



**National Report on Hate Crimes monitoring  
(Czech Republic)**

Written by

Organisation for Aid to Refugees  
OPU  
September 2016



# Together

fighting against hate crimes

*Together! Empowering civil society and Law Enforcement Agencies to make hate crimes visible* is a project co-funded from the Fundamental Rights and Citizenship Programme of the European Union.

"This publication has been produced with the financial support of the Fundamental Rights and Citizenship Programme of the European Union. The contents of this publication are the sole responsibility of the Organisation for Aid to Refugees (OPU) and can in no way be taken to reflect the views of the European Commission."



Co-funded by the European Union



**TOGETHER! Project**  
**National Report on Hate Crimes monitoring**  
**(Czech Republic)**

**1) Making Hate Crime visible in Czech Republic: the state of the art**

In the Czech Republic, hate crimes are generally prosecuted under the following sections of the Criminal Code<sup>1</sup>:

- defamation of nation, race, ethnic or other group of people;<sup>2</sup>
- instigation of hatred towards a group of people or towards disrespect of their rights and freedoms;<sup>3</sup>
- establishment, support and propagation of a movement leading to repression of rights and freedoms of a man;<sup>4</sup>
- expression of sympathy towards above mentioned movements;<sup>5</sup>
- denial, questioning, approval and justification of genocide.<sup>6</sup>

For the first two crimes, committing them through any public communication network or committing them either with another person or as a part of an extremist group amounts to a qualified crime. For the crime of establishment, support and propagation of a movement leading to repression of rights and freedoms of a man, committing it through any public communication network, as a part of an organized group, as a member of army or during state of emergency or war amounts to the qualified crime.<sup>7</sup>

The data on hate crime are partially collected by the Ministry of Interior in its **report on extremism** in the territory of the Czech Republic, which is published on a yearly basis.<sup>8</sup> According to the latest report from 2015, the number of crimes with extremist motives represented 0.07% of overall crimes committed in the country.<sup>9</sup> This percentage is arguably only a limited sample of hate crimes actually committed in the Czech Republic.

<sup>1</sup> Criminal Code, Act No. 40/2009 Coll., as amended (hereinafter „the Criminal Code“).

<sup>2</sup> Section 355 of the Criminal Code.

<sup>3</sup> Section 356 of the Criminal Code.

<sup>4</sup> Section 403 of the Criminal Code.

<sup>5</sup> Section 404 of the Criminal Code.

<sup>6</sup> Section 405 of the Criminal Code.

<sup>7</sup> According to the Explanatory note to the amendment of the Criminal Code no. 40/2009 Coll., introducing the qualified crime merits, this is mainly due to the adoption of the Common Action of the European Council from July 1997, 1997/96/443/SVV, adopted on the basis of the Treaty on European Union, concerning action to combat racism and xenophobia.

<sup>8</sup> The reports on extremism are available online also in English (with the exception of the latest 2015 report): <http://www.mvcr.cz/mvcren/article/documents-on-the-fight-against-extremism.aspx>.

<sup>9</sup> Ministry of Interior of the Czech Republic, *Report on Extremism in the Czech Republic in 2015*, Security Policy and Crime Prevention Department, Prague 2016 (hereinafter „Report on Extremism, 2015“).



However, the actual number is unknown for the lack of specific data on hate crimes.

The Ministry of Interior also issues on yearly basis a **strategy for combating extremism**. This is a brief document of circa ten pages, which sets out main goals and activities in the area for the next year.<sup>10</sup> The main goals for combating extremism in 2016 are: the communication against demagogy, knowledge, unified anti-extremist platform, professionalism and immunity and assistance to the victims of crimes.<sup>11</sup> The Ministry of Interior also issues **quarterly reports** on extremism.<sup>12</sup> The latest report from the begging of 2016 reflects the raise of anti-migrant and anti-Islamic movements in the Czech Republic.

Despite the raise of hate crime and hate speech in the country, the Czech authorities have not introduced any special or focused initiative to tackle this problem. Nevertheless, some efforts have been made by the authorities in recent years in this area.

In 2011, the Ministry of Interior procured an **analysis on hate crime**. It was conducted by one of the local experts on extremism who recommended the Ministry to keep track of hate crimes committed by extremist groups separately.<sup>13</sup> The analysis and has been criticized by the leading Czech non-governmental organization working in the area, In Iustitia, for placing too much focus on extremism rather than on the rise of hate crime conducted by persons not belonging to any extremist group.<sup>14</sup>

In 2012, the Ministry of Interior introduced the **internet hotline** intended for reporting to the police crimes committed on internet, including hate crimes.<sup>15</sup>

To increase the protection of victims, **new law on victims of crime** was introduced in 2013.<sup>16</sup> According to this law, victims of crime are entitled to legal representation free of charge provided by lawyers registered by the Ministry of Interior. The lawyers providing free legal aid to victims of crimes can be both, attorneys and non-governmental organizations. This piece of legislation has also explicitly cited other rights of victims of crimes such as the right to legal assistance, information about the proceedings as well as the perpetrator, the right to be accompanied by a confidant or the right to a financial help from the state to overcome difficult situation induced by the committed crime. But despite the new law, some problems persists. According to the organisation White circle of Safety (Bílý kruh bezpečí) which provides assistance to victims of crimes in the Czech Republic,

<sup>10</sup> <http://www.mvcr.cz/clanek/extremismus-vyrocní-zpravy-o-extremismu-a-strategie-boje-proti-extremismu.aspx>

<sup>11</sup> Ministry of Interior, *Strategy for Combating Extremisms in 2016*, Security Policy and Crime Prevention Department, Prague 2016.

<sup>12</sup> <http://www.mvcr.cz/clanek/ctvrtletni-zpravy-o-extremismu-odboru-bezpecnostni-politiky-mv.aspx>

<sup>13</sup> MAREŠ, Miroslav, *Problematika Hate Crime. Zahraniční zkušenosti a možnost aplikace tohoto přístupu v ČR s důrazem na trestné činy z nenávisťi proti cizincům*, Brno 2011.

<sup>14</sup> In Iustitia, *Stanovisko In IUSTITIA, o. s. k textu doc. JUDr. PhDr. Miroslava Mareše, Ph.D., Zahraniční zkušenosti a možnost aplikace tohoto přístupu v ČR s důrazem na trestné činy z nenávisťi proti cizincům*, 30. 1. 2012, available: <http://www.in-ius.cz/dwn/tz-stanoviska/stanovisko-k-pojeti-hate-crime-a-extremismu.pdf>.

<sup>15</sup> <http://aplikace.policie.cz/hotline/>

<sup>16</sup> Act No. 45/2013, Coll. on Victims of Crime.



problems occur mainly due to lack of standards of professional conduct of police officers when approaching and informing the victims about their rights. In practice, the information is often barely understood and the lack of individual and sensitive approach towards victims has negative impact on their effective enjoyment of rights.

In 2014 the governmental Agency for Social Inclusion launched an initiative called the **Hate Free Culture**.<sup>17</sup> Since its establishment, the project has gained significant attention in both new and traditional media. The initiative's main activities involve informing the public about events related to hate crime or hate speech, disproving hoaxes and promoting tolerance and dialogue. The initiative uses various means of campaigning, organizes public debates and regularly takes part in various public events. It has created a Hate Free Zone network of places, such as restaurants, bars, shops, clubs, theatres, etc., who wish to express their openness and tolerance to people from various backgrounds. In April 2016, several of those places - the Czech Centre of the Red Cross, a café and a lingerie shop - were attacked by the opponents of the Hate Free Culture.<sup>18</sup> The attack was condemned by the representatives of city and other politicians. However, it was not condemned by the Czech President or his office. Just a month earlier, a similar attack was conducted against a child centre in Pardubice for the owner's support for refugees, and a social centre "Klinika" supporting refugees was attacked in Prague.

Within the project the governmental Agency for Social Inclusion has released a set of **information leaflets for victims, witnesses and confidants** of victims of hate crime.<sup>19</sup> The leaflets contain practical information and advice for the persons who have experienced hate crime.

The Hate Free Culture initiative also triggered adoption of **memorandum on cooperation** between the Agency for Social Inclusion, the Office of the Government and the Police Directorate. The cooperation shall include trainings of policemen which will be conducted by the non-governmental organisation In Iustitia. The trainings shall include state as well as municipal police and also the spokesperson of the regional police directorate. This year four hundred police officers shall be trained within this initiative.<sup>20</sup>

Some non-governmental organizations working against hate crime are partially financially supported by state, regional or local governments. The National Centre for Safer Internet operates several web services informing and gathering information about internet hate crime.<sup>21</sup> Internet hotline gathers allegations of internet hate crime and the information is directly forwarded to the police. The Centre is financially supported by Ministry of Interior.

The Czech version of the European "No Hate" campaign – *Proti nenávisti* - is supported by the Ministry of Education. The campaign targets young people and aims at informing about issues related to hate speech and hate crime.

<sup>17</sup> The official website of the Hate Free Culture initiative: [www.hatefree.cz](http://www.hatefree.cz).

<sup>18</sup> iDnes.cz, *Vandalové poničili kavárny či diakonii. Popsali je nenávistnými nápisy*, 24. 4. 2016, [http://zpravy.idnes.cz/vandalove-ponicili-podniky-hatefree-d7h-/krimi.aspx?c=A160424\\_144440\\_krimi\\_kvi](http://zpravy.idnes.cz/vandalove-ponicili-podniky-hatefree-d7h-/krimi.aspx?c=A160424_144440_krimi_kvi).

<sup>19</sup> <http://www.hatefree.cz/co-delat-kdyz-uvod>

<sup>20</sup> <http://www.hatefree.cz/blo/aktuality/1411-skoleni-policie>

<sup>21</sup> <http://www.ncbi.cz>



Three main Czech non-governmental organizations provide social and legal counselling, including legal representation, to victims of hate crime: *In Iustitia*, Czech Helsinki Committee and *Poradna pro občanství, občanská a lidská práva*. All organizations receive partial funding from the Office of the Government, Ministry of Interior, Ministry of Social Affairs or regional and/or local governments.

The Czech Republic has still a long way ahead to improve the situation of hate crime in the country. But on the positive note, the UN Committee on the Elimination of all forms of Racial Discrimination (CERD) has welcomed the establishment of racial motive as an aggravating circumstance for a number of crimes by the amendment of the Criminal Code in 2008.<sup>22</sup> The CERD also welcomed the 2010 Supreme Administrative Court decision dissolving the Workers Party for its advocacy of neo-Nazi ideology and expressions of opposition to immigrants and minorities.<sup>23</sup>

On the other hand, both the CERD and the European Commission against Racism and Intolerance (ECRI) repeatedly emphasized that measures need to be taken to ensure effective implementation of the law. The ECRI recommendations from 2009<sup>24</sup> to train the judges and prosecutors with respect to combating racist offences and monitoring racist incidents has not been sufficiently implemented and the trainings of police officers by the Agency for Social Inclusion are only about to be implemented. The repeated recommendations to quickly adopt an effective and comprehensive law on free legal aid (ECRI recommendations from 2009<sup>25</sup> and 2015<sup>26</sup>) has still not been implemented.

The Czech Republic, however, still has not implemented the recommendation from ECRI to specifically mention homophobic or transphobic motivation under Section 352 (violence against a group of persons or an individual), Section 355 (defamation) or Section 356 (incitement to hatred) of the Criminal Code,<sup>27</sup> but such amendment of the Criminal Code is currently pending in the parliament.

ECRI has also criticized the absence of disaggregated data on hate crime and inability of Czech authorities to interconnect the different systems of collecting data on hate crime. ECRI has specifically recommended the Czech authorities to ensure that a single mechanism for collecting disaggregated data on hate crime, including hate speech, is put in place, recording the specific bias motivation, as well as the follow-up given by the justice system, and that this data is made available to the public.<sup>28</sup>

<sup>22</sup> CERD concluding observations on the eight and ninth periodic reports of the Czech Republic from 2011, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCZE%2fC%2f8-9&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCZE%2fC%2f8-9&Lang=en).

<sup>23</sup> Ibid, § 3.

<sup>24</sup> ECRI observations from the fourth report of the Czech Republic from 2009, § 22.

<sup>25</sup> Ibid, § 34

<sup>26</sup> ECRI observations from the fifth report on the Czech Republic from 2015, § 96. [https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Czech\\_Republic/CZE-CbC-V-2015-035-ENG.pdf](https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Czech_Republic/CZE-CbC-V-2015-035-ENG.pdf).

<sup>27</sup> Ibid, § 122.

<sup>28</sup> Ibid, § 28.



The Czech Republic has ratified the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems in 2014. But the Czech Republic has not yet ratified Protocol No. 12 to the European Convention on Human Rights, neither the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

## 2) Improving networking for Hate Crimes monitoring: strengths, weaknesses, opportunities, and threats

The Together! project has been an innovative and unique activity implemented in the Czech Republic. The significant lack of data and research concerning the hate crime issues needs to be addressed first, then good contact points within LEAs need to be identified and only after that the innovative measures included in the Together! project would bring sustainable long-term results.



Already one of the first Together! projects tasks – the data compiled for the Questionnaire for National Experts on information for the training material and training structure brought an interesting and updated overview on the hate crime topic in the Czech Republic. There are very few information materials or expertise concerning the issue of hate crime in the Czech Republic. The Czech police implemented in last two years a project called „Hate Crime ... a co na to zákon“<sup>29</sup> offering lectures on hate crime to children in the 8th and 9th grade of primary school or the 1st and 2nd grade students of secondary schools and their leaflet summarizes the hate crime provisions in the Czech penal code.<sup>30</sup>

The latest analysis of hate crime is the analysis from a Czech expert professor Mares from 2011, which of course does not reflect the latest development regarding the migration „crisis“ and the sharp rise of xenophobia and Islamophobia in the Czech Republic.<sup>31</sup> The latest NGO report on hate crime situation in the Czech Republic is the one written by NGO In-Iustitia in 2014.<sup>32</sup>

Therefore, all the expert work and mainly the training manual with input the expert Ms Matilde Fruncillo and colleagues from other countries with more developed research in the hate crime issues like Spain or Italy are valuable tools for further development. The training manual enabled us to provide first professional trainings to state prosecutors as well as people from civil society and Muslim community in the Czech Republic. The reporting tool was translated from Spanish into the Czech language and will be promoted in future cooperation with LEAs.

<sup>29</sup> <http://www.policie.cz/clanek/projekty-pk-projekty-prevence-kriminality.aspx>

<sup>30</sup> <http://www.policie.cz/SCRIPT/ViewImage.aspx?id=654926&docname=plakat-k-projektu-Hate-crime-%E2%80%A6-a-co-na-to-zakon>

<sup>31</sup> <http://www.mvcr.cz/clanek/problematika-hate-crimes.aspx>

<sup>32</sup> In Iustitia, *Zpráva o násilí z nenávisli v České republice v roce 2014*, Praha 2015, available at <http://www.in-ius.cz/dwn/znz2015/znn2014cz.pdf>



A significant group of **state prosecutors benefited from the training program** provided by the Czech project expert professor Katerina Uhlirova in the cooperation with the Czech Judicial Academy. In the future, another group of state prosecutors can be trained with a similar approach. The Czech Judicial Academy is ready to cooperate on the issue in similar future projects (confirmed in writing).

The project's second expert Ms Andrea Špírková provided the **tailored hate crime training** for the group of young active people in the region of Cheb with significant Vietnamese population living there. Furthermore, one more training was provided by Ms Špírková for a small group of Muslims in the only Czech mosque in the city of Brno. Muslim community in the Czech Republic, especially women wearing head scarfs, have been increasingly targeted by verbal and non-verbal attacks. However, there is a deep mistrust of female (and male) Muslims towards the Czech police because the police's reluctance to go on properly with the investigation. In some reported cases of hate speech and spitting, the police let the victims wait for a long time for an interview and then the investigation brought no results whatsoever. Similar approaches in many interviews and no results happened also to the employees of OPU after they have received several threats for promoting the refugees' rights. A significant part of the expert's intervention with the Muslim community therefore focused on the practical advice on legal and other tools of defense in the cases of hate speech or hate crimes.<sup>33</sup>

The main challenge was and remains the cooperation with the state police responsible for investigating hate crimes in the Czech Republic. We were not able to identify any coordinator or police expert on hate crime in the headquarters of the Czech police. The Czech police even refused in writing to give us contact details of responsible officials dealing with hate crimes. As confirmed also by the NGO In Iustitia, the investigation of hate crimes is decentralized and the results depend basically on knowledge and good will of local policemen receiving the complaints of victims or information on committed hate crime. We also believe that the Czech police sometimes tends to turn a blind eye towards the criminal acts committed by the right wing extremists or people expressing their racist, xenophobic and Islamophobic views in public. Therefore, deeper changes would be needed in the education system of police including the top officials responsible for leading police operations and investigations.<sup>34</sup>

The coordination mechanism on exchanging the information on hate crimes between the LEAs and civil society does not exist in the Czech Republic. Since the cooperation of the Czech police has not been established and we have not been informed about any coordination mechanism established by other NGOs or Ombudswoman and the police, we will try to reach single policemen on local level dealing with hate crimes to be able to start a cooperation and offer the training. Statistics and a description of procedures would be available on the basis of an official request. However, establishing a long-term face to face

<sup>33</sup> The feedback of participants evaluating the first training sessions is not available, a feedback questionnaire will be distributed for the second round of training sessions.

<sup>34</sup> See *Strategie pro práci Policie České republiky ve vztahu k menšinám (pro období let 2015-2017)*, published by the Ministry of Interior, Odbor bezpečnostní politiky a prevence kriminality, Prague 2015.



contact and cooperation with police remains a huge challenge for future steps in the Together! project implementation.

The cooperation with NGOs runs well. We shared the hate crime reporting form with migrant women active in migrant associations or communities (Vietnamese, Russian and Ukrainian one in two cities) and encouraged them to spread the form and information about available legal and social aid in hate crime cases in their communities. Furthermore, we are in contact with the NGO In Iustitia providing specialized criminal law defense for victims of hate crime. First cases of hate crime reported to OPU have been already referred to In Iustitia (a Syrian family's house was targeted by unknown criminals, a Muslim woman was attacked verbally and by spitting on the street in Prague).

As far as other actions connected with hate crime in the Czech Republic are concerned, there is a large governmental campaign called "Hate Free Culture" going on with many different cultural actions, posters and promotion in the TV and in the streets including promotion of so called hate free zones in public space.<sup>35</sup> OPU experts also participated in the exchange of experience and knowledge roundtables focused on crimes against immigrants organised by the NGO In Iustitia.<sup>36</sup>

OPU was also present at the development and start of the campaign "Jsme to my" (Here we are), which has been coordinated by the Open Society Foundation in Prague with the aim to respond jointly to very high level of xenophobia and anti-refugee mainstream opinion in the Czech Republic.<sup>37</sup>

### 3) Monitoring Hate Crimes

#### a) Lack of specific data on hate crime

The sources of information about hate crime in the Czech Republic are limited. The reports published by the Ministry of Interior focus on hate crimes committed by persons belonging to extremists groups and absolutely ignore the existence of hate crimes committed by persons who do not belong to any of the monitored extremist groups. Due to unnecessary focus on extremism rather than on hate crime in general, there are **no official data** on the number, character, motives and victims of hate crime in the Czech Republic. As a result there is no complex picture of the scope of the problem and no focused and tailored strategy to combat hate crime has been adopted. The report on extremism is also focused more on perpetrators than on victims and the report contains little information about the victims of hate crimes.

Even those data which are available (on extremism) have considerable shortcomings, as

<sup>35</sup> [www.hatefree.cz](http://www.hatefree.cz)

<sup>36</sup> [www.in-ius.cz/projekty/2016/spravedlnost-bez-rozdilu-fond-nno.html](http://www.in-ius.cz/projekty/2016/spravedlnost-bez-rozdilu-fond-nno.html)

<sup>37</sup> [www.facebook.com/Jsme to My/](https://www.facebook.com/Jsme-to-My/)



acknowledged in the official report. In particular, the official data are collected from four different sources: police directorate, state prosecution service, courts and mediation and probation service. However, the data collection systems of these authorities are not inter-connected and therefore the data used in the report do not correlate.<sup>38</sup> The police data, which are arguably the most valuable to monitor hate crimes, are also influenced by a non-uniform approach of local police departments in registering hate crimes and are further distorted by personal judgment of policemen who enter the data in the system.<sup>39</sup> The conclusions based on these data are therefore very limited and cannot be taken as conclusive. It is therefore questionable to what extent are the governmental strategies in combating extremism based on real needs of the society.

To mention just one of the shortcomings in data collection, as of 2005 the police collects data on anti-Semitic motives and as of 2011 those on anti-Roma motives of extremists crimes. However, the data on motives appear in the police statistics on two conditions: the criminal act is considered as being of extremists' nature and the victims states her ethnicity or from the nature of the act the motive of the crime is obvious (e.g. racist title on Roma holocaust memorial). The report acknowledges that numbers in this statistics are limited and cannot be taken as conclusive. Non-governmental organisations also pointed out deficiencies in data collection by the police in the area of hate crime<sup>40</sup>, as well as misinterpretation of hate crime by the police officers<sup>41</sup>.

The only alternative source of data on hate crime in the Czech Republic is the monitoring and reporting conducted on voluntary basis by the non-governmental organisation In Iustitia which works with victims of hate crime and publishes from time to time reports reflecting this work. These reports combine quantitative with qualitative approach and offer some insight into the scope of the problem of hate crime in the country. But complex and comprehensive data are missing.

## b) Analysis based on available data

The following analysis is based on data available on hate crime in the Czech Republic, with limits mentioned above. The first part of the analysis is based on the Report on Extremism conducted in 2015 by the Ministry of Interior and contains qualitative and quantitative data on crimes committed from extremist motive. The second part of the analysis is based on the report published by the non-governmental organisation In Iustitia in 2014 and offers an alternative insight into the nature and scope of hate crime in the Czech Republic.

<sup>38</sup> Ministry of Interior of the Czech Republic, *Report on Extremism in the Czech Republic in 2015*, Security Policy and Crime Prevention Department, Prague 2016, pp. 22-23.

<sup>39</sup> Ibid, p. 23.

<sup>40</sup> In Iustitia, *Zpráva o násilí z nenávisti v České republice v roce 2014*, Praha 2015, p. 56.

<sup>41</sup> Ibid, p. 61, ftn. 114 - evidencing six cases where crimes against police officers were registered as hate crimes from unknown reasons.



In 2015 the police registered **175 crimes with extremist motives**.<sup>42</sup> This was 0.07% of the total number of crimes registered in that year (247,628). The number of reported hate crimes was lower by 26 than in the previous year (a 13% decrease). The police managed to solve 114 of these crimes (65.7%) and 154 persons were investigated or prosecuted in connection with these crimes.

The most of the reported crimes (85) were investigated as the crime of supporting and promoting a movement directed at suppressing human rights and freedoms, disorderly conduct at sport and public events (18), violence and threats towards a group of people or individuals due to their race, ethnicity, nationality, political opinion or religion (17), and incitement of national and racial hatred (13).

Year	Number of extremist crimes registered	Portion on overall criminality	Number of solved crimes	Number of persons prosecuted or investigated
2006	248	0.07	196	242
2007	196	0.05	119	181
2008	217	0.06	126	195
2009	265	0.08	186	293
2010	252	0.08	168	231
2011	238	0.08	157	246
2012	173	0.06	116	208
2013	211	0.06	144	198
2014	201	0.07	132	157
2015	175	0.07	114	154

Source: Report on Extremism (2015), p. 24

The table above shows that the number of reported crimes with extremist motives in the Czech Republic remained more or less unchanged over the last ten years, as well as its portion on the overall criminality in the country. Nevertheless, these numbers are very low in comparison to estimated level of hate criminality and this only confirms that these data cannot be considered as conclusive.

According to the **court statistics** the Czech courts in 2015 **convicted 54 persons** for crimes with racist motive which corresponded to 0.08% of all persons convicted in the country last year (65.569).<sup>43</sup> According to the table outlined below, the number of perpetrators of crimes with racist motive which the courts managed to convict has fallen by half since 2011. Yet, the numbers are still very low. Among those convicted last year, most persons were tried for the crime supporting and promoting movement directed at suppressing rights of others (28), disorderly conduct with racist motive (23) and dishonouring of nation, race, ethnical group or conviction (17). Out of 54 convicted persons

<sup>42</sup> For the purpose of this report, these crimes are hereinafter referred to as „hate crimes“ with reservations regarding data collection stated above.

<sup>43</sup> Report on Extremism, 2015, p. 32.



only 5 persons were sentenced to unconditional prison terms, 37 to conditional prison sentenced and 8 to public works.

Year	2007	2008	2009	2010	2011	2012	2013	2014	2015
<b>Number of persons convicted</b>	72	97	103	96	111	83	71	52	54

Source: Report on Extremism (2015), p. 32

Yet another numbers are provided by the Supreme Public Prosecutor's Service which collects data on persons prosecuted and indicted for crimes with race, national or other hate motives for the last ten years. In 2015, **145 persons were prosecuted and 127 indicted** of such crimes.<sup>44</sup> According to these statistics there were no anti-Roma marches and no arson attacks prosecuted last year. The prosecution service mostly dealt with crimes of "hailing", symbols on clothes, symbols sprayed on buildings or presenting as tattoo, hate statements presented on internet, racist threats and physical attacks, the letter being directed mostly against people of Roma background.

The Supreme Public Prosecutor's Service provides **qualitative data** as well. The report mentions the following hate crimes:

- Publication of anti-Islamist videos on Youtube with slogans stating „kill Arabs“, „f\*ng Arab religion“, „f\*ng Arab pigs“, „Allah is \*“, etc. The prosecutor indicted one person for the crime of dishonouring nation, race, ethnic or other group, as well as crime of inciting hatred towards a group of persons.
- Anti-migrant speech on the demonstration held on the Wenceslas square in Prague during demonstration held in July 2015. The police found the speech not to reach the threshold of the criminal offence and referred the matter to the misdemeanour proceedings.
- Carrying of gibbets with several anti-migrant inscriptions during demonstration on the Prague Wenceslas Square entitled a „STOP immigration“ held in July 2015. The matter was set aside by the police with the argument that the threats were not directed against a specific group of persons.

The authority observed that in 2015 the objects of hate crimes "moved" from Roma towards Muslims and migrants.

**Alternative data** are gathered by a non-governmental organisation In Iustitia. The organisation systematically gathers data on hate crimes from 2010 and on two occasions has published yearly reports on hate crime (2011 and 2014).<sup>45</sup> It maintains a database of

<sup>44</sup> Report on Extermism, 2015, p. 34.

<sup>45</sup> <http://www.in-ius.cz/ke-stazeni/zprava-o-nasili-z-nenavisti/>



incidents of hate crimes and its further development (police investigation, court proceedings). The organisation gathers the data not only from its clients, but also from their close persons or witnesses of hate crimes, as well as from other non-governmental organisations and media.<sup>46</sup> The data collected by In Iustitia therefore reflect also **hate crimes not reported to the police** which is their added value. On the other hand, as the organisation acknowledges, that their data are not statistically representative and their reports offer rather an insight into the hate crime phenomenon than its complex description.

In Iustitia points out that a high number of hate crimes remain **unreported**, in particular due to frustration of victims and their low confidence in obtaining justice, as well as little information about assisting organisations. Some victims are also afraid of revenge or are unwilling to undergo lengthy and traumatising criminal proceedings.<sup>47</sup> In Iustitia further points out that the relations between the police and the victims are far from ideal. The police force is very homogenous and officers belonging to national, ethnic or other minority can be counted in tenths. In Iustitia argues that it may be partially the police force, its attitudes and its general perception in public that discourages victims of hate crime to report.<sup>48</sup> In Iustitia further argues that the police generally consider hate crimes to be of a lower relevance than other types of (notably violent) criminality. It also points out to stereotypes and prejudice on the side of police force and talks about so called “gate system” of discouraging victims coming from minority groups which are considered as unreliable from reporting crimes.<sup>49</sup> In this connection it is interesting to note that two police officers were investigated due to inappropriate language on Facebook in connection with the 2015 refugee crises. None of them was charged.<sup>50</sup>

In 2014, In Iustitia registered **86 incidents of hate crimes**, out of which 37 were gathered from the police statistics and the remaining 49 came from other sources, notably reporting to the organisation (19) and media monitoring (16). The police dealt with 64 of these crimes, 5 of which were dealt as misdemeanour. Out of remaining 59 cases, the hate motive was being investigated only in 44 cases. In Iustitia thus criticizes the law enforcement authorities for their inability to reveal and investigate the hate motive in cases where such motive is obvious.<sup>51</sup> Majority of incidents were motivated by national and/or

<sup>46</sup> The methods used to collect data include field work, online questionnaire, call centre, cooperation with NGOs, community and religious organisations, cooperation with law enforcement authorities and media monitoring. For complete methodology, see the report, pp. 51-59.

<sup>47</sup> In Iustitia, Zpráva o násilí z nenávisli v České republice v roce 2014, Praha 2015, p. 53.

<sup>48</sup> In Iustitia mentions the police raid in the mosque during prayers in Prague in April 2014 which was viewed as very controversial. See, among many others, Romea, *Czech Police raid mosque, charge man with disseminating racism*, 29. 4. 2014, available at: <http://www.romea.cz/en/news/czech/czech-police-raid-mosque-charge-man-with-disseminating-racism>

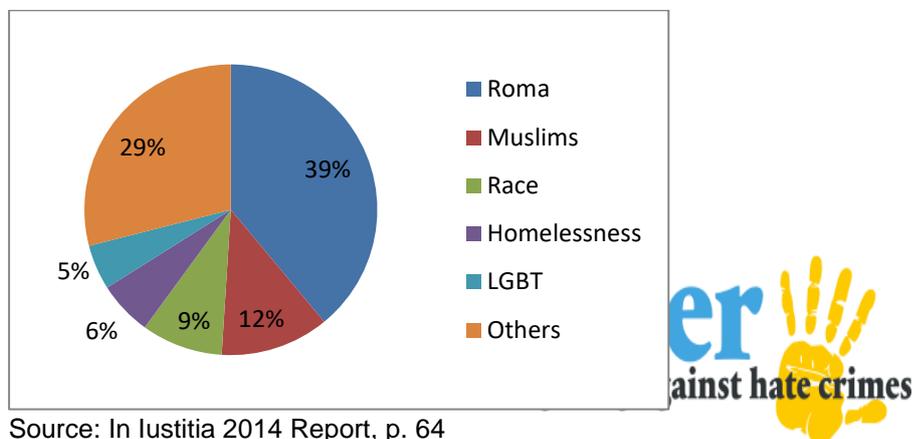
<sup>49</sup> In Iustitia 2014 report, p. 53.

<sup>50</sup> Report on Extremism 2015, p. 31.

<sup>51</sup> As an example the organisation describes a crime committed in the course of election campaign to the European Parliament when the perpetrator wrote racist slogans on election posters („black mounth“, „do not vote a nigger“). The police investigated this crime as damaging an item belonging to someone else.



ethnic hatred (41), followed by religious motives (14), race (8), sexual minorities (7), homelessness (5), political opinion (5), subcultures (1) and drug users (1). Out of the crimes motivated by national and/or ethnic hatred, majority were committed against Roma (34) and Muslim minorities (10).



Source: In Iustitia 2014 Report, p. 64

In Iustitia identified 99 victims of hate crimes, out of which 63 were men and 36 women. Most of the victims were in the age of 25 - 45.<sup>52</sup> Nine victims were foreign nationals.

From the crimes analysed by In Iustitia, most were committed by words (47), some of them accompanied by violence (29) and threats (12). 27 incidents involved, 20 threats, 5 were directed against property and 4 took place in a form of graffiti. One reported incident was arson attack, motive of which was however not proven.

In its report in Iustitia further elaborates on the hate crimes committed in the monitored period from a qualitative perspective. In the following paragraph we will mention some of these crimes in order to offer an image of the nature of hate crimes which were committed in the Czech Republic:

- A participant of the Prague Gay Pride was physically attacked (repeated punches in the face) by a supporter of far right movement. The police refused to investigate the incident.
- An email and Facebook profile of a social worker was hacked by a far right movement due to her Roma ethnicity.
- Unknown offenders set fire on a tent of a homeless person. The incident was reported to the police.
- An underage offender brutally attacked a man of Asian origin who suffered

<sup>52</sup> Six victims were under 6 years old, six in the age of 15-18 and 14 in the age of 18-25.

numerous fractures. The incident was reported to the police.

- An opposition politician publicly denied the existence of Roma holocaust in the Czech Republic. The incident was reported to the police who set the case aside.
- 48-years old men sent hundreds of extortion and anti-Semitic messages to an elderly woman via mobile phone. He was accused but the case was set aside for his alleged lack of capacity.
- Unknown persons wrote anti-Roma hate slogans on the post boxes and walls of an apartment building. The police never found the offenders.
- Unknown persons distributed leaflets with extortion slogans against people of Roma origin. The perpetrators were never found.
- Unknown persons have created a Facebook page where they asked for death of a Roma activist and his family. Facebook refused to disclose the identification of the perpetrator. The police set the case aside.
- The hooligans brutally attacked young Roma boy after the football match. Perpetrators were never discovered.
- Unknown offenders bounded on windows of a Roma family in the middle of the night. The police did not discover the perpetrators and set aside the case.
- Four unknown persons brutally attacked a Ukrainian man and caused him numerous injuries. Perpetrators were not found.



#### 4) Relevant cases of Hate Crimes reported

Within the training conducted in the Brno mosque for women from Muslim minority, the participants mentioned unfortunate everyday experience with majority population connected with them wearing headscarves. These incidents include shouting and unsuitable behaviour on the streets and in the public transport but also spitting and threats for their Muslim religion and/or migrant background. Most of these incidents occur in presence of their children.

One of the participants described her experience during her visit of the hairdresser. When making appointment she expressly asked the personal whether men will be present as due to religious reasons she is not allowed to reveal her hair in front of men. The hairdresser made sure that no man had appointment at the time of her visit. However, when she came, other woman was by the hairdresser with her husband. The client therefore put on her headscarf and the hairdresser asked the husband politely to sit around the corner. This



request was very badly taken by the wife who started to shout on the Muslim women that she is at home and she will not make any concessions to Muslims in “her” country. The client left the studio crying.

The participants of the seminars were unwilling to report the incidents to the police. They stated that they have bad experience with the Czech police. According to their statements, it happened that the police recommended not communicating with media and not talking too much about the incidents of hate crime with the argument that they could only increase hate against them. The participants also mentioned that they have bad experience with police investigation, namely that the investigation leads into nothing and the cases are being set aside with no result. They feel that nobody cares about their problems.

The Brno mosque, which is the only Muslim mosque in the Czech Republic, was also repeatedly targeted by haters. In August 2015 unknown persons broke two windows at the mosque with the iron sticks.<sup>53</sup> Two years ago somebody put pork bones and meat in front of the mosque door.<sup>54</sup>



## 5) Conclusion

The project Together!, as implemented in the Czech Republic, revealed shortcomings in the area of tackling hate crime, notably serious deficiencies in data collection, limited training possibilities for LEAs in the area of hate crime and a lack of cooperation of state and/or local authorities with the non-governmental authorities. Despite major initiative called Hate Free Culture, the public remains largely indifferent towards hate crime and tends to listen to various hoaxes and stereotypes.

### a) Data collection

We recommend that the responsible state authorities to:

- broaden the scope of monitoring and data collection from crimes committed with extremist motives to hate crimes in general and to start monitoring hate crimes committed by persons not belonging to extremist groups or not having extremist motives;
- shift focus from perpetrators to victims of hate crimes and collect data on their age, sex, origin, social background or other markers necessary to target policies of their protection;
- significantly improve the interrelation of data on hate crimes between different authorities;

<sup>53</sup> Lidovky.cz, *Vandalové rozbili okna brněnské mešity. Řeší to policie*. 18. 8. 2015.

<sup>54</sup> iDnes.cz, *Před mešitu v Brně někdo vysypal kosti, na kliku pověsil vepřové*, 19. 12. 2013.

- unify the data collection principles between police departments and secure appropriate training of police officers recording the data;
- improve collection of data of different contexts of hate crime – anti-Roma, anti-Islam, anti-migrant, LGBT, persons with disabilities, homeless people, etc.

## b) Training and specialization

We recommend that the responsible state authorities to:

- introduce a more comprehensive and wide-scale training for police officers and judges in recognition hate crime and communication with victims of hate crime;
- introduce position of senior police officers or teams specialized in recognizing and investigating hate crimes at least in regions with highest occurrence of hate crimes;
- designate and train professionals on hate crime including psychologists and (cultural) mediators who would help victims in communication with authorities after reporting hate crimes.

## c) Communication with public and victims of hate crime

We recommend that the responsible state authorities to:

- encourage victims as well as public to report hate crimes by making reporting tools more available and accessible to the victims and witnesses of hate crimes, e.g. by introduction of an online reporting tool which will enable the report to qualify as a criminal complaint;
- introduce a public information campaign on recognizing hate crime.

## d) Cooperation with civil society

We recommend that the responsible state authorities to:

- encourage and support cooperation with civil society organisations in the area of combating hate crime;
- introducing a mechanism of exchanging the information on hate crimes between LEAs and civil society.

In Prague, 12 July 2016



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# Together

fighting against hate crimes

