

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
Germany	2012	Germany / Higher Regional Court Frankfurt a.M. / 20 W 12/08		Religion	Higher Regional Court (Oberlandesgericht)	The owner community of a real estate complex refused to give part-ownership of the complex for the purpose of creating a Muslim community centre. Part ownership was initially conferred to the group for the purpose of opening a supermarket; the owner community reversed its decision once it had become clear that the space would be used to create a Muslim community centre. The applicants applied for voiding the decision of the owner community.	Cancellation of the decision of the owner community assembly confirmed by two previous rulings in lower courts.	A mere label in the plan ("Supermarket") does not constitute a binding agreement on permissible use of the part-ownership. If the owner community statutes provide for commercial use without explicit permission by the community trustee, the use for a Muslim community centre is a lawful change of use since no major disturbances are to be expected compared to other commercial uses. Thus, there is no right of the owner community to an injunctive relief.	Disturbances caused by a Muslim community centre (mosque) do not exceed those of any commercial use of a part-ownership real estate.	"The use as an supermarket for as reference for comparison [in ruling of the previous instance] constituted a legal error." "The intended use as Muslim community centre [compared to a commercial use] in the currently planned extent does not constitute an increased and consequently compromising use." "[Das Landgericht hat]... rechtsfehlerhaft die Nutzung als Supermarkt als Vergleichsmaßstab angenommen. ... [im Vergleich einer kommerziellen Nutzung] mit einer Nutzung als muslimisches Gemeindezentrum, stellt sich Letztere in dem vorliegend geplanten Umfang jedenfalls nicht als intensivere und damit beeinträchtigendere Nutzung dar."

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