

PROSECUTION DISTRICT OF SOUTHERN FINLAND

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APPLICATION FOR SUMMONS

Case No.
29 April 2021 R 19/16305

Helsinki District Court

(Dno R 21/3567)

Prosecutor Maija Päivinen
District Prosecutor

Defendants	POHJOLA JUHANA MARKUS	In points of charge
	RÄSÄNEN PÄIVI MARIA	2 1, 3, 4

CHARGE I demand that the defendants be punished for the following criminal offences:

1. ETHNIC AGITATION
(5500/R/0074807/19)
Criminal Code, Chapter 11, Section 10
The Constitution of Finland, Section 1, 6 and 7

1 June 2011 - 29 April 2021 HELSINKI

Description of the criminal act charged

Päivi Räsänen has made available and kept available to the public opinions and statements which disparage homosexuals as a group on the basis of their sexual orientation.

While functioning as a Member of the Finnish Parliament representing the Christian Democrats, Päivi Räsänen has written the booklet "Male and female he created them. Homosexual relationships challenge Christian conception of man." (Myllypaino, Leväsjoki 2004.) at the request of the Luther Foundation of Finland. The booklet was published on the website www.luthersaatio.fi of the Luther Foundation of Finland and the website www.lhpk.fi of the Evangelical Lutheran Mission Diocese of Finland by the permission of Räsänen. In her booklet, Räsänen presented the following opinions:

- According to studies, the earlier in life a young person has homosexual experiences, the more difficult it is to overcome this inclination later in life. (p. 9)

- Today's superficial sexual education, lacking in values and encouraging sexual experimenting, and the way homosexual relationships are

presented as generally accepted, is an especially dangerous combination. If superficial sexual values are combined with a message that from the society's point of view, it is as desirable to marry someone from the opposite sex as from the same sex, this clearly encourages early homosexual experiments. This also opens a route for sexual abuse, making it easier for adult men to get in sexual contact with underage boys. (p. 9)

- Fundamentally, this is a question whether homosexuality is a neutral state or a negative developmental disorder for the individual themselves. In case of the latter alternative, defending the "rights" of homosexuals hurts these people even more. In addition, fighting for the rights of homosexuals promotes a change in the values of the society, which does not support one's growth into a balanced marital relation. (p. 10)

- A sexually deviant emotional life is seldom a state intentionally chosen or caused by an individual themselves. It is based on disorders related to psychosexual development both in early childhood and in adolescence. (p. 10)

- Homosexual tendency cannot as such be compared with a mental health issue or physical illness. Instead, scientific evidence indisputably shows that homosexuality is a disorder of psychosexual development. Those who claim that homosexuality is a natural, "healthy" variation of sexuality, invalidate the evidentiary value of studies of family background due to political reasons. Due to the pressure by homosexual activists, political aims have superseded scientific facts. (p. 10)

- The conversion of sexual identity towards a normal heterosexual emotional life is possible, if the individual is motivated and willing to undergo treatment. (p. 11)

- It must be noted that the gay culture is a part of the ensemble of sexual aberration, and diverse in itself. (p. 12)

- There are mainly two ways of practising homosexuality: casual relationships within the gay community, and lasting relationships. Casual relationships and cohabitation were legalised by amendments to the Criminal Code in 1971, and same-sex couples were able to register their partnerships as of March 2002. Casual and changing relationships are the most common way of practising homosexuality. This can be claimed to be due to long-term discrimination against homosexuals in the Western culture. However, in my opinion, this also says something about how broken homosexual people are. (p. 12)

- Some bishops have explained their Bible interpretation by saying that, today, we know more about the evolution of homosexuality than at the time the Bible was written. True, we know that it is a disorder of psychosexual development. On the other hand, there is genetic tendency, harmful environmental factors and negative influence behind alcoholism. Criminal tendency is linked to the attention-deficit disorder. Should we

allow crime, if someone has a compelling inclination towards it? If homosexuality is a developmental disorder, we should not encourage it. (p. 18)

In the above cited statements, homosexuality is presented to be an unhealthy and unnatural condition, a psychosexual developmental disorder which one must get rid of. Homosexuals are stigmatised as prone to child abuse and casual and changing relationships, immoral and broken human beings, and standing up for their rights is considered questionable. By her statements, Räsänen claims that the above characteristics, immorality and the inclination or need to abuse children are characteristics inevitably related to homosexuality.

The claims that homosexuality is a disorder of psychosexual development, and that this has been scientifically proven, are also untrue.

Räsänen claims that homosexuality as a sexual orientation is in itself a negative and condemnable personal characteristic or identity, based on which all homosexuals are and should be considered inferior to other people. The statements insult homosexuals as such and as part of the booklet as a whole. Räsänen's statements infringe on the equality and dignity of homosexuals, and they are likely to fuel intolerance, contempt or even hatred towards homosexuals. Such statements insulting homosexuals are discriminatory and thus overstep the boundaries of freedom of speech and religion.

Räsänen has disseminated the booklet on her Facebook account on 4 November 2019. The booklet was also published on Räsänen's own website www.paivirasanen.fi on 21 February 2020. Räsänen is a well-know Member of Parliament, and thousands of people follow her social media accounts.

Written evidence

1. Male and female he created them. Homosexual relationships challenge Christian conception of man. (Myllypaino, Leväsjoiki 2004) (appendix 2) - booklet and its content, insulting nature
2. Photographs of the website www.luthersaatio.fi (appendix 4-5) - the booklet was published on the website of the Luther Foundation of Finland
3. Expert opinion by the Finnish Institute for Health and Welfare (appendix 11) - there are no medical grounds to describe homosexuality as a psychosexual disorder, the insulting nature of Räsänen's statements
4. Photograph of a Facebook publication of 4 November 2019 (appendix 3, photograph 7) - reposting, disseminating the publication to a wide audience (intention, impact and harmfulness)

5. Photographs from the www.paivirasanen.fi website (appendix 13)
- reposting, disseminating the publication to a wide audience (intention, impact and harmfulness)

2. ETHNIC AGITATION

(5500/R/0074807/19)

Criminal Code, Chapter 11, Section 10

The Constitution of Finland, Section 1, 6 and 7

1 June 2011 - 29 April 2021 HELSINKI

Description of the criminal act charged

Juhana Pohjola has made available and kept available to the public opinions and statements which disparage homosexuals as a group on the basis of their sexual orientation.

As the representative and Member of the Board of the Luther Foundation of Finland, the Diocesan Dean of the Evangelical Lutheran Mission Diocese of Finland, and the person in charge of the Aamutähti publication series and the website of the Diocese, Pohjola has published Päivi Räsänen's booklet "Male and female he created them. Homosexual relationships challenge Christian conception of man." (Myllypaino, Leväsjoki 2004). Pohjola has decided to publish the booklet on the website www.luthersaatio.fi of the Luther Foundation of Finland and the website of the Evangelical Lutheran Mission Diocese of Finland www.lhpk.fi. In her booklet, Räsänen made the following claims:

- According to studies, the earlier in life a young person has homosexual experiences, the more difficult it is to overcome this inclination later in life.
- Today's superficial sexual education, lacking in values and encouraging sexual experimenting, and the way homosexual relationships are presented as generally accepted, is an especially dangerous combination. If superficial sexual values are combined with a message that from the society's point of view, it is as desirable to marry someone from the opposite sex as from the same sex, this clearly encourages early homosexual experiments. This also opens a route for sexual abuse, making it easier for adult men to get in sexual contact with underage boys. (Removed?) See above
- Fundamentally, this is a question whether homosexuality is a neutral state or a negative developmental disorder for the individual themselves. In case of the latter alternative, defending the "rights" of homosexuals hurts these people even more. In addition, fighting for the rights of homosexuals promotes a change in the values of the society, which does not support one's growth into a balanced marital relation.

- A sexually deviant emotional life is seldom a state intentionally chosen or caused by an individual themselves. It is based on disorders related to psychosexual development both in early childhood and in adolescence.

- Homosexual tendency cannot as such be compared with a mental health issue or physical illness. Instead, scientific evidence indisputably shows that homosexuality is a disorder of psychosexual development. Those who claim that homosexuality is a natural, "healthy" variation of sexuality, invalidate the evidentiary value of studies of family background due to political reasons. Due to the pressure by homosexual activists, political aims have superseded scientific facts.

- The conversion of sexual identity towards a normal heterosexual emotional life is possible, if the individual is motivated and willing to undergo treatment.

- It must be noted that the gay culture is a part of the ensemble of sexual aberration, and diverse in itself.

There are mainly two ways of practising homosexuality: casual relationships within the gay community, and lasting relationships. Casual relationships and cohabitation were legalised by amendments to the Criminal Code in 1971, and same-sex couples were able to register their partnerships as of March 2002. Casual and changing relationships are the most common ways of practising homosexuality. This can be claimed to be due to long-term discrimination against homosexuals in the Western culture. However, in my opinion, this also says something about how broken homosexual people are.

- Some bishops have explained their Bible interpretation by saying that, today, we know more about the evolution of homosexuality than at the time the Bible was written. True, we know that it is a disorder of psychosexual development. On the other hand, there is genetic tendency, harmful environmental factors and negative influence behind alcoholism. Criminal tendency is linked to attention-deficit disorder. Should we allow crime, if someone has a compelling inclination towards it? If homosexuality is a developmental disorder, we should not encourage it.

In the above cited statements, homosexuality is presented to be an unhealthy and unnatural condition, a psychosexual developmental disorder which one must get rid of. Homosexuals are stigmatised as prone to child abuse and casual and changing relationships, immoral and broken human beings, and standing up for their rights is considered questionable. By her statements, Räsänen claims that the above characteristics, immorality and the inclination or need to abuse children are characteristics inevitably related to homosexuality.

The claims that homosexuality is a disorder of psychosexual development, and that this has been scientifically proven, are also untrue.

Räsänen claims that homosexuality as a sexual orientation is in itself a negative and condemnable personal characteristic or identity, based on which all homosexuals are and should be considered inferior to other people. The statements insult homosexuals as such and as part of the booklet as a whole. Räsänen's statements posted by Pohjola infringe on the equality and dignity of homosexuals, and they are likely to fuel intolerance, contempt or even hatred towards homosexuals. Such statements insulting homosexuals are discriminatory and thus overstep the boundaries of freedom of speech and religion.

- Indisputable facts Pohjola's position of responsibility in the Luther Foundation of Finland (extract from the Register of Foundations)
- Written evidence 1. Male and female he created them. Homosexual relationships challenge Christian conception of man. (Myllypaino, Leväsjoki 2004) (appendix 2) - booklet and its content, insulting nature
2. Photographs from the www.luthersaatio.fi website (appendix 4-5) - the booklet was published on the website of the Luther Foundation of Finland
3. Expert opinion by the Finnish Institute for Health and Welfare (appendix 11) - there are no medical grounds to describe homosexuality as a disorder of psychosexual development, the insulting nature of Räsänen's statements published by Pohjola

3. ETHNIC AGITATION

(5500/R/0053318/19)

Criminal Code, Chapter 11, Section 10

The Constitution of Finland, Section 1, 6 and 7

17 June 2019 - 29 April 2021 HELSINKI

Description of the criminal act charged

Päivi Räsänen has made available and kept available to the public opinions and statements which disparage homosexuals as a group on the basis of their sexual orientation.

While a Member of the Finnish Parliament representing the Christian Democrats, Päivi Räsänen has posted the following text on her Twitter account @PaiviRasanen, Instagram account @p-rasanen and Facebook account Päivi Räsänen.

"The Church has announced its official sponsorship of Seta's¹ Pride 2019. How can the Church's doctrinal foundation, the Bible, be compatible with elevating sin and shame as reasons for pride?"

Her posts were accompanied by a picture of the New Testament text of Romans 1:24-27.

Räsänen's opinion posted on Twitter, Facebook and Instagram, according to which homosexuality and being a homosexual is shameful and sinful, insults all homosexuals as a group. In her tweet, Räsänen bases her opinions on the above Bible texts. Räsänen claims that homosexuality as a sexual orientation is in itself a negative and condemnable personal characteristic or identity, based on which all homosexuals are immoral and should be considered inferior to other people. The statement infringes on the equality and dignity of homosexuals, and it is likely to fuel prejudice against, and contempt or even hatred for homosexuals. Such a statement violates the ban on discrimination and thus oversteps the boundaries of freedom of speech and religion.

After the posts on 17 June 2019, Räsänen has disseminated the above-described post on Twitter on 13 August 2019 and 23 August 2019. Räsänen is a well-know Member of Parliament, and thousands of people follow her social media accounts.

Indisputable facts

Räsänen has written the publications referred to in the charge and posted them on her public Twitter, Instagram and Facebook accounts.

Written evidence

1. Photograph of a Twitter post (appendix 1, photograph 2)
- publication and its content on Twitter, insulting nature
2. Photograph of a Facebook post (appendix 2, photograph 4)
- publication and its content on Facebook, insulting nature
3. Photograph of an Instagram post (appendix 4 of additional investigation record)
- publication and its content on Instagram, insulting nature
4. Photographs of 17 June 2019 of a repost of the publication (appendix 1, photographs 4 and 5)
- reposting, disseminating the publication to a wide audience (intention, impact and harmfulness)

4. ETHNIC AGITATION

(5500/R/0011100/20)

Criminal Code, Chapter 11, Section 10

20 December 2019 HELSINKI

Description of the criminal act charged

Päivi Räsänen has made available to the public opinions which disparage homosexuals as a group on the basis of their sexual orientation.

While a Member of the Finnish Parliament representing the Christian Democrats, Päivi Räsänen has stated the following in a talk show on Yle Puhe radio station of the Finnish Broadcasting Company, in an episode called "What did Jesus think about gay people?", hosted by Ruben Stiller.

"First of all, the most recent studies have revealed that the effect of genetic heredity is like rather small in homosexuality. However, human genes have also deteriorated over the millennia and the history of the mankind; that is to say, they are not necessarily like what they were when we were created."

(Stiller: "So you mean this is deterioration, or?")

"Well, I mean that we have acquired genetic heredity causing like various types of illnesses and disorders which can... now I'm not comparing alcoholism and homosexuality, but I want to say that we do know that certain genetic factors may like play a role in alcoholism. Some people have such genetic heredity that they may become alcoholics more easily. And, kind of in the same way I consider it likely that some type of genetic heredity..."

"But now that you ask about this genetic heredity specifically. I do think that it is absolutely self-evident that God did not originally create humans as homosexuals. He created them heterosexuals. He created a man and a woman and meant them to be married to each other. And it is clearly against God's will and a sin, if you have other types of sexual relations."

Räsänen's statements as such, and as part of the episode of Ruben Stiller's radio talk show as a whole, insult all homosexuals. According to Räsänen, if homosexuality is genetic, it is genetic deterioration and a genetic heredity which causes illness and disorders. The claim is untrue and derogatory against homosexuals. There are no actual facts to support the claim. Räsänen's religious opinion, according to which homosexuals were not created by God like heterosexuals, is also derogatory against homosexuals. Räsänen's statements infringe on the equality and dignity of homosexuals, and they are likely to fuel prejudice against, and contempt or even hatred for homosexuals. The statements are discriminatory and overstep the boundaries of freedom of speech and religion.

Written evidence

1. Screenshot of the page of the Ruben Stiller talk show on the Yle Puhe radio station (appendix 4)
- time of commission, disseminating the opinion, and its scope
2. Recording of the episode "What did Jesus think about homosexuals?" of the Ruben Stiller talk show of 19 December 2019 (appendix 10)
- statements and their insulting nature
3. Transcription of the episode "What did Jesus think about gay people?" of the Ruben Stiller talk show at 00:39:00 - 00:43:00 (appendix 5)

- statements and their insulting nature

OTHER CLAIMS BY THE PROSECUTOR

Victim surcharge in point of charge 1
and points of charge 3 and 4.

Räsänen shall be ordered to pay a victim surcharge of 80 euros.
Act on Victim Surcharge, Sections 2, 3 and 4.

Other claim in point of charge 1
and points of charge 2 and 4.

Räsänen and Pohjola shall be ordered to remove from the public the
illegal booklet sections posted online, specified in points of charge 1 and
2, and to destroy them.

Räsänen and Pohjola shall be ordered to remove from the public the
illegal message posted online, specified in charge 3, and to destroy it.

Yleisradio Oy (Finnish Broadcasting Company) shall be ordered to
remove from the public the parts of the Ruben Stiller talk show specified
in charge 4, and to destroy them.

Act on the Exercise of Freedom of Expression in Mass Media, Section 22

Victim surcharge in point of charge 2
Pohjola shall be ordered to pay a victim surcharge of 80 euros.
Act on Victim Surcharge, Sections 2, 3 and 4.

Other claim in point of charge 2
The Luther Foundation of Finland shall be ordered to pay a corporate
fine in the minimum amount of 10,000 euros, because a person belonging
to its statutory body or other management, having actual power of
decision in the legal person, has been a party to an offence. (Extract from
the Register of Foundations and financial statements for the financial
year 1 Jan to 31 Dec 2019)

Criminal Code Chapter 9, Section 3, Chapter 11, Section 15

FURTHER INFORMATION

Opinion on consequences

Räsänen shall be imposed a combined fine of 120 day-fines.

Pohjola shall be imposed a minimum of 60 day-fines.

Other considerations

The Prosecutor-General has issued an order for prosecution according to this Application For summons on 23 April 2021.

Signature

Maija Päivinen
District Prosecutor

Anu Mantila
Prosecutor-General

A list of material filed with the Court with the Application for Summons

5500/R/0011100/20 Helsinki Police
5500/R/0074807/19 Helsinki Police
5500/R/0053318/19 Helsinki Police

5500/R/0074807/19/Li 2: Financial statements for the financial year 2019 and Extract from the Register of Foundations of the Luther Foundation of Finland

Order for prosecution by the Prosecutor-General of 23 April 2021