

Background information report

Media policies and regulatory practices in a selected set of European countries, the EU and the Council of Europe: The case of Finland

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Project profile

MEDIADEM is a European research project which seeks to understand and explain the factors that promote or conversely prevent the development of policies supporting free and independent media. The project combines a country-based study in Belgium, Bulgaria, Croatia, Denmark, Estonia, Finland, Germany, Greece, Italy, Romania, Slovakia, Spain, Turkey and the UK with a comparative analysis across media sectors and various types of media services. It will investigate the configuration of media policies in the aforementioned countries and will examine the opportunities and challenges generated by new media services for media freedom and independence. Moreover, external pressures on the design and implementation of state media policies, stemming from the European Union and the Council of Europe, will be thoroughly discussed and analysed.

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The case of Finland

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1. Introduction

The purpose of this report is to describe the historical development and legal regulation of the Finnish media market and to evaluate its current status.

The introduction offers a historical summary of the Finnish media and a brief glance at media freedom. A historical review reveals the country's path from a dominion to an independent county and at the same time the development from a mostly self-regulated, political based media into a commercial system of western values. The second section explains the features of the present Finnish media market and the third section summarises the major actors in the media field and the legal regulation of the media market. We conclude the report by contemplating critically on the Finnish media market, which due to the commercial pressures of the media industry both the quantity of journalists and the quality of journalism will decline.

According to the ranking list of *Reporters without Borders* Finland has for many years, along with the other Nordic countries, been one of the countries with a high level of media freedom. Similarly, *Freedom House* ranks Finland in the category of "free countries" in political rights, civil liberties and press freedom. The overall ranking of Finland in the World Democracy Audit is fourth and in anti-corruption sixth of a total of 150 countries.¹

The circulation of dailies is the third highest in the world after Japan and Norway. Although newspapers are popular for all age groups, adults are particularly heavy users of media.² A recent study shows that Finns also have the highest media literacy skills in Europe.³ At the same time, a key characteristic of Finns is a fairly strong trust in authority, which also extends in their attitudes towards the media. According to recent Eurobarometer 72, the number of Finns who trust both governmental authorities and the media is significantly higher than European averages.⁴ These studies provide an interesting basis for review.

¹See Reporters without Borders. "Press freedom index 2009", available at: <http://en.rsf.org/press-freedom-index-2009,1001.html> (last visited on 14/10/2010) and Freedom House, "Map of freedom in the world 2010, Finland", available at: <http://www.freedomhouse.org/template.cfm?page=363&year=2010> (last visited on 14/10/2010).

² Statistics Finland, "Finnish Mass Media 2009", at p. 52. Typically, the time spent in the media varies from half an hour to an hour. Young people spend more time on the Internet.

³ European Commission, Directorate General Education and Culture, "Study on the current trends and approaches to media literacy in Europe 2009", available at: <http://ec.europa.eu/culture/media/literacy/docs/studies/country/finland.pdf> (last visited on 14/10/2010). Communication and media skills are regarded as central among the goals of learning and teaching in schools. Yet, media competence is not very explicit in subject.

⁴ European Commission, Directorate General Communication, Eurobarometer 72 (National Report figure QA10a), available at: http://ec.europa.eu/public_opinion/archives/eb/eb72/eb72_en.htm (last visited on 14/10/2010); Sanomalehtien Liitto, "Medioiden mielikuvat 2010" [Report: Public opinion concerning media], Suomen lehdistö 6-7/2010, p. 5. The Finns have high degrees of trust - 74% in the judiciary, 48% in the government, compared to European averages - 43% in the judiciary and 29% in the national

The development of the media has been firmly connected to Finland's social development. In order to understand the media field, an awareness of the historical context is necessary, particularly from the viewpoint of the freedom of the media.

Prior to becoming independent, Finland was a part of the Kingdom of Sweden, (from the 12th century until 1809) and then an autonomous Grand Duchy of the Russian Empire until 1917, when Finland declared independence. The nation building took place during the 19th century wave of European language-based nationalism. During the autonomy period, freedom of the press was restricted, most severely around the turn of the century, when the authoritarian Russian rule closed down a number of newspapers. The Finnish parliamentary reform, which introduced multiparty democracy and universal suffrage in 1907, launched a growth period of a political press system,⁵ which lasted till the 1920s but lingered in some form for the rest of the 20th century.

Since declaring independence in 1917, Finland's multi-party democracy and constitution have supported the freedom of the press. The development of Finland's society was problematic particularly during the inter War years of the 1920s and 1930s, which were marked by the instability of domestic policy largely as result of the 1918 civil war. At that time, central government was weak and the key feature of internal politics was the disagreement between the Right and the Left wings of politics. During the inter War years, opportunities for publishing communist newspapers were limited as the government banned the communist party and tried to restrain excessive radicalism.

During World War II, the content of the press, particularly war correspondence, was subject to censorship though not on a large-scale. The government directed the press through instructions but largely the press practiced self-censorship. After the Second World War, the Friendship and Cooperation Pact (1948-91) with the Soviet Union dominated Finnish foreign policy. Although the government ended press control after the war, the press continued to practice self-censorship. In 1948, the government added a section to the Finnish Penal Code, which forbade the publication of articles that "defame foreign countries or endanger external relations". In practice, the law remained a permanent deterrent until 1995 when the government abolished it. The term "Finlandisation" was used to express the habit of bypassing embarrassing foreign policy manners in the press.

Finland, nevertheless, maintained its independency throughout the Cold War period and in parallel with an increasingly neutral foreign policy developed both politically and economically towards a western style of democracy. When the ideological division of Europe ended in 1989, Finland moved to join the European Union, doing so in 1995 alongside Sweden and Austria.

The roots of almost every Finnish daily newspaper can be found in the political press system that emerged with universal suffrage in 1907: most newspapers were

government. The most trusted media in Finland are radio with 79%, television with 71%, the print press with 55% and the Internet with 43%. According to a straw poll, 59% of the Finnish population find media news websites are reliable, but only 16% think that the Internet is reliable. The national and local media are active in supporting literacy campaigns in schools.

⁵ In the political press system, most of the newspapers were committed to party politics at least to some degree.

committed to one of the political parties. From the late 1920s onwards, the value of modern journalism and entertainment started to replace the dominance of party political journalism. In the 1950s and the 1960s, the party press system visibly declined to the extent that one party oriented newspaper in each market area gained a decisive lead over the others. At the same time, party oriented newspapers reformed as universal newspapers offering full news services. Since the 1990s, the media has experienced changes in concentration through co-operation agreements and chain ownership. Publishers have bought other daily newspapers, cross ownership has been extended, and expenses have been cut by joint news production. Since the 1990s, the three main challenges newspapers generally face have been the declines in readership and advertising income and the expansion of broadband Internet connections. During the last two decades, the widespread use of the Internet has particularly challenged traditional media and consequently the industry is becoming increasingly integrated and interactive.

In practice, the newspaper business has been a freely accessible arena in Finland. Any individual with resources has been able to establish a newspaper. By contrast, rules regulate the licensing of radio and television communication.

Students of technology started radio broadcasts in Finland in the 1920s and established the public Broadcasting Company “Yleisradio” (YLE) in 1926, which became state owned in 1934. YLE had a monopoly on radio broadcasts from 1934 to 1985. By the beginning of the 1980s, although YLE met its public service requirements, other players sought access to the radio broadcast market. The proposal to open up the radio market was opposed by left-wing politicians until 1985, when 22 commercial local radios were granted commissions for a trial period. The licence for the first nationwide private radio channel “Radio Nova” was granted in 1997.

Television broadcast was never a state monopoly. Students active in broadcast technology started transmissions in the early 1950s, which developed into the first commercial Finnish TV channel, “Tesvisio”, in 1956. The Public Broadcasting Company YLE started regular television broadcasts two years later, with the commercial “Mainos-TV” (MTV) as a client hiring programme blocks. When Tesvisio was on the verge of bankruptcy, YLE purchased it in 1964. In spite of this MTV continued as a commercial broadcaster in Yle’s channels. As cable television and the foreign supply of programmes became more common in the urban areas in the 1980s, it caused an element of confusion in YLE’s position in the market as a Public Service Broadcaster (PSB). Eventually, in 1993, MTV started its broadcasts at its own commercial channel, while the two remaining channels became purely PSB channels. Subsequently, in 1997, the government granted a licence to “Nelonen”, another commercial channel. Since the turn of the century, Finnish television broadcasting has rapidly evolved further due to the world’s first full digitalisation programme, new ‘free distribution’ channels and pay-tv.

During the last few decades, the government has made determined efforts to develop an information society.⁶ The competitiveness strategy of the government

⁶ Ministry of Finance published the first information society program “Suomi – kohti tietoyhteiskuntaa” [Finland – Towards an information society] in 1995; SITRA (Finnish National Fund for Research and Development) published the second report “Elämänlaatu, tietotaito ja kilpailukyky” [Quality of life, knowledge and competitiveness] in 1998.

emphasises skills and innovation policy as the solution to challenges of globalisation. As a part of its Information Society strategy, the government is actively promoting the construction of a national high-speed broadband network. In 2009 the government announced Finland to be the first country in the world to introduce a universal service obligation for broadband Internet. Every household currently has the right to have a broadband connection with a minimum speed of 1 Mbit/s.; the plan is to significantly increase the speed to 100Mbit/s by 2015. The motives behind the policy are mixed. On the one hand broadband offers new potential for developing online services, on the other hand broadband opens up the way to transfer television broadcasting to the Internet and make more radio frequencies available for more profitable services.⁷ However, the Minister of Communications, Suvi Lindén, has described the new legislation as “one of the most significant achievements in regional policy by the government”.⁸

From the late 1980s onward, Finnish media and communication policy has steadily moved from the state controlled markets towards the EU-led competition policy, which is more favourable to commercial actors. In 2010, the altered status of the media is visible in three areas of media policy: broadcasting, the printed press and broadband Internet.⁹

2. The media landscape in Finland

The activities of the traditional media, the press, radio and television, are shifting towards new electronic environments, especially the Internet. At the same time, the developments are causing both new possibilities and difficulties in terms of finance and public attainment.

The total media market in Finland has grown from 3.7 billion to 4.4 billion Euros in ten years (1998-2008). The biggest growth has occurred in the electronic media whose share has grown due to television and the Internet. The media market's share of GDP has at the same time decreased to 2.4%.¹⁰

Finland has a very strong domestic production particularly in the print media due to a small language area. On the other hand, electronic entertainment media such as films and music records are often of foreign origin. The media industry is a major employer with 25,000 directly and 20,000 indirectly employed people. The domestic media industry ownership has experienced changes in recent years as the media companies have concentrated to form large businesses.¹¹

In the context of the print media, a key characteristic is the strength of regional newspapers, which provide a generic news service covering foreign, national and local topics. Typically, only one full service newspaper, with no serious competition,

⁷ See H. Nieminen, “Public interest in media policy: the case of Finland”, *Interactions* (2010) forthcoming, at p. 16-18.

⁸ “First nation makes broadband access a legal right”, CNN news, 01/07/2010, available at: http://articles.cnn.com/2010-07-01/tech/finland.broadband_1_broadband-access-internet-access-universal-service?_s=PM:TECH (last visited on 14/10/2010).

⁹ Nieminen, “Public interest in media policy: the case of Finland”, at p. 21.

¹⁰ Statistics Finland, “Finnish Mass Media 2009”, at p. 37.

¹¹ *Ibid.*, at p. 43 and p. 45.

dominates in each province, and there are only five nationwide dailies.¹² Also, there is relatively high concentration of newspapers into chains and the trend is expected to continue.¹³ Another characteristic typical of the newspaper market structure is the high ratio of subscription to single-copy sales, which is nearly 9 to 1. Competition in single copy sales concentrates in the two evening tabloids. Although competition between newspapers is ambivalent with the exception of the evening tabloids, the newspaper industry does face the serious problem of declining circulation since the beginning of the 1990s, which has led to an increase in the importance of electronic media and decreasing newspaper volumes.

The Finnish government used to significantly subsidise newspapers by various means. However, since the mid-1990s, direct state aid has been drastically reduced. At one stage, the government directed aid to the party press in order to promote political pluralism, but this nominal subsidy violated EU competition legislation. Today only two forms of public subsidy remain: direct small-scale subsidy for minority language media and an indirect subsidy of zero VAT rating for standing orders (subscriptions).¹⁴

The other dominant sector of print media is the magazine market. The largest groups are consumer magazines and the trade and organisation magazines. The magazine market consists of a high level of pluralism and over 3,000 titles, however, the four largest publishers hold three quarters of the market share. In contrast to the newspaper sector the total circulation, despite declining sales of trade and organization titles, has developed steadily.¹⁵

Television in Finland is fully based on digital distribution since March 2008. As a result, the number of television channels has increased significantly. About half of the households have terrestrial television and another half cable television. The share of satellite television is just 6%.¹⁶ The state owned Finnish Broadcasting Company YLE has traditionally been a strong actor in the television market and currently attracts about half of the audience. The share of pay-tv subscribers has increased rapidly from 5% (2000) to 25% (2008).¹⁷

The state regulates the operations of YLE via the Act on the Finnish Broadcasting Company, and YLE's financing via the Act on the State Television and Radio Fund.¹⁸ YLE may not sell advertising blocks or show sponsored programmes. Instead, the state finances YLE by a licence fee that every household with a television set must pay,

¹² Finland has two official languages. Helsingin Sanomat, Ilta Sanomat, Iltalehti and Kauppalehti are published in Finnish while Hufvudstadsbladet is a Swedish language publication.

¹³ Statistics Finland, "Finnish Mass Media 2009", at p. 169. There are 200 newspaper titles; the market share of the four biggest publishers is 56 percent; only 10 of the 53 dailies appear outside of chain ownership.

¹⁴ Ibid., at p. 177; Nieminen, "Public interest in media policy: the case of Finland", at p. 19.

¹⁵ Statistics Finland, "Finnish Mass Media 2009", pp. 200-201. State support for cultural magazines was 1€ million in 2009.

¹⁶ Ministry of Communication and Transport, "Koko Suomi siirtyi digiaikaan" [The whole Finland proceeds to the digital era], available at: <http://www.lvm.fi/web/fi/uutinen/view/820406> (last visited 14/10/2010); Statistics Finland, "Finnish Mass Media 2009", at p. 65.

¹⁷ Statistics Finland, "Finnish Mass Media 2009", at p. 219.

¹⁸ Act on the Finnish Broadcasting Company (1380/1993) and Act on the State Television and Radio Fund (745/1998).

regardless of the use. The state has in recent years established a range of options to finance public broadcasting including the “broadcasting fee”, by which households should pay the fee regardless of whether or not they use PSB and own a television set. There is an on-going debate about the role of public broadcasting and the extent to which YLE will offer the same services as commercial companies.¹⁹

YLE has six nationwide analogical radio channels distributed via the FM network and a couple of digital radio channels which the television network distributes²⁰. Ten commercial radio stations have licences for nationwide transmissions and 47 for local transmissions.²¹ In recent years commercial radio stations, largely foreign owned, have attracted more listeners (50% of audience) than YLE (44%)²² and while their annual revenues have increased in the last ten years to 53.2€million, YLE spent 68€million of television licence money on radio broadcasting in 2009.²³

The popularity of the Internet has grown rapidly in the last ten years, with a domestic penetration rate of 75% in 2008 and has challenged the traditional norms of media. Nevertheless, the most popular media websites in Finland, excluding portals, are maintained by the traditional mass media. The four most popular belong to the evening papers, *Ilta-Sanomat* and *Iltalehti*, and the broadcasters YLE and MTV. Online versions of newspapers have proliferated quite rapidly during the 2000s and all Finnish dailies publish regularly updated online versions.²⁴ However, online publishing is facing financial problems. Media houses have initially chosen to distribute free content on the Internet, which the public is not willing to pay for. Media companies have developed different strategies in order to make the Internet profitable such as selling e-copies of newspapers and commercial blocks in popular net sites. In many cases the contents of pages are meant to persuade visitors to buy products in which case the income is based on the sales of advertisements of spin-offs. Television companies are distributing programmes via the web, usually for a certain period of time after being shown on air.²⁵ Major media companies also offer mobile services. However, the type and quality of services provided varies.

Several media houses have profiles in social media in order to get hints for stories and to take part in public discussions. According to a recent study, practically all Finnish

¹⁹ The TV licence fee cost about 235 Euros in 2010, see Law 745/1998. See also Nieminen, “Public interest in media policy: the case of Finland”, at p. 10-16.

²⁰ Two of the nationwide channels are in Swedish. YLE has also 20 provincial radios and one Sami language radio in Lapland.

²¹ FICORA Toimiluvanvaraisten radioiden sisältötutkimus 2008 [Content study of licenced radio stations 2008], available at: http://www.ficora.fi/attachments/suomiry/5C7WyEjO5/Toimiluvan_varaisten_radioiden_sisaltotutkimus_2008.pdf (last visited on 14/10/2010).

²² Statistics Finland, “Finnish Mass Media 2009”, at p. 94 and pp. 102-103. In 1998-2008 the reach of YLE has dropped from 54% to 44% while commercial stations have increased to 50%. Commercial radio is most popular amongst the younger generation while PSB YLE is most popular amongst the older generations.

²³ Finnish Broadcasting Company (YLE), “Annual report 2009”, available at: <http://yle.fi/fbc/annualreport.shtml> (last visited on 14/10/2010).

²⁴ Statistics Finland, “Finnish Mass Media 2009”, pp. 218-219. In 2008, there were 164 Internet newspapers and 248 Internet magazines.

²⁵ For YLE programmes see: <http://areena.yle.fi/>, for MTV programmes see: <http://www.katsomo.fi> (last visited on 14/10/2010).

journalists use social media to some degree in their work. The main reasons are for seeking background information, topics and new points of view to the stories, and charting public opinion. Popular sites visited in the Internet are informative sites, various newsgroups, blogs and social media. However, in journalists' opinions information in the social media should be assessed critically.²⁶

Nearly half of the Finnish Internet users participate in discussion groups on the Internet. The most popular social media in 2010 is "Facebook" with a 45% penetration rate.²⁷ Politicians, political parties and various non-governmental organisations have taken advantage of social media which has been discovered as a useful media to share information on their activities. In recent years, some authorities have begun to use social media in particular opportunities. In recent years for instance the police has started to join popular social media sites with "Police" profiles, the purpose being to offer a new channel to contact police, crime prevention, informing and discussion. The Ministry of Foreign Affairs has in turn started to utilise of social media by maintaining contact with Finns abroad.

3. Media policy in Finland

The Finnish Constitution is the most fundamental provider of the freedom of expression and consequently the freedom of media. There are also several rules in legislation regulating media environment structure and journalism practices. Structural regulation relates to licensing, ownership and competition of the media. Regulations about journalistic practices concern both access to information and publishing information. In addition to legislation, there are several self-regulation rules regarding journalism.

3.1 Actors of media regulation and policy

State bodies, ministries and ombudsmen work with legislation, permits and surveillance of media market. The two most important ministries concerning the media are *the Ministry of Transport and Communication* and *the Ministry of Education and Culture*. The Ministry of Transport and Communication prepares legislation on communication networks, issues of privacy protection and data security and the policy of frequencies. The Ministry also oversees telecommunications, the operating licences and the press subsidy system. An agency under the Ministry is *the Finnish Communications Regulatory Authority, FICORA*, that maintains an overview of the functionality of electronic communications networks and information security, reports of eventual information security threats, plans and administers the use of radio frequencies, communications network numbers and network addresses (e.g. FI-domain names). FICORA also collects television and licence fees to be used for PSB programme production.

The Ministry of Education and Culture deals with the content for TV, video and motion pictures, copyright matters, education, archiving and research. The Ministry also

²⁶ J. Laine, *Sosiaalisen median hyödyntäminen uutistoimittajan työssä [The use of social media in journalism]* (2010).

²⁷ Statistics Finland, "Finnish Mass Media 2009", at p. 219; Facebook, "Facebook statistics Finland", available at: www.facebook.com/countries-with-facebook/FI/ (last visited on 14/10/2010).

grants subsidies for cultural periodicals. The Finnish Government appoints *the Copyright Council* for three years at a time to assist the Ministry in copyright matters and to issue opinions on the application of the Copyright Act.

The Data Protection Board is an independent authority affiliated to the Ministry of Justice, and the most important decision-making agency in personal data matters. The board may grant permission for the processing of personal data, provided that the vital interests of the subject are protected. *The Data Protection Ombudsman* provides direction and guidance on the processing of personal data, supervises the processing in order to achieve the objectives of the Personal Data Act (523/1999), as well as makes decisions concerning the right of access and rectification.

The Supreme Court handles lawsuits of a precedent nature concerning media, e.g. freedom of speech and media freedom. *The Supreme Administrative Court* is the last resort in administrative cases, including cases relating to publicity and accessibility of the material of public authorities.

In the context of journalism, *the Parliamentary Ombudsman* and *the Chancellor of Justice* observe openness in public work and give remarks of misbehaviour of authorities in information delivery.

Thus, the Finnish communication policy aims to secure basic communication services for all citizens and promotes the transparency of decision-making of authorities by securing the accessibility of official papers. The main concerns relate to information security and privacy protection. They are secured by laws, supervision, guidance and permission procedures.

Unionisation in Finland is endemic and there are several associations and federations of media field workers, which are committed to developing the employment conditions in media industry and co-operating with decision-making state bodies. *The Federation of the Finnish Media Industry, Finnmedia*, is an umbrella organisation for the mass media and the graphic arts industry. The main purpose of the organisation is to promote the overall and economic operating environment for the media sector in Finland. Associated organisations from several sectors of the media include the Finnish Periodical Publishers' Association, the Federation of the Printing Industry, the Finnish Newspapers Association, the Finnish Book Publishers Association, and the Association of Finnish Broadcasters. The aim of *the Association of Finnish Advertisers* is to further the interests of advertisers and to promote a policy of informative advertising which conforms to the accepted practice of trade. *The Union of Journalists in Finland* is a trade organisation of Finnish journalists (including freelancers and copy editors) with the main tasks of developing the employment conditions of journalists and promoting media freedom. The code of conduct, "Guidelines for good journalistic practice", interpreted by the Council for Mass Media, was formally adopted by the Union. Several members of the union are associated with several associative associations supporting special fields of journalism, e.g. investigative journalism, political journalism, crime and court journalism, and economic journalism.

In Finland the media industry has self-regulatory bodies, which assess the ethical conduct of journalists and advertisers. The associations of publishers and journalists established *the Council for Mass Media* to act as a self-regulatory body for mass media

content and to cultivate responsibility in mass media. In addition, representatives of the public sit on the Council. The Council evaluates media ethics based on the complaints of the media public. A mass media outlet, which the Council regards as having violated good journalistic practice must publish the resolution of the Council without delay and without direct comment. Resolutions are also published in the website of the Council. In addition to interpreting desirable journalistic practice and dealing with complaints, the Council gives statements on actual topics. An exceptional feature in the Finnish media field is that in practice all of the Finnish media organisations are members of the Council for Mass Media and have committed themselves to self-regulation and accepted the objectives of the Council. Advertisers have a similar self-regulatory body, *the Council of Ethics in Advertising*, which issues statements on whether or not an advertisement or advertising practice is ethically acceptable

Education of communication and journalism as well as media research is performed in several Finnish universities, of which the most important are Helsinki, Jyväskylä, Tampere and Turku along with their research institutions. Media research in Finland is conducted by universities, associations and companies. The most important function of *the Finnish Audit Bureau of Circulations (FABC)* is to audit circulations of newspapers and periodicals that are sold by subscription or as single copies. Every year, circulation audits are undertaken for more than 400 such publications. Another important function of the FABC is research. Since 1972, the bureau has commissioned the National Readership Survey (NRS), which produces readership figures for newspapers and periodicals and information about the structure of the readership. *The Finnish Association of Marketing Communication Agencies* regularly yields marketing information, e.g. on readership and marketing expenditure. *Finnpanel Ltd* measures television viewing and radio listening. The purpose of the research is to monitor the trends of television and radio consumption in households and by individuals. Finland is also a member of *Nordic Information Centre for Media and Communication Research (NORDICOM)* with Denmark, Iceland, Norway and Sweden.

Noteworthy is, that although the media environment in Finland is lightly regulated and mainly subject to self-regulation, there are only few civic organisations in the media market. This may be due to the high degree of trust the Finns place on officials and media actors.²⁸

The purpose of *Electronic Frontier Finland (EFFI)* is to defend active users of electronic communication. EFFI influences legislative proposals concerning personal privacy, freedom of speech and user rights in copyright law. *In Favour of the Freedom of Speech* is a non-religious, non-political and independent, non-profit association to support the freedom of speech and to inform about violations of the freedom in Finland and globally.

²⁸ European Commission, Directorate General Communication, Eurobarometer 72, at p. 5; Sanomalehtien liitto: "Medioiden mielikuvat 2010" [Report: Public opinion concerning media], Suomen lehdistö (2010) 6-7, pp. 5-7.

3.2 Structural regulation

The Finnish Government issued an Information Society Programme in 2003.²⁹ The purpose of the programme was to boost competitiveness and productivity and to improve citizens' utilisation of information and new communications technologies. On the basis of this programme, the licensing regulation concerning the mobile television network (DVB-H) operations was altered.³⁰ FICORA instead of the government grants the licences and the procedure is now more straightforward. Long-term radio and television operations need a licence from the government for terrestrial digital transmissions and terrestrial antenna network.³¹ The government proclaims vacancies for licence applications, which are granted for a maximum period of twenty years.³² This procedure is due to the shortage of radio frequencies. FICORA is also responsible for granting short-term³³ television and radio broadcasting licences. Cable and satellite-relayed television operations do not need a licence in Finland.³⁴

As stated in several governmental bills, the aim in the media production is to safeguard the diversity of programmes and the needs of special groups of the public. Due to this the licensing authority can attach regulations to the licences. These regulations can relate to (1) the regional service area of broadcasts, (2) the broadcast time of the day, and (3) transmission technology and transfer capacity,³⁵ (4) the length of the licence period and (5) the content quota.³⁶ On average television broadcasters have to reserve a majority proportion of their annual transmission time³⁷ for European programmes and in addition 15% of their transmission time or alternatively 15% of their programming budget for programmes produced by independent producers.³⁸ The share of independent production

²⁹ Finnish Government, Government Policy Programmes, "Information society", available at: <http://valtioneuvosto.fi/tietoarkisto/politiikkaohjelmat/tietoyhteiskuntaohjelma/en.jsp> (last visited on 09/08/2010).

³⁰ Government Bill 98/2006.

³¹ Act on Television and Radio Operations (744/1998), section 10. A licence may be granted to an individual, an organization or a foundation, which is financially secure and has the capability to maintain regular operations in accordance with the licence. Network service providers in public authority networks are required to have the ability and professional skills needed in their field of operation.

³² Communications Market Act (393/2003), section 8.

³³ In analogue networks for a maximum duration of 3 months or eight hours per week, in digital network for a maximum duration of 1 month. See Act on Television and Radio Operations (744/1998), section 7.

³⁴ The Act on Television and Radio Operations (744/1998) does not apply to television or radio broadcasting in the autonomous Province of Åland, where TV and radio are regulated by the Act on the Autonomy of Åland (1144/1991).

³⁵ Act on Television and Radio Operations (744/1998), section 11.

³⁶ "In the programme structure the needs of different population groups should be taken into account, as well as the aspects of communication and cultural politics. In addition, the programme has to promote the audio-visual culture. Programmes must be of a high quality and versatile, as well as including news, topical programs and entertainment." See MTV's licence, available at: http://www.lvm.fi/c/document_library/get_file?folderId=991060&name=DLFE-10002.pdf, at p.2 (last visited on 14/10/2010).

³⁷ Excluding the time appointed to news, sports events, games, advertising, teletext services and teleshopping.

³⁸ An independent producer is the share capital of whom an individual television broadcaster controls at most 25%, or several television broadcasters at most 50%, and who, during the past three years, have produced no more than 90% of its programs for the same audiovisual broadcaster. Half of the programmes

was increased to contribute to the digital content production in Finland.³⁹ According to FICORA, the radio licences include more specific requirements concerning the content of the programmes from 2007. Nationwide radios are obliged to offer approximately 30% of spoken programme of the total broadcast time from 6 a.m. to 6 p.m. on weekdays, regional radios 20% and local radios 15%. Regional and local radio licences necessitate that programmes on the whole are directed to the population of the broadcaster's range, are of local topics or serve the interests of the special groups of the area.⁴⁰ In addition, in 2008, FICORA specified that programmes are to be identifiable⁴¹ and independent compared to other licence holders. FICORA monitors yearly how radio channels have fulfilled their licence obligations.⁴²

The state owned public service Finnish Broadcasting Company YLE (Yleisradio) operates under an act of its own, the Act on Finnish Broadcasting Company (1380/1993). YLE also complies with an internal constitution called "The Guidelines of Broadcasting" (Ohjelmatoiminnan säännöstö), which has the same features as the Act and the ethical guidelines for journalists combined. YLE is not required to obtain an operating licence to carry out analogue and digital television and radio broadcasting on frequencies that have been allocated to it by the government. YLE's purpose is to produce public service programming for access by all under equal terms.

In contrast to radio and television broadcasting, the print media in Finland is far less regulated since there are no technical limitations. Therefore no licence, permit or registration is required to set up a newspaper or other publication. Anyone with the funds to start a publication is free to do so as long as periodicals and network publishers identify the publisher and responsible editor. This information is to be included in the publication with the information on its year of issue.⁴³ Similar to print media, the online media operates free of licences, permits or registration.⁴⁴

There is no legal regulation of foreign or of the quantitative nature of ownership in the media market in Finland, apart from the ownership of YLE, which is obliged to

of the independent producers have to have been produced within the past five years. The Act on Television and Radio Operations (44/1998), sections 2, 16 and 17.

³⁹ Government Bill 241/2001.

⁴⁰ For example, the licence of nationwide Radio Nova states that there should be at least 2 hours of news and topical material between 6 a.m. and 6 p.m. on weekdays and minimum 30% of spoken programme correspondingly.

⁴¹ A programme is identifiable if 50% of the editorial content between 6 a.m. and 6 p.m. on weekdays differs from the content of other licence holders. In this context, editorial content means the entirety of music, speech and other content, excluding advertising.

⁴² FICORA, "Toimiluvanvaraisten radioiden sisältötutkimus 2009" [License-dependent radio content study 2009], available at: http://www.ficora.fi/attachments/suomiry/5m2BNYf4S/Toimiluvanvaraisten_radioiden_sisaltotutkimus_2009.pdf, (last visited on 30/08/2010).

⁴³ An eligible responsible editor is at least 15 years of age, is not a declared bankrupt and their competency is unrestricted. There are no legal quota rules concerning the content of print media either, but the content is decided by the responsible editor. See the Act on the Exercise of Freedom of Expression in Mass Media (460/2003), sections 4-5.

⁴⁴ Ibid., sections 12,14 and 16 apply to private individuals, who maintain a web site with regard to e.g. criminal and tort liability, as well as the confidentiality of sources and the right to anonymous expression, but there are no provisions regarding licensing. FI- (Finland) and AX- (Åland) domain names are supplied by FICORA.

have state ownership.⁴⁵ In addition to this there are some rules related to the establishment of an audiovisual content producing company.⁴⁶ The principal rule is that a company is established in Finland, if it has its head office in Finland or if the editorial decisions about programmes are taken in Finland. Foreign ownership is allowed and it has risen in the Finnish electronic media, especially in radio companies. Major newspapers are still nationally owned. Cross-media ownership is not prohibited and is very common.

Competition on both broadcast and print media is regulated by the same laws in Finland. The Act on Competition Restrictions (480/1992) was based on the injunction principle and Finnish Competition Authority (FCA) could not forbid a merger even if it caused a monopoly. The law was altered in 1998 when merger control began in Finland, and again in 2003 when the EU's regulatory framework for competition rules⁴⁷ was implemented in Finnish legislation. The new EC Merger Regulation entered into force in 2004, according to which the European Commission is responsible for monitoring the impacts of concentrations. If a concentration exceeds a certain turnover threshold (350€ million), the acquisition has to be notified to the European Commission within a week, which has the sole power to investigate. Article 101 applies to both horizontal competition restraints (cartels) and vertical agreements such as distribution agreements. Corporate acquisitions and concentrations of companies⁴⁸ have to be notified to the FCA. Also the operating licences are revaluated in corporate acquisitions.⁴⁹ Article 102 prohibits the abuse of dominant position. The Communications Market Act (393/2003) describes different actions which can be imposed on a company with a dominant market position. FICORA can force a company that holds a dominant position to transfer or lease out its communications network or communication services to another company in the same market.⁵⁰ The law was amended in 2008 because the Communications Market Act restricted the FCA's authority⁵¹ and also to alleviate the position of small and medium-sized companies in the market.

Overall, Finnish legislation is consistent with the government's point of view concerning information and media. Light regulation secures the evolution of communication technologies and emphasises a wide variety of possibilities to media users. Therefore foreign and cross-media ownership is not prohibited and licensing regulation follows closely the developments in the media industry and aims to secure

⁴⁵ "The State shall own and control the share capital of the company to an extent which corresponds to at least 70 per cent of all the shares in the company and of the votes generated by all the shares in the company." See Act on the Finnish Broadcasting Company (1380/1993), section 2.

⁴⁶ The provisions of the Act on Television and Radio Operations (744/1998), section 5, handle, for example, a significant work force, satellite capacity and the broadcasters in European Economic Area and states who are parties of the European Convention on Transfrontier Television.

⁴⁷ EC Council Regulation No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty, OJL 1, 04/01/2003, pp. 1-25.

⁴⁸ EC Council Regulation No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger regulation), OJL 24, 29/01/2004, pp. 6-8.

⁴⁹ Act on Television and Radio Operations, section 13.

⁵⁰ Communications Market Act, section 18 and chapter 5, section 39.

⁵¹ The Communications Market Act was compulsive compared to the European Commission recommendations. See the Government Bill 48/2007.

diversity. The changes in competition legislation have mainly been caused by the EU regulation and will enable the access of new firms to the media market.

3.3 Freedom of expression

Freedom of expression is included in the 12th section of the Finnish Constitution (731/1999). According to the section:

Everyone has the freedom of expression. Freedom of expression entails the right to express, disseminate and receive information, opinions and other communications without prior prevention by anyone. More detailed provisions on the exercise of the freedom of expression are laid down by an Act. Provisions on restrictions relating to pictorial programmes that are necessary for the protection of children may be laid down by an Act.

(Finnish Constitution, 731/1999, Section 12)

Accordingly, preventing or censoring communication is prohibited and, therefore, authorities must not interfere in the publishing decisions of the media. The freedom of expression is surprisingly liberal in Finland. The mention of “without prior prevention by anyone” also permits the publishing of illegal messages. Interference in the dissemination of the messages would only be possible after they have been published or otherwise expressed.⁵² The only acceptable restrictions regard minors’ access to videos or other pictorial programmes (including for instance violence or sex) that are suitable only for adults.

In many situations, receiving information is an essential part of anyone’s freedom of expression. According to the Finnish Constitution

Documents and recordings in the possession of the authorities are public, unless their publication has for compelling reasons been specifically restricted by an Act. Everyone has the right of access to public documents and recordings.

(Finnish Constitution, 731/1999, Section 12)⁵³

It is notable that the principle of freedom of expression does not automatically guarantee this right to everyone. The freedom to publish or not to publish is an essential part of journalism, and ultimately the right of every editor-in-chief.⁵⁴ However, the

⁵² See for example P. Tiilikka, *Sananvapaus, yksilönsuoja ja lähdesuoja Ruotsissa, Norjassa ja Alankomaissa sekä Euroopan ihmisoikeustuomioistuimen ratkaisukäytännössä* [Freedom of expression, privacy and protection of sources in Sweden, Norway, Netherlands and in decisions of the European Court of Human Rights] (2010), at p. 14.

⁵³ The section refers to the special provision act: the Act on the Openness of Government Activities (61/1999) to be discussed later in this chapter.

⁵⁴ However, according to the Act on the Exercise of Freedom of Expression in Mass Media (460/2003) there are a few exceptions regarding this freedom: the duty to publish a reply to an offensive message, a correction to an erroneous information, and obligation to publish official announcements to protect human life or health or significant environment or property interests. In addition, the right of receiving only guarantees the possibility of receiving messages in some form, not the right to receive all the messages wanted or messages in some certain form. Messages have usually ownership or copyright, and publishers may charge subscriptions and television companies pay-channels.

Internet has changed the situation dramatically. There are neither any organisations controlling the content of the Internet nor any Internet-specific laws, but the laws concerning media content do apply to the Internet. Usually authors start investigations after a complaint. In general, there are no regulations regarding search-engines although there are a few rules referring to Internet operators.⁵⁵

Journalists as media professionals have an outstanding position in pursuing the freedom of expression. Journalism has traditionally been a free profession in Finland, which explains the diverse educational background of current 16,000 journalists, of whom approximately 40% have a journalism education and 75% have a university or college education.⁵⁶ However, there is no “obligation of expression”. Regardless of broad and favourable legislation, provisions of the freedom of expression do not necessarily guarantee the journalistic use of this freedom. According to a survey among Finnish journalists the majority of respondents estimated that the independence and autonomy in journalism are to be reduced in the near future, and media houses are turning towards news industrial production. Journalists have to adapt to different upheavals, which are to cause pressure on the costs and tighter production schedules, and forcing former approaches to critical evaluation and reform. Also analytical journalism, criticism, and observance of ethical rules were believed to be declining.⁵⁷ The main changes over the last two years included an increase in the amount of stories to be published in several media houses, an increase in the weekly number of stories required from an individual journalist and pronounced targeting of stories to specific audiences. The problem was highlighted in particular in the electronic media. Technological developments, including the Internet may affect in the future even more the journalistic work.⁵⁸ In the long-term, narrowing of income will affect opportunities for the traditional media to recruit professional journalists, and the media content will be produced by less staff. This may decrease the quality of journalism and journalists’ ability to cover important issues.⁵⁹

⁵⁵ See FICORA, “Same laws apply on the internet as elsewhere”, available at: <http://www.viestintavirasto.fi/en/index/internet/internetinvalvonta.html> (last visited on 18/10/2010). Recently there has been a proposal to oblige operators (a) to control the down-loading of illegal material, i.e. films and music, from the Internet (b) to inform a customer if they download illegal material from the net. However, this is at the draft stage. Finnish Internet operators have decided to filter paedophile material upon the request of the authorities and based on a “filter list” produced by the police. Filtering is based on the Act of Obstructing Dissemination of Child Pornography Material (1068/2006). According to the Act, the police is responsible for preparing and updating a list of Internet sites that include illegal material.

⁵⁶ 1500 of Finnish journalists are freelancers, 1000 students and 3000 retired seniors. Over half of Finnish journalists are female. See Suomen Journalistiliitto, “Liiton jäsenet” [The members], available at: http://www.journalistiliitto.fi/liitto/liiton_jasenet/ (last visited on 13/10/2010).

⁵⁷ Jyrkiäinen, J., *Journalistit muuttuvassa mediassa [Journalists in the changing media]* (2008), pp. 88-91.

⁵⁸ Entertaining contents as well as financial accountability in own work was estimated to increase in journalism. *Ibid.*

⁵⁹ A potential problem in journalism is the concentration on popular topics which would not be the most important in terms of democracy and democratic participation. See K. Nordenstreng, H. Nieminen, and R. Meriläinen, R. “Sananvapaus, media ja demokratia” [Freedom of expression, media and democracy] in S. Aalto-Matturi and N. Wilhelmsson (eds), *Demokratiapolitiikan suuntaviivat, [Trends in the politics of democracy]* (2010), pp.153-163, also available at: <http://www.om.fi/1266334043714> (last visited on 17/10/2010).

Culturally, there are no restraints to the freedom of expression but political correctness may have a self-censorship effect on the work of journalists.⁶⁰

The most fundamental Finnish law regarding freedom of expression and media freedom is the Act on the Exercise of Freedom of Expression in Mass Media (460/2003). The Act covers the most prominent features of the media environment and refers to the responsibilities of editors and media actors, as well as the rights of those attracting media attention. However, the Act does not refer to the contents of media publishing.⁶¹

The Act brings the press, broadcasting and online media within the same framework with respect to responsibility and the exercise of freedom of expression, thus implementing technology-neutrality.⁶² However, the Act applies only partially to private individuals maintaining a web site on an electronic communications network, and operations consisting solely of the technical production, transmission, intermediation or distribution of publications or network messages. The responsibilities of operators providing online services include only technical and distributional matters. The Act includes some responsibilities considering illegal messages: to assign the sender's identification information to authorities, to interrupt the delivery, and to destroy the message.⁶³ General responsibilities for media houses exercising journalism are related to periodicals, network publications and programmes.⁶⁴

All programmes and network publications shall be recorded and retained for at least 21 days after the programme has been broadcast or the network publication provided to the public.⁶⁵ Everyone has the right of access to a programme or network publication free of charge, if they have a justified reason to consider that they are the victim of an offence arising from their contents, or that they have sustained an injury or loss from the broadcasting of the programme or the provision of the network publication

⁶⁰ Public trust for authorities is high in Finland and higher than trust for journalists, for instance. This might originate from the irritating tabloidisation of journalism. Interview with Kaarle Nordenstreng, 30/08/2010 Jyväskylä.

⁶¹ The first section of the Act refers to the main principle of freedom of expression in democracies: "In the application of this Act, interference with the activities of the media shall be legitimate only in so far as it is unavoidable, taking due note of the importance of the freedom of expression in a democracy subject to the rule of law".

⁶² The Act repealed two previous Acts, the Freedom of the Press Act (1/1919) and the Broadcasting Liability Act (219/1971). These two forms of mass communication were collected in the same Act with the addition of the Internet which did not have any regulation before the new regulation.

⁶³ Act on the Exercise of Freedom of Expression in Mass Media, section 3.

⁶⁴ A network publication means a set of network messages, arranged into a coherent whole comparable to a periodical, from material produced or processed by the publisher, and intended to be issued regularly. *Ibid.*, section 4.

⁶⁵ The duty to retain the record shall continue beyond the period if a matter arising from the contents of the programme or network publication is subject to pre-trial investigation, prosecutorial evaluation or court proceedings. In this event, the record may be disposed of only after it has been established that no charge will be brought in the matter or after the case arising from the contents of the programme or network publication has been finally decided by a court of law. The prosecutor or the court last seized of the matter shall notify the publisher or the broadcaster of the expiration of the duty to retain the record. *Ibid.*, section 6.

to the public.⁶⁶ A private individual, who has a justifiable reason for considering a message offensive, has the right to have a reply published in the same publication or programme.⁶⁷ Erroneous information must be corrected in the media unless such a correction is manifestly unnecessary owing to the minor significance of the error. The correction is to be published in the same publication or in a programme by the broadcaster in question.⁶⁸ The reply or correction shall be published, free of charge and without undue delay, in appropriate extension and in the same manner as the message on which the demand for a reply or correction is based. The contents of the reply or correction shall not be illegal or offensive.⁶⁹

The ground for the imposition of a fine for editorial misconduct is that the responsible editor intentionally or negligently fails in an essential manner in their duty to manage and supervise editorial work. Respectively, criminal liability for an offence arising from the contents of a message provided to the public shall lie with the perpetrator or accomplice, as defined in the Penal Code (39/1889). The provisions of the Tort Liability Act (412/1974) apply to liability for, and compensation of, injury or loss arising from the contents of a message provided to the public.⁷⁰

The Act requires a media outlet to publish a judgment concerning a violation of honour and privacy. The court may at a request made by the injured party during the criminal proceedings order that a notice of the judgment be published in the said periodical or network publication, or in a programme of the same broadcaster where an offence is committed.⁷¹ The publisher and the broadcaster shall publish official announcements in a periodical, network publication or programme free of charge, if this is necessary for the protection of human life or health or significant environmental or property interests, or for some other comparable important reason.⁷²

3.4 Access to information

Access to the information can be seen to be crucial for the work of journalists and the stories published. In legislation, this is guaranteed in several ways: as the access to public

⁶⁶ The publisher and the broadcaster shall also provide access to a record, without undue delay, to an official engaged in the pre-trial investigation or prosecutorial evaluation of an offence arising from the contents of a programme or network publication. *Ibid.*, section 15..

⁶⁷ The right to reply in the act also applies to network publications and broadcast programmes that are broadcast on a repeated basis. Previously, the right to reply did not apply to radio and television programmes and there were no rules concerning network publications. Conventional cultural critique, political, economic or societal evaluation or similar presentation of an opinion do not, however, warrant the right to reply. *Ibid.*, section 8.

⁶⁸ The right to correction applies to private individuals, corporations, foundations and public authorities regarding on them or their operations. *Ibid.*, section 9.

⁶⁹ Where necessary, the editor responsible shall assist in the technical realisation of the reply. The act includes also deadline regulations for demands of reply and correction and procedures of applying if demand is rejected by the editor. *Ibid.*, section 11.

⁷⁰ *Ibid.*, sections 12-14.

⁷¹ The court may reinforce the order by imposing the threat of a fine. The notice of the judgment shall be published free of charge and it must be reasonably detailed. The responsible editor shall see to it that so is done. *Ibid.*, section 23.

⁷² *Ibid.*, section 7.

documents, as journalists' right to protect their sources, and as certain freedom levels in journalistic information gathering in terms of picture taking, recording and false identity.

As previously mentioned, the openness of government activities was established in the Finnish Constitution as an essential part of freedom of expression and the right to receive information. Finland among the other Nordic countries has a long tradition of guaranteeing public accessibility to official documents by legislation. The national FOIA (Act on Openness of Government Activities 621/1999) sets the principle that official documents shall be in the public domain unless there is a specific reason for withholding them. The transparency of government regards activities of authorities and not only documents they possess. Therefore, authorities have certain informing requirements.⁷³ The intention of the Act is to promote openness and good practice on information management in government, and provide private individuals and corporations with an opportunity to monitor the exercise of public authority and the use of public resources, to freely form an opinion, to influence the exercise of public authority and protect their rights and interests.⁷⁴

The application of the Act is very broad: in addition to public authorities it also applies to private bodies that exercise public authority. In addition to general authorities as state administrative and municipal authorities, state agencies and institutions, the Act applies also to corporations, institutions, foundations and private individuals appointed for the performance of a public task on the basis of the Act.⁷⁵ The public right to access refers to the information of official documents regardless of their form. The document may be in a paper or electronic format, a micro film, a register entry or a collection of entries, a voice recording, etc. The Act applies to both documents in the possession of an authority and to documents prepared by an authority or delivered to an authority.⁷⁶

According to the Act, access to documents is the main principle, while secrecy is an exception. Access may thus not be restricted without a lawful reason or more than necessary for the interest that is being protected. The Finnish FOIA consists of 32 categories of secret documents that are exempted from release according to a variety of potential harm tests depending on the type of information.⁷⁷ Documents are kept secret for 25 years unless otherwise provided by the law, with the exception of personal information which must be kept secret for 50 years after the death of the individual. If the

⁷³ The Act is the main provision to refer to, unless there are other laws (e.g. the Police Act, the Patient Act etc.) which may include stronger restrictions to information access. According to the 1st section of the Act "unless specially otherwise provided in this Act or another Act".

⁷⁴ Act on Openness of Government Activities, section 3. The Act, which came into effect in 1999, replaced the previous act on the publicity of official documents.

⁷⁵ Ibid., section 4.

⁷⁶ Ibid., section 5.

⁷⁷ The most central provisions on secrecy protect important public and private interests, including international relations and foreign affairs, criminal investigations and the prevention and prosecution of crimes, state security, tactical and technical plans of the police, security preparations for emergency conditions, military intelligence and the armed forces, protection of the confidentiality of information and privacy of personal matters, and public and private economic interests, unless it is obvious that access will not compromise those interests, business secrets, and personal information including lifestyle and political convictions, except for those in political or elected office. Ibid., section 24.

release would “obviously cause significant harm to the interests protected”, the Government can extend the classification for another thirty years.⁷⁸

Access is limited to non-official documents which may not be archived, such as private notes and documents of the internal activity of an authority. Documents which contain information on decision-making must be stored. Preparatory documents are to be entered into the public domain at the time of any decisions, if not earlier.⁷⁹ If a document contains only partially secret information, access must be granted to the public part of it by covering the parts to be kept secret in a document. If necessary, an authority possessing the document is required to make this kind of distinction. Information seekers are not required to provide reasons for their request or to verify their identity unless they are requesting personal or otherwise secret information. Responses to requests must be made within 14 days.⁸⁰ In cases where the information requested is withheld, authorities are required to give written refusals containing the reasons for the refusal and including guidelines to appeal. Appeal to a decision made by an authority is usually made to an administrative court.⁸¹

In addition to answering document requests, authorities are under the obligation to promote access and to assist those requesting information to find it without knowing its location. Moreover, they are required to produce and disseminate information on their services and practices, as well as on the social conditions and developments in their field of competence. Authorities are obliged to produce sets of data on request. Computer systems must be planned to ensure easy access to information.⁸² Releasing the information requested does not have to be free. Authorities have the right to charge reasonable printing expenses (cost prices) of the paper documents delivered to information seekers.⁸³

However, in spite of legislative possibilities, several technical and other kinds of restrictions have been found for the access of information. Problems partly arise from inconsistent legal interpretations of public and non-public issues, partly from the negative attitudes of the authorities providing information requested and partly from uninformed journalists and busy journalism practices not giving time to apply for documents or to complain if they are not turned over. The amount of information requested may be too vast or the documents may only be partially public and separating the public part from the secret would be too difficult. Moreover, according to the authorities, they do not have enough time to look for the information, or the format of the information is problematic for access or the archives are not organised enough to find the information requested.

⁷⁸ Ibid., section 31.

⁷⁹ Ibid., section 5.

⁸⁰ Information on a completed document must be released even if the document refers to a matter partially completed or the document is only a part of a larger issue to be decided in future. However, access may be restricted on the basis that handling of the matter has not yet been completed, and there are no documents prepared. In these kinds of situations, authorities are advised to give at least some oral information about the matter. See Ministry of Justice: “The act on the openness of government activities”, available at: <http://www.om.fi/23963.htm> (last visited on 13/10/2010).

⁸¹ Act on Openness of Government Activities, section 33.

⁸² Ibid., sections 18-21.

⁸³ In some cases authorities can also charge for especially laborious seeking of the material. Electronic delivery of information via e-mail is free. Ibid., section 34.

When authorities are uncertain whether the information is public or not, they usually refuse to provide access, just to be on the safe side.⁸⁴

Finnish law affords a great many liberties for videotaping and picture taking. Watching or monitoring a person with a technical device is illegal in domestic premises, a toilet, a dressing room or other comparable place. Picture taking elsewhere is illegal only if the place is closed to the public and picture taking violates the person's privacy. According to these two restrictions, picture taking is allowed in public areas, such as streets or parks but also in many situations in so called partially public environments, such as working places, stores, schools and restaurants.⁸⁵ Journalists can also secretly record their own conversations, for instance journalists are permitted to tape their interviews without asking permission to do so from their interviewees. Eavesdropping may be judged criminal under the following conditions. First, a person has to listen to or record with a technical device a discussion or other sounds of private life, which are not intended for his or her knowledge, and which occur in private premises. Second, the circumstances are such that the persons involved in the discussion have no reason to believe that discussion can be listened to externally.⁸⁶ According to the ethical guidelines, journalists are not obliged to reveal their identity when gathering information, if the anonymous method is an essential part for the work.⁸⁷ However, according to law giving a false identity is illegal when misleading a public authority or impersonating a public official.⁸⁸

Journalists' right to protect their sources is a central part of media freedom and independence also in Finland as it supports public debate about controversial and sensitive issues and protects the source from negative consequences due to the leaking of embarrassing information. The right is included in the Act on the Exercise of Freedom of Expression in Mass Media according to which:

The originator of a message provided to the public, the publisher and the broadcaster are entitled to maintain the confidentiality of the source of the information in the message. In addition, the publisher and the broadcaster are entitled to maintain the confidentiality of the identity of the originator of the message.

(Act on the Exercise of Freedom of Expression in Mass Media; 460/2003)⁸⁹

⁸⁴ H. Kuutti, "Accessibility law in the journalists' work - A Finnish study", available at: <http://users.jyu.fi/~hkuutti/JULKISUUSLAKI-NETTIAINEISTO/HEIKKIKUUTTI.pdf> (last visited on 13/10/2010).

⁸⁵ Penal Code (39/1889), chapter 24 (Amendment 531/2000 Offences against privacy, public peace and personal reputation), section 6. However, for instance in restaurants or stores picture-taking might cause irritation to the customers, and the owner of the property may forbid it on the basis of disturbance caused to the customers.

⁸⁶ An attempt or preparation of eavesdropping and illicit observation is punishable. *Ibid.*, sections 5-7.

⁸⁷ Council for Mass Media in Finland, "Guidelines for journalists", available at: <http://www.jsn.fi/Content.aspx?d=48> (last visited on 13/10/2010). According to section 9 journalists must aim at obtaining information openly. However, if matters of social significance cannot be otherwise investigated, journalist may gather information from human sources without revealing his or her identity or purpose.

⁸⁸ See Penal Code, chapter 16 (Amendment 563/1998 Offences against public authorities), sections 5 and 9.

⁸⁹ According to the law, journalists do not have to reveal the anonymous source, but the revealing as such is not illegal. Ethically, the question is about the journalists' liability to protect their sources and about the

The right refers to all kinds of information which could reveal the identity of a journalist's human source or of anyone involved in the story.⁹⁰ Separate provisions apply to the duty to disclose confidential information in a pre-trial investigation or court proceedings.⁹¹

The Personal Data Act (523/1999), which originally came to operation already in 1988 (471/87) controls the automatic processing of personal data. The Act protects personal privacy in the processing of personal data and promotes the development of and compliance with good processing practice. However, there is an exception concerning the media. The Act does not apply to personal data files containing, solely and in unaltered form, data that have been published by the media consisting of clippings, text and photo archives. Data files meant only for editorial work, i.e. files including personal data maintained by a publisher, journalist or freelance journalist, do not fall in the scope of this law either.⁹² According to the Act, data protection authorities should inspect data files and should set conditions for their content and use. As the Act was seen to contradict the freedom of speech and the interdiction of preliminary control,⁹³ the Act was altered on these parts in 1994. Personal privacy is, nevertheless, protected by specific regulation in other laws, e.g. in the Penal Code (39/1889).

3.5 Publishing regulation

The most common problems in terms of media freedom and freedom of expression relate to publishing. The restrictions of freedom of expression usually emerge from issues of privacy and from protecting different kinds of public interests, as for instance common order. Contrary to the traditional media, publishing in the Internet is very difficult to control, not to mention interfering in inappropriate or illegal practices.

Defamation relates to spreading false information causing damage or suffering to a person. Both unintentional (media publishing in *bona fide*) and intentional (insulting) motives of publishing are illegal. However, spreading this kind of information does not constitute defamation when the issue is about criticism of someone's activities in politics, business, public office, public position, science, art or in a comparable public position and which does not obviously "overstep the limits of propriety".⁹⁴ Consequently, the journalist is required to have a certain confidence and a sufficient amount of background knowledge being able to justify the reasons or motives for publishing this kind of

credibility of journalism as whole. Therefore, protection of sources is a very important part of the ethical codes of journalism. A journalist has the right to conceal the identity of any person who has provided confidential information, and the editorial office should respect this principle. See Council for Mass Media in Finland, "Guidelines for journalists", section 14.

⁹⁰ See Act on the Exercise of Freedom of Expression in the Mass Media, section 16. The right refers to the mass media overall, including traditional media (the press, television and radio) and also the Internet environment, such as private blogs or internet sites.

⁹¹ Journalists as witnesses are obliged to reveal the source in court if the case refers to imprisonment of more than six years, or if the source has broken secrecy regulations. However, sources are not obliged to be revealed in preliminary investigations regarding secrecy issues.

⁹² Personal Data Act (523/1999), section 2.

⁹³ Government Bill 311/1993.

⁹⁴ The Penal Code, chapter 24 (Amendment 531/2000 Offences against privacy, public peace and personal reputation), section 9.

information. How confident they must be in an individual story depends very much on the topic and its public interest. Usually cultural and other critics do not relate to the relevant section of the Penal Code. In critiques, a journalist's subjective treatment of an issue is understood by its nature, and the issue is not about established facts but personal opinions or conceits. Aggravated defamation concerns offences committed by using the mass media or by making the information or insinuation available to a large number of people.⁹⁵ Particularly, the person injured does not have to be alive. A sentence for defamation shall be imposed also on someone who spreads false information or a false insinuation about a deceased person, so that the act is conducive to causing suffering to a person to whom the deceased was particularly close.⁹⁶

Invasion of personal reputation concerns the mass media only and forbids public spreading of information of the private life of another person, so that the act is conducive to causing that person damage or suffering. Information does not have to be false to make the spreading illegal. However, like in defamation, dissemination of the information does not constitute an invasion of personal reputation when the issue is about a person in politics, business, public office or public position, or in a comparable position, and dissemination may affect the evaluation of that person's activities in these positions. In addition, dissemination must be necessary for purposes of dealing with a matter with importance to society. The section is provided merely to regulate media publishing of private lives of private people.⁹⁷

Public incitement to an offence is prohibited when a person through the mass media or publicly incites anyone into the commission of an offence so that the exhortation or incitement causes a danger of the offence or a punishable attempt being committed or otherwise clearly endangers public order or security.⁹⁸ Dissemination of depictions of violence denies the sale, distribution, manufacturing and imports of films or other motion picture recordings depicting brutal violence. It is important to note that the provision does not apply to normal journalistic publishing: "the depiction of violence is to be deemed justifiable because of the informative nature or manifest artistic value of the film or recording".⁹⁹ Ethnic agitation concerns somebody spreading statements or other information among the public where a certain race, a national, ethnic or religious group or a comparable group is threatened, defamed or insulted.¹⁰⁰ In practice the aim of the provision is to protect the physical safety of minorities by forbidding aggressive publicity and disorder it may cause. Public discussion and argumentation for instance about immigration politics is considered to be normal media performance. A similar kind of protection is separately guaranteed to religious life in 'breach of the sanctity of religion'

⁹⁵ Ibid., section 10.

⁹⁶ Ibid., section 9. The provision refers to the protection of other people close to the person covered in the story. The close person does not have to be a close relative if he or she can be otherwise connected in public to the deceased one.

⁹⁷ Ibid., section 8. The section was enacted due to the reporting practices of the yellow magazine *Hymy* in 1974. However, it does not restrict journalism in terms of covering the activities or the behaviour of politicians, business people, athletes, or celebrities having already been in the media publicity.

⁹⁸ Penal Code, chapter 17 (Amendment 563/1998 Offences against public order), section 1.

⁹⁹ Ibid., chapter 17, section 17. Accordingly, dissemination of depictions of obscenity (section 18) is illegal like unlawful presentation or dissemination of pictorial recordings to a minor (section 19).

¹⁰⁰ Penal Code, chapter 11 (Amendment 212/2008 War crimes and crimes against humanity), section 10.

and in 'prevention of worship'.¹⁰¹ Compared to ethnic agitation these might be more problematic when regulating public discussion and critics about religious life.

Previously mentioned the Act on the Exercise of Freedom of Expression in Mass Media (460/2003) relates as whole to the publishers and programmes but partially to private media actors, e.g. private web sites and blogs. Basically, the operators providing online services are responsible only on technical and distributional matters, for example to delete illegal messages if required. However, during a criminal investigation, operators are obliged to reveal technical identification information of the anonymous sender of illegal message. In social media publishing, as in the traditional media, the criminal liability for an offence arising from the contents of a message provided to the public shall lie with the perpetrator or accomplice. Thus there is no obligation to name a responsible editor for portals and discussion groups and only the Penal Code applies to these.¹⁰²

As a consequence, possible criminal action in the social media publishing concerns only the writer of an illegal message or the one who has actively supported the distribution of such a message. The media are not responsible by law for the content they do not produce, e.g. public discussions on their own websites, unless they (publicly announce to) moderate them. The Act on network messages relates merely to releasing of identifying information, ceasing the distribution, and forfeiting and destroying the message.¹⁰³

In terms of radio and television, the integrity of programmes must be ensured and commercial content (advertisements and teleshopping) distinguished from the rest of the programme by visual or acoustic signals or by the split screen technique.¹⁰⁴ Sponsoring of news and current affair programmes is not allowed.¹⁰⁵

The Finnish Copyright Act (821/2005) includes a few provisions to limit the copyright, and therefore to advance the freedom of expression in journalism. A disseminated work may be quoted, in accordance with proper usage, to the extent necessary for the purpose. An accepted purpose is usually to attest, to argue, to refer, to clarify, to criticise or to comment the author's own conclusions with his or her quote.¹⁰⁶ Disseminated works of art may be reproduced in pictorial form in connection with the text in a critical or scientific presentation, and in a newspaper or a periodical when

¹⁰¹ Penal Code, chapter 17, (Amendment 563/1998 Offences against public order), sections 10 and 11.

¹⁰² The Act on the Exercise of Freedom of Expression in Mass Media, section 2, specifies a network publication as a set of network messages, arranged into a coherent whole comparable to a periodical from material produced or processed by the publisher, and intended to be issued regularly. Consequently, network publications contain journalistic material provided by editorial staff and supervised by the editor in charge such as in newspapers, magazines or television and radio programmes. Respectively, a network message means information, an opinion or some other message provided to the public by means of radio waves, an electronic communications network or some other comparable technical arrangement. Network messages relate to social media publishing and may be delivered in the websites of the (traditional) media or by transmission of private operators.

¹⁰³ Ibid., sections 17, 18 and 22.

¹⁰⁴ Unfair Business Practices Act (1061/1978), sections 1, 2 and 2a and Consumer Protection Act (38/1978), chapter 2, sections 1, 2 and 5. This also applies to when a cause or ideology is promoted or a person's or advertiser's public image, connected to an ideology or cause, is enhanced.

¹⁰⁵ Act on Television and Radio Operations, sections 27 and 28.

¹⁰⁶ There are no strict quantitative limits for quoting, and sometimes too compact quotes may mislead the public in terms of the original content. See Finnish Copyright Act (Law 404/1961), section 22.

reporting on a current event, provided that the work has not been created in order to be reproduced in a newspaper or a periodical.¹⁰⁷ The media is permitted to publish articles from other newspapers and periodicals on current religious, political, or economic topics unless reproduction is expressly prohibited.¹⁰⁸ When quoting the whole or a part the work, which is made available to the public, the name of the author shall be stated in the manner required by proper usage. Also, a work may not be altered in a manner which is libellous to the author.¹⁰⁹ There are no provisions in the Finnish Copyright Act regarding linking copyright protected material on the Internet. The legal character of linking has remained open so far. In practice ordinary hyperlinks can be considered as examples of electronic addresses, bookmarks or footnotes in order to refer to a material on the Internet.¹¹⁰

The ethical guidelines of journalism were established to support the responsible use of the freedom of speech in mass communication and to encourage discourse on professional ethics. The guidelines refer to journalistic operations in information gathering and publishing, but not to opinions presented in the media.¹¹¹ Journalists are primarily responsible to the media public, publishing decisions must be made in accordance with journalistic principles, and journalists have the right and obligation to resist pressure or persuasion that attempts to steer, prevent or limit the communication. Information sources must be approached critically, particularly in controversial issues. Any information obtained must be checked as thoroughly as possible even if the information has been published previously. Advertising and editorial material should be clearly separated, and hidden advertising must be avoided. Information in the stories does not necessarily have to be diverse or integral, and stories may be published on the basis of information that is considered limited.¹¹² Journalist must aim to provide truthful information which is obtained openly. However, other means of information gathering may be used if matters of social significance cannot be otherwise investigated, for instance by “cover operations” where journalists are not revealing their identity or motives. If the interviewee requests to read their statements prior to publication, it is

¹⁰⁷ Ibid., According to section 25, when a copy of a work of art has, with the consent of the author, been sold or otherwise permanently transferred, or when a work of art has been published, the work of art may be incorporated into a photographic picture, a film, or a television programme, provided such use is of secondary importance in the photograph, film or program.

¹⁰⁸ Ibid., section 23. This section was legislated merely to promote public discussion on important issues published in the media.

¹⁰⁹ Ibid., section 3. The same restriction is included in the ethical guidelines of journalism. According to section 7, it is crucial to observe good professional practice when using the work of others, and the source must be mentioned when the information has been published by another party. See Council for Mass Media in Finland, “Guidelines for journalists”.

¹¹⁰ Decision of the Parliamentary Ombudsman 14.11.2003/626/4/02, available at: <http://www.effi.org/sananvapaus/ea-2003-11-14.pdf> (last visited 14/10/2010). However, copyright problems emerge when copyright-protected material on the Internet is copied in other websites without permission. Ethically, it is important to inform web users about moving to another website via the link.

¹¹¹ Council for Mass Media in Finland, “Guidelines for journalists”.

¹¹² Ibid., However, news events should be pursued to the end, and reports on subjects and events should be supplemented once new information becomes available (for instance producing follow-up stories in criminal and courts issues).

generally wise to accept as long as it is possible in terms of the editorial techniques.¹¹³ Ethical codes emphasise respect for human dignity, and the presentation of ethnic origin, nationality, sex, sexual orientation, convictions or other similar personal characteristics in an inappropriate or disparaging manner is prohibited. Incorrect information must be corrected immediately, and a reply offered to the media should be published as soon as possible without irrelevant additions.¹¹⁴

Ethical guidelines in the Internet environment do not differ outstandingly from the rules of traditional media, press, television or radio. The media should draw up clear rules for its online discussion practices and responsibilities which also should be understood by everyone entering the sites. Online discussions should be supervised and the messages should be selected and edited before publication when necessary. If a media is committed to maintaining online discussions without filtering or editing their contents, discussions should be clearly distinguished from other material.¹¹⁵

Besides evaluating ethics on complaints received, the Council for Mass Media has given some principle guidelines on media ethics. Courts should not use ethical codes when measuring media operations. Personal matters of celebrities may be published if the information regards their professional activities and the matter is of public interest. However, journalists should take into account that celebrities do not always understand the consequences of interviews. Media houses should consider with caution participation in so-called free trips. The names of participants in crime stories may be published when a considerable public interest is involved and the following issues are considered: the nature of the offence, the role of the offender and the state in juridical processing. Subliminal advertising should be avoided in order to maintain journalistic accountability, and the original source must be mentioned when quoting the information published in another media.

4. Media policy and democratic politics: an assessment

This research has investigated the developments and characteristics of Finnish media and media policy. In this final section we collate the work we have done and provide a brief discussion of the development, current situation and reflections on the future of freedom of the media and media policy in Finland.

Traditionally a free media has had a strong position in the Finnish society. The printed press is an example of the industry, in which the actors have always been private entrepreneurs and independent from governmental control. By contrast television and

¹¹³ Ibid., However, the right strictly concerns only personal statements of the interviewee, and not the content, perspective or tone of the story. The interviewee's refusal to allow the publishing of his or her statements must be complied with only if the circumstances following the interview have changed so significantly that the publication of the interview could be viewed as unjust.

¹¹⁴ Ibid. Journalists are required to try to hear simultaneously the views of the parties involved, and have a comment in the same story where they are criticised. If that is not possible it may be necessary to give the party the opportunity to be heard afterwards.

¹¹⁵ Council for Mass Media in Finland, "Lausuma verkkojulkaisusta" [The statement regarding Internet publishing], available at: <http://www.jsn.fi/Statement.aspx?d=59> (last visited on 13/10/2010). It is good journalistic practice to try to identify the participants in online discussions. Anonymous discussion could contribute to the realisation of freedom of expression, so it should be allowed to the journalistic discretion.

radio broadcasting has been more regulated as broadcasting is subject to licensing. Radio broadcasting was for a long time the only state monopoly, yet despite this, the state owned broadcasting company YLE has not been considered as a significant tool of politics. Historically, content regulations existed before the Second World War to restrict extreme political movements and also during World War II as a form of war censorship. After the war, the press developed a tradition of self-censorship. Generally, self-regulation by the press during the Cold War era was manifest by publishing foreign news concerning Finland's foreign policy. Gradually the development of the society moved towards the political structure of western democracy and an increase in the neutral status of Finnish foreign policy, which released the tension previously placed on the freedom of speech. Nowadays the freedom of expression in Finland is exemplary and guaranteed by law.

Finnish communication policy is executed very much on the basis of technological developments and the private needs of marketing forces. Instead of regulating the content of media, regulation in Finland has for a long time focused on technical norms. In a large and sparsely populated country, the government wants to guarantee both equal rights in communication, and also business opportunities. Improving technical IT capabilities has been particularly aimed at keeping Finland as one of the leading high-technology countries. In recent years, the most highlighted objective has been the building of an information society. One of the most visible manifestations of the policy is the new broadband law which guarantees a reasonable broadband access for every household. Although Internet service providers have questioned the universal service obligation because it is still not clear who will pay for loss-making services in remote areas. It seems obvious that the driving force in the Finnish media and communication policies has not been democratically based on the cultural needs and other social values, but rather on economic values and on promoting more competition in the media and communications markets.¹¹⁶

In relation to the Finnish communication policy there is no media ownership legislation other than the state owning the Finnish Broadcasting Company (YLE). The Finnish media market is open to foreign owners and cross-media ownership. Also licensing regulation has been eased in order to enable the development of new communications technologies. Originally competition legislation in Finland has been quite rigid but not sufficiently extensive. Some provisions caused unnecessary bureaucracy and at the same time the Finnish Competition Authority (FCA) was powerless against mergers even if a monopoly ensued. The amendments to the competition legislation, e.g. merger control, have mainly been due to the EU directives and regulation as well as governments objectives to ensure a variety of enterprises participate in Finnish markets. It is notable that there is no specific competition legislation concerning the media market, but the general competition regulation also covers the media field.

¹¹⁶ Nieminen, "Public interest in media policy: the case of Finland", at p. 21; Nordenstreng, Nieminen, and Meriläinen, "Sananvapaus, media ja demokratia", at p. 156. Media policy and its directions are not widely discussed in Finland. Current policy making can be characterised as drifting with no systematic definition of policy. Interview with Kaarle Nordenstreng.

The freedom of expression is secured in the Finnish Constitution and is only restricted for the protection of children. One of the most prominent features in protecting the freedom of speech is the interdiction of preliminary control, which in principle even allows the expression of illegal messages. The Finnish FOIA (Act on Openness of Government Activities 621/1999) on the other hand guarantees accessibility to public documents of authorities. Although the law has been effective for over 10 years, Finnish journalists are not very familiar with the rights the legislation offers to everyone. Journalists' ignorance and disregard for the content of legislation offer a lot of opportunities and excuses to authorities not to assign information they should give according to the law when ever requested.

Although the Finnish legislation is generally no more restrictive than comparative legislation in many other countries, the Finnish Supreme Court has favoured privacy matters at the expense of freedom of expression which should guarantee publishing of controversial information also. Due to this Finland has received convictions in the European Court of Human Rights. According to Tiilikka, changes in the law are not necessary, but the law in its current form¹¹⁷ could be interpreted more permissively in the context of the freedom of expression. In principle, Finnish legislation does not prevent negative covering of issues of public interest, or even private lives of power holders when necessary.

When examining the actors and their tasks in the Finnish media market, a notable aspect is that although state bodies are involved in creating legislation and the development of the media market, they only oversee the legality of actions and licence procedures. Their main concerns relate to information security and privacy protection. The control of actions and content from the ethical point of view is mainly in the hands of the self-regulatory bodies of the media. They are widely represented among the media actors and publish an ethical code of conduct for journalists, but the representation of the public is exiguous and sanctions of misconduct are lenient. Recently criticism has also appeared against journalists' personal commitment to the codes and complaints they have received and the poor suitability of self-regulatory measures in the social media.¹¹⁸

Journalistic culture in Finland has not been particularly investigative nor have journalists been particularly aggressive in information gathering and consequently confrontational situations to test the openness of information in practice have been rare. The lack of investigative journalism can be explained by the relatively young tradition of journalism where journalists are not ready to question the veracity of the answers they get from authorities or other sources. Also the historical background and the fairly small size of the nation could be regarded as explanatory factors for having a media culture, which has little critique and debate. Moreover, investigative journalism requires additional

¹¹⁷ By the end of May 2010 the number of convictions in Finland was 12 compared to Sweden (2), Norway (2) and The Netherlands (3). See Tiilikka, *Sananvapaus, yksilönsuoja ja lähdesuoja Ruotsissa, Norjassa ja Alankomaissa sekä Euroopan ihmisoikeustuomioistuimen ratkaisukäytännössä*, at p. 11.

¹¹⁸ S. Huovinen, "Journalismin itsesääntely jäänyt ajastaan jälkeen" [The self-regulation of journalism lagging behind] in *Oikeutta ja politiikkaa. Viestintäoikeuden vuosikirja 2009* [Justice and politics. Yearbook of communication legislation 2009], at p. 44-46.

resources like working time and media houses are reluctant to let journalists to engage in long-lasting investigative projects.¹¹⁹

Journalists' right to protect their sources is high-level and essential part of media freedom in Finland. However, some legislative impairments to this right were prepared in 2009 after sensitive and private information regarding preliminary crime investigations were published in the media. According to the proposal, disclosure of the source would be possible if the reporting is likely to be in breach of confidentiality. At the beginning of 2010 the Ministry of Justice considered the weakening of the protection excessive. The proposal did not coordinate sufficiently with an individual's legal protection, freedom of speech and citizens' right to know about government malpractice. Also, the presentation was invalidated by arguing that the source of protection is the cornerstone of a free media.

During recent decades, technology has developed rapidly and rules of regulation have become more liberal and considerably more new broadcasting licences are granted than before. Nevertheless, regulation has become more difficult in the context of television and radio licensing. In addition to a traditional receiver, television can be watched on mobile phones or on the Internet. New technology has revolutionised positions of the consumers, the service providers and the legislators.

One of the ambitions of the Information Society Programme¹²⁰ of the Finnish government was to ensure that citizens have access to fast broadband connections and to improve citizens' information society skills. The Internet has in fact facilitated a new kind of citizen journalism, with the rise of blogs and other low-threshold publishing channels. The consumer has transformed into a multimedia user.¹²¹ Traditional media companies have maintained a prominent place on the Internet, which has established itself as one of the most important media. The problem has arisen how these services are to be financed: the public is not willing to pay for media content on the Internet. Another issue to be taken into consideration in the future will be responsibilities regarding publishing in the Internet. Finnish authorities have been discussing the possibilities of authorising service providers and operators to intervene in illegal activities, e.g. racism and abusive messages in discussion groups they administrate. The media houses do not have to monitor public discussions on their own web sites if they do not see any necessity. However, at the moment, inappropriate messages are deleted after they have been published mainly due to the notification of other users. On the other hand, pre-publishing obstruction can be seen to contradict with the Finnish Constitution and there mentioned interdiction of preliminary control.

¹¹⁹ H. Kuutti, *Tutkiva journalismi: Journalistinen suuntaus ja suomalaisen journalismin tutkivuus* [*Investigative journalism: Journalistic trend and the investigative nature of Finnish journalism*] pp. 284-291.

¹²⁰ Finnish Government, Government Policy Programmes, "Information society".

¹²¹ Although newspaper circulation is declining, especially among young people, entertainment consumption has continuously increased. On the other hand, the Internet and various forms of social media has meant a proliferation of user-generated information on becoming a part of everyday, as peer review of information disseminated in the Internet. See Nordenstreng, Nieminen, and Meriläinen, "Sananvapaus, media ja demokratia", pp. 156-157.

Deregulation and the new business opportunities have lead to increasing competition, and to greater economic efficiency. Even the state owned Public Broadcasting Company YLE has not escaped from this drive towards efficiency, and the issue has risen about how basic public services are to be produced and financed. There has also been debate about the quality of the media. Increasingly services are produced centrally and by fewer personnel than before. The private media companies claim that the quality of journalism improves by rationalising. Together with the concentration of ownership of the media and “efficiency seeking corporation management”, globalisation has also contributed to the homogenisation of the content and hence narrowed the options available to the public. In the long-term, the narrowing of income will affect opportunities for traditional media to recruit professional journalists, and consequently less staff will produce the media content. This may decrease the quality of journalism and journalists’ ability to cover important issues. Nordenstreng argues that even if the media is concentrated there are still many commercial operators in the field, for whom YLE acts as a counterbalance.¹²² According to a survey among Finnish journalists the majority of respondents estimated that the independence and autonomy in journalism will decline in the near future, as media houses are turning towards news industrial production.¹²³

In conclusion the Finnish media is technologically advanced, lightly regulated and offers many opportunities to acquire and to publish information. These possibilities are yet not fully exploited. However, the media companies and authorities are increasingly using new technologies and developing new business models, which have enabled interaction between the public and the media. The Internet has made information gathering and dissemination easier and a new kind of citizen journalism is evolving. Information is no longer a monopoly of the media, but the media can have an important role in democracy as long as there are economic and structural foundations guaranteeing freedom of action.

¹²² Interview with Kaarle Nordenstreng.

¹²³ J. Jyrkiäinen, "Journalistit muuttuvassa mediassa", pp. 6-12.

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