DATABASE 2012-2024 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	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
Finland	2019	Finland / District court of Itä-Uusimaa / 19/116648: R 18/1120/707		Religion, Racial or ethnic origin	The District Court of Itä-Uusimaa (Itä-Uudemaan käräjäoikeus / Östra Nylands tingsrätt)	The defendant (Mr Pietarinen) had published several Facebook posts between April 2016 and September 2017. In his posts, the defendant attacked Islam as a religion and Muslims as a group. For example, he described Islam as “cancer” and ”crime against humanity”. He claimed that Muslims were “criminals”, “rapists”, “murderers” and “terrorists” and called prophet Muhammad “a pervert and a pedophile”. The defendant held that he had the right to express his opinions, and in doing so, use also shocking and provocative language.	The defendant was found guilty of incitement to hatred and breach of sanctity of religion. He was sentenced a joint day fine for both offences which amounted to 80 day fines (480 euros). The court also ordered that the Facebook posts that had been found to be illegal, were to be deleted.	The court applied the relevant provisions in the Criminal Code (incitement to hatred and breach of the sanctity of religion) in the light of the right to freedom of expression as provided for in the Constitution Act and the ECHR. The court found that the defendant had in his posts threatened, defamed and insulted Muslims on the basis of their religion. He had overstepped the limits of acceptable exaggeration and provocation tolerated under the right to freedom of expression. Freedom of expression allows for the criticism of all religions. The defendant’s statements had targeted both at Muslims as a religious community and their prophet. The court held that the statements were made for the purpose of offending and in order to defame or desecrate what is held sacred by a religious community.	Freedom of expression allows for a certain degree of exaggeration and provocation and reasonable criticism of all religions. However, threatening, insulting, defaming or desecrating a group of people on the basis of their religion is punishable.	"Pietarisen syyksi luettava kiihottamisrikos on islaminuskoisten ihmisten ihmisarvoa loukkaavana verrattain vakava. Kirjoitukset pitävät sisällään uhkauksia ja uhkauksenomaista vihan lietsomista muslimeja kohtaan. Kirjoitukset ovat luonteeltaan rasistisia ja kokonaisuutena niitä on pidettävä hyvin vahingollisina, ja kun otetaan huomioon se, että kirjoituksia on ollut pitkän ajan kuluessa useita, osoittavat ne Pietarisessa korostunutta syyllisyyttä." "The act of incitement to hatred which Pietarinen has committed is of a relatively serious nature because it violates the human dignity of Muslim people. The posts contain threats and similar acts of incitement to hatred towards Muslims. The posts are racist in their character and as a whole they are to be considered very harmful. Also, the fact that there have been several posts during a long period of time, is strong proof of Pietarinen’s guilt."

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