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Measures to combat online targeting and shaming more effectively Working group report

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Measures to combat online targeting and shaming more effectively Working group report

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Abstract	<p>On 20 May 2020, the Ministry of the Interior appointed a working group to prepare three to five concise proposals for measures to combat online shaming more effectively. The working group examined online shaming broadly as an activity targeted at different authorities, decision-makers, companies and opinion leaders.</p> <p>The task of the working group was to examine the extent of online shaming, the position of victims of online shaming and the functioning of the existing legal safeguards, particularly from the perspective of support services for victims and activities of the police. The working group was not specifically tasked with examining legislation, but issues related to it were raised during the work.</p> <p>The results and conclusions were compiled in a report (background memorandum), which describes the matters highlighted during the work in more detail.</p> <p>The working group proposes the following measures. The means for implementing them are described in the report.</p> <ol style="list-style-type: none">1. A research project will be carried out to determine the extent of online shaming and to obtain reliable information on the phenomenon. Obtaining reliable information requires a common definition, which is presented in this report.2. The position of victims of online shaming and the realisation of their rights in police work will be improved.3. Support provided for victims of online shaming will be improved.4. Employers' support for employees in the event of online shaming will be ensured by drawing up guidelines for situations where employees, freelancers or volunteers participating in the employer's activities are subject to online shaming.	
Keywords	Online shaming, security, hate speech, information influence activities	
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Maalittamisen vastaisten toimien tehostaminen Työryhmäraportti

Sisäministeriön julkaisu	2021:16	Teema	Sisäinen turvallisuus
Julkaisija	Sisäministeriö		
Yhteisötekijä	Sisäministeriö		
Kieli	englanti	Sivumäärä	37
Tiivistelmä	<p>Sisäministeriö asetti 20.5.2020 työryhmän, jonka tehtävänä oli esittää 3–5 tiivistä toimenpide-ehdotusta maalittamisen vastaisten toimien tehostamiseksi. Työryhmä on tarkastellut maalittamista laajasti eri viranomaisiin, päättäjiin, yrityksiin ja mielipidevaikuttajiin kohdistuvana toimintana.</p> <p>Tehtävänä oli selvittää maalittamisen laajuutta sekä maalittamisen uhrin asemaa ja nykyisten suojakeinojen toimivuutta erityisesti uhrin tukipalvelujen ja poliisin toiminnan näkökulmasta. Työryhmän tehtäviin ei kuulunut lainsäädännön tarkastelu, mutta siihen liittyviä asioita tuli työn aikana esille.</p> <p>Työn tulokset ja johtopäätökset koottiin raporttiin (taustamuistio), jossa kuvataan laajemmin työryhmän työssä esille tulleita seikkoja.</p> <p>Toimenpide-esitykset ovat seuraavat. Keinoja, miten toimenpiteitä voidaan edistää on kuvattu raportissa.</p> <ol style="list-style-type: none">1. Toteutetaan tutkimushanke maalittamisen laajuuden selvittämiseksi ja luotettavan tiedon saamiseksi. Luotettavan tiedon saaminen edellyttää yhteistä määritelmää, joka on esitetty raportissa.2. Parannetaan maalittamisen uhrin asemaa ja oikeuksien toteutumista poliisitoiminnassa.3. Parannetaan maalittamisen uhrin tukea.4. Varmistetaan, että työnantajat tukevat maalittamistilanteissa työntekijöitä laatimalla toimintaohjeet tilanteisiin, joissa työntekijä, freelancer tai toiminnassa mukana oleva vapaaehtoinen joutuu maalittamisen kohteeksi.		
Asiasanat	Maalittaminen, turvallisuus, vihapuhe, informaatiovaikuttaminen		
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Effektivisering av åtgärderna mot riktade trakasserier Arbetsgruppsrapport

Inrikesministeriets publikationer 2021:16	Tema	Inre säkerhet
Utgivare	Inrikesministeriet	
Utarbetad av	Inrikesministeriet	
Språk	Sidantal	37
Referat	<p>Den 20 maj 2020 tillsatte inrikesministeriet en arbetsgrupp med uppgift att lägga fram 3–5 koncisa åtgärdsförslag för att effektivisera åtgärderna mot trakasserikampanjer. Arbetsgruppen har granskat riktade trakasserier ur ett vitt perspektiv, som en verksamhet som riktar sig mot olika myndigheter, beslutsfattare, företag och opinionsbildare.</p> <p>Uppdraget var att utreda omfattningen av riktade trakasserier samt offrets ställning och hur de nuvarande skyddsåtgärderna fungerar särskilt med tanke på stödtjänsterna för offer och polisens verksamhet. I arbetsgruppens uppgifter ingick inte att se över lagstiftningen, men frågor i anslutning till den kom fram under arbetets gång.</p> <p>Resultaten och slutsatserna av arbetet sammanställdes i en rapport (bakgrundspromemoria) där omständigheter som kom fram i arbetsgruppens arbete beskrivs närmare.</p> <p>Åtgärdsförslagen är följande. Metoderna för att främja åtgärderna beskrivs i rapporten.</p> <ol style="list-style-type: none">1. Ett forskningsprojekt genomförs för att utreda omfattningen av riktade trakasserier och för att få tillförlitlig information. För att tillförlitlig information ska kunna fås förutsätts en gemensam definition. En sådan definition föreslås i rapporten.2. Ställningen för dem som blivit offer för riktade trakasserier och tillgodoseendet av deras rättigheter i polisverksamheten förbättras.3. Stödet till dem som blivit offer för riktade trakasserier förbättras.4. Det säkerställs att arbetsgivarna stöder arbetstagarna vid riktade trakasserier genom att utarbeta anvisningar för situationer där arbetstagare, frilansare eller frivilliga personer som deltar i verksamheten utsätts för riktade trakasserier.	
Nyckelord	Riktade trakasserier, säkerhet, hatretorik, informationspåverkan	
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PROPOSALS FOR ACTION OF THE WORKING GROUP

The task of the working group appointed by the Ministry of the Interior on 20 May 2020 was to present between three and five concise and feasible proposals for measures that can reduce the negative impacts of online targeting and shaming on individuals and society at large. This report presents the results and conclusions produced by the working group (Background memorandum referred to in the appointment decision).

Proposals for measures of the working group:

1. A research project should be carried out to determine the extent of online targeting and shaming and to obtain reliable information of the phenomenon
 - The research project can only be carried out and reliable information obtained if the collection of the information is based on a common definition of online targeting and shaming. The definition of online targeting and shaming proposed by the working group is presented below.
2. Measures should be taken to strengthen the position of victims of online targeting and shaming and to safeguard their rights in police work
 - by providing the police with more training in the investigation of cases involving online targeting and shaming and by reducing differences between police departments. This second objective can be achieved by ensuring common practices and processes in cases involving online targeting and shaming (examples include the procedures to outline cases and to determine common features between offences)
 - by ensuring that the police can better understand the victims' perspective and show sensitivity towards them

3. Victims of online targeting and shaming should be offered more support
 - by providing the police with more effective instruments to refer victims to support services, emphasising that the impacts of online targeting and shaming on the victims and the victims' need for support cannot be determined on the basis of offence categories alone
 - by providing other authorities (such as health and social services and youth services) and organisations with more effective instruments to refer victims to support services
 - by enhancing the expertise of organisations providing victim support services in the support for victims of online targeting and shaming
 - by increasing targeted communications and providing more information about the services offered by Victim Support Finland and about other victim support services, for example through joint campaigns
 - by providing employers with more information about victim support services and on how to refer people to these services
4. Employers' support for employees in the event of online targeting and shaming should be ensured by preparing guidelines for situations in which employees or freelancers or volunteers working for the organisation are subject to online targeting and shaming.

The guidelines should at least include the following:

- prevention of online targeting and shaming (such as communications, social media and safety guidelines), and the protection of privacy data (data on the individuals concerned, their colleagues and family members)
- concrete measures in situations in which persons working in an organisation (including freelancers and volunteers) are subject to online targeting and shaming
- process description detailing the measures that will be taken if online targeting and shaming occurs and listing the persons responsible for taking the required action
- measures taken to protect the persons subject to online targeting and shaming, their colleagues and family members

- other support measures, such as occupational safety and health and legal support; Occupational Safety and Health Act (738/2002); employer's duty to ensure its employees' health and safety
- measures taken by the organisation, such as reporting the cases to the police
- work arrangements in situations in which a person is subject to online targeting and shaming
- internal and external communications in situations involving online targeting and shaming
- training in matters and practices concerning online targeting and shaming for key persons and the organisation as a whole

1 Background and task of the working group

On 20 May 2020, the Ministry of the Interior appointed a working group to draft proposals for ensuring more effective action against online targeting and shaming. The task of the working group was to examine online targeting and shaming from a broad perspective as a phenomenon crossing administrative boundaries and affecting different areas of society. The aim was to produce a situation picture of online targeting and shaming and the extent of the phenomenon. The working group was also expected to assess the legal protection of victims of online targeting and shaming and how their legal protection can be enhanced in police work.

The mandate of the working group did not include a review of the legislation on online targeting and shaming or preparation of proposals for measures concerning this.

Under the Government Programme of Prime Minister Sanna Marin's Government, more effective measures should be taken to address systematic harassment, threats and targeting that pose a threat to the freedom of expression, official activities, research, and media freedom. In conjunction with this, a number of proposals and recommendations have already been presented, and these have been considered by the working group.

The task of the working group appointed by the Ministry of the Interior was to

1. prepare a situation picture of online targeting and shaming and the extent of the phenomenon
2. examine how effectively victims are referred to services in connection with the criminal investigation, determine the key factors affecting this, and, if necessary, draft proposals for improving the referral to services
3. examine, from the victims perspective, existing safeguards (including legal protection) and their effectiveness and prepare proposals for providing victims of online targeting and shaming with better protection
4. review police action in connection with cases involving online targeting and shaming and analyse the differences between police departments in these matters. The working group was expected to focus on issues concerning the reporting of offences to the police and investigation and non-investigation of cases. Its task was to present proposals for enhancing

the legal protection of the victims through police action and how to reduce differences between police departments.

Issues concerning online targeting and shaming have already been discussed in a number of reports and projects and these were considered by the working group. A report by a working group appointed by the Ministry of the Interior, Ministry of Justice and the Ministry of Education and Culture submitted on 8 May 2019,¹ discussed online targeting and shaming and proposed measures to combat it. The Ministry of Justice has examined the need to change the legislation on online targeting and shaming on the basis of the legislative proposal (POL-2019-36779) prepared by the National Police Board, the Office of the Prosecutor General and all District Courts in June 2019. After this, the Ministry of Justice prepared a draft Government proposal to change the right to bring charges under chapter 25(9) (unlawful threat) of the Criminal Code (39/1889). The Government also appointed **Mika Illman** to review legislation on online targeting and shaming and Illman's report 'Järjestelmällinen häirintä ja maalittaminen: Lainsäädännön arviointia'² was published on 3 December 2020.

Under the appointment decision, the working group appointed by the Ministry of the Interior had to prepare between three and five concrete proposals for measures. The proposals are presented above. The other material produced during the process has been incorporated in the report so that it can be used in the future.

The composition of the working group was as follows: **Tarja Mankkinen**, Head of Development (Ministry of the Interior; Chair); **Heidi Kankainen**, Chief Superintendent (Ministry of the Interior; Deputy Chair); **Mikko Eränen**, Chief Superintendent (National Police Board); **Antti Leppilähti**, Superintendent (National Police Board); **Antti Hyyryläinen**, Detective Inspector (National Bureau of Investigation); **Jonna Turunen**, Detective Chief Superintendent (Helsinki Police Department); **Milla Aaltonen**, Project Manager (Ministry of Justice); **Miia Ljungqvist**, Ministerial Adviser (Ministry of Justice); **Leena-Kaisa Åberg**, Executive Director (Victim Support Finland); and **Miska Lautiainen**, Senior Adviser (Ministry of Finance).

During its work, the working group consulted the following experts: **Sami Koivisto**, Head of Audience Dialogue (Finnish Broadcasting Company); **Mika Illman**, District Court Judge; **Jukka Rappe**, Deputy Prosecutor General (National Prosecution Authority); **Joanna Autiovuori**, Administrative Director (Office of the Prosecutor General); **Jukka Haavisto**, Special Prosecutor, Deputy Director (National Prosecution Authority); **Markku Rajamäki**, Chief Policy Adviser (Confederation of Finnish Industries);

¹ Words Are Actions: More Efficient Measures against Hate Speech and Cyberbullying Publication of the Ministry of the Interior 17 May 2019

² Valtioneuvoston selvitys 2020:3

and **Petra Nyqvist** (Meitä ei vaienneta ry). Members of the working group also presented measures introduced in their own organisations to combat online targeting and shaming and to deal with situations involving online targeting and shaming.

On 16 November 2020, as part of the working group's deliberations, the Ministry of the Interior arranged a seminar titled 'Miten maalittaminen tulisi määritellä ja mitä tiedetään sen laajuudesta' (How to define online targeting and shaming and what we know about its extent). A total of about 50 experts from government agencies and organisations attended the seminar. A survey was carried out after the seminar to find out about experiences of online targeting and shaming and what should be taken into account when the phenomenon is defined. A total of 144 respondents took part in the survey.

2 Defining online targeting and shaming

Reliable and comprehensive information on the extent and victims of online targeting and shaming and its impacts on individuals and society can only be collected if there is a common definition of the phenomenon. The definition of online targeting and shaming proposed by the working group is not legally binding but in addition to information collection, it can also be used in training and to increase general awareness of the phenomenon.

The working group proposes the following definition for online targeting and shaming:

Online targeting and shaming means an activity in which an individual, by means of their own actions or by mobilising others, initiates or encourages or-organised harassment against one target, which may be direct or indirect. The means include speaking ill of someone, dissemination of private information, or threats. Online targeting and shaming may also be directed at persons through their family members. The goal of online targeting and shaming is to influence people or society's structures and institutions and, in particular, trust in them.

Online targeting and shaming can be carried out by sending emails or hate mail, by spreading false or distorted information about the targeted persons, by writing stories about the persons in the counter media, by presenting them in a bad light in the social media or by using other methods that discredit the targeted persons or show them in a negative light. Online targeting and shaming may also lead to physical violence and threats of it outside the internet. An online targeting and shaming campaign may be in massive scale but when considered separately, the acts may not necessarily meet the statutory definition of an offence or may only carry a light sentence. An individual person may also harass another person in a manner that has a significant impact on the victim in terms of its extent and nature. The impact can for example be achieved by approaching the victim through several different channels.

3 Extent of online targeting and shaming

A large number of individuals use the social media for online targeting and shaming but only a small group of people is actively involved and encouraging others to become involved. In addition to Facebook and Twitter, other social media channels used for online targeting and shaming also include Patriootti.com (a far-right channel), vastarinta.com (website of the Nordic Resistance Movement), Partisaani.com, UHJK ('News in a funny and interesting manner'), Oikea Media.com and the Ylilauta websites.

In the business context, the concept 'systematic harassment' is often used to describe activities similar to online targeting and shaming. Mika Illman also uses this concept in his report. It usually involves a situation in which somebody launches a campaign against a company employee or a company because the person in question feels that he or she has been unfairly treated (for example as a customer or a client). In most of these cases, the person concerned is also behind the attacks. This activity is particularly common in the service sector, such as banks and insurance companies, in which employees make decisions concerning individuals as part of their work. According to the National Business Crime Survey,³ other harassment and threats have become more common, especially in retail, accommodation and restaurant sectors. Most of the threats and violence against employees are at verbal level. It is interesting to note that according to the survey results, the level of violence and threats in the Finnish retail sector is high compared to countries where the overall level of crime is higher than in Finland.⁴

In autumn 2018, the Finnish Prosecutors' Association conducted a membership survey on hate speech, online targeting and shaming and inappropriate behaviour by outsiders that prosecutors experience during their work. In the survey, online targeting and shaming referred to situations in which a party or a group starts to collect and disseminate information on a public official or takes other similar action to influence the decision-making and other activities of the public official in question. A total of 100 members of the association took part in the survey.

³ National Business Crime Survey 2018 Institute of Criminology and Legal Policy. University of Helsinki.

⁴ The Finnish Association of Judges has also conducted a survey on the topic <https://www.haaste.om.fi/fi/index/lehtiar-kisto/haaste32019/oikeusviranomaistenmaalittaminen-lisaantynyt.html>

According to the survey, 40% of the respondents had been targeted by hate speech and online targeting and shaming. A total of 52% of the respondents had noticed that similar activities had been directed at other prosecutors. Most of them had also been victims of online targeting and shaming themselves. Hate speech and online targeting and shaming primarily occurs on the internet and in the social media but it has also occurred at court sessions. A total of 39% of the victims had experienced hate speech and online targeting and shaming at court sessions. In the worst cases, prosecutors had been physically assaulted. The responses showed that the activities have become more common and more organised in recent years and that external parties are involved in a growing number of cases. Posting prosecutors' names, pictures and addresses, and names of their family members on the internet has become more common.

About 85% of the respondents are against photographing in courtrooms that differs from the ordinary media practice if the only purpose is to obtain pictures of prosecutors for the social media. Nearly all respondents (97%) felt that the employer is primarily responsible for taking action in the matter. The matter is mainly considered an occupational safety issue and the respondents urged the employer to provide support and operating models.

The respondents were also asked whether work-related offences connected with hate speech and online targeting and shaming (such as unlawful threats, defamation, or dissemination of information violating personal privacy) should always be subject to public prosecution. Most of the respondents (70%) were of the view that such acts should always be subject to public prosecution.

A total of 64% of all respondents considered that the matter and the changes in the atmosphere have not been taken seriously enough.

In October 2019, the National Police Board conducted a survey on online targeting and shaming among police personnel. The purpose was to examine the extent, manifestations and consequences of online targeting and shaming directed at police personnel and the overall attitudes towards the phenomenon among the personnel. A total of 834 persons (8.2% of all police employees) took part in the survey. Of the respondents, 670 held a police office and 164 a civilian office. A total of 31% of the respondents had experienced online targeting and shaming over the preceding three years, while 48% had noticed online targeting and shaming directed at the personnel of their own units. A total of 89% of the respondents considered online targeting and shaming directed at the police a problem, while 8% of the respondents reported online targeting and shaming directed at their immediate family members and friends. More than half of the respondents that had been subject to online targeting and shaming had experienced defamation (57%) and direct or indirect threats (52%).

Online targeting and shaming directed at the public authorities arises from the fact that people are increasingly inclined to view the performance of official duties as work carried out by individuals and not by government agencies. The trend has been strengthened by the new communications tools, especially the social media, which is also extensively used by the public authorities as a communications channel. Even though individual officeholders perform their tasks and make decisions as part of their official duties, some of the critics comment on the decisions in the social media by targeting the officeholders instead of the matter or the government agency concerned. If the decisions are not accepted, the criticism is directed at individual public officials and it is often personal.

The aim of the activities described above is to reinforce the message that the persons behind the online targeting and shaming want to convey: the public authorities are guided by the goals and views of specific public officials and not by the legislation or the objectives or decisions of government agencies. The people behind the online targeting and shaming try to blur the role of government agencies and to personalise the debate on controversial matters by associating it with specific public officials by means of pressure, false information or even threats.

The aim of the public authorities to communicate more openly strengthens citizens' trust in public administration and provides them with a chance to obtain information on the drafting of decisions relevant to them and to comment on them.⁵ Public administration actors make increasing use of the social media in their communications because it is a key arena for public debate.

An increasing number of public officials are also actively engaged in the social media. Social media channels provide the public authorities with an effective platform for providing background information about their decisions and for correcting misunderstandings. The downside of increasing openness and social media participation is that specific groups use this against the public authorities and institutions: those engaged in online targeting and shaming use the social media to target individual public officials, such as police officers and prosecutors. This situation may pose a safety threat to individual public officials and their family members.

The aim of online targeting and shaming is to interfere with the performance of official duties, criminal liability, legality and speed of decision-making, legal certainty and the

⁵ Avoimesti, rohkeasti ja yhdessä - valtionhallinnon viestintäsuositus (Valtioneuvoston kanslian julkaisusarja 14/2016) <http://urn.fi/URN:ISBN:978-952-287-315-6>

impartiality of public officials. If the efforts are successful, the credibility and reliability of the public authorities is at risk.

The media has contributed to these developments. If the reporters highlight the prosecutors as individuals when covering a legal case (by publishing their names and pictures), some people may interpret the case as a 'struggle' between an individual prosecutor and the defendant. This increases the risk of online targeting and shaming in legal cases attracting wide publicity. Defendant's supporters and parties acting on the defendant's behalf may subject the prosecutor to online targeting and shaming. Associating the case with the prosecutor increases the risk of online targeting and shaming and violence directed at the judiciary.

Online targeting and shaming is a threat to society, the democratic system and the trust in society and its institutions. It threatens the safety of individuals who are made subject to online targeting and shaming because of their work or social position. There are ways to combat online targeting and shaming but it requires effective action. It is important to get an overall picture of the phenomenon and its extent so that the measures to tackle it can be developed and targeted correctly. This requires a common definition and differentiation between online targeting and shaming and other similar phenomena such as hate speech and aggressive communications.

The persons subject to online targeting and shaming and their families should be provided with effective support and protection to show the perpetrators that online targeting and shaming is not worth the effort. Legislation must provide instruments to tackle the phenomenon. In addition to the Criminal Code, the focus should also be on the instruments provided by other laws, such as increasing the liability of social media platforms. Online targeting and shaming can also be tackled by using administrative and occupational safety and health means. Dealing with the phenomenon by legislative means and the need to develop relevant legislation are described in more detail in Mika Illman's report (3 December 2020).

Swift action is essential. If allowed to continue and expand, online targeting and shaming will shape the way in which society works and change the debate culture. The danger is that we get used to a debate culture characterised by threats and incitement to violence and that it becomes a mainstream phenomenon. It is already difficult to recruit staff to certain tasks and public posts. Online targeting and shaming limits the freedom of expression because it impacts what people are prepared to say in public and which topics they are prepared to discuss.

The Ministry of the Interior has commissioned a summary on the information about the extent of online targeting and shaming available to government agencies and other

parties. The summary will be ready in early 2021 and its aim is to serve as a basis for more extensive research on online targeting and shaming.

Proposals for measures:

- A research project should be carried out to determine the extent of online targeting and shaming and to obtain reliable information on the phenomenon. The research project can only be carried out if the collection of the information is based on a common definition of online targeting and shaming.

4 Victims of online targeting and shaming

A study conducted by a group of researchers in the University of Jyväskylä⁶ describes how online targeting and shaming and hate campaigns are directed at politicians and decision-makers and how they impact decision-making in society at large. According to the study, hate speech is fairly common and one in three of all municipal decision-makers have been subject to work-related hate speech. The study also describes how online targeting and shaming affects the willingness to participate in political and other decision-making and how this impacts democratic processes and the willingness to take part in democratic processes now and in the future.

The online targeting and shaming directed at public officials and public authorities is described in different chapters of this report. Online targeting and shaming has been directed at such officials as police officers, prosecutors and judges, experts on matters concerning wolves, fisheries and seals at the Natural Resources Institute Finland, personnel of the Finnish Immigration Service, and health and social services actors in municipalities. The aim of online targeting and shaming is to influence decision-making, activities of government agencies and the trust placed in the agencies.

In companies, online targeting and shaming or systematic harassment is primarily directed at persons making decisions that impact the lives of individuals. Service sector operators, such as banks and insurance companies, are particularly affected by the phenomenon.

In addition to individuals belonging to the above groups, online targeting and shaming is also regularly directed at such public figures as civic activists and opinion leaders. They do not always have a clear background organisation as they can be members of loose associations or operate independently. Online targeting and shaming is also directed at freelancers.

Researchers and reporters are subject to online targeting and shaming.

Online targeting and shaming is directed at organisations. Many organisations employ people, but they also use the services of volunteers and elected officials. Irrespective

⁶ Viha vallassa: Vihapuheen vaikutukset yhteiskunnalliseen päätöksentekoon. Knuutila Aleks, Kosonen Heidi, Saresma Tuija, Haara Paula and Pöyhtäri Reeta (2019-10-04)

of their status, representatives of organisations and individuals perceived as their representatives may be subject to online targeting and shaming.

It is essential to obtain more information about the victims of online targeting and shaming and how by influencing them, the perpetrators try to influence society at large and the organisations that they represent.

5 Status and rights of victims of online targeting and shaming

The key problem facing a victim of online targeting and shaming is that an act connected with online targeting and shaming may only carry a light sentence or it may not even meet the statutory definition of an offence. If the police are unable to recognise online targeting and shaming and its different manifestations and to examine a case in its entirety (including both online and other activities), the perpetrators may not necessarily be held criminally liable for their actions even if the case is serious.

Because of limited police resources, only a small proportion of minor offences is investigated, or the investigation may be terminated because of the minor nature of the offence. The investigation may be terminated if the police fail to recognise the offence causing online targeting and shaming or other potential offences in the case. Victims of online targeting and shaming have also described cases in which they have been urged not to report the offence to the police on the grounds that it is of minor nature and thus would probably not be investigated.

It would be easier for the victims to exercise their rights if somebody else could act on their behalf. For the victims themselves, the experience is often paralysing and frightening and it also involves the feeling of shame. The victims do not always have the resources to pursue their case. Collecting the material on online targeting and shaming (such as email messages, social media messages and other documents) may require such an effort that the victim does not have the time or the resources to do it. It is also unreasonable to expect the victims to monitor and collect defaming and disturbing material on themselves for any criminal process. The victims often have to decide whether it is worth taking action as experience has shown that the online targeting and shaming can get worse after the victim has reported the offence to the police. The victims may also be so frightened that they choose not to take any action. This problem involves more than just individual cases. Failure to take any action sends a strong signal to the perpetrator that online targeting and shaming is a useful and effective tool to influence matters.

Falling victim to online targeting and shaming can be a traumatic experience with long-term effects. The challenges affecting the criminal process, such as lengthy investigations, make it more difficult to safeguard the victim's rights. Online targeting and shaming may intensify after the offence has been reported to the police and it will continue throughout the investigation and the judicial process until the sentence is handed down. At the same time, problems with the flow of information mean that the victims may not get up-to-date information on their case.

In a survey on online targeting and shaming carried out among police employees, the respondents were asked about the effects of the activity on its victims. A total of 58% of the respondents stated that being a victim of online targeting and shaming had affected one's own wellbeing and mental capacity, 26% said that online targeting and shaming had impacted the wellbeing and mental capacity of their immediate family members, and 18% said that online targeting and shaming had affected their private life in other ways. A total of 49% of the respondents said that they had considered or taken measures to enhance their own safety or the safety of their immediate family members.

From the victims' perspective, it is important that they are compensated for their legal costs when they are subject to online targeting and shaming because of their work and the aim of the activity is to influence their organisation. At the moment, the victim may have to pay the costs arising from such services as legal aid. In this respect, the victims of online targeting and shaming are not in the same position as for example police officers targeted by violence in their work.

The principle of the openness of Government activities makes it easier to direct online targeting and shaming at public authorities. For example, personnel records are publicly available. Even if the persons concerned had requested that their personal data should be kept secret, their personal details can be accessed through personnel records. For this reason, ways to protect the privacy of public officials should be considered when the legislation on personnel records is overhauled.

The aim of online targeting and shaming directed at public officials, such as prosecutors and police officers, may also be to disqualify the victims so that they are no longer able to continue in their official duties. For example, the police officer investigating the case could no longer investigate the offence. In a survey conducted among police employees, only 14.7% of the respondents said that online targeting and shaming directed at them had been subject to criminal investigation.

Proposals for measures:

- When the legislation on personnel records is overhauled, the Ministry of Finance should consider the need to protect the privacy of public officials and prevent online targeting and shaming directed at public officials.

6 Victim support services

Victim support services help crime victims to understand what happens in a criminal process, what are their rights and how they can pursue their case. Mental support is an important part of the services and it helps victims to get over their experiences and traumas arising from the offence. If the victims fail to get enough support at the right time, they may decide not to report the offence to the police or withdraw the report. This in turn means that the perpetrators will not be held liable for their actions, which may encourage them to continue their criminal activities. It is even more important to assess the need for protection if the crime victim is not familiar with the criminal process.

At the moment, only a small number of individuals subject to hate speech and online targeting and shaming use the services of Victim Support Finland. Because of the small number of cases, Victim Support Finland is unable to collect information about the situation of the victims or enhance its competence by dealing with practical cases. There are several reasons for the small number of cases. Online targeting and shaming is not always recognised as an offence and it is not considered a sufficiently serious crime. Not all individuals subject to online targeting and shaming are familiar with the activities of Victim Support Finland or the services it provides. The injured parties are not always aware that in addition to mental support, Victim Support Finland also offers practical advice and support in the criminal process, for example by providing a support person for the trial or advice on matters concerning damages.

Cases in which members of minority groups have been subject to online targeting and shaming involve challenges. If the individuals or their communities do not trust the public authorities, they may not trust Victim Support Finland either because it is occasionally perceived as an official body.

Victim Support Finland cooperates with a range of different actors, individuals are referred to it and it refers customers to other services. A large proportion of its customers are individuals referred to the service by the police. There has been a substantial increase in the number of individuals referred to Victim Support Finland by the police. This is the result of legislative changes⁷ under which the police must provide the injured parties with more information about the support services and, after receiving the permit to do so, give the details of the victim to a victim support service. It is, however,

⁷ Chapter 4(10)(3) and section 18(1) of the Criminal Investigation Act (805/2011)

important that the police are not the only public authority referring victims to support services and that employers are aware of the services.

The victim's situation is particularly difficult if the person responsible for or associated with the online targeting and shaming is a public figure, such as a political decision-maker or other influential individual. The person concerned is often in a strong position and has a large number of supporters and followers, who are actively engaged in the online targeting and shaming.

The purpose of online targeting and shaming is to defame the victims in public, discredit them and make them untrustworthy in the eyes of other people. The feeling of shame may prevent the victim from taking up the matter and reporting the offence to the police. The victim may only want to keep quiet about the matter and hope that it would quickly pass. The victims of online targeting and shaming need support and assistance to help them to get over the feeling of shame.

In addition to the victims themselves, their colleagues and family members should also be referred to the support services. The families should be kept together when provided with support services. The support can be provided through such organisations as Victim Support Finland or occupational safety and health services. However, when the victim's family members are provided with protection, the situation of the family must only be reviewed by a small group of absolutely trustworthy persons.

Proposals for measures:

- Targeted communications and information about the services offered by Victim Support Finland and other victim support services should be provided more extensively
- The police should be provided with more effective instruments to refer victims to support services, emphasising that the impacts of online targeting and shaming on the victims and the victims' need for support cannot simply be determined on the basis of whether the statutory definition of an offence has been met
- Other public authorities (such as health and social services and youth services) and organisations should be provided with more effective instruments to refer victims to support services
- The expertise of organisations providing victim support services in cases involving online targeting and shaming should be enhanced

- Employers should be provided with information on victim support services and how to access them
- Campaigns should be carried out to increase awareness of online targeting and shaming, of the victim support services and of how to access the services
- Victims of online targeting and shaming and their family members should be provided with support through occupational safety and health services. To provide the support, the occupational safety and health service may have to designate persons to deal with online targeting and shaming cases.
- A website on which potential victims can test whether they have been targeted by criminal activities should be launched.

7 Making the police better placed to help the victims

The working group consulted a variety of different experts during the preparation of its report. The experts noted that there have been positive developments and added that the public authorities, such as the police, are now dealing more effectively with cases involving online targeting and shaming. Despite this, there are still differences between police departments in how they respond to such cases and how they are investigated. Uniform procedures and practices at all police departments would make the processes more predictable for the victims. Differences between police departments may also put the victims of online targeting and shaming in an unequal position and impact the way in which they can exercise their rights. The perpetrators should be held liable for their offences irrespective of where they were committed. Other matters important for ensuring that the perpetrators are held accountable include maintaining victim's trust in the public authorities, adequate police resources and setting the priorities for police work on a long-term basis.

Online targeting and shaming is often a complex process and it is not easy to recognise, especially if the focus is on a single case. A single offence may be of minor nature or carry a light sentence or it may not even meet the statutory definition of a crime. However, when put together, the cases may comprise a serious crime. For this reason, it is important to form an overall picture of the case and to determine common features between the offences included in it.

Online targeting and shaming may also take place outside the internet and manifest itself in threats of violence or the perpetrator may approach the home of the targeted individual. The aim is to create a situation in which the victims, their colleagues and family members feel threatened and to show that the targeted individuals are not safe anywhere. The targeted individuals may be followed in the street or in public transport vehicles or the perpetrator may come uncomfortably close to them. Attaching stickers or other signs on the door of the targeted individual's home makes the threat more real and shows that the victim is marked. Many of these acts are effective at creating a threatening atmosphere but they do not meet the statutory definition of an offence or would only carry a light sentence. When the police launch a criminal investigation in a case involving online targeting and shaming, it is important to investigate the acts taking place online and outside the internet and the possible links between them.

Proposals for measures:

- The police should acquire more expertise in the investigation of cases involving online targeting and shaming
- Differences between police departments in the investigation of cases involving online targeting and shaming should be reduced
- All police departments should apply uniform practices and processes when investigating cases involving online targeting and shaming (in such areas as outlining the cases and determining common features between the offences)
- The police should be better placed to understand the victims' perspective and show sensitivity towards them
- In seemingly minor cases, determining the common features between offences and using other methods, the police can ensure that the offences are not part of a larger series of offences, and possible links between offences taking place online and outside the internet are investigated

8 Using mediation in cases involving online targeting and shaming

Mediation can be used in a limited number of cases involving online targeting and shaming. It is essential that the police are able to determine the cases in which mediation would produce results. It is also important for the police to determine whether they are dealing with a one-off case of online targeting and shaming or an organised and systematic campaign. The victim's view on the option of mediation must always be considered.

Using mediation may also send a wrong signal to the perpetrator. For example, using mediation in online targeting and shaming directed at public authorities may be interpreted as a sign of weakness in the organisation and suggest that the organisation does not support individual public officials.

9 Employer's responsibilities in cases involving online targeting and shaming

In many cases, charges for offences involving online targeting and shaming may only be brought at the request of the injured party. The victim of online targeting and shaming decides whether to report the offence to the police or not. The legislation sometimes makes it difficult for employers to intervene, especially if the victim does not want any intervention. However, individuals often fall victim to online targeting and shaming because of their work tasks and the purpose of online targeting and shaming may be to influence the organisation for which the victims work. The persons subject to online targeting and shaming may be the direct target even though the organisation in which they work is the actual target. For this reason, it should be in the clear interest of the employer to put an end to any online targeting and shaming campaign.

There will be changes to the situation if the Finnish Parliament adopts the Government proposal under which amendments will be made to the provision of the Criminal Code on the right to bring charges in cases involving unlawful threats. Under the proposal, the act would be subject to public prosecution if an unlawful threat is directed at individuals because of their work tasks and the perpetrator does not work in the same organisation. Under the proposed amendment, the prosecutor could also bring charges for unlawful threats if the act is directed at individuals because of the elected public office they hold. The amendment would also apply to freelancers. The amendment is intended to enter into force in autumn 2021.

Even after the legislative change, such crimes as harassing communications, defamation, and dissemination of information violating personal privacy would remain offences in which charges can only be brought at the request of the injured party. All these crime categories are frequently used in cases involving online targeting and shaming. The need to change these crime categories into offences subject to public prosecution is discussed by Mika Illman in his report.

Any legislative changes would support the employer and make it easier to enforce the employer's statutory obligations in the field of occupational safety and health. Online targeting and shaming is always an occupational safety and health issue as it impacts the physical and mental health of the employees and their capability to perform their work tasks. Online targeting and shaming may have long-term impacts on the victim, but they can be mitigated through effective and timely action of the employer.

Under the existing legislation, different actors have adopted a variety of different practices concerning the reporting of offences. For example, the National Prosecution Authority decides, on a case-by-case basis, whether to report the offence to the police and whether it is reported by the targeted person or the employer. The purpose is to ensure the safety of the personnel, that they can perform their duties and that the perpetrators are held liable for their actions. In all cases, the local police are contacted, and an event report is prepared for the police. A copy of the report is sent to the head of the National Prosecution Authority and the Office of the Prosecutor General.

It became clear on several occasions during the deliberations of the working group and the consultations with the experts that the ability and willingness of the immediate supervisor to take the required action is the key source of support for the victim of online targeting and shaming. This gives the victims the feeling that their views are heard, their safety matters and the employer is determined to take action in the case.

The overall atmosphere of the work community is also an important factor in view of the intervention. The work community can be encouraged to engage in an open debate that also includes difficult issues or to state that you have chosen your profession and harassment is something that you have to tolerate in that profession. The latter option is particularly bad from the perspective of the work community and the victim of the online targeting and shaming and it also encourages the perpetrators to continue their activity.

From the employer's perspective, taking action in situations involving online targeting and shaming may also involve challenges. Employees may be subject to online targeting and shaming in connection with their work tasks, but the online targeting and shaming is prompted by their personal opinions and off-work activities. For example, the views and comments shared by the persons in question in social media can be interpreted so that they influence the way in which the employees perform their work tasks.

This may prompt online targeting and shaming that is primarily directed at the employee's off-work activities but that will also negatively affect the trust in the organisation that the person in question represents. Being subject to online targeting and shaming may also make the employees so fearful about their own safety and the safety of their family members that they refuse to assist the employer in the investigation of the matter.

The employer is obliged to prevent and limit the impacts of phenomena that cause mental stress and safety risks and threats. Preparing guidelines for situations in which employees or freelancers or volunteers working for the organisation are subject to

online targeting and shaming because of their work tasks is the most important instrument available to the employer. Clear guidelines for situations involving online targeting and shaming help to ensure that the victims are not left alone and do need to take action of their own. The aim of the persons behind online targeting and shaming is to ensure that the victim is left without support. Persons left without support are more frightened and feel that they have been left alone, and it is also easier to influence them. Strong support for the victim of the online targeting and shaming by the organisation sends a clear message to the perpetrator and the group taking part in the campaign that the entire organisation supports the victims and stands shoulder to shoulder with them. Clear guidelines also ensure that the employer acts in a consistent and predictable manner, which may also help to prevent online targeting and shaming.

Reporting the offence to the police, informing the supervisor on the matter, occupational health care services, applying for a restraining order, and securing the personal data of the employee and protecting their families are some of the key instruments available to the employer in cases involving online targeting and shaming. Work tasks can be reassigned and the employee in question can be transferred from such tasks as customer service to other duties or the tasks can be rotated among staff members. The last-mentioned method has been used in the National Prosecution Authority, in which the prosecutor is changed as necessary to show the persons behind online targeting and shaming that the case is proceeding despite online targeting and shaming. However, reassigning tasks and transferring employees to other duties may also show the perpetrator that online targeting and shaming produces results and that it is an effective way of achieving the desired objectives.

The security manager may contact the person behind the threats. This may work in situations prompted by strong anger that do not involve systematic online targeting and shaming. Occasionally, the perpetrator may also be contacted by the police. This has been done in small localities where people know each other. However, this approach cannot be adopted as a standard practice because the police do not have enough resources to do it. The most progressive employers already use a wide range of different procedures to support the employees subject to online targeting and shaming.

Openness of government activities is exploited in online targeting and shaming directed at public authorities. In such cases, the measures available to the employers mainly concern the processing of data on public officials. The information available to the public under the existing legislation should be subject to critical review. Restricting access to details of individual public officials would make online targeting and shaming more difficult. Existing legislation does not take into account changes in the operating environment and the fact that some individuals exploit access to information to incite to violence and to commit offences. In addition to the misuse of other personal

data, online targeting and shaming will also be considered in the overhaul of the Act on the Openness of Government Activities, and the coordination of the fundamental rights on publicity and protection of personal data will be assessed in the project.

Intimidation and pressure directed at colleagues and family members may actually be more effective than online targeting and shaming directed at the person in question. The support measures should be extended to cover family members. Experience has shown that family members are often reluctant to discuss the matter with outsiders such as the occupational health care personnel. This may be motivated by the unwillingness to disclose details of the security measures. To ensure confidentiality, the occupational health care service should designate persons to deal with cases involving online targeting and shaming.

Proposals for measures:

- Employers and organisations should prepare guidelines for situations in which persons are subject to online targeting and shaming because of their work. The measures that should at least be included in the guidelines are described under 'Preventive measures'.
- The actors and their responsibilities should be clearly specified in the guidelines.
- The guidelines should have a publicly accessible part and a secret part. The publicly accessible part is also a message to the perpetrators that targeting one employee is considered an attack against the entire organisation. The secret part should set out the measures specifying how to guarantee the safety of the victims and their family members.
- The guidelines on online targeting and shaming should have the same status as the guidelines on such matters as occupational safety and health, promotion of non-discrimination and combating of sexual harassment.
- The guidelines should also apply to freelancers.
- A low-threshold approach should be adopted to online targeting and shaming and other similar influencing and the measures should be based on the subjective experience of the employee, which should be compared against the definition of online targeting and shaming. The employer should be responsible for taking action in the matter.

- Other parties (such as the colleagues of the victims) should also be obliged to inform the employer of online targeting and shaming. The notification procedures should be incorporated in the organisation's structures and they should not merely be information available to individual persons.
- Online targeting and shaming and the risks associated with it should be taken into account in communications. In communications on topics exposing individuals to online targeting and shaming, the focus should be on the organisation as a whole instead of individual persons.
- Adequate training should be ensured so that the measures to deal with online targeting and shaming can be put into effect.
- Issues concerning online targeting and shaming should be considered in the overhaul of the Act on the Openness of Government Activities and the personnel record reform.
- Occupational health care services should designate persons to deal with online targeting and shaming cases so that the confidentiality of the activities can be ensured.

10 Proactive measures

It is essential to prevent all online targeting and shaming and measures should be taken to prepare for it in advance.

Based on their experience, employers can identify the tasks in which there is a particularly high risk of online targeting and shaming. Other actors, such as members of highly visible minorities and volunteers working for organisations may also be subject to online targeting and shaming when they want to influence political events and developments in society. Topics prompting online targeting and shaming usually involve controversial issues that arouse strong reactions and in which opinions are deeply divided. In such cases, the personal data of the employees concerned, and other relevant actors can be secured well in advance. The procedures concerning online targeting and shaming as well as the other measures intended to support staff members in online targeting and shaming cases should be reviewed with these employees.

Staff members can be extensively informed of online targeting and shaming, what the victim should do and what should be done if one notices that a colleague is targeted.

The occupational health care service can be contacted, and experts can be asked to explain what support is offered by the occupational health care service in such situations. Before any online targeting and shaming occurs, it should also be considered whether there is a need for a centralised procedure in which experts designated by the occupational health care review matters concerning online targeting and shaming.

Legislative means can also be used. For example, the Ministry of the Interior has prepared an amendment to a Ministry of the Interior decree, under which the name badges on police uniforms can be replaced with other unique identifiers.

Proposals for measures:

- Employers should ensure that guidelines for online targeting and shaming situations are in place, known to everybody and regularly updated.
- The guidelines should at least include the following:
 - Prevention of online targeting and shaming, (such as communications, social media and safety guidelines), and the protection of privacy data (data on the individuals concerned, their colleagues and family members)

- Concrete measures for situations in which persons working in the organisation (including freelancers and volunteers) fall victim to online targeting and shaming
 - Description of procedures and actions used to deal with the situations and the persons responsible for them
 - Methods to protect the victims of online targeting and shaming and their colleagues and family members
 - Other support measures, such as occupational safety and health and legal support; Occupational Safety and Health Act (738/2002); employer's duty to ensure its employees' health and safety
 - Measures taken by the organisation, such as reporting the cases to the police
 - Work arrangements in situations in which a person is subject to online targeting and shaming
 - Internal and external communications in situations involving online targeting and shaming
 - Training for key persons in particular and for the organisation in general.
- Whenever possible, employers should introduce risk-assessment and other instruments to identify the tasks with a particularly high risk of online targeting and shaming and for which preventive measures should be in place
 - The guidelines should also cover elected officials, volunteers and freelancers working for the organisations
 - A question on online targeting and shaming should be added to the surveys carried out among staff members, such as the quality of work life survey conducted by Statistics Finland and VMBaro.

11 Cooperation between public authorities and making it more effective

There is cooperation between the police and prosecutors in cases involving threats and online targeting and shaming and courts are also involved in the process. The cooperation works well, and the threat assessment method developed by the police is well-suited for such cases.

Mika Illman points out in his report (p. 139) that already under the existing legislation, the police and prosecutors could cooperate more effectively to combat online targeting and shaming. Under chapter 5(1) of the Criminal Investigation Act, the police and the National Prosecution Authority can agree that cases reported to the police containing features of online targeting and shaming are reported to the prosecutor. The prosecutor could then consider whether to submit a request for a criminal investigation referred to in chapter 3(4)(3) of the Criminal Investigation Act. In such cases, the criminal investigation could thus be carried out irrespective of whether or not the victim has requested a punishment. Even if the passive attitude of the victim would stem from the fear of further threats or insults, the pressure directed at the victim by the perpetrator would not prevent the public authorities from taking the necessary action.

Proposals for measures:

- Cooperation between the police and the prosecutors in matters concerning online activities should be improved. The police monitor online activities, and the National Prosecution Authority would like to receive more information on online activities targeting prosecutors. The legislative limitations on data disclosure must, however, be considered. The police cannot always disclose data even if that would also be in its own interests. This should be a consideration when the Act on the Openness of Government Activities is overhauled.

12 Online targeting and shaming and its financial benefits

Income can be earned through advertisements shown on social media platforms. For example, one can conclude an agreement with YouTube under which YouTube shows commercial advertisements and banners in connection with videos. YouTube pays the content producer for the advertisements and the banners. There is no precise information on how much income persons behind online targeting and shaming earn from YouTube but according to a number of estimates, the sums can be substantial. Some of the actors use the SuperChat function, in which they collect money from people watching their live streams. The viewers can comment on the live broadcasts and purchase visibility for their comments by paying a sum of their choice. A number of companies placing advertisements in YouTube are aware of this and have requested assistance in identifying channels that spread conspiracies and hate contents. The activities may also be financed through shadow economy and with criminal activities. According to some reports, funding may also have been received from outside Finland.

Proposals for measures:

- There should be more extensive cooperation with business operators so that companies are better placed to identify activities associated with online targeting and shaming and widening of societal division. The aim is to ensure that companies are aware of this if they finance the activities by buying advertisements.
- In some cases, the economic benefits generated by such activities can be interpreted as proceeds of crime, which should be eliminated as in all other criminal activities.



Ministry of the Interior
Finland

Ministry of the Interior PO Box 26, FI-00023 Government

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