

Summary of SILE's Breaking the Silence II -webinar (Dec 8th 2021)

SILE PROJECT'S BREAKING THE SILENCE II -EVENT 8.12.2021: UTILIZING THE EXPERIENCE OF SILENT AGENTS IN LEGISLATION

Breaking the Silence II was an event organized by the SILE project on 8 December 2021. The theme of the event was *Utilization of the experience of silent agents in the preparation of legislation*. This summary first provides an overview of the event. This is followed by a presentation of the issues raised in the thematic groups and a summary of the key points.

An overview of the event

The SILE project organized the Breaking the Silence II -webinar for stakeholders in December 2021. Because of the COVID-19 related restrictions, the event was held remotely. The event was open to all, but was aimed specifically at NGOs and researchers. The theme was the role and utilization of the experience of silent agents in law-making from the perspective of experts by experience, organizations and research. We were interested in hearing about: 1) how to integrate the experience of silent agents into law-making; 2) what could be the role of organizations in this; 3) who can speak on behalf of silent agents and 4) how organizations and research can bring out the experience of silent agents. The event consisted of a speech section at the beginning, thematic group work and a final discussion.

Kati Rantala, the director of the SILE project, gave the first speech on the consideration of silent agents in the preparation of legislation. The next speaker was Hannu Jouhki, CEO of the A-Clinic Foundation, who discussed the role of organizations in highlighting the experience of silent agents. After this, it was the turn of Taina Meriluoto, a researcher at the University of Helsinki, to comment. The last speaker was Laura Tiitinen, a researcher at the University of Lapland, who presented an approach created in National Child Strategy to consulting children and young people in drafting of legislation. Petri Uusikylä, the interaction coordinator of the SILE project, chaired the event.

After the speeches, we moved on to work in the thematic groups. There were two themes. One focused on the role of experts by experience and organizations in promoting direct consultation with silent agents, it was chaired by Lotta Hautamäki (HY) and Lasse Rautniemi (TUNI). The second addressed the role of organizations and research in providing information on silent agents and it was chaired by Anu Katainen (HY) and Tomi Lehtimäki (HY). We then returned to the main webinar to hear key observations from the group discussions by the thematic group chairs. Finally, Anne Alvesalo-Kuusi, the project's deputy director, summed up the day's topics and what we learned and told about the project's upcoming events. An event related to the utilization of silent experience and its limits is planned for spring 2022, especially for law drafters.

Discussions in thematic groups

There was a substantial overlap in the discussions of the thematic groups, so the summary below includes key observations from different discussion groups under thematic headings.

Diversity of silent agents

Thematic groups discussed what it means for someone to be silent and found that the degree of silence varies among silent agents. Some of the silent agents remain quieter than others due to their position or circumstances. These include children, young people and special cultural groups, those close to silent agents and those who are excluded from services, i.e. those who, for various reasons, are unable to participate in decision-making or planning for themselves. Reasons can be, for example, lack of resources or

skills or difficulty in managing everyday life. For many, stigma may persist for a long time and affect participation, even for generations.

The coronavirus pandemic was perceived as further complicating the position of silent agents displaced by services due to the closure of low-threshold locations. In addition, the pandemic has strengthened digitalisation, which in turn has amplified and clarified the differences between the quiet and the loud; not everyone has the same digital literacy or tools required for digitalization.

Legislation also affects animals, and this requires that animal conditions and welfare be taken into account in the drafting of legislation. However, attitudes towards animal welfare often vary depending on the species and the purpose for which humans are using the animals. For example, fur and farm animals may be treated differently and classification also takes place within species; for example, wild rabbits and pet rabbits are often treated differently.

Representation of silent agents

Discussions focused on acting as an interpreter or representative for silent agents. There are many responsibilities associated with these roles, but there are also challenges, such as understanding the everyday circumstances of silent agents living in the most difficult situations. The voice of the recovered was also considered, i.e. when and how the recovered can act as an experiential expert and speak on behalf of the group of people they represent. In the same context, it was also discussed whether experiential expertise can become obsolete as one's own life changes and time passes. In general, the discussion drew attention to the diversity of silent agents and experiential experts: experiential experts can have a wide range of expertise, and, accordingly, anyone in an expert role, organization, or even a researcher may have personal experience of the circumstances of silent agents.

Discussions also focused on how to identify different forms of experiential knowledge and situations where an individual's experience is sufficient to tell about more common problems and when a wider range of views are needed. In addition, it was considered how to reach large numbers of people and those who are not attached to organizations. Discussions revealed how tacit information about silent agents provided by the NGO field in law-making may not be handled and utilized properly, or may not be considered "real" information. Resource issues and moral attitudes also affect who is heard and whose information is passed on to processes. In addition, sentiments towards silent agents has its own significance. Indeed, the importance of identifying preconceptions and emotional reactions related to different groups of silent agents was highlighted. In the case of animals, it is important to e.g. whether the animal's point of view is represented by the owner of the animal and from what position, or by an activist-type body representing the welfare or rights of the animal.

Discussions also identified that organizations as a whole do not represent all silent agents. The SILE project was asked for solutions on, among other things, how to reach those who are not reached by the organizations.

The diversity of the organizational field and the challenges of advocacy work

The discussions also highlighted how silence also applies to organizations. Smaller organizations in particular may find it difficult to bring their own perspective to the fore. They may be left out of networks or situations where it is possible to be heard. In addition, the resources of the organizations and the funding they receive affect the kind of advocacy work they can do. Especially for small organizations, resources typically are spent directly on the work done in the customer interface.

The discussions focused on what kind of information is effective in general. According to the participants in the groups, information is best received in political preparations if it is structured in a culturally familiar

way, if it supports an existing practice or if the political soil is appropriate. If a bill does not proceed, an attempt can be made to intensify cooperation with the opposition – in the next term of office, the matter may move forward. It was considered important to work systematically and on a long-term basis in decision-making cooperation: political advocacy work must be carried out alongside hearings and, in addition to political decision-makers, through officials and party programs. The author of the information is also relevant: it was argued in the discussions that the information provided by those representing an expert position or a specific professional role is most valued, while the involvement of various parties in the drafting of legislation may sometimes be too narrow.

The systematic nature of data collection and the consequent increasing availability of data were emphasized, but many fundamental challenges were identified in the production and transmission of data to decision-makers. Although there are good channels for organizations to collect information on silent agents, there is a lack of structures to pass it on. Compiling expert and experience data in a form that could be used to build sound progress reports and statements was also seen as challenging. In addition, the goals of organizations are sometimes contradictory, and the information is tense.

There was also a discussion about the role and interrelationships between organizations and research as mediators of the experience of silent agents. STEA funding only allows for studies (no research) and cooperation between organizations and researchers should be increased. Organizations can also contribute to disseminating researched information for law-making, but the expertise of researchers should be better used in law-drafting working groups. Quantitative examination of information on everyday experiences was seen as challenging, but quantitative information was found to be more effective than qualitative information in the consultation process. On the other hand, even a single observation can be important. Of the researchers, legal scholars in particular were considered to be able to translate their research results into the language of drafting the law. It can also be challenging that domestic research data on a matter to be decided may be very limited; this is true, for example, of animal welfare.

During the discussions, it was perceived as problematic that the hearings take place too late in the drafting process and that requests for hearings come at short notice. The organisation's "basic information generation" must therefore be at a good level if tacit information is to be conveyed in consultations. Organizations should also be involved in the early stages of legislative development. It would also be important for the hearings to take into account the various silent agents and cross-cutting silences as well as the circumstances affecting power positions, such as geographical inequalities and the accessibility of digital pathways. Indeed, inviting silent agents or their representatives at the end of the legislative process may only mean the apparent legitimacy of proposals brought about by wide-ranging consultation, without any real possibility of influence. On the other hand, the discussions revealed also good experiences that the organization's message has reached decision-makers and been passed on to the law. The role of the convener of the hearing is important in building trust and enabling equal participation.

Summary

The event looked at the role of silent agents in drafting legislation from many perspectives. It was found that whether the experience of silent agents was sought directly or indirectly through organizations or research, it is important to understand the diversity of silent agents, as well as the different circumstances that prevent or limit inclusion. It is also important to understand the basis on which an individual may or may not represent silent agents and who actually at the time are represented. It is clear that new methods are needed to consult silent agents in the drafting of legislation; and it is important to be able to identify target groups for law-making that are not represented by any organization, that is, that are easily excluded from all consultation.

The diversity of the organizational field and the different positions and opportunities in the field of influence were also highlighted at the event. Many different organizations may have valuable tacit knowledge about silent agents, but especially the smallest can find it challenging to bring out the information. Their role in advocacy networks is not necessarily strong, and there are no resources at all similar to advocacy work for larger organizations.

From a development perspective, it seems clear that new types of structures are needed to produce and disseminate know-how about silent agents. Experiential knowledge is generally difficult to promote as a legitimate part of the knowledge base of law-making processes, meaning that much discussion is needed about how experiential knowledge has and can have a generalizable significance. In addition, structures are needed that take into account the diversity and different resources and societal position of both silent agents and the organizational field.

The SILE project is committed to furthering the above objectives, and this event provided valuable insights into the project's research and development work. The work is only at the beginning, but realistic development work is based on a realistic understanding of the situation. In that sense, we have achieved a great deal with this event. We would like to thank warmly everyone who took part in the event. This is a good basis for future cooperation with you and all those, who are interested in the status of silent agents. We need all of you, and we need each other to develop structures of mutual trust, communication, and information production. We also want to use this opportunity to announce that we will hold a similar event in the spring of 2022, aimed specifically at lawmakers; this event serves as a good basis for planning it.