Racist Crimes in the Finnish Criminal Justice System – Analysis of Cases Reported to the Police in Helsinki in 2006

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1. Introduction
Legislation against hate crimes has been under development in European countries over the last couple of decades. Many countries have addressed hate crimes by specifying their motives as grounds for harsher sentencing. Hate crimes are regarded as special cases because they cause more harm to the victim than corresponding ‘ordinary crimes’ and pose a threat to social coherence.\textsuperscript{1} The laws in question are intended to demonstrate that society finds hate crime unacceptable and takes it seriously. Researchers have been concerned both about the effectiveness of the hate crime laws themselves and the ability of the judicial officials to enforce them.\textsuperscript{2} Previous research has shown that the related problems lie in investigating and

\textsuperscript{1} E. Bleich, ‘Hate Crime Policy in Western Europe: Responding to Racist Violence in Britain, Germany and France’, 51(2) American Behavioral Scientist (2007) 149.

proving the motive for these types of crimes. In a case of hate crime, the police must identify both what happened and why.³

In Finland, the penal code was amended in 2003 to enable the harsher punishment of racially motivated crimes. A case study based on racist crimes reported to the police in 2006 in Helsinki showed that this law had not been taken into consideration by the judicial officials.⁴ The study was based on 107 police reports of cases with racist elements recorded in Helsinki and taken up for investigation in 2006. In the cases presented in the research data, the prosecutors did not demand harsher sentencing on the grounds of racial motivation in a single case. The courts did not take the initiative in highlighting racist elements and racist motivation was not taken into account during sentencing. This is perhaps unsurprising given that the available statistics point to the very rare imposition, on a nationwide basis, of harsher punishments due to racial motivation. In 2004, only 10 cases in Finland saw stronger sentencing on the grounds of racial motivation, while in 2005 and 2006 there were 14 and in 2007 there were six such cases.⁵ A more surprising observation lay in the failure to invoke the new law, despite the inclusion of apparently racist elements in some criminal cases.

One reason for this may be that the law is new and the police and judicial officials lack the competencies required to deal with racist cases. It may take time for the law to be enforced effectively. On the other hand, even if all officials have the appropriate competencies, investigating, identifying and proving motivation may be difficult. Previous research on the case characteristics, policing and prosecution of hate crimes has shown that many incidents involving an element of racial or other bias are ambiguous in terms of the offender’s motive.⁶ There may also be many reasons for the crime, such as prior arguments between the parties,