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 Oulu / 19/143966, R19/1104 A copy of the decision can be requested from the registry of the District Court of Oulu.	https://oikeus.fi/karajaoikeudet/oulunkarajaoikeus/fi/index.html	Racial or ethnic origin, Religion	District Court of Oulu (Oulun käräjäoikeus/Uleåborgs tingsrätt)	The defendant, Mr Tynkkynen, was leader of the Finns Party Youth and member of the city council. He had posted on his Facebook page an article with the title "Terrorism does not know religion. Except for Islam". Tynkkynen wrote, for example, that to say that there is no link between terrorism and Islam is just an "empty claim", and that Islam was "responsible for continuous killings around the world". Attached to the text were photos of men, who were allegedly responsible for various terrorist attacks in Europe. Tynkkynen had written the word "Muslim" on top of each photo. Tynkkynen had over 11,000 followers on Facebook.	The district court sentenced the defendant to 50 day fines (€ 4,050) for incitement to hatred. The defendant appealed against the decision, but the Rovaniemi Court of Appel agreed with the district court and upheld the decision (20/123852, R19/862, 2/7/2020).	The court applied the Criminal Code provisions on incitement to hatred, taking also into account freedom of expression as provided for in the Constitution Act, the ECHR and the case law of the European Court of Human Rights. The court found that Tynkkynen had made strong generalisations concerning Muslims. He had failed to present any objective and counterbalancing elements which would have provided the reader with a more balanced view of the issues. The text did not refer to Muslim extremists in particular. Instead, it connected terrorism with Islam in general, indicating that all Muslims are criminals. Such statements are likely to arouse intolerance, contempt and even hatred against Muslims. Political parties enjoy broad freedom of expression. However, Tynkkynen could have expressed his concerns on problems linked to migration without defaming and insulting a specific religious group. His writing constitutes hate speech which does not enjoy the protection of freedom of expression.	Political parties have a right to express their views in public in matters relating to migration, even if they offend, shock or disturb part of the population. However, it is crucially important that politicians, when expressing themselves in public, avoid making comments that might foster intolerance.	"Tynkkysen on täytynyt ymmärtää julkaisunsa panetteleva ja solvaava luonne. Tynkkysen esille nostama tarkoitus esittää huolensa Euroopassa tapahtuneiden terrori-iskujen johdosta olisi ollut mahdollista tehdä ilman kerrotun kaltaista tiettyä uskontoa tunnustavan ryhmän panettelua ja solvaamista. Tynkkysen kirjoituksessa on kyse vihapuheen kaltaisista lausumista, jotka eivät nauti sananvapauden suojaa." "Tynkkynen must have understood the defaming and insulting nature of his text. Tynkkynen could have expressed his concern over terrorist attacks in Europe without defaming and insulting a specific religious group. Tynkkynen's statements constituted hate speech which is not protected by freedom of expression. "

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

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