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 / Helsinki Court of Appeal / 19/141114, R18/2249 A copy of the decision can be requested from the registry of the Helsinki Court of Appeal.	https://oikeus.fi/hovioikeudet/helsinginhovioikeus/fi/index.html	Migrant status, Religion	Helsinki Court of Appeal (Helsingin hovioikeus/Helsingfors hovrätt)	The defendant (A) had posted several comments in various anti-immigrant, open Facebook groups. He used pejorative language when referring to migrants, asylum seekers, refugees and Muslims and, for example, accused migrants of mass rape and assault. The defendant claimed he was politically active and had wanted to take part in public debate on migration. The court found that the comments were threatening, defaming and insulting and constituted incitement to hatred.	The district court had sentenced the defendant to 50 day fines for incitement to hatred (ethnic agitation). The court of appeal upheld the decision.	The court of appeal applied the Criminal Code provisions on incitement to hatred in light of freedom of expression as provided for in the Constitution Act, the ECHR and the case law of the European Court of Human Rights. It noted that interference with the activities of the media is legitimate only in so far as it is unavoidable, taking due note of the importance of the freedom of expression in a democracy subject to the rule of law. Harsh criticism of immigration policy or those responsible does not as such amount to a criminal offence, whereas threatening, defaming or insulting an ethnic group is punishable. A's comments cannot be regarded as being part of an objective and constructive public debate. Instead, they are a typical example of hate speech which is not protected by freedom of expression. A's position as a politically active person does not diminish his responsibility.	Constructive and even harsh criticism of immigration policy and person implementing it is permitted, whereas threatening, defaming and insulting an ethnic group is punishable.	"Hovioikeus katsoo, että vaikka viesteissä on ollut kyse yleistä mielenkiintoa omaavasta keskustelunaiheesta, johon tulee suhtautua sallivammin, niissä ei ole ollut kyse sananvapauden rajoissa esitetystä asiallisesta yhteiskunnallisesta keskustelusta tai maahanmuuttopolitiikan arvostelusta. A:n viesteissään käyttämät haukkumasanat ja mielikuvat ovat olleet omiaan herättämään suvaitsemattomuutta, halveksuntaa ja jopa vihaa niiden kohteena olevia kansanryhmiä kohtaan. Edellä sanotuilla ja muutoin käräjäoikeuden tuomiosta ilmenevillä perusteilla hovioikeus katsoo käräjäoikeuden tavoin, että viesteissä on ollut kyse tyypillisestä kiihotus- ja vihapuheesta, joka ei nauti sananvapauden suojaa. Hovioikeus toteaa, että arvioinnin lopputulos olisi sama, vaikka A olisi kirjoittanut viestit poliittisen toimijan roolissa, sillä tekijän asema poliitikkona ei vähennä hänen vastuutaan." "The court of appeal finds that although the comments were relating to a matter of public interest, in which case there is less scope for restrictions of freedom of expression, they did not contribute to a constructive public debate or criticism of immigration policy, within the boundaries of freedom of expression. The pejorative words and views in the comments were likely to arouse intolerance, contempt or even hatred against the ethnic groups they were referring to. On grounds as explained above and in the district court's decision, the court of appeal agrees with the district court and finds that the comments were a typical example of hate speech and incitement to hatred which are not protected by freedom of expression. The court of appeal finds that the outcome of the assessment would be the same, even when A had written the comments as a politically active person, because his role as a politician does not diminish his responsibility."

DISCLAIMER The information presented here is collected under contract by the FRA's research network FRANET. The information and views contained do not necessarily reflect the views or the official position of the FRA.

http://fra.europa.eu/en/databases/anti-muslim-hatred/

Copyright © 2025 European Union Agency for Fundamental Rights