Criminal Detention in the EU Conditions and Monitoring

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	2012	Finland / Supreme Court / KKO:2012:58, R2010/1101	http://www.finlex.fi/fi/oikeus/kko/kko/2012/20120058	Religion, Racial or ethnic origin	Supreme Court (Korkein oikeus / Högsta domstolen)	The Supreme Court convicted a Finnish MP of incitement to hatred (ethnic agitation) and breach of the sanctity of religion for an article he wrote in his blog in 2008. In this blog entry he described Islam as a paedophile religion and wrote that theft and leading a parasitic life by living off welfare is a national and maybe even genetic characteristic of Somalis. The Helsinki District Court and the Court of Appeal had previously acquitted the defendant of the charge of incitement to hatred, but the Court of Appeal convicted him for breach of the sanctity of religion.	The defendant (Mr. Halla-aho) was sentenced to a 50 day fines (300 euro). The court ordered the parts of the blog text that include incitement to hatred/ethnic agitation to be deleted. As a consequence of the judgment Mr. Halla-Aho had to resign from the chairmanship of the Administration Committee of Parliament. At first, Mr. Halla-aho refused to resign, but gave in on 13 June 2012 after the leaders of all political party groups in Parliament, with the exception of the Finns Party, unanimously voiced the view that he cannot continue in the post. (In 2017, Mr. Halla-aho was elected chairman of the Finns Party.)	The Supreme Court referred to various cases of the European Court of Human Rights, in particular to Feret vs. Belgium. The court concluded that the claim made about Somalis as a group is defamatory and insulting. The defendant stated that the intention of the blog entry was to provide critique of the press and authorities. The court stated that such an intention does not justify defaming and insulting. The court concluded that the defendant has clearly understood the defamatory and insulting nature of the text, although part of it was written in a sarcastic style. The statements were likely to arouse intolerance, contempt, and possibly even hatred. Therefore the statements can be understood as "hate speech" that does not enjoy the protection of the freedom of expression.	The judgment clarifies the concept of hate speech and its relationship to freedom of expression. The Supreme Court states that the defendant's intention may well have been to provide a critique of the press and authorities. However, such an intention does not justify defaming and insulting. The court concluded that the defendant has clearly understood the defamatory and insulting nature of the text, although part of it was written in a sarcastic style. In addition, the Supreme Court states that the defendant has been actively involved in politics and this position has to be taken into account in exploring the boundaries between freedom of expression and its restrictions.	"[…] lausumat ovat omiaan herättämään suvaitsemattomuutta, halveksuntaa ja mahdollisesti jopa vihaa niiden kohteena olevaa kansanryhmää kohtaan. Ne ovat siten ymmärrettävissä niin sanotun vihapuheen kaltaisiksi lausumiksi, jotka eivät nauti sananvapauden suojaa." "[…]the statements are likely to arouse intolerance, contempt, and possibly even hatred. They can be categorised as hate speech, which does not enjoy the protection afforded to freedom of expression."

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http://fra.europa.eu/en/databases/criminal-detention/

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