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The EU Mutual Learning Programme in Gender Equality

Preventing sexual harassment


Copenhagen, 22-23 September 2022

Comments paper – Finland



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Sexual Harassment: A Finnish Context

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Abstract

Finland to a large extent has been successful in closing the gender gap in different sectors and continue addressing the remaining gaps. Physical sexual harassment has been criminalised since 2014 and a recent amendment in the Criminal Law of Finland has recognised all different forms of sexual harassment as a violation of one's privacy and integrity. Implementation of the Istanbul Convention is central to the Finnish government policies to end violence against women including sexual harassment. Similarly, the EU Member States have been actively addressing sexual harassment since it has been declared a form of discrimination in the Istanbul Convention (2011). Government and nongovernment authorities in Denmark, Netherlands, and Finland are actively involved in projects and initiatives to tackle sexual harassment. The country-specific initiatives are commendable that could have a lasting impact. Member States have the privilege to learn from each other and incorporate solutions and strategies into their policy making. However, for long-term social change, there is a need for full implementation of the laws, more cooperation among different authorities and stakeholders, public discourse on the subject of sexual harassment, and the provision of anti-sexual harassment tools and training. In addition, long-term public and media awareness campaigns could change the social acceptability of sexual harassment in a given society.

1. Background

Gender equality and non-discrimination have been declared important principles in the Constitution of Finland.¹ Gender mainstreaming in Finland dates back to 1980–1985, with its first Action Plan for Gender Equality². After a long struggle for equal rights for all the citizens, Finland has to a large extent been able to decrease gender-gap in many fields of life. For example, concerning labour force participation³, domestic and childcare responsibilities, education, and political representation.⁴

¹ Ministry of Justice. (1999). The Constitution of Finland. (731/1999, amendments up to 817/2018 included). <https://www.finlex.fi/en/laki/kaannokset/1999/en19990731.pdf>

² European Institute of Gender Equality. "EIGE's 2018-2019 review of Institutional Mechanisms for Gender Equality and Gender Mainstreaming" Finland. <https://eige.europa.eu/gender-mainstreaming/countries/finland>

³ OECD Labour Force Statistics. (2010). *Labour force statistics 2009*. http://www.oecd.org/topicstatsportal/0,2647,en_2825_495670_1_1_1_1_1_1.00.html#499783

⁴ Statistics Finland. (2018). *Gender Equality in Finland 2018*. Edita Publishing. http://www.stat.fi/tup/julkaisut/tiedostot/julkaisuluettelo/yyti_gef_201800_2018_19723_net.pdf

Despite noteworthy achievements, different forms of gender-based discrimination and violence have still been observed in Finland including sexual harassment.⁵ Similarly, an EU-wide survey has identified high rates of physical and sexual violence against women in Finland.⁶

1.1 Current situation of sexual harassment in Finland

According to the Gender Equality Barometer (2017),⁷ 39% of women and 17% of men in Finland experienced sexual harassment where women under 35 years of age were found to be the most common victims.⁸ Similar results were found in a Quality of Work Life Survey⁹ and Economic Research¹⁰ from 2018. The findings from Statistics Finland (2018)⁴ showed that 17.1 % of men were harassed by women and 37.8 % of women were harassed by men in Finland.

According to Finnish National Agency for Education, sexual harassment at schools is more common than sexual violence.¹¹ Around 61% of girls and 46% of boys have reported being occasionally or repeatedly victimised from sexual harassment in a Student Health Survey from 2013.¹² Where an increase in the cases of sexual harassment has been observed in a recent School Health Promotion Study from 2021,¹³ and spending more time than usual on the internet during the Covid-19 pandemic has been argued to be one of the possible reasons.¹⁴

⁵ ibid

⁶ European Union Agency for Fundamental Rights (2014). Violence against women: An EU-wide survey. Luxembourg: Publications Office of the European

⁷ Keski-Petäjä, M. and Attila, H. (2018). Seksuaalinen häirintä ja sukupuoleen liittyvä vihapuhe. Tasa-arvobarometri 2017. Helsinki: Sosiaali- ja terveysministeriö. 32- 48.
http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/160920/STM_08_2018_Tasaarvobarometri%202017_net.pdf?sequence=4&isAllowed=y.

⁸ Finnish Institute for Health and Welfare. (2021). Violence and harassment.

<https://thl.fi/en/web/gender-equality/gender-equality-in-finland/violence-and-harassment>

⁹ Sutela, H. & Pärnänen, A. & Keyriläinen, M. 2019. Digiajan työelämä – Työolotutkimuksen tuloksia 1977–2018 [*Working life in the digital age – results of the Quality of Work Life Surveys 1977 to 2018*]. Suomen virallinen tilasto [*Official Statistics of Finland*]. Statistics Finland.

¹⁰ Taloustutkimus, 2018. Mitä seksuaalinen häirintä on – ja mitä se ei ole?, Helsinki: Taloustutkimus.

¹¹ Granskog, P., Haanpää, S., Järvinen, J., Lahtinen, M., Laitinen, K., Turunen-Zwinger, S. (2018).

Prevention of and intervention in sexual harassments at schools and educational institutions – summary. Finnish National Agency for Education.

https://www.oph.fi/sites/default/files/documents/191541_prevention_of_and_intervention_in_sexual_harrassments_at_schools_and_educatio_0.pdf

¹² Student Health Survey of the National Institute for Health and Welfare 2013, TAS 328/15 and TAS 329/15.

¹³ Tiana, R., Minna, F. (2022). Action Plan for the Istanbul Convention for 2022–2025. Helsinki:

Publications of the Ministry of Social Affairs and Health 2022:10

¹⁴ Laura, K., Satu, K., Merita, M., Pekka, R. (2022). Effects of the COVID19-epidemic on well-being, the service system, and the national economy. Expert evaluation, spring 2022. Helsinki: Institute of Health and Welfare THL.

1.1.1 The #metoo

The #metoo movement set a spark to change in many countries however, like in Denmark despite large online discussions and debates in Finland, reaction to the international movement was rather limited. One of the reasons was the already existing campaign in 2015 the “#lääppiä”. Yet, #metoo has been considered one of the major campaigns for women's rights in Finland since their right to vote in 1900. The movement became significant but not very broad as compared to Sweden and Norway where politicians and other public figures were held accused of sexual harassment by many. In addition, Finnish media did not report many of the sexual harassment cases or stayed cautious of taking names. One explanation could be the Finnish political culture; “You do not talk publicly about sexual harassment”.¹⁵ Like in Denmark, a few high-profile cases have been brought to public attention following #metoo including the case of MP Teuvo Hakkarainen.¹⁶

1.1.2 Legal provisions against sexual harassment

In Finland, sexual harassment is covered under several laws. Physical sexual harassment has been criminalised since 2014 under the Penal Code of Finland. A recent amendment (723/2022) in Section 5(a) – Sexual harassment (509/2014); verbal and nonverbal forms of sexual harassment have also been added that would enter into force from January 2023. Moreover, sexual harassment has been added to the amended Section 4 – Gross sexual misconduct (723/2022) stating that; “the offender must be sentenced for gross sexual harassment to imprisonment for a minimum of one and a maximum of six years”.¹⁷

The amendment in the law is a promising step to recognise all different forms of sexual harassment and its consequences. Since studies have found verbal⁷ and nonverbal sexual harassment¹⁸ as the most common forms reported by women in Finland. Similarly, according to Finnish National Agency for Education school children experience it mostly in public and cyber places.¹¹ Yet, the applicability and measures for sexual harassment do not explicitly recognise the psychological concomitants it can have on the victims. Since large numbers of psychological impacts of sexual harassment have been identified.¹⁹

¹⁵ Pollack, E., Allern, S., Kantola, A., & Ørsten, M. (2018). The new normal: Scandals as a standard feature of political life in Nordic countries. *International Journal of Communication*, 12, 3087-3108.

¹⁶ Kempas, K. & Sutinen, T., 2017. HS: Humalassa häiriköinyt Teuvo Hakkarainen sai vakavan varoituksen ryhmältä ja huomautuksen puhemieheltä – Veera Ruoho kertoo tehneensä rikosilmoituksen. <https://www.hs.fi/politiikka/art-2000005495329.html>

¹⁷ The Penal Code of Finland. Chapter 20, Sexual Crimes (Seksuaalirikoksista). <https://www.finlex.fi/fi/laki/ajantasa/1889/18890039001#L20>

¹⁸ Anwar, F., Österman, K., & Björkqvist, K. (2020). Risk factor for sexual harassment in public places. *Technium Social Sciences Journal*, 8(1), 329–343.

¹⁹ Stockdale, M. S., Logan, T. K., & Weston, R. (2009). Sexual harassment and posttraumatic stress disorder: Damages beyond prior abuse. *Law and Human Behavior*, 33(5), 405–418.

Heated debates on the issue in Finnish Parliament following the #metoo, led to changes and revisions in the Finnish Law of Rape. The revised law has re-defined rape as a non-consensual sexual act. According to the Equality Act (609/1986) of Finland, sexual harassment, and gender-based harassment are forms of discrimination against individuals.²⁰ The Act deals with the incidences of sexual harassment at workplaces, educational institutions, and the labour market. Prolonged victimisation from sexual harassment has been shown to have many negative consequences.²¹ Thus, intervention in situations where the safety and health of the employee is threatened due to sexual harassment is possible under the Occupational Safety and Health Act. A part of sexual harassment is also covered under Chapter 11 of the Finnish Criminal Code where gender has been included among other characteristics target of hate speech under Section 3 (212/2008): A crime against humanity.²² Since a category of sexual harassment, “gender harassment” constitute derogatory and abusive statements toward an individual based on one’s gender.²³

1.1.3 Initiatives by the Finnish Authorities

In Finland, the authorities, employers, and educational institutions are obliged to promote non-discrimination and to prevent and address harassment.

In many cases sexual harassment is taken as mere flirting however, flirting is based on mutual attraction whereas sexual harassment is unwelcomed and unreciprocated. Recognising this fact, the Finnish National Agency for Education published a guide clearly explaining what constitutes sexual harassment. So that, students and adult staff at the educational institutions could identify sexual harassment and timely intervene in any such situation.¹¹ In addition, at the health examination, carried out by the Pupil and Student Health Service, the students at schools and higher education institutions are asked about any sexual harassment and molestation they are exposed to among other questions.¹¹

Workplaces and educational institutions in Finland with a staff of over 30 people are required to have an equality plan with all the important information and details about relevant processes and contact person. The equality plan can also be incorporated into the occupational safety and health action plan.²⁴

²⁰ Tasa-arvolaki (2022). Equality Act in a nutshell. <https://tasa-arvo.fi/tasa-arvolaki-pahkinankuossa>.

²¹ Rikosuhripäivystys. (2019). #Metoo: Seksuaalinen häirintä ja Laki. <https://www.riku.fi/rikosuuhripaivystys/riku-lehti/riku-lehti-1-2018/metoo-seksuaalinen-hairinta-ja-laki/>

²² The Penal Code of Finland (19 December 1889/39). Chapter 11, Section 3 (212/2008): A crime against humanity. <https://www.finlex.fi/fi/laki/ajantasa/1889/18890039001#L11>

²³ Gelfand, M. J., Fitzgerald, L. F., & Drasgow, F. (1995). The structure of sexual harassment: A confirmatory analysis across cultures and settings. *Journal of Vocational Behavior*, 47(2), 164–177.

²⁴ Ministry of Social Affairs and Health, Finland. (609/1986). Act on Equality between Women and Men Section 6a (1329/2014) Measures to promote gender equality in working life. <https://finlex.fi/en/laki/kaannokset/1986/en19860609.pdf>

The National Action Plan (2022–2025)²⁵ has been launched to implement the Istanbul Convention. The first Action Plan was executed during the years 2018–2021. The action plan (2022-2025) is aimed at strengthening the gender perspective and cooperation in different sectors and professions to improve recognition of violence against women and relevant intervention policies.¹³

Another ongoing programme, the Action Plan (2020-2023) is aimed at taking measures for comprehensive reforms of sexual crime legislation, prevention of different forms of violence, and developing skills of the relevant authorities in relation to investigations, sanctions, and criminal process.²⁶ The Finnish authorities so far have been successful in achieving many of the measures of the Action Plan.

In addition, Finland is in the process to ratify the Violence and Harassment Convention, 2019 (No. 190), the convention is targeted at making workplaces more secure, and free of violence, and harassment including sexual harassment. The Member States are required to ensure that the concerned authorities and people involved in the world of work are provided with guidance, tools, and training to deal with the situation of violence and harassment. It has also been stressed to take initiatives like awareness-raising campaigns.²⁷

Other than government authorities, civil society is also actively working in this direction. Under the umbrella organisation of the “National Council of Women of Finland (Naisjärjestöjen keskusliitto)”²⁸ around 72 non-profit organisations are working to promote gender equality and women's rights in Finland. They are also taking initiatives to guide victims in cases of sexual harassment in sports. The union is funded by both government and nongovernmental sectors including the Ministry of Education and Culture.

Another organisation Et ole yksin, funded by the Finnish Government with its main focus on eliminating sexual harassment is working for a safe environment for individuals in sports guiding them on how to deal with situations of sexual harassment.²⁹ There is no specific funding for NGOs to tackle sexual harassment however, NGOs can apply for funding from the organisation called STEA.³⁰

²⁵ Committee for combating violence against women and domestic violence (NAPE). (2022). Action Plan for the Istanbul Convention for 2022–2025. Ministry of Social Affairs and Health; Helsinki 2022 Finland. https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/164242/STM_22_10_J.pdf?sequence=1&isAllowed=y

²⁶ Elina, R. (2020). Programme for combating violence against women for the years 2020–2023. <http://urn.fi/URN:ISBN:978-952-259-835-6>

²⁷ International Labour Organisation(ILO). C190 - Violence and Harassment Convention, 2019 (No. 190). https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:3999810:NO

²⁸ The National Council of Women of Finland. <https://naisjarjestot.fi/en/about-us/>

²⁹ Et ole yksin (You are not alone), the focus of the project is to prevent and reduce experiences of bullying, sexual harassment and all kinds of violence in sports. <https://www.etokeyksin.fi/>

³⁰ Funding Centre for Social Welfare and Health Organisations (STEA) promotes, and support activities/projects related to health and social welfare in society. <https://www.stea.fi/en/>

The sexual violence referral centre (the Seri Support Centre) established in 2017, supports the victims of rape and other sexual violence.³¹ It is recommended to establish such referral centers across the country. A nationwide free-of-charge national telephone helpline on domestic violence and violence against women (Nollalinja) has been set up by the National Institute for Health and Welfare. A Rape Crisis Centre, operated by a non-governmental organisation, runs a helpline and offers legal consultations and face-to-face counselling to victims and survivors of sexual assault in two cities in Finland.³²

2. A comparison of good practices

In Finland, other than the aforementioned strong legislation and initiatives by authorities, a number of good practices are underway like in Netherlands and Denmark. For example, sex education is a mandatory health education subject that aims to equip young people with knowledge and skills to defend their privacy. The well-being and safety of the students are ensured through age-appropriate examination and survey which has been effective in preventing violence especially sexual harassment in educational institutes.³³

The support services for offenders are also actively working in Finland. For example, the prison service in Finland deals with convicted sex offenders to reduce the risk of re-offending or future crimes through a voluntary “Sex Offender Treatment Programme (SOTP)”. Similarly, the “Sexpo Foundation” in Finland offers services of counselling and therapy to the ones who identify themselves as having a tendency to commit a sexual offence.

The alliance against sexual harassment by the Danish authorities is another good initiative that the Finnish government should consider in its policymaking. The most engrossing part of the alliance is its focus on sexual harassment outside workplaces and the labour market, an area relatively less recognised by researchers, experts, and relevant authorities. The alliance is at its initial stage and has room to develop and expand its alliance and activities. In that direction inclusion of a citizen perspective into the alliance would further help the members to get a deeper understanding of the problem people face in their daily lives.

Netherlands’ approach to awareness campaigns is praiseworthy and that is something Finland could incorporate into its policies and future action plans. Since Finland has been criticised for its limited awareness-raising activities and initiatives

³¹ Seri Support Centre for Victims of Sexual Assault. <https://www.hus.fi/en/patient/hospitals-and-other-units/womens-hospital/seri-support-center-victims-sexual-assault>

³² Tukinainen. <https://tukinainen.fi/en/>

³³ Finnish National Agency for Education, Prevention of and intervention in sexual harassments at schools and educational institutions – summary, 2018, p. 12, www.oph.fi/download/191541_Prevention_of_and_intervention_in_sexual_harassments_at_schools_and_educatio.pdf.)

that have not applied an inclusive approach to all forms of violence.³⁴ Amendments in the Criminal law of Finland regarding sexual violence and harassment is a propitious step taken by the Finnish Government, the next step should be geared toward increased awareness-raising campaigns that could help the citizens recognise sexual harassment as violence, and motivate them to speak out and support the victims.

3. Conclusion and Recommendations

The proposals and practices to tackle sexual violence and harassment in Netherlands and Denmark seems to have a structured approach and could be considered from different perspectives. The information has helped me understand the commonalities and differences between EU countries on the subject of sexual violence and harassment. A few of the practices could be incorporated into the Finnish policy for a more comprehensive approach tackling sexual violence and harassment.

Overall, there is a grave need to make sexual harassment a visible social and human rights issue. One step further toward the needed social changes could be the full implementation of strong legislation that promotes non-discrimination and safeguard individuals against sexual harassment. Future research investigating the phenomenon from a cross-cultural perspective would help to understand the full spectrum of the problem and its manifestations. For long-term social change, public discourse on the subject of sexual harassment is very important. The initiatives of the Alliance against Sexual Harassment in Denmark would help in highlighting the issue. Especially, the first external activity of the alliance during Ungdommens Folkemøde (2022) festival would provide a good platform to open up the topic to the general public. Through long-term media and public campaigns, Member States could change the social acceptability of sexual harassment. In addition, proper media coverage of the examples where sexual harassment was successfully dealt with due to provided tools and training could encourage people to stand against sexual harassment. Anti-sexual harassment training and workshops in educational institutions and workplaces could empower individuals by offering tools and community initiative ideas. In addition, to ensure the implementation of laws and safety of the citizens, municipalities should set out a plan of action to work in collaboration with regulatory bodies of workplaces, educational institutes, and public places like marketplaces, restaurants, bars, transportation, etc that would help to control the cases of sexual harassment in broader society.

³⁴ GREVIO. (2019). Baseline evaluation report on Finland. <https://rm.coe.int/grevio-report-on-finland/168097129d>