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Citizens' Panel on the Freedom of **Expression**

Recommendations for measures to be taken in Finland to protect people in public professions from hate speech and to safeguard free expression of opinion



Citizens' Panel
Final report
March 2021

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Abstract

In February 2021, the deliberative Citizens' Panel met to discuss the measures that should be taken in Finland to protect people who are in the public eye due to their professions from hate speech and to safeguard free expression of opinion. Citizens' opinions were examined as part of the OECD's qualitative assessment of the possibilities for civil society to operate in Finland (Civic Space Scan Finland). The Citizen's Panel was commissioned by the Ministry of Finance and the Ministry of Justice, and Åbo Akademi University's Samforsk (The Social Science Research Institute) was selected as the party that implemented the panel.

The Citizens' Panel is an example of democratic innovation, a deliberative mini-public in which a number of ordinary citizens discuss a social issue after in-depth familiarisation and produce recommendations for decision-makers or a wider electorate. Participants in deliberative mini-publics are often selected through random sampling. The invitation to participate in the Citizens' Panel on Freedom of Expression was sent to 3,000 randomly selected adults residing in Finland, and of the volunteers who agreed to take part 29 volunteers participated in the panel. Different sociodemographic groups and regions were represented in the composition of the panel. The Citizens' Panel met virtually for one evening and two entire days, familiarised itself carefully with background information on the subject area, and heard experts on freedom of expression, hate speech and online harassment. The members of the Citizens' Panel held discussions in small groups and formed their recommendations with the help of trained moderators.

In its collective statement, the Citizens' Panel emphasises making hate speech and online shaming visible, the importance of straightforward and clear definitions and communication to the wider public based on these definitions, the proportionality of penalties, prevention, sufficient resources and the responsibility of online platforms. The Citizens' Panel proposes a total of 25 measures to prevent hate speech and online shaming. The conclusions and recommendations of the Citizens' Panel are listed in this report, which will be submitted to Minister of Local Government Sirpa Paatero in spring 2021. The results of the Citizens' Panel will be used in the preparatory work of the ministries and in the OECD's Civic Space Scan of Finland.

1 Introduction

At the request of the Finnish Government, the OECD Observatory of Civic Space will carry out an assessment of the Finnish civil society's means of action, i.e. the Civic Space Scan Finland. In the assessment, civil society's means of action refer to the conditions that citizens and representatives of civil society have to access information, speak, gather, organise and otherwise participate in public life. These conditions can be political, institutional and legal. The purpose of the assessment is to determine how Finland could improve civil society's means of action to develop a favourable operating environment for NGOs as well as for citizens participating in the activities of public administration. The aim is also to produce evidence-based tangible and feasible recommendations for Finland's Government on how to promote and protect a well-functioning civil society.

Civic Space Scan Finland was OECD's first assessment of civic space in its member and partner countries, and the Citizens' Panel was organized as part of that. The purpose of the Citizens' Panel was to examine the views of citizens and solutions for safeguarding the freedom of expression in Finland, as well as to produce a collective statement based on the views of the participants in the Citizens' Panel that could be used for preparatory work by the involved ministries.

Freedom of expression and online shaming of people working in public professions was selected as the topic for the Citizens' Panel on the basis of the OECD's assessment. The OECD and Åbo Akademi University assessed possible topics on the basis of their importance for the OECD study, their relevance in Finnish social debate and how well the scope of the topic is suited for consideration by the Citizens' Panel. On the basis of the proposals, the Åbo Akademi University and OECD working group selected the protection of people in the public domain from hate speech and online shaming and the safeguarding of free expression of opinion as the topic for this Citizens' Panel. In its assessment, the OECD had found that hate speech and online shaming directed at people working in public posts and tasks is a growing problem in Finland, in addition to which the subject has also aroused a lot of discussion over recent years in Finland. The Ministry of Finance and the Ministry of Justice did not participate in the selection of the topic, but helped the panel organisers create a situational picture of the related legislative work and recent administrative activities.

In recent years, measures against hate speech and online shaming have been highlighted in several government reports, reports and independent studies. The publications utilised in the orientation and work of the Citizens' Panel are listed in this report's references. The findings of these previous publications serve as background information for the Citizens' Panel, and the Citizens' Panel used the list of measures given in these to assist its work. However, the mandate of the Citizens' Panel also allowed for the development of new measures and bold ideas.

2 Collective Statement of the Citizens' Panel

This collective statement was drawn up by the Citizens' Panel, in which 29 Finns from different backgrounds and geographical areas participated. The members of the Citizens' Panel were selected by sending the invitation to participate to 3,000 randomly selected residents of Finland aged 18-79. Of the respondents to the invitation, the composition of the Citizens' Panel was formed in such a way that it reflected as much as possible the Finnish population in terms of area of residence, gender, age and mother tongue.

The Citizens' Panel met on three days on 11 February, 13 February and 14 February 2021. During its work, the panel consulted experts and the victims of online shaming. The panel members also received advance materials on the subject area. The panel then carefully assessed the information they had been given and the recommendations proposed to them and formulated its own recommendations for measures. The statement outlines the objectives that guided the panel's work as well as concrete recommendations for measures. The statement is drawn up by the panel members and the authorities did not participate in writing or editing it. Moderators recorded the discussions and decisions made by the panel without interfering with their content.

The Citizens' Panel on the Freedom of Expression was part of the OECD's assessment for strengthening the conditions for Finnish civil society and the possibilities for citizens to participate in public decision-making in Finland. The Citizens' Panel was organised by Åbo Akademi University's Samforsk, The Social Science Research Institute on behalf of the Ministry of Finance and the Ministry of Justice. The ministries did not influence the subject matter or methodology of the Citizens' Panel.

Key objectives

We, the members of the Citizens' Panel, consider the following objectives that have guided our work and the formulation of recommendations important. Work to combat hate speech and online shaming, should first aim to make hate speech visible to the public, so that it will be clearly condemned and denounced. It is also very important that definitions for hate speech and online shaming are clear and that they are communicated to the general public. Judgments on hate crimes and harassment must be sufficiently compelling, but at the same time, efforts should also be made to prevent hate speech and online shaming. Authorities and organisations must have sufficient resources for the work. The responsibility and regulation of online platforms that enable the problem should be increased.

Recommendations for measures

Resourcing and coordination

<p>1. Establish a "Trusted flagger" -type organisation, which could report hate speech when it occurs.</p>	<p>This would ensure that monitoring would be continuous and regular, thus combating hate speech more effectively. The Council for Mass Media (CMM) is too rigid and distant an organisation for this.</p>
<p>2. Give hate speech and online shaming an official definition and implement and share this.</p>	<p>Once the different forms of the phenomenon have been clearly defined, work against hate speech will be better able to progress in education and communication to the general public.</p>
<p>3. Give clear responsibilities in the work against hate speech and online shaming to individual persons in central government (e.g. Minister of Equality) or to an organisation.</p>	<p>The appointment of a specific responsible person in all instances from high level government to local authorities helps to commit to achieving the given objectives and facilitates taking a matter forward.</p>
<p>4. Give, for example, the police, courts and media increased resources and certain powers.</p>	<p>This would lower the threshold for such things as the police starting an investigation. Penalty processes would be faster if suspicions were investigated at an early stage and resources appropriated to the media would help make the public aware of the problem.</p>

Legislation

<p>5. Review the penalties given for hate crimes, specify them in legislation and define stricter minimum penalties. Add to legislation that hate speech targeting gender, ethnicity or a minority group will be punished more severely.</p>	<p>Sufficiently substantial penalties will steer citizens' behaviour in the right direction and to raise the threshold for committing crimes</p>
<p>6. Examine the possibility of using community service as a penalty for hate crimes.</p>	
<p>7. The classification of offences related to hate speech will be made clearer.</p>	<p>Once the activity is clearly defined as a criminal offence, it may have a preventive effect on hate speech and online shaming.</p>

Guidelines for employers and those working in public professions

<p>8. Employers will be obligated to draw up clear instructions for possible cases of hate speech or harassment, both in order to intervene in the situation and to support the victim. These instructions must be designed to suit each work environment and must ensure the smooth functioning of the support network for the process in the workplace.</p>	<p>Currently, intervening in hate speech is easily overshadowed by other occupational safety and health issues. Although this is included in the current Act on Equality between Women and Men and the employer's obligations, it is currently not sufficiently emphasised in employer guidelines. The purpose is also to take into account what different situations arise in different environments. This would mean that no one would be left alone and the intervention process would be smooth.</p>
<p>9. Draw up specific guidelines for decision-makers and those officials most susceptible to online shaming, if they themselves are victims of hate speech and/or harassment. Produce an advance information package for people in public posts in case of online shaming and hate speech.</p>	<p>This would increase a sense of security among people and provide certainty on how to act if one falls victim to hate speech or online shaming.</p>
<p>10. Ensure that people in all organisations who suspect they are a victim of hate speech have the opportunity to communicate a message to a party, such as an occupational safety representative, who can assess whether the person has been subjected to hate speech and give recommendations on further measures. Ensure that this is also implemented for decision-makers and that sufficient resources are available for it.</p>	<p>This will ensure that employees know they have a support network, that different perspectives are taken into account and that the situation is actively assessed in work environments. Moderators can also be used to keep on an on messages to decision-makers and delete hate speech. In this case, there must be clear rules on who determines what hate speech is so that completely appropriate criticism does not get deleted by moderators.</p>

Legal protection of victims

<p>11. A "Track my case" system will be created in which the victim can personally monitor the progress of his or her criminal case in the judicial process and obtain information on when decisions can be expected.</p>	<p>Due to their long duration, legal processes are stressful for victims of hate speech.</p>
<p>12. A website provided by authorities will be established detailing all support services for victims of hate speech and online shaming, including a support network and peer support for victims of online shaming and hate speech. If necessary, an authority can direct a victim to the website.</p>	<p>The information must be easy to find, and there must be a low threshold for seeking help.</p>

Communication and training

<p>13. Increase effective communication to citizens on the subject area. A sufficiently long information campaign on hate speech and online shaming and their criminal sanctions intended for citizens will be carried out utilising good experiences such as those of communication on the coronavirus.</p>	<p>Many people have insufficient information on the subject. Increasing the awareness of citizens could increase political willingness to make a greater effort to prevent hate speech-related offences and increase critical media literacy as well as debating skills. Making hate speech a better known phenomenon would thus reduce the harmful effects it brings about in society and increase the sense of security. Communication on the matter should also appeal to the feeling of empathy by highlighting how hate speech affects individuals. Hate is a strong word, so the use of more positive terms should also be considered in communication. Because this is a serious problem, it deserves the same attention as such things as climate change and the coronavirus in public debate.</p>
<p>14. Increase training on the identification of hate speech for different professional groups and authorities (judges, the police, prosecutors). Training must be provided on combating and preventing hate speech to a wider audience, for example through comprehensive school, conscription, non-military service training and national defence courses.</p>	
<p>15. Develop our culture of dialogue and increase the participation of minorities in public debate.</p>	<p>In matters concerning minorities, minorities must be heard and minorities must be allowed to speak for themselves. The aim is to reduce inequality and prejudice, to increase general welfare in society and the acceptance of differences, and to intervene in the reasons for hate speech such as bitterness. Volunteer associations, such as Lähellä ihmistä -kasvuryhmät should be included in this work.</p>

Attitudes of social actors

<p>16. The ministries will draw up a code of conduct for decision-makers and officials. Denouncing hate speech and discrimination should already be a criterion for nomination in elections. Reacting as early as possible to election interference and interference attempts by means of hate speech and online harassment.</p>	<p>Politicians should act in public as role models. Decision makers must strongly condemn hate speech and online shaming via electoral debates and voting advice applications, because they are obligated to do so due to their position.</p>
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Civic participation

<p>17. Develop ways in which citizens can influence decision-making in advance. Prepare guidelines, protocols or methods for requesting comments in advance. Change the way in which decisions are made, ensuring that citizens have an opportunity to participate in decision making before actual decisions are made and after decisions are made.</p>	<p>Improve the ability of citizens to have an influence in advance. Participation in advance increases the feeling of inclusion and provides a channel for expressing dissatisfaction. This will prevent hate speech by allowing people to be heard without having to rely on insults or hurtful comments.</p>
<p>18. Listening citizens better in decision-making by organising citizens' panels on current issues at the municipal and state level.</p>	<p>Citizens' panels increase possibilities to exert influence and the feeling of being heard, prevent inequality and social exclusion, and act as a platform for sharing information. Citizens' panels should especially take minorities into account, and universities could participate in their organisation.</p>

Research

<p>19. Increase regular and continuous research and review of hate speech. Research will aim to give a more specific definition for hate speech. Increase resources for the research of new phenomena and challenges.</p>	<p>Research will help us understand the reasons for and scope of the phenomenon. Are there Finnish troll factories? How does one recognize hate speech? Research is also used to determine the state of both organised and non-organised online shaming and hate speech. Who are party to it, where and how? This information will help in creating more tools for intervening in the problem.</p>
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Responsibility and regulation of online platforms

<p>20. Ensure that online platforms operating under Finnish jurisdiction have at least one person personally legally liable for the material published on the platform (c.f. editor in chief for newspapers). Obligate platforms to make available their rules for discussion.</p>	<p>This will increase the responsibility of online platforms for eradicating hate speech.</p>
<p>21. Draw up common, purposeful and transparent rules and recommendations based on human rights for online discussion platforms. Ensure that discussion platforms accept and commit to these. Create a certificate for actors that comply with good practices (c.f. smiley face used by restaurants).</p>	<p>This will build confidence and encourage to take part in online discussions and provide companies with a foundation and instructions for their own activities.</p>
<p>22. Create a counterforce for internet trolls. Bring trained influencers, who condemn hate speech and trolling (so-called "social media agents" or "anti-troll army") to different online platforms, where they will encounter hate speech and those spreading hate speech and tell them directly that hate speech is not permitted.</p>	<p>The aim is to improve the healthiness of current discussion culture and to support inclusive and constructive culture of dialogue. These influencers can be employed and trained by an organisation or authority, for example the Cyber Security Agency could be involved in this. If platforms that produce an abundance of hate speech are filled with constructive opinions, enthusiasm for spreading hate speech there will wane.</p>
<p>23. Emphasise corporate responsibility and create incentives for social media companies. For example, develop an algorithm that would prevent filter bubbles. Also encourage intervention in anonymous online discussions, an improvement to advance moderation and training of moderators.</p>	<p>Filter bubbles on social media can promote hate speech when opinions are condensed which leads to polarisation. The prevention of filter bubbles prevents inequality. Committing to common rules will support constructive discussion, and commenting under one's own name will raise the threshold for spewing anything that comes to mind and force people to stand behind their words. However, internet surveillance and moderation must be carried out without violating other fundamental rights and data protection regulations.</p>
<p>24. Encourage citizens to take part in the moderation of internet content, and encourage companies to develop user moderation.</p>	<p>This will decrease incentives for the wrong kind of communication and act as self-regulation for online platforms helping companies to censor hate speech.</p>
<p>25. Influence EU legislation and EU negotiations with 'digital giants'.</p>	<p>The responsibilities and obligations of digital giants in the prevention of hate speech are important with regard to Finland's actions. For this to move forward, it is essential that Members of the European Parliament and ministers are active.</p>

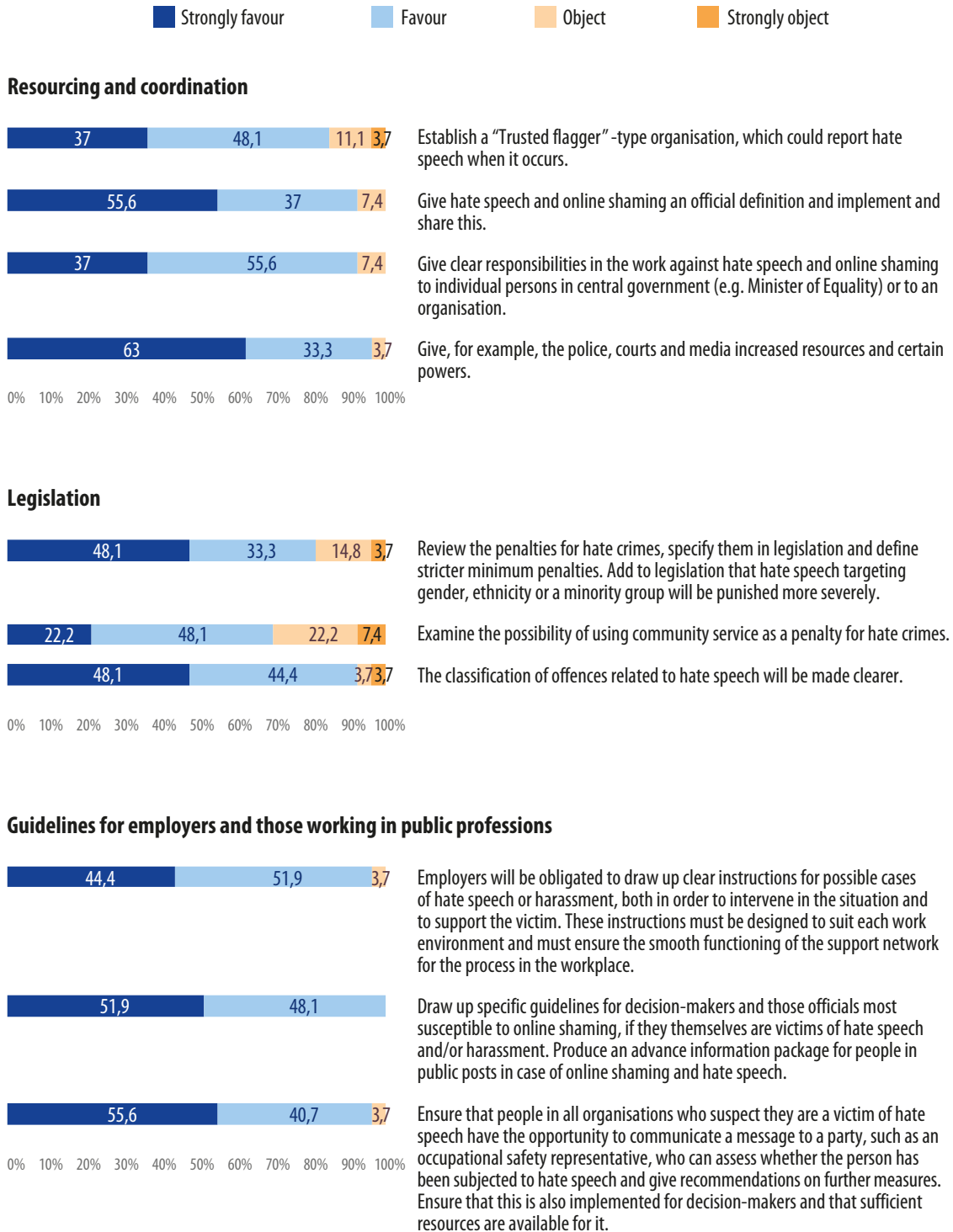
Voting results

After their work came to an end, the members of the Citizens' Panel voted on the recommendations on measures produced by the panel. Because the collective statement was drawn up in consensus, the purpose of this vote was to highlight the views on what panellists thought about individual recommendations for measures as well as which they thought to be most important. They were first asked how strongly they were in favour of individual recommendations (options for responses: Strongly favour, Favour, Object, Strongly object). After this they were asked to select four recommendations for measures that they felt were most important and place these in their order of importance.

Figure 1 shows that at least 70 per cent of the panellists are in favour of all the recommendations listed in the collective statement. Thus, the opinion can be deemed representative of the common views of the Citizens' Panel. The greatest consensus was on three recommendations for measures: To increase effective dissemination of information to citizens, organise citizens' panels at the state-level and draw up a set of guidelines for officials susceptible to online shaming. None of the members of the Citizen's Panel objected to these measures. Also obligating employers to draw up clear instructions, appointing responsible persons in organisations, increasing resources and a centralised website on support services for victims received nearly unanimous support from panellists. Recommendations that panellists opposed the most were those concerning the penalties given for hate crimes (harsher penalties, community service), user moderation and forming a counterforce for internet trolls.

Figure 1

Support for the recommendations issued by the Citizens' Panel among panel members, % (N=29).



Strongly favour
 Favour
 Object
 Strongly object

Legal protection of victims



A "Track my case" system will be created in which the victim can personally monitor the progress of his or her criminal case in the judicial process and when decisions can be expected.



A website provided by authorities will be established detailing all support services for victims of hate speech and online shaming, including a support network and peer support for victims of online shaming and hate speech. If necessary, an authority can direct a victim to the website.

0% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

Communication and training



Increase effective communication to citizens on the topic. A sufficiently long information campaign on hate speech and online shaming and their criminal sanctions intended for citizens will be carried out utilising good experiences such as those of communication on the coronavirus



Increase training on the identification of hate speech for different professional groups and authorities (judges, the police, prosecutors). Training must be provided on combating and preventing hate speech to a wider audience, for example through comprehensive school, conscription, non-military service training and national defence courses.



Develop our culture of dialogue and increase the participation of minorities in public debate.

0% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

Attitudes of social actors



The ministries will draw up a code of conduct for decision-makers and officials. Denouncing hate speech and discrimination should already be a criterion for nomination in elections. Reacting as early as possible to election interference and interference attempts by means of hate speech and online harassment.

0% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

Civic participation



Develop ways in which citizens can influence decision-making in advance. Prepare guidelines, protocols or methods for requesting comments in advance. Change the way in which decisions are made, ensuring that citizens have an opportunity to participate in decision making before actual decisions are made and after decisions are made.



Listening citizens better in decision-making by organising citizens' panels on current issues at the municipal and state level.

0% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

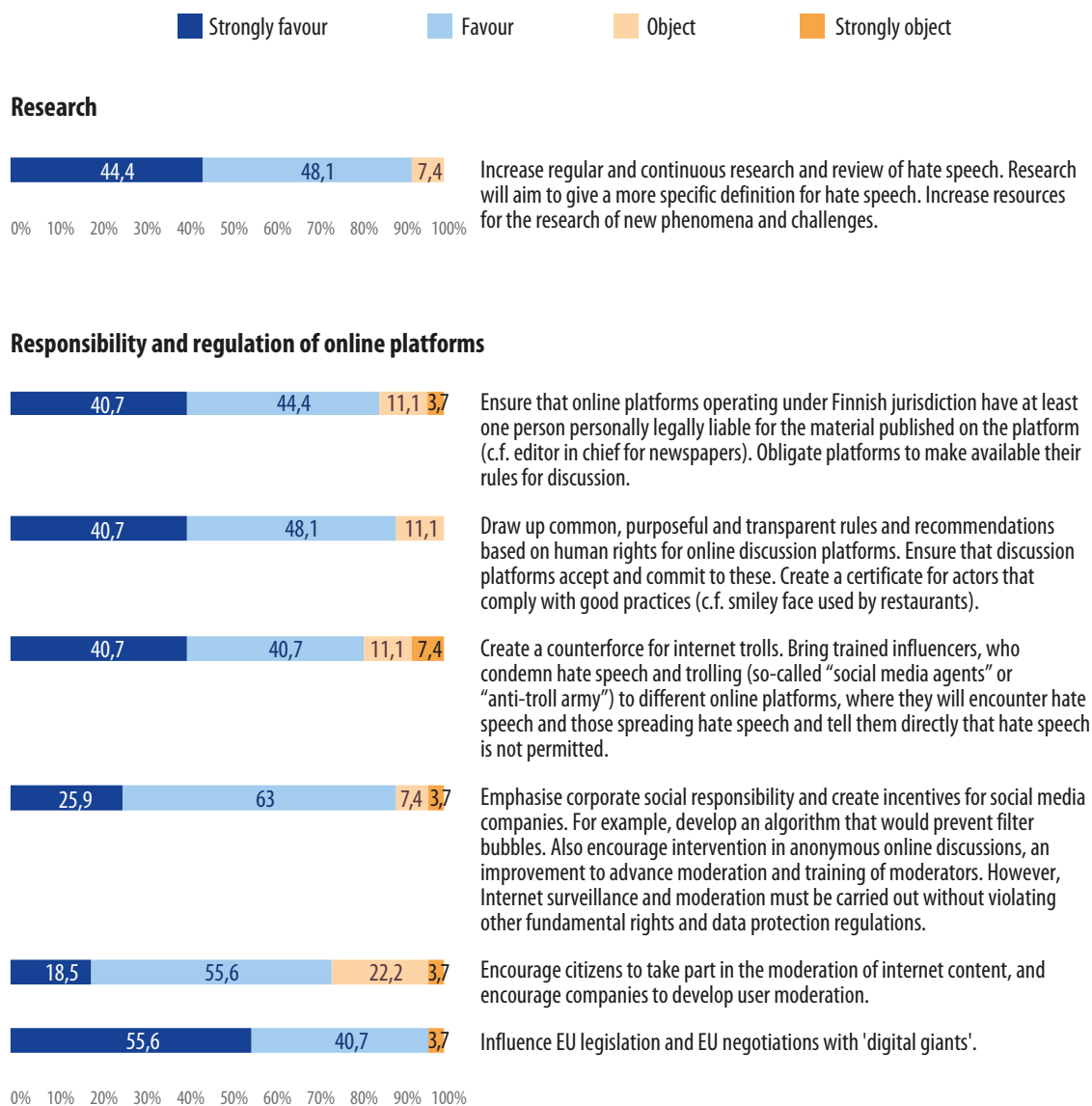


Figure 2 shows which of the recommendations listed in the statement the members of the Citizens' Panel considered the most important. When examining how many members of the Citizens' Panel placed each recommendation in their top four, an increase to the dissemination of information to citizens was clearly considered the most important measure. In addition to this an increase to resources and a regular increase in research were most often considered to be among the most important recommendations. With regard to the other recommendations, there is more deviation in the views of the members of the Citizens' Panel, and every recommendation has been placed in the top four by at least one panellist.

Figure 2**Prioritisation of the recommendations given by the Citizens' Panel:****How many of the panellists have placed this recommendation in their top 4 (N=29).**

3 Description of the Citizens' Panel

Composition and representativeness

Of the 3,000 people invited to participate in the Citizens' Panel, 70 replied that they would volunteer as members of the panel. A citizens' panel with about 30 people is so small that it cannot reach a perfect sociodemographic representation in relation to Finland's adult population as a whole. The aim was therefore to form a panel as diverse as possible with people from different backgrounds. The volunteers included women and men of various ages who had different education backgrounds and professions from different parts of Finland. The volunteers also included people who spoke Finnish, Swedish as well as other languages as their mother tongue. In the same manner as previous citizens' panels, persons with degrees from higher education institutions were slightly overrepresented. As the group of volunteers was already very diverse, the persons invited to take part in the panel were selected randomly from among the volunteers. A total of 40 people were sent a confirmation of their selection to be a panel member. Those citizens who did not confirm their participation, were replaced with a person with a similar background. After sending the invitations, 35 people confirmed their participation, but due to last minute cancellations a total of 29 panellists ultimately participated in the panel.

Table 1 describes the composition of the Citizens' Panel and the adult population of Finland as a whole, according to gender, age, place of residence, language and education. The figures are percentages. Finland's population data is from 2019.

Table 1
Panel composition and representativeness, %.

	All of Finland	Citizens' panel
Gender		
Man	49	52
Woman	51	48
Age		
18–24	10	21
25–34	16	3
35–44	16	24
45–54	15	7
55–64	16	17
65–74	16	17
75-	12	10
Place of residence		
Uusimaa	30	34
Southwest Finland	9	7
Satakunta	4	3
Kanta-Häme	3	0
Pirkanmaa	9	10
Päijät-Häme	4	3
Kymenlaakso	3	0
South Karelia	2	3
South Savo	3	0
North Savo	4	14
North Karelia	3	7
Central Finland	5	3
South Ostrobothnia	3	7
Ostrobothnia	3	0
Central Ostrobothnia	1	0
Northern Ostrobothnia	7	7
Kainuu	1	0
Lapland	3	0
Åland Islands	1	0
Language		
Finnish	88	93
Swedish	5	7
Other	7	0
Education		
Comprehensive school	23	0
Upper secondary education	54	41
Higher education institution	23	59
N	4 476 235	29

Stages of the work

The advance materials that contained information on the citizens' panel's work and subject area were prepared by Åbo Akademi University's research team beforehand. Approximately a week before the first meeting of the Citizens' Panel these were uploaded on the Citizens' Panel's website and the panellists were asked to familiarise themselves carefully with the materials.

All panel meetings took place on the Zoom app. Three days before the first meeting, a voluntary Zoom test session was organised where participants could try out how the programme worked, and IT support personnel helped them in the use of the technology. The Citizens' Panel met for the first time on Thursday 11 February 2021 at 5-7 pm. The purpose of the first meeting was to introduce the citizens' panel project and the parties involved in the panel's arrangements to the panellists and to familiarise the participants with the principles of critical thinking and deliberative discussion.

During the course of the work of the Citizens' Panel, the panellists worked both in small groups and with the entire panel. The work of small groups implemented with the Zoom app's breakout rooms function were moderated by 10 moderators, one of whom was responsible for the progression of the discussion and the other for the functionality of the technology. Plenary discussions with the entire Citizens' Panel were moderated by the main moderator and the main technical moderator.

Actual citizens' panel work began on Saturday 13 February. During the day, seven experts spoke to the panellists (Appendix 2). The purpose of the presentations by experts was to familiarise the panellists with the subject matter covered by the Citizens' Panel in as versatile a manner as possible and from different perspectives. The expert presentations were held in three different parts, and each expert presentation was followed by short discussions in small groups during which the groups formed questions for experts. The experts answered the panellists' questions after the small group discussions. During the first part of the expert presentations, the panellists heard about experiences of online shaming and hate speech as well as about hate speech and online shaming from the perspective of the police. The second part included discussions on Finland's legal framework as well as the central government's previous projects to combat online shaming and hate speech. In the last part, panellists were told about freedom of expression and hate speech from the perspective of a human rights organisation, and hate speech was discussed from the research and comparative perspectives.

After the expert sections, the Citizens' Panel continued to work in small groups. The small groups remained the same throughout the panel's work. On Saturday, the small groups discussed which goals should guide the work against online shaming and hate speech. At the end of the day, a vote was held on the objectives proposed by all small groups to determine what general objectives the Citizens' Panel would consider important in the fight against online shaming and hate speech. All Citizens' Panel's votes were carried out with the Qualtrics programme.

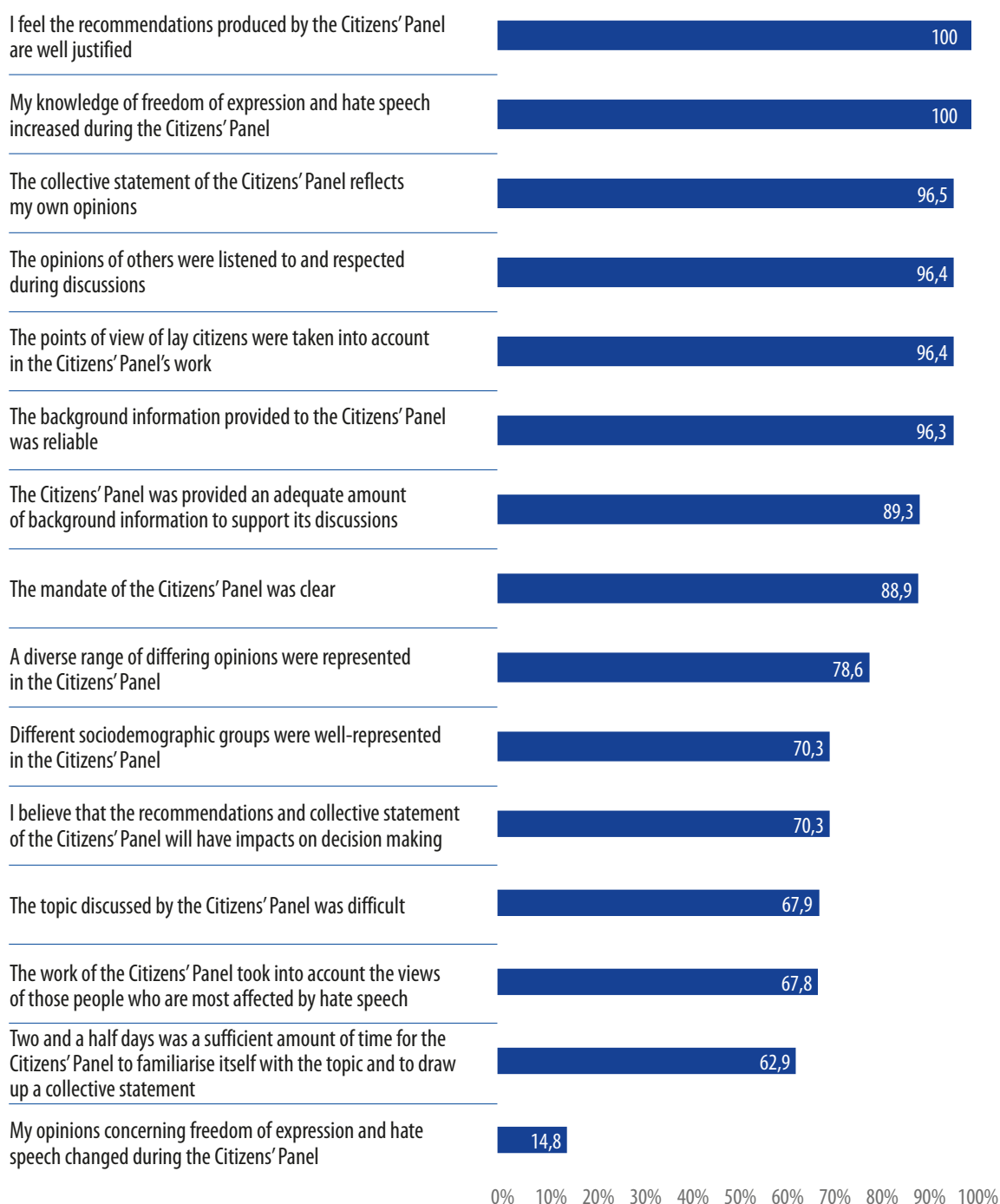
On Sunday, 14 February the small groups were given the chance to continue working on their own recommendations and to add new recommendations, if they chose so. After around one hour of small group work, the groups presented their recommendations to the entire panel, after which they were discussed by the whole panel. After lunch, all the recommendations formed by the Citizen's Panel were divided into five sections according to the theme of the recommendations, and each small group was given one section to discuss. In this way, the panellists were able within their small group to further process recommendations proposed by other small groups. After small group work came to an end, the groups presented their proposals to the panel as a whole, which was followed by a full panel discussion. During the discussion, the panel came to a decision on the final recommendations for measures and fine-tuned their wording. After the discussions came to an end on Zoom, the panellists individually voted on which recommendations they were in favour of and their prioritisation.

4 Participants' experiences on the work of the Citizens' Panel

In a final evaluation questionnaire after work of the panel had come to an end, members of the Citizens' Panel were asked for feedback and experience on participating the panel. The answers presented in Figure 3 show that the panellists' assessments on the work of the Citizens' Panel and its collective statement were predominantly positive. All those who responded to the final questionnaire felt that their knowledge had increased during the Citizens' Panel and that the recommendations formed by the Citizens' Panel were well justified. More than 90 per cent of respondents also felt that the collective statement reflects their own opinion, that the points of view of lay citizens were taken into account in the Citizens' Panel's work, panellists listened to and respected one another's opinions and that the background information provided to the panel was reliable. However, more than 65 per cent of respondents felt that the subject area covered by the Citizens' Panel was difficult, and nearly as many felt that 2.5 days was an adequate amount of time for the Citizens' Panel's work.

Figure 3

Opinions of Citizens' Panel members on panel work and the collective statement, % fully or somewhat agree (N=29).



5 Conclusions

The Citizens' Panel on the Freedom of Expression was tasked by the OECD and the ministries to deliberate on measures that Finland should implement to protect persons in the public eye due to their work from hate speech and to safeguard the freedom to express opinions. After familiarising themselves with the subject area and discussing with people from different backgrounds, the Citizens' Panel formulated 25 recommendations for measures of which part were a clear continuum of recommendations highlighted in previous reports and some were new ideas the panel came up with. The panel's subject area was challenging because its related legislation is complex, there is no overall picture on the scope of the phenomenon and the topic is sensitive from the point of view of victims of online shaming. However, the Citizens' Panel successfully held constructive discussion on the subject area and was able to deliberate on a wide spectrum of different measures from the perspective of ordinary citizens. In this section we will present our views on what should be taken into account when central government organises similar citizens' panels in the future.

So that the citizens' panel's collective statement really reflects the deliberated opinion of citizens, the panel must have an adequate amount of time to work and to thoroughly familiarise itself with the subject area. Two days can be considered the absolute minimum for discussions on one theme. However, this is influenced by how the subject area is framed and by the mandate the panel is given. The broader in scope a subject area is and the higher the quality of the output required from the citizens' panel, the more time is needed. Deliberation on issues that are narrow in scope and voting on ready options can be carried out in two days, but the discussion of a broader thematic subject area and the production of written recommendations and justifications requires three to four days.

The representation of different sociodemographic groups and opinions in a citizens' panel is important for the panel's internal and external legitimacy. On the basis of the experiences of the Citizens' Panel on Freedom of Expression, the appointment of a panel with a sufficiently diverse voice with regard to its participants' area of residence, gender and age is not a problem. On the other hand, participation on citizens' panels reflects a more extensive trend in political participation when it comes to education with people with a higher education being overrepresented. An effort could be made to increase the participation of persons with a lower level of education in citizens' panels for example by increasing the remuneration paid or with quotas. The representation of people with varying mother tongues could be improved by organising discussion in two or three languages which requires budgeting for interpretation services. Depending on the subject area, it could be necessary to also consider targeted recruitment so that a certain number of persons who

the issue at hand affects in particular could be selected to the citizens' panel. The participants in the Citizens' Panel on Freedom of Expression felt that the panel's discussions would have needed more input from the victims of hate speech and their perspective.

Citizens' panels commissioned by central government have a high profile in the public's eyes, and citizens feel it is an honour to be invited to take part. In addition to an invitation and information disseminated to citizens, it is important that the party that commissions a citizens' panel commits to furthering the results produced by the panel in planning and legislation. The process for the processing of the collective statement, such as who receives the opinion and what type of response is given to the citizens' opinions, should be determined early on before the citizens' panel meets. The commitment and motivation of participants for their work increases when the role of the citizens' panel in decision making is clearly defined. More than 70 per cent of the participants in the Citizens' Panel on Freedom of Expression believed that the collective statement would have impacts on decision making, so the appropriate processing of the recommendations is important also with regard to how successful and reliable the participants felt the Citizens' Panel was.

6 Appendices

Appendix 1. Dissenting opinions

In the final questionnaire, the members of the Citizens' Panel also had the opportunity to present a dissenting opinion on the panel's collective statement or its work. A total of three dissenting opinions were submitted.

1. Hate speech targeting a person's religion or beliefs were not taken into account.
2. All the points raised are relevant and should be discussed and resolved in one way or another. My problem with the proposals was that the Citizens' Panel felt more like brainstorming, and perhaps not a session that would generate proposals that are actually feasible. I would have liked to see a better definition of the panel's objective. I understood the subject, but when trying to bring about change within an organisation, long-term and short-term objectives must be clearly defined in order to find a solution to the problems in the best way possible. If the purpose of this panel was simply to brainstorm ideas and approaches in all the problematic areas of hate speech and online shaming, then I think we fulfilled the aim of the Citizens' Panel. But if the Ministry wanted to know how we would have prioritised and where we would have begun to address this growing social problem, then the subject was too broad. The experts who presented their investigations included a very broad target group affected by psychological abuse, which also causes the definition by officials to fail. I believe that hate speech is something that has always existed and will exist as long as people are people. The main difference is that information is being disseminated in a completely different way and therefore the laws or the state have not been able to keep up with the digital development. If a campaign can determine the Brexit referendum, then the Finnish state should be able to use the same methods to highlight the issue of hate speech and online shaming.
3. The Citizens' Panel has poor representation in the population groups who are relevant with regard to hate speech. This seemed challenging and unfortunate and may have influenced what was emphasised in the end.

Appendix 2. Experts and background materials

The Citizens' Panel consulted seven experts:

- Milla Aaltonen** works in the Ministry of Justice as project manager for the "Tiedolla vihaa vastaan" project.
- Jessikka Aro** is a journalist for Yle and a nonfiction author. Aro's areas of speciality are Russia, extremism and information warfare.
- Måns Enqvist** works as Chief Superintendent at National Police Board's crime prevention area of responsibility.
- Robin Harms** is Senior Adviser and Head of Unit at the Office of the Non-Discrimination Ombudsman.
- Vilja Härkönen** is the Advocacy Assistant for Amnesty Finland.
- Tarja Mankkinen** has been employed by the Ministry of the Interior for more than 20 years and currently serves as Head of Development at the ministry's Police Department.
- Reeta Pöyhtäri** (MSc, DocSocSci) works as a postdoctoral researcher at the University of Jyväskylä. The key areas of focus in her research include the challenges of public discussion in the digital media environment, especially hate speech and harassment.

Background materials

The participants of the Citizens' Panel were provided advance materials the purpose of which was to familiarise the panellists with the subject area they would be discussing and the panel's practical implementation. To ensure easy accessibility and the transparency of the Citizens' Panel's work, the advance materials were distributed via the Citizens' Panel website, which is open to the public. An information package about ten pages in length was compiled for the panellists. The package covered freedom of expression, online shaming and hate speech in Finland, as well as highlighted proposals for work against online shaming and hate speech listed in a report published by the Ministry of Justice in 2019. The information package was sent to four experts who had agreed to take part in the Citizens' Panel for comments, and it was edited according to their comments before it was given to the participants. The purpose of the information package was to create an overall picture of the Citizens' Panel's subject area, and in this way facilitate knowledge-based deliberative discussion.

The panellists were also given the rules for deliberative discussion that the panel complied with in its discussions and the user instructions for the Zoom programme in text and video format in advance. In addition, the numerous reports by central government and the police, as well as materials on the Civic Space Scan of Finland assessment were listed on the Citizens' Panel website, and the panellists were asked to read these to familiarise themselves with the subject area to be covered by the Citizens' Panel.

Appendix 3. Working group

Samforsk, the Social Science Research Institute

at Åbo Akademi University was responsible for the realisation of the Citizens' Panel (selection of participants, method, and practical arrangements), producing the final report on the subject and for processing personal data.

Responsible persons were **Maija Jäske, Hilma Sormunen, Albert Weckman, Jonas Schauman, Rasmus Sirén, Lauri Rapeli** as well as 7 small group moderators.

The Ministry of Finance and the Ministry of Justice

were responsible for commissioning and funding of the Citizens' Panel, the panel's mandate and the processing of its results as well as for appointing experts.

Responsible persons at the Ministry of Finance:

Tuomas Parkkari, Katju Holkeri, Onni Pekonen, Johanna Nurmi.

Responsible persons at the Ministry of Justice:

Niklas Wilhelmsson, Maria Wakeham-Hartonen.

The Organisation for Economic Co-operation and Development (OECD)

was responsible for the Civic Space Scan country assessment and for the selection of subject area on the basis of the assessment in question. The OECD also participated in the appointment of experts and the processing of results as part of its Civic Space Scan report.

Responsible persons were **Claudia Chwalisz, Ieva Cesnulaityte, Claire McEvoy, Marie Whelan.**

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