# Hate crime in district courts in 2018

## Challenges in monitoring hate crime

Inadequate monitoring of hate crime has been identified as a factor hampering the strategic development of work against hate crime and the targeting of measures. Statistics on hate crime are developed as part of the Against Hate project coordinated by the Ministry of Justice. The memorandum on the current situation of hate crime reporting and the challenges of monitoring, published in Finnish in 2018, presented the current situation of hate crime monitoring in more detail.

Hate crimes reported to the police have already been monitored for over 20 years. Each year in October–November, the Police University College publishes a report on offences reported to the police during the previous year. More information on the methodology used for monitoring can be found in the reports.

No statistics are available on prosecutors and courts. Because a hate crime can be any crime, the statistics compiled on types of crime are inadequate for monitoring hate crimes, except for a few types of crime (such as ethnic agitation).

It is possible to search the system of reporting, statistics and archives of judicial administration for cases marked with the hate crime code by the police. This applies to information from both the prosecutor and district courts.

To develop hate crime reporting, the sentences that were found in the database from 2018 were requested and reviewed during spring 2019.

## Cases of ethnic agitation in district courts in 2018

The table below shows how many cases of ethnic agitation were decided by district courts in 2013–2018. Sentences where ethnic agitation was the principal type of crime numbered 31 in 2018.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Year | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 |
| Number | 4 | 3 | 1 | 5 | 13 | 31 |

According to the guidelines followed by the police, the police categorise the case as a hate crime case if its type is ethnic agitation. For 2018, the police had marked the code in 20 out of the 31 cases.

With the exception of one case, the defendants were convicted in accordance with the prosecutor’s charge. In one case, the charge was dismissed in part. The dismissed charge also concerned a traffic offence, and the defendant was convicted for ethnic agitation in accordance with the prosecution.

In the clear majority of cases, the venue was Facebook. However, in the court decisions, Twitter, YouTube, a blog and the MV magazine also served as message distribution platforms.

The agitation concerned ethnic background, religion, or a combination of the two. In all, 18 cases were about both ethnic background and religion. One case involved not only ethnic background and religion, but also sexual orientation. Islam, in particular, stood out among religions, but some sentences were also associated with Judaism and Laestadianism.

When assessing the punishment, it must be noted that some cases also involved other offences besides ethnic agitation (e.g. libel and infringement of the freedom of worship). The number of unit fines ranged between 6 and 80. If the review is limited to sentences that concerned ethnic agitation, the average number of unit fines was 41.

There were three judgments where the defendant was sentenced to imprisonment. In two judgments, the charge was restricted to ethnic agitation. In both cases, the penalty was 30 days in prison.

## Cases coded by the police as hate crimes in district courts in 2018

The below table lists the district court decisions in cases coded by the police as hate crimes in 2013–2018.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| År | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 |
| Antal | 24 | 31 | 35 | 50 | 62 | 55 |

In 2018, district courts passed 55 sentences in cases coded by the police as hate crimes. In 20 of these sentences, the main type of crime was ethnic agitation. These sentences have been grouped together with the sentences concerning agitation. In addition, there were nine cases that involved reconciliation, the charges had been dropped or the case had been merged with another case. Thus, 26 cases remained for review.

In 16 of these 26 cases, the main type of crime was assault, while in five cases it was illegal threat.

Of these 26 sentences, less than half included information about the motive. This means that in the majority of the sentences, it is not possible to obtain information (without pre-trial investigation material and/or prosecution application) as to why the police have marked the case with the hate crime code. Thus, for example, the assumed grounds for discrimination cannot be determined reliably by reading the sentences only in all but a small number of sentences. In the vast majority of cases where the hate motive was revealed, it pertained to ethnic background. In addition, one case concerned religion and one case sexual orientation.

In nine out of these 26 cases, a more severe sentence was demanded because of a hate motive. In four cases, the district court passed a more severe sentence. In two cases, the hate motive was associated with ethnic background, in one with religion and in one with sexual orientation.