

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	2022	Finland / Turku Administrative Court / H95/2022, 20590/03.04.04.04.03/2020		Religion	Turku Administrative Court (Turun hallinto-oikeus / Åbo förvaltningsdomstol)	The complainant X had worked as a guard in a police prison. In his free time, X had posted on his Facebook site several comments relating, e.g., to sexual offences in which many of the suspected perpetrators were Muslim asylum seekers or refugees. In that context, he had referred to Muslim asylum seekers as parasites, rapists and pedophiles. The posts had been published during a period of close to 18 months. X had also indicated in the posts that he is police personnel. In October 2020, the district court sentenced X to a fine for ethnic agitation. In December 2020, the Southwestern Finland Police Department dismissed X, who then challenged that decision in the Turku Administrative Court.	The district court had sentenced X to 50 day fines for ethnic agitation. The Turku Administrative Court held that the Southwestern Finland Police Department had legitimate grounds to dismiss X.	Because the tasks of a police prison guard can interfere with fundamental rights, the requirement of equal treatment of all detainees is essential. Before the conviction of ethnic agitation, X had already received two warnings from his employer, over unauthorized absence and failure to perform his tasks as instructed. In the court's view, X's Facebook posts showed lack of tact and discretion expected from a police prison guard as a public official. X had also shown disregard for his employer and his duties. The police department had thus a valid reason to consider X unsuitable for the role and duties of a police prison guard and to dismiss him.	X claimed that the statutory duty of police officers to behave impeccably both at work and at leisure does not extend to police prison guards. The court agreed that there was no such explicit requirement in law regarding guards. However, the court found that in the assessment of an alleged violation of official duty, a guard's behaviour in leisure time can be relevant, if that behaviour has a link to the guard's duties as a public official or is likely to cause harm to the interest or reputation of the employer. Because of X's opinions and actions, the police department could no longer trust that X would carry out his duties properly and treat all detainees in a neutral and equal manner.	(p. 10) "Irtisanomisperusteiden olemassaoloa arvioitaessa on otettava huomioon kysymyksessä olevan virkamiehen tehtäviin kohdistuvat erityiset vaatimukset, ja perusoikeuksiin ja -vapauksiin puuttuvien tehtävien osalta korostuu muun ohella vaatimus kohdella hallinnossa asioivia tasapuolisesti." "In assessing the grounds for the termination of employment, the specific requirements of the tasks performed by the public official in question must be taken into account. When these tasks interfere with fundamental rights and liberties, one of the requirements emphasised, among others, is that all clients of services in administrative matters are treated equally."

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