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	2020	Finland / District Court of Oulu / 20/104853, R19/1378 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	Religion	District Court of Oulu (Oulun käräjäoikeus/Uleåborgs tingsrätt)	The defendant, Mr Lokka, had uploaded two videos to his YouTube channel. The speaker in both videos was allegedly a founding member of an anti-immigration party. He spoke in English, but Lokka had created subtitles in Finnish for both videos and had also translated one of the speeches into several different languages. The videos put together had had over 30,000 viewers. The speaker insulted migrants and Muslims by describing them as “brutal”, “arrogant”, “stupid”, “worthless” and “sick”. He combined Muslims in general with violent crime and terrorism and said all Muslims should be “kicked out of Finland”. Lokka stated that the speaker spoke in the context of demonstrations and described the political agenda of the party he represented. Lokka was not responsible for the content of the speeches. He was just imparting information, as a journalist would do.	The district court sentenced the defendant to 70 day fines for incitement to hatred. The day fine was then reduced to 61 days (€ 549), because the defendant had been held in custody for three days during the process.	The court discussed the concepts of human dignity, prohibition of discrimination, freedom of religion and freedom of expression, as provided for in the Constitution Act and the ECHR. It held that the videos were such as to arouse contempt or even hatred against Muslims and migrants. They violated human dignity and freedom of religion and incited to violence and discrimination. The purpose of the videos was clearly to propagate racist views. Concerning Lokka’s claim that the speeches had been given in the context of a political event, the court noted that politicians, when expressing themselves in public, need to avoid comments that are likely to foster intolerance. The court found that Lokka’s purpose had not been to objectively impart information on a racist group. By uploading the videos, he had contributed to spreading racist content among the public. This constituted incitement to hatred in the meaning of the Criminal Code.	In protecting freedom of expression, it is important to make a distinction between objective and factual reporting on racist acts, on the one hand, and propagation of racist view and ideas, on the other. A person who distributes racist content online can be held accountable even when that person has not created the said content.	"Käräjäoikeus katsoo, että kohtien 1 ja 2 videoiden sisältö on ollut omiaan aiheuttamaan halveksuntaa ja jopa vihaa muslimeja kohtaan. Videoiden levityksen tarkoitus on selkeästi edistää rasistisen materiaalin levittämistä. Videot ovat olleet vihapuhetta eikä se nauti sananvapauden suojaa. Kyseessä ei ole ollut vilpitön tiedonlevittämistarkoitus rasistisesta ryhmästä. Näin ollen tapaus Jersild ei sovellu tähän tapaukseen. Tiedon välittäjänä Lokka vastaa levittämänsä aineiston sisällöstä. Rikosvastuu on yksilöllistä, Lokka vastaa levittämästään sisällöstä ja puhuja vastaa omasta puheestaan erillisinä vastaajina." "The district court finds that under counts 1 and 2, the content of the videos is such as to arouse contempt or even hatred against Muslims. The videos are distributed clearly with the purpose of propagating racist views. The videos are hate speech, which is not protected by freedom of expression. This case was not concerning a genuine and honest purpose of imparting information on a racist group. Therefore, the case of Jersild is not applicable. Criminal responsibility is individual: Lokka is accountable for the material he has distributed, and the speaker is accountable for his own speech, both as two separate actors."

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