



Case study report

Does media policy promote media freedom and independence?

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 investigates the configuration of media policies in the aforementioned countries and examines 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, are thoroughly discussed and analysed.

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Executive summary

Finland represents the 'democratic corporatist' media model (Hallin & Mancini 2004), which combines strong state intervention with high professionalism and large media autonomy. The state takes responsibility for securing the media an environment that guarantees a large freedom of expression and simultaneously creates mechanisms for a responsible use of this freedom. Media policy is directed towards securing the population a plurality of choices among channels, programmes and platforms, and providing access to information in all possible ways. Another driving force in the Finnish media and communication policies is based on economic values and on promoting fair competition in the media and communications markets.

General legal regulation (Constitution, the Penal Code, the Competition Act, etc.) also applies to the media. Among 24 regulations, related to the media and communications, only four are specifically media targeted: the basic *Act on the Exercise of Freedom of Expression in Mass Media* (460/2003) ("*Freedom of Expression Act*") that covers both traditional and new media; the *Act on Television and Radio Operations* (744/1998), and public service broadcasting regulation (*the Act on Yleisradio Oy* (1380/1993) and *the Act on the State Television and Radio Fund* (745/1998)). The overall tendency is towards limiting statutory regulation and strengthening media self-regulation and public control, which in many cases influence journalists' work more than juridical regulation. For example, the issues of protection of privacy are much more precisely formulated in the ethical guidelines of journalists than in the legal acts. Furthermore, self-regulative actors in some cases react to the new issues brought about by technological developments faster than the legislator: in 2011 the news media's liability for the content of the readers' comments on their websites has been included into the ethical guidelines of journalists. In order to maintain their fame as credible publishers, editorial offices have voluntarily begun to monitor the messages people send to their open discussion forums

Overall, media policy is changing its bureaucratic restrictive role towards a more flexible directive one. In the legislation, increasing attention is paid to protection of individual freedom of expression, personal integrity and privacy, and to securing transparency of decision-making by providing media and public with access to official information and documentation.

In spite of the favourable legal framework, economic factors seem to have increasing influence on the practical implementation of media freedom. For instance the Parliament's decision to impose 9% VAT on newspaper and magazine subscriptions in the beginning of 2012 is expected to cause financial problems to media companies, increase unemployment among journalists and decrease the quality of journalism, and ultimately, worsen the media's role as an independent watchdog in society. Another problem derives from EU regulations, according to which Finland's direct public support to party newspapers had to be changed to general financial support to political parties for communication purposes. Among journalists this way of support is feared to change journalism to propaganda, decrease pluralism in mass communication and weaken journalistic autonomy. Already before these changes, economical difficulties in media organisations had increased time pressure in the editorial work and tightened production schedules. These in turn, squeeze analytical journalism and criticism, but also affect the observance of ethical rules.

The recent decisions of the Finnish Supreme Court indicate that Finnish court practice is improving in following the guidelines of the European Court of Human Rights concerning the issues of privacy and interpretation of value judgements. Insufficient assessment of the freedom of expression aspect in cases where the right for personal privacy and the public's right to receive important information appeared in conflict, caused severe problems to the news media when covering certain publicly important, but sensitive issues.

1. Introduction

The everyday media practice in Finland gives evidence of a fairly large freedom of expression in the country and of a favourable framework for the media to perform according to the principles of a democratic society. Media freedom in Finland is exercised in the way suggested by the Council of Europe: it comprises freedom of expression and the right to disseminate content, and due conditions for initiating or developing media activities without any prior authorisation process or “unwarranted obstacles to their operation” (Recommendation CM/Rec(2011)7).¹ Legally binding restrictions on the freedom of expression are in accordance with the Article 10 paragraph 2 of the European Convention of Human Rights. The restrictions include dissemination of information violating personal privacy, defamation, hostile ethnic agitation, distribution of sexually obscene material, disdaining religious agitation and advertising of certain goods and services.

The Finnish Constitution is modern; it encompasses the freedom of expression and the principle of openness in the spirit of the European Union (EU) Lisbon Treaty (and in particular the Charter of Fundamental Rights of the European Union); the right to privacy, the right to access information and the protection of secrecy of confidential information.

Finland, among the other Nordic countries, represents the ‘democratic corporatist’ media model (Hallin & Mancini 2004), which combines strong state intervention with high professionalism and large media autonomy. The state takes responsibility for securing for the media an environment that guarantees a large freedom of expression and simultaneously creates mechanisms for a responsible use of this freedom (through general and special legislation). Relying on the advanced democratic traditions of governance and a developed civic culture, Finland practices a case-based media policy that includes transparent decision-making and relatively well functioning self-regulation. Although a centrally coordinated media policy with corresponding apparatus does not exist in Finland, the actors involved in regulation follow the same basic principles derived from the Constitution and the public service idea of the media. However, certain practical difficulties indicate the need for some form of coordination, e.g. in avoiding overlapping or in updating the contents of different fragmented regulations. The importance of a conceptual agreement and co-ordination increases along with the tendencies of market liberalisation, globalising media business and technological revolution that contribute to the imbalance between the interests of media business and media’s public service duty.

The overall character of Finnish media policy is in accordance with the EU ‘light touch’ regulation principle that presupposes gradual relaxation of state regulation and an increase of importance of co- and self-regulation. Currently, twenty-four national regulations relevant to communications, media and media pluralism exist in Finland (Jyrkiäinen, 2010). Among these only four are specifically media-targeted laws: the basic *Act on the Exercise of Freedom of Expression in Mass Media* (460/2003) (*“Freedom of Expression Act”*) that covers both traditional and new media; the *Act on Television and Radio Operations* (744/1998), and public service broadcasting regulation (*the Act on Yleisradio Oy* (1380/1993) and *the Act on the State Television and Radio Fund* (745/1998)). Otherwise, the media are subjected to

¹ Recommendation CM/Rec(2011)7 of the Committee of Ministers to member states on a new notion of media, available at: <https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Rec%282011%297> (accessed 2 October 2011).

the general laws that regulate access to information, copyright, advertising, market competition, protection of privacy and personal data etc. In addition, an instrument of self-regulation – Guidelines for Journalists – deals with ethical issues of news gathering and publishing. Concerning the regulation of new media services, the Freedom of Expression Act limits the responsibility of Internet service providers to technical and distributional matters. The Guidelines for Journalists include a recent amendment that specifically focuses on the non-editorial content (forums, comments) on the websites of news organisations.

The broad extent of the freedom of expression and freedom of information that the Finnish media enjoy is generally acknowledged among journalists. In a survey among leading journalists and editors-in-chief in early 2011, large editorial independence, lack of political pressure and support to the freedom of expression legislation were pointed out as positive aspects of Finnish media policy (Virranta, 2011a).

The ultimate responsibility for implementation and surveillance of media specific laws and regulations lies with two state regulators: 1) the Ministry of Transport and Communication (MTC), which monitors and regulates the media primarily on technical matters, e.g. communication networks, data security and frequencies, and 2) the Ministry of Education and Culture (MEC), which has responsibility for the content of the programmes, education and copyright matters. In addition, the Ministry of Justice is responsible for the drafting of the most important laws, the functioning of the judicial system and the enforcement of sentences. It also maintains and develops the legal order and legal safeguards and oversees the structures of democracy and the fundamental rights of citizens.

News organisations and media related associations are very sensitive towards the attempts to introduce regulations or amendments that may in one way or another restrict the freedom of expression of media business. When drafting their proposals, legislative bodies usually consult the experts of the most influential associations in the field: Finnmedia (the Federation of the Finnish Media Industry) and the Finnish Journalists' Union.² In connection with the rapid development of new media, a non-profit organisation Electronic Frontier Finland (EFFI) was established in 2001 to scrutinise and defend the freedom of expression and users' rights in digital media, and to deal with digital copyright issues.

Responding to the challenges of a technologically rapidly developing communication environment, the Finnish government's new programme clearly declares the task of preparing a communications policy programme for the electronic media. The practical steps will include "a new Code for the information society", which would contain all "key regulations concerning electronic communications and the provision of information society services" (Programme of the Finnish Government, 22 June 2011).³ The Government's actions and programmatic documents reflect the attempts to coordinate and clarify media regulation, but also a clear shift from media policy towards communications policy.

A recent comparative international survey points out that the legal preconditions for freedom of expression and access to public information in Finland

² According to the Director of legal issues of Finnmedia, Satu Kangas, the association gives annually about 10-20 expert opinions on regulative proposals, which in some ways concern media freedom. (Interview by Heikki Kuutti, Helsinki, 29 April 2011).

³ Available at: <http://www.vn.fi/hallitus/hallitusohjelma/en.jsp> (accessed 12 October 2011).

are generally adequate (Karppinen et al. 2011). However, some considerations about possible changes necessary in the regulation of protection of sources and privacy were expressed. The professional ethos of Finnish journalists was stated strong, and it is reflected in established ethical guidelines and professional norms, the firm position of the Union of Journalists, and relatively good resources for professional training.

The main news outlets in Finland have a high level of availability and reach. The challenges, such as increasing market pressures, declining news consumption among young people, and increasing workload and haste in journalistic work, are similar to those of most other countries. Despite these trends, the majority of respondents in the aforementioned survey were optimistic, noting that the preconditions for providing quality journalism in Finland have in many respects remarkably improved. However, Finnish journalism lacks organized media criticism, and more daring and critical journalism. The level of independence of the news media from political power holders was generally considered high, but many respondents called for a more critical attitude toward private companies and economic power holders (Karppinen et al., 2011:140).

In the following sections, various aspects of Finnish media policy and policy-making will be analysed from the perspective of media freedom and independence. First, the general principles, values and participating actors will be defined and evaluated. Secondly, the regulative framework is analysed from the viewpoint of its potentials to ensure a free and competitive market. Thirdly, the factors conducive to, and adverse to, content diversity are discussed. Finally, an insight into current issues of journalistic profession in Finland and media literacy development is given.

2. General character of Finnish media policy: Principles, values and actors

2.1 Policy formulation

The media and citizens in Finland enjoy a maximum of freedom of expression that is enshrined in the country's Constitution and secured by legislation. The principle of everyone's right to express, disseminate and receive information without prior prevention is the basic guideline for the regulatory bodies and their practices. Furthermore, the Constitution also enacts everyone's right to freely access documents and recordings in the possession of authorities unless the access is "specifically restricted by an Act" (Finnish Constitution (731/1999), §12). In practice, this right is implemented by the Act on Openness of Government Activities (621/1999). 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 influence the exercise of public authority. The Act also specifies the restrictive provisions, which are seen as exceptions from the main principle of free access. These provisions are the only legal reason for authorities for refusing to make a document public. Everyday practice of the Act's implementation is, however, not without problems. Journalists often complain about the unwillingness of the authorities to provide them with access to required documentation. In its decisions, the Finnish Supreme Administrative Court emphasises the importance of the publicity principle in the activities of authorities and usually favours access to documents that the authorities have refused to give to appellants. However, the Court seldom makes a decision about publicity of the document as such, but requires the involved authority to better validate its refusal of the access, or to consider the possibilities of clearly separating public and non-public information in a document. The Court has also emphasised the duties of authorities in assisting and guiding citizens in formalities necessary for receiving correct information (Nevalainen & Sokka, 2011: 34-51).

The most prominent document detailing the Constitutional provisions on the freedom of expression is the Act on the Exercise of Freedom of Expression in Mass Media (460/2003). The main principle in the application of the Act is that "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".⁴

The Act, which entered into force on 1 January 2004, replaced the Press Freedom Act of 1919, the Broadcasting Liability Act of 1971 and the Cable Broadcasting Act of 1987. The new regulation was a response by the Parliamentary Legal Affairs Committee and the Ministry of Justice to the outdatedness of the Press Freedom Act, which did not consider the development of communication technology and information networks and the digitalisation of records. An important goal of the new Act was to bring the press, broadcasting and online media within the same regulatory framework in respect to responsibility and freedom of expression. For example, the right to reply and the right for correction, which previously concerned only the press, were now expanded to also cover network publications and television and radio programmes. An important aspect of the Act in terms of media freedom is the journalists' right to protect their confidential sources (Sananvapauskomitea, 1997: 5-6).

⁴ Act on the Exercise of Freedom of Expression in Mass Media (460/2003), section 1.

The rules do not cover search engines, but a few regulations refer to the Internet service providers' responsibilities (among others the obligation to delete offensive content on web sites on the basis of a court decision). The service providers are obliged to reveal technical identification information (e.g. IP address) of anonymous senders of unlawful messages in instances of criminal investigation. In addition, revised legislation eased the legal responsibility of the responsible editors so that they could only be convicted for editorial misconduct and sentenced to a fine if intentionally or negligently failing in an essential manner in the duty to manage and supervise editorial work. The new legislation also excluded the assumption of guilt and the requirement of ensuring caution in publishing. Instead, requirements to avoid errors, and aspirations to achieve journalistic goals of the publication must direct editorial work. Editorial guidelines for journalists should instruct how to resolve publishing problems in co-operation with their superiors. These requirements, however, do not call for avoiding from publishing controversial topics (Government Bill 54/2002; Ollila, 2004: 117).

2.2 Actors and values of Finnish media policy

The rapid spread of the new digital technologies of mass communication challenges the Finnish governing authorities to ensure the use of these technologies in the interests of society. One of the priorities of the Finnish government's programme of 2011 is providing the whole population with fast broadband access at a reasonable price by 2015. The guiding principle for the coming years is to guarantee all citizens "barrier-free participation in the information society and the digital world regardless of their income level, health, financial status or place of residence" (Hallitusohjelma, 2011). Also, all electronic services of social and commercial importance will be made accessible for everyone. Following the principle of openness of government activities and accessibility of official documents, the aim is to "make digital data materials managed by the public sector available to citizens, companies, enterprises and organisations, authorities, and for research and education purposes in an easily usable format via information networks" (Ibid.).

Simultaneously, the need for a more coordinated communication policy becomes obvious. For instance the Data Protection Ombudsman (DPO) has pointed out that the practices of law preparations and according government bills do not ponder much on their possible effects on information society. Finland does not have a Constitutional Court, and when legislative acts are prepared by officials and presented in government bills, the basic rights' deliberation may easily appear insufficient.⁵

The programme of the current Finnish Government (2011) declares the authorities' intention to develop a communication policy specifically for the fields of electronic media and the information society. The Ministry of Transport and Communication has started to assemble the legislation pertaining to electronic communications and the provision of information society services. The purpose is to ensure functional communications markets by eliminating overlapping and clarifying and updating the content of the regulations. The industry takes an active role in the project. The project is being executed openly and in close interaction with interest

⁵ Interview with data protection ombudsman Reijo Aarnio, the office of DPO, by Marko Lindgren, Helsinki, 8 June 2011.

groups, such as telecommunications companies, media industry, various organisations and trade unions. The 'Information Society Code' will include an estimated ten acts and over 400 sections. The law reform is expected to take several years to complete (MTC, 2011).

Both, the Government's programme and the MTC's strategy document for 2011-2015 (Toimenpideohjelman, 2011) largely focus on the technological and administrative issues, and the operations and functions the new technology enables. Only a little attention has so far been paid to the contents and the regulation of networked activities. However, the Internet can, simultaneously, be a tool for democracy, autocracy and anarchy (Dutton, 2011). It is, therefore, extremely important to construct regulatory frameworks that ensure freedom of expression online and at the same time prevent misuse of this freedom. Largely, the existing legal framework serves these purposes, but may appear insufficient in the rapidly changing communication environment (for instance, protection of privacy online leads to the problems related to use of search engines etc.).

For the participants in Finnish media policy – both the statutory regulators, representatives of the media business and journalists' interests, and self-regulatory bodies – following the Constitutional principle of the freedom of expression is an imperative. The state regulatory actors, the three Ministries (Ministry of Transport and Communication, Ministry of Education and Culture and Ministry of Justice) secure the basic legal framework within which the media operate in society. They deal with different aspects of this framework and approach media freedom from different angles. The Ministry of Transport and Communication plays an important role in technically securing equal access to information (including developing and implementing the policy on frequencies and broadcasting licensing), providing privacy and data protection and subsidies to the press for the sake of diversity. The Ministry of Justice and the courts are responsible for considering the freedom of expression in the preparation and implementation of laws and regulations. Their obligations include the assessment of the balance between the scope of the freedom of expression (including the media) and other basic and human rights of individuals. Also, they reason and assess the restrictions of the freedom of expression as well as the limitations of access to information. The Ministry of Education and Culture deals with the contents of broadcasting, video and film production and grants subsidies to the cultural periodicals. The Ministry is also responsible for the issues of media literacy and education and promotes critical assessment of media contents.

The Finnish Competition Authority (FCA), within its general duty of monitoring the ownership structures and competition, also examines and supervises competition conditions in the media field. The Finnish Communications Regulatory Authority (FICORA) ensures structural diversity by granting broadcasting licences and monitoring adherence to the licensing terms and regulations. The Data Protection Ombudsman assesses and safeguards the conditions of securing confidential information and data from the perspective of the freedom of expression.

The most important non-statutory actors, Finnmedia, the Finnish Journalists' Union and Council for Mass Media (CMM) are permanently involved in media political activities and are always heard by the statutory regulators. They stand for the exercise of independent, analytical and ethically responsible journalism. Finnmedia's interests are also in securing favourable legal conditions for the media industry. The Journalists' Union protects the interests of journalists and is committed to developing

their employment conditions. A non-profit organisation EFFI sees its role in the struggle for the freedom of expression especially in digital media mainly by lobbying and making public statements on its website.

For the Finnish Broadcasting Company YLE the freedom of expression guarantees an independent public service position to disseminate important information to citizens. YLE's activities are secured by law and supervised by the aforementioned statutory regulators.

Political culture does not enable any direct pressure on the legislator from political or corporate forces. Also, Finnish legislation, regarding the media, is in full compliance with the EU regulations. For instance, the Acts regulating broadcasting or telecommunications have adopted the requirements of the European Audiovisual Media Services Directive and Telecommunications Directive and other directives on communications networks and services.

Finnish media policy largely builds on consensus and not so much on the conflicts of economic or political interests. The strongest actor in media policy development and implementation is the State, which regulates the media through the general legislation rather than enforcing specifically media targeted legislation. Limited and liberal regulation is very much in accordance with the interests of all players in the media field. The overall nature of the State involvement is directive and corrective. Based on the principle of the freedom of expression as the main value, the State secures access to information to all citizens and the media, takes responsibility for protection of personal privacy and human dignity (through laws and courts), promotes media diversity (supporting public service media and subsidising some types of private press) and sets barriers for misusing the freedom of expression. The non-state actors' interests are not in insuperable conflict with these values as the freedom of expression is taken for granted and they are in the position of negotiating with and advising the legislator.

2.3 The impact of EU human rights conventions and the case law of the European Court of Human Rights on Finnish media policy

Finland joined the European Convention on Human Rights (ECHR) in 1989 and had to bring national legislation into line with its spirit. The existing legislation concerning protection of the freedom of expression was regarded adequate and did not need alterations. However, the implementation of the principles of human rights in Finnish court practice has been problematic.

The European Court of Human Rights (ECtHR)'s interpretation of the freedom of expression emphasises the media's right to inform and the public's right to receive information. Depending on the importance of the issue for the public and the position of the person concerned in the power hierarchy, the ECtHR allows the media even harsh criticism, without qualifying it as defamation. A certain amount of exaggeration and even provocative expression are accepted. The same concerns issues connected with personal privacy of politicians and representatives of authorities. Finnish courts interpret these issues in a narrower way, applying the reduced level of privacy protection only to high rank public persons. For instance, private people as participants of public incidents do not belong to this category even if the information

about them would be important for the public and the public interest could be predicted.⁶

In Finnish society and culture, privacy is highly valued and violation of somebody's privacy by the media is a sensitive issue. It has been a general baseline in Finnish courts that private information should not be published without the approval of the people concerned. When judging cases where the freedom of speech and right for privacy are in conflict, the courts emphasise the legality of issues published and do not sufficiently consider the public importance aspect.⁷ It is relatively safe to pronounce sentence when the essential elements of the offence have been identified and ignore the freedom of speech and public interest arguments.⁸ Hence the problems with keeping Finnish court practice in line with the ECtHR principles. During the past decade (2000-2011) the ECtHR has issued 24 Finnish judgments (12 of them during 2010-2011) related to freedom of expression, nine of them concerning the media.⁹ In seven cases out of nine, Finland was convicted for favouring protection of privacy and dignity at the expense of the freedom of expression.

In Finnish courts, defamation and violation of personal privacy are dealt according to the Penal Code (531/2000). The sentence for aggravated defamation (published in the media) is a fine or imprisonment for up to two years, as is the sentence for dissemination of information violating personal privacy. Decriminalisation of defamation is a discussed issue. However, in the case of criminal lawsuits, the Finnish State provides the plaintiff with the prosecutor's service for free. The support of prosecutor makes it easy for an individual to bring a media organisation to court without the risk of incurring grievous financial damages. Changing this practice would leave the plaintiff without the State's support and prevent future plaintiffs from initiating a lawsuit in fear of financial loss even in so-called 'clear' cases. The number of defamation and privacy violation cases in Finnish courts is big. During the past ten years, Finnish district courts have annually adjudicated approximately 500-600 respective cases, the courts of appeal between 90 and 150, and the Supreme Court from 11 to 39.¹⁰ According to some opinions (Tiilikka, 2010:139), this can have a chilling effect in respect of the freedom of expression, although the number of rejected cases is also large.

In 2010, the Ministry of Justice ordered an expert study comparing legislation and court practice concerning the freedom of speech, protection of personal privacy and dignity in Finland, Sweden, Norway and The Netherlands. According to the report, Finnish legislation is not more restrictive than the legislation in the compared countries. After analysing the freedom of speech related convictions, the report concluded that the laws could have helped to solve the cases in favour of the freedom of speech (Tiilikka, 2010:6). The problem, however, is the interpretation of the laws by Finnish courts that tend to rely too much on previous precedents and do not give sufficient consideration to the practices and interpretations of the ECtHR. The report also emphasises that the precedents used by the courts too often come from the 1970s,

⁶ Interview with researcher Riitta Ollila, University of Jyväskylä, by Heikki Kuutti, Jyväskylä, 14 June 2011).

⁷ Ibid.

⁸ Interview with researcher Päivi Tiilikka, University of Helsinki, by Heikki Kuutti, Helsinki, 14 June 2011).

⁹ Available at: www.finlex.fi (accessed 20 September 2011).

¹⁰ Database of Statistics Finland available at: <http://stat.fi/tup/statfin/index.html> (accessed 1 November 2011).

when the interpretation of the freedom of speech was much narrower and the precedents of the ECtHR had yet to occur (Ibid: 138). According to the judge of the ECtHR from Finland, Päivi Hirvelä, Finnish judges trust that the balance between the freedom of expression and personal privacy has been sufficiently deliberated during the national legislation process. In several Finnish cases, reasons to interference in media freedom have been significant but not sufficient according to the ECtHR. The aspect of the freedom of expression has often been completely missed out in the courts' reasoning even when the social importance of the case has been obvious and it should have been taken into consideration.¹¹

Experts also indicate the need for more careful and detailed reasoning of the court decisions from the perspective of the balance between the two basic human rights when they appear to be in conflict (Tiilikka, 2010:137; Virolainen, 2011). According to media legislation expert and researcher Päivi Tiilikka, the law in its current form should be interpreted more permissively in the context of the freedom of expression and the judges should be more critical when using the precedents. The human rights considerations should become a natural part of interpretation in the Finnish court practice. Moreover, Tiilikka suggests increasing the importance of the ECtHR cases in Finnish lawyer education.¹²

For achieving better accordance with the principles of the ECtHR, the Supreme Court of Finland has started to justify its rulings more carefully and to deliberate the freedom of speech aspect more properly. For example, the practice of regarding highly critical value laden expressions intended for raising public discussion, as expressions that require factual proof, is gradually changing in favour of the freedom of expression.¹³

According to the Director of Legislation of the Ministry of Justice, Sami Manninen, the issue concerns the application culture of the courts, which is difficult to change with legislative measures, but which will gradually develop through dialogue between the ECtHR and the Supreme Court.¹⁴

2.4 Development of non-statutory regulation

In Finnish media culture, accountability is a widely accepted norm. The very first landmark of self-regulation goes back to 1927, when the Finnish Journalists' Union established a 'Court of Honour' with rules for evaluating the quality of journalism in the press (Mäntylä, 2008: 37). A more elaborated ethical code for Finnish journalists was accepted by the Union in 1957 and since then, the code has been updated six times, while the last amendments came into force in January 2011. The first update in 1968 coincided with the formation of the Finnish press council, the Council for Mass Media (CMM). Due to the functional connection between the CMM and the Guidelines for Journalists (*Journalistin ohjeet*), other means of self-regulation – such as ombudsmen – have had little significance (Heikkilä & Kylmälä, 2011: 53). Nearly

¹¹ Interview with judge Päivi Hirvelä, European Court of the Human Rights, by Heikki Kuutti, Strasbourg, 30 September 2011).

¹² Interview with researcher Päivi Tiilikka, University of Helsinki, by Heikki Kuutti, Helsinki, 14 June 2011).

¹³ Supreme Court decisions KKO 2011:71 and KKO 2011:72.

¹⁴ Interview with director of legislation Sami Manninen, Ministry of Justice, by Marko Lindgren, Helsinki, 7 June 2011).

all the Finnish mass media organisations have committed themselves to the CMM's objectives and the Guidelines for Journalists. However, the most recent survey signals a decrease in the authority of the ethical guidelines among journalists. When in a 1995 survey (Heinonen, 1995:17), 88% of journalists considered the guidelines useful and helpful in their work, in 2008 survey no more than 44% considered ethical guidelines to be relevant and helpful in daily work. In the same survey, a clear majority of respondents (85%) agreed that economic interests are increasingly being placed ahead of journalistic-ethical principles (Jyrkiäinen, 2008: 57).

The main function of the Council is to deal with complaints by individuals or organisations, which seek non-judicial resolutions to contested cases. In 2010, the CMM received 244 complaints (JSN Vuosikertomus, 2010: 3), which is the largest number of complaints since 2000. The Council is an independent body in its activities, though it is partly (ca 33%) subsidised by the state. Most of the funding comes from the membership fees of the media organisations, which belong to the CMM's Management Group. The CMM is accountable only to the supporting association and is not subjected to any state or institutional control. In addition to adjudicating complaints, the Council occasionally gives public statements concerning freedom of speech, privacy matters in the media, hidden advertising or other topical issues of the day. The CMM handles complaint investigations free of charge, within an average timeframe of two months. The Chairman may give independent resolutions of matters, which clearly do not refer to a breach of good professional practice and are of no significant importance.

The purpose of the Guidelines is completely different from the legislative regulation of the freedom of speech. They are created for implementation of self-regulation in the mass media through defining 'good journalistic standards' and ethical guidelines for journalists. The interpretation of the Guidelines is exclusively the right of the CMM. The Guidelines are remarkably more detailed than legal provisions and set very concrete rules for journalists concerning their responsibilities and rights when gathering or disseminating information. The Guidelines are not intended for use in legal proceedings. Constitutionally, lawsuits, sentences, fines or compensations can only be based on law and legal judgements (JSN 3206/L/02). The CMM does not exercise legal jurisdiction neither has punitive power, but its decisions are widely accepted and respected by journalists and news organisations. Furthermore, on various occasions, Finnish prosecutors and courts have referred to the Guidelines in criminal investigations and court decisions, which involve the media. According to the CMM, this practice generates problems: using Guidelines for Journalists in legal practice, the courts extend their authority to a sphere (journalism ethics) that under the rule of law is not a field of the judiciary (JSN 3206/L/02).

The national public service broadcaster YLE can serve as an example of a co-regulation – a combination of statutory and self-regulation. In addition to the special laws that set the tasks and functions, the administration, funding, basic principles of programming and the forms of accountability, YLE also has its internal "Guidelines of Broadcasting" focused on journalistic quality.

3. Configuration of the media market

3.1 Policy formulation

The practice of current media policy reflects the long tradition of press freedom in Finland combined with a high level of journalistic professionalism and a relatively transparent and balanced legislative process. Another important aspect is that the institutions involved in media regulation strictly follow the Constitutional principle of the freedom of expression. Actors involved in media business are kept informed about ongoing law preparations, and can follow all stages of them in the registers of the Ministries. They comment on the proposals and suggest amendments and they often use any opportunity for lobbying.¹⁵

Finland does not regulate the press market with specifically targeted legislation. The Finnish media business has advocated either the lightest possible regulation or no regulation at all. For instance, when the EU common market harmonisation proposal concerning media ownership was under discussion, it was assessed not to be suitable for Finnish media, because their services truly do not cross national borders. The media companies function in a small national market, and so do the public and advertisers. If ownership of the media was limited by formal directives, the peculiarities of national markets and their characteristics would not be taken sufficiently into account. Harmonisation would have therefore hindered expansion of national businesses.¹⁶

General rules concerning ownership, competition, advertising, taxation etc. apply to the print media. No special regulation exists for launching new periodical publications on-line or off-line. Foreign ownership is not restricted; neither is cross-media ownership. Statutory regulation focuses on electronic communication, primarily public and commercial broadcastings. The recent Government Programme of 2011 emphasises the public service principle of the communication policy under preparation: high quality communications services will be made available to everybody throughout the country. In addition, the preparation process of public decision-making will be opened up to the public via information networks. Special attention will be paid to the needs of Finnish culture. The use of social media and interactive communication technology are to be increased on the basis of client needs (Hallitusohjelma, 2011).

3.2 Media licensing rules

The Ministry of Transport and Communication and its Communications Regulatory Authority (FICORA) are dealing with both the broadcasting networks, frequencies and contents.

The legal framework for broadcasting licensing was outlined in the course of preparation of the Act on the Finnish Broadcasting Company (the Act on Yleisradio Oy, 1993) and the Act on Television and Radio Operations (744/1998). The Ministry

¹⁵ Interview with managing director Valtteri Niiranen, Finnmedia, by Heikki Kuutti, Helsinki, 29 April 2011). However, the main players do not always get feedback to their comments and, therefore, are not able to assess what has been their real influence in a particular decision.

¹⁶ Ibid.

of Transport and Communication invited opinions and statements from various actors in radio and television operations and other stakeholders. The aim of this practice, which is common in Finnish law preparation, is to achieve consensus of different interests and parties. In most cases, the consensus is achieved. As a result of the negotiations YLE's legal position was defined in a specific law (the Act on Yleisradio Oy). YLE also received the permission to enlarge its activities to all communication networks (e.g. establishing and maintaining a news portal on the Internet). Commercial broadcasters were interested to get exempt from the fee they paid to YLE for using the common broadcasting system. A licensing system was then worked out for commercial broadcasters as the replacement of this fee.

The Act on Television and Radio Operations (744/1998) determines which kind of activity licences can be granted by FICORA and which are granted by the Government, i.e. the Ministry of Transport and Communication. The Government grants the licences for long term and full time broadcasting activity. FICORA grants the licences for short term and part time broadcasting activities. The Radio broadcasting licence also includes the right for using a frequency. Short-term licences can be granted for maximum one year and eight hours per week or for three months without limitation of the broadcasting time. The Act on Television and Radio Operations (744/1998, 10§) requires the licensing authority shall aim at promoting freedom of speech, safeguarding the diversity of programming and the needs of special groups of the public. FICORA follows the law concerning the content of the licence and cannot make any other requirements. There is no normative definition on what the diversity of programming is, but the decision is left for the licensing authority, i.e. the MTC. The MCT regularly evaluates the diversity of the TV programmes using the 'Study of Finnish Television Output', for which it announces an open call.¹⁷ Besides granting the licenses, FICORA regularly monitors the compliance with the licensing terms, including content. For the monitoring, FICORA orders reports on the programming supply of broadcasting stations from external research institutions, such as Universities.

The deviations from the terms of the license bring about a notice from FICORA and a request to correct the station's operation to correspond to the licence. In the case of repeated deviations, the authority can impose a penalty. However, the authority cannot order the broadcasting activity to be discontinued. If a similar problem occurs with several actors, the authority can issue a general guidance for the industry.¹⁸

According to FICORA the monitoring is effective, and giving notices has corrected possible deviations. Imposing penalties is extremely uncommon. That is also why the licence control carried out by FICORA has been criticised by some media researchers for not being efficient enough. To balance the liberal licensing practice, the supervision of observing the terms for broadcasting operators is suggested to be tighter (Hellman, 2011). On the other hand, concerning some programme concepts, the terms may be too tight and it might be necessary to let the market developments guide in some cases. Also, according to the Director of legal issues of Finnmedia, Satu Kangas, broadcasters should have more freedom for changing their programme concept if after having obtained a licence the concept does

¹⁷ Interview with director Merja Saari, FICORA, by Marko Lindgren, Helsinki, 6 May 2011).

¹⁸ Ibid.

not appear profitable enough for a particular type of programmes.¹⁹ For example, Urho TV had to apply separately for changing the content definition "sports programmes only" in its licence to "mainly sports programmes" in order to broadcast also other content. After discontinuing its own (too expensive) news production, Suomi TV channel started to purchase news cheaper from Finnish News Agency in order to comply with the licence conditions.

In their licences, *must carry* channels are required to broadcast news and magazine programmes. The amount of this kind of programming is not regulated. The licences are primarily based on the applications for certain type of channels, so the requirements for programmes are already included in the applications.

A licence is also required to provide a network service that uses radio frequencies in a digital terrestrial mass communications network or in a mobile network practicing public telecommunications. Licences are granted by the Government for a fixed period of up to 20 years (Communications Market Act 393/2003).

The licensing of mobile television (DVB-H) is easier than licensing traditional digital terrestrial television operations. However, the penetration of the mobile TV network is not yet very high. Unlike with traditional television, no public calls are needed for applications. Video on demand, multimedia and online services can be offered without a programme operating licence (Jyrkiäinen, 2010).

Although the conditions for obtaining broadcasting licenses are non-discriminating and liberal, the Constitutional Law Committee has stated that the licence granting system should be abolished for the sake of the freedom of expression as soon as the insufficiency of the frequencies is solved, or another less restrictive procedure than the licensing has been invented.²⁰

Current licenses will expire in 2016. By that time, it will be evaluated how technological innovations are taken into account in regulation. It is most probable, that in the near future, the media business will be increasingly affected by the lack of profitable business models than the licensing practice. This clear trend has already appeared in the Finnish media market and the viewing habits of the audience limit new entries more than the licensing policy.²¹

3.3 Media ownership, concentration, competition

There are no media specific competition legislation or ownership rules, but rather loose general competition regulations apply also to the media market. Implementing the principle of directing and not restricting, and relying on the Finnish political culture and the freedom of expression imperative the legislator has not regarded it necessary to introduce specific rules for regulating media markets. Media business is not seen as something different from any other business and therefore, the same rules are considered sufficient. General market regulations follow the respective EU

¹⁹ Interview with director of legal issues, Satu Kangas, Finnmedia, by Heikki Kuutti, Helsinki, 29 April 2011.

²⁰ Interview with chair Kimmo Sasi, the Constitutional Committee, by Marko Lindgren, Helsinki, 8 June 2011.

²¹ Interview with special advisor Jussi Mäkinen, Ministry of Justice, by Marko Lindgren, Helsinki, 29 April 2011.

directives and rules. In 2003, the EU regulatory framework for competition rules²² was implemented in Finnish legislation.

Although there is no specific definitions or regulations focusing on diversity and pluralism, both are implicitly taken into consideration when regulating competition, providing licences and monitoring the compliance with the regulations. There is no such media ownership structure that would be particularly favoured by domestic media policy.²³

The Finnish media market is open to foreign investors. However, foreign investors have not been greatly interested in the newspaper business due to the limited size of the market (the small language area) that is already controlled by strong domestic companies. However, Danish companies like Aller Egmont, and Swedish Bonnier and Forma have investments in the magazine market. Bonnier is also the owner of one of the most popular national TV-channels MTV3 and a national radio station Nova. Most of the nationwide chains are in foreign ownership. SBS Media (part of the ProSiebenSat1, owned by Media AG concern) has the biggest share of listening time with 12%, with its two national channels and four local radio channels (Jyrkiäinen, 2010).

Supervision over media markets is divided between the Ministry of Transport and Communications and The Finnish Competition Authority (FCA). The Ministry deals with the licences, legislative proposals and subsidies, and the FCA is responsible for securing effective economic competition both in production and distribution processes. The overall principle of the FCA is to contribute to the competition where it is necessary and possible, and to intervene with regulative power only if it is inevitable. In its activities, the FCA is guided by the Act on Competition Restrictions (480/1992) and Articles 101 and 102 of the Treaty on the Functioning of the European Union. The Act is a general law that is applied as secondary in relation with specific laws, such as, for example, the Act on Yleisradio Oy (1380/1993).

The FCA aims at avoiding excessive control, but evaluates the competitiveness of the markets case by case. The implementation of the competition regulation focuses solely on safeguarding equal competition environment for all businesses, including the media. The media freedom and independence are not in danger since the competition limitations are relatively relaxed.

The competition authority also observes possible abuses of dominant market position. Larger newspapers may try to dump advertising prices or set conditions for distribution to weaken the competitive position of smaller newspapers. For example, a local newspaper was ordered by the FCA to eliminate non-transparent, binding and customer discriminatory elements in its advertising price list (FCA 15.3.2001).

The FCA steers economical interests mainly through acquisition control. The terms of acquisition contribute to ensuring working competition and preventing media concentration.²⁴ The FCA can intervene into an acquisition process if the competition in the relevant market might become significantly disturbed by a new acquisition.

²² Council Regulation (EC) 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, OJ L 1, 4/1/2003, p. 1.

²³ Interview with deputy director Seppo Reimavuo, Finnish Competition Authority, by Marko Lindgren, Helsinki, 21 April 2011.

²⁴ Interview with deputy director Seppo Reimavuo, Finnish Competition Authority, by Marko Lindgren, Helsinki, 21 April 2011.

Several cases point out that even though pluralism was not evaluated, the terms of the acquisition ensured working competition and prevented media concentration. Indeed, the FCA acts in close interaction with the media actors to solve cases that potentially endanger competition.²⁵

The relevant market is evaluated considering the audience, other media companies and advertisers. For example, the Public Service Broadcaster's activities are considered to have competitive interface with various media and markets (Kilpailukatsaus, 2:170). If the acquisition is not significant for the relevant market, the FCA does not intervene.

In the broadcasting market, the public broadcaster YLE has a relatively stronger position than the commercial operators. Prior to 2002, the commercial broadcasters paid their licence fee directly to YLE. In return to removing this fee, YLE was granted the permit to operate in all communication networks, including the Internet.²⁶ The competition now extends, for example, to online news services, where YLE competes with other online news providers. Commercial media have difficulties in competition with the free content services of YLE and are interested in restricting the scope of YLE's commercial activities. Commercial actors demand an independent revision of the new services of YLE from the perspective of the broadcaster's public service functions, taking into account the effects to competition environment. Some critics claim that YLE's activities should be limited to the radio and television programming with online output, but without providing services of the press.²⁷ These claims, however, do not affect YLE's editorial independence, but are related to competition and advertising issues. They also indicate a growing pressure of commercial interests and certain lack of consensus among different actors.

While the competition in the broadcasting market is sufficient to avoid considerable intervention by the authorities, clear tendencies of concentration can be noticed in the print media market. The four largest media companies (Sanoma News, Alma Media, Keski-suomalainen and TS-Group) produce about 69% of the aggregate circulation of daily newspapers and control 56% of the newspaper market. Also, the concentration into chains is high. The biggest chain with five dailies, Sanoma News accounts for 32% of the total circulation of dailies (Jyrkiäinen, 2010). These companies also own television and radio channels, publishing houses and printing plants. There is also some level of cross-ownership and co-operation between the companies, e.g. they sell advertisements through co-owned agents. Consequently, it has become quite difficult for the new players to enter the market (Vasala, 2011). This does not, however, raise any concerns about media freedom or the right to access information. The competition authorities and experts do not yet see these

²⁵ One example was the acquisition of C More Entertainment (Canal +) by TV4 AB (Bonnier). The Government decided to approve the acquisition once C More gives up one license. FCA presented a draft of the decision to the parties, and the terms were agreed informally before the final decision. During the process, the Finnish ice hockey Championship league television rights were separated and sold to third parties (FCA 27.11.2008). In another case the FCA concluded there is no need for further action in a complaint that the dominant kiosk chain would prioritize unfairly the sale of the magazines of the mother company over the magazines of other publishers (FCA 3.6.2011).

²⁶ Interview with director Martti Soramäki, The Finnish Broadcasting Company, by Marko Lindgren, Helsinki, 26 May 2011.

²⁷ Interview with director of legal issues, Satu Kangas, Finnmedia, by Heikki Kuutti, Helsinki, 29 April 2011.

developments as signs of cartel formation, although they recognise the need for improving supervision.²⁸

Gradual concentration of the newspaper market has resulted in the merger of a number of small and middle size regional newspapers into one large daily in each region. Often, different regional newspapers belong to the same media company. A relatively new tendency is co-operation between editorial departments of different newspapers. They join efforts in sharing editorial resources for choosing stories for common supply, and exchange stories, pages and pullouts among themselves. Publishers justify the co-operation with lower costs, but also argue that this is the way of producing new views, diverse content and improved quality that a single newspaper would not be able to achieve. Providing jointly e.g., foreign news and non-local content, journalistic efforts can be concentrated on better coverage of local issues to attract the readers (Virranta 2011b). However, an obvious danger exists in losing editorial independence in favour of the common production system. In this situation, regional radio stations maintained by the public service broadcaster YLE are playing a significant role in securing diversity and pluralism of the content supply.²⁹

Pluralism is defined also in the Act on Yleisradio Oy (1380/1993), according to which the company shall provide television and radio programming for all citizens under equal conditions. In particular the public service programming shall provide a wide variety of information, opinions and debates as well as opportunities to interact, take educational and equality aspects into consideration in the programmes, support tolerance and multiculturalism and provide programming for minority and special groups (YLE 1).

The control mechanism over YLE's activities is developed on the basis of the European Commission's guidelines on the application of the state aid rules to Public Service Broadcasting. The Board of Directors of YLE reports once a year to FICORA about the compliance of the previous year's activities with the legal acts of YLE's regulation. Every second year, the Administrative Council reports to the Parliament about how the public service obligations have been fulfilled. These reports have had influence on the activities of YLE. For example, the business and Internet activities are better separated from the public service activities according to the acts that regulate YLE. The reports mainly function as guidance and maintenance of the existing procedures (YLE 2).

3.4 New technology and media operators

Practically all radio stations are accessible via the Internet and radio companies are actively developing web radio services. Some 1.3 million people are already listening to the radio through the Internet (Jyrkiäinen, 2010).

The principle of directive regulation also guides the regulation of new media markets. New media services and the operations of the service providers are basically subjected to the same general legislation as the traditional media. However, unlike other media markets, the rapidly growing and technically advancing telecommunications market is regulated with the Communications Market Act

²⁸ Interview with director of legislation Sami Manninen, Ministry of Justice, by Marko Lindgren, Helsinki, 7 June 2011.

²⁹ Interview with Chair of the Constitutional Committee Kimmo Sasi, by Marko Lindgren, Helsinki, 8 June 2011.

(393/2003).³⁰ The aim of this Act is to ensure a competitive market, availability of high quality communications networks to all service providers and users under reasonable conditions. The Act obliges FICORA to carry out regular market analyses and define the operators with significant market power. FICORA can impose certain obligations to operators with significant market power, necessary for eliminating barriers to competition or to promoting competition. The operator may be required e.g. to relinquish access rights to a mobile network, lease out part of a local loop and equipment facilities, rent a leased line or lease out part of a terrestrial mass communications network. In practice, an operator with significant market power must provide some services as a public service provider.

3.5 Role and forms of the state support to the media

A part of the media policies in all developed democratic countries is supporting public media via direct or indirect subsidies. State support for various sections of the media (especially public service media) is a quite common way of ensuring structural diversity of the mass media. Also, by ensuring that specific types of media outlets are not subject to financing constraints, state support can be seen as a lifeline and a means to exercise journalism that would not reach large audiences or be profitable. For instance the Ministry of Education supports some small cultural magazines, which sustain public discussion and debate on cultural, scientific, artistic or religious topics.

Public support is also seen as a promoter of the quality and responsible performance of journalism (e.g., Curran et al., 2009). According to a recent report on five European countries and the U.S., published by the Reuters Institute for Study of Journalism, Finland is one of the most generous supporters of public service media in Europe. Total annual public sector's support for the media per capita is over €30, compared, for example, to Italy with €43 per capita (Nielsen & Linnebank, 2011: 4). Finland is seen to comply with a certain kind of twin model combining high revenues of public service licence fees and outstanding indirect press support. The traditional media, i.e. TV, radio and newspapers are preferred in state subsidies. Support for public service media is 55% and indirect support for print publishers 45% of total public support for the media (Ibid: 18).

A strong public service broadcaster is vital for fostering widest debate of public issues and for providing independent information as well as check on the activities of those in power (McQuail, 1992, 2003; Humphreys, 1996; Lloyd, 2004). The funding of the public service broadcaster YLE is defined in the Act on the State Television and Radio Fund (745/1998). YLE is funded through a television fee, collected from viewers. The number of television fee payers stood at 1.9 million at the end of October 2009 (Jyrkiäinen, 2010). From January 2012 onwards the television fee for 12 months will be €252. In order to maintain its independence and integrity, YLE is not allowed to produce sponsored programmes and broadcast advertising in its television or radio programmes or in other content services that are provided in telecommunications networks (Jyrkiäinen, 2010). Everyone who can receive and watch television programmes, no matter in which way (including via the Internet on computers) is required to pay the television fee. A household must submit a television fee if one of the residents has a device that can be used to receive television

³⁰ The first regulation, Telecommunications Market Act was enforced in 1997 and replaced by Communications Market Act in 2003.

transmissions. Breaching this law brings a fine up to €50. The FICORA collects the fees and passes them to the Television and Radio Fund.

As the fee system does not work efficiently enough (according to estimations, every fourth viewer still does not pay the fee and this significantly influences the budget of YLE), the funding model is currently under revision, and the goal is to make funding more predictable and stable. An idea about introducing a media tax of equal size to all households as a component of the taxation system has already been rejected because of its potential of causing inequality and injustice. Payment from the annual state budget has achieved wide support, but the problem is potential political dependency of YLE, which may have an effect on YLE's journalism and programme content. Re-invention of advertising sales would jeopardise YLE's value and cultural significance as public service provider, but also could cause turbulence in the commercial media field. In addition, the programme contents of YLE might not attract enough advertisers.

The difficulties in finding the best alternative are reflected in a Gallup poll of *Helsingin Sanomat* newspaper according to which all of the four alternatives achieved about the same amount of support among the Finnish population (Silverberg, 2011). By the end of 2011 (16th December) parliamentary groups have chosen the tax-based financing, 50-140 Euros per person, as the best alternative for YLE's financing starting from the beginning of 2013. YLE-tax must be paid also by companies. The annual financing of YLE would be 500 million Euros, 480 million of which would be collected from earners.

Public support to private broadcasting, such as community radio, has been minimal in Finland. The principle of the policy is that the support is directed to the public broadcaster YLE, which is supposed to be responsible for broadcasting the voice of civic organisations. State support to the communication activities of civil society actors is directed to the Internet monitoring service "Save the Children".³¹

The share of the direct subsidies to the press in order to support freedom of expression and diversity is relatively small (€0.5 million). It goes to the newspapers in minority languages (Swedish, Sami, Romany) and corresponding web publications, and Swedish language news service of the Finnish News Agency. Mostly, the press subsidies are indirect. From the 1960s onwards, Finland has exempted the newspaper industry from the 23% VAT rate on subscription sales, advertising and newsprint (Nielsen and Linnebank, 2011:8). According to Nieminen (2010), this has been a continuous policy throughout the decades, irrespective of which parties dominate the government. When joining the European Union in 1995, Finland maintained the right for zero VAT for the press subscriptions which has enabled to keep the rates moderate. This has a direct influence on newspaper consumption (most of the newspapers are sold through subscriptions and single copy sales comprise less than 20% of total consumption).³² However, the zero VAT has supported most significantly the traditional press and delivery method. Online media services, including online newspapers, are taxed with 23% VAT (Pursiainen, 2010).

The state budgetary constraints are gradually squeezing direct as well as indirect subsidies. Imposing VAT on newspaper subscriptions has been under

³¹ Interview with communication counsellor Ismo Kosonen, Ministry of Transport and Communication, by Heikki Kuutti, Helsinki, 14 June 2011).

³² Sanomalehtien Liitto: <http://www.sanomalehdet.fi/index.phtml?s=125>.

discussion for some time, and resulted with the Parliament decision of establishing 9% VAT from the beginning of 2012. This decision has met harsh criticism from the publishing industry. The arguments refer to possible dramatic impact on the financial future of newspapers, economic losses in media houses and ultimately, the freedom of expression if this political decision will be implemented without further research on its consequences. Since the government programme intends to foster the use of social media in the communication between administration and citizens, freelancer journalist Elina Grundström argues that with the new VAT the state takes money from journalism and directs it to social media consulting companies, which are eager to create direct voter contacts to politicians (Grundström, 2011). With 23% VAT on sales of newsstand copies Finland already maintains one of the hardest taxation systems for the media in Europe.³³

Until 2008, the direct financial support to political party newspapers was based on parliamentary seats. The idea was to support diversity in political discussion especially from the journalistic point of view. Seat-based support was seen to be the best alternative to reflect the political opinion of the Finnish public within the Finnish multiparty system. During that time the two major parties (Central Party and Social Democrats) had several political newspapers to be supported.³⁴ In order to avoid contradiction with the EU regulations, which do not allow a permanent support to the private press, the support to political party newspapers was changed into general financial support for use in communication purposes from the beginning of 2009. However, since there are no specific rules for how to use this support, the parties have directed only about a half of these finances to journalistic purposes and the rest to other means of communication (e.g., maintaining web sites).³⁵ State support to political newspapers is highly transparent and political parties are required to inform the Ministry of Justice about the use of the support. In their financial statements parties have to inform in detail how they have used the supports granted for parties' communication activities (Oikeusministeriö, 2008). Some voices demand restoration of direct subsidies to party newspapers, especially the small ones, and separate it from the party subsidy to secure variety of voices and opinions in public debate (Nieminen, H. 2011). The chair of the Finnish Journalists' Union Arto Nieminen argues that party political newspapers are vital for the sake of ensuring plurality of opinions and debate on political decision making (Nieminen, A, 2011).

³³ Interview with managing director Valtteri Niiranen, Finnmedia, by Heikki Kuutti, Helsinki, 29 April 2011).

³⁴ Interview with professor Kaarle Nordenstreng, University of Tampere, by Heikki Kuutti, Tampere, 20 November 2011.

³⁵ Interview with communication counsellor Ismo Kosonen, Ministry of Transport and Communication, by Heikki Kuutti, Helsinki, 20 November 2011).

4. Composition and diversity of media content

4.1 Policy formulation

The spirit and intention of the Finnish Constitution (731/1999) and the Act on the Exercise of the Freedom Expression in Mass Media (460/2003) are to enable the citizens and the media the largest freedom of expression. Legal restrictions to the freedom of expression depart from the principle of responsible use of this freedom. Therefore, the general practice of content related regulation is to support self-regulation models where they exist or are emerging, and to minimise official intervention. Another important principle of all regulations is that measures are always taken after offence, and no any prior control is applied. General professional guidelines and mission statements of the Finnish media subscribe the ideals of independent, balanced and pluralist journalism (Karppinen et al. 2010:20). The content of print media is entirely the responsibility of their editors-in-chief and editorial staffs. Some general principles may be outlined in the in-house guidelines of news organisations.

Direct content requirements, based on law, only concern the public broadcaster YLE. No judicial regulations exist for the content of the press. Commercial broadcasters' licences include general requirements to their programmes without further details (e.g. providing local news). Various aspects of media content – how to deal with personal data, issues of protection of privacy, defamation, access to information – are covered by general laws (such as the Penal Code, the Personal Data Act, the Act on Openness of Government Activities etc.). The most detailed guidelines concerning the quality of journalistic content and information gathering are found in the Guidelines for Journalists, which is the basic document for self-regulation. In addition, many news organisations have their internal guidelines that among other issues also deal with particular aspects of content. Supervisory authorities (like FICORA or FCA) cannot set any content requirements, but their obligations include monitoring of contents and evaluating the compliance with the regulations. In practice, regular monitoring of the composition and diversity of contents of the press, radio and television programmes is a long tradition in Finland. Independent research institutions, usually Universities, are ordered to compile respective reports, which form the basis of further evaluation. Regular evaluation helps newspapers and broadcasting channels to improve the diversity of their content. Discussions on the content of the news media take place in academic research and journals (Karppinen et al. 2010:20). Some sporadic criticism also appears in blogs and comments to certain articles or broadcasts.

4.2 Factors encouraging the diversity of media content

The latest statistics (2009) reveal that editorial material forms about two thirds of the contents of Finnish dailies and one third contains advertising. Diversity of the editorial material is relatively high. The largest proportions of editorial material are devoted to domestic news (25%) and entertainment (20%), followed by sports (14%) and economy (10%). The proportions of international news, as well as cultural topics remain at less than 10%. Regular staff provides the majority (43%) of the textual material in the newspapers. A slight increase in the variety of the sources can be noticed within recent years: the proportion of the materials of news agencies has

decreased from 32% to 27% while the proportion of various other sources has increased nearly 10% (Joukkoviestimet 2009: 186-187). The last report done on the diversity topics, genres and sources of newspapers' content was published in 2006. The study argues that the proportions of the different elements of the content are relatively steady and there has not been any considerable change during 1996-2006. A slight increase in opinion and debate content was detected, which indicates the tendency of growing popularity of a more individual style of journalism. In the pictures, men, celebrities, private people and athletes are far more common than women, politicians or public officials. In general, instead of politicians or bureaucrats, individuals dominate in the pictorial content. This can be interpreted as the newspapers' strive to emphasise citizens' or consumers' or residents' perspectives. In the texts of the domestic news, however, the issues are most often dealt from the perspective of public administration, police, emergency services, political institutions and movements. The newspapers also fulfil the function of the forums of public debate by dealing with controversial or otherwise debatable issues (in about 40% of the editorial stories). However, about one tenth of the stories also offer oppositional views and standpoints critical to each other (Reunanen, 2007).

FICORA regularly evaluates the programme supply of commercial (licensed) radio stations (on the basis of independent research done at the University of Tampere). The latest published report (2009) reveals that in commercial programmes the proportion of journalistic content varied between 33% and 14%. The largest proportion of news content varied from 1hour 20 minutes to 12 minutes around the clock (Ala-Fossi and Holma, 2009).

Also the structure, proportions and diversity of television programmes are regularly studied and evaluated by the Ministry of Transport and Communication. According to the latest study (2011), the daily output of the 12 national commercial television channels was 230 hours. The study argues that no dramatic changes have occurred in the diversity of programmes during 2008-2010. The total proportion of domestic production of the 12 channels in 2010 was 39% (in 2009 – 35%). The largest types of programmes were entertainment with 33% and factual programmes with 26% (Vähämaa et al., 2011:5).

The Act on Yleisradio Oy (1380/1993) defines the general nature and gives directions for content of the programming of YLE. YLE's programmes must provide "a wide variety of information, opinions and debates as well as opportunities to interact" as well as "to produce, create and develop Finnish culture, art and inspiring entertainment". Other provisions concern programmes for educational and learning purposes and for children, as well as offering devotional programmes. YLE has to support tolerance and multiculturalism and provide programming for minority and special groups. Broadcasting must be in both official languages (Finnish and Swedish) and offer services in Sami, Romany and sign languages (Jyrkiäinen, 2010). As a state-owned company YLE must treat all political parties equally in its election related programmes and follow consistent principles in broadcasting.

YLE's position as a benchmark of quality journalism in the Finnish media indicates that despite criticism (about the funding model etc.), the regulative measures have been sufficient to ensure its ability to fulfil the demanding public service tasks defined in the law.

The 2011 study on Finnish television output devotes a special section to YLE. According to this report, the programme supply of the four television channels of

YLE offered a broad array of programme types, with extensive supply of domestic production. Factual programmes amounted to one third of all programming and foreign fiction to one fifth of YLE's total supply. The share of current affairs increased from 2009 and comprised some 10% of the output in 2010. The proportion of all the other types of programmes remained less than 10%, among which films and children's programmes amounted to 7% (Vähämaa et al. 2011). The proportion of Finnish production both in commercial channels and in all YLE channels largely exceeds the requirements. The Act on Television and Radio Operations requires 15% portion for programming of independent producers, while the AVMS Directive requires 10% portion. European production must be minimum 50%. The total proportion of domestic production of the four channels of YLE reached 49% in 2010. The bigger the channel the greater is the proportion of Finnish production, since it attracts the viewers. Because of the quota rules on independent productions, television is an important market place for the national feature film and independent television programme producers (Jyrkiäinen, 2010). Interesting features and gaining large audiences have become a prominent matter in television broadcasting.

The study 2011 paid special attention to evaluation of the diversity of television programming using the relative entropy index (for measuring diversity of channels) and the Herfindahl-Hirschman Index (for measuring diversity of the whole programme supply)³⁶ as suggested by the Council Europe. The research found that the programme of the four YLE channels together was very diverse and the relative entropy index had increased from 0.89 in 2009 to 0.94 in 2010. The most diverse among them was the programme of MTV3 with the entropy index of 0.89. The diversity profiles of YLE's channels had not remarkably changed during 2008-2010 (Vähämaa et al. 2011:69). The analysis of the whole television supply, however, indicated the development during the past four years towards concentration and domination of certain programme types. The factual, culture and life-style programmes dominate with 34% of the whole programme supply (Ibid:73).

The relatively diverse, balanced and fact-based nature of the Finnish press can be explained by a generally high level of journalistic professionalism. The Finnish Newspaper Association and Journalists' Union pay a lot of attention to developing journalists' skills and knowledge by organising seminars, workshops and conferences. The Helsingin Sanomat Foundation, the largest private foundation in Finland, offers scholarships for journalists for study visits abroad (including Reuters Institute for the Study of Journalism in Oxford). Also the papers of the Journalists' Union and Newspaper Association deal with professional issues. The Finnish Association for Mass Communication Research (Tiedotusopillinen yhdistys) annually issues a 'Yearbook of Journalism Critique', which publishes critical research on media and journalism. Journalists and news organisations also take into consideration the decisions of the Council of Mass Media, which are regularly published in the Newspaper Association's paper. Among journalists, professionalism is highly valued.

The ethical guidelines for journalists also support diversity and credibility of media content. They suggest that anonymous sources must be kept in secret but they must not raise suspicion about media behaviour. According to the 14th article of the

³⁶ The relative entropy index measures how many different types of programmes the supply contains and how balanced are their proportions in the whole programming. The higher the index, the more diverse is the programming. HHI index reflects how concentrated are the programmes – what types of programmes dominate: the value 00.0-00.10 indicates small concentration, 0.11-0.18 average concentration and 0.19-1.00 high concentration (Vähämaa et al., 2011: 69).

guidelines "if the publication of information that is in the public interest results in highly negative publicity, it is desirable that the editorial office discloses how reliability of the anonymous source and the validity of information obtained has been assured". Another remarkable issue defines the schedule according to which errors must be corrected. The 20th article states that "incorrect information must be corrected immediately on the website of the media in question, as well as in the publication or broadcast in which the incorrect information was given". Immediate correction is essential especially due to the Internet where the incorrect information can spread fast to unknown destinations. If corrections are postponed and published only in the following issue incorrect information can live long, in magazines even months. This kind of "double correction" of one error is aimed to be a signal to the public that the medium is a responsible publisher and does not intend to hide its errors (CMM 2011b).

4.3 Problematic issues influencing content diversity

The character and diversity of journalistic production depends largely on journalists' possibilities to access information. Despite the broad scope of accessibility defined in the Act of Openness of Government Activities (621/1999) journalists often face hindrances in their practical work when they request information from the official sources. Restricting obstacles basically have the following four reasons: 1) the inconsistent legal interpretations of public and secret issues, 2) negative attitudes of the officials whose obligation is to provide requested information, 3) journalists' lack of knowledge about their rights, and 4) the busy nature of journalistic work, which does not give enough time for obtaining requested documents if there is any delay, or to proceed with complaints if the documents are not delivered. Among these four, the first reason comes from the ambiguous definition of public and non-public information, and the others from inconsistent implementation of the law. Journalists and civil servants often face difficulties evaluating the rights of access and the degree of discretion in information requests. Sometimes it happens that public authorities refuse to deliver even public information by arbitrarily interpreting secrecy and announcing a document secret just to be on the safe side. In some cases high expenses of document copies make applying difficult. The officials also tend to use different kinds of technical reasons for withholding information: requests may be too broad, the material is only partially public and separating the public part from the secret would be too difficult, the format of the document may be problematic, or the archives are not organised to find the documents (Kuutti, 2011:625-638).

The Act is a general law to be used among "informed citizens", and it does not pay specific attention to the needs of the media. However, speeding up the access of information for news purposes is guided by the decision of the chancellor of Justice.

Usually, interpretations and statements, of the reasoning of the Act, in administrative courts are understandable, and authorities follow the courts' decisions. However, many of the interpretations of the Act are "mechanical" and do not emphasize the principles of the freedom of expression.³⁷

³⁷ Interview with professor Olli Mäenpää, University of Helsinki, by Heikki Kuutti, Helsinki 14 June 2011.

The secrecy provisions of the Act may be open to interpretations and remain fairly loose for instance in terms of national security. For example, in a case regarding a document of the Finnish Security Intelligence the Supreme Administrative Court accepted the justifications for secrecy as such without taking into consideration the principle of publicity and without critically evaluating the degree of potential harm the document's delivery might have caused (KHO 12.5.2010).

Another problematic area is the relationship between the freedom of speech and the principle of protection of personal privacy and dignity. As it is very easy to sue a news media for violating personal privacy and the courts tend to underestimate the importance of the freedom of expression in their decisions, many journalists admit the presence of self-censorship. Also the editors tend to soften the coverage of sensitive or 'inflammable' issues fearing either or both complaints and indictments (Aro, 2011).

The Penal Code (39/1889) regulates the balance between the freedom of speech and right for personal privacy. The private person's right for privacy is nearly absolute compared to a public person's. The problematic question is how to define who is a private and who is a public person and in which situations. The Penal Code defines a public person broadly as "a person in politics, business, public office or public position, or in a comparable position". Criticism, insinuation or an image of the private life of that person does not constitute dissemination of information violating personal privacy if it affects the evaluation of the person's activities and is important for society or in case of defamation does not obviously overstep the limits of propriety. However, the borderlines of public persons' privacy are a matter of courts' interpretations. For example, an evening paper journalist was convicted for violation of privacy after having revealed the secret relationship of a political reporter's ex-husband and a communication officer in a presidential election campaign. The courts see the communication officer as a private person since she belonged to privately hired personnel. The ECtHR, however, interpreted the communication officer as a public person on the basis of her public duties (Saaristo et al. v. Finland 12.10.2010).

A high profile politician's privacy boundaries were defined in a court case concerning a former Finnish Prime Minister. The court convicted his ex-mistress of invasion of privacy, since she had published a book in which she recalled her intimate moments with the Prime Minister, his behaviour in the sauna and bedroom, and his ways of lovemaking. At the same time, descriptions of their shared dinners, relationships of the Prime Minister's children and their togetherness were regarded as acceptable (KKO 2010:39). The case is currently pending at the ECtHR.

The Guidelines for Journalists give journalists more detailed guidance for making a distinction between private and public. They depart from the principle that it is everybody's right to decide how much and what kind of private information they make public. For the media it means that private information can be published only with the involved person's consent. However, since certain private information can be publicly important, the scope of the protection of privacy should be evaluated according to the persons' different positions in society and their potential public influence. The higher position a person has in society, the lower is the protection of their privacy. The Guidelines determine three levels of protection of privacy: A – people with a broad power in politics, administration or economics; B – publicly popular and well-known people in the fields of culture and entertainment, such as celebrities; and C – ordinary people with no public influence (JSN 1980). Also, the

social importance of the issue and its relation to important public discussion must be evaluated in each case. Socially important information can be published even if the person involved does not belong to the categories A or B. In terms of public criticism the media must concentrate on reporting about person's malpractice or public activities and avoid for instance evaluation of his or her physical or mental characters. The role of the criticised person must combine a fundamental content for the story. Publishing private information should not cause suffering to no avail (Ibid).

There are relatively few restrictions related to publishing photographs of individual people. Restrictions apply only to situations where the photograph or the context of it is offensive. Nobody has the right to forbid using their photograph in routine news reporting. Using a person's picture in the marketing is not necessarily unlawful, but leads to financial compensation for the person involved.

The Personal Data Act (523/1999) provides permissible norms for journalistic activity and applies only partially to the processing of personal data for purposes of journalism. Registers containing personal data are allowed in editorial offices if they are maintained by publishers, in-house journalists or freelancers, and are used exceptionally as the journalistic source material for stories. However, securing of such data is required. According to the Act "the controller shall carry out the technical and organisational measures necessary for securing personal data against unauthorised access, against accidental or unlawful destruction, manipulation, disclosure and transfer, and against other unlawful processing". In addition, the Data Protection Ombudsman has the right of access to the necessary information about the protection of such data and may issue more detailed guidelines on how personal data registers must be secured against unlawful processing. In one of its decisions the Supreme Administrative Court actually interpreted the boundaries of journalism. A magazine publication had violated the Personal Data Act in processing when it published taxpayers' raw taxation information almost in its entirety as a list. The decision did not apply to the publicity of taxation information or the right of publishing it. (KHO 2009:82)

Legal problems to media houses may also arise in connection with critical coverage of commercial organisations. The Tort Liability Act (412/1974) applies to liability for, and compensation of, injury or loss as result of the contents of a message provided to the public. According to the Act the publisher and the broadcaster are liable for injury or loss, which may be caused deliberately or negligently. Direct negative consequences for instance regarding sales caused by unjustifiable media publicity are sufficient grounds for a court case. Sharp expressions, exaggerations, embellishments and hyperboles are accepted in columns, *causeries* and other humour and satire genres since proving the truthfulness of them is not meaningful. For example, the Supreme Court decided that a humorous feature story about an entrepreneur selling 20 year old chocolate did not damage his business since it could be discovered light and exaggerated (KKO 1991:116).

4.4 New technology and content related regulations

The Internet as a new platform for information and communication has definitely broadened the scope of media content in many ways. The print publications and broadcasting stations have established their online versions, which offer partly different content than in the traditional format (printed or aired content). An important

difference also is that the web versions of media outlets publish much more of the user produced content and provide the space for spontaneous (and mostly anonymous) discussions and comments.

In terms of content regulation, basically the same requirements apply to the Internet as to the other media. There are no limitations for the content of the cable television and the Internet service providers other than those due to the European Audiovisual Media Services Directive (AVMSD).³⁸ Separating advertisements from journalistic content, child protection and product placement rules apply also to video-on-demand services in the same way as to television and radio. The entry to the market for cable TV and the Internet operators is not specifically regulated and general television regulation is applied. The content requirements of AVMSD apply only to channels available nationwide in terrestrial or satellite network.³⁹

To protect data and personal privacy in electronic communication, according to EU directives, Finland has passed the Act on Protection of Privacy in Electronic Communication (516/2004, amendments in 2011). The law covers aspects that are not covered with the general Personal Data Act (523/1999) and Penal Code (39/1889). For example, concerning information security, direct marketing or processing identification data by service provider. The latest amendments relate to the protection of personal privacy in connection with the service providers' right to save 'cookies' to get information about the users' preferences.

Since the Internet has opened unrestricted opportunities for all kinds of content and content producers, there is a requirement to prevent dissemination of harmful content and establish principles of responsibility of online service providers. Gradually, legislation concerning the content of web sites is being developed in Finland. In the Act on the Exercise of Freedom of Expression in Mass Media (460/2003), the responsibility of Internet service providers is limited to technical and distributional matters, such as deleting illegal material after a court decision and revealing technical identification information during criminal investigation. In 2011, new amendments to the Penal Code came into force, which specify the responsibility of web-operators for the content of their sites. Particularly, the amendments concern racist and hate speech and dissemination of child pornography. The operators can be sued according to the article of hostile ethnic agitation of the Penal Code (39/1889) if they are unwilling to remove the illegal material in their websites even if they are pointed out of its problematic character. Making child pornographic material intentionally available can bring about punishment according to the article that concerns dissemination of sexually obscene pictures (OM 2011). As is always the case, during the process of the preparation of the law amendments, the Ministry of Justice asked for expert opinions from various concerned institutions, individuals and the Constitutional Committee. A strong argument against the enforcement of these amendments came from EFFI, which declared that in the fear of getting punished, the web-operators might become too cautious and start suppressing free debate by removing dubious messages and materials just in case.⁴⁰

³⁸ Interview with special advisor Jussi Mäkinen, Ministry of Justice, by Marko Lindgren, Helsinki, 29 April 2011.

³⁹ Interview with director Merja Saari, FICORA, by Marko Lindgren, Helsinki, 6 May 2011).

⁴⁰ Interview with deputy chair Tapani Tarvainen, Electronic Frontier Finland, by Marko Lindgren, Jyväskylä, 19 May 2011.

The Deputy Prosecutor General Jorma Kalske admitted that making a distinction between hate speech and lawful messages might be complicated and ultimately, the prosecutors have to be very careful evaluating the intentionality of the operators for publicising such material. Usually conventional, even strong, representations are accepted as a part of individual freedom of expression.⁴¹ There is so far only one court case regarding hate speech in the traditional media. A newspaper was convicted for publishing a reader's letter, which suggested exterminating all Jews because of the aggressive politics of Israel against Palestine (Porvoo District Court 7/22).

According to the Act on the Exercise of Freedom of Expression in Mass Media (460/20039, criminal liability for an offence arising from the contents of a message provided to the public shall lie with the perpetrator or accomplice. Hence, a possible criminal action concerning social media may be taken only against the writer of an unlawful message or the one who has actively supported the distribution of such message. The Act makes the media responsible for the editorial content of online publications and the discussions or comments connected to them. Since the open discussion sites - even if administrated by the media - are not considered as a part of a network publication, media houses have no requirements to monitor their content. However, as this kind of content may bring along ethical or legal problems, the news media organisations use to remove unlawful messages voluntarily. Furthermore, the media organisations regard such content as harmful to their own credibility, since their audience generally does not make a distinction between what is editorial content and what is not when the material is part of a media outlet's website.

The Council for Mass Media sees also the consumer-produced content as subject of journalistic self-regulation, and clearly distinguishes between editorial and non-editorial content. The respective amendment to the Guidelines of Journalists came into force on 1.10.2011. The Guidelines declare that certain fundamental principles concern public discussions even if they do not contain editorial material and regardless of whether they are moderated before or after publishing. The Guidelines oblige the news media organisations to impede publication of the materials that violate personal privacy or offend human integrity and to immediately remove them if they appear on their web sites. The main purpose of the new amendment is to confirm trustfulness and responsibility of the media regardless of their format and publishing platform. Leaving consumer-produced content outside the publisher's responsibility may undermine the principle of media responsibility, according to the CMM. Websites produced for children and youngsters should be supervised with a special care. The public should be provided with a possibility to notify about inappropriate contents and to get a confirmation that their notification has been received (JSN, 2011).

A positive example of setting clear rules of online behaviour for its readers is newspaper *Kaleva*. The newspaper declares that it moderates the discussion site, but everyone is still personally responsible for the lawfulness of their messages. The guidelines advice is not to distribute racist or hate speech, not to write under another person's name or use pseudonyms that resemble real names, not to use dirty words and not to offend other participants in discussion (Kaleva, 2011).

⁴¹ Interview with deputy prosecutor general Jorma Kalske, Office of the prosecutor general, by Heikki Kuutti, Helsinki, 3 June 2011.

5. The journalistic profession

5.1 Role of journalism

Journalists' responsibility for informing the public seems not to be sufficient according to citizens' opinions. A recent study (Karppinen et al., 2010: 79-80) shows that the media are seen as a part of power apparatus of society and an agent of "the power of money". People do not think they have influence on the media content. Still, Finnish people are surprisingly satisfied with the quality of journalism. The credibility and truthfulness of the media are highly respected. Researchers explain this contradiction arguing that the media satisfies citizens' needs as an information tool, but is envisioned at the same time as a poor societal institution.

According to another study, the interaction between journalists and decision-makers is frequent and informal and emphasises networking and personal contacts. Information seems to be a common stake in the media 'game' as the political elite is not anymore the only source of information, and journalists are not anymore the only providers of the content. However, when journalists do not have resources to increase their competence or concentrate on covering certain sectors in society, decision-makers have good possibilities to influence their own media image (Kunelius et al, 2009: 348-349). Results can be seen confirmed by Kimmo Sasi, vice-president of the Constitutional Committee who says that the media do not challenge politics and politicians enough. There is very little intellectual discussion or deeper social analysis in the media. They focus on reporting about topical issues, but do not try to see behind the obvious. For instance, when a minister claims or demands something, they get coverage in media. In other countries only real actions of a minister are newsworthy.⁴²

Journalists' belief in their role as opinion leaders is weaker than among Finnish citizens in general. In a survey among journalists two thirds of the respondents did not accept the claim "journalists' opinion steers too much in Finland" while a survey by Finnish business and policy forum EVA showed that two thirds of Finns supported the claim. The EVA survey reveals a great difference in the perceptions about media power between journalists and Finnish citizens. When only 13% of journalists estimate that the media have too much power, 64% of Finns agree with the same claim (Jyrkiäinen, 2008:90-91).

Even if the freedom of expression protects the media and journalists from outside pressures that affect journalistic operations, it does not prevent possible self-censorship in the editorial offices. According to an interview survey among Finnish journalists, journalists may abandon their subjects and their points of view and slant stories not only voluntarily, but also because of the pressures emanating from their own superiors. In practice any subject can be censored if it is sensitive or somehow controversial. Self-censorship also stems from the journalists' need to protect their sources or desire to maintain good relations with them. However, many interviewees say they have never exercised self-censorship or have not been in a situation in which their boss would have asked to soften the story (Aro, 2011:8-11).

⁴² Interview with Kimmo Sasi, chairman of the Constitutional Committee, the Parliament, by Marko Lindgren, Helsinki, 8 June 2011).

Differences may be explained by the different economic positions of media houses. Self-censorship could be a common threat among small companies, which have a strong economic dependence on advertisers. In such situations editorial offices may avoid critical reporting about advertisers, but also be obligated to publish groundless positive news in order to foster their business goals. In general, self-censorship in journalism is open to interpretations. It is up to the responsible editor to direct the work of the editorial staff and when necessary make journalistic decisions about killing a story idea or a whole story if that does not fit to the publishing plans.

Overall, journalistic culture in Finland has not been particularly supportive to investigative reporting. The lack of investigative journalism can be explained by the relatively young tradition of Finnish journalism and journalists' reluctance to question the information 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. In practice, investigative journalism would require additional resources like extra working time for reporters, and therefore, media houses are reluctant to let journalists to engage in long-lasting investigative projects, which in the end might turn out fruitless (Kuutti, 1995: 284-291).

Employment of journalists is relatively well protected in Finland. According to the national employment protection practices in the media field an employee may be fired when his or her work is essentially and permanently lessened due to economic, productive or reorganisation reasons. If the decrease is only temporary, also the dismissal must be temporary. Grounds for firing are not accepted if the employer has hired a new employee to do the same work, and there have been no changes in operational conditions (Työsuhdeturva viestintäalalla, 2010).

The Journalists' Union negotiates collective agreements and pleads the common cause of its members. Collective labour agreement between journalists and media employers is tied to media business and concerns all journalists and media organisations (Union of Journalists 1). The general stipulations in the collective agreements for journalists include working hours, salaries, holidays, pensions and copyright. Also, journalists reserve the right to refuse any task, which falls outside the professional ethics of journalism. Journalists cannot incorporate advertising text into their work, nor can they be forced to do so (Union of Journalists 2). In addition, journalists must follow the official company policy by the publisher. The policy must be clear and in written form and the editorial staff must be informed about the changes in the policy in due time. Individual journalists have personal freedom of expression as private citizens as far as this does not cause harm to their employer (Ollila, 2004: 31-32).

The majority of the members of the Journalists' Union in Finland are in contractual employment but there is a growing number of people in freelance and piecework. The independence of freelancer journalists is claimed to have decreased because of the unfair job contracts. These contracts demand that employees surrender such things as transferring full rights to concessions and copyright to the employer without separate compensation, rights to modifying the material they produce and to their further sale, the rights to modify and publish material in new contexts and, in the future, for as yet unnamed platforms. Yet the legal responsibility concerning any third party in the event of a dispute remains with the creator. Unfair contract models are also being replicated within the profession. Freelancers are required to sign two-party

contractual agreements, and they are not in a position to negotiate contracts collectively, as this is regarded as a cartel-like activity (Pelastakaa Reijo, 2011).

Two thirds of the members of the Journalists' Union have at least a college level education. Every fifth has a University degree in journalism. The education level is higher among younger members (Journalistiliitto). The educational background of journalists has changed during the 2000s: more than before they have journalism degree or media studies from a University or polytechnic. Consequently, the amount of journalists entering the field with other educational backgrounds or from other professions has decreased. In higher education, the proportion of specialised areas of journalism has decreased since journalists are expected to possess diverse abilities and reporting areas. Journalism training in specific institutions has shrunk as media employers arrange their own in-house training especially within the context of newspaper reforms. However, this kind of training has connections only with new requirements and performances of editorial work and does not contain for instance critical thinking or self-evaluation of journalistic work.⁴³

5.2 Working conditions of journalists

As a consequence of general market liberalisation, the newspaper business in Finland has changed from publishing to investing and the economic success of media houses has become more important than journalism or its societal status.⁴⁴

According to the 2008 survey among Finnish journalists, majority of respondents estimated that independence and autonomy in journalism would decline in the near future as media houses develop towards industrial production of news. Changes in media organisations refer to both structures and modes of operation. Journalists have to adapt to different upheavals, which cause pressure on the costs and tighter production schedules. Also, analytical journalism, criticism, and observance of ethical rules are believed to be declining. On the other hand, entertaining contents in journalism and journalists' financial accountability in their own work was estimated to increase. The main changes in journalism include an increase in the amount of common stories published by several media companies, an increase in the weekly number of stories required from individual journalists and pronounced targeting of stories to specific audiences (Jyrkiäinen, 2008: 88-91).

Hardship in the media's profit making has led to the recruitment of less professional journalists, and the media business is adjusting its operations by reducing the number of working force. The increased amount of editorial work is reflected in a 2010 survey by the Journalists' Union, in which 53% of 600 respondents feared losing their jobs, 45% regarded their work meaningful and 54% said they have too much work to do (Takkunen, 2011).

It is not surprising that due to these developments fact checking is weakened and news sources are often selected on the basis of easy reach. Consequently,

⁴³ Interview with ombudsman Jarmo Häkkinen, Union of Journalists in Finland, by Heikki Kuutti, 28 April 2011.

⁴⁴ Interview with ombudsman Juha Rekola, Union of Journalists in Finland, by Heikki Kuutti, Helsinki, 28 April 2011.

reporting relies more on the material provided by information sources without journalistic filtering or critical evaluation.⁴⁵

Analogical results were found in a research, which examined the ways in which the latest recession (2008–2009) affected journalism in Finland. Due to the cuts in workforce, newsrooms have become smaller and the workload of individual journalists has grown. Changes caused by the recession were met by various organisational reforms. These reforms were mostly modest and cautious focusing on cost-efficiency. Newsrooms followed the trends that have been developing during the 2000s throughout Europe: increase in multi-tasking and decrease in specialising (Nikunen, 2011:5-6).

Structural changes and developed economical pressures in the media business have increased hurries in the editorial work and tightened up deadlines. The pressure of time has increased by new requirements imposed on journalists, such as producing stories for different platforms or making different stories on the same topic. However, according to Olkinuora (2006: 37), a good newspaper journalist is not necessarily a good television journalist, and the online world provides a different environment to exercise journalism and to communicate with the public than the traditional media. Journalists might be able to produce content for different media, but that is not likely to happen simultaneously.

Increased multichannel publishing as well as dissolution of the boundaries of specialisation are examples of convergence in journalistic work. One brand consists of various platforms of publishing. However, online-publishing was seen problematic in terms of “cannibalism” and duplications: news published online seem to consume readers from the other platforms, namely the print media or the television news. However, the participatory dimension of online media was not particularly utilised in the newsrooms. Although online-participation, such as references to discussion forums, was more visible in the print media than before, participatory elements have not profoundly changed the structure or practices in the newsrooms. Most of the newsrooms were concerned over the loss of the young people, who were seen to predict the future of journalism and thus considered vital for the media. Young people were equated with the Internet, social media and technological skills and therefore online-publishing was seen as a key to reach them (Nikunen, 2011:5-6).

Organisational reforms have created leadership oriented newsrooms and narrowed the autonomy of individual journalists. The number of reporters in the editorial staffs has decreased, while the amount of middle grade superiors such as editors and producers has increased.⁴⁶ Journalists have to work according to conceptual content production. Due to predesigned layouts, viewpoints, sources and length the stories do not contain as much surprising viewpoints or diverse contents as they should.⁴⁷

Search engines and online information discovery mechanisms are very close to the traditional work of journalist: to collect and to filter information and to draw

⁴⁵ Interview with chair Arto Nieminen, Union of Journalists in Finland, by Heikki Kuutti, Helsinki, 28 April 2011.

⁴⁶ Interview with ombudsman Jarmo Häkkinen, Union of Journalists in Finland, by Heikki Kuutti, Helsinki, 28 April 2011.

⁴⁷ Interview with chair Arto Nieminen, Union of Journalists in Finland, by Heikki Kuutti, Helsinki, 28 April 2011.

conclusions. But without journalists the final responsibility of the quality and relevance of the outcome lies on the persons who did the search - the audience (Olkinuora, 2006: 51).

Online media have proved to be a resource for the traditional media to find out issues people discuss about and are interested in. Therefore messages published on the Internet may have their effect to the contents, topics and viewpoint selection of the traditional media.

Several media houses have profiles in social media in order to get hints for stories and to take part in public discussions. Practically all Finnish journalists use social media to some degree in their work, mostly in seeking background information, mapping current discussion topics, or finding ideas and new angles for the stories. Also mapping public opinion and finding interviewees were important working methods for journalists (Laine 2010: 20-22).

However, due to its open character social media also creates problems regarding correct and relevant information, which depends very much on the quality of the original source. Because of their anonymity social media discussions are problematic to refer in stories. Participating in discussions requires registration in some sites and therefore journalists are obliged to reveal their identity when gathering information in discussion sites (ibid, 29-35).

5.3 Self-regulation and journalism practices

When the different types of media are integrating, also self-regulation should be comprehensive and refer both to the print media, radio and television and the Internet.

In Finland the ethical guidelines cover all the media. The CMM interprets complaints on the basis of the ethical guidelines. Since the guidelines are not always unambiguously applicable to complicated cases, the members of the CMM solve the case by voting. In several cases, the critical question is which of the articles in the guidelines should be emphasized and what point of view should be taken into account in the decision.⁴⁸

The amount of complaints for the CMM has almost doubled in 2011 and the provisional share of condemnatory decisions has increased. This may be the result of the increased general knowledge of the CMM and the increased hurries in editorial offices. For instance, in its online operations the media automatically refer to each other without paying special attention to whether the information is correct or not. Problems become more serious on the Internet where the incorrect information circulates fast and lives long.⁴⁹

Instead of being seen as restrictions for publishing, ethical guidelines should be understood as possibilities to report ethically also about awkward issues. Guidelines do not restrict media activities as long as the journalists' intentions are ethically acceptable. The problem in journalism is specifically the irresponsible use of the freedom of expression.⁵⁰ For decades self-regulation has functioned as a 'middleman' between judicial regulation and absolute freedom of expression. Self-

⁴⁸ Interview with chair Risto Uimonen, The Council of Mass Media, by Heikki Kuutti, Helsinki, 23 May 2011.

⁴⁹ Ibid.

⁵⁰ Ibid.

regulation covers a certain "grey area" where "civilized regulators" are reluctant to enter.⁵¹

YLE's ethical guidelines for journalism are more demanding and unlike the CMM's guidelines, they require that the information published (the general view provided in the story) should be essential and diverse. Also, the guidelines emphasise argumentation of conclusions and evaluation of contradictory facts (YLE 2009).

⁵¹ Interview with secretary Ilkka Vääntinen, The Council of Mass Media, by Heikki Kuutti, Helsinki, 23 May 2011.

6. Media literacy and transparency requirements

Even though media literacy is mainly seen as a field of educating critical media consumers, the respective knowledge and analytical-critical skills help people to benefit from their right to be informed and to use their freedom of expression. Media literacy education also guides people in the rapidly changing media environment.

Media literacy is understood both as the ability to access, understand and critically evaluate different aspects of the media, and as the process of analysing, evaluating and creating messages in a wide variety of media formats. It encourages people to ask questions about what they watch, see, and read. The objective of media literacy education is to provide individuals with the abilities to utilize as well as produce media content, to reflect on their personal relationship with the media, to apply critical thinking and express themselves (Media literacy, 2011). However, there is no articulated assumption that media literacy would be strongly related only to media consumption. Also the themes of transparency and media abuse are parts of media literacy skills.

The research confirms that Finnish people are very active consumers of the media. The daily reach of mass media is highest in television (90% of the population), then newspapers (78%) and radio (74%). During the national survey of 2008, 60% of Finns were reached through the Internet. The total time spent daily with the mass media was 462 minutes, divided mainly among television (172 minutes), radio (25 minutes) and the Internet (50 minutes). However, even newspaper reading time is relatively long (34 minutes) (Joukkoviestimet, 2010: 52).

In 2007, the Ministry of Education and Culture composed a media literacy policy proposal suggesting a cross-governmental long-term media literacy programme. The proposal contains a wide variety of actions, starting from a media literacy Internet portal and suggesting innovative approaches. Unfortunately, most of the proposed actions have not yet been realised. Within four years only teacher education has noticeably advanced (Sinko et al., 2007). Media literacy initiatives are not evaluated on a regular basis since there is no respective mechanism.

In addition to schools, media education is a part of day care, children protection social work, communal youth and culture work and library activities. However, media institutions and organisations, like the Finnmedia, the Association of Media Education, as well as public service broadcaster YLE have a long tradition in producing material for media education (Kotilainen & Sintonen, 2005). News organisations, indeed, have their own interests in co-operating with schools and providing them with teaching materials. Assisting in education of new readers the newspapers try to secure the future of their business. It seems that in Finland they have, to an extent, succeeded as even in the Internet era, over three quarters of population read newspapers.

The national PISA (Programme for International Student Assessment) survey in 2003 reveals that not only does regular newspaper reading promote good reading skills but newspaper reading supports engagement with society and local social networks, and promotes the development of key skills that are of crucial importance to the learning of other abilities and information (Linnakylä, 2006:3). Newspapers can also be utilized in education to promote the active citizen's literacy, political awareness and know-how (Hankala, 2011). However, a doctoral thesis at the University of Jyväskylä reveals that teachers are yet not able to sufficiently make use

of this potential for promoting an active citizenship. Media education in schools is still too much focused on subject-specific information instead of developing skills of critical analysis (Ibid.).

An essential part of media education should be media critique. In the Universities it belongs to journalism education containing analysis of journalistic norms, relationships between journalism and reality and different forms of media practices. Journalists and academics exercise media critique occasionally in seminars, publications, newspaper and magazine columns and specialised television programmes.

One example of media critique in newspapers is a column *Mediatohtori* ("*Media Doctor*")⁵² by one of the authors in this report (HK) where a selection of the paper's articles are evaluated within the context of various issues, such as privacy, publicity of power-holders, content requirements, picture publishing or internet discussions.

Transparency regarding media's performance is important also in terms of freedom of expression, which emphasises people's right to know, and right to receive information through the media. According to Olkinuora (2006, 52-54), the media serve the public best by subjecting themselves to criticism, proclaiming their principles together with concrete examples and always admitting openly their mistakes.

However, while journalists are eager to uncover and publish information on other people and institutions no legal requirements exist regarding transparency or openness of the media. Consequently, people are not aware of publishing motives or editorial decisions regarding certain topics.

To an extent, transparency of media operators is reflected in the editorial principles of Finnish dailies, or written norms guiding the work of the journalists. The need for these kinds of principles was included in the collective labour agreement of journalists. According to it "the editorial staff must follow the principles of the newspaper, which are defined by the publisher and which have to be precise and given in writing". The emergence of editorial principles was connected to the discussion on "editorial office democracy" of the 1970s and publishers' opposition to the possibility that the growing influence of journalists would question editorial principles. In the editorial principles of the 1980s the main journalistic standard was generally defined "objectivity". Since the 1990s good journalism was described by using expressions like "reliable" and "close to the reader". In the 2000s, newspapers emphasize their function and mission as a voice of their region of appearance (Lehto, 2006).

⁵² URL: www.kaleva.fi/mediatohtori.

7. Conclusions

The most important player in the Finnish media policy is the state through its various institutions (Parliament, MTC, MCE, FICORA, FCA). The state takes responsibility for guaranteeing the freedom of expression for the media and citizens, and supporting the public service ideal of the media by developing a favourable legal environment. The only function of a limited number of restrictive provisions is to secure basic and human rights and to prevent misuse of the freedom of expression by the media. According to the Freedom of Expression Act the direct state interference in the activities of the media is legitimate only if seen unavoidable for protecting state secrets, privacy etc., and must be assessed from the perspective of the freedom of expression.

Media policy is directed towards securing the population a plurality of choices among channels, programmes and platforms, and providing access to information in all possible ways. In the legislation, increasing attention is paid to protection of individual freedom of expression, personal integrity and privacy. Another important purpose of regulation is securing the transparency of decision-making by providing media and public with access to official information and documentation of public authorities.

In terms of legislation the freedom of expression and media freedom are defined explicitly. According to the Finnish Constitution (731/1999) the freedom of expression belongs to everyone and includes the rights of expression, dissemination and receiving of information and opinions without prior intervention. To foster the right of the access to information, the Constitutional principle of everyone's right to freely receive information is linked to the Act on the Exercise of Freedom of Expression in Mass Media (460/2003). The basic idea is that all official information in possession of the authorities must be accessible to every citizen without restriction, except cases determined by specific legislation.

The overall nature of Finnish media policy is consensus based. The most important legislation is usually drafted in special committees. They consist of state officials and professionals of respective field in order to gather different views and achieve a solution acceptable to all involved parties. For instance, Finnmedia keeps strict eye on the media related legislative initiatives and gives annually about 10-20 expert opinions on the regulative proposals, which in some ways concern press freedom⁵³

Routine legislative work is done by Ministries in co-operation with media industry representatives. An example of such co-operation is the preparation of the Act on the Freedom of Expression in Mass Media (460/2003). During the preparation of the legislative proposal, the Guild of Finnish Editors among others lobbied for a more realistic responsibility regarding the supervision of editorial staff. According to the revised act, the culpability of an editor is to be evidenced by a normal legal praxis while according to the previous law it was interpreted as a reversed burden of proof.

The overall tendency is towards limiting statutory regulation and strengthening media self-regulation and public control. Both are important as elements of a communication policy that involves not only traditional media but also

⁵³ Interview with director of legal issues, Satu Kangas, Finnmedia, by Heikki Kuutti, Helsinki, 29 April 2011.

existing and emerging new forms of communication and secures the citizens' communicative rights. The state bodies only survey the legality of actions and licence procedures. In many cases, the ethical guidelines influence journalists' work more than juridical regulation. The media actors are widely represented among the self-regulatory bodies.

As a whole there are no fundamental problems or contradictions between different actors regarding the implementation of freedom of expression or media freedom. Statutory and non-statutory operators have a common goal in favouring the freedom of expression even if they approach it from different angles based on their tasks and responsibilities. FICORA's licensing policy is based on fostering the freedom of expression, diversity of programmes and interests of special public groups. All of these must be considered in granting the licences. The Finnish Competition Authority FCA oversees the functionality of competition in media business and intervenes in unsuitable mergers with regulative power only if it is inevitable to support fair competition. Competition is seen to promote pluralism in the media even if pluralism as such is not defined and monitored by FCA. State subsidies to political parties' communicational purposes or to low-circulation cultural magazines are meant to maintain diversity in mass communication and in political discussion. Widespread subsidies in Finnish multiparty democracy do not favour any particular political interests and thus these subsidies do not put the media's independence in danger.

The driving force in the Finnish media and communication policies has been based on economic values and on promoting competition in the media and communications markets. Finnish media policy is concentrated very much on providing technological possibilities for communication by high-speed Internet connections all over the country. However, this kind of industry driven development has raised critique that the authorities have not paid enough attention to the contents.

Although there is basically very favourable legal framework combined with long tradition of the freedom of speech, economic factors seem to have increasing influence on the practical implementation of media freedom in Finland. The decision of the Parliament to impose 9% VAT on newspaper and magazine subscriptions may cause unexpected financial problems for media companies. In the process of cutting expenses, unemployment among journalists will increase and consequently the quality of journalism may decrease. The development may cause problems also to the media's independence, because economically weak media organisations are more vulnerable to external political or economic pressures. As another consequence of tax increase, the diversity of mass media may weaken and social inequality is expected to increase among the media public since poorer people do not have equal access to newspapers anymore.

Another problem derives from EU regulations, which do not accept Finland's direct public support to party newspapers. The support was therefore changed to general financial support to political parties in communication purposes. Journalists fear this way of support will change journalism into propaganda and decrease pluralism in mass communication and weaken journalistic autonomy.

Reduced number of working force as an outcome of financial difficulties has increased time pressure in the editorial work and tightened production schedules, which, in turn, squeezes analytical journalism and criticism, but also affects the observance to ethical rules. Media organisations meet the demands for cost-efficiency

by combining the posts of editor-in-chief and publisher, which may blur journalistic and financial decisions and put journalistic independence in danger. This combination has been often justified with the claim that it saves money for doing better journalism.

An important issue regarding the future of the freedom of expression relates to the financial grounds of Finnish public service broadcaster YLE. Alternatives for financing have been discussed earlier in this report. If the state budget financing will be applied, it should be continuous and cover several years instead of deciding about the budget annually. Longer budgeting periods would help YLE to maintain its independence from politicians. In addition, YLE is expected to encounter problems in finding balance between requirements of public service and the need to attract large audiences. Especially YLE's renewed role as an active provider of free content on the Internet has provoked commercial operators' demands about defining YLE's public service role more precisely.

The protection of privacy has dominated at the cost of freedom of expression in several court cases against the media and therefore created difficulties for the media to intervene in socially important issues. In several of its decisions the ECtHR has criticised Finnish courts in bypassing media's rights in initiating public discussion. Finnish courts have not paid enough attention to media's right to use value-laden expressions, which do not have to be proved as truthful fact statements. In addition, in spite of focusing on single expressions, articles should be evaluated in entirety and within the relevant context.⁵⁴

However, recent decisions of the Supreme Court and the Court of Appeal show that especially the media's intention to raise public discussion and to exercise public criticism is more generally understood to be an important part of the media freedom. Finnish court practices seem to follow the guidelines of the ECtHR more than before also in interpreting the issues of privacy. Sensitive information about private life can be published if the person involved had revealed earlier the same kind of information to the public. In such cases, a separate permission for publishing is not needed since the reporting based on earlier publicity is defined as "silent acceptance" by the person.⁵⁵

The Internet and especially its discussion sites have opened new opportunities for citizens to exercise freedom of expression. Unfortunately, the new communication technology is not always used in an appropriate way and has caused harms especially in terms of hate speech. In order to maintain their fame as credible publishers, editorial offices have begun to monitor the messages people send to their open discussion forums.

⁵⁴ According to a Supreme Court decision, a newspaper did not commit defamation in reporting about irresponsible and racist attitudes of the employees in a reception center that was called in the article a "ghetto" and compared to death camps. The article degraded employees but the newspaper had the right to raise public discussion about the activities of a publicly funded center. (KKO 2011:71)

⁵⁵ A sensational magazine did not hurt privacy in reporting about the love affairs of a well-known author, since her relationships had earlier been discussed in public and she had not intervened in these articles (KKO 2011:72).

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Ombudsman Jarmo Häkkinen, Helsinki, 28 April 2011

Ombudsman Juha Rekola, Helsinki, 28 April 2011

Finnmedia (Federation of the Finnish Media Industry)

Managing director Valteri Niiranen, Helsinki, 29 April 2011

Director of legal issues Satu Kangas, Helsinki, 29 April 2011

Lawyer Mikko Hoikka, Helsinki, 29 April 2011

The Council for Mass Media

Chair Risto Uimonen, Helsinki, 23 May 2011

Secretary Ilkka Vääntinen, Helsinki, 23 May 2011

University academics

Professor Hannu Nieminen, Helsinki, 23 May 2011

Professor emeritus Kaarle Nordenstreng, Tampere, 20 November 2011

Professor Olli Mäenpää, Helsinki, 14 June 2011

Researcher Päivi Tiilikka, Helsinki, 14 June 2011

Researcher Riitta Ollila, Helsinki, 14 June 2011

State officials

Deputy prosecutor general Jorma Kalske, Helsinki, 3 June 2011

Communication counsellor Ismo Kosonen (Ministry of Transport and Communication), Helsinki, 14 June 2011

Deputy director Seppo Reimavuo (Finnish Competition Authority), Helsinki, 21 April 2011

Researcher Hannu Raatikainen (Finnish Competition Authority), Helsinki, 21 April 2011

Special advisor Jussi Mäkinen (Ministry of Transport and Communication), Helsinki, 29 April 2011

Director Merja Saari (The Finnish Communication Regulatory Authority), Helsinki, 6 May 2011

Director Martti Soramäki (The Finnish Broadcasting Company YLE), Helsinki, 26 May 2011

Director of legislation Sami Manninen (Ministry of Justice), Helsinki, 7 June 2011

Data protection ombudsman Reijo Aarnio, Helsinki, 8 June 2011

Other interviewees

Chair Kimmo Sasi (The Constitutional Committee /YLE), Helsinki, 8 June 2011

Deputy chair Tapani Tarvainen (Electronic Frontier Finland), Jyväskylä, 19 May 2011

Judge Päivi Hirvelä (European Court of the Human Rights), Strasbourg, 30 September 2011)