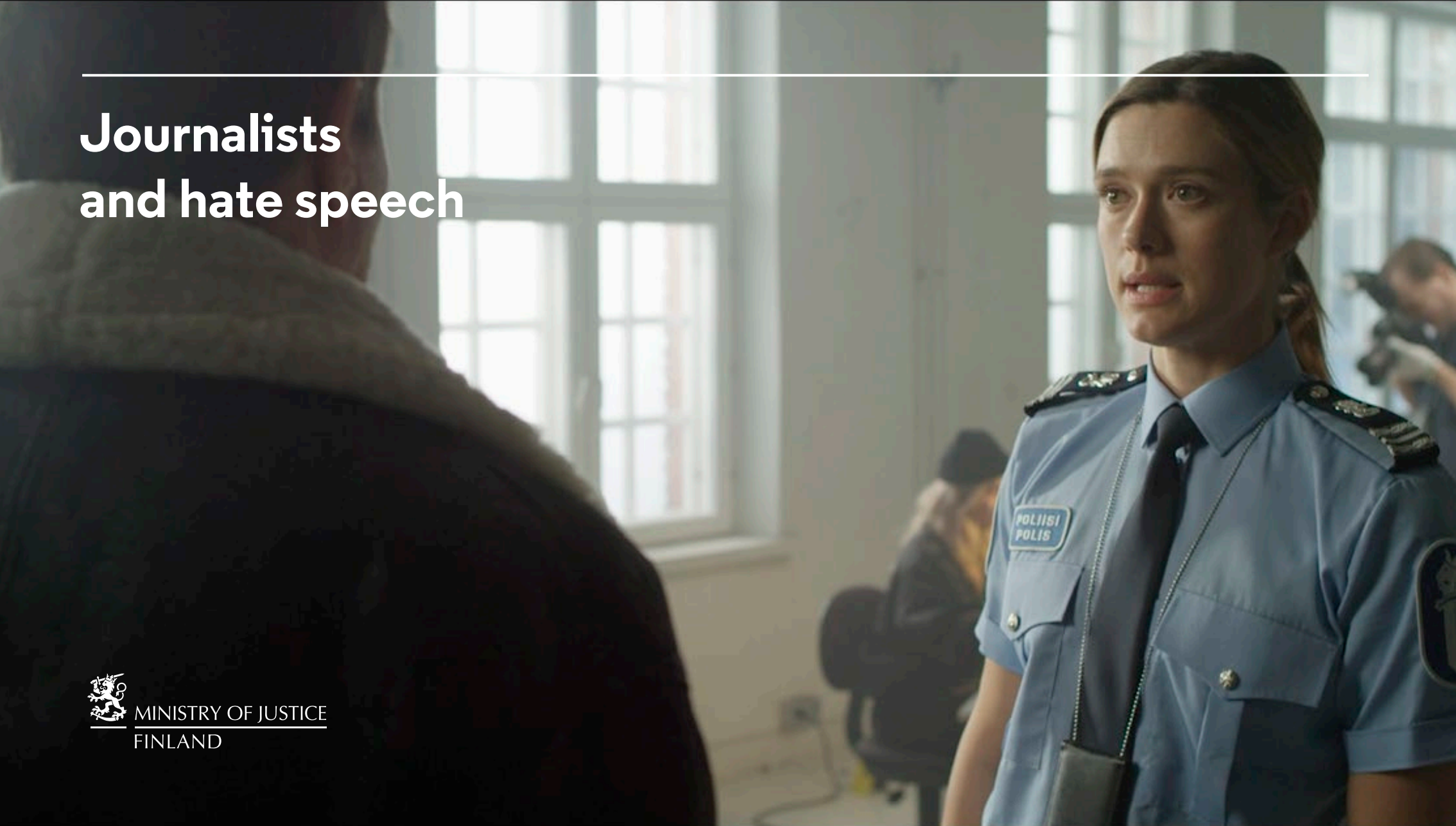

Journalists and hate speech



MINISTRY OF JUSTICE
FINLAND



Journalists and hate speech

In addition to encountering hate speech in their work, journalists are also targeted by it. This type of targeting can range from individual hateful messages to entire hate campaigns. The aim of this type of hate speech is to silence social discussion.

Hate speech is often defined as communication that spreads or incites hate against an individual or group of people. This communication may be actual speech, but it can also consist of writings, images, symbols, music, drawings and videos.

Pictures have been produced in project Against Hate.
From <https://yhdenvertaisuus.fi/en/hate-speech> you can find more information on hate speech.



Hate speech can be punishable

Some hate speech is punishable. The key penal provision enabling this in the Criminal Code of Finland is the provision on incitement to hatred. Incitement to hatred is defined as threatening, defaming or insulting a certain group 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.

Punishable hate speech may also fulfil the essential elements of the following offences:

- menace: a person who threatens another with an offence under such circumstances that the person so threatened has justified reason to believe that their personal safety or property or that of someone else is in serious danger may be guilty of menace
- defamation: a person who spreads false information or a false insinuation of another person so that the act is conducive to causing damage or suffering to that person, or subjecting that person to contempt, or disparages another in other manner, may be guilty of defamation
- stalking: a person who repeatedly threatens, observes, contacts or in another comparable manner unjustifiably stalks another so that this is conducive towards instilling fear or anxiety in the person being stalked may be guilty of stalking
- dissemination of information violating personal privacy: a person who unlawfully, through the use of the mass media or otherwise by making available to many persons, disseminates information, an insinuation or an image related to the private life of another person, so that the act is conducive to causing that person damage or suffering, or subjecting that person to contempt, may be guilty of dissemination of information violating personal privacy.

Who is targeted by hate speech?

Hate speech targets persons belonging to various minorities, but it may also be targeted at a person not belonging to such groups due to the person opposing racism or discussing the rights of women, feminism or gender diversity as part of their work, for example. A journalist may end up being targeted by hate speech as a result of exploring these issues in their work, for example.

According to the Criminal Code of Finland, a motive of hate can be grounds for increasing punishment. The grounds for increasing punishment include “commission of the offence for a motive based on race, skin colour, birth status, national or ethnic origin, religion or belief, sexual orientation or disability or other corresponding grounds”.

In hate campaigns, people are incited to attack a specific individual by way of sending hate mail, for example. This phenomenon is often called targeting, and it is used against journalists and researchers, for example.

All abusive communication is harmful to the individual, and the practical means of intervening in it are the same regardless of whether the communication is motivated by hate or not.



Harassment is also prohibited

In addition to potentially being an offence according to the Criminal Code of Finland, hate speech may also constitute harassment, which is prohibited by the Non-Discrimination Act and the Act on Equality between Women and Men.

Harassment corresponding to the definition in the Non-Discrimination Act can be reported to the [Non-Discrimination Ombudsman](http://www.syrjinta.fi/web/EN/) (www.syrjinta.fi/web/EN/), while harassment corresponding to the definition in the Act on Equality between Women and Men can be reported to the [Ombudsman for Equality](http://www.tasa-arvo.fi/web/EN/) (www.tasa-arvo.fi/web/EN/). A victim of harassment may be entitled to compensation on the basis of the Non-Discrimination Act and the Act on Equality between Women and Men. Compensation can be demanded in connection with a criminal trial or by taking legal action in a district court.

Behaviour that may constitute harassment prohibited by the Non-Discrimination Act includes situations in which someone behaves in a humiliating, degrading or threatening manner against another person. If you suspect this type of harassment, the Non-Discrimination Ombudsman may help clarify the situation. You can turn to the Non-Discrimination Ombudsman if you have

experienced or observed harassment on the basis of age, origin, nationality, language, religion, belief, opinion, political activity, trade union activity, family relationships, state of health, disability, sexual orientation or other personal characteristics. The Non-Discrimination Ombudsman can provide advice and instructions and tell you how you should proceed with the matter.

According to the Act on Equality between Women and Men, 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. Prohibited sexual harassment may also include hostile speech, such as homophobic name-calling or calling someone a whore. Gender-based harassment aims at degrading or demeaning another

person's gender or creating a threatening, hostile, humiliating or degrading atmosphere. If you suspect that you have been subjected to sexual harassment or gender-based harassment, you can contact the Ombudsman for Equality for instructions and advice.

Harassment may also include discriminatory conduct that is directed at you but is about your friends, relatives or co-workers, for example, instead of you directly. In other words, harassment based on you being a friend/relative or co-worker of a person belonging to an ethnic minority may also constitute prohibited harassment. Whether the harassment is based on your actual or supposed characteristics is not relevant to whether the harassment is prohibited.

Compliance with the Non-Discrimination Act and the Act on Equality between Women and Men is also monitored by the [National Non-Discrimination and Equality Tribunal of Finland](http://www.yvtltk.fi/en/) (www.yvtltk.fi/en/).

Should hate speech be reported?

The number of punishable hate speech reported to the police has increased. The number of cases processed by the courts involving punishable hate speech have also increased.

It is very important to report offences to the police. While investigations may occasionally have to be restricted or discontinued, even the smallest reported offences may ultimately lead the police to larger series of crimes, for example. In addition to this, reported offences also help the police maintain situational awareness.



If you find yourself targeted by hate speech:

Proceed as follows:

Tell your superior. Your employer should be informed if you are targeted by hate speech in your work. Be sure to also tell your employer that you wish to know what kinds of measures they intend to take to address the situation. Discuss whether to report the offence to the police with your employer. Your employer may also report the offence on your behalf.

There are multiple ways of reporting an offence

- [report an offence online](https://asioiintipoliisi.fi/asioiwerkossa/rikos?lang=en) (requires authentication using bank access codes, for example) (asioiintipoliisi.fi/asioiwerkossa/rikos?lang=en)
- print out a [form for reporting an offence](https://www.poliisi.fi/crimes/printable_forms_for_reporting_an_offence) (www.poliisi.fi/crimes/printable_forms_for_reporting_an_offence) and submit the completed form to the police
- visit a police department in person
- report an offence by phone. Contact information for your

[closest police department](https://www.poliisi.fi/contact_information) (www.poliisi.fi/contact_information)

- in urgent matters, you can call the national emergency number 112.

Record evidence

Make a personal record of the material containing hate speech by taking screenshots, for example. This way you are left with evidence of the material. Do not delete any messages containing hate speech.

Report the post or content

Many websites allow you to report hate speech to the website administrator. Report the offence to the police before asking an administrator to delete the content in question.

Ensure your safety

- Protect your social media accounts and ensure that your passwords are secure enough.

- You can [forbid the disclosure of your personal information](https://vrk.fi/en/non-disclosure-of-personal-information1) (vrk.fi/en/non-disclosure-of-personal-information1) by the Population Information System for purposes such as direct advertising, market research, opinion polls, public registers or genealogical research. In addition, everyone has a right to forbid the disclosure of their contact details for use in a contact, address or other similar data service, and to forbid the disclosure of their personal information for the updating of a customer register or another equitable register.

- You can apply for an order of non-disclosure for personal safety reasons from your local Register Office, in which case your place of domicile and address information cannot be disclosed by the Population Information System to anyone other than the authorities. When considering an order of non-disclosure for personal safety reasons, you should know that the order may make your life more complicated as your address information will no longer

be conveyed to registers maintained by the authorities.

- If you feel severely threatened or harassed, you can ask the police for advice on how to impose a [restraining order](https://www.poliisi.fi/crimes/restraining_order) (www.poliisi.fi/crimes/restraining_order).

Request support

Becoming the victim of an offence may elicit strong emotional reactions. Many victims experience anxiety, fear and insecurity, for example. It is important to request support if you feel the need for it. You can ask a friend or a colleague to monitor your social media accounts or e-mails. You can also receive support from Someturva (in Finnish) or [Victim Support Finland](https://www.riku.fi/en/home/) (www.riku.fi/en/home/).

Where to find legal aid?

Legal aid means that a Finnish citizen may retain the services of legal counsel fully or partially at the expense of the state. Legal aid is offered by public legal aid attorneys, lawyers and licensed legal counsel. More information on legal aid and the contact information of [legal aid offices](https://oikeus.fi/en/index/esitteet/oikeusapu.html) (oikeus.fi/en/index/esitteet/oikeusapu.html).

In a trial, the complainant can demand protective action if they feel threatened or afraid. Protective actions can include the organisation of a hearing without the presence of the suspects or a video hearing. The complainant can be represented by their counsel in the majority of proceedings.

Trials are usually public. In the trials of cases involving targeting, it is quite likely that parties connected to the targeting will want to be present. A closed trial can be requested in advance. More information

on [openness in court proceedings](https://oikeus.fi/tuomioistuimet/hovioikeudet/en/index/julkisuus.html) (oikeus.fi/tuomioistuimet/hovioikeudet/en/index/julkisuus.html).

[The Finnish Bar Association's Find a Lawyer Search Engine](https://asianajaliitto.fi/en/attorney-services/where-can-i-find-an-attorney/) (https://asianajaliitto.fi/en/attorney-services/where-can-i-find-an-attorney/) includes all Finnish advocates and attorneys-at-law as well as associates employed by Finnish law firms. After selecting 'Legal services for private persons', you can select a keyword that best describes your situation.

Trade unions offer free legal advice to their members and can also represent their members in court, if necessary.

More information on the Finnish [criminal procedure](https://www.riku.fi/en/criminal-procedure/) (www.riku.fi/en/criminal-procedure/)



If you are the supervisor of a person targeted by hate speech:

Take the matter seriously

The person targeted by hate speech must not be left to deal with it themselves. Tell them about the possibility of contacting occupational health care.

Show support

Tell the person targeted by hate speech that they have not done anything wrong, and that you support them. Ask how you could help. If the journalist agrees to this, show your support in public as well.

Talk with the employee

Talk with the employee about whether to report the offence. An employer can also report offences on behalf of their employee.

- In complainant offences, the victim of the offence must be involved in the process. A preliminary investigation will only be carried out and the prosecutor will only press charges at the request of the complainant.
- However, an employer can report a complainant offence on behalf of their employee if the report includes the complainant's comment on whether they demand punishment.
- An employer may also be a complainant if the offence has caused damage to them. Damage caused by an offence may include violations of the employer's intellectual property rights, other damage caused to the employer (due to attacks against online content or email services, for example) or financial damage caused to the employer (such as an employee's sick leave or having to take special action to ensure safety).
- An offence can be reported in the form of a request for investigation, for which the reporting party can assemble material in advance. This can speed up the investigation.
- An employer can hire a counsel to represent their employee (and the employer). In this case, the counsel prepares the request for investigation and represents the complainant in the preliminary investigation and possible trial.
- Even if the employer does not report the offence, they can assist the

complainant in gathering evidence. Gathering evidence is extremely taxing for the person targeted by hate speech, which means the material should be collected by persons who are not the subjects of the material.

How can employer prepare for hate speech?

Process any harassment incidents with employees in a proactive manner. Provide instructions on when and how employees are allowed to end interaction, how to report harassment and how to raise an alert for help.

According to the Occupational Safety and Health Act, and employer is responsible for the health and safety of their employees at work. The employer must observe the working environment and identify work-related risks, including hate speech and different forms of harassment.

Make sure that the people in your organisation know what to do in situations involving hate speech and that your workplaces' policies are in order. Does

your organisation have instructions on how to handle harassment? What about data security and safety guidelines? What about moderation practices? It is also a good idea to cover hate speech and how to protect against it in your organisation's occupational safety and health policy and non-discrimination and equality plans.

More information on planning

[Gender equality plan](http://www.tasa-arvo.fi/web/en/what-is-an-equality-plan-) (www.tasa-arvo.fi/web/en/what-is-an-equality-plan-).

[Equality plan](http://yhdenvertaisuus.fi/en/equality-planning) (yhdenvertaisuus.fi/en/equality-planning).

[Occupational safety and health policy](http://ttk.fi/en/well-being_at_work_and_occupational_health_and_safety/occupational_health_and_safety_work_in_the_workplace/responsibilities_and_obligations/occupational_safety_and_health_policy) (ttk.fi/en/well-being_at_work_and_occupational_health_and_safety/occupational_health_and_safety_work_in_the_workplace/responsibilities_and_obligations/occupational_safety_and_health_policy).



