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	2023	Finland / District Court of Länsi-Uusimaa		Racial or ethnic origin	Disctrict Court of Länsi-Uusimaa / Länsi-Uudenmaan käräjäoikeus / Västra Nylands tingsrätt	X had published on her Facebook account a text in which she criticized the government immigration policy, the media's way of reporting on crimes, foreigners who had committed crimes, and street gangs. The text included statements in which X, for example, insisted that in the city of Espoo, men found guilty of rape were without exception migrants from Africa or Middle East. They had come to Finland only to exploit the system of public social services. Attached to the text was a picture of young black men. X had changed the original caption "We have a dream" into "We have a problem". X had written the Facebook post as a private person but she was also a debuty member of Espoo city council.	The district court sentenced the defendant to 15 day fines for ethnic agitation (€ 465). The court also ordered that the part of the Facebook post that had been found to be contrary to law and the picture attached to that text were to be deleted.	The court held that criticism of immigration policy, the media's reporting on crimes and migrant offenders in general was allowed and within the scope of freedom of expression. However, in addition to such acceptable criticism X's text contained statements which were defaming and insulting against migrants, Muslims and black people. Her message was highly generalising and likely to cause intolerance, contempt and hatred against these groups. To that extent, the text was not protected by freedom of expression.	Political speech is at the heart of freedom of expression. Imparting views cannot be restricted more than is necessary considering the importance of freedom of expession in a democratic state. Therefore, even strong criticism that targets immigration policy or persons responsible for that policy is not as such a criminal offence. However, threatening, defaming or insulting a group of people is not protected by freedom of expression.	"Vaikka mikä tahansa rikoslain 11 luvun 10 §:ssä tarkoitettua ryhmää väheksyvä julkinen lausuma ei välttämättä olekaan kiihottamisrikoksena rangaistava, ei sananvapauden nimissä ole kuitenkaan sallittua esimerkiksi uhata, panetella tai solvata tällaista ryhmää." "While any public expression of an opinion which disparages a population group does not necessarily amount to ethnic agitation in the meaning of Chapter 11, section 10 of the Criminal Code, it is not allowed, for example, to threaten, defame or insult such a group with reference to freedom of expression."

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