



NEWS REPORT

Date: 29 January 2010
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Title: Czech constitutional court rules on racial harassment
Country: Czech Republic

Context Czech Constitutional court acknowledged the right to protection against racial harassment prior to the EU accession

Issue at stake: Racial harassment

Ground of discrimination: of Racial/ethnic origin

Source: Judgment of Czech Constitutional Court No. II. ÚS 2943/08, dated 27.1.2009

Field: access to goods and services

Legislative provisions: Sec. 11 and 13 of the Civil code (Personality protection)

The claimant brought a claim in 2001 against a restaurant owner who for a long time displayed a statue of a Greek goddess of antiquity holding a baseball bat in her hand with a visible inscription “Go and get the gypsies” in the premises of his restaurant. The Regional (Krajský) and the High court (Vrchní soud) rejected his claim. Both found the defendant’s act “inappropriate,” but refused to hold the defendant liable for infringement of personality protection rights. According to established case law, the scope of the personality protection provision did not cover harassment. The claimant appealed repeatedly against their decisions of lower courts, who repeatedly rejected his claim, to the Supreme Court. The Supreme Court twice reversed the judgments of lower courts and ordered to decide anew on merits. A third appeal against rejecting decision of lower courts to the Supreme Court was unsuccessful and the claimant submitted the constitutional complaint to the Constitutional Court.

Decision of the Court: The Constitutional Court cancelled the judgment of the Supreme Court and the judgment of the High court, and referred the case back to the High Court to decide the case anew.

Internet link source and additional information: The Judgment is accessible at the court website:

<http://nalus.usoud.cz/Search/ResultDetail.aspx?id=64964&pos=1&cnt=1&typ=result>