

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 Hamm (29. Zivilsenat), Beschluss vom 15.09.2020 – 29 U 6/20, ECLI:DE:OLGHAM:2020:0915.29U6.20.00	https://openjur.de/u/2300743.html	Migrant status, Racial or ethnic origin	Higher Regional Court Hamm (Oberlandesgericht Hamm)	In the second instance, the parties are disputing the deletion by the defendant of various posts by the plaintiff on the social network G, 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 Senate intends to dismiss the plaintiff's appeal, as the posted content has been classified as islamophobic and therefore illegal.	The courts of both instances classified the statements as hate speech, with the result that the deletion by the private platform operator was justified.	The Regional Court (Court of First Instance) rightly emphasized that the article's statement that the people named as "Merkel gold pieces" "attack everything and everyone with unimagined brutality" conveys that the group of (Muslim) immigrants as a whole is extremely violent, which at the same time ascribes to them a corresponding inferiority due to mental and moral deficits in the sense of an attack according to severity level 2 of the Community Standards (General Terms and Conditions of the Platform G).	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 posted that the people named as "Merkel gold pieces" went "against everything and everyone with unimagined brutality", he also posted the term "killer Muslims".	„Ebenfalls zutreffend hat das Landgericht zudem die Verwendung des Begriffs „Killer-Moslems“ als Hassrede eingeordnet, weil damit kein Bezug zu der dem jungen vorgeworfenen Sachbeschädigung und Drohung hergestellt wird, sondern primär zu der zuvor pauschal behaupteten Gewalttätigkeit aller (muslimischen) Migranten.“ Seite 20, Ziff. 25. "The district court was also correct in classifying the use of the term "killer Muslims" as hate speech, because it did not refer to the damage to property and threat of which the boy was accused, but primarily to the previously sweeping allegation of violence by all (Muslim) migrants." Page 20, para. 25

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