

XIV. FINLAND: WHERE PREVENTION STARTS IN SCHOOLS

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1. Hate speech regulation issues

1.1. The hate speech

Hate speech is a global phenomenon. In various countries, there is a growing social awareness of hate speech and its effects on society, relations between different population groups and social cohesion. The trends and methods of hate speech do not stop at national borders, and the forms of hate speech certainly have one thing in common: they all violate the right to human dignity, personal integrity, security, honor, equality and non-discrimination.

Hate speech (*Vihapuhe*) has been a heated topic in Finnish jurisprudence for some time, and its precise definition remains debated to this day. When defining the concept of hate speech, the recommendation of the Council of Europe can serve as a basis, but it is not used as a reference in Finland. According to the recommendation, hate speech refers to all forms of expression that spread, incite, promote, or justify racial hatred, xenophobia, anti-Semitism, or other forms of hatred based on intolerance, including expressed intolerance, aggressive nationalism and ethnocentrism, as well as discrimination and hostility towards minorities, migrants, and people of immigrant origin.¹

Hate speech goes beyond specific hate speech defined as a crime, speech that violates human dignity, which² is also regulated in the Constitution of

¹ General Policy Recommendation No. 15 on combating hate speech, adopted by the European Commission against Racism and Intolerance (ECRI) in December 2015. available at: <https://rm.coe.int/ecri-general-%20policy-recommendation-no-15-on-combating-hate-speech/16808b5b01>

² Article 1 (2) of the Constitution of Finland.

Finland and is prohibited by the prohibition of discrimination, or sexual harassment and gender-based harassment prohibited by the Equality Act. Hate speech is the use of words that are intended to exclude a particular group from the community and make people of that group suspect, untrustworthy, or inferior. They may even claim that they are a security threat to society and the majority population. Hate speech is not mutual and is not intended to convey facts or justify the claims made. In hate speech, the facts are distorted and certain groups and individuals are presented as enemies.³

When we look for the constitutional foundations of the prohibition of hate speech, it can be seen during the analysis of the Finnish constitution that it also contains specific measures that try to prevent hate speech from a constitutional point of view. The constitution ensures the inviolability of human dignity, individual rights and freedoms, and promotes justice in society,⁴ and states that no one can be discriminated against without reasonable cause on the basis of sex, age, origin, language, religion, belief, opinion, health, disadvantage or due to another reason arising from his person.⁵

However, hate speech as such is not considered an independent crime under Finnish law. However, hate speech is considered a crime under the Finnish Criminal Code⁶ if the crime committed contains the the basic characteristics of hate speech. The most common of such actions are the following:

- (a) incitement and its more serious cases⁷ (the purpose of classifying incitement as a crime in the Criminal Code is to protect groups defined on the basis of their skin color, birth situation, national or ethnic origin, religion or belief);
- (b) and violation of the sanctity of religion⁸ (one who publicly blasphemes God, or publicly slanders or despises what a church or religious community⁹ otherwise considers sacred in accordance with the Freedom of Religion Act, or who disrupts worship, other religious practices or funerals by shouting or threatening behavior) disturbs);

3 Hallamaa, 2019. 47(8). [Online] Available at: https://helda.helsinki.fi/bitstream/handle/10138/311966/191106P_ivi_R_s_sen_vihapuheprosesi_uskonnollis_politsikalena_performanssina.pdf?sequence=1

4 Article 1 (2) of the Constitution.

5 Article 6 (2) of the Constitution of Finland.

6 Penal Code (Rikoslaki – 19.12.1889/39). [Online]. Available: <https://www.finlex.fi/fi/laki/ajantasa/1889/18890039001#L11>

7 Criminal Code Chapter 10 § 10a.

8 Criminal Code Chapter 17 § 10.

9 Act on Freedom of Religion (Uskonnonvapauslaki 6.6.2003/453 .) [Online]. Available: <https://www.finlex.fi/fi/laki/ajantasa/2003/20030453>

- (c) the provisions on defamation¹⁰ or threat may apply;¹¹
- (d) in relation to hate speech, the provisions of public incitement to commit a crime¹², dissemination of information that violates the right to privacy¹³ or stalking.

If the hate speech contains the essential elements of the above crimes, it is considered a hate crime, which can be a crime against an individual, group, institution or their representative. Such crimes can have numerous motivations because of the victim's perceived or real ethnic or national background, religious beliefs, worldview, sexual orientation, gender identity or disability. A discriminatory motive (as the offender's motivating factor) can serve as a basis for increasing the punishment.¹⁴

Aiding and abetting the commission of hate crimes are punishable acts under the Finnish penal code. Punishment goes beyond direct aiding and abetting: for example, according to the law, racist organizations are classified as organized criminal groups, and participation in their activities is punishable. However, for instance, the Pohjoismaiden Vastarintaliike was disbanded because it was a racist organization, which was based on the law on associations.

There may also be cases where hate speech does not contain the essential elements of a violation of law, which are prerequisites for criminal liability, but it is classified as harassment under the Act on the Prohibition of Discrimination and is therefore illegal.¹⁵ This means an intentional or actual violation of a person's dignity, if the behavior creates a humiliating, intimidating, hostile or offensive mood or atmosphere towards the person due to their origin, disability or sexual orientation.

The Act on Equality between Women and Men¹⁶ prohibits sexual harassment¹⁷ and gender-based harassment.¹⁸ Sexual harassment is verbal, non-verbal or physical unwanted behavior that intentionally harms a person's mental or physical integrity or creates an intimidating, hostile, humiliating or offensive

10 Criminal Code, Chapter 24, Sections 9-10. §.

11 Criminal Code Chapter 25 § 7.

12 Criminal Code Chapter 17 § 1.

13 Criminal Code, Chapter 24, Section 8 and Section 8a.

14 Penal Code, Chapter 6, Section 5, Paragraphs (1).

15 Law on the Prohibition of Discrimination (Yhdenvertaisuuslaki, 1325/2014.) [Online]. Available at: <https://www.finlex.fi/fi/laki/alkup/2014/20141325> , Section 14.

16 The law on equality between women and men (Laki naisten ja miesten silesestä tasa-arvosta 609/1986.), available: <https://finlex.fi/fi/laki/ajantasa/1986/19860609>

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

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

atmosphere. Gender-based harassment refers to unwanted behavior that is not sexual in nature, but is related to a person's gender or gender identity and with which this person's mental or physical integrity is intentionally violated or an intimidating, hostile, humiliating or offensive atmosphere is created.

The table below shows the Finnish legal provisions that can be linked to legal norms prohibiting or punishing hate speech.

Legislation	Related provision
Constitution	Article 1 (2) – Human dignity Article 6 (2) – Prohibition of discrimination
Penal Code	Chapter 11 § 10a – agitation Chapter 17 § 10 – violation of the sanctity of religion Chapter 24 Chapters 9–10 § – defamation Chapter 25 § 7 – threat Chapter 17 § 1 – public incitement Chapter 24 §§ 8 and 8a – dissemination of information violating personal privacy Chapter 12 § 2 – incitement to war
Law on Prohibition of Discrimination	Section 14 – Harassment
Law on Equality between Women and Men	§ 7 (7) – sexual harassment § 7 (8) – gender-based harassment

Table 11. Hate speech provisions in Finnish legislation¹⁹

1.2. The limits of freedom of expression in the context of hate crimes

Freedom of expression must always be taken into account when deciding whether an act should be considered hate speech. Freedom of speech and expression are key fundamental human rights. The Finnish constitution guarantees everyone this right when it states that everyone has the right to freedom of expression, which includes the expression, distribution and reception of information, opinions or other communications without prior hindrance.²⁰ However, the Finnish constitution regulates the detailed rules related to freedom of expression in a separate law,²¹ i.e. there is no unlimited freedom of expression in Finland either. The main restrictions on freedom of speech that are referred to in the Constitution of Finland arise from the Criminal code. Expression of opinion is therefore not an absolute right, as it has been restricted by national legislation,

¹⁹ Edited by the author.

²⁰ Article 12 (1) of the Constitution.

²¹ Law on the use of freedom of expression in the mass media (Laki sananvapauden kövämistä joukviestinnässä, 13.6.2003/460), available at: <https://www.finlex.fi/fi/laki/ajantasa/2003/20030460>

in particular to protect other fundamental rights. These rights include non-discrimination, equality, freedom of religion, freedom of conscience and the right to personal security.²²

In colloquial terms, the term hate speech is often used to refer to messages containing prejudice against certain groups or other similar opinions. Such expressions can be harmful and unpleasant, but they cannot always be prohibited, as they fall under the scope of freedom of expression.²³ In Finland, there is a great way to express this concept. Hate speech is literally translated as ‘vihapuhe’ and this is the correct Finnish term. (Viha = hate, Puhe = speech.) We also have the term ‘vihainen puhe’, which means ‘angry speech’. They say: “Vihainen puhe is not always vihapuhe”. (Angry speech is not always hate speech.)

The punishment of hate speech restricts freedom of expression as it seeks to exclude certain groups and individuals from public life.. In Finland, in addition to certain population groups and individuals, hate speech and threats are increasingly directed against representatives of professional groups, such as journalists, researchers, police officers, prosecutors, judges and human rights defenders, which negatively affects the protection of human rights. Hate speech against the police, prosecutors and courts can be extremely serious from the point of view of the rule of law.²⁴

In one case, in May 2012, a trial was started for inciting an ethnic group and six people were convicted.²⁵ Another public debate about hate speech in the spring of 2012 related to blog posts by a member of parliament in 2008, in which he said he had “tested the limits of free speech” with his views on Islam. The lower courts rejected the charge of incitement against the ethnic group, but the Supreme Court convicted the representative in June 2012, who was then forced to resign.²⁶

It is also worth noting the following regarding the restriction of freedom of expression. There are several reasons why the rules on restricting freedom of expression must be clear. It is important to know what kind of criticism is allowed, but it is also necessary to avoid creating a chilling effect on public debate. Everyone should have the opportunity to make critical remarks without

22 Words Are Actions More Efficient Measures against Hate Speech and Cyberbullying, 2019, p. 18. He.

23 Words Are Actions More Efficient Measures against Hate Speech and Cyberbullying, 2019, p. 18.

24 Words Are Actions More Efficient Measures against Hate Speech and Cyberbullying, 2019, p. 19.

25 Pöyhtäri-Haara-Raittila, 2013, pp. 17–25.

26 Pöyhtäri-Haara-Raittila, 2013, pp. 17–25. He.

fearing that others will send hateful messages in response, leading to accusations of online shaming. Since it is difficult to draw a clear line between an expression that intentionally initiates shaming and one that merely criticizes something or someone, it is not possible to criminalize the initiation of online shaming. Similarly, everyone should have the opportunity to make critical remarks without the fear of being accused of participating in a shaming action, even if they are unaware of such an action.²⁷

1.3. Statistics

Finland regularly reports data on hate crimes to the ODIHR. Data on hate crimes are collected by the Finnish Police University Research Department, the Ministry of the Interior, the Prosecutor's Office, the Finnish Ministry of Justice and the Ministry of Statistics. Finland regularly conducts victimization surveys to assess unreported hate crimes.²⁸

Year	Hate crimes recorded by the police	Punishable	Convicted
2020	1177	48	42
2019	900	22	17
2018	880	55	21
2017	1497	63	37

Table 12. Number of hate crimes in Finland²⁹

The victim report prepared by the Finnish Ministry of Justice³⁰ provides accurate statistics on how the number of hate crimes developed in the period 2014-2018. The report reveals that verbal abuse was committed in a significant number of cases, but physical abuse and discrimination are common, as well as crimes against property and property (usually religiously motivated) and defamation occur in smaller numbers. The report also examined the root causes of

27 Perspectives on Platform Regulation : Concepts and Models of Social Media Governance Across the Globe – <https://helda.helsinki.fi/server/api/core/bitstreams/ce499b09-fea8-4e25-a846-3e222f937552/content>, p 485.

28 ODIHR hate crime reporting, [Online]. Available: https://hatecrime-osce-org.translate.goog/finland?_x_tr_sl=en&_x_tr_tl=hu&_x_tr_hl=hu&_x_tr_pto=sc

29 Edited by the author.

30 Finnish Ministry of Justice Victim Report 2014-2018 [Online]. Available: https://www.riku.fi/content/uploads/su_file/2140__Uhrien_kokemuksia_viharikossita_2014_2018.pdf, p. 10.

hate crimes.³¹ In the background of the majority of hate crimes, there is some kind of racial or ethnic reason, but in many cases there are sexual motives, religious reasons and other gender motives as well.

Little research data is available on the perpetrators of hate speech. The VIPU team at the Helsinki Police Department investigated hate crimes, especially on the Internet. Based on the cases investigated by the group, the perpetrator was mostly a middle-aged man. 98 percent of the people behind the hate speech were over 30 years old, and 85 percent were men. According to the study, those who spread hate speech on the Internet often act in their own name in public.³² The VIPU group recorded the cases it investigated primarily as hate crimes, rarely as extreme crimes. The number of hate crimes in Finland increased in 2018, particularly in cases related to ethnicity, religion, and sexual orientation. The reported crimes were mostly in the form of verbal attacks and harassment, though incidents of physical violence also occurred. A portion of hate crimes remains underreported, and to improve the accuracy of police data, better data collection and increased awareness are necessary.³³

1.4. Preventing hate speech

The spread of hate speech in the world of the Internet is almost unlimited, so it is very important that individual governments try to devote more resources to prevention. In Finland, there are several programs that focus on prevention, and several studies have already been published that research and present new areas of hate speech. Hate speech can be created with many goals and forms of action. The distinction between them is important for the prevention of hate speech.³⁴ The purpose of hate speech can be, for example, to prevent the political participation of certain people, or it can also be a means of influencing individual political decisions.³⁵ For example, it has been observed that extremist movements try to intensify the social debate with offensive speech, and to silence moderate positions with targeted attacks. Intensification of debate can weaken people's willingness to participate in public debates and social activities. The silencing effect can result in certain views and information not being taken into account in decisions. And the result can be a phenomenon that researchers call

³¹ Finnish Ministry of Justice Victim Report 2014-2018, p. 12.

³² Mäkinen, 2019.

³³ Poliisin tietoon tullut viharikollisuus Suomessa 2018 (Hate Crimes Reported to the Police in Finland 2018) – Available: <https://www.theseus.fi/handle/10024/261556>

³⁴ Knuutila– Kosonen–Saresma–Haara–Pöyhtäri, 2019

³⁵ Knuutila– Kosonen–Saresma–Haara–Pöyhtäri, 2019, p. 14.

the spiral of silence: when only those who use inappropriate language speak up, that seems to be the common and only opinion.³⁶ According to Finnish studies, hate speech seems to be the most effective way to silence those who are already in a vulnerable position. Although such messages cannot always be banned, authorities, educational institutions, employers or online platform operators can help promote a culture of discussion in which the number of hate speech-type crimes can be reduced.³⁷ The obligations in this regard are regulated by the anti-discrimination law³⁸, which names three ‘actors’ and defines their tasks:

- (a) authorities;
- (b) training institutions;
- (c) employers.

The law states that the authority has a duty to promote equality. The authority evaluates the realization of equal opportunities in its activities and takes the necessary measures to promote the realization of equality. Preventive measures must be effective, appropriate and proportionate, taking into account the authority’s operating environment, resources and other circumstances. The authority must prepare a plan for the measures necessary to promote equality.

The educational organizer and the educational institution maintained by him must evaluate the realization of equal opportunities in his activities and take the necessary measures to promote the realization of equal opportunities. The measures must be effective, appropriate and proportionate to the educational environment, resources and other circumstances of the institution. The trainer must ensure that the educational institution has a plan of measures necessary to promote equal opportunities. The educational institution and the educational institution it manages must provide students and their guardians, as well as students or their representatives, with the opportunity to be heard.

1.5. Summary

Based on Finnish regulations, hate speech does not have a specific legal status, but there is a current legislative effort to increase the punishability of hate speech. During the analysis of the Finnish constitution, it can be seen that it also contains specific measures that try to prevent hate speech even constitutionally. These are provisions on the prohibition of discrimination and the protection of

36 Knuutila–Kosonen–Saresma–Haara–Pöyhtäri, 2019, p. 15.

37 Words Are Actions More Efficient Measures against Hate Speech and Cyberbullying, 2019, p. 18.

38 Law on Prohibition of Discrimination, Sections 5–8. §.

human dignity. Hate speech is fully regulated in the Finnish Criminal Code, it just doesn't use the exact term. , however, it is linked to several crimes depending on whether the motives typical of hate crimes appear during the commission. Based on the available statistical data, it can be seen that the phenomenon is constantly present in the everyday lives of Finnish citizens and is very difficult to limit with the help of the Internet. Therefore, in Finland, many preventive campaigns support this work and the field is continuously researched (the latest such research area is the impact of hate speech on social decision-making). It is important to mention that Finnish legislation is active in this area, as the criminalization of the denial of the Holocaust and other crimes against humanity is clarified by introducing a separate provision in the Criminal Code.³⁹

However, in its 2019 report, ECRI makes several observations regarding Finland, among which the following are worth highlighting:⁴⁰

- (a) The ECRI noted with satisfaction that in 2015, all parliamentary parties once again signed the *European Political Parties Charter for a Non-Racist Society*, and that during the 2017 municipal elections, all major parties—except for the Finns Party—required their candidates to sign a declaration against racism. Despite these commendable steps, however, some political figures continued to make discriminatory remarks.
- (b) Following the arrival of 32,400 asylum seekers to Finland as part of the 2015 European migration crisis, there was an increase in anti-immigrant and anti-Muslim rhetoric in the country. This anti-immigration rhetoric heightened ethnic intolerance and polarization. Some politicians sought to gain votes by exploiting fears over the costs of immigration and the perception that foreigners were overrepresented in crime or posed a threat to national identity. Certain members of the Finns Party, in particular, made Islamophobic comments; for example, in 2016, a Member of Parliament claimed that “all terrorists are Muslims” and called for “the removal of all Muslims from the country”. Additionally, during the 2017 municipal elections, political candidates of immigrant origin faced racist remarks and threats.
- (c) In public places, such as public transport, people who appear different or have a different skin color than the majority population—such as Roma, immigrants (especially Somalis), and those identified as LGBT individuals—often face verbal abuse and insults. A 2016 survey revealed that half of LGBT respondents had been victims of harassment in the past

³⁹ The text of the bill – <https://oikeusministerio.fi/en/project?tunnus=OM191:00/2023>

⁴⁰ ECRI Report Finland (2019) – <https://rm.coe.int/fifth-report-on-finland/1680972fa7>, p. 15–21.

five years. Roma respondents also noted that Roma women, in particular, were frequently subjected to insults, especially when accessing social services, due to their traditional attire.

- (d) A 2018 FRA-EU survey found that 63% of people of African descent in Finland experienced racist harassment in the past five years, the highest rate among the countries surveyed. However, only 30% of these incidents were reported. Prejudice against Black people was also evidenced by incidents involving ‘blackface’; for example, at a 2018 university event, some students appeared in blackface makeup and used racist language.
- (e) ECRI expressed concern over the increasing visibility of Nazi swastikas in public places in recent years. In December 2018, during Finland’s Independence Day, hundreds of anti-immigration protesters marched through the streets of Helsinki, where the police confiscated three Nazi flags and arrested the flag bearers. ECRI welcomed the recent decision by the National Non-Discrimination and Equality Tribunal, which deemed the public display of Nazi symbols as a form of hate speech and found it in violation of the anti-harassment provisions of the Non-Discrimination Act.
- (f) Members of the Sámi community pointed out that racist remarks about them remain prevalent in daily life, particularly during discussions about the Arctic Railway Project. ECRI noted that derogatory comments and prejudice against the Sámi create an atmosphere in which members of the indigenous community feel restricted in expressing their culture, such as wearing traditional clothing or using their language in public spaces.

2. Regulation of cyberbullying

In the context of Finland, when examining the rules related to cyberbullying, it is worthwhile to examine several different areas, since several different rules consist of a fairly mature legal regulation focused on prevention. Some online hate crimes occur in workplaces and educational institutions or in connection with them therefore the relevant provisions can be found in the legislation dealing with the world of work and the field of education.

In many cases, discrimination itself can even lead to online abuse, which is why the Finnish anti-discrimination law contains provisions in this context.⁴¹ The law states a general prohibition of discrimination and victimization,

41 Anti-Discrimination Act Chapter 3 Section 8.

according to which no one can be discriminated against on the basis of age, origin, nationality, language, religion, belief, opinion, political activity, trade union activity, family relationships, health status, disability, sexual orientation or other personal characteristics to distinguish based on. Discrimination is prohibited, regardless of whether it is based on fact or assumption against a person. According to the law, in addition to direct and indirect discrimination, harassment and instructions to discriminate are also considered discrimination. On the other hand, proportionally different treatment, the purpose of which is to promote actual equality, or to prevent or eliminate disadvantages resulting from discrimination, is not considered discrimination. Direct discrimination occurs when a person is treated less favorably on the basis of his or her personal characteristics than another person in a similar situation was or is being treated. According to the anti-discrimination law, there are cases when different treatment can be justified:

- a) differential treatment does not constitute discrimination if the treatment is based on legislation and otherwise has an acceptable purpose and the measures to achieve the purpose are proportionate;
- b) the different treatment has a fundamental and human rights-acceptable purpose, and the measures to achieve the purpose are proportionate.

2.1. Cyberbullying in the Finnish Criminal Code

Finland is one of the 14 EU member states that has a specific definition of cyberbullying⁴² and the Finnish criminal code also contains provisions that can be applied in the case of cyberbullying.⁴³ Cyberbullying can include, for example, insulting the victim on a discussion forum or sending mean, unfounded e-mails to the victim.⁴⁴

Legislation	The crime committed
Criminal Code Section 24 9-10 §	Defamation
Criminal Code Section 25 § 7a	Stalking
Criminal Code Chapter 25 § 7	Threat

Table 13. Crimes related to cyberbullying⁴⁵

42 Dalla Pozza–Di Pietro–Morel–Psaila, 2016, p. 25.

43 McCully, 2019, p. 14.

44 Dalla Pozza–Di Pietro–Morel–Psaila, 2016, p. 167.

45 Edited by the author.

Defamation can be committed both online and offline and refers to cases where false information is untruthfully stated about someone, causing suffering or contempt for the victim. However, defamation can also occur with factual statements, making false information just one possible element..⁴⁶ According to Finnish law, defamation can also be carried out against a dead person. Aggravated, the law regulates the case when the defamation causes particularly great suffering or harm to the victim.⁴⁷

The criminal code punishes the crime of stalking, which can also be committed online.⁴⁸ We can talk about this when someone threatens, follows, observes, contacts or otherwise unlawfully persecutes someone else in a way that causes fear or anxiety in the person being persecuted. Intimate violence and especially termination of the relationship can be related to stalking, which is why stalking has been considered a crime in Finland since 2014. The reason for the criminalization of stalking was that Finland signed the Istanbul Convention (CETS 210) in 2011. The convention stipulates that the signatory countries must ensure that repeated threatening behavior towards others is punishable. Stalking is likely to cause fear and anxiety in the victim. Stalking is usually extremely painful for the victim and sometimes it can feel like the harassment is never ending.

One of the most common forms of cyberbullying is threat⁴⁹ In the case of an illegal threat, it means that the victim is threatened in such a way that they have reason to fear his own safety and property. Threats can be made over the phone, verbally, by e-mail or in writing. Essentially, threats that cause real fear in the victim can be classified here. Threats often include threats of violence or destruction of property.

2.2. Cyberbullying in the workplace

Finland is a typical example of countries that address bullying⁵⁰ (and online bullying) primarily through workplace safety and health legislation. Thus, the Finnish Workplace Protection Act of 2002 contains a separate section on workplace harassment.⁵¹ It is reactive in nature and obligates the employer to act upon becoming aware of it. The section also covers the inappropriate behavior

⁴⁶ Section 24 § 9 of the Criminal Code.

⁴⁷ Criminal Code Section 24 § 10.

⁴⁸ Criminal Code Section 25 7a. §.

⁴⁹ Criminal Code Chapter 25 §7.

⁵⁰ Hoel-Vartia, 2018, p. 47.

⁵¹ Workplace Protection Act (738/2002). Available: <https://www.finlex.fi/en/laki/kaannokset/2002/en20020738.pdf>, section 28.

of third parties, which means that the employer is obliged to take action even if the perpetrator is a third party.

The law also makes it clear⁵² that the employees themselves also have a duty to refrain from harassment. In addition, it contains separate sections on prevention that also apply to harassment, including risk assessment and the employer's general duty of care.

Pursuant to the law, if harassment or other inappropriate treatment of an employee occurs at the workplace and poses a threat to the employee's health, the employer is obliged to take measures with the available means to remedy the situation after becoming aware of it.⁵³ Harassment and cases of inappropriate treatment should be dealt with primarily at the workplace according to the Finnish approach. According to the Occupational Safety and Health Act, employers and employees must work together to maintain and improve workplace safety.

If a workplace's own capacity is not sufficient, occupational health professionals, such as occupational health providers, can provide the necessary support. Occupational health and safety inspectors check compliance with the rules. The occupational safety inspectors of the occupational safety departments supervise compliance with the rules related to harassment and other forms of inappropriate behavior. They prepare a report on their workplace inspections. If necessary, the occupational health and safety department can make a binding decision for the employer.

Of course, when investigating workplace harassment or cyberbullying, it is worth analyzing which cases fall into this category. Under the Act, inappropriate behavior or treatment is any treatment that disrupts work and harms an employee. Mistreatment includes hurtful words, actions and attitudes. Inappropriate behavior and treatment⁵⁴ can also lead to gender-based harassment. Gender-based harassment can be physical or verbal. Insinuations, gestures, nude pictures and harsh language can be just as hurtful as a physical insult. Continuous and unfounded criticism of someone's performance at work, defamation of their reputation, insulting nicknames or isolation from the working community are also considered inappropriate treatment. Continuous and regular harassment and inappropriate treatment can damage or endanger the employee's health. Bullying can cause psychosomatic symptoms, illness and anxiety. The longer the bullying goes on, the harder it is to deal with it.

Prolonged harassment can cause difficulties for the employee and exhaust his physical and mental resources. It may happen that the subject of the

⁵² Section 18 of the Workplace Protection Act.

⁵³ Section 28 of the Workplace Protection Act.

⁵⁴ Law on equality between women and men § 7.

harassment has to take longer sick leave or take an early retirement. Colleagues may fear becoming embroiled in the conflict, causing the subject's social network to collapse.

In connection with workplace harassment, it is worth dealing with gender-based harassment, which includes demeaning or condescending speech about someone's gender, sexual harassment, and actions that cause confusion, fear, pain, and anger. Some examples of sexual harassment are innuendos, sexually charged jokes, and comments about someone's body, clothing, or personal life. Sexual harassment also includes sexually suggestive language, demands, physical contact, rape, and attempted rape.⁵⁵

It is not only harassment that can lead to a crime that can also occur in the workplace. The distribution of information that violates the right to privacy also falls within this scope. In this case, someone who unlawfully disseminates information, hints or images regarding another person's private life using the mass media or otherwise in a way that is accessible to many people, an act that causes harm or suffering to that person.⁵⁶ According to the Criminal Code, the distribution of information, hints or images about the private life of a person in a political, business position or civil servant position, or in a similar position, if it is necessary to reveal a matter important to society, is not considered to be dissemination of information that violates the right to privacy.

The legislation related to workplace cyberbullying is summarized in the following table, in connection with which it is worth highlighting that these acts can be committed both online and offline:

Legislation	Provisions
Labor Protection Act	§ 8 – employers' general duty of care
Labor Protection Act	§ 25 – avoidance and reduction of load
Labor Protection Act	§ 28 – harassment
Law on equality between women and men	Section 7 – discrimination
Penal Code	Section 24 §1a- harassing communication
Penal Code	Section 27 § 3a – violation of personal rights
Penal Code	§ 9 – defamation
Occupational Health Care Act ⁵⁷	§ 1 The purpose of the law.

Table 14. Finnish regulation of workplace cyberbullying⁵⁸

⁵⁵ Law on equality between women and men.

⁵⁶ Criminal Code Section 27 § 3a.

⁵⁷ Occupational Health Care Act (Työterveyslaki (21.12.2001/1383) § 1.

⁵⁸ Edited by the author.

2.3. Cyberbullying in schools

In Finland, since the beginning of the 1990s, public opinion has paid a lot of attention to school bullying. Since the last decade, this focus has also extended to electronic or internet bullying. In Finnish, there are separate expressions for internet bullying (*nettikiusaaminen*) and harassment via mobile phones (*kännykkäkiusaaminen*). The most frequently mentioned forms of cyberbullying in public debates include sending abusive or threatening messages on mobile phones or e-mails, and posting embarrassing or humiliating photos or videos on websites.⁵⁹ In light of the significant media attention and public interest, more research is being conducted on these new forms of bullying.⁶⁰ Some NGOs have conducted surveys on cyberbullying using online questionnaires.

Finnish schools are expected to prevent and deal with bullying among children. The Finnish Basic Education Act⁶¹ (since 1999) states that every student has the right to a safe school environment. Education providers have a responsibility to ensure that students do not experience violence or bullying at school. The legislation affects all levels of education. It was further amended in 2003, stating that the instructor prepares a plan for the protection of students against violence, intimidation and harassment in connection with the development of the curriculum, implements the plan, and supervises its compliance and implementation.

A Finnish study among 12-17-year-olds tried to get answers about online bullying in and outside of schools.⁶² Half of the young people who responded to the survey (50%) said that they had been exposed to some kind of internet bullying at least once. The vast majority of young people (more than 80%) have seen some form of harassment against other people on the Internet. The majority of young people (84%) consider it important that someone protects the bullied.⁶³ Bullying and harassment in one way or another is a daily part of using the Internet and it is difficult to avoid it. The most common form of online harassment was malicious comments and mockery, which 39% of respondents had encountered at least once. 21% of young people reported bullying, in which they spread offensive pictures, videos or rumors about the young person. Some of the bullying experienced by young people was related to the use of their own name for

⁵⁹ Li-Cross-Smith, 2012, p. 57.

⁶⁰ Markus Aarno-Ilmari Kaakinen-Matti Johannes Näsi, Youth Criminal Behavior and Victim Experiences 2020. Institute of Criminology and Legal Policy.

⁶¹ Education Basic Law (21.8.1998/628, Perusopetuslaki) [Online]. Available: <https://www.finlex.fi/fi/laki/ajantasa/1998/19980628>

⁶² Raja, 2021.

⁶³ Raja, 2021, p. 5.

the purpose of bullying or a mocking or fake profile created in the name of the young person. Exclusion or isolation is a form of bullying that affects around one in five young people in digital environments. Exclusion can be, for example, being excluded from social media groups, or being excluded from shared video calls by a class or group of friends. Young people are also worried about the loneliness of young people ‘living’ on the Internet, who are already alone even in their school community.⁶⁴

The young people participating in the survey also reported on other forms of harassment:

- (a) harassing phishers and fraudsters;
- (b) harassment in various online gaming communities;
- (c) harassment by unknown teasers.

The question arises as to what young people can do when they are bullied, how they can reduce the harm done to them. The respondents in the survey gave answers to this as well. Young people can deal with cyberbullying situations in several ways. In a situation where a young person was being bullied themselves, the most common course of action was to block the bully. This was the case for 42% of young people who were bullied on the Internet. The second most common course of action was asking bullies to stop bullying (31%) or telling a friend (31%). About a fifth of bullied youth told a trusted adult, such as a parent or teacher. Similarly, one fifth of the young people filed a complaint and 19% did nothing.⁶⁵

As for gender differences, according to a study in Finland, girls used the tool of cyberbullying significantly more often than Finnish boys. Finnish girls in particular sent nasty text messages, e-mails and posted humiliating pictures on the Internet.

The fact that children are particularly vulnerable to cyberbullying is very difficult to prevent, and this is highlighted by the *KU vs. Finland* case, when an ad was placed in the name of a 12-year-old child on a dating site without his knowledge. The ad included the applicant’s age, phone number and physical characteristics. The case started at the request of the child’s parents, who asked the Finnish court to oblige the service provider to reveal the identity of the person who posted the ad online. In this case, the ECtHR found Finland to have violated Article 8 of the European Convention on Human Rights, as Finnish law at the time did not oblige internet service providers to disclose the identity of the

⁶⁴ Raja, 2021, p. 6.

⁶⁵ Raja, 2021, p. 9.

perpetrators of crimes such as child sexual abuse. In connection with the case, the ECHR noted that where the child's physical and moral well-being is endangered, such an obligation is even more important.⁶⁶

2.4. Summary

Cyberbullying has now become an everyday phenomenon in Finland as well. In the last decade – as in our country – the continuous expansion of the Internet has become an excellent field for the almost unlimited spread of online harassment and intimidation. In response to this, in Finland, preventive or restorative programs are constantly being developed in educational institutions, but this phenomenon unfortunately regularly appears in and outside of the workplace in addition to young people, so the adult population is also affected. Many forms of cyberbullying are known, so the legal environment in Finland is diverse. The Criminal Code, the Labor Protection Act and the Act on the Equality of Women and Men also contain provisions. Finland is one of the 14 EU member states that has a specific definition of cyberbullying, and the Finnish criminal code also contains provisions that can be applied in the case of cyberbullying. Cyberbullying can include, for example, insulting the victim on a discussion forum or sending mean, unfounded e-mails to the victim.

3. Regulation and practice related to prevention

3.1. Prevention in educational institutions

3.1.1. Presentation of the KiVa program

The KiVa program was developed by internationally recognized researchers of school abuse, Prof. Christina Salmivalli and Elisa Poskiparta (University of Turku), building on their decades of research. Their work was funded by the Finnish Ministry of Education and Culture because public education institutions in Finland have been required by law to act against abuse since 2001, and for this they needed an effective but easy to implement and sustainable program.

One of the program's innovations is that it is both a prevention and intervention program, which means that prevention covers all students, while

⁶⁶ Dalla Pozza-Di Pietro-Morel-Psaila, 2016, p. 39.

intervention only applies to students involved in abuse.⁶⁷ KiVa is a comprehensive, school-wide program in which members of the KiVa team play a prominent role. They are selected from among the school's teachers and support professionals (developmental pedagogue, school psychologist, social worker), their number is 3-4 – depending on the size and involvement of the school. Their tasks are as follows:

- (a) individual case management;
- (b) ensuring the continuation of the program;
- (c) holding classroom sessions;
- (d) contact with stakeholders;
- (e) participation in parent meetings;
- (f) participation in events promoting the program⁶⁸.

KiVa targets the primary school age group and consists of three parts (Unit1-2-3). The backbone of the program is the so-called Unit2 conveys the most knowledge about abuse (including its hidden forms) to 10-year-old children entering upper school and provides an opportunity to practice behavioral strategies to avoid becoming a target and protect the victim. Unit3 is a kind of reminder, based more on contemporary influence, and indirectly strengthens the maintenance of the anti-abuse norm. In the case of all three units, the date of implementation is a phase change in school life: a new community is created or the group gets a new leader. This increases the effectiveness of the program because it is easy to influence the formation of norms at the beginning of the group formation, and positive peer and teacher-student relationships can also develop.⁶⁹ KiVa is a scientifically based program. Current psychological theories emphasize the role of bystanders in explaining the development and persistence of school abuse. With the help of the affirming reaction of the students observing the abuse (recognition, approval, fear), the abuser obtains the status and power he desires. A student with an abusive character is in almost every class, and there are potential victims everywhere, that is, students who are characterized by several risk factors for becoming a victim.⁷⁰

The key to prevention is therefore the establishment of a group norm against abuse and changing the behavior of bystanders. Therefore, KiVa does not consider the abuser, nor the victim, the primary target of the intervention, but the entire school community. The key to mobilizing bystanders is, on the one

67 Jármi-Péter-Szarka- Fehérpataky, 2012, p. 5.

68 Jármi-Péter-Szarka- Fehérpataky, 2012, p. 5.

69 Jármi-Péter-Szarka- Fehérpataky, 2012, p. 6.

70 Jármi-Péter-Szarka- Fehérpataky, 2012, p. 6.

hand, empathy with the victim (so that, recognizing the victim's suffering, they are motivated to protect him), and on the other hand, knowledge of safe strategies with which they can support the victim. KiVa's goals for observers are as follows:

- (a) increasing empathy;
- (b) strengthening the sense of effectiveness in the field of action against abuse;
- (c) supporting efforts to apply learned behaviors⁷¹.

The program developed by Finland has already been successfully applied by several countries and with its help they were able to substantially reduce the number of cases.

It is important to mention that the introduction of peer mediation, which is one of the defining elements of restorative justice, can be an effective preventive tool. In the event that abuse does occur, the damage can be reduced, and thus the chance of future occurrences can also be mitigated. Research shows that the method of mediation is an extremely effective tool for dealing with conflicts, because the solution is sought together and everyone's opinion is properly expressed.⁷²

3.1.2. Presentation of the VERSO program

In addition to the KiVa program, the VERSO program operates in Finland, which focuses on mediation. Mediation activities in the field of education have been developed and carried out in the VERSO program since 2000. Since 2006, the program has been operating within the framework of the Finnish Mediation Forum, which was founded in 2003.⁷³ VERSO is a non-profit program funded by the Financial Center for Social Welfare and Health Organizations (STEA).

The program offers mediation training in early childhood education, primary and secondary education, enabling both teachers and pupils/students to act as mediators in controversial or conflict situations. The VERSO program offers its participants concrete methods for organizing restorative meetings and offers an alternative solution for resolving conflicts between children and between children and school staff. During restorative mediation, children learn

⁷¹ Järmi-Péter-Szarka- Fehérpataky, 2012, p. 6.

⁷² Lappalainen-Perälä, 2015, pp. 5–6. He.

⁷³ Gellin, 2018, p. 254.

emotional and communication skills, as well as responsibility for their own actions.⁷⁴

Peer or adult mediators trained by the VERSO program help parties in conflict to resolve their disputes. In restorative mediation, the child is not stigmatized, but respected and listened to as an expert in his own conflict and its resolution. The parties are encouraged to tell their side of the story, describe their feelings and needs, and think about possible solutions. After finding solutions, the parties conclude an agreement, which is monitored later.

The goal of the VERSO program is to reduce and mitigate school conflicts by improving communication. Mediation activities in schools do not eliminate other forms of intervention, but offer an additional tool for early and child-friendly handling of different types of conflicts. The goal of the VERSO program is to initiate and strengthen peer mediation and voluntary mediation activities led by children and adults in educational institutions. In addition, VERSO aims to support the development of a restorative culture in these institutions through local mentoring activities.

The objectives of the program can be divided into the following groups:

- (a) Prevention of bullying in schools and early childhood education institutions, as well as early response to bullying situations with community and participatory processes. These processes respect and prioritize the rights of the child in accordance with the early childhood education curriculum, the national core curriculum, the UN Declaration on the Rights of the Child and the Council of Europe guidelines on child-friendly justice;
- (b) Support for peer mediation, voluntary restorative mediation activities for pupils/students and staff, and mentoring activities in schools, ensuring a safe and calm work environment to reduce bullying and harassment;
- (c) Strengthening the mediation activity;
- (d) Strengthening regional cooperation and networking among actors trained by VERSO (staff, children, pupils/students, parents/guardians) through mentoring activities.⁷⁵

In 2019, 89 schools provided information on how many mediated cases there were in the institutions. During the year, the number of cases mediated by peer mediators in these schools was 2,033. Cases referred to mediation were predominantly verbal (49%) and physical abuse (37%).⁷⁶

⁷⁴ Olkkonen, 2020, p. 1.

⁷⁵ Olkkonen, 2020, p. 2.

⁷⁶ Olkkonen, 2020, p. 7.

Case type	Incidence rate
Verbal insult	49%
Mental abuse	37%
Attack on personal property	6%
Exclusion	4%
Other	4%

Table 15. Background of cases resolved by mediation in the Finnish school system⁷⁷

A very important argument in favor of the VERSO program is that peer-to-peer mediation is very effective, as it produced great results in every year examined (2017-2019). In 2019, an agreement was reached in 95.9% of the mediated cases, and 91.5% of the agreements were respected.⁷⁸

One of the proofs of the success of the mediation program is that the participants were asked to indicate the aspects that are important in relation to restorative mediation. The following three aspects were mentioned most often:

- (a) Everyone has the opportunity to tell their own story (75%);
- (b) Discussing feelings and needs (selected by 54%);
- (c) There is no penalty in mediation, but they look for a solution (54%).⁷⁹

3.2. Recommendations of the working group for more effective action against hate speech and cyberbullying

From the point of view of prevention, it is important to call into existence and consider the recommendations of such working groups as the Working Group for More Effective Action Against Hate Speech and Internet Harassment. The working group formulated recommendations for the government and its institutions that can help to take more effective action against hate speech and online harassment:

- (a) The Government should prepare an action plan against hate speech;
- (b) Creating a center of excellence, making more research, more information available and strengthening knowledge-based management;
- (c) Overview of legislation;
- (d) Expanding the liability of online platforms;
- (e) Giving the media more opportunities to fight hate speech;
- (f) More support for victims of hate speech;

⁷⁷ Edited by the author.

⁷⁸ Olkkonen, 2020, p. 7.

⁷⁹ Olkkonen, 2020, p. 10.

- (g) Holding the employer accountable if an employee is subjected to hate speech or hate campaigning;
- (h) Provide more information and training on hate speech and freedom of speech and its limits;
- (i) Improving media literacy;
- (j) More effective measures to combat religious and religion-based hate speech;
- (k) Preparing teachers to combat hate speech and cyberbullying.⁸⁰

The Finnish Ministry of Justice has launched a project in this area. The project's goal is to strengthen the fight against hate crimes and online hate speech in Finland. It focuses on improving the legislative framework and enhancing cooperation between authorities, with particular emphasis on better identifying and investigating hate-motivated crimes. Additionally, the project aims to raise public awareness and support the legal protection of victims⁸¹.

Another project's goal is to improve the regulation of online platforms in Finland to ensure the safety of digital services and protect users' rights. The project examines the implementation of the EU-level Digital Services Act and the alignment of national regulations. It also aims to involve the public and market players to ensure that regulatory frameworks address the challenges of the modern digital environment.⁸²

3.3. Summary

When we talk about the prevention of cyberbullying or cybercrime, it can be stated that Finland provides exceptionally large resources for prevention, even in comparison with the EU. Several successful programs (VERSO, KiVa) have already been created, which have been successfully adapted in many countries around the world and were able to prove with subsequent research that they really cause a significant drop in cases if these programs are carried out throughout. It is characteristic of Finland that the effective prevention of cyberbullying is treated as a priority area by society, the media and politicians. The highly praised KiVa School program is reported to be ineffective based on feedback

⁸⁰ Words Are Actions More Efficient Measures against Hate Speech and Cyberbullying, 2019, p. 15.

⁸¹ Against hate -projekti (OM005:00/2018) Available: <https://oikeusministerio.fi/en/project?tunnus=OM043:00/2018>

⁸² Fact against hate (OM043:00/2019) Available: <https://oikeusministerio.fi/en/project?tunnus=OM043:00/2019>

from bullied students, and it is sometimes used in harmful ways, according to bullying prevention expert Tina Holmberg-Kalenius. She states that the issue lies not within the program itself but in the improper application by some schools. The Kiva program, aimed at combating school bullying, can even exacerbate bullying in certain contexts.⁸³

4. Responsibility of service providers and institutions

4.1. Responsibility of service providers

While social media platforms offer a useful space for obtaining information, sharing, and commenting on opinions, people can still be silenced by the fear of hate speech and insults on the internet. As a result, expanded freedom of expression may actually narrow the range of opinions and information shared⁸⁴. In the Finnish legal environment – in addition to EU regulations – several laws specify the responsibility of service providers.

Legislation	The relevant provisions
The Act on Electronic Communications Services	Information security, content provision
Criminal Code	38:4 if the perpetrator misuses their position in a telecommunications company.
Data Protection Act	Protection of personal data

Table 16. Finnish legislation governing the liability of service providers⁸⁵

The Act on Electronic Communications Services is a key element of the regulation of digital communication and content provision in Finland.⁸⁶

The law contains provisions on issues such as information security and the security of confidential communication channels. The law also applies to

⁸³ The acclaimed Kiva School program is reportedly used in harmful ways, as it “leaves considerable trauma for the bullied.” <https://yle.fi/aihe/artikkeli/2019/01/09/ylistettya-kiva-koulu-ohjelmaa-kaytetaan-jopa-vahingollisella-tavalla-jattaa>

⁸⁴ Korpisaari (ex. Tiilikka), Päivi (2022) From Delfi to Sanchez – when can an online communication platform be responsible for third-party comments?: An analysis of the practice of the ECtHR and some reflections on the Digital Services Act.

⁸⁵ Edited by the author.

⁸⁶ The Act on Electronic Communications Services (917/2014, Laki elektronien viestinänn palveluista). [Online]. Available: <https://www.finlex.fi/fi/laki/ajantasa/2014/20140917>

telecommunications providers, communications providers, corporate or association subscribers and domain name registrars. The obligations of the relevant service providers regarding information security and the security of confidential communication are defined separately by law.

The telecommunications service provider may be obliged to remove illegal content in the event that a service provider related to the information society, such as a content download service, is not available. This can prevent, among other things, the commission of crimes against children. According to the previous regulations, it was practically impossible to remove illegal content if the service provider was unknown or located abroad.

The law implements the measures of the EU common toolkit for the security of 5G networks in order to protect key parts of the communication network. In the communication network, it is forbidden to use a communication network device, the use of which could endanger national security. The regulation also applies to ad hoc networks connected to certain public communication networks.

The Finnish Criminal Code does not include the term cybercrime, instead cybercrimes are typically classified Data and communications offenses crimes (Chapter 38). In addition, Criminal Code its other chapters also contain provisions for other crimes related to cybercrime (business secret violation and abuse). Recent discussions on 'cybercrime' focus on whether the phenomenon is genuinely new or not. Some authors argue that cybercrime is not significantly different from 'terrestrial crime' and can be explained using traditional criminological theories. One such approach is the routine activity theory developed by Marcus Felson.⁸⁷

An outstanding achievement in regulating the responsibility of service providers is the creation of a new Network Security Advisory Board (the mandate of the Advisory Board begins on February 15, 2021 and lasts until June 30, 2022)⁸⁸ to oversee the security of communication networks. Key authorities representing various sectors of government and the telecommunications industry are represented in the Advisory Board. The Advisory Board deals extensively with issues related to the security of communication networks and, where appropriate,

87 Majid, Y. (2005). The Novelty of 'Cybercrime'An Assessment in Light of Routine Activity Theory. *European Journal of Criminology* 2(4):407-427. Available: https://www.researchgate.net/publication/238433587_The_Novelty_of_'Cybercrime'An_Assessment_in_Light_of_Routine_Activity_Theory/link/00b495327859daf12a000000/download?_tp=eyJjb250ZXh0Ijp7ImZpcnN0UGFnZSI6InB1YmxpY2F0aW9uIiwicGFnZSI6InB1YmxpY2F0aW9uIn19

88 Network Security Advisory Board (Verkkoturvallisuuden neuvottelukunta), <https://valtioneuvosto.fi/hanke?tunnus=LVM026:00/2021>

makes recommendations to improve network security. The task of the Advisory Board is to assess and develop the security of domestic communication networks, as well as to support official decision-making. The Advisory Board may also deal with other issues related to cyber security determined by the government.

The GDPR and the Finnish data protection law also plays a role in promoting cyber security, which basically regulates the responsibilities of data controllers and data processors and the role of the data protection ombudsman. The data manager and the data processor take appropriate and specific measures to protect the rights of the data subject, which can help prevent some online crimes and is primarily of data protection importance. Such measures include:

- a) measures that enable subsequent verification of the identity of the person recording, changing or transmitting personal data;
- b) measures to improve the competence of personnel processing personal data;
- c) appointment of a data protection officer;
- d) internal measures of the data controller and data processor to prevent access to personal data;
- e) encryption of personal data;
- f) measures that ensure the ongoing confidentiality and integrity of data processing systems and services related to the processing of personal data;
- g) a procedure for regularly testing, evaluating and evaluating the effectiveness of technical and organizational measures ensuring the security of data processing.⁸⁹

4.2. Employers

Workplaces also play a significant role in preventing online bullying. The Occupational Safety and Health Act prohibits inappropriate treatment and workplace harassment. It imposes obligations on employers and employees. According to the law, if harassment or other inappropriate treatment of an employee occurs at the workplace and causes danger or risk to the employee's health, the employer is obliged to take measures to remedy this.

According to the law, the employer is obliged to take care of the safety and health of his employees during work by taking the necessary measures. To this end, the employer must take into account the work-related circumstances, other

⁸⁹ Data Protection Act (1050/2018) Section 6.

aspects of the work environment, as well as the personal abilities of the employees. Unusual and unforeseeable circumstances beyond the employer's control, as well as extraordinary events whose consequences cannot be avoided despite due diligence, are taken into account as factors limiting the scope of the duty of care.⁹⁰

Employers are obliged to plan the measures necessary to improve working conditions, as well as to decide on the extent and practical implementation of the measures. Accordingly, the following principles should be observed to the greatest extent possible:

- a) prevention of hazards and risk factors;
- b) eliminating hazards and risk factors or, if this is not possible, choosing a less dangerous or harmful alternative;
- c) adoption of general security measures;
- d) taking technological development and other available tools into account.

Employers must constantly monitor the work environment, the state of the workplace community and work safety. Employers must also monitor the impact of the measures introduced in practice on workplace safety and health protection. Employers ensure that safety and health measures are properly taken into account in the operation of each part of their organizations.

An important provision of the law is that employers must also develop an occupational health and safety policy, the purpose of which is to promote safety and health protection, as well as to develop the necessary measures to preserve the ability of employees to work. The regulations must include the need to improve working conditions and the impact of work environment factors. During workplace development and planning, the objectives of promoting safety and health and preserving working capacity arising from the regulations must be taken into account, and they must be discussed together with the employees or their representatives.

4.3. Educational institutions

4.3.1. Anti-bullying laws in Finnish schools

In order to make the school environment safer, the Finnish Education Act (*Perusopetuslaki*) changed at the beginning of the last decade and underwent a major amendment, as a result of which the educational service provider was required

⁹⁰ Occupational Health and Safety Act, Chapter 2, Section 8.

to prepare a plan regarding the prevention of bullying and the protection of students against violence and bullying. in order to implement this plan, as well as supervise its implementation. This provision means that the legislation prescribed the preparation and implementation of the plan as an institutional obligation of the schools⁹¹. The plan for the prevention and treatment of school bullying must include the following mandatory content elements:

- a) Intervention in cases of harassment and violence;
- b) Treatment at community, group and individual levels;
- c) Individual support for the victim;
- d) Cooperation with parents;
- e) Cooperation with necessary officials;
- f) Presentation and communication of the plan to the stakeholders.

Educators must implement the plan and monitor its completion and compliance, as this is essential to ensuring an ongoing safe learning environment.

Well-functioning preventive and restorative programs are already available to educational institutions. The KiVa program, already presented in detail above, was developed at the University of Turku and was financed by the Finnish Ministry of Education and Culture. It has already been used in 30% of Finnish educational institutions and has achieved surprisingly good results.

4.4. Summary

Based on the Finnish regulations, although hate speech does not have a specific legal status, it can already be seen during the analysis of the Finnish constitution that it contains specific measures that already constitutionally try to prevent hate speech. These provisions are provisions on the prohibition of discrimination and the protection of human dignity. Hate speech is not specifically regulated in the Finnish Criminal Code either, but it is linked to several crimes depending on whether the motives characteristic of hate crimes appear in the committed crime. Statistical data shows that hate speech is a persistent issue in the lives of Finnish citizens, and limiting it online is challenging. Many preventive campaigns support efforts to address this issue, and research in this area continues. Recent studies have highlighted that hate speech can significantly affect social participation and opinion formation among individuals.

Cyberbullying is now commonplace in Finland as well. In the last decade the continuous expansion of the Internet has become an excellent field for the

⁹¹ Farmers, 2021, p. 22.

almost unlimited spread of online harassment and intimidation. In response to this, preventive or restorative programs are available in educational institutions in Finland, but this phenomenon unfortunately regularly appears in and outside of the workplace in addition to young people. Finland is one of the 14 EU member states that has a specific definition of cyberbullying, and the Finnish criminal code also contains provisions that can be applied in the case of cyberbullying. When we talk about the prevention of cyberbullying or cybercrime, it can be stated that Finland provides an outstanding amount of resources for prevention, even in comparison with the EU. Several successful programs (VERSO, KiVa) have already been created, which have been successfully adapted in many countries of the world and were able to prove with subsequent research that they really cause a significant drop in the number of cases if these programs are carried out. Effective protection requires adequate data protection, the development of appropriate workplace strategies, the development of harassment prevention policies, and the protection of younger generations is also very important, which is the fundamental obligation of educational institutions laid down in law. In this area, there are significant differences compared to the Hungarian system, as the Finns devote a significant amount of resources to effective prevention and treatment programs, which have been successfully exported to many other countries, so the KiVa program is well known in our country as well. The study published by the University of Helsinki examines the legal regulation and occurrence of hate speech and hate crimes in Finland, with a focus on cases registered by the police. The research highlights that the number of incidents motivated by ethnic and religious hatred is on the rise.⁹²

92 Korpisaari (ex. Tiilikka), Päivi (2022) From Delfi to Sanchez – when can an online communication platform be responsible for third-party comments? : An analysis of the practice of the ECtHR and some reflections on the Digital Services Act.

Bibliography

- Dalla Pozza, V., Di Pietro, A., Morel, S., Psaila, E. (2016) *Cyberbullying Among Young People*. Directorate General for Internal Policies. Policy Department C: Citizen's Rights and Constitutional Affairs Civil Liberties, Justice and Home Affairs. Study for the LIBE Committee
- Gazdek, H. (2021) *The anti-cyberbullying programs in Finnish lower secondary schools: Teacher perspectives*. Faculty of Education and Psychology, University of Jyväskylä, Master's Thesis in Education Spring Term
- Gellin, M. (2018) *Mediation in Finnish Schools: From Conflicts to Restoration*. Nordic Mediation Research, Finnish Forum for Mediation, Helsinki.
- Hallamaa, J. (2019) 'Päivi Räsänen vihapuheperössi krököllis-polittisena performansina (The process of hate speech from a religious and political perspective)', *Kanava*, 47(8)
- Hoel, H., Vartia, M. (2018) *Bullying and sexual harassment at the workplace, in public spaces and in political life in the EU*. Policy Department for Citizen's Rights and Constitutional Affairs.
- Jaghoory, H., Björkqvist, K., Österman, K. (2015) 'Cyberbullying among Adolescents: A Comparison between Iran and Finland', *Journal of Child and Adolescent Behavior*, 3(6)
- Järmi, É, Péter-Szarka, Sz, Fehérpataky, B. (2012) *The possibility of domestic adaptation of the KiVa program*. Educational Research and Development Institute
- Knuutila, A., Kosonen, H., Saresma, T., Haara, P., Pöyhtäri, R. (2019) 'Viha vallassa: Vihapuheen säätässällisein säättekoon (Anger in power: the impact of hate speech on decision-making)', *Valtioneuvosto survey – ja tutkimusinnin jaluiksusarja (Research activities publication series)*, 2019/57. [Online]. Available at https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161812/57_19_Viha%20vallassa_Vihapuheen%20väktein%20Netti%20.pdf
- Lappalainen, E., Perälä, P. (2015) *Vertaissovittelu alakouloisten sovittelioijden sikkeit (Contemporary media for primary school students)*. Kasvatustieteen gradu -tutkielma Syyslukukausi
- Li, Q., Cross, D., K. Smith, P. (2012) *Cyberbullying in the Global Playground: Research from International Perspectives*. Hoboken: Blackwell Publishing Ltd.
- Mäkinen, K. (2019) 'Sanat ovat tekoja: Vihapuheen ja nettikiusaamisen vastaisten toimien tehostaminen (Words are actions: stepping up action against hate speech and cyberbullying)', *Sisäministeriön jülüksujaja (Publications of the Ministry of the Interior)*, 2019/23.
- McCully, J. (2019) *Legal Responses to Online Harassment and Abuse of Journalists: Perspectives from Finland, France and Ireland*. OSCE – Office of the Representative on Freedom of the Media & International Press Institute

- Olkkonen, K. (2020) *VERSO Program Annual Report*. The Finnish Forum for Mediation, Helsinki.
- Pöyhtäri, R., Haara, P., Raittila, P. (2013) *Vihapuhe Sananvapautta Kaventamassa (Hate Speech as Restriction of Expression)*. Tampere University Press
- Raja, R. (2021) *Nuoret ja nettikiusaminen (Young people and cyberbullying)*. Mannerheimin Lastenseurgelliitto [Online]. Available at <https://cdn.mll.fi/prod/2021/04/21124054/nuoret-ja-nettikiusaaminen-kyselyraportti-mll-2021.pdf>
- Markus, A., Ilmari, K., Matti J. N.(2020), Youth Criminal Behavior and Victim Experiences 2020. Institute of Criminology and Legal Policy
- Perspectives on Platform Regulation: Concepts and Models of Social Media Governance Across the Globe (2021) – <https://helda.helsinki.fi/server/api/core/bitstreams/ce499b09-fea8-4e25-a846-3e222f937552/content> pp. 473–485.
- Poliisin tietoon tullut viharikollisuus Suomessa 2018 (Hate Crimes Reported to the Police in Finland 2018) – Available: <https://www.theseus.fi/handle/10024/261556>
- Korpisaari (ex. Tiilikka), Päivi (2022) From Delfi to Sanchez – when can an online communication platform be responsible for third-party comments?: An analysis of the practice of the ECtHR and some reflections on the Digital Services Act
- Majid, Y. (2005). The Novelty of ‘Cybercrime’An Assessment in Light of Routine Activity Theory. *European Journal of Criminology* 2(4):407-427. Available: https://www.researchgate.net/publication/238433587_The_Novelty_of_‘Cybercrime’An_Assessment_in_Light_of_Routine_Activity_Theory/link/00b495327859daf12a000000/download?_tp=eyJjb250ZXh0Ijp7ImZpcnN0UGFnZSI6InB1YmxpY2F0aW9uIiwicGFnZSI6InB1YmxpY2F0aW9uIn19