

Hate Crimes and their sanctions

Abstract

This thesis focuses on the legal regulation of the punishment of hate crimes in the Czech Republic and attempts to provide a comprehensive overview of the principles, methods and type of punishment for this type of crime. The thesis first discusses the constitutional and legal basis of the sanctioning of hate crimes, with an emphasis not only on international legal documents but also on the Czech legislation. Next, the author attempts to define this type of crime, focusing in particular on the so-called hate motive, as this is the core of hate crime and has a significant impact on the imposition of penalties on perpetrators of hate crimes.

Chapter 2 describes the methods of imposing criminal sanctions, their history and the individual sanctions that can be imposed on offenders under Czech law. The statistics on the imposition of sanctions for the year 2016-2020 show that alternative punishments are most frequently imposed - suspended imprisonment, fines, community service.

Furthermore, this thesis deals with the issue of restorative justice and its application to hate crimes. The author draws in particular on foreign legislation (USA or Australia), where it is common to apply restorative justice methods to hate crimes. Although Czech legislation contains the basis for the application of individual restorative justice methods, they are not practically implemented in practice. Therefore, the author tries to propose a solution on how restorative justice methods could be applied to hate crimes in our legal environment.

The last chapter describes the legal regulations on the punishment of hate crimes in selected foreign countries.

The present thesis should introduce the specificity of sanctioning this type of crime and point out alternative forms of punishment (i.e. imposing other punishments than unconditional imprisonment), as well as non-punitive sanctioning using restorative justice methods.