

Database 2012-2020 on anti-Muslim Hatred

Cases and rulings

COUNTRY CODE	YEAR	REFERENCE DETAILS TITLE	REFERENCE DETAILS URL	HATE BIAS MOTIVATION	COURT / BODY	KEY FACTS OF THE CASE	MAIN REASONING / ARGUMENTATION	KEY ISSUES (CONCEPTS, INTERPRETATIONS) CLARIFIED BY THE CASE	RESULTS (SANCTIONS, OUTCOME) AND KEY CONSEQUENCES OR IMPLICATIONS OF THE CASE	KEY QUOTATION IN ORIGINAL LANGUAGE AND TRANSLATED INTO ENGLISH WITH REFERENCE DETAILS
Germany	2019	Germany / Higher Labour Court of Baden-Württemberg (Landesarbeitsgericht Baden-Württemberg) / 17 Sa 3/19 / ECLI:DE:LA:GBW:2019:1205.17SA3.19.00	http://rbw.juris.de/cgi-bin/laender_rechtsprechung/document.py?Gericht=bw&nr=30470	Religion	Higher Labour Court of Baden-Württemberg (Landesarbeitsgericht Baden-Württemberg)	The plaintiff took legal action against an extraordinary termination of his employment contract due to messages he had sent to a colleg	The Court confirmed the validity of the extraordinary termination.	The State Labour Court had to examine whether the messages sent by the plaintiff constitute an important reason to justify an extraordinary termination of the contract of employment.	The appeal of the plaintiff was rejected.	"Bei den oben genannten WhatsApp-Nachrichten handelt es sich um Schmähkritik, die nicht von Artikel 5 Absatz 1 GG geschützt ist. Aus Sicht der Kammer kann offenbleiben, ob diese Nachrichten als Satire einzuordnen sind. Einkleidung und Aussagekern der beiden

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Turkis
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origin
and
Muslim
faith.
These
messag
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include
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among
others,
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mosqu
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the
headin
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Bavaria
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prayer
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Bavaria
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fired
shots

Nachrichten
beschränken
sich nämlich
auf eine
Missachtung
und
Herabwürdigun
g von
Menschen mit
muslimischer
Religionszugeh
örigkeit. Die
Grenze zur
Schmähkritik
wird damit
jedenfalls
überschritten."

"The WhatsApp
messages are
abusive
criticism which
is not
protected by
Article 5 (1) of
the Basic Law.
From the
perspective of
the court
chamber it can
remain open
whether the
messages can
be classified as
satire. The
form and the
core of the
content of both
messages
narrow down
to the defiance
and
degradation of
persons of

into
the air.
I am
sendin
g you
this
recordi
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Muslim faith.
In any case,
the line to
abusive
criticism is thus
crossed. "

					d an appare ntly Muslim extend ed family under the headin g 'Many Muslim s take a second or third wife wherea s we Germa ns take a second or third job to finance our lives'.				
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<https://fra.europa.eu/en/databases/anti-muslim-hatred/en/databases/criminal-detention/criminal-detention>

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