

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	2020	Germany / Higher Regional Court / OLG Hamburg (13. Zivilsenat), Urteil vom 18.11.2020 – 13 U 192/19, ECLI:DE:OLGHH:2020:1118.13U192.19.0A		Religion	Higher Regional Court Hamburg (Oberlandesgericht Hamburg)	In the second instance, the parties are disputing the deletion by the defendant of various posts by the plaintiff on the social network F. operated by the defendant and the imposition of usage blocks by the defendant on the plaintiff. In this regard, the plaintiff is seeking (among other things) a subsequent declaration that the usage blocks are unlawful, the reinstatement of the deleted content, and damages. The Higher Regional Court dismissed the account user's claim in its entirety, as the posted content was Islamophobic and therefore illegal.	The court affirmed the illegality of the statements.	By writing that he rejects Islamic doctrine because of its "contempt for the (self) critical-reflexive thinking that distinguishes man precisely from the animal," the plaintiff thus virtually places Muslims on the level of animals. This is dehumanizing and highly degrading. This is a statement about the inferiority of Muslims and thus a direct attack because of their religious affiliation.	The Higher Regional Court had to clarify the question of whether the following statements made by the plaintiff were to be considered Islamophobic and thus whether the deletion by the private operator was justified. The plaintiff described Islam as an "inferior and intolerant doctrine", which he rejected because of the "contempt for (self) critical-reflexive thinking, which distinguishes humans from animals".	„Er schreibt deutlich, dass er den Islam und die Muslime als Anhänger dieser „inferioren und intoleranten Lehre“ ablehne. Damit liegt ein direkter Angriff vor. [...] Indem der Kläger schreibt, dass er die islamische Lehre wegen der „Verachtung des (selbst) kritischreflexiven Denkens, das den Menschen gerade vom Tier unterscheidet“, ablehne, stellt er die Muslime damit quasi auf die Stufe von Tieren.“ Seite 31, Ziff. 108-110 "He clearly writes that he rejects Islam and Muslims as followers of this "inferior and intolerant doctrine." This constitutes a direct attack. [...] By writing that he rejects Islamic doctrine because of its 'contempt for (even) critical-reflexive thinking, which distinguishes man precisely from the animal,' the plaintiff thus virtually places Muslims on the level of animals." Page 31, paras. 108-110

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