

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 / Supreme Court / ECLI:FI:KKO:2022:63	https://www.finlex.fi/fi/oikeus/kko/kko/2022/20220063	Migrant status	Supreme Court (Korkein oikeus / Högsta domstolen)	A had published on his YouTube channel videos which included speeches in two demonstrations. The videos were in English, but A had added subtitles in Finnish and several other languages. The speaker described immigrants and Muslims as "cruel, arrogant, stupid, worthless, and sick" and held that these groups of people should be "kicked out of the country". In 2020, the district court convicted A for incitement to hatred to a fine. The appeal court upheld the decision. In the Supreme Court, A argued that the speeches were held in political demonstrations. By publishing the videos, A had taken part in the public debate on immigration and had imparted information, as a journalist would do.	The Supreme Court upheld A's fine and conviction.	The Supreme Court held that the expressions used in the videos were typical examples of slander and insult, in the meaning of the Criminal Code definition of ethnic agitation. Such hate speech is not protected by freedom of expression. The fact that the statements were originally made in political demonstrations, does not justify them. Apart from adding the subtitles to the videos, A had not conducted any actual editorial work. A knew the contents of the videos and must have understood that the statements were of an insulting and slanderous nature. The Supreme Court concluded that A was responsible for the videos published on his channel, even if he had not created all of the contents himself.	A person who distributes racist content online can be held accountable even when that person has not created the said content. There is less scope for restriction of freedom of expression in political speech or in debate on matters of public interest, but the right to express political opinions is not without limitations.	"26. Korkein oikeus toteaa, että A on vastuussa yleisön saataville asettamastaan materiaalista, vaikka se ei ole kaikilta osin yksin hänen itsensä tuottamaa. A on tiennyt videoiden sisällön ... A:n on myös täytynyt ymmärtää levittämiesä mielipiteiden olevan luonteeltaan ainakin panettelevia ja solvaavia." "26. The Supreme Court finds that A is responsible for the material that he had made available to the public, though he had not created all of it himself. A has been aware of the contents of the videos ... A must also have understood that the statements he had spread were of an insulting and slanderous nature, at the very least."

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