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Civil Society Space Report – Input

Contribution from the Finnish NHRI/Human Rights Centre

The Human Rights Centre (HRC) would like to thank the Office of the High Commissioner for Human Rights for the possibility to provide information for the report of the High Commissioner for Human Rights on civil society space.

The Human Rights Centre, its Human Rights Delegation and the Office of the Parliamentary Ombudsman together form Finland's National Human Rights Institution. The institution was accredited with the highest A-status by the International Coordinating Committee of National Human Rights Institutions in December 2014. According to legislation, one of the tasks of the HRC is to participate in European and international cooperation related to the promotion and protection of fundamental and human rights. The HRC generally represents the Finnish NHRI in international NHRI cooperation.

Alongside HRC's own observations, sources used in this contribution include current legislation, the Government's Democracy Policy Report (2014), the Government Programme for 2015–2019, a recent report on human rights actors in Finland¹, the new core curriculum for basic education, and other official documents.

LEGISLATIVE FRAMEWORK

Finland is often recognised as one of the leading democracies in the world. The country is regarded to have a stable political system as well as an open and non-corrupt government.

Finland has ratified most core human rights treaties, aside from the International Convention for the Protection of All Persons from Enforced Disappearances, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities (CRPD).

¹ *Selvitys perus- ja ihmisoikeustoimijoista* [Report on Fundamental and Human Rights Actors]. Ministry of Justice reports and instructions 35/2015.



Finland is the only state party who allows national NGOs to lodge collective complaints to the European Committee of Social Rights under the European Social Charter.²

The Parliament of Finland accepted the ratification of the CRPD on 3 March 2015. However, the ratification will not be finalised until national legislation has been amended so that it is consistent with the Convention. The final ratification is likely to occur in the course of 2016. The ratification of the CRPD will guarantee the participation of persons with disabilities and disabled people's organisations in the development of laws and policies affecting them.

The Constitution of Finland guarantees **freedom of expression and the right of access to information**. According to the Constitution, freedom of expression entails the right to express, disseminate and receive information, opinions and other communications without prior prevention by anyone. Documents and recordings in the possession of the authorities are public, unless their publication has for compelling reasons been specifically restricted by an Act. Everyone has the right of access to public documents and recordings. The Constitution also guarantees **freedom of assembly and freedom of association**. Everyone has the right to arrange meetings and demonstrations without a permit, as well as the right to participate in them. Freedom of association entails the right to form an association without a permit, to be a member or not to be a member of an association and to participate in the activities of an association. The freedom to form trade unions and to organise in order to look after other interests is likewise guaranteed. In addition, the Constitution states that public authorities shall promote the opportunities for the individual to participate in societal activity and to influence the decisions that concern him or her.

GOVERNMENT POLICIES AND CIVIL SOCIETY

The aim of Finnish democracy policy is to promote the realisation of citizens' fundamental and human rights and equal possibilities for participation.

In 2014, the previous Government published Finland's first **national Democracy Policy Report**, prepared by the Ministry of Justice together with a working group that included officials from multiple different ministries. The report examined past policies and aimed to strengthen long-term systematic promotion of democracy and commitment to the implementation of democracy policy at all levels.

For the report, the Ministry consulted stakeholders such as civil society representatives and ordinary citizens, utilising new participatory mechanisms in the process. For example, a "citizens' council" was assembled for the purpose of consulting the general public. The members of the council were randomly selected from the national population register. The council met twice in 2013 and also worked online. The experiment showed that such citizens' councils

² Under the Additional Protocol to the Charter, national trade unions, employers' organisations, certain European trade unions and employers' organisation, and certain international NGOs can lodge complaints of violations of the Charter. National NGOs may lodge complaints only if the state party makes a declaration to this effect.



can be used to increase citizens' possibilities for political participation as well as to arouse their interest in politics.

According to the Democracy Policy Report, Finland's main challenges with regard to democracy are the **decline of voter turnout in elections and increasing inequalities in participation**. However, although distrust towards traditional political decision-making has increased and enthusiasm for party politics has declined, **citizens are increasingly interested in alternative ways to participate in politics**, such as direct democracy, referendums and citizens' initiatives. Forms of participation have diversified in the past decades. Internet and social media provide new arenas for participation and civil society activity. During the past decade, unofficial forms of civil society participation have increased, facilitated by unofficial networks and the internet. **Especially young people are generally more actively involved in alternative forms of political and social action** such as petitions, occupations, etc.

The State's democracy policy has aimed to respond to these new challenges. Previous governments have regarded it important to develop new channels for participation as well as to increase transparency in government and interaction with stakeholders and citizens.

CIVIL SOCIETY ORGANISATIONS IN FOREIGN POLICY AND DEVELOPMENT COOPERATION

Finnish development policy aims to strengthen democracy and civil society in developing countries as well as to increase participation possibilities for local populations, especially for vulnerable groups. Finland also supports international non-governmental organisations working in the fields of democracy and human rights. At the UN, Finland emphasises the importance of democracy, human rights and rule of law as well as the need to strengthen women's participation rights. Finland supports initiatives that aim to increase the participation of civil society organisations (CSOs) in international organisations.

The state allows opportunities for Finnish CSOs to participate in periodic reporting to human rights treaty bodies and in the UPR process. In addition, CSOs participate regularly in government delegations to international meetings and events.

In 2014 the Ministry of Foreign Affairs published **guidelines for the protection and support of human rights defenders**. The guidelines provide the staff of the Ministry and its diplomatic missions with practical tools for cooperating with human rights defenders.

STATE FUNDING FOR CSOs

Several ministries provide financial assistance to CSOs. The most important ministries in this regard are the Ministry of Social Affairs and Health, the Ministry



for Foreign Affairs, the Ministry of Education and Culture and the Ministry of the Environment. The economic downturn and decrease of state funding have reduced financial resources available to CSOs.

The Government Programme of Prime Minister Juha Sipilä's new Government, appointed in May 2015, introduced further cuts to the state budget, including the funding granted to CSOs. The exact allocation and the impact of these measures for CSOs are not yet known. However, according to the Government Programme, funds for development cooperation will be cut by 30–40 percent. These budget cuts are likely to have a serious impact on CSOs involved in development cooperation.

BEST PRACTICES

GOVERNMENT COOPERATION WITH THE CIVIL SOCIETY IN LEGISLATIVE AND POLICY PROCESSES

CSOs are regularly consulted by different ministries. According to a Government resolution on advancing democracy in Finland, each government ministry should have a strategy concerning civil society organisations in order to promote the participation of both citizens and CSOs. Most ministries have guidelines and procedures on cooperating with the civil society. Consultations with stakeholders such as CSOs are an integral part of the legislative process. The most common forms of consultation are written statements from different actors, including the civil society. However, cooperation and consulting practices vary between ministries, and according to CSOs, these practices need to be developed further.

Interaction between the Government and stakeholders is advanced by structures such as the **Advisory Board on Civil Society Policy** (kansalaisyhteiskuntapolitiikan neuvottelukunta, KANE), which aims to promote cooperation between the authorities and the civil society. The KANE was established by Government Decree 267/2007 in 2007. The Government appoints the advisory board for a four-year term. The members of the KANE consist of representatives of the civil society, academic research, ministries and local authorities. The duties of the KANE include, inter alia, facilitating cooperation and interaction between civil society and public authorities, taking initiatives and giving statements in order to develop civil society policy, evaluating the civil society strategies and consultation practices of ministries, monitoring the consistency of public authorities' decisions concerning CSOs, making initiatives on developing civil society strategies as well as initiating and supporting research in the field.

The Government's Human Rights Report (2014) is a good example of a report that was prepared in consultation with a wide range of stakeholders, such as public officials and CSOs. In addition, individual citizens had the opportunity to



participate in the process and give their opinions, ideas and suggestions for the report through the *otakantaa.fi* online portal.

ADVISORY BOARDS

In order to increase CSOs' possibilities to participate in decision making processes, **the Government has established multiple advisory boards** in addition to KANE, such as the Advisory Board on International Human Rights Affairs, the Advisory Board on Roma Affairs, the Advisory Board for Minority Issues (till the end of 2014), the Advisory Board for Language Affairs, the Advisory Board for Ethnic Relations, and the National Council on Disability. Advisory boards have been established either by a law or a decree and they operate under ministries.

Advisory boards have an important position in the Finnish society as facilitators of interaction between public authorities and civil society. Advisory boards enable sharing of information and networking between different actors and CSOs view them as important structures, although some prefer other channels of advocacy. Regular meetings and established structures ensure continuous interaction with the authorities. For CSOs, a membership in an advisory board is an important recognition as well as a significant channel to influence policies. The advisory boards that concentrate on minority groups promote the inclusion of these groups in the policy process. Some advisory boards also operate at regional and municipal levels.

One challenge for advisory boards is their relationship with the ministries in which they are located, as sometimes their independence from the government can be compromised.

PARTICIPATION OF CIVIL SOCIETY IN THE FINNISH NHRI

The Finnish NHRI/HRC has its own participatory body, **the Human Rights Delegation**, which functions as a national cooperative body for fundamental and human rights actors, deals with fundamental and human rights issues of a far-reaching significance and principal importance, and yearly approves the HRC's plan of action and annual report. **The Delegation currently has 40 members who represent different Finnish human rights actors, including civil society and the academia.** The permanent members of the Delegation include the Parliamentary Ombudsman and the Chancellor of Justice (or their deputies), the Ombudsman for Minorities, the Ombudsman for Equality, the Ombudsman for Children, the Data Protection Ombudsman and a representative of the Sámi Parliament. The Delegation has working groups and sections whose members include Delegation members as well as other civil society actors who participate in an advisory capacity.



MUNICIPAL YOUTH COUNCILS

According to the new Local Government Act that entered into force in May 2015, **each municipality has to establish a youth council**. The new Act has the potential to improve the possibilities for the youth to participate in the conduct of public and political affairs at the local level. However, so far the existing youth councils have had little actual power to influence political decision-making, and there are great differences in the channels of youth participation at the local level. It is unclear how much influence the mandatory youth councils will have on the decision-making process in practice.

CITIZENS' INITIATIVE

The citizens' initiative is a new mechanism for political participation. By submitting citizens' initiatives to the Parliament, Finnish citizens may directly influence the legislation. **The law concerning citizens' initiatives** came into force in 2012. Through the initiatives citizens can propose new legislation or changes to existing legislation, or demand that the Parliament repeal existing laws. The initiative has to be supported by at least fifty thousand Finnish citizens entitled to vote. The statements of support have to be collected within a six-month period. Signatures can be collected on paper or via an online platform.

Citizens' initiatives can encourage political debate, generate interest in political decision-making and increase voter turnout. As of June 2015, ten initiatives have succeeded in collecting the required amount of supporters. The only successful citizens' initiative thus far has been **the initiative on the legalisation of same-sex marriage, which was approved by the parliament in 2014**. If all required legislation is changed accordingly, the new marriage act is likely to come into force in 2017. **The "I do" campaign of Finnish CSOs** succeeded in gaining mass support for the initiative and played an important part in the lobbying process for the new legislation. The experience shows that citizens' initiatives can be used by both citizens and CSOs to push for legislative reforms in the Parliament.

At the municipal level, the residents of a municipality have the right to submit initiatives on matters concerning the municipality's activities. Persons who submit an initiative have to be informed about actions undertaken as a result of their initiative. If at least two per cent of the residents who are entitled to vote submit an initiative concerning a matter falling within the competence of the municipal council, the council must take the initiative up for consideration. In addition, a minimum of five per cent of the municipal residents who are entitled to vote may submit an initiative proposing a municipal referendum.

E-PARTICIPATION PLATFORMS

The internet is becoming a popular arena for participation, especially for the younger generations. The Ministry of Justice has developed **multiple online participation platforms and services** that aim to increase possibilities for



citizens' participation at the national and local levels, free of charge. **The national e-participation environment enhances and enables dialogue and interaction between citizens, NGOs, politicians and public servants.** All platforms can be accessed through the website <http://demokratia.fi/>.

The different platforms include:

- *Have your say web service* (otakantaa.fi), where citizens can participate in ongoing discussions or in the preparation of authorities' projects, or start a completely new discussion on any topic;
- *Service for Online Consultation* (lausuntopalvelu.fi), which enables statutory consultation online;
- *Service for Launching Municipal Residents' Initiatives* (kuntalaisaloite.fi), which allows municipal residents to submit initiatives to their home municipalities;
- *Service for Launching Citizens' Initiatives* (kansalaisaloite.fi), an online service for launching citizens' initiatives and collecting statements of support for initiatives;
- *E-participation for youth* (nuortenideat.fi), where the youth can participate in political and public affairs, present their own ideas as well as comment and support ideas presented by others.

The Democracy Policy Report 2014 recognises that introducing new forms of participation might further increase the gap between politically active and non-active citizens. In this regard, **citizen education** has a key role as it can promote awareness about the political system and participation possibilities as well as increase political literacy and motivation to participate. Civil society organisations have emphasised the need for improved democracy education as well as further development of electronic participation opportunities.

DEMOCRACY AND HUMAN RIGHTS IN BASIC EDUCATION

Recent reforms in basic education seek to respond to the youth's lack of interest in societal affairs and to strengthen education concerning society and values, as well as to increase students' knowledge about practical economics.

In the new national core curriculum for basic education (grades 1–9), both democracy and human rights have a more prominent role than before.

According to the curriculum, basic education is based on respect for life and human rights. It aims to support the development and growth of students into active members of society as well as to give them the skills they need in order to operate in a democratic and equal society. Democracy and human rights feature in the curriculum both as core values and in the content of studies. In addition, the school environment has to foster democracy, equality and human rights. Whereas social studies previously begun in the seventh grade, in the new curriculum students begin studying social studies already in the fourth grade.

The curriculum will enter into force for grades 1–6 on 1 August 2016 and for grades 7–9 in 2017, 2018 and 2019, respectively.



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