

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	2018	Germany / Federal Constitutional Court (Bundesverfassungsgericht) / 1 BvR 31/17 ECLI:DE:BVerfG:2018:rk20180420.1bvr003117	https://openjur.de/u/2368917.html	Religion	Federal Constitutional Court (Bundesverfassungsgericht)	The complainant was politically active in the political party Alternative for Germany (AfD) and ran an internet blog in which he expressed his criticism of Islam. In June 2016, a preliminary investigation was initiated against him on suspicion of incitement to hatred and the district court ordered a search of his rooms. He was suspected of having published the following comment, referring to a Muslim and his veiled wife: "Some time ago, a Mossi also crossed my path with his wrapped cattle at the railway station - I told him directly that he should disappear to Arabia." He disparaged Muslim women wearing hijabs in other blogposts, too. The aim of the search was to find evidence that would prove that the complainant was the owner of the blog.	The Federal Constitutional Court rejected the constitutional complaint.	The initial suspicion of incitement to hatred was justified. This assessment did not violate the complainant's fundamental right to freedom of expression. Considering the penalty for the offense of incitement to hatred, the search and the violation of fundamental rights were also proportionate to the seriousness of the offence.	Infringement of the fundamental rights of freedom of expression by an investigation into incitement to hatred and the inviolability of the home by a subsequent search order.	"Die Bejahung eines Anfangsverdachts der Volksverhetzung gem § 130 Abs 1 Nr 2 StGB durch die Bezeichnung verschleierte Frauen als "verpacktem Vieh" sowie der vorgeschlagenen Bezeichnung von Kopftuchträgerinnen als "es" oder "er" ist verfassungsrechtlich vertretbar. Die entsprechende Wertung verletzt den Beschwerdeführer nicht in seinem Grundrecht auf Meinungsfreiheit (Art 5 Abs 1 S 1 GG)." "The affirmation of an initial suspicion of incitement of hatred pursuant to § 130 (1) no. 2 of the Criminal Code by naming veiled women "wrapped cattle" as well as the proposed designation of women wearing hijabs as "it" or "he" is constitutionally justifiable. The corresponding assessment does not violate the complainant's fundamental right to freedom of opinion (Article 5 (1) sentence 1 of the Basic Law)."

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