's spouse has been suffering from a post-traumatic stress disorder ever since the attack, and In IUSTITIA mediated unpaid therapy.

Criminal proceedings: Reported to the police – re-classified as a misdemeanor

Motivation: Nationality / ethnicity

Form: Physical assault

### **30 The Muslim woman**

May, Prague, the Capital

A woman aged around 70 verbally abused a younger Muslim woman for wearing a hijab. The incident took place in Prague – the older woman behaved in a very vulgar way towards the attacked woman and even spat at her feet. The attacked woman was insulted by these actions and felt threatened for reasons of faith.

Criminal proceedings: Not reported to the police

Motivation: Religion

Form: Verbal abuse

### **31 Against the Roma people on the Internet**

May, Prague, the Capital

A criminal offense with a hate motive was reported to the police of Prague – it took place over the internet and the attacked group were people of Roma nationality. The case was forwarded to the relevant police department and no further information is available.

Criminal proceedings: Reported to the police

Motivation: Nationality / ethnicity

Form: Unknown

### **32 The European Parliament Campaign**

May, Unknown

In connection with an election campaign, Otto Chaloupka incited hate against the Roma people. In an open letter posted on his Facebook profile, Chaloupka marked the Roma people as unadaptable and claimed they are responsible for the tension in the society. He also stated that there can potentially be a reaction to the attacks on non-Roma citizens in the form of a Roma massacre. 'Decent people have long suffered your stealing, aggression and unjustified requests for more and more benefits,' claimed Chaloupka and then added (in the discussion raised by his post): 'People are fed up and just a few more of these Gypsy provocations and it'll happen. And then not even heavily armed police will protect them.' In IUSTITIA aided a client insulted by this public behaviour in lodging a complaint on the leader of the political party Republika. The police reached the conclusion that a crime had not been committed and did not pursue the matter further. Legal consultation was provided to the client.

Criminal proceedings: Reported to the police, deferred – not a criminal offense

Motivation: Nationality / ethnicity

Form: A hateful comment

### **33 Threats due to sexuality**

May, The Olomouc Region

Two women are repeatedly subjected to libel and insults due to their transsexual identity and for belonging to a sexual minority. The insults originate from their neighbours and other inhabitants of the town in the Olomouc Region where the women live – one of their neighbours has even threatened to kill them. Although the victims had reported the incident to the police, the police refused to pursue an investigation. The two women claim they are living in constant fear for their lives and one of them suffers from a post-traumatic stress disorder. One of the incidents is being investigated as an offence, but the police claims that the victims have committed offences themselves as well and refuses to investigate the series of incidents further, dismissing them as neighbour disputes. The police also refused to provide short-term police protection at the direct request of one of the victims following an attack by a neighbour. At the moment, In IUSTITIA provides social services and legal representation for the attacked party.

Criminal proceedings: Reported to the police, who refused to pursue an inquiry

Motivation: Sexual orientation / identity

Form: Intimidation or threatening

### **34 Threats through text messages**

May, Prague, the Capital

A man aged 48 was using his mobile phone to repeatedly send tens to hundreds of threatening, anti-Semitic messages to an older woman. The police managed to find the offender and the investigating officer charged him with the criminal offense of violence against a group of persons and against an individual. The case was, however, deferred, as it turned out that when the criminal offense was committed, the offender had not been criminally responsible for reason of insanity.

Criminal proceedings: Reported to the police, deferred – reason of insanity

Motivation: Religion

Form: Verbal abuse

### **35 A broken nose**

May, The Moravian-Silesian Region

A man and a woman of Roma nationality were attacked in a bar in a smaller town in the Moravian-Silesian region. The offender started shouting insults, such as 'Sieg heil!' or 'Gypsies are apes. Niggers shouldn't be here. Gypos, take your asses to England! I hate Gypos, black whores, black swines!' or 'All gypsies should be shot.' When the Roma man protested against these insults, the offender knocked him to the ground and began punching him repeatedly in the face, shouting: 'You black fucker, you fucking Gyppo, I'll kick your head in!' The victim was saved from further violence by the police that had been called to the scene. His nasal bones had been broken and he suffered from abrasions on his cheek. The police took the attacker to a sobering-up center. For the criminal offenses of disorderly conduct, bodily harm and the defamation of a nation, race, ethnic or other group of persons, the offender was sentenced to conditional imprisonment of one year in a probationary period of two years.

Criminal proceedings: Final judgement

Motivation: Nationality / ethnicity

Form: Verbal abuse, physical assault

### **36 Internet libel**

June, The Moravian-Silesian Region

A woman aged 27 committed the criminal offense of the defamation of a nation, race, ethnic or other group of persons when she posted offensive posts of Facebook addressed to people of Roma ethnicity.

She was allegedly reacting to a previous conflict, of which her son had allegedly been a victim. Her exact words were as follows: 'To all mums out there: watch your kids even when they're just playing in front of the house. Something horrible happened yesterday. Those fucking Gypsies are getting out of hand. After what they did to my kids yesterday? I'd have them all gassed, it's what they all deserve anyway. Say all you want about them, but to hurt someone in this way... Only a scumbag would do that. Everything's the fault of that idiot mayor of ours, who keeps dragging them everywhere.' The public prosecutor decided on a conditional discontinuation of prosecution for a probationary period of 12 months.

Criminal proceedings: Conditional discontinuation of prosecution

Motivation: Nationality / ethnicity

Form: Verbal abuse

### **37 Islamophobia on Facebook**

June, Unknown

A Muslim woman is repeatedly threatened on Facebook because of her faith. The threats are often very vulgar and the victim is afraid that someone will actually physically assault her – as of now, she is already afraid to go out into the street with her head covered. Aside from the threats, the victim has also been the target of inappropriate comments related to her religion; this abuse originates from members of the Czech society.

Criminal proceedings: Not reported to the police

Motivation: Religion

Form: Verbal abuse

### **38 The attacking foreigner**

June, The Karlovy Vary Region

An Austrian citizen, according to his own words a supporter of Nazism, attacked a young girl in the Karlovy Vary Region. The attack took place in a bar where the victim worked as a waitress, right in front of the guests. The offender first drove a knee into the woman's ribs behind the bar and then punched her in the face, performing the Nazi salute and yelling Nazi slogans. The police charged the man with disorderly conduct and sympathizing with a movement aimed at suppressing human rights and freedoms and the court sentenced him to 17 months of imprisonment, imposed unconditionally for a probationary period of 15 months.

Criminal proceedings: Final judgement

Motivation: Nationality / ethnicity

Form: Verbal abuse, physical assault

### **39 The attacked foreigners**

June, The Central Bohemian Region

Five men of Romanian nationality were attacked by a large group of offenders, some of whom were supporters of right-wing extremism. The attacked men called the police, but the officers did not cooperate and did not proceed in accordance with regulations; they even detained the victims and let the offenders leave. While detained, the victims were subjected to harassment – some of the victims' spouses and relatives complained that the police officers' offensive behavior had bordered on intimidation (the police officers allegedly claimed the Romanian men will be deported). The spouse of one of the attacked men contacted In IUSTITIA. The organization represented the victims legally and provided psychosocial support. The court issued an order in which it sentences both parties to a conditional imprisonment of three months postponed by 12 months, although the sentence of one of the initiators of the conflict was more severe, as he had already been sentenced in the past. The sentenced parties raised an objection to the judgement and the trial has been ordained to August 2015.

Criminal proceedings: Reported to the police – a trial by court is taking place at the moment (July 2015)

Motivation: Nationality / ethnicity

Form: Verbal abuse, physical assault

### **40 Violence in and outside the club**

June, The Moravian-Silesian Region

On a summer weekend night, a man of approximately 28 assaulted a number of people both verbally and physically. The incident took place in and in front of a bar in the Moravian-Silesian Region. The attack came all of a sudden – at one point, the offender pushed the heads of two men standing at the bar together so strongly that they injured themselves. He then kicked and punched the victims, throwing a chair at one of them; the man, however, shielded himself with his arm. The offender turned a table on him and then attacked other guests, after which he left the bar and went to a nearby disco. Once inside the establishment, he once again began inciting conflicts with other guests, kicking one of them in the chest. The victim, however, took a step back and caught the blow in the abdomen – then, however, he had to start defending himself with his fists. The offender was joined by two other men, who pushed the victim to the ground and started punching him. Due to the fact that some of the victims were of

Roma nationality, the incident was filed as a criminal offense motivated by intolerance or hate against a nation. The legal classification, however, was changed and the attacker was sentenced for the criminal offenses of bodily harm and disorderly conduct. The hate motive was not taken into account.

Criminal proceedings: Final judgement

Motivation: Nationality / ethnicity

Form: Verbal abuse, physical assault

#### **41 Threatening to execute Muslims**

June, Unknown

‘Everything that is happening in Burma and the Central African Republic will soon happen in Europe as well. A massacre. All Muslims will either leave Europe, or be executed. Death to Islam.’ The threat was sent by e-mail to a Muslim organization, who reported the case to In IUSTITIA. In the end, however, the organization's representatives decided not to pursue the matter any further.

Criminal proceedings: Not reported to the police

Motivation: Religion

Form: Verbal abuse, intimidation or threatening

#### **42 The stabbing of a homeless man**

June, Prague, the Capital

‘At least there’ll be one less homeless guy.’ Those were the words used by a university student to explain his second attempt at murdering a homeless man. According to the court, the offender deliberately selected victims so that would be at a physical advantage when attacking them; he also only attacked victims that were asleep. The first victim was saved only because the offender’s knife broke, the second was helped by a man who heard him calling for help. The offender was detained by the police a short while later and confessed to his actions. ‘I wanted him to die slowly, beautifully. He didn’t deserve a quick death. I wanted him to suffer,’ said the offender, claiming that the victims were only pretending to be homeless. In his testimony, he openly professed to support the Dělnická strana sociální spravedlnosti [Worker’s Party of Social Justice], which, however, refused his alleged membership. The offender also admired Adolf Hitler and his final solution of the ‘Jewish and Roma question’. The municipal court sentenced him to 17.5 years of unconditional imprisonment and to a prohibition of residing in the area of Prague, the Capital, for 10 years. The court considered a general aggravation to be the offender’s hate motive against a particular group of persons and also the fact that the offender

was not sorry for his actions, but – on the contrary – proudly admitted them. In IUSTITIA tried to contact the other attacked man in cooperation with social workers, but was not successful.

Criminal proceedings: Final judgement of the Court of First Instance confirmed by the Court of Second Instance

Motivation: Homelessness

Form: Physical assault

#### **43 Sexist attacks**

June, The Ústí nad Labem Region

The police initiated an investigation regarding a man aged 31 based in Varnsdorf, who had been insulting persons belonging to a sexual minority on the Parlamentní listy [Parliament News] website. The man had also allegedly continued in the attacks on his public social network profile. The police initiated prosecution and charged the offender with the criminal offense of incitement to hate against a group of persons or for repressing their rights and freedoms.

Criminal proceedings: Reported to the police

Motivation: Sexual orientation / identity

Form: Verbal abuse, intimidation or threatening

#### **44 Verbal attack due to a headscarf**

June, Prague, the Capital

‘Take that scarf off, you bitch!’ yelled a middle-aged man at a Muslim woman doing her shopping at a mall in Prague. The man left immediately afterwards, leaving the women feeling very upset.

Criminal proceedings: Not reported to the police – not a criminal offense

Motivation: Religion

Form: Verbal abuse

#### **45 The married couple**

June, The Hradec Králové Region

Two women aged 19 and 16 attacked a married couple that was walking down the street. After initiating verbal conflict, the women struck the victims in the face, calling them ‘scum’, ‘white swines’ and other

insults. The attacked man actively defended himself, grabbing the older women by the neck and pushing her away. At that moment, however, another man arrived at the scene, an acquaintance of the offenders, and started insulting the victim and punching him in the face. The attacked man was injured in several places: he had a hematoma and a swelling under his left eye, both his upper and his lower lip were swollen and three of his front teeth were chipped. The offender that was of age was charged with the criminal offense of the defamation of a nation, race, ethnic or other group of persons and disorderly conduct. The man is being investigated separately. A few weeks later, the police investigated these same three attackers in connection with another case, in which they are also facing charges for similar criminal offenses.

Reported to the police – a trial by court is taking place at the moment (March 2015)

Motivation: Skin color

Form: Verbal abuse, physical assault

#### **46 A woman attacked for her faith**

June, Unknown

A woman who converted to Islam and wears a hijab is repeatedly forced to deal with verbal abuse and hateful behavior. Exclamations and insults such as ‘Go back to where you came from! Get that rag off your head! Ugh, what sort of a freak are you?’ are merely an example. In worse cases, unknown people spit at her, elbow her, or run shopping carts into her on purpose; what more, the attackers are ‘ordinary’ people she meets in the street. The humiliation has led to states of anxiety in the victim, which significantly complicate her everyday life.

Criminal proceedings: Not reported to the police – not a criminal offense

Motivation: Religion

Form: Verbal abuse, physical assault

#### **47 Critics of Islam threatened to hang**

July, Prague, the Capital

A man actively interested in the topic of Islam in European countries has been threatened and intimidated over the Internet. Someone posted a link onto his Facebook wall, accompanied by the following comment: ‘On 1 September, we will chase critics of Islam out of their holes and hang them in the cities of this country....’ The comment was further accompanied by a photo of hanged people and a summons requesting the public to inform on critics of Islam and provide their addresses. The police

investigated the incident as a criminal offense against a group of persons and against an individual, but as the offender was never found, the case was deferred.

Criminal proceedings: Reported to the police, deferred – unknown offender

Motivation: Political beliefs

Form: Intimidation or threatening

#### **48 'Revenge will be cruel'**

July, The Zlín Region

A man aged approximately 40 violated the law by posting a summons on his Facebook wall, inciting the public to attack Roma people in a larger town in the Vsetín district. The post was a reaction to a previous conflict, in which he had been attacked by a man aged 26 (this conflict had no racial subtext). The victim had tried to help his ex-spouse, who had got into an argument with the attacker – the victim wanted to fight, but the attacker refused (at first) and left. Then, however, already somewhat intoxicated, he changed his mind and, not wanting his friends to think he was afraid, found the victim and attacked him. The victim's current spouse was allegedly attacked as well, but the police denied it. The victim's Facebook post went as follows: 'Revenge will be cruel, but inevitable. Yesterday, Gypsies attacked my wife, they shouldn't've done that!! 14,88.' The first pair of numbers refers to the words of American racist David Lane ('We must secure the existence of our people and a future for white children.');

the second pair refers to the Nazi salute 'Heil Hitler', the numbers reflecting the order of the letters in the alphabet. The author of the post was sentenced to 300 hours of community service for committing the criminal offense of incitement to hate against a group of persons or for restricting their rights and freedoms.

Criminal proceedings: Final judgement of the Court of First Instance

Motivation: Nationality / ethnicity

Form: Intimidation or threatening

#### **49 Against football club fans**

July, Prague, the Capital

The police investigated an incident that happened in Prague during the summer on the suspicion of a hate crime. The victims were allegedly football club fans. In the end, nothing justifying prosecution was found, so after a few months, the case was deferred. Due to the incooperation of the respective police department, no further information is available.

Criminal proceedings: Reported to the police, deferred – unknown offender

Motivation: Belonging to a subculture

Form: Unknown

### **50 A swastika on a tower block**

July, The Ústí nad Labem Region

A man spray-painted Nazi symbols on a tower block in North Bohemia – an almost 1-meter-tall swastika, the SS cryptogram and the cipher 88. 'SS' is the abbreviation of the Nazi salute 'Sieg Heil' and the number 88 reflects the order of the letters in the alphabet, referring to a different Nazi salute, 'Heil Hitler!'. According to the police, the offender knew the meaning of these symbols. The investigators have stated that this same man had already committed the same crime several years ago, when he painted the same symbols in the communal space of the apartment buildings. The offender was sentenced for the criminal offense of damage to property and the manifestation of sympathies towards a movement aimed at suppressing human rights and freedoms to a conditional sentence of imprisonment. According to the court, it was not confirmed that the offender's actions were aimed against a specific group of persons.

Criminal proceedings: Final judgement of the Court of First Instance

Motivation: Other

Form: Graffiti

### **51 Threats and stones**

July, The Moravian-Silesian Region

A homeless woman was attacked by two men aged 15 in a larger city in the Moravian-Silesian Region. The men noticed the victim searching for food in a dustbin and took this as a cue to start insulting her. 'I'll stuff you inside the dustbin, you old whore, and you'll croak!' they yelled. 'Die! Die!' Then they started throwing stones at the victim and fled the scene only after the police had arrived. The victim has been experiencing feelings of fear ever since the incident. 'I started to feel scared and stopped going places,' she says. 'I never go out any more. God, why do I have to suffer all this?'

Criminal proceedings: Not reported to the police

Motivation: Homelessness

Form: Verbal abuse, intimidation or threatening

### **52 The swastika in the grass**

August, The Ústí nad Labem Region

An unknown offender cut a swastika into the grass near a playground at a housing estate in North Bohemia. The symbol was immediately removed and covered by sand, but it was not the first time this had happened – a swastika had already once appeared in the area in the past, painted on one of the tower blocks. The case was reported to the police, who investigated it as an offence against property. The offender was not found and in October 2014, the case was deferred.

Criminal proceedings: Reported to the police, deferred – unknown offender

Motivation: Other

Form: Swastika depiction

### **53 Post-demonstration defamation and threats**

August, The Ústí nad Labem Region

Following the end of an anti-Roma demonstration, a group of around 20 people walked to a nearby budget lodging house and verbally abused the inhabitants, threatening to set their home on fire. The police arrested two men; one of them, aged 36, was investigated on the suspicion of committing the criminal offense of the defamation of a nation, race, ethnic or other group of persons, but in the end, his actions were re-classified as a misdemeanor against civil co-existence. The second man, aged 38, was suspected of committing the same misdemeanor, together with the criminal offense of dangerous threat. In IUSTITIA was unable to clarify how the investigation ended.

Criminal proceedings: Reported to the police – re-classified as a misdemeanor

Motivation: Nationality / ethnicity

Form: Verbal abuse, intimidation or threatening

### **54 An intoxicated man insulted Roma people**

August, The Moravian-Silesian Region

An intoxicated man aged approximately 40 attacked a man of the same age due to the victim's Roma origin. The incident took place in the Moravian-Silesian Region. At first, the offender upended several dustbins at the scene of the incident and then, as the victim was walking by, started yelling insults. The police detained him and, after he sobered up, charged him with the criminal offense of disorderly conduct and the defamation of a nation, race, ethnic or other group of persons. The offender confessed to his actions and the public prosecutor decided on a conditional discontinuation of prosecution for the probationary period of 15 months.

Criminal proceedings: Conditional discontinuation of prosecution

Motivation: Nationality / ethnicity

Form: Verbal abuse

### **55 Denying genocide**

August, Unknown

In an interview with the media, Tomio Okamura openly denied the Roma holocaust, claiming that the existence of the Lety concentration camp and the targeted extermination of those imprisoned within was a lie. 'It was a work camp for anyone trying to avoid proper work,' said Okamura, 'including Czechs and Protectorate Germans. They were not interned because of their ethnicity, but due to their Gypsy way of life. There were no working Roma there. The camp's victims were not victims of holocaust and to call them such is to show disrespect towards real holocaust victims, whether Roma or Jewish, in real concentration camps.' Representatives of the Roma people and NGOs that disagreed with this statement and felt highly insulted by it turned to In IUSTITIA for help; In IUSTITIA lodged a complaint against the political party whose member Okamura is. Neither the police, however, nor the public prosecutor investigated the complaint. At this point, In IUSTITIA's clients stopped believing they could reach justice and there was no more activity in the case, the negative experience with the police and the public prosecutor significantly weakening their trust in the Czech state.

Criminal proceedings: Reported to the police, deferred – not a criminal offense

Motivation: Nationality / ethnicity

Form: Verbal abuse

### **56 Denying the genocide of Czech Roma**

August, The Ústí nad Labem Region

On his website [www.lukaskohout.cz](http://www.lukaskohout.cz), Lukáš Kohout published an article called 'I wouldn't look for money for taking down the piggery'. The police concluded that by publishing the article, the offender had committed the criminal offense of denying, questioning, approving of and justifying genocide. The prosecution was instituted in February 2015.

Criminal proceedings: Reported to the police

Motivation: Nationality / ethnicity

Form: Verbal abuse

## **57 Against the ‘Gypsy terror’**

August, The Ústí nad Labem Region

According to the police, Lukáš Kohout had allegedly committed the criminal offenses of incitement to hate against a group of persons or the repressing of their rights and freedoms, and the defamation of a nation, race, ethnic or other group of persons. On his Facebook profile, the offender had marked Roma people as an ethnic group terrorizing other citizens and published a summons inviting people to take part in a demonstration called ‘The Gypsy Terror in Děčín – a Demonstration’. Aside from these charges, the offender has also been charged of committing the criminal offense of denying, questioning, approving of and justifying genocide (for more details, see below).

Criminal proceedings: Reported to the police

Motivation: Nationality / ethnicity

Form: Verbal abuse, intimidation or threatening

## **58 Racial hate**

August, The Hradec Králové Region

The crime in question was discovered through information provided by the police statistics. When requested to provide more details, the police of the Hradec Králové Region informed us that they cannot find the case in their database.

Criminal proceedings: Reported to the police

Motivation: Skin color

Form: Unknown

## **59 Attacked at the Prague Pride festival**

August, Prague, the Capital

A Prague Pride festival participant was physically assaulted by a supporter of right-wing extremism, who had taken part in a religious meeting aimed at inciting hate against homosexuals. The offender struck the victim’s face several times; the victim defended himself using tear gas spray and proceeded to seek help with present members of the police. There were no further attacks. However, the attacked person did run into the aggressor once again during the event and heard him saying: ‘That’s the fag... But let’s wait until there’re no cops around.’ The injured party later sought help with In IUSTITIA and received a one-time consultation.

Criminal proceedings: Reported to the police, who refused to pursue an inquiry

Motivation: Sexual orientation / identity

Form: Physical assault

## **60 Other hate**

August, The South Bohemian Region

The incident was discovered in the police statistics. When contacted, the police of South Bohemia linked the case (on the basis of available information) to a case regarding disputes around a local ice-hockey team.

Criminal proceedings: Reported to the police

Motivation: Other

Form: Unknown

## **61 Against the Roma**

August, The South Moravian Region

The incident was discovered through the information provided by the police statistics. On the basis of available information, the police of South Moravia were unable to locate the case.

Criminal proceedings: Reported to the police

Motivation: Nationality / ethnicity

Form: Unknown

## **62 Anti-Semitism at work**

August, Prague, the Capital

A man employed at a hotel in Prague was repeatedly subjected to anti-Semitic attacks at his workplace. The hotel's management and employees verbally abused the victim and openly insulted his religion; they also insulted hotel guests of other religions when they were out of earshot. The victim gathered evidence and turned to In IUSTITIA for help – the organization provided several consultations and recommended the victim turn to the State Office for Work Inspection and – in the case of material or non-material damage – pursue the issue in civil proceedings.

Criminal proceedings: Not reported to the police – not a criminal offense

Motivation: Religion

Form: Verbal abuse

### **63 Blood on a Muslim meeting house**

September, Prague, the Capital

In the night hours, four litres of pigs' blood were poured onto the entrance of a mosque in Prague. The unknown offender also left a note saying 'Stop Islamization'. The Pro-Vlast [For the Homeland] group declared themselves responsible and one of its members commented on the issue as follows: 'By doing this, we wanted to draw attention to an issue that may not seem a problem for our country at the moment, but may become much more serious in the future.' When interviewed by the Lidové noviny newspaper, the administrator of Pro-Vlast's website said: 'Although we deeply disagree with many things about Islam, we are not against this religion as such. We do, however, believe that it is incompatible with our lifestyle and the way we understand our freedoms, and as such does not belong in the Czech Republic or in Europe.' The Islamic Foundation, the party injured by the attack, did not comment on it; as a matter of fact, it allegedly even denied it had ever happened. The police investigated the incident, but ended up re-classifying it as a misdemeanor, and, as a specific offender was not found, the case was deferred.

Criminal proceedings: Reported to the police – re-classified as a misdemeanor, deferred – unknown offender

Motivation: Religion

Form: Verbal abuse, attack on property

### **64 Drawings on election posters**

September, The Olomouc Region

Posters representing the candidates of a well-known political party were damaged by an unknown offender, who (aside from other things) wrote racist statements on the billboards ('Don't vote for the nigger', 'Gyppo') with the intent to discourage those aiming to vote for this particular political party. The party's management lodged a complaint and the police investigated the incident as a criminal offense of damage to property without racist motivation. The offender was not identified and the case was deferred.

Criminal proceedings: Reported to the police, deferred – unknown offender

Motivation: Nationality / ethnicity

Form: Graffiti

### **65 Against the Roma people on the Internet**

September, Prague, the Capital

The police of Prague investigated an incident motivated by hate or intolerance against the Roma people. The result was that the incident did not occur and the case was therefore deferred. Further information is not available.

Criminal proceedings: Reported to the police, deferred – not a criminal offense

Motivation: Nationality / ethnicity

Form: Unknown

### **66 The harassment of a homeless man**

September, The South Moravian Region

A homeless man living in cheap lodging and shelters was insulted and threatened by people in his surroundings. The offenders believed the victim belonged to a sexual minority and the pretext for the attacks was the victim's sexual orientation. To prevent the threats from happening, the victim moved away from the larger South Moravian city where he had been living. In IUSTITIA offered him legal and social consulting.

Motivation: Not reported to the police

Religion: Sexual orientation / identity

Form: Verbal abuse, intimidation or threatening

### **67 Attack on the guests of a birthday party**

September, The South Moravian Region

A group of three men aged approximately 20 verbally abused the Roma guests of a birthday party that was taking place in front of a firehouse in a larger town in South Moravia. The party was private and the offenders were not invited, but they loitered in front of the firehouse and yelled racist insults and threats at the guests (mostly young adults): 'Come here, Gyppo! We'll kill you, Gyppos!' Two offenders were sentenced for committing the criminal offense of the defamation of a nation, race, ethnic or other group of persons to six months of imprisonment, inflicted as conditional for a probationary period of 12 months. The third offender died during prosecution.

Criminal proceedings: Final judgement of the Court of First Instance

Motivation: Nationality / ethnicity

Form: Verbal abuse, intimidation or threatening

### **68 The drug user**

September, The Ústí nad Labem Region

A woman living in the Most District was attacked for using drugs in the past. The offender (a woman) sent text and Facebook messages to the victim and her friends, reminding them of the victim's past. Her intent was to injure; she especially kept pointing out that the victim was not taking adequate care of her child. The case was reported to In IUSTITIA by a social worker from another organization, but we have not been able to get in touch with the victim.

Criminal proceedings: Not reported to the police

Motivation: Drug use

Form: Verbal abuse, intimidation or threatening

### **69 'Die, black swines!'**

September, The Zlín Region

The personal information and telephone number of a man from the Zlín region were abused by an unknown offender, who created a fictional Facebook profile in the victim's name and used it to disseminate anti-Roma and other hateful statements. The man was listed as an 'anti-Roma agent' on the 2014 Die, Black Swines Petition and those interested were invited to contact him for more details. Furthermore, the offender also took part in hateful discussions under the victim's name. The police investigated the case as a criminal offense of incitement to hate against a group of persons or a restriction of their rights and freedoms, but in the end, the case was deferred as nothing was found to justify prosecution.

Criminal proceedings: Reported to the police, deferred – unknown offender

Motivation: Nationality / ethnicity

Form: Verbal abuse

### **70 Banging on windows**

October, The Central Bohemian Region

Some time after 4 AM, a Roma family living in a Central Bohemia town heard banging on the windows of their house. The banging was followed by insults and threats, and the family now lives in fear, worried that their offenders could carry the threats out. The police department in the relevant district investigated the incident as a criminal offense of dangerous threat, but as the offender was not found, the case was deferred.

Criminal proceedings: Reported to the police, deferred – unknown offender

Motivation: Nationality / ethnicity

Form: Verbal abuse, intimidation or threatening

### **71 The beating of a foreigner**

October, Prague, the Capital

A group of four men attacked a Ukrainian man aged 40 in the early morning in Prague and caused him grave injuries. The police investigated the incident with regard to the offenders' hate motive – specifically as the criminal offense of bodily harm and the criminal offense of disorderly conduct. As the offenders were not found, though, the case was deferred.

Criminal proceedings: Reported to the police, deferred – unknown offender

Motivation: Nationality / ethnicity

Form: Physical assault

### **72 Physical assault of an Asian man**

October, Unknown

An Asian man was brutally attacked by an underage offender, who broke his cheek bone and upper jaw. The victim suffers from great pain and has trouble eating; however, although In IUSTITIA offered legal assistance, he was not interested in it. A complaint has been lodged and the case is currently being investigated by the police. No further information is available.

Criminal proceedings: Reported to the police

Motivation: Skin color

Form: Physical assault

### **73 The attack on a gay man**

October, Prague, the Capital

An unknown offender attacked a man in Žižkov, Prague, due to his sexual orientation. The victim was slightly injured and his clothing was damaged. The attack was reported to In IUSTITIA by the victim's acquaintance and the incident was not reported to the police.

Criminal proceedings: Not reported to the police

Motivation: Sexual orientation / identity

Form: Verbal abuse, physical assault

#### **74 The attack on the squatters**

October, The South Moravian Region

A group of homeless people living in a squat in Brno was subjected to repeated attacks by the employees of a neighbouring restaurant. The attacks culminated in a physical assault on the squat, in which the victims' property was destroyed, they were subjected to racist insults ('Put the fire out, you black cunt!') and threatened ('One day I'll set fire to you all!'). Officers of the municipal police joined in the attack and the conflict was resolved only by the state police, which initiated three prosecutions. The victims turned to In IUSTITIA for help through a social curator and at the moment, In IUSTITIA is the victims' legal representative.

Criminal proceedings: Reported to the police

Motivation: Homelessness

Form: Verbal abuse, attack on property and physical assault

#### **75 Attacks at a private educational institution**

October, Prague, the Capital

A student attending a private educational institution was verbally abused for her sexual orientation by the institution's President. The President, for instance, said the following: 'Look, in the old days, they would simply cut off the head of any hen who took it to her head to start crowing. And the problem of gender was solved.' The student felt very insulted by this comment and refused to attend the school any further; she also refused to continue paying the tuition fees, to which she is contractually obliged. In IUSTITIA provided a consultation and its attorney sent a withdrawal notice to the educational institution in question; the school's representatives have, however, not yet responded.

Criminal proceedings: Not reported to the police – not a criminal offense

Motivation: Sexual orientation / identity

Form: Verbal abuse

### **76 Abuse of a photograph from a police round-up**

October, Prague, the Capital

Two Muslim men were subjected to a considerable breach of personal rights. A tabloid-style print medium published their photographs, linking them to the rising criminality their religion is allegedly responsible for. The victims turned to In IUSTITIA, which provided a one-time consultation. One of the clients also stated that this act of libel had led him to lose his job.

Criminal proceedings: Not reported to the police – not a criminal offense

Motivation: Religion

Form: Abuse of photographs

### **77 Disclosure of a private address**

October, Prague, the Capital

A foreigner residing in the Czech Republic, a Muslim by religion, was subjected to a violation of privacy when supporters of the initiative Islám v ČR nechceme [We Don't Want Islam in the Czech Republic] publicized the address of him and his wife. The victim turned to In IUSTITIA seeking help in changing the negative attitude a part of the Czech public holds towards Muslims and aiming to publicize the topic of radicalization. In IUSTITIA offered a one-time consultation and offered to arrange a suitable medium for publication; the client, however, has not provided the promised article yet.

Criminal proceedings: Not reported to the police

Motivation: Religion

Form: Verbal abuse, disclosure of a private address

### **78 Conflict at a DSSS demonstration**

November, The South Moravian Region

During a demonstration of the Dělnická strana sociální spravedlnosti [Worker's Party of Social Justice] on 17 November in Brno, one of the party's supporters assaulted a participant in the student anti-demonstration, striking him in the abdomen with his fists. The victim answered the assault in a violent manner and started punching the attacker into the head – the attacker, according to the court, unsuccessfully tried to defend himself, which may be the reason why the media presented the victim as the original offender. The conflict had to be stopped by the police and both men were sentenced to

imprisonment for disorderly conduct, with the initiator of the conflict receiving a sentence of three months with a probationary period of 15 months, and the man contesting the DSSS demonstration receiving a sentence of two months postponed by 12 months.

Criminal proceedings: Final judgement of the Court of First Instance

Motivation: Political beliefs

Form: Physical assault

### **79 Attack on the employees of a Vietnamese restaurant**

November, The Pilsen Region

An Asian man and an Asian woman were attacked by fans of the band Ortel. The attack took place in a restaurant where the victims worked – the offenders first started arguing with the waitress and then physically assaulted her. When her spouse rushed to her aid, he was assaulted as well, resulting in injuries that had to be treated at a hospital. After the attack, the fans went to a concert that was taking place at a nearby venue. The police investigated the case on suspicion of the criminal offense of disorderly conduct and bodily harm, but the suspicion was not confirmed, so the incident was forwarded to the relevant misdemeanor committee. The director of the administrative department of the municipal council refused to provide any further information and In IUSTITIA did not manage to contact the victims. The restaurant was closed down not long after the violent incident, although it remains unsure whether these two facts are in any way connected.

Criminal proceedings: Reported to the police – re-classified as a misdemeanor

Motivation: Nationality / ethnicity

Form: Verbal abuse, physical assault

### **80 Attacked by football hooligans**

November, The Moravian-Silesian Region

A young man was attacked by a group of alleged football hooligans in the Ostrava District. The offenders pushed the victim to the ground and started kicking him; they also cut him on the hand and on the head with a knife. Then they left the man lying on the street, unconscious, and he remained there for several hours until he regained consciousness and was taken to the hospital by an ambulance called by passers-by. The ambulance team reported the attack to the police, who investigated it on suspicion of disorderly conduct and attempt at bodily harm. As the offenders were not found, though, the case was deferred.

The attack also led to protests in the Roma community, which reacted by organizing a public gathering against hate violence.

Criminal proceedings: Reported to the police, deferred – unknown offender

Motivation: Nationality / ethnicity

Form: Physical assault

### **81 Incision wounds in a restaurant**

November, Prague, the Capital

Reported to the police

On the suspicion of a racially motivated attack, the police is investigating a violent conflict between two men in a restaurant in Prague. The incident took place during the night. The victim suffered from incision wounds, due to which he was taken to the hospital to receive medical assistance. The investigation has not, to this day, been brought to a close. Further information is not available.

Criminal proceedings: Skin color

Form: Physical assault

### **82 Against persons without religious belief**

December, The South Moravian Region

A suspected criminal act motivated by hate or intolerance against persons without religious belief was reported to the police of South Moravia. A prosecution has been instigated and the case has been passed to the police of Liberec District, since that is where the offender has permanent residence. Further information is not available due to the incooperation of the relevant police authority.

Criminal proceedings: Reported to the police

Motivation: Religion

Form: Unknown

### **83 Harassing the opponents of Islamophobia**

December, Prague, the Capital

A man and a woman criticizing Islamophobia in the Czech Republic were harassed by supporters of the anti-Islam initiative Islám v ČR nechceme [We Don't Want Islam in the Czech Republic]. Other people in

their vicinity were also insulted and humiliated, leading to considerable problems in the victims' personal lives and at their place of employment. When getting in touch with In IUSTITIA, the victims consulted the possibility of a complaint.

Criminal proceedings: Not reported to the police

Motivation: Political beliefs

Form: Intimidation or threatening

#### **84 Threats and a destroyed postbox**

December, The South Moravian Region

An intoxicated man attacked a Roma family in Brno District. The incident started shortly after midnight, when the man started yelling racist insults and death threats at the family (who were hiding in the house): 'You black whores, I'll cut your throats and slaughter you like pigs!' Then he broke into the garden and started insulting the victims through the bedroom window, demolishing the surrounding property. Afterwards, he went back to his house and returned with an axe, but at that point, the police had already arrived. The offender was detained and charged with several criminal offenses. The district court sentenced him to a conditional sentence of imprisonment in the length of 30 months with a conditional probationary period of five months.

Criminal proceedings: Final judgement of the Court of First Instance

Motivation: Nationality / ethnicity

Form: Verbal abuse, attack on property and physical assault

#### **85 Saved by the house**

December, The Moravian-Silesian Region

A group of about eight men attacked a random couple returning home at night. First, they started insulting them: 'Gyppo, die, Gyppo!' The woman managed to escape; the man hid in a bush, but the offenders found him, dragged him out and started kicking him. The victim managed to run away, but the attackers caught up with him once again. In the end, he sought help in a nearby house, where he knocked on a window. The inhabitants of the house let him inside and called the police – by the time it had arrived, though, the attackers had disappeared. Before that, however, they requested that people in the house surrender the man. At the moment, the incident is being investigated by the police of the Moravian-Silesian region.

Criminal proceedings: Reported to the police

Motivation: Skin color

Form: Verbal abuse, physical assault

### **86 Intimidation and harassment**

December. The South Bohemian Region

One of the leaders of the anti-Islam initiative Islám v ČR nechceme [We Don't Want Islam in the Czech Republic] injured a woman by threatening her, insulting her in a vulgar manner and creating a fake Facebook profile in her name. The offender called the woman a 'Dubai whore' and threatened her with the 'underground torture chambers of the Mossad' unless she went to a certain bar to have a look at 'the nice bodies of women and men'. As the offender is the victim's supervisor at work, she is worried about potential consequences should she defend herself against these attacks. In IUSTITIA offered help and consulting.

Criminal proceedings: Not reported to the police

Motivation: Religion

Form: Verbal abuse, intimidation or threatening

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