

30 June 2021

**Replies by the Government of Finland to the questionnaire by the
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression**

The Government of Finland thanks, Ms. Irene Khan, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression for her work in relation to these rights and presents the following replies to the questionnaire sent by the Special Rapporteur on 2 June 2021 for the preparation of the thematic report to the General Assembly to be presented in October 2021.

The replies to the questionnaire were prepared by the Ministry of Foreign Affairs, Ministry of Justice, Ministry for Social Affairs and Health and the Coalition of Finnish Women's Associations.

Ministry for Foreign Affairs

1. a) What barriers, challenges and threats do women in public sphere face in exercising their freedom of opinion and expression online and offline

Online gender-based violence and harassment is one of challenges women in public sphere face. Threat of violence and harassment may discourage women from entering into politics or push them to leave politics. This limits their rights and it is a threat to democracy. Root causes behind online gender-based violence and harassment are gender inequality and harmful social norms and gender stereotypes (such as those that disapprove women's public participation). Some women may face multiple and intersecting forms of discrimination due to their gender and eg. sexual identity, disability, ethnicity, etc.

According the study on the impact of hate speech on public decision-making ([Viha Vallassa](#)) in Finland, at the council level women decision-makers (42%) face more hate speech than men (28%). Hate speech targeting women differs from hate speech targeting men. It contains elements of sexual violence and sexual harassment.

1. b) What are the distinct challenges faced by those who experience multiple and intersecting forms of discrimination.

Women with disabilities face multiple and intersecting forms of discrimination on the basis of both gender and disability. Firstly, women with disabilities may not be able to express themselves either online or offline when the medium for communication lacks accessibility. They may not be able to access information also because of the lack of accessible forms of information. Secondly, deep-rooted stigma and negative stereotypes of persons with disabilities may prevent women with disabilities in freely expressing themselves both online and offline. Many words that are regular terms referring to disability have derogatory connotations and are often used as slurs against others. This can further isolate women and girls with disabilities, particularly in developing contexts. Hate speech and derogatory terms are also used for mocking women with disabilities and in attempts to discredit and silence them.

7. What do you believe States should do to b) protect women from violence, harassment and intimidation online and offline.

States must ensure that the relevant legislation is in place and effectively implemented. These requires, among other things, taking into account the development of technology which may create opportunities for new forms of violence, harassment and intimidation online. It is of utmost importance that law enforcement and judiciary are aware of relevant legislation as well as have the capacity and resources to effectively implement. As online violence and harassment is a global phenomenon that does not know borders, national measures are not enough, regional and global regulation is needed.

Through education the states should address harmful social norms and gender stereotypes that are the root cause behind gender-based violence, harassment and intimidation online and offline.

9. *What do you think internet intermediaries should do to protect women's right to freedom of opinion and expression and make online space safe for women?*

These intermediaries have the responsibility to protect human rights. To make online space safe for women requires taking necessary measures to prevent online gender-based violence and harassment. There should be relevant effective mechanisms in place, including moderation and to report the cases. These mechanisms should be easy to use, clear and accessible to everybody, including persons with disabilities. The cases reported should be timely and effectively investigated and based on the investigation, the necessary measures should be taken. Accountability and transparency is crucial, for example, how rules governing content are applied. There should be data available about the scale of the problem (online gender-based violence and harassment).

Ministry of Justice

5. a) *What legislative, administrative, policy, regulatory or other measures exist in your State to promote and protect women's freedom of opinion and expression online and offline? To what extent do these measures take into account intersectionality?*

In 2017 - 2019, the Ministry of Justice coordinated a project with the aim of improving work against hate speech and hate crimes in general. In the project, a variety of materials was published, including a handbook for police officers, prosecutors and judges on hate crimes and hate speech, suggestions for future work against hate crimes and hate speech, information on measures taken and good practices in combating hate crimes and hate speech, and information on hate speech for journalists. During the project police officers, prosecutors and judges were also provided training on hate crimes and hate speech.

A new project on hate crimes and hate speech, coordinated by the Ministry of Justice, has recently started. The aim of the new project is to improve reporting and data collection of hate crimes, improve local cooperation and produce materials to support work against hate crimes and hate speech.

6. *What legal, administrative, policy or other measures exist in your State to protect women from sexual and gender based violence and harassment online? How effective are they? What impact have they had on women's empowerment and public participation, including freedom of expression?*

The Criminal Code of Finland (39A/1889) covers for example criminalization of menace, stalking, defamation and aggravated dissemination of information violating personal privacy that can be useable also in situations like those described in the question.

In the Government Programme of Prime Minister Sanna Marin's Government (2019) is laid down an objective to draw up an action plan for combating violence against women. The Action Plan was prepared in an inter-sectoral working group, and the work was led by the Ministry of Justice. Of

specific forms of violence, the Action Plan covers honour-related violence and digital violence. The implementation period of the Action Plan extends from autumn 2020 until spring 2023. The working group will monitor the implementation of the Action Plan and prepare a report on it in early 2023. The Action Plan was published in October 2020 (<http://urn.fi/URN:ISBN:978-952-259-835-6>).

The Ministry of Justice has prepared a government proposal concerning the Criminal Code in order that a punishment may be increased if the offense is motivated by the sex of the victim. The handling of the proposal is in progress at the Parliament.

Ministry for Social Affairs and Health

1. c) How have the pandemic, economic crises and recent political unrests affected women's ability to communicate, protest and access information online and offline?

During the last five or more years we have noticed growing opposition towards gender equality and the use of the term gender or gender identity to cover and protect also LGBTI-people. This phenomenon inhibits promotion of gender equality in the context of EU, CoE, UN and ILO. The Istanbul convention for example has been targeted.

2. Can you provide examples or information on ways in which freedom of opinion and expression has been abused or appropriated to undermine women's human rights?

A study of harassment of politicians via Twitter (NATO Strategic Communications Centre of Excellence –study) showed that female Finnish ministers received a disproportionate number of abusive messages throughout the monitoring period in year 2020. A startling portion of this abuse contained both latent and overtly sexist language, as well as sexually explicit language. The gendered harassment was used to undermine competence, no matter what the topic was.

Based on the findings of Gender Equality Barometer 2017 (<http://urn.fi/URN:ISBN:978-952-00-4012-3>), just under one tenth of women living in Finland had encountered gender-related hate speech linked to their work, in the workplace or in another public place. Just under eight per cent of women had encountered hate speech in their leisure time by email, on social media or elsewhere on the internet. The study found that minority women are more exposed to hate speech.

The Nordic Council of Ministers requested in 2020 an assessment of the extent of online misogyny and antifeminism in the Nordic countries: The report is "Centre for Digital Youth Care: The Angry Internet": https://cfdp.dk/wp-content/uploads/2020/11/CFDP_the_angry_internet_ISSUE.pdf

4. Do you see any legal gaps, inconsistencies or controversies that should be clarified in this report, e.g. between protecting the right to freedom of expression and protecting women from ICT violence= Please indicate any specific issues in the international legal framework that in your view would benefit from further analysis in this report.

Hate speech as a term should cover also sexist, gendered harassment both online and offline, and should be punished.

The Coalition of Finnish Women's Associations NYTKIS

1. a) What barriers, challenges and threats do women in the public sphere face in exercising their freedom of opinion and expression online and offline?

Hate speech online, harassment, targeting are the real barriers, challenges and threats for politically active women in Finland. Women who are politically active in social media are getting

disturbing comments and messages especially when focusing on themes such as human rights, feminism and immigrants. [A Finnish government branch study from 2019](#) found that a third of municipal decision-makers and nearly half of all members of Finnish Parliament has been subjected to hate speech online. According to [NATO's report](#) the Finnish ministers are getting targeted in the social media.

1. c) How have the pandemic, economic crises and recent political unrests affected men's ability to communicate, protest and access information online and offline?

[A questionnaire of The Association of Municipalities](#) showed that almost half of the respondents said that hate speech and harassment are affecting their will to be a candidate for the municipal councils. During the COVID-19 pandemic, the municipal-elections in Finland held on 13 of June 2021 and almost all of the campaigning was online, because of restrictions. [According to Finnish state broadcasting company YLE](#) during the municipal election campaigns there have been election interference, sexual harassment and threatening. The studies of the recent municipal elections do not show statistics, how did it affect especially on women, but there have been cases where webinars organized by women's associations, were experiencing ZOOM "bombing" etc.

3. What in your view are the key elements of a gendered perspective on the human right to freedom of opinion and expression? What would a feminist perspective add to the understanding of this right?

Key elements – free and accessible election, information about election especially to migrant women in a foreign language than. Feminist perspective should be the message to all women who want to be politically active or to take part on public space: "you can, you are enough". Women are still facing attitudes in Finnish society that you should be more educated and experienced than men if you want to be a politician and especially in leading positions. Women in the leading position in the municipal councils and subcommittees are still a minority, especially in smaller cities [according to a report](#).

4. Do you see any legal gaps, inconsistencies or controversies that should be clarified in this report, e.g. between protecting the right to freedom of expression and protecting women from ICT violence? Please indicate any specific issues in the international legal framework that in your view would benefit from further analysis in this report.

The most urgent issue at the moment is, how legal instruments recognizes the digital violence against women and how online harassment is recognized a part of it.

5. b) In your view how effective are they in supporting women's empowerment and public participation? Please provide statistical data and judicial decisions, where available.

There are laws, which should ensure women's empowerment and public participation, but the enforcement is not as effective and the resources are insufficient. According [to a report](#) there is absence of handling hate crimes.

7. What do you believe States should do to a) uphold women's human right to freedom of opinion and expression b) protect women from violence, harassment and intimidation online and offline c) promote women's public participation?

There should be more research about the phenomenon, hate speech, targeting, digital harassment, which affect on women's participation in political life. There should be more research about the people who are utilizing hate speech. There should be more support services for the victims of digital violence and hate speech, especially for the politically active women. The phenomena of the gendered hate speech and digital violence are still not enough recognized among authorities. State should ensure that political parties have their codes of conducts how to act if facing harassment or

hate speech. The Coalition of Finnish Women's Associations NYTKIS has provided [this kind of code of conduct](#) for women in politics.

8. a) What specific measures have platform providers and intermediaries taken to i) protect women's freedom of opinion and expression; ii) protect women from online gender based violence, harassment, intimidation and disinformation; iii) promote women's equal access to the digital space; iv) address grievances and provide remedies to women users; v) ensure accountability of the intermediaries?

b) To what extent do you find these measures to be fair, transparent, adequate and effective in protecting women's human rights and promoting women's empowerment?

The platforms of social media should each have same kind of binding rules. Gendered hate speech should be one of the reasons of the categories of notifications.

According to the Ministry of Justice, most of the [Finnish hate speech is in "ylilauta.org" -site.](#)

10. What role has legacy media played in aggravating or addressing the challenges women face in exercising their freedom of expression? What do you think the legacy media can do to empower women and make the public space safe for them, especially for women journalist?

Media has a great role how it is dealing with the issue of hate speech and how it is handling with the gravity of this issue and how much space is given for individual users.

Media has a great role also to protect the journalists and to support them from hate speech. The Finnish Broadcast Company YLE has a code of conduct, what to do if a [journalist is facing hate speech.](#)

11. Please provide examples of good practices by States, internet intermediaries or other stakeholders to enhance women's right to freedom of opinion and expression and empowerment and public participation of women.

The Coalition of Finnish Women's Associations NYTKIS has provided a [code of conduct](#) for women facing hate speech or harassment in politics.