



Ministry of the Interior  
Finland

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# Words Are Actions More Efficient Measures against Hate Speech and Cyberbullying



Publications of the Ministry of the Interior 2019:30

## Words Are Actions

More Efficient Measures against Hate Speech and Cyberbullying



Ministry of the Interior  
Finland



Ministry of  
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and Culture



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<p><b>Abstract</b></p> <p>On 14 November 2018, the Ministry of the Interior, the Ministry of Justice and the Ministry of Education and Culture launched a project with the task of drafting proposals for more efficient eradication of hate speech punishable under the Criminal Code and harassment prohibited by law. In the course of its work, the working group also dealt with hate campaigns and targeting.</p> <p>An expert working group with representatives from different fields was appointed to carry out the project. The working group was chaired by Archbishop Emeritus Kari Mäkinen, and a secretariat composed of public officials was set up to assist it. During the preparation stage of the project, the working group consulted a variety of researchers, hate crime victims, professionals working with young people, and other key stakeholders.</p> <p>The working group considers hate speech such a serious problem that policies for its eradication must be included in the Government Programme or another similar document and a specific action plan against hate speech must be drawn up. The working group presents a total of 13 recommendations for developing more efficient measures to tackle hate speech and cyberbullying. The recommendations can be implemented as part of the action plan to be drawn up.</p>			
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## **TO THE READER**

Over the past few years, the phenomenon of hate speech has crept from the backyards of the Internet closer and closer to the mainstream of public debate. The rejection, silencing and exclusion connected with hate speech have been particularly painfully felt by the individuals and groups subjected to such treatment.

As a working group, we have attempted to tackle a phenomenon that is difficult to define and specify. It has become clear that hate speech is more than just the good and bad manners of a discussion culture. It has become equally clear that hate speech does not arise in a vacuum. Hate speech is fuelled by the social, societal and cultural reality in which we live. It is closely connected with the instruments available in this environment, especially the Internet and social media.

We have attempted to examine hate speech from the perspective of the platforms used, perpetrators and the victims. In accordance with our assignment, we have sought ways to tackle and counter the phenomenon and protect people against it, in the short run and in the long run.

We were unable to produce any in-depth analysis of the causes and background of hate speech within the timetable given. This would require time and resources as well as the courage to look through the window of hate speech under the surface of society, and to examine power, fear, hate and exclusion. It would also require a different approach to the issue.

It has become clear during the preparation of this report that hate speech has a devastating impact on its direct targets, the entire democratic society, the rule of law and the freedom of expression. It concerns human dignity and human rights. Ultimately, tackling hate speech is a matter of defending these values.

There are plenty of examples showing that it is only a short step from hate speech to acts of hate. However, words are already acts, for good and bad.

Helsinki 29 April 2019

Kari Mäkinen  
Chair of the working group

# 1 Introduction

On 14 November 2018, the Ministry of the Interior, the Ministry of Justice and the Ministry of Education and Culture launched a project to prepare more effective measures to prevent hate speech and cyberbullying. The project was prompted by the concern that even though a great deal of work has been carried out to counter hate speech and cyberbullying over the years, there has been no decrease in the amount of hate speech. It has also assumed new forms, such as targeted online attacks against specific persons, which are dangerous to the victims and society at large. The fact that hate speech has become increasingly acceptable in public discourse is worrying because this trend is connected with other hate crimes, such as acts of violence.

Hate speech is directed against groups and individuals that are selected as targets on account of their backgrounds, personal characteristics, tasks and views. The purpose of hate speech is to exclude specific individuals and groups. An act directed against an individual serves as a message to the group represented by the victim. For this reason, hate speech has wide impacts and it is particularly harmful to the most vulnerable individuals and groups. Increasingly, the aim of hate speech is also to influence societal decision-making and public debate. The purpose of hate speech is to influence what journalists write, what researchers research and, above all, what they tell about the results of their research. Law enforcement authorities and the justice system are also increasingly victims of hate speech and targeted attacks. The purpose of such action is to influence the core of the system of the rule of law, which crimes are investigated and how, how charges are brought and what sentences are given.

The purpose of the project was

- to provide an overview of the current action to counter the hate speech prohibited under the Non-Discrimination Act and the Act on Equality between Women and Men (hereafter also referred to as Equality Act) and made punishable under the Criminal Code;
- assess, in cooperation with civil society actors, the current situation concerning the countering of hate speech and the measures under way;
- prepare recommendations for new measures to combat hate speech in the short and in the long run, drawing attention to such issues as the general prerequisites for restricting fundamental rights;

- prepare a proposal on how the measures against illegal and punishable hate speech implemented by the authorities and civil society and the exchange of information on the matter could be better coordinated and harmonised;
- draft proposals for a discussion culture in which other individuals are respected and properly considered. The proposals should contain measures to disseminate among the public information on illegal hate speech, its impact and consequences.

An expert working group comprising the following members was appointed for the project: Archbishop Emeritus Kari Mäkinen (Chair); Leena Metsäpelto, State Prosecutor, Office of the Prosecutor General; Elina Grundström, Chair, Council for Mass Media; Tuomas Muraja, journalist and writer; Reeta Pöyhtäri, Research Fellow (University of Jyväskylä); Stiina Löytömäki, Doctor of Laws; Pekka Hätönen, Detective Inspector, Helsinki Police Department; Kati Ruuhonen, Finnish Somali League; Alina Heywood, representative of Etno, Union of Local Youth Councils in Finland; Minttu Salminen, Some turva; and Robin Harms, Senior Adviser, Office of the Non-Discrimination Ombudsman. The project secretariat (which also acted as the project steering group) comprised the following members: Tarja Mankkinen, Head of Development, Ministry of the Interior (Chair); Måns Enqvist, Superintendent, National Police Board; Heli Nederström, Councillor of Education, Ministry of Education and Culture; and Yrsa Nyman, Ministerial Adviser, Ministry of Justice (with Johanna Suurpää, Director, Ministry of Justice, as her deputy). Project Manager Milla Aaltonen from the Ministry of Justice also took part in the meetings as expert.

The working group met six times. The views of a large number of non-governmental organisations, victims of hate speech, young people, and people working with children and young people were also extensively heard on two occasions. The working group heard the views of the following experts at its meetings: Professor Atte Oksanen, University of Tampere; Professor Marjo Kaartinen, University of Turku; Professor Jaana Hallamaa, University of Helsinki; Conciliation Expert Miriam Attias; and Communication Officer Päivi Ojanperä, Office of the Ombudsman for Equality.

The working group examined hate speech directed against individuals and groups of people. In this context, groups of people can, for example, mean minority groups and professional groups who are targeted for hate campaigns when writing about immigration and other similar issues. The task of the working group was to examine illegal and punishable hate speech. The working group also considered ways to promote a discussion culture in which respect is shown and consideration given to other individuals. For this reason, the working group also discussed hate speech that is not illegal or punishable but that is otherwise harmful and has a negative effect on people's wellbeing and sense of security as well as the relations between groups of people and social cohesion.

## 2 Hate speech has always existed – why is it important to tackle it?

The conclusion made in the *Long Shadow of Hatred* project of the University of Turku<sup>1</sup> was that hate speech has existed for centuries and its themes have also remained unchanged. Aliens and enemies are usually characterised as immoral, dirty, sexually hyperactive or bestial. The aim of hate speech is to deprive the victims of their dignity. Targets have changed but as in the past, hate speech is still mainly directed against minorities.

Hate speech has always been disseminated by means of public communication. In the Middle Ages, it was spread through sermons or at other public meetings that attracted thousands of people to town squares and churches. With the invention of the printing press, hate speech could now be disseminated through books, leaflets and brochures. These also played a role in the religious wars fought in Europe in the 17th century.

Newspapers and the electronic mass media became platforms for hate speech in the 19th and 20th century. They were used to create enemy images in the two World Wars fought on European soil in the 20th century. This was tragically demonstrated in the Finnish civil war in 1918. There was an increase in hate speech before the conflict, which made people's attitudes more positive towards violence. Hate speech was fuelled by the newspapers of different social classes. Horror stories about the 'red Russkies' helped to motivate the Whites, while at the same time, the enemy army was referred to as 'butchers' in the hate speech of the Reds. The purpose of the hate speech was to deprive the perceived enemies of their human dignity and to justify the violence against them. Hate speech did not end with the civil war. It continued, fuelling bitterness and making it more difficult to heal the wounds caused by the war.

This example shows how hate speech is in many ways connected with conflicts in society. It arises from the situation created by them and feeds them. In extreme cases, it leads to violence and even to genocides or ethnic cleansing.

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<sup>1</sup> The *Long Shadow of Hatred* was an Argumenta project funded by the Finnish Cultural Foundation and carried out between 2017 and 2018.

There was an increase in hate speech in Europe in the period between the two World Wars. In Germany, it was mainly directed against Jews. Antisemitic hate speech became more common and increasingly acceptable and it was one of the factors contributing to the Holocaust. Antisemitic hate speech is deeply rooted in the history of Europe and it has existed since the Crusades and the Inquisition. In the 1930s, hate speech was used to make Jews and other victims of the Nazi genocide (such as the Roma and representatives of sexual minorities) into subhumans in the eyes of the public and to justify the cruelty and violence against them. The hate speech against Jews was not only a German phenomenon as it also had a wider impact in Europe on such matters as the treatment of Jewish refugees.

Hate speech has also played a role in more recent genocides, such as the wars leading to the disintegration of Yugoslavia (1991-1995), the Rwandan genocide (1994) and the violence against the Rohingya people in Myanmar. Hate speech plays an important role as a factor justifying hate and violence everywhere.

The traditional means of disseminating hate speech have not disappeared but in the 2000s they have been joined by two new important means of communication: the Internet and social media.

With them, the dissemination of hate speech has become more effective and more difficult to control. Already before the Internet era, people representing different groups, such as politicians and researchers, received hate mail, which was sent by letter or communicated by phone. Writing a letter, sending it and carrying it to the recipient was, however, time-consuming and required a certain amount of effort, which reduced the amount of hate mail. The amount of hate speech increased as the introduction of email made it easier to contact the recipient. Social media has, however, revolutionised the situation. It has opened up entirely new opportunities to the parties disseminating hate speech. Contacting a large number of people is easy and the hate speech disseminated in social media also reaches a huge audience, compared to what can be accessed by letter or email. Messages disseminated online are rarely checked in advance and they are also long-lasting. With social media and the Internet, some of the power of publicity has shifted from newspapers and other publishers to individual users, communities and online platforms whose supervisory mechanisms differ considerably from those used by the journalistic media.

In social media, the targets of the hate speech can be shamed before a large audience, their acts and sayings can be questioned and they can be isolated in an effective manner.

In social media, hate speech becomes an instrument of power that can be wielded by anybody and no questions are asked about the justification of such behaviour.<sup>2</sup>

The hate speech disseminated online and the events outside the Internet are often interlinked and mutually reinforcing. There has been a debate in Finland on swastika flags and the hate-spreading ideology that they represent. The National Non-Discrimination and Equality Tribunal has prohibited the displaying of a swastika flag on an apartment window.<sup>3</sup> In its decision, the tribunal stated that the swastika flag is generally associated with the persecution of Jews during the Second World War and antisemitism and hanging it on the window will create a threatening and hostile atmosphere connected with racist vandalism and hate mail. The police confiscated the swastika flags carried by demonstrators on the Finnish Independence Day in 2018. In connection with the confiscation, the Parliamentary Ombudsman decided that he would not investigate the complaint made on the matter. Furthermore, the Office of the Prosecutor General determined that there is no reason to suspect wrongdoing by the police in the case.

Internet and social media have revolutionised the use of the freedom of expression. The problems of hate speech and the negative effects arising from it have been compounded in the digital environment. The Internet has also changed the culture of interaction, which has an impact on the dissemination of hate speech. Repeating prejudices and stereotypes helps to reinforce them and hate speech can be used to question human dignity and degrade other people. Studies have shown that the threshold for expressing strong, prejudiced and discriminating comments on such matters as immigration and minorities is higher in face-to-face discussion than on online forums.<sup>4</sup> In online discussions, the anti-racist standard does not similarly regulate what can and what cannot be said.<sup>5</sup> The blunt way of expressing matters, which has become increasingly common on the Internet, easily spreads to other situations. Hate speech causes anxiety and fear in its target groups, but the extent and increasing acceptance of hate speech are also worrying because they are connected with other hate crimes, such as acts of violence.

Hate speech is not only highly damaging to individuals and groups but it also helps to erode the foundations of the democratic society and the rule of law. This is because its aim is to stifle them and control their openness and transparency.

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2 See, for example, Müller, K. and Schwarz, C. (2018), *Fanning the Flames of Hate: Social Media and Hate Crime*, November 30, 2018.

3 Decision of the National Non-Discrimination and Equality Tribunal, 19 December 2018 (reg. no. 393/2018); the decision is final.

4 Augoustinos & Every, 2007

5 Goodman & Rowe, 2014



### 3 Definition of hate speech, punishable and illegal hate speech, including harassment

Hate speech is a global phenomenon. There is now increasing awareness in different countries of hate speech and its effects on society, relations between different population groups and social cohesion. The trends and methods of hate speech do not stop at national borders. The forms of hate speech discussed in this report have one thing in common: they are all a violation of the right to human dignity, personal integrity, security, honour, equality and non-discrimination laid down in the Universal Declaration of Human Rights.

The phenomenon is of cross-border nature, which is why the recommendation of the Council of Europe Committee of Ministers is widely used as the definition of hate speech in Finland. According to the Council of Europe recommendation, the term 'hate speech' shall be understood as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, antisemitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin.<sup>6</sup>

Hate speech goes beyond punishable hate speech, speech infringing human dignity prohibited under the Non-Discrimination Act or the sexual harassment and gender-based harassment prohibited under the Equality Act. Hate speech involves the use of words in which the purpose is to exclude a specific group from a community and brand people belonging to the group as suspicious, untrustworthy, dirty or of lesser value. It may even be claimed that they constitute a security threat to society and the mainstream population. Hate speech is not reciprocal and its purpose is not to give facts or to justify the claims that are presented. In hate speech, facts are distorted and they are presented

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<sup>6</sup> See, for example, the General Policy Recommendation No. 15 on Combating Hate Speech, adopted by the European Commission against Racism and Intolerance (ECRI) in December 2015. <https://rm.coe.int/ecri-general-policy-recommendation-no-15-on-combating-hate-speech/16808b5b01>

selectively, rhetorical effects are used, specific groups and individuals are branded as enemies and the setting we versus others is reinforced.<sup>7</sup>

Hate speech as such is not defined as an offence in the Finnish legislation. Hate speech does, however, constitute a criminal offence when it contains the essential elements of a crime. The most common of such offences is ethnic agitation<sup>8</sup> or aggravated ethnic agitation.<sup>9</sup> The purpose of entering agitation as an offence in the Criminal Code is to protect groups that are defined by their skin colour, birth status, national or ethnic origin, religion or belief, sexual orientation or disability or on a comparable basis. At the same time, a breach of the sanctity of religion<sup>10</sup> has been introduced as an offence to protect citizens' religious feelings and such acts are deemed to target specific religious groups and not individuals.

When acts connected with hate speech are directed against one or more specific individuals, the provisions on defamation<sup>11</sup> or menace<sup>12</sup> can be applied. The provisions on public incitement to an offence,<sup>13</sup> dissemination of information violating personal privacy,<sup>14</sup> stalking<sup>15</sup> or incitement to war<sup>16</sup> may also be applied.

When hate speech contains the essential elements of an offence, it is considered a hate crime. Hate crime may be an offence against an individual, group, personal property of an individual, institution or their representative. Such an offence is motivated by prejudice or hostility against the victim's real or assumed ethnic or national background, religious belief or view of life, sexual orientation, gender identity, gender expression or disability. Hate as a factor motivating the perpetrator can be used as a grounds for increasing the punishment.<sup>17</sup> The main purpose of the grounds for increasing the punishment is to protect minority groups. In exceptional cases, the provision on increasing the punishment can, however, also be applied to offences against an individual belonging to a majority

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7 Professor Jaana Hallamaa, 12 February 2019

8 Chapter 11, section 10 of the Criminal Code (Ethnic agitation): A person who makes available to the public or otherwise spreads among the public or keeps available for the public information, an expression of opinion or another message where a certain group is threatened, defamed or insulted on the basis of its race, skin colour, birth status, national or ethnic origin, religion or belief, sexual orientation or disability or a comparable basis, shall be sentenced for ethnic agitation to a fine or to imprisonment for at most two years.

9 Chapter 11, section 10 a of the Criminal Code

10 Chapter 17, section 10 of the Criminal Code

11 Chapter 24, sections 9 and 10 of the Criminal Code

12 Chapter 25, section 7 of the Criminal Code

13 Chapter 17, section 1 of the Criminal Code

14 Chapter 24, sections 8 and 8 a of the Criminal Code

15 Chapter 25, section 7 a of the Criminal Code

16 Chapter 12, section 2 of the Criminal Code

17 Chapter 6, section 5(1)(4) of the Criminal Code

group if the offence has been motivated by factors laid down in the provision in question. Aiding, abetting and incitement to a hate crime are also punishable acts. Punishability also extends beyond direct abetting: for example, under the Criminal Code, racist organisations are characterised as organised criminal groups and participating in their activities is punishable.

Even if hate speech did not contain the essential elements of an offence, it can be illegal as harassment under the Non-Discrimination Act (1325/2014).<sup>18</sup> This means deliberate or *de facto* infringement of the dignity of a person, if the behaviour creates a degrading or humiliating, intimidating, hostile or offensive environment towards the person due to the person's origin, disability or sexual orientation. For example, displaying a swastika flag on an apartment window in connection with racist vandalism and hate mail is deemed to have created an intimidating and hostile atmosphere against the Jewish complainant.<sup>19</sup>

The Act on Equality between Women and Men (609/1986) prohibits sexual harassment<sup>20</sup> and gender-based harassment.<sup>21</sup> Sexual harassment means verbal, non-verbal or physical unwanted conduct of a sexual nature by which a person's psychological or physical integrity is violated intentionally or factually, in particular by creating an intimidating, hostile, degrading, humiliating or offensive atmosphere. Gender-based harassment means unwanted conduct that is not of a sexual nature but which is related to the gender of a person, their gender identity or gender expression, and by which the person's psychological or physical integrity is intentionally or factually violated and an intimidating, hostile, degrading, humiliating or offensive atmosphere is created. There are also a number of other restrictions on the freedom of expression in the Finnish legislation. For example, unfair marketing that is discriminatory or violates human dignity is prohibited.

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18 Section 14 of the Non-Discrimination Act

19 Decision of the National Non-Discrimination and Equality Tribunal, 19 December 2018 (reg. no. 393/2018); the decision is final.

20 Section 7(7) of the Act on Equality between Women and Men

21 Section 7(8) of the Act on Equality between Women and Men

## 4 Hate speech and freedom of expression

Freedom of expression must be considered when it is determined whether an act should be deemed as hate speech. Freedom of expression and opinion are key fundamental and human rights. The Constitution of Finland guarantees everyone's right to express, disseminate and receive information, opinions and other communications without prior prevention by anyone. This right is laid down in a number of human rights treaties, including the European Convention on Human Rights.<sup>22</sup> These provisions have been specified at national level, for example, in the Act on the Exercise of Freedom of Expression in Mass Media (460/2003). The European Court of Human Rights has stated that the freedom of expression does not only concern positive, harmless or irrelevant information and ideas but also insulting, shocking and disconcerting information and ideas.<sup>23</sup> Freedom of expression is not, however, an absolute right as it has been restricted through national legislation, especially in order to safeguard other fundamental rights. These rights include non-discrimination, equality, freedom of religion, freedom of conscience and the right to personal security.

In everyday language, the term 'hate speech' is often used of messages containing prejudice against specific groups or other similar opinions. Such expressions may be harmful and unpleasant but they cannot always be prohibited as they come under the scope of the freedom of expression.<sup>24</sup> Even though such messages cannot always be prohibited, a government agency, an education provider, an employer or an online platform administrator can work to promote a discussion culture in which consideration is given to other people. For example, under the Non-Discrimination Act, an education provider must promote non-discrimination in an effective manner. Taking action against punishable and illegal activities is not enough as effective promotion of non-discrimination requires preventive and other measures.

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22 Finnish Treaty Series 18–19/1990

23 See, for example, the judgement in *Erbakan v. Turkey*, 6 July 2006 (59405/00).

24 However, a claim that all people belonging to a specific group are criminals may be punishable.

The Constitution of Finland and many international commitments, such as the International Convention on the Elimination of All Forms of Racial Discrimination<sup>25</sup> and the EU framework decision on racism,<sup>26</sup> oblige Finland to take measures that in practice restrict the freedom of expression. The exercise of the freedom of expression involves rights and obligations and the rights may not be abused.<sup>27</sup> For example, the European Court of Human Rights has outlined which statements are outside the scope of protected freedom of expression.<sup>28</sup> According to ECHR, the right to disseminate punishable or illegal hate speech is not protected by freedom of expression. At the same time, however, strong criticism of immigration or integration policies comes within the scope of the freedom of expression.

Racist, homophobic, transphobic,<sup>29</sup> islamophobic<sup>30</sup> and antisemitic<sup>31</sup> acts and acts hostile towards women violate fundamental and human rights and threaten the principles of the rule of law and the exercise of democratic rights. Punishable and illegal hate speech narrow the freedom of expression because its aim is to exclude specific groups and actors from public discussion. The purpose of hate speech disseminated in connection with elections is to influence citizens' voting behaviour by spreading false and misleading information. The aim of hate speech is also to influence citizens' action (including societal decision-making). In addition to specific population groups and individuals, hate speech and threats are nowadays also increasingly directed against representatives of professional groups, such as journalists, researchers, police officers, prosecutors, judges and human rights defenders, which has a negative effect on the freedom of expression. Hate speech against the police, prosecutors and courts may be extremely serious from the perspective of the rule of law.

The Internet and social media have revolutionised the use of the freedom of expression. In a digital environment, disseminating hate speech is easy and quick. The Internet has changed the culture of interaction, which also impacts the extent of hate speech. Repeating prejudices and stereotypes helps to reinforce them and hate speech can be used to question human dignity and degrade other people. It has become increasingly common to express things on the Internet in a blunt manner and the freedom of

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25 Finnish Treaty Series 37/1970

26 2008/913/YOS, 28 November 2008

27 Prohibition of abuse of rights, see Article 17 of the European Convention on Human Rights.

28 For an ECHR compilation of cases involving hate speech, see [https://www.echr.coe.int/Documents/FS\\_Hate\\_speech\\_ENG.pdf](https://www.echr.coe.int/Documents/FS_Hate_speech_ENG.pdf)

29 Transphobia means attitudes and feelings directed at transsexuality and transsexual individuals. It may manifest itself as disgust, fear, hate or inconvenience towards persons that do not correspond to the gender expectations set by society.

30 Islamophobia means hostility, prejudices or discriminatory attitudes towards Muslims.

31 Antisemitism means hostility towards Jews, which can manifest itself as hate, discrimination or violence.

expression may be used as a justification for insults and threats against the targeted individual.

The obligations and bans laid down in the law must also be observed in the virtual world. Rapid development of digital services and the online environment has, however, led to a situation where the legal protection of individual social media users is weak as regulation does not extend to online platforms. As a result of the rapid changes in the operating environment, the roles and responsibilities of the new actors (such as online platforms) remain unclear and they are discussed in both Finland and in other countries. A global operating environment and differences between legislation in individual countries pose additional challenges to tackling the negative phenomena arising from social media.

Arts, science and politics are some of the core areas of the freedom of expression. Even though the political freedom of expression covers a wide range of different areas, politicians should also consider and understand their special role as opinion-makers. Politicians and decision-makers in high positions have a greater influence on public debate than ordinary citizens. With their speeches, they set an example and help to determine, which type of speech becomes acceptable. When a leading politician uses an expression that until then has been considered as insulting or hostile, it can become more widespread and acceptable. Politicians and other figures using public authority have a great responsibility because with their example, they can contribute to the spread of hate speech or reduce it. On 28 March 2019, Equinet issued a recommendation on combating discrimination and hate speech in election campaigns.<sup>32</sup>

Hate speech has always been disseminated and used for political purposes. Over the past few years, immigrants in particular have found themselves as instruments of populist politics. There have even been cases where a politician sentenced to a punishment has expressed contempt for the court decision. If such behaviour becomes more widespread, it will reduce general obedience to law and weaken the trust in Parliament as a legislative body. For this reason, it is particularly damaging if a politician commits a hate crime.

The European Court of Human Rights has issued an opinion on restricting a politician's freedom of expression.<sup>33</sup> The ECHR has stated that the freedom of expression is of particular importance to an individual that promotes the interests of citizens as their elected representative. According to the ECHR, equality is fundamental to a democratic and pluralistic society. Consequently, it may be necessary to impose sanctions to prevent speech that incite hate based on intolerance or that regard this as justified. The

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<sup>32</sup> [equineteurope.org/wp-content/uploads/2019/05/equinet\\_election\\_recommendation\\_final.pdf](https://equineteurope.org/wp-content/uploads/2019/05/equinet_election_recommendation_final.pdf)

<sup>33</sup> For example, *Féret v. Belgium*, 16 July 2009

ECHR noted that the complainant had in his writings presented foreign immigrants as criminals who entered the country to abuse benefits that they derived from living in the country. In addition, he had also sought to ridicule them. The speeches could well have aroused feelings of rejection or even hatred towards foreigners, particularly among less knowledgeable members of the public. According to the ECHR, racist discrimination and hatred towards foreigners must be opposed in all forms as far as possible and even when the speaker did not call for any violent or otherwise criminal action.

In November 2015, all political parties represented in Finnish Parliament repeated their commitment to the Charter of European Political Parties for a Non-Racist Society and pledged, among other things, not to display, publish or disseminate views that incite prejudices and hostility. The political parties represented in Finnish Parliament have also pledged to ensure that individuals taking part in election campaigns observe the good practices laid out in the charter. The parties had already signed the charter in 2003 and 2011. Despite this, there are also recently elected MPs among individuals sentenced for hate speech.<sup>34</sup>

The freedom of expression of public officials can also be restricted during their leisure time. The Deputy Chancellor of Justice has examined the responsibility of public officials and the language that they use.<sup>35</sup> According to the Deputy Chancellor of Justice, police officers must also in their private life observe the code of conduct applying to the members of the police force. According to this code of conduct, users of public authority must also work to prevent the spread of attitudes stigmatising specific groups of people when off-duty or at least not promote them.

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34 See, for example, <https://www.iltalehti.fi/eduskuntavaalit-2019/a/fba7c8ba-e4a6-4fc8-8e1e-30b8d9509590>

35 Decision of the Office of the Chancellor of Justice, 7 February 2017, OKV/759/1/2016

## 5 New platforms, mechanisms and trends of hate speech

International social media services such as YouTube, Facebook, Instagram, Twitter, Spotify, Snapchat, Skype and Tumblr and instant messaging services such as WhatsApp and Facebook Messenger are used in Finland.<sup>36</sup> Live videos are also popular. Videos can be shared in YouTube, Vimeo, Facebook, Instagram, Snapchat and Twitter. Combination of social media and gaming is a new phenomenon and it is continuously assuming new forms.<sup>37</sup> YouTube gaming videos, the game streaming platform Twitch and the new games combining spatial data and a social dimension, such as Pokémon Go, are also popular.<sup>38</sup> Popular social media services and discussion forums in Finland include Suomi24, vauva.fi, ylilauta.org, tori.fi, huuto.net, nettiauto.fi and oikotie.fi. Nearly all traditional media channels also have websites and social media services.

Each year, Statistics Finland publishes a survey on the use of information and communications technology in Finland.<sup>39</sup> According to the results of the 2018 survey, about 61% of all Finns aged between 16 and 89 use social media. There has been a slight decrease in the use of social media among younger generations. However, more than 80% of the Finns in the age groups 16-24 and 25-34 use social media. There has been a rapid increase in the use of social media among older age groups. For example, about 71% of all Finns in the age group 45-54 use social media, an increase of seven percentage points.<sup>40</sup>

In the 2013 survey on the use of information and communications technology by individuals, the respondents were asked for the first time whether they had seen any

36 See, for example, *Some ja nuoret 2016*, <https://www.ebrand.fi/somejanuoret2016>

37 See, for example, the article by Joni Salminen at <https://www.mikrobitti.fi/blogit/sosiaalinen-media-2017-voittajat-ja-haviaajat/32544496-cae8-33da-8534-1af54dbaaf7d> (26 March 2019)

38 Ibid.

39 Official Statistics of Finland (OSF): Use of information and communications technology by individuals [online publication]. ISSN=2341-8699. Helsinki: Statistics Finland [referred to: 27 March 2019]. Access method: <http://www.stat.fi/til/sutivi/index.html>

40 Official Statistics of Finland (OSF): Use of information and communications technology by individuals [online publication]. ISSN=2341-8699. 2018, Appendix table 20. Yhteisöpalvelujen seuraamisen yleisyys ja useus 2018, %-osuus väestöstä (Frequency of social network service use in 2018, % of the population). Helsinki: Statistics Finland [referred to: 27 March 2019]. Access method: [http://www.stat.fi/til/sutivi/2018/sutivi\\_2018\\_2018-12-04\\_tau\\_020\\_fi.html](http://www.stat.fi/til/sutivi/2018/sutivi_2018_2018-12-04_tau_020_fi.html)



hate speech on the Internet over the previous three months. The question was also included in the 2017 survey.<sup>41</sup> In 2013 and 2017, the respondents were also asked the following question: Have you, in your own opinion, ever experienced harassment on the Internet. For example, have details of your private life or false information about you been disseminated or photos shared without your consent? Seeing hate speech on the net was fairly common in 2017, especially among young people (as much as 72% of the respondents in the age group 16-24 had seen hate speech on the Internet). The percentage had increased in all age groups, compared to the 2013 results. According to the 2017 survey, ten per cent of the respondents in the age group 16-24 had experienced harassment. The percentage was lower in the older age groups. More detailed results are presented in the tables below.

Collection of information for the 2019 survey began in April 2019 and there will also be questions about hate speech in the questionnaire. The results will be published in November 2019.

**Tabell 1. Seeing hate speech in social media in 2013 and 2017, percentage of the population**

Age group	Percentage of the population, %	
	2013	2017
16–24 years	50	72
25–34 years	45	65
35–44 years	36	53
45–54 years	21	37
55–64 years	13	23
65–74 years	9	16
75–89 years	2	5
Men	28	39
Women	24	40
All	26	39

<sup>41</sup> In 2013, the following question was put to all Internet users: Have you seen, after mid-January, hostile or degrading writings or speech on the Internet attacking groups of people or individuals in an inappropriate manner? In 2017, the question was worded as follows: Have you seen, over the past three months, hostile or degrading messages in social media attacking groups of people or individuals? The question will also be included in the 2019 survey.

**Tabell 2. Experiencing harassment on the Internet in 2013 and 2017, percentage of the population**

Age group	Percentage of the population, %	
	2013	2017
16–24 years	6	10
25–34 years	5	8
35–44 years	5	3
45–54 years	3	6
55–64 years	3	2
65–74 years	1	1
75–89 years	1	0
Men	3	4
Women	4	5
All	3	4

There are also surveys on where people have seen hate speech or been subjected to harassment. According to a number of studies, for Finns that saw hate speech between 2013 and 2014, the most common sources of hate speech were Facebook (48.1%), public discussion forums (41.4%) and YouTube (37.2%). Other sources of hate speech were commentary columns in newspapers (21.8%), blogs (16.2%), homepages (5.3%), online games (4.9%) and such places as photo services (3.8%) and Twitter (3.8%).<sup>42</sup> According to Oksanen,<sup>43</sup> Facebook remained the most common source of hate speech in 2018 (57%). No comparative surveys have been carried out on the occurrence of hate speech on all discussion forums. However, surveys have been carried out to determine on which public discussion forums the issue of refugees and immigration were most frequently discussed in 2015-2016.<sup>44</sup> Typically, these have been online discussion themes containing a great deal of hate speech.

42 Keipi, T., Näsi, M., Oksanen, A., & Räsänen, P. (2017). *Online Hate and Harmful Content: Cross-National Perspectives*. Abingdon & New York: Routledge.

43 Lecture by Professor Atte Oksanen in the hate speech working group, 10 December 2018.

44 Pöyhtäri, Reeta; Nelimarkka, Matti; Nikunen, Kaarina; Ojala, Markus; Pantti, Mervi & Juho Pääkkönen (2019, forthcoming) *Refugee debate and networked framing in the hybrid media environment*. International Communication Gazette. The data (more than one million messages) were collected using the following search words: pakolainen, turvapaikanhakija, maahanmuuttaja, maahantunkeutuja, mamu, matu (refugee, asylum seeker, immigrant and intruder as well as 'mamu' and 'matu', the informal expressions for the last two). The survey gives the names of the platforms where the above search words have been particularly often used in the discussion on refugees and immigration but not the names of the public online platforms where hate speech has been particularly common.

In the years referred to above, immigrants and refugees were a particularly frequent topic in vauva.fi, Suomi24, Hommaforum, Facebook and Twitter.

Facebook, Youtube and Ylilauta.org have been problematic platforms concerning suspected hate crimes reported to the police. In the Ylilauta.org website, there is hate speech and counterspeech to hate speech produced by members of the community. Messages disseminated on such platforms as Youtube, Facebook and Twitter led to sentences for ethnic agitation in Finland in 2018.

There is research information indicating that terrorist attacks, economic downturn and prolonged debate on immigration lead to a substantial increase in the amount of hate speech.<sup>45</sup> A terrorist attack also has an impact on which groups are subjected to hate speech.

Aller Media Suomi Oy, the owner of the Suomi24 forum, has made the content of the discussion forums (a total of 70 million publications over a period of 15 years) available to the Citizen Mindscapes research network and researchers. Among other things, the researchers have attempted to determine which types of comment incite hate and which comments increase empathy for other people in the discussions. In the Citizen Mindscapes project, the discussion in social media is approached as lowering or rising emotional waves. Hate speech must be continuously produced so that it can be maintained at viable levels. The waves of hate speech become higher when they manage to recruit bystanders and worried and uncertain individuals.<sup>46</sup>

There have been studies on groups producing hate speech and the strategies that they use.<sup>47</sup> Individuals holding homophobic or xenophobic prejudices may disseminate hate speech online without any well-thought-out agenda. Individual actors can easily find like-minded people on the Internet that can support their ideology and bubbles of like-minded people can quickly arise.<sup>48</sup> In addition to individual actors, there are also groups intentionally and systematically disseminating hate propaganda.<sup>49</sup> Online hate is directed in a coordinated manner and new actors are actively recruited. There is also cooperation across national borders. Youth culture, dissemination of messages in games

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45 Kaakinen, M., Oksanen, A., & Räsänen, P. (2018). *Did the risk of exposure to online hate increase after the November 2015 Paris attacks? A group relations approach*. *Computers in Human Behavior*, pp. 78, 90-97.

46 See, for example, Minna Ruckenstein's blog, 20 September 2017 *Vihan aallot*, <https://blogs.helsinki.fi/citizenmindscapes/2017/09/20/vihan-aallot/>

47 See, for example, Institute for Strategic Dialogue, <https://www.isdglobal.org/>

48 Of group formation (we vs. others), see, for example, Keipi, T., Näsi, M., Oksanen, A., & Räsänen, P. (2017). *Online Hate and Harmful Content: Cross-National Perspectives*. Abingdon & New York: Routledge.

49 Ibid.

or using humour are some of the tactics used. Quickly spreading memes are also used to disseminate hate. Reacting to censorship to defend the freedom of expression is often presented as an aim in the extremist discussion groups.<sup>50</sup> Recruitment may take place in closed discussion groups (on such platforms as Telegram or WhatsApp), after which radicalisation work and coordination of the activities can continue in encrypted communications applications. After that, efforts are made to mainstream the message on such platforms as Facebook and Twitter.<sup>51</sup>

Intimidation campaigns, aimed at silencing the opponents, are used by the groups producing hate speech. Hate speech can have a substantial impact on individuals and groups that are already in a vulnerable position.<sup>52</sup> Coordinated hate campaigns are run by a vocal minority.<sup>53</sup> Politicians can reinforce the message with their statements. Russian bots are an example of actors communicating quickly on a wide front. Search for the personal data of other individuals and illegal publicizing of the data on the Internet (doxing), trolling, threats or penetrating into protected information systems are also used as tactics. According to the Institute for Strategic Dialogue (ISD),<sup>54</sup> removal of messages, dissemination of countermessages and education are key to combating hate speech and violent extremism. However, measuring the impact of the removal of messages is difficult.

In the production of competing messages mentioned by ISD, it is important to build a common front against influential figures and hate speech. Counterspeech or counter communications require effective marketing. Functions adapted to online platforms should be used in counterspeech (this is also what the opposite party does). To ensure that the counterspeech is effective, the messages to be questioned must be carefully selected. It is also important to involve the target group in the preparation of the messages and to enhance the expertise of the young people.<sup>55</sup>

Removing hate messages on the Internet and reducing their volume requires that online platforms actively monitor and remove them. Tackling hate speech online is difficult because more effective moderation of a specific online platform and the official orders to remove specific messages containing hate speech will quickly lead to a situation where

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50 ISD calls these groups 'echo chambers'.

51 ISD has studied such phenomena as the mobilisation of AltRight in Italy and Germany.

52 See Savimäki, T., Kaakinen, M., Räsänen, P. et al. *Eur J Crim Policy Res* (2018). <https://doi.org/10.1007/s10610-018-9393-2>

53 The word 'maalittaminen' (inciting people to targeted online attacks against specific persons) has been used for the phenomenon in Finland in recent years.

54 See, for example, the ISD website at [isdglobal.org](http://isdglobal.org).

55 ISD has also studied counterspeech, see *Life after hate: Exit USA* (2015). The text is partially based on the lecture given by Iris Boyer from ISD at the meeting of the EU High Level Group on combating racism, xenophobia and other forms of intolerance on 17 October 2018.

hate messages are moved to other platforms. For example, it seems that VKontakte (VK; the 'Russian Facebook') does not take hate speech as seriously as Facebook, at least not yet. Continuing copying of hate messages and distributing them to new platforms makes the implementation of the orders to remove them almost impossible because there are no international procedures ensuring quick or effective enforcement of the orders. More active moderation of online platforms has, however, a substantial impact from the perspective of ordinary Internet users. Only a minority of all Facebook users use the service to read or produce hate messages. More effective measures by Facebook to remove hate messages will lead to a situation where individuals actively disseminating hate messages will change over to VKontakt or use the Russian platform and Facebook side by side.

Factors concerning corporate reputation serve as an incentive for online platforms to remove hate mail. There is now more awareness and understanding of hate speech and its impacts on individuals and society. This has led to a situation where advertisers now follow more closely where their advertisements appear. Advertisers may leave platforms that acquire a reputation as channels disseminating hate messages.

There is substantial variation in the responsibilities and obligations of social media services (such as discussion forum administrators) concerning the moderation of online content, depending on whether the basis for the publication and programme activities are laid down in the law.<sup>56</sup> Online publications, such periodicals, must have an editor who is charge of the editorial work and supervises it. In practice, this means that the content is at least moderated before publication.

Many newspapers have a comment function on their websites allowing readers to comment on news items and the websites may also contain other social media services. An example of this is the *Iltalehti* newspaper published by Alma Media Suomi Oy. According to the Alexa listing, it is Finland's 15th most popular website. According to the statistics of FIAM (Finnish Internet Audience Measurement), *Iltalehti* reached a total of 3.5 million people in December 2018. IL-tv is a separate part of the *Iltalehti* website, while 'Lukijan videot' (Readers' videos) is part of IL-tv. Readers can send their own videos to the newspaper and the range of themes is not restricted in any way. The editorial staff selects the videos for publication and writes the introductions to them. The newspaper is of the view that the readers' videos come under the scope of the editorial responsibility because the editorial staff selects the videos for publication and writes the introductions or headers for them.<sup>57</sup> On the Suomi24 discussion forum, which is maintained by Aller

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56 See the Act on the Exercise of Freedom of Expression in Mass Media (2003/460).

57 *Liikenne- ja viestintäministeriön selvitys Videonjakoalustapalvelut Suomessa* (Report on video-sharing platform services in Finland, produced by the Ministry of Transport and Communications), 1 March 2019 Jari Muikku.

Media Suomi Oy, the messages are not moderated before publication. The liability of a discussion forum administrator for its online content is substantially more limited than the liability of an online publication. However, in order to avoid liability for illegal contents, the discussion forum administrator must remove the illegal messages by the time it becomes aware of them. It is clear that the author and the party forwarding the message are also responsible for the illegal content of the message. In fact, according to the study referred to above,<sup>58</sup> hate speech is substantially more common on general discussion forums than on discussion forums on newspaper websites (41.4% vs. 21.8%).

In 2016, the European Commission and the information technology companies Facebook, Twitter, Youtube and Microsoft announced a code of conduct, in which they pledged to combat illegal hate speech online. This topic is discussed in more detail in the chapter 'Action taken to combat and prevent illegal and punishable hate speech and cyberbullying'.

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58 Keipi, T., Näsi, M., Oksanen, A., & Räsänen, P. (2017). *Online Hate and Harmful Content: Cross-National Perspectives*. Abingdon & New York: Routledge.

## 6 Scope and targets of hate speech and cyberbullying

According to the study *Vihapuhe sananvapautta kaventamassa* (Hate speech narrowing the freedom of expression) published in 2013,<sup>59</sup> women experience more hate speech than men and the feedback received by women is often sexist. Experts targeted for hate speech often consider hate speech as unpleasant and even as a frightening phenomenon that restricts the freedom of expression. Even though they are of the view that individuals in high-visibility jobs inevitably receive hate speech, being targeted for hate speech is not by any means acceptable or natural in their opinion. According to the study, ten per cent of the interviewees had experienced hate speech. However, it should be remembered that rapid changes have taken place in recent years, including the emergence of the targeted online attacks against specific individuals.

The extent of hate speech can be determined on the basis of how many cases of punishable and illegal hate speech have been reported to the authorities in different years.<sup>60</sup> However, official statistics do not give the total amount of hate speech as not all cases are reported to the authorities. At the same time, changes in the number of reports are not an indication of the changes in the amount of hate speech as they may be the result of increasing awareness among the victims and the measures taken by the authorities. There was a huge increase in the number of cases of ethnic agitation reported to the police in 2017 but this was probably due to the work of the new hate speech team

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59 Pöyhtäri, Reeta, Haara, Paula & Raittila Pentti (2013): *Vihapuhe sananvapautta kaventamassa*. Tampere University Press.

60 The discrimination monitoring report, which is regularly published in Finland, contains information on harassment defined in the Non-Discrimination Act, which is an illegal form of discrimination. The Police University College publishes an annual report on the hate crimes reported to the police.

In 2017, the Non-Discrimination Ombudsman reviewed a total of 45 cases of harassment and in 2018, the number was slightly higher. Ethnic origin, nationality and language were the most common grounds for discrimination in these cases. Most of the cases (about 80%) concerned working life and the remainder housing matters, education and training. The Ombudsman for Equality reviews a small number of harassment cases each year. The National Non-Discrimination and Equality Tribunal reviews a small number of harassment cases based on the Non-Discrimination Act. These cases involve harassment in such situations as customer service and not online hate. Regional State Administrative Agencies have reviewed a small number of harassment cases based on the Non-Discrimination Act but in statistics these are not separated from other cases of discrimination.

of the Finnish Police<sup>61</sup> and not to any changes in the scope of the phenomenon. Many people decide not to report hate speech to the authorities because they do not believe that this would lead to any action. Furthermore, in many cases it is also difficult for victims of hate speech to know when the act contains the essential elements of an offence. In sexual harassment, the fear that the matter will not be taken seriously or that the party reporting the matter would face trouble are the most common reasons for not contacting the authorities.<sup>62</sup>

As only a fraction of the hate speech victims report hate speech to the authorities, victim surveys and barometers are important sources of information. They give a very different picture of the size of the phenomenon, compared to the number of cases reported to the authorities.<sup>63</sup>

Hate speech is mainly considered a problem in the online world and it is often highlighted as a phenomenon arising from social media.<sup>64</sup> Despite moderation, a strong violence and hate discourse directed against such groups as sexual minorities is also characteristic of the discussion forums.<sup>65</sup> It should be noted, however, that not all Finns take part in online discussions and that only a small part of the population are active participants in online discussions.<sup>66</sup>

In the follow-up report to the survey on the effects of hate speech conducted by Owal Group in 2017, the respondents were asked whether they had seen or heard hate speech or harassment against a member of a minority group or a minority group over the preceding 12 months. Some 61% of the respondents had identified that the hate speech had been directed against individuals speaking foreign languages, foreign nationals or individuals with immigrant background. Some 58% of the respondents had seen or heard as hate speech or harassment was being directed against gender or sexual minorities and

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61 The VIPU team, established in the Helsinki Police Department in 2017.

62 See, for example, the report "I often find myself thinking how I should be or where I shouldn't go" on the impacts of hate speech, prepared by the discrimination monitoring group. Survey on hate speech and harassment and their influence on different minority groups, Ministry of Justice, 7/2016; EU MIDIS II and the comparative survey on violence against women produced in 2014 by the European Union Agency for Fundamental Rights.

63 See, for example, *Uhrien kokemuksia viharikoksista Suomessa vuosina 2014-2018*, <https://www.riku.fi/binary/file/-/id/79/fid/2140/>

64 See, for example, Owal Group 2017.

65 See, for example, Owal Group 2017 and Jantunen, J. (2018). Homot ja heterot Suomi24:ssä: analyysi digitaalisista diskursseista. *Puhe Ja Kieli*, 38(1), pp. 3-22. <https://doi.org/10.23997/pk.65488>

66 Hakala, S. & Vesa, J. (2015). *Verkkokeskustelut ja sisällön erittely*. In S.-M. Laaksonen, J. Matikainen & M. Tikka (ed.), *Otteita verkosta: Verkon ja sosiaalisen median tutkimusmenetelmät*. Online publication. Tampere: Vastapaino, <https://www-elliblibrary-com.ezproxy.jyu.fi//book/9789517684101>; p. 207; Matikainen, J. (2009). *Sosiaalisen ja perinteisen median rajalla*. Viestinnän laitoksen tutkimusraportteja 3/2009. Helsingin yliopisto: Viestinnän tutkimuskeskus CRC, [http://www.helsinki.fi/crc/Julkaisut/sosiaalisen\\_ja\\_perinteisen\\_median\\_rajalla\\_raportti.pdf](http://www.helsinki.fi/crc/Julkaisut/sosiaalisen_ja_perinteisen_median_rajalla_raportti.pdf), p. 33.



46% had seen or heard as hate speech or harassment was being directed against religious minorities. However, hate speech and harassment was directed against all minority groups (including Saami-speakers and Swedish-speaking Finns).<sup>67</sup>

Information on the amount of hate speech in different sectors of life can be found in such publications as the School Health Promotion Study produced by the National Institute for Health and Welfare and the working life barometer prepared by the Ministry of Economic Affairs and Employment. According to the results of the 2017 School Health Promotion Study, functionally impaired children and young people and those belonging to sexual minorities and coming from foreign backgrounds experience more harassment and discrimination at school than others.

According to the 2017 working life barometer,<sup>68</sup> there is still discrimination, bullying and harassment at workplaces. They have been observed by a minority of all employees but the trends are constant and show that much still needs to be done to eradicate discrimination and harassment. Especially the discrimination against minority groups is often overlooked in surveys carried out at workplaces. In surveys based on random sampling, members of minorities are selected as respondents in the same proportion as they are represented among the employees. The proportion may even be lower if they are more difficult to reach than members of the mainstream population with the help of letters written in Finnish or Swedish or telephone calls made in these languages.

The report on the monitoring of labour discrimination in Finland published in 2014 discusses illegal discrimination on the basis of a number of different information sources. According to the study, the most common grounds for discrimination documented by the authorities are health, nationality and ethnic origin.<sup>69</sup>

## 6.1 Targets of hate speech

Becoming a victim of hate speech is the result of many factors.<sup>70</sup> Young age, immigrant background, living in an urban environment and living alone are important socio-demographic factors. Level of net activity, intensity and extent of the activity as well as identification with online communities are socio-psychological factors playing a role in the

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<sup>67</sup> *Survey on hate speech and harassment and their influence on different minority groups*. Follow-up survey, Owl Group 2017.

<sup>68</sup> <https://julkaisut.valtioneuvosto.fi/handle/10024/161126>

<sup>69</sup> Pietiläinen & Keski-Petäjä 2014.

<sup>70</sup> Oksanen, meeting of the working group, 10 December 2018.

process. The fact that one has only a small number of friends outside the Internet or that one is victimised in some other ways may increase the risk of becoming a victim of hate speech. In hate speech, as in other offences, the victim experiences accumulate to a small number of persons.

Hate speech can be examined on the basis of how it is directed against different groups or how it manifests itself in different areas of life. There is harassment and discrimination in all areas of life. Even though there are no reports covering all groups and areas of life, a small number of high-visibility minority groups (such as ethnic minorities) are highlighted in many studies.

It was highlighted in the hate speech report commissioned by the Ministry of Justice<sup>71</sup> that members of minority groups are particularly often targeted for harassment and hate speech in public places. Public transport, cafes, restaurants and schools were some of the places listed in the report. It is stated in the hate speech report that the mainstream population is responsible for most of the hate speech and harassment experienced by minority groups.

Sexual minority groups often find themselves as victims of hate speech.<sup>72</sup> According to a report on young LGBTIQ people in Finland published in 2014, about 82% of the respondents with transidentity stated that they had at least occasionally experienced inappropriate treatment, bullying or discrimination at school. The question could be interpreted as a question concerning the overall school atmosphere and the experiences did not need to be personal.

Especially women belonging to minorities are often victims of hate speech.<sup>73</sup> Belonging to a minority more than doubles the risk of sexual harassment among women and increases the risk of accumulated experiences of sexual violence by almost four times. A total of 62% of the women that have experienced gender-based hate speech have also experienced sexual harassment. The risk of experiencing both sexual harassment and hate speech is more than five times higher among women than among men.<sup>74</sup> The hate speech against

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71 Survey on hate speech and harassment and their influence on different minority groups, Ministry of Justice 7/2016.

72 Katarina Alanko: *How are young LGBTIQ people doing in Finland?* Nuorisotutkimusverkosto/ Nuorisotutkimusseura, Verkkojulkaisu 72, Seta, Seta-julkaisu 23.

73 *Gender Equality Barometer 2017*.

74 Natalia Ollus, Maiju Tanskanen, Päivi Honkatukia and Heini Kainulainen: *Sukupuolistunut vihapuhe, seksuaalinen häirintä ja risteävät yhteiskunnalliset erot* in Mia Teräsaho and Johanna Närvi (ed.): *Näkökulmia sukupuolten tasa-arvoon. Analyseja tasa-arvobarometrasta 2017*.

women is often gender-based, sexist and identity-focused.<sup>75</sup> Belonging to more than one minority group exposes an individual to hate speech on multiple grounds.

Young women run a particularly high risk of experiencing sexual harassment. According to a comparative survey on violence against women carried out by the European Union Agency for Fundamental Rights in 2014, a total of 71% of all Finnish women aged 15 and over have experienced sexual harassment at least once. According to the 2017 Gender Equality Barometer, a total of 38% of all Finnish women and 17% of all Finnish men had experienced sexual harassment during the preceding two years. Up to 56% of women aged under 35 had experienced harassment during the preceding two years. The results of the School Health Promotion Study indicate that particularly vulnerable groups are especially hard hit by discriminating bullying and anxiety. Sexual harassment is more common in Finland than in the EU on average.<sup>76</sup>

In addition to sexual harassment, other types of discrimination, harassment and hate crimes are worryingly common in Finland, compared to other European countries.<sup>77</sup> Highly visible minorities are often victims of hate crimes. Of the people coming from Sub-Saharan Africa, a total of 47% had experienced harassment in Finland over the preceding 12 months. The figure for all Africans from Sub-Saharan Africa interviewed for the survey was 21%. In a positive development for Finland, the respondents show more trust in public institutions than representatives of the mainstream population. Trust in societal actors is higher among first-generation immigrants than among the second-generation. Furthermore, most of the representatives of the minorities are extremely strongly attached to their country of residence. Most of them are also open towards other ethnic groups.<sup>78</sup> According to the survey report 'Being Black in the EU', a total of 45% of the parents of school children with African background stated that their children had experienced racist harassment, bullying, exclusion or violence. The average for the Member States participating in the report was 18%. Only a small number of people (an average of 16%) had reported discrimination cases to the authorities. However, in Finland the ratio was higher than in any of the other countries (30% of the cases were reported to the authorities). As many other surveys, this report also indicates that young people

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75 Emmi Nieminen & Johanna Vehkoo: *Vihan ja inhon internet*, 2017.

76 *Gender Equality Barometer 2017; School Health Promotion Study 2017*; Alanko, Katarina (2014) *How are young LGBTIQ people doing in Finland?* Helsinki: Nuorisotutkimusseura/Nuorisotutkimusverkosto & Seta.

77 The European Union minorities and discrimination surveys (EU-MIDIS I and II) published by the European Union Agency for Fundamental Rights (FRA) in 2008 and 2017 contain comparative data on different EU Member States.

78 See, for example, EU MIDIS II.

experience slightly more racist harassment than older generations.<sup>79</sup> According to the EU MIDIS II survey, almost half of the African Muslims coming from Sub-Saharan Africa had experienced harassment during the 12 months preceding the survey on grounds of their ethnicity or immigrant background.<sup>80</sup>

Nearly 70% of the hate crimes reported to the police in 2017 concerned acts in which the ethnic origin or nationality of the victim was suspected as the motive. Half of the reports concerned verbal insults. Most of the complainants (65%) were Finnish citizens, followed by Iraqis, Somalis and Afghans. The ethnic background of the Finnish citizens was not surveyed in the report.<sup>81</sup>

As part of the Against Hate project of the Ministry of Justice, the National Forum for Cooperation of Religions in Finland (CORE Forum) and Victim Support Finland collected information on hate crimes carried out in Finland between 2014 and 2018. The report, published in 2019, describes victims' experiences of the nature of hate crimes. Half of the reported cases were verbal insults. The most common motive of hate revealed during the crimes was skin colour or ethnic or national origin. They were followed by religion or conviction. Almost the same number of reports on offences related to sexual orientation were received. About one third of all respondents selected more than one motive; in fact, making a distinction between motives is often artificial from the victim's perspective.<sup>82</sup>

Finland's Roma community is a group that runs a high risk of experiencing hate speech. In the Roma wellbeing survey (Roosa), no specific questions about hate speech were asked but nearly half of all respondents had experienced unfair treatment by unknown people in public places over the preceding 12 months. Experiences of discrimination were particularly common among the youngest age groups and most of the young respondents had experienced discrimination by unknown people.<sup>83</sup>

There are also clear differences concerning harassment and discrimination between language groups. According to the 2016 Language Barometer, almost half of all Swedish-speaking residents of bilingual municipalities had, at least occasionally, experienced

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79 See, for example, the survey report 'Being Black in the EU' published by FRA in November 2018, which presents selected results of the EU-MIDIS II survey. The report presents experiences of nearly 6,000 individuals of African background in 12 EU countries. Separate reports have also been published on the discrimination experienced by Muslims, Jews and Roma (including harassment and hate crimes).

80 The survey report on Muslims published by FRA in 2017, which is based on the EU MIDIS II material.

81 *Hate crimes reported to the police in Finland, 2017*. Jenita Rauta Police University College reports 131

82 *Uhrien kokemuksia viharikoksista Suomessa vuosina 2014-2018*, <https://www.riku.fi/binary/file/-/id/79/rid/2140/>

83 The Roma wellbeing survey (Roosa) is a nationwide project in which the National Institute for Health and Welfare collects information about the wellbeing, health and functional and working capacity of Finland's Roma population and its use of services. The latest survey was carried out in 2017 and 2018.

harassment or discrimination in everyday life on account of their language, while slightly more than 20% of Finnish-speaking residents have had similar experiences in bilingual municipalities. Language-related harassment in public spaces was highlighted in the open answers to the otakantaa.fi survey of the Ministry of Justice.<sup>84</sup> Especially young (aged under 30) Swedish-speaking respondents said that they were afraid of speaking Swedish in specific situations, such as in public transport vehicles. According to the Language Barometer, the harassment and discrimination experienced by Finnish-speakers and Swedish-speakers seem to decrease with age. However, Swedish-speakers experience harassment and discrimination about twice as often as Finnish-speakers in all age groups. The hate speech against Saami people by the mainstream population has mainly concerned the denial of Saami rights or the disparagement of the Saami culture and languages.<sup>85</sup>

Religion and hate speech are closely intertwined. Sometimes religion is a target for aggressive counteraction or hate speech. In most cases, religious minorities have been subjected to hate speech in Finland and in global scale. In global perspective, hate speech and violence directed against or connected with religion have gained more visibility. Religion is connected with ethnic or other types of group identity and thus it can easily serve as justification for hate speech and hate-based action in conflict situations. Terrorist groups and events in Syria, Iraq, Myanmar and Nigeria have attracted the most attention and the activities have been directed against Christians, Muslim groups, Yazidis and Jews.

Religion also serves as a motivation for hate speech. Depriving individuals of their equal value may be justified with religion. This happens in all religions. Like organisations representing Islamic fundamentalism, Western Christians use religion as a ground for denial of rights and Western islamophobia or antisemitism may use Christian rhetoric. Hate speech disseminated in its name is posing an increasingly serious challenge to the religious mainstream. In a way, religion is hijacked from its traditional and authorised representatives. The terrorist organisation Daesh hijacks Islam and incorporates it into its own hate speech, while Western right-wing nationalists hijack Christianity from the Churches for their own use.

Within religious communities, hate speech may be an instrument of power in the same way as in other areas of culture. Religious hate speech may be directed against the practising of religion, or doctrinal, moral or theological views. It is often formulated as a threat or a deterrent in which the main message is that the views, way of life or objectives of the targeted person or group run counter to the correct doctrine and way of life and

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<sup>84</sup> *Otakantaa.fi* survey, p. 14.

<sup>85</sup> *Language Barometer* 2016 p. 34

are thus harmful and repulsive. The willingness to show love is given as the purpose of the speech and for this reason, those on the wrong path must be treated harshly so that they can be saved. The aim of religious hate speech may also be to protect the community and to ensure that those refusing to repent are expelled from the community.<sup>86</sup>

Churches and religious communities may also play an important role in the work against hate speech, both among their own members and in society at large. The impacts of hate speech are equally devastating, irrespective of whether it is disseminated on religious or other grounds and regardless of whether it occurs within religious communities, is directed against them, is carried out by them or is disseminated outside them for other reasons.

Over the past few years, there has also been growing debate on hate speech experienced by various professional groups. In summer 2018, the International Press Institute produced a report on cyberstalking experienced by Finnish journalists. According to the study, especially reporting on asylum seekers, immigration and Russia triggers harassment campaigns. The journalists interviewed for the report are not convinced that the threats would be properly investigated. Fear of harassment and intimidation has prompted experts and journalists taking part in the public debate to avoid specific topics.<sup>87</sup>

## 6.2 The situation of hate speech victims and the means available to them

Not all individuals and groups experiencing hate speech and hate campaigns are in the same situation. People's awareness of their own rights, Finnish legislation and their chances of receiving support from the authorities or organisations vary. Individuals who do not speak Finnish or Swedish, who do not know how the authorities operate or who do not have any networks in Finland run a great risk of being left alone and without support. Support networks and peer support are important to victims of hate speech.

Victim Support Finland provides support for crime victims and persons that suspect themselves of being victims of crime. The number of Victim Support Finland customers increased by 13% in 2018. The police have a statutory duty to notify complainants of the

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<sup>86</sup> Professor Jaana Hallamaa, 12 February 2019.

<sup>87</sup> R. Pöyhkäri, P. Haara & P. Raittila: *Vihapuhe sananvapautta kaventamassa*.

support services available to them.<sup>88</sup> According to the information supplied by Victim Support Finland, only a small number of victims of punishable hate speech use its services.

Representatives of different professional groups, such as public officials, researchers and journalists often have a chance to receive assistance and support from their employers, at least in theory. Freelance journalists and artists are in a more vulnerable position. At the same time, a member of a minority group experiencing hate speech may be left alone in such situations.

The employer plays a central role when the victim is subjected to hate speech on account of issues concerning their work. Experiencing hate speech may negatively impact the employee's wellbeing and working capacity. An individual subjected to hate speech and targeted online attacks at work must be helped by occupational health services. According to victims' accounts, employers whose staff members have been subjected to such campaigns do not always know what should be done and what the employer's obligations are. The risk of being subjected to hate speech or targeted online attacks can, however, be considered as a work-related risk that should be considered by the employer when the work-related risks are reviewed. With regard to hate speech and targeted online attacks, the safety of the families of individuals working in risk-prone tasks should also be considered.<sup>89</sup>

The victim of a hate campaign is in a psychologically demanding situation and at the same they should also manage a large number of practical tasks. The victim may receive a vast number of hate messages and it is practically impossible for them to submit them all to the police for criminal investigation when the victim has reported the offence. There may be regional and operational differences between the attitudes and professional competence of the police. This means that the victims may be in a different situation, depending on the police department area where the offence takes place.

In large-scale attacks and hate campaigns, the police focus their investigations on the actors behind the attacks and only a fraction of the associated acts are investigated. Even though the scale of the attack is a key factor concerning the punishment for the offence, from the victim's perspective, only a small proportion of the perpetrators will be held accountable for their roles.

In cases involving targeted online attacks, the victim may suffer retaliation if they make use of the legal remedies available to them. If it is a case of an offence where

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<sup>88</sup> Section 18 of the Criminal Investigation Act

<sup>89</sup> Hearing, 10 January 2019

the prosecution rests with the complainant, the threshold for reporting the crime may be high. Sometimes there are attempts to interfere with the criminal proceedings, for example by subjecting the prosecutor to hate writings or by smear campaigns against the judge. In one case, a lay member of a district court disseminated hate messages. Continuous dissemination of targeted messages during the court proceedings may prevent the victim of using their rights and threaten the legal process.<sup>90</sup>

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<sup>90</sup> Hearing, 10 January 2019



## 7 Parties disseminating and using hate speech

People disseminate hate speech intentionally but sometimes also without understanding the severity of their action. Disseminating and sharing hate speech online is easy. The language used on the Internet can be blunt and people are often reluctant to use such vocabulary in face-to-face discussion. This has changed customs and the debating culture. Straight talk and the avoidance of unnecessary courtesies has always been held in high regard in Finland, perhaps more than in many other countries. In fact, Finnish is also simpler than many other European languages when, for example, examined on the basis of cordial expressions. These factors may have lowered the threshold for hate speech. Hate speech has become more acceptable and things that could not have been uttered in the past can now be said publicly. This can be seen in the language used by politicians and decision-makers and the casual talk among young people.

There are differences between the parties disseminating hate speech and the factors motivating them. Some of the individuals and groups disseminating hate speech can be characterised as the audience of hate speech that occasionally takes part in the spreading of hate speech. They monitor hate speech and may also comment on it and forward it. Sometimes the parties disseminating hate speech do not, for one reason or another, realise that they are spreading hate speech. When an individual is in a certain state of mind and under the influence of alcohol, they may feel the need to say things 'as they are' without thinking about the consequences of the outburst or good manners. Among the individuals disseminating hate speech, there may also be people who can be considered as being exploited by others and that are unable to understand the consequences of their acts.

Some of the parties disseminating hate speech do that intentionally but not in an organised manner. The VIPU team operating under the auspices of the Helsinki Police Department investigates agitation offences and breaches of the sanctity of religion on the Internet and, on a case-by-case basis, also other hate crimes in all parts of Finland. Based on the cases investigated by the team, hate speech is usually disseminated by middle-aged men. A total of 98% of all suspects are aged over 30 and 85% of them are

men. Identifying them is often easy. To seek maximum publicity, they may write using their own names and obtaining the identification information from operators and service providers is relatively unproblematic. Prohibiting anonymous writing and comments has been proposed as one way of reducing the amount of hate speech. However, experience indicates that an increasing number of individuals is prepared to disseminate hate speech using their own names.<sup>91</sup>

Organised, target-oriented hate speech, its mechanisms and the parties disseminating it differ from what is described above. Uncovering them is more difficult because they use services that do not disclose data. They use fake personalities and encrypt their IP addresses. Examples of the activities of organised hate groups include targeted online attacks against specific persons and cyberterrorism, (used by terrorists and violent extremists) as well as online sources providing inspiration for mass murderers. Many organised hate groups are also pioneers in the use of technology.<sup>92</sup>

Hate speech can be used for a variety of different purposes. Hate speech has always been part of the political discourse. In politics, the purpose of hate speech is to stigmatise the opponents, create threats, strengthen the cohesion of one's own reference group and encourage it to discredit the opponents or (in extreme cases) to eliminate them altogether.<sup>93</sup> The impacts of hate speech and harassment on public decision-making are examined in the research project *Vihan vallassa* (Blinded by hate), which is funded by the Finnish Government.

The concept of information influencing (also known as hybrid influencing) has become a topical issue in recent years and it has been extensively discussed in public. Hybrid influencing can be defined as systematic action in which a governmental or a non-governmental actor is simultaneously using a range of different military means or economic or technological means of pressure, information operations and social media to exploit vulnerabilities in the targeted country. The operations may be directed against the targeted countries' political, economic or military infrastructures. Hybrid influencing may also be directed against individuals. The aim is to create conflicts and polarisation between population groups and to increase citizens' distrust of public institutions and actors.

There are actors and parties that intentionally want to influence events by using information influencing tools. These may be supported, involuntarily or unwittingly, by

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91 Presentation of the VIPU team at the working group meeting, 10 December 2018

92 Presentation of Professor Atte Oksanen at the working group meeting, 10 December 2018

93 Rinne 2012

persons that spread lies without media literacy or source criticism. This leads to a situation where only the story matters and the truth is no longer of any importance. A more horrifying story will also attract a wider audience.<sup>94</sup> A situation where a cloud of suspicion is hanging over everything benefits the parties carrying out information influencing. Citizens no longer know what they should believe. The field of discussion becomes narrower, polarisation increases and people become more distrustful of the authorities. In global scale, hybrid influencing is used by several states and it is directed against other countries. In Finland, hybrid influencing is often connected with immigration issues. In Finland, information influencing has gained a particularly strong foothold among right-wing extremists and groups calling themselves nationalistic. This means that those considering themselves particularly patriotic may cause a great deal of harm to society.

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<sup>94</sup> One example of this is the alleged rape of a 13-year old girl in Berlin in 2016. According to the police, it never took place but the story was disseminated through a state-owned TV channel in Russia.

## 8 Role and responsibility of the media

Finland has an effective system of media self-regulation and as a result, public trust in the media is among the highest in the world. For example, according to the digital media report of the Reuters Institute, trust in the news media is higher in Finland than in any other country participating in the survey.

The results of a survey carried out by the Finnish Newspapers Association in early 2019 show that Finns trust the media.<sup>95</sup> A total of 66% of the respondents stated that they trust Finnish journalists. This was six per cent more than in the year before. The same proportion of the respondents said that the reliability of the media now plays a more important role in their own media use. There has been a particularly strong increase in the role of reliability among young people aged between 15 and 24. Newspapers were considered as the most important media outlets from the perspective of general knowledge (90%), followed by television channels and their online services. A total of 15% of the respondents considered social media as important from the perspective of general knowledge. According to the same survey, the trust in social media among Finns has collapsed and the fall has been steepest in the age group 15-24.

The findings of the survey were largely in line with the results of the Reuters Institute report published in 2018.<sup>96</sup> The survey covered the use of online media in 37 countries and more than 74,000 persons took part. According to the report, unlike many other societies, Finland has a low level of polarisation in media use and people still mainly read the news from the media outlets' own pages. Effective media self-regulation has also guaranteed extensive press freedom.

In Finland, practically all traditional media outlets are members of the Council for Mass Media and they have pledged to observe the Guidelines for Journalists, which are in many respects stricter than the law. All large-circulation news media, such as the afternoon newspapers and all political party newspapers, except for the outlets of the Finns Party, come under the jurisdiction of the council.

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<sup>95</sup> *Yhteisöllistyvä media* survey.

<sup>96</sup> Reuters Institute Digital News Report 2018

Adherence to the Guidelines for Journalists is supervised by the Council for Mass Media to which anybody can submit a complaint if one suspects that a media outlet is in breach of the guidelines. According to a survey carried out by the council in 2017, nearly 90% of all Finns recognise the Council for Mass Media, at least by name. Because of this, Finns know how to submit media complaints to the council and media-related legal processes are rare in Finland.

Under section 26 of the Guidelines for Journalists, the human dignity of every individual must be respected. Under the section 'the ethnic origin, nationality, sex, sexual orientation, convictions or other similar personal characteristics may not be presented in an inappropriate or disparaging manner'. Over the past few years, the council has issued a small number of notices under this section and these have involved the way in which such issues as asylum seekers and sexual minorities have been covered in the media.

Because of effective media self-regulation, there is practically no hate speech in journalistic content. However, the Guidelines for Journalists do not apply to the material produced by the public and published on media websites (such as the discussion chains after the stories). They are regulated by the Annex to the Guidelines for Journalists drawn up in 2011, under which media should monitor discussion chains and immediately remove content violating human dignity and privacy. However, in many cases, the speed of the removal leaves a great deal to be desired.

The polarisation of the debate in recent years has prompted media outlets to moderate the content sent by the public more extensively and block the comment functions in stories on such topics as immigration.

The Internet, social media and smartphones have significantly changed the operating environment of the media. Digital publishing has meant tougher competition and higher demands for speed, while at the same time, there has been a sharp weakening in the economic operating prerequisites of the media outlets.

Quick-click journalism has become more common. At the same time, journalistic media are increasingly tempted to quickly report phenomena discussed in social media. In an increasingly polarised opinion climate, there are also parties urging journalism to allow more room for interpretation. All this has led to a situation where more and more social media phenomena have been accepted as content in journalistic media. There has been concern among journalists that journalism may act as an echo chamber for a variety of post-factual phenomena and information influencing.

At the same time, individuals experiencing hate speech have complained that responsible journalism is often behind the paywall, while the fake-media stories are free and easily available.

## 9 Role and responsibility of online platforms

In May 2016, the European Commission and the information technology companies Facebook, Twitter, YouTube and Microsoft announced a code of conduct to combat hate speech on the Internet. The companies undertook to continue their efforts to tackle online hate speech. The companies also pledged to develop their internal procedures and train their staff in order to ensure that most of the valid notifications concerning the removal of illegal hate speech are reviewed within 24 hours and that, if necessary, such content is removed or access to it disabled. The information technology companies will also work more closely with non-governmental organisations.

The information technology companies and the European Commission will regularly review the public commitments included in the code of conduct and their impacts. The means of promoting openness and supporting messages countering hate speech and providing alternatives to it are discussed in the high-level working group established by the European Commission in summer 2016. The working group discusses the countering of racism, xenophobia and other forms of intolerance. The online hate speech sub-group monitors compliance with the code of conduct. The fourth monitoring round of the code of conduct took place in autumn 2019. The results have improved on each round. Companies have provided their teams with training and developed their internal processes. Companies react more quickly and more comprehensively to the notifications made through the Trusted Flaggers system but Facebook also gives feedback to ordinary users. An average of 72% of the notified messages were removed (for Facebook, the figure was as much as 84.2%). Removing every message is not desirable as there are also notifications that do not concern content that is deemed illegal. Facebook received the largest number of notifications but nevertheless managed to remove 92.6% of such messages within 24 hours.

In September 2017, the European Commission issued the communication 'Tackling Illegal Content Online. Towards an enhanced responsibility of online platforms'.<sup>97</sup> In March 2018,

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<sup>97</sup> <http://ec.europa.eu/transparency/regdoc/rep/1/2017/FI/COM-2017-555-F1-FI-MAIN-PART-1.PDF>  
<https://www.eduskunta.fi/FI/vaski/Liiteasiakirja/Documents/EDK-2017-AK-155623.pdf>

the European Commission issued recommendations on measures to effectively tackle illegal content online.<sup>98</sup> The recommendations contain practical measures helping online platforms to facilitate the removal of illegal content. The European Commission also proposes measures to protect the freedom of expression in connection with the removal of the messages and the transparency of the activities is emphasised.

In October 2018, the European Commission announced that, in its opinion, no legislative measures are currently needed to tackle hate speech because the code of conduct has led to extensive voluntary cooperation with companies. According to the plans prepared by the European Commission in spring 2019, it intends to expand the cooperation to small and medium-sized online platforms.

Online platforms play an important role in the combating of hate speech and in the removal of illegal messages as courts cannot issue opinions on every social media message. However, the procedures concerning the removal of messages from online platforms (including the use of algorithms) must be on a transparent basis. The companies that have pledged to observe the code of conduct have pointed out that artificial intelligence could be used in the identification and removal of illegal material. However, hate speech is often contextual and for this reason messages identified and received by online platforms with the help of artificial intelligence must also be reviewed by humans. Artificial intelligence can replace humans in such areas as the review of terrorist content but it will take years before it can do the same with hate speech. Artificial intelligence can already identify and remove illegal terrorist material quite quickly.

The National Action Plan on Fundamental and Human Rights 2017-2019 contains a project, in which the aim is to implement the code of conduct at national level. As part of the project, ministries and government agencies have discussed the prevention of illegal hate speech (including the code of conduct), the Commission communication and recommendations on illegal online content and the responsibility of online platforms, international cooperation in the area and existing legislation. In February 2019, the Ministry of Justice invited representatives of Government agencies, service providers and online platforms to a round-table discussion on the topic. At the meeting, the ministry provided the participants with information on how to join the code of conduct and European-wide cooperation in the area. The meeting was also attended by the representatives of Facebook who described how the company is working to combat hate speech. The participants decided that at the next round-table meeting, they will share

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<sup>98</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018H0334&from=FR> [http://europa.eu/rapid/press-release\\_MEMO-18-1170\\_en.htm](http://europa.eu/rapid/press-release_MEMO-18-1170_en.htm)

experiences of the implementation of moderation and discuss case law concerning hate speech.

The national implementation of the new Audiovisual Media Services Directive (AVMS directive), which is currently in progress, is also connected with the responsibility of online platforms and hate speech. In addition to television broadcasts and video on demand services covered by the old directive, the updated AVMS directive now also applies to video sharing platforms. Under the directive, video sharing platforms must take appropriate measures to ensure the protection of the audience and minors against harmful content, such as incitement against ethnic groups. The directive applies to national video sharing platforms and it seems that there is currently only one such platform. The directive will have an impact on the obligations of such actors as YouTube.



## 10 Young people, hate speech and cyberbullying

Things experienced in childhood and young age have a life-long impact. Hate speech and bullying may have a significant effect on the development of a child and their experiences of themselves and lead to weak self-esteem.<sup>99</sup> Bullying may be of physical, psychological or social nature. Because of the long-term effects of bullying, it is particularly important to prevent cyberbullying and hate speech against children and young people.

Young people live in a world where they are subjected to or they may subject each other to hate speech and cyberbullying connected with ethnic or religious background, other minorities, gender, sexual orientation or disability. Categorical unawareness and lack of understanding of hate speech generates more hate speech. In order to eradicate a negative media phenomenon, we have to go deeper into the structures creating social injustice and exclusion.<sup>100</sup>

Young people are active users of social media and different types of social media and social media applications play an important role in their lives. Social media channels allow young people to maintain extensive contacts with friends and offer useful services and interesting leisure-time activities.<sup>101</sup> However, social media also provides a platform on which hate speech and cyberbullying can be easily disseminated to large audiences. The hate speech and cyberbullying witnessed by young people manifest themselves in different ways on social media platforms and we are not dealing with a uniform phenomenon.<sup>102</sup>

As people have become more active Internet users, hate speech and bullying online have become substantially more common on social media platforms. People are more prepared to post negative, hate-containing and critical thoughts and messages in social media. Adolescents may be sensitive to different influences when determining their own values

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99 Professor Kirsti Kumpulainen, Finnish Brain Foundation aivosaatio.fi

100 *Disinformaatio, vihapuhe ja mediakasvatuksen keinot*. Koulukino.

101 Tuppurainen, Kati. 2018. *'Se voi olla jonkun mielestä kiva läppä' – Nuoret ja vihapuhe*. HAMK.

102 *Disinformaatio, vihapuhe ja mediakasvatuksen keinot*. Koulukino.

and attitudes. Social media forums and websites containing hate speech can expose young people to a large number of negative thought models and lead to behaviour that can be classified as hate speech.<sup>103</sup>

Hate speech and cyberbullying experienced by young people are often part of other types of bullying. There are features in hate speech and bullying occurring online that distinguish them from other types of bullying. For this reason, it may be more difficult to identify bullying occurring online. These features include facelessness, anonymity, and the limitlessness of place and time.<sup>104</sup>

Hate speech and bullying occurring online make such things more public as the material easily reaches large audiences. The pictures and other material linked to it may be impossible to remove. Social media platforms are important instruments of identity work, which young people use to build their social relations and their own identity. Individual acts may have long-term effects on a young person. Hate speech and bullying experienced by young people online may affect them more seriously than face-to-face bullying.

According to the School Health Promotion Study 2017 carried out by the National Institute for Health and Welfare, about half of all young people felt that they are an important member of the online community that they use most. Only between 19 and 29% of all school bullying takes place online. The School Health Promotion Study also showed that there is discrimination, bullying, violence and sexual harassment in schools.<sup>105</sup> In a survey carried out by Save the Children Finland,<sup>106</sup> about 30% of all respondents aged between 12 and 17 said that they had seen sexual harassment directed by young people at other young people and related bullying in digital media. According to the survey, nearly 15% of all girls and about 3% of boys had experienced sexual harassment. Public places, followed by online discussion forums (especially Facebook) are the venues where young people experience hate speech most frequently.<sup>107</sup> Of the respondents aged between 15 and 29, a total of 94% had heard insults because of their gaming skills, more than 80% had experienced insults and name-calling and more than 70% had experienced racist,

103 Tuppurainen, Kati. 2018. 'Se voi olla jonkun mielestä kiva läppä' – Nuoret ja vihapuhe. HAMK; Pöyhkäri et al. 2013; Haasio 2016.

104 Prevention of school bullying and promotion of undisturbed conditions in early childhood education, pre-primary and primary education and secondary education.

Final report. Publications of the Ministry of Education and Culture 2018:16. Mannerheim League for Child Welfare, mll.fi.

105 *School Health Promotion Study 2017*.

106 *Lasten ja nuorten kokema seksuaalinen häirintä ja siihen liittyvä digitaalinen kiusaaminen sosiaalisessa mediassa*. Pelastakaa lapset 2018; Salomaa, Saara 2019. *Vihapuhe ja kiusaaminen median välityksellä*. PDF.

107 OM 7/2016, Owl Group Oy;

transhomophobic or age-related negative comments when playing competitive computer and console games.<sup>108</sup>

## 10.1 School as an actor strengthening the engagement and wellbeing of the pupils

In Finland, early childhood education and care, pre-primary education and basic education constitute a logical continuum from the perspective of development and learning. The continuum is based on promoting the democratic values of society, such as non-discrimination, equality, fairness and diversity as well as active and responsible participation. Schools and homes play an important role in the education of open-minded and caring individuals showing respect to each other. Pupils' educational human and fundamental rights, such as the right to non-discriminatory and equal treatment, right to personal freedom and integrity as well as to right to privacy must be ensured at school.

A pupil participating in education is entitled to a safe learning environment.<sup>109</sup> The right to a safe learning environment covers the period when a pupil takes part in teaching or other activities set out in the curriculum in school or outside it. School-specific student welfare plans must include a plan to protect students against violence, bullying and harassment.<sup>110</sup> The education provider must adopt school rules with a view to promoting internal order in the school, unhindered learning and the safety and satisfaction of the school community.<sup>111</sup> The school rules may lay down provisions on practical arrangements and proper conduct.

The rights and obligations of the pupils are in effect for the duration of the period when the pupils take part in the teaching or other activities set out in the curriculum. Supervision of the pupils after school hours is not within the powers of the school. However, under the Finnish legislation, if a teacher or the principal becomes aware of harassment, bullying or violence between pupils taking place inside school premises or between home and school, they must report it to the guardian or other legal representative of the offender and the victim.<sup>112</sup>

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108 Alin, E. 2018. *Non-Toxic. Selvitys kilpailullisia tietokone- ja konsolipelejä pelaavien nuorten kokemuksista vihapuheesta ja häirinnästä.*

109 Section 29 of the Basic Education Act (628/1998).

110 Section 13 of the Student Welfare Act (1287/2013).

111 Section 29 of the Basic Education Act (628/1998).

112 Section 29 of the Basic Education Act (628/1998).

School must be a safe place where every member of the school community can feel respected and is able to influence their own matters and the matters pertaining to the school community.<sup>113</sup> Schools must promote an operating culture characterised by mutual respect and promoting a community-oriented and constructive approach. Schools and education institutions must promote non-discrimination in all their activities. Schools may not accept hate speech, bullying, violence, racism or other types of discrimination. Measures should be taken if a student is behaving in a disturbing or inappropriate manner. Under the Equality Act, each school must have an equality plan for developing teaching and educational activities. Under the Non-Discrimination Act, education providers must ensure that schools and education institutions have plans setting out the measures to promote non-discrimination.

The task of basic education is to provide pupils with teaching and support them as they grow up. The aim is to support pupils in their growth process as humans and as members of society and provide them with the necessary knowledge and skills. Children and young people grow up in a diverse world where a great deal of emphasis is put on social and interactive skills as well as on cultural competence. In Finland, a cooperation-based approach, which is first applied during early childhood education and care and basic education, provides children with opportunities to practice interactive skills in different situations and with different people. Pupils learn how to put themselves in other people's position and to examine things from different perspectives and to solve conflict situations in a constructive manner. Enhancing interactive skills and engagement throughout the learning path is an effective way of preventing social exclusion and polarisation. Enhancing engagement is a cross-cutting principle in early childhood education plans and the national core curriculum and it is constantly emphasised in everyday interactive situations in schools.

Everyday interaction taking place face to face and online are overlapping phenomena. Thus, it may be difficult for young people to determine when they are dealing with school bullying and when the bullying is taking place on the Internet. Conflicts and bullying between pupils are nearly always present in social media services popular with young people. Unpleasant situations, such as insults, spreading of false information or dissemination of sensitive pictures, are often behind school problems and absenteeism. If a pupil feels that they are targeted for hate speech, bullying or inappropriate behaviour in school or in social media, they should tell about this to trustworthy adults, such as their guardians or teachers. Enhancing digital skills and ensuring that schools have clear rules on cyberbullying make it easier for young people to take up difficult matters with adults. If a teacher or the principal becomes aware of bullying or inappropriate behaviour directed

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113 Elo, S. et al. 2017. Rakentavaa vuorovaikutusta. OPH, Oppaat ja käsikirjat 2017:1a.

against a pupil in social media after school, they may notify the pupil's guardian of the matter. If a pupil or their guardian suspects that the bullying or inappropriate behaviour experienced by the pupil contains essential elements of an offence, they should contact the police. If a school becomes aware of bullying or inappropriate behaviour directed against a pupil that contains essential elements of an offence, the school should first contact the pupil's guardian and after that the police, if necessary.<sup>114</sup>

The role of value education is highlighted in a world where multimedia communication, global communications networks, social media and peer relationships shape the values of children and young people. Multiliteracy and information and communications technology skills are needed in everyday life, in interaction between people and in civil engagement. Multiliteracy is an essential requirement for fully fledged social participation. Multiliteracy supports the development of critical thinking and learning skills. Information and communications technology is used in schools on a daily basis. Schools play an important role in the teaching of media literacy and data protection issues. Children and young people are taught how to use information and communications technology for different purposes in a safe manner. It is the task of early childhood education and care and schools to support the development of these skills.<sup>115</sup>

## 10.2 What do young people expect from adults and professionals?

Having an online presence and using mobile equipment means balancing between two key principles of children's rights: engagement and protection. Social media is the key means of communication and social interaction for young people. Ensuring equal participatory opportunities for children and young people is essential irrespective of such matters as socio-economic status or disability. At the same time, children and young people must be protected against problems and exploitation arising from online services.<sup>116</sup> No child shall be subjected to unlawful attacks on his or her honour and reputation and he or she must be protected against all exploitation in digital media

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114 Of the rights and obligations concerning the use of computers, mobile phones and other mobile devices in schools. Opetushallitus, Oppaat ja käsikirjat 2017:5a.

115 Appendices: *National core curriculum for early childhood education and care 2016*. Määräykset ja ohjeet 2016:17; *National core curriculum for pre-primary education 2014*. Määräykset ja ohjeet 2016:1; *National core curriculum for basic education 2014*. Määräykset ja ohjeet 2014:96.

116 Of the rights and obligations concerning the use of computers, mobile phones and other mobile devices in schools. Opetushallitus, Oppaat ja käsikirjat 2017:5a.

environments.<sup>117</sup> Children must also be protected against material harmful to their wellbeing.<sup>118</sup>

Strengthening the media literacy and safety skills of children and young people as part of the prevention of hate speech and bullying is a key area in online activities. When material for the project *Comprehensive schools in the digital age* was collected during 2017 and 2018, it became clear that digitalisation is now considered in a more target-oriented manner in the overall planning of basic education. According to the findings, the active role of pupils in using technology emphasised in the extensive competence goals of the national core curriculum is not yet realised in practice.

However, when the years under review are compared, no changes have occurred in the digital skills of the pupils. Pupils scored highest on searching for information, digital communications and installing and updating applications. For content skills, the lowest scores were in assessing the security of mobile applications and in programming. Management of social relations was a particularly important part of everyday digital communications for ninth graders. The findings showed that there are still major gaps in the pupils' equipment skills that could help them to use their skills in digital applications and productions. In fact, digital opportunities should be used in teaching in a more broad-based and pupil-oriented manner.<sup>119</sup>

According to a study on the use of social media by young Finns in 2016 (*SoMe ja nuoret 2016*), about 70% of all young people aged between 13 and 29 participating in the survey felt that social media use and online rules and safety in particular should be taught at school or at home.<sup>120</sup> It is often felt that tackling online hate speech and cyberbullying at home and at school is difficult. Adults may also fail to notice cyberbullying experienced by young people.

Strengthening teachers' media education skills so that the media literacy and safety skills of children and young people can be enhanced are of key importance in schools. When material for the project *Comprehensive schools in the digital age* was collected during 2017 and 2018, it was found out that there had been a noticeable improvement in the digital skills of teachers in the years under review. Nevertheless, a majority (52%) of all teachers

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117 Articles 16 and 19 of the Convention on the Rights of the Child; Section 10 of the Constitution of Finland; OPH 2017:5a.

118 Article 17 of the Convention on the Rights of the Child.

119 Tanhua-Pirhonen et al. 2019. *Comprehensive schools in the digital age* Publications of the Government's analysis, assessment and research activities 6/2019.

120 *SoMe ja nuoret 2016*. Ebrand Suomi Oy & Oulun kaupungin sivistys- ja kulttuuripalvelut 2016.

estimated that they only possess basic-level skills. Command of digital skills was more prevalent among the younger age groups and male teachers.<sup>121</sup>

The survey *Teacher Students and Media Education 2017* carried out by the National Audiovisual Institute (KAVI) and the Teacher Student Union of Finland (SOOL) examined the status of media education in Finnish teacher education. The survey comprised a questionnaire for students in teacher education, and a review of the curricula of kindergarten and classroom teacher education as well as the content of teachers' pedagogical studies. A large proportion of the respondents felt that their studies included too little (48.4%) or far too little media education (23%). The survey also showed that there was a great deal of variation concerning the status of obligatory media education in teacher studies between universities and fields of education. The emphasis was on the educational uses of information and communication technology and other digital technologies rather than on socio-cultural approaches to the media.<sup>122</sup>

In schools, developing an operating culture countering hate speech and bullying lies at the core of the efforts. It is important to enhance the role of the young people in the efforts to prevent hate speech and bullying. Processing the phenomenon of hate speech and clarifying and understanding the phenomena behind hate speech as part of the work carried out in schools is considered important. As online hate speech and cyberbullying occur both during and after school, the interfaces concerning the competence of schools and leisure-time actors should be clarified.

There is no doubt that in addition to school, homes also play an important role in the shaping of children's and young people's attitudes. The values learned at home are often reflected in the attitudes towards hate speech. For young people, home may be a place countering hate speech or a place characterised by hate speech. Adults often lack adequate skills and knowledge about the phenomena of hate speech and cyberbullying, the way in which they are identified and how they should be tackled. Furthermore, adults also produce hate speech themselves and are engaged in harassment and bullying, both online and face to face. There is a great need for information and skills. Young people also act in many such social media environments where adults are not present. Children, young people and adults are spending more and more time in social media. Enhancing adults' media literacy and the importance of a safe presence are highlighted. Observing the age limits set for the applications and, if necessary, restricting screen time can protect minors against inappropriate online environments, behaviour and contents.

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121 Tanhua-Pirhonen et al. 2019. Comprehensive schools in the digital age. Publications of the Government's analysis, assessment and research activities 6/2019.

122 *Teacher Students and Media Education*. National Audiovisual Institute 1/2017.

## 11 What is being done to tackle hate speech and cyberbullying?

Hate speech is tackled by criminal justice means and also with the instruments provided by the Non-Discrimination Act and the Equality Act. There is international and national-level cooperation to eradicate hate speech and it involves government agencies, the private sector and non-governmental organisations. Efforts are also made to prevent hate speech as part of basic education, through human rights education, by enhancing media literacy and by promoting non-discrimination and equality. Hate speech is discussed or at least mentioned in a number of action plans, such as the National Action Plan on Fundamental and Human Rights and the Media Policy Programme.<sup>123</sup>

### Action by the Ministry of the Interior and the police

Between 2015 and 2016, the Ministry of the Interior took part in the EU-funded Good Practice + project in which measures to combat hate crimes were developed. A manual and a toolkit were prepared in the project and these have been distributed to Finnish police departments. The training to support victims of hate crime prepared in the project has been carried out in large cities by the Finnish Red Cross and Victim Support Finland.

Following the events at the Helsinki station square in 2016, the police appointed a working group to draft proposals to combat hate speech. The establishment of the VIPU team in the Helsinki Police Department and boosting the effectiveness of online policing were two of the proposals that were put into practice.

Since 1998, the Police University College has published an annual report, in which information on hate crimes reported to the police is compiled. The report examines the number of hate crimes reported to the police, their sites, perpetrators and hate motives. When the report is examined, it should be remembered that not all hate crimes are reported to the police. According to a report published by the Ministry of Justice in 2016,

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123 See, for example, *the National Action Plan on Fundamental and Human Rights*, [julkaisut.valtioneuvosto.fi/bitstream/handle/10024/79849/OMML\\_25\\_2017.pdf](http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/79849/OMML_25_2017.pdf) and the Government Action Plan for Gender Equality, [http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/79305/03\\_2017\\_Tasa-arvo-ohjelma\\_Enkku\\_kansilla.pdf](http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/79305/03_2017_Tasa-arvo-ohjelma_Enkku_kansilla.pdf).



only 21% of individuals that had experienced harassment or hate speech in the preceding year had reported it to a third party.<sup>124</sup>

The work of the police in the combating of hate crimes has been put on a more effective basis by incorporating the entries on the prevention of hate crimes into police strategies and the performance targets steering the operations of the police departments. Police officers have received training in the prevention of hate crimes in training programmes in 2016 and 2018. Police chiefs and commanding officers have also received TAHCLE training provided under the auspices of the OSCE. Furthermore, a total of 40 police officers at each police department have received instructor training and they have worked as instructors at police departments. In connection with this, a total of about 1,000 police officers have received supplementary training in the prevention of hate crimes.

The VIPU team, specialising in hate speech, started at the Helsinki Police Department at the beginning of 2017. The work of the team will be developed so that in the future, it will also deal with other hate crimes and targeted online attacks against specific individuals. The National Bureau of Investigation has taken a more effective approach to online intelligence gathering and investigation and an online police officer focusing on the prevention of hate speech has been appointed to each police department.

### **Action by the Ministry of Justice**

The Ministry of Justice coordinates the discrimination monitoring system and promotes non-discrimination in a number of ways.

At the end of 2017, the ministry launched the Against Hate project aimed at developing the work against hate crimes and hate speech. The project, which is coordinated by the Ministry of Justice, will continue until the end of November 2019. Victim Support Finland and the Croatian organisations Centre for Peace Studies, Human Rights House Zagreb and GONG are the partners in the project. The project receives funding from the *Rights, Equality and Citizenship Programme* of the European Union (2014-2020) and from project partners. The project includes measures to develop the monitoring of hate crimes, to enhance the capacity of the authorities, to support victims, to develop cooperation and to tackle hate speech. Police officers, prosecutors and judges have received training as part of the project. For more information about the project, visit <https://oikeusministerio.fi/en/project?tunnus=OM005:00/2018>. In March 2019, the European Commission granted

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124 "I often find myself thinking how I should be or where I shouldn't go" Survey on hate speech and harassment and their influence on different minority groups Publication of the Ministry of Justice, 3 March 2016.

funding for Facts against Hate, a follow-up project, which means that the work will continue in 2020 and 2021.

As part of the *Against Hate* project, a survey on the activities concerning hate crimes and hate speech was conducted in autumn 2018. According to the survey, the actions are very diverse and involve a large number of different actors.<sup>125</sup> The survey contains information on the activities of the authorities and civil society.

The Ministry of Justice is preparing a project aimed at improving the language atmosphere, in which the aim is to promote tolerance, improve the language atmosphere in Finland on a broad basis, reduce the prejudices against linguistic groups and enhance the implementation of language rights. The project has been prompted by the 2017 Language Report and the report of the Constitutional Law Committee (PeVM 2/2018), in which the Committee expresses concern over the hardened language atmosphere and calls for measures to improve the situation.

### **Action by the Prosecution Service and the courts**

Because of the fundamental rights issues concerning the freedom of expression, only the Prosecutor General has the right to bring charges in offences subject to public prosecution arising from the content of published messages and the editorial misconduct connected with such offences. This means that only the Prosecutor General has the right to decide on the bringing of charges when hate speech is disseminated in the media. Such hate speech offences include ethnic agitation and aggravated ethnic agitation. The purpose of this arrangement is also to ensure uniformity of decisions. In hate speech offences, the Office of the Prosecutor General works in close cooperation with the police and it has also issued guidelines on how to deal with such offences.

The Prosecutor General has prepared guidelines for prosecutors and the police on how to deal with such offences as ethnic agitation. Under to the most recent guidelines, which have been in effect since 1 January 2019, the police must report on all offences in which a political or hate motive is suspected.

The number of cases involving the freedom of expression under consideration in the Office of the Prosecutor General and courts has increased as the police has taken more effective measures against hate speech.

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125 The survey is appended to this report.

**Tabell 3. Criminal investigation records on freedom of expression offences received by the Office of the Prosecutor General for consideration of charges and the charges brought in them, in the period 2012–2018:**

Year	Criminal investigation	Charge
2012	11	8
2013	8	3
2014	7	5
2015	23	18
2016	24	18
2017	60	36
2018	32	35

District courts imposed a total of 31 sentences for ethnic agitation in 2018. There has been a considerable increase in such sentences because in 2017, the total was 12 and in the period 2013-2016, only between 1 and 4 sentences each year. District courts did not reject any charges in cases concerning ethnic agitation between 2013 and 2018. As a result, there is now case law on messages that are clearly punishable. A more careful definition of the limits of the freedom of expression would require additional court cases where the charges are rejected. In addition to national case law, the case law of the European Court of Human Rights can also be used in the definition of the limits of the freedom of expression.<sup>126</sup>

The essential elements of ethnic agitation are usually applied in cases where entire groups are defamed or threatened. A legal person may also be guilty of an agitation offence. Hate speech experienced by individuals is often treated as defamation, menace, public incitement to an offence, dissemination of information violation personal privacy, stalking or harassing communications. In such cases the punishment can be increased if the offence has been motivated by race, skin colour, birth, nationality, ethnic origin, religion, conviction, sexual orientation or disability or other similar factors. The hate motive must be considered irrespective of the victim or target of the offence. It is not necessary for the victim to belong to any of the above groups as the offence may also be directed against a refugee centre employee, a lawyer or other individuals defending persons experiencing a racist attack. The option of increasing the punishment is rarely used.

<sup>126</sup> [https://www.echr.coe.int/Documents/FS\\_Hate\\_speech\\_ENG.pdf](https://www.echr.coe.int/Documents/FS_Hate_speech_ENG.pdf)

Over the past few years, Finnish courts have considered cases in which such people as journalists have been subjected to hate speech. These cases have attracted a great deal of publicity and aroused discussion on whether the existing legislation provides adequate tools for tackling hate speech against individuals. The operating model permitted by new technologies has been used in hate crimes but also in other activities, such as stalking individual police officers on other grounds. However, in many of the cases involving targeted online attacks against specific persons, the perpetrators have been motivated by racism. The individuals targeted in such attacks may have commented on the asylum seekers' situation or written about persons with immigrant background. In such cases, the punishment can be increased on grounds of racist motivation. The publicised cases show that the perpetrators sometimes pick their victims in a highly random manner. Even a person working in a district court office may become a victim of targeted online attacks because they have posted a letter summoning a person to a court session considering a freedom of expression case.

The case concerning the dissolution of the Nordic Resistance Movement (NMR), in which the decisions were made on the basis of the Associations Act, is interesting from the perspective of the dissemination of hate speech. The Turku Court of Appeal and the Pirkanmaa District Court ordered the dissolution of the Finnish chapter of the unregistered association Nordic Resistance Movement, the regional chapters directly or indirectly belonging to it and the registered association Pohjoinen Perinne ry (28 September 2018, no. 777). The National Police Board had demanded the dissolution of the association because the association is in breach of the law and good manners by, for example, disseminating hate speech about immigrants, sexual minorities and Jews, by questioning the Holocaust and by glorifying Fascists and by accepting the violence taking place as part of the association's activities. The Nordic Resistance Movement has denied the claims of the National Police Board and in its own opinion, it acts within the boundaries of the freedom of expression and freedom of association. The Supreme Court has granted the Nordic Resistance Movement a leave to appeal. At the demand of the National Police Board, the Supreme Court also prohibited the activities of the association on a temporary basis.

On 6 December 2018 (the Finnish Independence Day), the Nordic Resistance Movement arranged a demonstration called 'Kohti vapautta' (Towards freedom). At the head of the demonstration procession, there was a display of flags, with participants in the first row carrying swastika flags. The police stopped the demonstration and confiscated the swastika flags. The matter was reported to the police as ethnic agitation. The criminal investigation of the matter has been on the grounds of carrying a message (swastika flags) in a demonstration threatening minorities and conveyed to the public in the form of a symbol. The context of the act, carrying of the flags as part of a procession of a National Socialist movement associated with violent offences and showing open hostility towards

minorities was taken into account in the consideration. The extensive advance and media attention attracted by the demonstration has also been a factor in the consideration. The criminal investigation of the matter is now complete and the matter will proceed to consideration of charges.

### **Action by the Non-Discrimination Ombudsman and the Ombudsman for Equality**

The prohibition of discrimination laid down in the Non-Discrimination Act is supervised by the Non-Discrimination Ombudsman ([www.syrjinta.fi](http://www.syrjinta.fi)), occupational safety and health authorities (<https://www.avi.fi/en/web/avi-en/tyosuojelu>) and the National Non-Discrimination and Equality Tribunal (<https://www.yvtltk.fi/en/index.html>). Compliance with the Equality Act is supervised by the Ombudsman for Equality (<https://www.tasa-arvo.fi/>) and the National Non-Discrimination and Equality Tribunal. The Equality Act was last revised in connection with the introduction of the new Non-Discrimination Act at the start of 2015. In this connection, prohibition of discrimination on grounds of gender identity and gender expression were added to the Equality Act. The ombudsmen, the occupational safety and health authorities and the tribunal have considered a small number of discrimination cases, which have concerned harassment (hate speech).

### **Action by the Ministry of Education and Culture and its administrative branch**

The aim of the Meaningful in Finland action plan launched by the Ministry of Education and Culture in 2016 was to prevent hate speech and racism and to promote social engagement.

The Ministry of Education and Culture has launched a broad-based action plan promoting safety culture in learning environments. As part of the action plan, safety culture is strengthened in early childhood education and pre-primary education units, comprehensive schools, general upper secondary schools, vocational institutions and higher education institutions. The purpose of the plan is to strengthen safety competence and understanding of safety matters and to develop and disseminate models for promoting safety culture in learning communities. In the action plan, safety is considered as a broad concept involving physical, psychological and social safety, including the prevention of bullying and harassment.

The focus in the personnel training search for educational services of the Finnish National Agency for Education to prevent sexual offences against children and young people is on general education and vocational education and training. Special grants are provided for educational services personnel training to prevent grooming of children and young people and to produce support material for such training. The aim is to direct more effective measures in schools and education institutions so that children and young

people could better identify the grooming phenomenon and would be able to act safely in social media and in situations where they feel that they are facing something frightening and disturbing. Children and young people are helped to learn how to defend their personal integrity and protect themselves against harmful phenomena. A total of EUR 500,000 in special grants was available and the application was closed on 25 April 2019.

The Finnish National Agency for Education has arranged a number of events for teachers and other employees of education institutions, the aim of which has been to enhance awareness and competence in the raising of controversial issues and in discussions concerning hate speech, racist behaviour and violent radicalisation. Hate speech, racism and the prevention of violent extremism have been discussed in a number of training events arranged by the Finnish National Agency for Education.

The Finnish National Agency for Education has also granted the University of Helsinki Centre for Continuing Education a separate discretionary government grant for providing extensive training in the subject. In 2018, the Human Rights Centre, Regional State Administrative Agencies and the Finnish National Agency for Education jointly arranged a training tour in a number of Finnish localities. Themes of democracy and human rights education have also been included as priority areas in continuing education projects for teachers in 2018 administered by the Finnish National Agency for Education and carried out with a separate discretionary government grant. The Finnish National Agency for Education has also opened a website containing information and links for teachers to material countering hate speech and racism and to prevention of extremism ([https://edu.fi/yleissivistava\\_koulutus/hyvinvointi\\_koulussa/ekstremismin\\_ehkaisy](https://edu.fi/yleissivistava_koulutus/hyvinvointi_koulussa/ekstremismin_ehkaisy)).

The Finnish National Agency for Education has produced a guide on constructive interaction for teachers, the purpose of which is to strengthen democratic engagement and to prevent hate speech and violent radicalisation. The main idea behind the guide is that all members of the school community should also learn to discuss difficult and controversial topics in a constructive and critical manner and in a manner in which the other party is respected. Schools have zero tolerance for hate speech and bullying. A school community supporting pupils strengthens wellbeing, engagement and learning and prevents exclusion. A caring learning community helps young people in their problems and intervenes whenever anything worrying takes place. (OPH: Oppaat ja käsikirjat 2017:1a)

The National Audiovisual Institute (KAVI) is a Government agency operating under the auspices of the Ministry of Education and Culture. Its statutory tasks include the promotion of media education, children's media literacy and the development of a media environment that is safe for children. KAVI promotes research on media education,

monitors international developments in the sector, trains professionals and disseminates information on matters concerning children and the media. KAVI maintains a media Literacy School ([mediataitokoulu.fi](http://mediataitokoulu.fi)), which provides information, research and exercises on media education and media phenomena. The purpose of the service is to develop media literacy skills and to enhance media education capabilities. Cooperating with the Save the Children Finland and the Mannerheim League for Child Welfare, KAVI is engaged in the Safer Internet activities, a European-wide cooperation project promoting citizens' media literacy, guardians' media education capability and children's safety and wellbeing. KAVI coordinates the Media Literacy Week, an annual media education event, in which the aim is to develop the media literacy of children, young people and adults and to strengthen adults' media education capability. At the annual Media Education Forum, new networks are established and information shared between media education actors. KAVI also arranges the Finnish Game Week, an annual thematic game education event. As part of the Government's media policy programme, KAVI will prepare a national strategy for media education during 2019.

### **Action by civil society and companies**

The work of non-governmental organisations to promote non-discrimination and equality helps to prevent hate speech. A number of non-governmental organisations carry out work against hate speech as part of their core activities. The Finnish National Youth Council Allianssi has been coordinating the activities of a network combating hate speech for organisations working against hate speech. Exchanging views on topical issues is one task of the network. Over the past few years, organisations and companies have also driven campaigns against hate speech. These include the Päätepyssäkki campaign of the Finnish League for Human Rights, the Lovebot Blue campaign of Fazer and the Sanavastuu campaign of Elisa.

## 12 Assessing the current situation and the measures taken

Even though the authorities have taken a broad range of different measures to combat hate speech, hate speech has increased in recent years and assumed new forms. The bodies supervising compliance with international human rights treaties have issued several recommendations on hate speech to Finland. Under these recommendations, Finland should

- effectively investigate cases of racist hate speech, incitement to racial hatred and racist violence, and prosecute and sanction as appropriate those responsible
- provide mandatory and continuous training on hate crimes and non-discrimination to law enforcement officials at all levels
- publicly condemn and distance itself, including in online media, from racist hate speech and xenophobic statements made by public officials and politicians,
- and call upon politicians to ensure that their public statements do not contribute to intolerance, stigmatization or incitement to hatred.<sup>127</sup>
- The hate speech against women and girls in the online discussion forums and social media has been also been raised.<sup>128</sup>
- Finland should defuse the climate of increasing interethnic prejudice and tension and to combat hate speech, in particular in social media.
- It should also raise public awareness of the legal remedies available against hate crime and hate speech
- and the level of recruitment of persons belonging to minorities in the police.<sup>129</sup>

According to the survey carried out as part of the Against Hate project, a number of measures are being taken to prevent, identify and tackle hate crime but overall

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127 Recommendations to Finland issued by the UN Committee on the Elimination of Racial Discrimination in 2017 (CERD/C/FIN/CO/23).

128 Recommendations to Finland issued by the UN Committee on the Elimination of Discrimination against Women in 2014 (CEDAW/C/FIN/CO/7).

129 Recommendations for the implementation of the Framework Convention for the Protection of National Minorities by Finland in 2017 (CM/ResCMN(2017)1).



coordination is lacking. Furthermore, the current measures are not fully in line with the recommendations issued to Finland by the monitoring bodies of human rights treaties and other human rights mechanisms. In addition to improving coordination, an array of different development targets from legislative amendments to awareness raising were mentioned in the responses. The material dealing with this topic focus on hate speech and many of the publications are intended for children and young people or people working with them. According to the survey, few of the measures taken have been subjected to impact assessment. This needs to be developed so that information can be obtained on which measures would bring the best results.

There has also been criticism of the action taken by the authorities to combat hate speech. The measures taken by the authorities can be perceived as censorship. This is often based on the opinion that the authorities should only be able take action against the expression of views that is in breach of the Criminal Code and that all other expressions of views should be permitted.<sup>130</sup> It may also be that the obligations laid down for public authority in the Constitution of Finland, the obligations concerning the promotion of non-discrimination and illegal harassment contained in the Non-Discrimination Act or the provisions prohibiting sexual and gender-based harassment contained in the Equality Act are poorly known. A number of Finnish MPs have submitted written questions and otherwise questioned the activities of the police in the combating of hate speech, arguing that the police should concentrate on more important matters.<sup>131</sup>

In the work against hate speech, the freedom of expression should always be considered and the freedom of expression cannot be restricted when such action is taken. However, the freedom of expression is not an unlimited right. Courts have drawn a line between the freedom of expression and hate speech and as more decisions are made, drawing the line between the two will also become easier. The court decisions on the dissolution of the Nordic Resistance Movement have also helped to set limits on the freedom of expression.

A number of issues concerning the Criminal Code have been raised and proposals for improvements in the act have been made during the deliberations of the working group. One of the issues has been whether the existing provisions are applicable to targeted online attacks against specific persons. The provisions on stalking and harassing communications contained in the Criminal Code mainly apply to situations where there is only one perpetrator. In targeted online attacks, a small number of activists urges and

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130 For example, Markku Jokisipilä, head of the University of Turku Centre for Parliamentary Studies, in a column published in the Turun Sanomat newspaper on 4 October 2017.

131 For example, written question KK 4/2017 vp Mika Raatikainen (Finns Party); questions submitted by Mika Raatikainen to the Minister of the Interior in December 2018 concerning the resources used by the police to combat hate speech.

incites a large number of persons to attack a single person by, for example, sending emails and hate messages, by disseminating false stories about the targeted person, by writing stories about the person in countermedia or by showing this person in a bad light in social media. The campaign may be massive but each of the individual acts does not necessarily contain the essential elements of an offence. From the victims' perspective, targeted attacks seriously impact their physical and psychological security and negatively affect their lives in many ways. Targeted attacks launched on the Internet may also lead to threatening situations and even violence outside the web. At the moment, it seems that there are no effective legal remedies against such targeted attacks. The grounds for increasing the punishment cannot necessarily be applied if targeted attacks against a journalist have been triggered by a story in which the journalist criticises the action taken by Russia. In that case, the attacks may be motivated by attempts to destabilise democracy and the rule of law and not by racism.

Victims of hate speech need help, which they do not always get. Victim Support Finland also helps victims of hate speech but it has few such persons among its customers. It would seem that, for some reason, victims of hate crime (including victims of illegal hate speech) do not use the services provided by Victim Support Finland. Supporting victims of crime is essential because it allows them to receive assistance and legal advice. For some of the victims, peer support is critical, while others need other types of support and counselling. Victims of hate speech and especially minority groups should have adequate access to information on hate speech and provided with opportunities for assistance and support. For example, peer support may only be available in Finnish.

Victims of hate speech rarely contact the authorities.<sup>132</sup> According to the MIDIS II survey of the EU, only 10% of all hate-based harassment taking place in EU Member States is reported to the authorities. The belief that nothing will happen or nothing will change was the most common reason (41%) for not reporting hate-based harassment to the police. This was followed by the belief that the incident was of such minor nature that it was useless to report it or because such incidents are so commonplace (38%), that reporting would be too bureaucratic or time-consuming (12%) or that the victims went through the problem themselves or with their families and friends (11%). According to the research report *Being Black in the EU*, an average of 16% of all victims report discrimination to the authorities in the EU. However, in Finland the ratio was higher than in any other EU country (30% of the cases were reported to the authorities). Fear of revenge may also be one reason for not reporting an offence. Revenge may be taken on a victim of hate speech

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132 Of underreporting, see, for example, EU MIDIS II and the hate speech report of the Ministry of Justice ("I often find myself thinking how I should be or where I shouldn't go" Survey on hate speech and harassment and their influence on different minority groups. Publication of the Ministry of Justice, 3 March 2016). Underreporting is also a serious problem in other forms of discrimination and other hate crimes.

or hate campaign if they use their rights. A person targeted for online attacks may be psychologically distressed and they may not have the capacity or the will to face a new hate campaign that may follow if they report the matter to the police. For example, in defamation, prosecution rests with the complainant and the offence is only investigated if it is reported to the police.

There has been a notable increase in hate speech against women and it differs from the hate speech experienced by men. Calling the victim a whore, humiliating her by ridiculing or criticising her bodily features are characteristic of the hate speech against women. Hate speech against women often contains brutal and sexualised threats about death, rape or violence and it includes threatening comments on appearance, sexuality or gender roles.<sup>133</sup> It has been pointed out that it may be impossible to take effective measures against hate speech experienced by women by using the remedies available in the Criminal Code alone. Gender is not mentioned in the grounds for increasing the punishment or in the essential elements of ethnic agitation.

The Non-Discrimination Act and the Equality Act should contain provisions under which action can also be taken against illegal harassment even if the victim is not identified. This option was available under the first Non-Discrimination Act (21/2004) but it was removed when the act was updated.

Hate speech is disseminated on the Internet but there is not enough information on the occurrence of hate speech on different online platforms. This information would be important so that it can be assessed how online platforms operate and how they supervise compliance with their own terms of use. It has also been asked whether the obligation of online platforms to prevent hate speech has been adequately regulated.

Correct targeting of the policy measures and information-based activities require that there is enough research information available on the occurrence of hate speech on different arenas, and about different forms, producers and victims of hate speech. Only a limited amount of research on hate speech has been carried out and the production of information on the topic does not meet all needs. It is also important that the available information is considered in the prioritisation of policy measures.

It was highlighted during the deliberations of the working group that there are significant differences between professionals in competence pertaining to hate speech and limits on the freedom of expression, as well as pertaining to their obligations and chances to prevent hate speech and that this is also the case within professional groups and

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133 THL. *Sukupuolten tasa-arvo*. Tasa-arvotiedon keskus.

regionally. Changes have been rapid and training and guidelines have not kept pace with them. Competence of the professionals is crucial in the prevention of hate speech. Professionals must have enough competence to tackle hate speech when they encounter it in their own work. Their competence enhances trust in their ability and determination to take action in the matter.

It does not seem to be entirely clear how the authorities dealing with schools, youth services and other areas of youth activities should tackle hate speech online and what their powers are. Hate speech is disseminated among pupils during and after school. It seems that schools have different interpretations of their responsibility for tackling hate speech that occurs during and after school. Lack of information and differing practices may increase uncertainty among children and young people on whether adults will take action and whether it makes any sense to report the matter to the authorities.

There are many parents that may not have enough capacity to support and guide young people in the use of the freedom of expression. The attitudes and views of the parents influence children and young people, for good and bad. The model of parents using and spreading hate speech is passed on to the next generation. There should be more attention on the media literacy of adults in the future. Until now, most of the education has been intended for young people.

The problem is that the activities against hate speech are often developed in projects that are on a fixed-term basis. The work usually ends when the funding expires. The competence is not disseminated or enhanced and the results of the development work are not integrated into permanent activities. The personnel responsible for the projects are often employed on a fixed-term basis, the knowledge of the work done and new operating models disappears and the networks are dismantled when the project ends.

This means that the work to counter hate speech is not consistent or target-oriented or adequately coordinated. Preparing an action plan against hate speech would be one way of enhancing the coordination. However, an action plan alone would not solve the problems because the plan must also be implemented and made part of practical work. Adequate resources must also be allocated to the action plan.

There are differing views on the effectiveness of information campaigns. However, they are practically the only way to reach the public. Limits on the freedom of expression and hate speech as well as the way in which individuals and organisations can counter hate speech.

Activities channelled through civil society also help to reach groups that cannot be reached by the authorities. Civil society can also be perceived as a neutral actor in the

efforts to prevent hate speech. The problem is how to fund the work so that the activities would be on a permanent and long-term basis.

Generally speaking, relatively little funding has been allocated to the work against hate speech in Finland. This is noteworthy because according to comparisons between EU countries, racism is more common in Finland than in the EU on average.<sup>134</sup> An exception to this is the Meaningful in Finland action plan launched by the Ministry of Education and Culture in 2016, in which the aim was to prevent hate speech and racism and strengthen social engagement. A total of EUR 6 million was allocated for the implementation of the action plan. This is, however, exceptional because usually no funding is linked to action plans in Finland.

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134 FRA *Being Black 2018*

## 13 Recommendations of the working group for more effective action against hate speech and cyberbullying

Hate speech and cyberbullying do not arise in a vacuum as they reflect the situation and atmosphere prevailing in society in general. Societal policy can help to reduce social segregation, promote good relations between population groups and remove social inequality. If allowed to grow, these factors also provide a fertile ground for hate speech. However, in the recommendations listed below, the focus is on concrete measures helping to reduce hate speech.

### **Recommendation 1: An action plan against hate speech should be drawn up.**

*The working group proposes that the Government launches an action plan against hate speech. Hate speech is such a serious problem that policy decisions on it should be included in the Government Programme.*

The key conclusion of the working group is that measures against hate speech are being taken but on a fragmented and uncoordinated basis. The work is largely based on projects, it lacks resources and a long-term perspective and it is not sufficiently target-oriented. This is a problem because hate speech has a substantial impact on society at large and the individuals and groups that are subjected to it. Furthermore, the amount of hate speech is increasing, it is assuming new forms and it is directed against new groups. Finland also lacks the legislative tools to address the current situation.

### **Recommendation 2: A centre of excellence should be established, more research should be carried out, more information should be made available and knowledge-based management should be strengthened**

*The working group proposes that a centre of excellence should be established to collect and analyse information on different aspects of hate speech, discrimination, racism, hate crimes and other hate acts to support policies, reports and measures.*

The centre of excellence can promote knowledge-based management, produce reports on important and topical themes and monitor international developments. The centre of excellence can coordinate and monitor the measures taken by the authorities and civil society to combat hate speech.

The centre of excellence can help to ensure that information on hate speech is also collected on a regional basis and the information can be used by the authorities to plan measures at regional and local level.

The following are some of the areas where research-based information on hate speech and its effects is needed:

- Reasons for hate speech and its societal and cultural background
- Parties producing and disseminating hate speech and its victims
- Effects of hate speech on individuals, minority groups and social cohesion
- Effects of hate speech on trust in society and institutions
- Underreporting and the factors contributing to it
- New ways of tackling hate speech, with potential for conciliation as an example
- Research on social media

### **Recommendation 3: Measures should be taken to develop legislation**

The working group proposes that the Ministry of Justice should examine whether hate crimes involving the freedom of expression should be made subject to public prosecution, at least in the situations where an individual experiences hate speech on account of managing their official duties, work tasks or elected duties. If such acts were subject to public prosecution, charges for them could be brought even if the complainant did not demand punishment.

Victims of the freedom of expression offences involving hate speech are reluctant to report such offences to the police. This is partly because in many of such offences charges can only be brought at the demand of the complainant who may be unwilling to demand punishment for the perpetrator as they fear that an even more brutal hate speech campaign would follow. Under the existing legislation, the prosecutor may only bring charges in cases involving the dissemination of information violating personal privacy or defamation or their aggravated forms if the complainant demands punishment. However, the Prosecutor General may order that charges be brought without the complainant demanding it if the offence has been committed through the use of the mass media and a very important public interest requires that charges be brought. In practice, the threshold for meeting the requirement of very important public interest is set at extremely high level.

*The working group proposes that gender should be added to the law as a ground for increasing the punishment and to the essential elements of ethnic agitation.*

The working group notes that it may be impossible to take action against hate speech experienced by women by using the remedies available in the Criminal Code. Gender is not mentioned in the grounds for increasing the punishment or in the essential elements of ethnic agitation.

*The working group proposes that the Ministry of Justice and the Ministry of the Interior should examine whether the existing provisions of the Criminal Code allow comprehensive criminal liability in targeted online attacks with regard to all individuals taking part in the hate campaign. The working group proposes that the Ministry of Justice and the Ministry of the Interior should examine the need to improve protection under criminal law so that action can be taken in cases involving targeted online attacks.*

In this connection, targeted online attacks mean inciting people to start a social media hate campaign against a specific person. Hate propaganda targeting the individual is published online, prompting readers to threaten and defame the person. It is typical of targeted online campaigns that a large number (even thousands) of individuals take part in the activities defaming the victim. Thus, both the individual starting the defamatory activities and the large number of other persons taking part in the defamatory discussion should be subjected to a review under criminal law.

It should be possible to take more effective action against targeted online attacks, and the aim should at least be to ensure the freedom of expression and other fundamental rights of members of minority groups, and individuals experiencing hate speech because of their work, such as public officials, journalists, researchers, artists, elected officials and priests. It seems that the existing legislation does not provide enough legal remedies for situations where a single person incites a large number of other people to make targeted online attacks against an individual. The campaign may be massive even though many of the individual messages do not contain essential elements of an offence. Systematic attacks endanger the functioning of democracy and the rule of law.

*The working group proposes that lessons learned in other countries in the use of different criminal policy measures in the prevention of hate speech should be examined and the introduction of measures supplementing or replacing criminal justice sanctions should be considered.*



In order to tackle hate speech, it is important to introduce measures that are directed against the perpetrators. There have been cases where the individual disseminating hate speech does not consider the legal action taken against them as a punishment but as a source of pride. For this reason, it is important to extensively examine the use of criminal policy instruments in the fight against hate speech.

*The working group proposes that the wording previously contained in the Non-Discrimination Act under which the Non-Discrimination Ombudsman could take a harassment case to the National Non-Discrimination and Equality Tribunal even if the victim is not identified should be reinstated.*

The working group considers it important that the Non-Discrimination Ombudsman is able to take a harassment case to the National Non-Discrimination and Equality Tribunal even if the victim is not identified. This would make it easier to take action in harassment cases.

#### **Recommendation 4: The responsibilities of online platforms should be broadened**

*The working group proposes that the responsibilities of online platforms in the countering of hate speech should be broadened by legislative means.*

It should be examined to what extent the recommendations on countering illegal online content issued by the European Commission<sup>135</sup> should be made binding on online platforms/providers of hosting services. Under the recommendations, providers of hosting services should have provisions for submitting electronic notices (including anonymous notices) of illegal online content. It should also be examined whether online platforms could be obliged to remove clearly punishable online content and issue a detailed reply on their decisions to the flaggers within a reasonable time. It should also be considered whether dissemination of illegal and punishable hate speech in the services should be prohibited under the terms of use of the online platforms and whether online platforms should be obliged to monitor the use of anonymous accounts. The operating practices of online platforms and the transparency of the moderation decisions should be made more transparent.

*The working group proposes that the authorities should continue their cooperation with online platforms.*

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<sup>135</sup> Commission Recommendation (EU) 2018/334 of 1 March 2018 on measures to effectively tackle illegal content online.

The purpose of the cooperation is to ensure more effective removal of illegal and punishable messages. The authorities should, in cooperation with online platforms, plan and implement a campaign to increase speech countering hate speech online (counterspeech).

### **Recommendation 5: Measures should be taken to provide the media with better opportunities to combat hate speech**

*The working group proposes that the operating prerequisites for responsible journalism, especially in the new media outlets popular with young people and operating on digital platforms, should be supported so that these outlets are able to publish responsible journalism instead of being a channel for content marketing.*

Blogs, videoblogs and podcasts popular with young people could be encouraged to publish responsible journalism by, for example, making them eligible for support given to opinion magazines and increasing support for opinion magazines.

*The working group proposes that responsible media should be provided with more understanding on which media mechanisms could make harmful hate speech more visible in society or how responsible media might also spread hate speech.*

This can be implemented by, for example, carrying out more research and by providing more training in the subject.

*The working group proposes that more training in journalistic ethics should be provided, especially in issues concerning the current digital operating environment of the media and sensitive societal issues.*

*The working group proposes that media outlets should make responsible journalistic practices and their own journalistic decisions better known to the public so that the public is able to understand why media outlets work as they do and how they differ from other communications.*

*The working group proposes that media outlets should be made more aware of the fact that taking stories written in accordance with journalistic principles from behind the paywall may in many cases crucially improve the situation of an individual or group experiencing hate speech.*

It became clear in the hearings arranged by the working group that the parties experiencing hate speech have found it problematic that fake news are freely available whereas stories discussing difficult and controversial issues in a

responsible manner and written in accordance with journalistic principles are often behind the paywall.

**Recommendation 6: Victims of hate speech should be provided with more support**

*The working group proposes that providing victims of hate speech with more extensive support should be examined.*

The position of hate speech victims varies depending on such matters as the support networks available to them and their awareness of the support services. Information should be collected on the position of hate speech victims, the support services available to them, any deficiencies in the services and the need to develop the services, considering the different situation of different groups.

*The working group proposes that adequate resources should be provided for parties offering low-threshold legal aid.*

Parties offering low-threshold legal aid are important to all users of social media. They offer legal advice and other support to victims of bullying and individuals experiencing harassment and threats as well as advice on how to act in the situation.

*The working group proposes that more information on the stages of legal processes should be provided by different means and the option of following criminal cases electronically (track my case) should be made available.*

Hate crimes (including illegal hate speech) are rarely reported to the police. This is partly because the victim feels that the police would not take any action. This impression may also arise from the fact that many of the victims know little about the criminal process. Furthermore, a legal process can also last long, especially if appeals are submitted. Some countries have introduced electronic systems allowing the victims to follow the progress of their cases in the court. People should also be provided with more information about the legal process and its stages.

*The working group proposes that hate crime victims should be made more aware of their opportunities to report hate speech to online platform administrators and the authorities.*

**Recommendation 7: It should be ensured that the employer is held liable when an employee is subjected to hate speech or a hate campaign**

*The working group proposes that the authorities and business organisations should launch a joint campaign in which employers are provided with information on how to act in situations where an employee is targeted for hate speech, a hate speech campaign or for online attacks.*

There are still employers who think that they do not have any liability for these matters or that their liability is vague in situations where an employee is subjected to a hate campaign or targeted online attacks. This is also seen in practice because the victims are often left without help even though they are in the situation because of their work. Management of work-related risks should also cover situations where the work-related risk of becoming a victim of a hate campaign or targeted online attacks is particularly high.

**Recommendation 8: More information and training in hate speech and the freedom of expression and its limits should be provided**

*The working group proposes that more training should be provided for the authorities, including regional and local-level authorities and politicians.*

The authorities should be provided with training in hate speech, hate crimes, discrimination, harassment, rights of the individuals belonging to minority groups and the freedom of expression and its limits.

The police, prosecutors and judges should also be provided with more information on hate crime, including the application of the grounds for increasing the punishment.

*The working group proposes that other actors, such as the representatives of the civil society, should be provided with more information on hate speech and the limits on the freedom of expression.*

**Recommendation 9: Measures should be taken to enhance media literacy**

*The working group proposes the launching of a multi-year programme to develop skills essential for countering hate speech.*

A multi-year programme should be implemented to provide children, pupils, students and adults with better and more extensive digital skills, multiskills, media literacy and media production and media expression skills. Promoting the development of children's media literacy should be one aim of the programme.

*The working group proposes that measures should be taken to improve adults' media literacy.*

Measures taken in recent years have improved the media literacy of children and young people. These measures should also be extended to adults as studies have shown that their media literacy is weaker than among the young. Adults should also be provided with information on the freedom of expression and its limits. Adults' media literacy is crucial because their attitudes and behaviour are often passed on to children.

*The working group proposes that young people attending call-ups are provided with information about hate speech and the freedom expression and its limits.*

The purpose of the Time out!Aikalisä!Elämä raiteilleen operating model is to provide young men with active support at call-ups and when they interrupt military service or non-military service. The idea is to use the last opportunity provided by call-ups to reach the entire age class. The Time out!Aikalisä!Elämä raiteilleen operating model should be supplemented with a package connected with the prevention of hate speech.

### **Recommendation 10: More effective measures should be taken to combat hate speech targeting religions and religion-based hate speech**

*The working group proposes that more effective measures should be taken to combat hate speech targeting religions and religion-based hate speech as well as to strengthen religious literacy and the dialogue between religions.*

According to a report prepared by the Police University College, there has been an increase in religion-based hate crimes reported to the police. There should be cooperation with churches and other religious communities to identify and combat hate speech.

### **Recommendation 11: Teachers and other school employees should be better prepared to tackle hate speech and cyberbullying**

*The working group proposes that measures should be taken to strengthen the basic and in-service teacher training in media literacy.*

As part of the basic and in-service teacher training, measures should be taken to strengthen the basic skills connected with teachers' media literacy and safe Internet use. The purpose is to enhance children's and young people's media literacy and safety skills and to protect children and young people against hate speech, violence,

bullying and harassment. The Finnish National Agency for Education is currently preparing a guide on preventing bullying (including cyberbullying) for education institutions. Measures should be taken to promote the practical application of the guide as part of teachers' in-service training.

*The working group proposes that clear procedures and instructions for tackling hate speech and cyberbullying should be prepared.*

Clear instructions and preventive activities would enhance children's and young people's trust in the ability of adults to tackle hate speech and cyberbullying.

There should be clear instructions and procedures on how schools, youth services and other authorities working with young people tackle hate speech on the Internet. Hate speech is spread between pupils during and after school. Schools and professionals have different interpretations of their responsibility for hate speech occurring during and after school.

*The working group proposes that material on tackling hate speech should be prepared for teachers of different grades. In this work, consideration should be given to differences in diversity between schools. There should also be material for discussing hate speech at teachers' meetings and parents' events.*

*The working group proposes that non-discrimination work in schools and other education institutions should be strengthened.*

After the non-discrimination guide for upper secondary level has become available, teachers' prerequisites for promoting non-discrimination work in schools and education institutions should be strengthened as part of in-service teacher training. The Finnish National Agency for Education should prepare material to promote the non-discrimination plans of education providers and schools and enhance non-discrimination work in schools.

## **Recommendation 12: Action should be taken to prevent political hate speech**

*The working group proposes that in their programmes political parties should pledge to take action against hate speech. The working group also proposes that the political parties represented in Finnish Parliament should reinforce the measures set out in the Charter of European Political Parties for a Non-Racist Society. Political parties should prepare codes of conduct for their election campaigns, which should contain guidelines for action against harassment and hate speech.*

*The working group recommends that all societal actors should pledge to combat hate speech.*

Milla Aaltonen

5 October 2018

VN/744/2018  
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## SURVEY ON MEASURES AGAINST HATE CRIME AND HATE SPEECH

The objective of the project Against Hate is to develop the activities against hate crime and hate speech. The focus in the project is on the development of hate crime reporting, on the strengthening of the capacity of the authorities, especially the police, prosecutors and judges, to act against hate crime and hate speech, and on the development of support services for victims of hate crime. The aim is also to enhance cooperation and coordination between different actors. The project will continue until 30 November 2019. The Ministry of Justice (the project coordinator), Victim Support Finland and the Croatian organisations Centre for Peace Studies, Human Rights House Zagreb and GONG are the partners in the project. Funding for the project comes from the EU.

A survey on the work against hate crime and hate speech was carried out as part of the Against Hate project. The purpose of the survey was to find out what type of work against hate crime and hate speech is carried out in Finland and by whom as well as to determine the gaps in the work and whether there is any need for a national hate crime action plan.

The survey was sent to the members of the project network and to other key stakeholders. The recipients were also requested to forward the survey to other relevant actors. The respondents were asked to provide free-form answers to the questions and describe in them the measures, strategies and action plans against hate crime and hate speech that they have introduced and the way in which their impact is assessed. There were also questions about the definition of hate crime and hate speech, studies known to the respondents and key actors in the field. The respondents were also asked to describe the key challenges and development priorities in the work against hate crime and hate speech. A total of 16 bodies, most of them government agencies, sent answers to the survey. All measures known to the Ministry of Justice are also included in this compilation.



The Project Against Hate is supported by the Rights, Equality and Citizenship (REC) Programme of the European Union

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## 1. Measures against hate crime and hate speech

### 1.1. Action plans and reports

[National Action Plan on Fundamental and Human Rights \(2017-2019\)](#): This action plan contains a total of 43 projects in the administrative branches of all ministries and the following projects also concern hate crime and hate speech:

- In-service training for teachers (1.2.1)
- Preventing hate speech as part of the Meaningful in Finland action plan and its follow-up (2.3.1)
- Enhancing combating hate crimes (3.2.1)
- Launching cooperation between the authorities, providers of community services and non-governmental organisations for enhancing the forms of addressing hate speech (4.3.1)

Some of the projects of the National Action Plan on Fundamental and Human Rights are also included in the [Action Plan for Democracy Policy](#) (such as the in-service training for teachers). The Action Plan for Democracy Policy also includes other measures in the field of hate speech, such as *Vapaaksi vihapuheesta* (Eliminating hate speech), a special grant intended for municipal youth services.

The [National Action Plan for the Prevention of Violent Radicalisation and Extremism](#) (2016). The implementation of the plan is steered and coordinated by the Ministry of the Interior and a national working group appointed by the ministry. The purpose of the action plan is to create effective structures and procedures for the prevention of violent extremism and radicalisation. Enhancing competence, expertise and awareness, prevention at community level, early intervention at individual level and supporting groups that are most seriously affected by violent radicalisation are some of the key instruments proposed in the document.

The [Government Report on Internal Security](#) (2016) and the [Internal Security Strategy](#) (2017): It is stated in the first report on internal security submitted by the Finnish Government to Parliament that racism, hate crime and extremist movements have become increasingly visible. According to the report, future focus in the police work should be on activities that will best ensure public security. The report will be implemented on the basis of performance targets.

In the [Government of Finland Human Rights Report](#) (VNS 6/2014 vp), the ways of combating hate speech are examined in conjunction with the freedom of expression and especially from the perspective of population groups that are most frequently subjected to hate speech and/or hate crime (immigrants and girls/women).

Hate speech is extensively discussed in the [Report of the Government on the Application of Language Legislation](#) (2017). Developing information sources so that they would also cover language-related hate speech is one of the proposals presented in the report.



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The [National Crime Prevention Programme](#): the National Council for Crime Prevention has prepared a crime prevention programme enhancing engagement at local level. The programme is titled 'Working Together for Safer and More Secure Communities. National Crime Prevention Programme for 2016–2020'. Information on good practices and projects helping to combat hate speech is collected and disseminated as part of the programme.

[Government Resolution on a Media Policy Programme](#) (2018): The resolution and the measures proposed in it will extend to the year 2023. The programme contains the following measures aimed at combating hate speech and preventing the spreading of illegal content.

- Promoting the development of an information-secure fact-checking system meeting international standards and cooperation with social media platforms in collaboration with actors in the sector and the authorities. This will also open up opportunities for participation in the emerging European-wide cooperation. (Actors in the sector; Ministry of Transport and Communications and the Ministry of Justice as experts)
- Measures will be taken to combat hate speech and threats against journalists and other people working in the media within the framework of the National Action Plan on Fundamental and Human Rights. (Ministry of Justice)
- Finland will take part in European-wide action against illegal content and hate speech and will pledge to observe the European Commission recommendation on measures to tackle illegal content. (Ministry of Justice, Ministry of the Interior and the Ministry of Education and Culture)

[Final report of the working group preparing an action plan on preventing hate crime and hate speech](#): On 29 September 2016, the National Police Board appointed a police working group to prepare an action plan on effective prevention of hate speech. The working group has reviewed the current state of the prevention of hate speech and hate crime and prepared proposals for development measures, which are listed at the end of the report. In accordance with the proposals, a team focusing on the prevention of punishable hate speech (VIPU team) was established in the Helsinki Police Department in early 2017.

The [Meaningful in Finland action plan](#) (Ministry of Education and Culture) to prevent hate speech and racism and to foster social engagement. The action plan contains ten measures that cover the ministry's area of responsibility, education and training, science, culture, sports and youth policy. The measures include:

- Tackling of hate speech and racism as well as the strengthening of engagement and non-discrimination will be considered in the steering of the government agencies and other organisations in the ministry's area of responsibility in a cross-cutting manner.
- Special assistance will be granted for municipal youth services to prevent hate speech and promote non-discrimination: In early 2017, the Ministry of Education and Culture granted a total of EUR 913,200 for 14 projects preventing hate speech and promoting non-discrimination in municipal youth work. The duration of the projects is between one and two years. The projects receiving assistance have involved the organisation of guided activities and meetings between young people from different groups, while events and campaigns aimed at encouraging young people to discuss non-discrimination and human rights have also been arranged. The projects involve cooperation with such partners as schools, organisations and reception centres of asylum seekers and the



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material of the Council of Europe's 'No Hate Speech' youth campaign is also used. Young people themselves are involved in the planning, implementation and assessment of the activities.

- A campaign urging people to say no to hate speech (2017-2018): <http://torjunvihapuhetta.fi/en>

## 1.2. Recommendations issued by bodies supervising compliance with agreements and other human rights mechanisms

International bodies supervising compliance with agreements and other human rights mechanisms have issued a number of conclusions and recommendations to Finland concerning racism, discrimination and xenophobia. The key concerns and recommendations of these bodies are summed up below.

Positive developments:

- The scope of hate crimes is now broader than that of racist offences;
- Under an amendment (511/2011) to the Criminal Code, the provision on ethnic agitation was clarified, a provision on aggravated ethnic agitation was added to the act, and the criminal liability of legal persons and the provision on the grounds for increasing the punishment were broadened;
- The Additional Protocol to the Council of Europe Convention on Cyber Crime entered into force in Finland in 2011;
- More effective police action to combat such phenomena as online racism.

Causes for concern:

- Significant increase in hate crimes based on racist motives against individuals assumed to be of foreign background, such as members of the Roma community, Muslims, Somalis, Russians and Swedish-speakers;
- A relatively small number of hate crimes have led to charges;
- Hate speech against members of ethnic minorities, women and girls in the mass media, including online discussion forums and social media;
- Discrimination and hate speech against members of gender and sexual minorities;
- Increase in anti-immigrant speech by politicians that can be considered racist and xenophobic.

Recommendations:

- Raising public awareness of the legal remedies available against hate crime and hate speech;
- Effective investigation of cases of racist hate speech, incitement to racial hatred and racist violence;
- Prosecuting and sanctioning as appropriate those responsible;
- Providing mandatory and continuous training to law enforcement officials;
- Raising the level of recruitment of persons belonging to minorities in the police;
- Introducing more effective measures preventing hate crime against specific religious



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- communities, ethnic groups and other minorities;
- Introducing more effective measures that also prevent hate speech and harassment against people with disabilities,
  - The Finnish Government has been urged to publicly condemn racist hate speech and xenophobic statements by public officials and politicians on such forums as online media, publicly dissociate itself from such expressions and urge politicians to ensure that their public statements do not promote intolerance, stigmatisation and incitement to hate.
  - The authorities should encourage the media outlets to ensure that the information disseminated by them and the programmes broadcast by them do not contribute to a hostile atmosphere and
  - to defuse the climate of increasing interethnic prejudice and tension by taking more effective action to combat all types of intolerance, racism, xenophobia and hate speech, especially in social media.

### 1.3. International working groups and actors

It is clear that all bodies supervising compliance with human rights treaties and other similar mechanisms play an important role (with regard to hate crimes, this applies to such bodies as ECRI, CERD and UPR). OSCE is also an important actor in the field of hate crimes, especially in information collection.

[The European Union Agency for Fundamental Rights \(FRA\)](#) carries out research on fundamental rights and it has also collected good practices applicable in the prevention of hate crimes.

[Code of conduct to counter illegal hate speech online](#): In spring 2016, the European Commission and a number of large IT companies jointly prepared a code of conduct aimed at countering illegal hate speech on the Internet. The document includes guidelines on the review of valid (hate speech) notifications, removal of illegal hate speech or disabling access to such content in less than 24 hours. In May 2016, Facebook, Twitter, YouTube and Microsoft pledged to observe the code of conduct and in January 2018, Instagram and Google+ announced that they would also comply with its provisions. Compliance with the code of conduct has been reviewed during three monitoring rounds. The latest monitoring round showed that the companies have taken increasingly effective action to meet their pledge of removing most of the illegal hate speech within 24 hours. The information technology companies have removed an average of 70% of all illegal hate speech reported to them. Challenges remain, however, because such instruments as systematic feedback to users are lacking. In the latest assessment round, hate speech in Finland was monitored by the Finnish Red Cross and (in accordance with the European average) 70% of the online content that it had flagged was removed (the Finnish Red Cross reported a total of 34 cases). In the next monitoring round, students of the Police University College will be among the groups reviewing online content in Finland.

[High Level Group on combating racism, xenophobia and other forms of intolerance](#): In summer 2016, the European Commission established a high-level group to discuss the countering of racism, xenophobia and other forms of intolerance. The group brings together all EU Member States, a number of international organisations and representatives of non-governmental organisations. In Finland, participation in the meetings of the working group and its sub-groups (such as the sub-group on countering hate speech online) is coordinated by the Ministry of Justice. The High-Level Group receives reports on the compliance with the code of conduct referred to above.



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[Communication of the European Commission on tackling illegal content online and Commission recommendation on more efficient removal of illegal online content](#)

The European Network of Equality Bodies [Equinet](#): two events on hate speech in 2018 (workshop on countering hate speech in social media and a seminar discussing hate speech as a legal and communications issue).

[Freedom Online Coalition](#)

[European Internet Forum](#)

#### 1.4. Material, projects, preventive work, training and campaigns

The National Council for Crime Prevention has compiled [material on the prevention of juvenile crime and intervention in such offences](#), which is intended for teachers, youth workers and other educational professionals and professionals involved in leisure time activities. Asking questions about crime and talking openly about the issue can prevent young people from committing crimes and becoming victims. Crime can be reduced by influencing all parties - perpetrators, victims and bystanders. The information package has a section devoted to hate speech.

[Vihapuheen vastainen verkosto](#) is a network coordinated by the Finnish National Youth Council Allianssi and it is intended for organisations working against hate speech.

[Finnish Government network of contact persons for fundamental and human rights](#): The purpose of the Finnish Government network of contact persons for fundamental and human rights, appointed by the Ministry of Justice, is to help to ensure that fundamental and human rights are fully implemented in Finland. The network monitors Finland's fundamental and human rights situation, compliance with Finland's international human rights obligations and the implementation of the Government's fundamental and human rights policy.

The objective of the project [Against Hate](#) is to develop the work against hate crime and hate speech. The focus in the project is on the development of hate crime reporting, on the strengthening of the capacity of the authorities, especially the police, prosecutors and judges, to act against hate crime and hate speech, and on the development of support services for victims of hate crime. The project was launched on 1 December 2017 and it will continue until 30 November 2019.

The aim of the [PROXIMITY](#) project has been to ensure more effective combating of racism, xenophobia and other forms of intolerance (including hate crime) at local level. The focus in the project has been on strengthening the capacity of local-level authorities (in particular local and community police) against racism and hate crime through training, sharing of good practices and mutual learning as well as through developing local-level action plans. The project was launched on 2 October 2017 and it continued until 31 March 2019.



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The <http://eivihapuheelte.fi/> website (the Finnish No Hate Speech site) contains material (information and exercises) for such actors as teachers and youth workers. The Bookmarks publication of the Council of Europe's No Hate Speech campaign has been translated into Finnish and it can be viewed on the website. The Finnish No Hate Speech campaign was coordinated by Plan International Finland between 2013 and 2015. After this, Allianssi continued the passive maintenance of the pages and some of the material is now being transferred to the Allianssi website.

[#WeWillNotBeSilent - What is hate speech and what has it got to do with gender?](#) A guide for young people providing information on gender-based hate speech and instructions for situations involving hate speech. The publication has been produced by the Centre for Gender Equality Information of the National Institute for Health and Welfare and the Ministry of Social Affairs and Health. To market the guidebook, Allianssi carried out a social media campaign for young people in which the aim was to empower young people to act against hate speech and silencing. Funding for the project came from the Nordic Council of Ministers for Gender Equality.

[Rakentavaa vuorovaikutusta](#) The purpose of the online publication produced by the Finnish National Agency for Education is to serve as a guide for strengthening democratic engagement and countering hate speech and violent radicalisation in schools. The publication contains articles written by Finnish experts, links to source material and good practices as well as translations from guides produced by UNESCO and the Council of Europe.

[Vihapuheesta dialogiin – koulutusmateriaali vihapuheen vastaisille oppitunneille](#) The educational material, produced by Plan International Finland, is intended for educators working with young people, especially in schools. The material also contains tips on how to counter hate speech in everyday life. [Link to hate speech stories written as part of the project.](#)

[Vihapuhe ja sananvapaus](#) The material, produced by Koulukino, is intended as teaching material for 7th, 8th and 9th graders and for upper secondary level but it can also be used in youth work. The aim is to help young people to identify hate speech in different environments (especially on the Internet) and learn constructive ways of countering hate speech. The exercises provide material for discussing the consequences of hate speech and the responsibility arising from the freedom of expression.

[Vihan ja inhon internet](#) A campaign and a toolkit for combating online hate, allowing you to counter hate speech and offer support to victims of online violence. The material has been produced by Hattu, a feminist think tank. On the campaign website, you will find images that can be used as memes and that are taken from the comic book *Vihan ja inhon internet*, produced by Johanna Vehkoo (director of Hattu) and Emmi Nieminen. The publication provides a journalistic comic-oriented perspective on online hate against women and those assumed to be women.

[A brochure on hate crimes in 11 languages:](#) The Finnish League for Human Rights, in cooperation with Victim Support Finland and the Ministry of the Interior, has produced a brochure on hate crimes in 11 different languages: Arabic, Dari, Chinese, English, Finnish, French, Kurdish, Northern Saami, Russian, Somali and Swedish. The purpose of the brochure is to encourage hate crime victims and witnesses to report the offences to the police.



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*Vihapuheesta vapaa nuorisotila*, an operating model for youth work <http://eivihapuheelle.fi/nuorisotila/>

[Help.some application](#): Information and support for dealing with bullying and harassment as well as criminal cases directly to your mobile phone.

[Media education](#) (such as media literacy school, media literacy week and media education forum)

[Equality planning](#) and monitoring it

[Publications of the discrimination monitoring group](#)

[Police training - TAHCLE](#): The National Police Board has concluded a memorandum of understanding with the OSCE Office for Democratic Institutions and Human Rights (ODIHR) on the implementation of the TAHCLE programme (Training Against Hate Crimes for Law Enforcement).

- A half-day-long workshop on hate crimes for commanding officers and police chiefs was arranged in the Police University College in January 2017.
- Two similar two-day instructor training events were held in spring 2017 and in them, 40 police officers received instructor training.
- According to a survey carried out at the end of 2017, approximately 800 police officers had received such training. The training had been provided in different ways: for example, for specific groups or departments and through video links. The training events continued during 2018.

## 1.5. Guidelines

The Office of the Prosecutor General:

- Menettely sananvapausasioissa (Procedures in cases involving freedom of expression) VKS: 2017:2
- Paikallisen syyttäviviranomaisen ilmoitusvelvollisuus (Notification obligation of local prosecutors) VKS 2014:1.
- Rangaistavan vihapuheen levittäminen Internetissä (Dissemination of punishable hate speech on the Internet; reg. no. 17/34/11), which contains guidelines for police investigation and consideration of charges.

National Police Board

- Categorising a suspected hate crime or an offence that has features of a hate crime in the Police Information System (2011).

Finnish Immigration Service

- A broad range of different-level guidelines for reception activities (such as equality plans, reception centre house rules and a strategy for the reception activities).



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## 2. Studies and reports

According to the respondents, they have made comprehensive use of studies and reports. Legal literature, gender research literature and social-psychological research findings are extensively used. The annual hate crime monitoring reports produced by the Police University College are also widely used as are hate crime reports and academic research produced in other countries.

In October/November each year, [the Police University College](#) publishes a compilation of the hate crimes reported to the police in the previous year. The project produces basic information on racist and other hate crime and trends in it each year and it is based on the hate crimes reported to the police and entered in the Police Information System (Patja).

OSCE collects information on hate crimes from the authorities and [non-governmental organisations](#) each year. In Finland, at least [Seta](#) has collected and supplied information in many years (including 2018).

A [compilation](#) of the hate speech cases considered by the European Court of Human Rights.

A study is under way on the processing of cases classified as hate crimes by the police in 2013 in the criminal process (the police, prosecutors and the courts). The study is carried out by Malin Fredriksson from the Åbo Akademi University.

Publications of the Ministry of the Interior:

- [Situation overviews of violent extremism in Finland](#)
- [Nordic multi-agency working models in promoting adolescents' well-being and preventing crime](#)
- [Onko Suomi maailman turvallisim maa kaikille? Turvallisuuden toteutuminen eri sukupuolten ja väestöryhmien kannalta](#)

["I often find myself thinking how I should be or where I shouldn't go"](#) Survey on hate speech and harassment and their influence on different minority groups (2016) Owl Group Oy, Ministry of Justice, Finland, Publications 7/2016.

FRA [reports](#) on hate crimes and [compendium](#) of practices

[Reports of the discrimination monitoring group](#)

[Gender Equality Barometer](#)

Fundamental rights barometer (will be carried out in autumn 2018, Ministry of Justice)

[School Health Promotion Study](#): The School Health Promotion Study is carried out every second year and the next survey will be conducted in 2019. Information for the study has been collected from 8th and 9th graders in basic education since 1996, from general upper secondary students since 1999 and vocational



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institution students since 2008. Children in 4th and 5th grade in basic education and their guardians have taken part in the study since 2017. New questions will be added to the study in 2019 when the emphasis will be on violence experienced by children. The new question have been formulated on the basis of international recommendations and indicators, the Child Victim Survey and questions on the same topic in the previous School Health Promotion Studies. The purpose of the new questions is to produce regular monitoring information on the frequency of children's and young people's experiences of violence, an objective laid out in the programme to address child and family services (2016-2018).

*Rangaistava vihapuhe internetissä – miten kansaryhmän suoja eroaa yksilön suojusta?* Marko Forss, 2018, Edilex-sarja 2018/23. The main purpose of the article is to define what is meant by punishable hate speech online. The types of crime concerning punishable hate speech intended to protect certain population groups and the corresponding types of crime intended to protect individuals are briefly described in the article. After this, the essential elements of the penal provisions in question are compared and the differences between them discussed. Not all differences are considered in the comparison as the focus is on highlighting the most important and illogical court decisions with regard to hate crime motivation between the protection of population groups and of individuals. Finally, the author gives de lege ferenda recommendations on how the penal provisions on punishable online hate speech concerning the protection of population groups and individuals could be harmonised. (Edilex-toimitus) Mika Illman (2005), Hets mot folkgrupp.

VIHAPUHE / HATE SPEECH / DISCOURS DE HAINE: <https://blogs.helsinki.fi/hatespeech/>

[EU Kids Online survey](#) (Online hate speech experienced by children and young people is also included). In Finland, the survey is carried out by the University of Tampere and it is coordinated by Professor Sirkku Kotilainen.

Polarisation and how to reduce it through mediation are studied in the [depolarize](#) project of the Community Mediation Centre.

[Citizen Mindscapes](#) (University of Helsinki) Study of Suomi24 material

<https://vihanpitkatjaljet.net/> (University of Turku)

[Racisms and public communications in the hybrid media environment](#) (University of Tampere) The project explores how racism is constituted, defined, circulated and challenged in today's transnational and hybrid media circuits and practices. The goal of the project is to understand the new forms of information production, public engagements and affective experiences concerning racism. The project will produce new information on how the forms of racism and anti-racism have become part of daily media practices.

[Lyömäase vai oire dialogin puutteesta? Vihapuheen sosiaaliset representaatiot Ylen Vihapuheillassa ja Suomi24-foorumien verkkokeskusteluissa](#), Maarit Suhonen, 2018, Master's thesis.

[Vihapuhe ja toimittajien selviytymiskeinot](#), Suvi-Tuulia Nykänen, 2018, Master's thesis



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Markus Kaakinen (2018): [Disconnected online: A social psychological examination of online hate Hate Communities: A Cross-National Comparison](#)  
<https://www.eryica.org/news/2018/5/24/liaisons-available-now-in-french-and-english>

### 3. Terminology

Quite a few of the respondents said that they have not defined hate crime or hate speech.

In their view, the concept of hate crime is easier to understand. Many of the respondents said that they rely on the following definition used by the police (as such or in a slightly modified form): 'Finnish legislation does not contain any separate definition for hate crime. Hate crime is an offence committed against an individual, a group, someone's property, an institution or a representative of the above, which is motivated by prejudice or hostility towards the victim's assumed or actual ethnic or national background, religious convictions or beliefs, sexual or gender identity, gender expression, or disability. For the definition to be met, it is enough that the victim is perceived by the offender as belonging to any of the groups mentioned above. Thus, the actual reference group of the victim does not play any role'.

According to the answers, hate crimes can be divided into acts that are directed against groups (such as national, racial, ethnic and religious groups or similar population groups) or individuals (or such matters as their property) on the basis of the individuals' (assumed) membership in the group.

In hate speech, most of the respondents used the definition of the Council of Europe Committee of Ministers: 'The term "hate speech" shall be understood as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, antisemitism or other forms of hatred based on intolerance'. Some of the respondents also used the provisions contained in the Criminal Code and the harassment provision of the Non-Discrimination Act.

Not all definitions make any explicit distinction between punishable and other types of hate speech. The wording of the definitions used by some of the actors is largely in accordance with the wording of the ethnic agitation provision of the Criminal Code (making available or otherwise spreading among the public or keeping available for the public information, an expression of opinion or another message where a certain group is threatened, defamed or insulted). However, the definitions that are derived from the definition of the Council of Europe Committee of Ministers do not make any explicit distinction between punishable and other types of hate speech. At the same time, it should be remembered that the purpose of these definitions is not to serve as instruments for legal assessment but to increase awareness.



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#### 4. Challenges and making the activities more effective

The respondents were also asked about the challenges concerning the combating of hate crimes and hate speech and how the activities could be made more effective.

##### Statistics and monitoring

Inadequate statistics and monitoring were deemed a challenge, especially in issues concerning the courts and the prosecution service. It would be particularly important to be able to monitor the progress of the hate motive from the police to the prosecutor and from the prosecutor to the court. The systems of the police, prosecutors and the courts should be developed so that they could 'discuss' matters with each other.

There should also be more efforts to make the victims' experiences better known (for example, by means of the reports produced by independent organisations).

##### Legislative changes

Furthermore, in connection with the Non-Discrimination Act, the respondents also highlighted a number of legislative changes that would provide a basis for more effective intervention.

- The practices of an education institution should be defined as discriminatory if it fails to take action when a pupil or a student is subjected to harassment.
- Each early childhood education and care unit should have an obligation to promote equality and prepare equality plans in the same way as education institutions.
- The provision under which the Non-Discrimination Ombudsman can submit a discrimination matter to the National Non-Discrimination and Equality Tribunal without naming the victim should be reinstated.
- Changes in the wording of the harassment provision and removal of the 'population group' from the essential elements has led to a situation where it may be necessary to specify a complainant even if it was a question of clear and serious harassment.

It was also pointed out that the opportunities to tackle gender-based hate speech under the existing legislation should be reviewed.

The respondents also drew attention to the fact that a large number of changes have taken place in the operating environment (social media, targeted online attacks, trolling and cyber influencing), as a result of which online hate speech has assumed new forms. Ethnic agitation as a type of crime should be assessed in the light of these changes in the operating environment.



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## Legal challenges

There is little case law on hate speech and it involves the understanding of the limits of the freedom of expression and its relationship with the consideration of fundamental rights. It seems that the sentences for hate speech have not been particularly harsh.

Only the Office of the Prosecutor General has the right to bring charges in cases involving ethnic agitation. This means that resources cannot be focused on freedom of expression offences in the core area of the freedom of expression as all cases of ethnic agitation in which charges may be brought must be considered.

## Preventive work and increasing awareness

Adequate resources should be channelled to preventive work and its importance should be recognised so that the resources will also become available. Highlighting the matter in public debate makes people more aware of it as does the emphasis on diversity in all illustrations and communications. Hate crimes and hate speech should be mainstreamed and not outsourced.

There should be more focus on preventing hate speech (including harassment) in schools and in early childhood education and care. Funding for preventive work (such as media education) is fragmented and often on a short-term basis, which negatively affects the continuity and impact of the work. There should also be inputs into the continuity of education in all professional groups.

The measures aimed at increasing awareness should be directed at a maximum number of target groups (including bystanders).

## Intervention

More good practices and guidelines are needed, especially in the action against hate speech and in the countering of hate speech on the Internet and in social media.

Media self-regulation and codes of conduct on hate speech should also be enhanced.

In order to ensure effective action against hate speech, the hate speech against different population groups should be examined from an intersectional perspective and expert knowledge should be used in a coordinated manner in issues concerning different population groups.

Changes taking place in the operating environment should also be considered and the seriousness of the new phenomena (such as attacks against journalists) should be understood.



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## Underreporting and developing victim services

Enhancing trust between the authorities and different population groups was considered necessary. More targeted information on services and legal remedies available to the victims is also needed.

Improving local-level cooperation structures (including preventive work) would also have an impact on underreporting.

For victims, the processes are often long and difficult and the victims should be provided with more protection against hearing the statements of the opposite parties.

Enabling and institutionalising unofficial reporting (for example, through shadow reporting) would increase awareness of the phenomenon and its nature and would thus also have an impact on underreporting.

## Lack of research information

According to the respondents, there is a particularly severe shortage of research information on hate speech as a gender-based phenomenon and hate speech from an intersectional perspective.

There should also be more attention on the threats experienced by researchers.

## Developing coordination

More extensive cooperation between the authorities was considered necessary. A national action plan to counter hate speech and hate crime was seen as one way of achieving better coordination.

The range of cooperation methods used should also be broadened. According to the respondents, effective action would require a broad range of different measures (such as teaching/education, promotion of equality, more information on legal issues and training of private actors) and a large number of actors.



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## 5. Observations

According to the answers to the survey, actions against hate crime and hate speech are very diverse and involve a large number of different actors.

Hate crime is discussed or at least mentioned in many action plans but there is no specific action plan focusing on hate crime. A number of measures are being taken to prevent and identify hate crime and to tackle it but overall coordination is lacking. Many of the respondents called for better coordination. They also pointed out that the current actions are not fully in line with the recommendations issued to Finland by the monitoring bodies of human rights treaties and other human rights mechanisms.

In addition to improving coordination, a range of different development targets from legislative amendments to increasing awareness were mentioned in the responses.

The current material dealing with this topic focuses on hate speech, and many the publications are intended for children/young people or people working with them.

Not all organisations working against hate crime and hate speech have defined what they mean by these concepts. Especially the definitions of hate speech differ from each other. Depending on the actor, the measures focus on hate speech as a punishable act or as a broader phenomenon. Focus in the measures taken by actors responsible for legal assessment/oversight of legality is on punishable or illegal hate speech, whereas organisations engaged in preventive measures see hate speech as a broader phenomenon.

It seems that few of the measures taken have been subjected to impact assessment. This needs to be developed so that more information can be obtained on which measures would bring the best results.

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