

Criminal acts committed by racial, national and other hateful motives

Abstract in english

The dissertation thesis is focused on the issue of crimes committed by racial, national and other hate motives, which are nowadays commonly referred to as hate crimes. The dissertation thesis comprehensively elaborates the essence of the issue of hate crimes and the ideas on which this crime is based on. The thesis points to a relatively rich but very inconsistent and constantly evolving terminology and defines related terms such as extremism, racism, anti-Semitism, anti-Islamism or racial prejudice. It should be recalled that the notion of hate crime is not entirely appropriate to this issue. A closer interpretation of the individual terms is important for the correct interpretation of the relevant facts that are affected by this issue. The analysis of related criminal offenses and related case-law demonstrates what conduct these crimes may impact. We have to realize that the issue is very closely related to the constitutionally guaranteed freedom of speech and expression, and they are very closely intertwined. To define the boundary between an offense and the right of an individual freely expressing their opinions in word, writing, print, image or otherwise, as well as freely seeking, receiving and disseminating ideas and information across national borders, is very complicated. The current legislation also does not make much difference, as evidenced by many conflicting court decisions.

The aim of the dissertation thesis is to submit possible proposals of legal regulations *de lege ferenda*. I also think that following the example of foreign regulations and due to the relatively rapid development of society, it is already possible to consider a possible extension of prejudicial motives that cause this crime to be committed. Similarly, for some crimes that do not yet actually fall into the category of hate crimes, it is possible to consider adding their qualified facts to the model of others. In my dissertation I also try to point out on a possible contradiction in the interpretation and application of hate crimes with constitutionally guaranteed rights as well as a possible violation of one of the fundamental principles of the *nullum crimen sine lege*. Last but not least, I point to the sometimes very unnecessary recruitment of expert witnesses to clarify this crime. By analyzing the decisions of the Highest Court of the Czech Republic and the Constitutional Court of the Czech Republic, as well as a detailed interpretation of the relevant facts, I conclude that the decision-making practice in

this area is not uniform, even on the basis of the Highest Court of the Czech Republic. Very often, ordinary courts do not clarify all the legal features of a crime, and yet they recognize offenders guilty of a crime. The predictability of the decision, which in my view is also one of the pillars of the rule of law, does not, in my view, de facto exist.

Key words: Hate crime, extremism, prejudice