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[title] **Prosecutor placed words into Päivi Räsänen's mouth she had not said - YLE goes through the false allegations**

According to the Helsinki District Court, the prosecutor had alleged that Päivi Räsänen had said things she had not actually said. According to a legal expert, this is exceptional.

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The prosecutor claimed that Päivi Räsänen (kd.) had made statements about homosexuals that she had not actually made.

On Wednesday [30 March 2022], the Helsinki District Court acquitted Dr. Räsänen of all criminal charges. She was charged with three counts of incitement against an ethnic group [hate speech]. The prosecution demanded a minimum penalty equivalent to 120 days of personal income [the maximum fine, if more egregious, then prison sentencing] for the former Minister of the Interior.

In its ruling, concerning what Räsänen had said, the District Court refuted the prosecution's claims in the summons which initiated the proceedings. According to a legal expert, this is rare in the courts.

Dr. Tatu Hyttinen, Assistant Professor of Criminal Law at the University of Turku, drew attention to the fact that the description of the offense, i.e. the facts of the case, was dealt with in a manner opposite of the normal procedure.

“Ordinarily, in a criminal conviction, the prosecutor gives a description of the offense and the district court discusses whether the accused committed the offense for which he or she is being prosecuted. In this trial, it was quite exceptional that there was quite a lot of discussion about whether the prosecutor's description of the offense corresponded to what Räsänen said,” Prof. Hyttinen commented.

Päivi Räsänen commented at a press conference on Wednesday that the summons application contained several false and inaccurate allegations regarding her views.

The charges were brought by Prosecutor General Raija Toiviainen. In court, the charges were prosecuted by State Prosecutor Anu Mantila and Regional Prosecutor Maija Päivinen.

YLE went through Ms. Räsänen's original statements, the summons application and the district court's decision. Three main allegations clearly stand out, which the prosecution interpreted either broadly or incorrectly.

1. No statement of “homosexuality as a genetic degeneration”

The most important of the prosecutor's arguments corrected by the Helsinki District Court related to opinions expressed on the radio program YLE Puhe [YLE Talk], hosted by the journalist Ruben Stiller.

In an episode of the discussion program entitled “What did Jesus think about gays?” Räsänen

explained her views on homosexuality.

According to the prosecutor, Räsänen had claimed that homosexuality was a “genetic degeneration and genetic inheritance that causes disease and disorder”.

Päivi Räsänen on YLE Puhe on 20 December 2019, according to the police transcript.

- “First of all, the most recent studies have shown that a, ah, possible, uh, genetic inheritance in homosexuality is quite small. But on the other hand, the human genetic heritage has also degenerated over the millennia and during the history of mankind, so it is not necessarily what it was when we were created...”
- “What I mean is that we have acquired all kinds of, uh, different genetic heritage that causes, uh, like, disease and disorders, which can... Well, I'm not comparing alcoholism and homosexuality, but, but I will say that we know that certain genetic factors can, uh, like, influence the development of alcoholism. That some people have such a genetic inheritance that they are more inclined to become alcoholics. And in the same way I would consider it quite possible that some genetic heritage...”

At this point, the host, Ruben Stiller, interrupted Räsänen.

According to the District Court, the program recording presented as evidence shows that Räsänen had spoken about the role of genetic inheritance in homosexuality and about the degeneration of the human genome in general. However, she did not make the allegation presented in the indictment.

“The indictment alleges that Räsänen has stated that if homosexuality is a genetic trait, it is then a genetic degeneration and a genetic inheritance which causes disease and disorder. No such claim has been put forth in the radio program,” the court pointed out.

The ruling also adjudges that a hypothetical allegation made in an indictment cannot, even in principle, be defamatory within the intent of the criminal law.

The court states that “the fact that just any conclusions that might possibly be made on the basis of Räsänen's statements, that these could be offensive to homosexuals, this does not constitute an offense.”

Päivi Räsänen also denied that she had made statements in the manner the prosecutor had presented.

“On the contrary, I rejected the idea, suggested by the host of the discussion program, of homosexuality as a genetic trait, stating that the most recent studies have demonstrated that the possible genetic inheritance in homosexuality is small,” she said at a press conference.

2. No claim that homosexuals are not “created by God”

According to the prosecutor, “Räsänen's statements, as such and as part of the entirety of that episode of Ruben Stiller's radio program, are offensive to all homosexuals.”

The prosecution claimed that Räsänen's religious views include the idea that “homosexuals are not created by God as are heterosexuals.”

Contrary to what the prosecution stated, no such claim was made in the radio program in question.

“The District Court considers that Räsänen's religious view of the sinfulness of homosexual acts does not mean the same as the prosecution's assertion that homosexuals are not created by God as are heterosexuals. Räsänen has also said in the program that everyone is equally sinful before God and that she would not want to limit the discussion of sin only to sexuality,” the ruling states.

The District Court of Helsinki adds that Päivi Räsänen did, however, argue in the program, as stated in the indictment, that God did not originally create man to be homosexual, but heterosexual. According to the court, this claim is based on her religious conviction.

“Räsänen's claim, based on the Bible, is a value judgment whose truthfulness cannot be proven. However, the District Court considers that the allegation is in itself an infringement of the equality of homosexuals.”

Päivi Räsänen has denied that she has said that homosexuals are not the creation of God as are heterosexuals.

“I have stressed many times that all human beings are created in the image of God and have equal dignity and equal human rights,” she said on Wednesday.

The Member of Parliament specified that the radio discussion, to which the prosecutor referred in the indictment, was about the biblical creation story.

“God did not originally create man to be homosexual. He created him heterosexual. He created a man and a woman and intended for marriage to be between the two.”

3. Did not label homosexuals as being inclined to be child abusers

One of the charges that was overturned by the court was related to Päivi Räsänen's 2004 pamphlet.

While a Member of Parliament, at the request of the Luther Foundation Finland, she wrote the booklet *Male and female He created them – Homosexual relationships challenge the Christian concept of humanity*.

The booklet was published on the websites of the Finnish Luther Foundation and the Evangelical Lutheran Mission Diocese of Finland. In her text, Räsänen expressed viewpoints in which she, according to the prosecutor, committed a crime.

Male and female He created them – Homosexual relationships challenge the Christian concept of humanity – 2004, booklet.

- “According to the study, the earlier a young person has homosexual experiences, the harder it is to get rid of this inclination.”
- “It is an especially dangerous combination when the present-day valueless, superficial sex education, which encourages sexual experimentation, is connected with an overall acceptance of homosexual relationships. If this shallow sexual value basis is coupled with the message that society finds it equally desirable to have people in due time marry either the opposite sex or the same sex, this clearly encourages early homosexual experimentation as well.

This in turn opens up the venue for sexual abuse in which adult men find it easier to have sexual contacts with underage boys.”

- “The most common patterns in the homosexual community are casual sex and changing partnerships. It can be claimed that this is a consequence of the discrimination against homosexuals long prevalent in Western culture. I personally see that this also proves something about the brokenness of homosexuals.”

According to the indictment, in her writing Räsänen labels homosexuals as being prone to child abuse and to casual and changing relationships, as immoral and broken people, and calls into question the defense of their rights.

The Prosecutor interprets Räsänen as claiming that the above-mentioned characteristics – immorality and a tendency or a need to abuse children – are inevitably characteristics of homosexuality.

The District Court interpreted it differently.

It considers that the passages quoted from Räsänen's writing do not allow the conclusion to be drawn that Räsänen labelled homosexuals to be prone to child abuse.

The court adds that Räsänen has also not argued in her writing that homosexuality, as a sexual orientation, is a reprehensible characteristic or identity or that all homosexuals are and should be considered inferior to other people.

According to the decision, the interpretation of Räsänen's writing cannot be extended to her detriment.

“The District Court further considers that the passages of the writing quoted in the indictment can, despite the above, be considered offensive to homosexuals. Some of these passages are value judgments and others are statements of fact,” the ruling declares.

In conclusion, the court states that the purpose of Räsänen's writing was not to insult or offend homosexuals, but, “in accordance with Räsänen's religious convictions, to defend the concept of family and marriage as being between a man and a woman.”

Räsänen denies that she thinks that a tendency to sexual abuse of children is an inevitable characteristic of homosexuality.

“I have not said such a thing, nor I do think so. Nor have I considered homosexuals to be inferior human beings, as the prosecutor claims, but as fully equal and equally worthy human beings created in the image of God,” Räsänen clarified at a press conference on Wednesday.

Prosecutor: the court interpreted Räsänen's statements in a different manner

State Prosecutor Anu Mantila told YLE on Wednesday after the district court's ruling that in her opinion the court did not carry out a thorough weighing and balancing of fundamental rights.

“They interpret [Räsänen's] statements in a different manner than does the prosecutor, and therefore they consider that the limitations of freedom of speech have not been exceeded,” Mantila said.

“In my view, this is precisely because these elements of non-discrimination and the violation of equality have not now been adequately taken into account,” she added.

Dr. Mantila considers that if the statements are interpreted in the manner the prosecutor has suggested, then Räsänen has exceeded the limits of freedom of speech.

The State Prosecutor does not consider the District Court's interpretation to be correct or fair. She believes that the prosecutors will “in all likelihood” apply to the Appellate Court for permission to continue the proceedings.

On Thursday, YLE could not reach Anu Mantila for comment on why the prosecution claimed that Räsänen had said things she had not said.