

# Harassment is discrimination

Many people's everyday lives are negatively impacted and limited by harassment: insulting or disparaging speech, gestures and messages. Methods for the prevention of harassment and for helping victims must be further developed.



## TACKLING HARASSMENT WILL IMPROVE SAFETY

Harassment in its various forms has far-reaching consequences for society in its entirety as it causes victims to have a sense of insecurity, threatens their mental health and negatively impacts their confidence in authorities. Harassment is prohibited discrimination in both



TACKLING HARASSMENT IMPROVES SAFETY. ACCORDING TO THE NON-DISCRIMINATION ACT (SECTION 14) HARASSMENT IS A BEHAVIOUR THAT IS A DELIBERATE OR DE FACTO INFRINGEMENT OF THE DIGNITY AND INTEGRITY OF A PERSON. BEHAVIOUR LEADS TO THE CREATION OF THE INTIMIDATING, HOSTILE, DEGRADING, HUMILIATING OR OFFENSIVE ENVIRONMENT THAT IS A PROHIBITED GROUNDS FOR DISCRIMINATION.

THE PROHIBITED GROUNDS FOR DISCRIMINATION ARE AGE, ORIGIN, NATIONALITY, LANGUAGE, RELIGION, BELIEF, OPINION, POLITICAL ACTIVITY, TRADE UNION ACTIVITY, FAMILY RELATIONSHIPS, STATE OF HEALTH, DISABILITY, SEXUAL ORIENTATION OR ANY OTHER PERSONAL CHARACTERISTICS.

THE EQUALITY ACT (SECTION 7) PROHIBITS SEXUAL HARASSMENT AND HARASSMENT ON THE BASIS OF GENDER

the Non-Discrimination Act and the Act on Equality between Women and Men (Equality Act). Authorities, employers and educational institutions have an obligation to prevent and intervene in harassment and to promote non-discrimination and equality between men and women. According to a study which examined harassment experienced by different population groups, the most common forms of harassment are verbal affronts, humiliation and name-calling. It is alarming that often times the offender is a politician, a person in another public position or a healthcare or social services employee. (Owal Group 2016 and 2018)

Harassment is one of the factors that has the strongest effect on people's general feeling of safety in Finland. According to a report commissioned by the Ministry of the Interior, the amount of harassment experienced by people is expected to increase in the future. (Ministry of the Interior 2018)

Finland has entered into international human rights agreements that have required its commitment to the promotion of non-discrimination and the fight against discrimination. The supervisory bodies for human rights agreements have issued numerous recommendations to Finland concerning the tackling of harassment.

## HARASSMENT CAN BE VERY DIVERSIFIED IN NATURE

Harassment as it is defined in the Non-Discrimination Act is rarely separated, for example, from other forms of discrimination in investigations concerning discrimination. Discrimination and harassment are often viewed as one concept.

Behaviour that is degrading and harassing can also fulfil the criteria for a criminal offence. Abusive, slanderous or threatening public activity towards a population group can be penalised under incitement to hatred against a population group.

FORMS OF HARASSMENT ARE VERY DIVERSIFIED IN NATURE. HARASSMENT CAN INCLUDE, FOR EXAMPLE, SPEECH, EMAILS, FACIAL EXPRESSIONS, GESTURES, THE PLACEMENT OF INAPPROPRIATE MATERIALS IN VISIBLE PLACES OR ANOTHER FORM OF COMMUNICATION.

A hate crime can, in turn, be any offence prescribed by Finnish legislation. The essential factor is the motive of the crime, A hate crime refers to an offence the motive of which is prejudice or hatred, for example, for a victim's assumed or actual ethnicity or national background, religious beliefs, sexual orientation or disability. The target of a hate crime may be a person who is not a member of a minority but defends minorities or works to promote minority affairs. Harassment and its multiple forms are closely linked to hate speech.

The concept hate speech is not used or defined in legislation, but according to a recommendation by the Council of Europe's Committee of Ministers, it comprises all forms of expression that spread, incite, promote or justify hate in a threatening or degrading manner. Hate speech can comprise an offence specified in the Criminal Code of Finland, harassment prohibited in the Non-Discrimination Act or Equality Act or expression that is otherwise harmful in general.

### HARASSMENT OF IMMIGRANT ESPECIALLY COMMON IN FINLAND



In 2017, the European Union Agency for Fundamental Rights (FRA) published a broad study on discrimination and harassment experienced by immigrants and ethnic minorities in the EU.

The EU-MIDIS II survey examined the experiences of immigrants and their children who had come to Finland from sub-Saharan countries. According to the survey, 47% of respondents in Finland had experienced harassment due to their ethnicity or their immigrant background during the past 12 months. Harassment was more prevalent in Finland than in the other 12 EU countries where the survey was carried out for the corresponding group. The average percentage of people who had experienced harassment was 21% in the surveyed countries.

AS SPECIFIED IN THE NON-DISCRIMINATION ACT, AUTHORITIES, EDUCATION PROVIDERS AND EMPLOYERS, WHO HAVE AT LEAST 30 EMPLOYEES HAVE AN OBLIGATION TO DRAW UP A NON-DISCRIMINATION PLAN FOR THE PREVENTION OF DISCRIMINATION AND HARASSMENT.

The latest harassment and  
discrimination data:  
**SYRJINTATIETO.FI**





**Harassment is one of the factors that has the strongest effect on people's general feeling of safety in Finland.**



## BULLYING CAN BE HARASSMENT

Bullying that takes place in schools, educational institutions and workplaces can be deemed harassment prohibited by the Non-Discrimination Act.

On the basis of the results to the National Institute for Health and Welfare's School Health Promotion Survey 2017, children who had functional limitations or foreign backgrounds or were members of sexual minorities experienced more harassment and discrimination in schools than others. Being a victim of discriminatory bullying may cause a person to lose their sense of security, which may lead to different psychosomatic, psychological and physical problems.

### FOREIGN BACKGROUND

8th and 9th graders



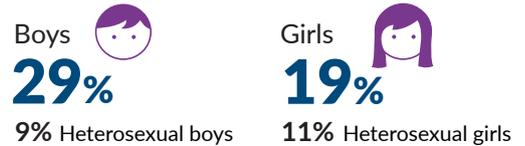
### PERSONS WITH FUNCTIONAL LIMITATIONS

8th and 9th graders, 1st and 2nd graders from upper secondary school and from vocational school



### SEXUAL MINORITIES

1st and 2nd graders from upper secondary school



1st and 2nd graders from vocational school



### EXPERIENCES OF DISCRIMINATORY BULLYING AT SCHOOL AND DURING LEISURE TIME

At workplaces, harassment can take the form of bullying, where an employee is treated in a degrading, intimidating and threatening manner. This can be considered both harassment as referred to in the Non-Discrimination Act and harassment as referred to in the Occupational Safety and Health Act. Harassment as it is referred to in the Occupational Safety and Health Act can cause hazards or risks to the employee's health. According to the Non-Discrimination Act, an employer is guilty of discrimination, if the employer does not intervene in the harassment experienced by an employee. The Non-Discrimination Ombudsman has stated that the law should also state that an educational institution is guilty of discrimination, if it does not intervene in harassment experienced by a student.

### HARASSMENT IN EDUCATIONAL INSTITUTIONS

In 2017, the Non-Discrimination Ombudsman successfully intermediated in a case that concerned harassment by a teacher towards a student on the basis of their nationality. The teacher had spoken about Estonian persons in a derogatory and inappropriate manner while other students were listening. As a result of intermediation, the educational institution apologised to the student, who had been the target of discrimination, and paid the student 2,000 euros in compensation.



**Children and teenagers who had functional limitations or foreign backgrounds or were members of sexual minorities experienced more harassment and discrimination in schools than others.**



## THE ACT ON EQUALITY BETWEEN WOMEN AND MEN PROHIBITS SEXUAL HARASSMENT

When speaking of harassment, people frequently mean sexual harassment or harassment based on gender. Sexual harassment and harassment based on gender are defined in the Equality Act as prohibited discrimination. According to 2017 School Health Promotion Survey, 12% of 8th and 9th grade boys and 30% of girls had experienced sexual harassment in the past year. According to the Gender Equality Barometer 2017, 38% of Finnish women and 17% of men had experienced sexual harassment in the two years preceding the survey. A total of 56% of women under the age of 35 had experienced harassment. The most common forms were demeaning, indecent jokes, sexually-charged speech and inappropriate comments concerning one's body or sexuality.

### HARASSMENT CRIPPLES FREEDOM OF EXPRESSION

Growing harassment, especially online, has sparked concern about when it will begin to infringe on public debate and freedom of expression. The fear of becoming the target of hostile messages can cause people to remain silent. According to a study that examined the impact of hate speech on the freedom of expression, experts and journalists who public debate, for example, in Finland limit their expressions in fear of harassment and threats (Pöyhtäri et al. 2013). Questions have also arisen on what options there are for intervening in harassment without limiting the constitutional right to freedom of expression. All unpleasant or provoking expressions are not harassment. The threshold for harassment is crossed for the most part in especially serious cases.

However, the freedom of expression does not protect harassment or other forms of expression that are in violation of another person's fundamental rights or their dignity or integrity as a human. Freedom of expression is outlined in the Criminal Code of Finland, for example, by prescribing defamation and incitement against a population group as punishable offences.

Sexual harassment and harassment based on gender have been highlighted recently due to the #metoo campaign. The campaign has increased public discussion on sexual harassment experienced especially by younger women in different fields of work. The aim of the Ministry of Justice campaign titled #häirinnästävapaa (free of harassment) is to bring forth action models that can be used to intervene in sexual harassment in companies, communities and various organisations.

#### A DEMONSTRATION MUST NOT VIOLATE HUMAN DIGNITY

For example, a demonstration can be considered harassment as prescribed in the Non-Discrimination Act, if it violates the human dignity and integrity of people who are members of a minority and creates a degrading, threatening or hostile environment. At the initiative of the Non-Discrimination Ombudsman, the Police sent a letter to police departments around Finland, which requested that, where necessary, the police move a demonstration if it is being held in front of a reception centre for asylum seekers or a building used as a place of worship by a religion or it infringes on the rights of by-standers.

### ARTICLES ON IMMIGRATION AND RUSSIA TRIGGER ONLINE HARASSMENT

In summer 2018, the International Press Institute (IPI) carried out a study on cases of online harassment where the targets were Finnish journalists. According to the study, news items especially on asylum seekers, immigration and Russia triggered harassment campaigns. Finnish journalists do not trust that threats will be investigated sufficiently although the authorities are aware of this growing problem. The interviewed journalists said that they were now more cautious in how they worded their texts concerning topics that often trigger hate speech.

## A GROUP OF PEOPLE CAN BE TARGETED

The prohibition of harassment specified in the Non-Discrimination Act can be interpreted to mean that harassment that is deemed discriminatory can be directed at a certain group of people and the law does not require that an individual person experiences the offence. However, according to the current Non-Discrimination Act, the Non-Discrimination Ombudsman cannot submit a case to the National Non-Discrimination and Equality Tribunal without naming the individual victim meaning a complainant. The Non-Discrimination Ombudsman has requested that the law be amended in this respect so that no complainant would be needed for the tribunal to hear a case. This legislative amendment would make it possible to intervene in harassment more effectively than at present.

For example, the so-called Nazi flag case of 2016 can be considered harassment directed at a group of people. A flag carrying a swastika was hung in the window of a student apartment. According to the Non-Discrimination Ombudsman, this was a violation of the prohibition of harassment specified on the Non-Discrimination Act because the flag creates a hostile atmosphere towards certain groups of people. The case in question has a complainant and the ombudsman has submitted the case to the National Non-Discrimination and Equality Tribunal. The tribunal is scheduled to give a decision on the case in autumn 2018.

### DEMEANING TREATMENT OF CUSTOMERS IS HARASSMENT

A clothing store refused to serve a group of Roma women, and they were asked to leave the store. The clothing store felt that due to the large size of the group, they posed a threat to security in the store. According to the Roma women, they were refused service on the basis of their ethnicity. The women felt that the way they were treated was demeaning because they were ordered to leave the store while members of the majority population were present and were threatened with the impending arrival of a security guard. The National Discrimination Board found that the clothing store's service provision was discriminatory and harassing and prohibited the store from continuing or repeating their violation of the prohibition on discrimination prescribed in the Non-Discrimination Act and their refusal to provide service to the Roma population. In order to guarantee immediate compliance with the prohibition on discrimination, the store was issued a conditional fine of 500 euros.

*(Register number 2436/66/2006,  
date of decision 7 June 2007)*

A bank did not accept an applicant's French ID card, and after the matter had been discussed, security guards removed the applicant from the bank by force and placed the applicant in handcuffs. The National Discrimination Board felt that the bank's actions were direct discrimination and the applicant's removal from the bank's premises and the bank's refusal to provide services was in violation of the applicant's human dignity and bodily integrity. The treatment of the applicant created an environment that was degrading and humiliating for the applicant. According to the board, this was a case of harassment prohibited by the Non-Discrimination Act. The National Discrimination Board ordered to bank to a 5,000 euro conditional fine, if it did not discontinue their violation of the prohibition on discrimination.

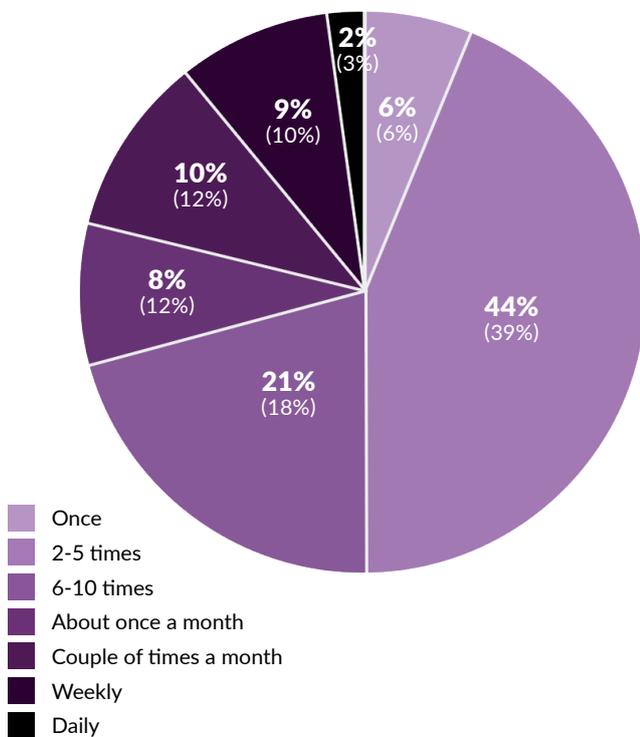
*(Register number 2012/1739,  
date of decision 14 March 2013)*

# MINORITIES ARE TARGETS OF HATE SPEECH AND HARASSMENT

Owal Group carried out extensive surveys on hate speech and harassment in 2015 and 2017. The target groups for the survey were the Roma, the Sami, Finland's Swedish speaking population, the disabled, sexual and gender minorities, religious minorities, as well as those who spoke foreign languages, were foreign nationals and had immigrant backgrounds. In 2017, the survey's target groups also included those who did not belong to any religion and atheists.

## THE PREVALENCE OF HATE SPEECH

How many times have you experienced hate speech or harassment over the past 12 months. 2017 (2015)



## HATE SPEECH OR HARASSMENT DIRECTED AT MYSELF HAD BEEN EXPERIENCED BY

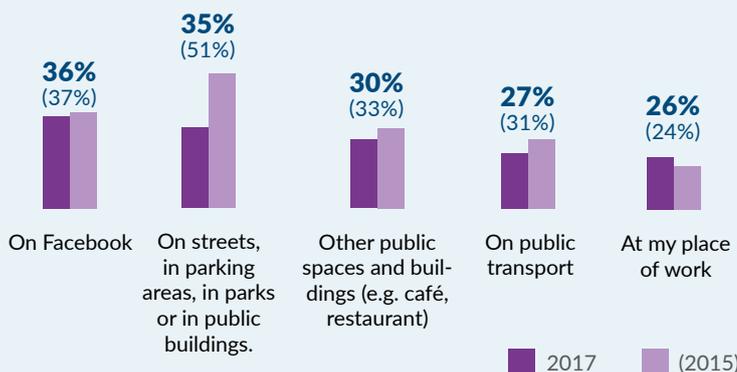


HATE SPEECH OR HARASSMENT DIRECTED AT OTHERS WERE OBSERVED MOST OFTEN WHEN THIS WAS DIRECTED AT PEOPLE WHO SPOKE A FOREIGN LANGUAGE, FOREIGN NATIONALS AND PEOPLE WITH IMMIGRANT BACKGROUNDS



THE MAJORITY HAD EXPERIENCED HATE SPEECH OR HARASSMENT 2-5 TIME OVER THE PAST 12 MONTHS

## THE MOST COMMON PLACES WHERE HATE SPEECH OR HARASSMENT ARE EXPERIENCED



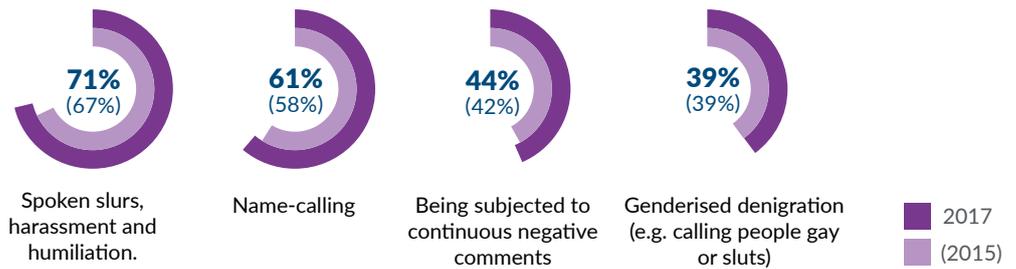
EXPERIENCES TOOK PLACE MOST OFTEN IN PUBLIC PLACES OR ON FACEBOOK

SOME RESPONDENTS AVOID CERTAIN PLACES IN FEAR OF HARASSMENT OR HATE SPEECH



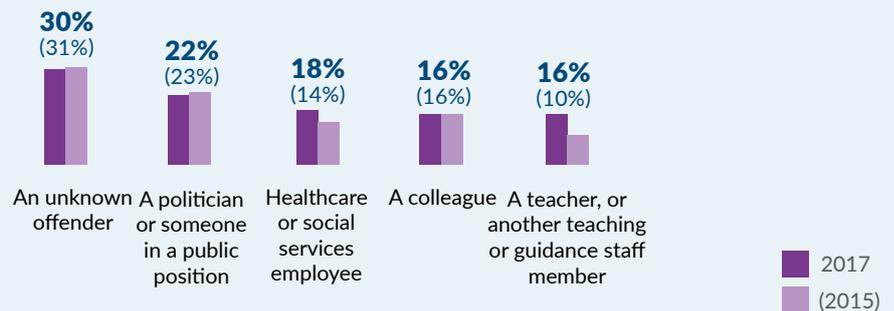
## TYPES OF HATE SPEECH AND HARASSMENT THAT PEOPLE HAVE EXPERIENCED

MOST COMMONLY HARASSMENT IS IN THE FORM OF SPOKEN SLURS AND HUMILIATION



## PEOPLE WHO MOST OFTEN USE HATE SPEECH AND HARASS PEOPLE

THE OFFENDER IS OFTEN A POLITICIAN OR A PERSON IN A PUBLIC POSITION

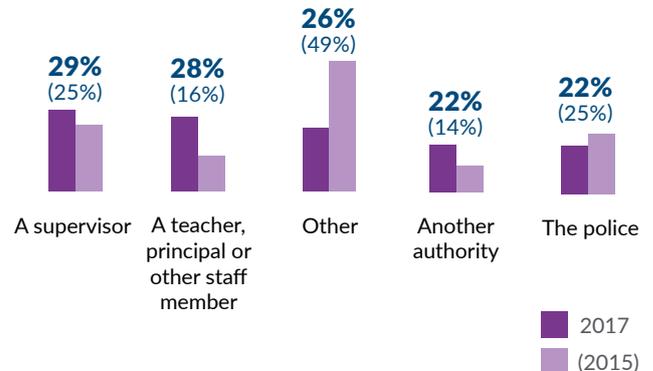


FEW PEOPLE REPORT HARASSMENT OR HATE SPEECH

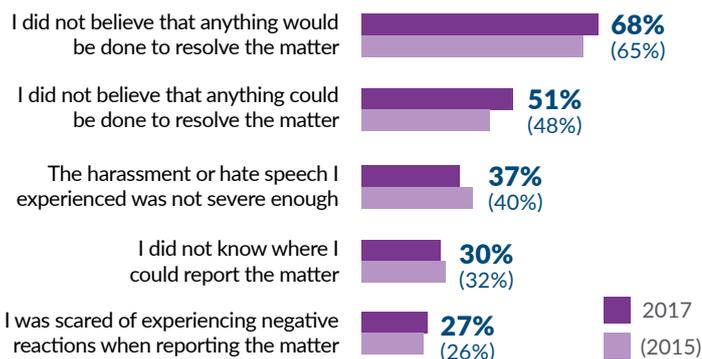
## NUMBER OF PEOPLE WHO HAVE REPORTED CASES OF HATE SPEECH OR HARASSMENT



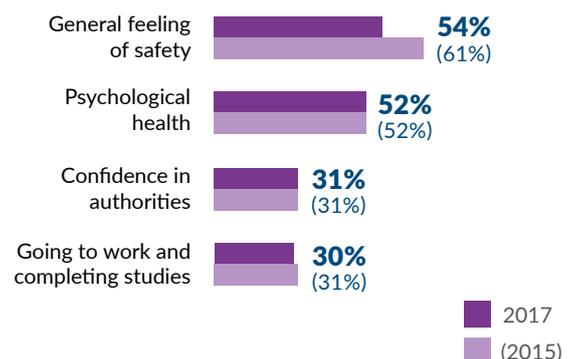
## A REPORT IS MOST COMMONLY SUBMITTED TO



## VICTIMS DO NOT BELIEVE THAT ANYONE WOULD INTERVENE IN THEIR CASE



## SAFETY AND MENTAL HEALTH AT GREATEST RISK



# RECOMMENDATIONS FOR PREVENTING HARASSMENT

## Prevention

- Decision makers, authorities and other key influencers must recognise their capacity to influence the social atmosphere and ensure that they do not through their own communication or other activities support harassment and hate speech.
- The ethical instructions for political campaigns must include guidelines on how to prevent and tackle harassment and hate speech.
- The focus points and criteria for financing can be used to increase and improve the participation and societal activeness of various population groups.
- Financing criteria can also be used to promote equality, for example through the advance assessment of the equality impacts of a project or by requiring that a project include participants from various population groups.
- Pedagogy that aims to tackle discrimination and harassment should be part of a teacher's competence from early childhood education and care through to vocational education and training. Issues related to discrimination and harassment should be included in teacher education and further education.

## Intervention and reporting

- The effectiveness and impact of current legislation related to harassment must be assessed, and legislation must be developed according to needs that emerge.
- Online discussion forms and service providers should follow the discussions on their forums and, where necessary, intervene in offensive comments and report these to the police.
- Every member of society has an obligation to intervene in harassment and hate speech. However, we need more tools and action plans to ensure that the individual's awareness and readiness to intervene in hate speech increase. Intervention should be made the norm especially in public places and public transport.
- For example, more channels should be set up online through which people can report harassment safely and sensitively. An effort must also be made to increase awareness on existing reporting channels.

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”Usein joutuu miettimään, miten pitäisi olla ja minne olla menemättä”

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# MINISTRY OF JUSTICE

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### **1/2018 Harassment is discrimination**

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