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	2021	Finland / District Court of Länsi-Uusimaa		Migrant status	District Court of Länsi-Uusimaa (Länsi-Uudenmaan käräjäoikeus / Västra Nylands tingsrätt) - National court	X had participated in an anti-migrant discussion on another person's open and public Facebook page. In his comments X called migrants "child rapists". He also suggested that contract killers are hired to hunt down migrants as animals and to kill a couple of migrant children as a warning. Migrants should be intimidated so that they would leave the country. X had targeted migrants in general, not any specific ethnic or religious group.	X was sentenced to 30 days of conditional imprisonment. The court held that X's comments were harmful and dangerous, and therefore the sanction should be imprisonment rather than a fine. However, the court did not find any particular circumstances in the case that would require an unconditional sentence. On the other hand, the court decided that the duration of the probationary period, during which the sentence can be enforced, should in this case be longer, namely a little over two years. According to the Criminal Code, the maximum probationary period is three years.	The court held that "migrants" form a group which falls within the scope of the Criminal Code provision which prohibits threats, defamation and insults against a population group on the basis of, e.g., national or ethnic origin or religion. The court noted that this was a typical case of ethnic agitation, which consists of sporadic, insulting and defaming comments made in the context of an online discussion. The threats with violence and death, however, make the offence particularly reprehensible. X's comments were generalising, stigmatising and harmful. The posts were open for all Facebook users to see and it has been possible to share them with an unlimited number of people.	According to the Criminal Code, the sanction for ethnic agitation is a fine or imprisonment for at most two years. The court noted that in a majority of the cases where a person has been convicted of ethnic agitation, the sanction has been a fine. Also in this case, the prosecutor had requested a 50-day fine. However, the court held that X's offence could not be settled with a fine. X had not only defamed migrants as a group but had threatened them with violence and death.	(p. 9): "…siltä osin kuin [X] on esittänyt tappo- ja väkivaltauhkailuja, kysymys on tavanomaista moitittavammasta kiihottamisrikoksen muodosta. Kokonaisuudessaan tapa, jolla [X] on käsitellyt maahanmuuttajia viesteissään, on ollut voimakkaasti leimaavaa ja erittäin vahingollista." "…insofar as the threats of violence and death are concerned, [X]'s actions constitute a particularly reprehensible form of ethnic agitation. Overall, the way in which [X] has referred to migrants in his posts has been strongly stigmatising and extremely harmful."

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